

*Between the Concept of Rights and the Philosophy of Ethics: An Investigation on
the Concept of Marriage of Chinese Lesbians*

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Abstract

This article examines the issue of how the Chinese citizen makes a choice when a confliction appears between the pursuit towards rights and the obedience to the code of ethics, and reveals the real situation of Chinese citizens' rights concept through an investigation of Chinese lesbians' marriage concept. It is indeed a new perspective to explore the consciousness of rights of Chinese citizen from the discussion of the marriage concept of Chinese lesbian. As a typical minority group living in a country which is mainly characterized as a compliance with rules, regulations and traditions in a relatively conservative traditional cultural system, Chinese lesbians have been struggling to make a balance between fighting for basic human rights and subjecting themselves to the framework of ethics. In this research, we mainly adopt two research methods to collect empirical data from the lesbian community in Beijing, which were the means of conducting depth interview and collecting material respectively.

Keywords: Concept of rights, Philosophy of ethics, Chinese lesbian, Marriage concept

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Introduction

In order to reveal the true situation of Chinese consciousness of rights, we conducted an investigation on the concept of marriage of Chinese lesbian in Beijing from October 2012 to August 2014. In this research, we mainly adopted two research methods to collect empirical data, which were the means of conducting depth interview and collecting material respectively.

We collected empirical data from a wide range of participants. The participants of this investigation were mainly the Chinese lesbians who had basically completed the process of homosexual identity. And, they could be categorized into two different groups according to their different birthplaces and residences. What's more, the participants came from different social realms and possessed various professional identities such as civil servant of government, executive of corporation, bank clerk, doctor, teacher, media worker, artist, animator, student, self-employed person and so on.

This article reveals the real situation of Chinese citizen's consciousness of rights through an investigation on Chinese lesbian's marriage concept. From the result of the investigation, we find that the marriage concept of Chinese lesbian is respectively the concept of pursuing individual rights instead of totally bending to the constraint of Chinese traditional moral ethics; the concept of confining themselves to the framework of Chinese traditional moral ethics and considering the behavior of getting married as a way to fulfill obligation; the concept of reconciling the contradiction between moral ethics and individual rights through seeking a silver lining in contracting a kind of special mixed-orientation marriage. Besides, this article also reveals that Chinese lesbian's marriage concept usually contains a huge tension to be reconciled between the adherence to the Chinese traditional ethic code and the claim for rights oppressed beneath the homosexual identity.

This article assumes that Chinese citizen's consciousness of rights is now in a relative immature stage under the strong impact of the Chinese traditional moral ethics established on the basis of the Chinese traditional philosophy which hardly nourishes the spirit of self-awareness and self-independence. However, under the background of the restricted social environment in China, although some Chinese people do have strong wills to call for their rights, they usually lack enough courage, social supports, professional skills and a tolerant social culture to put them into practice.

This article is organized by four parts. In the first part, the research background, methods and samples are given with some concise introductions; in the second part, the relationship between the concept of marriage and the consciousness of rights is revealed in the framework of queer theory; in the third part, the concept of marriage of Chinese people and the cause of its formation are specifically explained under the theoretical background of Chinese traditional philosophy and contemporary political practice; in the last part, Chinese lesbian's marriage concept and marriage modes are discussed in the context of the whole framework of the investigation.

The Introduction of Research Methods and Samples

We collected empirical data from a wide range of participants. As for the basic background of those participants, some important aspects could be given as follows. First of all, those participants were mainly Chinese lesbians who had basically completed the process of homosexual identity. Secondly, we had two different types of participants according to their different birthplaces and residences. Respectively, the first type of participants was born in Beijing and had been living in Beijing. The second type of participants was born in other provinces and moved to Beijing to live at least over three years. Thirdly, the age of those participants was at the range from 25 years old to 40 years old. What's more, those participants came from different social realms and possessed various professional identities such as civil servant of government, executive of corporation, bank clerk, doctor, teacher, media worker, artist, animator, student, self-employed person and so on. Accordingly, the income level of those participants varied either. Furthermore, those participants differed typically in educational background, which the highest degree obtained by those participants was doctor of philosophy, the lowest was high school diploma and the average education level was college degree. Besides, the marriage status of those participants varied mainly in three respects listed as follows: single, legitimate marriage, and a certain cohabitation which was outside the framework of the marriage law.

In this research, we adopted two main research methods to collect empirical data from the lesbian community in Beijing, which were the means of conducting depth interview and collecting material respectively. On the one hand, we collected first-hand data by means of depth interview conducted both in the real life face to face and in the cyber space. 18 interviewees in total provided us with their private information and basic attitudes towards homosexual marriage, who were mainly differentiated in age, profession, education background and marriage statuses. Respectively, as for the type of depth interview conducted in the real life face to face, the empirical data was collected by an approach of acquaintance recommendation which referred to the way in which an informant could usually be recommended to participate in our depth interview by his or her friends who had been interviewed in depth before. And, in order to obtain accurate and detailed interview materials, the interviewees were usually provided with relatively quiet and pleasant places including home, coffee shop and public garden during the period of being interviewed, and each and every interview would last about two hours averagely. As for the type of depth interview conducted in the cyber space, we adopted the way of recruiting lesbian volunteers in public by posting online on various popular chat communities in China such as lesbian post bar, homosexual forum and microblog to target potential lesbian participants. Besides, we also as anonymous guests concealed deliberately our true interviewer identities from others in order to gather more accurate first-hand data by participating in some lesbian chatting entertainments organized widely through some chatting websites such as QQ Chatting Group which was a virtual platform to assist users to make friends more freely and quickly by providing users with various convenient chatting tools. We kept talking to the lesbians in the same chatting group and then still kept in touch with them in order to find any changes of their concepts towards marriage. In total, we had participated in 7 chatting groups online, and the average number of lesbian in each group amounts to 80. As a whole, with recording and taking notes, we carefully invited 8 interviewees to conduct depth interviews in

the real life face to face and had 10 interviewees to conduct depth interviews online. However, considering the privacy of our respondents, we talked to those online interviewees through internet telephone and typewriting, each approximately two to three hours long. On the other hand, we also collected empirical data by means of collecting materials from some important homosexual NGOs in China including Beijing LGBT Center and Common Language.

The Concept of Marriage: A Mirror Reflecting the Consciousness of Rights

The concept of marriage is a kind of basic attitude towards marriage. It varies in different culture, and accordingly the contents of marriage in various cultural systems also possess obvious diversities. The concept of marriage is partly shaped by some concepts such as values, beliefs, ethics as well as the consciousness of rights in a political community. To some extent, the concept of marriage could be used as a way to evaluate the consciousness of rights. In other words, the formation of the concept of marriage usually depends on what kind of consciousness of rights citizens hold in a political community. Similarly, the true situation of the consciousness of rights could also be partly shown by the citizen's concept of marriage. Therefore, the dynamic relationship between the concept of marriage and the consciousness of rights provides us a new way to explore the real situation of the consciousness of rights in a political community.

With the advent of queer theory, the dynamic relationship between the concept of marriage and the consciousness of rights becomes much more clearly. Queer theory is a influential thought which derives from homosexual and bisexual political theory and practice during the last decades of the 20th century. Minton (1997) pointed out that "the essence of queer theory is derived from its appropriation of the word queer, which signifies a sense of difference or strangeness" (p. 337). In theory, queer theory is not a certain particular theory with a complete theoretical system but an integration of many interdisciplinary theories. Queer theory situates itself out of the framework of the main-stream cultural theory, and the theorists of queer theory can hardly find and are reluctant to find their places in the domain of the main-stream culture. Li (2002) explained that as a general term to describe a social community, the concept of queer signified the whole queers in sex orientation who were not consistent with the social norm under the background of the main-stream culture (p. 23). In the realm of culture, the phrase of queer is a non-straight expression to delineate the whole groups of people who could not be classified under the domain of main-stream social culture.

However, although the concept of queer has not been wholly becoming an unifying consensus for the social activities and the theorists of queer theory, queer theory as a relative new social thought is usually explained, explored and even redefined not merely in the context of theories of social activities of minority groups but also in the frameworks of other important theories and methods. Watson (2005) outlined the emergence and significant influence of queer theory and then provided a clear entry for those people who were not very familiar with queer theory (p. 68). Pinar (2003) explained the racial problem in the context of queer theory and he considered that the racial violence and racial politics should be well understood with the help of queer theory (p. 271). Faulkner and Hecht (2011) explored the problem of identity of the queer group through the method of identity narratives (p. 829). Eves (2004) explored the queer theory in depth by drawing on its nature and process of development (p.

480). Wight (2014) discussed the relationship between the digital space and the queer community including lesbian, gay, bisexual and transgender (p. 129). Edwards (1998) provided a strong critique of queer politics in order to arouse a wide range of discussion on the research of sexuality (p. 473). Brintnall (2013) answered that “how to make full use of queer theory in religious studies” (p. 52). Seidman (1998) considered that “the queer theory had been limited by its reliance on psychoanalytical theory and a narrow linguistic poststructural language of social analysis” (p. 177). Reid and Isherwood (2007) examined that how to think and behave through the eyes of the queer group (p. 302). Oberstein (2010) explored the application of queer theory in some researches on the period of childhood (p. 310).

Actually, the emergence of the queer social practice and queer theory is an obvious manifestation, which the consciousness of rights has been gradually walking towards extremes, and finally the concept of marriage is reshaped with the fast growth of the self-awareness as well as the extreme consciousness of rights. On the contents of the queer theory, queer theory challenges not only the social dichotomy structure of the heterosexual group and the homosexual group but also the dichotomy structure of male and female. Therefore, the inner logic of the queer theory is undoubtedly to combat the whole strict methods of categorization. Totally speaking, queer theory with the spirit of radical reformation means to transform the old structure of the contemporary world in order to create a new lifestyle through challenging almost all traditional values in human society. Naturally, with the assistance of radical queer theory, the self-awareness as well as the consciousness of rights also present some revolutionary traits, which have been reshaping the concept of marriage. Similarly, it is the consciousness of rights such as the concept of liberty and equality that is reflected by the concept of marriage in a political community. Just as He (2010) explained that the equality rights was the basis of marriage also including homosexual marriage, and the liberty rights was the soul of it (p. 151). However, just as Yang (2007) pointed out that queer theory was also hard to escape the Achilles heel (p. 254). Inside the queer theory, the radical political idea of rebellion, various inside school of thoughts hardly to be reconciled and the suicide logical way which is against the whole dominant things would position queer theory on the place to be discussed fully.

The Concept of Marriage of Chinese People

In general, Chinese concept of marriage is the combination of Chinese traditional culture and modern civilization, which basically reflects the true situation of the consciousness of rights of the contemporary Chinese citizen. The concept of marriage of Chinese people is gradually shaped in the context of Chinese traditional culture and Chinese philosophy composed mainly by the convergence of Confucianism, Taoism and Buddhism, and it is also given many new meanings in different times.

In Chinese philosophy, the thought of considering marriage as an inevitable thing is based on the philosophies of Confucianism and Taoism including the thought of the relationship between nature and human and the thought of the filial piety. On the one hand, under the philosophy of Confucianism, the behavior of getting married is justified as a kind of justice which naturally conforms to the philosophy of nature. As the heaven and the earth interact with each other and then several life forms appear at last, so man compared as the heaven and woman compared as the earth need to get married in order to comply with the basic law of nature. As Zhang (1996) pointed out

that the philosophy of Confucianism took the marriage for granted (p. 57). Similarly, not only the Confucianism but also the Taoism considers that the combination between the male and female could be beneficial to stay healthy.

On the other hand, getting married is also regarded as an inevitable thing because it is deemed as an appropriate way to practice the filial piety. However, how to understand the relationship between the filial piety and the formation of marriage concept in the philosophy of Confucianism? Basically, the main contents of the filial piety could be concluded in three respects: the concept of the patriarchal clan; the concept of showing obedience to parents; the concept of bring glory on ancestors. First of all, since breeding offspring as soon as possible is the most important thing to practice the filial piety according to the philosophy of Confucianism, marriage is naturally considered as a must with crucial responsibility. Besides, Jiang (2004) explained that most Chinese marriages were arranged by parents because showing respect and obedience to parents was a necessary way to practice the filial piety in China (p. 41). Furthermore, the family ethics of Confucianism puts emphasis on the natural relationship among self cultivation, family harmony, country management and world peace, and family harmony is the premise of country management, which the filial piety could be fully practiced through participating in political affairs and accordingly bringing glory to the whole family. Nevertheless, Chen (2005) considered that the essence of the filial piety was that children undoubtedly lived for their parents instead of themselves (p. 26).

In the modern times, especially from 1970s to 1980s, marriage is mainly considered as a standard to evaluate whether one person lives with a healthy life style as well as a practical way to protect female and reduce the crime rate. Under the impact of Chinese traditional thought of preferring boys to girls in China, the worst social problem during that period of time is the problem of sex ratio imbalance, which results in serious social problems such as the issue of harm to female. Accordingly, getting married becomes a necessary way to reduce crime rate in China.

What's more, with the higher speed development of economy in China, since the problems aroused by social stratification are becoming more and more serious, marriage is mainly regarded as a tool to complete the process of social mobility, especially the process of climbing the social ladder higher and higher.

Chinese Lesbian's Marriage Concept Based on An Investigation Conducted in Beijing Lesbian Communities

With the double impact of Chinese traditional marriage concept and Chinese lesbian's consciousness of rights, Chinese lesbian's marriage concept usually contains a huge tension to be reconciled between Chinese moral ethics and the consciousness of rights. Under this circumstances, most Chinese lesbians universally adopt several types of marriage modes as useful tactics to situate themselves into a relative comfortable place. Specifically, some of them confined to the traditional marriage concept have to give up homosexual identity and marry heterosexual male under the heavy pressure of moral ethics in China; some of them choose to accept their lesbian identities by coming out of the closet and marry their homosexual lovers under their push of strong consciousnesses of rights; some of them finally reach a compromise between the obedience to moral ethics and the pursuit of rights by contracting a mixed-orientation

marriage; some of them are still watching and waiting their time to decide how to win out of the battle between their families and themselves.

Basically, according to the investigation result, three main types of Chinese lesbian's marriage concept could be categorized carefully as follows. Respectively, the first type of Chinese lesbian's marriage concept is formed with relative strong consciousness of rights and relative weak concept of moral ethics. The main characteristic of this type is that in the problem of how to balance the relationship between the moral ethics and the individual rights, some of Chinese lesbians tend to claim for their individual rights rather than the traditional moral ethics, and they also consider their sex orientations as a matter of private, healthy, universal and normal thing, which should not be discriminated by others and also could not be changed by any kinds of excuses.

In the investigation, for instance, we interviewed a Chinese lesbian couple who had been maintaining cohabitation for five years and both had come out of the closet to their families and friends. Also, they had a big plan for their homosexual wedding. One of them said:

It is not shameful to recognize you are a lesbian. My girlfriend and I would very like to show our identities to other people no matter what attitudes they show to us. It is a normal thing, and we should not be criticized. At least, I should have the same rights to marry whom I would like to marry. As for my parents, I remember when I told them I was a lesbian, they had no idea about this term, and then they could not accept the fact that their girl loved another girl. They thought I was sick and needed to see a doctor. However, my parents accept my lesbian identity and also my girlfriend now. So, there are so many ways to show your filial piety to your parents rather than only one way which has to be taken at expense of sacrificing your own rights. (Lee, personal communication, November 10, 2013)

Lee and her girlfriend are typical lesbians who can well understand the nature of rights and put much emphasis on the practice of pursuing their own rights positively. However, according to the statistics gathered from this investigation, the Chinese lesbians with strong consciousness of rights are still in a small number which totally accounts for 12 percent of the total.

The second type of Chinese lesbian's marriage concept is formed with relative weak consciousness of rights and relative strong concept of moral ethics. This kind of Chinese lesbians tend to deny their lesbian identities and choose heterosexual marriage in the end under the huge impact of Chinese traditional marriage concept built on Chinese traditional philosophy of ethics. In our investigation, Chen is a 40-year-old executive of a company. She has married a heterosexual male for seven years and has a 3-year-old daughter. At first, Chen is reluctant to be interviewed because of her special social status and her sensitive situation without coming out of the closet, but at last she still accepts our depth interview with three hours long by a internet telephone call. According to Chen, her marriage now is a total disaster. The conflicts between her and her husband are so frequent that their daughter has suffered from a certain of psychological illness. Chen said:

I could not divorce because it will do harm to my reputation, and besides my daughter also needs a full home. I have been very much regretting choosing heterosexual marriage at expense of my own happiness. However, I could not manage a company with a lesbian identity. Besides, my parents want me to get married as soon as possible, and I also think getting marriage and building a normal family like others do are undoubtedly the only thing I can do for my parents. (Chen, personal communication, February 26, 2014)

Actually, we have several similar cases which all demonstrate that many Chinese lesbians with higher education and income tend to be confined in the cage of Chinese traditional moral ethics for their social status. Although they as the social minorities possess relative strong consciousness of rights, they still lack a relative tolerant social culture and a sound political system to protect them from being harmed.

The third type of Chinese lesbian's marriage concept is to make a compromise between the traditional philosophy of ethics and the consciousness of rights, which is mainly shown as a mixed-orientation marriage which is a term to describe the situation in which female and male who both possess homosexual orientations usually get married for a certain purpose which is usually to conceal their true sexual orientations to the public. For example, in a mixed-orientation marriage, a gay could marry a lesbian in order to avoid many unnecessary troubles caused by their true homosexual identities. Besides, they even live separately and still keep the romantic relationships with their own homosexual lovers. Therefore, the mixed-orientation marriage is not a marriage in real content but a marriage in form. However, for most Chinese lesbians, seeking for a decent partner to contract a mixed-orientation marriage is undoubtedly an appropriate way to ease the tension between the moral ethics and the individual rights in China. In the investigation, we interviewed a 31-year-old lesbian who had spent three years in a mixed-orientation marriage. She said:

My parents always urge me to get married, and even they frequently invite some male fellows to our house deliberately. But, I can understand because their biggest wish is to participate in my wedding one day. However, I am a lesbian and I have my beloved partner. So, it is a hard decision in front of my face. It means I have to do something that neither let my parents down nor make my girlfriend sad. Many of my friends suggest me to try a mixed-orientation marriage, so I finally see it as my last straw to clutch at. And, I am a lucky dog because I have a decent gay partner to get married. I have to say I am so wise to marry a gay because it not only makes my parents' dream come true but also makes me to still live my own life with my girl confidentially. (Zhang, personal communication, March 20, 2014)

However, although the mixed-orientation marriage is indeed a sort of useful tactic for most Chinese lesbians to balance the moral ethics and rights, it also reflects a true situation in which the consciousness of rights is so deeply influenced and even reshaped by Chinese moral ethics that a type of artificially distorted marriage is created unexpectedly.

Besides, investigation result shows that most Chinese lesbians are reluctant to face their marriage problems positively. They expect to flee from endless reproaches from their parents and friends under the veil of being singles with strict adherence to their single doctrines and playing as workaholics. Actually, the number of this kind of

Chinese lesbians accounts for 60 percent in total of the investigation. And, they could be considered as a type of large group with unstable marriage concept because some of them may hold the strong consciousness of rights and then come out of the closet; or some of them may be likely to comply with the norm of moral ethics and then have a mixed-orientation marriage in the future. However, to some extent, it can also be classified as a special marriage concept compared as a pendulum swaying between the moral ethics and the rights.

Conclusion

From the investigation, we could know that under the impact of Chinese traditional marriage concept and the consciousness of rights, the marriage concept of Chinese lesbian usually contains a huge tension to be reconciled between Chinese philosophy of ethics and rights. Under this circumstances, with having been trying to reconcile the conflict with which they have to be confronted, three main attitudes towards marriage of Chinese lesbian appear finally, which are respectively the concept of pursuing individual rights instead of totally bending to the constraint of Chinese traditional moral ethics; the concept of confining themselves to the framework of Chinese traditional moral ethics and considering the behavior of getting married as a way to fulfill obligation; the concept of reconciling the contradiction between moral ethics and rights through seeking a silver lining in contracting a kind of special mixed-orientation marriage.

Actually, from exploring the way Chinese lesbians thinking of their marriages, it is obvious to find the true situation of the consciousness of rights Chinese citizen hold. Specifically, Chinese traditional moral ethics has been exerting significant influence on the growth of Chinese consciousness of rights. However, their essences contradict radically. The important philosophy of Chinese traditional moral ethics lies in cultivating a spirit of obedience to the authority at the expense of sacrificing individual's spirit of self-awareness and self-independence. On the contrary, in nature, the consciousness of rights derives from the process of self-discovery, and it not merely underlines individual's positive initiative to cope with the relationship between individual and collective, between individual and individual, but also structures a framework in which entitlement and qualification could be given (not) to perform some actions. Unfortunately, Chinese special consciousness of rights is a deformed combination which is established on the basis of Chinese traditional system of moral and ethics which is hardly to provide enough nutrition for the continuous growth of the concept of rights in China. Besides, when the confliction appears between the traditional system of moral ethics and rights, Chinese people usually neglect their rights and emphasize the importance of adhering to the ethic code. Just as the marriage concept of Chinese lesbian is formed under this circumstances, every endeavor taken by Chinese lesbians usually ends up with the doomed outcome which is that the rights have to give way to the moral ethics. What's more, the consciousness of rights of Chinese people mainly varies in age, income and education background, and they are positively correlated according to the result of the investigation. However, under the whole social environment, although some Chinese people do have strong wills to call for rights, they usually lack the courage, social supports, professional skills and a tolerant social culture to put them into practice. Wholly speaking, Chinese citizen's consciousness of rights is now in a relative immature stage under the significant influence from Chinese moral ethics established on the

basis of Chinese traditional philosophy which hardly nourishes the spirit of self-awareness and self-independence which yet undoubtedly lays a solid foundation for stepping into the mature stage of the consciousness of rights in China.

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