

# Shame, Survival, Satisfaction: Legal Representations of Sex between Men in Early Twentieth-Century Beijing

Y. YVON WANG

*This article uses Beijing police case records between 1913 and 1948 to uncover a new view of male-male sexual relationships and their legal regulation in fin-de-siècle China. It moves beyond previous studies' focus on sexological discourse and the world of Peking opera, revealing that sex between men was neither rare nor secret to most denizens of the city. Much older practices and vocabularies surrounding male-male sex endured, even flourished, for far longer than the media or elite discourse might lead one to expect. Testimonies in these archives also make clear how difficult it can be to separate sexual abuse from the need for survival and for erotic fulfillment. Studying how the former imperial capital's many disenfranchised men and the law enforcement prosecuting them defined these boundaries, as well as those of erotic legitimacy more broadly, offers insights for understanding sexual politics in today's China.*

## INTRODUCTION: A “MODERN TURN” IN MALE-MALE SEX?

A PECULIAR CASE CAME before the Beijing municipal police in 1918 (BJMA 1918: A181-019-21137). The complaint accused a German by his phoneticized name “Kayousi” of paying young Chinese men for sex. Kayousi, a manager for a foreign engineering firm, lived in a desirable part of the inner city with his household. His Chinese partners included members of a prostitution ring involving between twenty and thirty working-class youths, whom he often brought into his home to have, as the complaint put it, “private conversations.” Kayousi also kept an “attractive” seventeen-year-old servant and paid a busboy at a German-owned hotel two dollars a month for his favors, even recommending the boy for a new job when the hotel closed down.

Most tellingly, of sixty-eight files concerning male-male relations spanning more than three decades that I have collected from the Beijing police archives, Kayousi was the only man explicitly linked to a specific orientation in sexual object choice—and the record did so by explaining that his actions were caused by a “predilection of the cut sleeve” (*duanxiu zhi pi*), an allusion to the imperial patronage of male favorites as recorded in official histories.

Kayousi's case captured how continuities in both legal and general understandings of sex persisted from the eighteenth century through the end of World War II in China. Sex between men in Beijing was prevalent and thoroughly grounded in its urban landscape,

Y. Yvon Wang ([yyvon.wang@utoronto.ca](mailto:yyvon.wang@utoronto.ca)) is Assistant Professor in the Department of History at the University of Toronto, St. George.

even as that landscape was contoured anew by larger forces of cultural and sociopolitical change in the early twentieth century.

“Cut sleeve” was but one of several highly specific discursive categories in the broader history of male same-sex liaisons in China. Since the 1990s, research in this area has revealed the particularity of how male-male relations were understood in the Chinese past—as marker of elite cultural authority, target of legal condemnation, mutualistic bond between marginal men, and nucleus of a lucrative theater culture (Hinsch 1992; Sommer 2000; Vitiello 2011). But there was no expectation that men who enjoyed sexual relationships with other men could or would not have sex with women, much less the idea that same-sex desire could be a primary marker of personal and social identity.

Alternatives to this view of male-male sex surfaced in discourse during China’s transition between imperial Qing rule (1644–1911) and Republican government (1911–49). Key among these was the emergence of the homosexual in discourse as a distinct persona, characterized—for better or for worse—by an innate, fixed sexual desire. Homosexuality’s emergence can thus be contextualized against interrelated changes constituting a “modern turn,” from urbanization to scientific professionalization and the nation-state’s judicial regulation of sexual behavior (Dikötter 1995; Kang 2009; Sang 2003).

Yet the continuing and often commercialized appeal of male-male eroticism, colliding with the heteronormative nationalism that took such eroticism as a geopolitical weakness, made the definition of homosexuality in China an uneven process. Existing practices and institutions of male-male sex survived while shifting in meaning. For instance, fan culture surrounding the *dan* (cross-dressed opera actors) changed dramatically in the *fin-de-siècle*. In the late nineteenth century, celebrity actors formed the core of a cultural-sexual industry emphasizing connoisseurial consumption, including of the young men’s sexual favors (Wu 2004). But, as Peking opera was transformed into China’s “national essence,” the *dan*’s commercialized sexual appeal had to be deliberately subdued (Goldstein 2007; Kang 2009).

Thus the study of male-male relations in China, as in other parts of the world, raises provocative questions: Do such relations attest to a universal “gay” experience? Or is “homosexuality” too historically specific to be applied to relationships across many different circumstances? Michel Foucault’s ([1978] 1990) influential historicization of sexuality implies that there was a break in world history when hazy desires coalesced into clear-cut identities.

Empirical evidence, however, complicates this paradigm. Clearly demarcated, widely recognized social identities linked to one’s erotic life long preceded the modern turn in many contexts. Ancient Greeks and medieval Muslims wrote of men’s mischievous debates about sexual preferences for boys over women; two-thirds of Florentine men in the later 1400s were legally implicated in sodomizing men, or more commonly, teenagers (Rocke 1998, 115). Moreover, the very concept of a coherent sexual modernity is suspect: sexual hierarchies remain mutably structured by age, gender performance, race, and class. Feminized “fairies” flourished in New York City decades before the rise of the outwardly unremarkable gay man (Chauncey 1994), and sexual relationships formed among the millions in American prisons continue to unsettle the stability of “gayness” today (Kunzel 2008).

At the turn of the twentieth century, ideas about sexual desire as a definitive component of personal identity being developed by European intelligentsia were circulated among and added to by their counterparts around the world, including in China. This article argues, though, that emergent sexual science had little to do with most sexual relations between men. These continued centuries of precedent into the 1940s, years after sexual education was integrated into the school curriculum and the explanations offered by Freud and Ellis of “same-sex love” had become well-known (J. Lee 2013). Indeed, extant scholarship on early Republican sexology has pointed out how even high-level Chinese discourse about homosexuality never seems to have acquired the same psychological and ethical gravity as given to the subject in Europe and North America (Dikötter 1995; Kang 2009; *pace* Chiang 2010).

The process of defining homosexuality in China was all the more uneven for ordinary men. Below, I break with previous research’s focus on sexological translations, highbrow literature, and empowered cultural venues. Instead, I offer a new view of the practice as well as the terminology of sex between men in everyday life through the legal records of successive Beijing law enforcement authorities from 1913 through 1948. These archives indicate that most liaisons between men neither involved *dan* nor raised abstract issues of nationalism, sexual modernity, or personal authenticity. Same-sex relations were a not unusual part of male socialization and were, furthermore, a widespread industry embedded in Beijing’s vast gray-market economy responsive to the tumultuous changes of the period. Relationships between men, like those between men and women, were largely structured by the exigency of survival, the logic of the market, and the hierarchy of power. The uses of sex as abuse, as labor, or as gratification of desire were not easily separated.

Though police cases offer a view of same-sex relations as a pervasive and important part of quotidian life in Beijing beyond the purview of existing scholarship, they also possess considerable limitations. It is impossible to reconstruct with much certainty the lives, much less the complexities of motivation and agency, of the men involved from their often terse records; many do not even include direct testimony from suspects and witnesses, and those that do are crammed with legal boilerplate.<sup>1</sup> The files can nonetheless help establish concrete patterns in how sexual relations between men were spoken about by themselves and by law enforcement as a first step toward a fuller history of male-male sex in China. The stories told between interrogator and suspect also attest to desire’s complexity, underscore its fraught intersections with agency and self-identity, and confirm the necessity of looking beyond the empowered few in the study of the Chinese past.

#### LEGAL TERMINOLOGY AND STANDARDS IN THE CRIMINAL LAW

Though sex between men was not explicitly outlawed in Republican codes, it did frequently come under police scrutiny as *jjian* (*pace* Kang 2009, 7). This was the same term that had been used to denote male-male anal sex in late imperial Chinese literary

<sup>1</sup>For problems in reading Chinese legal cases for attitudes toward sex, see Sommer (2000, 26–29); on such records as “monuments” to “the most inessential existences,” see Foucault (2000, 157–75).

discourse. In 1734, the offense of *jijian* was codified to match existing punishments for heterosexual sex crimes, making it also the formal, legal designation for sex between men (Sommer 2000, 124–25). In the interest of readability, I use “sodomy” interchangeably with *jijian* below. However, *jijian* referred *only* to male-male anal penetration. It thus differed from sodomy in European law, though both are based on the idea of intercourse “as a gendered expression of domination” (Puff 2003, 3–14; Rydström 2003, 7–9; Sommer 2000, 117).<sup>2</sup>

Until the very end of imperial rule, the law included male-male anal penetration under the crime of illicit sex (*jian*). The age and consent of the penetrated partner as well as the degree of consummation determined the exact punishment, ranging from a month of being pilloried in the cangue and a beating for both parties in cases of consensual sex between adult men to immediate beheading for the rapist of a boy under ten (Sommer 2000, 325–30).

Yet it is inaccurate to call these stipulations “homophobic” (V. Ng 1989). All sex outside marriage, from rape to prostitution, was increasingly regarded in Qing law as threats to social order in the face of long-run trends toward rising socioeconomic and geographic mobility in a burgeoning, sex-skewed population. The regulation of sexual behavior was one way that Qing authorities tried to stem this dangerously mobile tide of single men—“bare sticks” (*guanggun*).<sup>3</sup> This was the group most commonly imagined to be—and punished for being—rapists, whether of women or boys.

Shortly after the trauma of the Boxer uprising in 1901, seeking to restore its battered legitimacy, the Qing court embarked on an overhaul of its legal system that erased male-male sex from the letter of the law. The empire ended before the *New Criminal Code of the Great Qing* (*Da Qing xin xinglü*) could be enacted, but it introduced new legal terms for illicit sex that were carried over, virtually unaltered, to the Republic. Instead of the character *jian* being applied, with modifiers, to all sexual configurations, the *New Criminal Code* divided illicit sex into “obscene acts” (*weixie zhi xingwei*) and “lewd debauchery” (*jianyin*) under “Crimes Related to Illicit Sex and Bigamy” (*jianfei ji chonghun zui*). Rape (*qiangjian*) was defined as the forcible “lewd debauchery” solely of women (Y. Huang 2010, 1:340–42, 474). *Jijian* as a separate statute had vanished.

Legal commentaries by Qing reformers and the early Republican Ministry of Justice explained why. First, “from the Tang through the Ming, there had been no clear statute” against sodomy; second, “upon surveying the various nations of the West, we find that there exist penal statutes [against sodomy], but they also do not recognize it as a crime of illicit intercourse.” Directly counter to the eighteenth-century legal standard, new criminal codes formally disassociated sodomy from cross-sex intercourse by downgrading *jijian* to the less offensive category of an “obscene act” (Y. Huang 2010, 1:473–76).<sup>4</sup>

<sup>2</sup>*Jijian* is also the keyword by which I located the files under discussion in the Beijing Municipal Archives.

<sup>3</sup>For this stereotype in Chinese law after the seventeenth century, see Sommer (2000, esp. 96–101).

<sup>4</sup>Yuansheng Huang (2010, 1:362–63) plausibly suggests that the Ministry of Justice contributed commentaries. Commentators probably had in mind, among others, Britain’s 1885 Labouchère Amendment, which prescribed up to two years’ penal labor for “gross indecency” between men without requiring proof of anal penetration.

Thus a novel sexual paradigm in which heterosexual, vaginal intercourse set the standard for all human sexuality overshadowed same-sex relations, even as that paradigm distinguished them as manifestations of a new “homosexuality” (H. Lee 2007; Sang 2003). Commentators emphasized this stricter definition: “obscenity encompasses all acts that relate to human reproduction and erotic desire apart from sexual intercourse, as well as those that run counter to good morals.” Same-sex acts and even masturbation counted as “obscenity,” but intercourse’s definitive form was between males and females (Y. Huang 2010, 1:474). A 1916 commentary was even clearer in drawing the distinction. An “obscene act” “had as its purpose the fulfillment of excitation or carnal desires, which caused those involved to feel shame.” But “lewd debauchery” specifically denoted “improper sexual intercourse between men and women” (C. Chen 1916, 123, 125).

Sex as a social relation remained the primary justification for legal oversight: successive legal codes required the injured party, next of kin, or cuckolded husband to file suit. Yet a new view of sex as based on individual desire animated commentators’ unprecedented references to excitation, shame, and especially masturbation. After all, who would have been victimized in such an “obscene act”? General tension between individual sexual affect and socialized sexuality in *fin-de-siècle* law was not without precedent. Qing recognition of the personal humiliation in being penetrated had lightened sentences for men who committed homicide in self-defense against forcible sodomy. But by implying that not all “erotic desires” were “counter to good morals,” commentators established that personal sexual feeling animated both normative sex *and* its illicit variations. Now, male-male sex as the pernicious symptom of a misfiring sex drive only required regulation when it became a public (or publicized) problem. Further reforms through the 1940s firmly established rape as heterosexual, raised the age of consent, and adjusted prescribed punishments, but preserved sodomy’s ambiguous position in the letter of the law (Y. Huang 2010, 1:474, 584–87, 715–22; 2:977–83, 1227–31).

For law enforcement, however, sex between men was still clearly *jijian*, understood on centuries-old terms. One reason was the simple weakness of the central government. Until 1927, the polity based in Beijing, despite being recognized by foreign states as the sole representative of the Chinese Republic, faced powerful regional competitors as well as international pressures. In many areas, including the capital, local authorities maintained infrastructure and order (Dong 2003, 46–53). Beijing’s police force collaborated with the judiciary to enforce the criminal code. But, more commonly, they used alternate regulations—the 1908 *Police Ordinance* (*Weijing li*) and the 1915 *Police Punishment Code* (*Weijing fafa*)—to structure quotidian control over the population. From 1912 to 1921, up to ten people were summarily punished under these codes for each one put through the formal justice system (M. Ng 2013). Though the *Police Punishment Code* theoretically superseded it, the late Qing *Ordinance* continued to be cited into the 1920s; both continued in force in Beijing until succeeded by a largely similar *Police Punishment Code* promulgated by the Nationalists in 1928 (BJMA 1922: 181-019-35959).

But these regulations did not include any explicit stipulations against *jijian*. They did contain what might seem like pertinent sections punishing unlicensed sex work, “those who utter obscene words or make obscene gestures in streets or in public places,” and “foisting obscene objects upon another’s body in public to cause embarrassment.” Yet none of these were cited in cases of male-male sex. Instead, the police looked to a catchall

for “drifters, ne’er do wells, and reckless persons” even in cases involving nonconsensual sex or the exchange of money for intercourse.

The conflation of rootlessness and sodomy indicates that, for the Republican Beijing law enforcement, more problematic than the fact of sex between men was *who* those men were. *Jijian*, already knitted to fears surrounding the unmarried male in the eighteenth century, had become a trademark of the criminal “bare stick” by the twentieth. Sex between men on the streets had little of the glamour it possessed in the quarters of opera stars, whatever physical or emotional pleasures might have been held in common by the participants. It took on many aspects: “bare sticks” assaulting young boys, a marginal living for homeless teenagers, and a rite of passage between masters and apprentices.

Unlike in Great Britain, one of the “Western nations” whose standards late Qing judicial reformers saw themselves emulating, the courts very rarely prosecuted prominent men, though the urban press often alluded to their same-sex dalliances (Kang 2009, 130–34). There was no Chinese Oscar Wilde or Alan Turing. But there was a proliferation of foreign words being substituted for *jijian* from the late 1910s on—an important contrast to the persistence of older vocabularies for sex between men. Gender and sexual preference were emphatically linked in the imported terminology of sex; “same-sex love” (*tongxing lian* [*ai*]), transliterated from the Japanese *douseiai*, in turn based on European neologisms of the 1860s, came to designate *all* same-sex relations, including those between women (Halperin 1990, 15–18; Pflugfelder 2000, 175–77, 248–51). The use of the word *xing* for “sex” and of *lian’ai* for romantic love were novel in China, but they took root in both Japanese and Chinese public discourse at about the same time in the 1920s.<sup>5</sup>

*Tongxing lian* was put in a positive light by some: Guo Moruo, later a leading intellectual in the People’s Republic, wrote of his attraction to a schoolmate as his “real first love” (Kang 2009, 76–80). Others condemned it as a symptom of mental disturbance and moral decay that put in danger the vitality of the nation. Still, even those who routinely used *tongxing lian* were often simply substituting the phrase for older terms: reporters covering affairs between officials and actors recapitulated old themes of politically dangerous but glamorous extravagance in the indulgence of male favorites (Kang 2009, 43–59, 96–99). In the day-to-day policing of Beijing, the continuities in understandings and practices of sex between men were even more obvious.

## LEGAL TERMINOLOGY AND STANDARDS IN LAW ENFORCEMENT

For one, the words that the police and those they interrogated used to describe sex between men were much the same as those found in Qing legal records. Because sodomy (and sex generally) had been defined by penetration in the late imperial judicial framework, medical examinations concentrated on whether the “creases” (*zhouwen*) of the anus, referred to as the “fecal portal” (*fenmen*) or “grain passage” (*gudao*), had been “opened,” appeared injured and swollen, or remained “tightly closed.” Sex was

<sup>5</sup>Sang (2003, chap. 4) traces *tongxing lian’ai* to a 1911 essay. For the transformation of *xing* and *ai*, see H. Lee (2007) and Rocha (2010).

considered consummated only when one partner's penis penetrated the anus; this organ might be referred to in loftier terms, as “*yang* object” (*yangwu*), or more colloquially as “birdy” (*xiao que'er*) or “pee” (*xiaobian*). Over time, despite slightly increased attention to whether the perpetrator had ejaculated (proving his sexual intent), penetration remained the basis for adjudicating *jijian*. Only four of my sample of cases referred directly to ejaculation; of these, only one was recorded before 1937.<sup>6</sup> In the single exception from 1914, a teenaged servant described how his assailant forcefully rubbed against him, but “fortunately ... did not complete the act and only ejaculated outside the anus on the buttocks” (BJMA 1914: 181-019-01700). In 1939, police concluded that forcible *jijian* had not been consummated because “the sphincter of the anus is still able to close tightly” even though they noted semen stains on the victim's bedding (BMJA 1939: 181-023-06264).

The police and the individuals they confronted all knew *jijian* to be a transgression punishable by the state. When suspects were questioned, therefore, none sought to argue in defense of their relationships. The language of international standards, the Republican government, and human rights deployed in empowered circles seldom appeared on the ground level in Beijing. Instead, a discourse of shame, impulsive lust, and the exigencies of survival dominated, as it had in *jijian* cases under the Qing. Likewise, the sexual allure of young men remained taken for granted; a suspect could describe the erotic appeal of a teenaged boy without implications for that man's entire psyche.

All this does not mean the testimonies should only be read at face value. It is likely that some men did indeed find their greatest erotic pleasure in their unions with other men; further, perhaps among those who appeared before the police were people who *did* recognize their sexuality as different from the heterosexual standard, and had chosen to pursue sexual fulfillment despite potential consequences. What is most striking about these records, though, is that even when the Nationalist government attempted to consolidate its rule after 1927, during which police in the former imperial capital were most likely to directly cite criminal statutes punishing “obscene acts,” the standards by which sodomy was evaluated were very much the same as they had been since the 1734 codification of *jijian*.<sup>7</sup>

### THREE SETTINGS FOR SODOMY

#### Families

In early twentieth-century Beijing police cases, as in the late imperial record, male-male sex most frequently appeared as contact between partners who differed in age. But the way that such liaisons were represented and their participants treated closely depended on how firmly the men were fixed within normative social hierarchies, especially that of the household. The most clear-cut cases of sodomy as rape in the Republic resembled their Qing predecessors. The typical victim was a child living in a shared courtyard; the assailant, one of his family's many neighbors. Such assaults were taken as

<sup>6</sup>Some cases alluded to ejaculation by describing “wetness” (*shi*) on bodies or bedding; see below.

<sup>7</sup>These continuities were part of the larger carrying over of Qing legal ideology and practices after 1911 (P. Huang 2001; Kuo 2012, chap. 1).

attacks on not only the children but on their entire families—just cause for public outcries (Sommer 2000, 134).

One exceptionally detailed case from 1913 furnishes the characteristic circumstances of neighborly violations (BJMA 1913: 181-019-01671). The Lius approached the police to accuse their neighbor Wang Jizeng, thirty-three, of committing *jijian* on their ten-year-old son, nicknamed Shuanzi. In the midst of the Lunar New Year bustle, the couple had too many overnight guests and asked Wang the favor of letting Shuanzi share the man's bed. Two days later, Shuanzi complained of pain while using the toilet; his mother discovered that "the folds of his anus had been opened." The boy told his parents that Wang had embraced him on the night that he slept over, trying to penetrate him. Failing to do so, Wang had probed Shuanzi's anus manually, then "wetted" the boy and the bed. According to the Lius, Wang had threatened to kill the boy if he told anyone. The next day, Wang had repeated the injunction, tempering the threat with two copper coins and some cakes.

The infuriated Lius confronted Wang, a Bannerman formerly in the employ of the Imperial Household (*Neiwufu*); when Wang denied everything, Shuanzi's father physically attacked Wang, while his mother joined her husband in vengefully threatening to penetrate Wang with a tuber, inducing the other courtyard residents to urge restraint. So powerful was the social condemnation of sexual assault upon children ensconced in family life that the Lius apparently felt justified in conducting their revenge in front of their other neighbors.

In other instances, boys became human ammunition, their purported sexual violation the pretext for their elders to vent longstanding tensions. In another 1913 case, a laundress, *neé* Wang, accused a client, Chen Yunqing, of molesting her twelve-year-old son Zhu'er after she had asked him to babysit the boy (BJMA 1913: 181-019-01698). Zhu'er testified in terms similar to Shuanzi's: Chen had pushed him onto the platform bed and pulled down his trousers, covering his mouth to muffle his cries. But as Chen was about to penetrate Zhu'er, the older man had let slip the hand held over the child's mouth, enabling Zhu'er to call out to another neighbor and escape.

The interrogators were skeptical: according to the law, Zhu'er was on the cusp of being able to defend himself, and his interlocutors wanted to know why he had not done a better job. Matters became more complicated when Chen denied *neé* Wang's charges with unusual stridency. "Things didn't go like this today at all.... People probably all know how this broad [*neé* Wang] usually behaves. I could never do this kind of face-losing thing; they taught the kid what to say. I've got nothing to confess." The story, per Chen's telling, was simple: the child had complained to his mother about Chen's severity, and the laundress, begrudging some cash she owed Chen, was trying to frame him in collusion with the neighbor who had supposedly come to Zhu'er's rescue. In any case, the medical examiner concluded, deploying terms precisely as used by Qing law enforcement, that the "creases of [Zhu'er's] grain passage remain unopened and also neither red nor swollen; *jijian* was not consummated." We cannot be certain of what happened when Wang Zhu'er was left with Chen Yunqing that winter day a century ago, but this case underscores how boys living with their families were seen by the authorities as well as ordinary Beijingers as the classic victims of male-male sexual assault.

## Workshops

By contrast, in the paternalistic all-male workshop, elders' violations of their subordinates were often taken by those around them as a rite of passage that, though distasteful, ought to be ignored or kept quiet. No doubt many young men who acquiesced to the workshop's sexual *quid pro quo* or who were unable to find an adult to complain on their behalf have been left out of the police archives (Sommer 2000, 147).

Liu Yucang, a sixteen-year-old apprentice at an eatery, for example, was escorted to the authorities by the establishment's owner (BJMA 1919: 181-019-25052). The owner customarily went home each evening, leaving Liu Yucang and three other apprentices, all under twenty-five, to sleep on a single bed in the restaurant. One night, the youths were joined by a fifty-five-year-old ex-employee who forcibly penetrated Liu, as confirmed by medical examination. However, Liu waited until his boss had returned the next morning to make his complaint "for the sake of maintaining my good name," though his bedfellows testified that they had overheard the teenager's protests. The teenager clearly recognized that the authority of his master would be an asset in convincing the authorities that the encounter had been nonconsensual.

Repeatedly, indignant elders were key to the prosecution of *jijian* in the workshop. In 1940, eighteen-year-old Chen Ruiyue, who had been set up at a nightsoil-carrying business by his older brother, reported that a coworker had sodomized him (BJMA 1940: 181-023-09595). When Chen began an altercation with his assailant, fellow employees had smoothed things over; it was only upon informing his brother and witnessing the older man's righteous anger that Chen "thought over being dishonored the night before and felt very upset," to the point of taking his case to the police.

Concern with maintaining the reputations of both victim and perpetrator surfaced frequently in workshop assault cases. In 1929, several jade merchants petitioned in defense of a colleague, one Dong Buwen (BJMA 1929: 181-021-05062). Dong had confessed to sodomizing his fifteen-year-old apprentice while "drunk and momentarily addled." His peers added that Dong had been so "drunk and foolish" that he "may not have actually committed any lewd pollution." More to the point, another letter suggested that the case be dropped "lest both parties be burdened with an unsavory name."

A 1920 case involving two apprentices, aged seventeen and fifteen, at another jade shop, raised similar concerns (BJMA 1920: 181-019-32190). While their master was away, Dong Ruishan beat the younger Yu Ancheng, forced Yu to perform fellatio, and finally told Yu to strip and "let him do it once and have done." Yu sought the help of Wang Qiwang, a neighbor also in the jade business. According to Yu, Wang declared that "this is not a good thing and should not be spread around," but also told Yu to take "this little matter" less seriously. Turning to Dong, Wang warned of potential professional consequences: "if other people found out, it would be bad for both of you in finding work outside." When Dong replied that sexual contact had already occurred, Wang told him that it should not be repeated but assured him that the secret would be safe. "Comfort your younger brother-apprentice," Wang told Dong as he left, whereupon Dong nailed the door shut and began to beat Yu ferociously. Wang and another jade-seller colleague in the courtyard called for Dong to stop; rebuffed, they stood guard through the night. Eventually, the man who had recommended Dong for the apprenticeship took the teenager home until his master returned. Despite his "evasive" testimony

and admitted violence, Dong was assigned two months in the workhouse instead of being sent to court for trial.

The way that older men, including the police, handled Dong demonstrates the extent to which unwanted, even violent sexual advances within the workshop were contained by its powerfully hierarchical structure. Sexual abuse was detrimental primarily because it could affect the boys' future employment. Again, this stood in contrast to the letter of Republican law, which recognized with unprecedented clarity the rights of the individual against sexual assault as distinct from the damage wrought upon households by rape. Such was evident in the criminal law's separation of "Crimes Damaging Morality" (*fanghai fenghua zui*) from "Crimes Damaging Marriage and the Family" (*fanghai hunyin ji jiating zui*) after 1919.

By the legal ideal of the Republic, an individual was a citizen foremost; sexually violating the person of the citizen should be equivalent to violating the body politic. As one 1916 commentary on the *Provisional Criminal Code* put it, "This chapter [on 'Crimes Damaging Morality'] concerns offenses that violate the pure, clean relations between members of society.... Whereas in the past it protected the individual's character and rights, today it is intended more to protect the good customs of society" (Chen 1916, 122).<sup>8</sup> More accurately, in the past the "individual" was bound to his intimate networks rather than to society generally; under the Republic, the macroscopic "imagined community" of the nation was to take precedence. The inconsistency herein was that sex with women—the only kind of intercourse that could count as "rape"—continued to be seen as a matter affecting the entire household (an emphasis on lineal integrity made less surprising by the criminalization of abortion throughout the Republic). By default, "individual character and rights," citizenship, and sexual agency all belonged to men.

But as we have seen, forcible *jijian* as a crime against the individual citizen and the nation was not prominent in law enforcement. Sodomitic assault remained largely framed by the household. However, examples from the later Republic do suggest more leeway for victims to put forth their own complaints. The 1934 revision of the *Criminal Code* included an article specifically targeting the abuse of junior relatives or inferiors by their guardians and supervisors. In one 1937 case, the police directly quoted this statute in an otherwise unremarkable case of master-apprentice assault (BJMA 1937: 181-023-00766). Mu Wenqi, a fourteen-year-old apprentice to flatbread peddler Wang Qingquan, accused Wang of groping him nightly for the previous month and using "his pee to rub against my buttocks." The night before, Wang had "unexpectedly" forcibly sodomized Mu, "leaving a lot of semen on my buttocks."

Clearly, it was only when he felt that a line had been crossed that Mu approached the police. After the peddler confessed that he had "lost his wits for a moment" and had "already ejaculated" before he realized it, his interrogators wrote that "to take advantage of his power over an apprentice submitted to service under his guardianship and commit an act of 'lewd debauchery' indeed violates the *Criminal Code*, Article 223 under 'Damaging Morality.'" Moreover, they declared, Wang had "violated humanity." In spite of the police's citation of ethical and legal principle, Wang and Mu's testimonies suggest that in

<sup>8</sup>This assertion reveals how profoundly the idealized holism between people and empire had changed by the 1910s. Conceptualizing the nation-state required irrevocably separating "individual" from "society," only to stitch the two back together with the threads of citizenship.

fact humanity continued being regularly violated in the 1930s as superiors encroached on their subordinates. The stereotyped phrases of “sudden” lust and “unexpected” assault make little sense in the context of Wang’s previous sexual advances. Indeed, the new stipulation targeting abusive masters officially recognized the prevalence of such *quid pro quo* relations. But sexual and emotional fulfillment could exist even within such unequal power relations. This is one possible explanation for why many apprentices were slow in making their complaints.

Awareness of widespread abuse in workshops occasionally sparked accusations in which the bodies of apprentices became ammunition against their supervisors in much the same way as violated sons were turned into weapons in disputes between neighbors. An anonymous tip letter to the police in 1934, for instance, accused one Li, manager of a small sundries and tobacco stall, of sodomizing his sixteen-year-old apprentice “many times” (BJMA 1934: 181-031-04052). Instead of tending his shop, the former soldier and “hoodlum” supposedly spent his days “lying [with his apprentice] under the same blankets, doing their *jijian* thing.” The teenager allegedly even called his master “second papa” (*erdie*).<sup>9</sup> Again reflecting the standard concern about reputations, the writer implored the police to inform the boy’s parents so as to protect his good name. Investigators concluded, however, that the letter had been malicious: Li seemed honest, and no doubt the writer had merely been a grudge-bearing customer.

Even if the letter was false, the situation it described was clearly credible to the police. Beijing was full of masters preying on their apprentices, and though legal discourse increasingly stressed the rights of the latter as a citizen on par with his assailant, actual change came slowly. The ignominy of being publicly accused of participating in sodomy—even as unwilling victim—as well as complex alliances and enmities still structured same-sex relations within the hierarchical confines of the workshop well into the twentieth century.

### The Streets

If at one end of the spectrum of legitimacy stood the victimized young son of a nuclear family, then at the other, under perpetual suspicion, was the homeless adolescent. The further removed a young man was from the protection of a legally recognized household, the more tenuous his case of sodomitic assault became. For all the high discourse on the Republican citizen’s rights—including his autonomous sexual agency—marginal members of Beijing society consistently faced skepticism when they reported unwanted sexual advances. Though it is arguable whether prostitution under desperate circumstances can be defined as “willing,” in some cases, boys in Beijing’s streets decided of their own accord to begin—and continue despite various risks—trading sex for food, shelter, and companionship. Sexual desire and agency are neither simple nor static, even within one individual; they are also bound up with all the other conditions of life, tangible and not. We can only strive to “resist the desire to magnify or romanticize” the agency of historical actors “and admit that, finally, we are limited by the many silences and irreducible ambiguities in the historical record” (Hershatter 1997, 28).<sup>10</sup>

<sup>9</sup>For kinship terms in same-sex relationships during the Qing, see Sommer (2000, 155–56).

<sup>10</sup>See also Hershatter (1997, 24–33) for the politics of historical representation inherent in studying sex work.

Vagrants, like actors, were associated with sex work throughout the Republic, but seeking them out for sex had none of the romance or tacit permissibility associated with patronizing *dan*.<sup>11</sup> Poverty after the turn of the twentieth century was increasingly viewed as the biggest contributing factor to crime, disease, and infrastructural decay, as well as driving individuals to trade sex for a living (J. Chen 2012, 85; Hershatter 1997, 252–53). The poor were conceived of as not only a symptom of ineffective social management and economic inequality, but also a negative reflection on the Chinese nation. Cities teemed with them. Estimates of poverty among Beijingers ranged from 12 percent based on 1918 police census categories of “poor” and “very poor” to nearly three-quarters in 1926 at or below the “lower household” (*xiahu*) level (J. Chen 2012, 49–51; Tao [1933] 2011, 11). Attitudes toward the economically marginal veered between sympathy and suspicion, and the simultaneous allure and stigma of prostitution only compounded this ambivalence.

One 1918 case demonstrates sex work’s thorough integration into the fabric of marginal men’s lives (BJMA 1918: 181-019-21154). Police netted a ring of “unemployed young vagrants” who routinely sold sex in cheap hostels, at the foot of the walls surrounding the Temple of Heaven, and behind temporary sheds set up for street performances. The three young men questioned by the police ranged in age from seventeen to twenty-one. One had left home two years before, fleeing gambling debts; another was a Mongol formerly of the Bordered White Banner. Each offered similar tales of exchanging sex with hostel owners for shelter. The police saw poverty and opportunism, not intrinsic inclination, driving the boys to prostitution; photographs depicting the youths’ derelict state, a rare inclusion in the files, corroborate their stories of an existence on the brink of survival.

Later cases indicate that Beijing’s low-end inns would continue as hotbeds of male prostitution. A routine inspection of the registers at one such hostel in 1935 found a man who had been previously punished for theft paying an eighteen-year-old for sex (BJMA 1935: 181-021-30336). The teenager claimed to have come to Beijing looking for his uncle and a job—unsuccessfully on both counts, for he admitted to police that he had been sodomized twice by the ex-convict “in order to eat.”

But could youths actually make more money by selling sex than by working other jobs? Men on poorhouse work crews received between five and eight cents a day (in addition to two simple meals and a place to sleep) between 1918 and 1919. Typical daily wages for ten to twelve hours of unskilled labor hovered around twenty-two cents in the 1910s and rose to about thirty-five cents in 1924 only in the face of high inflation (Gamble 1921, 183–86; 297–99; 1929, 98–100). Finally, to spend the night in a fourth-tier licensed brothel with a female prostitute cost ten to twenty cents in the late 1910s, and the women usually had to share earnings with their managers, whose profits were taxed (Gamble 1921, 249, 252). The going price of ten cents to a dollar per sexual encounter could indeed offer young men a relatively easier living; more lucrative yet, of course, were longer-term relationships like those of the boys patronized by hostel owners.

<sup>11</sup>Cf. the discourse of “flower guides” (Wu 2004) and of certain foreign visitors (Mungello 2012), as well as contemporary visions of the *dan*, e.g., Chen Kaige’s *Farewell My Concubine* or the self-taught pop singer Li Yugang’s adoption of a *dan* stage persona.

Crucially, scraping by on sex work was only possible because all indigent boys were seen as potential providers of sexual services not just by the police, but also by the average Beijinger. In 1929, a twenty-three-year-old rickshaw puller was found with a thirteen-year-old boy near a copse in the Inner City (BJMA 1929: 181-021-05072). The man confessed that he had thrice paid other young indigents for sex under the trees' cover. This time, though, the boy's protesting yells attracted the police. The outstanding feature of the rickshaw man's case was how he explained his actions. Rather than attributing his behavior to temporary lust brought on by liquor or an unusually attractive boy, he admitted to planning this encounter: "I wanted to find a beggar boy to *jijian*." The man was labeled an especially egregious "damager of morality" and sent to the criminal courts.

The line between violated minor and a young criminal was very thin for a boy outside the protection—physical and social—of a household. A fourteen-year-old claimed in 1942 to have recently run away from his caretakers after being orphaned by middle-class parents (BJMA 1942: 181-023-15217). A snack-stall owner offered to shelter the boy, then plied him with liquor and sodomized him. Though the older man claimed, in typical fashion, of having been caught in a moment of poor judgment, his interrogators forwarded the case to the courts. Thanks to a downward revision of the age of consent in 1935, the vendor could have received up to five years' penal servitude. There is no way of determining if the orphan were telling the truth about his past; it is obvious, however, that police sided with the boy. Over the course of the Republic, the law grew harsher against men who sodomized teenagers, but what helped the boy's case more was that he had not yet been marked as an urban indigent in superficial ways. The visible consequences of protracted homelessness would have greatly raised the chances of his being detained as an offender himself.

Other teenagers on the margins between exploited minor and "shameless" prostitute actively deployed the widely known standards and structures of male-male sex in Beijing in self-defense before law enforcement, even using the police to enforce the price of their services. In 1940, Liu Jinkui, sixteen, was found scuffling with Zhang Tingqi, twenty-nine (BJMA 1940: 181-023-09573). Liu claimed that Zhang had kidnapped him a month earlier and had sodomized him several times at a hostel before pimping out the teenager for two or three dollars an encounter, money that the two split. Liu further alleged that he had run away before Zhang could sell him to an opera teacher, but had, on the day of his arrest, encountered his captor by chance and was fighting to extricate himself. Zhang told a different story. As an employee of the Beijing-Hankou Railway, he had indeed stayed at the same inn as Liu. But he claimed to not have forced sex on Liu; instead, the younger man had followed him to another hostel, addressing him as "brother," then stolen Zhang's pawn tickets, identification papers, and a friend's wallet containing over twenty dollars. Police found other stolen items on Liu, and an examination concluded that his "grain passage" had not been penetrated.

But sometimes the police were unable to decide whether young men's accusations of forcible *jijian* were legitimate. Officers found Wang Yude and Jia Guochen, nineteen and seventeen, "lurking in an improper position" (*yinfu wei xiaxie zhizhuang*) near the Temple of Agriculture (BJMA 1913: 181-019-01700). When questioned, Wang declared that he had been on a walk around the Temple with Jia, an acquaintance and neighbor, when Jia asked him for sex. When denied, Jia had thrown Wang down and penetrated

him. The police had come upon them in *flagrante delicto*. Though he admitted to knowing Wang well, Jia gave a contradictory account: it was Wang who had been violent. On a pretext, Wang had “dragged” Jia to the Temple and raped him. Then Wang went to relieve himself nearby; the police, said Jia, had found him while he was waiting for Wang to finish.

Each insisted that the other had initiated sex by force. Unable to settle on a single offender, the police concluded that to “lurk in desolate places, [Wang and Jia] cannot be good, decent people”; moreover, though it was unclear if the *jijian* was consensual, sex had indeed occurred, which “put morality at stake.” Both were sent to the courts.

Tellingly, officials did not question why either would have assaulted the other, or why, per Jia’s story, he would have been waiting for Wang after the other youth had forcibly sodomized him. Perhaps there was a game of avoidance being played on all sides in this case. The authorities’ first concern was maintaining order. Sorting out who was guilty of assault, if guilt existed at all, mattered little when both parties conceded that *jijian* was consummated. Yet beneath these stories, there lurks a glimmer of reciprocated desire—an affect inseparable from the exigency of survival, the logic of the market, and the hierarchy of power structuring all sexual relations. Even when intercourse appeared consensual and noncommercial, men were unable to explain the desire to have sex with another man except as an impulsive act of violence.

## HOMOSEXUAL HABITS?

But stigma and lust were not the only explanations in testimonies for why men were moved to sodomize boys, and why boys refrained from complaining about being sodomized.

Some trivialized their actions by calling them practical jokes. A cart driver accused of *jijian* with a grain store apprentice after making several deliveries together asserted that he had been merely “playing a joke on him” (*yu ta wanxiao*) when he removed the younger man’s trousers. A laborer told police how he had penetrated a colleague while “fooling around” (*da haha naozhe wan*); after being penetrated by a poorhouse employee, an inmate referred to the other man’s propositions as “jokes” (*wanxiao*) (BJMA 1916: 181-019-46245; 1917: 181-019-13249). The character *wan* in these phrases connoted morally suspect levity with sexual overtones: suspects found with explicit pictures told police that they were planning to take the images home for “playing with” (*wannong*). In 1926, Tong Baoli, eleven, told his mother that a neighbor had asked to “play at fucking in the butt” (*cao pigu wan*) before raping him (BJMA 1926: 181-019-50382).

On the other hand, another rationale for sex with men contradicted trivial play: the notion of *jijian* as a habit. Habituation could dull the pain routinely attributed to anal penetration. Tong Baoli claimed that it “didn’t hurt much anymore” when his neighbor sodomized him a second time. And, having been introduced to receiving anal sex, youths might be inspired to take the penetrated role in the future. Typifying this was a teenager who claimed to have been raped—without crying for help, since he felt no pain—but eventually admitted that he had been selling sex in town and had previously “frequently” engaged a neighbor in his home village in “mutual *jijian*” (BJMA 1919: 181-019-24990). Being penetrated might also cause an adolescent to penetrate youths in turn. The idea of

a sodomitic habit was at odds with the supposedly indiscriminate lusts of the adult “bare stick,” but in keeping with the general ambivalence toward men’s desire for men. The perversity of *jijian* was taken for granted, but so too were assumptions about the desirability of young boys. One man caught arguing with an adolescent told police that he had been penetrated previously and, finding it “quite satisfying” (*shenshi deyi*), was “moved to wicked intentions” by the sight of the boy (BJMA 1925: 181-019-46260). Likewise, the “joking” cart-driver alleged that, three years earlier, he had been penetrated three times.

Even habitual *jijian* hinged on an act rather than a fixed identity. But there is nonetheless some irony that it was the two opposing ends of the imperial social scale—self-indulgent sovereigns and impoverished “bare sticks”—who had by the late Qing become most thoroughly identified with routine sexual liaisons with other men. In the vacuum of authority across the transition from empire to Republic, a new group of men joined that upper end of those who made a custom and preference of *jijian*: foreigners.

### Seeking Sexual Paradise?

As the imperial capital, Beijing had hosted traders and embassies from across Eurasia. After the Qing’s defeats in the mid-nineteenth century, foreigners of all stripes—mostly male—streamed into the city as never before. Many found that they could satisfy their sexual and emotional needs with other men in a way impossible, if not illegal, at home. It is possible to frame these sojourners as sexual pioneers escaping repression. But reconstructing the motivations of these men is an uncertain endeavor.<sup>12</sup> All the more complicated is how to account for the inequalities threading through the patchy evidence left to us by these men of their encounters with Chinese partners. Perhaps all human bonds are unequal, but differentials in power and resources between foreign men and their Chinese counterparts were especially sharp, even when both parties were young, single, and relatively lacking in socioeconomic capital. Most relevant to the Beijing police’s oversight of such encounters was the fact that foreign men automatically enjoyed extraterritorial legal protections (Cassel 2012). Sometimes, the power disparity between locals and expatriates manifested as sexual assault; at other times, it was exploited by local sex workers targeting foreign enclaves.

Most expatriates housed in Beijing’s Legation Quarter during the early Republic were diplomats and soldiers. Among the diversions sought by those venturing into the capital’s streets was sex for purchase. One probably typical case from the late Qing involved two American soldiers who at first called themselves Johnson and Thomas, but were actually named Charles J. Lind and Daniel J. Workman; both were likely Marines serving as Legation Guards (Biggs 2003). Police scribes laboriously referred to them as “Ka’erlaisi Tondaida” and “Wa’erkemaiyin” (BJMA 1906: 181-033-03055).

The challenge of just documenting these names indicates how difficult it must have been for Beijing’s law enforcement to work against foreigners. Not only did judicial extraterritoriality offer expatriates legal privileges, but the already overextended police would also have found it nearly impossible to gather information about foreign suspects. Per

<sup>12</sup>Mungello (2012, 3) attempts this, candidly explaining that the appeal of Chinese men was “an attraction that I myself felt.” But the problems of identifying queer forefathers by guesswork persist throughout his book.

the record, the inebriated pair had encountered an eleven-year-old panhandling outside a foreign-style tavern. After the men gave the boy twenty cents, all three rode by rickshaw to a deserted spot, where the Americans proceeded to, as the title of the case put it, “take their genitals and stuff them into the child’s mouth” (*yi shengzhiqi sairu xiaohai kounai*; BJMA 1906: 181-033-03055). In the end, no apparent repercussions befell the two soldiers.

It is possible that this case only came to the attention of the police because fellatio, despite its presence in late imperial depictions of sex, remained beyond the legal vocabulary of the interrogators even as new terms from sexual science, like “genitals” in the very title of the record, abounded in the press (van Gulik [1961] 2003, 49, 289, 330).<sup>13</sup> That he had been begging outside a foreign bar suggests that the boy had taken the Americans’ money expecting *jijian*. Again, among Beijing’s indigent and prostitutes, there was a pragmatic seeking out of foreigners. The new sexual persona of the boy-loving foreigner was created in Beijing not by sexological ideas, but by the all too tangible demands of men insulated from retribution by their expatriate status and ready to pay for the satisfaction of their desires.

### “Injuring the Body Politic”

By 1913, enough male sex workers were targeting foreigners that a police memorandum described boys trolling for customers in the Legation Quarter’s main thoroughfare after dusk, a “wicked practice [that] has been going on for a long while” (BJMA 1913: 181-018-00366). Worse, suspects were also pilfering their customers’ valuables. Recidivism was high; the memorandum proposed that all future detainees be instead turned over to the municipal poorhouses as long-term laborers.

So, while law enforcement and sex workers both recognized foreigners as enthusiastic johns, police laid blame squarely on the Chinese prostitutes, whose crimes were “injurious to the body politic” (*you shangyu guoti*) as well as “damaging to morality”—though, looked at another way, it was foreigners seeking sexual gratification whose exploitation of desperate locals facilitated the “wicked practice.” Perhaps what damned male prostitutes targeting foreigners most was their presumptively passive sexual role; men hired to be penetrators of foreign men seem to have caused little damage to the “body politic” (Kang 2009, 101–4).

Moreover, the petition offered no explanation for why foreigners were so ready to buy risky sex with young men in the streets when unlicensed streetwalkers and a huge variety of lawful brothels offered women’s sexual services. Meanwhile, some sellers held legitimate jobs but still chose to target foreign patrons as a sideline—occasionally vociferously enough that they turned away business. One peddler repeatedly solicited foreigners promenading on the city walls in such blunt terms that they threw bricks at him and allowed their rickshaw puller to chase the man away (BJMA 1916: 181-033-00226).

Locals might have had many reasons for seeking foreign johns, but one clear incentive was the relatively high prices they were willing to pay. Lu Binde, one of an eight-man prostitution ring, told police that more attractive youths could make three to eight dollars at a time;

<sup>13</sup>The authorities did not consider performing fellatio more acceptable, however, as implied in a 1918 comment on several male prostitutes who had offered oral sex: “Making a business out of selling their rear ends for illicit intercourse was truly *already* extremely shameless” (BJMA 1918: 181-019-21074; emphasis added).

these teenagers were in the price range of women from top-end licensed houses (BJMA 1916: 181-033-21074).<sup>14</sup> Unfortunately for him, potential customers often rejected Lu, paying just a small tip. By contrast, foreigners were apparently more generous and less picky. Lu claimed that he had once made a whole dollar by fellating an “Englishman in civilian clothes.” Another unpopular member of the ring received only twenty cents from a foreigner, but since the encounter was not a ring-brokered meeting, he had not had to share the income.

Profit redistribution meant more consistent earnings for each ring member, but even those operating solo also expected more income by selling sex to foreigners. One teen-aged rickshaw puller told police that he had turned to regularly prostituting himself to foreigners near the Legations because he could not survive on his fares. Interrogators did not question Li’s professed belief that foreigners would pay him more for sex than for riding in his rickshaw, although several points in the case contradicted this. First, the boy had been caught with his vehicle while waiting for a German customer to emerge from a foreign-run brothel—suggesting that he was able to secure lucrative fares. Second, his older brother was chauffeur to a German doctor and his older sister worked for a large Chinese household; both could presumably offer support. Finally, the youth claimed to make only twenty cents per encounter—hardly a premium compared with going rates per the testimonies of other men selling sex. In fact, the average Beijing rickshaw ride cost twenty cents per hour (Strand 1989, 304n13).

It is no coincidence that many cases of men selling sex in and around the Legations involved rickshaw pullers: Beijing’s main attractions were far away, and pullers had informal business agreements with the embassies (Strand 1989, 60). Sex was just one of the capital’s pastimes that rickshaw men helped foreign consumers to access—and Chinese suppliers to profit from. Some pullers went as far as trying to pimp their peers. A puller who was caught arranging foreign johns for a “bare stick” colleague of the same age in the summer of 1918 had been detained for pimping men to Americans just three months earlier (BJMA 1918: 181-019-10887).

The *belief* that expatriates were more generous motivated targeted solicitation, even if sellers did not actually earn more and knowingly risked legal consequences. In 1915, one Zhang Ziqing was caught “lingering” near the Legations. He averred that he had come to Beijing intending to pull rickshaws but had been selling sex in the vicinity of the Legations for six months despite being detained the previous year for “shameless behavior.” This time, Zhang claimed to be seeking a remedy for a painful abscess, not a paying patron; he also told of an ailing, elderly mother. These excuses, quickly disproven, indicated that Zhang knew of and sought to avoid the grim conditions of detention. Yet selling sex to foreigners remained attractive enough for Zhang to hazard a second run-in with the police.

Tensions in characterizing *jijian*’s motivations loom especially large in cases of those prostituting themselves to foreign men: police simultaneously accepted suspects’ claims of poverty while castigating them for their “total lack of integrity and shame.” This was, of course, a self-contradictory position. To maintain that youths who targeted foreign johns were both destitute *and* shameless, interrogators tacitly recognized that some actually *chose* to engage in same-sex relations as the receptive partner over alternative survival strategies, and that some foreigners’ specific desire to have sex with men made prostituting

<sup>14</sup>For 1918–19 brothel prices, see Gamble (1921, 252).

oneself a viable option. But *why* either party would have chosen thus was generally unexamined. The records' reticence reflected a widely shared assumption, carried over from the late empire despite sexology's influence, that situational factors—not a coherent sexual identity—were the primary motivation for same-sex intercourse. Beijing's "bare sticks" simply offered ready satisfaction to their foreign counterparts. The latter were also mostly young, unwed sojourners and might have participated in same-sex activities at home as members of the "bachelor subculture" in their home countries, too (Chauncey 1994, 76–86).<sup>15</sup>

### A "Sleeve-Cutting" German

Now, let us return to the case of Kayousi, the German who "loved nothing better than to commit *jijian* with young boys" and was diagnosed by the police with the "predilection of the cut sleeve." Again, "the cut sleeve" referred to an imperial tradition of male favorites: according to the *Book of the Han*, the lover of Emperor Ai had, asleep, rolled onto the ruler's sleeve, and the devoted sovereign cut the garment rather than rouse his favorite (Hinsch 1992, 53). The police records thus drew parallels between a German businessman's sexuality and that of an emperor whose reign ended nearly two thousand years earlier. Even more ironically, Kayousi's firm, Telge and Schroeter (*Tailai yanghang*), had been intimately involved in China's nation-building efforts. One of the late nineteenth century's leading officials, Zuo Zongtang, had purchased weapons and industrial equipment from the company. Telge and Schroeter also helped the Qing obtain a massive loan from foreign banks in 1877 to suppress an uprising in Xinjiang (Stanley 1961, 17–18, 99–100n23). Kayousi himself was probably one M. Karius, who signed a 1906 contract with Qing officials to construct the first permanent bridge spanning the Yellow River.<sup>16</sup>

Karius's case was peculiar to the situation of the Chinese Republic in 1918. Fractious domestic governance and a powerful foreign presence complicated the lives of rickshaw men and police officers alike. Cultural metaphors were relentlessly mixed. And an emperor of the old order was made comparable to the expatriate businessman—an imperialist of the new—by the sheer strength of their shared desire for young men.

### CONCLUSION: PLUS ÇA CHANGE?

In his homeland, Karius might have been labeled an "invert" or "homosexual." Perhaps he even saw himself as such. But these concepts never appeared in the language of the Beijing police or the testimonies given before them, in spite of a deluge of works of translated sexual science that introduced new conceptions of sexual behavior. Over the first decades of the twentieth century, there were certainly changes in the policing of male-male sex. Consummation remained defined by penetration, but ejaculation became recognized as a measure of intent, suggesting a greater recognition of individual

<sup>15</sup>Police census figures from 1917 show Beijing's sex ratio as 174:100; for foreigners living outside the Quarter it was 209:100. Population figures are unavailable for the Quarter, but around 300 American Marines were posted to the embassy at any given time (Gamble 1921, 99, 111–12).

<sup>16</sup>The police file contains only the phoneticization of Karius's name, but the characters used are the same as those identifying Karius in the bridge contract (Goens 2008); also see Ma and Gui (2001, 129–30).

sexual interiority. But, fundamentally, this has been a story of continuities. The capital's sexual economy readily absorbed new patrons like Karius, ready to pay for satisfaction and protected by their legal and material resources.<sup>17</sup> Despite the statutory erasure of *jijian*, most Beijingers, including officers of the law, still understood male-male sex on its terms. Change on a quotidian level was a diffident process, and the path it took disrupts any fantasy of sexual diversity as inherently liberating. Extremely unequal relationships inflected by material self-interest were pivotal to the gradual emergence of “homosexuality,” just as female sex work was critical to defining “heterosexuality.”

Continuity in *jijian*'s trajectory is perhaps unsurprising, since early Republican society continued, if not intensified, major demographic and socioeconomic patterns from the late empire: a dramatically skewed sex ratio, population pressure, and social as well as geographic mobility. All these together meant that “legitimate” sexuality—marital and procreative, with male or female dalliances on the side—had more than ever become the province of the privileged man.

Then again, sexuality was being reimagined as exactly the opposite—a universal part of life essential to establishing one's identity as an individual and as a citizen of the Chinese nation-state. But it was still mainly educated, well-off men who campaigned for free love and voluntary marriage (Gilmartin 1995). Moreover, “love” was used as euphemism for the more problematic “sex,” which retained many of its double standards (H. Lee 2007, pt. 2). The early Republican police prosecution of *jijian* suspects underscores how “heterosexuality”—the elevation of the sexual citizen, romantic love, and the nuclear family—was the prerogative of the few, built on the disenfranchisement of the “bare stick.”

In China today, disenfranchised men again sharply outnumber women, and much discourse again centers on the bare stick's sexual depredations, same- and cross-sex, as “money boy” migrants to cities sell their favors, including to foreigners. They are castigated not just by the state, but also by openly gay men as impediments to a positive, globalized queer identity in China (Kong 2011, chap. 7; Rofel 2010). As this study has illustrated, separating the material from the affective in men's motivations for choosing to have sex with other men is an impossible task.<sup>18</sup> Ultimately, if our hope is of a more liberated world, trying to disambiguate the impulse toward Eros may be counterproductive. What could be freer—more volatile—more powerful and enduring even under multiple, interlocked inequities and oppressions—than capricious desire?

## Acknowledgments

My deep thanks to the many friends and colleagues who gave invaluable feedback on this article, as well as to the staff of the Beijing Municipal Archives and of the Institute of Modern History at the Academia Sinica, where much of the drafting was done.

<sup>17</sup>Though police lambasted Karius as “craven and transgressive” (*beibi bu'an benfen*) and “shameless” (*wuchi*), he apparently kept his job and comfortable life. A directory of expatriates listed Karius as still employed by Telge and Schroeter four years later (Ramsay [1922] 1971, 701).

<sup>18</sup>Male prostitutes in contemporary China as elsewhere claim their work “offers a relatively attractive alternative when compared with other ill-paid, repetitive and demoralizing menial jobs, not just in terms of monetary reward but also in terms of other perceived benefits” (Kong 2011, 183).

## List of References

- BIGGS, CHESTER M. JR., 2003. *The United States Marines in North China: 1894–1942*. Jefferson, N.C.: McFarland.
- BJMA (BEIJING SHI DANG'AN GUAN) [BEIJING MUNICIPAL ARCHIVES]. Cited with date and file number.
- CASSEL, PÄR KRISTOFFER. 2012. *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan*. Oxford: Oxford University Press.
- CHAUNCEY, GEORGE. 1994. *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940*. New York: Basic Books.
- CHEN, CHENGZE, ed. 1916. *Zhonghua minguo zanxing xingli shiyi* [Explication of the temporary criminal code of the Republic of China]. Shanghai: Shangwu yinshuguan.
- CHEN, JANET Y. 2012. *Guilty of Indigence: The Urban Poor in China, 1900–1953*. Princeton, N.J.: Princeton University Press.
- CHIANG, HOWARD. 2010. “Epistemic Modernity and the Emergence of Homosexuality in China.” *Gender & History* 22(3):629–57.
- DIKÖTTER, FRANK. 1995. *Sex, Culture and Modernity in China: Medical Science and the Construction of Sexual Identities in the Early Republican Period*. London: Hurst.
- DONG, MADELEINE YUE. 2003. *Republican Beijing: The City and Its Histories*. Berkeley: University of California Press.
- FOUCAULT, MICHEL. [1978] 1990. *The History of Sexuality, Volume I: An Introduction*. Translated by Robert Hurley. New York: Vintage.
- . 2000. “Lives of Infamous Men.” In *Essential Works of Foucault, 1954–1984*, Vol. 3, *Power*. Edited by James Faubion. New York: New Press.
- GAMBLE, SYDNEY. 1921. *Peking: A Social Survey*. New York: George H. Doran.
- . 1929. *Peking Wages*. Beijing: Yanjing daxue shehuixue he shehui gongzuo xi.
- GILMARTIN, CHRISTINA. 1995. *Engendering the Chinese Revolution: Radical Women, Communist Politics, and Mass Movements in the 1920s*. Berkeley: University of California Press.
- GOENS, CHRISTIAN. 2008. “Le contrat de construction du pont de Lanzhou” [The contract of construction of the bridge of Lanzhou]. Translated by Monica Strelow. <http://www.goens-pourbaix.be/multima-pourbaix/Mandarijn/pont/Teige.htm> (accessed April 30, 2016).
- GOLDSTEIN, JOSHUA. 2007. *Drama Kings: Players and Publics in the Re-creation of Peking Opera, 1870–1937*. Berkeley: University of California Press.
- HALPERIN, DAVID. 1990. *One Hundred Years of Homosexuality: And Other Essays on Greek Love*. New York: Routledge.
- HERSHATTER, GAIL. 1997. *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai*. Berkeley: University of California Press.
- HINSCH, BRET. 1992. *Passions of the Cut Sleeve: The Male Homosexual Tradition in China*. Berkeley: University of California Press.
- HUANG, PHILIP C. 2001. *Code, Custom, and Legal Practice in China: The Qing and the Republic Compared*. Stanford, Calif.: Stanford University Press.
- HUANG, YUANSHEG, ed. 2010. *Wanqing minguo xingfa shiliao jizhu* [A compilation of penal laws from the late Qing to Republican China]. 2 vols. Taipei: Yuan zhao.
- KANG, WENQING. 2009. *Obsession: Male Same-Sex Relations in China, 1900–1950*. Hong Kong: Hong Kong University Press.
- KONG, TRAVIS S. K. 2011. *Chinese Male Homosexualities: Momba, Tongzhi, and Golden Boy*. London: Routledge.

- KUNZEL, REGINA. 2008. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago: University of Chicago Press.
- KUO, MARGARET. 2012. *Intolerable Cruelty: Marriage, Law, and Society in Early Twentieth-Century China*. Lanham, Md.: Rowman & Littlefield.
- LEE, HAIYAN. 2007. *Revolution of the Heart: A Genealogy of Love in China, 1900–1950*. Stanford, Calif.: Stanford University Press.
- LEE, JEN-DER. 2013. “Ershi shiji qianban Zhongguo shengli weisheng jiaoyu zhong de xing, shengzhi yu xingbie” [Sex, reproduction and gender in Chinese physiology and hygiene education during the first half of the twentieth century]. In *Proceedings of the Fourth International Conference on Sinology: Hygiene and Medicine*. Taipei: Institute of History and Philology, Academia Sinica.
- MA, QIMING, and GUI HAIXING, eds. 2001. *Lanzhou shizhi* [Lanzhou gazetteer] 21(1). Lanzhou: Lanzhou daxue chubanshe.
- MUNGELLO, DAVID. 2012. *Western Queers in China: Flight to the Land of Oz*. Lanham, Md.: Rowman & Littlefield.
- NG, MICHAEL HOI KIT. 2013. “The Ordering of Crime in Republican Beijing from the 1910s to the 1930s.” In *New Narratives of Urban Space in Republican Chinese Cities: Emerging Social, Legal and Governance Orders*, eds. Billy K. L. So and Madeleine Zelin, 116–19. Leiden: Brill.
- NG, VIVIEN. 1989. “Homosexuality and the State in Late Imperial China.” In *Hidden from History: Reclaiming the Gay and Lesbian Past*, eds. Martin Duberman, Martha Vicinus, and George Chauncey, 76–89. New York: Meridian.
- PFLUGFELDER, GREGORY. 2000. *Cartographies of Desire: Male-Male Sexuality in Japanese Discourse, 1600–1950*. Berkeley: University of California Press.
- PUFF, HELMUT. 2003. *Sodomy in Reformation Germany and Switzerland, 1400–1600*. Chicago: University of Chicago Press.
- RAMSAY, ALEX. [1922] 1971. *The Peking Who’s Who*. Taipei: Ch’eng Wen.
- ROCHA, LEON ANTONIO. 2010. “Xing: The Discourse of Sex and Human Nature in Modern China.” *Gender & History* 22(3):603–28.
- ROCKE, MICHAEL. 1998. *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence*. New York: Oxford University Press.
- ROFEL, LISA. 2010. “The Traffic in Money Boys.” *Positions: East Asia Cultures Critique* 18(2):425–58.
- RYDSTRÖM, JENS. 2003. *Sinners and Citizens: Bestiality and Homosexuality in Sweden, 1880–1950*. Chicago: University of Chicago Press.
- SANG, DEBORAH TZE-LAN. 2003. *The Emerging Lesbian: Female Same-Sex Desire in Modern China*. Chicago: University of Chicago Press.
- SOMMER, MATTHEW. 2000. *Sex, Law, and Society in Late Imperial China*. Stanford, Calif.: Stanford University Press.
- STRAND, DAVID. 1989. *Rickshaw Beijing: City People and Politics in the 1920s*. Berkeley: University of California Press.
- STANLEY, CHARLES JOHNSON. 1961. *Late Ch’ing Finance: Hu Kuang-yung as an Innovator*. Cambridge, Mass.: Harvard University East Asian Research Center, distributed by Harvard University Press.
- TAO, MENGHE. [1933] 2011. *Beiping shenghuofei zhi fenxi* [Analysis of living costs in Beiping]. Beijing: Shangwu yinshuguan.
- VAN GULIK, ROBERT. [1961] 2003. *Sexual Life in Ancient China: A Preliminary Survey of Chinese Sex and Society from ca. 1500 B.C. till 1644 A.D.* Leiden: Brill.

- VITIELLO, GIOVANNI. 2011. *The Libertine's Friend: Homosexuality and Masculinity in Late Imperial China*. Chicago: University of Chicago Press.
- WU, CUNCUN. 2004. *Homoerotic Sensibilities in Late Imperial China*. New York: RoutledgeCurzon.