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Was China Part of a Global Eighteenth-Century Homosexuality?

Matthew H. Sommer

China's "long eighteenth century"—roughly the 1680s through the 1830s, a period also known as the "High Qing"—was a time of major shifts in gender discourse and important innovations in the imperial state's efforts to regulate sexual behavior and gender roles.[1] In northwestern Europe, too, the same period witnessed fundamental change in sexual identities and gender relations. Randolph Trumbach, for example, argues that in London sexual relations between men shifted within a single generation from the venerable premodern paradigm of age hierarchy to a distinctively modern system organized by gender and orientation.[2] Europe's eighteenth century was also marked by unprecedented efforts to police sexual behavior, as Theo van der Meer has shown in his path-breaking studies of "the persecutions of sodomites" in the Dutch Republic.[3] Were the changes in China, then, part of a wider world shift that somehow transcended the

1. Susan Mann, *Precious Records: Women in China's Long Eighteenth Century* (Stanford, 1997); Matthew H. Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford, 2000). The Qing dynasty lasted from 1644 until 1912; it was preceded by the Ming dynasty, 1368-1644.

2. Randolph Trumbach, *Sex and the Gender Revolution*, vol. 1, *Heterosexuality and the Third Gender in Enlightenment London* (Chicago, 1998).

3. Theo van der Meer, "The Persecutions of Sodomites in Eighteenth-Century Amsterdam: Changing Perceptions of Sodomy," *Journal of the History of Homosexuality* 16 (1988): 263-310.

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parochial boundaries of politics, culture, and geography? To be specific, were same-sex union and sodomy law in High Qing China part of a *global* eighteenth-century homosexuality?

For the present, any answer to these questions must be considered preliminary. My own research focuses on Qing dynasty law and legal case records, and we have only begun to scratch the surface of what these sources can tell us, especially with regard to social attitudes and practices.[4] Moreover, historians of European sexuality have by no means reached a consensus on the exact nature or causes of the shifts that they perceive. But my sense is that the apparent synchronicity between Qing China and Europe is simply a coincidence, one that at closer inspection may reveal less convergence than divergence between the two sexual systems.

Qing Sodomy Legislation and the Threat of the Rogue Male

In the late seventeenth and eighteenth centuries the Qing judiciary promulgated a plethora of new laws aimed at a wide range of sex offenses, including anal intercourse between males (*ji jian*, usually translated as "sodomy"). An overall theme of this legislation was an intensified obsession with enforcing rigid gender norms based on stereotyped marital roles that were to be applied broadly across society. In a departure from earlier legal codes, the Qing dynasty laid down a new imperative that all females be wives and mothers, and moreover that all males be husbands and fathers. While lawmakers sought with unprecedented urgency to enforce and reward female chastity, which became a near-hysterical obsession of the imperial state, there was a parallel intensification of concern about protecting the vulnerable, incomplete masculinity of adolescent boys.

4. Much of the present article summarizes findings that I have documented in detail in Matthew Sommer, "Sex, Law, and Society in Late Imperial China" (Ph.D. diss., University of California, Los Angeles, 1994); idem, "The Penetrated Male in Late Imperial China: Judicial Constructions and Social Stigma," *Modern China* 23 (1997): 140-80; idem, *Sex, Law, and Society in Late Imperial China* (Stanford, 2000); and idem, "Dangerous Males, Vulnerable Males, and Polluted Males: The Regulation of Masculinity in Qing Dynasty Law" in *Chinese Femininities/Chinese Masculinities: A Reader*, ed. S. Brownell and J. Wasserstrom (Berkeley, 2002), pp. 67-88. Other historians of China who have used legal sources to address this topic include Marinus Meijer, "Homosexual Offenses in Ch'ing Law," *T'oung Pao* (1985):71, 109-33; Vivien Ng, "Ideology and Sexuality: Rape Laws in Qing China," *The Journal of Asian Studies* 46 (1987): 57-70, and idem, "Homosexuality and the State in Late Imperial China" in *Hidden from History: Reclaiming the Gay and Lesbian Past*, ed. Martin Duberman, Martha Vicinus and George Chauncey (New York, 1989), pp. 76-89; and Paola Paderni, "Alcuni Casi di Omosessualità nella Cina del XVIII Secolo" in *Studi in Onore di Lionello Lanciotti* (Naples, 1996), pp. 961-87.

Many of the new laws concerned rape. Heterosexual rape had always been a crime, but new and harsher penalties were now imposed for many variations of that crime. In a dramatic departure from tradition, Qing dynasty jurists codified *homosexual* rape as a crime for the first time in Chinese history. This new crime was to be punished according to a scale of penalties exactly parallel to those already in place for variations of heterosexual rape. (Either form was generally punished by strangulation or beheading, depending on the specific circumstances.) As this parallelism implies, jurists had begun to imagine both hetero- and homosexual rape in strikingly similar terms. The *rapist* targeted by the new legislation was stereotyped as a single, rogue male outside the family system. Legal texts refer to such a man as a *guang gun*—literally, a "bare stick." Here, "bare" implied poor, naked, alone, and unmarried, while a "stick" lacked the "roots" or "branches" of family and community that would socialize and give him a stake in the existing order. In contrast, the *victim* of rape was idealized as either a "chaste wife or daughter" or a "son or younger brother" (i.e., an adolescent male) of a decent, law-abiding family.

A crucial factor behind these innovations was the disturbing demographic implications of a gradually worsening subsistence crisis among much of the Chinese peasantry. Between 1700 and 1850 China's population roughly tripled (from about 150 million to about 430 million). At the same time, cultivated acreage only doubled, so this population growth was sustained in large part through further intensification of an already highly labor-intensive agriculture, beyond the point of diminishing returns.[5] One result was an increasingly skewed ratio between the sexes, especially among the rural poor, because widespread survival strategies included both female infanticide and the sale of daughters (and sometimes wives) to brothels or more prosperous households (where they became concubines or servants).[6]

Under the circumstances, growing numbers and probably even a growing proportion of poor men were unable to marry and were

5. See Philip Huang, *The Peasant Economy and Social Change in North China* (Stanford, 1985) and "Development or Involution in Eighteenth-Century Britain and China? A Review of Kenneth Pomeranz's *The Great Divergence: China, Europe, and the Making of the Modern World Economy*," *Journal of Asian Studies* 61 (2002): 501-38, on the vicious circle of "agricultural involution" in China.

6. For infanticide as a famine survival strategy see Lillian Li, "Life and Death in a Chinese Famine: Infanticide as a Demographic Consequence of the 1935 Yellow River Flood," *Comparative Studies in Society and History* 33 (1991): 466-510. James Z. Lee and his collaborators argue that female infanticide was less a crisis strategy *per se* than a regular feature of normal reproductive practice in China; see James Z. Lee and Wang Feng, *One Quarter of Humanity: Malthusian Mythology and Chinese Realities* (Cambridge, MA: 1999).

compelled to live outside the normative family system. Few precise demographic data exist for China prior to the Communist era, so it may be impossible to determine whether the proportion of such men in the overall population was rising. But even if we make the most conservative case and assume their proportion remained constant, the *absolute number* of unmarried men would have tripled between 1700 and 1850. Marriage was nearly universal for women, but we know that some eighteenth-century villages were burdened by a 20% surplus of single, adult men who would never marry.[7] By mid-century, Qing officials were expressing grave concern about the security threat posed by the large underclass of vagrant males that had emerged even in some of the most prosperous regions of the empire. Nor was such anxiety limited to the imperial state: in the 1760s a sorcery panic that swept across several provinces was emblematic of the deep fear and hostility felt by settled communities towards rootless outside males.[8] By the nineteenth century the ubiquity of surplus males in poor regions fueled endemic violence in "predatory" and "protective" patterns which, under the right circumstances, escalated into open rebellion against the dynasty.[9]

This single, rogue male became the bogey of the Qing judiciary, which demonized him as a dire threat to social and political order. The term *guang gun* first appeared in legal texts in the late seventeenth century and the next century witnessed a flood of new laws and edicts targeting this figure for suppression. In judicial discourse he was depicted as a vagrant, hooligan, bandit, heterodox sectarian, and rebel—but most notably as a *sexual predator* who preyed on chaste women and adolescent boys of established households. It is significant that "*guang gun*" carried a strongly phallic connotation: because "stick" (*gun*) was slang for penis, one reading for the term is "bare penis," a graphic characterization emphasizing the menace of the unmarried male, like a naked sword looking for its sheath. There is no question that jurists saw this rogue male as a specifically phallic threat to the family order from which he was excluded.

7. James Z. Lee and Robert Y. Eng, "Population and Family History in Eighteenth-Century Manchuria: Preliminary Results from Daoyi, 1774-1798," *Ch'ing-shih wen-t'i* 5 (1984): 1-55.

8. Philip A. Kuhn, *Soulstealers: The Chinese Sorcery Scare of 1768* (Cambridge, MA, 1990).

9. Elizabeth J. Perry, *Rebels and Revolutionaries in North China, 1845-1945* (Stanford, 1980).

The Vulnerable Masculinity of the Adolescent Boy

What was the nature of this threat? David Halperin has argued that sexual relations never occupy an entirely autonomous realm of experience, but rather are structured and understood (even by the sexual partners themselves) in terms of wider patterns and ideals of social and political organization.[10] In classical Athens, for example, sexual intercourse was conceived as a hierarchical act performed by citizens (i.e., freeborn adult males) when they penetrated noncitizens (women, boys, slaves, or foreigners). Performing sexual roles correctly was central to the defining of citizenship itself. Despite the many obvious differences between Athens and eighteenth-century China, it is clear that Qing lawmakers also assumed that sexual intercourse involved a performance of roles that should properly reproduce social and political hierarchies. Likewise, they assumed that intercourse outside its proper context might subvert those hierarchies.

Qing sodomy law was not based on the dichotomy of sexual orientation familiar today, but rather on a hierarchy of gendered sexual roles in a stereotyped act of intercourse. This hierarchical role playing was a sort of mirror image of how heterosexual relations were understood. This was an emphatically phallocentric sexual regime: lawmakers assumed any act of sexual intercourse to be an act of domination/subordination defined by (and which in turn helped to define) hierarchies of gender, power, and status. Ideally, in their view, intercourse should take place only within marriage, and it was in the sexual consummation of marriage that individuals were initiated into adult gender roles. The husband/father penetrated the wife/mother, and thereby reproduced the patriarchal household in both biological and social terms.

If penetration had such powerful effects in its proper place, it followed that *out* of place it would be dangerously disruptive. Depending on the context, then, penetration could impose or overthrow legitimate hierarchies, reproduce or invert the normative gender order, initiate persons into social adulthood, or inflict a polluting stigma with terrible social consequences. The basic imperative of sexual regulation was to guard against the threat of penetration out of place.

From this perspective, to penetrate a male would compromise his masculinity in an important and profound way. Such an attack on masculinity was seen as especially threatening to the adolescent boy who had not yet, with maturation and marriage, taken up the sexual and social

10. David M. Halperin, "Is There a History of Sexuality?" in *The Lesbian and Gay Studies Reader*, ed. H. Abelove et al. (New York, 1993), pp. 416-31.

roles proper to an adult male. In Qing judicial discourse a young male's vulnerability to penetration and pollution was equated with that of a female of any age. He was seen as weak and vulnerable to the predatory penetrator, and in that sense as approximating the condition of being female. We can, however, detect a certain ambivalence on the part of Qing lawmakers; even as they sought to prohibit sodomy and protect families from rogue sexual predators, they clearly took it for granted that homosexual desire would target adolescent boys. In seventeenth- and eighteenth-century China, in fact, the adolescent male was widely eroticized as a feminized object of possessive desire, as can be seen both in the testimony recorded in legal cases and in contemporary fiction, pornography, and theater culture. An entire genre of poetry celebrated the passion that elite men felt for cross-dressing boy actors.[11]

Lawmakers also assumed that at least some boys would welcome such attention. This assumption can be discerned in the way the judgment of homosexual rape cases took into account the putative victim's age. Qing sodomy law specified the age of liability for consent as thirteen *sui* (i.e., eleven or twelve years by a Western reckoning—the same age applied to girls). In other words, sodomitical relations with an underage boy would automatically be considered rape and receive the death penalty. Any boy above that age, however, might be punished for consenting to sodomy and would have to prove that he had been raped in order to avoid penalty.

But it was hard for a male past adolescence to persuade magistrates that he had been raped. Although the Qing judiciary promulgated unprecedented legislation making self-defense against homosexual rape a mitigating factor in the punishment of homicide, this defense was available only to a young boy who had killed a significantly older and stronger attacker. In practice, it was very difficult for a male over 15 *sui* (13 or 14 years old) to avail himself of this defense, because magistrates assumed that any male over this age could resist rape without resorting to lethal force. In other words, they assumed any male over 15 *sui* who had actually been penetrated must have consented and the burden of proof lay

11. For male homoeroticism in late imperial fiction and theater culture see Colin P. Mackerras, *The Rise of the Peking Opera, 1770-1870* (Oxford, 1972); Bret Hinsch, *Passions of the Cut Sleeve: The Male Homosexual Tradition in China* (Berkeley, 1990); Giovanni Vitiello, "Exemplary Sodomites: Male Homosexuality in Late Ming Fiction" (Ph.D. diss., University of California, Berkeley, 1994); Sophie Volpp, "The Discourse on Male Marriage: Li Yu's 'A Male Mencius's Mother'," *Positions* 2 (1994): 111-32 and idem, "The Male Queen: Boy Actors and Literati Libertines," (Ph.D. diss., Harvard University, 1995); Sommer, *Sex, Law, and Society*, pp. 140-43, 158-62; and Wu Cuncun, *Homoerotic Sensibilities in Late Imperial China* (London, 2004).

with him who claimed otherwise.[12] This suggests that what lawmakers sought to prohibit was not some exotic, unnatural act, but rather something all too familiar and understandable.

So far, I have found no evidence of any proactive effort to hunt down and punish men involved in *consensual* homosexual relations—nothing to compare, for example, with the mass arrests and executions that van der Meer has documented during the same period in Amsterdam.[13] Consensual sodomy was indeed a crime and when it appeared in court it was certainly punished. But as far as I can tell, consensual relations between males were seldom prosecuted in the absence of other, more serious crimes. (In contrast, there are countless examples of the prosecution of heterosexual adultery in the archives.) What is more, Qing law prescribed precisely the same penalties for consensual sodomy as for consensual heterosexual intercourse outside marriage, with 100 blows of the heavy bamboo and a month in the cangue.[14] This equivalence of penalties shows that lawmakers considered homosexual desire to be just as reprehensible as heterosexual desire indulged outside marriage, but no more so.

The Qing imperium saw the peasant family as the foundation of social and political order and conceived of itself as the ultimate guardian of Confucian family values. In the area of sex offenses what most alarmed Qing officials was *rape*, which they saw as a violent assault on normative family and gender roles. The draconian penalties imposed for the rape of a "son or younger brother" or a "chaste wife or daughter" of a decent, law-abiding family were part of a more general effort to shore up an embattled familial order against the threat of the swelling underclass of rogue males. It was this perception of a growing demographic danger that gave new impetus to the defense of the family. In this battle female chastity was at stake; but so too was the attendant normative masculinity harnessed to the roles of husband and father.

Evidence in Legal Sources of Social Attitudes and Practices

Despite legal proscriptions against sodomy, many unmarried men were indeed involved in same-sex unions. Qing legal archives comprise a unique, invaluable source for understanding social attitudes and practices

12. See Sommer, *Sex, Law, and Society*, pp. 135-38 and appendix B. 2.

13. A possible exception was the effort to suppress the cult of Hu Tianbao, which I address below; but even that effort apparently involved no mass arrests or executions.

14. The cangue was a wooden frame fitted around the neck. A prisoner sentenced to the cangue would wear it during the daytime while sitting outside the courthouse, but it would be removed at night while he or she slept in the jail.

related to same-sex union. Cases from various regions of China reveal a wide range of male subcultures in which same-sex unions apparently prevailed: among agricultural laborers, Buddhist and Daoist clergy, beggars, boatmen and sailors, soldiers, barbers, bandits, pirates, etc. Individuals found in these subcultures do not necessarily fit the predatory stereotype of judicial discourse, but they were typically single males outside the family system and marginalized by some combination of poverty, status, and occupation. In these milieus sexual relations often combined with resource-pooling, coresidence, and fictive kinship (e.g., sworn brotherhood) in multifaceted alliances that may have had as much to do with survival as with desire *per se*.

Same-sex relations in late imperial China were by no means confined to subcultures of marginal males. Rich men so inclined might patronize cross-dressing actors and male courtesans, and might install catamites among their servants (a scenario found in such novels as *Plum in the Golden Vase*, *The Carnal Prayer Mat*, and *Dream of the Red Chamber*).[15] But men of means were also expected to marry and father children in order to secure the integrity of descent lines and inheritance. This was a question of filial duty rather than individual inclination or choice. Thus, to the extent that a specific *social identity* was connected to sodomy and same-sex union in eighteenth-century China, it appears to have been associated with marginalized males outside the family system who bonded with other men partly for instrumental purposes. Among the very poor, sex played an important role in a variety of survival strategies, and the homosexual scenario described here was just one variant of a much larger pattern that included, for example, different ways in which husbands pimped or sold their wives as assets of last resort.

Same-sex relations found in Qing legal cases were organized according to the ages of sexual partners. In nearly every example I have seen, the hierarchy of sexual roles clearly conforms with the hierarchy of ages—with the older male penetrating and in other ways dominating his younger partner—and there is at least the *pretense* of complete consistency in this regard. (In consensual relationships, the younger male is typically in his teens or early twenties, and his partner at least a few years older.) So far, I have come across only two exceptions, but these may simply prove the rule.[16] In the dozens of other cases I have seen to date, including both

15. For elite attitudes and behavior, see Volpp, "The Male Queen" and Wu, *Homoerotic Sensibilities*.

16. In the first case a young man being penetrated by an older partner was found out and successfully blackmailed by a still younger man, who demanded to penetrate him as well. In the second, two partners apparently alternated sexual roles; because the older partner was

consensual relations and rape, the younger male appears as an object of possessive desire to the older male who seeks to penetrate him. There are many examples in the legal archives, moreover, of adult men pursuing both female and younger male sex objects, and lusting after the same feminized features of both, regardless of biological sex (for example, clear, white skin is often mentioned in testimony). This pattern is not restricted to the marginalized subcultures that appear in criminal records. Sexual relations between males described in late imperial fiction are also clearly organized according to complementary hierarchies of age and penetration, and in Ming-Qing fiction the stock character of the wealthy libertine typically pursues both women and adolescent boys.[17] In this respect late imperial China fits what Randolph Trumbach has characterized as the general premodern pattern of sexual relations between males, a strictly hierarchical world in which adult men penetrated both women and adolescent boys.[18]

Legal cases also show that considerable stigma attached to the penetrated male as a feminized and therefore debased object of masculine desire. The penetrated male's shame seems to have been especially intense and obvious within the settled peasant community, where social status and economic viability depended above all on marriage, reproduction, and family farming, and where gossip was a powerful force for social conformity. In some all-male milieus—for example, among fishermen, soldiers, or beggars—same-sex union seems not to have been quite as secretive and sexual partners sometimes were quite open about their relationships, at least with immediate peers. But in the settled peasant community the penetrated male tried to keep his relationship and sexual role a deep secret. Exposure was a source of intolerable humiliation that could provoke homicide, suicide, and other desperate acts. (In several cases, the threat of exposure served as a sure way to blackmail a penetrated male.) No such stigma, however, pertained to the penetrator, who was seen as playing the definitively masculine role, regardless of his partner's sex. On the contrary, in many cases the penetrator boasted openly about what his partner saw as a dark secret, thus provoking the violence that brought the relationship to official attention. Moreover, from the perspective of the case records it appears that to propose to sodomize another male involved considerable risk: unless the proposition was

deeply ashamed of having been penetrated, he murdered the younger partner for revealing this information to a mutual acquaintance. Sommer, *Sex, Law, and Society*, pp. 151-54.

17. Volpp, "The Male Queen"; Sommer, *Sex, Law, and Society*, pp. 140-43, 158-62.

18. Trumbach, *Sex and the Gender Revolution*.

welcome it might be interpreted as a profound insult, and would likely provoke a fight. There seems to have been little middle ground between the two reactions.

The case records provide a glimpse into the Hobbesian lower depths of High Qing society, in which life outside the family and community order generally seems to have been a grim and tenuous business. Of course, many cases include evidence of intense affection and passion between homosexual partners; moreover, much of the meaning of such relationships to the partners themselves is obscured in these sources by the judicial emphasis on proving and punishing specific criminal acts. The most striking feature of many relationships portrayed in the archival record, however, is the casual brutality of these marginalized male subcultures, where life was framed by a harsh survival logic, and where masculinity in particular was a zero-sum game of aggression and domination. Perhaps the closest parallel in our own society today is not the self-affirming life of liberated gay men, but rather the cutthroat world of our prisons.

This evidence about attitudes and behavior helps us understand Qing sodomy law in its broader social context. The universal emphasis on complementary hierarchies of age and sexual role, the notion that to penetrate was to dominate and emasculate, and the pervasive stigma attached to the penetrated male all closely parallel the basic assumptions of Qing legislation. So, too, does the strong association of same-sex union with subcultures of marginalized single males, the very sort of men demonized by the judiciary as dangerous sexual predators.

What About Women?

Conspicuously absent in Chinese legal texts is any reference to female same-sex union or sexual acts. China is not unique in this regard. Martha Vicinus has commented eloquently on the difficulty of researching lesbian history because of the silence of most premodern sources on this subject.[19] Historians of male homosexuality often rely on records of criminal prosecution, so it may be just as well for the women concerned that we find relatively few traces of their sexual lives.

Of course, the silence of Chinese legal texts does not mean that women never engaged in erotic activity with one another. In fact, there is a fair amount of evidence of such activity in nonlegal texts from the late imperial

19. Martha Vicinus, "'They Wonder to Which Sex I Belong': The Historical Roots of the Modern Lesbian Identity" in *Lesbian Subjects: A Feminist Studies Reader*, ed. Martha Vicinus (Bloomington, 1996), pp. 233-59.

period.[20] In fiction and pornography, female-female sexual acts are typically portrayed as imitations of, substitutes for, or adjuncts to heterosexual acts, and it is impossible to know how accurately these images represent actual sexual practice. At very least, however, they show that female homosexual acts lay well within the realm of the "thinkable." Nor does the silence of legal texts mean that Chinese lawmakers were necessarily ignorant of such matters. It simply means that an act between women was not constructed as a crime.

To understand this silence we must reckon with the absolute phallocentrism that framed Chinese judicial thinking about sexual behavior and gender roles. The earliest definitions of sex offenses in classical texts focused on the concern that an outside male would disrupt the descent lines of another man's family; and as we have seen, Qing initiatives in sexual regulation were prompted in large part by the perception of an ever-greater danger from predatory rogue males outside the family system. In addition, mature gender roles were identified with the performance of stereotyped roles in a hierarchical act of marital intercourse, and the late imperial anxiety about anal intercourse between males (like anxiety about heterosexual offenses) focused on the dangerous consequences of unauthorized penetration.

In other words, possession and pollution through phallic penetration were key to defining the "sexual," especially the powerful and dangerous aspect of the sexual. The corollary to this narrow definition is that *without* a phallus, there was no sexual danger and therefore no crime.

Urban Subcultures and Comparative History

Almost all the legal cases related to sodomy that I have found so far are death-penalty cases reported by provincial governors to the central judiciary, and these records are now held at the palace archives in Beijing. The great majority concern events that took place in rural areas, reflecting the overwhelmingly peasant character of eighteenth-century China. This material is of considerable comparative interest, in part because almost everything we know about the history of same-sex union elsewhere has to do with urban populations. In Qing-dynasty China the pervasive shortage of wives among the rural poor helped foster masculine subcultures and same-sex unions *outside* cities, phenomena that have not been well-documented in other societies.

20. See, for example, Hinsch, *Passions of the Cut Sleeve*, appendix.

Still, a "global" history of homosexuality demands that we learn more about China's urban communities, precisely because of the central role cities have played in the history of sexuality in the West. Michael Szonyi has recently presented fragmentary yet persuasive evidence that a religious sect existed in eighteenth-century Fuzhou (the capital of Fujian province) in which men seeking sexual relations with boys worshiped a patron deity known as Hu Tianbao.[21] Little is known about this sect other than that the local authorities cracked down on it in 1765, closing two temples and destroying a pair of religious images. One of the images depicted an older man embracing a young male of fair skin. The sect persisted, however, and seventy years later a second effort was made to suppress it. According to Szonyi, elderly people whom he has interviewed in Fuzhou have heard of Hu Tianbao, but he has been unable to find any evidence of the sect being active in recent times. The cult would seem to lend credence to a stereotype widespread in the late imperial period that the men of Fujian were unusually prone to sodomy.[22]

The cult of Hu Tianbao appears to fit a larger pattern in which popular religious movements approached sex and gender relations in ways that sharply diverged from the Confucian family model promoted by the imperial state. Such movements were deemed heterodox and dangerous, and their violations of sexual and gender orthodoxy aroused particular alarm among officials and other members of the elite. This phobia was by no means unwarranted: the history of imperial China was repeatedly punctuated by millenarian rebellions shaped by popular religion and a consistent feature of these movements was some sort of novel approach to sex and gender. The late imperial period offers a number of notorious examples. The White Lotus sects that staged several major uprisings, for instance, worshiped a female deity and some of its leaders were women. Some congregations encouraged extramarital sexual relations among their members. One such group came to prominence in 1813 when it managed

21. Michael Szonyi, "The Cult of Hu Tianbao and the Eighteenth-Century Discourse of Homosexuality," *Late Imperial China* 19 (1998): 1-25.

22. This stereotype is widely represented in fiction and "ethnographic" literature from the Ming and Qing dynasties. For a skeptical reading of such evidence, see Volpp, "The Discourse on Male Marriage." Szonyi's evidence is limited, unfortunately, to a couple of brief, tantalizing references in a Qing-dynasty gazetteer and an official's memoir, so there are many unanswered questions. We do not know, for example, if any arrests were made in conjunction with efforts to suppress the cult. (I think we can assume, however, that if any large-scale arrests had taken place, they would be mentioned in Szonyi's sources.) Nor can we hope to understand the full meaning of this religion to its adherents, or know their numbers. Nevertheless, the evidence that it existed suggests a number of intriguing lines of speculation.

to fight its way inside the Forbidden City in an attempt to assassinate the Qing Emperor.[23] In the mid-nineteenth century, to take the most famous example, the Taiping rebels launched a crusade to purge China of Confucianism and establish a quasi-Christian "Heavenly Kingdom of Great Peace." This crusade and its suppression ultimately cost over twenty million lives. The remarkable policies initiated by the Taipings included strict prohibitions of foot binding and polygyny, as well as the death penalty for all extramarital sexual relations, including prostitution. They also segregated men from women in separate military camps, and ordered the faithful to abstain from conjugal intercourse until final victory had been achieved.[24]

Now I do not mean to imply that the worshipers of Hu Tianbao contemplated a sodomites' rebellion against the dynasty! Yet, this remarkable cult was clearly a manifestation of a self-conscious urban subculture of male same-sex unions. Fuzhou, located on the south China coast, was a booming port city teeming with sailors and other migrant males from elsewhere in Fujian and beyond. The existence of such a cult in this kind of city suggests a link between the role of sexual bonding in the alternative alliances of marginalized people, on the one hand, and the sort of heterodox discourses of sex and gender that characterized millenarian popular religion, on the other. If religious and ideological challenges to dynastic authority were shaped by the material conditions of life, then millenarian radicalism on questions of sex and gender may reflect in fascinating ways the inadequacy of official morality to encompass the survival strategies of the marginalized poor. Is it any wonder that Qing authorities sought to suppress the cult of Hu Tianbao, along with other heterodox sects?[25]

23. Susan Naquin, *Millenarian Rebellion in China: The Eight Trigrams Uprising of 1813* (New Haven, 1976).

24. Kazuko Ono, *Chinese Women in a Century of Revolution, 1850-1950*, trans. J. Fogel et al. (Stanford, 1989), pp. 1-22; Yuanyou Qiu, *Taiping tianguo falü zhidu yanjiu* [A study of the legal system of the Heavenly Kingdom of Great Peace], (Beijing, 1991).

25. Alas, no local archives from the Qing dynasty survive for Fuzhou (or for the rest of Fujian either), so Szonyi may have found the only hard evidence we will ever have about this sodomitical religion. But although the heterodox cult itself may have been unique to Fuzhou, it certainly seems possible that other cities had their own local subcultures of sodomites. One possibility meriting further investigation is the Yangzi River port of Chongqing (Ch'ungking), for which the rich Ba County archive exists. So far, however, my own research with this collection has failed to turn up many relevant legal cases, confirming my impression that consensual sodomy in itself was not a high priority for prosecution. That does not mean there were no same-sex unions in Chongqing; but as long as we depend on legal records for our evidence, we are at the mercy of those who enforced the law. We may have better luck with a deeper exploration of the myriad central legal cases, some of which are from cities, held

In the West, clearly, there is something about the modern urban situation that has fostered self-conscious, self-affirming homosexual communities. Randolph Trumbach does not specify the precise causes of the phenomena that he documents in Enlightenment London, but he does show that shifts in urban patterns were key to the emergence of new modes of sexual practice and identity.[26] It appears likely that the genealogy of modern gay and lesbian identities can be traced back to that early modern urban milieu. (Certainly that is the implication of David Higgs' book *Queer Sites: Gay Urban Histories Since 1600*, which begins chronologically in early modern northwestern Europe and ends up in late twentieth-century San Francisco.[27]) Was anything happening in eighteenth-century Chinese cities that paralleled Trumbach's findings?

Historians of China continue to debate whether China in the Ming-Qing period should be considered "early modern" in ways fundamentally similar to the contemporary West. Those who see similarities point (for example) to the development of active, self-conscious merchant classes in burgeoning commercial cities that, unlike older ones, were far more than just centers for imperial administration and control. Some even claim that something like a civil society or public sphere was emerging in these cities. Those who disagree highlight the absence in China of such developments as capitalism, the industrial and scientific revolutions, democracy, constitutional limits to government power, and a legal doctrine based on individual rights.[28]

The history of sexuality may provide valuable new perspectives on the question of China's early modernity. Trumbach argues (along with Michel Foucault[29] and others who have made similar points) that the emergence of sexual orientation is definitive of the modern condition and that this watershed dates from the early eighteenth century in London and other northwestern European cities. If he is right, then it is worth exploring whether anything similar was going on in the highly commercialized cities of late imperial China. If Chinese cities were different—as seems likely to me—then this counterexample might help European historians refine their

at the First Historical Archives in Beijing. For detailed discussion of these different sources, see Sommer, *Sex, Law, and Society*, pp. 17-29.

26. Trumbach, *Sex and the Gender Revolution*.

27. David Higgs, ed., *Queer Sites: Gay Urban Histories Since 1600* (London, 1999).

28. For a review of this debate see the "Symposium: 'Public Sphere'/'Civil Society' in China?" *Modern China* 19 (1993).

29. See Michel Foucault, *The History of Sexuality*, vol. 1, *An Introduction* (New York, 1978), pp. 42-43, 66-68, 104-5.

explanations of European developments (commercialization and urbanization alone, for example, would not be the answer). It remains to be seen whether Chinese archives will yield sufficient material to shed light on these interesting questions of comparative history.

Conclusion

We return to our initial question. Were Qing dynasty developments part of a global eighteenth-century homosexuality? The fundamental issue, it seems to me, is the emergence of sexual orientation, a relatively egalitarian paradigm that defines sexuality and social identity exclusively in terms of the sex of a person's object of desire, as opposed to a fixed hierarchy of sexual roles. This modern paradigm appears to have originated in the cities of northwestern Europe around the turn of the eighteenth century and gradually to have spread across the globe in the three centuries since. Did anything like the modern paradigm also appear in China? Where do Qing developments fit in?

As we have seen, a spate of new laws related to sodomy appeared in eighteenth-century China, laws that were part of a larger imperial initiative aimed at suppressing sexual intercourse outside marriage and reinforcing gender roles rigidly defined in terms of marriage. The explanation for this initiative lies in official anxiety about the burgeoning underclass of surplus males: new laws targeted the single rogue male as a uniquely dangerous threat to the familial order that underpinned the larger imperial order. These "bare sticks" were disproportionately represented in the caseloads of Qing magistrates, and their rising numbers must have raised the profile of sodomy, same-sex union, and homosexual rape. In this context, the judicial perception of a new threat to the masculinity of "sons and younger brothers" of decent, law-abiding families emerged.

There is no compelling reason to connect these innovations in Qing law with contemporary developments in the West. Certainly, no evidence has emerged thus far to suggest that sexual practice or categories of self-conscious identity changed in China at all.[30] Indeed, the only new category that did emerge was the "bare stick" of Qing judicial discourse—and this was a *legal* construction, a stereotype that imperfectly reflected a genuine social problem, not unlike the "young black male" who has become the stereotyped bogey of mass media and criminal justice in the United States

30. Szonyi might disagree; he suggests that at least some eighteenth-century literati thought about same-sex attraction in terms that resembled sexual orientation (Szonyi, "The Cult of Hu Tianbao"). But his evidence certainly does not indicate any shift in the dominant paradigm.

today. Rather than a period of change, I see a strong, fundamental continuity with earlier periods in that same-sex relations continued to be organized and understood according to gendered hierarchies of age and penetration (as seen, for example, in ancient tales of feudal lords who favored beautiful young catamites and in Ming dynasty fictional depictions of libertines with their adolescent pages). Even the new laws promulgated by the Qing dynasty shared these same older assumptions about the hierarchical nature of sexual relations.[31]

Therefore, if by "global eighteenth century" we mean parallel, simultaneous shifts that reflected new connections between the West and "the rest," then my answer would be *no*; Qing developments were not part of a global eighteenth-century homosexuality. In fact, the emergence of widespread, self-conscious gay and lesbian identities in China appears to be an extremely recent phenomenon, one that is related in complex and contradictory ways to the post-Mao relaxation of travel restrictions and other interactions with the capitalist world, and to the increasing globalization of categories of sexuality and identity that originated in the modern West.[32]

This conclusion should not be terribly surprising. Sexual orientation first emerged at more or less the same times and places as egalitarian gender relations generally; both developments, it would seem, have been part of a larger decline of the hierarchical paradigm of social order. After all, homosexual relations have long served as a sort of blank screen onto which societies project their fantasies and anxieties about heterosexual relations. But hierarchy—especially gender hierarchy—was alive and well in eighteenth-century China. No historian of the period can fail to be impressed, by contrast, with the high degree of individual autonomy, self-determination (especially with regard to marriage), and unchaperoned public access enjoyed by the female characters in any Jane Austen novel.

But our evidence from the Qing does fit into an older global pattern. The way people in eighteenth-century China thought about sodomy and same-sex union would have been perfectly comprehensible, for the most part, to people in classical Athens, Renaissance Florence, Ottoman Turkey, seventeenth-century London, and many other societies (including many today), without there necessarily having been any communication or connection between those societies. This widespread, cross-cultural

31. This is my basic argument in Sommer, "The Penetrated Male"; also see Sommer, *Sex, Law, and Society*, pp. 118-20, 163-64.

32. Lisa Rofel, "Qualities of Desire: Imagining Gay Identities in China," *GLQ: A Journal of Lesbian and Gay Studies* 5 (1999): 541-74.

commonality was decisively ruptured by the emergence of the modern paradigm of sexual orientation, a paradigm that may, in turn, become hegemonic by the end of our own globalizing twenty-first century.

Perhaps, then, the most important story to emphasize here is that remarkably diverse human societies have organized their sexualities in common patterns. In short, the most important story is the story of our common humanity.