

China's Paradox Passage into Modernity: A Study on the Portrayal of Sexual Harassment in Chinese Media

Diana Fu

Introduction

In October of 1949, Mao Zedong led the Red Army into Beijing, founded the All-China Women's Federation, established a constitution that promised to protect the rights and interests of women, unbound women's feet, and trained them to become party cadres so they could "hold up half the sky." Almost half a century later, the muddy, cloudless sky that domes Beijing is still in place, but the women who struggle to hold up their share of it need to hurdle an additional bar: eating tofu, a Chinese colloquial term which refers to sexual harassment. Having passed the 1992 Law of the PRC on the Protection of Rights and Interests of Women, launched the 1995 to 2000 Program for the Development of Chinese Women, and held the 1995 UN Convention on Women's Rights in Beijing, the Chinese government seems determined to project an all-new image of China as not only a burgeoning global economic power, but also as a modern socialist nation that is undergoing tidal periods of rights-based social reform, the most exceptional of which is women's rights. Within this broad umbrella, the government has most recently turned its attention to cracking down on sexual harassment.

“...IT IS PERPLEXING THAT THE CHINESE MEDIA OFTEN FRAMES SEXUAL HARASSMENT WITH RIGHTS-BASED RHETORIC DESPITE CHINA'S FIRM DODGING AND EXPLICIT REJECTION OF WHAT IS REGARDED AS A WESTERN-IMPOSED HUMAN RIGHTS WATCH.”

Beginning in the 1990s, Chinese mass media including newspapers, films, magazine, journal articles, and television, began inundating the Chinese public with stories of sexual harassment. Daily, national newspapers publicized the status of the Capital's first sexual harassment lawsuit, law experts' debates, and the possibility of a counter-sexual harassment law. This deluge of reporting is interesting for several reasons. First, the Chinese term for sexual harassment, *xing sao rao*, is a foreign notion that was transported into China only in the early 1990s, contemporaneous with the flourishing of Deng Xiaoping's open reforms and China's emergence onto the world stage. Second, the Chinese government and media devotes overwhelming attention to sexual harassment while the country is plagued with other atrocious social ills such as the trafficking of women, infanticide, widespread poverty, enormous income disparity, and terrorism in the northern provinces. Third, it is perplexing that the Chinese media often frames sexual harassment with rights-based rhetoric despite China's firm dodging and explicit rejection of what is regarded as a Western-imposed human rights watch.

46 *China's Paradox Passage into Modernity*

Greater China

Finally, news coverage of sexual harassment almost exclusively revolves around urban, professional women, thereby marginalizing an entire section of the working population: migrant female workers who are arguably the most defenseless and disadvantaged sexual harassment victims. In other words, it is ironic that the Chinese government should choose to focus on combating sexual harassment. This irony, in turn, makes it worthy to question exactly which social, economic, and political factors push the Chinese government to address sexual harassment, as well as its implications for the Communist party. Through analyzing numerous Chinese newspaper sources, academic journal articles, and magazines articles, I argue that the Chinese government is launching a serious, wide-scale campaign against sexual harassment to secure international recognition for its modern rights reforms, trumpet women's rights as a socialist achievement, and strike at a pervasive social ill which not only threatens the national economy but also permits transnational companies operating in China to take advantage of a gap in Chinese law.

Methodology

In conducting this research, I have translated and analyzed over eighty Chinese language newspaper articles from a wide variety of sources including *The People's Daily*, *Xinhua News*, the *Beijing Youth Daily*, *China Economic Times*, *The Southern Daily*, *Xing Xi Shi Bao*, *Business Times*, *Youth Reference* (*Qing Nian Can Kao*), *New Fast News* (*Xing Quai Bao*), *The China Youth Daily*, *The China Morning Post*, *Life Times* (*Shen Huo Shi Bao*), *Xingming Evening News*, *Sichuan Huaxi Du Shi Bao*, and the *Zhengzhou Evening News*, in addition to numerous Chinese language academic and magazine journal articles from journals such as the *Women's Research Periodicals*, the

China Women's Movement, and *Society*. In analyzing Chinese news and journal articles, I was primarily interested in the origin of the term, *xing sao rao*, the legal standing of sexual harassment, recent cases, statistics on its prevalence, government measures, the official attitude, references to sexual harassment abroad, linkages to rhetoric of modernity/development, and both expert and public opinions.

One limitation to this methodology is that its reliance on the written media in combination with some published statistics on sexual harassment in China in order to draw the factors and implications of the Chinese government's crackdown on sexual harassment. The most direct method would be to conduct statistical analysis on the prevalence of sexual harassment before and after the government implemented its counter-sexual harassment measures, and to compare it with the Chinese government's published results in order to see if there is a gap between what is actually happening and what the government reports is happening. However, my primary goal in this paper is not to study the *effectiveness* of the government's counter-sexual harassment measures (partly because the People's Congress is still in the process of drafting a counter-sexual harassment bill), but to deduce some possible motivations behind the Chinese government's actions through analyzing the *factors* that push it to pay overwhelming attention to sexual harassment. In looking for these factors in newspaper articles, a clear link between the Chinese media and the Chinese government needs to be established.

The Chinese Media: From Propaganda Machine to a State-Market Complex

In any transitioning state, the media plays an important role because it is both a mirror reflecting society and a channel guiding the flow of society in a certain direction. Since

1949, the Chinese media has served as the voice of the Communist Party until recently, when the government's withdrawal of state subsidies has forced the press to commercialize.¹ Although this commercialization unleashed a relatively decentralized forum for entertaining, educating, and informing the masses, the state still maintains a strong censorship of any news that affects the party's image. For instance, in 1996, the government launched a Legal Awareness Campaign in which it used various media, such as radio, television, and newspapers, to publicize the Ten Basic Laws of the People's Republic of China, which included the 1992 Law Safeguarding Women's Rights and Interests.² In 1994, the Informational Office of the State Council of the People's Republic of China explicitly stated that mass media and research institutes "play an important role in safeguarding the rights and interests and promoting the advancement of women."³ Thus, the Chinese media is still obligated to be in tune with the Chinese government's agenda. The dual role of the media as both an ideological apparatus and a commodity has been termed the "state-market complex," which "works in and through the media to form a contingent and shifting alliance for winning popular support."⁴ In the end, semi-commercialization does not amount to freedom of the press but a transference of the media into the hands of the wealthy and powerful, which, in China, are the same party members, journalists, and businessmen who are supposed to regulate the media.⁵ In short,

the Chinese media is hardly free from the government's entanglement.

Mass media coverage of sexual harassment began in the early 1990s but did not provoke a nationwide sensation until China's first sexual harassment lawsuit in July of 2001, in which a female worker, Ms. Tong, lost her case against her boss on grounds of insufficient evidence.⁶ According to a 2002 newspaper article in *Xinhua News*, "The Internet, television stations reported this incident in the most prominent sections, declaring that 'China's first case of sexual harassment has surfaced'. . . All of a sudden, the sexual harassment lawsuit became a street topic. . ." Since then, sexual harassment stories have deluged the nation's newspapers, with at least four or five new articles daily appearing on the Xinhua News Agency website. Although it is not known exactly how these stories get into the Chinese media, a common trend emerged in numerous articles: the news agency receives phone calls or reader letters and then dispatches journalists to investigate scenes where the alleged sexual harassment took place and also interview the victims. Although these types of reporting demonstrate that the government does not directly handpick particular sexual harassment incidents that the media covers, the very fact that the government allows so many sexual harassment articles to appear in print implies a form of media *guidance*. In other words, because the Chinese press is semi-market controlled, the Chinese government still has power (as demonstrated in the

1 Kit-Mai Eric Ma, "Rethinking Media Studies: The Case of China," in James Curran and Myung-Jin Park, ed. *De-Westernizing Media Studies* (London: Routledge, 2000), 21.

2 "Comments On: the Law on the Protection of Women's Rights and Interests," Women's International Network (Winter 1993, v19 n1, p. 53 [1]), 1.

3 State Council Information Office, June 1994 Report on the Situation of Chinese Women, <http://www.chinaonline.com/refer/ministry_profiles/SCIO.asp>.

4 Ma, 28.

5 *Ibid.*, 27-29.

6 Mao Haifeng and Li Liang, "China's First Case of Sexual Harassment: *Quan Chen Hui Fang*," trans. Diana Fu, <<http://peopledaily.com.cn/GB/shehui/46/20020101/640225.html>>, 1.

7 *Ibid.*, 1-3.

media campaigns mentioned above) to steer media coverage in a certain direction by making sexual harassment trials public, releasing state-directed television series about sexual harassment, funding social scientists who then publicly discuss sexual harassment, and allowing state officials to talk about the drafting of a counter-sexual harassment bill. All of these activities provoke mass media's attention and coverage. Here, I am not suggesting a vast conspiracy on the part of the Chinese government, but only that these are some of the ways through which *any* government can influence media coverage. In a one party system like China's, the effects of this influence or steering are greatly magnified because there is no opposition party vying for media control. Thus, in this paper, I make the assumption that the Chinese media is an adequate, although not perfect, medium through which one can construe government attitudes, public opinion, official actions, legal issues, and various other factors surrounding sexual harassment. With this understanding, one can now look at how the term *xing sao rao* penetrated China.

The Origin and Evolution of *Xing Sao Rao* in China: Tofu Turned Sour

"Beautiful women really are like tofu in many respects: white skin, shining smooth yet also elastic, delicate souls, gentle as jade...and now, one Beijing Tofu is angry. . ." writes a man in a June 2003 column for *Xinghua News*, one of China's largest news portals.⁸ This "Beijing Tofu" is Ms. Lei Man, a twenty-five year old college graduate who recently filed Beijing's first sexual harassment lawsuit, for 200,000 yuan, against her employer, Mr. Jiao, at a computer technology

company called Fang Zhen Ao De. Ms. Lei Man was not China's first tofu to turn sour.⁹ Two years ago, Ms. Tong of Xi'an, located in Hebei province, lit the spark on a nationwide debate about sexual harassment when she filed China's first sexual harassment lawsuit against her manager. On October 24th, 2001, the Xian City Lian Hu District Court ruled against Ms. Tong on the grounds of insufficient evidence. Of the four other publicized sexual harassment lawsuits since Ms. Tong, only two were successful, and in both cases, the plaintiffs had provided overwhelming physical evidence such as cassette tapes and documents of reprimand. In all five cases, female plaintiffs suffered enormous social pressure, as embodied by the popular saying, "The fly never lands on the un-cracked egg."

Xing sao rao, the Chinese term for sexual harassment, was transplanted from the West in the early 1990s. It is not clear how or why the term transferred to China, and most Chinese academics credit the radical American feminist, Catherine MacKinnon, with coining the English term in the 1970s.¹⁰ However, despite the entry of this Western term, China lacks a legal definition of sexual harassment. Because of this, a myriad of definitions has emerged, almost all of them borrowing the ideas of *gender discrimination* and *unequal power relations*. In the meantime, sexual harassment runs rampant in China, with numbers matching those from the United States, France, Belgium, and Eastern Europe. A 2002 article in the *Information Times* (*Xing Xi Shi Bao*) reports that 50 percent of China's sexual harassment occurs in the workplace, with 36 percent coming from superior and 14 percent from co-workers (Expert 1).¹¹ A study

8 David, "Sexual Harassment: Bribery or Swindle?" trans. Diana Fu, <http://news.xinhuanet.com/comments/2003-06/26/content_938492.htm>.

9 Mao Haifeng and Li Liang, 1.

10 Zhong Chun, "Present Situation of Sexual Harassment and Countermeasure in Law," trans. Diana Fu (Journal of Radio and T.V. University, No. 1, 2003 [sum no. 124], Chinese Academic Database), 92.

11 Zhou He, ed., "Expert: Amendment Addressing Sexual Harassment Should Be Attached to the Law on the Protection and Interest of Women," trans. Diana Fu. *Xing Xi Shi Bao*, June 7, 2003, <<http://www.peopledaily.com.cn/GB/shehui/46/20020607/747292.html>>.

done by sexual harassment expert Tang Can revealed that 84 percent of 186 women reported having been sexually harassed, and 90 percent have known of a woman who was sexually harassed.¹² Although these figures appear atrocious enough to draw *any* government's attention, I am interested in the underlying dynamics that push these figures to the surface, allowing sexual harassment to be widely publicized in Chinese media, discussed in televised debates, and written about in academic journals. In the following sections, I expound on the three central factors that lie behind the Chinese government's crackdown on sexual harassment in conjunction with their implications for the Communist Party.

Casting An Image of the Modern China to the International Audience

One of the primary underlying motivations propelling the government's recent crackdown is that sexual harassment is a global problem which, if handled appropriately, can serve as the perfect leverage for the government to cast an image of China as a socially developed and essentially modern country. This is evident through the media's juxtaposition of sexual harassment with China's socioeconomic development, the citing of other industrial nations' efforts, and depicting the modern, professional woman as primary victims.

First, an overwhelming number of sources suggest that sexual harassment emerged as a prevalent social problem only

after China's open reforms, which began in the early 1980s under Deng Xiaoping. In a Chinese academic article titled, "Workplace Sexual Harassment and Precautions," researcher Guo Huiming argues, "In our country, due to economic reforms, conceptual openings, and the sudden, multi-faceted change in workplace organizational structure in combination with the flood of unmarried women into the work force, sexual harassment has been on the rise. . ."¹³ In a 2002 newspaper article titled, "Unable to Tolerate her Superior's Sexual Harassment, Hubei Teacher Goes to Court in Anger," a journalist writes, "They [Chinese law experts] believe that as society develops, men and women will interact more and more, and the term *xing sao*

rao will appear more frequently."¹⁴ Researcher Tang Can also writes, "Since china's *open reforms* are contingent with economic, structural changes, these types of behaviors [sexual harassment] have risen dramatically."¹⁵ While corre-

lating sexual harassment with China's socioeconomic development may seem perfectly rational, the piece missing from the written media is that sexual harassment was rampant during the Mao era, before the term *xing sao rao* was even coined. In fact, it is widely known that many Communist cadres sexually harassed their female counterparts, threatening dismissal if they did not comply. By leaving out sexual harassment during the Mao era, the Chinese media effectively implies that sexual harassment is an *appendage* to socioeconomic development

“ BY LEAVING OUT SEXUAL HARASSMENT DURING THE MAO ERA, THE CHINESE MEDIA EFFECTIVELY IMPLIES THAT SEXUAL HARASSMENT IS AN APPENDAGE TO SOCIO-ECONOMIC DEVELOPMENT ”

12 Tang Can, "Workplace Sexual Harassment and Preventive Measures," trans. Diana Fu, *Nu Xing Quan Yi*, vol. 1 (2002), 43.

13 Guo Huiming, "Workplace Sexual Harassment and Precautions," trans. Diana Fu, *Journal of Northwestern Polytechnical University*, March 2003, 48.

14 Teacher 2, "Unable to Tolerate her Superior's Sexual harassment, Hubei Female Teacher Goes to Court in Anger," trans. Diana Fu, <<http://www.peopledaily.com/cn/GB/shehui/44/20020705/769396.html>>.

15 Tang, 51.

50 *China's Paradox Passage into Modernity*

Greater China

and depicts it as a common social problem in all industrial countries, including China. This latter part of the claim is even more evident when one analyzes how often sexual harassment is discussed in the context of an *international* problem that China shares with many other advanced nations such as the United States, France, Belgium, Japan, Spain, Denmark, Great Britain, and Canada. For example, researcher Yang Aiping, in her paper, "Counter-Sexual Harassment Measures in China and Abroad," states, "Anyhow, sexual harassment isn't restricted to China; it is also a prominent problem in the international community. Although many countries such as the United States, Australia, Canada, France, Belgium, and Spain have sexual harassment laws, it still has not been stopped. . ."¹⁶ In a transcript of an interview with Chinese law experts, the journalist begins by asking, "Will Professor Zhang and Professor Tan please discuss the situation of sexual harassment in other industrial nations and also in China?"¹⁷ In a publicized interview with several law experts, sexual harassment expert Tang Can said, "The problem of obtaining evidence for sexual harassment is not solely a Chinese problem; it is an international problem."¹⁸ These references clearly show that the Chinese government sees its efforts as a part of an international movement spearheaded by industrial nations. Implicit in this framework is that China must be on-par (at least socially) with the United States or other advanced nations if it is also cracking down on the modern problem of sexual harassment.

The Chinese government's efforts to link sexual harassment to modernity is further

highlighted by mass media's overwhelming depiction of the harassed victim as the "modern Chinese woman" rather than the migrant female worker. Although there is no set definition of what it means to be a modern or civilized woman, it can be inferred from Chinese magazine and newspaper articles that the modern Chinese woman or *mo dun nu lang* is an urban professional who, above all, is confident, courageous, and defiant of the "three obediences" (namely, to one's father before marriage, to one's husband after marriage, and to one's son during widowhood). Chinese scholar Hai Guanzen suggests that the changing image of the women can be detected in slang terms. For instance, *qun cha*, *feng dai*, *e-mei* are olden day terms for women that all describe women's physical appearance, whereas modern terms such as "half the sky," "Miss Public Relations," and "Airlines Lady" emphasize women's active roles in society.¹⁹ In newspaper articles, an overwhelming number of female victims are described as working women-secretaries, academics, teachers, technocrats, recent university graduates- who are often called *zhi ye nu xing*, and who are sexually harassed by their male superiors. All of these examples paint a very particular image of the sexual harassment victim that is in line with China's emerging modernity. Specifically, in the eighty-some newspaper articles reviewed from 2002 to 2003, none mentioned the plight of female workers who flock to the cities for scrub work in restaurants and other service sectors, only to be taken advantage of by their bosses and co-workers. Instead, *xing sao rao* is almost exclusively an urban affair. For

16 Yang Aiping, "Counter Sexual Harassment Measures in China and Abroad," trans. Diana Fu, *Fujian Jiao Yu Xue Yuan Xue Bao*, vol. 7 (2002), 32.

17 Li Shiyong, "The Boundary Between Criminal and Non-Criminal Behavior-Experts Discuss Sexual Harassment," trans. Diana Fu, *Zhong Guo Jian Kang Yue Kan*, 11.

18 "Opposites Attract or Violation of Rights? Can the Law Effectively Address Sexual Harassment?" trans. Diana Fu, *Beijing Youth Daily*, January 22, 2002, <<http://www.peopledaily.com/cn/GB/shehui/46/20020122/652892/html>>.

¹⁹ Hai Guanzen, "Discourse on Feminist Rhetoric," trans. Diana Fu, *Journal of Louyang Technology College*, vol.10, no. 3 (2000), 37.

instance, one 2002 article titled, "Definitions of Sexual Harassment and Other Preventive Measures" states, "recently, a female Ph.D student reported to the court after being sexually harassed by her advisor. . ." ²⁰ In another article in the *Beijing Youth Daily*, titled, "The Pressure and Dignity of Survival: Professional Women Discuss Sexual Harassment," the journalist interviews three victims: a secretary in a Guangzhou Company, a real estate agent for a private company, and a marketing representative for a pharmaceutical company. ²¹ Ms. He, China's first victorious sexual harassment lawsuit plaintiff, was a schoolteacher in Wuhan; Ms. Lei Man, the plaintiff in Beijing's first sexual harassment lawsuit, worked at a computer technology firm; Ms. Tong, who filed China's first harassment lawsuit, was an office worker at a state-owned company in Xian.

Given the Chinese government proposal to improve the conditions of all Chinese women, it seems perplexing that stories on sexual harassment of migrant workers are absent from Chinese mainstream media. Of course, one could argue that the absence of female migrant workers in the Chinese media may stem from the fact that they are often too uneducated to file sexual harassment lawsuits, too illiterate to write into the newspapers, and too afraid to call hotlines. While this argument is plausible, it is widely known in China that these migrant workers are the most vulnerable and defenseless victims of sexual harassment and other rights abuses. In his article titled, "Migrant Women Workers and The Emerging Civil Society in China," author Zhang Ye states that migrant

women workers are uniquely disadvantaged due to the *hukou* system, which denies the floating population permanent residency, so that they become a transient source of capital for local economies. ²² Indeed, if these migrant workers do not write to the press, there are other ways to publicize their situation, such as through academic research. Yet most Chinese academic articles addressing sexual harassment hardly mention migrant women workers as a target population. The *Zhu Jiang San Jiao Zhou* investigation of female migrant workers in the service industry is an exception. According to this report, numerous female migrant workers have reported being sexually harassed by *liumang* on the streets near their workplace, and they see it as workplace sexual harassment. Locals report that these *liumang* are afraid to harass city girls, so they take advantage of female migrant workers. If it is hard to secure hard-fact stories about the plight of migrant workers and sexual harassment, their situations can be illuminated through films or television series regarding sexual harassment. Yet China's most popular state-produced television series, "Women Must Not Remain Silent Any Longer," only reinforces the image of the sexual harassment victim as a young, urban professional. Film and television are only a few of the ways in which Chinese media can effectively publicize the plight of Chinese female migrant workers. ²³

The fact that there has been little effort on the part of media to publicize sexual harassment of female migrant workers sheds

20 Xia Yelian, "Definitions of Sexual Harassment and Other Preventive Measures," trans. Diana Fu, *China Economic Times*, <<http://www.people.com.cn>>, 1.

21 An Tung, "The Pressure and Dignity of Survival: Professional Women Discuss Sexual Harassment," trans. Diana Fu, *Beijing Youth Daily*, January 18, 2002, 1-5.

22 Zhang Ye, "Migrant Women Workers and The Emerging Civil Society in China," <<http://www.asiafoundation.org/pdf/ZhangYe.BSR.pdf>>.

23 "Television Series 'Females No Longer Remain Silent' Lacks Rational Psychological Explanation," trans. Diana Fu, <<http://www.xinghuanet.com>>, 1.

52 *China's Paradox Passage into Modernity*

Greater China

substantial light onto the Chinese government's casting of a modern image to the international community. According to the State Council Information Office of the PRC, "The press, radio, and television publicize state laws and regulations upholding women's rights and interests and *civilized and progressive views on women*"²⁴ (emphasis added). From this statement, one can see that not only does the Chinese government steer the media into "promoting the advancement of women" but more importantly, that it seeks to propagate "civilized and progressive views on women." The latter is significant because migrant women workers represent a part of the enormous floating population whose very existence reflects a layer of social turmoil, economic backwardness, and political instability that can hardly be considered progressive. Thus, it follows that media coverage depicting sexual harassment as an integral problem to the migrant working population would be a direct blow to casting China as a socially developed, industrial nation bent on combating a global social ill. On the other hand, urban professional women working in office buildings, schools, computer firms, and other businesses and suffering sexual harassment reinforce China's socioeconomic development, thereby thrusting it onto the same platform as other advanced nations, such as the United States. Here, I am not suggesting that the primary objective of the Chinese government's crackdown on sexual harassment is to propagate an image of China's modernity but rather that it is one of *many* underlying factors that may motivate the Chinese government to strike especially hard at sexual harassment while many other related problems such as trafficking women,

infanticide, sex selection, the floating population, and domestic abuse prevail. By linking sexual harassment to other advanced nations, rights reform rhetoric, and the urban professional woman, the Chinese government establishes China as a modern nation that champions women's rights, values international standards, and imposes a strong legal system.

A Message to the West: Trumpeting Women's Rights as a Socialist Achievement

If one of the underlying goals of the Chinese government is to establish China as being in the midst of a modern rights reform, then the implication for the Communist Party involves sending a message to the international community that a socialist system is not inferior to Western democracies in the realm of women's rights. Through the examination of Chinese government laws that address issues relating to women, as well as the literature on the 1995 UN Convention on Women's Rights, it can be inferred that sexual harassment is being portrayed in a serious manner by the state, which is using the Chinese media as a tool to trumpet women's rights as a socialist system's achievement. By doing so, the state is sending a message to Western powers that China can be a developed, rights-based country while maintaining a communist leadership. In 1995, the Chinese government launched the Program for the Development of Chinese Women, stating,

The development level of women is an important yardstick to measure *social progress*. Over the forty-six years since the founding of the People's Republic of China, great achievement has been made in the cause of Chinese women that

²⁴ State Council Information Office.

attract *world attention* . . . the broad masses of women have actively plunged themselves into *open-and-reform efforts* and the *modernization* drive and made tremendous contributions to economic growth and social progress. All of these have shown the *superiority of the socialist system*... Women's Rights are an *indispensable part of China's development* and women's issues have become the focus of *international attention*.²⁵

The language of this documents sheds light on several aspects of the Chinese government's motivations. First, the connection of women's rights to social progress, modernization, and open-and-reform efforts reveal how the Chinese government may see sexual harassment as a sub-issue to the advancement of women's rights, which are crucial to projecting China as a progressive and modern nation. Second, the connection of women's rights to international attention further reinforces the fact that the Chinese government is concerned about securing international prestige and world recognition for its social reforms, the most recent of which is the crackdown on sexual harassment. Third, by juxtaposing women's rights with "the superiority of the socialist government," the Chinese government is, in effect, trumpeting women's rights (particularly in dealing with the problem of sexual harassment) as the ultimate achievement of the Communist Party. Essentially, it is sending a message to the international community that Western

democracies do not have a monopoly on human rights. This rhetoric of associating human rights with the socialist system is pronounced in the speeches of government officials. For example, Chen Muhua, Vice-Chairwoman of Standing Committee of the NPC, President of All-China Women's Federation and NPC Deputy representing the Liaoning Province, declared, "The approval of the Women's Law shows that China has once again made a stride forward in the perfection of a *socialist democracy*, and its legal systems, and in paying attention to the protection of *human rights*. . ."²⁶ This rights-based discourse is also reflected in newspaper articles addressing sexual harassment, such as when one Chinese law

expert commented, "Sexual harassment violates four basic rights: the right of one's physical well-being, the right of one's psychological well-being, the right to good health, and the right of personal freedom. It also violates a

citizen's basic human rights." Here, one may question, if the Chinese government is so concerned about projecting itself as an advanced rights-based country, why does it choose to champion women's rights in particular, while neglecting the right of free press, the right to religion, or the right to free assembly? I propose that it is because women's rights are essentially a Chinese issue because its birth is simultaneous to the birth of the Communist Party in 1949. It was the socialist system that emancipated Chinese women from feudal society more than five decades ago, and the same socialist system will liberate them from sexual harassment in

“**WOMEN'S RIGHTS ARE ESSENTIALLY A CHINESE ISSUE BECAUSE ITS BIRTH IS SIMULTANEOUS TO THE BIRTH OF THE COMMUNIST PARTY IN 1949.**”

25 "The Program for the Development of Chinese Women," <<http://www.un.org/esa/gopher-data/conf/fwcw/natrep/NatActPlans/china/CHINA>>.

26 "Comments," 1.

54 *China's Paradox Passage into Modernity*

Greater China

2003. In effect, by dealing with sexual harassment (or at least giving the impression of doing so through the media) and women's rights as part of a larger agenda of human rights *as defined by a socialist system*, the Chinese government is directly challenging the constant bantering of Western democracies on China's poor human rights record.

Still, one may further ask, isn't the very concept of sexual harassment a Western notion? If so, how can it be rendered a Chinese socialist achievement? I argue that, while the notion of sexual harassment may be borrowed from the West, evidence clearly shows that the Chinese government does not intend to mirror the approaches of Western countries. Instead, it uses the media to reveal the failures of US systems in dealing with sexual harassment, thereby recreating space for the eventual socialist triumph on this issue. For instance, one article in the *China Economic Times* discussed the United States definition of sexual harassment, while following it up with a recent case at New York State University that the government failed to act upon. As a result, the victim was forced to drop out of school. In another academic article titled, "Present Situation of Sexual Harassment and Countermeasure Law," the author suggests that although the United States has a zero tolerance policy for sexual harassment, sexual harassment still runs rampant, especially as Internet usage increases.²⁷ This pattern of coverage that points out the failures of the US system in dealing with sexual harassment further reinforces the

argument that the Chinese government does not intend to model after the West but instead is seeking to frame the sexual harassment crackdown as a twenty-first century socialist triumph of women's rights.

Sewing Up Loopholes for Sly Transnational Companies

Finally, a third and perhaps most immediate factor pushing the Chinese government to address sexual harassment is China's position as an emerging trade capital of the world. Currently, loopholes in the Chinese legal system effectively permit foreign bosses of transnational companies operating in China to sexually harass Chinese workers without penalty. Both China's entry into the World Trade Organization and its emergence as a prominent international player press the Chinese government to reform its lax legal system to meet world standards. As author Zhong Chun, in her journal article, "Present Situation of Sexual Harassment and Counter-Measure Law," writes, "a lack of regulations regarding sexual harassment after our country's entry into the WTO is inconsistent with the effort to depict China's image as a socialist country with a strong legal system to the international community."²⁸

China's legal blind spots regarding sexual harassment became apparent ever since China's open reforms unleashed a flourishing of small, privatized companies, as well as a host of transnational companies that finally wedged themselves into the rusted, forbidden doors. In 1999, the International Labor Organization did a study on fourteen

“ [THE GOVERNMENT] USES THE MEDIA TO REVEAL THE FAILURES OF US SYSTEMS IN DEALING WITH SEXUAL HARASSMENT, THEREBY RECREATING SPACE FOR THE EVENTUAL SOCIALIST TRIUMPH ON THIS ISSUE. ”

²⁷ Zhong, 93.
²⁸ Ibid., 94.

transnational companies and reported that 100 percent of them had sexual harassment policies in place, with 70 percent outlining specific instructions for paying indemnities to victims.²⁹ The problem is that once these companies set foot in China, they abandon these regulations, much to the dismay of many Chinese workers. As one journalist in the *Beijing Youth Daily* writes, “At first, we thought these transnational companies were discriminating against us. Why don’t Chinese workers enjoy the same rights as the other workers in your company? But after hearing their explanation, we could say nothing.”³⁰ The reason is simple—management codes of foreign companies operating in China have to be set under the framework of the Chinese Labor Law, which currently does not contain any regulations prohibiting sexual harassment. Sexual harassment expert Tang Can suggests that there are three holes in the current codes for transnational companies operating in China: an enforceable counter-sexual harassment system, an independent monitoring department, and a societal monitoring system.³¹ According to Tang, state-owned enterprises are not breeding grounds for sexual harassment because corporations must abide by the 1989 and the 1997 “*Ji Lu Chu Fa Tiao Lie*” or “Disciplinary Punishment Clause,” which strictly prohibits insulting women and other such actions. In these companies, cadres being considered for a promotion are evaluated not only in terms of their job competency but also for their *sheng huo zue feng* or life’s moral attitudes,

“**SEXUAL HARASSMENT RUNS RAMPANT MOSTLY IN POORLY ORGANIZED, PRIVATIZED INDUSTRIES THAT VALUE PROFIT ABOVE MORAL CHARACTERS**”

especially in terms of sexual relations. As a management person in a state-owned enterprise commented, “mistakes at one’s work can be corrected, but one’s moral attitudes are hard to rectify once gone astray.”³² In this system, a cadre accused of sexual harassment may not be legally persecuted, but he or she is definitely penalized in terms of job promotion and other benefits.

In contrast, newer privatized industries as well as transnational companies rely on a merit-based system in job competency, and management skills take priority over one’s moral characteristics. Thus, Tang argues that sexual harassment runs rampant mostly in poorly organized, privatized industries that value profit above moral characters and the well-being of their employees. If this is true, then it follows that sexual harassment will only become a more deeply entrenched social ill as the Chinese economy becomes more privatized and an increasing number of transnational, joint-venture companies are ushered into the country. In effect, the Chinese government is forced to enact a counter-sexual harassment law if it wants to hold transnational companies accountable for sexually harassing Chinese workers. Not only would the Communist Party lose face internationally if its legal system fails to penalize sexual harassment, the national economy as well as social stability would also be jeopardized. For example, author Wang Xingjuan states, “Most sexual harassers provide scholarly, promotional,

29 Tang, 54.
 30 “Opposites,” 2.
 31 Tang, 54.
 32 Ibid.

56 *China's Paradox Passage into Modernity*

Greater China

financial incentives or threaten removal in order to force compliance. This causes many women to lose their jobs, suffering financial losses.” Although Wang is primarily concerned with personal losses, the financial incentives that are embroiled in the messy business of sexual harassment become a national economic concern when nearly 70 percent of Chinese women have been sexually harassed.³³ Another magazine article relates several anecdotes which reveals how sexual harassment has become an integral part of doing business in China. In one case, twenty-year-old businesswoman Ah Feng seduced a successful fashion merchandiser, Mr. Li Cheng Ye, who sold her 500 articles of clothing rather than his old customer. In another case, Ms. Lee, the owner of a home appliances company, could not get her shipment of colored television sets until she permitted the seller, Mr. Wang, to touch her in inappropriate places. The author concludes that sexual harassment both “pollutes societal morals, disturbs normal business proceedings” and also “results in inestimable economic losses.”³⁴ In this way, sexual harassment not only impacts the psychological health of Chinese women, but it is also a vice intertwined with corrupt business practices, which the Chinese government must prevent by enforcing its labor laws to meet the criteria of other industrial nations.

Concluding Remarks

This paper began by questioning the recent inundation of sexual harassment coverage in the Chinese media and sought to analyze which social, political, and economic factors pushed the Chinese government to launch a campaign to crackdown on sexual

harassment. In the first section, I established the relationship between the Chinese government and the media as a state-market complex in which market forces compete with government censorship to influence the media. Although the Chinese government no longer dictates the media, it still maintains a fair amount of indirect control through bureaucracies such as the Information Council, journalist training sessions, and the All-China Women's Federation, all of which serve as unofficial mouthpieces for the government. Next, I briefly outlined the background of sexual harassment, addressing its Western origins, China's first case of sexual harassment, current laws on women's rights, and the changing Chinese public opinion on this once taboo subject. The following three sections extensively discussed and provided evidence for the three main components of the thesis that the Chinese government's crackdown on sexual harassment is part of a broader effort to 1) secure international recognition for its modern rights reforms, 2) trumpet women's rights as a socialist achievement, and 3) strike at a pervasive social ill which not only threatens the national economy but also permits transnational companies operating in China to take advantage of a gap in Chinese law.

As previously mentioned in the methodology section, the major limitation to this study is its reliance solely on written media, in combination with some published statistics on sexual harassment in China. Although newspaper articles are considered primary materials, they are not the most direct sources. Ideally, I would conduct public opinion polls in China before and after the government implemented its counter-sexual

33 Wang Xing Juan, “The Present State of Sexual Harassment and Research,” trans. Diana Fu, *Fu Nu Yan Jiu Lun Cong*, vol. 3 (1998), 43.

34 Xia, 1-2.

harassment measures, compare it with the Chinese government's published results, and see if there is a gap between what is actually happening and what the government reports is happening. Furthermore, I would establish the extent to which the Chinese media has an impact on the Chinese public. However, as previously mentioned, the main purpose of this paper is not to examine the *effectiveness* of the government's counter-sexual harassment measures but rather to deduce

some possible motivations behind the Chinese governments actions through analyzing the *factors* that push it to pay overwhelming attention to sexual harassment. Thus, this paper provides the theoretical foundation for future empirical research in China, which may include interviewing migrant women and female victims of sexual harassment, visiting local women service centers, and collaborating with sexual harassment expert Tang Can.