

Marriage Defraud: A Systematic Review of the Tongqi Group in China

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Abstract: This systematic review endeavors to investigate the contentious kinship practice of Tongqi in mainland China. The term refers to the situation where women enter into marital relationships with gay men. The review assesses the prevalence of the Tongqi group in Chinese society, and further explores the socio-legal determinants that contribute to their predicament, including their psychological and social implications. It also delves into the legal and cultural milieu in which marriage defraud occurs in China and can be implicated in future research and policy interventions.

Keywords: LGBTQ, gender, sexuality, kinship

1. Introduction

The rapid ascendancy of LGBT rights movements in China has stimulated a surge in queer individuals advocating for socio-legal recognition, such as the legalization of same-sex marriage [1]. However, unlike their Western counterparts, the Chinese gay community faces a distinct and contrasting social environment. Confucianism, with its potent influence, instills in Chinese adults a traditional and fundamental obligation to produce offspring for the extended family, particularly for the single-child generation born after the 1980s [2]. Consequently, numerous homosexuals opt to conceal their sexual orientation and enter into heterosexual marriages to comply with these societal pressures. The women who marry such individuals are known as Tongqi, which literally translates to “a gay man’s wife” in the Chinese language.

The investigation of the Chinese Tongqi community holds great significance as it illuminates the discrimination and stigma encountered by the LGBTQ+ population in China. The apprehension felt by gay men in revealing their sexual orientation underscores the lack of acceptance and comprehension of homosexuality in Chinese society [3]. Additionally, the experiences of Tongqi emphasize the gendered power dynamics prevalent in Chinese marital relationships, where women are expected to conform to traditional roles as wives even when facing physical and emotional abuse, as well as social isolation, merely due to their husbands’ sexual orientation. According to a current study, 59% of women reported suicidal thoughts after discovering their husbands’ MSM (Men who had Sex with Men) behavior and about 10% had attempted suicide. [4]. Therefore, related resolution and legal protection should be provided by the government and society. The examination of this marginalized community in this essay could facilitate a greater understanding of their needs and experiences and help to contribute towards establishing a more equitable legal and social environment for all.

According to a recent estimation, the population of Tongqi in China is over 13.6 million [5]. However, although numerous investigations into the gay community, only a few research studies have been conducted on the Tongqi group. The prior literature on this topic mainly focuses on the failure of same-sex marriage, while few examined the occurrence of this unique yet large population of marriage fraud. Some studies explain the physical and emotional harm, but little exploration is done on the underlying roots of the phenomenon. Thus, this article seeks to address this gap by examining the fundamental social and legal causes behind the emergence and suffering of the Tongqi group and reassessing the ethical implications of this complex yet emblematic kinship.

2. Social and Family Pressure

The prevalence of Tongqi in China is heavily influenced by family pressure, societal expectations, and traditional gender roles deeply rooted in Confucian philosophy, which places significant importance on marriage and family as a means of perpetuating the family line, while feminist theory recognizes the societal pressures on women to conform to traditional gender roles, resulting in hasty marriages without sufficient knowledge of their partners.

The prevalence of Tongqi in China is significantly influenced by family pressure, particularly on men to fulfill societal expectations of marriage and family, and on women to conform to traditional gender roles [6]. In Chinese traditional culture, the societal expectation for individuals to marry and have children is deeply rooted in the values of Confucianism, an ancient Chinese philosophical and ethical system. Confucianism emphasizes that the family is the fundamental unit of society, and individuals have a duty to their parents, ancestors, and future generations to perpetuate the family line through marriage and procreation.

Filial piety, which is one of the most fundamental concepts in Confucian philosophy, entails demonstrating respect, obedience, and care towards one's parents and ancestors. It is regarded as a moral obligation and a means of expressing gratitude for the sacrifices and contributions made by one's forefathers and parents. As a result, Chinese parents have traditionally placed significant importance on their children's marriage and family life, as it is seen as a reflection of their success as parents and their children's compliance with their filial responsibilities [7]. The pressure on children's marriage is further intensified by China's past one-child policy, a government initiative that restricted families to having only one child. This policy underscored the parents' authority over their child's marriage and family life as the sole means of continuing the family lineage [8]. Consequently, parents with a gay son face enormous pressure to ensure that their child marries a member of the opposite sex to produce offspring. This expectation has resulted in many gay men concealing their true sexual orientation and entering heterosexual marriages [8]. Similarly, Tongqi, women who are married to gay men, also face pressure from their families, as parents frequently urge their daughters to marry, regardless of the partner's suitability or the quality of the relationship. As a result, some Tongqi find themselves trapped in unhappy marriages and unable to leave due to family pressure, fearing that it may bring dishonor to their family [9].

However, the pressure for Tongqi also derived from social norms. Feminist theory is highly relevant in understanding the societal pressures on Tongqi in China. It recognizes that gender is a socially constructed category shaped by power relations between men and women, rather than solely a biological fact. This power imbalance can create pressure on women to conform to traditional gender roles, such as getting married and having children, even if it goes against their own desires or causes emotional distress [10].

An example of this pressure and unfairness can be shown through the term "Sheng nu", a term compares unmarried women to leftover food and has become widely used in mainstream media and colloquial language, highlighting the pervasive phenomenon of the objectification of women in Chinese society. Women are treated as commodities that must be sold to male customers as quickly

as possible while they are still in their prime, much like perishable goods. Not being married before one's 30s may result in discrimination, ridicule, and being deemed "expired," highlighting the alarming prevalence of gender discrimination and misogyny in China's cultural and societal framework [11]. The societal pressures experienced by women have ultimately led to hasty marriages without sufficient knowledge of their partners, motivated solely by a desire to fulfill the societal expectation of matrimony [12].

3. Sexual Shame, Inadequate Sexual Education, and Stigma Towards Premarital Sex

The social constructionist perspective provides valuable insights into the scarcity of comprehensive sex education programs and limited access to reliable information about sexual health in China. The traditional conservative society with well-defined gender roles has led to the stigmatization of premarital sex and inadequate sexual education, resulting in sexual shame, lack of knowledge, and misunderstandings around sexual behavior and health. These factors can make individuals vulnerable to deception and misleading, leading to difficulties in understanding their own or others' sexual orientation and needs, as seen in the case of Tongqi.

Social constructionism is a theoretical framework that emphasizes the importance of cultural norms and social interactions in shaping our perception of reality. It posits that our understanding of gender, sexuality, and other social categories is not inherent or immutable, but rather socially constructed. In relation to sex education in China, social constructionism offers insights into how cultural norms and social interactions affect attitudes towards sexuality and sexual health.

China, as a conservative society with well-established gender roles, has traditionally avoided public discourse about sexuality, resulting in a shortage of comprehensive sex education programs in schools and limited access to reliable sexual health information. A study revealed that 60.38% of teachers are hesitant to discuss topics related to childhood sex education with parents during parent-school communication events due to the risk of embarrassment or facing difficult questions [13]. Furthermore, most university-level sex education teachers lack professional training and may rely on traditional Chinese sex culture and concepts when teaching students [13]. As a result, individuals may lack awareness and knowledge of sexual behavior and sexual health issues, rendering them more vulnerable to deception or misinformation. Additionally, premarital sex is still viewed as immoral and contrary to traditional Chinese values [14], leading individuals to conceal their sexual history or maintain virginity until marriage, resulting in marital instability and a higher risk of marriage fraud. The lack of sex education and the stigma attached to sex can also make it challenging for individuals to understand their own or others' sexual orientation and needs, making them more susceptible to deception and misleading in the context of Tongqi.

4. Legal Barriers

The legal obstacles encountered by Tongqi in China are multifaceted, with the lack of legal recognition for same-sex marriage serving as a primary hurdle. In 2001, China removed homosexuality from its list of mental illnesses, with support from the Chinese Society of Psychiatry and Chinese Medical Association. While this was a significant step towards reducing the stigma and discrimination faced by the LGBTQ+ community in China, deep-rooted unacceptance still exists, which is reflected in the absence of legal validation for same-sex marriage. This coerces gay men into entering heterosexual marriages, conforming to societal expectations imposed upon them. This practice is the primary factor contributing to the occurrence of Tongqi and can inflict serious emotional and psychological trauma upon their wives, who are victims of this marriage fraud.

Another legal obstacle faced by Tongqi is the Chinese Marriage Law, which was last revised in 2021. The law provides several grounds for divorce, including irreconcilable differences, domestic

violence, abandonment, and adultery [14]. However, divorce based on a spouse's sexual orientation is not specifically addressed. Therefore, the lack of specificity in the law enables Chinese courts to consider the overall impact that the divorce would have on both sides [15]. Despite progress, China still faces significant social and cultural stigmas surrounding homosexuality, leading to difficulties for a Chinese woman seeking a divorce in public, as they would feel shame, particularly if her family or community is unsupportive or even suppressive. According to a survey conducted in 2016, 80% of Chinese people believe that same-sex relationships are unacceptable, indicating that societal attitudes towards the LGBTQ+ community still have a long way to go.

In addition to these barriers, Tongqi may encounter legal hindrances when seeking medical treatment for STIs (Sexually Transmitted Infections) or other health complications related to their sexual relationship with their husbands. An analysis in 2019 provided reliable estimates of China's HIV burden among men who have sex with men, which presents an increasing national public health challenge. As their partner, Tongqi are also under great threat of being affected [16]. However, the stigma attached to homosexuality in China has led to discrimination against individuals who are perceived to be part of the LGBTQ+ community, including Tongqi. This discrimination can lead to delays in diagnosis and treatment, further worsening the health issues faced by Tongqi.

Moreover, the process of adopting a child as a Tongqi can also be fraught with challenges, as societal prejudices and discriminatory attitudes towards same-sex relationships can hinder the adoption process. Many adoption agencies may hold biases against placing children with same-sex couples, and the lack of legal recognition for same-sex partnerships in China further exacerbates this issue. As a result, Tongqi may face significant obstacles when attempting to adopt a child [17], which can exacerbate the difficulties they face in building a family.

5. Conclusion

Conclusively, this systematic review of the Tongqi group in China highlights the discriminatory practices and stigma faced by the LGBTQ+ community. The prevalence of the Tongqi group in Chinese society, as shown by the estimated population of over 13.6 million, is a significant indication of the societal pressure to conform to traditional gender roles and family expectations. The review highlights the need for legal protection and policy interventions to ensure a more equitable environment for all, regardless of sexual orientation or gender identity.

The influence of Confucianism, traditional gender roles, and family pressure were identified as the significant determinants contributing to the phenomenon of Tongqi. The review highlights the need to reassess the ethical implications of this complex yet emblematic kinship to achieve a greater understanding of their needs and experiences. The Tongqi group's experiences underscore the gendered power dynamics prevalent in Chinese marital relationships, where women are expected to conform to traditional roles as wives, even when facing physical and emotional abuse, as well as social isolation, merely due to their husbands' sexual orientation.

The systematic review provides insight into the physical and psychological harm inflicted on the Tongqi group, with the majority of women reporting suicidal thoughts after discovering their husbands' MSM behavior, emphasizing the need for greater awareness, support, and legal protection. The review also reveals the lack of acceptance and comprehension of homosexuality in Chinese society, creating apprehension for gay men in revealing their sexual orientation. The stigmatization of homosexuality in China highlights the need for further research and policy interventions to address the discrimination faced by the LGBTQ+ community.

However, despite of the well-cited findings, limitations of the review include the lack of empirical studies, which limits the depth of analysis and understanding of the phenomenon. Future research should focus on the psychological and social implications of being a Tongqi, with a greater emphasis on qualitative studies to explore the lived experiences of this marginalized group.

To address the issue of marriage fraud, promoting comprehensive sex education, eliminating stigma and gender discrimination surrounding sex, promoting gender equality, and raising awareness about sex is essential. These efforts can help individuals to enhance their self-protection abilities, reduce the incidence of being Tongqi, and improve gender-related issues in Chinese society. Tongqi in China faces significant legal, social, and cultural challenges due to the lack of legal recognition for same-sex marriage, negative societal attitudes, and discriminatory practices. These obstacles can have severe consequences, including difficulties in obtaining child custody and adoption rights, medical treatment, and the ability to build a family. It is essential for the Chinese government to recognize and address these challenges, providing greater legal protections for the LGBTQ+ community and working towards creating a more inclusive and just legal environment.

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