

Scholar's Corner: Confucianism in and for the Modern World

The Responses of Jiang Qing and New Confucians to Same-Sex Marriage: *Key Points and Criticisms*

Ying-kit Chan*

Abstract

This article serves as an informative piece for scholars who may be unaware that contemporary New Confucians have been debating the legalization of same-sex marriage. It links the rise of Political Confucianism—an offshoot of New Confucianism—with the global discourse on gender issues and social progress. The views of Jiang Qing, the doyen of Political Confucianism, and of New Confucians on same-sex marriage reveal a common intellectual strategy: conceptual bifurcation. Despite their differences, Jiang and the New Confucians offer a Chinese alternative to Western liberal democracy, one that reaffirms the role of Confucianism in resolving the contradictions of global capitalism and contribute to ongoing discussions on matters that affect all societies. My modest aim is to introduce their discussions on same-sex marriage to anglophone readers, given same-sex marriage's political and philosophical implications, which have been assessed from a feminist perspective. The key contribution of this article, then, lies in the identification of the intellectual strategy of bifurcation adopted by Jiang and New Confucians to frame the debates and their own arguments.

Keywords: China, Confucianism, conceptual bifurcation, same-sex marriage, state religion

* Ying-kit Chan is Assistant Professor in the Department of Chinese Studies at National University of Singapore. E-mail: chscyk@nus.edu.sg

I. Introduction

The 1980s saw the rise of a distinct group of Chinese intellectuals known as New Confucians (Xiandai Rujia 現代儒家). They proposed a theory of modernization that “supported economic development, individual growth, and social progress” (Hon 2017, xi). Although studies on New Confucianism have revealed its linkages with other branches of Confucian learning, only a few have specified the intellectual strategies of New Confucians for coming to terms with the West; even fewer have described how New Confucians have perceived gender issues and idealized the role of men, women, and sexual minorities in society.

This article explores the recent debates on same-sex marriage among New Confucians, a discourse that emerged following the U.S. Supreme Court’s 2015 decision to legalize gay marriage. In particular, it examines the work and reception of Jiang Qing 蔣慶 (b. 1953), the leader of a subgroup of New Confucians called Political Confucians (Zhengzhi Ruxue 政治儒學), and explores his take on same-sex marriage. Confucianism is a richly adaptive intellectual tradition, and Jiang’s regressive reading of it does not constitute the only way of understanding Confucianism. However, his influence over Chinese academia is evident. Many Confucians engage with Jiang’s views on same-sex marriage, mostly to nuance it or to explain how changes in China’s political structure may eventually make its recognition possible. Discussing Confucian views on same-sex marriage can explain their differences from Political Confucianism and reveal a spectrum of opinions, from Jiang’s “fundamentalist” position to the more liberal and highly diverse ideas of New Confucians. While this article does not take a definitive stance for or against Jiang’s position on same-sex marriage, it provides a detailed summary of recent New Confucian debates. Its modest objective is to introduce discussions on same-sex marriage by Jiang and New Confucians to anglophone readers, given the American ruling’s political and philosophical implications, which have been assessed by Sor-hoon Tan (2024) from a feminist perspective. The key contribution of this article lies in the identification of the intellectual strategy of bifurcation adopted by Jiang and New Confucians to frame the debates and their own arguments.

II. The Rise of Political Confucianism

Condemned as a relic of feudalism from the end of the Qing dynasty (1644–1912) to the mid-1980s, Confucianism enjoyed a revival in the 1980s (Hon 2017, xi). The interest in New Confucianism, once a peripheral intellectual current among a small group of overseas Chinese thinkers, owed “more to the perception that it provided answers to many of China’s problems of modernization than to the claim that it captured the essence of Confucius’s thought” (Hon 2017, xiii). John Makeham (2003) distinguishes Confucian revivalism—a conservative cultural phenomenon that has assumed a variety of forms throughout the twentieth century—from New Confucianism, a philosophical movement with its own identity. By highlighting the economic achievements of Confucian societies in East Asia, New Confucians rejected the arguments by Karl Marx and Max Weber that Asian philosophical traditions hindered modernization (Rošker 2016, 9–10). They sought to restore a “reservoir of values and knowledge” and contribute to the universal debate on how to resolve perceived differences between tradition and modernity (Rošker 2016, 14).

Based on the idea that China is a territorially bound nation, some New Confucians reject concepts that do not originate in China and uphold Confucianism as an indigenous tradition. Some of them even want to institute Confucianism as a religion rather than as mere ethical teachings (Deng and Smith 2018, 295). These New Confucians, or Political Confucians, emphasize the political and religious aspects of Confucianism (Deng and Smith 2018, 296). For them, the institution of marriage is sacred and a form of social grammar that punctuates human lives with significance. They deny same-sex couples the marriage ritual that would allow them to integrate into larger social or national communities on the religious grounds that their inability to procreate defies parental wishes and the way of heaven (*tiandao* 天道). Their concept of familial continuity is premised on biological ties; only heterosexual couples authorized by marriage can perpetuate the intergenerational chain. Unlike other New Confucians who emphasize spiritual cultivation, Political Confucians strive for proactive engagement with society (Deng and Smith 2018, 299).

Political Confucianism is incompatible with the aspirations of political leaders to build a capitalist and technological nation; thus, it is unlikely that the Chinese government would endorse it (Deng and Smith 2018, 308). Nevertheless, there are at least three reasons why Political Confucians, specifically Jiang, may be more than a mere curiosity (Angle 2014). First, Jiang leads a rising number of Chinese intellectuals who engage with Confucianism as a contemporary source of meaning. Second, many revived Confucian practices are inspired by Jiang's writings. Third, some Confucians find Jiang's ideas unconvincing or even disturbing (Angle 2014, 502). His religiously fundamentalist position relies heavily on unproven claims about the metaphysics of heaven, gender, and morality. However, it is precisely these limiting traits that are attractive to cultural nationalists, who adopt nativist ideas of social development and caution the Chinese against embracing alien values. Jiang's influence on Chinese intellectuals and the adoption of Confucian practices in China's Global Civilization Initiative suggest that his claims can be subject to not only philosophical but also sociopolitical inquiry. Jiang's insistence on Confucian constitutionalism, which is premised on moral rather than performance legitimacy, as the Chinese alternative to Western liberal democracy both moralizes the issue of homosexual marriage and bifurcates human civilization for analysis (Kim 2023, 128). If anything, this article introduces Confucian views in the Chinese-language literature on same-sex marriage, which is currently a significant social issue in many Asian countries.

III. Marriage and Gender Bifurcation in Political Confucianism

In 1912, Kang Youwei 康有爲 (1858–1927), China's foremost political reformer, founded the Confucian Religious Society, which proposed making Confucianism the state religion. Echoing Kang, Jiang Qing suggests that Confucianism can fill China's moral vacuum and strengthen its political institutions, which were formed based on foreign models unsuitable for China. His magnum opus *Zhengzhi Ruxue* 政治

儒家 (Political Confucianism) has generated discussion in China. By proposing a “morally desirable and politically realistic” alternative to the Chinese regime and Western liberal democracy, Jiang “almost single-handedly succeeded in enriching debates about China’s political future” (Bell 2013, 1).

For Jiang Qing, the New Confucians’ emphasis on self-cultivation is too abstract to be relevant to China’s political needs. Unlike New Confucians, he believes that traditional culture cannot be maintained within a liberal democratic political framework. For him, an adaptation of political ideals developed within the indigenous Confucian tradition is more sustainable. He coined the term “Political Confucianism” in contrast to the “self-cultivation Confucianism” of New Confucians. He suggests that Political Confucianism can directly improve China’s sociopolitical order by morally legitimizing political institutions, and he is reviving the tradition begun by Confucius and working out a Confucian constitutional order appropriate for mainland China (Bell 2013, 5).

In short, Jiang has advocated a vision of Confucianism that is politically engaged and different from the moral metaphysics of New Confucianism (Makeham 2008, 261). His vision of Political Confucianism is a lived reality—one that is more concerned with institutional reform than with achieving sagehood. For him, Political Confucianism as an ideology upholds social justice by critiquing state institutions and is different from politicized Confucianism (*Zhengzhixue* 政治化儒學), which is used to maintain autocratic rule (Makeham 2008, 265).

Jiang Qing’s sense of nationalism emphasizes the “irreplaceable nature and primacy of Chinese culture as the standard for gauging cultural difference” (Makeham 2008, 266). Unlike the New Confucian pursuit of democracy and science, which for him is covert Westernization, Political Confucianism can better systematize models and rituals with Chinese characteristics. By claiming that China must create its own political system using its own indigenous resources to achieve cultural and political independence, Jiang rejects hybridity on the grounds that Confucianism would lose its unique identity (Makeham 2008, 268–70).

Same-sex marriage is an issue that illustrates Jiang Qing's arguments. The Confucian view of family may reject open and formal legalization, but it also considers that society should tolerate homosexual partnerships. On the issue of filial piety within the family, Jiang suggests that it is the basis for other pieties (Bell 2013, 11–12). His idea of a matrimonial institution is one that manifests the way of heaven. Borrowing from *yin-yang* philosophy, Jiang argues that the union between men and women is sacred and transcendental. As the sole basis for ancestral worship, lineal succession is the most important of all pieties. The goal of marriage is to unite individual lives to perpetuate life; filial piety immortalizes the lives of one's parents, who live eternally through their descendants. Only marriage in the present can link one's ancestors with future descendants and is the ideal solution to the issue of mortality. Confucians of the opposite sex living their present lives should bear children in sacred matrimony (Jiang 2003, 215–19).

For Jiang Qing, only two genders exist: cisgender male and cisgender female. He suggests that without the rite of marriage (*hunli* 婚禮 or *hunyi* 婚儀) that differentiates between men and women, humans would be no different from animals. The bride and groom have their own sets of rituals to perform in the marriage rite, which forms the basis of their interactions with each other and their respective responsibilities to the state and society. If men and women were to ignore their duties, disorder would ensue (Jiang 2003, 219–20).

On the issue of marriage, Jiang Qing rejects “contemporary marriage” (*dangdai hunyin* 現代婚姻), which is based on sensual feelings and a legal covenant that has resulted from self-determination, ignoring the sacred link between humans and heaven. Having succumbed to transient desires, it is a fragile institution on the brink of collapse. While premised on gender equality, contemporary marriage denies the different historical trajectories of men and women. Contemporary marriage is deceptively progressive for not clearly dividing the roles and responsibilities of men and women and for ignoring the differences between them. Ironically, under this premise, women can be exploited to assume male duties. Jiang thus rejects contemporary marriage because it favors private morality over public morality (Jiang 2003, 227–29).

IV. “What Has Happened to This World?”

On June 26, 2015, the U.S. Supreme Court legalized same-sex marriage in all 50 states and required them to recognize same-sex marriages granted in other states. Although the ruling did not receive widespread media and press coverage in mainland China, it generated a fair amount of discussion on informal Chinese platforms and websites, such as Weibo 微博 and Zhihu 知乎. Most users of these online social media platforms were young and educated, priding themselves on their socially progressive views. Many of their comments on the bill were positive, with some even heralding it as a new epoch in the history of humankind. Perhaps this is to be expected, given that only those interested or invested in the issue might bother to keep abreast of it without the help of more conventional free-to-air radio and television channels.

The warm reception of same-sex marriage in Chinese cyberspace jolted Jiang Qing into action. Barely a month later, he published an article titled “Zhe ge shijie jiuqing zenme le? Cong rujia lichang kan Meiguo tongxing hunyin hefahua” 這個世界究竟怎麼了？從儒家立場看美國同性婚姻合法化 (What Has Happened to This World? Seeing U.S.’s Legalization of Same-Sex Marriage from a Confucian Perspective) in the academic journal *Yuelu faxue pinglun* 岳麓法學評論 (*Yuelu Law Review*). Excerpts of his article, which is Jiang’s most elaborate and well-known response to the matter, also appeared on popular Chinese websites, such as Sina 新浪 and Sohu 搜狐.

For Jiang, the American federal legalization of same-sex marriage was part of a wider global movement toward “normalizing” (*zhengchanghua* 正常化) homosexuals in mainstream society. He notes that the liberal West has legalized same-sex marriage, gaining support even from Britain’s Conservative Party and staunchly Catholic countries, such as Ireland. Even the United Nations proclaimed it as a mark of human progress. For Jiang, the misstep lies in a prior decision by the U.S. Supreme Court to uphold the Defense of Marriage Act, which denied federal recognition of same-sex marriages. The expected outcome is the legalization of same-sex marriage in the United States, he laments (Jiang 2015, 3).

Jiang Qing finds more appalling U.S. Associate Justice Anthony Kennedy's (b. 1936) citing of Confucius to justify the ruling: "Confucius taught that marriage lies at the foundation of government" (*Obergefell v. Hodges*, No. 14–556 [6th Cir. 2014]). For Jiang, Confucius would respect homosexuals but would never recognize same-sex marriage, because marriage is a physical expression of the way of heaven. The sacred function of marriage is to perpetuate humankind in harmonious families, each formed by a man and a woman. Allowing homosexuals to marry would defy the way of heaven. If they can form families without being able to bear and bring up their own children, marriage would be rendered meaningless (Jiang 2015, 4).

For Jiang Qing, homosexual love and the legalization of homosexual marriage are two separate issues. He believes that homosexuality is a "private matter" to a small group of people who are born homosexuals and should not affect public morality, let alone the legal order. The legalization of same-sex marriage is an invented and redundant issue that threatens the basis of marriage. By altering the terms of marriage, legalization unnecessarily publicizes the private matter of homosexual love (2015, 4).

For Jiang Qing, the legalization of same-sex marriage poses four "devastating" (*huimiexing* 毀滅性) challenges. First, it disrupts the way of heaven, which depends on the *yin* (female) and *yang* (male) forces for sustenance. The sacred union of these forces created the universe and should not be violated (2015, 5). Second, it defies the "natural properties" of humans. The greatest work of nature is the order created by the union of men and women. If marriage is not built on sexual differences, it will no longer be a "human marriage" due to its violation of natural laws (2015, 5–6). Third, it assaults human civilization. Marriage crystallizes human intelligence and survival instincts, but same-sex marriage has become a new "marriage civilization" (*hunyin wenming* 婚姻文明), which Jiang rejects: "Is same-sex marriage really a new marriage civilization? The answer is no!" (*Zhe yi tongxing hunyin zhen de shi xin de hunyin wenming ma? Huida shi fouding de!* 這一同性婚姻真的是新的婚姻文明嗎? 回答是否定的!) (2015, 7). Fourth, like a "virus" (*bingdu* 病毒) that spreads quickly, it threatens the marriage institution that serves as the foundation of human civilization. Jiang fears that the

power of the West will tip the balance in favor of same-sex marriage, resulting in the destruction of human civilization (2015, 7).

For Jiang Qing, the institution of marriage is a strictly heterosexual affair. Homosexual couples cannot conceive their own children, so marriage is irrelevant to them. The legalization of same-sex marriage thus infringes on the rights of heterosexuals; only heterosexuals are entitled to marriage to beget offspring and secure the legal conveniences and protection for nurturing their children. Homosexuals can cohabit and receive the implicit respect of society. Their lives and property should be protected, but they should not be allowed to marry legally because they should observe a unique set of rights within their own communities (2015, 8–10).

For Jiang Qing, homosexuals are influenced by “radical” Western thinking about equality. Seeing themselves as universal human beings, homosexuals demand rights to which everyone should be entitled, transgress their boundaries, and appropriate the institution of marriage (2015, 10). The “crazy tide” (*fengkuang langchao* 瘋狂浪潮) of same-sex marriage in the West arose on flimsy premises, and the imprecise distinction between heterosexual and homosexual rights has caused an unprecedented crisis for human civilization, which is “on the brink of destruction” (*mianlin huimie* 面臨毀滅). The solution, Jiang suggests, lies in the Confucian “spirit of ritual” (*li de jingshen* 禮的精神) (2015, 10–11).

To rectify the problem of same-sex marriage, Jiang Qing proposes institutional changes. He observes that despite strong opposition from powerful establishments, such as the Catholic Church, same-sex marriage is legalized in many Western countries. Democracy constitutes the root cause. In a democratic system, sovereignty rests with the people, with politics and religion being separate. Under these conditions, gay rights activists can request a referendum on the issue of same-sex marriage, and political leaders must accede to their demands because denying it would be unconstitutional. Throughout this process, the Catholic Church and other non-secular organizations are excluded from deliberation and lack the political representation to voice their opinions or oppose the referendum.

In the United States, the process was similar. The chief and associate justices professed to act on the wishes of the people but decided

in a “non-democratic” (*fei minzhu* 非民主) way to legalize same-sex marriage in all 50 states. While the justices were not elected to office by the people, the separation between politics and religion still applied. The judges adhered to the principle of secularism and dismissed Christian doctrines pertaining to marriage (2015, 11–13). Jiang proposes that a religious institution that can overrule decisions by the Supreme Court should be positioned above the legal system (2015, 13). If Christianity had been their state religion, the Americans would not have walked the “wrong path” (*qitu* 歧途) (2015, 13).

For Jiang Qing, ritual, which distinguishes between individuals, is vital to stopping the spread of same-sex marriage to China. Ritual here refers to roles beyond a narrow religious definition. By requiring people to perform their duties according to their social status, they can observe propriety and become particular persons in their own unique groups with their own unique needs. Every person, including homosexuals, would be protected and respected in accordance with the way of heaven (2015, 13). Heterosexual couples would form legally recognized families, while homosexual couples would enjoy their own customized civil liberties, which serves “substantive justice” (*shizhi zhengyi* 實質正義). Heterosexuals and homosexuals would accept each other, observe their respective rules, and lead their own satisfying lives (2015, 14).

More concerned with containing homosexuals’ “naturally” deviant behavior than with expressing disapproval regarding their innate qualities, Jiang Qing does not detail the lifestyle of homosexuals. Neither does he describe Western society as decadent. As a Political Confucian, he is more interested in attributing the legalization of same-sex marriage in the United States to its flawed political system, which leaves no room for upholding moral values. He does not mention the American economy, industries, and material prosperity, which assume secondary importance vis-à-vis public morality. In his view, the United States and other Western societies are at a critical juncture, facing a host of problems that stem from their lack of a moral compass. He does not complicate his case by invoking examples such as drug use and sexual content in the media and instead chooses to focus on same-sex marriage.

The validity of Jiang Qing's analysis is not the key point; it is the theme of bifurcation between men and women and between Political Confucianism and liberal democracy that runs through his analysis. For Jiang, had Americans sought inspiration from Christianity—or, better still, from Confucianism—they would not have legalized same-sex marriage. To add insult to injury, American judges misconstrued the sayings of Confucius to justify their ruling. Although Jiang may have romanticized Christianity and Confucianism, his frustration points to Chinese intellectuals' fear of cultural subversion by the West. Such subversion is assumed rather than proven, with Jiang's binary thinking operating as a one-dimensional framework to interpret and reject the West. What the "West" is does not matter because it is merely the powerful "Other" to which self-identified Confucians must respond.

V. The Response of New Confucians

Jiang Qing's article elicited responses from other Confucians, primarily New Confucians. The New Confucians selected here are the most vocal in clarifying, nuancing, or opposing Jiang's fundamentalism, representing a broad variety of arguments.

One of the earliest respondents was Zhang Xianglong 張祥龍 (b. 1949), a philosopher at Sun Yat-sen University (Zhuhai). Like Jiang, he believes Confucianism is synonymous with Chinese culture. However, unlike Jiang, he does not think Confucianism alone can solve all problems. For him, Political Confucianism should not be reduced to a scholarly discipline and spiritual resource, as envisioned by many New Confucians, and should be a model for national rather than global politics (Gänßbauer 2014, 116–17).

For Zhang Xianglong, Confucianism is different from Christianity in its tolerance of homosexuals. However, Confucianism does not encourage homosexual behavior, unlike Greek civilization. For Confucians, homosexuals are a natural outcome, not a "sin" (*zui'e* 罪惡). Nevertheless, because the union of homosexuals is not a "genuine form" (*yuanzhen xingtai* 原真形態) of *yin* and *yang* forces, it should not be legalized. An excess of *yin* corresponds to a dearth of *yang* and vice

versa. It is the imbalance of forces that results in homosexuals. Same-sex marriage, Zhang suggests, can lead to group marriage and cause those confused about their sexual orientation to become homosexuals (Zhang 2016).

Grounding his argument entirely in Confucian philosophy, Zhang Xianglong believes that homosexuals are a minority in the world. Due to their natural composition, homosexuals cannot bear their own children. This “self-destructive combination” will not become the norm, he maintains (2016, 63). Moreover, Confucians discriminate based on morals rather than sexual orientation; they would censure a morally deficient heterosexual but praise a morally upright homosexual. They believe in various permutations of *yin* and *yang* forces, one of which is homosexuals. The key difference between heterosexuals and homosexuals, Zhang continues, lies in the ability to conceive one’s own children. He shares Jiang’s view that marriage relates only to heterosexuals (2016, 65). For Zhang, marriage is conducted between a man and a woman who will develop “wholesome” relationships with their children—this is the “essence of ritual” and “essence of governance,” in line with the key precepts of Political Confucianism (2016, 65). Marriage is so crucial to this process that it cannot be granted to homosexuals (2016, 66).

For Zhang Xianglong, Confucianism historically secured the freedom and protection of homosexuals, who will continue to enjoy Confucian tolerance if they do not demand same-sex marriage. However, modernity has infused them with the idea of individuality and encouraged them to lead a life based on sexual desire. Same-sex marriage means that childbearing, which supposedly takes place in a “genuine family” (*zhengzheng jiating* 真正家庭), can now occur in a homosexual household (2016, 67–68). Zhang thus disapproves of same-sex marriage on the grounds that it defies the function of family as per Confucian ideology. As to who would be harmed by the legalization of same-sex marriage, Zhang points to disappointed parents who yearn for their children to form normal families and bear their own children. He observes that foster children raised in homosexual families may eventually develop homosexual tendencies. He argues that foster children in “incomplete” (*bujianquan jiating* 不健全家庭) families would

lack the care of extended families estranged from the homosexual couple. He suggests that the legalization of same-sex marriage will diminish the gene pool of humanity (Zhang 2016, 68–69). While he does not share Jiang's view entirely, Zhang agrees that same-sex marriage would yield only dire social consequences.

In a 2018 special edition of the Chinese-language journal *Zhongwai yixue zhexue* 中外醫學哲學 (International Journal of Chinese and Comparative Philosophy of Medicine), some Confucians gathered to clarify or challenge Jiang's arguments at the invitation of Fan Ruiping 範瑞平 (b. 1962). Fan focuses on the moral, rather than legal, implications of legalizing same-sex marriage, explaining that in the current age of political correctness, arguing against same-sex marriage would be condemned (Fan 2018, 2). "Anti-gay radicals" (*jiduan fantongpai* 極端反同派), who insist that homosexuality is abnormal, are also not interested in debating their own assumptions and arguments. Fan attributes this to their fear of fierce criticism by liberals and gay activists. That said, anti-gay radicals understand that they can stay silent in intellectual circles and gain latent support for their views. The lack of dialogue prompted Fan to initiate a discussion to clarify the Confucian perspective on same-sex marriage.

The articles in the special edition do not diverge significantly from the aforementioned claims, save for Fang Xudong's 方旭東. An expert on Neo-Confucianism, which emphasizes the application of classical knowledge in political institutions, Fang explains why same-sex marriage should be legalized. He refutes the five key objections, detailed below, to the legalization of same-sex marriage, one of which is Jiang Qing's idea of unique sets of human rights. He also discusses why homosexuals can exercise their civil rights and marry each other. Unlike other Confucians, he defines "right" as a legal concept while stating that what is "good" is determined by Confucian ideology, making important distinctions between them.

Fang Xudong does not oppose the legalization of same-sex marriage for two reasons. First, marriage equality is hard to refuse. Second, the grounds for opposing same-sex marriage are not valid. According to Fang, most Confucians oppose same-sex marriage for the following five reasons. The first reason is what Fang calls the "nature argument"

(*ziran lunzheng* 自然論證). Citing scientific studies proving that genes determine sexual orientation, Fang rejects the prevailing Confucian view that homosexuality is changeable, optional, and unnatural. Humans have not outlawed all unnatural things. Abortion and test tube babies are unnatural, but they are not necessarily illegal. Monogamy is unnatural because most animals do not practice it, but monogamy is not criminalized for being unnatural. Fang thus cautions against confusing ethics for law (Fang 2018, 103–104).

The second type of opposition is the “origins argument” (*qi yuan lunzheng* 起源論證), which claims that heterosexuals created marriage for heterosexuals. Fang points to a lack of historical evidence. Most people no longer go through matchmakers or seek parental approval for marriage because they no longer believe in these practices. Monogamy is just as much a modern invention as marriage itself. How can heterosexual marriage be defined as “normal” and homosexual marriage as “abnormal” (Fang 2018, 104)?

The third kind of opposition stems from the “fallacy argument” (*guimiu lunzheng* 歸謬論證), or *reductio ad absurdum*, which posits that allowing same-sex marriage would be like letting fathers, siblings, and mothers marry one another. For Fang, freedom of marriage is guaranteed by constitution in some countries, so stopping homosexuals from marrying homosexuals is unconstitutional. The crux of the matter, Fang argues, is whether same-sex marriage should be legalized, not whether it is ethical (Fang 2018, 105–106).

The fourth type may be referred to as the “argument of endangering traditional marriage” (*weihai chuantong hunyin lun* 危害傳統婚姻論), which assumes that same-sex marriage will affect traditional matrimony. Fang states that this argument betrays mere ignorance and is as ridiculous as saying that allowing people to divorce their spouses would doom the marriage system. Skeptics of same-sex marriage also betray their lack of confidence in the matrimonial system: Will heterosexuals, who intend to marry someone of the opposite sex, decide to become homosexual and marry someone of the same sex? Will heterosexuals be angered by same-sex marriage and decide not to marry at all? Even if all of the above were to come true, it would only indicate the fragility of marriage as an institution. That heterosexual

marriages remain the norm in countries that have legalized same-sex marriage shows that the idea of heterosexuality is resilient (Fang 2018, 106–107).

The fifth and final type of opposition is known as the “particular human rights argument” (*juti renquan lun* 具體人權論) proposed by Jiang Qing. For Fang, Jiang’s argument is the most systematic account of why same-sex marriage should be opposed. Jiang’s thesis comprises the nature argument, the origins argument, and the endangering traditional marriage argument. In Fang’s opinion, Jiang’s thesis is most original when he attacks the basis of same-sex marriage, which is the idea of equal rights. Nevertheless, Jiang’s argument collapses in on itself—if we deny abstraction and universality, we cannot conduct any conversation (Fang 2018, 107–108). While Jiang speaks of the “equality of rights” (*pingquan* 平權), Fang thinks of homosexuals and heterosexuals enjoying their unique set of rights; on that count, they are equal. However, this begets another question for Fang: Why do the rights enjoyed by homosexuals exclude marriage? Fang concludes that Jiang’s argument is tautological: homosexuals and heterosexuals enjoy different rights because homosexuals are different from heterosexuals. For him, Jiang’s argument does not have any explanatory power (Fang 2018, 109).

Fang Xudong’s efforts to reconcile Confucian and pro-gay views on same-sex marriage remain unconvincing to some. Philosopher Deng Xiaohu 鄧小虎 accepts Fang’s explanation of the differences between same-sex and heterosexual marriages, but he disagrees that heterosexual marriage is the only method to realize Confucianism. For him, Jiang’s argument fails to define the crux of a same-sex marriage: Is it lifelong commitment to each other or the prospect of childbearing? Even for heterosexual marriages, childbearing is not part of the marriage contract. Many heterosexual couples choose to be childless but remain committed to each other. Deng suggests that the key source of contention between proponents and opponents of same-sex marriage lies in their definitions of union and childbearing. With contraceptive methods, the divide between union and childbearing is blurred. Heterosexual couples can choose when and whether to have a child (Deng 2018, 119–23).

In recent years, same-sex marriage has become a significant topic of discussion in many Asian societies, such as Taiwan and Thailand, whose governments have either legalized same-sex marriage or are contemplating its eventuality. These societies possess substantial Chinese populations that have supposedly retained their Confucian characteristics, rekindling the debate among New Confucians about the moral validity of same-sex marriage. In this regional milieu of liberalizing gender politics, political philosopher Tongdong Bai proposes a moderate stance, arguing that Confucians can accept both homosexuality and same-sex marriage (Bai 2021, 140). Confucians can accept alternative forms of marriages “as long as political policies and social mores promote monogamous families, and more importantly, stability and care within families” (Bai 2021, 150). Confucians can be more liberal than liberals, who are more reluctant to accept polygamy despite their endorsement of same-sex marriage. Philosopher Yao Lin disagrees. For Lin, not all Confucians are conservative, and by acknowledging only those who have accepted same-sex marriage, Bai “effectively positions his ‘moderate Confucianism’ as the only existing and viable alternative to conservative ones in the relevant sinophone debate” (Lin 2022, 217). More progressive Confucians have identified humaneness and propriety, rather than family and continuous reproduction, as the two quintessential Confucian values (2022, 218). For Lin, liberals, like Confucians, are a heterogeneous group, and their varied attitudes toward same-sex marriage defy simple categorization. Liberals have not insisted on a “total and permanent ban on polygamy” (2022, 220). Had Bai not cherry-picked his liberal strawmen, he would have noticed liberal intellectuals who disagree not on the inherent acceptability of polygamy but on the best practice for its regulation (2022, 221). Lin concludes that Bai “actively emulates the academic-colonial tactics of erasure and, as a result, effectively perpetuates the academic-colonial myths about non-Western thoughts” (2022, 223).

The most recent debate between Tongdong Bai and Yao Lin reinforces the point that, despite their diverse views, New Confucians generally do not consider homosexuals a threat to the gendered and political order. They understand the desire of same-sex couples to assimilate into mainstream society and are reworking Confucian

precepts to accommodate their need for legal protection and social recognition. Unlike Jiang Qing, who appears more concerned with the universality of Confucianism, New Confucians prefer to limit the application of Confucian principles to mainland China.

Following the bifurcation strategy, Jiang Qing and New Confucians compare China and the West and caution against an uncritical acceptance of ideas, such as the equality of rights and its universal applicability. This bifurcation is not new, but China's accelerated exposure to the world has pitted it against an evolving West that has liberalized the way it views homosexuality and same-sex marriage. As Chinese intellectuals grapple with a changing global environment, the value of spirituality, ethical values, and public morality is discussed. By highlighting how Confucianism can offer inspiration for resolving the contradictions and moral crises that arise from universal changes, Jiang Qing and New Confucians argue for the role of Confucianism in contributing to the global discourse on same-sex marriage.

VI. Conclusion

Bifurcation is the key intellectual strategy used by Jiang Qing and New Confucians to debate the legalization of same-sex marriage, either to reject it (Jiang) or to explain how it can be possible (New Confucians). Despite their differences, both Jiang and the New Confucians challenge the intellectual domination of the West. Although this article has not explored the epistemological structure that yields, defines, and produces knowledge in China and the rest of the world, it has identified bifurcation as a preferred intellectual strategy of contemporary Confucians. Given that societies derive different experiences of the West, a single epistemological tool to be used to conceptualize such a relationship remains elusive. Some things are certain, though: China does not connote an authentic, necessarily non-Western identity, while Confucianism assumes multiple identities as an institution, philosophy, and religion.

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* About “Scholar’s Corner”:

Scholar’s Corner is a dedicated section that explores the multifaceted dimensions of Confucianism in modern society. Since its launch in 2019, it has featured thoughtfully curated contributions from renowned scholars and experts, offering in-depth analyses and unique perspectives on a wide range of Confucian themes.