

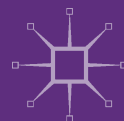
WOMEN JUDGES IN CONTEMPORARY CHINA

GENDER, JUDGING AND LIVING

ANQI SHEN



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Women Judges in Contemporary China

Gender, Judging and Living

palgrave
macmillan

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Preface

When writing *Offending Women in Contemporary China: Gender and Pathways into Crime* (Palgrave, 2015), I often felt all that mattered was the search for equality and justice for women. However, women occupy a diversity of social statuses. With gender being only one dimension, it seems to be impossible to make sense of the inequalities that women are facing. Therefore, it is necessary to look at the interplay between gender, class, race, ethnicity, generation, and other variables, when examining women's roles, social positions, and living conditions in a given society.

The findings of my previous study on female law-breaking in China suggest that female offenders tend to come from disadvantaged social groups, which are at the bottom of the class hierarchy and are subject to profound social and gender inequalities. However, like many places in the world, there must also exist in China what could be considered 'female elites'. Who are these women? Are they subject to gender, and other forms of, inequities? What about women who work in 'fields once considered the province of men only' (Feinman, 1994: 6) or places traditionally dominated by men? What is their position in those professions and in society? What are their working and living conditions? I found these questions to be worthy of investigation.

In late 2014, I commented on a news report concerning gender inequality in China on WeChat (China's version of Twitter or Facebook, and the most popular social medium in the country). A former colleague of mine—a female lawyer—replied: 'Today, nearly half of the judges are women, and female heads and assistant heads of trial divisions are not rare. There are also female presidents of the court in our province. Gender equality is not an issue in China, not in the legal world anyway'. This remark inspired me to turn my attention to female judges—elite women in the judicial profession in China.

In January 2015, I was granted travel allowance under the *International Visiting Academics Scheme* by my university, which enabled my fieldwork for the research project on women in the Chinese judiciary. Over the summer, I interviewed 48 judges at 13 people's courts in a large province in Southeast China.

While I planned to use an interview protocol to collect data systematically, the judges who participated in the interviews often took liberties to speak about their views and comments on a range of issues, which they thought helpful to my research. As a result, the data generated in the fieldwork was much richer than that was expected. It therefore has enabled a wider research agenda: along with discussions around women's roles and positions in the judiciary, and women and judging, my work now covered issues beyond women judges' professional lives, such as their lives as ordinary women outside the courts. This has made the writing of this book even more exciting—and at the same time, a heavier duty. However, the process was hugely rewarding.

Scholarly research on Chinese women judges is extremely scarce. Based on an original study, this book seeks to make an important contribution to the international literature on women in the judiciary, gender and judging, and gender equality in contemporary China. It should be noted that this book is not written merely for scholars and university students. A wider audience, including those who are interested in issues around gender, judiciary, equality and China in the reform and post-reform eras, may also find this book useful.

I hope that the findings presented in this book will inform policy-making in China and a broader context. I also hope that the book can help make changes in policy and practice that will benefit women judges, the judicial profession, women in China and women all over the world.

Middlesborough, United Kingdom

Anqi Shen

Reference

Feinman, C. (1994). *Women in the Criminal Justice System* (3rd ed.). Westport, CT: Greenwood Publishing Group, Inc.

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My special gratitude goes to my dear friend Tracy Shildrick for her continuous encouragement, academic advice, intellectual support and inspiration. I thank her for reading the draft of this book and offering her invaluable feedback and suggestions for improvement. I thank her also for being my role model—not only a successful woman scholar, but also one of those women who genuinely support other women.

I would like to thank my colleagues and research buddies at Teesside University, especially Georgios A. Antonopoulos, Paul Crawshaw, Alex Hall, Steve Hall, Annabelle James, Jo Large, Anthony Lloyd, Rob McDonald, Georgios Papanicolaou, Pauline Ramshaw, Azrini Wahidin, Louise Wattis, Phillip Whitehead, and many others. Special thanks go to Simon Winlow for taking the time to read my draft book proposal and giving me detailed and constructive feedback on New Year's Day 2016.

I would also like to thank my University for funding my fieldwork in China in 2015, my School for generous research support, all of my colleagues in the Criminology, Law and Policing Department, and my colleagues and friends in the Law Unit in particular, for solidarity and for creating a wonderful working environment.

I also thank my research colleagues and friends in Britain, China and around the world, especially Rosemary Barberek, Frances Bernat, Harry Blagg, Thom Brooks, Liqun Cao, Kerry Carrington, Malcolm Davies, Peter Gill, Bin Liang, Jianhong Liu, T. Wing Lo, Siping Ma, Meggie O'Neill, Ce Qin, John Scott, Klaus von Lampe, Jianhua Xu, and many more, for their intellectual influence, friendship, encouragement and support, whenever needed.

Many thanks to my editors at Palgrave—initially Jules Willan, and subsequently Josie Taylor and Steph Carey—for their assistance and support. It has been such a pleasure to work with you all. I would also like to thank the reviewers for their invaluable comments and advice.

I presented an earlier version of Chap. 1 at the Annual Conference of the British Society of Criminology in July 2015 in Plymouth. I benefited from the useful discussions with the audience and their insightful comments.

Finally, I dedicate this book to my parents, who have never let me doubt that girls could achieve anything boys could. I am enormously indebted to them for their love and continuous support. I owe a very special thank you to Dave for being my constant companion and loyal friend, for believing in me, and for always supporting me in whatever I love to do—writing this book, for example.

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1

Introduction

Little is known about women judges in China. This book aims to fill in some of the gaps by reporting on unique research, which was undertaken directly with female judges. Thus, it makes an important contribution to the international literature on women in the judiciary, gender and judging, and gender equality in contemporary China.

Women in Contemporary China

In the Western, developed world, the social, cultural and economic positions of women as a social group have improved significantly since the 1960s, following the women's movement that drew attention to entrenched structural injustice. The women's movement, as Clarice Feinman (1994: 22) argued, is 'generally perceived as attempting to establish the legal right of all persons, regardless of sex, to an equal opportunity in all aspects of life: work, family, and community'. This principle runs counter to many of the roles traditionally ascribed to women in these places. Therefore, the women's movement may be seen as a threat to the established gender order and gender norms.

During a similar period of time in China—an Asian country in the south of the ‘global village’ (Aas, 2007)—the women’s movement underwent a rather different route: it was primarily directed by the Chinese Communist Party (the CCP, or ‘the Party’). Needless to say, Chinese women have gained profound autonomy since the founding of the People’s Republic of China (the PRC) in 1949 (Attané, 2012; Bailey, 2012; Kaku, 2015; Shen & Winlow, 2013; Tao, 2004).

In fact, to talk about women’s social position in China is not without complexity. It is true that the Party endorsed equality for women from its early days (Shen & Winlow, 2013). Women’s social status continued to rise through the traditional socialist advocacy of women’s liberation (Kaku, 2015). In the 1960s, Mao Zedong—then the highest authority in the country—praised women for being ‘an important force in production, holding up half the sky’ (Tao, 2004: xxvi). Since then, ‘half the sky’ has been widely used in official, media and academic discourses to represent women as a gender group. Consequently, women’s liberation and empowerment significantly advanced under Mao’s socialism, although they were gradually overshadowed by broader political struggles.

During the Cultural Revolution (1966–1976), Mao’s radical feminism was promoted. Women were rendered to be self-conscious political subjects, who ‘heroically overcame their gender’ and became the ‘parodic figure’ needed in socialist production (Rofel, 1999: 97). As a result, the femininity of women was suppressed. Thus, Maoist feminism did not bring Chinese women the gender equality that they needed; rather, it made gender equality more complicated in China (Mitter, 2008). At the same time, certain traditional values and the gender norm were institutionally preserved by the Party-state. The Confucian definition of feminine virtue—including chastity, filiality and motherhood (Dai, 2013; Mou, 2004)—even survived the Cultural Revolution (Bailey, 2012; Shen, 2015).

In the post-Mao economic reform era, which started in the late 1970s, economic growth (and the increase of social conflicts immediately associated with it) was prioritised. Consequently, feminised subalterns were marginalised in state politics (Rofel, 1999), women’s freedoms were curtailed (Fincher, 2014), and the gender equality that Chinese women gained in the socialist era appeared to be fading (Kaku, 2015). In the job

markets, gender gaps have widened significantly over the past two decades (Fincher, 2014). When there is a labour surplus, women are usually the first to be sent home (White, 1999). Furthermore, in high public offices, the number of women is decreasing (Bailey, 2012). Therefore, Attané (2012: 8) argued that ‘the economic reforms on the whole have been harmful to women’ by exposing them to economic insecurity as well as discriminating against them in the labour market. Consequently, women are a ‘permanent minority’ group within Chinese society.

At the same time, gender equality for women is consistently proclaimed as China’s basic national policy (Tao, 2004; The State Council of China, 2015). *People’s Daily* (2015)—the largest newspaper group in China and an official voice of the CCP—stressed the importance of placing gender equality in the mainstream decision-making process. In China, women do enjoy a broad range of social and professional opportunities. For example, more than 70% of Chinese women are in the workforce, about the same as the United States (*Los Angeles Times*, 2016). Women are particularly active in private production (Goodman, 2004). Dong Mingzhu, President of Gree Electric, is an example: under her leadership, the air conditioner manufacturer generated sales of 22.5 billion US dollars (approximately £17.7 billion) in 2014. China now has more female billionaires than any other country (CNBC, 2016; *Fortune*, 2015). In the public sector, women represent more than 40% of the overall population of civil servants (*CPC News*, 2008).

However, women occupy a diversity of social positions and statuses in China. At one end of the spectrum, women of the marginalised social groups struggle to make ends meet (Shen, 2015). In the eyes of urban citizens, rural migrant women are ‘merely the object of civilising process, voiceless, inarticulate and reassuringly pre-modern’ (Sun, 2004). At the other end, for example, we watched the £20-million wedding of Angelababy—a 26-year-old Chinese actress with 58 million followers on social media (*The Telegraph*, 2015). Of course, between these two extremes is much complexity, with gender being only one dimension of inequality that produces these inequities. Indeed, social class shapes how women position themselves in society, as Chodorow (2006: 82) said: ‘In any given society, feminine personality comes to define itself in relation and connection to other people than masculine personality’. It should be

noted here that women judges do not represent *all* women in China. The women's issue is complicated, with a combination of issues associated with not only gender, class and generation (and race and ethnicity), but also politics, economy and social change.

Despite the fact that China seems to make every effort to promote gender equality (Attané, 2012) and that women's overall status is rising, their gendered problems remain (Zheng, 2000). Ms. Wu Yi, a former State Councillor in China, remarked that 'women's involvement in politics is still constrained' and 'they are still discriminated in the workplace' (*Xinhua News*, 2002). It is also acknowledged that women are generally undereducated in impoverished rural regions, where women's rights in a family may be seriously violated (Li, 2015; *Xinhua News*, 2002). The government recognised that there is 'a long way to go and there are arduous tasks to tackle women's problems and finally achieve gender equality' (The Permanent Mission of the PRC, 2016).

While by and large Chinese women enjoy great liberty and mobility, strikingly, they are still expected to (and many do) observe the traditional gender norms: 'Behind the public celebration of gender equality in the Communist workplace, women continued to shoulder the heavy burdens of childcare, housework and cooking at home' (Fincher, 2014: 37). Even young women of the new generation are following in their mothers' footsteps. While seeking freedom and autonomy, they also conform to the mainstream code of womanhood. How do we make sense of the complexities and contradictions of Chinese women's social status?

As mentioned, the women's liberation movement in China is mainly a top-down process led by the Party-state. Accordingly, its scope, nature and manner are centrally defined, and there seem to be gaps between gender equality taken by the policy-makers and that which meets women's needs (Kaku, 2015). Relatedly, *feminism* and the *feminist movement*, which originated in the West, seem to have a negative connotation in China (Hsiung, 2001). Therefore, feminist activism and the radical rights movement (campaigning for women's rights through public protests led by grassroots, usually feminist intellectuals) are unlikely to receive official approval, and indeed gain little public support (*The Guardian*, 2015). As a result, feminism is often considered to be controversial, if not and politically sensitive (Kaiman, 2016).

During my fieldwork in the Chinese courts, I was cautiously introduced as a scholar who ‘researched women from women’s perspectives’ (nū-xing-xue-xue-zhe) rather than as a ‘feminist’ (nū-quan-zhu-yi) scholar. *Nū-quan* (feminism), which literally means ‘women’s rights’, was deliberately avoided. It may sound bizarre to a Western reader, but you will be less puzzled by the end of the book.

This section elaborates on the social reality in which Chinese women are living. How does it shape women’s roles and positions in public offices, family and society? How do they live their lives? How do they react to the world surrounding them? I will use my research on Chinese women in the judiciary as a case study to examine women’s social positions in Chinese society.

Women and the Judiciary

A rich body of international literature on women in the judiciary has been formed by two broad, interrelated lines of research. The first line of inquiries focuses on equality and fairness for women. It examines women’s representation (or lack of) in the judiciary, which is traditionally and culturally sex-typed as a male profession (Thornton, 1996; Rackley, 2002; Roach Anleu & Mack, 2014). In many places in the world, men and women are not equally represented on the bench (International Commission of Jurists, 2013).

In the common law world, Kenney (2013) advocated for the appointment of more women judges on the bench in the United States and argued that women should make up at least 50% of judiciary appointments. The socio-demographic profile of the British judiciary gives rise to debate on gender diversity in the judiciary. In Britain, judges are typically Oxbridge-educated, white, middle-class men. So far, only *one*—Lady Hale—out of 12 Supreme Court judges is a woman. Clearly, underrepresentation of women in the judiciary is unfair (Bindman & Monaghan, 2014; Cahill-O’Callaghan, 2015; Hale, 2005; Hunter, McGlynn & Rackley, 2010; Rackley, 2013). Outside of the common law world, the judiciary is typically dominated by men in traditional patriarchal societies. For example, in Syria, women make up only 14% of

the judiciary, which consists of judges and public prosecutors (Cardinal, 2013).

As in common law countries, civil law jurisdictions also once excluded women from the legal world (Ludewig & LaLlave, 2013). However, since the 1990s, these countries have begun adopting a judicial appointment policy, which enables more women to enter into the judiciary. In the Netherlands, for example, women outnumbered men in 2008 and have become the majority of the overall judicial population (Dijksterhuis, 2013). Likewise, France is also one of the most feminised civil law countries (Boigeol, 2013). At the same time, research shows open or hidden barriers in these systems, which prevent women from reaching their full potential in the judicial profession. It is still unclear why there are so few women in the senior judiciary, and what can be done institutionally to help female judges to achieve full equality to men in court (Schultz & Shaw, 2013b).

According to Schultz and Shaw (2003, 2013b), the dominating international academic debates around women in court include gender aspects of judicial education, training and selection, judicial career advancement, and female leadership in judiciary. Over the years, feminist scholars have campaigned for women's appointments, promotions and better working conditions in the gender-insensitive, 'imagined community' of the legal profession and the judiciary in particular, which has long been defined by 'hegemonic masculinity' (Hunter, 2003). Significant progress has been made internationally as a result. However, certain gendered obstacles for women judges can be seen in jurisdictions around the world.

The other line of inquiry into women judges looks at how women perform judicial functions in court and examines the role of gender in the application of justice: gender and judging. Simply, how do women perceive the facts of the case, interpret and apply the law, and finally, make judicial decisions?

A voluminous body of literature debates whether women judge cases differently from men—and if so, in what way. Efforts have been made to look for women's 'different' or 'other' voice (Gilligan, 1982) or uniqueness, as opposed to men, in terms of the standpoint, perspectives and values that they bring to the adjudicative process (see, Belleau & Johnson, 2008; Boyd, Epstein & Martin, 2010; Choi, Gulati, Holman, & Posner, 2011;

Cook, 1981; Kohen, 2008; Martin, 1990, 1993; Martin & Pyle, 2002; Peresie, 2005; Wilson, 1990). Attention has been paid to women's particular methods, styles and approaches to determining cases in front of them (Bartolomei, 2013; Boigeol, 2013; Martin, 2013; Röwekamp, 2013; Schultz, 2013a, b). However, very little consistent empirical evidence has been found 'for an *essential* women's difference in judging' (Kenney, 2013: 162; Kritzer & Uhlman, 1977; Roach Anlue & Mack, 2009), nor do women judges' own anecdotal experiences suggest that judicial decisions made by women differ from those made by men (see, for example, Sloviter, 2005).

That being said, men and women are different. Judges' perspectives are shaped by their experiences, both professional and personal (which may be gendered), and influence judicial decision-making (Boyd et al., 2010; Conley & Rauscher, 2013; Glynn & Sen, 2015; Ludewig & LaLlave, 2013; Peresie, 2005). Men and women may have different behaviours and attitudes in judging (see, for example, Abrahamson, 1998; Bartolomei, 2013; Hale, 2005; Martin, 2013; Schultz, 2013a, b; Wald, 2005). It seems to be accepted that gender, along with other variables, is relevant to judging, because it shapes what judges know about the world and how the things they know translate into their activities in court (Graycar, 2008). However, despite some differences between men and women in their gendered views and their approaches to judicial operations, sex differences do not necessarily lead to different judgments (Kenney, 2008).

So far, the existing evidence has not directed us to conclude what gender differences exactly are in judicial production. It is suggested that research should move beyond the question of whether women decide cases differently from men. Scholarship on women judges, which turns towards an essentialist view of women and gender differences, leads to assuming, rather than discovering, essential sex differences; therefore, it is 'not helpful for understanding judicial behaviour' (Kenney, 2008: 107). Instead, emphasis should be placed on the inclusion of varied perspectives and experiences, including gender, in judicial decision-making, which will make for a better judiciary (Hunter et al., 2010; Kenney, 2013; Rackley, 2013).

Rather than comparing men and women in the judiciary, previous research has placed emphasis especially on women, by looking at

‘feminist judging’ (Hunter & Fitzpatrick, 2012), ‘feminist judgments’ (Hunter, 2008, 2013, 2015; Hunter et al., 2010), ‘feminist style of reasoning’ (Sherry, 1986), ‘feminist approach to legal reasons’ (O’Connor, 1991), or ‘feminist methods’ (Baines, 2009; Bartlett, 1990; Mossman, 1986). One important purpose of these studies, along with others (Farhang & Wawro, 2004; Dijksterhuis, 2013; Gilligan, 1982; Martin, 2013; Peresie, 2005; Röwekamp, 2013), is to explore women’s unique contributions to the judicial process.

The existing research has generated many positive findings about female judges and their judicial performance at both national and international levels. However, there are still gaps in research (Schultz & Shaw, 2013b). Therefore, women’s gendered experience in judging requires further academic inquiry to help advance a theory of gender (Kenney, 2013), enable a better understanding of judging, and inform policy and practice to ensure equality in the judicial profession.

Although the scholarship on gender and judging has grown, women judges are under-researched in some geographical regions. China is one of these regions. It was not included in a project on women in the world’s legal professions that involved scholars from 17 countries (Schulze & Shaw, 2003), nor was it part of a similar scale international study on gender and judging that included research papers from 19 countries among which were the Asian countries of Cambodia, India, Japan, and the Philippines (Schulze & Shaw, 2013a). Schultz (2003) explained that a failure to recruit contributors from broader geographical contexts was possibly due to the absence of relevant data, and called for more to be done to close the information gap. This study on women judges in China is a direct response to that call.

Research into Women in the Chinese Judiciary

English language publications on the Chinese legal system are rapidly expanding (see, for example, Cao, 2014a; Clarke, 1996; Li, 2014; Liang, 2008; Liu, 2006; Peerenboom, 2002, 2007; Potter, 2013). However,

with a few exceptions, little empirical research has been done to focus on women in the legal world.

Wei and Xin (2013) investigated Chinese women judges' performance in divorce mediation. By contrasting the mainstream media's depictions and women's judicial practice in reality, the authors concluded that women judges rejected the stereotypical female characteristics as factors contributing to the settlement of divorce mediations. Rather, the female judges had a clear understanding of what they could do to solve marital disputes. Studies by Michelson (2009, 2013) looked at women lawyers in China. In these studies, women's careers were less successful than their male colleagues in terms of income and partner status. These studies also indicated significant career longevity gaps between male and female lawyers, and hence gender inequalities in the legal profession. Sida Liu studied the feminisation of judges in China and suggested a rising number of women judges. The research showed that judicial profession might have limited the entry of women to higher level positions in its hierarchy, but women do not seem to want to occupy these positions in the first place (Venkatesa, 2015). However, the article that details the findings of the study (Zheng, Ai, & Liu, 2017), due to be published in March 2017, was not available at the time of writing.

Although the English literature on female judges in China is sparse, Chinese language literature does seem to have wider coverage of women in court. Publications in official, media and academic discourses can be broadly divided into several categories. The first category of articles aims to promote women as an important gender group in court. The articles frequently praise outstanding women judges as role models for integrity, hard work and cleanliness in judicial practices (see, for example, Chen, 2008; Dong, 2007; Li, 2013; Ma, 2009; Song, 2009; Zhang, 2007; Zhong, 1997). Secondly, a bulk of publications attempt to describe the current circumstances of women judges, identify their problems in professional development, and offer recommendations to women judicial officers and the court system (see, for example, Huiyang Basic People's Court, 2014; Liu, 2012; Liu & Huang, 2011; Yang, 2015; Zhao, 2014). The third category of publications tends to highlight women's unique roles in handling family and neighbourhood disputes, as well as caring for women and children in need in the judicial process. Usually, female

characteristics such as patience, empathy and attentiveness are emphasised (see, for example, Bao & An, 2007; Chen, 2009; Qin, 2014). In addition, the activities of the China Women Judges' Association (nū-fa-guan-xie-hui) (CWJA), may be reported to underscore its primary role in helping women judges with their career advancement (see, for example, Editor, 1999, 2009; Mei, 1994; Sun, 2015; Wang, 2010).

There are two major problems with the Chinese publications. First, these articles typically provide normative statements, which are descriptive and rarely empirically grounded. This is not unusual: China does not have a tradition of empirical research and official statistics about the courts and the judiciary are largely unavailable (Cohen, 1970; Curran, 2014; Liu & Jiang, 2011; Shen, 2015). Scholarly studies are therefore constrained by the sparsity (or absence) of empirical data, which limits the scope and depth of critical analysis.

The second problem is that the publications, including those exposing women's gender-related problems, are hardly discussed from a feminist or gender perspective. This is because China, as a socialist state, seeks to create the image of women's liberation. In this context, critically discussing women's problems may lead to criticism against public policy, which may be regarded as counter to the national interest. Also, as aforementioned, feminism seems to be distortedly construed in China; accordingly, the international feminist activism is labelled as the 'bourgeois feminist movement' (Hsiung, 2001). Consequently, feminism receives little, if any, official endorsement. Because the Chinese academic society does not support controversies (Cao, 2014b, 2016; *China News*, 2015), feminism is not commonly accepted as a theoretical underpinning or a way of seeing the world. Although there are women in China who research women's issues and are recognised as 'feminist scholars' (Hsiung, 2001; Rofel, 2007), they are a minority and not widely known.

The reality is that no accurate official statistics are available to show the number of judges in China (*Legal Daily*, 2013), let alone the sex ratio in the judiciary. While rough estimates suggest that women comprise more than a quarter of the overall judicial population, as we shall see in Chap. 3, anecdotal evidence indicates that women account for approximately half of the total number of 'frontline judges' (yi-xian-fa-guan) who handle cases on a daily basis. This is striking because it shows that

we do not even know the very basic facts about women judges in China—a country with a population of more than 1.3 billion. This group of women certainly deserves academic attention.

The need to gain knowledge about women judges in China is not merely because China is the most populous country in the world; therefore, scholarship about women in the judiciary is incomplete without the experiences and perspectives of Chinese women judges. More importantly, China is a unique setting for research. As we shall see in this book, culturally, China differs fundamentally from Western societies in many respects. Politically, as an authoritarian country, it is led dominantly by one political party (the CCP) and the courts are agencies of the Party-state. According to Zhou Qiang, President of the Supreme People's Court, there are no concepts such as 'separation of power' and 'judicial independence' in Chinese politics (the *New York Times*, 2017). Therefore, Chinese judges have certain unique professional characteristics, which differentiate Chinese women judges from their counterparts in other countries. In addition, China is undergoing rapid social changes, which inevitably affect everyone in society, including women. Thus, given its unique contextual setting, this study on women judges in China may lead us to different findings from those in the existing literature on women in the judiciary, gender and judging, and women's emancipation in the twenty-first century, thus enriching it.

Aims of Study, Research Questions, and Organisation of the Book

In light of the discussions above, the primary aim of this study is to provide up-to-date empirical knowledge of women judges in China to start to fill in the knowledge gaps. Secondly, based on first-hand data, it aims to draw attention to gender and women's issues in the judicial profession. Thirdly, using female judges as a case study, it seeks to help accomplish a deeper understanding of women's social status in contemporary China, so as to inform policy and practice and create a climate for change.

The aims of the study are to be achieved by answering the following questions:

1. Who are Chinese women judges and what do they do in court?
2. How do women get into the courts? What are their career paths once they are in?
3. What are women's positions in, and relation to, the courts? What are their gendered concerns in the judiciary?
4. What are women's experiences in judging?
5. How do female judges perceive female law-breaking? What are their opinions on sentencing female offenders?
6. What are women judges' roles and positions in the domestic sphere and in society as a whole?

The first question enables a gendered construction of the judiciary and the relevant nature of judicial work to be explored, which helps define women judges in China. It is primarily dealt with in Chap. 3. The second and third questions focus on women in the judiciary, which are explored in Chap. 4. The fourth question is about gender and judging, which is mainly discussed in Chap. 5. The last question offers an opportunity to examine, in Chap. 6, women judges' gender roles and gender positions as ordinary women in China.

Correspondingly, this book is organised into seven chapters. This chapter is the introduction, which provides the contextual background of the study, on which the book is based. It also outlines the aims of study and organisation of the book. Chapter 2 details several key methodological issues, including research access, methods and data, the limitations of the methodology, and finally, a concise reflection on the research process.

Chapters 3–6 present the empirical findings around different themes. Chapter 3 offers an empirically grounded description of the professional setting in which women judges are situated. It answers two major questions: first, who are women judges in China? Second, what do they do? It serves as a note-up to the existing knowledge about the Chinese judicial system and practice and offers a contextual background for discussions in the following chapters.