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The "fish tank": social sorting of LGBTQ+ activists in China

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ABSTRACT

Since 2013, LGBTQ+ (lesbian, gay, bisexual, transgender, queer/questioning, and other) activism in China has existed in a gray area between non-criminalization in legal terms and fragmented strategies of suppression. The expansion of home-grown social media platforms has provided a (relatively) safe haven for LGBTQ+ people to connect, and a growing number of LGBTQ+ groups have established themselves in the country. However, in recent years, laws, policies, and mass closures of LGBTQ+ social media accounts have chipped away at organizational capacity. In this exploratory study, we center the voices of LGBTQ+ activist communities in China. Drawing from 26 interviews, we explore the effects of increased surveillance in digital and physical spaces on queer communities via the theoretical concept of "social sorting." The findings suggest that LGBTQ+ communities were already under extensive institutional and digital surveillance prior to the COVID-19 pandemic. The pandemic has further amplified state-led surveillance and censorship. The norm setting of an ideal citizen of China has occurred through enhanced institutional marginalization, digital censorship, and police monitoring and harassment. These practices have harmed but not broken the resolve of LGBTQ+ communities, who had been finding unconventional ways to connect prior to the pandemic, albeit constrained as if in a metaphorical fish tank.

摘要

自 2013 年以来， 中国的 LGBTQ+（女同性恋、男同性恋、双性恋、跨性别， 酷儿与其ta）活动主义一直处于一个灰色空间，在法律上并不构成犯罪，但又遭受分散性的压制。随着本土社交媒体平台的日益扩大，国内的 LGBTQ+ 群体在这些平台上寻得了一个相对安全的交流据点， 从而也使越来越多的 LGBTQ+社群能在这个国家成立起来。然而近年来， 大规模的 LGBTQ+ 社交媒体账号被关以及各种削弱组织运行能力的法律和政策都给中国的 LGBTQ+ 群体带来了更多的负面影响。在这份探索性研究项目中，我们以中国 LGBTQ+ 行动主义者的真实发声为中心，通过"社会群体划分"的理论概念，从 26 个采访记录中来探索日益增强的数字和物理空间监视对中国的

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酷儿群体产生的影响。研究结果表明，在新冠肺炎疫情之前，LGBTQ+ 社群就已经生活在日益增长的制度化和数字化监视当中。而疫情的到来则进一步加强了以国家为主导的监视和审查。通过不断推进制度边缘化，数字审查以及警务监控和骚扰，政府对于成为一个理想中国公民的标准进行了重新定义。虽然这些政策措施严重地伤害了在中国的 LGBTQ+ 群体，但 ta 们并没有因此而销声匿迹。在疫情前后，尽管受限，但 ta 们一直在寻求新的、非传统的方式来建立彼此之间的联系，好似生活在鱼缸里的鱼那样，挣扎求存.

I would keep [LGBTQ+ communities] in my fish tank – they are my goldfish. I don't need too many – just a few, right? That's why we can survive. (G1)

Introduction

Since 2012, LGBTQ+ (lesbian, gay, bisexual, transgender, queer/questioning, and other)[1] communities in China have weathered multiple political, legal, and ideological challenges despite previous claims that the climate for civil society in China was warming (Zhang 2011). These communities still have many issues to resolve, such as access to health services, workplace discrimination, legal relationship recognition, parenting, and freedom of expression and assembly. Globally, socialization and collectivization have cultural value for LGBTQ+ communities, especially in environments where they are socially marginalized (Schmitz et al. 2023). Prior to the COVID-19 pandemic, LGBTQ+ communities sought to collectivize through physical gatherings, especially under oppressive regimes (Reid 2021). In this article, we show how China's mix of digital and physical surveillance of LGBTQ+ communities has gradually restrained such community organization through a suite of "queer social sorting" measures. The pandemic has further facilitated these measures. We argue that the suite of these measures leaves LGBTQ+ communities in a "fish tank" – visible but restricted in numerous ways.

LGBTQ+ organizing in China began in the 1990s, first with gay and "lala" (queer women's) bars in larger cities and later expanding into digital spaces with the growth of the internet (Wang 2021). In 1995, the United Nations held the Fourth World Conference on Women in Beijing, marking a historic moment for LGBTQ+ and feminist activism. In the wake of the Conference, a large number of LGBTQ+ groups emerged in China, though many relied on foreign funding that tends to prefer sponsoring politically focused projects (such as legal advocacy) over community-centered programs (Wang 2021). The 2010s saw a watershed moment in trans-led gender diversity organizing, which helped to bring about both a relaxation

of the requirement to have gender-affirming operative procedures for formal gender change on national identification cards and a reduction of the minimum age for undergoing such procedures (Qian 2016; Wei 2023). LGBTQ+ community groups were able to organize during the leadership of Hu Jintao (2002–2012) (Bernot 2022).

A turn came with Xi Jinping's ascent to leadership in 2012, since when gender and LGBTQ+ politics in China have become considered as increasingly "sensitive" (敏感). Two elements of Xi Jinping's administration are relevant to this article: an overall backlash against civil society and a call for a return to traditional gender roles. The concept of gender essentialism was already present in China's laws and social structures prior to the start of Xi Jinping's rule (Ching et al. 2020; Li and Fabbre 2022). In the social realm, progressive discussion on the realization of gender equality in work, education, the home, and politics is often repressed. The use of sensitive terms such as "feminism" and "#MeToo" can lead to online censorship of comments and accounts (Yang 2021).

In addition to the increasingly restrictive political environment, the COVID-19 pandemic added an additional layer of censorship. Research around the effects of COVID-19 public health interventions on LGBTQ+ communities has revealed amplified intersectional experiences of marginalization (Dawson, Kirzinger, and Kates 2021; Gonzalez et al. 2021). Unequal gender relations and stereotypes, existent prior to the pandemic, have become further entrenched in China as elsewhere (Fisher and Ryan 2021). However, in some instances, COVID-19 has been identified as creating opportunities for gender movements to find each other and connect despite the obstacles introduced by the pandemic and oppressive regimes (Altay 2022; Yang and Zhang 2021). Online gatherings were essential yet increasingly restricted for LGBTQ+ communities in China. While COVID-19 did not add new methods of surveillance monitoring, it legitimized the practices of surveillance between 2020 and 2022, as they became expected as part of the monitoring of COVID-19.

The waves of government-led surveillance activities that build on gender essentialism increasingly overlap to target and discriminate against both feminist and LGBTQ+ groups. Indeed, as the findings of this article show, digital censorship strategies that were commonly used to suppress feminist movements in the 2010s and early 2020s are now being repurposed to target LGBTQ+ groups. To counter an environment where LGBTQ+ communities have been gathering momentum across the country and feminist movements have been enjoying growing popularity among young Chinese people, both feminist and LGBTQ+ activism is now under targeted, "socially sorted" surveillance.

In the theoretical surveillance literature, the process of characterizing and monitoring specific populations via information databases is known as "social

sorting." This process targets some for special treatment and inclusion, while others are treated with suspicion and denied access to public and private goods and services (Lyon 2003, 20). In this article, we use the theoretical concept of social sorting to ask: what has been the effect of these enhanced social sorting surveillance techniques on LGBTQ+ communities in China prior to and during the COVID-19 pandemic?

The article proceeds in four sections. First, we outline the theoretical concept of social sorting and explain China's practice of "sorting" particular populations, such as LGBTQ+ communities, for surveillance. We then present the methodology adopted to document how LGBTQ+ communities seek contact and socialization under strict surveillance conditions. In the third section, we trace the growth of gender essentialism in Chinese laws and policies prior to COVID-19, as well as the intention of these practices to further "sort" LGBTQ+ populations from the cisgender and heteronormative Chinese population, positing an argument for structural, social, and political inequality. Finally, in the fourth section, we identify the impact of COVID-19 on what we identify as the "queer social sorting" of LGBTQ+ communities.

We find that progressive and transformative LGBTQ+ movements already faced many operational challenges prior to COVID-19. Since 2017, the regulatory practices of LGBTQ+ social sorting have been gradually constraining LGBTQ+ communities via norm-setting laws and policies. In turn, these regulatory social sorting measures have triggered continued digital and physical monitoring of LGBTQ+ activist and advocate groups. Such monitoring has often been conducted through direct public security contact with LGBTQ+ groups, and even the involvement of state security actors. LGBTQ+ populations now live in a metaphorical fish tank – visible but restrained through a range of social sorting methods.

The theoretical concept of social sorting

The theoretical concept of social sorting was coined by David Lyon in 2003 and refers to the surveillance and classification of people via information for the purposes of control, governance, security/safety, or profit, depending on the motivation of the authority or organization responsible for the surveilling and classifying. Lyon argued that practices of "everyday surveillance" depend on large information databases, where information can be "sorted" through coding: "[a] surveillance system obtains personal and group data in order to classify people and populations according to varying criteria, to determine who should be targeted for special treatment, suspicion, eligibility, inclusion, [and] access" (Lyon 2003, 20). Lyon's concept of social sorting built on the work of Oscar Gandy (1993), who developed the idea of the "panoptic sort" by analyzing the political economy of information. Gandy highlighted the discriminatory effects of sorting people into various categories for

profit-seeking purposes. Lyon extended that concept to suggest a wider scope of possible applications – from profit seeking to broader governance.

In China, the roots of "sorting" populations based on social categories have been in place since the mid-1950s during the Communist revolution. Most notably, in 1953, the country adopted a classification of target populations to help to closely monitor those suspected of counter-revolutionary activities, "class enemies," and other people who may threaten the Communist regime (Wang 2005, 104). During the reform period in the 1980s, the Ministry of Public Security expanded the scope of the classification to six categories and 15 types of residents that required close surveillance, such as persons suspected of crimes, frequent gamblers, uneducated laborers, and ex-convicts, among others (Wang 2005, 105). The monitoring of target populations remains a priority of public and state security today, though the classifications of target populations change according to national political priorities.

More recent developments of social sorting have been enhanced by mass surveillance capabilities in modern China (Givens and Lam 2019; Shen et al. 2020). Mass surveillance – that is, the large-scale observation of people via data – in China is also increasingly common in the daily lives of people via the merging of separate surveillance capabilities (such as government and private surveillance) in what is known in surveillance studies as "surveillant assemblages" (Haggerty and Ericson 2000). Unlike the monitoring of specific target populations, mass surveillance extends to most of the Chinese population, turning social sorting via data into an aspect of everyday governance (Trauth-Goik and Bernot 2021). As the findings of this article show, mass surveillance, such as digital communications surveillance, plays a significant supporting role in aiding public security actors to monitor LGBTQ+ activists and advocates.

Since its introduction, the concept of social sorting has been used to explain the socio-technical classification of people via practices of gathering data, classifying information, and determining access to goods, services, and even participation in social life. It has been applied in analyses of the physical monitoring and digital surveillance tools used to control ethnic minority populations in Xinjiang (Leibold 2020), quantify political loyalty (Liang 2020), restrict access to housing markets (Wen, Xiao, and Zhang 2017), and govern populations during COVID-19 (Cong 2021), among others. Many of these studies have found that social sorting results in some form of discrimination or disadvantage. Lyon predicted that categorizing people may generate inequalities and discrimination by enforcing the "social power of information" (Lyon 2003, 22). The concept of social sorting is therefore well suited for use in critically evaluating the socio-technical practices of surveillance directed toward LGBTQ+ communities in China. By applying the concept, we contribute a nuanced evaluation of COVID-19 impacts on the surveillance of LGBTQ+ communities within the Chinese national context.

Methodology

We sought to collect individuals' experiences of socio-technical practices of surveillance, based on their LGBTQ+ activism. The interviews were conducted in English and/or Chinese, according to the preference of the interviewees, between December 2021 and March 2022. We asked individuals to describe their experiences of surveillance before and during COVID-19 – specifically between January 2020 (the recognized start of the domestic COVID-19 epidemic) and the date of the individual interview recording – to establish perceptions of discrimination and disadvantage. The sampling strategy was two-pronged, employing convenience sampling building on researchers' existing networks and snowballing from the initial sample group. Personal trust networks were an important factor in obtaining access to our respondents.

We interviewed a total of 26 LGBTQ+ community organizers and activists from 12 provinces, using a semi-structured interview method. All participants were of legal consenting age. Though the sample size is small, we reached marginalized populations distributed across a wide variety of provinces, thus obtaining rare empirical data from China at a time of severe restrictions on critical research (Fuchs, Fuk-Ying Tse, and Feng 2018; Lyer and Suba 2019). The focus on ensuring the safety of the participants meant that people who were not active users of encrypted digital communications channels were not included. Some people refused to take part in the research project, citing police intimidation and burnout, and this reaction was reflective of what interviewees told us about their work.

The sample was purposively diverse in terms of gender, sexuality, and province. It was important to recognize the differences in activist practices between provinces in China and regions outside the large cities. We also ensured that trans and other gender non-conforming voices were fairly represented because these communities face severe institutional and social discrimination in China (Bernotaite, Berredo, and Zhuo 2018). Though full identification of provinces is not possible due to some having a small number of easily identifiable organizations, Table 1 highlights the equal distribution of participants between the three Tier 1 cities of Beijing, Shanghai, and

Table 1. Participant distribution according to sexual or gender identity and geographical location.

Cisgender gay and bisexual men (G)	Cisgender lesbian and bisexual women (L)	Trans women and men* (T)	Gender-queer/-fluid people** (Q)
$n = 9$	$n = 6$	$n = 4$	$n = 6$

Tier 1 cities of Beijing, Shanghai, and Guangzhou	Other provinces
$n = 13$	$n = 13$

Notes: *Participants were asked to specify their identity on the LGBTQ+ spectrum, and the most salient identity category was noted, which resulted in a disaggregation of gender and sexual identities. **One participant identified herself as a cisgender heterosexual woman.

Guangzhou (inclusive of the Guangdong province) and other autonomous cities/provinces.

The ethical principle to "do no harm" in digital interviewing required us to ensure that our recruitment and interviewing strategies were digitally secure and, where possible, untraceable. All interviews were carried out via secure encrypted communications platforms, with only the audio of the conversation recorded; following transcription, the audio recordings were deleted. Signal, Telegram, and Facebook were the key end-to-end encrypted platforms used for interviewing, while some interviews were conducted via Zoom where participants felt comfortable with the encryption level (end to end, unless access provided by a company). Following familiarization with the consent form, participants gave oral consent prior to the start of the interviews. This was done to minimize the amount of sensitive information, such as signed documents, remaining online. Avoiding evidence of digital traces proved to be a crucial consideration for this research project because two respondents reported that the police had previously analyzed their mobile phones and computers as well as those of their colleagues (G5, G9).

Participants' names, organizations, and cities of residence are omitted throughout the article to protect their identities. We requested minimal personal information to ensure that they could not be identified, only inquiring about their self-defined LGBTQ+ identity. Codenames are used to distinguish participants. The ethics approval for this study was obtained from Simon Fraser University (20200126) and Griffith University (2020/229).

Chinese and part-Chinese interviews were translated into English prior to coding. The translation was not double checked with the interviewees to minimize digital traces of the interviews. All interviews were anonymized, transcribed, and inductively thematically analyzed. Three key themes were identified with respect to social sorting effects. First, the majority of interviewees discussed their experiences of formal discrimination and marginalization through laws and policies, followed by their experiences of intimidation and harassment by authorities. Second, they spoke about their determination to survive these conditions and the survival strategies that they adopt. Finally, they explained how the rise of surveillance in association with COVID-19 public health lockdowns has led to further marginalization of LGBTQ+ communities on social media platforms.

Findings

Legal and political dimensions of LGBTQ+ social sorting

This section outlines a timeline of events that respondents identified as constructing structural and political barriers to LGBTQ+ advocacy and activism. It has not been one specific policy or one legal requirement that has shrunk the

space for LGBTQ+ communities. Instead, a suite of law and policy changes in China have restricted the capacity of LGBTQ+ organizers to schedule community events, fundraise, and recruit. Some of these regulatory measures have been direct, such as the "sissy ban" (see Table 2), while others have had indirect effects, such as the two- and three-child policies. The politicization of LGBTQ+ communities within the broader national-level political ideology has contributed to the social sorting of LGBTQ+ individuals and groups.

China's authorities scrapped the "hooliganism crime," "an obvious tool for the regulation of sexuality," in 1997 (Worth et al. 2018, 39). Shortly after, in 2001, the China Psychiatric Association removed homosexuality from the Chinese Classification of Mental Disorders, thus formally depathologizing it. Despite these significant developments, few rights protect same-sex couples in China. For example, same-sex marriage and partnership do not have legal status in the country and same-sex couples are not allowed to adopt children; trans people continue to fight institutional rules that pathologize their identities. In China, trans women may, however, face a paradoxical phenomenon of being exempt from official media censorship – to a certain degree and especially if they are considered to be cis-passing – while simultaneously being subjected to the most severe gender discrimination in popular discourse and policy making (Peng and Sun 2022; Qiao 2022). This phenomenon is best illustrated with the example of the media personality Jin Xing (金星), who has gained mainstream fame through frequent endorsement of traditional gender norms in the media, alongside her upbringing aligned with state values with a father who was a respected military officer in China. As the most visible trans person in the Chinese mainstream media, she speaks of the specificities of the trans community in the Chinese context. In wider society, a 2016 national survey ($n = 28,454$) conducted by the United Nations Development Programme found that only 5 percent of LGBTQ+ people choose to disclose their sexual and/or gender identity in schools, workplaces, or religious communities, and half of the respondents reported experiencing discrimination (United Nations Development Programme 2016). Issues of social and institutional discrimination are disproportionately severe for trans people, who also face high levels of discrimination within the family and encounter the most barriers in accessing social and public services (Bernotaite, Berredo, and Zhuo 2018; Li and Fabbre 2022).

Our interviewees named specific laws, policies, and proposals that have affected LGBTQ+ organizations. We have summarized them via open inquiry through the 26 participant interviews, outlined their rationale, and analyzed their actual effects on LGBTQ+ communities. The participants reported how these laws, policies, proposals, and covert waves of censorship have gradually and cumulatively shrunk the space for LGBTQ+ activism. One interviewee referred to the current situation as allowing "just enough space

Table 2. The regulatory practices of LGBTQ+ social sorting via laws, policies, and proposals.

Name of the law, policy, or proposal and date of coming into effect	Official rationale for the law, policy, or proposal	Impact reported by LGBTQ+ organizers
People's Republic of China Population and Family Planning Law (January 1, 2016) 中华人民共和国人口与计划生育法	This law scraps the one-child policy in China and allows for families to have two children. Furthermore, it removes the wording that previously encouraged "late marriage and late childbearing."	Our interviewees referred to this law together with the *China Statistical Yearbook* (National Bureau of Statistics of China 2021) that found decreasing birth rates despite relaxed family planning policies. Interviewees felt that the reduction in childbearing rates is contributing to the overall repressive environment for women more broadly and LGBTQ+ communities specifically.
The Charity Law of the People's Republic of China (March 16, 2016) 中华人民共和国慈善法	This law is intended to regulate fundraising for charitable activities and to ensure the legal rights and interests of charitable organizations.	This law allows for registered charitable organizations to fundraise but requires social groups and social service organizations to obtain registration certificates issued by the local civil affairs department that indicate their nature as charitable organizations. As our interviewees noted, registering an LGBTQ+ organization is extremely difficult, which means that the law indirectly outlaws fundraising for LGBTQ+ activities.
The Law of the People's Republic of China on Administration of Activities of Overseas Non-Governmental Organizations in the Mainland of China (January 1, 2017) 中华人民共和国境外非政府组织境内活动管理法	This law requires foreign non-governmental organizations (NGOs) to register with the Ministry of Public Security or the relevant provincial-level public security authorities. The law restricts foreign NGO work in the areas of economics, education, science, culture, health, sports, environmental protection, poverty, and disaster relief. Furthermore, the law notes that the scope of activities of foreign NGOs should not harm China's national unity, security, or ethnic unity.	This law has resulted in severed ties between foreign NGOs and the marginalized communities with which they worked directly, such as labor, LGBTQ+, or sex work activists. Foreign NGOs working in the space of strengthening civil society more broadly have struggled to maintain activities and financially support partner organizations.
Notice of the General Office of the State Administration of Radio and Television on Further Strengthening the Management of Cultural Programs and Their Personnel	Radio, television, and online audiovisual cultural programs are perceived to cater to vulgar tastes and styles and need to be rectified to "satisfy the public's spiritual and	This notice is referred to as the "sissy ban" by community organizers. While the notice targets a broad spectrum of effeminate representations of masculinity, among the

(Continued)

Table 2. Continued.

Name of the law, policy, or proposal and date of coming into effect	Official rationale for the law, policy, or proposal	Impact reported by LGBTQ+ organizers
(September 2, 2021) 国家广播电视总局办公厅关于进一步加强文艺节目及其人员管理的通知	cultural needs." This notice bans what are perceived to be overtly effeminate representations of masculinity.	LGBTQ+ communities, gay men and trans women have been the most affected. Many have seen online content removed or censored on popular platforms such as BiliBili, Weibo, and WeChat.
Notice of the General Office of the Ministry of Civil Affairs on Strengthening the Management of the Special Fund of the Business Supervisor Foundation of the Ministry of Civil Affairs (July 12, 2021) 民政部办公厅关于加强民政部业务主管基金会专项基金管理工作的通知	This notice states that "[t]he business field of the special fund should be consistent with the business scope of the foundation, focus on the main business, and avoid broadness and ambiguity." The notice sets forth a requirement for detailed meeting minutes, requests for audit, and control of donations received, and links the donor's social credit with their donated funds. The latter effectively links the social credit of the directors of funding bodies with the activities of the recipient organizations.	As a common strategy for avoiding censorship of activities, LGBTQ+ organizations often undertake activities that fit with the official language (such as gender equality), and then conducted specific LGBTQ+ activities – a tactic that this notice effectively outlawed. One interviewee also reported losing donors who did not want to be associated with "sensitive" LGBTQ+ activities following the release of the notice (Q5).
Ministry of Education Proposal on Preventing the Feminization of Male Adolescents (Proposal submitted to the Ministry of Education in January 2020) 关于防止男性青少年女性化的提案	This proposal called for the employment of a larger number of physical education teachers who could "cultivate student masculinity." The proposal encouraged research into "adolescent mental health education," promoted the role of the family in "the construction of the spiritual home of teenagers," and problematized the "influence of [an] internet celebrity phenomenon." The Ministry of Education responded to the proposal in January 2021, confirming that it will "cultivate students' masculinity" by supporting further staffing of physical education programs in schools, improving physical education evaluations, carrying out health education, and increasing humanities and social science research into "adolescent mental health education" (Ministry of Education 2021).	This proposal clearly put forth a plan to develop research and education on instilling binary gender norms in adolescents via secondary education. When the proposal is implemented, it will institutionalize resistance against individuals' expressions of gender non-conformity and clearly disadvantage members of the LGBTQ+ community, in particular people assigned male at birth.

to survive" (G2). Table 2 outlines the specific laws, policies, and proposals mentioned by interviewees and their intended and actual impacts on LGBTQ+ communities.

Some of the new policies have directly targeted LGBTQ+ communities, in particular people who were assigned male at birth and their perceived "feminization." For example, the nationwide Notice from the National Radio and Television Administration (2021) banned the representation of effeminate men from radio and television, effective from September 2, 2021. This notice used charged patriotic language, stating that "thoughts and values have diverged from the Party and the State" and urging the country to eliminate "abnormal aesthetics such as 'girly men.'" Widely referred to as the "sissy ban" by community members, reclaiming the derogatory language of the authorities, the ban has affected LGBTQ+ communities, in particular gay and bisexual men and trans women, who especially relied on online community spaces during the pandemic lockdowns. One trans woman has lost her social media accounts (T1), while other interviewees reported feeling stress as minorities (G1, G2, G3, L1) and feeling othered by national decision making (T3). Blamed for not fitting in with the moral values of Chinese society and labeled as out of line with the "national aims of the Party and the State," LGBTQ+ activists have received a clear message that they are an unwanted part of society:

> LGBT as a topic is seen as a destabilizing factor in society, especially given the unprecedentedly high value afforded to the family in China … Current decision makers, they don't really understand LGBT issues, so they just see the LGBT topic as something against family values. (L3)

Other policies have had indirect effects on the community. Women have felt under pressure to have children, and that pressure is doubled for cisgender women in same-sex relationships. This is an example of gender essentialism overlapping with compulsory heterosexuality. Marriage and birth rates have plummeted dramatically in China despite the government scrapping the one-child policy in 2018 and even introducing a three-child policy in 2021 (Ren 2022). While the Party-state has done little to address the socioeconomic factors of work and economic pressures that underlie the declining birth rate or to create equitable parenting policies, it has applied direct pressure on women with respect to childbearing. One of our participants caustically commented:

> China is going insane right now – they are trying to put women back in home, so that they produce more babies for the GDP [gross domestic product]. Some of my friends, who are Party members, are getting calls from the Communist Party saying: "Are you having plans to have kids? Don't make up excuses to not have kids." (L1)

Norm enforcement through a suite of government policies has proven to be prescriptive and prohibitive. LGBTQ+ organizers have observed and

experienced enforcement through police monitoring, intimidation, and online censorship (discussed in detail in further sections). Between 2020 and 2022, most activists resorted to reducing the number of activities undertaken by their organizations, closing their organizations down, emigrating, or shifting the focus of their advocacy and activism to activities that are deemed less sensitive (such as mental health support services and community fitness activities). One of the interviewees, who worked in LGBTQ+ activism for seven years prior to leaving China in late 2021, commented:

> The days of … activism are gone, that period has gone … If you raise your flag, probably you will drag us down in the water. We should really act and think strategically – what we need to change, sustainability [of activism]. And in this winter, if we see people as lotus seeds, they can remain like [that] for a thousand years. Once the climate is right, they can [be] reborn. (G1)

The Chinese Party-state has created a socio-legal space in which LGBTQ+ communities have been gradually suppressed through institutional regulatory measures. Interviewees identified that such social sorting practices were gradually introduced in 2016. By employing this strategy of implementing repressive laws and policies that restrict queer communities, the Chinese Party-state has reduced the space for LGBTQ+ organizing, while simultaneously stressing that China is a country of strong "rule of law" (依法治国). Under Xi Jinping's leadership, regulatory social sorting has been facilitated through the "double-speak" of rule of law – the concept of ruling the country in accordance with the law, but where the law is used to validate an existing governance agenda (Trevaskes 2018). The Party-state has adopted the tools of socio-legal sorting of LGBTQ+ communities to justify a clear, targeted, and sustained suppression of LGBTQ+ organizations, all within the country's emergent framework of laws and policies.

Law enforcement monitoring and harassment

In China, the Ministry of Public Security is driven by the principle of "maintaining social stability" (维稳) – an underlying concept of public security. Since homosexuality was decriminalized in 1997 and depathologized in 2001, LGBTQ+ communities have been mapping the line in the sand between legality and illegality. Our research finds that the regulatory constraints directly and indirectly placed on LGBTQ+ populations have legitimized monitoring and harassment by public security actors. Social network analysis, social media monitoring, and coercive investigatory practices are commonly adopted to control LGBTQ+ groups.

Every interviewee in this study had either personally experienced receiving an "invitation" to visit the police station – otherwise known as "drinking tea" (喝茶) – or knew another LGBTQ+ community organizer who had been

contacted by the police in the previous two years. Most of the participants reported having a close familiarity with the local police officers who were "responsible" for them, meaning assigned to constantly monitor them – and some with state security agencies.

Apart from the more common strategy of "drinking tea," participants reported their friends leaving LGBTQ+ activism due to receiving police calls to their home and police visiting their parents as a strategy of intimidation. One participant was alarmed when police officers visited their parents and warned them that their child should not be accepting "foreign funds" (Q1). Many interviewees reported further intimidation by police contacting community volunteers (G8, Q4) or the parents of LGBTQ+ organizers (T1, Q1). Some reported more extensive police interrogations, involving requests to disclose the names of other activists (T3, G2); the copying of content on laptops, mobile phones, or hard drives (G2, Q4); the escalation of matters from the level of the local police to state security; and the coercion of organizations into ceasing their activities (G8, L1, T1).

> So the Shanghai police, they wanted to find me … but they couldn't just connect [with] me directly, so … they came to find my parents … They asked the local police to come find my parents and my dad went to the police station … They said: "Don't accept money from someone else, … [it] is potentially dangerous for China." (Q1)

> At that time [the police] took away a lot of people, one of them was my colleague … They try to find out all the connection[s] between people and find out the evidence, so they are quite aggressive during that time … They took all the devices when they took him away. I think they also took other people's laptop[s], cell phones too … They have all the info, like work record [s] of this organization, so … are trying to know everything about all the work we have done … Of course, they asked him to stop getting funding from outside of China. (G2)

> The police called our landlord, telling them that we were an illegal organization and … not to rent the place to us anymore. The landlord, who actually sublets to us, they know our situation and told the police that we will go and get the organization registered … Instead, the police called the owner of the property … Then our organization closed down and ceased all activities. (T3)

> We have been surveilled by state security staff for more than ten years, so it's very difficult for us. The difficulty that we have faced in the previous few years has been to do with volunteers – the state security staff search for them too … Because of this, many volunteers cannot attend our activities and we've had to stop many activities. (G8)

The police have unique strategies for intimidating international LGBTQ+ activists. One interviewee reported a prominent activist's Chinese work visa being revoked and the affiliated group being charged a large sum of money for holding a community activity that had previously run for many

years (L2). In one of the most invasive instances of police intimidation, one participant's home was bugged by plainclothes police dressed as telecom staff (Q1). This interviewee left China after their report on the Chinese trans community was censored and the affiliated organization's offices were searched by local police. For international community members, such tactics of intimidation can be extremely effective because a Chinese work visa requires annual renewal:

> If you are [a] foreigner, they will threaten you that if you keep doing this, you are not coming back to China. If you are Chinese, they will be like: "We are just gonna keep calling your mother, your father, your entire family, [your] place of work." (T1)

Many community members reported feeling depressed, anxious, and oppressed by the recent changes in the broader political environment. Under extreme stress and pressure, two interviewees said that they had taken to directly scolding the police in person or over the phone (T1, G8). Such tactics were only effective for a one-off conversation, with persistent police and/or state security monitoring ensuing.

This research finds that the police have adopted both legal and extra-legal strategies of enforcement to control LGBTQ+ organizers. Extra-legal tactics (such as invitations to "drink tea") are sometimes linked to legal measures (such as financial penalties); however, most police and state security control strategies specifically target LGBTQ+ communities without a particular legal basis. This article shows the depth and breadth of LGBTQ+ suppression in China and the dangers for those involved.

Surviving within the socio-political parameters of the Party-state

The survival (生存) of LGBTQ+ communities was a key topic that emerged in the interviews. Confronted by a multitude of strategies including digital surveillance, gendered nationalism, frequent police threats, interventions in community events, and individual threats, surviving rather than thriving was a key priority for the research participants. Those who have done so successfully have learned to live within the parameters of Party-state control by carefully navigating the online discourse, maintaining a courteous relationship with the police, and prioritizing the care of community members (rather than activism).

One interviewee reported how LGBTQ+ organizations perpetually pivot from one newly banned activity to another, finding themselves between a rock and a hard place:

> For example, there's one event that was canceled … two or three times; … it's a big event and we need to organize about 50 people – … 20–30 participants and also … 10–20 volunteers – but then it's closed down once again and again and

again … It's … slow killing. It's … they don't kill you directly but they just … exhaust you until you have to stop working on your own. (L4)

Two key strategies employed are, first, reducing advocacy and activism activities and, second, using publicly funded work on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) prevention in the men who have sex with men (MSM) community to serve more vulnerable members of that community. Larger community organizations that aim to increase the visibility of LGBTQ+ people through activism and advocacy have suffered more substantial organizational blows; some have had to close, while others have restructured their key activities from activism and advocacy to something that could be considered less rights based and thus less sensitive. For example, HIV/AIDS services have remained an officially accepted public health activity that could provide a front for LGBTQ+ community gatherings, and LGBTQ+ professional training has replaced activism and advocacy. Some interviewees stressed that during a period of intense surveillance, it is important to take care of their staff and community volunteers by prioritizing their mental health and rest, when required (G4, L5, T2, T3).

Interviewees perceived an organization's formal registration status as the most salient criterion of its ability to survive in the changing socio-political climate. Reliance on domestically raised funds instead of working with international funding bodies was identified as a criterion for reduced surveillance because the police cannot formally determine the illegality of an organization's activities. However, the registration process in the current political climate was seen as near impossible by all organizations across China. Interviewees reported the rejection of applications submitted (L3), quotas for different types of organizations (L3, G3), and the need to have an insider within the government bureaucracy (L2, L3). Following successful registration, however, organizations can formally manage their relationships with the local police and fundraise.

HIV prevention and care work remains one of the ways in which LGBTQ+ communities can access government funding and support for community activities. The Chinese Center for Disease Control and Prevention (CDC) classifies HIV and AIDS as "Class B" infectious diseases, which are among the most difficult to cure (Chinese Center for Disease Control and Prevention n.d.a). The National Center of AIDS/STD Control and Prevention, which is affiliated with the CDC, recognizes engaging the MSM community as an important intervention group (Chinese Center for Disease Control and Prevention n.d.b). Due to this official recognition, MSM community members can register their organization, obtain government funding, and enjoy access to publicly funded community spaces. One of the community organizers in a prefecture-level city explained how their activist group works: "We only report limited

activities to the government … We may not report some of our support for human rights activities, such as our organization's plan to support female sex workers" (G5).

The medicalization of the MSM community, however, has come at a social cost: the public is only able to see it through the lens of medicalization. The anti-homosexual narratives of the Party-state, bolstered by its HIV/AIDS policies, have resulted in the linking of homosexuality with HIV/AIDS and further enforcing social fear and stigmatization (Li et al. 2012; Wong 2015). Effectively, this linking has controlled the representation of queerness by reducing it to medicalized spaces. Haiqing Yu (2016, 22) calls this "a strategy of essentializing the HIV-positive 'other' as 'unruly' and 'distanced.'" The MSM–HIV/AIDS linking strategy helps to explain why sex workers, internal migrant workers, and people who inject drugs are not provided with adequate HIV/AIDS testing and treatment (Torcetti 2019); their existence does not fit the ideological line of the Party-state and thus it is potentially damaging to publicly acknowledge them.

COVID-19: a pandemic to legitimize LGBTQ+ community surveillance

The impacts of the COVID-19 pandemic and increased surveillance have had varying effects on LGBTQ+ communities and organizations. The immediate effects of COVID-19 were prolonged lockdowns in most parts of the country, which moved LGBTQ+ communities' activities online. As the communities were learning to live with the pandemic and with the changing activism landscape between hybrid physical and digital spaces, they were faced with new challenges: continued online censorship, targeted waves of LGBTQ+ social media account removals, and vicious trolling, sometimes with the intention of capitalizing on the spread of online hate. The authorities used COVID-19 as a politically neutral excuse to discourage physical gatherings.

The direct impacts of COVID-19 were twofold: at the individual level, LGBTQ+ communities required increased levels of mental health support, exploding the demand for mental health hotlines (L5, G9); at the organizational level, community organizers had to pivot and adapt their activities to an online format. Some were able to reinvent themselves and adopt innovative online engagement strategies, such as building mobile apps (L3), while others took a long break, noting that online activities were not popular among the communities that they served. Trans community organizers reported the most severe impacts on trans people resulting from COVID-19 lockdowns: suffering domestic violence when in lockdown with their families (T1, T2); struggling to find casual employment (T1); dealing with initial shortages in the supply of hormone replacement medicine (T1, T3); and

coping with the inability to travel overseas to access gender-affirming surgeries due to extended lockdowns (T4), soaring flight costs (T4), and strict COVID-19 management policies (T3).

During the pandemic, a large part of our lives shifted to the online world, which contains its own social sorting processes involving censorship and monitoring tools. In 2014, Xi Jinping addressed the Central Committee of the Communist Party, stating that "[i]nternet and information security bear on state security and social stability and pose new challenges for us, in many aspects" (Xi 2014). Internet providers have been involved in the control of information in China, which includes monitoring banned topics (such as the Tiananmen Square massacre) and enforcing the sharing of all information with public security bodies (Creemers 2015). The popular social media platforms WeChat and Weibo are a double-edged sword: they enable users to reach broad and varied audiences and thus connect and build communities, while simultaneously contributing to government censorship and surveillance:

> It's not possible to deny that WeChat … make this information known to the government. (L5)

> When I worked for [telecom provider], my job was to collect all of the information from online communications and transfer a copy to the Ministry of Public Security. (Q5)

The move to online activities brought new challenges because the virtual spaces further socially sorted LGBTQ+ communities and their online content. In July 2021, WeChat suddenly banned hundreds of accounts belonging to LGBTQ+ student groups from various tertiary education institutions. Outside of the digital space, some tertiary education providers informed their student groups that they were considered "illegal organizations" if they were not registered as formal student societies (G9). Some student groups have been able to open new WeChat accounts and repost their content with some level of self-censorship as well as with cautious content backups; others have come under further pressure from their universities and did not reopen their WeChat accounts or continue their student activities. One participant explained how his organization understood what the sensitive words were:

> [I]n the past, only [a] certain kind of keyword … will be banned. But it's very, very rare because you always have a way to avoid it, like just changing the characters. But … they can now ban, like, tonnes of related keywords; they can automatically censor the account … Gay- or lesbian-related video might be blocked automatically on TikTok China. Yeah, so now they don't say "gay," they don't say "LGBT community," they only say "rainbow community." (G6)

In addition to censorship, some participants reported an online environment that has seen increased divisions between nationalist social media accounts and

accounts that post LGBTQ+ content (G1, T3, T4). These concerns have been pronounced among feminists in recent years; researchers of Chinese social media have found that explicit feminist activism is now censored in both offline and online spaces (Mao 2020), replicating sexist dynamics through macro-level issues of gender oppression and gendered practices and relations at the micro level (Yu 2020). In 2017, in the wake of China's #MeToo (#米兔) movement, feminist activists saw their WeChat and Weibo accounts closed, and some reported police intimidation (Wang 2017, 152).

Similar strategies have been applied to restrict LGBTQ+ content on social media; simultaneously, online trolls and ultra-nationalist online accounts have been allowed to function as normal, with some seemingly aiming to attract more online traffic to their micro-sales channels (T4). Consequently, non-politically affiliated actors are both the objects and subjects of digital censorship, voluntarily using established reporting pathways, in what Zhifan Luo and Muyang Li (2022) call "participatory censorship." One community organizer reflected on the toxic nature of this social media dynamic:

> In the end, we become a consumption tool. I just feel quite furious. On the one hand, you are not allowed to raise your own voice. On the other, you also become a tool for others to make money. It makes me really, really, really furious. (T4)

In some cases, interviewees were unsure whether certain policies were specifically targeting their activities, such as invoking the risk of COVID-19 as a means of reducing the number of social gatherings (G7, T1, L3). Such gatherings are an important part of community building and, for some members, the only spaces in which they can be their authentic selves. Some interviewees felt that COVID-19 restrictions were a convenient excuse for the authorities – most often the local police – to indirectly ban community events without direct conflict (G7, T1, L3).

While the direct impacts of COVID-19 have forced LGBTQ+ organizations to restructure, the online space has become both a means by which the government can suppress the dissemination of illicit information and a void that can be filled with state-approved content. Digital censorship and surveillance are a way to implement the broader strategy of social sorting for what is allowed and encouraged (ultra-nationalist content) and what is not acceptable (feminist and LGBTQ+ content). Following the peak of the pandemic wave, COVID-19 has served as an excuse for police departments to ban in-person LGBTQ+ community activities and justify data-based surveillance.

Discussion

In LGBTQ+ activism in China, a gray area exists between what is legal and what is allowed. Prior to 2017, LGBTQ+ activists were able to discern the

line in the sand when they experienced either of the two common police intimidation strategies: being invited to "drink tea" at the police station or receiving a phone call about ceasing an activity. In this way, communities adapted to protect their activities by organizing them via encrypted communications platforms and not announcing new activities at sensitive times, such as on June 4 (the anniversary of the Tiananmen Square massacre), or any large-scale national meetings. However, since 2020, police monitoring and harassment have become significantly more extreme.

This article shows that LGBTQ+ community groups and individuals recognize that they are socially sorted through a suite of legal changes and practices of censorship and surveillance, both online and offline. The persistent nature of queer community monitoring suggests that LGBTQ+ groups face structural discrimination. Participants noted that designated police officers monitor the daily activities of organizations (L1, Q5), reschedule meetings when some events or activities are deemed too sensitive (G7, T1, L3), and request the names of other community organizers whom they could surveil (T3). Some participants even expressed empathy toward the police officers assigned to watch them. A community organizer who has worked in the space for over ten years commented: "I also understand them [the police officers]. They also need to report to their supervisors" (L3). The COVID-19 pandemic created a "legitimate" opportunity for government and police to surveil and regulate LGBTQ+ communities.

The significant contributions of this article are twofold: first, the article contributes empirical data of LGBTQ+ community organizing from the field and, second, it adds to the literature on social sorting by showing how a mix of regulatory measures and digital and physical surveillance strategies can be used to operationalize lawful discriminatory social sorting. Having constructed a regulatory environment of rules and policies that restrict LGBTQ+ groups, the Chinese authorities can legitimately and lawfully monitor and harass them. Public and state security actors often cite relevant fundraising and formal registration requirements when confronting LGBTQ+ groups on their work, omitting to mention that those requirements are nearly impossible for queer organizations to meet. This study adds depth to the theoretical concept of social sorting from a queer perspective, showing how targeted data-based surveillance can be linked to a formal suite of national laws and policies in China.

The key limitation of this study is linked to our concern with ensuring the safety and non-traceability of our conversations with participants. By only interviewing participants via encrypted communications platforms accessible from China using a virtual private network (VPN), the study could only recruit those who already had access to these platforms. This default requirement may have limited the number of LGBTQ+ activists to whom we were able to talk, in particular those from rural areas and from

marginalized trans communities. Though our recruitment strategy may have limited the sample size and diversity of LGBTQ+ activists who talked to us, it was crucial to ensure that the research participants were protected. Future research could focus on filling these gaps in the story and safely recruiting activists from smaller non-registered groups to understand the specific issues that they face.

Conclusion

This article draws from China studies and surveillance studies to paint a picture of LGBTQ+ advocates and activists and the intersectional challenges that they faced prior to and during the COVID-19 pandemic. While the pandemic has disrupted most organizations and become a convenient excuse for the police to ban community activities, the broader, sustained socio-legal social sorting strategy of categorizing queer activities as "immoral" and "unpatriotic" has suppressed LGBTQ+ communities during Xi Jinping's leadership. Furthermore, the representation of queer communities is now tightly controlled within physical and digital spaces that are allowed by the Party-state. The state project of gender binary norm setting and LGBTQ+ exclusion has intensified under Xi Jinping's administration. COVID-19 has accelerated and legitimized surveillance-based social sorting that was common prior to the pandemic. The Chinese authorities exercise total domestic control while maintaining public decorum on matters of gender and sexuality.

Future research needs to focus on whether the Party-state will move to criminalize numerous activities of LGBTQ+ community activists and advocates in China, without directly identifying their LGBTQ+ status as the reason for such criminalization. External (international) assistance to support civil society resistance inside China must be based on an understanding of what can actually help and what instead may further endanger LGBTQ+ communities.

Note

1. The abbreviation "LGBTQ+" can be broken down into its constituent elements when discussing particular groups within LGBTQ+ communities, such as "LBT" (women of diverse sexual orientations and gender identities). In this article, we use the terms "LGBTQ+" and "queer" (酷儿) interchangeably.

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