THE BROOKINGS INSTITUTION

WOMEN, SEXUALITY, AND SOCIAL CHANGE IN CHINA

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Opening Remarks:

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Keynote Address: Sexuality in China:

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CHENG LI, Moderator
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Promoting Public Awareness of Gender and Sexuality Issues:

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P R O C E E D I N G S

DR. C. LI: Good morning. My name is Cheng Li. I am Director of the John L. Thornton China Center here at Brookings. We welcome you to today's truly unconventional and unique event on women, sexuality, and social change in China.

Over the past year, we at the Brookings China Center have worked to feature events highlighting aspects of Chinese society that often do not get much attention in Washington, D.C.

For example, we have hosted conferences on sports diplomacy, Chinese youths, and Christianity in China. Without these kinds of events, our understanding of China would lack the nuance necessary to both bridge our culture divides and to recognize our shared humanity, particularly in the important political, economic, and diplomatic work that takes place in this town every day.

This morning, underlying our interests is our profound concern for equality and liberty, some of the universal values that bind us together as Chinese and as Americans.

Today's event will have three parts. First, we will hear a keynote speech from Professor Li Yinhe, China's leading sexologist, who I will introduce in a moment. Then we will hold a two panel discussion featuring some of the world's top scholars on gender and sexuality in China, some of whom have traveled to be here with us today from as far as Beijing and Hong Kong.

They are groundbreaking scholars whose academic writings have transformed our knowledge of this very important subject, all public intellectuals who have several million followers of their blogs.

We will also be highlighting some rising stars in the China study field in the United States, who bring fresh voices to these issues.

The first fresh voice is that of Kristen Looney. Assistant Professor at

Georgetown University, who will moderate our first panel on promoting public awareness of gender and sexuality issues.

Our second panel, protecting the legal rights of women and sexual minorities will be moderated by my Brookings' colleague, Kathy Moon, who actually served as Kristen's Professor at Wesley.

On top of that, one of Kathy's panelists is another one of her former students, Rachel Stern, Assistant Professor at UC-Berkeley, who serves as a Non-Resident Fellow at our Brookings China Center. Welcome. This is your first appearance at Brookings.

Kathy, you are like the Mafia, taking over the previously male dominated China studies field in the United States. Is there a gender term for "Mafia?" (Laughter)

I'm very honored to introduce our keynote speaker, Dr. Li Yinhe. (Applause)

Born in Beijing, she attended the Shanxi University in the middle 1970s. She served as an editor at the government newspaper Guangming Daily. In 1982, she went to the United States and obtained a Ph.D. in sociology from University of Pittsburgh in 1988. She did her post-doc study at Peking University, under China's most famous sociologist, Fei Xiaotong.

She served as a research professor at the Institute of Sociology at the Chinese Academy of Social Sciences for most of her academic career before her retirement a couple of years ago.

Over the past two decades, Dr. Li Yinhe has constantly challenged conventional sexual norms in the world's most populous country, from her pioneering academic studies of homosexuality to her proposals to decriminalize pornography, orgies, and prostitution, to fight against sexual harassment in the workplace, to her highest appeals through the Chinese Parliament for legalizing same sex marriage, and to her recent announcement that her partner of 17 years, a former taxi driver, although born

a woman, is a transgender man.

Through her academic research on public discourse and public advocacy, and personal revelations, Dr. Li Yinhe has helped the vast population in China and around the world understand the complexity of human sexuality, and we should not over simplify it.

Dr. Li's activities have brought her closer to lives of millions of Chinese sexual minorities, making her a shining star. Yet, she also believes, as I quote her, "Love is so simple and spiritual, it is not related to social status, age, or even sexual identity."

We are so pleased that Dr. Li has chosen to speak with us today, particularly because she has single handily brought "sexy" back to Brookings. (Laughter)

Before I hand over the microphone to Dr. Li, I want to alert our audience that we will be live twitting this event by our BrookingsChina Twitter account, using #ChinaGender.

Also, to accommodate those who are watching us via our webcast, we will be taking audience questions from our Twitter feeder for both our keynote address and the two panels.

Now with my greatest admiration, I would like to ask the audience to join me in welcoming a pioneering academic, a dear friend of Chinese sexual minorities, and a visionary advocate for equality and liberty, Dr. Li Yinhe. (Applause)

KEYNOTE ADDRESS: SEXUALITY IN CHINA

DR. Y. LI: First of all, let me apologize for the fact that I am speaking in Chinese, because English is not my native language. I got my Ph.D. in the United States in 1988. Since then, I went back to China, and I haven't practiced my English for 27 years, so I'm not very comfortable in speaking English. Also, I'm a very shy and sensitive person, and if I cannot do anything perfect, than I just won't do it.

So, Dr. Li has graciously agreed to let me make my presentation in Chinese, and also he has provided me with a very good interpreter, so now I can speak

at ease.

Today's topic is Chinese laws in regard to sexuality, its history, its current status, and its future.

Let me go over the history first. In Chinese criminal law, there are six items that deal with sex. There are basically two categories, one is with victims, the other category does not have victims. For the first category with victims, there are three items.

One is rape. The second one is raping an underage girl, and "underage girl," the definition is girls under 14 years of age, and the third item is molestation, which is close to sexual harassment.

The first one, prostitution, is the criminal organizing or forcing people into prostitution, it does not punish customers and prostitutes. However, under China's mistreatment regulation, Article 30, for solicitation, being a customer or selling sex are deemed illegal.

We all know that under President Xi Jinping's government, education, re-education through labor was abolished. This is the first of the measures that he took.

The rumor is that Xi himself, when he was young, was taken into custody under this program, re-education through labor, during the Cultural Revolution. He had personal knowledge how absurd this practice is because basically you are sending someone to jail and stripping him of his personal freedom without going through a trial at court.

However, when they are dealing with solicitation of prostitution, the system of taking someone under custody for re-education purpose is very similar to re-education through labor. This one, however, is still in practice.

The most recent case that we have is a Berlin Golden Bear Award winner, a Director, by the name of Wang Quan'an, was subject to this detention for education purpose for solicitation of prostitution.

Right now, we want to abolish the punishment of sex workers and also

customers, not punish them under the penalty of taking them into detention for education purpose, just like the way they abolished re-education through labor.

The second one is crime dealing with selling pornographic items. The law forbids manufacturing, selling, and spreading pornographic items. In this regard, China is kind of different from the West. The law banning pornographic items has not caused much debate in China. I know in the United States, some feminists believe that pornographic items are violence against women. They have pushed some local governments to pass laws banning selling pornographic books. However, the publishers have appealed to the Supreme Court, and the Supreme Court rejected these local court rulings, and the Supreme Court believes this falls under the protection of the First Amendment, which protects freedom of speech because pornographic articles belong to the imagination, it is part of speech, not real actions, so it should not be criminalized.

I'm pretty sure you must have watched the movie, People vs. Flint. I think this movie is based on real life story.

In China, the Chinese Constitution also protects freedom of speech. However, nobody has explored the issue from this angle, and nobody has cast out the law criminalizing selling pornographic items from this angle, and nobody has associated this law with protection of speech.

Let me talk about the transformation process in regard to the law criminalizing groups to conduct promiscuous activities. In 1997, China's criminal law was amended. Before the amendment, there was a crime called hooliganism, and under that crime, all sex activities beyond marriage were deemed illegal.

There is one case under China's Supreme People's Court. In that case, a woman was arrested and sentenced for having sex with multiple men. In 1997, the crime of hooliganism was abolished, then extramarital sex between two consenting adults was no longer criminalized. However, if it involves three people or more, it was still

deemed a crime. That crime is called group licentiousness.

They used to punish spouse swapping, swingers, and also to punish sex parties. However, according to private surveys, there are many people who are engaged in sex parties or orgies involving three people or more. In theory, this is punishment by criminal law. However, because nobody reports that, they don't get noticed.

Now let me focus on the current status of these three laws. Right now, they are still in the book. They have not been abolished. However, they are being phased out of China's social life.

I am saying this because there are two indicators. One, nationwide. Now, there are very few cases of arrest and punishment in this regard. The second indicator is sentencing has become much more lighter.

According to my study in the early 1980s, all the way through late 1980s, the punishment for organizing prostitution was quite severe. In the latest case, it was in 1996 in Hangzhou, there is a bath house called Batya Bath House. The boss of that house, the owner of that house was sentenced to death for the crime of organizing prostitution. Now, when we look at Guangdong Province, where they are cracking down on pornographic activities, the owner of these bath houses were only ordered to shut down their business, that was the most severe punishment they are getting.

Also for criminalizing, selling pornographic items, in the early 1980s, publishers of pornographic materials would be sentenced to death, but now there is a contemporary case in which a 24 year old Beijing young female spread sex novels, seven sex novels written by herself, online, and she got 80,000 hits for her writing. The punishment for her was six months of criminal detention.

For the crime of group licentiousness, in the early 1980s, the punishment for spousal swapping was death, and people would be sentenced to death for organizing sex parties. Now, when we look at more recent cases in 2011, there was an associate

professor by the name of Ma Xiaohai, and he organized a swapping party involving 72 people, and the punishment for him was three and a half years in prison.

Also, in 2014, some gays in Shanghai organized through online activities a sex party involving five to six people, and the punishment for the organizer was there months of criminal detention.

That is why I am saying the law still remains on the book, it is still there. However, it has become less and less practiced, and the sentencing has become much lighter. That is why it is like fading out of Chinese social life.

Let me say something about what I think of what lies ahead in the future. The general consensus among Chinese legal scholars and sociologists is that these three outdated laws need to be removed. Those people who oppose the removal are in the minority.

Even though I cannot give you a time table, I firmly believe these three laws will be removed, abolished eventually.

In 2011, when the case of Professor Ma Xiaohai occurred, an AP reporter based in Beijing asked me the question why does China have such a law, who benefits from this law.

When it comes to rape, we do have victims. However, when it comes to crimes without victims, can we call social customs victims? My answer is no. I believe these crimes without victims eventually will be abolished, will be changed or abolished in China.

That's what I would like to share with you. (Applause)

DR. C. LI: Thank you, Professor Li, for that very enlightening overview and your assessment. As I was listening to your remarks, the change of law, it reminded me of an American feminist movement leader who once said "We are not law breakers, we are law markers." Congratulations to you and to your colleagues, and also for your contribution to improve China's legal system, which really affects so many people.

I want to have the opportunity to pose a few questions before I open it to the audience. Now, you have a widely recognized moniker or name, that you are China's first sexologist.

Now, did you have any idea of what you would become when you were young, as a young student, junior faculty member or researcher, of what you have become? What has allowed you to become a public figure with such an incredible impact?

DR. Y. LI: Why did I become well known for my study in sex. I think the answer, when you think about that, it makes people puzzled. Actually, my areas of study, I have three areas of study, marriage, family, and sex and gender. I have written many books in the other two fields. However, nobody is reading them. When I study sex, I draw a lot of interest from people.

I think the main reason is when it comes to sex, China is in an era of important changes. There are a lot of questions concerning sex. Sex has become a hot topic and has drawn a lot of public interest and debate.

Also, we are seeing an important rise in premarital sex among Chinese public. According to a survey conducted in 1989, people who had premarital sex, the percentage of the population was only 15 percent. Among the 15 percent of people, most of them were having sex with their permanent partners. They were going to get married anyway. Virtually, there was nobody who was having premarital sex.

However, according to a more recent survey conducted, now 71 percent of people are having premarital sex, so the change is dramatic. This change is quite revolutionary, and has caused a lot of anxiety among the people.

Throughout Chinese history, people attach importance to marriage, so even now today, 100 percent of the young people believe they are having premarital sex. However, when I talk about premarital sex, people will often challenge me, do you approve having sex before marriage.

DR. C. LI: Let me move to the second question. You once said "China's culture is not resistant to the issue of homosexuality." Therefore, you believe your same sex marriage proposal is not really unrealistic.

On some other occasions, you also talk about the conservative forces in China, including cultural barriers are still quite strong. How could you reconcile these seemingly contradictory assessments?

To follow up with a very specific question, in your view, the time frame of same sex marriage to become legal, five years, ten years, 15 years, or 30 years?

DR. Y. LI: First of all, let me say something about homosexuality. I think ancient China was quite different from the West. In ancient China, we didn't have the death penalties. I know in some states of the United States, there used to be some laws that criminalized or deemed homosexual activities illegal.

Throughout Chinese history, we didn't have such severe opposition to homosexual activities, and there were no death penalties. By law, in theory, homosexuality was never illegal.

Also, I think the Chinese public attitude towards homosexuality is kind of different. I had done my own surveys and I compared my surveys with surveys conducted in the United States. I think there is a very thing to notice, that American public attitude was in the shape of like two big ends with very small middle section, which means you have over 40 percent of people who strongly approve homosexuality, and then over 40 percent of people strongly disapprove of homosexuality, and people in the middle, 10 to 20 percent.

In China, the situation is opposite. My survey found that there are about 20 percent of people who approve, 20 percent who are against, and we have a huge middle section, 70 to 80 percent of people don't feel either way, they're not interested in this issue. They are indifferent.

As to the time table for same sex marriage in China, it's very hard for me

to predict. I know for politicians, it is a big no-no to make predictions, and I'm not a politician, but still for me, it's very hard for me to formulate a time table for same sex marriage law in China.

DR. C. LI: A couple more questions from me, and then we will open it to the audience. You have been recently interviewed by western journalists, and also you got your Ph.D. in the United States, although many years ago. You have close contacts with many western friends.

In your view, what is the single most or strongest bias or misunderstanding in the West concerning sexuality issues in China?

DR. Y. LI: Are there any misconceptions? I have to think. I have heard people say that westerners believe oriental ladies are mysterious. I think that is a misconception because we are all humans, whether you are from the East or the West, women's commonality, I believe women have more commonality than differences. I think that is one misconception.

DR. C. LI: What about oriental men? (Laughter) There is no misconception? (Laughter)

DR. Y. LI: I think in China, there is an observation that it kind of makes people sad, because there are a lot of Chinese women who marry foreigners, but for Chinese men, males, who marry a foreign female, there are not many. Is it caused by the fact that Chinese males are less charming?

DR. C. LI: I'm sure you are making a joke here. (Laughter) I like your sense of humor.

Yesterday, I asked you is there any question I cannot ask, you said no, I could ask you any question. Now, here is maybe a sensitive question. Feel free to say you don't want to answer it.

I know you are personal friend of a couple of very, very senior leaders in China. Your friendship goes back to when you were very young. After you have devoted

your life to sexuality, especially your recent out of closet with this very fascinating story in the news media in China, how do your friends respond? Sympathetic? Supportive? Or do they think you're crazy and don't want to talk to you anymore?

Could you answer that question or you don't want to?

DR. Y. LI: All my friends actually know my relationship, so my partnership with the other person is not news to them. They are all very supportive to me.

DR. C. LI: That's very encouraging. Thank you. Now, let's open it to the floor for questions. Yes?

QUESTIONER: I know that every year during China's People's Congress and Political Consultative Conference meeting sessions, you always raise the proposal to legalize, have same sex marriage law. I want to know the current status of this proposal, at what stage is it being considered now, and at what stage has it encountered problems, and also in the future, next year, when the People's Congress and Political Consultative Conference hold their annual sessions, are you going to raise the same proposal again? What kind of help and assistance do you expect from Chinese society?

DR. Y. LI: The first time I raised the proposal to pass same sex marriage law, I asked a member of the People's Congress to raise the proposal, but at the meeting, this member told me that in order to put it in the process of formal legislation, they need 30 members to co-sign, and he or she cannot find enough people to co-sign the proposal. It was not put into the legislation process because he could not find 30 people to co-sponsor the bill.

The next year, I moved to the People's Political Consultative Conference, because under that mechanism, a single member could raise a proposal. I asked one member to do so, and he or she did raise the proposal, and afterwards, he or she told me I signed my name when I submitted the bill, however, don't reveal my name to the public.

In fact, this proposal was not in any substantive process yet. There is no actual response, and there is no result.

One time I heard from the media report that reporters asked the spokesperson for Chinese People's Political Consultative Conference about the same sex marriage proposal, and his response was well, I think it's a little bit ahead of our time. This time in New York, I met him. I approached him and asked him, did you say that. He said no. I will keep raising this proposal.

DR. C. LI: The Ambassador is a very charming diplomat, very charming man. (Laughter)

QUESTIONER: Ken Dillon, Scientia Press. We keep reading about corrupt officials in China who are arrested, and it is found out that they have six wives. I'm wondering what is the Chinese law on bigamy, what do you think about polygamy and polyandry, and what you think is actually going to happen in the future in China about bigamy?

DR. Y. LI: Actually, in China, when it comes to polygamy law, China only had 60 years of history making this practice a law. Before Communist Party ceased power in China, polygamy was not illegal. It was legal to have one husband and one wife and multiple concubines.

You could legally have many concubines, and also in society, the people conceptually and also in practice were not opposed to the idea of having concubines, especially when the number one wife could not bear children, then it is totally legitimate for the husband to get another woman.

Actually, in Chinese tradition, there were several offenses that a husband can divorce a wife, and one was jealousy. If you're the number one wife and you're jealous about your fellow ladies, that is a major offense and you should correct yourself.

I think that's a bad tradition, and also there is a double standard involved because a man can have multiple ladies and it was deemed socially acceptable, people

even envied a male who had multiple females because he would be deemed capable and powerful, but for women, they could not even like the idea of sex, so if a woman liked sex, then she would be considered a bad woman.

I think this is a very bad element of Chinese traditions.

DR. C. LI: We have a question from Twitter. You have said that China's sexual revolution is a silent revolution, while the feminist movement in the United States is loud. Is this silence problematic for China, for its progress?

DR. Y. LI: I hope Chinese women would have raised their voice in a higher volume, but I think in China, people maybe just like to do things instead of saying things. For example, when it comes to premarital sex, people just do it, they don't go to the street and hold up a banner.

There is a case in Beijing, there were a group of female students at the Institute of Foreign Languages, and their campaign slogan was "I Own My Vagina." Once that went online, people were outraged. They think they are behaving improperly.

I believe they are just expressing their opinions and it was normal and brave for them to do so. I think in this regard, it is a negative element and we need some corrections.

DR. C. LI: We are running out of time. Let's take two more questions.

QUESTIONER: Since I'm only allowed to ask one question, I will combine my questions into one. I think you mentioned women's rights and also sexual freedom cannot be dealing from other civil rights, so in general, what do you think about the status of Chinese society in regard to civil rights, and how far away do you think for China to reach the goal of transforming itself into a real civil society?

QUESTIONER: I'm from the Carnegie Endowment for International Peace. Recently, there have been people detained for their activism in China. Dr. Li has written a recent article called "Why People Should Stay Away from Politics."

I was wondering in terms of women's rights and LGBTQ rights in China,

what do you think is the relationship between scholarship, legislation, and political activism? I will translate it myself.

DR. Y. LI: Both questions are big ones. At what stage China is in regard to civil rights, I think currently the level is still very low. We still don't enjoy some very fundamental rights. For example, using pornographic items by adults is still be criminalized, but that should fall under the sphere of freedom of speech.

We still don't enjoy these rights because we don't have this kind of freedom of speech. When it comes to freedom of speech, freedom of assembly, our rights are still being suppressed somehow. That is the current stage we are at.

On the second question, I am aware of the case in which several women's rights activists were arrested. I wrote my article before this incident. In my article, I said we should stay away from politics. That is my private thought. My belief is you should stand up and speak out when only your rights are being violated, but when there is no suppression, you don't have to take up a fight.

I think my support for these activists and the idea expressed in my article, they are not contradictory to each other because in this case, we do see a violation, so we should stand up and speak out for them, and also we should resist suppression.

DR. C. LI: This reminds me that a prominent entrepreneur said business people should keep a distance from politics, but this could be seen as a political strategy to protect your interests, and at a certain time, you can give more pressure. The same thing when we talk about the issue of families and sexuality, et cetera.

I think we have to end, but again, I learned a great deal and I'm sure the audience also learned a lot, and thank you for so candidly, so forcefully, talk about what you believe, and diplomatically, not talk about the time frame, but again, we are fortunate to have you speak to us, and hope that in a year or two you will come back to Brookings to share your latest assessments.

Thank you very much. Please join me. (Applause)

MS. LOONEY: Hi, everybody. My name is Kristen Looney. I'm an assistant professor at Georgetown University. I teach Chinese Politics classes there. And so I'm just going to go straight into the introductions to get this started.

Today, we are very honored to have three guests -- Leta Hong Fincher, Yuxin Pei, and Wang Zheng. Actually, the last question about detained feminist activists in China is a good segue into our panel because two of our panelists will be talking about that topic.

Leta Hong Fincher is author of the critically acclaimed book, Leftover Women: The Resurgence of Gender Inequality in China, published just last year in 2014. Her book was named one of the top five China books of 2014 by the Asia Society's China File, one of the best foreign policy books in 2014 by Foreign Policy Interrupted, and one of the best Asian books of 2014 by Asia House. She was an award-winning journalist prior to embarking on her Ph.D. program at Shanghai University, and she currently serves as a lecturer in the Division of Social Science at the Hong Kong University of Science and Technology. She did her Master's degree at Stanford University, and she is the first American to complete a Ph.D. in Sociology at Shanghai University in Beijing, China.

Next, we have Dr. Yuxin Pei sitting on the end there. She is a current Fulbright Scholar visiting the University of Southern California's School of Social Work. In China, she is an associate professor of Social Work at Sun Yat-sen University in Guangdong. She has performed pioneering work promoting the concepts of gender and sexuality in social work. Recently, her research on how to publicly promote sexuality discourse has received much attention both within China and abroad. Dr. Pei did her Master's work in Sociology at Nanjing University, and her Ph.D. at Hong Kong University. She's the author of several articles on sexuality and the book, Sex in the City: A Study of Women Born after 1970 in Shanghai, which was based on her Ph.D. thesis, I believe.

And finally, we have Professor Wang Zheng. She is an associate professor of Women's Studies in History at the University of Michigan. Her publications are focused on feminism in China, both in terms of its historical development and its contemporary activism, and changing gender discourse in China's socioeconomic, political, and cultural transformations. Her current research deals with gender and socialist state formation in the Mao era and contemporary feminist activism in China. She herself is an activist. She's a founding member of the diaspora organization, Chinese Society for Women Studies and the founder and co-director of the University of Michigan Fudan Joint Institute of Gender Studies, which is located at Fudan University in Shanghai. Dr. Wang is the author of several articles and books, including women in the Chinese enlightenment oral and textual histories, and she did her Ph.D. at University of California-Davis.

So this is a very esteemed panel. Without further ado, I'd like to invite Leta up here to give her presentation.

Is the PowerPoint all set? Okay.

MS. HONG FINCHER: I'd like to thank the Brookings Institution China Center very much for inviting me today, Li Cheng and Ryan McElveen and Vincent Wong. Thank you so much.

I think this is an incredibly important and very timely event given the recent criminal detentions of these five young feminist activists in China for merely planning to hand out leaflets to raise awareness about sexual harassment on subways and buses. They are now entering into their fourth week of criminal detention. They could be formally charged and faced with a jail term. So I think I'm not going to talk too much about their case. I know that Professor Wang has done a lot of work about this, and it's something that I'm sure is of great concern to a lot of you here; it certainly is to me.

Now, I actually know one of the women who is in detention, Li Maizi, who

-- she likes to call herself that but her birth name is Li Tingting. I interviewed her for my book a year and a half ago, and I think that by no means is she a political dissident. She said that she really wanted a movement, a women's movement in China without prominent leaders. She said actually that we want to attract and create more and more feminist activists so we don't want just a few people to lead this movement. And in fact, one of the very prominent, very active women's rights activists is here today, Lu Pien, who has also done a tremendous amount of work and I really applaud you and so many other women in China who are doing the same kinds of things as these women who are criminally detained.

So that said, these women were merely trying to raise awareness about -- in this case it was about sexual harassment but they have in the past worked on all sorts of issues about rampant gender discrimination in China and the recent resurgence of many forms of gender inequities.

So I'd like to focus my presentation on one element of this new backlash against women -- urban educated women in particular. And this is where the term, the title of my book comes from "leftover women" or sheng nu, which is really designed -- let me just make sure that this works here.

So the term "leftover women" was defined in 2007 by the All China Women's Federation, to mean an unmarried, urban, educated woman over the age of 27, and that same year it was adopted by the Ministry of Education as part of its official lexicon. And ever since 2007, the Chinese state media has very aggressively pushed this term through news reports in SINA News or the People's Daily, through commentaries, through cartoons and TV shows. And in the short time I have available, I thought I would focus on showing you some of the cartoons that are out there because they have a lot of thematic similarities. And you'll see the message that they are trying to get across which is deeply insulting to urban educated women.

Now, in 2010, the People's Daily ran an article with the heading, "See

which category of leftover women you belong to." And now even though the official threshold for becoming a so-called leftover woman is 27, as you can see, the first subcategory of leftover women actually starts at age 25. So the first subcategory of women aged 25 to 27 is called sheng dou shi "leftover fighters." These women still have the courage to fight for a partner.

Now, if you look at this picture, the woman is wearing a mortar board on her head indicating that she has a university-level degree. She may have a bachelor's degree or Master's, or perhaps even a Ph.D. And she's wearing very thick-rimmed glasses which suggest that she's a bookworm. She's been spending all of her time in her studies so she hasn't been thinking about finding a marriage partner. Now, all of a sudden she realizes that she has to find a marriage partner, so she's got this white wedding dress on, but note that underneath the wedding dress she doesn't care about her appearance. She's wearing jeans and sloppy sneakers as she chases after the winged cupid before time runs out, along the lines again of these leftover fighters as I translated.

On the left side it says, "Leftover women, should I persevere or should I compromise?" And this is the fundamental message that is being pushed by a lot of the state media, is that far too many women are holding out for what they think would be the perfect man when really what they should be doing is lowering their standards and picking any man before time runs out for them and before they become too old and no man will want to marry them.

So if you look at the image on the right, the Chinese caption says, "I barely feel as though I've grown up. I wasn't paying attention and all of a sudden I've become conspicuously left over."

So if you look at the picture, this woman is celebrating her 27th birthday, and the candles are already melting on her cake. She's all alone. Nobody is celebrating with her, and cobwebs are growing around her because she's getting so old. Note that

she's wearing again the thick-rimmed glasses, so she's very much a bookworm, and she has this very contorted, frustrated expression on her face. Objects are flying chaotically around her. And note that on the roof the snow is gathering, so this is another common theme, that these women, once they reach the age of their mid- to late-twenties, the snow starts to freeze them out of the love or marriage market. And the smoke coming out of the chimney there forms the character (speaking in Chinese), which means very frustrated or depressed.

So the second subcategory of so-called leftover women is women aged 28 to 30, bi sheng ke, or I translate it as "the ones who must triumph." "Their careers leave them no time for the hunt."

So if you look at the picture, again, the woman is wearing a mortar board on her head, so she's very highly educated. She has a university diploma. She wants to marry but there is no man in the groom suit. She's left it till too late.

So the general message in all of these -- I combed through hundreds and hundreds of state media reports by SINA and People's Daily, which were also picked up by all sorts of smaller publications throughout China -- the general message to women of this age is stop being so picky about your partner. Get married quickly, otherwise, you will have missed out. And it's very much blaming the woman for not having a partner. So in this case, the woman here says -- very stubbornly she has her arms crossed -- "I want to find the perfect man." And she has a long line of very attractive, eligible bachelors wanting to marry her but she's adamantly and very stubbornly refusing to marry them.

Now, this is a quote from a SINA News commentary with the title, "Do leftover women really deserve our sympathy?" And this column was really egregious and I just took this one paragraph out just to show you the kinds of messages that are being sent. And it says, "Pretty girls don't need a lot of education to marry into a rich and powerful family, but girls with an average or ugly appearance will find it difficult. These kinds of girls hope to further their education in order to increase their competitiveness.

The tragedy is they don't realize that as women age, they're worth less and less. So by the time they get their MA or Ph.D., they're already old, like yellowed pearls."

Now, this was a column published by SINA News in 2011, and then it was reposted on the official website of the All China Women's Federation just several days after International Women's Day. And speaking of International Women's Day, let's not forget that the five young feminist activists were detained on the eve of International Women's Day for planning to spread these leaflets about sexual harassment.

Now, this is the third subcategory of so-called leftover women. Women age 31 to 35 years old or dou zhan sheng fo, "Buddha of victorious battles," which is taken from the ancient legend of the Monkey King. And the quote says, "High-level leftover women battle to survive in the cruel workplace but are still single."

Now, if you look at the cartoon here, this is a very typical layout that appears over and over again. You see the women are perched very high above the men. They're standing on top of this platform, and beneath them are what is called the three highs -- high income, high professional position, and high education. So a lot of these so-called leftover women are referred to as wanting the three highs.

So the women are searching with their binoculars for the perfect marriage partner. They're looking off into the distance. The woman in the middle is actually looking way above her, and if they were simply to compromise a little bit and look beneath them, they would notice that there are absolutely masses of men want to marry them. Now, the masses of men, of course, is an illusion to China's extreme sex ratio imbalance, which is really one of the worst, if not the worst in the world. Today, there are about 118 boys born for every 100 girls, and there are many, many reasons for that. In part, the cultural preference for boys, combined with the one-child policy. So this sex ratio imbalance is actually being identified by the Chinese government as a severe threat to social stability.

This is, again, another quote that I took from a SINA news article.

"Finding a partner should be as easy as blowing away a speck of dust because, of course, there are tens of million more men than women in China." And in fact, the latest government statistics show that there are 20 million more men under the age of 30 than women under the age of 30, and that is the prime marrying age. Where are all these men going to find brides?

Now, it so happens that women today in China are far better educated than ever before in history. There are more women enrolled at the bachelor's and master's degree levels than men, and according to the official Third Survey on the Status of Women, women are outperforming men at the university level. So that's in large part why I believe there's a huge backlash against these educated urban professional women.

Now, let's look at that image on the left. You have again the woman wearing very thick-rimmed glasses, the typical bookworm who is being very studious and successful in her studies, but she's trapped in this ivory tower. And note that on the tower are again the three highs -- high education, high professional position, high income. And the woman there is musing, "Why has my Prince Charming not yet appeared? If I continue to wait, this Snow White will turn into an old witch." And notice at the bottom of that cartoon you can barely make out the very shadowy heads of masses of men. Again, a very common theme in these illustrations referring to the tens of millions of surplus men in China's population. So if she were simply to look down, then she would find, you know, there are plenty of men for her to choose from, so why is she being so picky? Why hasn't she simply gotten married yet?

And on the right is just a stereotypical image of a university graduate woman. She looks very pleased with herself. She's made a lot of money. She seems to be sitting in some kind of CEO or boss's chair, but she's alone. She has not been able to find a marriage partner.

Now, this is the final subcategory of so-called leftover women, women aged 35 and older, qi tian da sheng or "Great Sage Equal of Heaven." She has "a luxury

apartment, private car, and a company," so why did she become a leftover woman? Now, if you look at this cartoon again, it's the similar kind of layout where the woman is placed high above the men, but in this case the men lying at her feet have been brutally slayed and they're just bloodied and dead. She has slayed them. In fact, the blood is freshly dripping off her sword in her ruthless climb up the career ladder. And she's made it to the top and she's got this paper sort of crown on her head and it says sheng nu, but the sheng, the character for sheng here is not sheng for leftover women, it is sheng as in holy or saintly.

I'm running out of time so I want to just quickly -- rather than going through the rest of the cartoons here, I want to just return to the topic of the five detained feminist activists because I think that this is really relevant. Why is it that -- I hope these give you some indication of the degree of incredible misogyny and gender discrimination. I focused on the stigmatization of urban educated women in China, but these feminist activists who have been very imaginative in their activities have taken on a wide range of issues relating to the new forms of gender discrimination and new forms of gender inequality in China, and these are all in line with the Chinese government's official policy of gender equality.

So recently I was looking on Weibo and I saw that there were these women who were walking around taking pictures of themselves with the photographs of the five detained women on their faces, taking the subway, actually going on the elevator in very public places, calling for the release of these women, and the caption they said on Weibo was, "Let's take the freedoms stolen from them and step in and make up for it." So if the Chinese government thinks that it can stamp out a women's rights movement in China just by jailing a few of these activists, then I think it is sorely mistaken.

Thank you very much.

(Applause)

MS. PEI: Good morning, everyone. Thank you, Leta, for addressing the

five detained, the young feminists in China. Actually, one of them is my student. And when you talked about them, I continuously thought of her in my classroom. She was always sitting in the first row and she's so active in the class discussion. And I watched her growing up into a young feminist activist, and I was so proud of her, and I always invited her to go back to my class. And she gave such vivid impression to my follower students because they know how feminists look like and they are not biting people. They are such sweet, young girls, and they just want to protect themselves about their private lives. And they have to go to the street. But only because of these reasons they were sentenced into detention. I think it's so unfair to them. And I hope the government could release them very soon.

Now, as my topic today, I will talk about masturbation. Yeah. I think everyone does it but no one talks about it, and probably I'm the first one in China who brings this topic in the academic area, and the people called me masturbation professor. And I'm so honored.

Actually, two years ago, April 2, 2017 (sic) I was waked up about a bunch of journalist friends and colleagues because they found I appeared in many media about my research on masturbation, and some news used the very eye-catching topics like Sun Yat-sen University wants to see you masturbate. And this is the logo of our university, and now people find the significant meanings of this logo which were not supposed to be our real meaning. But I had to tell them, yes, I'm seeing videos on masturbation but I don't want to see you masturbate. Even I thought a lot of videos tried to show me how to masturbate.

I was organizing a competition on how to use video to talk about masturbation in China, and at that time I offered 10,000 renminbi for a five-minute video, which means if you can win, you get 16,000 -- no, no, no, -- $1,600 for such a video. And, of course, it's such news in China. And they asked me, "Is it an April Fool's joke?" I said, "No, it's not a joke. But if you can send me four to five minute videos and if you can

win, the $1,600 is yours."

And in the following one month I found myself doing the interviews. Local media, like TV programs, websites, newspapers, magazines interviewed me. One day I accepted four interviews, even during the breaks of my class. And also, my students have been interviewed a lot. And I found myself and the projects appeared in many media, including Hong Kong, Singapore, American media, and French media named La Monda. And people -- of course, I received a lot of response from the audience of my social media and the project's social media. We established the social media named Masturbation's Research Group in Weibo, Chinese number one social media. And although it's been banned for some time, still we got a lot of attention. And now it has more than 30,000 followers. And people always ask -- at that time, people always wondered if I'm doing academic research or I'm trying to spread pornographic news. And I still remember one audience in my public talk told me that, "Your project is very toxic because you lead a group of young female students talking about masturbation. Do you realize that when you talk about masturbation, actually men, it will cause more frequent masturbation on your audience?" And also, they think are you doing an educational program or are you soliciting young people to do something they are not supposed to do?

From their response, we can see their points. First, masturbation is harmful. And also, talking masturbation is even more harmful because you can attract people doing masturbation more. Why people say that? That's what my project wants to explore. I could assure them its research; it's not points. Nothing about points. If they want to use it as points, I congratulate them because, you know, they have such ability to turn anything into points. And from the social media, I created in Weibo, we tried to recreate participants in our workshops, focus groups, or individual interviews, and sometimes we have public talks and showing the videos on masturbation and discuss which will win in our competition. And from the participants and the followers of the

research project, we found actually the response very positive.

I still remember I received a call from a retired colleague, and he told me he's very proud from me because even though he's retired, he found -- I said to him -- yeah, he has such a habit for more than 60 years and he never dared to talk to anyone but now I bring it into a public discussion. Even I haven't got any conclusion from my research, he still feels relieved. And, of course, young participants' response is even warmer. And even more positive. And some people tell me the slogans of masturbation because they try to promote it in public and they said we must have a slogan for masturbation. Yeah. So that's what they suggest, like masturbation is safer sex or masturbation is do yourself without any consumption of nature. It's environmentally friendly, like that. Yeah.

I found my research project is encouraging people to talk masturbation. Yeah. I provide a safe place for them to talk about it in social media or in my workshop or in focus groups. I found some of them have been discussed before with their close friends or their roommates or their sex partners, but they still feel it's a kind of shameful thing to talk about it in public. So even if we can talk about it in like this circumstance, people think it's so encouraging to their own sexuality.

From the discussion in the past two years, I found actually there are sexual scripts in our understanding of masturbation, and I think one is very Chinese because people think -- especially men think if you -- yeah, one drop of semen equals (inaudible) drops of blood. This philosophy is from Chinese medicine, and that's why they think masturbation is harmful. From this perspective, we can see they regard masturbation as a natural and a biological activity. However, how do they see women's masturbation, because women don't have semen? And it means women may not lose their blood. But they still think women never do it or women cannot do it because women have no sexual desire. They just don't need it. Or if a woman is not explored by a man, she never knows what sexual desire is. Or if a woman has a partner, she needn't to do

masturbation because her partner -- only if her partner cannot fulfill her. And from this response we can see, yeah, people don't think sexuality is a biological or natural thing. People think it's socially constructed. So we can see the contradiction among these discussions.

And also, people are worried about frequency. They always ask me -- the most frequent question they ask me is how much should I masturbate in one week? Yeah. It depends on your need. If you want to, just do it. Yeah. And they said, oh, it's so -- probably I'll be lost in my ability in doing my research or studying or work, yeah, because they think sexual energy is actually limited. Everyone has their quota of sexual energy. And if you use it out, you will fail in other -- like partner sex or it will be fulfilled in other work space. That's the philosophy from what they talked. And I also found actually when we talk about sexual desire on its own, no consideration of relationships or production, people feel so guilty and self-condemned. And it's also, we always consider sexual desires or sexual pleasure in partner sex. So if you do it by yourself, it means it's a sign of sexual dysfunction.

And of course, there are double standards of sexual among men and women. Yeah, because if a man has a sexual partner, he could speak frankly to us that he still needs masturbation because masturbation is the best friend of a man. His lifelong best friend. But for women, if she still masturbates in a relationship, of course, it's a man's failure. That's why women tend not to speak of their masturbation to their sexual partners, even if they do it very frequently.

And what we have found is that actually in Chinese philosophy, people believe we have sexual drives or we have the legitimacy to get sexual pleasure because we think sex is just as important as eat and sleep. That's our philosophy. So people would like to regard sex as a natural sexual drive, but meanwhile, everyone is being self-centered about her sexuality or his sexuality. Men feel so worried about frequency, not only about their blood, but also about if they could not perform very well in the future on

their relationships. And the women are worried about it because they feel that they would be regarded as some women who are so sexually active and it's such a bad thing in Chinese culture.

But still, I found especially women who can talk about masturbation, and even admitting -- yeah, I once did a public talk which more than 500 people attended, and some audience speak frankly in the public that she did masturbation since she was three-years-old. And, of course, I did a follow-up interview, and I found young girls who could speak of their masturbation have a very positive body image. They don't think themselves dirty or their private parts are dirty, and they think they deserve sex pleasure even if they don't have a partner.

Also, people's sexual love is a frequent term being regarded by the young generation, also by the audience, by the participants who hold a positive opinion to masturbation. They think people should love themselves. They should know themselves real well and they think they can ask their partners to please themselves.

And I also found actually the young generation consumed pornography much more than the older generation because the Internet is so accessible now and even we cannot get access to overseas sites but they have their strategies to break the wall and to get access to the so-called porn sites. And the LGBT culture influenced young people very much, and in the LGBT culture, we can see sex partners are more equal and they don't have the regulation from the institution of marriage or normal relationships so they embrace their sexual pleasure very much. And that kind of transferred to the concepts of the young generation. They complain that in my workshop I never teach them how to get an orgasm because I only ask them to talk about their opinions about masturbation but I never try to teach them how to do it. And they think that's my fault.

I can see a new level of intimacy among young couples. Some of them can do masturbation together or ask their partners to ask them masturbate and they think that connects them even closer than before because they can share something which

they can never share to anyone else.

And so that's the primary findings from my project. And I also find, even when we started the discussion on masturbation, actually, our discussions are much broader than this topic. If you talk about masturbation, you never can avoid the topics about love relationships, marriage, self-development. Actually, people ask me, why do you choose masturbation as your research entry? I think it's something we realize how our sexuality is being regulated and constructed. You can never regard it as something by yourself. Yeah. Even if you do it by yourself, you have many more eyes watching you, and how can you do it and how can you try to resist them? Yeah, I think it's something even about our politics.

Thank you.

(Applause)

MS. WANG: Thank you, Dr. Li Cheng and Ryan for your kind invitation. I think this event is so timely at the right moment with global attention on the issue of women's rights in China.

Let me take a brief survey. How many of you have heard of this detention before you came here? Raise your hands. Oh. (Speaking in Chinese)

Okay. It's wonderful.

The detention of five young feminists before March 8, the International Women's Day, has changed the field of Chinese feminism. What I had originally prepared for this event, because I was invited when, maybe three months ago? Yeah. And so what I had prepared is no longer adequate, so I had to rewrite my presentation.

So today I want to first give a few personal snapshots as a brief review of the history of Chinese feminist engagement with sexist sexual norms in China, and then I will separate the young feminists actions against the sexual harassment in this historical context as a way to illustrate significant changes in Chinese feminist practices, as well as in society. Today, Professor Li Yinhe's talk and Professor Pei's presentation and Let's

already give you tremendous examples to show you the changing society, but today I want to focus on family practices -- Chinese family practices. Changes in Chinese family practices. So finally, I will discuss the political implications of the recent detention of five feminists.

In 1985, I came from Shanghai to study U.S. history at UC-Davis. I had quite a few American friends in the same graduate program, and they were very curious about my life in socialist China. At the time, very few Chinese students came to the United States. We joked that we were treated like pandas. And from Red China. The students came from Red China. And I was very proud of being a liberated woman from socialist China. I acted like an ambassador of China. Everywhere I said, "Oh, how wonderful socialist China." And yes, as an urban young woman, I enjoyed equal education, equal employment, equal pay, and equal opportunity for promotion. I had never experienced gender inequality, I thought.

One day I was chatting with my American friends, other graduate students, on how the very crowded buses in Shanghai, once I encountered a thief who had just snatched my wallet from my pocket. I encountered him and confronted him, and then he had to return me the wallet. So my friends, McKay and Chris, "Wow." They're so impressed. "Wow, you're so brave." I said, "Yeah, what's to be afraid of?" And a few days later we were chatting again, and somehow I talk about the crowded bus again because in Shanghai, at the time -- I came in 1985. You have to understand that. Every day I went to work. I was teaching at Shanghai University, long distance travel. You have to squeeze in the bus every morning and back and forth. So the topic went back to the buses again. So I said, "You know, it's so disgusting. Oftentimes on the bus, you will encounter those very obscene men. They will grope you." And McKay just asked right away, "Oh, how did you respond to them?" I replied without thinking. What could I do? I just tried my best to move to another spot to avoid such rascals. What could I do? And McKay then raised a question that shattered my self-perception as a brave and liberated

woman in socialist China. She said, very intense in her expression, she said, "Why were you so brave when confronting a thief but did not dare to confront sexual harassment?"

I answered instantly, "Oh, I would be so ashamed if people around me noticed that." Immediately, I realized that was a highly problematic reply. I had some feminist consciousness by then already. And that conversation set in motion a soul searching process for me. Why would a liberated woman still carry on the patriarchal value of chastity? Why would a woman of my generation that liberated women from socialist China have no consciousness of the serious problems in sexual norms?

So anyway, from there on, I started a long review of women's liberation in socialist China. Not just a personal reflection; I also started a process of reviewing the whole history of Chinese women's liberation, and I realized that in the realm of sexuality, socialist state feminists were able to transform the double sexual standard to single sexual standard for the general public. Not for (inaudible) top officials, of course. But that puritanical sexual morality did not shake deeply entrenched (inaudible) cultural values of women's chastity and virginity.

To the extent that a liberated woman like me would internalize such sexist values, and with no consciousness, let alone action to change such sexist sexual culture in China.

So next. In 1992, I attended a conference on women by Shanghai Women's Federation. When a U.S. feminist scholar asks if there are any cases or incidents of sexual harassment in China, all the audience participants there said, "No, no, no. We don't have sexual harassment." So at that point I stood up and named the things that happened every day on buses, you know, almost every woman experienced. I said, that is sexual harassment. By then, I had long been empowered by my studying of feminist history and feminist theories.

In 1995, I moved to another (inaudible) at NGO forum of the Fourth U.N. Women's Conference. Feminists in and outside China openly challenged pervasive

sexist sexual norms, and sexual violence and sexual harassment were clearly defined as a violation of women's human rights. That is 1995. Feminist concept of gender with things widely circulated among feminist NGOs who also promoted gender training in the Women's Federation and the government (inaudible) participant in this long process. Since then, we have witnessed a consciousness of continuous growing of feminist organized activities nationwide, even though every feminist knew the political environment was highly unstable and volatile, and not congenial for NGO activism in China. Their strategy was mostly not to touch politically sensitive issues, and mostly confined their actions in the realm of promoting gender equality as guaranteed by the People's Republic of China's constitution and better than the U.S. We have retained our constitution and laws protecting women and children's rights.

As beneficiaries of socialist gender equality in education and employment, by the 1990s, from my cohort -- Professor Li Yinhe and I are in the same cohort -- from my cohort emerged a quite large size of women professionals who had access to policymaking. Professor Li Yinhe is a quintessential example. So their feminist activities often aimed at participation in the policymaking process, including drafting laws and promoting passage laws and policies. They were mostly located in the system that is either in government, in the Women's Federation, or in academic institutions like Professor Li again, enjoying the dividends of socialist gender equality. This is a generation of feminists who have or have access to some resources and power in the official system. So they prefer to work behind the scenes on not to attract unwanted attention.

Young feminists adopted strategies very differently from the older cohort in promoting gender equality mostly grew up in the era of privatization when many socialist institutional mechanisms for gender equality or any equality have been dismantled. The young generation of feminists, often the princesses of their only-child families with high aspirations, soon discover that this world is absolutely male-dominated.

And every corner you turn you will encounter wanton gender discrimination and a pervasive masculinist sexual norm and openly treat women as sex objects. This is for the young generation, for this generation. Their experience was not my experience.

In such a male-chauvinist society, young women have very little social resources to have their voices heard, let alone to participate in policymaking processes. Thus, we see the emergence of a cohort of young, very brave, creative, and smart young feminist activists who are good at staging performative acts in public to catch media's attention to gender discrimination and to engender social and cultural change in the realms previously unnoticed by the public or even by old feminists, like my generation.

It is in this context when I heard the young feminists were planning to launch anti-sexual harassment campaign advocacy on public transportation as an activity to celebrate the International Women's Day this year, I was truly delighted. In their action I saw significant progress in the history of Chinese feminism. As I compared myself, a liberated, socialist woman, who at their age had no conscience and had to tolerate sexual harassment on public transportation, I compare myself with these young women who take action to address the issue of sexual harassment. A sexist, social environment enabled young generation to acquire gender consciousness readily. When feminist (inaudible) and talking about the concept of sex gender system, these young women are so readily embracing all these feminist theories. And although they do not have resources in the official system, they have enjoyed tremendous intellectual resources from transnational feminisms in this age of Internet and globalization.

But just as I was watching their planning for March 8th activities with tremendous joy, pride, and anticipation, they were arrested from multiple locations -- Guangdong, Hangzhou, and sent to Beijing. And then sent to Beijing Haidian District Detention Center.

Because of the time, I would like to read and then I will go on with my presentation.

I have to point out, these women have also launched a lot of other activities in the public, attracted a lot of media attention. So right now they're in the Beijing Detention Center, Haidian District Detention Center. The police tried to force them to confess their crimes or to confess that they were wrong, all the things they did previously, they did all these activities all wrong. And they said, "No, we were just following the law, protecting women's equal rights. Nothing we did wrong." And Zheng Churan, one of them's mother also asked a lawyer to pass word to her daughter. "Tell her whatever the police do to you, don't admit you are wrong. You have not done anything wrong. Stick to your principles." So that's the current people's consciousness in Chinese society.

So I have to quickly point out a few historical facts for you to grasp the gravity of this detention.

Since 1913, when the (inaudible) government suppressed Chinese feminist suffrage movement, up to March 6th this year, no other Chinese government has ever openly suppressed feminists. In the past century, any political forces that claimed to move China to modernity, they would treat equality between men and women as the badge of modernity. The Chinese Communist Party openly endorsed gender equality since its inception, which is one of the major reasons that the party attracted so many women, committed feminists in the long course of the Communist revolution. These strong feminists who joined the party made a substantial difference in transforming a patriarchal culture upon the founding of the People's Republic of China, to whom my cohort of women are deeply indebted.

Even after 1989's brutal suppression of the students' movement, the Chinese government proposed to host the Fourth U.N. Conference on Women as a way to return to the international community. At that point, the party was not too farfetched to assume that in the realm of equality between men and women, China had something very positive to show to the world. The 1995 World Women's Conference with its

accompanying NGO forum that was attended by over 30,000 families from all over the world, and now the Chinese feminists to legally, legitimately launch women's nongovernmental organizations nationwide, NGO women's activism. Other NGOs followed suit afterwards.

After this historical setting I have just sketched out, the record-breaking detention of feminists in the PRC raises quite a few grave questions. I put them here forward for you and invite you to respond as well.

1. Does the detention symbolize the party's rejection of the badge of modernity? If so, what are the domestic and the global implications in this rejection?

2. With this detention, feminist activism is now included in the (inaudible) of sensitive issues. Okay. Now, police started to talk to all the women's organizations and asked them if you know these five or not. And also, the students in university signed petitions and then the school authorities send their instructors to talk to each of them and don't sign that. It will affect your graduation. And just today I received information that the police even tried to scare away scholars who dared to write on this issue on Weibo and Internet. Okay? So it becomes a political sensitive issue.

So even lectures on gender discrimination were canceled by university officials as being too sensitive. They attempted to criminalize legitimate feminist activism is not only a mockery of the state's declared aspiration of rule of law but also turning the clock back 25 years to an era of pre-Fourth U.N. Conference on Women, the post-1989 political environment. In other words -- I'll finish right away. In other words, the case threatens to delegitimize all feminist NGO activism. So what would be the recourse of Chinese feminists who address this situation in the world when China's money is widely sought after?

3. The global feminist organizations have shown tremendous support in calling to release the five young feminists. Over 3,000 people from more than 100 countries have signed petitions online.

Let me try quickly to give you -- you can copy that. You can join the signing of the petition here.

Feminist organizations in South Korea, India, Taiwan, Malaysia, and Japan have organized demonstrations to demand the release of Chinese feminists, but the speaker person of the Ministry of Foreign Affairs in China just last week said, "Nobody has the right to ask the Chinese government to release the five feminists." Nobody has the right. The threatening tone indicates the full confidence of the Chinese authority to ignore such global outcry to demand for the release.

So for the global community, what are the implications of witnessing the rise of an overtly powerful state and global player who nonetheless is afraid of a group of young women who advocated for stopping sexual harassment on buses?

Since I do not have more time I just want to deliver -- use this opportunity to appeal to your support. If in the audience there are people who have access to your president or Michelle Obama, please inform them of the situation. It is to both countries' best interest that the five young women be released as soon as possible; otherwise, Xi Jinping's visit to the U.S. in September may be a stormy one because I know transnational feminist organizations are mobilizing to boycott the Global Women's Summit that was planned that Chinese government and the U.N. will cohost this Global Women's Summit at the same time of Xi Jinping's visit to the United States. And Xi Jinping is also scheduled to give a speech at the U.N. Okay? So if five feminists are not released, then they will do definite global mobilization. Okay?

So I think -- I truly hope, you know, your president or Michelle Obama will be able to do something to make Xi Jinping's visit to the United States a smooth and successful one. As a patriarchal Chinese still with a Chinese passport after 30 years here, wearing Chinese clothes, I really wish the Chinese president and the U.S. president will have a wonderful visit.

Thank you very much.

(Applause)

MS. LOONEY: Okay. Thank you to all three speakers. We only have about 10-15 minutes for questions, so I'm going to ask one question each and then turn it over to the audience.

I also want to make people aware that Dr. Hong Fincher's book is for sale in the lobby here, so please pick that up and support her work.

Okay. Let me get to my notes.

One thing that I was hoping you would explain a bit more in your presentation is just the origins of the term "leftover women." Why do you think it appeared in 2007? You mentioned that it appeared on the All-China Women's Federation website, which also raises this question of what is their position on this terminology? You mentioned that there is essentially a backlash going on against women. Is this really just driven by the sex imbalance or are there more kind of complicated reasons for it?

MS. HONG FINCHER: Yeah, I think there are a lot of complicated reasons.

When I was researching the origins of this term, I noticed that shortly before the Chinese state media started very aggressively pushing the term through SINA and People's Daily, that China State Council issued a very important population decision. And in this population decision it said that China faced very grave problems due to the low so-called population quality or (speaking in Chinese). And that this low population quality was going to create all sorts of problems for China to compete in the global marketplace in the future. And it set a key goal of upgrading population quality. And then it named several agencies as the key implementers of this policy. One of the agencies named was the Women's Federation, but it also named the Ministry of Civil Affairs and Public Security. And then shortly afterwards you see a barrage of media reports coming out effectively insulting all of these, directed at urban-educated women. In the state

population decision, it also said that the sex ratio imbalance posed a severe threat to social stability. So I think that those -- part of it is a population planning imperative that the government is very concerned about all of these tens of millions of men unable to find brides. It's concerned about these newly educated women who are naturally delaying marriage. This is a global phenomenon, and it's also very particular to Asia. Because if you look at the marriage age of the first-time marriage age around China and Taiwan and Hong Kong and South Korea, Singapore and Japan, women are increasingly, very significantly delaying marriage or even rejecting marriage all together. So I think that this is very much a concern for the Chinese government with the aging of the population and the shrinking of the working-age population. And there's very much this idea in the population planning department that women are these biological agents whose primary duty is to give birth to a child for the good of the nation.

And I just was putting all of these things together and I thought that really, I mean, there's no explicit link. I didn't find a smoking gun, but I argue that this extreme pressure on urban-educated women to get married and have a child is because the government wants these educated women to have children, and they're increasingly following their sisters in neighboring regions and not wanting to marry or not wanting to have children. So that's part of the answer.

MS. LOONEY: Great. And Dr. Pei, you mentioned a little bit in hour talk about the motivation for studying masturbation in China. You mentioned, you know, you're the first person in China. My friend and I were joking, you're probably the first person at Brookings to ever talk about masturbation as well. And I wanted to just ask you more about your motivation for the study. Do you feel like you're playing a role in making China's sexual revolution less quiet, to borrow your terminology? And also, what do you think the status of China's sex education is? Have people really never talked about this prior to engaging in conversation with you?

MS. PEI: Actually, according to the literature, Li Yinhe is the first one

who did this research. And when I did my Ph.D. studies 10 years ago, in my field study I found that women initially talk about masturbation, and that's why I started to focus on this issue 10 years ago. People said I'm the first one maybe because I brought it into a public discussion. And also, I involved young generations actively and talk about it in public. And I use social media to spread the news more efficiently. And I think in our sex, of course people talk about masturbation because I think since the history of human beings starts, it's such a natural thing, and of course people would talk about it probably. I'm not sure to whom but as long as I knew my participants who did this in their early childhood, they felt empowered to talk to someone else because otherwise, if someone told them she thought she invented this, you know, but she felt so lonely on this planet, she had to find some fellows. And she tried to talk with her close friends.

And in my workshop, actually, only very few people admitted that it's their first time to talk about it. But it could be the first time they talk about it to strangers, to someone who they were not so close in their sexual life. So we call it public area. Not private. It's not a private topic anymore.

And in our sex education -- actually, we do have sex education. In our primary school, you can find a textbook. It's almost about biology. And there is a chapter on masturbation, but only on men's masturbation, and it always advises young male students not to masturbate too much. And no one tells us how much is too much. They expect me to answer this, but of course, I will not give an answer.

And women realize that they could masturbate but they don't have the term "masturbation." Someone told me they touch themselves during taking baths. Some find such secret sexual pleasure but they never name it. And naming is such a political thing, you know? Naming means you want to get recognition from the social forces.

And so now, still, in our sex education, they don't talk about women masturbation. And still, the tone is similar that you could not do it so much. Yeah. And

now I interviewed some Chinese medicine doctors and asked them to explain why Chinese women always talk about this.

And also, I noticed in America, they have some anti-masturbation campaign online. Someone tried to beat other people's -- he didn't masturbate for 180 days and he won. And the motivation for him to resist was that he thought we must have self-discipline in our sexual energy.

So the philosophy is different, but still, we can see some common signs is that masturbation is not good. For example, people would never say -- if it's good, people would never say you should not do it so much. Yeah. People still self-condemn their sexuality.

MS. LOONEY: Okay. Thank you.

And then finally, for Dr. Wang, I am wondering if you have seen in your assessment of media coverage of this within China, it was great learning about transnational sympathy and outspokenness on this issue protesting it. But I'm wondering, in China, what the media coverage has been like, and whether journalists have pushed back on the arrest of these women. If not, what are ways that you think Chinese leaders, either in academia or even in the government, again, going back to all China Women's Federation, what are ways that Chinese actors can bring attention to this issue?

MS. WANG: Okay. Great question.

First of all, the official media, nobody covers it. So people are only circulating from -- you all know China is the largest WeChat users. I don't know how many millions are on WeChat. So we circulate by WeChat and Weibo. But if you post on Weibo any articles, a lot of feminist scholars are starting to pose as young students and petition, and if you have anything on Weibo, in less than two hours it'll be deleted. So then people try to copy it and send it by WeChat. WeChat is still okay. You cannot delete it so fast. So basically, in China, very few people know this.

And also now, quickly, things changed. Now, they started to -- I personally became one -- you know, usually, I do not like to get the forefront and the front stage to anything because I have my work to do in China. I don't want to expose myself just like any of my cohorts. Okay? Because I have resources in the system; right? But this time, I noticed instantly, after the detention, the feminist WeChat group -- I joined several feminist WeChat groups -- actually, one of the groups, several of those detained young women were in the group. So all of a sudden everybody is silenced. So then I thought, okay, her cell phone was taken away by the police, and the police are reading whatever who is WeChat in this group. I thought, okay, that's my opportunity to talk to the police. I hope to talk them into senses. You know, such a ridiculous, stupid thing. You know, you're going to shame the Chinese government in the whole world. Please don't do that. I'm such a patriotic. I'm overseas Chinese. I care about the Chinese face on the world, and this is one of the few positive images in the global community for the Chinese government to present that we're doing wonderful things to protect women's rights, equal rights. Right? You don't want to lose this good brand name, to smear it. Right?

So I continued talking and other friends say, oh, please tell Professor Wang don't talk. The police are watching. I know. I know. Because they're watching. But basically, that's our way to try to affect, and also, as a person I use my networks to talk to people in Women's Federation, but quickly in no time I sensed the feeling is getting more paranoid, and especially (inaudible), the speaker, when they said nobody has the right to ask the Chinese government to release. And internally, they start to circulate the word. They are saying that these five were kind of instigated by (speaking in Chinese). You have to pay attention to this. I'm currently writing something on this term (speaking in Chinese). Okay? It's a very, very, you know, menacing word. It's very vague. (Speaking in Chinese) It's not like most China. Right? Very clear. (Speaking in Chinese) Americans in Paris (inaudible) revisionists. Your enemy is very clear. But now

it's not clear. Just say (speaking in Chinese). Okay.

So that's why I appealed to you, everybody who has access to President Obama or whoever in the power decision because (speaking in Chinese) is suggesting the U.S. Okay? You are immediately identified as somebody behind the scenes to instigate the whole thing. Five young women, they may get money from Americans. You know. And doing these things and to shame -- you know, somebody in the system tells me (speaking in Chinese), I said, "No, if you talk about (speaking in Chinese), probably people in the (inaudible) in the police, maybe they are the (speaking in Chinese) because there is such a terrible, stupid thing to humiliate China. They are the enemy of Chinese national security. You should identify from within. That's what I said. But I'll tell you, (speaking in Chinese) United States is already identified as somebody behind the scenes and doing things like that. So it is to the U.S. interest, especially in preparation to President Xi Jinping's visit. You really need to do something about this to change the atmosphere, to clarify the situation, and just stop this stupid thing and release the five women. Everything is fine.

MS. LOONEY: Well, this is definitely the right platform and the right city to make these points.

I want to just take some audience questions now. And if you could also identify yourself when you ask the question.

Yes, this gentleman here. And then we'll move over there.

MR. ZELLER: Hi, Tony Zeller. Former intern at Brookings.

So my question I guess primarily goes to Professor Fincher, and also, I welcome feedback from other panelists, too.

So my question is about leftover women. I mean, having grown up in China and also I go back quite often, I talk to my friends, female friends, and a lot of them are very smart and intelligent but they cannot find a boyfriend or husband. And the reason why they're rejected is because they're too smart. And this kind of creates a

feeling among them to say, you know, the traditional virtue -- the virtue of a woman is to be illiterate, which is an absolutely absurd concept in traditional Chinese culture. This kind of has resurfaced. To me it feels a lot like a lot of Chinese males, men, are not confident enough to marry an intelligent woman. But to me, the contradiction is China is obviously a male-dominated society socially, politically economically. Men are at a much better stage than women, but my question would be so in your book do you have anything regarding why -- do you think that's a possible explanation, and why do you think that's happening? I mean, maybe the question should be better addressed to me because I'm a Chinese man, but I might be in the mountain or part of the mountain so I cannot see the shape of the mountain. So I would like to hear your feedback. Thank you.

MS. HONG FINCHER: Yeah. Well, I actually argue that leftover women don't really exist. What we're talking about are primarily women in their twenties who are single, and that is a global phenomenon. There's absolutely nothing wrong with it. So there are a lot of media reports that spread the myth that these women, if they're too highly educated, will never find a man. And in fact, one of the statistics tossed about is that more than 90 percent of Chinese men say that a woman must marry before 27 or she'll be unwanted. And I think these are really scare tactics and manipulated statistics.

So it's very true that there are women who certainly would like to get married and want to find a marriage partner and haven't found the right person. Now, is that a crisis for China? Does that constitute a crisis for these single women that deserve a nationwide response? Does it deserve all these government organized mass matchmaking affairs? No, I don't think so. I think in many cases, the women actually are doing the right thing. They're not setting for somebody that they don't love. And, in fact, the interviews that I did were not just with single women. I did a lot of interviews with married women and single men and married men, and by and large I found that the single women tended to be happier than the married women.

So a lot of it is simple myths. It's these myths that are spread that single women are going to be absolutely miserable and lonely. If they don't marry by the time they're 30, they're going to wind up like that cartoon, the old witch. And so it's very difficult, of course, when you're surrounded by a barrage of messages coming from the media, coming from your parents, coming from your colleagues saying, "There's something wrong with you. You're single. You haven't married yet." But, I mean, in America, in so many other countries, it's simply not a problem. It's a global phenomenon. It's modernity. And women absolutely have the right to wait for the right partner. They have the right to never marry. There's nothing wrong with never marrying. And I'm asked this question a lot, but I find that a lot of it is simple media rhetoric and this whipping up of this collective anxiety over the fact that there are these single women in their late twenties who haven't found a marriage partner yet. They better hurry up and marry.

Otherwise, another problem is that is exaggerated in the state media, is the problem of birth defects. There's a lot of SINA news reports saying that due to the rising average age of women giving birth, there's a skyrocketing number of birth defects in China, when in fact the scientific data shows that the rising number of birth defects is related to extraordinary environmental degradation. So there's just a lot of unscientific propaganda being spread and it's widely accepted, and I just say to single women, don't be in a rush. You know, don't marry unless you find the right person.

MS. LOONEY: Yes, the woman in the orange sweater. And sadly, I've been informed this is our last question because we really are running over.

EVA: Hi. My name is Eva. I'm the cofounder of Santivator which is media promoting social innovation, and we're an incubator for social enterprises, and women empowerment is something we care, too.

Actually, I want to ask Leta about there's another aspect -- I was a feminist academic journalist back in China, living in China and the U.S. for the past two

decades as a woman in her thirties. Going through the whole process, I know what you're talking about. But there's another aspect of the issue is I'm all for women empowerment and all that, but economically, if you look at China today, there are a lot of academics studying the population who will tell you it's actually a big problem for the intention of women to give birth, and the higher education women get and the more -- higher opportunity costs they have in their career, this is actually making things -- not making things better. And this is actually a real danger for the Chinese economy. The housing market, of course, and civilization -- as a civilization in the world. The highly educated women don't want to raise children.

So I just wonder how do you -- what's your perspective on that? It seems that this is actually also going to be an issue.

MS. HONG FINCHER: I would just say personally I think that's hogwash. I mean, Chinese economy -- every economy needs educated and talented and skilled people in the workforce. The Chinese government has no -- has indicated no worry whatsoever about the loss of talented women from the workforce. In cities, there's declining labor force participation among women. It's really plummeted seriously since the 1970s when it was over 90 percent in the cities. And even the Japanese Prime Minister Abe, who is certainly not known as a feminist, has said that women are Japan's most underutilized resource, and he's announced all these policy initiatives to try to retain women in the workforce. I think it's ridiculous to say that women shouldn't be advancing their education or it's going to be damaging to China's economy. I mean, it just illustrates the fact that the Chines government fundamentally thinks that jobs should be reserved for men, and you see this across the board. I mean, there are so many examples, and the young detained feminists also talk about this. You know, all these job ads advertising for me. They will not accept women or they will reject women applicants who are of marrying age. And the Chinese government wants men to be working. And it is long, for decades, had this kind of discourse about women returning to the home, leaving the jobs

for me. So that's --

MS. LOONEY: We are really behind on time, so unfortunately we can't take any more questions.

Are we still doing the coffee break? Or when is the next one going to start?

SPEAKER: Five minutes.

MS. LOONEY: Okay. So we have a five-minute break. Please don't leave. We have three more excellent panelists coming up.

Good job everybody. That was fantastic.

We are starting in five minutes.

(Applause)

MODERATOR: Now I'm going to introduce Ms. Kathy Moon who will be proceeding with our next panel. If you can please vacate the stage, thank you.

MS. MOON: This is I have to say one of the most exciting, hilarious, fun seminars we've ever had at Brookings, and my dear, dear friend and colleague, Cheng Li, has set such a high standard. We were originally trying to do an East Asia panel and I think it's my turn next on Korea, so I hope I can live up to the standard that you have set and I hope I can find participants who are not only smart, but so passionate and funny. So I'm really pleased to be here.

My name is Kathy Moon. I am here at Brookings, a senior scholar, and my area of focus is the Koreas, but I study Chinese politics together with Dr. Cheng Li at Princeton. My two former students are now professors -- Rachel Stern and Kristen Looney. So I would like to say not the Wellesley -- and I'm also a professor at Wellesley -- I would like to say the Wellesley pioneering Amazons rather than the Wellesley mafia, but I am very pleased that we have this gathering. I think this marks a new chapter in Brookings' history to bring 21st and 22nd century issues to our Falk Auditorium.

We are now going to start the panel on protecting the legal rights of

women and LGBTQ populations. Again, these are really cutting-edge topics not only in China, but the rest of East Asia actually. I know that Korea is actively pursuing discussion and debate about the rights of LGBTQ populations, also in Japan and in Southeast Asia, and, of course, in the United States. These are everyday issues that are in the newspapers. Gay marriage is right now under attack in several states, and, of course, LGBTQ issues in general are even more complicated and complex for people to understand. So I hope our panel will shed some light.

I won't go into extensive introductions since you have the profiles with you. We have Professor Guo Xiaofei from China University of Political Science and Law. Then we will have Jamie Horsley of the China Law Center at Yale Law School, and followed by my first intellectual offspring, Rachel Stern, who is an assistant professor at Berkeley at the law school there. And then we will have a discussion and open up to you. Thank you. I'm going to be timing 12 minutes. My former students know I am exacting, so I will send up a flag that you have 2 minutes left.

MR. XIAOFEI: Hello, everyone. It's my great honor to be here. Today I'm talking about the transsexual right to marry, by which I mean the right to marry someone of a different sex after sex reassignment surgery. To better understand it first of all, I would like to introduce a lawsuit, *W v Registrar of Marriages*.

W was assigned a man at birth and later he was diagnosed gender identity disorder. In 2008 he successfully became she and, accordingly, the sex on the identity card became female. However, in November 2008, she was refused at the Marriage Registration office when she applied for marriage with her male partner. The Registrar told her that the sex at birth was the only standard to deal with marriage matters. W brought the case to the courts, holding that the office had violated her marriage rights and privacy. Both the trial courts and the appeal courts upheld the office decision. In 2013 the Hong Kong Court of Final Appeal granted a transsexual's right to marry in their current sex a person of different sex. And the meaning of "female" includes

male-to-female transsexuals who have undergone sex reassignment surgery and had confirmed it by the Health Department's consent.

Now, in mainland China, transsexuals do have the right to change their sex on their identity cards. In other words, they do have the right to marry someone of the different sex after operation. The question is, how is the realization of such rights in concert like it was in Hong Kong? From the perspective of comparative law, we find transsexuals' right to marry in mainland China was achieved through a silent change without any landmark cases in judiciary, without any debates and hearings in legislature, and without any legal adversity from transsexual communities.

The silent process was probably happening like this. First some local governments recognized sex changes in civil register and then there comes news that transsexual people register for marriage. We cannot find any translation between sex changing households' registration and transsexuals' right to marry. It seems that transsexuals' right to marry is only natural product of sex changing household registration. More likely it is not about marriage of these terms acceptance of new type of human being, transsexuals.

Professor Yung Dho was a leading expert in the field of marriage and law. He pointed out if a person's biology for sex is consistent with his or her certification of household registration, then the marriage registration is legal as long as transsexuals have completed the sex reassignment surgery and as long as they have changed their sex on household registers through legal procedures, or in other words as long as their bodies and papers are consistent, their marriages are lawful. Law lives in the present. If the subjects of the marriage, a man and a woman, definitely they can call it a marriage.

In mainland China there was no debate on whether marriage should be based on sex at birth, nor was there any discussion on whether a marriage should be related to reproduction. Both of these two questions have been haunting court cases in Hong Kong. Two arguments of the court are worth mentioning here in the case of *W v*

Registrar of Marriages. Firstly, if transsexuals are allowed to use their sex by choice in marriage, then this may open the door for same sex marriage in Hong Kong. Secondly, the essence of marriage is for procreation, which is particularly important in Hong Kong, a typical Chinese society. Thus, it's not easy to recognize transsexual rights to marry, but in China, transsexual marriage is easier than in Hong Kong.

Even if eventually Hong Kong Court of Final Appeal granted a transsexual's right to marry, the court carefully avoided the equal protection clause. Why is that? If the equal protection clause was to apply, the more space may be given to the same sex marriage legal adversity, yet the court has not been ready for that. From this case we may conclude in Hong Kong the fear for same sex marriage has been along the lines of debate over transsexuals' right to marry. Well, generally in mainland China, governments and courts do not see this link.

To illustrate this point, I would like to introduce another case in mainland China. In Shandong Province, Gao Zhingxing, a male at birth has been expecting to have sex reassignment surgery since the age of 20 and he still married a female and had two daughters. At the age of 30, he sued a hospital. In 2005, the hospital proposed to carry out sex reassignment surgery on her for free. Gao Zhingxing was responsible to provide the legal documents. After Gao Zhingxing had provided some legal documents, the hospital refused to accept her on the grounds that the legal documents were incomplete. Gao Zhingxing sued the hospital requesting the court to order the hospital to fulfill the contractual obligations and perform the operation as soon as possible. The court held that one of the regulations one must divorce first before going for sex reassignment surgery. Since Gao Zhingxing cannot provide any proof of divorce, the hospital could suspend the operation. Accordingly, the court dismissed Gao's claims in the first instance. Gao appealed to another court. The court took the view that the hospital did not require Gao to provide divorce certificates. So the hospital had no legal basis to suspend the operation. Finally the hospital offered to pay Gao 50,000 yen

compensation.

The current laws in China do not prohibit sex reassignment surgery during an existing marriage. However, this necessarily ends up with a marriage between two people of the same sex. In Gao Zhingxing's case, the intermediary court was aware of this dilemma, but it said must divorce before undergoing sex reassignment surgery. The intermediary court reasoned a lawful marriage should only consist of two people of different sexes. And the same sex marriage that is resulted from the sex change of one partner is not protected by the marriage law. However, this should not become the reason for prohibiting the sex reassignment surgery of a married person. The object of law is behavior rather than the result of certain behavior. Therefore, absent any prohibitive ruse, we cannot deny the legality of behavior only because of its possible illegal consequences. In Gao's case, having sex reassignment surgery is a lawful disposal of her own body rather than a espousal rights; hence, the court will not deny a person's right to body disposition solely because it may affect the case.

The following acceptance of transsexual marriage rights in mainland China and of the judgment in Gao Zhingxing's case have shown that the fear for same sex marriage has not yet been prevalent when they explain the lack of political sensitivity from the following respects. For transsexual right to marry, marriage was only recognized within a framework of different sex marriage, which is main street to some degree. Secondly, the social movements campaigning for same sex marriage in mainland China have not either been strong enough to force the government to defend the purity of traditional marriages. Third, in fact, in mainland China religious forces are also suppressed and they have not had the chance to actively defend the traditional marriage.

A few years ago, a Chinese actress, Lu Liping, who is a Christian, made anti-gay remarks on the Internet. Our CCTV, Central Television, the Committee's party voice, said homosexuality is way of life and is worth respect. So, therefore, in mainland

China Communist Party, fundamentalism, and LGBT rights have complicated the triangular relationship. There is no religious freedom. I mean there is no religious freedom restoration act in China. There is no religious freedom. There is no religious freedom restoration act.

I also told those two cases, Gao Zhingxing's case and W's case, to one of my friends, a leader of LGBT grassroots organization. He said Hong Kong's laws took everything too seriously unlike those in mainland China, which is rough, inconsistent, and free from cumbersome frameworks. But in my opinion, the transsexual marriage rights issues have exposed some drawbacks of more than government mentality. It's true that rigorous systems, rule of law, and formal procedure, can ensure stability and predictability of social life, but sometimes it can make us live as described about Max Weber.

Therefore, the comparison I just made is not so much about differences between Hong Kong and mainland China as the difference is between one modernity and pre-modernity. Mainland China is not a rule of society, but this society may leave some room for the substance and the abject. There is no time. That's all. Thank you for your attention.

MS. HORSLEY: Good morning, everybody. It's a real honor to be here this morning. Studying women's rights and LGBTQ rights is not a focus of my work, which has been dealing with governments and dealing with good governance issues, but as a woman who has lived through the feminist movement in the United States and has spent a lot of time in China and anyone who follows Chinese law tries to follow all the issues, I've found this to be a very important and fascinating issue. I'm grateful, and I congratulate the panel this morning and my co-panelists for contributing such exciting and important information. And while it might sound like it's a discouraging situation, I, in fact, feel very energized because this sort of illustrates one of my themes, which is while we've been so focused on the amazing economic transformation in China, we haven't

talked so much about the social transformation. Despite restrictions on civil society, despite the suspicion of the foreign funding, which has really come to the fore in recent days, despite the difficulty of pressing these rights, you can see what a vibrant, vibrant civil society exists in China.

I'm also struck by something Professor Li said this morning. She didn't think Asian women were really all that different from Western women. And hearing this discussion, it's very clear that what China's going through -- the issues being addressed, the balancing that is going on, and the change in social norms -- really resonates with the U.S. experience and, indeed, it's part of a global experience as well, too.

So we're shifting now from a discussion of social norms to the discussion of how law can help protect, how law recognizes and tries to help protect some of these rights. But, of course, the two interact. You need good laws to establish the basic framework, the foundation on which behavior and rights will be enforced. But without the support of the norms, recognition within society of the importance of these rights, it is very difficult to enforce. So the two sort of go together I would think.

What is the law in the protection of women's rights? You've all heard this morning that the Constitution protects equal rights for women, and there's a very foundational law in China called the "law on the protection of rights and interests of women," which was first passed in 1992 and revised about 10 years ago, in 2005, which actually enunciates a very impressive laundry list of rights for women. It establishes and reiterates the foundational principle of equality of the sexes and, uses the word, nondiscrimination.

Moreover, this law encourages women to protect their own rights, which is very, very important because the government seems to be suspicious of what in the U.S. we call "private remedies" or individuals and groups trying to help enforce the law. It also charges the Women's Federation, which we've heard about this morning -- Fulian -- to help protect women's rights and in some cases, we heard about their involvement in

promoting the leftover-women concept. But I found in the area of women's rights, a lot of the local Women's Federations are really, really working hard to address domestic violence and sexual harassment and employment discrimination, et cetera. So, in fact, they can be a very positive force as well.

The law establishes labor equality and the right to equal pay. We know in the United States how hard that is to implement. President Obama recently, of course, made the big push about changing the situation where even in the United States, women get about 70 percent of the wage that a man doing the same work would.

The law also provides for equal property rights for women, which is a very complicated issue in the Chinese context, and specifically protects against sexual harassment, which is what our Women's Day five were protesting, and domestic violence.

But, again, this laundry list of laws is very hard to implement. These ideas need to be defined and practiced. In the U.S. and other countries we've established some government institutions, for example, equal employment opportunity commissions, that would help give avenues to enforce rights. And traditionally the Chinese courts have been fairly weak and reluctant to take on sensitive and difficult new issues. Nonetheless, we're seeing some progress go forward, and I want to talk about some of the positive things this morning.

First, unemployment discrimination: China also passed an employment protection law that establishes the right of equal employment and no discrimination based on gender, religion, ethnicity, et cetera. It doesn't specifically mention sexual orientation, however. Still this law's a big gap. For example, it does not apply to the hiring process. It only applies to employment, once you've already got your labor contract. So you have this huge vacuum. This Women's Federation did a survey and over 70 percent of female college graduates say they've experienced discrimination in the hiring process.

Still, we've recently had two firsts, one real first case of a woman

successfully bringing an employment discrimination case. The first one was in Beijing just a couple of years ago where the young woman was applying for a job with a private tutoring company and was just told to her face, we want a man. Well, she went to court and she won and was awarded 30,000 renminbi, which is about $5,000. And last year in Hangzhou a woman was applying to a cooking school and she was told the same thing blatantly. We want men. She went to court and won, too, but she only got 2,000 renminbi in compensation for that.

Nonetheless, these cases are seen as very important because they kind of opened the flood gates, especially since you may have read we're now moving toward in China a new kind of judicial transparency. For the first time in Chinese history, Chinese court decisions are being put online and this is an amazing resource. There's over 6 million cases already now on the Supreme People's Court Website. I haven't had a chance to go search, but it's searchable. So people can go in and see who's won what cases. What were the arguments they used? What were the facts that helped? And that will help promote the advocacy.

Now, for the LGBT community, there has been some progress. As you may all probably know, in 1997 homosexuality was decriminalized. In 2001 it was removed from the list of mental illnesses, but there's still to date no national law or regulation that addresses the issue of discrimination based on sexual orientation or offers protection for LGBTQ rights. I've learned that word now, too. The only regulation we've actually been able to find is a very local one in Cheung Chau Hunan. It's a regulation on credit reporting and it prohibits collecting personal, private information and describes private information to include information about one's sexual orientation. So this is Cheung Chau Hunan, very interesting. Don't know the background of that particular provision.

Nonetheless, this January, just a couple of months ago there was another first: A very important case where a young man in Shenjung claims that he was

illegally terminated on the basis of his sexual orientation after he and his colleagues were sort of “outed” on social media and then admitted that they were homosexual. He was fired allegedly on other grounds, but he took this case to court. And the really important thing is that the case was accepted by the court and it was heard on January 22. Now, I haven’t read the result yet to see if that opinion was announced. Maybe somebody in the audience has more updated information. But this may well establish kind of a precedent or an opening, so at least you can get into court, make your argument. The court has to issue a decision and explain its decision. So we’re all waiting to see how that happens.

Now, moving from employment discrimination to another very important issue that, in fact, was addressed 20 years ago at that Beijing Women’s Conference, and that’s domestic violence. The recognition of domestic violence as a crime in the U.S. and other countries also has gone through a very rough period. It’s the question of when should the state intervene in family matters in the privacy of the home? And it’s been a long road to try and get cases of marital rape and domestic violence to be treated for what they are, which is a crime.

So there’s been a lot of lobbying on the domestic violence issue and long-time work by the Women’s Federation and others on drafting a law. The law is on the National People’s Congress legislative agenda now and it has been fast-tracked for action this year. An initial draft was published for public comment and it has a lot of good things in it, but it maintains the traditional view that this is primarily a civil matter. It provides, for example, protection orders, but they’re civil protection orders, which means you have to go to court to get them enforced. Very interestingly, just last month the Supreme People’s Court, the Supreme People’s Procuracy, the Ministry of Public Security, and the Ministry of Justice all issued a joint set of provisions on domestic violence that treat domestic violence as a crime. The focus is the protection on the victim, on the safety of the victim of domestic violence, not on family harmony.

So this also has a lot of good things in it as well. It seems to expand the

definition of domestic violence to others, to co-habitants because apparently this is a big issue between young people living together or college students living together. There's a lot of domestic violence. There's a lot of lobbying going on by the women's groups, but also by a lot of NGOs and others on this issue to get a good law in place.

On property rights, little noticed. But Barry Naughton, who's Brookings I believe, pointed out there has been some movement on the whole issue of rural property rights. We've heard a lot about urban Chinese women, but rural Chinese women have it even worse in many, many ways. One of the big issues for them has been their right to property in the countryside, which is very complicated and I won't get into. But one good thing is that, again, in a party state document called Document #1 that comes out every year on rural issues included in it a need to change the legislation to address this new concept of property rights and make them stable, but also specifically a sentence "And to protect the property rights, the contractual property rights, for women." So we're very interested in seeing that.

Finally on gay rights, I want to just mention one very interesting case again recently using new Freedom of Information Act in China, which a lot of nonprofits have discovered is a very, very useful tool to get information from the government that you can then use to advocate and to bring lawsuits. This young man applied to register a gay rights NGO in Changsha, Hunan, the Changsha Comrades Center. He was denied, and he was told verbally it's because there is no legal basis and gay rights organizations are not allowed. So he was unhappy. He filed an information request asking for the document that showed why there's no legal basis for registering a gay rights NGO. He got a response from the government in writing that articulated two grants: Number one, that the marriage law only recognizes marriage between a man and a woman and, therefore, gay marriage is illegal. And number two, the regulations on registering social organizations say you can't register if your activities are illegal or contravene socialist morality. And they held that homosexuality is against traditional Chinese culture.

Well, he went to court and filed a defamation suit. After amending it several times, the court actually accepted the case and they heard the case in March 2014. Now, the court rejected the suit, but it was the first time that a court has specifically addressed the issue of gay rights and homosexuality in China. And the grounds on which they rejected the lawsuit had to do with the fact that the document this young man obtained through their Freedom of Information Act was just nonbinding guidance. It didn't provide a legal basis for him to go challenge. And they found against him on that ground, but again at least they raised and made much more public this whole question of is it really against the law and socialist morality to have a gay rights social organization?

So I have to stop there. But at the very end I want to say again how excited I am to see and hear from the people here this morning and see what's going on. And despite all the restrictions we see and the bad news we keep getting and the treatment of the Women's Day five, there is such dynamism, such development, and such enthusiasm, that it makes me feel very happy. Thank you all.

MS. STERN: Thank you so much. It's such a pleasure to be here today. Thank you, Cheng Li, for inviting me.

The piece of the puzzle that I want to add to this conversation is I want to spend my 12 or 15 minutes with you today talking explicitly about the possibility of bottom-up legal mobilization. This is very much in keeping with what Jamie was just saying. What are the possibilities for individual women to bring lawsuits, to fight them, and to win, and to bring attention to these issues surrounding gender equality?

I have to say that in preparing for this today, this was very much on my mind. I live in the Bay area. I teach at Berkeley. And all we've been talking about all week, or all of last week rather, is the Ellen Pao lawsuit; Ellen Pao, of course, being the woman who brought the lawsuit, the employment discrimination lawsuit, against the venture capital firm, Kleiner Perkins. She lost in court and the conversation has been

around she may have lost in court, but maybe she won in the court of public opinion by drawing attention to these issues.

So I mention Ellen Pao for two reasons: One, I think it's obvious, but it kind of needs to be said, too, we're fighting our own battles here in the United States around misogyny and sexism and employment discrimination. So that's worth acknowledging. And then it gives me a chance to queue up the question about China and to say where is China's Ellen Pao? Is she out there? Is she coming? What kind of battles and challenges will she face in bringing her version of this lawsuit?

If you take, I don't know, like three or four giant steps back from the situation, it seems like the conditions might be pretty good for China's Ellen Pao. Xi Jinping comes to power. One of the big focuses of his new administration is rule of law and building rule of law. The Chinese Communist Party has long been committed rhetorically to gender equality. Professor Wang mentioned this morning that that was part of the success of the Chinese Communist Party, especially in rural areas, in the 1930s and 1940s as they were building support across China. The employment protection law specifically mentions gender discrimination. So it seems like there might be grounds for a lawsuit in addition to this rhetorical focus on rule of law.

And then to add a third element, what we've seen in the last 15 years in the 2000s is the emergence of a coterie of lawyers who are interested in taking on at least some *pro bono* cases and using the law to push along social and political change. So I'm talking about a wide range of people who go by a wide range of labels. These are the rights protection lawyers -- the human rights lawyers, and also the public interest lawyers -- at least some of whom seem like they might have interest in picking up and taking on a gender discrimination case. But when I look at this landscape and -- I don't know, it's like we're doing a good cop-bad cop thing here. Jamie brought the optimistic perspective and told us about all the good stuff that was going on. But when I look at the same landscape, I don't see a lot happening. And, of course, there are exceptions. Goa

Jiang Mai's legal aid organization in Beijing is certainly an important one. But it's notable that last year in 2014 was the first gender discrimination in case in hiring.

And this is really noteworthy because if you ever look at the advertisements for recent graduates in China, they're kind of amazing because they so often have age or gender requirements just in them as part of the ad. So "clerical support wanted, woman preferred, under 30 better, pleasing attitude, please." You will see that kind of thing in job advertisements, which, of course, is totally discriminatory language. So it was a big deal. Sao Ju, which is the Beijing case last year, brought the first case about discrimination in hiring. This was because she was explicitly turned down because the company said they needed a man. And that case was groundbreaking and it was a big deal. I don't mean to take any of that away from it, but there hasn't been a lot of action. Cases are pioneering for a reason. It means there's not a lot happening there.

So even though I teach in a law school, I'm trained as a political scientist. And political scientists in general tend to study things that do happen. We're interested in protest. We're interested in revolution. We're interested in things that happen and that change the world.

So I want to flip the question a little bit and ask how do we understand the politics of inaction in this particular legal and political space? And how in the process of understanding that do we map gender onto the landscape of issues of legal activism? So how is gender similar and different from other causes that people are interested in pushing along inside China, whether it's environment, whether it's freedom of speech, whether it's government accountability, whether it's corruption? These are all issues that are on the table, transparency. There's a whole nexus of issues on the table that at least some lawyers are interested in picking up and bringing to the courts.

So where does gender fit into this? To some extent it faces the same issues and some of the same ambivalence as these other types of legal activism. I did a big project on environmental law and environmental litigation. And there you really see

the tension between on the one hand the state treating these lawyers and thinking about them as troublemakers and then sometimes switching gears and thinking about them as public-spirited volunteers who are helping out weak and disadvantaged groups.

So in this sense I think that gender and women's rights and LGBT rights are quite similar to environment, labor, and all of the social issues that we might say are a little bit politically sensitive; that they're kind of in the middle. They're right at the boundary of what is possible to talk about and to push for in China. I think about them together and collectively as examples of boundary-pushing politics.

But there are I think two things that are different about gender that changed this landscape. And I never thought I would say this because when I was doing the interviews for my book on environment, I thought that that was the hardest issue area ever. And the environmental lawyers all said it is so hard to bring and fight and win these environmental cases. But I actually think that gender might even be a little bit more difficult and face a little bit more of an uphill battle. And I think that for two reasons. The first is the structure of the bar itself. About 20 percent of lawyers in China are women and that is a number that has not been rising all that fast. It's a number that has been rising slowly, not nearly as fast as the general expansion of the legal profession. And in general in any society when the bar gets bigger, it tends to get more diverse and you tend to get a wider array of interests and causes inside the bar. So the fact that the feminization of China's bar has been so slow I think is directly related to why we see so few cases involving gender equality and women's rights. Again, cross-culturally, cross-nationally, across time, across a lot of things, female lawyers are more likely to represent female clients disproportionately. So I think that these two are intimately linked, the feminization of the bar and the relative absence of women's rights cases in the legal system.

And the other factor that I want to bring up, again putting on my hat as a political scientist, is I just have to talk about the state for a second because we haven't

really talked about it this morning. There's this really deep ambivalence I think at the center of the Chinese state around gender issues. There's that great history of commitment to gender equality. There are all those Mao and socialist slogans about women holding up half the sky and pushing women into the workforce to work and to join in the process of socialism.

But at the same time this is a state where it has to be pointed out there are deeply discriminatory policies that have been implemented by the state and that are on the books. I'll just give one example in the interest of time, which is differential retirement ages for men and for women. So men who work for the government in China retire 5 to 10 years after women do, so women are often facing a forced retirement age of 50 or 55. That's really young. It has implications, of course, for pensions, but also, especially as life expectancy rises, a lot of people are just hitting their stride at those ages when they might be pushed out of the workforce. So I'm using that as an example of I think the tension inside the Chinese state about how to deal with gender equality and whether or not it's an important issue.

So when I look at the environmental lawyers, I think they really in a sense have the wind at their backs and have a sense that this is an issue of rising importance to the state and to the Chinese Communist Party. And I don't think that the lawyers who take on cases related to women and to gender equality have the same sense at all.

So this attitude trickles down and it manifests itself in the court system. I just want to mention two particular places it does. The first is the courts will refuse cases that they don't want to deal with. That's absolutely routine even though it's not supposed to happen on the books. So, for example, the employment protection law doesn't define discrimination. It says no discrimination, but it never gives any guidance about what it is or how you might know it when you see it, and the Supreme People's Court hasn't stepped in to issue an interpretation, which is what they might do. So in a situation of

legal ambiguity, it's kind of understandable why the courts might step back and choose to pass on a case that seems both difficult and politically sensitive.

And then the second point is that the burden of proof in these employment discrimination cases is on the plaintiff. This might seem like a minor or a technical point, the kind of point that someone who teaches in a law school would bring up, but it's actually totally critical because the burden of proof is a huge signal from the state. It's the state putting its thumb on the scales of justice and giving a sense of how the authorities want these cases to go. So by putting the burden of proof on the plaintiff, in this case on the woman who would be alleging discrimination, again, that means that the lawyers and the women who are bringing these cases -- the Ellen Paos of China -- really are facing an uphill fight first to get in the door and then to win their case.

I'll leave it there. Thank you.

MS. MOON: We're going to now spend a little bit of time discussing some of these issues. I'll have a few questions for our panelists and then we will open up to the floor. We will end no later than 1:10 because I have to get on an airplane.

I'm going to just raise some points, and these comments and questions are not necessarily directed toward anyone in particular. But what I always like to do is point out some of the issues that go missing in a discussion. And then I have a larger question based on all of your expertise as experts in the law and China.

So a few comments on what I haven't heard today at the conference, which is number one issues related to women, men, children, and the trafficking, human trafficking, especially for forced marriages in China and sexual labor, forced sexual labor. And I think this is a very pressing issue internationally, and we know that in China it is also a very significant phenomenon. So I think that's something maybe hopefully we can take up at another conference, Dr. Cheng, but something that if you care to address, wonderful.

Two is a related missing element here -- a population of Chinese women

increasingly going as marriage migrants to foreign countries whose abuses abroad are not being protected by the Chinese government or Chinese society or by the host society necessarily. This is another issue area that I think is going to grow and so we need to pay attention to.

A third issue here is single mothers in China. As far as I know there are no particular government support structures for single mothers, and this is related to sexuality and the freedom of one's sexual expression and acts. It's also related to the pressures of marriage. It's related to economic pressures and class issues. And it's related to the hukou system because even though legally a child born in China of a single parent can be registered in the hukou system, often it's up to the local officials to permit it or not and in many cases the children go missing. So they're unregistered; therefore, they don't exist legally in a way and they are not able to access other rights. I thank my research associate, Paul Park, for bringing this to my attention.

The last comment here about what's missing is I'm so glad that you had brought up the reality of rural women being very different from urban women, but also ethnic minority women and the autonomous zones. We know that's such a significant portion of China's large population. It's not Han Chinese, and China has many Chinas or some anti-Chinas also.

And so how do we look at women's rights, gender issues, sexuality issues, LGBT issues in the context of minority rights in China. My one question -- and, again, you can take it or leave it and we can open it up -- is no one has mentioned human rights in China and yet what we are talking about today is human rights. On the international level in international law and international trans-national activism, all of the issues people have raised today are part and parcel of the larger category of human rights law and human rights activism. Yet why have we not mentioned human rights? How does your work on these different rights and the different legal aspects of the rights tie in with, or perhaps not able to be tied in with, a discourse on human rights in China?

So I'll leave it at that. Would anybody like to address any aspect before we open up to the floor?

MS. HORSLEY: Well, talking about the human trafficking issue, I was very interested when we started seeing the imbalance between the male and female after the one-child policy led to this preference for giving birth to boys. There was almost a resurgence of the traditional crime of kidnapping women for marriage and to take them into a household as young daughter. Now we call it human trafficking -- that's the modern term -- but it's a very, very old crime that we've seen throughout Chinese history.

I know China has joined some of the international conventions and they are trying to work on it, but I do think that it's a big issue. My own personal suggestion to the Chinese government about their population imbalance and easing of the one-child policy would be they should consider more liberal immigration policies like we do in the United States. They have a big problem of way too many men and not enough women ironically because we're still struggling for those women to get the rights that they deserve under law.

MS. STERN: I was just going to jump in on the last point about women's rights and human rights. I think it was in 1995 when Hillary Clinton went to Beijing. She famously said "women's rights are human rights" and made that link explicit that we've been kind of dancing around all day. I think we got closest to it when we were talking about the five feminist activists who have been detained. I mean that is so clearly a human rights issue, not that the rest of it isn't. All of it is a human rights issue, but that really brings that issue to the forefront, to look at the ways in which freedom of expression is really bound up with women's rights and in pushing forward this agenda.

So I'll just take that as a reminder I think that sometimes I think those of us who study China can I think get caught up in the Chinese state's own vocabulary about these issues, which tends to focus on segmented forms of rights -- hyphenated rights, women's rights, environmental rights -- as opposed to the umbrella term of human

rights. It's good to be reminded that that's actually what we're talking about, that it's all under that umbrella.

MR. XIAOFEI: (Speaking Chinese) Sorry, I have to speak in Chinese. Let me add to the issue of human trafficking. I think globally when people talk about human trafficking, usually they refer to sex labor. But in China, I think the situation is different. When it comes to human trafficking, the issue is not mostly about sex labor. I have a professor at the university by the name of Professor Pan. He did some study on this issue and he's also advocating the criminalization of prostitution. According to the study, his long-time study, when it comes to human trafficking, the issue of sex slave is very -- it's not a big issue of this problem.

And so the main thing is I think it's also very interesting to notice that in rural China sometimes the issue of human trafficking might be confused or linked to the issue of marriage in which too much dowry is demanded. So when you demand too much dowry, are you selling sex? So here we can see a linkage or a blurring of lines between human trafficking or between sex slave and marriage, which demands a high dowry.

But, again, I think in China the situation is kind of unique. It's different from the global issue of sex slave and human trafficking.

MS. HORSLEY: I'd just like to say, too, that I think one reason we didn't mention human rights as we sort of assume that this is a human right. In fact, I think all the work we do -- all the work everybody's doing, but particularly in the legal field where we're working -- we think helping to work on legal reform, legal improvements, legal protections for rights, all of that is precisely about human rights, but talking about it in a vocabulary that is not as confrontational as directly calling it human rights. I think that's sort of an assumption of almost everything that we do.

MS. MOON: I think those of us who've studied social movements, as Rachel has also, I mean the framing of an issue, how you do it locally, regionally,

nationally, internationally, is critical and sometimes the framing is different at all those levels.

Just a rebuttal in terms of the trafficking issue, I was specifically -- there is internal trafficking within China, a lot of it for forced labor in general, not just sex labor. But also there is the specific problem of trafficking of North Korean women into China, a quite significant phenomenon, who are forced into marriages and into the sex industry. And so I'm also talking about cross-border sex trafficking and, of course, there are Chinese women who go cross-border into the sex industry and also into forced labor outside of China.

So let's just open up the floor and take some questions. If you would tell us who you are and just keep your questions brief, one question at a time, please. Yes?

QUESTIONER: Thank you. I'm Nancy Tang from the Carnegie Endowment for International Peace, but I'm here in a personal capacity as a young Chinese feminist. So I think this is a question for Rachel Stern, but for all the panelists as well. You had pointed out the embedded activism nature of like whether it's environmental activism or feminism in China. This is a question that has actually surfaced after the arrest of the five feminists recently. How to understand the relationship between Chinese feminism and other forms of human rights activism, especially like the more controversial, for instance, the democracy movements and other reforms of dissidents' movements.

And I think the larger overwhelming question that I have is that in a society with no oversight or checks and balances on the state power with no actual judicial independence or like no actual free media and no like as a vibrant civil society as one may wish, would it be possible to actually approach a certain status of gender equality or in an environmentalist movement under a current framework without challenging the state power? Thank you.

MS. MOON: We'll take another question, please, if you have one, and

then we'll come back to the speakers. Any others? Okay, Rachel?

MS. STERN: There's so much embedded in that question about whether or not it's possible to push for social and political change without bumping up against state power, or at what point you bump up against state power, and whether or not it's possible to -- really these issues are about taking or redistributing political power and that's always a contentious process.

I certainly think that the people who are involved in these movements see them as a critique inside the hegemony, and what I mean by that is actually something really simple. I just mean that they don't see themselves as opposition politics. I think there's a genuine sense of being loyalists and patriots and pushing inside the system for a better China and a sense of optimism that that's possible, that it's possible that the system can go a good way towards reform without under the leadership of the Chinese Communist Party.

So I think that that's the perception of the people who are leading these movements, although I think you're right to point out that kind of in the end what you need is a redistribution of political and economic power and that is always going to be contentious.

If I put on my social movements hat for a moment, what has struck me is so interesting about the arrest of the five women was they were expanding into a type of activism. They were doing this kind of performance activism or street activism. I'm afraid that what their arrest is going broadcast to other groups is that that tactic is off limits, that it was a question of tactics, and I'm drawing a line to push that particular kind of outreach directly into the public sphere as something that's not acceptable. And it's particularly noteworthy because some of the activism surrounding HIV AIDS had used very similar tactics. So it's a change. It's a shift. It's a tightening and a clamping down, which is part of what has made this so momentous on the one hand and so disturbing on the other.

MS. HORSLEY: I thought when talking about the five women, when it

first happened, I thought it was probably more not about the message, but about the means. And not so much the performance art per se, but the fact that it was organized to take place in several different cities at once. And if you remember back to the Dreon case, that was one of the big concerns for him. It was not just the message. It was the fact that he was accused of having kind of masterminded this national movement. And it seemed to me that that was the frightening thing, the organizational aspect that really appeared to be a challenge. But I wonder, given this amazing outpouring of anger and then support for the women, whether now it's shifting again and focusing more on the content in a way.

And I just wanted to comment that in dealing with social change, there are a lot of mechanisms now that you didn't have before in China. You don't have to just protest. The government is conscientiously trying to provide more mechanisms, and I think a lot of that is good. So, for example, a lot of these groups inside the government and outside the government they are working and cooperating with government on draft laws and policies. They are participating formally when they put out laws and regulations now for comment. That's an established routinized thing. But informally there are a lot of meetings with them as well and, as Rachel said, I think they try to cooperate with the system.

But then at the end of the day, often lawsuits now are a new form really of protest in a way of trying to protect the rights. But it fits within the party's own rhetoric. They're trying to move protests off the streets and into the courts. And what we see now is a movement with this emphasis on rule of law and judicial justice and trying, and it's very interesting, trying to make the courts more professional and at least somewhat more independent. And under the current president's Supreme People's Court, we really witness amazing things in terms of the kinds of cases they're now taking. There have been two now sex discrimination cases by women at least and maybe more that we haven't even heard about, and some of the opinions that they're issuing and explanations

that they're giving to people.

So I think it's sort of an interactive thing. This kind of thing with the women I think always kind of stumps us because we don't know what was thinking or what was exactly the catalyst. In the current environment it looks depressing, but if you sit back and try and analyze everything that's going on, I still think that there are positive things that we shouldn't forget and try to figure out all the contradictions in terms of the rhetoric and then the action that's going on in China today.

MS. MOON: Li Cheng has a question.

DR. CHENG: Excellent presentations, really all of you. We talk a lot about the bottom-up movement, but let's also look at the top-down, particularly the rise of legal professionals in decision-making circle over the past decade. And, of course, there are a lot of fake degrees, but also the fake degree itself in the field of law itself is meaningful. But most importantly there are some of them really got solid law degrees and some of them studied at Yale, at Berkeley, and some of them also study at the Chinese University of Political Science and Law. Could you comment if this should be the reason for optimism? Could you even give some examples?

Now early this morning we talked about the West's inference of conspiracy, but the whole thing's about the legal profession, legal education, it really comes from the West. It's not from the Chinese tradition. So at the time that Xi Jinping emphasizes rule of law, basically you impress idea that China should learn from the West in this particular field. So I want to get your comments.

MS. MOON: Is there another question we might take before we go back to the -- yes, back there?

QUESTIONER: My name is Ming Yu Dong. I'm a student to Professor Rachel Stern at U.C. Berkeley. I'm now working as an intern at the Wilson Center. So this question is primarily addressing to Professor Stern, but I would like to hear other panelists' opinions on that as well. So a couple of days ago I think Professor Kenneth

Lieberthal at the Brookings Institute gave a talk at a CSIS on the arrest of the feminist activists on International Women's Day. And his view is that the arrest of those feminist activists doesn't really mean that the leadership is going against the feminist movement in general. It's simply the leadership doesn't want any agenda that gets ahead of its own planning from bottom up. They would rather implement top-down reform or improvement going after Dr. Li Cheng's point.

And I remember that back at Berkeley we had this class activity where a lot of our classmates rated gender issue as a less sensitive issue on the all-politically sensitive spectrum.

So my question is after this arrest of the feminist activists, do you think gender issue is at the bottom of the sensitivity spectrum or is it rising? And do you agree with Professor Lieberthal's evaluation of the political significance of this event? Thank you.

MS. STERN: I can pick up. I will give you my interpretation of the event, but I also just kind of want to take a step back and point out the environment of uncertainty that surrounds any kind of crackdown in China, and the fact that the conversation then becomes a conversation about what line did these activists cross? And it's hard to know. We've got a whole bunch of different theories. Professor Lieberthal has a theory that the state wanted to take the lead on the issue. Jamie said maybe it was the organizational structure, that there was too much going on. I've heard other theories about timing, about all kinds of different things.

So I just want to point out that this dynamic, this uncertainty and then the guessing and then the kind of rules that we take away, I think we have to be really careful with them because they are just guesses and they may not be as rational and thought out or planned as perhaps we give the Chinese authorities credit for.

My own theory -- just to add to the pot having just told you that we should stop engaging in this part of the game -- but my theory is as I was saying, I think it's

about tactics, about the street protests in particular. And I think it's about the distinction between people who work inside the system and people who work outside the system. I think the pressure is to push people, push activists, inside the system into private dialogues with government authorities, into policymaking behind the scenes. And what was so scary about these women was that they were working outside the system, that they were out on the streets taking their case to social media and for that reason basically uncontrollable. And we're not inside the system and we're not responding to the warnings that people who are inside the system would probably have been responsive.

MS. HORSLEY: But yet people have been doing that before and so why now? So you raised that issue, too.

MS. STERN: Yes, this has been a kind of -- in the post-Tiananmen area there's been kind of evolutions of what's possible and what's not possible. I was a little surprised that the kind of street demonstrations and performance art were allowed to go as far as they did.

MS. HORSLEY: Exactly right.

MS. MOON: And the question about the legal profession?

MS. HORSLEY: You know, Xi Jinping has said we should still learn from the beneficial experience of foreign countries even though they're very suspicious about the foreign funding, and we still continue to see cooperation from government agencies sending people to research issues on which we have common problems and experience. They're still sending students overseas. I'm not sure whether the personal legal experience of some of the people getting into positions is going to be able to make a difference unless the system as a whole is supporting them. But one example is, of course, Zhou Qiang, the current president of the Supreme People's Court, who actually did study law at Southwestern University. He was very interested and when he was governor of Hunan Province wanted to as part of his contribution to promote development of administrative law, the law regulating relations between citizens and the government,

passed China's first administrative procedure act and promoted transparency and public participation. And now up in the court has really, really been pushing this judicial transparency piece, which is very, very important. We haven't really seen open trials yet on a consistent basis, but it's getting better. And as I mentioned, just the fact that courts are now having to make their decisions public and having to explain their decisions better than they've done before so that they can educate the people, part of it is instrumental. They also want to be able to lead and control public opinion. But this whole idea of the courts being more responsible and by having to make opinions public just like in the government, the idea is it's less possible to have undue influence leading to political outcomes that can't be justified on a legal basis as well.

So I think that it's positive, but people used to wonder whether having Li Ku Chong who also has some law background, too, might make him China's next Gorbachev. I don't think anybody is thinking that now.

MS. MOON: Okay, we are at the closing hour and I am very grateful to our panelists, both for this round and for the earlier panel, to Li Cheng, and especially to Ryan and Vincent -- are you here? -- our staff, our fantastic staff. All of the senior scholars here at Brookings, we cannot survive without our staff and actually several of them are sitting right here. Would you all stand up, please, if you are in the room so that you can get the credit for the work? Don't be shy, come on. Thank you very much.

I hope this will be an ongoing conversation through the years, and it'd be nice to have you back at some point to see where we are a few years down the road.

So thank you and thanks to all of you. Goodbye.

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CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2016