

Finding the “Humanity” in Human Rights: LGBT Activists and the Vernacularization of Human Rights in Hong Kong

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Through an ethnographic analysis of Hong Kong LGBT activists’ fight for a gender recognition ordinance (GRO) that would simplify the process for transgender Hongkongers to change their legal gender, a paradox emerged: Why was a human rights framing of LGBT issues problematic when human rights were central to locals’ understanding of what it meant to be Hongkongers? Local LGBT activists’ vernacularization of human rights—or the process of localization of international human rights law into culturally relevant frameworks—hinged on reframing the need for a GRO as a matter of humanity, not human rights law. Relying on citations of human rights law among “ordinary citizens” violated the existing ways in which Hongkongers talked about human rights as a method of distinguishing Hong Kong from the rest of the People’s Republic of China. Furthermore, this need to differentiate emerged from the 2014 Umbrella Movement in which prodemocracy activists occupied various urban centers in Hong Kong for seventy-nine days. The Umbrella Movement caused a shift in which ordinary citizens became responsible for each other and defending what made Hong Kong unique. Ultimately, the vernacularization process requires closer attention to the ways in which human rights are being talked about on the ground.

“Jankyun’ mean matje?” (What does “human rights” mean?) I asked Gaa Sin, a “local” woman who was marching in the Hong Kong LGBT Pride Parade.¹ “Jankyun’ aa? Jankyun hai hoenggong. Hoengongjan jau jankyun, daailukjan mou” (Human rights? Human rights are Hong Kong. Hongkongers have human rights, [but] the mainland Chinese don’t), she responded.² Gaa Sin was not an LGBT activist, but she had come to the 2017 Pride Parade to be with other members of the LGBT community in what was both a social event and a political call for equality for all

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1. It is important to note that for many Hongkongers who use Cantonese in their daily lives, using only Cantonese seems strange, unnatural, and stilted (Chen and Carper 2005). Instead, many Hongkongers code-switch or mix English and Cantonese while speaking with each other.

2. I use the Jyutping method to transliterate Cantonese, which was developed by the Linguistic Society of Hong Kong in 1993 (Kataoka and Lee 2008; [The Linguistic Society of Hong Kong](http://www.lshk.org.hk) n.d.). There is neither a universally used nor an official method of writing Cantonese in the Latin alphabet.

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LGBT Hongkongers.³ This idea that human rights were something that Hongkongers possessed and that differentiated them from mainland Chinese people just across the Hong Kong Special Administrative Region's (HKSAR) border to the north was frequently discussed by both LGBT activists in Hong Kong and members of the general population. Activists also identified this understanding as one of the great struggles of working toward equality because despite their framing of LGBT issues as human rights issues within their organizations and among themselves, many felt that they could not use the language of human rights with “ordinary citizens” to fight for a better life. Instead, they needed to reframe their work as a matter of “humanity.”

Why did local activists believe that talking about “human rights” or *jankyun* was prohibitive when trying to work with everyday Hongkongers? Why did these same activists also not shy away from using human rights discourse (general talk about “having human rights” without referencing or acknowledging international human rights instruments) and human rights law (a concrete and direct citation to the treaties on which the human rights system is built, as well as the reports and opinions produced by the various arms of international and regional governmental organizations) when communicating with the HKSAR government, the United Nations, or overseas funding agencies? Finally, why was a human rights framing of LGBT issues problematic when human rights were central to locals’ understanding of what it meant to be Hongkongers? Three years later, these questions are particularly important given the resurgence of the pro-democracy movement in the territory and the thousands of Hongkongers taking to the streets in what they see as an effort to protect their human rights.

When I began my fieldwork in late summer 2017, two camps of LGBT activists were fighting for a gender recognition ordinance (GRO) that would simplify the procedure for transgender Hongkongers to change their legal gender. One were the “locals,” a group of primarily working-class and lower-middle-class ethnic Chinese Hongkongers who primarily, though not exclusively, spoke Cantonese. The other were “expats,” a group of expatriates from Europe, North America, and Oceania and middle-class and wealthy ethnic Chinese Hongkongers. Expats, unlike locals, primarily used English in their work, social, and activist lives, although those expats who were born and raised in Hong Kong could speak Cantonese. Though activists used these *emic* categories to describe both their own identities and the forms of activism they participated in, they were not fixed and some eschewed them altogether. Across Hong Kong and across these two primary camps, lesbian, gay, and bisexual activists worked alongside trans activists on efforts to convince the government to pass and for ordinary citizens to support a GRO. Similarly, many of the trans activists also lent their support to lesbian, gay, and bisexual activists in their fight for a sexual orientation, gender identity, and gender expression antidiscrimination ordinance (SOGIEDO).

3. Although the academic trend has moved away from referring to this community as the “LGBT community” and toward the “queer community,” many of my interlocutors prefer and refer to themselves as “LGBT.” Although this term raises some issues about erasure, as queer and trans scholars have previously addressed, I use LGBT because it is what my interlocutors used most often, both in English and in Cantonese (see Stryker 2004; Valentine 2004; Boellstorff 2007). There were, of course, other terms that LGBT Hongkongers used, such as *tungzi* (literally, comrade), but *tungzi* most often referred to what best corresponds to gay (and sometimes bisexual) men (Chou 2000). LGBT, on the other hand, was often used as an umbrella term that covered a much larger group of people.

In this article I argue that local LGBT activists’ vernacularization of human rights hinged on reframing the need for a GRO as a matter of humanity, not human rights law. Relying on citations of human rights law in public-facing advocacy violated the existing ways in which ordinary citizens talked about human rights as a method of distinguishing Hong Kong from the rest of the People’s Republic of China (PRC). Furthermore, this need to differentiate emerged from the 2014 Umbrella Movement in which prodemocracy activists occupied various urban centers in Hong Kong for seventy-nine days. Many of the local LGBT activists I worked with were deeply involved in the Umbrella Movement, or the “Occupation” as many of my interlocutors referred to it, as were a fair number of the ordinary citizens who were not involved in LGBT activism. Ultimately, the Umbrella Movement caused a shift in which ordinary citizens became responsible for each other and for defending what made Hong Kong unique.

Human rights have become a “core value” to Hongkongers and are critical to their self-identification (see, for example, Ng 2009; C. K. Chan 2014; S. C. Chan 2015). Before the British left Hong Kong in 1997, the final governor of Hong Kong incorporated the International Covenant on Civil and Political Rights (ICCPR) into the Basic Law (Carroll 2007). Yet, it was not just the domestication of human rights law that Hongkongers held to be important. Human rights discourse was a fundamental part of defining what it meant to be from, in, and of Hong Kong. In my research on the vernacularization of human rights, or the process of translating human rights into local contexts, I found this discourse to be a double-edged sword. When expat LGBT activists engaged with human rights law to advocate for trans Hongkongers’ rights of privacy, bodily integrity, and nondiscrimination, the activists’ connections to Hong Kong were questioned.⁴ Their attempts to mobilize human rights or jankyun (depending on if their work was in English or Cantonese) were not undertaken in an attempt to distinguish Hong Kong vis-à-vis the PRC and, thus, were interpreted by many Hongkongers as an attempt to use “foreign law” to solve local disputes. Ordinary citizens’ displeasure with expats’ use of foreign law was not restricted to passing the GRO or other trans issues, but also focused on other issues pertaining to the broader LGBT community, such as a SOGIEDO and recognition of same-sex partnerships. Instead, activists who worked to vernacularize their human rights claims as calls to a shared humanity were able to lay claim to an “ordinary [Hong Kong] citizen” identity.

I use the campaign to pass a GRO as a means to analyze how different groups of activists understood ordinary citizens’ conceptualizations of human rights broadly. The vernacularization process, which is analyzed in greater depth in the following sections, is part of a growing literature that analyzes in precise detail how “translators” work to explain international human rights laws and norms to vast and varied communities, as well as to reframe the experiences of these communities into the recognizable language of international human rights for the United Nations or regional governmental organizations (Merry 2006a; Englund 2006; Goodale 2007; Morreira 2016; Holcombe 2018). Perhaps unintentionally, centering the vernacularization of the rights contained

4. These rights are found in the International Covenant on Civil and Political Rights (ICCPR), a primary source of expats’ human rights framing. The ICCPR, however, does not contain any specific LGBT rights. With a lack of international protections for LGBT people, many expat activists reinterpreted the rights contained in mainstream international human rights treaties to apply to trans-specific issues.

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in international conventions such as the ICCPR or the International Covenant on Economic, Social, and Cultural Rights (ICESCR) conjures up images of locals unaware of what human rights are. My intervention, however, demonstrates that the vernacularization process requires an understanding not only of local and international disputing and framing, but also of the ways in which human rights are being talked about on the ground. Vernacularization is not a simple linguistic translation from “human rights” to jankyun in the case of Hong Kong. Instead, translators also must contend with human rights’ polysemic and multivalent nature on and across multiple levels. The human rights of the “cultureless” halls of the United Nations may connote something very different outside of diplomatic circles, even if human rights has been translated in exacting detail into a local language.⁵ In Hong Kong, not recognizing the very specific work that jankyun (human rights) was doing meant that the use of jankyun in other manners, namely to argue for a GRO, was a failure in vernacularization.

In light of Stephen Hopgood’s argument that we are in the “endtimes of human rights” (Hopgood 2013; see also Hafner-Burton and Tsutsui 2005; Moyn 2010; Hafner-Burton 2013; Posner 2014), my research demonstrates the need to reconceptualize the use of human rights. The discourse of human rights law—which I consciously differentiate from human rights discourse—as a panacea may have led to the immense disappointment that many activists, politicians, and scholars have felt when human rights law did not, in theory or practice, provide solutions to many of the world’s ills. Looking at how people talk about human rights, however, unveils new forms of use. The invocation of the potentially ideologically charged “human rights” may lead to the application or adoption of human rights law, but it may also be used to make normative judgments about political systems and governments, to justify military intervention, or to give rise to xenophobia. Some scholars might presume that human rights are “good” in that they provide frameworks through which all people should be able to access certain protections. I take a more nuanced view, however, in looking at how the discursive effects of human rights have the potential to exclude mainlanders and, in some cases, justify nativist rhetoric (see S. C. Chan 2015; S. K.-L. Chan 2017; Lam 2018; Ho 2019 on the rise of nativist rhetoric in Hong Kong).

METHODOLOGY AND BACKGROUND

Before I can demonstrate how local activists used humanity to argue for a GRO and why it was necessary to do so in a post-Umbrella Movement Hong Kong, it is important to provide further clarification on how local and expat activists identified themselves and others. This article draws on fourteen months of fieldwork in Hong Kong with the principal portion done between August 2017 and August 2018. I collaborated with self-identified LGBT activists who primarily worked with three different organizations: Queer Union, Rainbow Pride, and Transgender Empowerment.⁶

5. Sally Merry (2006a) also critiques the idea that the United Nations is cultureless, noting that though international diplomats may argue that culture exists outside of its buildings, there is a particular *habitus* within the United Nations that may best be described as its own culture.

6. The names of these organizations, as with the names of all of my interlocutors, are pseudonyms to protect their anonymity.

Although the focus of this article is on gender recognition and on a campaign to simplify the processes through which trans Hongkongers could align their legal gender with their gender identity—provided the trans person’s gender identity conformed to a binary understanding of gender—the activists whose work I analyze represented the entirety of the LGBT community. Queer Union and Rainbow Pride were organizations run by cisgender lesbians, gay men, and bisexual people, but their focus was not solely on the LGB community. Transgender Empowerment, on the other hand, was run by a trans woman and a trans man, and while their main focus was on trans issues, they occasionally worked on LGB issues, too. As Betty, one of the leaders of Transgender Empowerment, told me, “There aren’t enough transgender people in Hong Kong, and certainly not enough transgender activists, to do this work alone. Working with LGB people means we can help them with things like an antidiscrimination law and they can help us with gender recognition.” Betty’s history of activism included being the only trans woman to run an LGBT organization in Hong Kong, rather than an organization primarily devoted to trans issues. It was her hope, she told me, that when she left that organization, she could call on the networks that she had built within the lesbian, gay, and bisexual activist circles for support when she cofounded Transgender Empowerment.

Having been a queer activist in my previous career and as an attorney who specializes in human rights, I used these experiences and skills to work and collaborate with my interlocutors and their organizations. During my year in Hong Kong, I volunteered with the three organizations (see Jean-Klein and Riles 2005; Sharma 2006 on anthropologists’ involvement within activist communities). For the Cantonese-dominant groups Queer Union and Transgender Empowerment, I helped them prepare funding compliance reports, search and apply for new grants, and write and edit English-language submissions to international and governmental bodies. Although we were able to communicate in Cantonese and English, many of these local activists were unsure of their English abilities, pointing to their working-class backgrounds and lack of access to prestigious education as reasons for what they believed to be their faulty English. For most of my work with these Cantonese-dominant organizations, I was closely supervised and the work that I produced was edited heavily to ensure that I, as a white-presenting American, had not failed to capture their local perspectives.

Working with the English-dominant organization Rainbow Pride, however, was a very different experience. The organization was made up of lesbian, gay, and bisexual people from around the world. Expatriates who had primarily moved from Europe, North America, and Oceania joined with middle-class and wealthy ethnic Chinese Hongkongers to produce an activism that was done first in English and then translated into Cantonese (spoken) and Chinese (written).⁷ Here, too, I was asked to research and write reports, although my work was only minimally altered before it was sent out to its

7. I recognize the problematic nature that “expatriate” has in popular discourse, namely that it is only used to refer to white, economically well-off migrants. This definition usually excludes Black and Brown migrants, as well as the poor and those fleeing violence. I use the term “expatriate” here because that is the terminology that my interlocutors use and they also follow common understandings of the term. There are significant communities of South and Southeast Asians in Hong Kong, as well as smaller groups of Africans and Latinx people, but they were not present in the expatriate spaces that I was in. Whether this was an intentional exclusion I do not know, though I speculate that the classed and racialized nature of these spaces would make them inherently exclusionary.

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intended audiences. This was, I argue, because this group of activists saw me as one of their own and inhabiting their *habitus* (Bourdieu 1984). They knew that I was trained as a lawyer and that I had done queer activism in the United States and so they expected that as a white-presenting man who had found himself in Hong Kong I would do activism in the same way they did. With a significant majority of expatriates in the middle class or wealthy, they also assumed that I was of a similar socioeconomic status.

These three organizations became place-markers for a complex process of categorization of activists and their organizations as either “local” or “expat.” These categorizations were mutually constitutive, as both the forms of activism and how individuals were classified opened up or closed down specific opportunities to do particular work. Categorizing themselves and each other as either local (*buntou*) or expat (*gwailou*), these identities stood in for complicated assemblages of class, race, and national origin (Madson 2020). In practice, there were many ethnic Chinese members of expat organizations, some of whom had spent their entire lives in Hong Kong.⁸ What separated many of these Hong Kong “expats” was a middle-class or wealthy lifestyle and their daily use of English, as well as a full embrace of human rights (to be addressed in greater depth below).⁹ Locals, on the other hand, were more likely to be working class and rarely used English in their daily work or activism.¹⁰ Locals were also much more careful with their use of jankyun (human rights), reserving citations of human rights law to their interactions with international funders, UN bodies, and the Hong Kong government. Though there were many Hongkongers who participated in expat organizations and might sometimes be accused of being expat-like, all local activists were ethnic Chinese and born and raised in Hong Kong. It is important to note, however, that these categories were not fixed and there was a considerable amount of blurring between the two, although generally not for actual expatriates. There was also a minority of activists who eschewed these labels entirely.

The fluidity of these labels was such that some activists found themselves moving between expat and local simply by volunteering for different organizations. The organizational homes in which many of these activists resided became indexical of their classification as expat or local, in part because of the organization’s activist ethos. Many members of the LGBT community viewed expat organizations as having an “international focus” due to their reliance on the texts of the ICCPR, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and to a lesser extent the ICESCR, as well as decisions by the

8. It is important to note that expat and expatriate are different. There may be simpler and less vague ways to refer to the expat activists and organizations that reflect their mixed membership of actual expatriates and local elites, but “expat” also best captures the Cantonese term *gwailou* that is often used to describe these selfsame activists and organizations. *Gwailou* literally means “ghost man” and is used generally to refer to any white-presenting person in Hong Kong. The organizations that are most often labeled as *gwailou*, however, have active participation with local elites in addition to their expatriate colleagues. Thus, my use of “expat” is meant both to differentiate from actual expatriates as well as to translate the Cantonese moniker that is most often used to describe these activist organizations.

9. Here, “human rights” could easily be jankyun given that expats were engaged in the process of translating their work in English into written Chinese and, less frequently, into spoken Cantonese. I use human rights, however, because English was the working language for expats and when things appeared in Chinese, it was almost always a translation of an already existing document in English.

10. Many activists were volunteers and had work outside of LGBT activism in order to earn money.

European Court of Human Rights in their work. At the same time, local organizations—at least in their interactions with the public—largely downplayed the usefulness of human rights law, despite their targeted citations of this selfsame law with the government and international audiences. As individual activists moved between these organizations, so too did their classification shift from expat to local or vice versa. Though these categories may best be described as two poles of a continuum, many of the LGBT activists with whom I worked saw them as largely fixed and binary opposites. Reclassifications based on activists’ movements, then, were often met with denial or explained as local activists collaborating with expats.

Although it was certainly possible for expats to work with local organizations, it was much more likely that local activists would find themselves working with expat organizations. This cross-classification movement further blurred the lines between these two categories. One of the primary barriers to participation in local organizations was the ability to speak Cantonese, which many actual expatriates were unable to do. Since expat organizations also contained middle-class ethnic Chinese Hongkongers who were fluent in both Cantonese and English, however, language was not always a barrier. Despite expats’ characterizations of local activists as monolingual in Cantonese, local activists often could speak English with few problems. Some of them may have been conscious of heavier accents or overly concerned about grammatical nuances, imagining that their English was “not good enough.” Yet many could, when they wanted to, participate in English-only events and other expat-led activism. One of the other reasons that limited the number of expats working within local organizations was that local organizations’ main constituents were working class. As one of the leaders of the expat organization Rainbow Pride told me, “Many of us wouldn’t be comfortable in working-class spaces.” When I asked him to elaborate, he said that expats did their work in offices or restaurants, not “small community centers in working-class apartment buildings.”

Critical to the local identity was this affinity with the working class. Anthropologist of Hong Kong Sonia Lam-Knott (2019) uncovers this imagined working-class Hongkonger in her blog post on nostalgia in Hong Kong. She notes that there is a burgeoning interest in heritage sites that attempt to capture and (re)create “Old Hong Kong.” This “Old Hong Kong” was British Hong Kong between the end of World War II and the 1980s. The specific time period with which contemporary Hongkongers wish to reconnect was also the period in which “a local Hong Kong identity and culture among ordinary inhabitants of the city” had emerged (Lam-Knott 2019).

Lam-Knott writes that many of her interlocutors were experiencing nostalgia for Old Hong Kong because they see the “Lion Rock Spirit” of Old Hong Kong fading away. What is missing from Lam-Knott’s analysis, however, is that most of these sites reproduce an “ordinary inhabitant’s” Old Hong Kong, that is, a working-class Hong Kong aesthetic. The *daaiipaaidong* (outdoor food stalls), the *bingsat* (a type of small diner), and the market stalls that have been re-created at these heritage sites are the places and services that were accessible to working-class Hongkongers during that period of time. Even the *sizisaan zingsan* (Lion Rock Spirit) or core values that describe a Hongkonger (“grassroots resilience, adaptability, and industriousness”) are drawn from an image of a poor, working-class Hongkonger (Lam-Knott 2019). The term itself

comes from the television show *Below the Lion Rock*, which initially depicted the daily lives of people living in the public housing estates below the Lion Rock mountain at the edge of Kowloon, most of whom were poor and struggled to afford their basic needs.¹¹ This ordinary inhabitants' city was also a British colony from 1841 to 1997, which contemporary Hongkongers had largely reimagined to be a time in which what made them unique was not under threat.¹²

For both working-class local activists and the wealthier expats, the GRO movement was one of three primary foci of LGBT activism in Hong Kong in 2017 and 2018. Of the other two, passing a SOGIEDO and the legal recognition of same-sex relationships, only the matter of antidiscrimination saw similar vernacularization patterns to those of the GRO. Like with the GRO, local activists often sought to divide their activism into humanity-focused public advocacy and human rights-focused activism with the government. In particular, local activists used the United Nations Human Rights Council Universal Periodic Review (UPR) to pressure the Hong Kong government to adopt antidiscrimination legislation. I focus on the GRO in this article, however, because there were more public fora in which gender recognition was being debated than in which a SOGIEDO was being debated. Expat activists also pursued a SOGIEDO, but much of their work was focused on the UPR process.

The movement for recognition of same-sex relationships, on the other hand, was primarily a focus of expat activists. It was also often expressed as the fight for same-sex marriage. Though many local LGBT activists saw same-sex marriage as a good and desirable thing, it was less pressing of a concern for them because, as one of my interlocutors reasoned "I can't get married to my boyfriend if I can still be kicked out of my apartment for being gay." For many of the expat activists, however, the desire for legal recognition of their relationships was important for keeping their families together or allowed for both partners to work when only one was employed or had a visa to live in Hong Kong. In addition, many of these expats were wealthy and privileged enough to be selective in where they lived, where they spent money, and with whom they socialized. In essence, they could choose to be in places in which they would not be discriminated against for their sexual orientation, gender identity, or gender expression. Working-class locals, however, often lacked the financial power to escape instances of homo-, bi-, or transphobia when they encountered them. Since I left Hong Kong, there has been increased participation by locals in the movement for same-sex marriage, often through the courts rather than a humanity-driven public acceptance campaign. The specifics of how and why local activists have begun fighting for same-sex marriage, however, are beyond the scope and space constraints of this article.

11. Part of the Lion Rock Spirit also includes a valorization of those Hongkongers who were able to pull themselves out of the working class. Though these now-middle-class Hongkongers could be considered expat-like because of their socioeconomic success, many of my interlocutors attempted to avoid such porous boundaries in an effort to construct a firm division between acceptable local forms of activism and problematic or "foreign" forms of expat activism.

12. The heyday of Cantonese popular culture emerged during British rule and was instrumental in developing a distinct Hong Kong identity (Kaeding 2011). At the same time, the British did not always tolerate the emergence of local "core values."

VERNACULARIZATION OF HUMAN RIGHTS

Local activists were able to vernacularize the human rights to privacy, to bodily integrity, and to be free from torture only because they recognized how ordinary Hongkongers already talked about human rights in their daily lives. In order to localize these concepts, they could not translate them into matters of jankyun (human rights) because jankyun were instrumentalized to define Hongkongers in opposition to mainlanders. This attention to how local activists reframed international human rights law is as much an analysis of how the reframing happened as it is a recognition of the centrality of the entailments of human rights discourse on the ground. These phenomena were also mutually constitutive in that local activists would not have been able to know how to reframe human rights law if they did not understand how human rights discourse was already being used by ordinary citizens. At the same time, the way in which ordinary citizens talked about human rights as a way to draw borders around a Hong Kong identity relied on a specific discourse that did not take into account actual human rights violations—such as those being claimed by LGBT activists—because to do so would invite concern about rectifying those violations rather than claiming, “We have human rights, but the mainland Chinese don’t.”

Vernacularization of human rights, as defined by Sally Merry, is the process by which “human rights ideas . . . are appropriated by national elites and middle-level social activists and translated into local terms” (Merry 2006a, 219; see also Merry and Stern 2005; Englund 2006; Merry 2006b; Goodale 2007; Wilson 2007; Morreira 2016; Holcombe 2018). Through the use of translators, Merry argues that transnational human rights concepts become legible to local actors, both through their language for non-English-speaking communities and by making them make sense within local dispute frameworks (2006a). Sarah E. Holcombe (2018) demonstrates in her ethnography on the struggles of translating the Universal Declaration of Human Rights (UDHR) into the Australian aboriginal language Pintupi-Luritja that putting human rights into local languages is not enough. She argues that, at times, translation alone is an impossible task due to the different cosmologies of local communities and the international diplomats who drafted the UDHR in 1948. Instead, translators must be able to conceptualize disputes within multiple frameworks, particularly those of international human rights law, international human rights discourses, and local “cultural narratives and conceptions” (Merry 2006a, 136) (drawing on framing theory from Snow et al. 1986 and Tarrow 1998). These appropriation and translation processes make the seemingly “cultureless” international human rights legal system relevant to communities outside the United Nations.

Harri Englund (2006) and Shannon Morreira (2016) rely in their analyses of vernacularization processes on a Foucauldian understanding of “discourse” to argue that how “freedom” and “human rights,” respectively, are talked about limit how their interlocutors understood these categories themselves. For Englund, poor Malawians’ claims that the social and economic violations that they experience are not considered human rights violations because the “freedoms” of the Malawian human rights system preface civil and political rights. If discourse shapes how people understand, conceive of, or act on specific phenomena, human rights talk can produce ontological, epistemological, and material realities that may open up or close down claimants’ ability to seek redress

for human rights violations. Paying close attention to what those contours are, then, is critical in and to the vernacularization process.

Throughout the GRO movement, local activists were able to sit in both transnational and local frameworks, tacking and translating between the two. They were able to transform the “foreign” or “Western” human rights concepts into powerful stories about transgender Hongkongers in need of legal recognition of their gender. At the same time, they were able to translate “up,” or explain how the specific instances of transgender people carrying identification that did not match their outward appearance was a matter of international human rights law, to members of an Inter-departmental Working Group on gender recognition (IWG) and international funders. Expat activists, on the other hand, often struggled to vernacularize human rights concepts. Expat activists were able to literally translate human rights claims into Cantonese or written Chinese, but these translations and their attempts at activism generally failed to resonate with local Hongkongers. This use of human rights discourse that was markedly different from how these ordinary citizens already used human rights to differentiate Hong Kong from mainland China served to mark them as attempting to import legal systems that lacked relevance in Hong Kong.

EXPATS’ MISTEPS

Expat activists’ call for a GRO was often phrased as being not a question of whether Hong Kong *should* adopt a GRO, because the Hong Kong government was *obligated* to do so under human rights law. The primary focus of their activism was what the GRO should contain. Many ordinary citizens, however, saw expats’ framing as a reliance on international or foreign law. Many local activists reported that ordinary citizens were upset with expat activists because expats relied on laws and court decisions from outside of Hong Kong to argue for a GRO that would ultimately dictate how Hongkongers must live their lives. In an English-language public forum about the gender recognition process, ordinary citizens argued that there was no need to use “other countries’ laws,” especially when that law failed to take into account “traditional Hong Kong culture.”¹³ It did not matter that outside of the forum expat activists would translate their work into Cantonese and written Chinese to reach out to ordinary citizens and explain their position because the translated materials still used the same “foreign” human rights law to make their case.

I met with one of the leaders of Rainbow Pride in a Starbucks in the Tai Po Mega Mall, a mere 13 kilometers from the border between mainland China and Hong Kong. Matt asked to meet me there because he wanted to “see a new part of Hong Kong.”

13. This framing of human rights law as incompatible with Hong Kong society hearkens back to the “Asian values” debate of the 1990s and 2000s, in which Lee Kuan Yew of Singapore and Mahathir Mohamad of Malaysia argued that human rights were a Western import (D. A. Bell 2000; L. S. Bell, Nathan, and Peleg 2001; Hom 2001; Xu 2001). These leaders and other subsequent politicians argued that the human rights legal system required individual rights, which clashed with Asians’ emphasis on the collective. The Hongkongers who interpreted activists’ mobilization of human rights law as foreign were not, however, making this claim. Human rights as a more abstract discourse was important in defining who Hongkongers were, but the usage of human rights law was seen as an adoption of a foreign manner of effecting change.

Despite living in Hong Kong for more than seven years, Matt had never ventured very far into the New Territories, where actual expatriates were much harder to find than in the Central District on Hong Kong Island. Before coming to Hong Kong, he had been a volunteer with the Human Rights Campaign in San Francisco and had joined up with Rainbow Pride because it had the most potential to become the “Human Rights Campaign of Asia.” When we sat down at Starbucks, I had already known Matt for some time and seen him try to push the other leaders of Rainbow Pride to define whom the organization represented. “I just want to know if we’re working for everyone or just for the expats,” he explained to me. “I think we really represent everyone’s interests because we are fighting for things like the GRO and an antidiscrimination law, but locals have said that we’re just looking out for ourselves.”

Matt and other members of Rainbow Pride spent time at each of their monthly meetings trying to figure out how more locals could get involved in their organization. As they sat around in a law firm’s conference room, they theorized that there needed to be more translation and interpretation to draw locals in. They reasoned that because many locals were uncomfortable using English, the English-dominant Rainbow Pride needed to provide more programs and material in Cantonese and written Chinese. “It shouldn’t be difficult to have more Cantonese,” rationalized Matt, “because many of the other people in Rainbow Pride are actually from Hong Kong. They can speak the language.” While this was true, Matt and the middle-class and wealthy ethnic Chinese Hongkongers who composed this expat group had largely marked the organization as an English space. As Kwai Hang Ng (2009) argues in his ethnography of Hong Kong’s bilingual courtrooms, there are certain physical and social spaces in which either English or Cantonese are more appropriate. For Rainbow Pride, despite their attempts to provide more written Chinese materials, the operating language was English, which was something local activists knew.

As Holcombe (2018) notes, however, language itself is insufficient to vernacularize human rights. Rainbow Pride’s insistence on taking the “human rights” they identified as relevant in arguing for a GRO and translating them into jankyun was not successful in bridging the gap between them and ordinary citizens. I sat in meetings with Rainbow Pride where they decided to translate into written Chinese a briefing that I had written in English concerning the opinions by human rights bodies on the need for laws that did not require mandatory surgery prior to gender recognition. Later, I asked what the translation was going to be used for and was told that it “would answer any questions locals had about why Rainbow Pride . . . [was] fighting for a GRO.” Months later, the Chinese briefing was mentioned in a meeting as leaving ordinary citizens confused about Rainbow Pride’s position and accusing Rainbow Pride of trying to use “foreign law” to push through an ordinance that was incommensurate with Hong Kong values.

Andrew, the president of Rainbow Pride, and an ethnic Chinese Hongkonger who had helped to found the organization, speculated on why the translation might have failed to provide clarity: “Maybe it was too legal? I know that Hongkongers don’t understand human rights, but I thought if we explained them in Cantonese it would help. I think we should try to explain more about human rights and why they are important.” As Morreira (2016) argues in her ethnography of the vernacularization of human rights among Zimbabweans inside and outside of Zimbabwe, neocolonial forms of Western epistemologies such as human rights can become hegemonic in non-Western locations

when they are uncritically imported as a great equalizer. Quoting Walter D. Mignolo, Morreira writes that “[s]uch a system of knowledge (the ‘western code’) serves not all humanity but a small portion of it that benefits from the belief that in terms of epistemology there is only one game in town” (Morreira 2016, 11; Mignolo 2012, xii). For expats, the problem was that locals did not “understand” human rights how they did—as a legal basis for equal treatment for LGBT people. Even if expats knew that ordinary Hongkongers perceived human rights to be important to identifying as Hongkongers, it was Rainbow Pride’s responsibility to teach them the correct way of viewing and using human rights.

It is noteworthy that expats thought they were vernacularizing human rights by doing activism in Cantonese and written Chinese when, according to Merry (2006a), they had failed to actually put human rights law into a culturally relevant and recognizable frame. To many of the leaders of Rainbow Pride, it was puzzling why their attempts to put these issues in “a language they [locals] could understand” still resulted in criticism that they were only working for expats’ interests and using expat forms of activism. Perhaps if they had recognized that “human rights” or jankyun were already doing something to and for ordinary Hongkongers, they would have tried to find a new way to fight for a GRO.

HUMAN RIGHTS TO HUMANITY

When local activists interacted with the public and called for a simpler process of gender recognition they did not allege that a GRO was necessary to protect transgender Hongkongers’ human rights, but rather that a GRO allowed transgender Hongkongers to live their lives more fully. Many local trans activists used their own stories to describe how uncomfortable or unsafe they felt having legal documents that did not reflect their gender identity. Others explained that they felt stuck because though they presented as one gender, they could not or did not want to go through the expensive and invasive genital surgeries necessary to change their legal gender. Still others spoke about the existing methods of legal gender recognition, namely that even after a trans person changed their Hong Kong ID Card and passport, they were unable to change their birth certificate. This incongruity in documents hung over their heads as a potential threat to unwanted disclosure about their gender identity. It was not just local trans activists who tried to show ordinary citizens that adopting a GRO was a matter of humanity, but other local LGB activists as well. They spoke for the transgender Hongkongers who did not want to out themselves for fear of discrimination.

Betty, like expat activists, recognized that ordinary Hongkongers had a limited view of human rights, though she took issue with their claims that mainland China was a land devoid of rights.¹⁴ She was one of the few activists in Hong Kong that had much of a connection to mainland China, frequently going across the border to help fellow trans activists in Beijing. Nearly all of my interlocutors—locals and expats—expressed little to no desire to work with mainland LGBT organizations or

14. Weatherley (1999, 2014), Svensson (2002), Pils (2015, 2018), and Davis and Mohamed (2018) all analyze distinctly mainland Chinese understandings and uses of human rights.

individuals. Many of them expressed pity for mainland Chinese LGBT people, but also remained largely ignorant of what their lives were like. In fact, many of them asked me what it was like to be LGBT in mainland China, believing that I would have more information as a researcher. For many activists, there were also serious questions about whether LGBT people could even engage in activism in mainland China because, as they saw it, there was no space for dissent under an authoritarian government.¹⁵ Given their fears that working in mainland China or with mainland Chinese people would be difficult, most activists were reluctant to look across the border. Betty, on the other hand, took issue with the factual nature of “We have human rights, but the mainland Chinese don’t.” At the same time, she recognized that this was how many people in Hong Kong understood the power and point of human rights, so if she wanted to use human rights in her work, she needed to find a different set of vocabulary.

Betty’s solution was the concept of “humanity,” or *jandou*, a phrase that she chose to embrace as a tool for activism after visiting a human rights museum in Geneva. *Jandou*, which is also used to form the word *jandouzyuji* or “humanitarianism,” reflected Betty’s understanding of a GRO as a matter of human welfare. For Betty, “humanity” had always been intricately linked to human rights, because of where she derived this framing from and because, as she said, “We have human rights because of our humanity.” As I sat in her office in the New Territories, we talked about the benefits of using humanity to explain the importance of human rights to a local audience. She insisted that human rights was the backbone of her work, but that human rights law and discourse were not always effective in her interactions with most people. She said:

I often use human rights in my work with Transgender Empowerment. I think it is a very good approach and we have to use it in a lot of advocacy activities. But, in recent years I have been talking more about “humanity.” Part of the problem is that there are a lot of people in Hong Kong who don’t understand human rights. Human rights are not easy to understand, but humanity is easier to talk about. I say “We don’t always know why there are some people who do not feel comfortable in their gender, but they exist. So, how do we as a society deal with this?” That is much easier for people to grasp.

Betty sought to reframe the human rights at issue—namely the right to privacy, the right to bodily integrity, and the right to be free from discrimination—into a collaborative and locally relevant conversation. By asking “how do we deal with this,” Betty attempted to mark herself as any other ordinary citizen, not a human rights-wielding foreigner. In practice, this often meant that Betty would tell her own story of

15. There is a large and growing scholarship of LGBT activism in mainland China, but what that activism entails may not always be recognized as LGBT activism by Western or Hong Kong observers (Hildebrandt 2013, 2012; Engebretsen 2015; Engebretsen and Schroeder 2015; Schroeder 2015; Wei 2015; Bao 2018, 2015). Much of this analysis focuses on the creation of supportive communities of LGBT people, their connections to international funders, and HIV/AIDS activism. There are, of course, other literatures that focus on activism in China more broadly, including efforts to work with(in) the political structure (O’Brien and Li 2006; Stern 2010, 2013; Stern and O’Brien 2012).

discovering her gender identity and the problems she faced until she was able to align her legal gender to her felt identity. She gave detailed examples of being unable to use the bathrooms that corresponded to her gender and appearance, of the intense fears she felt walking into a men's bathroom, and how she wished other Hongkongers could see that she should not have to live with such anxiety.

Betty was clear, however, that while humanity was an effective tool that she and other local activists used, she rarely told members of the public that they needed to respect trans (or other LGB) people's humanity. "Many of the LGBT Hongkongers use humanity in their activism. Well, the local ones do. We've talked about it before behind closed doors," said Betty. "One of my friends says, 'The first step in making our lives better is for other Hongkongers to see us as being just as human as they are.' I think that's the goal of this 'humanity' tool," she continued. This tactic of showing the general public that a minoritized community is "just as human as they are" has a long history within LGB and queer activism in mainland China and further afield (see, for example, Cheng 2006; Zivi 2014; Richardson 2017; Bao 2018; Kong 2019). By focusing less on their difference and more on how they are "just like" the cisgender and heteronormative society, these primarily gay and lesbian activists have been able to redefine normative behavior to include their expressions of same-sex attraction. Lisa Duggan (2003) and Jasbir Puar (2007), among others, note that this "homonormative" turn, however, has simply shifted the boundary of what is acceptable, normal behavior. In so doing, the most privileged LGB activists have gained societal acceptance at the expense of transgender people, LGBT people of color, and poor LGBT people. The work of these LGB and queer activists does not always map directly onto the goals trans activists wish to reach, in part because issues of sexuality and gender do not always overlap. Trans activists have, however, taken up similar tactics. Speaking about trans recognition in the United States specifically, legal scholar Richard M. Juang writes:

Conventional discussions of rights and equality, including sex equality, have excluded transgender persons as aberrant cases, and a simple assimilation of trans persons into existing paradigms for civil equality is inadequate. Put crudely, it has not been enough, historically, to claim in theoretical terms that transgender persons are deserving of rights because we are "just like everyone else," when the definition of "everyone" has been established, in practice, through the exclusion of transgender persons. (2006, 243–44)

For local activists, their public activism was not an attempt to say that trans Hongkongers were "just like everyone else," but that they were, nonetheless, Hongkongers and, thus, deserved to have their humanity respected.

One of the gay activists at Queer Union—Patrick—also incorporated "humanity" into his activism, while fighting for both a gender recognition ordinance and a SOGIEDO. He had never worked at the same organizations as Betty, but moved within the same work and social circles. He thought that her reframing of human rights issues as ones of humanity was smart because "I can't say 'Human rights law prohibits this or that.' Hongkongers would not respond well. They say that Hong Kong is a land of human rights, but that doesn't mean you get to use human rights to demand equality."

He said that, as a cisgender activist advocating for a GRO, he took his cues from the transgender community in how he should talk about their humanity. Many of the trans Hongkongers that he knew, like Betty and the other activists at Transgender Empowerment, did not want their humanity expressed as if they were “just like everyone else.” “I’ve tried to say that transgender people aren’t special to ordinary Hongkongers before,” said Patrick, “but someone immediately said ‘That’s not true! They want to change their gender; that’s special.’ I learned quickly that people became suspicious if I said trans Hongkongers were just like them.” Instead, Patrick, Betty, and many local transgender activists asserted that they were different from other Hongkongers, but that this difference did not make them any less of a Hongkonger.

Betty’s use of localized discourses was quite effective in making her well respected on issues relating to the transgender community, even to those outside of LGBT activist circles. Betty and her colleague were important points of contact for government bureaucrats, especially throughout the process of deciding whether to adopt a GRO. Betty told me that when one of the members of the government panel tasked with researching gender laws had been appointed, many people in the LGBT activist community had been frightened. He was a conservative Christian with ties to churches that had historically been hostile to the LGBT equality movement. After he was appointed, however, he quickly realized that he did not know much about transgender issues. In an effort to learn more, he contacted Betty. She had previously spoken with members of the Christian community and had done so without alleging that the Christian community was violating her human rights. Betty said that it was rare for expat LGBT activists to have conversations with conservative Christian organizations and, if they did, they were often quite contentious arguments. She speculated that this new bureaucrat had remembered hearing her speak and felt comfortable approaching her for background information on the transgender community. She noted that it was important that the panel member reached out, both because it showed that “humanity worked” and because it was better that this conservative Christian had gotten information from Transgender Empowerment rather than from a hostile religious group.

What separated local activists’ adoption of “humanity” as a tool for advocacy from other LGBT activists’ use of similar hetero- and homonormative discourses is, in part, why these activists had to adopt humanity. Betty and Patrick both said that were they to invoke human rights law in public fora, there would be confusion, suspicion, or push-back from ordinary citizens. As with other local activists working on passing a SOGIEDO, they saw how human rights discourses were being deployed by ordinary citizens and these citizens’ responses when expat activists contravened them. As Betty made clear above, she believed that her activism was firmly based in human rights, but she also recognized that she was limited by other Hongkongers’ understanding of human rights—she could not reference human rights law when she worked with ordinary citizens as she did when interacting with the government, the United Nations, or international funders. Her and others’ reliance on humanity was less about trying to appear as normative as possible, because she did not see her work as involving human rights, or even the possibility that some may view gender recognition as a private

matter, but was specifically in response to the restrictive nature of human rights discourse in Hong Kong.¹⁶

LOCAL IDENTITY AFTER THE UMBRELLA MOVEMENT

Up to this point, I have analyzed *how* both expat and local LGBT activists attempted to vernacularize human rights law in their pursuit of a GRO, but not *why* local activists avoided talking about human rights in lieu of humanity. Why did locals not use human rights law or discourse when ordinary citizens like Gaa Sin said that human rights were integral to identifying as Hongkongers? How could human rights be both essentially Hongkongese and foreign? Local activists understood that human rights or jankyun was talked about in a particular way, as a means to differentiate Hong Kong from mainland China. The need to demarcate Hong Kong and all that made it unique became increasingly important after the Umbrella Movement when ordinary citizens began to see their home and fellow citizens as in need of defense from the mainland Chinese.

The Umbrella Movement ended in 2014, but its reverberations were still felt during my fieldwork. It was a seventy-nine-day occupation of key locations in Hong Kong in which protesters insisted, among other things, that they be allowed to vote for the Chief Executive of Hong Kong (the head of government for the HKSAR) without interference from Beijing. One of the primary ways in which the movement, which ended without any of the protesters' demands having been met, was still relevant to many activists and nonactivists alike was a shift in the way in which many local Hongkongers understood their relationship to each other and the territory of Hong Kong. Early suggestions to "Occupy Central with Love and Peace" were overtaken by demands for greater autonomy from mainland China by vocal members of localist political parties (Tai 2013; Lam 2018; Ho 2019). This push for autonomy was far from universally accepted by all Hongkongers or even all protesters, but the seminationalistic and populist discourse used by politicians and their supporters—calls to defend Hong

16. There has been a long and complicated relationship between public and private spheres and gender. Considerable scholarship analyzes the historical assignment of women to the private sphere and men to the public, although much of that scholarship also breaks down the fixed and separable nature of public and private (Fraser 2001; Kaplan 2001; Slaughter and Wenzel 2001; Bourke 2020). Within the field of human rights, much of this scholarship emerges from and concerns the West, but mainland China has had a different relationship to the public-private dichotomy and gender, particularly after the Communist Party of China (CPC) assumed control in 1950. Yuk-Lin Renita Wong (1997), for example, argues that mainland Chinese women were brought into the public because the CPC's Birth Planning Policy made Chinese women and, more specifically, their reproductive capacities, an integral part of public policy. Hong Kong, however, would be more likely to have adopted ideologies more in line with the British due to its long colonial history. The gendered nature of the public-private dichotomy may lead some outside observers to argue that gender recognition would be a private issue and, thus, would not trigger human rights. This presumes, then, that there are other issues that are inherently public—such as freedom of speech or the right to a trial—that would have triggered human rights. At the time of my fieldwork, however, many of the ordinary Hongkongers I spoke with viewed human rights as inappropriate for both gender recognition and issues of freedom of speech. I would speculate that since protests began against the government in summer 2019, however, many Hongkongers' view of human rights has likely evolved to include issues like the freedom of speech.

Kong from invasion by mainlanders and to prevent Hong Kong from becoming “just another Chinese city”—were widely adopted.¹⁷

It was this fear of becoming “just another Chinese city” that drove Albert into the Umbrella Movement and following the movement’s collapse, into political and civic activism. He was born in Taiwan and lived there until he was a preteen before moving to Hong Kong with his family. Since arriving in Hong Kong, he has proudly taken up the local identity, arguing that it was precisely a local culture that made Hong Kong unique from mainland China. Throughout my fieldwork, we had many conversations in the small cafés that had supported an independent Hong Kong. During those conversations, Albert told me again and again that what made Hong Kong distinctive—the Cantonese language, human rights, and this idealized working-class Hong Kong everyperson—was under threat from an overreaching government in Beijing and an “invasion” of mainlanders from the north. These threats produced new responsibilities for all Hongkongers, said Albert: “Our task is to protect Hong Kong, to protect each other. If we cannot do that, we will truly become Chinese.” Another interlocutor who was also involved in the Umbrella Movement noted that many of her *zinjau* (comrades-in-arms) had developed a “feeling of ownership” in Hong Kong through the Umbrella Movement that had not abated after the movement ended.

Three years later, many local Hongkongers still felt that sense of responsibility to protect Hong Kong and each other from the threats they perceived to come from Beijing and mainland Chinese people themselves. This responsibility was evidenced by an inward orientation and focus on “ordinary citizens,” rather than the more international gaze that expat activists would be accused of possessing.¹⁸ In interactions between LGBT activists and their opponents, conservative members of the public would argue that embracing a GRO or passing comprehensive antidiscrimination legislation was not in line with Hong Kong’s “traditional beliefs.” In public fora, these opponents often claimed that a majority of Hongkongers were not willing to tolerate LGBT people, that a GRO or SOGIEDO was in violation of Christian principles, and that Hong Kong had never been accepting of gender variance or same-sex attraction. These claims, however, were contradicted by survey data that, in fact, showed that most Hongkongers were supportive of other LGBT Hongkongers (Loper et al. 2018; H. Lau et al. 2018). Ironically, the claim that being LGBT was an embrace of a Western lifestyle ignored both preexisting southern Chinese forms of same-sex eroticisms and gender expression and that Christianity was a Western import (Chou 2000).¹⁹

17. I say “seminationalistic” not because the discourse only partially resembled nationalistic discourse, but because Hong Kong is not a nation.

18. Although Hongkongers pride themselves on being a mixture of “East and West” and of being in an “international city,” most ordinary citizens were less concerned with what was happening outside of their borders than what was happening within them. Their interest was in preserving their status as an international city, which was often defined as being a global financial center and the Asian headquarters for many international companies. Many of my interlocutors were not concerned about expatriates living in Hong Kong or whether more expatriates should be moving to Hong Kong, but that this international attraction presented yet another way to differentiate Hong Kong from other Chinese cities. This was a complicated belief, however, as several major Chinese cities had seen an increase in the number of expatriates and international businesses moving there and, perhaps puzzling for many Hongkongers, a relocation of businesses’ Asian headquarters from Hong Kong to mainland Chinese cities.

19. I hesitate to say that British penal law that outlawed sexual intercourse between men supplanted acceptable gay or LGB relationships, because Wah-shan Chou argues that the same-sex sexual and romantic

The objections were not only religious objections, but objections based on a belief that to give in to a GRO would threaten the fundamental well-being of Hong Kong's society by unraveling what they believed to be fixed and immutable gender identities. It would tip the balance of Hong Kong's East-meets-West milieu too heavily toward the West by embracing so-called Western understandings of gender, despite historical examples of diverse southern Chinese gender identities (Chou 2000). Conservative Hongkongers believed that, by turning too far to the West, LGBT activists were asking ordinary citizens to abandon what they considered to be the more traditional aspects of Hong Kong culture. Local activists were focused on convincing other members of the public that LGBT people were ordinary citizens, too. As such, they deserved to be protected and accepted by the larger Hong Kong community.²⁰ Furthermore, as one trans activist told me, "We need to convince other *buntou* [local] Hongkongers to accept us because we're all part of the same community and we want to be treated like it."

One of the ways in which local activists sought to convince others that they, too, were ordinary citizens was by speaking about their involvement in the Umbrella Movement. Patrick explained to me that the Umbrella Movement was a marker of locality because, by and large, it was only local Hongkongers who had been involved. He recognized that some Hongkongers were suspicious of supporting a GRO or SOGIEDO because they saw LGBT activists as pushing a foreign agenda. "If we talk about occupying Mongkok or Admiralty [two of the major sites of the movement], it's harder for them to think we aren't true Hongkongers. Expats wouldn't be involved in the Umbrella Movement, only locals would. So, if we were there, if we were at the Umbrella Movement, we've proved we care about Hong Kong just as much as they do," said Patrick. For many local activists, their involvement in the Umbrella Movement became an important tool for demonstrating that being LGBT and an ordinary citizen were not necessarily mutually exclusive.

Finally, and perhaps most importantly, local activists' desire to focus their efforts on other Hongkongers rather than an international audience meant that they felt pressure to comply with local modes of dispute resolution. In the fight for the gender recognition ordinance, local activists could have cited the same international human rights law that expats did in their argument that human rights law mandated that Hong Kong adopt a GRO. Opponents to the GRO responded that "foreign law" had no place in dictating what happened in Hong Kong. It is perhaps ironic that the foreign law that opponents claimed expats were trying to force the Hong Kong government to follow—the ICCPR—was also enshrined in the Hong Kong Basic Law. When I asked why opponents to the GRO would say that human rights law was foreign, one of the local activists replied, "They think that if Hong Kong has to follow the same rules as everyone else,

interactions that existed prior to the British do not exactly map onto Western understandings of the LGB community (Chou 2000; see also Blackwood 1995; Jackson 2001; Kong 2011; Boellstorff 2012; Bao 2018 for a nonexhaustive list of different forms of same-sex eroticisms that do not easily map onto the Western LGB model).

20. This kind of posturing by activists is not unique to Hong Kong and can be described as demonstrating "sexual citizenship" (see Kong 2011 for examples of Chinese *tongzhi* (roughly equivalent to gay men) proving their sexual citizenship; see Boellstorff 2012 for examples from Indonesia; and see Zivi 2014 for examples from the United States). Although sexual citizenship does not necessarily correspond to issues of gender identity or its legal recognition, many transgender activists in Hong Kong and abroad have adopted similar techniques, albeit with regard to their gender.

there will be no place for the laws and values that set Hong Kong apart.” Also ironic, then, was that human rights, the thing that Hongkongers prized as a means to differentiate themselves from the mainland Chinese, was also a part of the threat that would strip away their individuality.

CONCLUSION

As I was leaving Hong Kong in August 2018, I sat down with an activist who had admitted to me that he did not feel comfortable identifying exclusively as either an expat or a local. Richard was born and raised in Hong Kong, but moved to Australia as a teenager and had stayed for more than twenty years. When he had moved back to Hong Kong only a few years earlier, he ultimately decided to work with Rainbow Pride, but he confessed that he occasionally found their tactics to be like “living in an echo chamber.” We met to discuss what was next with regard to the GRO. The IWG still had not issued any kind of statement about the results of their public consultation and had made no recommendations to the Legislative Council about whether Hong Kong should adopt a GRO and if so, what kind. Richard wanted me to take the position paper that I had written for Rainbow Pride and explain it simply for ordinary Hongkongers. He asked me to explain what a “best practice” model entailed and why Rainbow Pride was advocating for it.

In order to make the document accessible, he instructed me not to reference any international human rights law and to instead use narratives that would “touch the heart.” He asked me to take local trans people’s stories about going to the bathroom, being admitted to the hospital, and other instances in which having legal recognition of one’s gender identity was important and explain how difficult not having that recognition was. Moreover, Richard wanted me to tackle head on some of the arguments of “gender chaos” that conservative Christians had raised in order to demonstrate that “we hear their concerns and we want to show them they aren’t stupid for having them, but that their concerns truly aren’t that frightening.”

Richard had taken seriously some of the criticisms that expat organizations were only trying to push a Western solution to LGBT equality. He was quick to admit that in order to achieve LGBT equality in Asia, “we don’t need to copy the West, but to have an Asian perspective. We can learn from the West, but we need our own solutions.” As Richard was a key player in Rainbow Pride, it is possible that his commitment to bridging the expat-local divide will gain greater traction within the expat activist community.

Local activists’ success at vernacularizing human rights law—such as through Betty’s framing of transgender people’s shared humanity with ordinary Hongkongers—hinged on their recognition of what those ordinary citizens already understood human rights to be doing. Many Hongkongers saw human rights as an important way to define themselves as different from the mainland Chinese. This was evidenced in both their claims that “We have human rights, but the mainland Chinese don’t” and their fears that increasing mainlandization in Hong Kong would threaten their (access to) human rights. The human rights talk that was happening on the streets of Hong Kong may not have closely resembled the international human rights instruments that serve as the

foundation of the legal system that expat activists sought to mobilize, but the language of “human rights” was still being marshaled to perform a specific duty. Moreover, local activists recognized how important this discourse was and did not seek to educate ordinary citizens on the “proper” ways to use human rights.

The turn to humanity was not an avoidance of human rights law, as some expat activists accused, but rather local activists’ solution to defining trans Hongkongers’ concerns as concerns that affect all ordinary citizens. By producing forms of activism for and by local Hongkongers, these activists were able to claim that they, too, were ordinary citizens. As such, they deserved to be protected and have their needs met, just like cisgender Hongkongers. This humanity-driven vernacularization also spoke to the sense of responsibility Hongkongers felt toward each other in the wake of the Umbrella Movement. Recognizing the discursive work of human rights talk in Hong Kong was critical to local activists’ vernacularization of transgender Hongkongers’ human rights to privacy, to bodily integrity, and to be free from discrimination, but so were their continued demonstrations to ordinary citizens that they were part of the wider local community.

Outside observers may question whether the focus on humanity had more to do with the political risks involved with invoking human rights law, risks that may have been felt more by local activists. It was undeniable that during my fieldwork there were widespread concerns among Hongkongers that the government in Beijing was eroding their human rights, a concern shared by many of my local LGBT activist interlocutors. The Hong Kong government, which many described as an arm of the government in Beijing, was often seen as ineffectual in standing up to the perceived threat of mainlandization. At the same time, many of my local interlocutors were quick to use human rights law when they interacted with the government, wrote shadow reports to the United Nations, and sought funding from international human rights organizations. They were adamant that they did not fear reprisals from either the mainland Chinese or Hong Kong SAR governments because of their participation in LGBT activism or their use of human rights law. As one activist told me, “When the Chinese government comes after you for human rights, it’s not for LGBT human rights.” If local activists were concerned about anything, it was that they could be punished for taking part in the Umbrella Movement.

Hongkongers’ use of human rights law and discourse frustrated expat activists. Many considered both ordinary citizens and local activists as lacking any real comprehension of human rights law. It was their job, they rationalized, to translate “human rights” into jankyin so that everyone could understand how critical human rights law was to fighting for a GRO. In practice, expats were (re)producing neocolonial epistemologies of human rights in which they possessed knowledge of the correct ways of conceiving of and using these legal forms.

The decisions that expat and local activists made with regard to their fight for a GRO cannot yet be assessed as successful, at least if success is measured as the adoption of a gender recognition ordinance. At the time of publication, the governmental body tasked with making a recommendation to the Legislative Council has yet to make its decision. Success, however, should not only be measured by whether the GRO is adopted. Due to space constraints, I do not analyze the very different work local and expat activists directed toward the government in this article. Instead, local

activists’ success and expat activists’ missteps concern their ability to understand how human rights discourses work on the ground, how they localize international human rights law into culturally relevant frameworks, and to what degree the advocacy work they do is not rejected by the ordinary citizens they target. Scholars of the vernacularization of human rights have long focused on the second and third processes, but I assert that the first is just as important. Local ideologies of “human rights,” jankyun, or however else it is translated matter, they do something, and they shape how vernacularization must be done.

REFERENCES

Bao, Hongwei. “Digital Video Activism: Narrating History and Memory in Queer China, ‘Comrade’ China.” In *Queer/Tongzhi China: New Perspectives on Research, Activism and Media Cultures*, edited by Elisabeth L. Engebretsen, William F. Schroeder, and Hongwei Bao, 35–56. Copenhagen: NIAS Press, 2015.

———. *Queer Comrades: Gay Identity and Tongzhi Activism in Postsocialist China*. Copenhagen: NIAS Press, 2018.

Bell, Daniel A. *East Meets West: Human Rights and Democracy in East Asia*. Princeton, NJ: Princeton University Press, 2000.

Bell, Lynda S., Andrew J. Nathan, and Ilan Peleg. “Introduction: Culture and Human Rights.” In *Negotiating Culture and Human Rights*, edited by Lynda S. Bell, Andrew J. Nathan, and Ilan Peleg, 3–20. New York: Columbia University Press, 2001.

Blackwood, Evelyn. “Fall in Love with An-Other Lesbian: Reflections on Identity in Fieldwork.” In *Taboo: Sex, Identity and Erotic Subjectivity in Anthropological Field Work*, edited by Don Kulick and Margaret Willson, 51–75. New York: Routledge, 1995.

Boellstorff, Tom. “Queer Studies in the House of Anthropology.” *Annual Review of Anthropology* 36 (2007): 17–35.

———. “Zines and Zones of Desire: Mass-Mediated Love, National Romance, and Sexual Citizenship in Gay Indonesia.” In *Media, Erotics, and Transnational Asia*, edited by Purnima Manekkar and Louisa Schein, 75–110. Durham, NC, and London: Duke University Press, 2012.

Bourdieu, Pierre. *Distinction: A Social Critique of the Judgment of Taste*. Translated by Richard Nice. Cambridge, MA: Harvard University Press, 1984.

Bourke, Joanna. “Are Women Animals?: The Rise and Rise of (Animal) Rights.” In *The Subject of Human Rights*, edited by Danielle Celermajer and Alexandre Lefebvre, 64–78. Stanford, CA: Stanford University Press, 2020.

Carroll, John M. *A Concise History of Hong Kong*. Hong Kong: Hong Kong University Press, 2007.

Chan, Chi Kit. “China as ‘Other’: Resistance to and Ambivalence toward National Identity in Hong Kong.” *China Perspectives* 1 (2014): 25–34.

Chan, Stephen Ching-kiu. “Delay No More: Struggles to Re-Imagine Hong Kong (for the Next 30 Years).” *Inter-Asia Cultural Studies* 16, no. 3 (2015): 327–47.

Chan, Steve Kwok-Leung. “Prostrating Walk in the Campaign against Sino-Hong Kong Express Railway: Collective Identity of Native Social Movement.” *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 9, no. 1 (2017): 20–41.

Chen, Katherine, and Gray Carper. *Multilingual Hong Kong: A Sociolinguistic Case Study of Code-Switching*. Films on Demand; Films Media Group, 2005.

Cheng, Jih-Fei. “HIV, Immigrant Rights, and Same-Sex Marriage.” *Amerasia Journal* 32, no. 1 (2006): 99–107.

Chou, Wah-shan. *Tongzhi: Politics of Same-Sex Eroticism in Chinese Societies*. Binghamton, NY: The Haworth Press, 2000.

Davis, Sara L. M., and Charmain Mohamed. "Global Rights, Local Risk: Community Advocacy on Right to Health in China." In *Human Rights Transformation in Practice*, edited by Tine Destrooper and Sally Engle Merry, 229–50. Philadelphia: University of Pennsylvania Press, 2018.

Duggan, Lisa. *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*. Boston: Beacon Press, 2003.

Engebretsen, Elisabeth L. "Of Pride and Visibility: The Contingent Politics of Queer Grassroots Activism in China." In *Queer/Tongzhi China: New Perspectives on Research, Activism and Media Cultures*, edited by Elisabeth L. Engebretsen, William F. Schroeder, and Hongwei Bao, 89–110. Copenhagen: NIAS Press, 2015.

Engebretsen, Elisabeth L., and William F. Schroeder. "Introduction: Queer/Tongzhi China." In *Queer/Tongzhi China: New Perspectives on Research, Activism and Media Cultures*, edited by Elisabeth L. Engebretsen, William F. Schroeder, and Hongwei Bao, 1–17. Copenhagen: NIAS Press, 2015.

Englund, Harri. *Prisoners of Freedom: Human Rights and the African Poor*. Berkeley, CA: University of California Press, 2006.

Fraser, Arvonne S. "Becoming Human: The Origins and Development of Women's Human Rights." In *Women, Gender, and Human Rights: A Global Perspective*, edited by Marjorie Agosín, 15–64. New Brunswick, NJ: Rutgers University Press, 2001.

Goodale, Mark. "Locating Rights, Envisioning Law between the Global and the Local." In *The Practice of Human Rights: Tracking Law between the Global and the Local*, edited by Mark Goodale and Sally Engle Merry, 1–38. New York: Cambridge University Press, 2007.

Hafner-Burton, Emilie M. *Making Human Rights a Reality*. Princeton, NJ: Princeton University Press, 2013.

Hafner-Burton, Emilie M., and Kiyoteru Tsutsui. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110, no. 5 (2005): 1373–1411.

Hildebrandt, Timothy. "Development and Division: The Effect of Transnational Linkages and Local Politics on LGBT Activism in China." *Journal of Contemporary China* 21, no. 77 (2012): 845–62.

—. *Social Organizations and the Authoritarian State in China*. New York: Cambridge University Press, 2013.

Ho, Ming-sho. *Challenging Beijing's Mandate of Heaven: Taiwan's Sunflower Movement and Hong Kong's Umbrella Movement*. Philadelphia: Temple University Press, 2019.

Holcombe, Sarah E. *Remote Freedoms: Politics, Personhood and Human Rights in Aboriginal Central Australia*. Stanford, CA: Stanford University Press, 2018.

Hom, Sharon K. "Re-Positioning Human Rights Discourse on 'Asian Perspectives.'" In *Negotiating Culture and Human Rights*, edited by Lynda S. Bell, Andrew J. Nathan, and Ilan Peleg, 197–213. New York: Columbia University Press, 2001.

Hopgood, Stephen. *The Endtimes of Human Rights*. Ithaca, NY: Cornell University Press, 2013.

Jackson, Peter A. "Pre-Gay, Post-Queer: Thai Perspectives on Proliferating Gender/Sex Diversity in Asia." In *Gay and Lesbian Asia: Culture, Identity, Community*, edited by Gerard Sullivan and Peter A. Jackson, 1–26. New York: Harrington Park Press, 2001.

Jean-Klein, Iris, and Annelise Riles. "Introducing Discipline." *Polar: Political and Legal Anthropology Review* 28, no. 2 (2005): 173–202.

Juang, Richard M. "Transgendering the Politics of Recognition." In *Transgender Rights*, edited by Paisley Currah, Richard M. Juang, and Shannon Price Minter, 242–61. Minneapolis: University of Minnesota Press, 2006.

Kaeding, Malte Philipp. "Identity Formation in Taiwan and Hong Kong: How Much Difference, How Many Similarities?" In *Taiwanese Identity in the Twenty-First Century: Domestic, Regional and Global Perspectives*, edited by Gunter Schubert and Jens Damm, 258–79. London and New York: Routledge, 2011.

Kaplan, Temma. "Women's Rights as Human Rights: Women as Agents of Social Change." In *Women, Gender, and Human Rights: A Global Perspective*, edited by Marjorie Agosín, 191–204. New Brunswick, NJ: Rutgers University Press, 2001.

Kataoka, Shin, and Cream Lee. "A System without a System: Cantonese Romanization Used in Hong Kong Place and Personal Names." *Hong Kong Journal of Applied Linguistics* 11, no. 1 (2008): 79–98.

Kong, Travis S. K. *Chinese Male Homosexualities: Memba, Tongzhi, and Golden Boy*. London: Routledge, 2011.

———. “Transnational Queer Sociological Analysis of Sexual Identity and Civic-Political Activism in Hong Kong, Taiwan and Mainland China.” *The British Journal of Sociology* 70, no. 5 (2019): 1904–25.

Lam, Wai-man. “Hong Kong’s Fragmented Soul: Exploring Brands of Localism.” In *Citizenship, Identity and Social Movements in the New Hong Kong*, edited by Wai-man Lam and Luke Cooper, 72–93. New York: Routledge, 2018.

Lam-Knott, Sonia. “Exploring the Aesthetics of Nostalgia in Contemporary Hong Kong.” *Anthropology News*. February 15, 2019. <http://www.anthropology-news.org/index.php/2019/02/15/exploring-the-aesthetics-of-nostalgia-in-contemporary-hong-kong/>.

Lau, Holning, Charles Lau, Kelley Loper, and Yiu-tung Suen. “Support in Hong Kong for Same-Sex Couples’ Rights Grew Over Four Years (2013-2017): Over Half of People in Hong Kong Now Support Same-Sex Marriage.” Hong Kong: Centre for Comparative and Public Law, 2018.

Loper, Kelley, Holning Lau, Charles Lau, and Yiu-tung Suen. “Public Attitudes toward Transgender People and Antidiscrimination Legislation.” Hong Kong: Centre for Comparative and Public Law, 2018.

Madson, Nathan H. “Language and Class within the Hoenggong-Gwailou Divide in Hong Kong’s LGBTI Activist Communities.” In *Keywords in Queer Sinophone Studies*, edited by Howard H. Chiang and Alvin K. Wong, 190–211. London: Routledge, 2020.

Merry, Sally Engle. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press, 2006a.

———. “Transnational Human Rights and Local Activism: Mapping the Middle.” *American Anthropologist* 108, no. 1 (2006b): 38–51.

Merry, Sally Engle, and Rachel E. Stern. “The Female Inheritance Movement in Hong Kong: Theorizing the Local/Global Interface.” *Current Anthropology* 46, no. 3 (2005): 387–409.

Mignolo, Walter D. *The Darker Side of Western Modernity: Global Futures, Decolonial Options*. Durham, NC: Duke University Press, 2012.

Morreira, Shannon. *Rights after Wrongs: Local Knowledge and Human Rights in Zimbabwe*. Stanford, CA: Stanford University Press, 2016.

Moyn, Samuel. *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press, 2010.

Ng, Kwai Hang. *The Common Law in Two Voices: Language, Law & the Post-Colonial Predicament in Hong Kong*. Stanford, CA: Stanford University Press, 2009.

O’Brien, Kevin J., and Lianjiang Li. *Rightful Resistance in Rural China*. Cambridge, UK: Cambridge University Press, 2006.

Pils, Eva. *China’s Human Rights Lawyers: Advocacy and Resistance*. New York: Routledge, 2015.

———. *Human Rights in China: A Social Practice in the Shadows of Authoritarianism*. Cambridge, UK: Polity Press, 2018.

Posner, Eric A. *The Twilight of Human Rights Law*. Oxford and New York: Oxford University Press, 2014.

Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham, NC: Duke University Press, 2007.

Richardson, Diane. “Rethinking Sexual Citizenship.” *Sociology* 51, no. 2 (2017): 208–24.

Schroeder, William F. “Research, Activism, and Activist Research in Tongzhi China.” In *Queer/Tongzhi China: New Perspectives on Research, Activism and Media Cultures*, edited by Elisabeth L. Engebretsen, William F. Schroeder, and Hongwei Bao, 57–80. Copenhagen: NIAS Press, 2015.

Sharma, Aradhana. “Crossbreeding Institutions, Breeding Struggle: Women’s Empowerment, Neoliberal Governmentality, and State (Re)Formation in India.” *Cultural Anthropology* 21, no. 1 (2006): 60–95.

Slaughter, Joseph, and Jennifer Wenzel. “Letters of the Law: Women, Human Rights, and Epistolary Literature.” In *Women, Gender, and Human Rights: A Global Perspective*, edited by Marjorie Agosín, 289–311. New Brunswick, NJ: Rutgers University Press, 2001.

Snow, David E., Burke Rochford Jr., Steven K. Worden, and Robert D. Benford. "Frame Alignment Processes, Micromobilization, and Movement Participation." *American Sociological Review* 51, no. 4 (1986): 464–81.

Stern, Rachel E. "On the Frontlines: Making Decisions in Chinese Civil Environmental Lawsuits." *Law & Policy* 32, no. 1 (2010): 79–103.

———. *Environmental Litigation in China: A Study in Political Ambivalence*. New York: Cambridge University Press, 2013.

Stern, Rachel E., and Kevin J. O'Brien. "Politics at the Boundary: Mixed Signals and the Chinese State." *Modern China* 38, no. 2 (2012): 174–98.

Stryker, Susan. "Transgender Studies: Queer Theory's Evil Twin." *GLQ: A Journal of Lesbian and Gay Studies* 10, no. 2 (2004): 212–15.

Svensson, Marina. *Debating Human Rights in China: A Conceptual and Political History*. Lanham, MD: Rowman and Littlefield, 2002.

Tai, Benny Yiu Ting. "Gungmankongming Dik Zeoi Daaisaatsoenglikmouhei [公民抗命的最大殺傷力武器]." *Hong Kong Economic Journal*, January 16, 2013. <https://www1.hkej.com/dailynews/commentary/article/654855/%E5%85%AC%E6%B0%91%E6%8A%97%E5%91%BD%E7%9A%84%E6%9C%80%E5%A4%A7%E6%AE%BA%E5%82%B7%E5%8A%9B%E6%AD%A6%E5%99%A8>.

Tarrow, Sidney G. *Power in Movements: Social Movements and Contentious Politics*. 2nd ed. Cambridge, UK: Cambridge University Press, 1998.

The Linguistic Society of Hong Kong. "Jyutping 粵拼 - Cantonese Romanization Scheme." <https://www.lshk.org/jyutping>.

Valentine, David. "The Categories Themselves." *GLQ: A Journal of Lesbian and Gay Studies* 10, no. 2 (2004): 215–20.

Weatherley, Robert. *The Discourse of Human Rights in China: Historical and Ideological Perspectives*. New York: St. Martin's Press, 1999.

———. *Making China Strong: The Role of Nationalism in Chinese Thinking on Democracy and Human Rights*. New York: Palgrave Macmillan, 2014.

Wei, Wei. "Queer Organizing and HIV/AIDS Activism: An Ethnographic Study of a Local Tongzhi Organization in Chengdu." In *Queer/Tongzhi China: New Perspectives on Research, Activism and Media Cultures*, edited by Elisabeth L. Engebretsen, William F. Schroeder, and Hongwei Bao, 192–216. Copenhagen: NIAS Press, 2015.

Wilson, Richard A. "Tyranosaurus Lex: The Anthropology of Human Rights and Transnational Law." In *The Practice of Human Rights*, edited by Mark Goodale and Sally Engle Merry, 342–69. Cambridge, UK: Cambridge University Press, 2007.

Wong, Yuk-Lin Renita. "Dispersing the 'Public' and the 'Private': Gender and the State in the Birth Planning Policy of China." *Gender and Society* 11, no. 4 (1997): 509–25.

Xu, Xiaoqun. "Human Rights and the Discourse on Universality: A Chinese Historical Perspective." In *Negotiating Culture and Human Rights*, edited by Lynda S. Bell, Andrew J. Nathan, and Ilan Peleg, 217–41. New York: Columbia University Press, 2001.

Zivi, Karen. "Performing the Nation: Contesting Same-Sex Marriage Rights in the United States." *Journal of Human Rights* 13, no. 3 (2014): 290–306.