

Now, all the sarcasm, malicious interrogation, fabrications, slander, evil plots...can no longer hurt us. We are willing to bear this tribulation together so that our Phương can be vindicated before the light of Truth and Conscience.

*Tun is the nickname of journalist Nguyễn Quỳnh Hương, who has been close to both me and my sister for decades and has become almost a sister to us.

Timeline:

- From July 1999 to April 14, 2000: Phương was raped. The fetus formed from the first rape was aborted. Phương continued to be manipulated, beaten, and humiliated.
- From April 2000 to 2003: Phương was unsuccessful in her denunciations and official complaints at the workplace. Phương was bullied, slandered, banned from publishing her work, and pressured to resign. She had many suicide attempts. She sought a lawyer but had to stop the lawsuit due to both physical and mental exhaustion.

15. ĐỖ BẠCH MAI

Translated by Nguyễn Nguyệt Cẩm and Peter Zinoman

Letter to Dạ Thảo Phương

Dear Dạ Thảo Phương,

I hear that you've been ill from thinking too much. I understand why you feel sick, but please try to overcome it.

In recent days, I've kept a close eye on your story, following nearly every opinion expressed about it.

At first, I was stunned at your sudden disclosure of the incident. I'm not sure what I would have advised had you consulted me about this matter in advance.

But now I realize that you have acted righteously, and I understand better why you were determined to expose the case.

Sadly, you are met with yet another silence.

More than twenty years ago, you also faced a great silence, even after the completion of all those official reports about the case. Back then, I wondered

why there was such silence, without a final ruling ever being announced. And then you quietly left the office. And it seemed that everything would be forgotten with time.

But since you've returned to this story again after more than twenty years, I understand that it must be impossible for your bottomless pain to heal.

I remember reading your diary after the abortion. I recall seeing you collapse in misery into a chair. It was unbearable for me to witness your pain. "Why are you crying?" I asked. If the child had been conceived from love, it would make sense to cry over this loss. But since the child was conceived as the result of a crime, you needn't feel sorry. I tried to provide you comfort at that time, imploring you to work through your pain rather than helping you seek justice for this cruel act.

In the recent waves of public opinion, many have expressed sympathy and support for you, but I know that you have also been scorned and criticized.

You should have clarified LNA's shamelessly muddled story in which he claimed that he took you to get an abortion twice but did not accompany you on a third visit. This account raised doubts in people's minds about your story. They wondered why you allowed yourself to be impregnated three times and suspected that your encounters with him must have been consensual. But I know that, in fact, he escorted you to an abortion clinic twice and that each time you could not go through with it. When you could put the procedure off no longer, you had the abortion on your third visit, but he was not there with you. That is the truth, but people have misunderstood it. You might try again to clear it up.

More than twenty years ago, I believed you and felt your pain. I feel the same way now.

Your actions have been righteous and confirm to me that you are a mature woman. You are not only joining a personal fight; you are issuing a wake-up call for the entire society. Things seem to have calmed down for the moment, but I don't believe that this story is over.

I think that both your supporters and your detractors have learned a lesson from this experience and will teach their children that they need to trust people but also remain on guard.

You have fulfilled your sacred mission to society. And Bùi Mai Hạnh did as well.

I congratulate you both on your maturity and courage.

I am always your Đỗ Bạch Mai.

I hope you will continue your journey with courage and determination.

Hà Nội, June 25, 2022

Dạ Thảo Phương à,

Cô nghe nói cháu ốm, ốm vì suy nghĩ nhiều.

Cô rất hiểu điều đó, nhưng cháu phải vượt qua.

Những ngày qua, cô đã theo dõi rất kỹ càng sự việc của cháu, gần như không bỏ qua một ý kiến nào.

Lúc đầu cô cũng ngỡ ngàng khi thấy cháu bắt ngờ đưa sự việc ra. Lúc ấy cô đã nghĩ nếu cháu hỏi ý kiến cô thì cô sẽ khuyên cháu như thế nào nhỉ?

Nhưng bây giờ thì cô thấy cháu đã làm đúng và cô càng hiểu vì sao cháu quyết tâm đưa sự việc ra ánh sáng.

Chỉ buồn là lại là một sự im lặng.

Cách đây hơn 20 năm sau tất cả các biên bản là một sự im lặng. Cô cũng thắc mắc tại sao lại im lặng thế nhỉ, không có một công bố gì, và cuối cùng cháu lại lặng lẽ ra đi.

Và tưởng như thời gian sẽ lãng quên tất cả.

Nhưng hơn hai mươi năm sau cháu đã xới lại thì cô hiểu rằng sự đau khổ tột cùng của cháu không thể lành vết sẹo được.

Cô vẫn còn nhớ khi cháu đưa cho cô đọc quyển nhật ký sau khi cháu đi nạo thai. Nhìn bộ dạng đau khổ của cháu khi cháu gục xuống ghế, cô đã không chịu nổi và cô đã mắng cháu: Tại sao cháu lại khóc, đứa con nó là kết quả của tình yêu thì khóc còn có lý nhưng đây nó là kết quả của một tội ác thì cháu không được tiếc thương. Và cô đã phải an ủi cháu để cháu vượt qua, và chỉ mong cháu vượt qua mà cũng không có mục đích truy tìm cái ác.

Sau những cơn sóng của dư luận, cháu đã nhận được rất nhiều ý kiến cả ủng hộ và thông cảm cả sự chê bai miệt thị.

Đáng nhẽ cháu phải lên tiếng nói rõ sự man trá ghê tởm của LNA khi nó lập lờ nói nó dẫn cháu đi nạn thai hai lần và lần thứ ba thì nó không đưa đi. Điều đó làm cho mọi người hoài nghi cháu sao lại để xảy ra nhiều lần thế và người ta tin là có sự đồng thuận.

Cô thì hiểu cháu và cô hiểu là LNA nó dẫn cháu đi hai lần nhưng không dám làm, đến lần thứ ba bắt buộc phải làm thì nó không có mặt. Sự thật là như thế và mọi người đã bị hiểu nhầm. Nếu cần cháu phải nói rõ sự việc này.

Cô đã nói cô tin tưởng cháu và xót thương cháu từ cách đây hơn 20 năm và bây giờ cũng thế.

Hành động của cháu là đúng. Cháu đã là một người đàn bà trưởng thành. Điều mà cháu đang làm không phải chỉ là đấu tranh cho riêng cháu mà là một tiếng nói cảnh tỉnh toàn xã hội.

Bây giờ đừng nghĩ mọi điều lại trở nên im ắng là hết.

Cô nghĩ là cả những người ủng hộ cháu và cả những người dè bừ cháu họ đều rút ra một bài học cảnh báo cho những đứa trẻ của họ và khi giáo dục con bước vào đời không phải chỉ có niềm tin mà còn cần phải biết cảnh giác.

Cô nghĩ cháu đã hoàn thành sứ mệnh thiêng liêng của mình trước xã hội cũng như Bùi Mai Hạnh.

Cô chúc mừng sự trưởng thành và dũng cảm của các cháu.

Cô lúc nào cũng là một Đỗ Bạch Mai của cháu.

Mong cháu kiên cường đi tiếp bằng nghị lực của mình.

Hà Nội 25/6/2022

ABSTRACT

This forum features fifteen documents translated from Vietnamese into English that address high-profile rape allegations by the poet Dạ Thảo Phương against Lương Ngọc An, a well-known poet and a coworker of hers at Văn Nghệ [Literature and Arts] newspaper. While the assaults allegedly occurred between 1999 and 2000, they were first described in public by Dạ Thảo Phương in a series of Facebook posts during Spring 2022. In addition to Dạ Thảo Phương's posts, the forum includes a range of commentary on the case as well as a second allegation of sexual misconduct against Lương Ngọc An by the poet Bùi Mai Hạnh. We supplement this material with an essay

about the broader legal, social, and cultural context of sexual violence in contemporary Vietnam by Dr. Nguyễn Thu Hương of the Department of Anthropology at the University of Social Sciences and Humanities, Vietnam National University of Hà Nội.

KEY WORDS: *MeToo, sexual violence, sexual harassment, rape laws, Dạ Thảo Phương, Vietnam*

Notes

1. According to Resolution No. 05-NQĐĐ, issued April 14, 2022, by the Communist Party Branch and Youth Union of the Vietnam Writers' Association, Lương Ngọc An was removed from his positions as deputy general editor and secretary of the editorial office of *Văn Nghệ* [Literature and Arts] newspaper. "Thông báo của Ban Chấp hành Hội Nhà văn Việt Nam về kỳ họp thứ 4 khóa X [Press Release of the Executive Committee of Vietnam Writers' Association on the 4th Session of the 10th Tenure]," Vanvn.vn, April 16, 2022, <https://vanvn.vn/thong-bao-cua-ban-chap-hanh-hoi-nha-van-viet-nam-ve-ky-hop-thu-4-khoa-x/>.
2. "Vụ nhà thơ Dạ Thảo Phương 'lên tiếng là quan trọng nhất'" [The Case of Poet Dạ Thảo Phương "Speaking Out Is Most Important"], *BBC News Tiếng Việt*, April 14, 2022, <https://www.bbc.com/vietnamese/vietnam-61093412>.
3. The origin of the MeToo movement traces back to 2006 when Tarana Burke, a New York community organizer serving women of color, initiated a project to raise awareness of the victims of sexual abuse; she decided to call it "Me Too." About a decade later, on October 15, 2017, it took off on social media and became a global sensation when actress Alyssa Milano asked people to tweet #MeToo if they had been sexually assaulted. Many victims around the world responded. See also Giti Chandra and Irma Erlingsdóthir, "Introduction: Rebellion, Revolution and Reformation," in *The Routledge Handbook of the Politics of the #MeToo Movement*, eds. Giti Chandra and Irma Erlingsdóthir (New York: Routledge, 2021).
4. Isabelle Taft, "#MeToo, Vietnam: Vietnam's Fledgling #MeToo Movement Reveals the Limits of the Country's Progress on Gender Equality," *Diplomat*, May 15, 2018, <https://thediplomat.com/2018/05/metoo-vietnam/>.
5. Taft, "#MeToo, Vietnam."
6. United Nations Population Fund, "UNFPA Viet Nam Statement on Singer Pham Anh Khoa," UNFPA Vietnam, May 14, 2018, <https://vietnam.unfpa.org/en/news/unfpa-viet-nam-statement-singer-pham-anh-khoa>.

7. “Phạm Anh Khoa: “Tôi xin lỗi Phạm Lịch, vợ con vì những gì đã làm,”” [“I apologize to Phạm Lịch, my wife, and my children for what I have done”], *Vn Express*, May 15, 2018, <https://vnexpress.net/pham-anh-khoa-toi-xin-loi-pham-lich-vo-con-vi-nhung-gi-da-lam-3749890.html>.
8. Given the ongoing investigation into this case, names of the accuser and the accused have been abbreviated to protect the privacy of the concerned parties. “Bộ Tư pháp yêu cầu Đại học Luật Hà Nội giải quyết nhanh vụ trưởng khoa bị tố cưỡng dâm,” [The Ministry of Justice Has Requested Hà Nội Law University to Handle the Forced Sex Accusation against the Head of the Department in a Timely Manner], *Tuổi Trẻ News*, April 27, 2022, <https://tuoitre.vn/bo-tu-phap-yeu-cau-dai-hoc-luat-ha-noi-giai-quyet-nhanh-vu-truong-khoa-bi-to-cuong-dam-20220427175529281.htm>.
9. The Penal Code of 2015, amended in 2017, set the statute of limitations during which parties involved in a criminal dispute have to initiate the legal proceedings from the date of an alleged offense: twenty years for especially serious crimes, fifteen years for very serious crimes, ten years for serious crimes, and five years for less serious crimes (Article 27, item 2d). After this time period, the alleged perpetrator cannot be charged for the crime (Article 27, item 1).
10. The information and analysis presented in this section were taken primarily from two publications: Nguyễn Thu Hương, *Taboos and Realities: Rape in Present-Day Vietnam* (Hà Nội: Thế Giới, 2011), 17–57; and Nguyễn Thu Hương, “Rape Experiences and the Limits of Women’s Agency in Contemporary Post-reform Vietnam” (PhD dissertation, University of Amsterdam, 2011), 139–179.
11. Through the use of the word *người nào* [whoever], the rape law appears to be gender-neutral, giving the impression that both women and men can be potential victims (or perpetrators) of rape. In practice, in rape cases in Vietnam, only men can be convicted as principal offenders, though women can be convicted as accessories.
12. The legal concept of *mens rea* is used to describe a person’s awareness of the fact that his or her conduct is criminal.
13. Đại học Luật Hà Nội [Hà Nội Law University], *Giáo trình Luật hình sự Việt Nam* [Syllabus of the Vietnam (1999) Penal Code], 6th ed. (Hà Nội: Công An Nhân Dân, 2004), 326.
14. Nguyễn Thu Hương, “Rape Experiences,” 140.
15. Executive Board of the Trade Union, Minutes of the meeting held between the Trade Union representatives of *Văn Nghệ* magazine and Lương Ngọc An, February 26, 2003; Dạ Thảo Phương, “Đứa con đầu tiên” [My First Child], Facebook, April 11, 2022, <https://www.facebook.com/dathaophuongvn/posts/117364987583981>.

16. Khuất Thu Hồng, Lê Bạch Dương, and Nguyễn Ngọc Hương, *Tình dục: Chuyện dễ đùa khó nói* [Sexuality in Contemporary Vietnam: Easy to Joke About But Hard to Talk About] (Hà Nội: Tri Thức, 2009).
17. Nguyễn Thu Hương, “Whose Weapons? Representations of Rape in the Print Media of Modern Vietnam,” *Journal of Vietnamese Studies* 7, no. 2 (2012): 29–66.
18. Nguyễn Thu Hương, “Rape Disclosures: The Interplay of Gender, Culture and Kinship in Contemporary Vietnam,” *Culture, Health and Sexuality* 14, no. 1 (2012): S39–S52.
19. Historically the label “social evil” can be traced back to the nationwide campaign against drugs, prostitution, and gambling starting in 1995. The theme of “social evils” has often been associated with Vietnam’s open-door policy since the 1986 reforms, and has attributed cultural depravity to negative Western influences in a broader discourse on traditional Vietnamese values and morals. See also Helle Rydstrom, “Sexual Desires and ‘Social Evils’: Young Women in Rural Vietnam,” *Journal of Gender, Place, and Culture* 13, no. 3 (2006): 283–303; Nguyễn-võ Thu-hương, *The Ironies of Freedom: Sex, Culture, and Neoliberal Governance in Vietnam* (Seattle: University of Washington Press, 2008); Jamie Gillen, “A Battle Worth Winning: The Service of Culture to the Communist Party of Vietnam in the Contemporary Era,” *Political Geography* 30, no. 5 (2011): 272–281; Nguyễn Thu Hương, “Navigating Identity, Ethnicity, and Politics: A Case Study of Gender Variance in the Central Highlands of Vietnam,” *NORMA: International Journal for Masculinity Studies* 11, no. 4 (2016): 255–269.
20. Item 1 of Articles 141, 142, 143, 144, and 145, Penal Code No. 12/2017/QH14, issued June 20, 2017.
21. Resolution No. 06/2019/NQ-HĐTP, issued October 1, 2019, by the Justice Council of Vietnam Supreme People’s Court, guiding the application of a number of provisions of Articles 141, 142, 143, 144, 145, 146, and 147 of the Penal Code (Article 3, items 2a, 2b, 8).
22. See Tine Gammeltoft and Nguyễn Thu Hương, “The Politics of Sexual Health in Vietnam,” in *The Routledge Handbook of Sexuality Studies in East Asia*, eds. Mark McLelland and Vera Mackie (London: Routledge, 2014), 362–373; Nguyễn Thu Hương, “Rape Experiences”; Phan Thu Hiền, “Sexual Coercion within Marriage in Quang Tri, Vietnam,” *Culture, Health and Sexuality* 10, no. 1 (2008): S177–S187.
23. Lê Thị Minh et al., “The Evolution of Domestic Violence Prevention and Control in Vietnam from 2003 to 2018: A Case Study of Policy Development and Implementation within the Health System,” *International Journal of Mental Health Systems* 13, no. 1 (2019): 1–16.

24. For a country profile diagnostic on gender equality, see UN Women, International Labor Organization, Australian Aid, and Asian Development Bank, *Country Gender Equality Profile: Viet Nam 2021* (Hà Nội: UN Women, 2021).
25. Center for Women and Development, “History of Development,” <https://cwd.vn/en/history-of-development> (accessed June 9, 2022).
26. Anggia Burchill and Lê Thị Bình, *Peace House Shelter Project—Supporting Victims of Trafficking in Persons: FINAL—End-of-Project Evaluation Report* (Hà Nội: Spanish Agency for International Development Cooperation and Center for Women and Development, 2015).
27. MOLISA, GSO, and UNFPA, Results of the National Study on Violence against Women in Viet Nam 2019—Journey for Change (Hà Nội: UNFPA, 2020); General Statistics Office, “Keeping Silent is Dying”: Results from the National Study on Domestic Violence against Women in Vietnam (Hà Nội: General Statistics Office, 2010).
28. MOLISA, GSO, and UNFPA, *Results of the National Study*, xvii–xix.
29. MOLISA, GSO, and UNFPA, *Results of the National Study*, xxii.
30. MOLISA and UNFPA, Report on Ten Years Implementing the Law on Gender Equality (Hà Nội: MOLISA, 2020).
31. MOLISA and UN Women, Review Report on the Implementation of the National Strategy on Gender Equality 2011–2020 (Hà Nội: MOLISA, 2021).
32. Jade L. Stirling, Peter J. Hills, and Liam Wignall, “Narrative Approach to Understand People’s Comprehension of Acquaintance Rape: The Role of Sex Role Stereotyping,” *Psychology & Sexuality* 13, no. 2 (2022): 129–146; Melissa Mayer, *Coping with Date Rape and Acquaintance Rape* (New York: Rosen, 2018).
33. Rebecca Campbell et al., “Preventing the ‘Second Rape’: Rape Survivors’ Experiences with Community Service Providers,” *Journal of Interpersonal Violence* 16, no. 12 (2001): 1239–1259.
34. Adrian Furnham, “Belief in a Just World: Research Progress over the Past Decade,” *Personality and Individual Differences* 34 (2003): 795–817.
35. Nguyễn Thu Hương, “Rape Disclosures,” 39, 47.