

Sex Rights in 2008: A Report on Greater China (Excerpt)

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While vast social differences have created varied historical-cultural-specific concerns and dynamics in relation to sex and gender in Mainland China, Hong Kong, and Taiwan, certain newly emergent forces have been working to forge increasingly similar resonances in those areas, and surprisingly making the concept of Greater China a growing possibility. These forces include rapid recent developments in cross-strait negotiations and relations, the spread of information technology (esp. the internet), and the growing expansion/integration of the globalization initiative. Based on three locally produced lists (see below) of the most significant sex/gender-related events in the three locations, the following general observations are drawn to provide some insight on the condition of sex rights in 2008 in Greater China:

1. Homogenization through Sex:

The concept of Greater China is understood as a major frame of reference for economic integration in the region, yet it has been fiercely resisted by some in Hong Kong and Taiwan who maintain that there are irreconcilable political and cultural differences. Significantly, in 2008, one high-profiled sex scandal, with its reverberations through the media and the internet, has helped to congeal similar repercussions throughout these areas and China. This has to do with the leaking of home-made sex photos by movie star Edison Chen posing with multiple popular actresses on different intimate occasions. The incident made the biggest news in March, and internet users throughout the greater Chinese world strove to expand their circles of net friends as they searched for the photos, leading to the most far-reaching consolidation of communication across political boundaries. Such communication and dissemination are taken as cause for existing or later development of regulation for the internet in regard to web content and information exchange. Right to privacy, right to sexual self-determination, and right to freedom of information on the internet continue to tug on the nerves of all three different societies, proving that with the help of the media and the internet, certain events are now capable of sending similar shock waves throughout Greater China, while subsequent discursive oscillations gravitate toward the mutual adoption of similar language, similar values, and similar structures of feeling. Another event that provoked comparable responses was China's banning of An Lee's new film "Lust, Caution" in which leading actress Wei Tang is entangled in a series of explicit and perverted sex scenes.

The phenomenal impact of such events is compounded by the conjuncture of several noted elements: they involve well-known entertainment idols admired by millions; they present highly-stigmatized sexual activities that verge upon perversion and immorality; they carry explicit sexual images that can provoke strong curiosity as well as fierce reactions; and the images can be transmitted across the internet at an unimaginable speed, reaching an unimaginably huge crowd. The incident also made it obvious that traditional sexual repression in the Chinese culture has induced a strong tendency of jealous voyeurism and malicious resentment that can now be relentlessly expressed through the anonymity of the internet world, thus further strengthening existing sex negativity. And as the clamor further hiked the sensational effects of such events, authorities and conservative groups took advantage of the moment to enforce stringent measures concerning the use of the internet for transmission of sexual information. As netters and authorities contest for the control of internet information, the issue promises to reverberate throughout Greater China in the coming years.

2. Juridification of human interaction:

In 2008, China, Hong Kong, and Taiwan all devoted much time and space to discussing or implementing laws regulating interpersonal exchanges, especially laws to prevent sexual harassment. The visibility of the issue and the legislation that follows reflect clearly the shifting boundaries between public and private spheres in these societies as a result of changing gender relations and growing gender awareness, as well as the timely arrival of principles of interpersonal exchange from the so-called advanced countries, in the form of international standards of civility and gender equality. Ideas of respect and equality are becoming major points of reference, and legal codes and litigations have emerged as the most popular form of regulation and enforcement in this age of growing impersonality.

Human interaction, an area infested with unconscious impulses and contradictory emotions entangled in all the complexities of power and desire, have now become the domain of jurisdiction. This is a very significant development in social control in the Chinese world, as traditional hierarchical authorities and power of arbitration lose their impact, as the expanding flow of subjects made conventional rules of interaction increasingly ineffective, and as new forms and opportunities of exchange and interaction alerted some to call for new ways of relation and segregation. The main target of such social control is none other than the increasingly visible world of “sex,” including sexual interactions, expressions, information, etc.

Laws are much more than legal codes, for the debate and controversy surrounding litigations over sexual harassment often strengthen already deeply rooted investments and emotions surrounding the topic of “sex,” thus creating more nervousness and anxiety in human interaction. Worse, controversies and disputes in relation to interpersonal relations are no longer straightened out through negotiation and communication; instead, the regulatory powers of the law settle everything. As a long repressed and distorted issue, sex and its expressions have never enjoyed much fertile ground and cultivation. Under the present circumstances, the over-emphasis on regulation and caution moves easily toward further repression.

3. Lingering pressures of marriage:

Even in this day and age of fluid relations, the sanctity of marriage still enjoys much popularity in China, Hong Kong, and Taiwan—albeit to varying degrees and applied to different subjects. In mainland China, marriageable men and women still face formidable pressure from their family to settle into heterosexual marriage. In Hong Kong and Taiwan where heterosexual marriage is only one option among many choices of life, right to marry is now used to discriminate against marginal subjects who hope to assimilate (including homosexuals, transgenders, Mainland Chinese brides, or brides from Southeast Asian countries). Still, marriage exerts its power of influence through other issues.

As age of marriage increases in all three areas, sex before marriage is now met with a certain degree of tolerance. After all, the status of romantic love has risen to the extent that sex is excusable on account of love: couples in love are expected to move into marriage later so an earlier taste of sex is considered one more lesson in the preparation of marriage. Yet this tolerance is not without its iron-clad boundary: loyalty (formerly chastity) is still the unchallengeable imperative. As a result, affairs have become cardinal sins in this era of increasingly promiscuity, testified by the onslaught of public condemnation of celebrities caught with their pants or skirts down. Language of sensationalism and moral outcry has also become common stock in the media as well as on the internet, thus fanning up a puritanical moral atmosphere that eclipses all sexual and emotional discords in existing coupledness.

Rising divorce rates may be a reflection on how people are viewing marriage with increasing pragmatism in Greater China, yet suicides on account of unhappy and un-resolvable marriages rose to public attention in 2008 as two women celebrities in China took their lives to end it all. People who are experiencing various forms of difficulties in relation to marriage—from remaining single to trying to get divorced to homosexuals being forced into heterosexual marriage—are still in desperate need of some form of relief lest they are forced into taking drastic measures to put an end to the problem.

4. Obscenity sweeps and ban on sex work:

Pornography and sex work in contemporary Chinese world have gone through diversified development in form and content in response to whimsical obscenity sweeps orchestrated by various authorities. Since 1990, with the advent of the internet, sexual information and sexual exchange on the internet have become focal points where official power is exercised through multiple sets of regulations and rules created and enforced under conservative vigilance. As to sex work, China, Hong Kong, and Taiwan have all adopted prohibitive measures to different degrees of insistence and to no avail. Prostitutes' rights movement in the meantime is growing as sex workers struggle for survival against the pressure of social stigma and state prohibition.

Notably, obscenity sweeps and internet purity campaigns are increasingly framed in a language of "international standards of civility and child protection." As talks of civilization, taste, child protection, national spirit, and international image work to mask the violence inherent in such purity measures, presenting them instead as expressions of national pride and self-esteem, thousands of websites deemed containing so-called "improper" (mostly sexual) contents have been "harmonized" out of existence in China in the year 2008. Such impositions are also common in Taiwan and Hong Kong, where conservative Christian groups conduct aggressive campaigns, in the name of child protection or anti-trafficking, for legislations that aim to strengthen control of information on the internet, especially pornographic information and sexual transaction. Systems of rating were erected for cultural products ranging from books to videos to web content, only to deprive adults and children alike of their favorite pastime and nourishment for sexual growth.

It is obvious that contestations in the field of sexual information and exchange will continue to be key areas of struggle in the coming years in Greater China.

Appendix 1: Most Important Sex Rights Incidents in 2008, Hong Kong

(Selected by Joseph Man-Kit Cho, "Nutong Xueshe" (Hong Kong lesbian group))

1. Radio show program on "gay love" exonerated at the end of 2008 after a year of litigation following Christian groups' citation of the program as "misleading the young"
2. Serial killing of 6 sex workers in Hong Kong in 2008 exposes social indifference toward "working women"
3. Sex photo scandal of Edison Chen sparks regulation and rigidification of the internet
4. Policy of sex offenders' registration criticized for crudeness and violation of basic human rights
5. Bylaws created for the regulation of obscene and indecent materials trigger contestations over morality and freedom of information
6. Proposed amendments to bylaw governing domestic violence exclude homosexuals

Appendix 2: Ten Worst Cases of Sex Rights Violations in Taiwan, 2008

(Selected by Gender/Sexuality Rights Association, Taiwan <http://gsrat.net>)

1. Divorced man indicted for leaving web messages seeking sexual partners
2. Convenience Stores and DVD rental stores raided by police for carrying "improper" material, and sales personnel were cuffed and shackled in the process
3. Photos of new born babies on the internet suspected of dissemination of obscenities and pedophilia by police

4. Laws governing civil partnership exclude homosexuals
5. Citizens' consensus conference concludes that sexual transaction between adults should not be punishable by law but government does little to respond
6. Edison Chen's sex photo scandal exposes public bigotry
7. Transgender students suffer under gender-assigned uniforms
8. FTMs required to complete genital reconstruction before changing their gender identity
9. Mainland Chinese brides humiliated in Immigration Bureau's visitation/evaluation procedure
10. Gay right to marriage still not in sight

Appendix 3: Ten Most Important Sex/Gender Events in China, 2008

(Selected by a group of 14 young Chinese scholars in the gender/sexuality area)

1. Edison Chen's sex photos sparks heated discussion on violation of individual privacy
2. An Lee's "Lust, Caution" banned in China for licentiousness, sexual perversion, rape, homosexuality, masturbation and prostitution
3. Chastity education in one university sparks fierce debate
4. Nude beach in South China triggers debate over nudism
5. Molestation case erroneously reported as first sexual harassment case in China
6. Citizen penalized for downloading porn film from internet
7. Women committed suicide over unhappy marriages
8. College professor slain by boyfriend of girl student
9. Official under investigation for suspected molestation charges
10. Beijing asks for response to proposed legislation for women's protection

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http://intermargins.net/repression/theory/china/CSRR_1.pdf

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