

Research Paper

## Reframing Sexual Minority Issues in China: Analysis from a Discrimination Theory Perspective

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Prior studies have used terminologies such as *tongzhi* (同志)<sup>1</sup> (Chou, 2001; Coleman & Chou, 2013; Guo, 2018a, 2018b; Kong, 2020), LGBT (Hildebrandt, 2012; Parkin, 2018; Wei & Yan, 2021), LGBTI (United Nations Development Programme, 2016), LGBTQ (Chia, 2019), queer (Engebretsen, 2015; Huang & Brouwer, 2018a, 2018b; Liu, 2010; Schroeder, 2015), and LGB (Hu & Wang, 2013) to refer to people whose sexual orientation and gender identity (SOGI) are at odds with what is perceived to be the gender norm in China. *Tongzhi* largely refers to homosexuality, whereas the terms LGB, LGBT, and LGBTQ exclude some minority groups, and “queer” is not widely used in Chinese society. Given the inconsistencies in these terms, this study adopted the term “sexual minority people” to refer to this group, and the terms used in previous studies are retained when quoted here.

China appears friendly to sexual minority people, for instance, as implied in the removal of homosexuality in the Chinese Classification of Mental Disorders (CCMD-3, third edition) in 2001. Moreover, China has accepted the

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<sup>1</sup> *Tongzhi* refers to contemporary Chinese lesbians, bisexuals, and gay people. It used to mean “comrade” in China, referring to the revolutionaries who shared a comradeship. The term was first adopted by Chinese people in Republican China and then adopted by both Communist/nationalist revolutions. After 1949, *tongzhi* (comrade) became a friendly and politically correct term by which to address everyone in China. Then, after 1978, the term lost its popularity and was replaced by personal names or titles. The term was first appropriated by an activist for the first Lesbian and Gay Film Festival in Hong Kong in 1989 for employing an indigenous representation of same-sex eroticism (Coleman & Chou, 2013).

United Nations Human Rights Council's recommendation to "Establish anti-discrimination laws and regulations to ensure that lesbian, gay, bisexual and transgender persons enjoy equal treatment, including at schools and in the workplace" (United Nations General Assembly, 2013). Furthermore, various support organizations for sexual minority people have been established in society to assist this group, conduct social surveys (United Nations Development Program, 2016; Beijing LGBT Center, 2017), and offer medical courses. Thus, sexual minority issues should have gradually entered the realm of public discourse and gained more attention.

However, they are still discussed virtually underground in society, and sexual minority-related words and objects remain "taboo." For example, on July 6, 2021, the WeChat accounts of sexual minority organizations in many universities in China were instantaneously blocked without a plausible reason.<sup>2</sup> Another example is that of two female students from the famous Tsinghua University in China, who were disciplined on July 11, 2022 for distributing rainbow flags on campus.<sup>3</sup> In other words, there remains an "invisible oppression" for sexual minority people in China. Where does this "invisible oppression" come from? Why does it persist?

Prior studies have examined the challenges sexual minority individuals face in the Chinese context, the tactics they have taken to address such challenges, and how they have challenged and affected the Western model.<sup>4</sup> One thing these individuals have in common is that they view traditional

<sup>2</sup> "Chinese gay group WeChat account was blocked, sparking protest: We are all 'unnamed public accounts' -BBC News," <https://www.breakinglatest.news/news/chinese-gay-group-wechat-account-was-blocked-sparking-protest-we-are-all-unnamed-public-accounts-bbc-news/> (Accessed on 1 July 2022)

<sup>3</sup> "Chinese students vow to fight penalty for distributing rainbow flags at Tsinghua University," <https://www.scmp.com/news/china/politics/article/3185842/chinese-students-vow-fight-penalty-distributing-rainbow-flags> (Accessed on 1 July 2022)

<sup>4</sup> The "Western model" refers to the transnational, hegemonic ideology on queerness that is centered on specific articulations of sexual rights and liberation rhetoric. This ideology promotes a particular form of identity politics based on individualism and coming-out narratives and features public rituals such as Pride celebrations in urban space (Engelbreten, 2015, p. 90).

culture and legal policies, people who are prejudiced against sexual minorities, and the Western model as factors that significantly impact sexual minority people. These appear to be essential sources of oppression, but are these the only ones? How do these static forms of repressions manage to have a lasting effect? Is there a solution to this? How does the West regard sexual minority issues as “everyone’s problem?” Can China do the same?

To answer these questions, previous research on sexual minority people in China was first compiled to illustrate the characteristics of earlier studies. Next, sexual minority human rights-related papers were examined, and the difficulties of identifying sexual minority issues in China were clarified from a human rights perspective. Finally, Sato’s (2005) theory of discrimination was applied to analyze the official discourse in China and shed light on how this “invisible oppression” is created and perpetuated.

By reframing sexual minority concerns in China, we may develop new and more acceptable methods to raise sexual minority issues in the context of a culture in which human rights rhetoric plays little to no positive role. In addition, the public will be able to realize their crucial role in sexual minority concerns, thus contributing to the development of a more inclusive society. This research also aimed to remind the general public that there has always been an alternative to unwittingly enabling the establishment of environments that exclude sexual minorities. Whether the notion of homosexuality and gender transition originated in the West or has been in China since antiquity, respect for human variety has no bounds.

### **Prior Studies on Sexual Minority Issues in China**

Prior studies can be classified according to two main viewpoints. One is the idea of “A different China from the West,” which highlights that the Chinese social background and culture are distinct from that of the Western<sup>5</sup> world and

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<sup>5</sup> The term “Western” refers to the dominating English-language discourse and research from Western Europe and North America.

sexual minority problems should be examined within China's context (Chia, 2019; Chou, 2001; Guo, 2018a, 2018b; Parkin, 2018; Wei & Yan, 2021). Another viewpoint is "China in global discourse," which argues that sexual minority people do not develop independently of the world, nor do they represent the wholesale assimilation of Western theories and models. The purpose is therefore to examine the interaction between the dominant queer studies and Chinese subjects (Engelbrechtsen, 2015; Huang, 2015; Huang & Brouwer, 2018a, 2018b; Kong, 2020; Liu, 2010; Schroeder & Schroeder, 2015). In addition, prior studies have analyzed sexual minority issues in China mainly from three perspectives as discussed below.

### **From a Sociocultural Perspective**

According to Chou (2001, p. 34), the family kinship system and filial piety are the lenses through which tongzhi should be viewed in China. The traditional Chinese view of tongzhi is that all people should be placed first in the family and the community, rather than be treated as independent and freedom-seeking individuals. Hence, the primary concern of tongzhi is these individuals' parents—not state oppression, religious fundamentalism, or employment discrimination. Moreover, aside from accepting that their child is tongzhi, parents are also concerned about the shame of having a deviant child who does not marry. The case of tongzhi offending their parents in a society where filial piety is highly prized is terrible. Thus, the ideal approach for tongzhi to tell their parents about their sexual orientation, without hurting their relationships or explicitly addressing homosexuality, is not to "come out" but to "come home." Coming home means a negotiated process of incorporating one's sexuality into the family-kin network, through establishing a same-sex relationship in terms of family-kin categories as opposed to conceptually distinguishing same-sex eroticism (Chou, 2001, p. 36).

However, Huang and Brouwer (2018b) highlight the limitations of both the coming-out and coming-home models. Specifically, the cultural principles

of *pulu* (“path-paving”) and *suzhi* (“quality”) are preconditions in China, which means that a queer individual should be a “successful” member of society and an “outstanding” daughter/son before coming out. In addition, the coming-home model leaves both the family and national culture under-investigated as a means of oppression. Thus, besides coming out and coming home, Chinese queer people prefer a coming-with approach, such as *xinghun*,<sup>6</sup> to blend family affiliation and sexual identity. This third route is neither complete rejection nor complete submission to the family (Huang and Brouwer, 2018b). This study questioned the meaning of queerness and challenged the binary between family and sexuality in dominant queer discourse from the viewpoint of “China in global discourse.”

In summary, Chinese society, culture, and parents have a major influence on the lives of sexual minority people. However, they actively seek alternatives that do not conflict with this societal tradition.

### From a Social Movement Perspective

Observing sexual minority issues in China through the lens of social movements is a typical perspective. Researchers have examined the obstacles that stand in the way of sexual minority movements, and the tactics used by sexual minorities from the perspective of “A different China from the West,” and evaluated such tactics from the “China in global discourse” perspective.

Factors hindering sexual minority social movements have been considered mainly from three directions. First, on the legal and political front, the tongzhi movement’s desperate desire for community space was stifled by the Communist Party of China’s (CPC) implementation of a repressive authoritarian structure (Guo, 2018a). In addition, the China Charity Law (2016)

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<sup>6</sup> Xinghun refers to a formal marriage in which lesbians and gays marry to meet the expectations of their families and society but continue to date the same-sex partner of their choice (Chia, 2019). Xinghun provides evidence of a minimum commitment to the public performance of a hetero-marriage while simultaneously allowing a queer family structure with a same-sex partner (Huang and Brouwer, 2018a).

and Foreign NGO Administrative Law (2016) have tightened regulations on domestic and foreign nongovernmental organizations (NGOs), as well as the general operating environment. The Chinese Charity Law (2016), which controls domestic civil society groups, does not include LGBTQ-related activities within the scope of “public interest” activities. Hence, it is difficult for LGBTQ rights organizations to achieve official status through registration (Chia, 2019). Moreover, the Foreign NGO Administrative Law (2016) does not allow LGBTQ rights activities, restricting the possibility of relationships between foreign NGOs and Chinese LGBTQ groups. As such, LGBTQ organizations are restricted by these laws from operating openly, raising funds, hiring qualified personnel, and providing critical services on LGBTQ issues. The invisibility of the LGBTQ experience in the legal and regulatory environment, the absence of LGBTQ-inclusive anti-discrimination statutes, and the constraints on equality rights in the Chinese Constitution make it difficult for LGBTQ rights attorneys and activists to bring legal claims (Chia, 2019). Hildebrandt (2012) also contends that the form of international funding—from foreign sources but channeled via the Chinese government—and local political constraints, eventually prevent the development of optimal transnational links of LGBT movements.

Second, on the ideological front, there has been a long-standing misconception that homo/bisexuality is imported from the West, and traditional Chinese culture is homophobic and anti-sexual (Coleman & Chou, 2013). As Western ideas and values have become increasingly suspect in recent years, the operating environment has become more challenging for Chinese NGOs and universities with extensive international connections (Chia, 2019). Furthermore, Guo (2018b) argues that the Chinese government utilizes the discourses of “moral ethics,” which refer to “traditional heteronormative” culture and patriotism, to eliminate tongzhi organizations institutionally. Guo (2018a) also describes that neighbors of sexual minority organizations view the existence of the organization as harmful to their children and thus want to

drive the organization away.

Third, in terms of social movement strategies, when publicly advocating for sexual minority rights, according to Wei and Yan (2021), parents of sexual minority people produce a familial model of LGBT activism in China, focusing on family bonds rather than sexuality and transitioning from oppositional identity politics among the queer community to cooperative civic engagement with the larger society.

Speaking of activists' strategies, Chia (2019) notes that activists in China not only evoke messages of love, equality, and inclusion among individuals and within communities, but also demonstrate loyalty to family and country while engaging in LGBTQ visibility activities in China. This contrasts with the Western world, where the notion that "love is love" is promoted, and that loyalty and consecration are never questioned. They must also learn how to navigate the ever-changing social, media, and political conditions to promote visibility and organize communities without violating censorship or public safety (Chia, 2019). Guo (2018b) argues that the assimilation strategy that the tongzhi movement used as a survival strategy has unintentionally reinforced the CPC's hegemonic regime and social governance.

By contrast, researchers have also examined how these strategies affect the Western model. Engebretsen (2015, p. 106) affirms the political nature of the Chinese queer movement. Even though Chinese queer activism does not make aggressive political statements, it is clearly political in terms of their public visibility and forms of participation in activities (Engebretsen (2015, p. 106); neither should the "nomadic" and "guerrilla" strategies of Chinese queer activists be read simply as a necessary response to the local political situation or as an act of assimilation in a country that demonstrates a lack of agency, initiative, and power. The grassroots queer activists show how they challenge rigid models that assume how queer justice movements should act to bring about systemic change toward equality, freedom, and inclusion (Engebretsen 2015, p. 107). Furthermore, Schroeder (2015) recognizes the value of the

Chinese queer movements from a global perspective, stating that it challenges, not only the rigid notion that queer resistance anywhere must be open, antagonistic, and purposeful, but also the perspective that only resistance is worthy of documentation.

Although China has few legal policies that directly restrict or ban sexual minority movements, the preceding section demonstrates that the requirements and restrictions on social movements, organizations, and patriotism impact and determine the sexual minority movements in China. Under such conditions, activists, and their parents vigorously investigate viable tactics. An analysis of how these techniques challenge the authority of the Western paradigm is also provided.

### **From the Perspective of Gender Identity**

Factors that influence the emergence and development of sexual minority identity in China are discussed as follows: Strong beliefs in filial piety make it harder for individuals to recognize and accept their sexual orientation. Perceived parental attitudes toward marriage and individual endorsement of filial piety ideals affect LGBs' negative sentiments and thoughts (Hu & Wang, 2013). For collective identities, tongzhi identities and communities were formed in the 1990s because of China's opening-up policy and the transnational tongzhi culture that came from Hong Kong and Taiwan. However, the public health paradigm still limits them (Kong, 2020).

In addition, the uniqueness of the identity category "T" in China is noticed. T, short for "tomboy," represents the more masculine partner in a female same-sex couple. T blurs the distinction between butch and transgender identities and occupies a social position that accommodates both same-sex desire and gender variance (Huang, 2015, p. 114). Huang (2015) argues that by linking T with queer and transgender scholarship, we can take a step toward de-centering the Western dominance in queer studies, and this might help inject new ways of imagining into transgender scholarship. Meanwhile, the ongoing



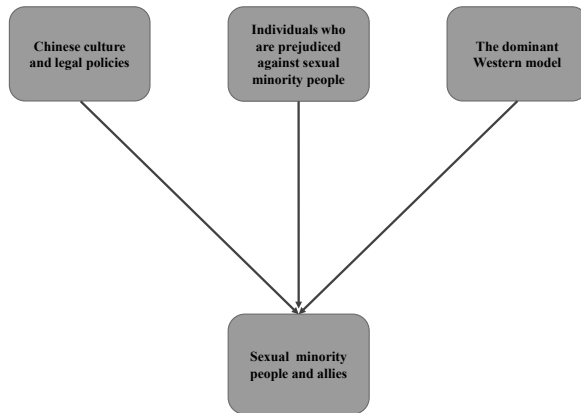


Figure 1 Elements that Impact Sexual Minority People and Allies in China

local practices of gender variance are threatened by the West, as Chinese lesbian culture becomes more structured and increasingly informed by Western discourse (Huang, 2015).

In summary, the previous studies demonstrate that an investigation of sexual minority problems in China cannot be divorced from the specific Chinese context or the worldwide queer studies' discourse. The struggle for survival and the strategies used by sexual minority people and allies within Chinese content are revealed. Their struggles are mainly impacted by Chinese culture and legal policies, prejudiced people, and the dominant Western model (see Figure 1).

However, two points have been overlooked in previous studies. One is that the public has mostly been ignored, especially those who do not belong to these categories (e.g., those who are not interested in sexual minority issues, and those who are not involved in the development and implementation of laws and policies). Hence, members of the public become mere "bystanders," and sexual minority issues are positioned as "other people's issues" that do not concern them. This might perpetuate oppression in society.

Meanwhile, the reasons for the oppression in society have not been

thoughtfully considered. Neglecting to question the causes of persistent oppression and focusing on their situations and strategies objectify sexual minority people. In other words, such neglect risks making the issues of sexual minorities appear to stem from their own “exceptionalism,” and this might lead to their further marginalization.

As such, there is still a lack of attention on the ways to transform sexual minority issues from being “other people’s issues” to “everyone’s issues” and the reasons for the continued oppression that sexual minorities face in contemporary China. Moreover, as noted above, the development of sexual minority issues in China cannot be separated from the influence of Western discourse. Therefore, it is necessary to examine how sexual minority issues are positioned in the Western context and whether China can draw on this way of thinking.

### **Sexual Minority Issues in Human Rights Discourses in the West**

As the vulnerability of the LGBTIQ became more apparent, the movement to safeguard their rights intensified through the inclusion of sexual orientation and gender identity in the debate on human rights (Sauer & Podhora, 2013). Previous studies in the West have examined the need to discuss sexual minority concerns in human rights. Endsjø (2005) argues for the universality of human rights. The rights of sexual minority people not being treated as human rights suggests a relativism in the concept of human rights, because after it is established that certain groups do not deserve human rights protection owing to religious or cultural biases, the rights of other groups might be excluded based on the discrimination of certain faiths and cultures.

In addition, Tirado Chase (2016) argues for the importance of human rights and optimum development. Chase (2016) identifies that the incorporation of sexual orientation and gender identity-related rights is how the concept of human rights has grown and been redefined. Such re-imaginings may provide the opportunity to reconceive human rights in a way that reflects the type of

bottom-up demands that maintain the relevance of human rights. Moreover, this development helps reflect the heterogeneous processes that shape human identity and make them relevant to different people and cultures worldwide. Linking the human rights framework to sexual minority issues is beneficial to the development of the former and thus to all people.

The Yogyakarta Principles, which was published after an international meeting of human rights groups in Yogyakarta, Indonesia, in November 2006, is one of the outcomes of linking the human rights framework to sexual minority people. These principles address a broad range of human rights standards and their application to issues of sexual orientation and gender identity. They affirm the primary obligation of states to implement human rights (The Yogyakarta Principles, 2007).

However, the incorporation of notions such as SOGI in human rights discussions has been reflected upon and criticized. For instance, adopting exclusively gender-neutral terms while ensuring that they can be applied broadly is at the cost of not mentioning the circumstances and issues of women. Therefore, the document weakens its ability to address the problems faced by lesbians in many countries (O'Flaherty & Fisher, 2008, p. 236). Additionally, the introduction of SOGI into human rights discourse can be interpreted as installing a distinct gender and sexuality matrix, but the definitions of SOGI in the Yogyakarta Principles facilitate the contestation of these concepts. Therefore, the prevailing interpretation of terms about gender and sexuality should be constantly challenged (Waites, 2009). Similarly, Sally Hines (2009) contends that the United Kingdom's Gender Recognition Act of 2004 reconstructs gender, excluding certain transgender people. Hines (2009) believes that material queer epistemology and politics are better for advocating transgender rights and citizenship. Hines (2009, p.100) suggests that a pathway to diversity depends upon continued moves beyond universalism, and a stronger recognition of the specific subjectivities and social experiences of non-normative and marginalized subjects within human rights and citizenship

discourse, and law and policy. In transgender litigation, instead of focusing on the interpretation of the term transgender and the distinction between transgender and cisgender, the humanity and diversity of transgender people should be emphasized, and their lived experiences should be described (Blake, 2018).

In conclusion, Western studies on sexual minorities' human rights are characterized as follows: First is the acceptance of the universality of sexual minority rights. Second, in supporting their human rights, sexual orientation and gender identity are initially offered to include specific sexual minority individuals; then, the two concepts are continually examined, thereby accommodating more people and ensuring human rights for a broader group. Third, sexual minority human rights advocacy is not only for sexual minority individuals but also for the belief that it can benefit the public.

It is not that sexual minorities no longer face struggles in Western countries, but that human rights can be one of the important perspectives for raising the issue of sexual minorities. The following section briefly outlines the characteristics of human rights in China, which provides the basis for arguing that the Western view of sexual minorities' human rights cannot be applied to China.

### **Human Rights in China**

China enshrined human rights in its constitution in 2004 and the characteristics of Chinese human rights (Peerenboom, 2005; Tsuchiya, 1996) are briefly reviewed as follows:

First, human rights are subject to the limits of sovereignty. International human rights, the ability of individuals to make claims under these rights, and that of the international community to influence the behavior of China are limited by the concept of sovereignty (Peerenboom, 2005). China partially allows international "interference" in human rights issues when violations of international legal norms or international criminal acts occur (Tsuchiya, 1996,

p. 166). However, China opposes criticism from outside the country regarding human rights issues and treats such criticisms as interference of its internal affairs. This state dominance effectively blocks the “universality” of human rights within China’s borders (Tsuchiya, 1996). The view of sovereignty and human rights has not changed (Wu, 2010).

Second, the right to survival and development is given the highest priority and importance because of China’s vast population and degree of economic growth (Peerenboom, 2005; Tsuchiya, 1996). However, the emphasis on survival is not linked to respect for other human rights but rather, is an argument for the suppression and restriction of personal, political, and spiritual human rights. In other words, it is imperative to prioritize collective survival and a “stable society and solidarity,” and the assertion or exercise of individual human rights in a manner or content that would upset such priorities is unacceptable (Tsuchiya, 1996). Meanwhile, China refers to the right to development as a collective right, equates it with the “right of the state to development,” and insists upon the development of the state, society, and the collective as a priority.

Third, national, social, and collective interests are prioritized, such that rights should not overwhelm obligations and responsibilities to others. In socialist China, the interests of the individual and those of the state, society, and the collective are inherently aligned. Thus, the defense of the state, community, and collective claims is in the individual’s interest (Tsuchiya, 1996).

In short, China’s human rights thesis is structured in such a way that the following take precedence: sovereignty, its interpretation of human rights, the right to development, and the collective interest. Criticism of human rights in China, predominantly civil and political rights, comes from Western countries, led by the United States. Peerenboom (2005) highlights that Chinese human rights have brought tremendous economic growth and better living conditions for its people. It is necessary to point out that although China’s score on civil and political rights is significantly lower than the average of low- and middle-

income countries, it performs better than the average country in its income category on most primary indicators. This lends credence to the argument that China is held to a double standard.

The purpose of this study was not to discuss the advantages and disadvantages of human rights in China but to emphasize the ramifications of this human rights philosophy for sexual minority concerns. A bottom-up approach to maintaining human rights (Chase, 2016) is inconsistent with China's human rights doctrine, and sexual minority issues in China do not appear to be of collective concern. Thus, it may be challenging to use the concept of the universality of human rights to resonate with the state and the public with respect to sexual minority issues and to advocate for their rights.

Is there another dynamic theory that can reframe sexual minority issues and involve the public to rethink sexual minority issues in China? This research conducted a case study by applying Sato's (2005) view of discrimination to reframe the sexual minority issues in China (see Figure 2). The discrimination theory of Sato (2005) is described in detail in the next section. By analyzing the official discourse mentioned below, this article provides readers with a visual representation of how the "invisible oppression" of sexual minorities in China has been formed and why it persists.

### **Theory of Discrimination**

Various discriminatory concerns that have been examined separately share a commonality (Sato, 2005, p.9). Sato (2005) places it on the "discriminatory side" and attempted to develop a theory that emphasizes the "discriminatory side" and does not rely on particular discrimination concerns. In addition, prejudice theory may be the most convictive direct explanation for discriminatory behavior. However, prejudice theory has several problems. For example, the deviation of issues, reproduction of prejudice, objectification of the discriminated, and the inability to discover the involvement of "the accomplices" (Sato, 2005, p. 158-162).

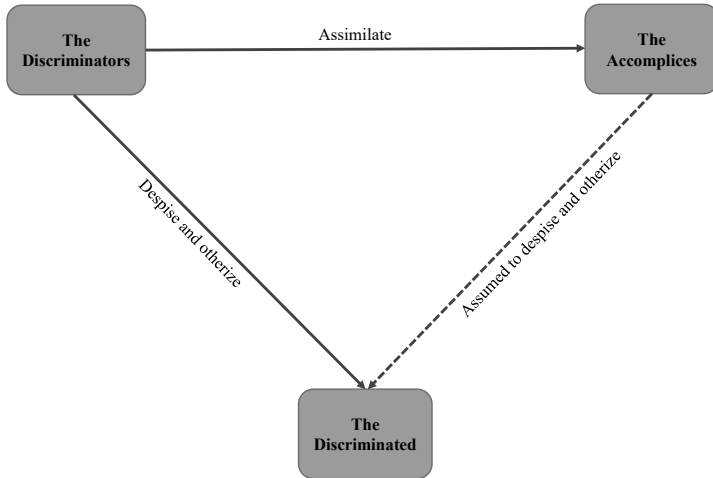


Figure 2 Three-party Relationship Model of Discriminatory Behavior

Source: Sato, 2005, p. 67.

Based on the above, Sato (2005) proposed a three-party relationship model of discriminatory behavior. This theory has been used to analyze discriminatory phrases in novels (Sato, 2005), politician statements (Sato, 2005, 2019), and to explain the formation of men's collective identity (Ueno, 2010, p.34).

According to Sato (2005), discrimination occurs when discriminators impose specific standards to assimilate certain individuals (the accomplices) while otherizing and disregarding others (the discriminated; Sato, 2005, p. 65).

Interest- and assimilation-driven discrimination are two further classifications of discrimination. Interest-based discrimination is a form of discrimination whose primary purpose is othering and contempt. Its premise is that a direct interest exists in advance between the discriminator and particular individuals. Assimilation-driven discrimination is discrimination in which assimilation is the primary goal. Its purpose is to enforce certain rules and legitimize claims. Through assimilation, [we] (われわれ) can be formed, and people can feel the benefits of being [we]. The benefits are maintaining a relationship with a particular person, bringing them closer together,

strengthening ties, and enforcing certain rules or legitimizing certain claims (Sato, 2005, pp. 72–76).

Assimilation-driven discrimination is further divided into aggressive exclusion and symbolic exclusion. Aggressive exclusion with the primary intent of assimilation is not aimed at the act itself, such as physical violence or direct derogatory language or behavior, but at the demonstration (assimilation) of such conduct to a third party (the accomplices). Symbolic exclusion occurs when the action toward the discriminated people is not at all evident, and the discriminated people are spoken of as an entity that is “not here,” and that has nothing to do with [we] and does not have a sense of reality (Sato, 2005, pp. 76–82).

### **Analysis of Official Discourse: The Formation of Exclusionary Social Spaces**

This study applied Sato’s (2005) theory of discrimination to analyze an article that appeared in the official Chinese media outlet *Guangming Daily* on August 27, 2021, titled “Bans ‘Effeminate men’ from TV.”<sup>7</sup> The article should not be ignored because people can easily read it on social media, for example, Sina Weibo.<sup>8</sup> Furthermore, it was placed in the official press and is not just an idea of an individual but the will of the government. The official Chinese media is a symbol of authority, and its value judgment will more likely win the approval of the Chinese people. By offering a potential analytical viewpoint on this discourse, this section explains how the exclusionary social spaces for sexual minority people are formed and further discusses the implications for sexual minority issues in China.

The first half of the article comprises primarily insulting and disdainful comments towards males whose gender expressions do not conform to gender

<sup>7</sup> See “‘娘炮形象’等畸形审美必须遏制” [https://epaper.gmw.cn/gmrb/html/2021-08/27/nw.D110000gmrb\\_20210827\\_3-13.htm](https://epaper.gmw.cn/gmrb/html/2021-08/27/nw.D110000gmrb_20210827_3-13.htm) (Accessed on 1 Aug 2022).

<sup>8</sup> Sina Weibo (新浪微博) is China’s largest micro-blogging website. Launched by Sina Corporation in 2009, it is based on user relationships to share, disseminate, and obtain information.



norms. Words such as *niangpao* (娘炮, a disparaging Chinese term for men with feminine characteristics), *cixiongnanbian* (雌雄难辨, it is hard to tell whether one is male or female by the outward appearance), and *bingtai* (病态, morbid) are written in this article. Additionally, the author calls them *xiaoxianrou* (小鲜肉) and claims that their appearance on TV can negatively impact minors' aesthetics.

It is difficult to distinguish a conflict of interest between *xiaoxianrou* and the author. Therefore, this description would not be directed at *xiaoxianrou*; rather, by instigating contempt against the supposed "unmanly" people, it seeks readers' consent to constitute a [we] that is in good standing with gender norms. Specifically, the author places a negative value on "effeminate men" and looks down on them. Simultaneously, the author emphasizes his own difference and superiority as well as that of the readers who are supposed to adhere to his assumed gender norms. The author deems that they are unlike *xiaoxianrou* who violate gender norms and asks readers to adopt the same position. Thus, by creating an asymmetrical difference between [we] and them who are not [we], the official discourse forms an exclusionary social space to reinforce gender norms. When this paragraph is read, if the readers think, "Yes, that is right," that is, if someone is unaware of the author's intent to assimilate readers and make them agree with the author, then the act of discrimination is complete regardless of the presence or absence of a *xiaoxianrou*. Briefly explained, this is the aggressive exclusion of assimilation-driven discrimination.

The final paragraph states:

In fact, most (the majority) young people do not like such morbid characters<sup>9</sup>. Many young people praised such high-standard works as "The Awakening Years" and "Revolutionaries" (dramas with patriotic and party themes) and felt deeply that this is the way Chinese youth should

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<sup>9</sup> Morbid characters in the article refer to those Chinese pop stars or actors who are influenced by Japanese and South Korean popular culture and become "sissy men."

be (GuangMing Daily, August 27th, 2021, Version 13: Comment).

The author uses the word *daduoshu* (大多数, majority) to put intangible pressure on the readers to justify his point. In other words, the nuance is that if you like the “morbid characters,” you will be in the minority and different from everyone else. Moreover, the use of “morbid characters” instead of *xiaoxianrou* makes people think that “effeminate” men are not real in daily life.

Furthermore, it is not specified as to who the “morbid characters” are, what “Chinese youth should be like” means, and what gender role is expected (nor is there any need to do so), leaving it solely up to the reader’s interpretation and imagination, creating an atmosphere of “those who naturally understand.” This is simply a message of assimilation that is being sent out to readers. Readers and authors who have read such “messages” have created a discriminatory space by understanding each other. Therefore, this is a symbolic exclusion of assimilation-driven discrimination.

The author does not solely oppose the participation of “effeminate men” in the program, but the call that all citizens should observe gender norms and gender-role expectations might be essentially the purpose of writing this article. This is also in line with China’s current policy of moral governance, which is to “pass on superior traditional culture.” For example, the following statement was made by Xi Jinping with the new leadership of the All-China Women’s Federation members when conducting a collective conversation in Zhongnanhai on November 2, 2018.

We must emphasize the importance of promoting the Chinese family’s virtues and women’s unique role in building a good family culture. This involves family harmony, social harmony, and the healthy growth of younger generations. Women, in general, should respect the old, love the young, and consciously assume the responsibility of educating children. Moreover, they should fulfill their role in building family virtues, helping

children develop a good heart, and promoting their healthy growth to be helpful to the nation and the people when they grow up<sup>10</sup>.

Similar presentations were given at a previous conference in 2013<sup>11</sup>. The demand in these speeches contrasts with the previous assertion that it focuses on women's contributions in the public sphere, such as the economy and society, and begins to emphasize women's traditional gender roles as mothers and spouses (Zhu, 2016).

An article that stigmatizes "effeminate men" is likely to have a direct impact on society's attitudes and perceptions of transwomen. While the term "effeminate men" does not encompass all sexual minorities, the matter of forming an invisible oppression space for those who violate gender norms or gender-role expectations is bound to have serious implications for sexual minority people and their issues.

It is more difficult for sexual minority issues to be raised in the public space as the number of assimilated people continues to increase, because this would contradict the intention implied by the official discourse of the state, which is to adhere to gender norms and fulfill gender-role expectations.

This can also make the lives of sexual minority people more challenging. According to Sato (2005), symbolic exclusion causes severe damage to discriminated people, as it is doubly oppressive. If the "othering" of people is on the spot, they will experience *the torn state* of being simultaneously an "accomplice" and a "discriminated" person. As this article becomes a trending topic in society, it becomes more likely that numerous "accomplices" will make it more difficult for sexual minority people to speak out or be themselves and hinder their visibility.

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<sup>10</sup> See "习近平同全国妇联新一届领导班子成员集体谈话并发表重要讲话" [http://www.gov.cn/xinwen/2018-11/02/content\\_5336958.htm](http://www.gov.cn/xinwen/2018-11/02/content_5336958.htm) (Accessed on August 1, 2022).

<sup>11</sup> See "王岐山：在中國特色社會主義偉大實踐中撐起半邊天" [http://big5.www.gov.cn/gate/big5/www.gov.cn/lhdh/2013-10/28/content\\_2516927.htm](http://big5.www.gov.cn/gate/big5/www.gov.cn/lhdh/2013-10/28/content_2516927.htm) (Accessed on August 1, 2022).

However, Sato's (2005) theory primarily analyzes interpersonal relationships. Moreover, the important reason for the accomplices to be assimilated, that is, why the three-party relationship model can be formed, is to benefit from forming [we]. In this light, it is necessary to explain what benefits people receive when they are assimilated by the state.

The cause for being assimilated is presumed to be a recognition of dignity, a sense of security, and moral pleasure. The state uses its power through official discourse to call ambiguously on the public to "observe gender norms and confirm gender-role expectations." For some, this may seem like a restriction of freedom of gender and sexuality, whereas for others, under the influence of the authoritarian state and the patriotic spirit, there may be moral satisfaction and a sense of justice in being the person the state wants. These people might feel a high degree of responsibility by sanctifying and internalizing the call of the nation and begin to regulate themselves voluntarily, as they believe that by becoming "real Chinese" approved by the state, their dignity will be recognized and that they will have a sense of security and moral pleasure in living in the country. Although the precise gender norms and gender-role expectations that the state is demanding are not clearly described, when those in power look down upon and exclude some people, it soon becomes clear to them what they are not supposed to be. Consequently, people may actively self-reflect and be assimilated.

In short, the state assimilates the public by instigating contempt, othering "effeminate men" in official discourse, and reinforcing gender norms and gender-role expectations. The public who does not care about sexual minority issues may be assimilated by the state out of a sense of security, moral pleasure, and recognition of their dignity. This is the process that creates the invisible oppression of sexual minorities in China (see Figure 3).

## Conclusions

This study first summarized existing research in China and found that the

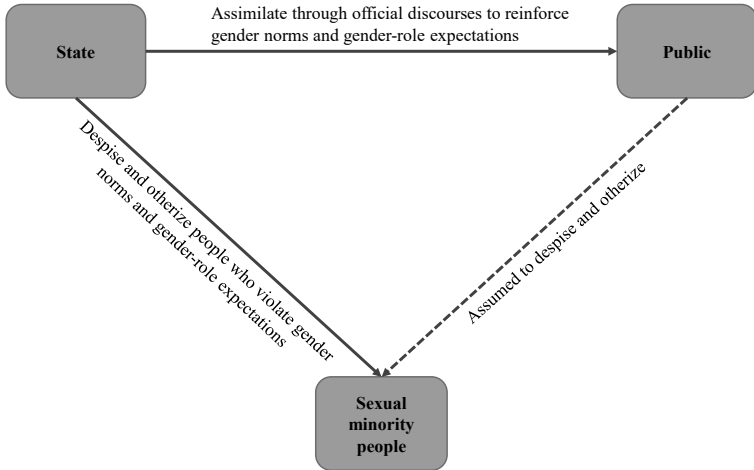


Figure 3 The Formation of Invisible Oppression for Sexual Minority People in China

focus is primarily on factors that impact the situations of sexual minority people and allies, and the strategies they use to navigate such situations. A lack of attention to the role of the public and the reasons for the oppression in society place sexual minority issues in China at the level of “other’s issues.” Then, by way of comparison, how sexual minority issues have been positioned in the West and how they are viewed as “everyone’s issues” were examined. The Western viewpoint includes the concept of SOGI in human rights discourses from the perspective of the universality of human rights and the development of human rights to protect the interests of more people. Simultaneously, the two concepts are constantly being reflected and criticized. This study argued that the same approach is not applicable to China given the characteristics of Chinese human rights theories. Thus, a new, dynamic perspective is required to reframe sexual minority issues in China and involve the public. This study referred to Sato’s (2005) discrimination theory, which, through a case study of official discourse in China, found that the state socially

excludes people who do not conform to gender norms and gender-role expectations by sending ambiguous messages to assimilate the public.

Official discourses have always been influential and an essential reference for the actions of local administration. It must be acknowledged that official discourses sometimes contribute to social harmony and steady development. Nevertheless, it is essential to consider its advantages and disadvantages. Even if people do not intend to engage in discriminatory acts or language against sexual minority people, they subconsciously subscribe to the state's discourse and accept the state's "signal of assimilation," which has encouraged the social exclusion of sexual minority people.

This study provided a new perspective on sexual minority issues when universal human rights theories are difficult to advocate. In China, a space of persistent exclusion is created in society by sending ambiguous signals in an indirect way to the public, even though explicit exclusion or prohibition of sexual minority people by the state is difficult to observe. Therefore, this study suggested that while the social exclusion of sexual minority people can occur under the connivance of the state and the public, there is also the possibility of changing it through the awareness of each citizen.

This study also provided a new perspective on sexual minority studies in China. The influence of the public on sexual minority issues is significant; as such, exploring the interactions between sexual minorities and the general public will allow for a better grasp of the situations of sexual minorities, as well as a reflection on the discourses and institutions in today's society.

Sexual minority people in China are collectively affected by "invisible oppression." However, the different experiences sexual minority people have in China are attributed to their diverse sexual identities. In particular, how transgender people, who have not received the same attention as gays and lesbians, negotiate with their surroundings and develop their paths is an issue that should be addressed in the future.

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## Abstract

# 中国における性的マイノリティ問題のリフレーミング ——差別論の視点から

趙瑩瑩

既存の研究では、中国の文化や政策、偏見を持つ人々、西洋のモデルが性的マイノリティの問題にどのような影響を与えるのか、また性的マイノリティが中国の社会的背景の中でどのように苦闘しているのかに焦点が当てられてきた。しかし、これらの研究では、一般市民の役割が無視されており、性的マイノリティが根強い抑圧を受ける理由についても検討されていない。このように、中国の性的マイノリティ問題は、誰もが関わる問題ではなく、「他者の問題」として捉えられており、性的マイノリティがさらに周辺化されることにつながる可能性がある。これに対して、欧米の研究者は、人権の観点から、性的マイノリティは全ての人に關わる問題であると主張しているが、中国の人権理論の特徴は、欧米の視点を中国に適用することができないことを示している。したがって、中国における性的マイノリティ問題を、一般市民を巻き込む新しいダイナミックな視点から捉え直すことが必要である。

本研究では、佐藤裕（2005）の差別理論を用いて中国政府による公式言説を分析し、国家が同化に関する曖昧なメッセージを送り、性的マイノリティを社会的に排除していると主張した。このため、中国の性的マイノリティは持続的な「見えない抑圧」に直面していると結論した。

本稿は、普遍的人権理論の援用が困難な場合の性的マイノリティ問題に新たな視点を提供し、中国における性的マイノリティに対する「見えない抑圧」は、国家と国民が一体となって生じうるものの、国民一人ひとりの意識によって変えることもできることを示唆するものである。

## キーワード：

中国、性的マイノリティ問題、人権、差別、抑圧

