THE STATUS OF WOMEN IN THE PEOPLE'S REPUBLIC OF CHINA*

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Introduction:

Women in the People's Republic of China are considered to be among the most "liberated" in the world.[1] This was not always the case; in fact, traditionally only Japan and some of the Islamic countries had a worse record than China as regards women's rights. In the twenty-five years since the establishment of the People's Republic of China, the masses of Chinese women have evolved from one of the most oppressed to one of the most "liberated." To achieve this phenomenal transformation within one generation, the Chinese Communists had to change not only the legal status of women but also the entire socio-political order that had kept women oppressed for centuries.

This is remarkable considering that male supremacy was inherent in traditional Chinese culture. In the words of Confucius: "To be a woman means to submit."[2] This submission spanned the woman's entire life through the Confucian doctrine known as "The Three Obediences and Four Virtues." The "Three obediences" were reserved first to her father when young, to her husband when married and to her sons when widowed. The "four virtues" included "women's virtue," "women's speech," "women's appearance," and "women's chore."[3] With a few rare exceptions, such as the Empress Dowager Tzu-hsi who wielded tremendous power at the turn of the century, women were second-class citizens for centuries.

The inferior status of women inherent in Chinese culture was

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[1]The term "liberated", as used in this paper, must be understood in the context of the society of the People's Republic of China today. "Liberation" to the Chinese Communist leadership means equality between the sexes, not sexual license. Many Western writers on this subject seem to equate the liberation of women with sexual liberation. With regards to sexuality, women in China are liberated in the sense of being equal, i.e., there is no double standard when it comes to sex, but neither men nor women are liberated in the sense of sexual license. For a discussion of the difference between these two concepts, see Claudie Broyelle, *Women's Liberation in China,* trans. Michele Cohen and Gary Herman (Sussex: The Harvester Press, 1977), especially Part V, "A Contribution to the Debate on Sexuality in China."

[2]*Book of Rites,* IX:24, quoted in William T. de Bary, *Sources of Chinese Tradition* (New York: Columbia University Press, 1960), p. 816.

[3]Specifically, women's virtue meant that a woman must know her place and act in complete compliance with the feudal ethical code. Women's speech meant that a woman must not talk too much. Women's appearance meant that a woman must adorn herself according to the feudal ethical code. Women's chore meant that a woman must do all the household work well, and willingly serve her husband and parents-in-law.

sanctioned both by tradition and by law. Women were bereft of any political, economic or social rights and what laws were legislated were extremely unfavorable to them. This was particularly true of the marriage laws in traditional China. Included in these laws, such as the marriage laws of the Ching Dynasty, were provisions for her marriage to be controlled by the *pater-familias,* for her betrothal to be sealed with a "bride price" and for her husband to have complete control over her during her lifetime under penalty of divorce without any provisions for her future. She was not allowed any legal rights even in case of criminal violence against her.

With the introduction of Western values to China at the end of the 1880's, attitudes towards women began to change, at least among certain members of the intelligentsia and the urban elite. Many women leaders during this period founded anti-footbinding groups, schools for women and newspapers. Gradual changes occurred throughout the latter part of the nineteenth century and the first half of the twentieth century as a result of the pioneering efforts of both individual women and organized groups. These activities, sporadic as they were and elitist in orientation, formed the basis of the so-called "women's movement" in modern Chinese history.

The women's movement slowly began to be integrated into the larger movement for social change that swept the country during the May Fourth Movement. However, women's struggles during this period were mainly individualistic. They demanded for the right to work, to vote, to choose their own husbands, to get divorced and freedom from compulsory motherhood. But the demand that all women be given socially productive and meaningful labor did not emerge as an ideology until they joined the ranks of the Chinese Communist Party. Before they joined the Party, women's movements were mainly reformist in orientation. For instance, those who demonstrated in the Treaty Ports for sexual equality were mainly interested in equal education opportunities and the freedom to select their own husbands. Thus, although the women's movement was stirred by the social upheavals of the period, it was the Communist policy that gave ideological direction and at the same time made the struggle for women's liberation a thorough-going movement.

As soon as the Communists came into power and the People's Republic of China was established in 1949, they instigated an extremely radical program for the emancipation of women. The key to this reform was the 1950 Marriage Law which was promulgated within the first year of the new government's rule. The 1950 Marriage Law represented the culmination of the Chinese Communists' experience with marriage reform in the "red areas" and the embodiment of their ideology of sexual equality. The very first article abolished the age-old tradition of the "supremacy of man over woman" and introduced what must be one of the most pro-feminist marriage laws in existence.

On May 1, 1950, the Marriage Law of the People's Republic of China had been promulgated, stipulating free choice of marriage partners, monogamy, equal right for both sexes and protection of the "legitimate

interests of women and children." Two months later, on June 30th, the Agrarian Reform Law came into effect. The simultaneous implementation of these two laws were deemed as important steps for bringing about the liberation of women in China. For while the Marriage Law specifically enunciated provisions affecting women directly, the latter law provided the material conditions that would enable women to take advantage of the new Marriage Law. As Engels said:

> ...the emancipation of women and their equality with men are impossible and must remain so as long as women are excluded from socially productive work and restricted to housework, which is private. The emancipation of women becomes possible only when women are enabled to take part in production on a large social scale, and when domestic duties require their attention only to a minor degree.[4]

The fundamental themes that will be developed in this paper are: first, although there were incidences in Chinese history which reflected the beginning of the struggle for women's liberation, such as the rebellion of women during the Ming Dynasty and the doctrines included in the Taiping Heavenly Kingdom in the mid-1850's, these struggles were not conceived of as a principle of social and political equality. The concept of sexual equality as a social movement had to wait until later in the Ch'ing Dynasty, a concept which was reinforced by the introduction of Western ideas but remained elitist in outlook; second, the struggle for women's liberation during the May Fourth Movement up to the late 1920's was confined mainly to individual rights and was later subordinated to the larger issue of nationalism; third, it was only the Chinese Communist Party that recognized the relationship between the liberation of women and the liberation of the Chinese semi-feudal, semi-colonial and colonial society.

Still the liberation of China from the Kuomintang forces did not automatically liberate the Chinese women from oppression. It did, however, focus national attention to their oppression. As indicated above, the Marriage Law was passed to insure the emancipation of women from centuries-old feudal bondage. A few months later a nationwide land reform program was instituted to insure economic equality between men and women. Land reform, however, was only one of the first steps the Chinese took in involving women in social labor. Later, with the introduction of transition stages in the socialist transformation of China—from New Democracy to Socialist Construction to the Dictatorship of the Proletariat—women were as much involved as men in the forging of these revolutions.

The liberation of women in China, in a larger sense, is the transformation not only of men's patriarchal and feudal attitudes towards women, but also the transformation of the women themselves—in their evaluation of their own selves and the group, the reassessment of their roles in relation to their own husbands, children, families and the larger collective where they play active parts.

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[4]Frederick Engels, *The Origin of the Family, Private Property and the State* (New York: Pathfinder Press, 1972), p. 152.

The heart of the Chinese message on sexual equality is that women, by liberating themselves, liberate half of the Chinese society. More important is the welding of this liberated force with the continuing socialist revolution.[5]

I. The Status of Women in "Pre-Communist" China

Much has been written on the traditional Chinese family, the clan system and the inferior status of the Chinese woman. These traditions are succinctly expressed in many of the old sayings of China—the proverbs, the songs, the adages. The following are some samples from the traditional literature, including the classics:

(on the status of women)

> Old society is a deep well,
> In which we common people dwell.
> And at its very bottom,
> Live the women.[6]

> A woman's lack of talent is in itself a virtue.[7]

> To be a woman means to submit.[8]

> The wife's words should not travel beyond her own apartment.[9]

> A man does not talk about affairs inside [the household] and a woman does not talk about affairs outside [the household].[10]

> It matters not if a cock crows; but if a hen crows, it must be decapitated.[11]

> Men may roam the country, but women should only travel 'round the stove.[12]

> Heaven is man: Earth is woman.[13]

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[5]Although this paper touches on the modes of production in the course of explaining the central role played by class struggle in the Chinese revolution, particularly women's liberation, it will not include an extensive discussion of the social forms of management, the allocation of tasks, production relations and class relations. The theoretical and practical significance of this topic requires too much space and should be discussed in another paper.

[6]Lu Chen-Hsiang, "Marriage in the Village: Yesterday and Today," *China Reconstructs* (July 1962), p. 10.

[7]C.K. Yang, *Chinese Communist Society: The Family and the Village* (Cambridge, Mass.: The M.I.T. Press, 1965), p. 112.

[8]*Book of Rites,* IX:24, quoted in William T. de Bary, *Sources of Chinese Tradition* (New York: Columbia University Press, 1960), p. 816.

[9]*Book of Rites,* I:24, *ibid.*

[10]*Book of Rites,* X:12, *ibid.,* p. 817.

[11]Vermier Y. Chiu, *Marriage Laws and Customs of China* (Hong Kong: Lung Men Press, 1966), p. 66.

[12]Sun Yu, "The Women's Representative," *The Women's Representative* (Peking: Foreign Languages Press, 1956), p. 69.

[13]Jack Belden, *China Shakes the World* (New York: Monthly Review Press, 1949), p. 288.

(on husband/wife relationships)

The thread controls the needle; a husband controls his wife.[14]

Women are like wheelbarrows; if not beaten for three days, they cannot be used.[15]

If I buy a horse, I can beat it; if I marry a wife, I can do as I like.[16]

When a woman is angry, her husband beats her; when he is angry, he also beats her.[17]

Officials depend on seals; tigers depend on mountains; women depend on their husbands.[18]

Marriage! Marriage! Clothes to wear; food to eat.[19]

Get a husband, get a husband; only then can you wear clothes and eat rice.[20]

A wife married is like a pony bought; I'll ride her and whip her as I like.[21]

A wife is like your clothes but your brothers are like your hands and feet.[22]

To be reverent and obedient, that is the golden rule of wifehood.[23]

If a wife is like a shadow or an echo, how shall she not be praised.[24]

(on divorce and remarriage of women)

A good horse will not serve two masters; a good woman will not marry two husbands.[25]

A good girl never marries twice.[26]

When you marry a chicken, stick with the chicken; when you marry a dog, stick with the dog.[27]

A faithful minister doesn't serve two emperors and a good woman doesn't marry twice.[28]

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[14]*Ibid.*, p. 314.

[15]*Ibid.*

[16]*Ibid.*, p. 313.

[17]*Ibid.*

[18]*Ibid.*

[19]*Ibid.*, p. 314.

[20]Yang Lu, "The Correct Handling of Love, Marriage, and Family Problems," *Chinese Sociology and Anthropology* (Spring 1969), p. 38.

[21]Committee of Concerned Asian Scholars, *China! Inside the People's Republic* (New York: Bantam Books, 1972), p. 266.

[22]Chiu, *op. cit.*, p. 59.

[23]Robert H. van Gulik, *Sexual Life in Ancient China: A Preliminary Survey of Chinese Sex and Society from ca. 1500 B.C. till 1644 A.D.* (Leiden, Netherlands: E.J. Brill, 1961), p. 100.

[24]*Ibid.*, p. 101.

[25]Chiu. *loc. cit.*

[26]Belden, *op. cit.*, p. 286.

[27]C.K. Yang, *op. cit.*, p. 64.

[28]Chin Chien, "Chao Hsiao Lan," *The Women's Representative* (Peking: Foreign Languages Press, 1956), p. 40.

In her study of women in the People's Republic of China, Ruth Sidel described traditional Chinese society thus:

> The purpose of marriage was to produce male heirs to perpetuate the paternal grandparents' family, to assure the continuity of the husband's family structure, and to provide additional work power, from the son- and daughter-in-law. The preference for male children, the importance of descendants through the male line, and the young wife's moving in with the paternal in-laws are further evidences of male dominance... Women were worse than second-class citizens; they were very nearly slaves...
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> If one was unfortunate enough to be born female, before 1949, one might very well not survive. Female babies were an economic liability; they would never become part of the family's work force and would only bring a marriage price. Often parents did not know how they could feed a daughter, and, in fact, the practice of drowning girl babies was common. Those female babies that survived were likely to be treated warmly and permissively in the first few years. Between the ages of five and seven they might have their feet tightly bound, so that, in the future, walking would be nearly impossible...
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> In addition to having their feet bound, women were kept to their menial role by a number of other practices. Illiteracy was generally high in China before Liberation, and women were denied an education even more systematically than men... In addition to being denied education, women were discouraged from developing any skill outside those related to the home or from working outside the home. Thus, they would be completely dependent economically on their husbands and on their inlaws, no matter how badly they were treated.
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> In all the social classes, whether urban or rural, girls were married at a young age to men they were likely not to know beforehand; the marriages were arranged by both sets of parents, with a view to strengthening the family of the groom. Girls were generally married at the ages of fifteen to seventeen, and boys at sixteen to eighteen, but frequently girls were married even younger than that, often as children. The young bride belonged to her husband's family and was discouraged from even visiting her own family. Essentially, she lost her identity as a human being and was totally subservient to the needs and wishes of her new family. She was the last to eat and ate the most inferior foods available to the family; the clothing she was given was inadequate, and often she was cold in the winter. She was beaten at will by her husband and by others in his family. Most of all, she was a slave to her mother-in-law, perpetuated by tradition. Because she knew no trade and had no means of support, she was in bondage to her husband and his family.
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> Women were married for life; divorce was not permitted to them. Even if the husband were to die, remarriage was frowned upon, for the widow was still considered part of her husband's family... Suicide was the only way out of her miserable existence, and suicide were not uncommon in old China...[29]

From the foregoing description, it is evident that to have been a woman in traditional China was to have been oppressed. From the

[29]Ruth Sidel, *Women and Child Care in China: A Firsthand Report* (Baltimore: Penguin Books, 1972), pp. 11-14.

moment of her birth—almost always a disappointment to her family—she was considered inferior:

> When a son is born,
> He is cradled on the bed,
> He is clothed in robes,
> Given a jade sceptre as toy.
> His lusty cries portent his vigour,
> He shall wear bright, red knee-caps,
> Shall be the lord of a hereditary house.
> When a daughter is born,
> She is cradled on the floor,
> She is clothed in swaddling-bands,
> Given a loom-whorf as toy.
> She shall wear no badges of honour,
> Shall only take care of food and drink,
> And not cause trouble to her parents.[30]

Although as an infant there was not much differentiation in treatment between girls and boys, by the age of about four years old "role differentiation on the basis of sex was genuinely imposed upon the lives of children and was never thereafter absent from their lives."[31]

Throughout her life, the woman was subordinated to a male—to her father as a child, to her husband when married, and to her son-in-law when widowed. Moreover, she was cast into a role that a man did not experience, namely that of changing from the family in which she was reared (her family of orientation) to the family in which she reared her own children (her family of procreation).[32]

In addition to her subordinate role in her interpersonal relationships, the woman in traditional China was bereft of any political or economic status in Chinese society. As the "property" of first, her family of orientation and then her family of procreation, she had no legal rights either. There was thus no way out for her and, except for the few who chose to rebel through suicide, the woman in traditional China accepted her lot in life in silent submission.

Changes in the status of women in Chinese society, did not occur overnight with the Communist take-over in 1949. Gradual changes took place throughout the latter part of the nineteenth century and the first half of the twentieth century as a result of the pioneering efforts of both individual women and organized groups. These activities, sporadic as they were, formed the basis of the so-called "women's movement" in modern Chinese history. Several stages in the development of the women's movement during this period (late 1800's to 1949) can be noted and for purposes of analysis can be broken down as follows:[33]

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[30]*Book of Odes,* No. 189, quoted in van Gulik *Sexual Life in Ancient China. . .*, pp. 15-16.

[31]Marion J. Levy, Jr., *The Family Revolution in Modern China* (New York: Octagon Books, 1963), p. 75.

[32]*Ibid.*, p. 147.

[33]C.K. Yang, *op. cit.*, pp. 133-135.

(1) The initial stage lasted from the last decade of the 19th Century until the Republican Revolution of 1911;

(2) The second stage included the first half-dozen years of the Republic;

(3) The third stage began with the New Culture Movement of 1917 through the May Fourth Movement and lasted until the early part of the Second Revolution, 1921-1924, and

(4) The last stage covered the period from the mid-1920's, when the Second Revolution was in full swing, until the Communist victory in 1949.

The initial stage, lasting from the last decade of the nineteenth century to the Republican Revolution of 1911, consisted of the early introduction of Western ideas on equality between the sexes and on human rights and freedom and the resulting individual action by a few pioneering women and sporadic, short-lived organized adventures.[34]

Mention should be made at this point of K'ang Yu-wei (1858-1927), a radical reformer, who led China's first organized modern reform in the late 1800's. On May 2, 1895 he presented what became known as the "Ten Thousand Word Memorial" which inaugurated the Reform Movement of 1895 through 1898. This movement advocated a multitude of reforms, including the establishment of a modern educational system for women as well as men and the unbinding of women's feet. K'ang Yu-wei also organized the first Anti-Footbinding Association.[35] According to him, the "abolition" of the traditional family was a condition for the proper performance of modern public duties.[36] However, the 100-day reform (June 11-September 21, 1898) proved abortive and its abrupt end restored most of the *status quo ante.*

One of the most famous of the women pioneering for equal rights was the revolutionary "martyr" Ch'iu Chin. Daughter of wealthy literati who had her tutored in classical education, she rebelled against her arranged marriage and left her husband and two children to become headmistress in a Chekiang modern women's middle school and a teacher in a boy's school. Her goal was to organize her pupils to stage an uprising and end the Ch'ing dynasty. In 1907, she established the *Chinese Women's Journal,* the first feminist newspaper, in Shanghai. She was later decapitated by the Manchu rulers for her feminist and revolutionary activities.[37] Other women followed Ch'iu Chin's example, including her own students who formed a short-lived para-military brigade to fight in the 1911 Revolution to avenge their teacher's death, as well as the militant woman teacher, Sophia Chang, who took her name from Sophia Priovskaya, one of the assassins of Tsar Alexander II.[38]

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[34]*Ibid.,* pp. 133-134.

[35]Lo Jung-Pang, ed. and trans., *K'ang Yu-wei: A Biography and a Symposium* (Tucson: University of Arizona Press, 1967), pp. 38-39.

[36]C.K. Yang, *op. cit.,* pp. 11-12.

[38]For a complete biography, see Mary Backus Rankin, "Radical Psychology: Ch'iu Chin and Heroism," *Chinese Revolutionaries: Radical Intellectuals in Shanghai and Chekiang, 1902-1911* (Cambridge, Mass.: Harvard University Press, 1971), pp. 38-47.

The Revolution of 1911, led by the revolutionist Sun Yat-Sen (1866-1925), attracted into its ranks many such women whose demand for a new feminine role in a different kind of family institution was no less strong than their demand for a new political order. Although the masses of women were not involved in this struggle, it was nonetheless the beginning of women's participation in the political life of China. This Revolution did more than change the political structure of China in that it initiated the break-down of the traditional dominance of the family in social and political life. This first stage thus laid the foundations for the many subsequent popular movements that were to seriously affect the continued operation of the traditional family as an institution.

The second stage in the development of the women's movement, which began with the establishment of the Republic in 1912, was marked by a general retrenchment of this movement. Although Sun Yat-sen was not an active promoter of women's rights during his brief tenure as President, the newly founded women's organizations devoted themselves both to supporting the Republic and to securing equal rights under the draft constitution. The names of these organizations reflect their strident seriousness of purpose: the Shanghai Society of Comrades for Woman Suffrage, the Woman Suffrage Rearguard Society, the Women's Militant Society, the Women's Alliance, the Women's Peace Society, the Society for the Support of Equal Rights for Men and Women, and the Women's Citizen's Society.[39]

Thus a new element was introduced into women's organizations, namely that of their political mobilization. This began in earnest with the formulation of the Suffrage Alliance. The Alliance first tried to petition parliament for guarantees of equal political rights, and when petitioning failed, a small group of members actually stormed parliament demanding women's suffrage. The demonstration was easily dispersed and was taken seriously by few. The Alliance failed to gain substantial support, and concerned women returned to such causes as obtaining modern education and unbinding feet.[40]

During this stage the excitement of early action had cooled down considerably. But the movement made a steady gain in women's education, which trained leaders for the continued development of the movement and disseminated its basic ideas to an ever-increasing number of women students. Alongside this was the development of literature as a medium to propagate the movement and to expand its following among both men and women. The course was staid and unspectacular, but the advance was steady.[41]

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[38]Janet Salaff and Judith Merkle, "Women and Revolution: The Lessons of the Soviet Union and China," *Women in China: Studies in Social Change and Feminism,* ed. Marilyn B. Young (Ann Arbor: University of Michigan, 1973), p. 161.

[39]Roxane Witke, "Women as Politicians in China of the 1920's," *Women in China...*, p. 35.

[40]Suzette Leith, "Chinese Women in the Early Communist Movement," *Women in China...*, p. 48.

[41]C.K. Yang, *op. cit.*, p. 134.

Although efforts to legislate women's suffrage and women's rights were abortive in the opening years of the Republic (the Provincial Constitution of May 11, 1912 did not include a clause guaranteeing male-female equality), the issues resurfaced in the polemics of the May Fourth era. A new stage began with the New Culture Movement or Renaissance in 1917 and broke out in full force in the May Fourth Movement of 1919. The phrase "May Fourth," which derived from the 1919 student demonstration of that date in Peking, usually designates the whole intellectual movement roughly from 1917 to 1921 or even later. During this period there was an increase in the influence of Western ideas, and traditional Chinese values, especially Confucianism, came under attack and re-evaluation.

It was during this movement that the term "family revolution" was introduced into the consciousness of the public. Its main objectives included a new role for women in the family as well as in society, in general terms of sex equality; it advocated freedom of social association between opposite sexes; it demanded marriage by free choice and love, not by parental arrangement; it called for greater freedom for the young; it vaguely urged the development of a new family institution similar to the Western pattern.[42]

The idea of the emancipation of women spread rapidly and, according to one writer on the history of Chinese women. "The Chinese women's achievement of a life of independent personality was actually initiated by *New Youth*, and the May Fourth Movement provided the key to the achievement."[43]

The intellectual revolution was centered at Peking National University (Peita) and its leaders included many faculty members of this institution: e.g., Ch'en Tu-hsiu (1879-1942), a leading revolutionary journalist who was Dean of Letters; his principal ally, Hu Shih (1891-1962), and other scholars such as Wu Yu, Lu Hsun, T'ao Meng-Ho and Chou Tso-jen.

Early in 1916, Ch'en Tu-hsiu advocated a new family system and the emancipation of women. Later, in their attacks on Confucian ethics, Ch'en and Wu Yu often made the same suggestion. In January 1918, *New Youth* published T'ao Meng-ho's article on the position of women, introducing Western views of the women's movement. Four months later, Chou Tso-jen published in the monthly his translation from the Japanese of an article by Yosano Akiko (1878-1942) on chastity, opposing one-sided chastity and rejecting the idea that chastity is morality. This view was supported by Hu Shih, Lu Hsun and many other writers.[44]

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[42]*Ibid.*, p. 13.

[43]Quoted in Chow Tse-tsung, *The May Fourth Movement: Intellectual Revolution in Modern China* (Cambridge, Mass., 1960), p. 257.

[44]*Ibid.*, pp. 257-258.

Like the boys, Chinese girl students developed a great interest in political affairs during the May Fourth Movement. They joined the student movement and its attendant social and political activities. Co-education was established. Before the May Fourth Movement, there were few girls' schools of higher learning, but by 1922, twenty-eight universities and colleges had girl students.[45]

During this period the issues surrounding the role of women were referred to collectively as the "woman problem." While the "woman problem" pervades all May Fourth Literature, serious writers did not deal with the problem as such but with one or more of its substantive issues: the reform of the family system, marriage reform divorce, communal rearing of children, chastity, suicide, suffrage, etc.[46] There were numerous journals of both general and restricted circulation devoted solely to women and most journals included articles and special issues on women. Two of these new journals for women which appeared shortly after the May Fourth Incident include *The New Women* which had for its objective "to rouse women as a means of reforming society," and *The Woman's Bell* whose aim was "to educate women and enable them to take part in the progress of society."[47]

During the period of the May Fourth Movement, journals devoted to the subject of women were mostly prepared by and for men who were in the process of shaping the new China. Mao's writings, such as "Miss Chao's Suicide" (1919),[48] for example, were clearly directed towards a masculine audience. It is likely that the reason for this was that 90 percent or more of the female population was illiterate and the majority of women were still unconcerned with the problems of their own emancipation.[49]

The May Fourth rhetoric, however, belonged more to the world of thought than of action, although there were some suffrage activities, especially in Hunan and Kwantung. In 1920, a number of women in Changsha joined the citizens' demonstration, asking for marriage freedom and personal freedom. In February of the following year, the Women's Association of Hunan was established, and proposed the realization of five rights for women, i.e., equal right of property inheritance, the right to vote and to be elected to office, equal rights of education, equal rights to work, and right of self-determination in marriage. This was later known as the "five proposal movement." It succeeded in December 1921 in obtaining provisions for suffrage and women's personal freedom in the Hunan provincial constitution and in electing a woman to the provincial legislature. Similar movements took place in Chekiang and Kwantung provinces.[50]

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[45]*Ibid.*, p. 258.

[46]Roxane Witke, "Mao Tse-tung, Women and Suicide in the May Fourth Era," *The China Quarterly* (July-September 1967), p. 129.

[47]Chow, *op. cit.*, p. 180.

[48]See Stuart R. Schram, *The Political Thought of Mao Tse-tung* (New York: Frederick A. Praeger, 1963), pp. 226-228, for text of this essay.

[49]Witke, "Mao Tse-tung, Women and Suicide"..., p. 129.

[50]Chow, *op. cit.*, p. 259.

Attempts were also made at the capital by a group of women students to have a clause guaranteeing male-female equality written into the Constitution when Li Yuan-hung's Peking government convened the Constitution Conference in the summer of 1922. These attempts failed to alter the Constitution in favor of women suffrage. However, the women's suffrage movement had become active during that summer and later split into moderate and revolutionary wings, i.e., the Women's Suffrage Association established in Peking on July 25, 1922 and the Women's Rights League established also in Peking on August 23rd.[51] The Women's Suffrage Organization, composed mainly of students and teachers, focused its demands on women's participation in government, while the Women's Rights League demanded a constitutional guarantee of total equality between the sexes and was concerned with the whole spectrum of women's problems. The activities of these groups were mainly propagandistic rather than organizational; they published, spoke at meetings, shouted slogans in the streets. Both groups were almost entirely composed of urban, educated middle or upper-class women.[52]

Also in 1922, Mrs. Margaret Sanger visited China and delivered a speech at Peking University on "The What and How of Birth Control," with Hu Shih translating. Mrs. Sanger's visit aroused, for the first time, popular interest in the subject. Several organizations were then established in Peking and Shanghai to promote it.[53]

Other leading foreign scholars, such as John Dewey and Bertrand Russell, also lectured at Peita during this period. The extent of the propagation and acceptance of Western ideas may be gauged from the wide circulation of the Chinese translations of Ibsen's plays and their success as stage productions in large cities.[54]

This stage has been discussed in detail because it represents a turning point in the development of the women's movement. For the first time the women's movement was no longer a current isolated from changes in other social institutions but received its support from both the New Culture Movement and the May Fourth Movement, movements that supplied the major ideological orientation for subsequent social and political developments.

The 1920's saw the height of the warlord period in Chinese politics and the rise of a revolutionary movement to re-establish central power. This movement, the so-called "Second Revolution," aimed not only at national reunification but also at social revolution. During this last pre-1949 stage in the development of women's movements, women gained greater political power and, in fact, became political workers in both the Kuomintang and the Communist Party. In 1924 the Kuomintang called for sex equality in law, in economic matters, in education, and in

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[51] *Ibid.*

[52] Leith, *op. cit.*, pp. 48-49.

[53] Chow, *op. cit.*, p. 258.

[54] C.K. Yang, *op. cit.*, p. 13.

society in general; from the 1920's on, sex equality was accepted as a fundamental principle by the urban intelligentsia.[55]

During this period a few noted women became politically influential. Three women—Madame Sun Yat-sen, Madame Liao Chung Kai, and Madame Wang Ching-wei—were elected in 1924 to the first Congress of the Kuomintang.[56]

The Second Revolution culminated in Chiang Kai-shek's Northern Expedition of 1926 and in the establishment of the Nationalist government in Nanking a year later. The rise to power of the Kuomintang meant a new form of government, namely one-party dictatorship. This resulted in a reversal of the earlier clamor for social revolution, including the suppression of mass movements. Thus, in 1927, the women's movement suffered a dramatic setback when Chiang Kai-shek destroyed most of the women's associations. Stalin, in a futile gesture of resistance, ordered the uprising in Canton in December 1927. When this was suppressed, some two to three hundred women were executed by the Kuomintang for simply being caught with short haircuts, a symbol of emancipation. More than one thousand women leaders were killed during this year of reaction.[57]

By this time an open civil war had broken out between the Kuomintang and the Chinese Communist Party; the working alliance between the two parties was shattered. This split between the two parties led to divergent courses in the development of the women's movement in the Kuomintang areas and in the "red areas" after the late 1920's. In the areas under Communist control, the women's movement continued to develop as part of the Communist political movement (see Part II) but, in the Kuomintang area, the political aspect of the movement was checked whenever the leadership turned too much to the left, although the women's movement in general continued almost unhindered.[58] There was an accelerated pace in the development of women's educational and economic opportunities in the cities, and women's appearance on the social scene was fast becoming an accepted fact.

Thus, this last stage in the development of the women's movement was marked by increasing identification with revolutionary political movements. Coordinated support now came from changes in the political as well as the educational, economic and family institutions. Most importantly, however, the women's movement began to extend beyond the urban intellectuals, to involve the masses.

An interesting illustration of the advances made in the emancipation of women in pre-Communist China is seen in the history of the abolition of footbinding among Chinese women. The practice of footbinding more than any other symbolized the subjection of women

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[55]Sidel, *op. cit.*, p. 16.

[56]*Ibid.*, p. 9.

[57]Katie Curtin, "Women and the Chinese Revolution," *International Socialist Review* (March 1974), p. 11.

[58]C.K. Yang, *op. cit.*, pp. 118-119.

and its gradual eradication over the 50-odd years very closely followed the changes which occurred on other fronts.

Footbinding, a custom which apparently started in the Courts of the Southern T'ang Dynasty in A.D. 937, was commonly practised among all but some of the lower-class Chinese women. The feet of young girls were bound after first being soaked in hot water, then massaged; the four toes were flexed and pressed over the sole of the foot and bandaged with a piece of cloth two inches wide and ten feet long. Suffering great pain the young girl was made to walk on her bound feet with shoes that were made progressively smaller until, after two or three years of having the bandages tightened, the foot was reduced to three and a half to four inches.[59] As the bound feet restricted the women's ability to even walk, no other practice is more symbolic of the subordinate role of women in traditional China.

Towards the end of the Manchu dynasty, opposition to footbinding became more widespread, within the larger movement for reform, modernization, and feminine equality.[60] "Natural-foot societies" were established with considerable success. In 1895, a memorial from women of different nationalities is said to have reached the palace and influenced the Empress Dowager to proclaim the Anti-footbinding Edict of 1902. This natural-foot movement of the 1890's was identified with the liberal reformers and champions of women's rights.

By the beginning of the twentieth century, powerful officials and influential statesmen were giving it increasingly open support. Progress was achieved in stages. During this period, "natural-foot societies" were organized and distributed propaganda in towns and villages around China. This led to greater popular enthusiasm and participation in the years shortly before the Revolution. After the Revolution and the elevation of the social status of women, the elimination of footbinding was considered essential. As noted above, this was one of the goals of the early Suffrage Alliance, and of the New Culture, and May Fourth Movements.

More than twenty years after the Revolution this was still an issue especially among the middle-aged. The *Peking Daily* in January 1935 published a series of pronouncements by the Peking Municipal Government against footbinding, threatening punishment for violators. The press in the 1930's reported unceasing organizational efforts to eradicate this ancient practice.

Even in the liberated areas, where the emancipation of women progressed faster, the Communists were forced to issue a proclamation abolishing footbinding in 1942. But they found that simply issuing the order, and even fining the families of women with bound feet, was not effective; they then rescinded the order and instead educated the people about foot-binding.[61]

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[59]Sidel, *op. cit.*, pp. 12-13.

[60]This historical background on the abolition of footbinding has been taken from Howard S. Levy, *Chinese Footbinding: The History of a Curious Erotic Custom* (New York: Walton Rawls, 1966), pp. 65-103.

[61]Sidel, *op. cit.*, p. 13.

Gradually, with the progress in women's emancipation which took place in the economic and political spheres, this remnant of the former oppression of women was abandoned. Visitors to China in 1971 noticed "old women with feet painfully crippled from foot-binding."[62] witnessing the gradual changes which took place in the status of women in Chinese society prior to 1949.

II. THE STATUS OF WOMEN IN "COMMUNIST" CHINA

It has been shown how the policies of the Kuomintang and the Chinese Communist Party toward the women's movement differed as a result of the break between the two parties in 1927. In the areas under Communist control the women's movement continued to develop as part of the Communist political movement. To the Communists, women's emancipation was part and parcel of the overall socio-political liberation of the people.[63] Hence, it was imperative that women be politicized and organized along with men. The necessity of recruiting women students, women workers and women peasants for the revolution was high on the Communist agenda. The realization of the indispensability of women to the revolution occurred in the mid-1920's and greatly influenced the Communists' tactics in the following two decades.

The Chinese Communist Party was established in 1921 but it was not until July 1922, a year later, that the party took its first public note of women. This was in the manifesto of the Second Congress of the Chinese Communist Party which called for the right to vote for all, regardless of sex, and for the abolition of all legislation restricting women. At the third conference of the Third International, also in 1922, the Chinese Communist Party announced the organization of a special bureau to incorporate women into the Party:

> . . . it was decided that in all countries a special committee should be established in the Communist Party to lead women, a women's department be elected, and a special column for women be set up in the party newspaper. The CCP decided to adopt this plan as soon as it can.[64]

During this period, the Chinese Communist Party was not an independent party but was working through the Kuomintang. The alliance between the Chinese Communist Party and the Kuomintang, under the influence of the Comintern, had developed gradually over the years 1921-1924. Thus, the women's activities decided on in 1922 were

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[62]Committee of Concerned Asian Scholars, *op. cit.*, p. 226.

[63]For a discussioin of the theoretical basis of this ideology, see Sybilla Green Dorros. "The Theoretical Basis of Sexual Equality and Marriage Reform in China," *Asian Studies*, Vol. XIII, No. 2 (August 1975) pp. 13-25, and Sybilla Green Dorros, "The Theoretical Basis for Chinese Communist Ideology of Sexual Equality and Marriage Reform," Part III of "Marriage Reform in the People's Republic of China," *Philippine Law Journal*, Vol. 51, No. 4 (September, 1976) pp. 346-355.

[64]Ch'en Kung-po, *The Communist Movement in China* (New York, 1960), p. 28, quoted in Suzette Leith, "Chinese Women in the Early Communist Movement," *Women in China: Studies in Social Change and Feminism*, ed. Marilyn B. Young (Ann Arbor: University of Michigan, 1973), p. 49.

incorporated into the Kuomintang's women's department under Ho-Hsiang-ning in Canton. (Raised in Hong Kong, Ho in 1905 had become the first woman to join Sun Yat-sen's T'ung-meng Hui. She was married to Liao Chung-k'ai, a top Kuomintang leader, and had recruited women for the 1911 Revolution.) Ho's main activity as Kuomintang women's director appears to have been the creation of various groups in the Canton area, including an organization of female telephone workers, a "liberation" society, and the all-Kwangtung Women's Alliance designed to organize and educate women of the masses and to awaken them politically.[65] Helen Snow indicates that another function of Ho's organization was to act as a lobbying group for women's rights within the nationalist government, then based in Canton.[66] By 1927, it is estimated that more than a million and a half women in ten provinces were incorporated into women's groups under Ho and the Kuomintang, 300,000 of these also being members of Communist organizations.[67]

The influence of the Chinese Communist Party in the women's movement became evident as early as Women's Day of March 8, 1924, when a rally was held under Communist leadership in the First Park in Canton. Several hundred women, a large proportion of them students, participated in the demonstration; they paraded, made speeches and shouted various slogans: "Down with imperialism," "Down with Warlords," and those more exclusively feminist concern, "Same work, same pay," "Protection for child labor and pregnant mothers," "Equal education," "Abolish child brides and polygamy," "Prohibit the buying of slave girls and the taking of concubines," "Formulate a child protection law," etc.[68]

Demonstrations were held in other cities, too, but they were in most cases organized underground and could not compare in scope with Canton's. Throughout the 1920's, March 8 continued to be a focal point for mobilizing women. By 1926, the movement had grown to such proportions that 10,000 gathered together in Canton, 800 in Hunan.[69]

The March 8th rally undoubtedly gave great symbolic encouragement to the women of China. Furthermore, as the first mass women's demonstration sponsored by the Chinese Communist Party-Kuomintang, it marked the beginning of a new stage in the Chinese women's movement, one in which women's rights were to become increasingly identified with revolutionary political movements.[70]

Communist decisions in 1926 on the women s movement perhaps marked the beginning of a major Chinese party making a political arm

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[65]Leith, "Chinese Women" . . . , pp. 51-52.

[66]Helen Foster Snow, *Women in Modern China* (The Hague, 1967), p. 107, cited by Leith, "Chinese Women" . . . , p. 52.

[67]*Ibid.*

[68]C.K. Yang, *Chinese Communist Society: The Family and Village* (Cambridge, Mass.: The M.T.T. Press, 1965), p. 120; and Leith, "Chinese Women" . . . , p. 52.

[69]Yang Chih-hua, "Days I Can't Forget", *Women in China* (March 1956), p. 7, cited by Leith, "Chinese Women" . . . , p. 53.

[70]Leith, "Chinese Women" . . . , p. 53.

out of the women's movement by working out systematic tactics for recruiting and organizing its members and by expanding the movement from among the modern urban intelligentsia to women workers and peasants.[71] These decisions were adopted by the Central Committee of the Chinese Communist Party at the Second Enlarged Plenum held in Shanghai, July 12-18, in a document entitled "Resolutions on the Women's Movement":

> Having studied the report of the Women's Department of the Central Committee, we note a certain amount of achievement in the women's movement, which has demonstrated considerable usefulness in the national liberation movement. On the other hand, many weaknesses have come to light, such as failure to penetrate the masses and excessive emphasis on bureaucratic activities. [Party members working in the women's movement] in Kwantung and Peking have neglected the Party's development. Publications are too monotonous and political. Hereafter, the following points should be given special attention in our women's movement.
>
> 1. *Emphasis on the masses.* We have in the past utilized such organs as the Women's Department of the Kuomintang, women's associations, and federations of women of all circles in many places to activate and "summon the masses." Frequently, however, the result has been neglect of the masses. We have failed to penetrate the masses and merely control these organs. Upon the outbreak of certain incidents, we issued manifestos and pamphlets and dispatched telegrams in the name of these organs. Such practice has created increasing fear and suspicion among the masses, separating us further from them and placing us in an increasingly isolated position. This is a very serious mistake.
>
> In our future work, we should not, naturally, refrain from using such organs as women's associations and the Women's Department of the people's school (KMT) to summon the masses. Our primary duty, however, is to summon the masses. To get hold of the masses, it is not enough merely to control certain organs, creating thereby a bureaucratic kind of movement. We must lay primary emphasis on work among the masses.
>
> 2. *United front.* At present, a number of cliques have developed among the masses of women as a result of class differentiation, especially in Kwantung. Hence, a united front of all women's cliques has become a serious problem. We have been too subjective on this point in the past. We have too often merely aimed at our own activities and brought up our own slogan, paying little attention to the interest of women of all classes and the views of women's organizations of all cliques. The result was that our activities were monotonous and isolated and we have lost the sympathy of the majority of the masses. This is one of our past mistakes. We should hereafter pay special attention to the united front of women of all classes and all women's organizations. In order to establish this united front, we must emphasize: (1) more attention to women's own interests; (2) a certain amount of respect for the views and policies of other women's organizations when certain movements occur; and (3) avoidance of monopoly situations and other unnecessary conflicts.

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[71]Yang, *op. cit.*, p. 120.

3. *Female labor and women students.* Resolutions on the method of dealing with female labor and students were adopted at the Fourth Congress and at the Enlarged Conference of last year. To this date however, very little has been done. Little attention has yet been given to this problem at certain places, such as Kwantung, Peking, and Hupeh. This is a very bad situation. We must realize that the labor movement is the essence, and women students a tool, of the women's movement. If we fail to achieve results among these two groups, it is senseless to speak of all other women's movements.

4. *Peasant women's movement.* This has just been initiated. With the peasant movement suddenly and rapidly developing, however, the future peasant women's movement will occupy a very important position in the Chinese women's movement. Although we cannot as yet formulate concrete plans, we should at least begin to give our serious attention to the problem and prepare personnel for the peasant women's movement, especially in Kwantung and Hunan.

5. *Popularization of women's publications.* It is a sign of progress that there has been an increase in local women's publications. Their contents, however, are not satisfactory. Either there is excessive duplication and redundancy, or the writing is too political and theoretical. Very few can really speak on behalf of women, representing their sufferings and actual demands. In the future, our own publications and those under our control should institute improvements, avoid empty political and theoretical discussions, and concentrate on articles on women's own sufferings and practical demands, so that women readers will feel that the articles speak on their behalf. Only thus can we achieve results in propaganda and agitation among the majority of women who are numb and unconscious.

6. *Reform of local women's departments and committees on the women's movement.* Although these organs have been organized, they are for the most part ineffective and unable to guide the work of the women's movement. Reform of these organs is prerequisite to spurring the progress of the women's movement. The Party at all levels should take special note of this point.

7. *Expansion of Party membership and training of personnel for the women's movement.* Since the last Enlarged Conference, the number of female members has increased considerably. It is still a very small figure, however, when compared with the number of male members. Furthermore, female membership is confined to Shanghai and Hunan. In Kwantung, Hupeh, Peking, and other areas, expansion of female membership has been extremely slow. This is indeed a very bad situation! Hereafter attention should be given to the development of female membership everywhere.

The shortage of personnel for the women's movement is even more acute, and consequently local work has been much retarded. The training of personnel for the women's movement (especially personnel for the female labor movement and the peasant women's movement) is the most important immediate task of the Party at all levels. As far as possible the Party at all levels should sponsor training classes for the women's movement, special discussions of the women's movement, or gather and regularly train responsible and promising women comrades [72]

[72]C. Martin Wilbur and Julie How, eds. *Documents on Communism, Nationalism and Soviet Advisors in China 1918-1927* (New York: Columbia University Press, 1956), pp. 308-310.

The Communists thus turned their attention to three group classes of women namely, women students, women workers, and peasant women.

The early Communist movement's four most prominent women—Hsiang Ching-yu, Ts'ai Ch'ang, Teng Ying-ch'ao and Yang Chih-hua—all received their first taste of politics as student activists. Given the significant student participation in the May Fourth Demonstrations, women's rights activities, and March 8 rallies, the student movement seemed a natural recruiting ground for Communist women's organizations and especially for future female leaders. There are indications, however, that female activism in the movement was not what the party women would have hoped, perhaps because of the small number of girls enrolled in higher education. In 1922, it is estimated that only 6.32 percent of the students in non-missionary schools were girls; by 1931, the figure of 11.7 percent is given for girls in colleges and universities.[73]

The Communists saw the female labor force as a fertile recruiting ground not only because of the number of women workers but also because of the oppression they suffered. The great number of women workers can be explained by the prevalence of light industry in China, the willingness of women to work for lower wages than men, and the large number of industries dealing with traditional "women's work" such as spinning and weaving.[74]

There were two peaks of action in the early Chinese labor movement. During the first in 1922, Helen Snow reports that there were all together more than one hundred strikes, in many of which, women participated. Many of the strikes failed because of the lack of working class leadership, the general deflation of the labor movement, and the necessity of organizing secretly. Then there was a period of retrenchment and underground activity preceding the second peak, beginning with the May 30th Movement in 1925 and continuing into 1926. Communist emphasis on workers continued throughout 1926 and early 1927 but the movement collapsed, as a result of Chiang Kai-shek's brutal "white terror" of 1927.[75]

The Chinese Communist Party then centered its action on the peasants in the 1930's and 1940s, although efforts to organize peasants had begun earlier. Women were organized into a separate women's union and often made up a quarter of the peasant organization's total membership.[76]

Thus, during the period of the Chinese Communist Party-Kuomintang Alliance, the Communists were developing independent power amongst students, workers and peasants—men as well as women. For the Chinese Communist Party and the Comintern, which

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[73]Florence Ayscough, *Chinese Women Yesterday and Today* (Boston, 1957), p. 84, cited by Leith, "Chinese Women"..., p. 55.

[74]Leith, "Chinese Women"..., p. 57.

[75]*Ibid.*, pp. 58-60.

[76]*Ibid.*, p. 61.

controlled its party line, the choice was difficult: either to break with the Kuomintang entirely, facing the danger of being overpowered by it, or to keep working with it, hoping to split the factions within the party to the Communists' advantage. The decision was forced by the events of the year 1927, i.e., the anti-Communist attacks of Chiang Kai-shek, and on August 1st, when an uprising of Communist troops at Nanchang began the open civil war between the two parties.

As a result, the Communists were driven underground in the cities or forced into the countryside of South China. Mao Tse-tung, with his decimated force of about 800 men, sought sanctuary in the Chingkang mountains and established what was to be the first rural base area of the Chinese Communist party. (At this time, Mao was without power within the Chinese Communist Party, having been expelled from the Central Committee in November 1927.)

The Communists finally acquired a base on the border of Kiangsi province, controlling several pockets in other provinces besides the area around Juichin. In 1931, the Soviet Republic of China was established, referred to as a "democratic dictatorship of the proletariat and peasantry." This was the first time that Mao Tse-tung's ideas on agrarian reform and marriage reform could be put into action on a systematic basis. The constitution was proclaimed by Mao Tse-tung, Chairman of the Provisional Government, at the First All-China Congress of Soviets (Juichin, November 7, 1931). His ideology of sexual equality and marriage reform was embodied in Article 11 of this Constitution:

> The Chinese Soviet Government guarantees the emancipation of women; it recognizes the freedom of marriage, and puts into operation measures defending women, enabling them gradually to attain the material basis required for their emancipation from the slavery of domestic work, and for participation in the social, economic, and political life of the country.[77]

Shortly thereafter, on December 1, 1931, the Marriage Regulations was passed by the Central Executive Committee as part of the implementation of Article 11 of the Constitution. However, after two years and four months, it was abolished by the Marriage Law of the Chinese Soviet Republic of April, 1934. By that time, the collapse of the Soviet Republic was virtually a certainty, there having been under severe military setbacks. The promulgation of the new Marriage Law despite these circumstances clearly demonstrates how important the subject was to them if not for the present, at least, for the future.[78]

It must be emphasized once again that both the Marriage Regulations of 1931 and the Marriage Law of 1934 were but one part, albeit an important one, of a policy which should be viewed in its

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[77]Fu, S.L., "The New Marriage Law of People's China," *Contemporary China* (Vol. I: 1955), ed. E. Stuart Kirby (Hong Kong: Hong Kong University Press, 1956), p. 115.

[78]M.J. Meijer, *Marriage Law and Policy in the Chinese People's Republic* (Hong Kong: Hong Kong University Press, 1971), p. 48.

totality. Land reform played a crucial part in the marriage policy, but without the marriage policy the support for land reform would have suffered.[79]

In a material published during the Kiangsi Republic, there is evidence of strong efforts to get women to support land reform as a means of emancipating them from the bondage of the traditional family. How this policy was to be implemented in Kiangsi may be gathered from the following document, "Plan for Work Among the Women," drawn up by the Special Committee for Northern Kiangsi of the Central Committee of the Chinese Communist Party, dated March 3, 1931:

> Work among the women is part of our whole revolutionary work, it must be integrated into the whole work of our revolution. At present, our main task in the Soviet area is to develop [the means to] penetrate the broad masses of the workers and peasants, to overthrow the reactionary regime, to resist the attacks of the imperialists and the Kuomintang against the Red Army, and to struggle for the consolidation and expansion of the power of the Soviets. Therefore the most important task of the Women's Movement is to mobilize the broad masses of toiling women to join the revolution in order to keep abreast with the main task. Only the land reform, only the Soviet government can liquidate the feudal forces and liberate the women. We must make the women understand that only the extension and the consolidation of the Soviet area, and the intensification of the attacks on the enemy, can protect the interests gained and still to be gained by the women within the Soviet Area.[80]

Having thus identified the interests of the women with those of the revolution, the Committee enumerates the ways to mobilize them. First of all, the wives of poor peasants and landless laborers were to be mobilized "to win the victory in the land reform." In the second place,

> the Soviet political principles must be applied to the women, in order to abolish and destroy the legal norms of the old society, to oppose the relations of oppression and exploitation of the feudal family and to guarantee the participation of the masses of women in the political power by the exercise of their rights of election and being elected, to guarantee their economic independence and ownership of land. In the legal system: to guarantee their equality with the men, to further their acquisition of civil rights... In marriage: to guarantee their freedom of marriage. In labor: to guarantee that they will receive work and that their work will be protected by various kinds of regulations, like the establishment of creches... In all these problems, it is not enough to work by propaganda only, we must exert ourselves to speed up the realization of these objectives, but in this struggle we must have a unified working class.[81]

It seems that, at this time, the attitude of the regime towards the emancipation of women, of which freedom of marriage was part, was

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[79] *Ibid.*, p. 42.

[80] *Ch'en Ch'eng Papers,* reel No. 4, document No. 008. 2411, 3047. c-1. The Hoover Library, quoted in Meijer, *Marriage Law and Policy*..., p. 38.

[81] *Ibid.*

strongly focused on the effort to enlist the women into the revolutionary ranks, to recruit soldiers, political agitators, and informers from among their ranks so that they might participate directly in the armed struggle against the Government troops and perform underground work outside the Soviet areas. The accent was on the political and physical emancipation of the women, specially, of those women whose social and economic conditions brought them within the categories of people on which the Communist Party at that time concentrated: women of the rural and the urban proletariat. At this juncture the most urgent problem was the expansion, even the survival of the revolution. Marriage regulations, land reform regulations, labor regulations, the establishment of nurseries, were all measures introduced so as to enable the women to be fully mobilized in this struggle.[82]

How successfully the women were fully mobilized in this struggle during the Kiangsi period remains uncertain. Nonetheless, Women's Unions were formed in some villages, and in his report on the Chang-kang district in Kiangsi, Mao mentioned the district women's congresses and women's representations who were elected in each village to defend women's interests. However, he was critical of the way work was performed in the district, saying that too little was done to explain the point of it all to ordinary women.[83]

The deepest repercussions of the policies implemented during the Kiangsi period came as a direct result of marriage legislation. In spite of the great discretion exercised by the Chinese Communist Party, information disseminated in contemporary documents indicates that the Marriage Regulations caused a certain confusion in the Soviet zone especially during the period which immediately followed their publication. There were deviations both to the left and to the right, e.g., there was some moral corruption on the part of some cadres who interpreted freedom of marriage as sexual license;[84] and In certain localities not only did the authorities refuse to grant divorces, they even put the couples requesting them in prison.[85] The former deviations received more publicity which led to the commonly held belief that the Communists were sexually immoral.

Thus one of the most effective weapons used by the Kuomintang in its struggle against the Chinese Communist Party during the Kiangsi period was the allegation that the revolutionaries had completely destroyed morals, collectivized women and contributed to sexual chaos.[86] In 1934, among the forty-two anti-Communist slogans adopted

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[82]Meijer, *Marriage Law and Policy*. . ., p. 40.

[83]Mao Tse-tung, "Investigation of Chang-kang district," quoted in Davin, "Women in the Liberated Areas," p. 74.

[84]*Ch'en Ch'eng Papers,* cited by Meijer, *Marriage Law and Policy*. . ., p. 39.

[85]"Report of the Provincial Soviet Government of Kiangsi" (November 1932), cited by Chi-hsi Hu, "The Sexual Revolution in the Kiangsi Soviet," *The China Quarterly* (July-September 1974), p. 484.

[86]Chi-hsi Hu, "Sexual Revolution". . ., p. 477.

by the nationalist authorities, five had to do with the theme of sexual morality. Thus, in the "white areas" of Kiangsi, wall posters appeared bearing the words, "The red bandits wish to destroy virtue: they practice free sex. They are savage beasts who abandon themselves to debauchery!" Or, "If women wish to preserve their chastity and enjoy familial happiness: they must take up arms to exterminate the red bandits!"[87]

These problems were candidly recognized by the Chinese Communists, especially the negative effects that these could have on the generally conservative peasants:

> The realization of the policy of the Party and the Soviet Government in the matter of marriage problems must be guaranteed. In practice we must start from the premise that both parties, husband and wife, serve the cause of the revolution. Therefore we must not only refrain from imposing limitations on the freedom of marriage since this would be contrary to Bolshevist principles, but we must resolutely oppose the idea of absolute freedom of marriage as it creates chaotic conditions in society and antagonizes the peasants and the Red Army. We must make it clear that the Central Committee never maintained absolute freedom of divorce either, because that would be an anarchistic practice. . .[88]

The difficulty lay in finding reasonable limitations to freedom of marriage and divorce in the face of the obvious abuse that was made of it, while doctrinaire objections against any imposition of limitations were still strong. Hence this curious struggle with the words "freedom" and "absolute freedom." According to the "Plan for Work among the Women", the ways of solving "marriage problems" were:

> 1. To guarantee freedom of marriage and divorce through the government.
>
> 2. The Soviet Government will handle all marriage problems through the law. Violators of the law will be punished according to the law.
>
> 3. However, it is not enough to solve these problems by means of the law only: we have to take recourse to propaganda and education. We must make the masses understand that the significance of liberation lies in the revolutionary war. The members of the Party and the Youth Organization must make this standpoint their own; they must become models for the masses and prevent and oppose anarchistic immoral behavior. This work of propaganda must be one of the most important tasks within as well as outside of the Party.
>
> 4. We must call on the masses to supervise and criticize the (morally) corrupt elements with a view to their eventual dismissal. Wherever allegations are made, the Party shall investigate the circumstances.
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> 5. When we raise the level of politics and culture, we shall be able to prevent morally loose behavior. Particular attention must be

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[87]"Report of the Association of the Masses of Kiangsi to Help in the Extermination of Bandits" (1934), microfilm belonging to Cornell University, pp. 41-42, quoted in Chi-hsi Hu, "Sexual Revolution". . ., p. 477.

[88]*Ch'en Ch'eng Papers*, quoted in Meijer, *Marriage Law and Policy*. . ., p. 39.

paid to the wives of Red Army personnel; they must be encouraged to support the revolution and to sympathize with their husbands. Their morale must be raised and they must positively demonstrate revolutionary ardor. Such women should be absorbed into the entertainment units (for the army).

6. The custom of the foster daughter-in-law must be abolished by order of the Soviet Government. These girls ought to be liberated. We must make them join children's groups and the Young Pioneers. Merely preventing parents from taking in foster daughters-in-law, as was done in Western Kiangsi, is not sufficient.

7. In particular, in the village of Hunan, there are many families of soldiers of the White Army. The women must be organized to write or to speak with their husbands and to induce them not to serve with the war-lords against the Red Army and to persuade them to support the Soviet Government. We should also lead these women to participate in local revolutionary work and to attend the meetings of peasant women and women workers.[89]

Despite problems encountered in the field of marriage reform in Kiangsi, there is evidence that Mao Tse-tung was generally pleased with the progress that had been made. In the report which he presented to the Second National Soviet Congress, he declared that the system of marriage adopted by the Chinese Soviet Republic was "in conformity with human culture" and constituted one of the "great victories of the history of humanity.[90]

Less than six months after the New Marriage Law was promulgated, the Chinese Communists were forced to leave their Kiangsi base. Chiang Kai-shek had mounted his five "extermination" campaigns against the Communists, hoping to annihilate them by a total encirclement and economic blockade. After a series of difficult campaigns, the Government forces in 1934 captured the Kiangsi stronghold, forcing some one hunded thousand Communist army and government personnel to break through the Nationalist blockade and embark on their Long March. The Long March—which covered over five thousand miles on foot across eighteen mountain ranges and twenty-four rivers and took about a year to complete—was in fact a continuous campaign against the Government troops.

It has been estimated that only about fifty of those who went on the Long March were women.[91] Often the women were trained as guerilla fighters in those villages where there were skirmishes and where the men were absent. But women remained in the rear, producing for the revolution, not fighting for it. Even though women were allowed to join the People's Liberation Army, they were not allowed at the front and continued to perform sex-typed tasks, e.g., in communications or the public health corps, or in running supplies.[92]

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[89] *Ibid.*, pp. 39-40.

[90] "Collection of Documents of the Second National Congress of the Delegates of the Chinese Soviet Republic," Juichin, March 1934, p. 97, *Ch'en Ch'eng Collection*, reel 16, quoted in Chi-hsi Hu, "Sexual Revolution" . . ., p. 484.

[91] Janet Salaff and Judith Merkle, "Women and Revolution: The Lessons of the Soviet Union and China," *Women in China* . . ., p. 164.

[92] *Ibid.*

In October 1935, the Communists reached the area of Northern Shensi—or at least a small fraction of the original force did—and established themselves there. They made their headquarters in Yenan, where in the grottoes of the cliffs some 20,000 people lived and many facilities were organized, e.g., a military academy, hospitals and a college of art.

During the early years in the northwest, official policy on women showed no change from the days of the Kiangsi Soviet. The Soviet Marriage Law which was reprinted in Pao-an in 1936, remained in force.[93] But according to reports, the women were more difficult to mobilize in the conservative north. Footbinding, for example, was still the rule in rural Shensi and the peasant women found their big-footed "sisters" from Kiangsi very odd.[94]

The Communists' policies in effect during this so-called "Yenan Period" (1936-1945) were very much tempered by historical events, namely, the threat of Japanese agression. The Communists had earlier (1932) made a formal declaration of war against the Japanese but they were in no position to carry the declaration into effect. But once established in their northern base, and following the new Moscow line, they took recourse to a policy of propaganda calculated to form a national front of unity against Japanese aggression.[95] The united front propaganda, including slogans such as "Chinese do not fight Chinese," appealed strongly not only to leftist nationalists but also to the troops from Manchuria sent to annihilate the Communists. After the Sian incident in December 1936 (during which Chiang Kai-shek was taken prisoner by his own generals and held under arrest), a truce was agreed with the Nationalist Government in 1937 whereby the Communist occupied area was to become an autonomous region, called the Border Area of Shensi, Kansu and Ninghsia.

During the war with Japan, which started on July 7, 1937, the Communist armies engaged in guerilla warfare and established several further revolutionary bases between and behind the Japanese lines. In these regions, governments were organized on a united front basis under Communist control. Such areas were among others, the Border Area of Chin-Ch'a-Chi (parts of Shansi, Ch'ahar and Hopei) and Chin-Chi-Lu-Yu Border Area (parts of Shansi, Hopei, Shantung and Hunan).[96]

This period of the Japanese War—when the Communists worked together with the Nationalist Government—was a period of compromise. The Communists were willing to do so in order not to alienate themselves from the masses and to win over the intelligentsia. As part of the bargain, the Chinese Communist Party restricted its program of land reform and downplayed the activities of the women's

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[93]Edgar Snow, *Red Star over China* (London, 1939), p. 230, cited by Davin, "Women in the Liberated Areas," p. 75.

[94]Helen Foster Snow, *Women in Modern China,* cited by Davin, "Women in the Liberated Areas," p. 75.

[95]Conrad Brandt, *et al., A Documentary History of Chinese Communism* (Harvard, 1952), p. 239, cited by Meijer, *Marriage Law and Policy. . .*, p. 30.

[96]Meijer, *Marriage Law and Policy. . .*, p. 30.

organizations. It stressed that the main role of the women's movement during the war was to organize women for productive activity.[97] The Chinese Communist Party also revised its policy towards marriage, particularly with regard to the freedom of divorce, and the marriage ordinance was revised to accord with the Civil Law of the Republic of China.[98] Thus, the Marriage Regulations of 1931 that was promulgated in the various areas under Communist influence, around and within the areas occupied by the Japanese Army, showed a certain restraint.

Another factor in this revision may have been that in the U.S.S.R., the attitude towards the family and its regulations had appreciably changed during this period and was not without influence in China. By the time the first legislation was promulgated in the Border Areas (April 1939), many changes had occurred, e.g., after 1936, a series of laws were enacted, attaching to divorce some inconveniences, such as making it more difficult and expensive. Also abortion was made a punishable offense.[99] Other decrees provided for better material aid to women in childbirth, establishing state assistance to parents of large families, extending the network of lying-in homes, nurseries and kindergartens.

In short, the stabilization of the family became the main theme of matrimonial policy in the U.S.S.R. and certain provisions in the Border Area legislations show strong evidence of the new Soviet influence.

The marriage legislation in the Border Areas, especially the divorce provisions, indicate a return to a more conservative policy. As indicated above, this was partly a concession to the united front policy and partly a result of the influence of the new family policy in the U.S.S.R. However, it may also be attributed to the Communists' experience in Kiangsi where their too radical policy negatively affected their success in mobilizing the peasants. This possibility is more plausible given the fact that the peasants in the North were known to be more conservative than in the South, especially the women, and they would have undoubtedly been antagonized by the type of propaganda which became widespread in Kiangsi, namely that Communism meant immorality.

As in the case of the Communists' experience in Kiangsi, there are very few statistics to indicate how thoroughly these marriage laws were implemented in their respective areas. One document, "Marriage problems in new China," indicates that in the liberated areas between January and June 1948, 64 percent of all civil cases were petitions for divorce, of which the great majority were brought by women.[100] Yet the new ideas were still far from being generally accepted. The other side of the picture was brought out in figures collected by the Women's Federation, which showed that of 464 cases where a women's death

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[97]Katie Curtain, "Women and the Chinese Revolution," *International Socialist Review* (March 1974), p. 25.

[98]Fu, *op. cit.*, p. 116.

[99]Gsovski, *op. cit.*, p. 120.

[100]Davin, *op. cit.*, p. 86.

(including murders and suicides) had been investigated, 40 percent had involved women who had wanted divorces but had been unable to get them.[101]

It has been suggested that during this period, a more careful handling of the divorce provisions became an economic necessity in the light of the fact that land reform was restricted with its negative effect on the economic status of women.[102] These two reforms, marriage reform and land reform, went hand-in-hand thus, making it extremely difficult for the Communist authorities to grant divorce in cases where the woman had no means of livelihood.

Perhaps for this reason or because of the fact that women in this part of China traditionally did not take part in agricultural work (they were responsible for only 5 percent of all farm work),[103] the Chinese Communists concentrated their efforts in getting women involved in other economic activities, namely cottage and cooperative handicrafts. The main effort went into getting women to spin and weave because, cut off from the centers of textile production by the Japanese occupation and the Kuomintang blockade, the liberated areas were very short of cloth.[104] Other supplementary occupations in which women began to play an important part included the production of vegetable oil, cured leather and paper.[105]

During the anti-Japanese war, women's activities were directed by the Women's Committee of the Central Committee. In 1945, the Preparatory Committee of the Women's Association of all the liberated areas was set up in Yenan with thirteen members.[106] During the same year, it is claimed that the various women associations in Shensi-Kansu-Ninghsia and seven other liberated areas had 7,100,000 members. Great stress was laid on the importance of these associations as a way of mobilizing women, and women cadres who were said to have underestimated the importance of such work were criticized.[107]

At the end of the Sino-Japanese War, the Chinese Communists opened negotiations with Chiang Kai-shek. In August 1945, agreement was reached between a delegation of the Chinese Communist Party and the Kuomintang Nationalists in Chungking. As a result, the Chinese Communist Party limited its program, including women's issues, to those acceptable to the Kuomintang liberals. But the division between the two parties was too deep for conciliation; the truce was short-lived. In 1946, the Kuomintang armies launched another offensive against the

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[101]*Ibid.*

[102]Meijer, *op. cit.*, p. 67.

[103]J.L. Buck, *Land Utilization in China* (Nanking, 1937), p. 293; and *The Chinese Farm Economy* (Nanking, 1930), p. 235, cited by Davin, "Women in the Liberated Areas," p. 75.

[104]*The Village Women's Production Movement in the Liberated Areas of China* (1949), cited by Davin, "Women in the Liberated Areas," p. 78.

[105]Davin, "Women in the Liberated Areas," p. 80.

[106]*Documents of the Women's Movement in the Liberated Areas of China* (Shanghai, 1949),.cited by Davin, "Women in the Liberated Areas," p. 80.

[107]*Ibid.*

Communist bases in the North. After Chiang Kai-shek's attack, the Chinese Communist Party adopted a more radical program of social reform. Agrarian policy underwent a more radical change than the policy toward women, however. It was felt that too sudden and strong a campaign for women's rights would have alienated many peasants, including even many of the women themselves. In the words of the Central Committee's 1948 resolution on women's activities: "It must be recognized that this work to change the peasants' ideas and [ways] is a long and demanding job which cannot be hurried."[108]

Nevertheless, profoundly important changes occurred in the course of land reform as the first paragraph of the resolution acknowledged: "Women have become much more aware and enthusiastic, and consequently there has been a fundamental change in their political and economic status, and in their position in the family, and in society."[109]

It has been said that the women's movement in the liberated areas was not completely successful during the hectic years of the liberation war, but a great deal was accomplished. The following attests to these accomplishments:

> Women were organized to fight for their rights on a larger scale than ever before. In April 1949, the All-China Democratic Women's Federation was formed to give unified direction to the thousands of Women's Associations in the old liberated areas and to the new ones organized in village after village as the People's Liberation Army swept south. Millions of women learned to stand on their own feet economically, freeing themselves at least partially from their dependence on men. As they broke through the bonds which had tied them to their homes for centuries, their social and economic status began to change. Traditional attitudes toward women were crumbling. In the words of the 1948 Resolution they had "started on the road to complete liberation."[110]

The above passage takes note of the Women's Associations which were organized in each village as it was captured by the People's Liberation Army. This process to reform traditional attitudes among the people spelled the success of the Communists in gaining the support of the peasant women for the Eighth Route Army. Although women rarely took up arms in support of the Communists, their behind-the-scene support (making uniforms, providing food, etc.) was essential to the Communists' eventual victory.

The last revolutionary civil war was short and decisive. By the end of 1948, the Kúomintang had been driven out of the Northeast, and by the following Spring, the Communists "captured" an average of three cities a day. Thus the Communists succeeded in taking over the mainland and on October 1, 1949, MaoTse-tung proclaimed in Peking the establishment of the People's Republic of China.

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[108]*Ibid.*, p. 82.

[109]*Ibid.*

[110]Davin, "Women in the Liberated Areas," p. 87.

Once the Communists officially came into power, they continued their radical program for the emancipation of women. Their goals were outlined in their first charter, the Common Program, adopted September 29, 1949, by the First Chinese People's Consultative Conference:

> The People's Republic of China shall abolish the feudal system which holds women in bondage. Women shall enjoy equal rights with men in political, economic, cultural, educational, and social life. Freedom of marriage for both women and men shall be put into effect (Article 6).[111]

When the Communist constitution replaced the Common Program as the basic law, the same principle was reaffirmed. The importance which the Communists attached to sexual equality and marriage reform is witnessed by the fact that the Marriage Law of the People's Republic of China was the first civil legislation enacted by the Central People's Government after the establishment of the Republic.

III. THE 1950 MARRIAGE LAW AND ITS IMPLICATIONS FOR CHANGE

Exactly seven months after Mao Tse-tung proclaimed the establishment of the People's Republic of China in October 1949, his new government promulgated the 1950 Marriage Law which radically changed the entire structure of the Chinese institution of marriage.[112] The most outstanding features of the 1950 Marriage Law are the provisions for the registration of marriage, the chapter legislating the "Rights and Duties of Husband and Wife" and the liberal divorce provisions. As all of these features had an enormous impact not only on the status of women but on the overall structure of Chinese society as well, it is important therefore to describe the changes implicit in the individual provisions of this law.

The first principle on which the Marriage Law is based is "the free choice of partners" and this is reiterated in Article 3: "Marriage is based upon the complete willingness of the two parties. Neither party shall use compulsion and no third party is allowed to interfere." This article contradicts the values that run through the entire framework of the Chinese family, one of them being the inherent belief in the institution of arranged marriage. In the words of an old Chinese saying, marriage came by the "command of the parents and the unctuous words of the go-betweens."[113] In one stroke, the old system based on parental authority in the choice of marriage partners was abolished. There followed a general breakdown in the traditional family which was

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[111]Fu, *op. cit.*, p. 117.

[112]For a discussioin of the background and provisions of this law, see Sybilla Green Dorros, "The 1950 Marriage Law and Its Implications for Change," Part V of "Marriage Reform in the People's Republic of China," *Philippine Law Journal,* Vol. 51, No. 4 (September, 1976), pp. 366-377. Text of this law is included in Appendix VIII, pp. 422-427.

[113]Vermier Y. Chiu, "Marriage Laws of the Ch'ing Dynasty, the Republic of China and Communist China," *Contemporary China* (Vol. II: 1956-1957), ed. E. Stuart Kirby (Hong Kong: Hong Kong University Press, 1958), p. 65. See also

based on the strict observance of hierarchy dominated by the eldest and by the male. Another consequence of this article was the decrease of intra-class marriages and subsequently there has been less class demarcation. Choice of marriage partners tends to be based on ideological compatibility rather than traditional similarities of family background.

The second principle on which the Marriage Law is based is monogamy which is spelled out in Article 2 in the provisions against bigamy and concubinage. [A concubine was an informal wife taken into the house with no formal wedding ceremony and thus with no ritualistic recognition or institutional guarantee for her security or the permanency of her position in the family.] The prohibition against concubinage, an institution that was used to assure the birth of a son drastically altered the ultimate end of the traditional marriage, namely the perpetuation of the patriarchal lineage. Even in today's China, the birth of a son is very often desired but, with the changes in the Marriage Law, the age-old character of the traditional family is undermined. No longer can a wife be denied by her husband just because she does not produce a son, nor can the husband acquire another woman for the sole purpose of begetting a son.

The other prohibition in Article 2 against child betrothal destroyed both early betrothals and the custom of "foster daughter-in-law." Prior to the 1950 Marriage Law, it was common practice in China to betroth a female child at an early age, often at birth, to an equally young boy. In some part of China, the custom was to betroth children even before they were born or to arrange for a girl to marry a boy still unborn.[114] In some cases, when the girl's family was unable to provide for her, she was transferred to the home of another family where she would live until her marriage, a practice known as "foster daughter-in-law," although in actual fact she was their daughter-in-law to be. At the time of the promulgation of the law any foster daughter-in-law who was not yet married was free to choose another husband or return to her own family if she so desired. However, if she was already married, she could remain married or, if she so desired, she could request a divorce which was processed according to the law.

Another prohibition included in Article 2 was against the interference in the re-marriage of widows. In traditional China, if a man's wife died, it was considered normal for him to take another wife or a concubine, whichever he desired, but the widowed woman rarely

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Book of Odes, No. 158:

How does one make an axe handle?
Without an axe it can not be done!
How does one marry a wife?
Without a go-between it can not be done!—

Quoted in Robert H. van Gulik, *Sexual Life in Ancient China: A Preliminary Survey of Chinese Sex and Society from ca. 1500 B.C. tiu 1644 A.D.* (Leiden, Netherlands: E.J. Brill, 1961), p. 19.

[114]There is a story related to this custom which tells of a young woman who demanded divorce from her "husband" who was so young that she carried him to Court in her arms.—Quoted in M.J. Meijer, *Marriage Law and Policy in the Chinese People's Republic* (Hong Kong: Hong Kong University Press, 1971), p 89.

remarried except when her husband's family could not support her. Her status was not necessarily inferior, especially if she had borne sons, but she was nonetheless considered the "property" of her husband's family. This prohibition against interference in the re-marriage of widows thus reduced the in-laws' hold on the woman and she was free to leave her husband's family after his death.

The last prohibition in Article 2 against the exaction of money or gifts in connection with marriages brought an end to the tradition of selling daughters which was common, particularly among the poor peasants.

In the traditional marriage system it was expected that the daughter-in-law would serve and look after her in-laws, especially her husband's parents. Since the parents had usually paid for their daughter-in-law, they expected to have complete control and authority over her. The bride price not only reduced the status of women within the given family but also made women "objects" which could be bought and sold at will. Thus, as in the case of the other prohibitions included in this article, this provision erased the notion that woman was but "property" either of her own family or, of her husband's.

Article 4 placed the marriage age for the man at twenty years, and for the woman at eighteen years. This came only two years following the Nationalist Civil Code but, because it was more uniformly enforced and also because of the prohibition mentioned earlier regarding child betrothal, this gave greater freedom to young people. It also affected the relationship between the married son and the daughter-in-law with the parents and the family. First of all, the son was more economically independent at twenty and was thus less tied to his family. And, secondly, the more mature daughter-in-law was not as easily mistreated by her in-laws. Thus the traditional age-hierarchy was further weakened and the position of the mother-in-law, in particular, was reduced.

Article 6, the registration of marriage, was of utmost importance in changing the status of women. Not only did it insure that the prohibitions mentioned above were upheld but it legalized the institution of marriage, taking it out of the family context and putting it under the jurisdiction of the state. Thus, in keeping with Communist ideology, marriage and family life were no longer private affairs but public concerns which could be influenced, or perhaps even manipulated according to the will of Communist leadership. As the emancipation of women was a primary goal of the latter, this stipulation on the registration of marriage was highly significant.

Chapter III, "Rights and Duties of Husband and Wife," undoubtedly had the most effect on the status of women and the overall structure of Chinese society. Article 7 stating that husband and wife are to enjoy "equal status in the home" completely destroys the centuries-old tradition of the supremacy of men over women. Although there are still obvious discrepancies between the duties of husband and wife with the latter still being primarily responsible for the household chores, the mistreatment and abuse of women was brought to an end or at least

minimized. This new equality of husband and wife also further reduced the position of the mother-in-law since her daughter-in-law was no longer inferior to her and to her son.

Article 8 strengthens the effects of the requirement for the registration of marriage. It encourages the transfer of the institution of marriage and the family from the private to the public domain in stipulating that husband and wife are not only duty bound to "love, respect, assist and look after each other" but also to strive jointly for the building up of the new society. The goals of marriage are thus expanded to include not only the welfare of the family but also that of the state. In addition, the perpetuation of the patriarchal lineage is no longer the paramount and over-riding purpose of marriage.

Articles 8 and 10 giving the woman the right of free choice of occupation and free participation in work or in social activities, and equal rights in the possession and management of family property respectively, was crucial in improving her status. Women were no longer forced to make their homes and their families the center of their universe. They were able to work, to become educated, and to be involved in community activities. It must be emphasized here that the setting up of communal mess-halls, nurseries and other facilities which gave the women opportunities to engage in work outside the home, as well as the propagation of birth control measures, were essential conditions in aiding women and in reinforcing the principles founded in the Marriage Law. In addition, the women for the first time was able to own, inherit and manage her own property which gave her a previously unknown freedom. She could no longer be controlled and dominated by her husband since she had economic independence.

The effect of having the right to use her own family name which was also provided for in this chapter had an important psychological value. It helped the woman retain her own identity. It also enabled the woman to maintain her ties with her own family which was not possible in traditional China where the woman, once married, was often prohibited from returning even for visits to her own family. This article thus enhanced the wife's position in the home since she, symbolically at least, retained her own identity and was not overshadowed by her husband's family.

Another symbolic contribution to the change in the status of women came with the popularization of the new, more intimate, form of address between spouses, *ai jen* (literally, lover). This term is used reciprocally, indicating a newly desired equality between spouses.[115]

Chapter IV, regarding the relations between parents and children, did not substantially change the status of women except that given the new equality of status within the home the mother perhaps acquired greater authority in matters of child-rearing and discipline. It should be noted that parents continue to play the dominant role in early child-rearing and discipline. Even after children enter nurseries and schools,

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[115]Martin King Whyte, "The Family," *China's Developmental Experience*, ed. Michael Oksenberg (New York: Praeger Publishers, 1973), p. 181

the vast majority live with their families, spend many of their free hours in family activities, and continue to receive substantial parental training and discipline.

Included in this chapter is the provision prohibiting infanticide. This provision was directed primarily towards female babies since they were often considered an economic liability in traditional China and were done away with greater frequency than male babies. It is unlikely that this custom persisted with great frequency at the time of the drafting of the Marriage Law but it was obviously considered important enough to warrant mention in the Law. Moreover, with the propagation of birth control and abortion which made it unnecessary to bring unwanted children into the world, the inclusion of this prohibition is somewhat of an anachronism.

Chapters V, VI and VII dealt with divorce, maintenance and education of children after divorce, and property and maintenance after divorce, respectively. In traditional China, divorce was virtually unheard of and the woman who did seek a divorce was either severely mistreated by her husband and his family or was ostracized from the community if she returned to her parents' home. In addition, since she had no rights to take her children or belongings with her and since employment for women was rare especially in the rural areas, she would often be left destitute if she tried to break away from her husband's family. Moreover, given the traditional ban on the re-marriage of women—widowed or divorced—she had no hope of finding another husband. Thus the woman in traditional China had no recourse out of an unhappy marriage except for suicide.

The "Divorce Law" changed all of these. Now the woman is free to seek divorce without fear of recriminations from her husband, his or her family, or the community. If she gets divorced, she has the chance to retain custody of her children (decided by mutual agreement or by the people's court) and is entitled to receive financial support from her former husband for their maintenance and education. Moreover, the wife retains such property as belonged to her prior to her marriage; the other property is allocated by agreement or by the people's court. If after her divorce, the wife has not remarried and has maintenance difficulties, her husband is duty-bound to assist her. It must have been assumed by the drafters of the Marriage Law that women in the early years after its promulgation would have difficulties in supporting themselves so in effect the law favored women. This is the only place in the Marriage Law where, in applying the general principle of "the protection of the lawful interests of women and children," where it is biased in favor of the woman. Since the woman is now protected by law there is reason to believe that suicide is no longer the only means of escaping from an unhappy marriage and the incidence of suicide must have been substantially reduced as a result.

This new freedom of marriage and divorce embodied in the 1950 Marriage Law spelled not only the improvement of the status of women, but has also had repercussions on the Chinese family system. First, the husband-wife relationship has become the center of the new family,

with the married son's parents occupying only a peripheral position. Thus the generational hierarchy has been shattered. Second, the size of the family has also been diminished since many married couples now live on their own and tend to limit the number of their offspring. Third, as has been shown above, the solidarity of the family organization has been weakened given the new independence of the married children. Fourth, there has been a break-down in the traditional kinship system since the perpetuation of the patriarchal lineage is no longer as important as it was in the past. And, finally, the welfare of the family has been subordinated to the welfare of the larger society. Thus the family lost its traditional position as the core of the Chinese social system.

CONCLUSION

It is evident that the 1950 Marriage Law has had wide-ranging effects on all aspects of Chinese society, most significantly on the status of Chinese women. In the twenty-five years since the establishment of the People's Republic of China their position has completely changed.

With the introduction of Western values to China at the end of the 1800's, attitudes towards women began to change, at least among certain members of the intelligentsia. However, except for the Anti-footbinding Edict of 1902, no legislation was introduced to change the status of Chinese women during the early 1900's. The first legal break-through came with the promulgation of the Nationalist Civil Code between the Spring of 1929 and December 1930. This Code embodied provisions for equality between the sexes and one may speculate that were it thoroughly implemented and enforced, it might have had the same effects as the 1950 Marriage Law. However, since this code was never effectively implemented, it could not be considered as having contributed significantly to advancing the women's cause.

What precipitated actual changes in the status of women in pre-Communist China came as a result of the so-called "women's movement." Unprecedented changes that took place during the latter part of the nineteenth century and the first half of the twentieth century carried with them the impetus towards "family revolution" that came along the rising tide of nationalism during the course of the May Fourth Movement. For the first time, there was in China a perceptible women's movement integrated into the larger movement for social change that swept the country during this period.

After the establishment of the Chinese Communist Party in 1921, the leaders of the Party gradually became aware of the need for Chinese women to play an active role in the revolution. Throughout their administration of the Kiangsi Soviet and in the Border Areas, the Chinese Communists' policy on women's status was consistently applied. The experience which they gained in these areas prior to 1949 was invaluable when the People's Republic of China was established.

The emancipation of women was a vital concern of the Chinese Communist Party, not only because women were needed to support and

carry out the Revolution but more importantly, because the Revolution demanded as one of its crucial programs, the abolition of the male-dominated and anti-women institutions of traditional China. Viewed in this light, improvement of women's status was always an integral part of the transformation of China instigated by the Chinese Communist Party so that the Land Reform Program, promulgated almost simultaneously with the Marriage Law, was intended to furnish women's economic independence without which they cannot reap the benefits of the Marriage Law. The 1950 Marriage Law represents the culmination of the Chinese Communists' experience with marriage reform in the "red areas" and the embodiment of their ideology of sexual equality. As was pointed out earlier, there are echoes of the U.S.S.R. Code, the Nationalist Code and the legislation of the Kiangsi Soviet and the Border Areas, but there is no doubt that the 1950 Marriage Law is unique and a highly revolutionary document.

It is not surprising then that as China underwent a period of tremendous social upheaval in the early 1950's, the masses of the Chinese people must have felt that the changes came too quickly. Even the women who had the most to gain from these changes showed some degree of resistance. It was inevitable that the magnitude and swiftness of these changes had disruptive effects on economic productivity and often resulted in violent conflicts among the Chinese people. Consequently the policy was re-adjusted during the subsequent years into a somewhat slower pace of induced changes.

With this shift in policy the struggle to improve women's status was overshadowed in the early fifties by the struggle to improve economic conditions for all Chinese people. Nonetheless, even with this shift in emphasis, tremendous advances were made to achieve better conditions for women as a direct consequence of the introduction of the commune. For the commune freed the masses of women from the constraints of the home, their husbands and elders and enabled them to participate constructively in the agricultural life of the country. But in the late 1950's and early 1960's, whatever advances women achieved were arrested, and in some areas, even reversed by the revisionist line of Liu Shao-sh'i.

It was not until the launching of the Great Proletarian Cultural Revolution in the late 1960's that nationwide concern for the improvement in the status of women which was initiated during the Great Leap Forward was revived. The radical ideology of the Cultural Revolution gave new impetus to the political and economic mobilization of women all over China. There is no doubt that this mobilization of women under the impulse of the Cultural Revolution was successful, if not in removing, at least, in exposing to public censure the vestiges of anti-feminist attitudes and conditions current at that time. Indeed scores of Communists themselves were removed from office and were made to undergo "rehabilitation" precisely on the issue of how they stood on women's rights. Regardless, however, of the progress made during the Great Proletarian Cultural Revolution towards achieving a more egalitarian society, to the Chinese Com-

munist Party leadership, and especially to Chairman Mao, the present situation leaves much to be desired. In no uncertain terms Chairman Mao expressed concern over the pace, manner and direction of the Chinese revolution which to him has yet to achieve its ultimate goal of the "dictatorship of the proletariat." This apprehension on the part of Chairman Mao over the future of the Chinese Revolution which bewilders many Western sinologists does not, by any means, manifest lack of self-confidence nor does this betray a sense of insecurity on the part of the Chinese. Rather, more than the Chinese refusal to rest on their past laurels, this apprehension stems from the theory of "continuing revolution" inherent in Chinese Communist ideology. According to them the ultimate goals of the Revolution have yet to be reached which includes among others the fight for complete equality of the sexes.

The momentum of social, political, and economic reforms brought about by the Great Proletarian Cultural Revolution has generated in the 1970's yet another phase in the women's movement. Again, instead of focusing exclusively on the plight of women, the issue is placed within the larger socio-cultural reform movement called the Anti-Confucius Campaign. In this most recent nation-wide campaign, no less than Confucius (the most influential Chinese philosopher in their five thousand years of civilization), is the target of attack. Apart from denouncing such Confucian teachings as elitism, hierarchical social structure based on wealth and privilege, the campaign is also directed against traditional Confucian attitudes about the inherent inferiority of women. It placed considerable emphasis on the reactionary nature of Confucian views of women. This is quite evident in many of their publications. The *Peking Review* for one, attest to the importance placed on weeding out the remnants of traditional prejudices on women and to inculcate in their place egalitarian ideals.[116]

After twenty-five years of intensive propaganda, from the first drive to implement the Marriage Law in May 1950 up to the present campaign against Confucius, the Communists have successfully improved the status of women and changed age-old attitudes from male domination to equality of the sexes. Still one can ask the question what the Chinese mean by "equality of the sexes." The importance which the Chinese Communist leadership attaches to the emancipation of women for both political and economic reasons has been discussed previously. But where does this emancipation lead to and what does the leadership expect of the "liberated" woman?

The answer to this can perhaps be found in the contemporary literature of the People's Republic of China which, as has been noted, often serves as a useful barometer of official policy. It is interesting to note that three of the most popular dramatic works in China today, "The Red Lantern," "The White-Haired Girl," and "The Red Detachment of

[116]Wen Fu, "Doctrine of Confucius and Mencius—The Shackle That Keeps Women in Bondage," *Peking Review*, No. 10 (March 8, 1974), and "Working Women's Struggle Against Confucianism in Chinese History," *Peking Review*, No. 10 (March 7, 1975), pp. 17-20.

Women," are all about women. However, they do not concern women's problems *per se* and are not placed in a contemporary setting. Instead they all take place in China sometime in the late 1920's to the early 1940's. Unlike the drama which emerged during the early years of the implementation of the Marriage Law which depicted some aspects of the Law such as the problems of arranged marriages, mother-in-law/daughter-in-law relationships, relations between husband and wife, and patriarchal authority, the themes of the more recent plays seem to be broader in scope. With the exception of the "White-Haired Girl" which portrays the traditional custom of the poor tenant peasant forced to sell his daughter to the landlord in order to pay his debts, there is no mention of those themes which predominated the literature of the 1950's.

Nonetheless, the message of these three works revolve around women whose characters seem to epitomize what the Communists would consider the "model" revolutionary female. These are women who fight against the injustices around them, whether they are affected directly as individuals or as a group, hence the women battle the landlord class or the Japanese soldiers. These works illustrate clearly what the Communists consider to be the fitting models of the ideal woman. All the heroines of the three plays are young, about seventeen years old, morally upright and are all heroic. Starting as innocent maidens and somewhat passive, they emerge through their struggles against oppressive forces as strong, independent, self-sacrificing revolutionaries. Perhaps it can be said here that the potrayal of these sterling characteristics of the heroines as models to be emulated is more important than the issues focused solely on the oppression of women.

How these characteristics of strength, independence, self-sacrifice and revolutionary spirit can be translated into the daily lives of the masses of Chinese women seem to be a major preoccupation as can be gleaned from the popular magazines and other publications. Besides fiction heroines, living models are often singled out for emulation. For example, Wang Hsiu-lan was lauded before the nation as an embodiment of Communist womanly virtue in the 1950's. She is typical of the organizational activists that the leadership still upholds. In this case, Wang Hsiu-lan held thirteen positions of responsibility all at the same time. Some of her positions that are mentioned show the range of her capabilities and responsibilities: Chairman of the Resident's Committee of Kungho Street, Chairman of the First Bricks Factor, People's Deputy of Anshan, Member of the Security Committee, propagandist of the party, Chairman of the Committee for the Elimination of illiteracy, propagandist of the Savings Department of the People's Bank, Member of the Executive Committee of the Anshan Municipal Women's Federation, Member of the Street Propaganda Committee, Deputy Director of the Sparetime Dramatic Club and Member of the Supervisory Committee of the Cooperative.[117]

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[117]Hsu Fang; "She Holds 13 Different Jobs!," *Women of China* (October 1, 1956), cited by Lowell Dittmer, "The Chinese Marriage Law of 1950: A Study of

In addition to her organizational ability, the "model" Chinese woman is expected to possess great physical strength. During the campaign to "emulate the People's Liberation Army" in the Cultural Revolution, both men and women were encouraged to model themselves on the selfless, dedicated revolutionary hero, Lei Feng,[118] for the Chinese feel that women are capable of developing the same characteristics as men, if not in actual physical strength, in developing their fullest physical capabilities.

Despite the tremendous advances which have been made in bringing about equality between the sexes in the last twenty-five years, it is obvious from the description of Chinese women in the 1970's that this equality is not yet complete. In fact, Mao Tse-tung himself admitted in the late 1960's that it was not yet possible to achieve complete equality between men and women.[119] He had found that sexist beliefs and values persist in the face of economic, social and political change. Mao then predicated that women will be truly equal only in the period of full communism.[120] It has been shown how the implementation of policies on sexual equality was influenced by the economic policies and conditions in China and how these two policies are invariably linked. Thus it may be hoped and expected that, with mechanization and industrialization in the countryside, the status and lives of the Chinese women will continue to improve.

The status of women in Chinese society will undoubtedly continue to change for the better in the future for the simple reason that they want it to be so. In the early years of women's emancipation only a handful of women were interested in changing their status but now this interest has become universal. The Chinese woman is longer "beginning to exist," as Mao Tse-tung stated in the mid-1960's; she does exist as a reality in Chinese society.

For all practical purposes, Chinese women today have achieved a high level of political, economic and social emancipation, one that would have been inconceivable in traditional China. The foundation for women's emancipation has thus been solidly established and it is now up to the Chinese women themselves to hold up their "half of the sky" in the continuing Chinese Revolution.

Elite Control and Social Change" (unpublished Master's thesis, The University of Chicago, 1967), p. 187.

[118]Shelah Gilbert Leader, "The Emancipation of Chinese Women," *World Politics* (October 1973), pp. 73-74.

[119]Edgar Snow, *The Long Revolution* (New York: Random House, 1971), p. 171.

[120]Leader, *op. cit.*, p. 79.

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