

BOOK REVIEW
Xiaoping Cong,
*Marriage, Law and Gender
in Revolutionary China, 1940–1960*
(Cambridge: Cambridge University Press, 2016)

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Starting with a legal case *Feng vs. Zhang*, the inspiration for the Ping opera *Liu Qiao'er*, Xiaoping Cong's *Marriage, Law, and Gender in Revolutionary China, 1940–1960* masterfully connects several topics in modern Chinese history with a great variety of primary sources including archival documents, local gazetteers, individual memoirs, and personal interviews. Cong first examines 1940s marriage reform in the Shan-Gan-Ning border region (SGNBR), focusing on the interplay between the revolutionary state and women's agency in the legal process.¹ She adopts a cultural history perspective to review the emergence of the terms “*hunyin zizhu*” (self-determination of marriage) as an alternative of “*hunyin ziyou*” (freedom of marriage) in the historical and social context of in the 1940s SGNBR. Moreover, Cong contributes to the PRC history via analyzing how the revolutionary party-state, local communities, and the educated elites politicized the cultural image of Liu Qiao'er to promote the 1950 Marriage Law and women's self-determination in marriage after 1949.

The original legal case took place in 1943 in Eastern Gansu Province, where two farming families—Feng and Zhang—disputed a marriage contract. Feng Yangui, the father of Peng'er (the prototype of Qiao'er) abandoned her daughter's engagement with the Zhang family to betroth her to another man for a much higher betrothal gift (*caili*, 彩禮). However, Peng'er fell in love with her former fiancé Zhang Bo and fought to marry him. To prevent Peng'er from marrying others, the Zhang Family kidnaped her, incurring a lawsuit from Peng'er's father. After the county court annulled the marriage between Peng'er and Zhang Bo, she appealed to the higher regional Prefect Ma Xiwu. Meanwhile, a series of marriage regulations began in the border region after 1939 with the Communist government emphasized *zizhu* in marriage. In the end, Ma overturned the judgment by the county court and validated Peng'er's marriage to Zhang Bo.

Cong structures her book in three parts with an epilogue at the end. Part I primarily covers the *Feng vs. Zhang* case in the context of local economic conditions and marital culture in the SGNBR. In Chapter 1, Cong argues that regional poverty resulted into many of the marital and betrothal disputes while emphasizing women's agency within local economic conditions and customs. In surveying legal cases in Chapter 2, Cong concludes that rural women in the SGNBR skillfully used legal procedure and CCP policies to fight for self-determination

in their marriages. Part II pays considerable attention to new systems of jurisprudence as well as marriage reform, highlighting the transition from *ziyou* to *zizhu*. In these chapters, Cong discusses compromises between CCP revolutionary principles and local customs (Chapter 3) while also elaborating on how the revolutionary state designed a better method for rural women to assert agency beyond divorce, which many rural women considered an urban-oriented concept (Chapter 4). According to Cong, these new legal practices and regulations demonstrated that revolutionary legal practitioners within the CCP gradually developed an understanding of the social reality, the community, and the local culture in rural regions. Part III analyzes how the CCP politicized the *Feng vs. Zhang* case in Yan'an and nationwide after 1949. Chapter 5 highlights the CCP's flexibility in implementing policies through interaction, interplay, negotiation, and mutual penetration established the CCP's practice of a mass-line policy (p. 176). Chapter 6 discusses how intellectuals in Yan'an adopted the legal case into a local opera and a ballad, which established new images of women under the revolutionary party-state: rebellious daughters with the aid and guideline of a “social mother” (the revolutionary state). Finally, in Chapter 7, Cong concludes the section with a discussion on how the cultural image of *Liu Qiao'er* became the national symbol to promote the 1950s Marriage Law and women's self-determination in marriage. This directly sets up Cong's epilogue, in which she explores the implications of *Liu Qiao'er* as a cultural icon since the 1960s.

In addition to significantly contributing to legal, social, and cultural history, which Lisa Tran and Jennifer Altehenger previously emphasized in their book reviews, Cong's book offers new insights into the study of women and gender in modern Chinese history while highlighting women's agency.² First, Cong discusses women's autonomy in marriage decisions and challenges the assumption that women were victims of CCP efforts to win male peasants' support (p. 44). Rural communities promoted a belief in a patriarchal household with male economic support, so widows commonly remarried after negotiations with the widow, her biological family, and her in-laws (p. 47). Economic concerns and local familial customs fostered cultural gaps for the locals to accept the CCP's concept of divorce (p. 39). Moreover, for the same economic and cultural reasons, Cong finds that soldiers' wives utilized the new marriage regulations to request and receive divorce from their absent husbands in some cases (p. 88–95). Cong's analysis

thus underlines the importance of women's agency in their own marriages in the regional practices and economic situations of the SGNBR as well as in the CCP's implementation of marriage reform.

Second, women found methods to resolve marriage disputes through the construction of the CCP's revolutionary judicial system. As Cong mentions in chapters 3 and 4, the High Court in the border region realized the problems resulting from the 1939 regulation, so the CCP government improved some legal practices to resolve confusion and improper interpretation of the law in the 1940s. Cong describes legal officials in the border region engaging in courtroom investigation and interrogation techniques rather than simply grant the freedom of divorce. For example, local legal aids questioned women betrothed to more than one family, such as Peng'er, in a separate room, away from her father, husband, or other third parties and asked her which man she wanted to wed (p. 156-7). The border region's court thus empowered women in marriage disputes under the principle of *hunyin zizhu* instead of *ziyou* (p. 154). In this way, women were important participants in making their own decisions in marriage.

Third, Cong's analysis greatly benefits from her fabulous recounting of the married life of Xin Fengxia, the actress starring in the Ping opera *Liu Qiao'er*. Build upon Elizabeth Perry's concept, Cong describes how Xin's work contributed to the party-state's usage of "cultural patronage" to promote the 1950 Marriage Law and create political models defining womanhood.³ After staging *Liu Qiao'er*, Xin's talent gained her entry to the social circles of the literati and high-level leaders in Beijing. There, she met her future husband Wu Zuguang and fell in love. Cong highlights Xin's married life

both as embodiment and reversal of the politicalized cultural image of Qiao'er (p. 255). Xin practiced the spirit of self-determination in her marriage, but she did not defer to the regime and refused to divorce with Wu when CCP officials declared him a Rightist. Cong argues that although Xin served as a symbol of the new Marriage Law and a new image for women's liberation, she did not unquestioningly follow the party-state's proposed revolutionary views of marriage (p. 253-6).

Cong's *Marriage, Law and Gender in Revolutionary China, 1940-1960* thus successfully underlines women's agency in legal reform and political campaigns. Women were not just sacrifices to legal reforms but active participants with a certain degree of autonomy. Women's agency also mattered in regional cultures and in the CCP's implementation of legal reforms. Cong's book offers great insight for legal, social, and cultural historians, as well as scholars focusing on women and gender. As Cong's book mainly focuses on marriage reform and regulation in rural areas, I wonder whether urban and rural women differed in their reaction to *Liu Qiao'er* as a cultural icon in the 1950s. Moreover, how did male audiences respond to the series of cultural products spun-off from the *Feng vs. Zhang* case? How did men and women differ in their reactions to the CCP's "cultural patronage" in promoting marriage reform and mobilizing women in other political campaigns? Cong's *Marriage, Law and Gender in Revolutionary China, 1940-1960* may inspire further research on this topic beyond the scope of her book but related to her broad research question.

¹ On women's agency in the revolutionary state, see Zheng Wang, *Women in the Chinese Enlightenment: Oral and Textual Histories*, (Berkeley, California: University of California Press, 1999) and Gail Hershtatter, *The Gender of Memory Rural Women and China's Collective Past*, (Berkeley: University of California Press, 2011). Neil Diamant also compares the implementation of the 1950 Marriage Law in three pairs of urban and suburban regions in the 1950s and 1960s; see Neil Diamant, *Revolutionizing the Family: Politics, Love, and Divorce in Urban and Rural China, 1949-1968*, (Berkeley: University of California Press, 2000). While centering on Beijing in the 1930s and 1940s, Zhao Ma highlights that lower-level women had chance to carve out gendered space by

engaging state policies, marital cultures, local economic situations, and legal culture. See Zhao Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, (Cambridge: Harvard University Asia Center, 2015).

² Jennifer Altehenger, review of *Marriage, Law and Gender in Revolutionary China, 1940-1960*, by Xiaoping Cong, *The Journal of Asian Studies* 78, no. 4 (2019): 886-888; and Lisa Tran, review of *Marriage, Law and Gender in Revolutionary China, 1940-1960*, by Xiaoping Cong, *The China Journal* 80, no. 1 (2018): 183-184.

³ Elizabeth Perry, *Anyuan: Mining China's Revolutionary Tradition*, (Berkeley: University of California Press, 2012).

Response

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Thank you for sending me the draft of the book review and for allowing me to write a response. The book review reads well, and I don't believe I have a great deal to say in response.

The reviewer has done a good job in covering the book's major topics and arguments on women's agency and marriage reform. These themes of the book, which defines women's agency and argues against the assumption that women were either victims of the patriarchal system or instruments of the revolutionary state, were my main focus. However, I have also devoted more than two chapters to the important role of the legal practices and judicial system in the marriage reform. In the book I aimed to address another problematic issue in the existing scholarship studying revolutionary base areas, which has focused too much on the political system, political campaigns, and ideological goals of the revolutionary reform but overlooked how important the legal practice was in the implementation of revolutionary ideas on women and marriage. Analyzing the implementation of law offers a new angle for evaluating the CCP's reform policy. Thus in these two chapters (chapters 3 and 4), I present a full account of the construction of the revolutionary judicial system and its practice around the marriage reform. The construction of the judicial system and its operation, such as mediation, also extends to chapter 5. By underlining the importance of legal practice, I aim to show exactly how the marriage reform played out at the village level, a neglected topic in previous studies. It was also this legal practice that became a decisive part in theorizing Chinese experiences during the twentieth-century revolution.

Moreover, I do not agree with one sentence of the reviewer. The last sentence in the second to last paragraph states, "Cong argues that although Xin served as a symbol of the new Marriage Law and a new image for women's liberation, she did not unquestioningly follow the party-state's proposed revolutionary views of marriage (pp. 253-6)." This sounds as if the reviewer is implying that "the Party-State's proposed revolutionary views of marriage" required a woman to divorce her husband if he had a political problem. This interpretation may be a slight twist of my discussion of Xin's case, in which I stressed Xin's agency in making her own decision and that her faithfulness to her marriage came from traditional values, which may also be embraced in the principle of self-determined marriage.

In the last paragraph the reviewer posed several good questions. Regarding the difference between urban and rural women in responding to the marriage reform and the image of Liu Qiao'er, the book *Revolutionizing the Family: Politics, Love, and Divorce in Urban and Rural China, 1949-1968* (Berkeley: University of California Press, 2000), authored by Neil Diamant, discusses the gap between urban and rural women in

the 1950s regarding their marriages. The second question on how the male audience responded to the culture products of marriage is interesting but very difficult to answer because research based on gathering data on the 1950s' audience is a massive and almost impossible task. I assume that the situation varied depending on their positions; those males who hoped for self-determined marriage would love the drama *Liu Qiao'er*, while others with the opposite view would not. For example, in the last several paragraphs of chapter 7 I presented a case of a woman in Hebei, Li Zhiru. Inspired by the slogan of self-determined marriage and the story of *Liu Qiao'er*, she fell in love with a young man, Jia Jincan, but encountered strong disapproval from her father and brother. In this case it looks like her father and brother opposed the reform. On the other hand, the young man, Jia Jincan, would definitely appreciate the new ideas presented in *Liu Qiao'er*. After all, the goal of this cultural product was to present a model for the young generation, both men and women, and guide the marriage reform. Thus, in the cultural patronage, the state aimed at shaping a new vision of marriage through persuasion rather than indoctrination. The third question involves a huge research and data collection that is beyond my research scope for this book. I hope that such a study will come out in the future.