1 DEINSTITUTIONALIZING MARRIAGE AND SEXUALITY

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ON NOVEMBER 6, 2010, CHEN WEI-YI, a thirty-year-old Taiwanese woman, married herself in an elaborate Taipei wedding ceremony in the wake of an online publicity campaign that attracted thousands of comments about the pressure on single women to marry before age thirty.[1] Two years later, Hunan television broadcast a thirty-eight-episode soap opera entitled "Dutch Treat Marriage" that parodied the efforts of newly married couples in the People's Republic of China (PRC) to clearly demarcate spousal finances.[2] Later in 2012, the BBC circulated a sensational story about Cecil Chao, a never-married Hong Kong shipping tycoon, who was offering £40 million to "any man able to woo and marry his lesbian daughter who had already married her partner in France."[3]

Media representations such as these titillate a broad public precisely because they resonate with more general anxieties about the fate of marriage in contemporary Taiwan, Hong Kong, and the PRC. Marriage in these three societies is changing so rapidly that young and old alike often struggle to come to terms with new sexual mores, the erosion of traditional gender norms, and growing rates of marital infidelity and divorce. To marry oneself, as Chen Wei-yi did, might first appear as a bizarre twist on normative heterosexual marriage, but her act underscores the persistent centrality of the institution of marriage and the multiple ways that contemporary marriages differ from those of the past. Similarly, for those who do marry, changing expectations of marital roles and obligations challenge long-standing definitions of the good husband or the proper wife. Carefully splitting food and restaurant bills, as did the couple in "Dutch Treat Marriage," pokes fun at these renegotiations,

but deciding whose name should be listed on a housing deed or a bank loan is a deadly serious matter.

Anxieties about the status of marriage in Taiwan, China, and Hong Kong today are also intensified by the expanding scope in which marital decisions are made, new family relationships navigated, and disputes resolved. Cecil Chao's efforts to replace his daughter's marriage to another woman in France with a heterosexual marriage, presumably to a man of Chinese descent, points to the distant reaches of this changing scale with regard to both partner choice and geography. Although this volume limits its geographic scope to three Chinese societies in East Asia, it maps the growing intensity of sexual and marital relationships across the borders of these three societies to document the rapidly expanding scale of marital decision making and intimate attachments in the region.

Until the mid-1980s governments in Hong Kong, the PRC, and Taiwan were able to treat marriage and the links between marriage and family formation according to their distinct legal and cultural conventions. Thus, even while sharing a Confucian tradition of patrilineal family formation, each had developed unique legal statutes and quite autonomous economies, and few marriages joined spouses across these jurisdictions. However, as economic integration intensified, ties between Taiwan and the PRC resumed, and Hong Kong became a Special Administrative Region (SAR) of the PRC, cross-border sexual liaisons and marriages increased, and cross-border family ties thickened. In response, individual men and women found themselves searching for partners and entering marriages under different conditions than had their parents or even their older siblings. They faced new opportunities and freedoms but also new anxieties and uncertainties.

Not surprisingly given this context of multifaceted structural and cultural transformation, the case studies in this volume illustrate diverse responses to these new conditions for entering or leaving a marriage and, in some cases, even fundamental changes in the institution of marriage itself. As recently as 1970, it was unusual for a man or woman over the age of thirty in Hong Kong, Taiwan, or the PRC to have never married. Divorce was rare, and homosexual relationships were covert or even criminalized. With the new millennium, however, none of these past generalizations holds true. In fact, marital norms and behaviors have departed so radically from those that had prevailed only a decade earlier that one could say marriages in these three Chinese societies have become "deinstitutionalized."

With the word *deinstitutionalization*, we adopt the terminology of sociologist Andrew Cherlin, who coined the term to identify a process through which previously taken-for-granted assumptions about the propriety of premarital sex, grounds for divorce, or even the necessity of marriage no longer prevail (Cherlin 1978, 2004). In this new environment, individuals have far more freedom to script their lives, but these new freedoms also create new anxieties for both individuals and society about how best to approach and understand marriage. Marriages have always involved conflict, disappointment, and not a small amount of anger, but Cherlin argued that the degree and scope of changes in marital behavior in the United States after 1970 revealed an institution that had become unmoored from earlier sureties. Although Cherlin initially presumed that the changes he observed marked a transition to a new equilibrium, by 2004 he no longer predicted reinstitutionalization around a new set of norms but instead foresaw ever greater variation in marriage, family, and household forms.

Politically and culturally, Hong Kong, Taiwan, and the PRC differ greatly from Cherlin's America. Therefore, we would not expect the process of marital deinstitutionalization to be identical, nor would we presume convergence at some point in the near future. However, there are parallels between the key shifts that Cherlin highlighted in the United States and those emerging recently in these three Chinese societies: a higher age at first marriage, fewer barriers to divorce, declining marital fertility, and greater social acceptance of premarital, extramarital, and same-sex intimate relationships. Many of these trends also replicate shifts observed in Western Europe that demographers such as Ron Lesthaeghe (2010) have defined as a second demographic transition. But whereas Lesthaeghe primarily focused on how changing marital patterns suppressed overall fertility, this volume addresses the multiple ways in which the institution of marriage itself has changed within the context of rapid legal, political, and economic restructuring. Declining fertility is one of our concerns, but it is neither the most important outcome nor the central puzzle.

By locating our study in these three Chinese societies we also offer a comparative, global dimension to existing literature on the deinstitutionalization of intimate life in the United States and Europe. Although we are inspired by Lesthaeghe's insistence that it is cultural values that drive change, we displace his dominant narrative of cultural diffusion from Western settings by tracing new trajectories and potential outcomes that differ in significant ways

from those found in Europe and North America. As a consequence, we do not assume that our three societies will display identical patterns even with their shared Confucian heritage. Instead, we pay close attention to how recent political, legal, and cultural histories have diverged across the region, thereby producing significant differences in expectations and experiences. Although each chapter addresses a specific dimension of marriage and sexuality in a single country, it does so with an eye to comparisons both across these three societies and with trends found in other parts of the world. Deinstitutionalization may summarize a global dynamic driven by individuals' pursuit of new possibilities for marital and sexual satisfaction, but the direction of this dynamic and its potential outcomes are by no means universal. Our attention to these three societies, with their shared cultural features and divergent histories, enables us to explore both the roots of change and the multiple possibilities emerging for new marital and sexual futures.

To explain and interpret these changes in marital and sexual mores in contemporary Hong Kong, Taiwan, and China, we first discuss the larger cultural, political, and economic contexts in which couples marry or divorce and in which men and women find intimate or romantic partners. Neither the editors nor any of our contributors presume that a marriage is exclusively a decision of two individuals. Nor do we reduce decisions on whether to marry or divorce to economistic choices intended to maximize individual utility, a perspective Gary Becker adopted when he reasoned that "no person can improve his marriage without making others worse off" (Becker 1991: 108). Rather, our core assumption is that marriage is a complex institution, embedded within a larger system of gendered family and kinship relationships that in turn are embedded within a socially specific economy and polity. Because of these assumptions, our discussion of variation in marital and sexual behavior directly engages questions about how and why boundaries between private and public life shift and under what conditions a society may privilege private over public preferences or distinguish norms for marriage from those for family formation.

Undoubtedly, marriage is an intimate relationship, but because marital status allocates and legitimates societal privileges, rights, resources, and obligations, marriage also is a public institution. For this reason, it is not surprising that Chen Wei-yi chose to hold a public marriage ceremony or that she circulated the news of her wedding widely through social media. In fact, American historian Nancy Cott has argued that for a relationship even to be

identified as marriage, it required a certain degree of public recognition and, perhaps more importantly, "state sanction" (Cott 2000: 1–2). Although Chen Wei-yi's ceremony lacked the imprimatur of the state, it made a clear claim for public recognition of her married status.

How do we reconcile this persistent emphasis on public recognition with what legal scholar Jana Singer identifies as a greater preference for "private over public ordering" as the driving force behind increased acceptance of diverse forms of intimacy and family formation (Singer 1992: 1453)? We see this private ordering in the same-sex partner choice of Gigi Chao, daughter of Hong Kong tycoon Cecil Chao, as well as in her father's own lifelong decision never to marry. But Chao's desire to see his daughter married in a heterosexual union suggests that the balance between private and public claims is still quite contested, in part because of deep-seated Confucian patriarchal family values and societal investments in some forms of marriage and family and not others.

Whereas constitutional protection of the right to "the pursuit of happiness" in the United States may provide a moral basis for privileging private over public preferences and for protecting the rights of one spouse or the best interest of the child, what moral logics dominate in Confucian societies with their greater deference to social hierarchy, minimal protection of personal rights, and continued emphasis on the family as a key social institution? Does the emphasis on family ties and obligations explain why our three societies do not display another key feature of marital deinstitutionalization and demographic transition found in the West: the high rates of childbearing outside of marriage? Although we cannot definitively answer that question, in the chapters to follow we show why it is important to distinguish the deinstitutionalization of marriage from the deinstitutionalization of multigenerational family formation. When the distinction between marriage and family is clarified, it becomes quite clear, for example, that increased access to affordable and effective contraception might lower overall fertility rates but have less direct impact on the likelihood of births outside of marriage.[4]

Attuned to these historical and societal specificities, we train a close eye on how negotiations over the balance of private and public ordering take place within families or between spouses and romantic partners, as well as in the courts, the media, and legislative debates. And we ask what this balance and the struggles it provokes teach us about why previously shared expectations about acceptable marital and sexual behaviors have atrophied or even

disappeared, while norms of childbearing and intergenerational obligation and reciprocity remain more intact.

Because variation in political, economic, and demographic profiles affects the scope and pace of deinstitutionalization, we first provide an overview of six dimensions of changing marital experience in these three societies: higher age at first marriage, rising percentages of never married, reduced legal barriers to divorce, new norms for sexual intimacy, subreplacement marital fertility, and more frequent cross-border marriage. We then step back from these empirical comparisons to consider the broader question of what the deinstitutionalization of marriage means for both personal and family life in Hong Kong, Taiwan, and urban China today.

POSTPONING MARRIAGE OR REJECTING IT ALTOGETHER?

Historically, marriage in Chinese societies was a familial decision initiated by the parents of a son seeking a daughter-in-law to continue the husband's patriline. Fables of romance and star-crossed lovers certainly flourished in written and oral tales, but in real life young people typically conformed to Confucian expectations of parental obedience and married the mate whom their parents had chosen for them.

Marriage and family formation were sequential and conflated, and every man had the filial obligation to produce offspring within a marriage. Because men outnumbered women and marriage required substantial investments, however, men from poor families risked a future as "bare branches" who never married, whereas rich men often enjoyed the attentions of multiple consorts. By contrast, parents rarely failed to arrange marriages for their daughters, and very few women remained single into adulthood (Hajnal 1953, 1982; Lee and Wang 1999; Wolf and Huang 1980).[5] While the early-twentieth-century upheavals of war and revolution tore apart families and decimated economic and political institutions, marriage rates for women remained high throughout the first half of the century. Thus, not surprisingly, two of the most widely appreciated dividends of China's 1949 Communist revolution were reduced parental control over mate choice and comparable rates of marriage among young men and women regardless of parental wealth.[6]

Traditionally, Chinese parents preferred that their children marry in their teens, and child betrothal was not an uncommon strategy to guarantee continuation of the family line, ensure harmonious intergenerational relations, and reduce expenditures for marriage.[7] After 1950, legal reforms and struc-