

# Reasons for the Non-Approval of the Same-Sex Marriage in China: Cultural and Economic Views

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## **ABSTRACT**

This article discusses the factors that affect the possibility of the approval of same-sex marriage in China, or why China chose not to approve it even if the majority of other equally economically developed countries had done. The article focuses specifically on cultural and economic views. Due to the intrinsic taboo in Chinese society, meaning that one rarely discusses politics and/or homosexuality, there is currently a lack of studies investigating homosexuality and policies related to this topic. Therefore, this article sets up another bridge between same-sex marriage, homosexuality, and governmental policy in China, allowing the reader to reach beyond some Western-focused discussions on this topic. The data used in this article originates from statistics from large organizations, and NGOs, as well as official statistics from the Chinese government. For example, it includes data that demonstrate the lowering growth rate of the population in China and other data showing that over 57% of interviewees reported that society should not accept homosexuals. As the article argues, the root reason for the non-approval of same-sex marriage has its origins in the lack of population growth - which then extends to an economic crisis - and Chinese culture. After all, one can still find prejudice against homosexuals in Chinese population, which influences the approval of policies such as same-sex marriage. This article provides a detailed discussion as well as evidence on the two reasons.

## Introduction

"Homosexual(ity) in Chinese is a three-character word, namely *tongxinglian*. *Tong* means the same, *xing* means gender or sex, and *lian* refers to affection, attachment, attraction, and dating" (Ning and Guo 2022, 5). According to Aibai cultural and educational center, there is an estimated percentage of 3-5% of the total male population that is homosexual in China (Stumph 2018, 6). This suggests that, when considering the male population as 723,683,488 individuals (The World Bank Data, 2019), one could estimate that roughly up to 36,184,174 individuals openly disclose themselves as homosexual. As the Lesbian, Gay, Bisexual, Transgender (lesbian and gay, mostly) community continues to grow in China, an increasing number of Chinese people will have to grapple with the presence of this community within their direct and extended families.

LGBTQ activists have been calling for equality and general improvements of human rights all over the globe. In some western countries, these groups have managed to contribute for the approval of the same-sex marriage or the right of civil union for same-sex couples. According to ProCon, there are 37 countries (ProCon/Encyclopedia Britannica 2021) which have legalized and endowed homosexuals the right of marriage. This includes the United States of America, the United Kingdom and France, which are 3 of the 5 permanent members of the Security Council in the United Nations. The 5 permanent members of the Security Council are: China, France, Russian Federation, the United Kingdom, and the United States (United Nations Security Council, n.d.).

This progress happened not only because of this activism but also because of the support of the Legislature and Judiciary in most countries. Yet, the impact of LGBTQ activism in China remains minimal. Conversely, Taiwan – which is culturally and geographically close to China mainland– already approved same-sex marriage in 2010. (This



paper will not engage on debates on the contradictory arguments as to whether Taiwan should be considered a country or not before the United Nations, as this matter has been resolved at the General Assembly (United Nations Library, Resolution A/RES/2758(XXVI).) Why then did China mainland not approve same-sex marriage until the present date, neglecting the call of its large and growing LGBT community and the pattern of evolving human rights in other countries?

One essential reason for it is that there are economical, institutional, and cultural pressures placed on individuals within the community, leading many LGBT individuals to choose to pursue families in a heterosexual context (Ning and Gup 2022, Stumph, 2018). This ongoing pressure also prevents them from speaking out as well as prevents the government from approving same-sex marriage. This paper will explain, in detail, why the government is unlikely to approve same-sex marriage, especially considering the lack of population and economic growth, and the on-going pressure for family enlargement and traditional culture in Chinese society, which pressures individuals to marry the opposite-sex.

To accomplish the stated goal of the study, the rest of the paper is organized as follows. First, the literature review discusses previous studies, providing background to readers on cultural, economic, and political aspects of LGBTQ life in China, particularly for homosexuals. Next, the analysis part claims several reasons, such as the lack of economic and population growth in the past decades. In doing so, this section demonstrates why same sex marriage is unlikely to be approved by the government. The Conclusion opens debate to future scholars to study other reasons for the lack of approval of the same-sex marriage.

## **Literature Review**

Recent scholarship had done research on potential reasons as to why governments do and do not approve same-sex marriage and the impact of this decision on society. Below I present some of the reasons for the lack of approval of same-sex marriage in China. Firstly, I highlight some scholarship that explains China's traditional culture and its relation to the LGBT Community. Secondly, I connect this information with data on LGBT community members that openly declare themselves as part of the LGBT community in China. Thirdly, I expose how the authority of the Chinese government disfavors the approval of same-sex marriage.

## Cultural Background on LGBT community in China

The following paragraphs introduce the background on LGBT culture and the respective reality of this community in China, based on acknowledged authors. According to Timothy Hildebrandt, culture is a crucial factor for understanding how homosexuality is dealt with by different legislatures (Hildebrandt 2011). As he stated, "culture has been cited as a key explanatory variable in understanding same-sex marriage policy promulgation around the world" (Hillebrandt 2011, 1319). Traditional culture in China does not usually accept the existence of homosexuality. For example, "although homosexual activity was not officially criminalized after 1949 according to the Supreme Court's ruling that "same-sex activity is not against the law if it is between two consenting adults" (Zhou and Hu 2020), gay sex was still considered unnatural, and was called "a physical and psychological 'perversion' (biantai) and 'violation of nature', if not simply an 'abysmal crime'" (Evans, 1995, 370) or in some cases hooliganism. Many of which were imprisoned. In fact, several authors concur that civilians could get abused if they were to conduct homosexual activity during the anti-rightist movement and the Cultural Revolution. (Zhou and Hu 2020; Chiang 2010; Kong 2016). This is similar to the ongoing situation in some non-Western countries which still criminalizes homosexuality, such as Afghanistan, Algeria, Palestine, Zimbabwe, among others (The Human Dignity Trust, n.d.) .The majority of the population in China still has some prejudice towards the LGBT community.



Contrary to Chinese context, Kollman explains that "in more secular societies the idea of creating an alternative institution to marriage may simply be viewed as neither a cultural threat nor a discriminatory practice." (Kollman 2007, 351). One example of a Western country that allowed same-sex couple to enter into common law partnership is Canada. According to Kollman, Jen Chretien's Canadian government was the first non-European governments that implemented a 2003 SSU national law, which aided Canada in becoming the exclusively 5 countries that allowed same sex marriage (Kollman 2007, 329) at the time. In other Western countries, the same-sex marriage approval was more controversial, as for instance the United States, the Supreme Court issue the precedent Obergefell v. Hodges (Obergefell v. Hodges, 2015) 2015), approving the same-sex marriage all over the country in 2015 (The Supreme Court of the United States, Opinion, 2015). When comparing these countries' responses towards LGBT rights, one can see that there is a major difference of the attitude towards homosexuality between China and western countries. The culture plays an essential role in accounting for these differences between Western and non-Western countries.

## Legislative and Judiciary reactions towards LGBT Community

China mainland is considered by most Western scholarship as authoritarian. According to scholarships, this may influence the approval of policies such as same-sex marriage. Considering it as being authoritarian, Hildebrandt concludes that the approval of homosexual marriage might indeed be achievable in China if it originates from the "top-down" (Hildebrandt 2011, 1316). Two of his counter-arguments explore precisely that there is minor possibility for China to approve a liberal policy like same-sex marriage as an autocratic state, and that the legislature would not want to include human right policies on the table to prevent further criticism from the international society.(Hildebrandt 2011, 1319). Hildebrandt later refutes counter arguments on regime type, "variation in regime type might not predict policies towards homosexuals as well as we might assume" (Hildebrandt 2011, 1323). One country that he mentioned for this mismatch between regime type and progressive human rights policies is Nepal; The Nepalese Supreme Court removed anti-gay legislation and promoted alternative laws that allows civilians equal protection under the law "regardless of sexual orientation and gender identity". (Hildebrandt 2011, 1323).

In Taiwan, the Supreme Court has recognized same-sex marriage since 24 May 2019 pursuant to the Act for Implementation of Judicial Yuan Interpretation No. 748, and citizens from Taiwan can now benefit from this civil right (Ma 2021). However, this would not be a feasible outcome in China mainland, because the Constitution requires that in order for decisions to be made, they need to be qualified by authorities of the government as well as over 50% of individuals in the people's congress (Overseas Chinese Affairs Office Of the State Council, 2004). The composition of the Legislature in China mainland is influenced by the age of its members, considering that the average age is 51 years old. According to the newspaper Shunwang-Jinan Times, "the qualifications of 902 provincial deputies to the 13th National People's Congress were confirmed, with an average age of 51" (Zhao Yunlong, 2018). Another source explains that the age of Congressman and women in China vary between 45 and 55, accounting for 52% of the individuals within this range (NPC Media, 2007). This indicates that the majority of them have the traditional cultural prejudice towards Chinese homosexuals- a study showed that the younger the interviewee, the less likely they are antihomosexuality (Li, Zheng, 2013). Their traditional education also influences their views on the LGBT Community thus when same-sex marriage is on the table it is very likely that it will not be promoted.

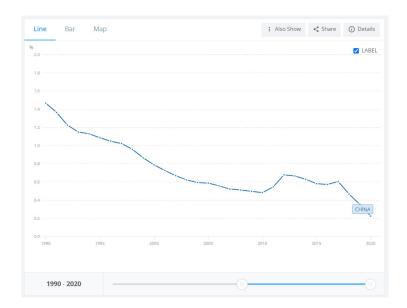
## One-child policy & Population Growth

Another aspect that could potentially contribute for the non-approval of the same-sex marriage in China is the effort of this country to control population growth. Most notably, the one child policy was implemented by the government in 1978. According to Hildebrandt, the Chinese government implemented this population regulatory policy to aid government in the process of managing what was then considered as "unchecked population growth". (Hildebrandt, 2019). This policy imposed a penalty on any families with more than one child, also including removal of the maternity

leave at work, meaning that parents willing to conceive more than one child would not be allowed to have this benefit. Whereas the one-child policy may seem initially disconnected to the approval of the same-sex marriage in China, changes in the in this policy – from the one-child policy to the three-child policy – demonstrate that governmental pressure is increasing for growth of families. As I argue in this paper, this will also have a consequence on the LGBT community because they will continue to undergo pressure to marry the opposite-sex, and this will jeopardize the approval of homosexual marriage.

While the goals of the one-child policy were to curb population growth, cultural trends in Chinese society have affected the impact of this policy. Moreover, shifting cultural values in China simultaneous to the rise and enforcement of this policy are important to understand in the context of anti-LGBT views in China.

Whereas in the beginning of the 1990's China was struggling to restrict the population growth rate, in the recent years the country began to experience an unexpected decrease in its population growth rate- according to the statistics of Chinese government, the number of population growth in 2021 is 480,000 persons while in 2011 the same data was 6,440,000 individuals (National Bureau of Statistics, 2007). This reflects the low motivation of the young generation to constitute families and have children – according to a survey in 2021, of the 588 Hunan college students interviewed, 54.08% reported either no plan for children or tend to have only one child in the future (Zilin et al, 2021).



**Figure 1**. Population Growth Rate in China (1990-2020): Source: World Bank Statistics (The World Bank Data, 2019)

As mentioned, in an attempt to deal with the lack of population growth since the 2000's, the Chinese government changed its previous approach from the "one-child policy" to the "two-child" policy in 2016. Even with the promulgation of this new policy, families were not incentivized to have to more children. One of the results of this lack of incentive to enlarge their families is reflected in the slight increase of 480,000 in the population during the year of 2020 (National Bureau of Statistics, 2020). Hence, if one considers this very low population growth rate, the next logical step for the government was to implement the 3-child policy as a pro-natalist policy, which is implemented in 2022. Figure 2 demonstrates two important trends to understand the connection between population growth and these policies. The y-axis refer to the percentage of population growth throughout the years. One can note that although the two-child policy was implemented in 2016, Figure 2 demonstrates the small percentage growth for the population



during these years. The second trend that this Figure shows is that even with the change from the two-child policy to the three-child policy, families did not get a lot of incentive to have more children.

## Single parent adoption

Same sex couples are unlikely to be able to adopt either. According to Hillebrandt, "while single parents may pursue adoption, same-sex couples cannot; singles who *do* adopt are not allowed to disclose their sexual orientation" (Hildebrandt 2019, 601). This implies that even if they decide to adopt one child alone he or she (or they) cannot disclose their sexual orientation if they want to do so. Therefore, couples from the same sex will likely not be allowed to adopt even if they are legally married considering the fact that they disclose their sexual orientation from the marriage already and homosexuals are not allowed to adopt. Considering this current situation, same-sex couples will not be directly contributing to the population growth in China in the forthcoming years, even if the same-sex marriage policy is approved. As of 2020, 28 countries around the globe have approved policies that allow the same-sex couples to adopt (Varella, 2021).

Besides the reasons mentioned above by several authors for the difficulties in approving the same-sex marriage, I will demonstrate another important cultural factors that substantiate my argument. As I explain in the analysis section, there has been a lack of population growth. Because of that, the LGBT Community suffers an even bigger pressure the opposite-sex.

## **Analysis**

As I will argue in this paper, a primary reason for the non-approval of the same-sex marriage is an economic one resulting from the one-child policy, as mentioned in the literature review. The lack of population is related to it.

As a consequence of that, there will be less incentive for the government to approve same-sex marriage and more institutional pressure to preserve traditional marriage between opposite-sex in order to preserve the population growth.

## Population Growth & Economic issues

The labor force that supports industries in China is mostly constituted by low-paid workers. The premier of the state council announced in 2020 that 600,000,000 people earn less than 1000 RMB per month (USD 157.00); they are all low paid labor who work in the first and second sectors. A survey showed that 48% of the GDP of China is consisted of relatively low paid workers. From figure 3 one can see that the percentage growth rate of the GDP in China (numbers on the bars) has fallen within the past years starting from 2016.

Bearing this in mind, if the decrease in population growth continues, then it will be hard for industries (and for the market, more generally) to maintain such a low price for unskilled labor. There is as well a dramatic decline in the growth rate of the year 2020 – which might origin from the corona virus pandemic. Though it goes beyond the scope of this paper to analyze any impact of the pandemic in GDP and Population Growth, it is factual that it brought more burden to the economy.



Figure 2. GDP Growth Rate (in RMB) and Value in China (2012-2016)

Source: National Bureau of Statistics, 2007

Therefore, policies that aim to increase population growth to boost the economy are implemented for it is essential that the Chinese government prevent further population decline in the future to stabilize 48% of China's GDP. The act has a negative impact on the potential approval of policies such as the same-sex marriage and the LGBT Community in China, since it might lead to further population decline, which will be explained, considering that the likelihood of approving adoption for same-sex couples is not currently an option.

## The role of homosexuals in population growth

As mentioned in the previous sections, it is estimated that, in China, approximately three to five percent of the total male population is homosexual (Stumph, 2018). This statistic suggests one in every four families has a male gay member in the immediate or extended family (Stumph, 2018). Yet this only indicate that the three to five percent of the total male population is openly announcing their identity as part of the LGBT Group since the Chinese society considers homosexuality as quite unacceptable in real life<sup>1</sup>. According to a survey, amongst all the people being interviewed, 70.8% (World Survey) mentioned that they do not want homosexuals as neighbor<sup>2</sup>- thus, it is likely that a large proportion of homosexuals are still not open about their identities because of discrimination- the percentage is likely higher than 5%. If this prejudice affects their daily lives as individuals, one could expect even more difficulties for the approval of the same-sex marriage and for the adoption of children by same-sex couples.

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<sup>&</sup>lt;sup>1</sup> Equaldex organization, available at <a href="https://www.equaldex.com/region/china">https://www.equaldex.com/region/china</a>, last accessed 26th February 2022.

<sup>&</sup>lt;sup>2</sup> Equaldex organization, available at https://www.equaldex.com/region/china, last accessed 26<sup>th</sup> February 2022.



Meanwhile, even with such large part of the population self-identifying as part of the LGBT Community, Xuan Ning notes that:

"Different from the situation in the West where the marriage discourse is associated more with personal choice, the heteronormative discourse in China has cultivated marriage as a mandatory obligation, which resulted from the interplay of symbolic significance and certain compulsory institutional constraints." (Ning and Guo 2022, 1).

Some authors, who based their work in more than 21 interviews in China, demonstrate that there is an incommensurable societal pressure to get married. Many homosexuals (and other members of the LGBT Community) decide to marry someone from the opposite sex (Ning and Guo 2022, 1). Completing a marriage under heteronormative circumstances – which usually means a straight person marrying someone from the opposite sex - will lead to an increase in birth rates, which will contribute to the population growth due to the large population of LGBT community. Recent research on this topic, such as Ning and Guo 2022, demonstrates that many homosexuals are marrying the opposite sex to comply with societal pressure.

A large quantity of the population of the Chinese society openly clarifies themselves as homosexuals, as mentioned in the previous sections of this paper. Then, taking into consideration the fact that there is so much discrimination going on in the Chinese society towards homosexuality, it is very likely that many homosexuals may be still hiding their sexual orientation in Chin so although this paper mentioned some evidence of the percentage of homosexuals in China, considering the on-going prejudice in Chinese society, many homosexuals and member of the LGBT community are not account for in the statistics. In fact, according to Ning and Guo, "dire consequences such as estrangement and suicide arise from the severe pressure to marry faced by gay men and lesbians, which deteriorates their social well-being". Therefore, many homosexuals face unbearable pressure, that results in the option of marrying the opposite sex and contribute to population growth to integrate to society. Interestingly, this type of cultural behavior and institutional pressure fits well with the current economic pressure in China, which aims to achieve better GDP rate growth in the forthcoming years.

Bearing in mind this complex interplay between traditional culture and economic reasons in China, if same sex marriage is approved, people with traditional views in China propose this may lead to a decrease in population growth. This LGBT group, or at least the segment who self-identify as homosexuals will be legally allowed to marry another individual from the same-sex. Hence, this indicates this segment of the population will not contribute to population growth since they would not be able to contribute to the increase in growth rates.

They would not be able to adopt either. In fact, in the literature review section, this paper investigates some of the reasons why same-sex couples would not be able to adopt not even as a single parent. According to a survey, participants replied with a disagreement of 59.8% to the question "Homosexual couples are as good as parents as other couples" -World Values Survey, 2017-2020 (Equaldex, n.d.). This lack of acceptance towards same-sex couples reassures that the Chinese population is unlikely to react differently if adoption is legalized for same-sex couples.

In summary, considering that economic and population growth are currently central within the government's agenda, the data presented above demonstrates that same-sex marriage is unlikely to be approved. More importantly, the LGBT community still has a role within the population increase in China. This happens because a large part of the LGBT community is still forced – either culturally or by their parents – to have a family and have children of their own with a partner from the other sex. Keeping this model of unhealthy family constitution is not beneficial for the individuals. However, if changing the current *status quo* would further jeopardize the economy, considering they neither can have children of their own nor can they adopt, the Chinese Legislature and Judiciary may not be willing to take such an action. Thus, it is more unlikely for the government to approve same sex marriage because this would not have a direct positive effect in the economy.

Cultural Prejudice & Governmental Prejudice: Statistics from surveys.



As mentioned, there is a significant proportion of gay-identifying individuals in China – yet the Chinese society still considers homosexuality as quite unacceptable in real life (Equaldex, n.d.).

The surveys that were conducted to evaluate public perception of homosexuals in China vary drastically on their results. For example, while the World Survey demonstrates prejudice against homosexual neighbor, the IPSOS demonstrates a potential acceptance of 63% of the people believed homosexuals should be able to legally get married, 80.4% of the participants agree that homosexuality is not justifiable - IPSOS (Equaldex, n.d.). Contrastingly, a survey conducted by Pew demonstrated that 57% believed of the society should not accept homosexuals. This variation in survey results suggests, at minimum, that acceptance of homosexuality is far from developed in China"

Differences for these results may be accounted for either because of different research methods while conducting surveys or the geographic location and age group surveyed. It goes beyond the scope of this paper to analyze variance in methods. However, below I offer some qualitative explanations related to how different regions in China react to the LGBT Community.

Scholars explain that prejudice against the LGBT community varies according to the geographic location in China. Scholars such as Wang 2020 stated that "A relatively higher level of rejection was found in the northwestern provinces of China (including Tibet, Qinghai, Shaanxi, and Gansu), and central China (Henan) (Wang and Other 2020, 4). Therefore, the less economically prosperous the region is, more perceived prejudice will be expected towards this LGBT group. Integrating the issue of mass migration, economic growth, and one-child policy, Hildebrandt explains that:

"In China, economic growth in the coastal regions has led to increased individual mass migration from the hinterland, leaving families either temporarily or permanently transient and atomized. Moreover, through a strict family planning policy, Chinese families have been made artificially small and the distribution of sexes is now skewed towards males. When it comes to policies that conflict with traditional values in China, none of them would violate Confucian ideals of family more than the 'one-child policy'. Yet, in this case other government concerns overrode cultural injunctions." (Hildebrandt 2011, 1320)

To understand this variance of prejudice towards the LGBT community, both current surveys and previous historical understanding of mass migration are to be considered when looking at public opinion. Because of these geographical and historical phenomena, one will notice that resistance towards the same-sex marriage approval will be higher in the northwestern provinces of China Mainland.

## Challenges to Chinese economic viewpoints on LGBT inclusion

Western scholars have started to analyze the relationship between the inclusion of LGBT community in society and economic development. This happened particularly after several European countries and the United States decided to approve the same-sex marriage in the last decades. For some scholars, approving the same-sex marriage is in line with the economic development of those countries – at the individual level and state-level.

"LGBT inclusion and economic development are mutually reinforcing to each other. Exclusion of LGBT people causes harms to the economy (as well as to LGBT individuals). Legal rights for LGB people are associated with higher levels of economic development, and the same correlation was found for legal rights for transgender people in an earlier study. The earlier research on LGB people and a back-of-the-envelope estimate of the economic impact of exclusion of LGB people suggest that at least some of the correlation we find reflects the GDP costs of excluding LGB individuals from fully enjoying their economic and social rights." (Badgett et al 2019, 12).



As stated by Badgett et al (Badgett et al 2019), exclusion of the LGBT people jeopardizes the economy. The inclusion and economic development are mutually reinforcing of one another – thus allowing LGBT rights will promote the development of society. However, one point that is not considered by the authors is that the economic development favors the approval of these rights. In China, the government may not be as concerned with the approval of minority rights, when there a decline in the economic growth in the past years.

## **Conclusion**

Through this article, I identified potential reasons as to why the Chinese government might not approve same-sex marriage. The fight for LGBT rights in China is far from ending. Beyond the social movements behind the LGBT community, one can find a lot of societal prejudice, especially from older generations. Parallel to this societal prejudice, I found that economically China is facing a hardship in maintenance of the population. Thus, there is a potential problem with China's economy, as one of the points that I acknowledged is that population growth affects Chinese economy. Then, if the approval of same-sex marriage will indirectly jeopardize population growth, the government is very unlikely to approve such policies.

Another potential reason is that the people in China are relatively traditional and do not want to accept the LGBT community. This paper used different surveys to demonstrate several forms of social prejudice that still ongoing in Chinese society.

Furthermore, other authors already explained that the same-sex marriage in China could only be approved if implemented from the top-down (Hildebrandt 2011, 1316). Considering that the Legislature is composed mostly of individuals with an average age 51 years, it is unlikely for the government to approve the same-sex marriage in the upcoming years.

Although this paper did not aim to predict the probability on the approval of the same-sex marriage, it opens the research agenda for new studies to come. I started looking outside of the obvious reasons as to why the same-sex marriage does not have a chance of being approved in China, and I combined the idea of the same-sex marriage approval with the lately economic development in China. Whereas in the Western countries, many have advocated that the approval of the same-sex marriage can be beneficial to the economy, in China this may not be the case. Therefore, studies that investigate the same-sex marriage in China will need to take into account economic reasons as well as top-down approaches.

These findings are not new to the world yet when many people in the community call for their rights today, they need to understand the considerable obstacles that they are facing. Indeed, the LGBT rights are as same as all of the other human rights, yet for it to be identical with the other rights in China is still quite hard.

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