

## Performing Artivism: Feminists, Lawyers, and Online Legal Mobilization in China

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*In authoritarian contexts where the state is the primary performer in the public sphere and legal mobilization is constrained and repressed, activists often seek to carve out a public space to confront the frontstage and backstage of the state's performance in order to pursue collective action. Comparing the online legal mobilization of feminist and lawyer activists in China, this article investigates how performance arts are used by activists to challenge the authoritarian state in the age of social media. Performing "artivism" is to create conspicuous spectacles in the public eye for the purposes of exposing the state's illegal or repressive backstage actions or promoting alternative values and norms different from the official ideology. By subversively disrupting the evidential boundaries set by the state, Chinese activists have been able to gain momentum and public support for their legal mobilization. However, it was precisely the success of their artivism that contributed to the government crackdowns on both feminists and lawyers in 2015.*

Legal activism is performed in many public spaces: streets, parks, courtrooms, television programs, and, most recently, cyberspace. In authoritarian contexts where the state is the official and dominant performer in the public sphere and legal mobilization is constrained and repressed, activists often seek to carve out a public space to confront the frontstage and backstage of the state's performance in order to pursue collective action (Goffman [1956] 1959). The sociolegal scholarship on legal mobilization and the broader social movement literature have documented extensively the various ways activists frame their causes, mobilize material and cultural resources, and take advantage of political opportunity structures (Scheingold 1974; McCann 1994, 2006; Ferree 2003; Marshall 2003; Andersen 2005; Levitsky 2006; Armstrong and Bernstein 2008; Edelman, Leachman, and McAdam 2010; Leachman 2013; Edelman 2016). Yet the physical, social, and digital spaces in which activism is performed and the ways performative actions are displayed in those spaces are also important for understanding the dynamics of mobilization (Zhao 2001; French 2002; Lobel 2004; Gould 2009; He 2012). Comparing the online legal mobilization of feminist and lawyer activists

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in China, this article investigates how performance arts are used by activists to challenge the authoritarian state in the age of social media.

In 2015, both the feminist movement and lawyer activism in China suffered serious setbacks. The “Feminist Five” were detained in March 2015 (Z. Wang 2015; Fincher 2016), and the “709 Crackdown” starting on July 9, 2015 targeted over two hundred activist lawyers across the nation (Liu and Halliday 2016; H. Fu 2018; Pils 2018). Both incidents generated wide international media attention, partly thanks to the rise of social media in China in the 2010s. The parallel and strikingly similar trajectories of the two movements inspired our interest in using this study to explain how legal activism has been performed in authoritarian contexts since the rise of social media.

Drawing on online ethnography separately conducted by the two authors with feminist and lawyer activists, we argue that both groups adopted a visibly performative strategy of legal mobilization in their struggles against the authoritarian state, a distinctive form of “artivism” (art + activism)<sup>1</sup> empowered by the rise of social media. The concept of artivism has been used to discuss artworks’ artistic value and political impact or the collaboration between artists and other actors (Rhoades 2012; Nossel 2016; Sansi 2017). In this article, we use artivism to describe a social media–fueled strategy that activists use, regardless of their art training, to dramatically visualize and publicly respond to social, political, or legal issues in order to spread a message, to provoke a debate, to expose a power abuse, or to create an alternative representation. Artivism enabled Chinese feminists and lawyers to subversively disrupt the state’s performance to the general public and raise rights consciousness in China’s contentious public sphere (Lei 2018), yet it was also an increasingly risky strategy of mobilization because its great mobilizing capacity and potential have made artivism a target of harsher state repression in recent years.

## ARTIVISM AND THE AUTHORITARIAN STATE: A PERFORMATIVE THEORY OF LEGAL MOBILIZATION

Since Stuart Scheingold’s (1974) seminal study on the politics of rights, sociolegal scholarship on legal mobilization has examined the mobilization of rights in a variety of social and political contexts. From civil rights in the United States (McCann 1994; Albiston 2005; Edelman 2016), to lesbian, gay, bisexual, transgender, and queer (LGBTQ) rights in Singapore and Myanmar (Chua 2014, 2018), to workers’ rights in China (Gallagher 2006, 2017; Lee 2007), at the heart of this growing scholarship lies the question of how legal mobilization constitutes the identities and rights consciousnesses of individuals (Albiston 2005; Menjívar and Abrego 2012) and organizations (Levitsky 2007; Leachman 2016). Sociolegal scholars often conceptualize legal consciousness as an emergent feature of social life (Merry 1990; Ewick and Silbey 1998; Nielsen 2000; Young 2014), yet how legal activists collectively and intentionally

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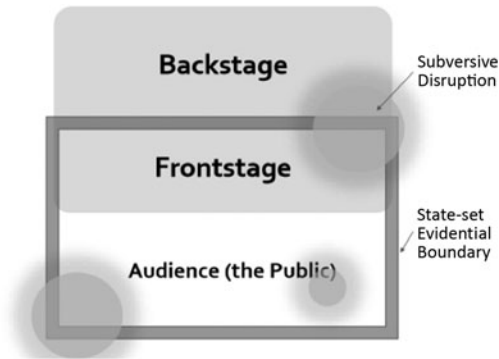
1. In 2014, Di Wang independently translated the Chinese word *xingwei yishu* (which literally means performance art) into English as “artivism,” while she volunteered as a translator for Chinese feminist activists in Beijing.

use performative actions to influence the rights consciousness of the public is less explored, especially in authoritarian contexts.

Understanding how activism is performed by legal activists requires not only an empirical inquiry of the actions of activists and the state in the process of legal mobilization but also theoretical tools on the construction and interpretation of situated meanings in performance and dramaturgy. In *The Presentation of Self in Everyday Life*, a sociological classic on the dramaturgy of social life, Erving Goffman ([1956] 1959) employs a metaphor of theater to explain a person's presentation of self as an achievement of interactive and publicly validated performances on the frontstage as well as that of practicing impression management on the backstage. Later, in *Frame Analysis*, Goffman ([1974] 1986:10, 21) defines frames as "schemata of interpretation" that affect how individuals "locate, perceive, identify and label" occurrences in a particular social context. What one can interpret is contained within an *evidential boundary*, a boundary set by the cognitive and physical barriers of human perception that are used to selectively shield evidences of an actor's inward thoughts and backstage activities in order to make the audience accept the intended impression on the frontstage (Goffman [1974] 1986, 215–18). Following the Goffmanian tradition, sociologists have examined activists' rhetorical strategies to name social issues and understand their identities in political and social movements as well as the effect of those strategies in shaping public responses to collective action (Snow and Rochford 1986; Fine 1993). In the legal mobilization literature, however, the emphasis is overwhelmingly on legal opportunity structures and organizational resources (McCann 1994, 2006; Epp 1998; Albiston 1999; Gallagher 2006; Levitsky 2007; Vanhala 2012; Arrington 2014; Edelman 2016). The performative aspect of law and social movements has largely been neglected.

A complementary tradition for theorizing performativity originates from the work of Judith Butler (1993, 2004). While performance in Goffman's writings implies doing or enacting, Butler uses performativity to emphasize action's meaning-making capacities and effects in (re)constructing social norms. Butler argues that it is the repetition of actions and the citation of meanings that make fixed identity claims and normative regulations appear natural and authentic. These repeated actions can constitute a process of subversive disruption. Even though individuals often rely on social regulations to enable their agency, their exercise of agency can support them to repeat gender performance subversively and, gradually, express more of everyone's own sense of gender (Butler 2004, 7, 100–1). This performative process makes it possible to disrupt existing social ordering by refusing or subversively altering practices of a norm at sites where the norm is expected to be repeated and reproduced.

Building on Goffman and Butler, we propose a performative theory of legal mobilization to explain the rise of activism in authoritarian contexts (see Figure 1). First, we adopt Goffman's theater metaphor to investigate how the authoritarian state's politics and governance have a frontstage and a backstage with guarded, sometimes militarized, evidential boundaries between them. As information control is key to the survival of authoritarian states, the state directs the public's attention to what it permits within the evidential boundaries and conceals everything incompatible with its frontstage performance in the backstage, sometimes even using extreme means such as shutting down the web access of a region (for example, the Xinjiang Internet blackout after the 2009



**Figure 1.**  
A performative theory of activism and the authoritarian state

Ürümqi riots). On the frontstage, the state presents itself as a legitimate and trusted authority that represents the people's will and upholds justice and stability in society. For example, during the 2008 Sichuan earthquake, Premier Wen Jiabao comforted disaster victims on-site, won the hearts of the public by his tears and compassion as a grandfather-like figure, and mobilized people in China and abroad to take part in the rescue and relief efforts (Xu 2012). On the backstage, however, the state actively hid the illegality, inequality, and injustice of its actions from the general public. Not all impression management activities on the backstage are physically violent (Ong 2018). For instance, when a protest occurs, the Chinese state often assembles the protesters' friends, teachers, or family members whom the state controls to conduct "thought work" (*sixiang gongzuo*) on the protestors in order to coerce and demobilize them (Deng and O'Brien 2013; O'Brien and Deng 2017). Thus, through utilizing both law and social norms (for example, filial piety), the authoritarian state limits citizens' evidential boundaries to the frontstage and screens out much of the negative information concerning its public image.

Situating activism within this Goffmanian framework of the state's performance, we then use Butler's theory of subversive disruption to examine how legal activists can step onto the state's frontstage and mobilize the public (that is, the audience) to question the truth or legitimacy of state performance on that stage. In an authoritarian regime like China, only state-sponsored actors are allowed to perform on the frontstage in order to maintain the state's official scripts. Activists often use seemingly individualistic practices (for example, performance arts) as an "apolitical" cover to shield collective action and strive for alternative public spaces (D. Fu 2017; Tan 2017). As an "apolitical" shield, activism does not always fully protect activists and their actions. However, the use of art helps activists compete with state censorship by visualizing their political message while disguising the collective organizing effort behind it. It is in the temporal delays of censorship that activists earn the spaces to create potentially viral messages and make it impossible to completely delete those messages from the Internet (Tsai 2016). As a result, activists who normally have no access to the frontstage can strategically contest the evidential boundaries set by the state to reveal what the state hides in the backstage and thus generate opportunities for social change.

With the assistance of social media, legal activists can use sensational words and outlandish costumes to create conspicuous online spectacles and subversively (and often repeatedly) disrupt the state-controlled evidential boundaries between the frontstage and the backstage. Subversive disruptions occur in two forms (see [Figure 1](#)). First, activists with access to the backstage (for example, elite lawyers) can carve out an interstitial space between the front- and backstages and thus reveal what is usually concealed from the public, such as the instruments of censorship, power abuse, and repression. Second, by stepping outside the state's official scripts, activists who usually are located in the audience seats (for example, young feminists or grassroots lawyers) can disrupt the routine social ordering performed and maintained by the state. Since the state's holistic control over onstage performance needs to maintain its appearance of naturalness and authenticity, some components of activists' performances have the potential to get normalized into the official scripts and eventually redefine the situation for their activism. In the meantime, however, subversive disruption can lead to harsh state repression, especially when its techniques are adopted by activists who mobilize for highly sensitive causes such as human rights or regime change.

## DATA AND METHOD: DOING ONLINE ETHNOGRAPHY IN CHINA

Online ethnography, also known as cyber ethnography, is an important recent addition to the long-standing ethnographic tradition in social science ([Hallett and Barber 2014](#); [Hine 2015](#); [Reich 2015](#)). It leans on researchers to build organic and interactive observation routines, online and offline, to deepen the understanding of both larger social structures and undertones for every social interaction of interest. Ethnographers make frequent appearances in the communities they study and very likely become members over time, be it at bars ([Hoang 2015](#)), on bikes ([Valentine 2007](#)), near boxing rings ([Wacquant 2006](#)), or on sidewalks ([Duneier 1999](#)). Just like sociologists who conducted their ethnographies before us, we began our empirical studies of feminists and lawyers in China by "living" on the sites. The only difference is that, in our cases, the sites are virtual, networked digital spaces that Chinese activists use to connect with each other and to mobilize collective action. These sites include social networking websites like Douban and Weibo, messenger apps like QQ and WeChat, and encrypted messenger apps like Telegram, on which both authors have spent many years observing and interacting with activists on a daily basis.

Needless to say, we complemented our online ethnography with **offline interviews** and **other face-to-face interactions** with our research subjects during our fieldtrips to China for two larger research projects on feminists and lawyers, respectively. However, given our interest in how both activists and the state perform online spectacles, it would be insufficient to only interview activists and hear their stories of mobilization. Instead, we observed activist actions as they were presented to political-minded social media users in order to understand the emergence of activism and its performative effects on activists and the public. Even though each of the two authors have conducted many in-depth interviews with activists over the years, some of which were used in other publications (for example, [Liu and Halliday 2016](#); [D. Wang 2019](#)), we decided that the analysis in this article should focus on our online observations and use our

interview data as background information only. Our method here, therefore, is in alignment with the ethnographic tradition that prioritizes observing people in action over people's verbal accounts of their behavior (Jerolmack and Khan 2014).

Since the early 2010s, Di Wang has closely observed and actively participated in the rise of China's feminist movements. She conducted two on-site ethnographic studies with Chinese feminist activist communities in 2014 and 2016 as well as continuous participant observation of feminist online debates and actions from 2012 to 2019. Sida Liu is a long-time observer of Chinese lawyers' online mobilization. He was a participant observer of the discussion forum of the All-China Lawyers Association (ACLA) in the mid-2000s and then did online ethnography of activist lawyers' discourses and collective action on Weibo and WeChat as a silent observer from 2011 to 2016. Through these public and semipublic digital sites, the authors observed activists in conversations with their friends, colleagues, opponents, and sometimes state agents. While anchoring our "residences" at significant websites and social media platforms (for example, @FeministVoices on Weibo), the authors had an open mindset to explore new links, sites, and information that echoed the "guerrilla ethnography" approach used in other studies on China's Internet (Yang 2003; Fang and Repnikova 2017). Most events and performances presented in this article were captured and documented in real time when they appeared on the digital sites, though we also provide detailed citations in endnotes for the readers to trace them online.

## THE STATE'S PRESENTATION OF SELF AND ITS SUBVERSIVE DISRUPTION

On the frontstage of its performance, the Chinese state presents itself as an omnipotent government that gains its legitimacy by improving the economy and people's livelihood. It also claims to be a pioneer of "equality between men and women" (*nannü pingdeng*) and a promoter of "law-based governance" (*yifa zhiguo*). On the backstage, however, the state makes much less effort to correct the abuse of police or judicial power in the legal system and the prevalence of domestic violence, employment discrimination, or other forms of inequality against vulnerable groups like women or LGBTQ people. Furthermore, it uses a variety of means to undermine the rise of feminist movements, lawyer activism, and other civil society forces (Z. Wang 2015; Liu and Halliday 2016; Fu and Distelhorst 2018). Yet, as long as the evidential boundaries of most citizens is limited to the frontstage of its performance, which is all that can be observed publicly, then the state's legitimacy and public image remains intact. Prior to the arrival of the Internet and social media, the Chinese state had managed its presentation of self in the public sphere fairly well. Except for major political upheavals such as the 1989 Tiananmen student movement (Zhao 2001), the state's actions on the backstage were rarely exposed to the general public. To this date, the backstage of the Chinese state's self-presentation remains a large black box with complex layers and serendipitous pathways, even for many insiders of the state apparatus.

In the early twenty-first century, the rise of the Internet and social media, coupled with the rapid popularization of smart phones and other personal electronic devices, provided new opportunities for social movements and legal mobilization across the



world (Earl and Kimport 2011; Sobieraj 2011; Teng 2012; Valenzuela 2013; Lei and Zhou 2015; Coleman 2017; Gerbaudo 2017; Gillespie 2018). However, they have also given the state more advanced technological instruments for the purposes of control and repression (Druzin and Gordon 2018; van der Vet 2018). The Chinese state exemplifies an authoritarian state's capacities of systematic information control (Mackinnon 2011; Spires 2011; Wang and Minzner 2015; Tsai 2016). The Chinese censorship system filters public information through both computation and human reading (King, Pan, and Roberts 2013), appropriates liberal messages for state propaganda (Fang and Repnikova 2017), blocks foreign social media platforms like Twitter and Facebook, and shuts down influential domestic websites, forums, and social media accounts. By censoring and deleting social movement webpages, symbols, and texts, censorship becomes a form of "coercive forgetting" that induces a public amnesia over collective action in the past and prevents activists from claiming their own history (Yang and Wu 2018, 4). A recent study finds that the Chinese state even fabricated approximately 448 million social media comments in 2013 to distract the public from criticisms of the regime (King, Pan, and Roberts 2017). Consequently, it is not only challenging for activists to publish dissenting messages but also difficult to break through the routine noise of state-sponsored, frontstage online traffic so that the public can receive their messages. Even when their contestation is made visible, the state can erase its existence, virtually and physically.

Despite the strong state censorship, the lack of alternative public spaces in China makes the Internet the most important venue where public issues are debated and disseminated, some of which eventually generate pressure on the state (Yang 2009; Teng 2012; Lei 2018). Empirical studies have presented the online public as a critical citizenry for changing China. Ya-Wen Lei and Daniel Zhou (2015), for instance, find that members of the Tianya Forum adopted frameworks from outspoken lawyers, journalists, nongovernmental organization (NGO) activists, and disputants to contest the state's framework of food security in the Sanlu milk scandal. More generally, compared with non-Internet news readers, Chinese Internet news readers are more politically opinionated and more critical of authoritarian rule (Lei 2011). Social media further enables the general public to get instant updates on legal cases and social movements without the intervention of traditional intermediaries, such as newspapers or television programs.

But transmitting information or exchanging opinions online is not equal to legal mobilization. For example, although the Internet has been a popular means of mobilization since the political activism of Chinese lawyers began, activist lawyers had been unable to orchestrate any large-scale online mobilization until the rise of social media, especially Weibo (the Chinese equivalent to Twitter). The ACLA maintained a public forum for lawyers on its website in the 2000s, which was sometimes used by them to discuss cases of lawyer persecution and other political issues (Halliday and Liu 2007). Due to the anonymous nature of such online forums, however, it was difficult to turn the political discourses in cyberspace into concrete offline events of collective action. Once these political discussions became noticeable to the state, the ACLA forum was made read-only and eventually shut down in the late 2000s (Liu and Halliday 2016).

Contrary to the anonymous nature of online forums, social media — even a heavily monitored tool such as Weibo, which when used collectively for political purposes can easily alert the state — is characterized by its networking and interactive



Figure 2.

A lawyer and a policeman (in uniform) were holding cellphone cameras and filming each other. Credit: *Southern Weekly* (Nandu zhoukan), [http://news.sina.com.cn/c/sd/2011-09-02/121923094980\\_2.shtml](http://news.sina.com.cn/c/sd/2011-09-02/121923094980_2.shtml)

features and users' real identities. Social media users not only write and share posts to establish their own online profiles but also maintain networks of contacts that have been established online or offline. These same features enable a lawyer to post daily updates about her case or a feminist activist to live tweet about her interaction with a state agent. In Figure 2, for instance, a lawyer and a policeman in uniform were holding cellphone cameras and filming each other, while another lawyer took a photo of the scene and posted it online. It is in this manner that the "surrounding gaze" (*weiguan*) — a Chinese tradition to watch a spectacle as a crowd — becomes a critical means to transform offline practices through online mobilization (Teng 2012). By gathering virtually to witness a political event, social media users are able to watch the state's backstage response to activists and support their causes, especially in China where offline assembly is tightly constrained.

Chinese feminist activists and activist lawyers are among the social forces who proactively take on these social media-fueled opportunities to facilitate mobilization. But how can activists break through the noisy online traffic backed by the state in order to gather a crowd to witness and document their legal and political messages? Both feminists and lawyers have adopted activism as a strategy of subversive disruption — that is, to dramatize their experiences and political messages with sensational words and outlandish costumes and thus create conspicuous online spectacles. In the following two sections, we explore how the dramatization of political messages through social media has become a critical tactic of legal mobilization in China. By dramatizing social and legal issues online, activists contest the state-set evidential boundaries (Goffman [1974] 1986) and induce the public to question the status quo. The very spectacles that they create also enable an assembly of people who do not mutually identify elsewhere to come together and collectively subvert official norms, create new meanings, and imagine a better future (Butler 2004, 2015).



## PERFORMING FEMINIST ARTIVISM: FROM SILENT PERFORMERS TO DISRUPTIVE AUDIENCES

The fourth World Conference on Women held in Beijing in 1995 was a watershed event for the surge of feminist activism in China. It opened up new possibilities through the introduction of women-led NGOs with a renewed vision of transnational feminist advocacy (D. Liu 2006; Wang and Ying 2010). Feminist intellectuals started to organize within their own areas of expertise to expand accessible information about feminism and women's rights. Before the emergence of social media in the late 2000s, feminists mostly focused on knowledge production, exchange, and distribution, such as translating the literature on gender studies into Chinese and mainstreaming gender issues into state policy (Z. Wang 1997; Yu 2015; Tan 2017). In 1996, Feng Yuan initiated the Media Monitor for Women Network (MMWN) (*Funü chuanmei jiance wangluo*). Lü Pin, a former editor of *China Women's News* (*Zhongguo funü bao*), became its director in 2009. In 2000, China's first nationwide feminist legal advocacy network, the Anti-Domestic Violence Network (ADVNI) (*Fandui jiating baoli wangluo*),<sup>2</sup> was founded in Beijing and affiliated under the China Law Society, with a focus on state institutions and policy-making channels (Zhang 2009). At its peak, the ADVNI had seventy-one member groups, including thirty-seven All-China Women's Federation's (ACWF) regional rights protection departments, as well as many legal aid centers, hotlines, and shelters for domestic violence survivors.<sup>3</sup> These early practices more or less relied upon state institutions (public universities, state-owned newspapers, and so on) where feminists strove to rewrite gender transcripts with the hope of influencing the state's performance.

Starting in the mid-2000s, there was a gradual realization among feminist intellectuals that the feminist movement needed to move beyond advocating within state institutions, such as the mainstream media and ACWF branches (Tan 2017; Han 2018).<sup>4</sup> It was at this critical moment that feminist activists found Weibo. As a social media platform similar to Twitter, Weibo substantially lowered the barriers for individuals to generate content and reach out to broader audiences. Furthermore, it was a new public space not yet tightly regulated by the state. Seizing this opportunity, Lü Pin and the MMWN started a digital newsletter called *Women's Voices* (*Nüsheng bao*) in 2009 and a Weibo account @FeministVoices (*Nüquan zhi sheng*) in 2010. @FeministVoices soon became the largest grassroots feminist media organization in China, with 181,019 followers when it was eventually shut down on March 8, 2018, International Women's Day.<sup>5</sup>

Assisted by the increasing popularity of social media, a new generation of feminist activists emerged in the early 2010s. Organizing under the umbrella term "action-oriented feminists" (*nüquan xingdong pai*), these young feminists from different walks of life came together through several key organizers and established a loose national network in a short period of time. Most were college students born in the 1990s,

2. See Dong 2014.

3. *Ibid.*

4. See Lü Pin's comments in "Curator Remarks" 2016.

5. See Lai 2018; see also a post by Chinese Feminist Collective on their Facebook page: <https://www.facebook.com/chinesefeminists/posts/962100860613328> March 8, 2018

who were influenced by feminist intellectuals through campus activities and the Internet. These young feminists were tired of the empty promises made by the state and soon started to make noises from their “audience seats,” calling out the state’s frontstage performance. Initium Media, a Hong Kong-based digital media outlet, quoted one of them as saying: “I am a mischief-maker, not a screw,”<sup>6</sup> which is a playful rejection of the socialist icon Lei Feng’s famous statement: “I will always be a screw [for socialism].”<sup>7</sup> This new generation took the leading role in using social media and litigation to introduce women’s legal issues such as domestic violence and employment discrimination to a broader audience and to ask the state for accountability. Supported by senior feminists and the civil society network, these young feminists were at the front line of subversive disruption using performance arts. They were labeled “action-oriented feminists” because they had initiated a series of “actions” (*xingdong*) or grassroots feminist campaigns as firsthand responses to current social issues in the early to mid-2010s. The boldness and playfulness of their actions attracted many students and young people to participate. These discourses and actions were channeled by feminist social media such as @FeministVoices, @FeministActivismIsTasty (*Nüquan xingdong pai hen haochi*), as well as self-broadcasting activist media groups. It led to the rise of a spectacular form of activism in China’s feminist movements.

The “Topless for Anti-Domestic Violence Law” action was a critical turning point at which feminist activists effectively introduced a topic of women’s rights into public debate through social media. In November 2012, a petition was circulated on Weibo, which requested that the Chinese government enact an Anti-Domestic Violence Law.<sup>8</sup> Since 2005 the Anti-Domestic Violence Law had been drafted and advocated by feminist scholars, journalists, and lawyers, especially those working in the ADVN, but there had not yet been any mass movement demanding the state to address domestic violence.<sup>9</sup> In order to bring this issue into a public debate, a number of young feminist activists joined the petition not only by signing their names but also by taking topless pictures to spread the petition on social media. From November 2012 to January 2013, eighteen feminist and queer activists posted their own topless pictures to support the petition. Most bodies used a uniform red color scheme with three text boxes, reading “Anti-Domestic Violence Law” (*fan jiabao fa*), “Legislation” (*lifa*), “Calling for 10,000 Signatures” (*wanren qianming zhengji zhong*), and many also included personalized slogans painted on the participants’ topless bodies. When spread on social media, these images soon became an open invitation for people who cared about feminism to assemble online around a few public Weibo accounts (for example, @FeministVoices). Ultimately, they collected more than twelve thousand signatures, and this petition became one of the first large-scale petitions signed by ordinary Chinese citizens in the twenty-first century.<sup>10</sup>

6. See Xiao and Zheng 2018.

7. See Lin 1997 for the *People’s Political Consultative Daily’s* comments on Lei Feng.

8. This action was reported by the *Reference* (*Cankao xiaoxi*) and the *China Daily*. See “Hong Kong Press: Chinese Women Posted Topless Pictures to Combat Domestic Violence” 2012; see also “Naked truth used to combat domestic violence” 2012.

9. See Lü Pin’s comments in “Curator Remarks” 2016.

10. See Huang 2013; see also Media Monitor for Women Network 2012.

To dramatize their causes, young feminist activists often intentionally subvert mainstream gender norms in their activism. Gender is a governing code that systemically shapes how people think and what people value (Peterson 2005). Gender norms can legitimize the evidential boundaries set by the Chinese state through maintaining its paternalistic political culture. By dramatically subverting these norms, young feminist activists aim to make the public and fellow activists acknowledge gender and sexuality as critical components of social change. For example, the slogans and images posted for the 2012 anti-domestic violence petition reflected a diversity of sexual existences and gender identities, including gender nonconforming body types, body modification, transgender people, and so on. These slogans include “Domestic-Violence [Perpetrator] Is Shameful/Proud to Be Flat-chested,” “I Can Be a Sissy, But You Shouldn’t Beat [Me],” and so on. These actions were intended to shock the Chinese public by challenging people’s common wisdom of domestic violence issues as well as the gendered and sexualized expectation of young women in China. Notably, these young activists took on questions from the surrounding gaze on Weibo regarding their gender identity and expression and turned these questions into moments of public education (Teng 2012). When making the “shocking existence” of queer bodies visible, they raised issues of violence outside of the mainstream imaginary of heterosexual couples and publicly called for legal change. Their choice of using their own bodies for activism also created a rare space for diverse expression and exploration of gender identity in the dramatization of domestic violence, a topic established within the state-set evidential boundaries.

Subversive disruption is a precarious practice because any visible assembly in public spaces can irritate the Chinese state. This is especially the case for young feminist activists, as most of them are not politically embedded and have little protection from the state (Michelson 2007). As a result, feminist activists use public spaces strategically (streets, courthouse gates, subway cars, and so on) to quickly stage and document a public performance before interruption by state agents. Such a brief performance in a public space limits their chances of interacting with bystanders on-site. Nevertheless, feminist activists have turned cyberspace into an extended stage for their offline performance. The dramatic images that capture their actions are made in a way that is not only easy to draw the surrounding gaze on social media but also capable of communicating their feminist agenda even when being shared out of context. Hence, the performance is magnified in both space and time. Images are transmitted not only from the physical site where they were taken into the virtual site of the Internet but also from a brief on-site performance to a prolonged period of reposting and sharing on social media.

The “Bloody Bride” action in 2012 exemplifies this visualizing tactic of activism.<sup>11</sup> In the most widely shared “Bloody Bride” image, there were three young feminist activists wearing blood-spattered wedding dresses, holding signs with anti-domestic violence slogans, and looking determinedly into the distance (see Figure 3). In the grey and red-themed background was Qianmen Street, a busy commercial street and popular tourist site in downtown Beijing, less than a mile from Tiananmen Square. This “Bloody Bride” image not only showed that violence could happen in any intimate partnership

11. See a video clip from the anti-intimate partnership violence action. <https://www.youtube.com/watch?v=tr6Zo4u21KU>.



**Figure 3.**  
 Three feminists each hold a sign with anti-domestic violence statements at the “Bloody Bride” action. Credit: *Aboveground*, an online exhibition hosted by the University of Michigan

but also that young Chinese women were “marching” to combat it. The action attracted national and international media attention and marked the collective coming out of this new generation of Chinese feminist activists.<sup>12</sup> Other examples of similar actions include the “Bald Girl” action for equality in higher education in 2012;<sup>13</sup> the “Occupy Men’s Restroom” action for equal public facility distribution from 2012 to 2016;<sup>14</sup> and the “Homophobia Kills Lesbians” action against sexuality-based violence in 2013.<sup>15</sup> By shaving one’s own hair in public, taking over men’s restrooms, and kissing each other in public all around Beijing, these young feminist activists challenged normalized gender inequality and made their demands visible to the public by producing viral online images.

While the streets were their primary battlegrounds, feminist activists also extended activism to the courthouse. One high-profile legal case that they supported was the Li Yan case, in which the defendant Li Yan was initially sentenced to death for killing her husband after suffering years of his violence and abuse. In 2013, when the Supreme People’s Court reviewed and approved Li Yan’s death penalty, Chinese feminist activists and lawyers petitioned the courts and hosted online discussions to draw national and international attention to the case and demand for the suspension of Li’s death

12. “Bloody Brides” was even reported in China on state-sponsored national media outlets, such as the *Global Times* and *Women of China*. See Li 2012; see also Y. Wang 2012.

13. See Riviera 2012.

14. See LaFraniere 2012.

15. On May 16, 2013, a group of lesbian couples performed a “kiss-in” on multiple public sites in Beijing. This was a part of Chinese feminist activists’ campaign for International Day against Homophobia and Transphobia. See a video clip from the campaign: <https://www.youtube.com/watch?v=O6LSJl5f4no>.



Figure 4.

Wrapped in a white cloth with “bloodstain,” a feminist lies on the ground across the street from a courthouse, with a black-and-white printed statement: “I don’t want to become the next Li Yan.” Credit: *Aboveground*, an online exhibition hosted by the University of Michigan

penalty.<sup>16</sup> On February 3, 2013, echoing these demands, feminist activists wrapped themselves with white cloth and laid down in front of courthouses across China, with a sign “I don’t want to become the next Li Yan” (see Figure 4).<sup>17</sup> These images highlighted both the imminence of Li’s execution and the possibility that, under the current legal system, every woman could end up in her situation.

These feminist activist actions visualized the argument that Li Yan’s case was a consequence of a flawed legal system that first failed to intervene in domestic violence cases and then punished women for fighting back against their abusers. According to the ADVN, from 2009 to 2012, the media had reported forty-eight cases similar to Li Yan’s situation, and only twenty-eight of them were reported with details on their sentences, and 64 percent of these defendants were sentenced severely, ranging from ten years of imprisonment to the death penalty.<sup>18</sup> Like many of these women, Li Yan also sought support from the local police and the ACWF’s local branch but did not get any effective state intervention. As her lawyer told the *New York Times*, when Li Yan asked for support, they advised her to simply “bear it (*rennai*).”<sup>19</sup>

Although feminist activists have no access to the judicial decision-making process on the backstage (compare with activist lawyers, discussed in the next section), their

16. See Tatlow 2013a; see an online discussion hosted on the Net Ease (163.com) regarding this case: <http://lady.163.com/special/sense/nvrenxingdong06.html>; see also the campaign by Amnesty International: <https://www.amnesty.org/en/latest/campaigns/2013/02/li-yan-is-alive-but-still-facing-execution/>.

17. See an online discussion hosted on the Net Ease (163.com) regarding this case: <http://lady.163.com/special/sense/nvrenxingdong06.html>.

18. See Feng 2013.

19. See Tatlow 2015.

activism spotlighted the life-threatening consequences of the lack of legal protection for domestic violence survivors in China. By laying outside courthouses and symbolizing the imminent death of Li Yan with cloth-wrapped bodies, feminists disrupted the state's frontstage performance by unveiling the social reality outside of many people's evidential boundary – that is, domestic violence survivors are systematically constrained by law and social norms in China. The visual contrast between the majesty of the courthouse and the precarious condition of Li Yan questions whether the Chinese legal system can deliver justice when handling domestic violence cases. As a participant of the feminist action in Guangzhou told a reporter, “in a society where a victim cannot receive effective assistance, Li Yan is worthy of [our] sympathy. Li Yan's death sentence is not only a tragedy for all domestic violence victims, but also a tragedy for this society due to its absence of relevant law.”<sup>20</sup>

Another notable legal case involving activism was the divorce case between Li Yang, a well-known, Chinese English teacher turned millionaire, and Kim Lee, an American woman, who accused her husband of domestic violence.<sup>21</sup> To support Lee, feminist activists dressed as “Bloody Brides” and held signs at the courthouse every time she went to testify.<sup>22</sup> On August 10, 2012, feminist activists even danced outside the courtroom with lyrics adapted from one of the top pop songs of that year, *Can't Afford the Harm* (*Shang bu qi*).<sup>23</sup> As in the Li Yan case, the re-creation of both iconic feminist images and pop culture turned the front gate of the courthouse into an online stage and generated considerable media and public attention. In 2013, a Beijing court ruled in favor of Kim Lee and issued a three-month restraining order against Li Yang. In 2015, the Anti-Domestic Violence Law of the People's Republic of China was enacted by the Standing Committee of the National People's Congress, and it marked a major victory for the burgeoning feminist movement in China.<sup>24</sup> In April 2015, the Sichuan Provincial High People's Court acknowledged Li Yan as a domestic violence victim and suspended her death sentence.<sup>25</sup> In the meantime, however, the Chinese government has recognized this “action-oriented” form of feminism as a social movement that can potentially disrupt its frontstage performance, one that is distinct from the traditional, state-supported women's organizations.

On March 7, 2015, feminist activists from three cities were picked up, transported to Beijing, and detained there for planning to distribute anti-sexual harassment stickers to passengers on public transportation. Later known as the “Feminist Five” incident, this detention not only signified a shift in the state's boundary of “safe” forms of activism (Stern and O'Brien 2012) but also indicated the state's recognition of the mobilizing capacity of Chinese feminist activists (Z. Wang 2015). Since then, the state has clearly strengthened its repression on feminist activists. Some leading activists have had to

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20. See an online discussion hosted on *Net Ease* (163.com) regarding this case: <http://lady.163.com/special/sense/nvrenxingdong06.html>.

21. See Tatlow 2013b.

22. See some images of feminist holding signs outside the courthouse for Kim Lee. See “Bloody Brides” 2019.

23. See a video clip of the “Can't Afford the Harm (*Shang bu qi*)” action outside the courthouse. [https://www.youtube.com/watch?v=Gf6NRIVbOfM&list=PLcDcLqL3eR9\\_UZqJm4q0PjL4d8mhkx0FB](https://www.youtube.com/watch?v=Gf6NRIVbOfM&list=PLcDcLqL3eR9_UZqJm4q0PjL4d8mhkx0FB).

24. Anti-Domestic Violence Law of the People's Republic of China, Order No. 37 of the President of the PRC, December 27, 2015.

25. See Tatlow 2013a.



move temporally underground or even exiled themselves from China (for example, Lü Pin) in order to ensure their personal safety. Feminist social media accounts (for example, @FeministVoices and @FeministActivismIsTasty) have been repeatedly censored, blocked, or even shut down permanently on social media platforms.

Remaining optimistic about activism, Chinese feminist activists continue to fight against censorship to maximize each action's impact while confronting serious repression.<sup>26</sup> Besides domestic violence cases, feminist activists have also supported a series of gender-based employment discrimination cases with similar actions of activism since 2011.<sup>27</sup> Activism aligned with public interest litigation also still receives a great deal of media attention. Starting in 2014, a series of LGBTQ impact litigations integrated elements of feminist activism to strengthen their cause. China had its first same-sex marriage litigation in 2016 – the *Sun Wenlin v. Civil Affairs Bureau* case<sup>28</sup>. On the first trial day, April 13, 2016, the plaintiffs gave away wedding candies to judges, the defendant's attorney, reporters as well as to people inside and outside the courthouse. Although they lost the lawsuit, this performance of a wedding ritual was widely shared and celebrated on social media.<sup>29</sup> As the number of other public spaces for activism (for example, the streets) are shrinking, the legal system and its online surrounding gaze continue to serve as stages of subversive disruption, where activists use performance arts to wrestle with the state and other power holders to voice their demands and renegotiate the evidential boundaries of Chinese citizens concerning women's rights.

## PERFORMING LAWYER ARTIVISM: FROM COURTROOM WARRIORS TO ONLINE ACTIVISTS

While the activism of feminists started from the streets and gradually moved toward the courthouse, the performance arts of activist lawyers began in the legal system, which is their natural battleground against arbitrary state power (Halliday, Karpik, and Feeley 2007, 2012; Ginsburg and Moustafa 2008; Cheesman 2015), and then moved to the streets. Coinciding with the rise of feminism in China, the rise of lawyer activism was closely related to the privatization of Chinese lawyers in the 1990s (Michelson 2007; S. Liu 2011). In the early to mid-2000s, a small number of lawyers across China were able to use the limited public sphere, facilitated by the rapidly increasing

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26. See an analysis by Lü Pin on #MeToo and feminist activism in China: "A key difference between the U.S. and China is that the U.S. president cannot censor the online posts, even though I sometimes speculate that he really wants to. It would be scandalous in the U.S. if a state agent came to knock on your door or harass your family because of your public speech. However, censorship and harassment against activists are common in China. *If planning to organize a campaign in China, you would have to maximize the campaign's impacts before the state comes to shut it down.* Put it in another way. Activists in China not only need to race to achieve their goal but also have to be super alerted about protecting themselves" (emphasis added). See Lü 2018a; see also Xiao and Zheng 2018.

27. See some images of these actions at <https://www.lib.umich.edu/online-exhibits/exhibits/show/aboveground/gender-discrimination>.

28. The case was ruled by the Furong District People's Court, Changsha, Hunan Province on April 13<sup>th</sup> 2016. See a report by the court about this case: <http://cszy.chinacourt.gov.cn/article/detail/2016/04/id/1998770.shtml>

29. See some images of Sun and Hu outside the court by the *China Daily*. See Shan 2016. The first trial was reported by several media outlets. See NGO CN (NGO fanzhan jiaoliu wang) 2016; see also B. Ye 2016.

availability of the Internet, to pursue activism in human rights and public interest cases (Yang 2009; Lei 2018). In this period, lawyer mobilization was mostly isolated and sporadic. Once activist lawyers mobilized in politically sensitive cases, they were usually promptly sanctioned by the state (for example, the persecution of Gao Zhisheng and Chen Guangcheng; see Gao 2007; Chen 2015; Liu and Halliday 2019).

The rise of social media, especially Weibo, provided Chinese lawyers with powerful technological tools for mobilization. The Li Zhuang case in 2009–11 is a good illustration of the difference that social media has made for lawyers (Li 2010; Hou and Keith 2011). In this case, the defendant Li Zhuang, a partner of an elite Beijing law firm, was prosecuted and put on trial twice in Chongqing for the crime of perjury. It was a highly politicized legal case and a watershed event in the history of lawyer mobilization in China (Liu, Liang, and Halliday 2014). In Li's first trial in 2009–10, blogs were the popular means of online discussions among Chinese lawyers. The noninteractive nature of blogs, however, was a major constraint on collective action. Thousands of blog essays were written by lawyers all over China during the trial, yet few organized mobilizing activities were observed.

By contrast, during Li's second trial in 2011, Weibo had replaced blogs to dominate China's cyberspace. Similar to the legal mobilization of young feminist activists, this enabled lawyers across China to instantly spread information regarding the case's progress, to organize online and offline groups to support Li's defense counsel, and to form a loosely connected network of notable and grassroots activists (Liu and Halliday 2016). The lawyers' effective use of the potential that social media offered for speedy, coordinated, nonanonymous actions contributed to the outcome of the second trial, which ended in the withdrawal of the prosecution against Li.

In both the Li Zhuang case and a few subsequent cases in 2011–12, the courtroom was the main site of lawyers' activism. Li Zhuang's first trial in 2009–10 was highly dramatic because Li was not only defiant in his self-defense throughout the case but also used a "hidden poem" (*cang tou shi*), a literary legacy of Imperial China, in one of his final statements in court to send out the message that the Chongqing authorities had forced him to confess. In this six-sentence statement, the first and last Chinese characters of each sentence formed the anagram: "[I was] forced to admit guilt to get probation, once released [I would] firmly appeal" (*Beibi renzui huanxing, chuqu jianjue shensu*) (Liu, Liang, and Halliday 2014, 90). Although Li was still sentenced to eighteen months in prison in 2010, the courtroom drama generated nationwide attention on his case and marked the beginning of lawyers' use of activism to fight against procedural illegality and other abuse of state power in the judicial process. Such courtroom drama is a good example of subversive disruption as it exposed the state's backstage actions in front of the public eye and forced the state to adjust its performance.

Soon after the trial of Li Zhuang was concluded in 2011, some activist lawyers began to use Weibo to organize "lawyer groups" (*lüshi tuan*) to collectively and vigorously defend lawyer colleagues and other criminal defendants — they labeled themselves "die-hard lawyers" (*sike lüshi*) because of their stubbornness over legal procedure and courage to challenge the state authorities.<sup>30</sup> In the Xiaohe case in 2012, for instance, four die-hard lawyers had heated arguments with judges and were

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30. See Z. Ye 2013.

expelled from the courtroom. One of them, Chi Susheng, had diabetes, and she fainted on the way out.<sup>31</sup> Thanks to Chi's status as a representative of the National People's Congress (NPC) and the dramatization of her fainting by her lawyer colleagues on Weibo, the incident generated an online uproar and led to a five-month-long trial suspension. In both of these examples, courtroom drama was only effective when it was combined with the surrounding gaze on social media (Teng 2012). Indeed, the formation of die-hard lawyer groups was made possible through Weibo. In the Beihai case in June 2011, in which four lawyers were detained by the local police, the activist lawyer Yang Jinzhu posted the case materials on Weibo and called for the formation of a lawyer group to go to Beihai, a remote city in southwest China. A week later, six lawyers flew to Beihai from Beijing, Shandong, and Yunnan to assist the detained lawyers. The total number of lawyers joining the group reached thirteen by mid-July, and many of them had never met in person and only got connected through their interactions on Weibo. Facing the increasing surrounding gaze online, the Beihai police released three of the four lawyers soon afterwards.<sup>32</sup>

Two popular ways by which lawyers use social media to subversively disrupt the state's performance are posting case photos and writing reports on the progress of the case. In the Beihai case, a crowd of locals attacked four members of the lawyer group on the evening of July 18, 2011, and one of them, Li Jinxing, was taken to the hospital. The lawyers took photos of their injuries and posted them on Weibo. The photos quickly went viral and greatly increased the online support for the Beihai lawyer group.<sup>33</sup> Chi Susheng, the NPC representative mentioned above, saw the photos on Weibo and decided to fly to Beihai immediately. It was from that point that Chi began her participation in the die-hard lawyering movement.<sup>34</sup> Similarly, in the Xiaohe case, the photo of Chi being taken out of the court on a stretcher after fainting also went viral on Weibo and shaped the subsequent course of the trial. Meanwhile, Zhang Lei, a Beijing lawyer with the pen name "Blackstone Lawyer" (*Qingshi lüshi*), wrote thirty-three diaries during the Xiaohe case and posted them on Weibo on a daily basis, which allowed millions of people to closely follow the case and see a different narrative from the state's official propaganda.<sup>35</sup> The combination of sensational photos and lurid narratives, both key instruments of activism, magnified the effect of the die-hard lawyers' subversive disruption and considerably expanded the evidential boundaries of ordinary Chinese citizens on the judicial process in those cases.

The primary site of activism for die-hard lawyers soon shifted from inside the courthouse to the outside. While lawyers must follow legal procedures and professional etiquette in the courtroom, their code of conduct on the streets becomes similar to that of feminist activists. In the second Li Zhuang trial in 2011, for example, hundreds of lawyers and law students voluntarily gathered outside the courthouse to protest silently, including several out-of-town lawyers who flew to Chongqing on their own expense. Yang Jinzhu, a Hunan lawyer who was soon to become a notable figure in the die-hard lawyering movement, posted on his blog and Weibo that he would fly to Chongqing to

31. See Shi 2012.

32. See W. Liu 2011.

33. See Zhao 2011.

34. See W. Liu 2011.

35. See Zhang Lei's Weibo dairies, which were reposted on *Tianya*. See Zhang 2012.

support Li Zhuang's defense counsel. When he arrived at the Chongqing airport, he was greeted by a group of locals, possibly sent by the local authorities, holding posters with condemning words such as "strike down black-hearted lawyer Yang Jinzhu." Instead of fleeing the scene, Yang confronted the locals in the terminal and posted the photos of it on Weibo.<sup>36</sup> His action exposed the state's performance in front of the eyes of millions of social media users and generated strong online support.

One of the most creative performances by die-hard lawyers was made by Yang Jinzhu and Li Jinxing, the lawyer who was taken to the hospital during the Beihai case. In January 2013, Yang and Li were retained by the family members of a criminal defendant who had been detained for twelve years without a judicial sentence and asked to represent him in his second trial at Fujian Provincial People's High Court. However, the court did not permit the defendant to change his legal counsel and refused to accept Yang's and Li's letters of attorney. In response, Yang and Li bought some sweet potatoes from a grocery store, put on their lawyers' gowns, and began to march around the courthouse carrying the sweet potatoes. The idea originated from an old Chinese saying: "If an official did not deliver justice for the people, he'd better go home to sell sweet potatoes" (*Dangguan buwei min zuozhu, buru huijia mai hongshu*). A few hours after photos of their march were posted on Weibo, the court invited them in and approved their representation of the defendant.<sup>37</sup> The conspicuous spectacle of lawyers marching in gowns carrying sweet potatoes, as well as the strategic combination of street and web theaters, worked brilliantly in this case as a means to expose the illegality of backstage judicial behavior.

The early success of such performances in 2011–13 drew more participants into the die-hard lawyering movement, and some of their strategies have been replicated by ordinary lawyers in later years. On June 3, 2016, Wu Liangshu, a Guangxi lawyer, went to a local court to file a case and had an argument with the judges. Suspecting that Wu was recording the conversation, the judges asked a judicial police officer to take Wu's cell phone from his pocket, and, after some physical contact, Wu's shirt and pants were torn by the officer. After Wu's phone was examined but no recording was found, he was released from the court. At this point, Wu decided to walk out of the courthouse half naked with his torn clothes, and a photo of this shocking image quickly went viral on Weibo and WeChat (see Figure 5). As a result, nearly a thousand Chinese lawyers signed an online petition to support Wu, and the court president had to make a public apology to him.<sup>38</sup>

But the effectiveness of lawyers' activism in bringing backstage illegality to the frontstage stops with cases that are very politically sensitive. In March 2014, four human rights lawyers and several citizen activists went to a "black jail" in Jiansanjiang, Heilongjiang Province, where Falun Gong practitioners and petitioners were detained to undergo "treatment" and requested their release. On March 21, the four lawyers were detained by the local police. The next day, a few human rights activists started an "Internet flashing" (*wangluo kuaishan*) movement on social media with the hashtag #JiansanjiangBlackJail to disseminate information about this case at 9:00 p.m. every

36. See a repost of Yang Jinzhu's Weibo blog by Zhou Ze (2011).

37. See Gong 2013.

38. See Yin 2016.



**Figure 5.**  
Lawyer Wu Liangshu walks out of the front gate of the courthouse half naked with his torn clothes. Credit: *Caixin*

night. On March 25, six activist lawyers who flew to Jiansanjiang from different regions of China to represent the detained lawyers and citizens went to the detention center to request a meeting with their clients, but they were denied entry. Standing in the cold outside the detention center, the six lawyers and a group of citizen activists began a hunger strike wearing old-style winter military uniforms, which lasted for about forty-eight hours.<sup>39</sup> Photos of the hunger strike were posted online, and, consequently, more lawyers joined the protest from other provinces. Nevertheless, the local police did not concede to the lawyers' request, and the four lawyers were not released from their fifteen days of administrative detention until April 6.<sup>40</sup>

39. See Q. Wang 2014.

40. See a chronological summary of events that happened in the Jiansanjiang case by Human Rights in China (2014).

Besides its sensitive nature, another notable difference between the Jiansanjiang case and other cases (for example, Beihai or Xiaohe) is that activist lawyers were mobilizing together with petitioners, who were considered a major source of social instability in China (Minzner 2006; Biddulph 2015). It was precisely this alliance between lawyers and other activists in civil society, combined with the conspicuous and disruptive use of social media, that alarmed the Chinese state. The 709 Crackdown in July 2015 was triggered by such civil society alliances in a few politically sensitive cases (Liu and Halliday 2016, 2019; H. Fu 2018).

In addition to this large-scale crackdown, regulatory restrictions on lawyers' activism were not only made by the ACLA and the Ministry of Justice but also written into the Ninth Amendment of the Criminal Law of the People's Republic of China in August 2015.<sup>41</sup> As a result, many die-hard lawyering strategies in the courtroom (for example, posting on social media or protesting collectively) were banned, and both courtroom drama and street theater have become difficult to practice. Social media, however, remains a key platform for Chinese activist lawyers to mobilize and pursue their activism in new terrains such as environmental litigation (Stern 2013) and LGBTQ rights (Bao 2018). After the 709 Crackdown, the wives of a few detained activist lawyers also stepped forward and actively used social media and performance arts to call for the release of their husbands. In 2018, for example, four wives of the 709 human rights lawyers shaved their heads in protest of the persecution of their husbands. This protest was based on a pun that the Chinese words for "hair" and "law" have similar pronunciations. By being hairless (*wu fa*), they were calling out the "lawlessness" (*wu fa*) in how the Chinese state treated their husbands' cases.<sup>42</sup> Activism goes on with a new cast of actors in shifted battlegrounds.

## CONCLUSION

Legal mobilization in an authoritarian context is a sophisticated cat-and-mouse game that requires not only courage and strategy but also creativity, dramaturgy, and the assistance of technology. We have demonstrated in this article that, in the early twenty-first century, Chinese feminists and activist lawyers have developed an innovative form of mobilization that combines street theater and courtroom drama with the surrounding gaze on social media. This online activism enables them to carve out a space for collective action in which activists confront and disrupt the frontstage and backstage of the Chinese state's performance in the public sphere. In this space, activists use social media and performance arts to create conspicuous spectacles in the public eye for the purposes of exposing the state's illegal or repressive backstage actions or promoting alternative values and social norms different from the official ideology. By subversively disrupting the evidential boundaries set by the state, activists have been able to gain momentum and public support for their legal mobilization, especially in the early to mid-2010s. However, as the scope of activism widened and activists sought allies from other sectors of civil society, the political opportunity diminished with the Chinese

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41. Criminal Law of the People's Republic of China, Order no. 83 of the President of the PRC, March 14, 1997, art. 309.

42. See a video report by Inkstone, a Hong Kong-based media outlet (Dzidzovic 2018).



state's increasing control over social media and online mobilization. To some extent, it was precisely the success of their activism that contributed to the crackdowns on both feminists and lawyers in 2015.

Although the action-oriented feminist movement and the die-hard lawyering movement adopted similar forms of activism, such as using outlandish costumes (for example, bloody brides or lawyers carrying sweet potatoes) and circulating sensational images and texts on social media, there are a few notable differences between them. First, whereas the feminists began their performances on the streets and gradually moved toward the courts, the lawyers' performances often originated from courtroom drama and then spread to street theater. Second, while the die-hard lawyers' actions were constrained by legal procedures, professional etiquette, and their structural proximity to state power, the feminist activists enjoyed a higher degree of freedom as most of them were younger and less politically embedded than lawyers. However, the young feminists' lack of resources also compelled them to use more shocking actions (for example, taking topless pictures) to draw the surrounding gaze. Third, the locations of the lawyers' subversive disruption focused on the backstage of the state's performance, such as illegal judicial behavior or corruption. In contrast, the young feminists had less access to the backstage, and, thus, their activism aimed at creating alternative narratives and images on the frontstage. Finally, as the work of activist lawyers touched upon politically sensitive issues such as human rights and regime change, they often faced higher risks and harsher repressions than feminist activists when engaging in activism. The Feminist Five were released after several weeks of police detention, but at least a dozen activist lawyers were criminally prosecuted (H. Fu 2018; Pils 2018). After human rights activism was devastated by the 709 Crackdown, however, feminist activism has become a more imminent target for the state in recent years.

In its repression of feminist and lawyer activists, the Chinese state has responded to activism and sometimes even appropriated its techniques. Several activist lawyers in the 709 Crackdown were forced to make public confessions on national television (Pils 2018). According to a recent study by Safeguard Defenders (2018), most television confessions in China are staged, scripted, and taped over days or weeks, and confessors are given direction on how to deliver their lines. Some recent confession videos and interviews were even conducted by Chinese media platforms outside Mainland China.<sup>43</sup> Meanwhile, feminist activists and their social media accounts were repeatedly trolled as proxies of overseas influence or even as sex trafficking Chinese women.<sup>44</sup> These online trolls appeared semiorganized and were speculated by some activists as state-sponsored defamation campaigns against activists.<sup>45</sup> Such television confessions, online trolls, and defamation campaigns can systematically undermine activists' public credibility and distract the surrounding gaze away from more pressing issues of social justice and legal change. Arguably, they were the purposeful effort of the state to mitigate the damages of

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43. These media include Phoenix Television, *Oriental Daily*, and *South China Morning Post*. See a CNN summary on some television confessions on CCTV (Jiang 2016). See also a comment on *Radio Free Asia* (Yang 2016); CNN (Griffiths 2016) report on Wang Yu's, a feminist lawyer, television confession on Chinese channels in Hong Kong.

44. See Zheng 2018.

45. See Lü 2018b.

the activists' subversive disruption and reset the evidential boundaries of its frontstage through "coercive forgetting" (Yang and Wu 2018, 4).

Since the 2015 crackdowns, the Chinese state has heightened its restrictions on social media platforms. The 2016 Cyber Security Law of the People's Republic of China makes using one's real name and identity to access social media accounts a legal requirement.<sup>46</sup> In October 2017, President Xi Jinping made an announcement to build a "clean and clear cyberspace" (*qinglang wangluo kongjian*) at the opening of the nineteenth National Congress of the Chinese Communist Party.<sup>47</sup> Social media platforms such as Weibo soon started implementing stricter rules to "clear up" cyberspace. Besides censoring alternative voices on the Internet, the government has also spotlighted its preferred online representation to showcase its achievement on the frontstage. For example, in August 2018, the Central Cyberspace Affairs Commission launched an online platform Piyao (meaning "refuting rumors"), which includes a website, a mobile app, and accounts on Weibo and WeChat, and it is used to broadcast "real" news with sources from state-owned media and government agencies.<sup>48</sup>

To date, the boundary between permissible and forbidden forms of activism in China remains fluid and ambiguous, which makes the mobilization of feminists, lawyers, and other civil society groups (labor activists, LGBTQ groups, house churches, and so on) a precarious and unpredictable practice between the front- and backstages of the state's performance. The precariousness of activism also echoes the experiences in other authoritarian contexts (for example, the trial of Pussy Riot in Russia). Despite the state's painstaking effort to block and channel Internet traffic, however, the floodgate of online legal mobilization is still open. Some activists have drowned in their risky performances for social change, yet others have learned to swim in the rivers and lakes of the vast cyberspace. Their activism, if it persists, will keep the state awake at night and show the public a glimpse of dawn.

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