Polyandry and Wife-Selling in Qing Dynasty China

Survival Strategies and Judicial Interventions

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Any project of this scale is to some extent collective in nature, and many people and institutions have helped me bring it to fruition. It is gratifying and cathartic finally to be able to thank them all formally in print. Of course, I alone am responsible for the claims I make in this book.

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This book concerns people who struggled to survive in circumstances that were always difficult and sometimes tragic, and reading about their lives has made me acutely aware of my own good fortune in enjoying economic security and a happy marriage. My wife, Ih-hsue Chang, deserves most of the credit for our good fortune, and I dedicate this book to her, with affection and gratitude. I also thank my parents, who made everything possible; my late brother Andy, for his sense of humor and faith in me—I think about him every day; and my kids, Anne and Joseph, for making me proud to be their father, and for helping me keep things in perspective by never being terribly impressed by anything I do.

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Shortly after submitting the final draft of my book to the press, I read a news report about a recent case of brideprice fraud in rural Hebei that involved over a hundred Vietnamese women. A matchmaker representing an organized ring had arranged marriages for gullible poor bachelors in villages with high sex ratios for a brideprice of RMB 15,000 per wife (approximately US$18,800). The women subsequently absconded, along with the matchmaker. Despite some distinctly modern factors (the involvement of foreign women and the sheer scale of the scheme), this episode illustrates a kind of brideprice fraud known as "flying a falcon" (fang ying) that my sources document in the Qing dynasty (see Chapter 8). The reason such fraud can succeed is that men expect to pay high prices for wives—which shows that, in at least some regions, brideprice-heavy marriage is once again widespread and perhaps even the default form of marriage.

It would be absurd, of course, to suggest that nothing has changed over the past century. But it is a validation of sorts (however disconcerting) to encounter such vivid evidence of the relevance of my research to conditions in China today. I hope that this book will be useful in helping people understand those conditions and perhaps to find more effective ways of ameliorating them.

Where possible, I have provided the ages of the protagonists in each legal case at the time that case was prosecuted (except when otherwise noted). Ages are expressed in sui, which are, on average, one more than the same age when reckoned in "years old." For example, a person aged twenty sui is probably nineteen years old.

Chinese women's names are rendered as found in original sources. Usually, a peasant woman had no given name of her own (aside from an indicator of birth order, such as "second daughter" or "older sister"). Instead, legal documents would identify her by the surname of her father and sometimes (if she were married or widowed) that of her husband, followed by the term "shi" (literally, "lineage"). For example, "Wang Li shi" refers to a woman whose father's surname is "Li" and whose husband's surname is "Wang." (In very formal contexts, this might be rendered "Wang men Li shi," i.e. "Mrs. Wang née Li.") In the text, I have not translated or italicized "shi." The Chinese lunar and Gregorian calendars do not align (the lunar New Year falling in early spring), but, for convenience, when referring to dates I have converted years to the closest Gregorian equivalent. When giving exact Chinese dates (e.g., in citation of cases), I provide the reign period followed by the year, month, and day; thus, "Qianlong 12.10.7." means the second day of the tenth month of the twelfth year of the Qianlong emperor's reign. (For Qing reign periods, see Appendix A.) In citation of Chinese dates, "r" refers to an intercalary month, and "z" means that part of date is unknown.

Chinese names and terms are romanized in Hanyu pinyin according to standard Mandarin pronunciation. All translations are my own, except where noted.
Introduction

THE ISSUES

This book uses more than 1,200 legal cases from the central and local archives of the Qing dynasty (1644-1912) to analyze polyandry, wife sale, and a variety of intermediate practices that mobilized a woman’s sexual and reproductive labor to help support her family. Its main setting is the countryside, and its protagonists are the rural poor. By exploring this field of social practice, I seek to document and understand the roles played by marriage, sex, and reproduction in the creative strategies by which people survived under conditions of overpopulation, worsening sex ratios, shrinking farm sizes, and agricultural involution. How did people live under these conditions?

Polyandry and wife sale represent opposite ends of a spectrum of strategies to supplement household income and maintain subsistence. At the polyandry end of the spectrum, an outside male would be fully incorporated into a couple’s household as the wife’s second husband or the first husband’s sworn brother, and he would share the wife’s bed in exchange for helping support her family. Hence, polyandry was a strategy to keep the family together by expanding it, thereby raising the ratio of laborers to consumers. At the opposite end of the spectrum, a wife would be transferred permanently to her buyer’s household in exchange for cash payment. She would escape poverty and get a fresh start with a new husband, while her first husband (i.e., the seller) would secure an emergency infusion of cash. Children usually accompanied the wife into her new household, either temporarily or permanently. In short, wife sale was a strategy to survive by breaking up the family, in the process creating a new marriage. In the mid-range of the
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spectrum was a variety of more informal arrangements whereby a wife would have sexual relations with one or more other men, with her husband's approval, in exchange for material support.

If we focus on social practice among the poor (instead of normative discourse among the elite), no clear distinction can be drawn between marriage and the traffic in women in Qing dynasty China; on the contrary, the two categories overlapped and were mutually implicated to a great degree. It also becomes impossible to sustain the clear-cut binary distinction between marriage and sex work that was basic to Qing law and elite ideology. By emphasizing the impact of material exigency, I seek to bring the analytical perspective of class back into the picture. But I do not ignore gender; on the contrary, the ideologies of masculine solidarity that informed polyandry, wife sale, and related practices are as high a priority for this study as are the experiences and perspectives of women.

With regard to legal history, this book provides an in-depth case study of the interplay of ideology and practice in the Qing judicial system. Qing law prohibited all of these practices under the rubric "illicit sexual relations" (jian), and the main source for my book is legal cases from the eighteenth and nineteenth centuries that I have collected in Chinese archives over the past twenty years. By incorporating large samples of records from both central and local courts—and this book is the first study of Qing law to do so—I show how magistrates charged with propagating and enforcing a fundamentalist Confucian vision of female chastity tried to cope with the social reality of widespread wife sales driven by poverty. This contradiction illuminates the expedient pragmatism of routine judicial practice but also the increasingly dysfunctional nature of the dynastic state in the face of mounting social crisis. Since these transactions were prohibited, they had to be regulated and enforced on the community level, without reference to the courts. In this respect, they were but a subset of a much broader field of illicit customary practice that flourished in defiance of prohibition. Our understanding of Qing "law" should expand to include this field of illicit custom and community regulation.

Past Scholarship and the Approach of this Book

In 1994, Dorothy Ko launched a revisionist wave of Chinese women's history by vowing to write "against the May Fourth legacy." For the reformers and revolutionaries of the May Fourth era, "the victimized woman in old China" symbolized everything wrong with the old society that would have to be overcome in order to remake China as a modern nation.1 This paradigm found its most powerful expression in the polemical fiction of Lu Xun, Ruo Shi, and other May Fourth writers (some of whom wrote about polyandry and wife sale), but it continues to influence the portrayal of women in both historical writing and popular culture in China today.2 As Ko explains, the problem with the victimization paradigm is not that it is absolutely wrong—it is "not without its grain of truth"—but rather that it is an artifact of modern ideologies that obscures more than it reveals about the actual experiences and perspectives of women in prerevolutionary China.3

Over the past two decades, Dorothy Ko, Susan Mann, and others have produced a powerful body of scholarship that seeks to reclaim the agency of women in late imperial China (1368–1912) and to celebrate what was positive in their lives. A fundamental goal is to discover what fertility, polygyny, the cult of female chastity, and other practices often said to epitomize victimization actually meant to the women who engaged in them. The best of this work transcends the dichotomy between victimization and agency to explore in a nuanced way how women constructed meaningful choices within the constraints of the Confucian gender system and tested the flexibility of those constraints without rebelling outright.4 The power of much of this scholarship derives from its use of women's own writings to "correct the distortions inherent in the male gaze and to see how women themselves articulate value and meaning in a society dominated by Confucian norms."5 But the inevitable result has been a near exclusive focus on literate elite women, mainly from the Yangzi Delta, who constituted a tiny minority of the population. Indeed, a basic part of Ko and Mann's agenda is to disaggregate the overly broad, seemingly timeless category of "Chinese women" by zeroing in on a specific historical period, social class, and geographic region.6 This is a necessary and laudable goal, and it remains incumbent on others to expand the scope of inquiry with studies of women in other periods, classes, and regions.7 But we also need a fuller picture of men and masculinity in late imperial China, to complement and balance our increasingly rich understanding of women's lives.

My own research focuses on the rural poor, and on men as well as women, but the victimization paradigm is no more helpful for understanding their lives than for understanding elite female poets. By casting women simply as victims—and, by implication, men as victimizers—the old paradigm privileges gender over all other factors in a simplistic way that obscures the fuller complexities of human relations.

Take the example of wife sale: on the face of it, for a husband to sell his wife would seem like the epitome of patriarchal exploitation. There is some truth to that characterization, because, after all, such sales were part of a pervasive traffic that made commodities of women's bodies. But if one looks at what actually happened in a wife sale, the usual scenario is that one man (the buyer) would gain at the expense of another (the seller), and, since the motive to sell was almost always poverty, the wife's move from one household to the next often resulted in substantial improvement in her security and standard of living. Furthermore, in most cases a sold wife took her children with her, leaving the seller alone. Under the circumstances, the "loser" was usually not the wife herself but rather her first husband, who would join the multitude of single men who made up the Qing
underclass. Moreover, if one assumes a wife sale to have been simply a transaction between men in which the woman was a passive object, it is hard to explain why so many sales resulted from women's demands to be sold, or how others were sabotaged by women who refused to be sold. In other words, if we presuppose the big story to be women's victimization, we will fail to comprehend what actually happened.

As this example should make clear, my analysis builds on the revisionist insight that there was real scope for female agency within the constraints of the old gender order. What I hope to add is an attention to survival strategies among the poor that involved non-normative and even non-patriarchal alliances, as well as a sympathetic effort to understand the experiences and perspectives of the men, as well as the women, who found themselves in such circumstances.

My principal inspiration for this research project has come from two bodies of scholarship. The first is the classic social and economic history of China that focuses on the lived experience of the peasantry in order to understand the roots of social crisis and revolution. I have in mind especially the studies of rural north China by Elizabeth Perry, Philip Huang, Joseph Kubelik, and Susan Naquin, who were inspired in part by the British Marxist and French Annalist schools of social and economic history. I first encountered the ubiquitous "bare sticks" (guanggu—poor, single men) of rural China in Perry's analysis of how endemic patterns of violence in Huabei helped foster the Nian Rebellion. Thus, my interest in gender history began not with elite women but rather with the most despised and exploited men in China. Perry's work also taught me that what the state or elite condemned as deviance might constitute a rational survival strategy for the people engaged in such behavior. Philip Huang's analysis of how peasants enduring agricultural involution would mobilize family labor to produce handicrafts and engage in sidelines for diminishing returns has provided a basic framework for understanding my own evidence about polyandry, polygamy, and marital prostitution. One form of family labor was the sexual and reproductive labor of women, and one possible sideline was sex work.

The second body of scholarship is the classic social anthropology of China that focuses on gender, kinship, and community at the village level. This work prioritizes the logic of social practice in local context over normative prescriptions and ideals, and in this respect it complements the historical scholarship cited above. Here, I have in mind especially the work of Arthur Wolf and Hill Gates but also of anthropologists such as Myron Cohen, Margery Wolf, and Janice Stockard. Arthur Wolf has used the Taiwan household registers in conjunction with fieldwork to analyze a variety of non-normative marriage forms, and his finding that some practices were stigmatized but nevertheless widespread, because they solved problems and met needs that normative ones could not, is one point of departure for my own study. Wolf and Chieh-shan Huang's refreshingly frank assessment of the implications of female promiscuity for the marriage system has helped me see my own evidence more clearly, too. Hill Gates has documented the significance of female labor (especially handicrafts) for rural household incomes, the way female labor is subsumed by gender ideology into "obedience," and the role of footbinding in disciplining and deploying that labor. Her findings complement Huang's analysis of how involvement pushed peasants into the market, and she brings a distinctly gendered perspective to that dynamic. Gates's analysis of the incidence of brideprice heavy marriage undergirds my own understanding of the economic logic of wife sale.

With my perspective shaped by these two bodies of scholarship, I have come to this topic by way of the stories told in legal cases from the Qing archives. Given the illiteracy of the poor majority during the Qing, these cases are by far the most revealing sources about their lives that we are ever likely to find. The testimony they record (meditated though it is by the judicial process) is the closest we will ever come to hearing their own "voices." Whereas my first book was roughly two-thirds legal history and one-third social history, in the present book I reverse the balance. The type of social history I attempt here reflects the influence of the anthropologists, in that a basic priority is to document marginalized kinship practices and to analyze their logic in context, from the standpoint of the people involved. Fundamentally, this represents an effort to get past judicial categories and the orthodox values that informed them, as well as the "enormous condescension" of both May Fourth polemicists like Lu Xun and modern historians like Guo Songyi, in order to understand what people did, why they did it, and how they felt about it.

This book also breaks new ground in Chinese legal history. The sharp contradiction between the widespread practice of polyandry and wife sale and the ideological mandates of the judiciary helps to expand our perspective on Qing law to include the pragmatic adjustments and compromises that magistrates had to make in dealing with routine cases. It also provides us with a deeper understanding of customary norms, rules, and practices that existed outside the formal judicial system—sometimes in harmony with it, but often in contradiction with it.

This informal realm included community mediation of disputes over "minor matters of household, marriage, and land" (hu hun tiantu si shi), most of which were settled out of court. But it also included a wide variety of prohibited practices that were common because they solved problems that approved practices did not. These practices had to be regulated at the community level, because to take them to court would guarantee trouble for the participants. The negotiation of wife sales, including demands for supplementary payments after a sale had been concluded, is a paradigmatic example. Others include the use of "white contracts" for land sales ("white," because they lacked the red seals indicating registration and payment of transfer tax); the sale of Qing manorial land in Manchuria and Zhi...
(and native land in Taiwan, Yunnan, and other frontier zones) to Chinese migrants: the production and sale of salt outside the state monopoly; and the formation of collective brotherhoods. This illicit field of community regulation implies an alternative set of values and more-or-less conscious resistance to the state. How does our analysis of "Qing law" change, if we include this realm of illicit practice? Moreover, how does the perspective from this informal realm help explain social and political change in the dynasty's last decades, when the imperial center's power to impose its will weakened dramatically?

Skewed Sex Ratios and the Traffic in Women

The practices documented in this book were part of a pervasive traffic in women that affected every social class and most families in China during the Qing dynasty. This traffic was closely linked to the imbalance in the ratio between the sexes that has long prevailed in China: a shortage of women that has most severely affected poor rural communities, where the surplus of adult males might well exceed 20 percent. The stubborn persistence of skewed sex ratios is a profoundly important continuity in modern Chinese history. Although ratios improved somewhat during the Maoist era (1949–76), in recent years they have returned to levels not seen since the early twentieth century. According to the 2000 census, the sex ratio "at birth" (which reflects the effects both of sex-selective abortion and of infanticide) for the People's Republic of China (PRC) overall was 117 males per 100 females, but eleven provinces exceeded 120, and three of these exceeded 135. These ratios resemble those from the 1930s as well as the data we have for scattered locales in the eighteenth and nineteenth centuries.

Excess female mortality due to systematic discrimination has long been the main cause of the sex ratio imbalance, although in recent years sex-selective abortion has become a crucial factor. Scholars debate how common infanticide was before 1949, but there is no question that some did occur and that its incidence would rise in times of famine. Whatever the actual rate of infanticide, it is clear that childhood mortality was (and continues to be) far higher for females than for males, especially among the rural poor, and sex ratios actually worsen between ages one and four. Moreover, during periods of extraordinary hardship (such as the Great Leap Forward famine), sex ratios have suddenly spiked, showing that discrimination against daughters has been, in part, a crisis strategy to ensure the survival of sons. Such discrimination has taken a number of forms aside from outright infanticide and abandonment, the most important being relative quantity and quality of nutrition and health care. For example, infant daughters were often weaned earlier than sons, because earlier weaning would enable the mother to get started on a new pregnancy, in hope of a boy. But also, since it was understood that longer breastfeeding improved an infant's likelihood of thriving, this was a higher priority for a son than for a daughter. Discrimination was not limited to infants, of course, and, even today, excess female mortality affects all age cohorts. For example, China is one of the few places in the world today where women commit suicide more often than men: Chinese women commit more than half of all female suicides worldwide, even though China accounts for only one-fifth of world population. Suicide is concentrated among young rural women, just as it was in the late Qing.

If we seek to understand how sex ratios influence individual behavior, national and provincial data are less useful than specific, micro-level case studies. For example, in the Qing legal cases I use for this study, we often find extreme ratios of four or five males to one female among the protagonists: a woman, her husband, a son or two, plus one or more single men who are sleeping with her. Typically, there are no daughters in the picture. In such cases, the lone woman is the focal point in a web of relations among men, sometimes becoming the effective head of her extended household. Ironically, the high sex ratios in such milieu seem to have empowered at least some women in their relations with men (see Chapters 1 and 2). At the opposite end of the socioeconomic spectrum, we know that the households of gentry and wealthy merchants included many female servants and that most elite men had concubines (qin) in addition to one main wife (qi). An extreme (albeit fictional) example is the Jia household in the eighteenth-century novel Hong lou meng (Dream of the Red Chamber). A surplus of young women is one of many luxuries enjoyed by the fabulously wealthy Jia family, and any Qing reader would have recognized this reverse sex ratio as a form of conspicuous consumption. Its most extreme manifestation is found in the hero Jia Baoyu's famous garden sanctum, where he is the sole male, surrounded by a bevy of attractive girls in a sort of parody of the imperial harem.

To some extent, the traffic in women exacerbated the raw imbalance in poor communities by exporting women to become servants and concubines in prosperous households while others became prostitutes in urban settings. At the same time, the practices documented in this book responded to the shortage of wives in poor communities by making a relatively small number of women available to a larger number of men. One reason to share a wife was that there simply were not enough wives to go around—and polyandry, polygyny, marital prostitution, and consensual wife sale all involved a husband sharing his wife with one or more other men, in exchange for material support. Wife sales and widow remarriage served a similar function, by recycling one woman through more than one marriage.

Moreover, the poor, unmarried man—known in Qing legal discourse as a guanggun (which translates literally as "bare stick"; or more colloquially as "rootless rascal")—played a central role in these scenarios. In polyandry, he was the outside male "brought in" by a poor couple either as a second husband or as the first husband's sworn brother; similarly, a couple's outside partners in polygyny would also be single men. In most wife sales, the buyer was a single man who had never before married but, by hard work and good luck, had managed to save enough
money to buy another man's wife (this being a relatively inexpensive way for a man to marry). However, the buyer's upward mobility created a new bare stick—the seller—because few men who sold wives could recoup the resources necessary to acquire another.

We have surprisingly little scholarship on the traffic in women in late imperial China, but most of what we have focuses on servants and concubines who were purchased by elite households from their parents through brokers. The sale of children by their parents was perfectly legal in the Qing, no doubt because the elite wanted to buy these children. Moreover, polygyny served the interests not only of elite men but also of their wives: a man could have only one main wife, who would come from the same social background as he, and she would have nearly absolute authority over the inner quarters of their household. Polygyny enabled an elite wife to monopolize the prestigious role of social motherhood over all of her husband's children while shifting much of the burden of bearing them onto the concubines and maidservants who were also sexually available to her husband. This division of labor constituted a remarkable example of class exploitation within a single family. It is important to bear in mind that elite men and women had a vital stake in the traffic in women and girls, even though normative discourse seldom explicitly acknowledged this fact. By the eighteenth century, bonded servitude no longer played a major role in the productive economy, but the traffic in women continued to play a key role in the biological and social reproduction of the elite.

Elites aside, it is clear that the routine form of marriage practiced by many peasants (especially the poorest of them) was simply to sell a daughter to the groom's family—even if, for reasons of face, the transaction was not always explicitly labeled a "sale." In other words, the bridewealth (calli or calli qian) paid by the groom's family far exceeded any dowry, which was often trivial in value (if any was given at all). Daughters usually married out, whereas sons remained with their parents and brought in daughters-in-law, and therefore peasants understood the bridewealth to be compensation to a woman's parents for the cost of raising her. One can also assume that bridewealth included compensation for the loss of the daughter's labor. These facts were accepted by Qing officials. As the late Qing jurist Xue Yunsheng observed, "to sell one's own daughter or sister in marriage (jiunai) to a man to become his wife or concubine is a legitimate form of marriage (ben shu hunyin zhi zheng)." Here, Xue purposely uses the colloquial term "to sell in marriage" (jiunai), which was also used for illegal wife sales. There was some regional variation in the incidence of bridewealth-heavy versus dowry-heavy marriage, and a number of factors influenced their distribution, but it is clear that wealth and class played a major role in structuring these practices. Dowry was a status symbol because so many people could not afford it, and a lavish dowry was one means by which the elite converted material capital into symbolic capital, to show that they were rich enough and moral enough not to sell their daughters. Furthermore, most widow remarriage constituted a direct or indirect sale of the woman to her new husband (see Chapter 8).

In the post-Mao era, with the end of collectivization and return to family farming, bridewealth-heavy marriage has once again become widespread in at least some parts of rural China, while sex ratios have steadily worsened. One sign of this development is the return of a kind of marriage fraud that was common before 1949, in which a gullible man is duped into paying a high bridewealth for a woman who then runs away. The targets, in villages with high sex ratios, are older bachelors who are cheated out of their savings. The reason such scams succeed is that these men expect to pay high prices to acquire wives, without any dowry in return, and since no local women are available they are willing to risk marrying an outsider.

Given this larger context, it would be a mistake to assume that there was any clear practical boundary between "marriage" and "traffic": on the contrary, the two categories overlapped and were mutually implicated to a very large degree. Therefore, I contend, wife sale and the other strategies documented in this book should be understood as variations of the dominant pattern rather than as deviant exceptions, notwithstanding the fact that they were stigmatized and prohibited. One goal of this study is to establish the absolute centrality of the traffic in women to the Chinese marriage system.

Stigmatized and Prohibited Forms of Marriage

The practices documented in this book were all stigmatized to some degree, as well as being prohibited by Qing law. But they were not unique in either respect, and it is not clear that their stigma exceeded that of other unorthodox marriage practices. Many forms of marriage carried stigma, to the extent that they diverged from the normative ideal of "major marriage" (in which a grown-up bride would be transferred to her husband's household in exchange for bridewealth, sometimes bearing dowry), and some forms were also prohibited. But stigma and prohibition did not necessarily deter people from contracting such marriages. Moreover, perception of stigma might vary by region, social class, and even gender.

Widow remarriage is a case in point. Neo-Confucian orthodoxy condemned remarriage as a violation of chastity, and the practice was unknown among the elite during the Qing. Among the poor, however, remarriage was normal, and high sex ratios made it easy for young widows to find husbands. But even among the poor, remarriage carried a certain stigma, expressed in a variety of customs and taboos. In many regions, a widow had to be delivered to her new husband at night, and she would have to mount the sedan chair some distance away from her first husband's home and agricultural land (to avoid damaging its fertility). Members of her first husband's village or lineage might waylay the sedan chair to demand "money to cover shame" (zheshui qian)—a type of hazing seen in wife sales as well. Moreover, Ming and Qing law prohibited widow remarriage during the official
mourning period of three years, although this law was seldom enforced. In fact, it was common for a poor widow to remarry immediately, so that the bridewealth from her new marriage could be used to clear her husband's debts or even to buy his coffin (most remarriage constituted a direct or indirect form of sale in which the in-laws received payment). Levirate—in which an unmarried man inherited his brother's widow through remarriage—was found in many parts of China, even though Ming and Qing law prohibited it as incest to be punished by strangulation, and even though case records show that the death penalty was indeed imposed when it came to official attention.

A number of other examples can be cited. Delayed transfer marriage (in which a bride delayed moving in with her husband for several years) was common in the Pearl River Delta, where sericulture made the labor of young women especially valuable to natal families. During the period of delay, brides would visit their husbands only on holidays and would avoid sleeping with them or eating food from the in-laws' hearth. The Qing dynasty did not proscribe the practice, but local officials and elites found it horrifying and did their best to suppress it. The Qing did prohibit most marriage between Han Chinese and other peoples as a threat to "ethnic sovereignty." But such prohibitions were difficult to enforce (except for urban banner garrisons), and in frontier zones intermarriage between Han men and indigenous women was common. In fact, "hanjian"—the modern word for "traitor"—originally referred to Han males who lived among indigenous peoples and "went native" by adopting their customs.

Uxorilocal marriage—in which a husband would move into his wife's household—was a frequent minority practice throughout China, and in some regions it accounted for as much as 15 percent of marriages. The typical uxorilocal husband was an orphan or younger son with no prospects, who would be "brought in" to marry a woman without brothers. Qing law permitted this form of marriage, but for men it was considered shameful because it required them to abandon their parents, and it was proverbial that a decent man would refuse such a marriage. Even "minor marriage" (adopting an infant daughter-in-law, or tongyangzi) was stigmatized, although it could be found all over China and was majority practice in some communities. This form of marriage saved money and also served the interests of the mother-in-law (by letting her raise her daughter-in-law herself, instead of bringing in an adult bride who might become a rival). But the adopted daughter-in-law was popularly viewed as a pathetic, abused creature, and these marriages were notoriously unhappy (in part because childhood association tended to foster sexual aversion). In Taiwan (where the practice had been common), it disappeared as soon as socioeconomic change liberated youth from parental authority, and on the mainland it was prohibited by Communist marriage reforms.

The practices documented in this book should be seen against this broader background of marriage forms that diverged from the normative ideal. They were stigmatized and sometimes criminalized, but each made sense in its own context; each, in its own way, was a solution for problems including the shortage of wives, poverty, and the high cost of bridewealth in major marriage. Therefore, stigma and prohibition did not necessarily deter people from these practices, and such prohibitions were difficult to enforce. In the absence of violent crime, illegal marriage practices came to official attention only when someone directly involved was sufficiently upset to go to court. For this reason, I assume that the vast majority never left any record: the legal archives reveal only the tip of a huge iceberg.

Marriage, Sex Work, and Queer Domesticity

Another basic goal of this book is to challenge the normative distinction between marriage and sex work that was vital to elite lifestyle and orthodox ideology in the Ming-Qing era. Most scholarship on sex work in China has focused either on elite courtesans in the late empire or on brothel prostitution in modern urban settings. Shanghai is particularly well documented, with major studies by Gail Herschatter, Christian Henriot, and Catherine Yeh on the century of "semi-colonialism" from the Opium War to the Communist victory. Much of this scholarship has focused more on elite discourses about prostitution than on actual social practices; despite its excellence, it has relatively little relevance for the present book, given my very different focus on survival strategies of the rural poor and on the multifarious connections between marriage and sex work in that context.

My own previous work on prostitution in late imperial China shows how an age-old regime of regulation, based on legal status distinctions, was replaced in the eighteenth century by a blanket prohibition that extended the free commoner (liang) standard of female chastity to all. Previously, prostitution had been tolerated as a hallmark of hereditary debased (jian) legal status, whereas any extramarital sexual activity had been prohibited to women of free commoner status (who constituted the great majority by the eighteenth century). In other words, the purpose of regulation was not to prohibit a given conduct but rather to require people to conform to the standards appropriate to their respective statuses. Beginning in 1723, however, the Yongzheng reforms expunged the debased status of the groups associated with prostitution, thereby eliminating their exemption to the prohibition of extramarital sexual relations. The practical result was to criminalize all prostitution.

From the standpoint of the present study, a significant feature of the pre-1723 regulatory regime was its premise that debased status prostitution took place within marriage and was organized on a household basis, with a husband/father pimping wife and daughters; as in farming, the household was the unit of production. Confucian ideology and imperial law held marriage and prostitution to be irreconcilable opposites, but that standard applied only to free commoners and elites; in contrast, "prostitute households" (chang hu) of hereditary debased status represented a sort of mirror image, in which women were neither expected nor
entitled to adhere to the free commoner standard of chastity. These women were supposed to marry within their caste: marriage meant sex work under the management of a husband instead of a father.66

The archival legal cases used for the present study all date from the era of prohibition, after 1725. But, even after prohibition, it appears that most retail sex work continued to be linked to marriage. As I explain in Chapter 3, most of the prostitutes found in Qing legal cases were married women who were helping to support their families. In this context, sex work actually supported marriage in that it enabled impoverished couples to survive without permanently separating. In fact, the same was true of the entire spectrum of polyandrous practices documented in this book: their common feature is that a wife, with her husband's cooperation, would sleep with one or more other men in order to help support her household.

Like many scholars who have studied prostitution in recent years, I see it primarily (if not solely) as a form of work,67 but unlike most, I emphasize the marital and familial context of this work. The focus of my study is not the urban brothel but rather the peasant household, where the formalization of sex work through a variety of polyandrous arrangements was part of a menu of survival strategies for coping with poverty and agricultural involution. When farms shrank below the size necessary for autonomous subsistence, families would mobilize their own underemployed labor to engage in a variety of market-related activities, in addition to farming, in order to maintain household incomes.68 The purpose of polyandry and polyamory was to keep the family together, and usually also to stay on their land. From this standpoint, these arrangements can be seen as variations of the way that female labor produced marketable goods (such as cotton yarn and cloth) and can also be compared to the way semi-proletarianized peasants hired out excess labor to other farms. In effect, a wife's sexual and reproductive labor was a commodity that she and her husband could sell or hire out to other men.

However, "selling" and "hiring out" are not entirely accurate characterizations for this kind of sex work, because often these women would open their homes to the men who helped support their families in exchange for sex. Indeed, with full polyandry—which should be considered a form of marriage—the family would expand by "bringing in" an outside male either as the woman's second husband or as her husband's sworn brother. With this arrangement, sex work was domestic labor that took place within the family. Moreover, the "wholesale" services provided by women within polyandry and polyamory were not limited to sex but also included various forms of domestic caring work (cooking, mending, and sewing clothes, etc.) in an extension of wifely duties within the household. In contrast, the landless peasants who engaged in retail sex work in urban settings approximated the condition of fully proletarianized peasants who subsisted entirely on wage labor.

In thinking about the formalization of sex work in China, I find inspiration in Luise White's classic study of prostitution in colonial Kenya.69 By focusing on the economics of sex work—that is, seeing it as work and analyzing what women did with their earnings—White challenges an earlier generation of scholarship that highlighted the victimization of women. She emphasizes that the processes by which rural women entered urban prostitution reveal "the abilities of families and individual women to solve their problems through the mobilization of their own labor."70 Kenyan prostitution in its many forms was "family labor": it supported and reproduced families, helped poor families together, and it created families with women at their heads. Moreover, these women serviced migrant laborers who could not afford wives of their own and therefore sought them out as surrogates. To a certain extent, these laborers resembled the surplus males who participated in polyandry and polyamory in China. White's title, The Comforts of Home, reflects the fact that Kenyan sex workers sold a range of domestic services in addition to sex, including "all that is legitimately available in marriage."71 Although her focus is urban retail prostitution, and the circumstances of colonial Nairobi differed from those of rural China, many of her insights apply there as well.

In my first book, I used the term "unorthodox households" to cover various scenarios of "people excluded from accepted patterns of marriage and household because of poverty and other factors bonding with each other in unorthodox ways to satisfy a range of human needs."72 Another way to characterize these scenarios is "queer domesticity," a term that historian Nayan Shah uses to describe nineteenth-century Chinatown, San Francisco, where sex ratios among Chinese immigrants were very high. In this context, "queer" does not necessarily imply same-sex sexual acts (Shah also uses the term "pervasive heterosexuality") but rather a variety of alliances and living arrangements that were viewed by white municipal authorities with prejudice and alarm. To them, the largely male Chinese population appeared to observe no clear boundaries between families, nor clear parentage of children: Chinatown was a promiscuous milieu of bachelors and prostitutes, who inhabited dormitories, brothels, and opium dens, and posed a grave threat of contagion (both physical and moral) to the white population.73 In fact, the living arrangements found in Chinatown mirrored those found in high sex ratio contexts throughout China and its frontiers (the diaspora being an extension of the frontier), where it was common for men to form sexual alliances with each other, to share wives, or to partner with indigenous women. For our purposes, "queer domesticity" evokes the non-normative (and often non-patriarchal) arrangements found on the polyandrous spectrum as well as the alarm that they provoked on the part of Qing ideologues.

SOURCES

The main source for this study is Qing legal cases from central and local courts that I have collected in Chinese archives over the past two decades. I have discussed these categories of cases elsewhere, so here I confine myself to describing
the samples used in this study. The central cases are *xingke tiben*: routine memorials in which provincial governors reported major criminal cases to the imperial center for review. (For the Qing penal system, see Appendix D; for the process of judicial review recorded in *xingke tiben*, see Appendix E.) Most of these cases concern homicide, but modern archivists have sorted them according to the background situation that framed the main crime, and that background situation was my focus in selecting cases. For this study, I have used more than 800 *xingke tiben*, all from the category "marriage and sex offenses" (*huanyin jiangingshui*). They involve wife sales of one kind or another, and the rest concern polyandry, polysomy, and marital prostitution—that is, the full range of polyandrous practices covered by the statute against "abetting or tolerating a wife or concubine having illicit sexual relations with another man" (*songrong qi qie yu ren tong jian*—often abbreviated as *zong jian*). These cases come from all provinces of China Proper, although the traditional core provinces contribute the bulk. About 90 percent date from the Qianlong (1736–96) and Jiaqing (1796–1820) eras.

This study also uses more than 400 local court cases, the majority coming from Ba and Nануб counties (both in Sichuan), which have the richest local archives known (as of this writing) to survive from the Qing. Ba County has the largest collection by far, with more than 100,000 legal and administrative case files. During the Qing, Ba County included Chongqing, which was then, as it is now, the most important port on the upper Yangzi River. Given its key position in both administrative and commercial networks, Ba County was socially and economically far more complex than the other three counties in my sample. Moreover, Chongqing was a boomtown, its population more than quadrupling over the last century of the Qing to reach nearly one million. These distinctive features of Ba County gave a particular shape to the traffic in women there (see Chapter 4). Nануб County was a far more ordinary place. Located some two hundred kilometers to the north (as the crow flies), it was linked to Ba County by the Jialing River, which joins the Yangzi at Chongqing. I also have smaller samples of local court cases from Baodi County, Zhili (a typical rural county on the north China plain, located some eighty kilometers southeast of Beijing), and Xиншу County in northern Taiwan. Three hundred and forty-five of my local court cases concern wife sales; the rest concern polyandry and marital prostitution. Table 1 breaks down the local wife sale cases by date and county. The numbers in this table reflect not change over time but simply the fact that most of what survives dates from the late Qing as well as limits on my time and access to the archives in Sichuan.

Since about three-quarters of my local cases come from a single county, it is fair to ask whether they are representative of either social practice or the administration of justice elsewhere. As far as I can tell, they are. The cases of wife sale, polyandry, and marital prostitution from Ba County are similar to those from elsewhere. To be sure, there was some regional variation in these practices. For example, in Nануб County it was normal for a wife sale contract to bear both the handprint and the footprint of the seller, whereas contracts from Ba and Baodi counties usually bear only a handprint. Contracts from Sichuan are usually longer than those from Baodi. In other respects, however, the three counties' contracts are essentially the same. There was also local variation in terminology, especially for polyandry. However, the big story is not regional variation (which seems fairly minor) but rather the high degree of uniformity throughout China.

With regard to adjudication, we should bear in mind that Ba County was a major administrative center, with Chongqing serving as county seat as well as headquarters for Chongqing Prefecture and the East Sichuan Circuit Intendant. Given the proximity of their superiors, it is unlikely that magistrates of Ba County could have deviated much from accepted practice. If anything, they probably took greater care to follow the rules than the magistrate of a remote county might have. But comparison with my smaller samples from other counties shows great consistency in how routine cases were adjudicated. Moreover, my Ba County sample includes judgments by several dozen different magistrates, all of whom hailed from other provinces. Most had already served elsewhere because, given this county's importance, only men of proven competence would be posted there. (When I speak of "a magistrate" judging cases, I have in mind both the individual appointed to that office who bore responsibility for all decisions and the privately employed legal experts who advised him and did much of the actual work.) One purpose of personnel rotation was to standardize administration, including the administration of justice, and in this respect it seems to have been effective.

This study is the first to use large samples of both local and central court records from the archives to study Qing judicial procedure. The juxtaposition of local and central cases highlights their very different qualities as historical sources. *Xingke tiben* focus on major crimes that required exhaustive investigation and systematic reporting according to a standardized format. For this reason, they consistently provide more detailed testimony and factual information than the local court records, the vast majority of which concern the routine adjudication of "minor matters" (*xi shi*) that did not have to be reported up the chain of command. But local archives contain the raw material of cases, including litigants' plaints.
example, Investigation of Customs leaves out the version of polyandry that was framed by sworn brotherhood, as well as transactional polyamory. Its compilers either did not know about such arrangements or (more likely) considered them too deviant to mention in a report on "customs." But since the Qing code criminalized the full range of practices covered by this book, we can turn to the legal cases for a more complete picture of what was going on.

When using legal cases as sources for social history, one must always consider their inherent sampling bias. Since these practices were against the law, the participants generally had a strong interest in avoiding official attention. Moreover, by their very nature, legal cases usually record only people who got into trouble. This bias is especially strong in cases of homicide, which is a highly exceptional event in any society. Therefore, these sources inevitably give an exaggerated impression of the incidence of conflict and violence. People prone to conflict and violence will be heavily overrepresented, whereas harmonious relationships would rarely have left any trace in the public record. Even so, the kinds of trouble that ended up in court can also be very revealing, since they expose the tensions intrinsic to these practices and give explicit voice to what might normally be left unsaid. For example, the routine local cases show that the single most common reason for a wife to end up in court was that the seller demanded more money from the buyer after the sale had ostensibly been concluded. In Chapter 6, I examine these disputes to illuminate the perspectives of the men involved in such transactions (including the close parallel between wives and land in the male peasant imagination) as well as the role played by local communities in mediating what were, after all, illegal transactions.

A basic challenge in interpreting the legal cases is to see beyond the judiciary's criminal categories to understand why people behaved as they did and how they understood their own behavior. Therefore, it is helpful to read the legal cases together with the surveys, which record "customs" rather than "crimes." This juxtaposition shows that the practices documented by both sources were widespread survival strategies that operated according to well-known customary rules rather than exceptional acts of deviance.

Other primary sources for this book include published casebooks from the Qing and Republican-era gazetteers. In Chapter 10, I use casebooks to explore formal reasoning at the highest levels of the judiciary, the most important being the early nineteenth-century Xing'an huanlan (The Conspectus of Penal Cases) and its sequel, which legal advisors to the Board of Punishment compiled as reference works for sitting magistrates. They contain brief summaries of judgments that involve complex fact situations, balance competing legal principles, or apply the code by analogy—for this reason, the cases they include tend to be unusual and are useful mainly for illuminating judicial reasoning. I also cite reference works for the Autumn Assizes that show how senior officials weighed aggravating and
mitigating factors when advising the emperor in the final disposition of capital cases (see Appendix D.3). Gazetteers from the Qing rarely record unorthodox marriage practices, so they are of little use for this study. But many Republican-era gazetteers reflect a modernizing spirit of investigation, and they sometimes report "vulgar customs" (lou xi) that the compilers hoped to reform. Such reports can be useful (in conjunction with Investigation of Customs) for indicating the minimum geographic scope of certain practices—for example, levirate (see Chapter 1) and uxorilocal widow remarriage (see Chapter 8).

AN OVERVIEW

This book is organized thematically in three parts. Part One (Chapters 1–3) and Part Two (Chapters 4–8), on polyandry and wife sale, respectively, analyze these practices in a quasi-anthropological manner. Part Three (Chapters 9–11) examines ideology and practice within the judicial system, with primary focus on the treatment of wife sales.

Chapters 1 and 2 document the two main frameworks for bringing an outsider male into a family, namely (1) a contract for "getting a husband to support a husband" and (2) sworn brotherhood. They explore community attitudes toward these arrangements and the subject positions of the parties themselves: the ideology of masculine solidarity that informed the men's relationship with each other, and the attitudes and experiences of the women who played an indispensable role in polyandry. Chapter 3 covers a wider range of practices on the polyandrous spectrum, including transactional polyandry (ongoing sexual-economic exchange with two to four regular male partners), marital prostitution, and conditional wife sale.

Chapters 4–7 address the direct, open form of wife sale: an honest transaction negotiated directly between seller and buyer with the help of a matchmaker. Who engaged in such transactions and why? How were they negotiated, using what kinds of contracts? How were prices determined and how much were they worth? What kinds of disputes arose, and how were they mediated? Again, a key theme is the distinct interests and subject positions of the different parties: the patriarchal ideology that informed men's attitudes toward wives and land as well as the range of women's attitudes and the resources they might draw on either to provoke a sale or to sabotage one. Chapter 8 expands the inquiry to include several important variations: compensated divorce (i.e., an indirect sale brokered by the wife's natal family), widow remarriage, sale in the husband's absence, and fraudulent sale. It concludes by showing how fraud ties them all together.

Chapters 9 and 10 dissect codified law and central court decisions (in major cases reported up the chain of command for review) in order to explain what constituted a criminal wife sale in the Qing dynasty. The key change since the former Ming was that the Qing extended prohibition to include wife sales motivated by poverty—that is, the vast majority of such sales. In addition, Chapter 10 explores the tension within the central judiciary between the orthodox, empowered view that condemned all wife sales as licentiousness, and a more pragmatic minority view that recognized the motive for most sales to be poverty. Chapter 11 shifts focus from the imperial center to the local courts, and from ideology to the practical adjudication of routine cases not subject to review. Again, the main focus is on wife sale. How did magistrates reconcile the codified prohibition with the social reality of widespread sales driven by poverty? What does this case study of local court practice tell us about the Qing judicial system as a whole?

The heart of this book is my detailed telling of the stories found in Qing legal archives. Many of the issues I address are difficult to quantify in any precise way, and, given the nature of the main evidence (hundreds of anecdotes from court cases), any conclusions must be somewhat provisional. But a clear picture does emerge, one that no other surviving sources can provide, of life on the margins during the Qing—and as I hope to show, the view from the margins casts the whole in a new and different light. The beauty of this material is the vivid, textured sense of people's lives that it reveals: their passions, hopes, and fears; the stark choices that circumstances forced upon them; and their creative ways of getting by.
PART ONE

Polyandry
“Getting a Husband to Support a Husband”

A country with a system of one man and many wives has to have a system of one woman and many husbands. Moreover, there have to be a certain number of men who have no wives, and those without wives are sure to be the poor.

—PIONEERING FEMINIST HS: YIN ZHEN, 1907

A CASE OF POLYANDRY ON THE NORTH CHINA PLAIN

In 1743, peasant Wang Yuliang realized that he could no longer feed his family. Therefore, he decided to use his wife to recruit into the family a man who could. Wang (aged 49) lived in Fangshan County, Zhili, about fifty kilometers southwest of Beijing; his household consisted of himself, his wife, Li Shi (45), his widowed mother, Fu Shi (79), two young sons, and a daughter. The six of them shared a one-room house. Wang owned only four mu (about two-thirds of an acre) of poor-quality land, so much of the family’s income depended on what he could earn by hiring out his labor (an example of “semi-proletarianization” typical of the north China plain). To make matters worse, for several years Wang had suffered from a chronic illness that made it difficult to keep down food, and he was bedridden much of the time.

These circumstances prompted Wang to approach Hao Shixin (37), an immigrant from Neiqiu County, Zhili (about 350 kilometers to the southwest), who was working in the village as a casual laborer. Hao Shixin had neither land nor family, but he was strong and healthy. Wang proposed that Hao move in with Wang’s family and sleep with Li Shi in exchange for “farming and supporting the family,” and Hao readily agreed.

At first, Wang’s wife refused to cooperate, but eventually he persuaded her. As Li Shi later testified, he told her “I have this sickness and I can’t take care of you anymore, so all we can do is get him to support us and get along as best we can.”
Li Shi protested that they had only one room and sleeping platform in their house; so Wang explained, “Everyone will sleep together, but you don’t need to be ashamed.” She finally relented out of resignation and disgust, because if the family were to survive, they would need the help of some other man. Wang’s mother was unhappy, too: “[I] saw that my son had brought (zhao) Hao Shixin into our family. My son told me that he was going to let Hao Shixin live with us and sleep on the same bed with my daughter in law, so that he would farm our land and support our family. I said, ‘We may be poor, but how can we do something like that?’” But she, too, bowed to the inevitable.

So it happened that Hao Shixin moved in with Wang Yuliang’s family, shared their sleeping platform, had sexual intercourse with Li Shi, and supported them as best he could by working their land and hiring out his labor. Neighbors later testified that everyone had had a pretty good idea what was going on, but no one interfered—after all, what better solution did they have to the family’s problems?

But sometimes Hao could not get work, and the family continued to go short on food, provoking Wang Yuliang to complain to and to abuse his wife; moreover, Wang was ill most of the time, and, by throwing up everything he ate, he was seen to be wasting quite a bit of all-too-scarce food. Wang had become a taxing burden to his family, something especially difficult to tolerate when all were going hungry. Finally, in the summer of 1744, Li Shi persuaded Hao Shixin to help kill her husband, so that they could be a couple and have a better life together. After the murder they were quickly found out, prosecuted, and sentenced to death—which is the only reason we know their story.

How Widespread a Practice?

This story illustrates the practice known as “getting a husband to support a husband” (zhao fu yang fu), a form of non-fraternal polyandry that, with some variation, appears to have been remarkably widespread among the poor in China during the Qing dynasty. How widespread? It is impossible to quantify the practice in any exact way, and I would not suggest that most people participated in such relationships. But it certainly was no isolated phenomenon.

The story of Wang Yuliang’s family appears in a singke tibem from the archival category “marriage and sex offenses,” where a common scenario is an impoverished couple being supported by one or more outside males in exchange for sexual privileges. From a judicial point of view, such behavior constituted the crime of subverting or tolerating one’s wife or concubine to engage in illicit sexual intercourse with another man (zongyang qi sie yu ren tong tian)—often abbreviated as zong tian], for which the Qing code mandated ninety blows of the heavy bamboo (for the woman and both men) and compulsory divorce.6 The “marriage and sex offenses” category contains countless memorials related to this crime. It is also well represented in the archives of local courts.

In addition to criminal records, two early twentieth-century surveys of customs document the practice of “getting a husband to support a husband.” Investigation of Customs reports this “evil custom” in Fujian, Gansu, Hubei, Shanxi, Shansi, and Zhejiang, and The Private Law of Taiwan reproduces a contract for one such marriage.7 Many other sources also mention the practice. Therefore it seems safe to assume that, for every instance of polyandry mentioned in a legal case, there must have been a great many others that left no specific written record. Together, the legal cases and the surveys show that these practices occurred in every province of China Proper.

The Big Picture

Bearing this evidence in mind, let us consider the larger context for the story of Wang Yuliang. One precondition for the arrangement proposed by Wang was his ability to recruit Hao Shixin as a second husband for his wife. Hao was an able-bodied man with no wife or property of his own, who had migrated far from home in search of a livelihood, and Wang had no trouble at all persuading him to accept the proposal. There seems to have been no shortage of men like Hao, the ubiquitous “rootless rascals” or “bare sticks” (gengguo) at the bottom of Qing society. The larger context is the skewed sex ratio and concomitant shortage of wives among the rural poor that were already widespread and troubling phenomena by the mid-eighteenth century. One reason for men to share a wife was that there simply were not enough wives to go around, and, in some rural communities, as many as a fifth of adult males would never marry, even though marriage was universal for women.8

A second precondition was a pervasive market for women, specifically their sexual and reproductive labor. It required no wild stretch of the imagination for Wang Yuliang to come up with this solution to his family’s problems when all else failed, his family had one more asset, namely his wife’s body. Now was it really it was very difficult for other people to understand and accept the arrangement, Li Shi’s professions of distaste notwithstanding. This was a society in which it was both possible and easy—one can even say that it made sense—for a man to pimp or sell his wife in order to survive.

A third precondition, of course, was the desperate poverty of Wang Yuliang’s family, exacerbated by his peculiar illness. The larger context is that there were many downwardly mobile families, living on farms too small to support themselves, who were turning to a range of desperate strategies in order to survive. In this particular case, we are reminded of Philip Huang’s analysis of the inflationary pressure on peasant families to mobilize underutilized labor and engage in sideline and risky cash cropping in order to survive. Among other things, polyandry represented a familiarization of sex work.

This context helps us make sense of the myriad legal cases where we find a wife taking one or more patrons who chip in to supplement her family’s income, with
her husband either openly embracing her initiative or simply pretending not to notice. In these situations, sex work is usually not the only kind of work going on; rather, it is part of a portfolio of strategies that enable a family to get by. In that sense, it is typical of most sex work that goes on in the world, which is part-time, temporary, or seasonal activity designed to supplement other sources of income in order to support families. The women doing this work do not necessarily see themselves as "prostitutes"—that is, they do not necessarily see sex work as the most important or defining aspect of their lives.  

These three larger phenomena—the shortage of wives and consequent surplus of single men, the market for women's sexual and reproductive labor, and the problem of widespread downward mobility and involuntary pressure on poor families—were connected, and at their intersection we find people like Wang Yuliang, Li Shi, and Hao Shizhu engaged in survival strategies that combined elements of marriage and prostitution in a range of polyandrous forms. Some arrangements were formalized with matchmakers and contracts, or with some type of chosen kinship; others were more casual and depended on verbal agreement or more indirect ways of reaching an understanding (such as the husband turning a blind eye to what he knows his wife is doing). Each case tells a unique story. But among the countless anecdotes, we can discern common patterns and logic that make sense only when considered at the intersection of larger forces.

**MARriage, PROstitution, AND POLYANDRY**

Qing legal cases reveal a variety of arrangements by which a wife, with her husband's approval, would have sex with one or more other men in order to help support her family. Some scenarios look more like marriage, others more like sex work, and many like something in between.  

A number of variables can be used to assess a given scenario. First, how many outside sexual partners did the wife take, and how long did their relationship(s) last? At the marriage end of the spectrum, we find a stable long-term relationship between the wife and one partner in addition to her husband. Many of the relationships recorded in homicide cases ended in trouble within a year or two—but this evidence is misleading, because such sources inevitably exaggerate the incidence of conflict and violence. Despite this bias, I have found forty-five examples of polyandrous relationships that lasted at least four years; eleven of these relationships lasted more than ten years, and three lasted more than twenty years. Such long-term relationships were relatively harmonious (hence their stability), and they came to official attention only indirectly; for this reason, it is safe to assume that long-term relationships are heavily underrepresented in legal cases.

The single longest polyandrous relationship I have found comes from a 1747 case from Jianyang County, Fujian, involving a peasant named Zheng Guoshun who became blind, prompting his wife, Jiang Shi, to negotiate a sexual relationship with a younger man named Jiang Yilang (no relation) who would help work their farm. Eventually, Jiang Yilang moved in with the couple, and over time Jiang Shi bore two daughters of ambiguous paternity. After twenty-eight years, Zheng Guoshun died of natural causes, after which Jiang Shi and Jiang Yilang continued their relationship. They came to official attention only later, when an in-law's interference provoked a violent quarrel; as long as Zheng Guoshun was alive, no one had bothered them.  

At the other end of the spectrum, we find multiple partners, each of whose relationship with the wife lasted only the duration of each "trick." This scenario was a form of retail prostitution in which the husband acted as pimp and tout.

Second, to what degree did the couple incorporate an outside male into their family, and how did they represent that relationship to themselves and others? At the marriage end of the spectrum, we find the outside male fully incorporated as a second husband by means of contract, kinship vocabulary, co-residence, resource pooling, the sharing of meals, and sometimes change of surname. For example, in Hubel "the second husband who was brought in" would adopt the first husband's surname to formalize his integration into the family. In legal cases, we also find examples of the couple and their children adopting the outside male's surname. In their dealings with this man, the couple does not maintain boundaries: a phrase that repeatedly appears in testimony is "bu fen nei wai"—literally, "they do not distinguish between inner and outer," a reference to the inner female space of the household from which outside males were normally to be excluded. In other words, they treat him as a member of their family.

At the prostitution end of the spectrum, however, the woman's multiple sexual partners may be completely anonymous strangers. They are simply customers, and the couple is fully self-conscious about being engaged in prostitution.

Third, what sorts of benefits were exchanged between the couple and the outside male(s), and were they exchanged in a "wholesale" or "retail" manner? At the marriage end of the spectrum, we find an ongoing exchange of a variety of different benefits over time; this is a "wholesale" exchange, in that we find no itemized calculation of compensation for each discrete sexual favor, and more is involved than just sex and money. The heart of this *quid pro quo* may well be an exchange of economic support for sexual relations, but, once incorporated into the family, the outside male will also partake of the entire package of domestic caring work performed by the wife for her family, including food preparation, mending and making clothes, cleaning, care for the sick, and so on. He also gains the less tangible benefits of membership in a family, including both chosen kinship (such as sworn brotherhood, or adopting the couple's children as "gun qin," something like a godfather) and the opportunity to have children of his own with the wife. For their part, the couple gains security through the pooling of labor, income, and whatever other resources the outside male can contribute on an ongoing basis.
The benefits a wife provided her second husband were simply an extension of her ordinary tasks within the family. Paola Tabet’s description of the context of sex work in rural Niger applies equally to our Chinese cases of polyandry: “In the villages, giving sexual service is integrated with the other services women give in marriage: domestic labor, reproduction, and all the tasks allotted to women by the sexual division of labor.” Sex was just part of the package, and the second husband did not pay “by the trick” any more than did the first. Of course, at the opposite, prostitution end of the spectrum, we find straightforward, “retail transactions: discrete acts of sex for discrete payments of money, which constitute the family’s cash income.

The present chapter and Chapter 2 both focus on those stable, long-term arrangements that most closely resembled marriage: those contracted between a couple and a single outside male who joined their family as, in effect, a second husband who lived with them, pooled resources, shared the wife, and ate from the same hearth. There were two basic frameworks for such relationships. The first involved a formal contract (either written or verbal) for “bringing in” a second “husband”; the case of Wang Yuliang narrated above is an example of such a relationship. The second involved framing the polyandrous relationship in terms of chosen kinship, with sworn brotherhood between the two men being the most common pattern. Chapter 3 explores a broader range of strategies on the polyandrous spectrum, including transactional polyandry, retail prostitution with husband as pimp, contracting a wife to a brothel, and conditional wife sale. The common theme of all these practices is that a wife would sleep with one or more other men, with her husband’s permission, in order to help support her family.

**FORMALLY CONTRACTED POLYANDRY**

The term “getting a husband to support a husband” (zhao fu yang fu) generally referred to a formally contracted relationship. It should be understood as a form of marriage, despite its official illegality and its unacceptability to elite standards; it was certainly understood as such by its participants, and even by the community at large. What stands out is the formality and openness of the arrangements, in conscious imitation of more widely accepted forms of marriage.

**Contracts for “Getting a Husband to Support a Husband”**

*Investigation of Customs* notes that polyandry might be formalized through the use of matchmakers and written contracts. In Shaanxi, for example,

The couple will talk it over and agree to ask a matchmaker to bring a second husband into their household to support the first husband (zhao fu ru jia, yi yang qian fu). They will draw up a “bringing in a husband contract” (zhao fu ju zhi), which clearly states that “the second husband may not mistreat the first husband.”

In other places, the polyandry contract might be verbal, instead of written, but in other respects the arrangements appear to be identical. In Gansu, for example:

If a man takes a wife, but later on he grows old and weak, suffers from severe illness, or becomes impoverished, so that he cannot make a living, then with his permission his wife can go through a matchmaker to bring a second man into their household as a husband (zhao zhi zhi jia wei fu); this second husband will take responsibility for all the needs of the household. The two sides will strike a verbal contract (hou tou qiye) to settle questions such as which husband will get [as successor] any children who are born.

In Liangchang County, Gansu (located on the border with Shaanxi), most contracts consisted of a verbal oath sworn by the outside male, who promised to respect the first husband as “older brother” and to support him for life; the oath would be ritually formalized by drinking wine and bowing before the first husband’s ancestral altar. In Qing legal cases, it is not always clear if the terms of an agreement were written down. Verbal contracts do seem to have been far more common than written ones, although the balance may have shifted by the twentieth century, when the surveys were conducted.

I have the texts of two written contracts for “getting a husband to support a husband.” *The Private Law of Taiwan* reproduces the following specimen from 1869:

Wang Yunfa hereby establishes this contract for getting a husband to support a husband (zhao fu zu zhi jia). Years ago I married Li San’s daughter, Li Xiuqin, who is now aged twenty six. We have lived together for four years. Xiuqin is filial in serving my parents and she takes care of the household without creating trouble or stirring up quarrels. It makes one very content to have such a good wife.

Unfortunately, some time ago I contracted a disease and have become paralyzed. We are poor and have no source of income to meet our expenses. Although at the present time we are not starving, we have considered the fact that “there are three kinds of unfilial conduct [and the worst is not to have heirs]” (laxiao yun son). When my wife’s youth expires, it will be impossible to have a son. After long discussions, we have decided that there is no other alternative if we insist that Xiuqin preserve her charity, the whole family will be threatened with starvation. The only solution is to get a husband to support a husband.

We have, therefore, consulted a matchmaker, and it has been arranged for Wu Jisheng’s first-born son, Wu Jiewen, to enter our family as an unwieldy husband (dengmen jin zhidu), and he [and Xiuqin] will become husband and wife (zhengwei fu). We have, on this day, agreed that there will be no bridgeprice, but that Wu Jiewen should provide the family with 20 yuan a month to cover expenses. Regardless of how many sons and grandsons Wu and Xiuqin may have, they will be heirs to the Wang family as well as to the Wu family.
exchanged was reproductive ability in the form of surrogate motherhood or fatherhood. The contracts described in Investigation of Customs all make clear that the second man was entitled to at least one of any sons produced by the relationship. We are reminded of a related form of surrogate motherhood, namely a husband's "conditional sale" (dian) of his wife to a creditor for a limited period of time in order to bear him sons (see Chapter 3 below). The Taiwan contract adds surrogate fatherhood to the picture: any sons born out of polyandry should be successors to both husbands. The same provision is reported in Zhejiang: "If the first husband has no issue, then sons born to the second husband may serve as successors to the first husband as well."

Our second example of a written contract for "getting a husband to support a husband" appears in a 1917 legal case from Longquan County, Zhejiang. This case documents a polyandrous relationship that had been contracted under the following circumstances. Peasant Pan Zhaozhi was married to He Shi (then aged 36) and they had three sons, all of whom were still too young to work. When harvest failure led to hunger, the couple decided "to bring in" an outside male to help support their family. Pan's younger brother acted as matchmaker, and he recruited a single man named Dong Zhiyou. The contract, dated 1903, reads as follows:

Pan Zhaozhi hereby establishes this marriage contract for bringing in an uxorial husband (zhuo shi huan shu). I took in marriage my wife, He Shi, whose given name is [ ] and, she is just 36 sai, and she has given birth to three sons all of whom are still little. Our household is impoverished, and the harvest was poor, so that we do not have enough food to eat and cannot provide our three daily meals, so that the whole family has been mortified from exhaustion. My wife and I have discussed the situation, and we have decided that it would be inappropriate to lack heirs and also that we cannot separate from one another (bu he si, wei fei shi zhen). Therefore, we decided that we should choose a hardworking and thrifty man to bring in as an uxorial husband, in order to help support our family (zhuo shi huan shu huan shu). We begged the matchmaker, who has selected Dong Zhiyou to bring in as uxorial husband to help support our family. On this day, we have agreed through the matchmaker on a marriage price of exactly 15 foreign yuan. I have received that amount in full, and not a cent more is owed. After bringing in Dong Zhiyou to our household, my oldest son and second son will remain in the Pan lineage to carry on my family line, but my third son will take the name "Dong Lian" and enter the Dong lineage to carry on the Dong family line. This way, both surnames can continue into the future. Once we have agreed, Pan and Dong will get along harmoniously as brothers. This agreement was reached after discussion, and neither side will change their mind or challenge this agreement. Fearing that spoken words are unreliable, I specially establish this marriage contract for bringing in an uxorial husband. May this marriage produce one hundred sons and one thousand grandsons.

I hereby establish this marriage contract for bringing in an uxorial husband, to keep as proof.

Matchmaker: younger brother Pan Zhaochou
Scribe: Xie Yibang

Several features of this contract deserve attention. First of all, it is clear that the couple had considered and rejected two other possible strategies for survival: selling their sons, and wife sale (hence the euphemistic reference to “lacking heirs” and “separating”). Instead, they decided to keep their family together by “bringing in” what the contract explicitly labels “an out-of-local husband.” This is an excellent example of how polyandry was a survival strategy that kept a family together (by adding an outside male), in contrast with wife sale, which ensured survival by breaking up a family. Second, whereas the Taiwanese contract specifies that the outside male should provide a monthly stipend, the Zhejiang contract instead stipulates a single, lump sum payment—the rough equivalent of a brideprice—and makes no reference to pooling resources. Third, the arrangements for carrying on both husband’s family lines are creative and precise. This couple had a surplus of sons, which no doubt was one of the chief inducements for Dong Zhiyou to ally with them. He was authorized to adopt one of their sons, but he also gained conjugal privileges with He Shi and the chance to father more—hence the contract’s formulaic invocation of “one hundred sons and one thousand grandsons.” Fourth, by stipulating that “Pan and Dong will get along harmoniously as brothers,” this contract invokes the principle that fraternal bonds should encourage sharing and mute conflict—calling to mind the second major context for polyandry: sworn brotherhood.

Despite the contract’s allusions to “bringing in” a new husband, testimony reveals that Dong Zhiyou did not actually move in with the couple but instead maintained a separate household nearby; He Shi divided her time between the two households, going back and forth on a regular basis. The couple’s third son moved in with Dong, as agreed, to be his son and heir, and He Shi and Dong adopted a daughter-in-law to be the boy’s bride. This arrangement continued for sixteen years, until Dong’s adopted son died in 1917. At this point, He Shi took the adopted daughter-in-law back to Pan’s household to be the bride of one of her older sons (an example of levirate), and she severed their ties with Dong Zhiyou. This act provoked Dong to file charges against the Pan family, for “seizing my daughter-in-law by force” and “marrying a younger brother’s wife to his older brother.”

He Shi’s actions show that, after her son’s death, she assumed the relationship between the Pan and Dong households to be at an end. By that time her age was fifty-two and, no doubt she believed that she had fulfilled her sexual and reproductive duties to Dong Zhiyou. He Shi’s actions also imply that she considered the adopted daughter-in-law to be part of her own uterine family rather than Dong’s patriarchal family.

Another point stands out: although the contract records an agreement between two men, its text emphasizes that He Shi was a full partner in the decision, and in practice the arrangement depended entirely on her willingness to cooperate—indeed, to play an active role in both husbands’ households for sixteen years. At each stage, her attitude must have been decisive: in the decision to opt for polyandry (instead of selling sons or separating via wife sale), in her conjugal suojuring, and in the way she finally severed ties with Dong. Her primary loyalty lay with her first husband and sons, and her top priority was their survival as a family. It is obvious that the son whom Dong had adopted mattered more to her than her connection with Dong himself.

This case suggests a larger conclusion that the bulk of my evidence supports: the success of polyandry and the other strategies discussed in this book depended in large part on the cooperation of the wife. Therefore, it was often the wife’s attitude that determined which particular strategy a couple chose to pursue.

Two Examples of Formal Negotiation of Polyandry

We find an example of the open, formal negotiation of polyandry in a case from Shangxi in which a poor family contracted consecutive relationships with two different outside males; the record provides a detailed account of the second relationship. "Old Wang" (53) and his wife, Wen Shi (53), were originally from the Xuchang County, but in 1748 they fled famine with their young son and made their way to Yijun County (about seventy-five kilometers to the northwest). Wang found work as a casual laborer, but he soon came down with tuberculosis and could no longer make a living. The couple coped by allying with an immigrant laborer named Li Wenji; they moved in with Li and "ate from the same hearth," in exchange for which Wen Shi slept with him. This relationship continued for about a year, and it ended only when Li decided to return home to Shangxi, leaving the couple with no means of support.

At this point, another immigrant laborer named Hei Jing noticed their difficulty. Hei was a widower from Yichuan County (about 150 kilometers to the northeast) who had no children and could not afford to remarry, and it occurred to him that "it would be less complicated and expensive just to contract an exclusive relationship (hao) with Old Wang's wife." He sent a mutual friend to propose that he replace Li Wenji as the couple’s patron, and they agreed. Hei then asked the village head to act as matchmaker to negotiate the terms. With this man as witness, Hei promised laborer Wang to "support him for the rest of his life" (yang feng) and to raise his son to maturity and secure him a wife; Hei then presented Old Wang with a cloth jacket to seal the deal. In exchange, Wang promised to "yield" (rang) his wife to Hei—as she later testified, Wang "agreed to use me to bring in Hei Jing as husband" (jiang ming bu xiao furen shuo Hei Jing wei fu). The family moved in with Hei, Wen Shi began sharing his bed, and they "ate together as one family."
County and settling back into their old life, but Mao objected vehemently: "You already used Lin Shi to bring me into your family (ni yi ba Lin Shi zhe wo) — how can you say you're going to take her back?" Lin Shi told her husband privately that it would be impossible for them to leave Mao unless they could retract the marriage contract; so one day, when Mao was out telling fortunes, Lin Shi stole it from his pack and Ma burned it. The next day, Ma informed Mao that he and Lin Shi would depart the following morning; Mao angrily retorted: "You already 'stolen' your wife to me (ni qie zuo yu wo le), and I have a marriage contract to prove it, so if you want to take her back you should come up with the money to redeem (shu) her!" (Note here the use of "zhuo" as a transitive verb with the wife as its object, as shorthand for "contracted your wife to me in getting a husband to support a husband relationship"). Mao then tried to produce the contract in order to cite its terms, discovered it was missing, and realized that the couple must have stolen it. The quarrel quickly turned into a fight, and Mao ended up killing Ma.

Among other things, the latter case makes clear the powerful symbolic importance of the written contract in making an agreement valid and binding — even for illiterate people, and even when that transaction was prohibited by law. As long as Mao had their polyandry contract in his possession, Ma and Lin Shi felt they could not safely sever their connection with him — even though he could hardly take such a document to court, because there its only value would be as evidence of criminal "adultery." We shall explore this paradox in detail with regard to contracts for wife sales in Chapter 4 below. But the potency of such documents clearly relates to their close resemblance to land sale contracts, which served as title deeds to sold land, and to their place in the common vernacular contract culture that unified prerevolutionary China.

CHOSÉN KINSHIP AS A FRAMEWORK FOR POLYANDRY

Investigation of Customs gives the impression that the dominant mode of polyandry involved a formally negotiated contract for the entire package of benefits to be exchanged. The legal cases certainly record many examples of such contractual agreements (both written and oral), as we have seen. But at least as common, it seems, were polyandrous relationships framed by chosen kinship, the most frequent scenario being sworn brotherhood between the two men. There are also many examples of the outside male pledging gan gun relations9 with one or more members of the couple’s household. If the couple had more than one son, then it was not unusual to have one of them pledge to the outside male (as a sort of godson) or even to be adopted by him.

With sworn brotherhood, the outside male’s connection to the wife derived from his fraternal relationship with her husband. We find a paradigmatic example

(long jia chi fan). In testimony, Wen Shi referred to this relationship as "getting a husband to support a husband."28

The parties to this transaction clearly understood it as a form of marriage, in which (to use their terms) an outside male was "brought into" the family as a "husband." An interesting detail is the second husband’s promise to secure his predecessor’s line of descent, by raising that man’s son and eventually providing him with a wife. This provision resembles the surrogate fatherhood included in the Taiwan contract; it also resembles a common feature of widow remarriage, in which the deceased husband’s son would accompany the widow into her new marriage, with guarantees of being raised to maturity and married, without being forced to take the second husband’s surname.

The formality of this transaction reinforces its identity as a marriage that was seen as legitimate in the eyes of its participants and the local community. The formal elements include the use of a go-between to make the initial proposal; the engagement of a respected person of authority as matchmaker to negotiate and witness the terms; and the ritualized presentation of a gift to the first husband, to signify the second husband’s assumption of responsibility for his welfare. This case record does not specify whether the contract was written down; but either way, there is no questioning its formality or openness — indeed, the record suggests no sense of stigma on the part of any of the participants in this case.29

A case from Zhejiang reported in 1753 illustrates the use of a written contract for polyandry. Ma Shiyin (45), Lin Shi (31), and their son, Ma Ake (8), were landless peasants from Yongjia County in southeastern Zhejiang; poverty had driven them from home, and they ended up begging and sleeping in empty temples. Ma had acquired some sort of chronic illness, and they were having serious difficulty getting by.

Just after the new year of 1753, they fell in with an itinerant fortune teller, Mao Yuanfu (34), who had saved up several taels and was hoping to marry. Mao lent the family some money to buy rice, and they began migrating together and sharing meals. After two months, Ma proposed to formalize their relationship, yielding his wife to Mao in exchange for a promise of continuing support. Mao agreed, and though Lin Shi at first refused to cooperate, she soon conceded that they had no good alternative. Ma engaged a man they met on the road to write a "marriage contract for getting a husband to support a husband," and he gave this document to Mao. That night, Lin Shi began sleeping with Mao, and the couple instructed their son to address Mao as "uncle" (shushu). From this time on, Mao covered all their expenses. Witnesses referred to this arrangement as "zhuo fu yang fu" (getting a husband to support a husband), "zhuo fu yang bing" (getting a husband to support an invalid [husband]), "zhuo xue yang bing" (getting an unlocal husband to support an invalid [husband]), and similar terms.

In another six months, however, Mao had used up his savings, and Ma’s health had greatly improved. Ma began to talk about taking his wife back home to Yongjia
in a 1750 case from Tangyi County, Shandong, in which peasant Ding Bi (32) "pledged brotherhood" (bait xiongdi) with Yuan Congren (48) out of gratitude, because Yuan had helped him financially during an illness. Yuan was a single migrant who worked as a casual laborer. Ding Bi had no money to repay Yuan, and he felt acutely his inability to require the other man's charity. But Ding did have a wife—and, as Yuan later testified,

I told him, like it was a joke, "I don't want any reward from you. But we brothers are very close friends: if we share your wife, it will show that we're really close to one another!" (ni de zuo dajia huo, zhe ci shi xiang hao le). At first, Ding Bi wouldn't agree, but I often gave him a few hundred cash to spend, and when I got the chance, I would ask again [to sleep with her], so finally be agreed.

Material interests played a role here, but far more important, it seems, was Ding's genuine gratitude. Yuan had offered unconditional aid, and this seemingly selfless act made Ding anxious to reciprocate. In the end, Ding seems to have agreed that true brotherhood meant sharing everything, even a wife. Eventually, the couple ended up living with Yuan, pooling resources, and farming together in another village, after Ding Bi's uncle (shamed by their relationship with Yuan) forced them to leave home. In this way, polyandry framed by sworn brotherhood ended up supplanting "natural" kinship. Anthropologists traditionally characterize sworn brotherhood and other such arrangements as "fictive" kinship (also "symbolic," "pseudo-," etc.). But, as Kath Weston observes, such usage implies that the only real kinship consists of biological ties of blood and normative marriage organized around procreation. Her study of family formation among queer people in San Francisco argues that chosen kinship can create alliances that are far more meaningful and reliable than those based on the accident of birth, especially for those who have been rejected by (or separated from) birth families. Here, I follow Weston's example in using the term "chosen kinship." The emphasis on choice seems especially apt for late imperial China, where marriage was arranged between families without reference to the personal desires of bride and groom. In that world, chosen kinship relations such as sworn brotherhood functioned as surrogates for normative family; in addition, they might imply a alternative—a potential rival, even—to normative kinship, especially for individuals like Ding Bi, whose "natural" kin had rejected or failed to help them.

Sworn Brotherhood in China: Historical and Anthropological Perspectives

Previous historical studies of chosen kinship in China have focused on the large collective brotherhoods (often labeled "secret societies" or "Triads") that were implicated in criminal entrepreneurship and rebellion. Scholarly interest originally focused on the supposed revolutionary potential of such organizations, but later work emphasizes their similarity to mainstream social and religious practice. Historians agree that brotherhoods were "informal, popular institutions, created by marginalized men seeking mutual protection and mutual aid in a dangerous and competitive society." Men who joined the Triads became part of "an extended family" with the "usual brotherly obligations," including mutual support, financial aid for marriage and mourning, and food and shelter for fugitives from the law. Similarly, bandit gangs were bound by vows of brotherhood and organized according to fraternal hierarchies, which served the young "bare sticks" who typically joined them as a "surrogate family." According to David Owbray, the Triads first appeared in the historical record in the early eighteenth century, when the devastation of dynastic transition, followed by mounting demographic pressure in core regions, fostered the marginalization and migration of unprecedented numbers of young men. They "founded brotherhood associations to seek mutual assistance and protection in a precarious world." The same sorts of men often played the role of the outside male brought into polyandrous arrangements through sworn brotherhood. The same factors that fueled the proliferation of collective brotherhoods also helped foster these more intimate patterns of alliance on a smaller scale. In both versions, the appeal was much the same: mutual support and access to resources, to compensate for a lack of "natural" kinship and community.

Several anthropologists have made useful observations about collective sworn brotherhoods based on fieldwork in Taiwan. Bernard and Rita Gallin define a sworn brotherhood as "an alliance of theoretically equal partners who utilize friendship for the purpose of security and potential advantage." They posit two ideal types: an "affectionate" brotherhood is based on unselfish friendship, whereas an "instrumental" brotherhood is "a manipulative grouping" based on "economic and sociopolitical gain." In practice, most groups combined affective and instrumental dimensions in varying proportions.

David Jordan asks, "Why is it better to be a Chinese brother than a Chinese friend?" According to his informants, the rubric of brotherhood provides three specific advantages that are pertinent here. First, economic aid is "uniformly and eagerly described as inherent in the relationship, and this is often given as one of the axes of difference from relationships of friendship," because if you are helping your "brother," you are not helping an outsider at the expense of family. In fact, help in time of need becomes "compulsory." Second, the ideology of brotherhood mutates conflict, because competition and exploitation are prohibited between brothers, and they will avoid open disagreement. Third, "sworn brothers assume an obligation towards the family members of their fictive brethren"—in effect, sworn brotherhood "allows associated families to treat selected outsiders as insiders." These features of sworn brotherhood help explain why it would have been an effective framework for polyandry.
Avron Boretz has analyzed sworn brotherhood among marginalized males on the fringes of the underworld, based on fieldwork in Taiwan and Yunnan. A key value in that milieu is yiqi ("honor" or a "righteous spirit," characterized by "selfless generosity"): "Honor entails self-limitation; sacrifice; and a postponement of personal interest, need, or desire. . . . Yet honor is nevertheless a form of reciprocity that entails social and material, as well as moral, obligation. . . . A righteous act on one's behalf raises the stakes of the relationship and incurs an obligation to respond." What Boretz characterizes as "the mutual loyalty and obligatory generosity of brotherhood" specifically requires an open hand with money: "A man of prowess is big-hearted and generous; stinginess is by itself sufficient cause for ostracism." And yet, Boretz emphasizes, "cash flow is a focus of anxiety" for his marginalized informants, "given their unstable sources of income and the expectation that whenever flash, a man should be generous with his sworn brothers." Paradoxically, this form of honor requires an insouciant and even reckless generosity that defies insecurity.

A further feature of sworn brotherhood is a pretense of indifference or contempt toward women. Boretz identifies the underlying cause of such misogyny as "women's inherently destabilizing role in the exogamous, virilocal, patrilinial Chinese family."[T]he patrilineally organized household and the male-dominated jianghu share the tendency to regard women as both highly valuable, hard-to-obtain commodities and (for that very reason) threats to male solidarity—the organizing principle and basis for the identity of the institution itself.

To illustrate, Boretz describes the conduct of his informants at a hostess bar:

One pays direct attention here primarily to one's friends, sworn brothers, comrades—a man among men, it would be unmannerly to allow oneself to be overly distracted by the feminine charms of the "drinking partners." Such unmannerly behavior is subject to derision—in putting one's own sexual desire above male solidarity (zhong se qing you), one is displaying a pathetic weakness.

This pretense of indifference toward women would reinforce bonds between brothers.

These values are strongly associated with the marginalized hero of folklore and fiction known as the haojun ("good follow"), who is typically portrayed as immune to the wiles and temptations of women, and also as casual and open-handed with money. As Boretz explains, "The stereotypical righteous man of martial prowess . . . is thoroughly physical in every way but the sexual. Where haojun had prodigious appetites for meat, wine, and combat, they are abstemious and circumspect when it comes to relations with females." Nevertheless, "resisting temptation entails the repression, not the absence, of desire." Literacy scholar Kam Louie emphasizes the repressed sexuality of the haojun's "masculinity: his sexual puritanism serves to sublimate and mask both the homoerotic desire between sworn brothers and the incestuous desire one might feel toward another's wife. On occasion, sexual repression might erupt in extraordinary displays of misogynist violence, in a famous example from the novel Shuihu zhuan (Outlaws of the Marsh), the hero Wu Song rejects the sexual advances of his sister-in-law Pan Jinlian, and later he savagely murders her to avenge his brother's death.

We should bear in mind that such fiction was written by literati for a mainly elite readership that had little in common with the marginalized men who actually swore brotherhood as a survival strategy. To the extent that authors comprehended _wu_ masculinity, they did so as outsiders, and the sexual repression of the _haojun_ probably reveals more about the tensions of literati masculinity than about the social practice of sworn brotherhood. Real life was not necessarily so repressed: many sworn brothers actually did have sex with each other and/or with each other's wives.

As far as the putative incest taboo is concerned, we should remember that _levirate remarriage—in which a single man would inherit his brother's widow by remarriage—was far from unknown. The practice was known as zhuan fang; literally, "rotating a wife," "bedrooms," or "family branches." This form of remarriage was a variation on fraternal polyandry, since it typically occurred in poor families that could afford a wife for only one son and therefore sought to recycle her if he died (hence the idea of "rotating"). Therefore, even though the sort of fraternal polyandry common in the Himalayas was not practiced by Han Chinese, it was by no means unthinkable for a Chinese man to marry his brother's wife. Ming and Qing law criminalized levirate as a form of incest punishable by strangulation, but what was taboo for the judiciary and elite was not necessarily so for ordinary people who had other concerns.

As the case of Yuan Congen and Ding Bi illustrates, we find the same sense of masculine honor described by Boretz within polyandry framed by sworn brotherhood. The apparent premise of these alliances was that the bond between brothers outweighed that between husband and wife, becoming the primary alliance within the triangular relationship. Brothers were supposed to share everything, hence the husband would act as if he thought nothing of sharing his wife with his sworn brother. Insofar as poverty-driven survival strategies like polyandry compromised the masculinity and authority of husbands, sworn brotherhood provided an alternative masculine paradigm that sought to compensate them through an idealized fraternal solidarity grounded in misogyny. Nevertheless, many cases show that such relations were not always free of selfishness and jealousy—although, to be sure, such vices were overrepresented in legal cases.

None of the historians or anthropologists cited above mention access to sexual resources as a feature of sworn brotherhood. But David Schak's account of a beggar
community in Taipei records an example of polyandry within sworn brotherhood that closely resembles the relationships found in Qing legal cases. Chosen kinship was common among the beggars, because "being people without extensive real kinship ties or realistic expectations of as much assistance as they need from their relatives, they have used fictive kinship to increase the number of allies they have and the number of people who have obligations to them."20 The beggar leader, Tiek-kou, had several sworn brothers, one of whom, A-iux, was a demobilized soldier from the mainland.

Tiek-kou's wife built up a heavy gambling debt to A-iux, and arrangements were made to pay off the debt by granting him conjugal privileges. Tiek-kou had no objections to this arrangement. In fact he was quite willing to go along with it. Not only was it an inexpensive way out of the debt, but it also demonstrated his magnanimity.21

In this way, the two men became "co-husbands" in addition to sworn brothers, and this arrangement lasted for several years, until A-iux's death. The initial motive for polyandry was the need to pay a debt, but a strong bond clearly existed between the two men, who continued to share Tiek-kou's wife and to pool resources long after the debt had been cleared. Tiek-kou also "pledged" the first son of his third daughter to A-iux. After this child was born, he was given A-iux's surname and registered at the District Office as his son. In this way, polyandry also secured the outside male's line of descent.22

Tiek-kou's "magnanimity" in both sharing his wife and pledging his grandson to A-iux is another example of the "selfless generosity" that characterized honor between sworn brothers. One can easily imagine how the gambling debt might have provoked conflict between the two men, but instead they demonstrated the ideal of brotherhood utterly based on relative contempt for women; as one of Boretz's informants explained, "you can't let a woman cause a split among brothers."23 It appears that Tiek-kou welcomed the opportunity to display his "magnanimity" in this manner, which brought him honor rather than shame within his own milieu.24

Affective and Instrumental Dimensions of Sworn Brotherhood

Let us now turn to legal cases in which chosen kinship provided the framework for polyandry. In thinking about these cases, the Gallins' distinction between affective and instrumental dimensions of sworn brotherhood is useful. In some relationships, the affective dimension clearly took precedence, at least at first. But all parties understood their instrumental potential, and relationships that began out of friendship could acquire more materialistic functions as needs and desires changed. The reciprocity implied by resource sharing might become the framework for a *quid pro quo* whereby sex was traded for economic support. The genius of chosen kinship was that it had the flexibility to encompass a wide spectrum of purposes.

In a case from Chenggu County, Shaanxi, reported in 1756, tenant farmer Wang Xiao (29) befriended a landless laborer Heng Quanqian (27). Heng came from a village some thirty kilometers distant, but he had been peddling wine throughout the area, and that is how he and Wang became acquainted. In 1759, the two men "acknowledged each other as brothers" (*ren le xiongdi*). According to Heng's wife, Ren Shi (30), the two men treated each other "as if they were brothers of the same family" (*dang ziji qin xiongdi yiyou*).

There is no evidence that their relationship had any specifically instrumental intent when it began. But, after three years, Wang agreed to alleviate his sworn brother's worsening poverty by subletting part of his own farm to him. Heng and Ren Shi then moved in with Wang, who was single and lived alone. The couple's only possessions were a few old pots and a single worn blanket—they had no money or grain—so Wang fed them and lent them money to help them get started; also, significantly, Wang paid a debt that Heng owed from borrowing the brideprice to take Ren Shi in marriage. Payment of this debt likely gave Wang a sense of entitlement with regard to Heng's wife.

Heng deeply appreciated this charity, and he made it clear to Wang that he was welcome to share Ren Shi—he had them drink wine together, telling them that since they were "brother and sister-in-law," there was no need to "avoid" one another. After a couple weeks of this encouragement, Ren Shi and Wang began sleeping together. Heng did not mind; as he told them, "you don't need to try to hide it from me, as long as you make sure to take good care of me." Wang's motive in helping the couple may not have been purely altruistic, but only with the beginning of sexual relations, after several years of sworn brotherhood, do we find the clear articulation of a *quid pro quo*.

This relationship was quite open. Heng's younger brother and father-in-law both scolded him for letting "a single man" (*dan shen Hen*) live on such intimate terms with his young wife, but Heng told them to mind their own business. Heng and Wang introduced each other to outsiders as "my good sworn brother" (*bai ren de hao dixiong*), explaining that "we are pledged in kinship as one family (*ganzhur jia*)!" Everyone understood the relationship for what it was: here chosen kinship served not to disguise polyandry but rather to provide a framework for understanding and talking about it.

In a 1758 example from Ning Department, Jiangxi, we again see economic aid as a logical extension of sworn brotherhood, followed only later by sexual relations. Peasant Wang Changning (22) and his wife, Lin Shi (21), lived with their infant daughter and Wang's elderly, invalid parents (note the high ratio of dependents to laborers in this household). Wang became good friends with a single immigrant from Guangdong, Chen Manqi (22), and the two men swore brotherhood.
After this, Chen often came to visit Wang's family, bringing wine and food to treat them; Wang was very poor, and he began borrowing money and food from Chen whenever he ran short. Wang could never repay these debts, but Chen never demanded repayment and never failed to help, and Wang's whole family felt deeply grateful. According to Wang's father, "my son treated him as if he were his own brother by blood." According to Lin Shi, "my father and mother-in-law and husband all treated him as if he were our closest relative," and they all instructed her to be friendly and "not to avoid him" (buyao bi ji).

Soon, Chen found a moment alone with Lin Shi and made a pass at her; she rebuffed him and later complained to her husband and parents-in-law, but they assured her there was nothing to worry about: the important thing was that, no matter what Chen did, she should take care not to offend him, because the family needed his assistance to survive. When she asked her father-in-law how they would ever repay what they had borrowed from Chen, he simply assured her that "as long as you don't offend him, there's nothing to fear on that count." Obviously, the repeated injunctions not to "offend" Chen implied that Lin Shi should sleep with him. She understood this message, and, the next time he visited, she accepted his advances, and they began having sex regularly.

The family's desire was to bind Chen closely to them by reinforcing the chosen kinship tie with a sexual relationship, but they also feared that refusal of sex might drive Chen away. Moreover, even if Wang and Chen never explicitly negotiated a contract, both sides had come to a clear understanding that Lin Shi's sexual services would offset Chen's "loans" of food and cash, and that as long as she slept with him, he would continue to help. The instrumental potential of sworn brotherhood was there from the beginning, even if latent, so that what began as Chen's brotherly extension of the fraternal bond was transformed seamlessly into an exchange of sex for material support. As Lin Shi later testified, "because we were so poor, my father and mother-in-law and husband all wanted to use me to sell illicit sex (mai jian)." It seems significant that Lin Shi here eschewed euphemism—from her angle, the transaction appeared quite straightforward.

Sometimes, a husband swore brotherhood with another man as a self-conscious, intentional strategy to gain access to his resources; even then, however, the affective aspect of the relationship cannot be dismissed out of hand. For example, Zhu Gan (32) and his wife, Liu Shi (29), were peasants in He Subprefecture, Sichuan; they had no land, and Zhu worked as a casual laborer. They had two small children (a third had already died), and the family was too big for Zhu to feed on his own. In 1740, Zhu got to know Wang Hu (34), a single migrant from Guizhou who did odd jobs as an agricultural laborer, as a musician in funerals, and occasionally as a peddler. When Zhu saw that Wang had ready cash, he proposed to them that they swear brotherhood. Wang agreed because, as he later recalled, "I was on my own, far from home, and it was a good idea to have a friend. So we pledged and became brothers."

That winter, Zhu borrowed 3 taels from Wang Hu to buy food. Zhu knew that he could not repay the loan, so he invited Wang to spend the night and sent Liu Shi to his bed. At first Wang was alarmed, but after she explained that this was her husband's way to repay the debt, he relaxed, and they had sex. Thereafter, Wang would work at various jobs, and when finished would come stay with the couple, turning his pay over to them and sharing Liu Shi's bed. In this way, he became part of the family; at several witnesses testified, "they did not distinguish between inner and outer" (fu fen neiwa).

Zhu Gan's older brother, Zhu Ming, observed Wang Hu living with the couple, and he was not happy. Zhu Ming later testified,

I asked my brother, "Who is this guy? Why do you let him sleep over at your house, and let him come and go as he pleases, without distinguishing inner from outer?" My brother said, "His name is Wang Hu, he's from Zunyi Prefecture, and he's my good brother who's pledged brotherhood with me. So there's no need to treat him as an outsider (mei you fen shenme neiwa de)."

After six months, Wang persuaded the couple to move about a hundred kilometers west to Anle County, where they lived together and worked land belonging to a relative of his.

The exchange between Zhu Gan and his brother is revealing: Zhu Ming clearly knew what was going on, and Zhu Gan did not deny it. Instead, he justified it in terms of sworn brotherhood. As Yuan Congren asserted in the first case narrated above, sworn brothers needed no boundaries, because they shared everything.

A 1763 case from Xuji Prefecture, Anhui, involving a three-year polyandrous relationship, provides explicit articulation of the distinct affective and instrumental dimensions of the fraternal bond. The outside male in this case, Tan Si (41), was a brutal man who had initiated sexual relations by forcing himself on the wife, Wang Shi (27), while her husband, Gao Shizhong (37), was away. Subsequently, however, Tan feigned a close and friendly fraternal relationship with Gao Shizhong, while also providing the couple with substantial material aid, in order to facilitate his continued sexual access to Wan Shi. Gao was happy to cooperate (Wang Shi much less so, though after she had been raped she no longer resisted), and he appears to be a clear example of a man who placed higher priority on his fraternal bond than on his own wife's. In the end, however, Tan Si murdered Gao in an attempt to take Wang Shi for himself.

When asked by the magistrate why Gao Shizhong had let him continue sleeping with Wang Shi, Tan Si dismissed Gao as a pathetic alcoholic who could not make ends meet: "Gao Shizhong was bitterly poor and could not earn a living, and also he really liked to drink wine. He depended on my support, and that's why I could have illicit sex with his wife—he let me do whatever I wanted." But Wang Shi insisted that her husband had been motivated by friendship;
My husband was not greedy for Tian Si's money, and he could have beaten Tian Si in a fight if he had to. He did not let Tian Si sleep over and have illicit sex with me out of greed or fear. It's true that my husband loved to drink wine and was foolish, but he was also a loyal and sincere man (weit ren zhenqiang). Tian Si was his friend and they often drank wine together. That is why my husband allowed him to sleep over and have illicit sex with me.

Wang Shi's account recalls the "magnanimity" displayed by the beggar leader Tie-kou in Schalk's ethnography. Wang Shi had not known that Tian Si had murdered his husband, but, when the facts were exposed, she confessed the details of their relationship and begged the magistrate to avenge her husband's death. Her emphasis of her husband's "loyalty and sincerity" underscored the cruel cynicism of Tian Si's betrayal.44

Sharing Work Leads to Polyandry

A pattern seen in a number of cases is that two men who found it economical and convenient to work together would end up pooling resources, forming chosen kinship bonds, and eventually sharing a wife. Each step seems to have led logically to the next.

In a 1753 case from Ju Department, Shandong, two itinerant musicians found that they could make more money performing together than separately. One of the men, Yang Lun (36), was a peasant whose farm in Lanshan County had been wiped out by a flood, making him and his wife, Zhang Shi (33), refugees; Yang was able to make ends meet, barely, by singing. The other man, Zhou Qilong (34), seemed to have been the more accomplished musician—he could play wind instruments as well as sing—but he was single. The two men began performing together and soon swore brotherhood; after some months, they decided to live together, and before long Zhou began having sexual relations with Zhang Shi. The whole relationship seems to have unfolded as a logical result of the two men's decision to work together.45

In a second example, from 1753, a pair of itinerant barbers, Chen Ying (36) and Yu Hualong (36), met at the department seat of Guan Independent Department, Henan, where both had traveled to take advantage of the extra business likely because of the civil examinations then being held. The two hit it off and became friends, setting up their barber stalls together; one day they drank wine together and "pledged brotherhood," and then Chen Ying invited Yu to join Chen and his wife and "cut from the same pot." Yu agreed, and he began contributing his earnings to the common fund. He also lasted after Chen's wife, Wang Shi (23), who is described in the case record as "young and attractive," and since the feeling was mutual, the two soon began having sex. As Wang Shi later testified, "my husband obviously knew that I was having illicit sex with Yu Hualong, but because Yu Hualong shared all his earnings with my family to use together, my husband never interfered, and just let me do as I liked."50

In a 1754 case from Lushan County, Hunan, a polyandrous household began to take shape when three carpenters began working together. Cui Huilang (32) was married to Zhao Shi (32), whose son from a previous marriage, Maoer (22), was also a carpenter; the couple also had a daughter (12) of their own. Cui became close friends with another carpenter, Zhang Fu (40), who was single and lived alone, and soon he invited Zhang to move in with his family, pool resources, and work together, reasoning that they would all be better off that way. Zhang agreed, and soon he began having sexual relations with Zhao Shi. She became very fond of him, and, with Cui's permission, she adopted out her son Maoer to Zhang. Cui did not object to the sexual relationship, since Zhang (in his own words) "was earning money to support his family"—indeed, as in many similar cases, the sexual relationship was a logical consequence of the other aspects of the relationship that had been negotiated and seems to have been implicit in the invitation to live together.49

A common theme of these various scenarios is the sense of masculine honor peculiar to sworn brotherhood, which eliminated boundaries between "inner" and "outer" and mandated an open-handed generosity that subordinated individual interests to fraternal solidarity. Brothers were supposed to pretend indifference toward money and women, even though both were scarce and highly valued resources. The basis for polyandry was a sharing of material resources and wives in an exchange that strengthened the primary alliance, that between men.

Adoption as a Strategy to Bind the Outside Male to the Household

As the last example above illustrates, sworn brotherhood was not the only form of chosen kinship used to frame polyandrous relationships. Another form seen in many cases is adoption: to bind an outside male to their family, a couple would offer to "adopt" (báo) or "pledge" (bái) one of their sons to him, thereby providing him with a son and successor of his own. This offer held powerful appeal, because for single men of this kind, a son was a supremely desirable but unobtainable good, far rarer and more precious than mere sex. Hence, as we saw in Schalk's anecdote about the Taiwan beggar community, the ultimate act of magnanimity was Tie-kou's gift of his own grandson to be his sworn brother's son.

In a case from Fuyang County, Anhui, reported in 1745, Liang Chou and his wife, Zhao Shi, were landless peasants who had one young son. A local man named Zhao Fuyue, who was single, lasted after Zhao Shi, and, hoping to gain access to her, he offered to help the family financially. He gave Liang 600 cash and later another 1500 cash; in return, Liang had their son "pledge" Zhao Fuyue as his "godfather" (ren zuo gan kou), and in exchange for Fuyue's agreement to continue taking care of the family, Liang also "promised" (xi) his wife to Fuyue. Both sides agreed to these terms, and so Fuyue moved in with the family, pooling resources and sleeping with Zhao Shi. These negotiations resemble the formally contracted polyandry discussed earlier in this chapter, but in this instance a verbal contract
for "getting a husband to support a husband" was reinforced by chosen kinship. The pledge of kinship was meant to repay Fuyue's financial assistance and to bind him to the family, while the promise of sex was intended to ensure that such assistance would continue. Liang Chou may have felt genuine gratitude toward Zhao Fuyue, but the instrumental nature of their verbal contract could hardly have been more explicit.65

We find a similar situation in a 1758 case from Shehong County, Sichuan. Xiang Gongqin (in his thirties) had been a tenant farmer, but he lost his lease because of illness, compelling him, his wife, Wang Shi (32), and their three youngest sons to leave home and try to survive by begging. After two months, they were squatting at an abandoned temple and starving when they encountered a mendicant fortune-teller named Wang Xueyi (24). Wang noticed the children crying from hunger, and he offered the family two bowls of rice and beans. Profoundly grateful—but also desperate for further aid—Xiang praised Wang as a good man and invited him to join the family and travel and beg together; as inducement, Xiang made his youngest son pledge himself as Wang's adoptive son and heir (jizi). Wang was so moved by this gesture that he agreed to Xiang's proposal and immediately turned over his meager savings (some three pints of rice and over 100 cash) to Xiang for common use.

Thus far, there had been no mention of sex, but after a few days together Xiang quietly told his wife to go sleep with Wang, in order "to bind his body to us" (ban zhu ta shenzi).66 "We have too many mouths to feed and no way to earn enough money to get by. But by telling fortunes, Wang Xueyi can earn a lot of beans and rice in a single day. We'll better keep him with us, so that we can all survive." At first she refused, but her husband kept urging her, so finally she obeyed and went to Wang's bedroll. Wang asked whether her husband would object, but she told him, "it's my husband who told me to come here." From that night on, she slept with Wang, while her husband and sons slept separately.67

In both of these cases, the husband took the initiative to "bind" a potential patron to his family by offering precisely what that man had little hope of otherwise obtaining: a son and a wife. Many examples from the archives demonstrate that these were powerful inducements to a single man outside the normative family system. The chosen kinship bond played a critical role in cementing such relationships, in making them real to the people on both sides of the bargain. Obviously, there was an instrumental quid pro quo from the beginning, but that did not prevent people from feeling a powerful emotional investment in the kinship bond thus created.

A case reported in 1740 by the governor of Guangxi involved migrants in a remote frontier zone. In this case, Su Shi and her husband, Long Shengcai, were landless peasants who had abandoned their home village to farm hillside wasteland. After farming one spot for eight years, the land was exhausted, so they migrated to a more remote site in Lingchuan County, where they opened new land to plant indigo, selling the harvest for grain. The couple had two small sons (one of whom they hired out) and were very poor.

Their only nearby neighbor was a migrant male named Su Honglou (32 when they met him) who lived and farmed alone. He and the couple quickly became good friends and began trading work; since he was lonely, he spent a great deal of time visiting them. Since Su Honglou and Su Shi (who was then 32) had the same surname, Honglou "recognized" (ron) her as his "gou guniang" (in this context, guniang probably means "paternal aunt"). After six months, Honglou's straw shack collapsed in a storm, so the couple invited him to move in with them; he accepted, and from then on (in Honglou's words) "we lived together and recognized one another as family" and "pooled all earnings for common use." Another seven months went by before Honglou and Su Shi began having sex. Long Shengcai did not object, telling them that as long as Honglou would help support Su Shi, he was welcome to sleep with her. From that time on (in Honglou's words), "Su Shi and I slept together openly and didn't worry about it, and he didn't interfere, just as he had promised."

In this relationship, the affective and instrumental dimensions blend seamlessly: isolation and poverty drew the principals together in common struggle for survival on the frontier, and the accident of common surname only made it easier to cement their relationship with a pledge of kinship. The sexual dimension was the last piece of the relationship to fall into place, but to all involved it seems to have been a perfectly logical development, indeed one that may have been implied when the couple invited Honglou to move in with them. In this case, the sexual quid pro quo aimed to bind a single man all the more tightly to a family that needed his labor. It worked: in Honglou's words, when Su Shi confirmed that her husband approved their relationship, "I simply worked as hard as I could at farming, and when I sold the indigo I wouldn't keep even the slightest bit of money, instead I gave it all to Su Shi for the family's support."

To sum up, a variety of scenarios might lead to polyandry. Despite this diversity, it is striking that hardly anyone evinced surprise when a sexual relationship eventuated. Clearly, there was a widespread, commonsense understanding of how these relationships were created and the principles on which they were based.

A Qing Magistrate's Insights about Sworn Brotherhood

Unusual insight into the potential of chosen kinship for framing non-normative sexual relationships comes from Ji Qiqiang, who served as founding magistrate of Zhuhou County, Taiwan, in the late seventeenth century. In an essay recorded in the 1730 gazetteer of then Taiwan County, Magistrate Ji denounced the "evil customs" (xiesi) of sworn brotherhood. As a frontier full of unruly male migrants, Taiwan was notorious for mafia-like collective brotherhoods and the political
threat they posed.  

In Ji Qiang's view, "sworn brotherhood brings people together for illicit sexual relations" (meng she jian zhi mei ye); 

If A and B join together in brotherhood, then A's mother becomes B's mother, B's younger sister becomes A's younger sister, A's wife becomes B's elder sister-in-law (daxiao), and B's wife becomes A's younger sister-in-law (xia). After all, if the families keep a proper distance from one another, there is no point in this man becoming "brother" to that. Moreover, the dwellings of petty urbanites and peasants [i.e., the kind of people likely to swear brotherhood] lack the number of stories and rooms necessary to separate inner from outer in a proper manner. In such circumstances, sworn brothers will roam freely in one another's homes as if they were each other's true flesh and blood. The inevitable danger is that men and women will flirt with each other, resulting in intimate contact, and in the end all inhibition will be lost (you li zhi xian kou hua). Under the circumstances, how many could resist temptation? (shei ru bingcha zhi tianren?) Would any man refrain from taking advantage of such easy opportunity for illicit conduct (shei zhuo hua xian nan?)? There will be men who climb into "mother's" bed, or who raise the curtain of "younger sister's" boudoir—there will be men who pay lip service to a woman's status as "elder sister-in-law" or "younger sister-in-law" while in fact pursuing casual liaisons with those who share their desires.

Ji concludes that men who swear brotherhood cannot be trusted. "At first they may restrain themselves, but gradually they lose their inhibitions. When jealous competition over women leads to murder, the root cause is always this pretense of brotherhood." 

As Ji Qiang clearly understood, far from imposing any sort of incest taboo, the act of swearing brotherhood actually eliminated the boundary between "inner" and "outer" that was supposed to secure female chastity and household resources from outside threats. He portrays all this in a highly pejorative light, but his basic insight was absolutely correct, and it is possible that his comments on jealousy leading to murder reflect his experience as a magistrate having to deal with the sort of violence that we find in zingke tibon. In the next passage of his statement, Ji argues that sworn brotherhood tends to impoverish people, because the erasure of kinship boundaries gives unrelated parties the opportunity to plunder each other's assets. Here too, if we look past his pejorative gloss, we can see that he is confirming what our other sources show: that sworn brotherhood provided an acceptable framework for mutual assistance and pooling of resources. 

Many legal cases show that fraternal solidarity was not always capable of containing the tensions created by polyandry, and the result was the trouble and violence that ended up documented in zingke tibon. One common scenario is that the relationship between the wife and the outside male would become the primary alliance, with the husband increasingly sidelined. Another is that the married couple would try to sever their relations with the outside male after solving their immediate difficulties. A common theme is that women had minds of their own, and their feelings and views could not easily be ignored, irrespective of the misogynist contempt that was supposed to unite sworn brothers. In practice, if the wife preferred one man or developed antipathy toward the other, it might not matter how the men felt about each other.

The prominence of chosen kinship in polyandry cases points to the fundamental definition of the family-household unit (jia) in Chinese society as a group of people who live together, pool resources, and eat from the same hearth. (Thus, household division between brothers traditionally culminated in a final ritual meal together, followed by the establishment of a separate cooking hearth by each sister-in-law for her own newly separate household.) Usually these factors coincided with the traditional kinship connections of blood and marriage, but they also seem to have helped define kinship. The pledging of kinship in polyandrous relationships ratified the facts of co-residence, resource pooling, and wife sharing. It was a strategy to reinforce trust and dependence.

QUESTIONS

Poverty as a Motive for Polyandry

The principal motive for couples to recruit an outside male was poverty. Even when the wife's adultery preceded economic support and was motivated by passion (there are many examples of this scenario), these were invariably poor people, and it was the promise of food, cash, or other resources that would win the husband's acceptance of the relationship. For this reason, polyandry's incidence and regional distribution probably correlated with those of poverty as well as with high sex ratios.

Poverty was sometimes compounded by an illness or disability that prevented the husband from working, so that the family felt compelled to seek the help of another man. Investigation of Customs confirms this pattern. In Hubei, for example, "a woman whose husband is handicapped, so that he cannot make a living, will be allowed to bring in a second husband to support the first (ling zao yi hou fu, yi fang yang qian fu)." When the husband's illness or disability was the main motive for polyandry, the arrangement was often called "getting a husband to support an ill husband."

Poverty distinguishes the non-fraternal polyandry found in China from the socially acceptable, fraternal polyandry traditionally practiced in Himalayan societies. In the Himalayas, reasonably well-off families practiced polyandry in order to prevent household division and to concentrate and preserve their property across generations. It also tended to limit the birth rate in such families, since one woman
can get pregnant only so often (whereas polygyny would tend to have the opposite effect). This important social benefit was reinforced by the existence of large establishments of celibate clergy. The relatively low population density that resulted tended to protect the delicate ecology of that high-altitude region.\textsuperscript{2} The situation in China was completely different in China, the illegal polyandry practiced among the very poor was an inverted reflection of the legal polygyny practiced by elite men.

Here, it is useful to recall the argument of Russian economist Aleksandr Chayanov that the fortunes of a peasant family would change in a cyclical pattern, depending on the ages of family members and the ratio of laborers to mouths that had to be fed. (Women should be counted as laborers, not mere consumers.) According to Chayanov, a young couple with small children would be the most vulnerable to hardship, and, in the majority of cases I have seen, it was precisely such couples who resorted to polyandry in order to survive. Sometimes there were elderly dependents as well as children.\textsuperscript{8}

Of course, the rogue males who typically allied with these families were poor, too. But a single man had to feed only himself, so it was often possible for him to earn a little extra, as long as he could find work. Most of these men were simple peasants or laborers, but some had special skills by which they could earn a humble living: Qing case records include storytellers, fortune-tellers, thieves, carpenters, musicians, barbers, many peddlers and clergymen, and even teachers.

In some cases, the single man was simply the one with the wits and the initiative to keep the family fed. For example, in 1745 the governor general of Zuliu reported a case of "one wife with two husbands" (yi jiu liang jia) in which a "propertyless single man" (guang shen han) named Zhang Liang had employed a variety of means to support a peasant couple and their two children for over a decade. When husband Dong Si (from Xingtai County) first invited Zhang Liang to share his wife, Zhang Shi, in exchange for supporting the family, Zhang Liang was working as a casual laborer; after he moved in with the family, he managed to get together enough cash to start a little business peddling cooked food, which the three adults worked at together. Several years later, when they ran short on funds, Zhang fed them by means of theft—eventually being beaten and tattooed for that crime—and later on, he supported the family for another year or two by peddling tobacco. Finally, he arranged for the entire family to move to a busy market town in Yongnian County, where they again peddled food and Zhang did odd jobs.\textsuperscript{77}

Whatever his resources, a single able-bodied man could help alleviate the distress of a poor family with whom he allied. In Chayanovian terms, his addition to the family would improve the ratio of laborers to consumers. In exchange, he would benefit from the sorts of family life and female caring labor he otherwise could not hope to enjoy.

How poor was "poor"? In some cases, families faced starvation or, at best, the prospect of breaking up in order to survive (with the husband selling off his wife and children, one by one). Here, bringing in an outside male was a strategy not just to feed the family but also to preserve it as a family. In other cases, the situation was not so dire, but couples were poor enough to welcome the support a second man could provide.

Poverty in and of itself explains only so much—after all, most people in Qing dynasty China were poor to one degree or another; but not all engaged in polyandry. Poverty constrained people's options but did not necessarily determine which option they chose to pursue. Moreover, although wife selling and polyandry were solutions to similar problems, they had dramatically different effects on the people involved: polyandry expanded a family in order to keep it together, whereas wife sale broke up one family while laying the foundation for another by creating a new marriage. To understand why specific people pursued one strategy or another, we must look to the personalities and preferences of the individuals involved and the nature of the relationships between them as well as the circumstances in which they found themselves.

**Polyandry and the Chinese Marriage System**

Twenty-five years ago, when I first encountered in Qing legal cases the kinds of practices described in this chapter, I had no idea what to make of them. They certainly did not fit my image of "Chinese marriage." Based on what I had read, I knew that, among the wealthy, polygyny was the rule: a main wife (yi), of the same social background as her husband, would be supplemented by concubines (qiie) and maidservants (bi) purchased from less well-off families. Among the broad majority of peasants, however, monogamy prevailed (although there was considerable variation).\textsuperscript{27} Dowry was a status symbol, and the daughters of more prosperous families incorporated the bridal gifts into the dowry they took with them to their husbands' households.\textsuperscript{27} Among less prosperous families, many daughters were more or less sold for brideprice, although this cash transaction might be masked by face-saving gestures. I also knew that there were many surplus males at the bottom of society with no wives at all, but there was very little information about their lives.

The evidence shows that, in addition to polygyny and monogamy, the Chinese system for exchange of women included a third pattern, polyandry, which was practiced by a significant section of the poor. The unifying theme of these diverse strategies is that a wife would have sex with one or more men other than her husband, with his approval, in order to help support her family.

Polyandry and related practices depended on what officials saw as the sexual promiscuity of a small number of women with a larger number of men. It was an ironic mirror image of the female chastity that underpinned the polygyny enjoyed as a status symbol by elite males. To the official mind, this was sexual anarchy, a dangerous trend with politically subversive implications.\textsuperscript{8} It was this perspective
that misconceived custom as crime, polyandry as adultery, and survival strategies as sensual license.

But—some may protest—if this behavior was illegal and frowned upon, how can it be considered part of traditional Chinese custom? This objection only begs another, more fundamental, question: what counts as "custom," and who gets to decide? Chinese Custom (fungen xiguan) has a positive connotation of normative behavior, especially in modern Chinese; it implies a value judgment, behind which lies a power structure. Therefore, although "delayed transfer" marriage was the norm in much of the Pearl River Delta, gentry stigmatized the practice, and officials tried to suppress it. Levirate was widespread, but Ming and Qing law criminalized it as a capital offense. More fundamentally, the celebration of female chastity combined with legal protection of polygyny was an ideological program that protected the interests and privileges of elite men. When a rich man who already had a wife bought a second woman to be his concubine, it counted as marriage, but when a poor woman with her husband's approval contracted an uxorial marriage with a second man, that counted as adultery.

Because "custom" has a positive connotation, people may resist applying this label to practices, however widespread, of which they are ashamed. In some Taiwanese villages, "minor" marriage (the adoption of a daughter-in-law in early childhood) was the universal practice, yet villagers, when asked about "Chinese marriage" by a Western anthropologist, would invariably describe the "major" form, even though none of them practiced it themselves. Moreover, men involved in uxorial marriages often tried to conceal that fact from outsiders in order to avoid ridicule. We should bear in mind that the stigma associated with polyandry and the other practices analyzed in this book, as well as their criminalization, gave people strong incentives to conceal them and mean that any quantitative survey will inevitably underestimate their incidence.

Polyandry was a minority practice, but, in weighing its significance, we should bear in mind, too, how few marriages were polygynous during the Qing. Rates of polygyny varied regionally and by class, and it was most common among the gentry and wealthy merchants, who constituted a tiny percentage of the population. The best available data suggest that, overall, well under 4 percent of married women were concubines, whereas the rest were main wives. But surely no one would argue that concubinage is trivial to our understanding of Chinese marriage. On the contrary, polygyny has usually been seen as paradigmatic, and it has consequently received a degree of scholarly attention far out of proportion to its actual incidence. For example, the foundational studies of marriage and gender roles in late imperial China by Patricia Ebrey, Dorothy Ko, Francesca Bray, and Susan Mann all focus exclusively on polygynous elite households. If polygyny was paradigmatic of Chinese marriage, then so was polyandry—and it seems likely that polyandry broadly defined (including transactional polyamory and marital pros-


titution) was by far the more common of the two practices. In fact, there is a logical connection between polygyny among the rich and polyandry among the poor, in that the transfer of women to rich households (to become concubines and maidservants) exacerbated the shortage of wives in poor communities.

Late Qing feminist He-Yin Zhen saw this connection clearly. In her 1907 essay "On the Question of Women's Labor," she characterizes elite polygyny as "an indirect method of seizing the property of the poor" that, by worsening the imbalanced sex ratio, made polyandry a logical necessity.

In the homes of high officials or large extended families, the number of concubines can reach more than ten. [In contrast,] in such places as Yancheng, Xinghua, and Ganyou counties [in Jiangsu], among the lower classes one woman belongs to many men; or younger and older brothers share a wife. In Yangzhou, peasants who have many sons always provide a wife for the eldest, whereas the sons next in line can never marry... [A] country with a system of one man and many wives has to have a system of one woman and many husbands. Moreover, there have to be a certain number of men who have no wives, and those without wives are sure to be the poor.

In sum, she argues, "the evil of the wealthy lies not only in raping the daughters of the poor, but also in tacitly stealing the wives of poor men." He-Yin Zhen's radical analysis exposed the sheer hypocrisy of an orthodoxy that would condemn the poor for failing to conform to elite ideals of gender performance and sexual propriety.

Polyandry in its various forms was a survival strategy, one means by which "the little people" coped with the very big social and economic problems that have afflicted China over the past few centuries. To recapitulate, three larger forces that converged in these strategies were the skewed sex ratio and concomitant surplus of single men, the pervasive market for women's sexual and reproductive labor, and the subsistence crisis of a growing number of rural families. At the intersection of these larger forces, we find the case examples narrated above.

It seems likely that the three interrelated problems that framed polyandry were all getting worse over time—that is, they were affecting a growing number and probably a growing proportion of people, from the mid-Qing on. (For example, even if we assume that the percentage of "bare sticks" in the population held steady from 1700 to 1900, the number of such men would have more than tripled.) If that is correct, then the incidence of polyandry and related practices would likely have increased as well.

The report from Gansu in Investigation of Customs contains a remarkable flash of insight: "[T]his evil custom [of getting a husband to support a husband] exists almost everywhere in the province (if yu quan sheng jie ran). It seems likely, therefore, that to enforce the law and prohibit it would pose an immediate threat to the
survival of a very large population. Like He Yin Zhen's analysis, this frank statement cuts through all the moralizing rhetoric, right to the heart of the matter. Polyandry was a response to exigencies that had rendered the normative standards and values of the late empire irrelevant. One might even read it as a harbinger of their collapse.

Attitudes of Families, Communities, and Women toward Polyandry

If my husband wants to bring Liu Yu into our household to live with us, what does that have to do with you? If anyone comes out here and talks nonsense again, then I'll fight him to the death, and die at his house!

—XIA SHI, A REMARRIED WIDOW AGED 27, DEFENDING THE SENIOR MEN OF HER HUSBAND'S LINEAGE

As to the authority of the husband, this has always been weaker among the poor peasants because, out of economic necessity, their womenfolk have to do more manual labor than the women of the richer classes and therefore have more say and greater power of decision over family matters. In sexual matters (xing de fangmian), poor peasant women also have relatively more freedom. Among the poor peasant class, triangular and multilateral relationships (sanjian ji duojiao guanxi) are almost universal (liju shi puhuan de). With the increasing bankruptcy of the rural economy in recent years, the basis for men's domination over women has already been weakened.

—MAO ZEDONG, 1936: "REPORT ON THE PEASANT MOVEMENT IN HUNAN"

In this chapter, we continue our analysis of the subject positions of the parties involved in polyandry, and of their families and communities. We begin with stigma, which was a significant factor in many cases but nevertheless is particularly difficult to evaluate. To state the obvious, stigma and even criminalization do not necessarily deter people from doing something if they have good reasons to do it. To what extent did stigma or shame deter people from engaging in polyandry? If they did engage in polyandry, how did stigma affect them—if, indeed, it affected them at all? Did families or communities care enough about stigma to cause these people trouble? Under what conditions did local lineage or village authorities interfere in such arrangements?
Next, we address women's agency and perspectives within polyandry. Why did women participate in polyandry? How did they understand and experience their situation? Under what circumstances did coercion occur, and to what extent did such relationships victimize women? How much scope was there for female agency in this context? Was polyandry ever good for women?

This chapter concerns matters that are hard to quantify, and, given the nature of the surviving evidence, any generalizations must be impressionistic and somewhat tentative. Nevertheless, two basic points do seem clear.

First, families, communities, and local village authorities rarely interfered with people who engaged in polyandry, even if they did not approve. On the contrary, the evidence suggests a high degree of indifference or even tolerance, in part because those who might complain could rarely offer a viable alternative to those concerned.

Second, for obvious reasons, polyandry required at least a minimum of cooperation, if not enthusiasm, from the woman. Even if a woman was reluctant to resort to this measure, she had to come to the conclusion that polyandry was the least bad option realistically available to her and her family. Otherwise, it would be very difficult for the men to make this strategy work (the same was true of wife sales—see Chapter 7). Although some women were coerced (by violence and intimidation), this does not seem to have been the most common scenario, and such coercion was possible only when a woman's natal family was unable or unwilling to intervene on her behalf. But also, in more than a third of my cases, it was the woman herself who took the initiative to recruit a man who would help support her family in exchange for sex. If a woman's husband could not support their family, and if she did not want to leave him and their children, then she might see polyandry as the optimal solution to their difficulties. After all, polyandry was fundamentally a strategy to keep a family together by raising the ratio of laborers to consumers and loosening the Chayanovian straitjacket. The likely alternative would be to break up the family (by selling off children or the wife herself) in order to survive. In these circumstances, we find pragmatic women using sex in a strategic, unemotional way to secure their families' subsistence. But also, some of these relationships began with passionate extramarital affairs in which the women secured their husbands' acquiescence by making their partners provide material aid.

STIGMA, LOSS OF FACE, AND OTHER PRIORITIES

The openness and formality of the contractual arrangements for "getting a husband to support a husband" described in the last chapter imply a high degree of social acceptability and even accountability—why else have witnesses, let alone a contract? Since Qing law prohibited these transactions, they could be enforced only on the community level, and in this respect they resemble other prohibited transactions that were possible only because of community acceptance. Some of the commentary on "getting a husband to support a husband" found in Investigation of Customs confirms a high degree of community acceptance, at least in some regions, despite its authors' condescension and disapproval. We learn that in Gansu, for example, "the first husband's relatives never interfere in these arrangements, and there is no social stigma attached to them whatsoever." In some parts of Gansu, these alliances were highly ritualized and publicly celebrated in the manner of normative marriages.

But the evidence from legal cases is mixed, and we find many examples of people engaged in polyandry being subjected to gossip and ridicule. In the mid-range of practices between formal, openly acknowledged polyandry and outright retail prostitution, especially, we find many couples trying to maintain secrecy or at least ambiguity about the wife's sexual relations. There are also examples in which the husband or other family members try to maintain a degree of deniability by never openly acknowledging what is going on, although they know about it. In assessing the significance of stigma, we must bear in mind that many forms of marriage were stigmatized to one degree or another, and some were also criminalized. In this respect, polyandry and wife sale were by no means unique, and, as explained in the introduction, it is not clear whether the stigma attached to these particular practices exceeded that attached to others. Moreover, perceptions might vary by region, social class, and even gender. (For example, among men, taking a concubine was a prestigious status symbol, but even some wives who had agreed to be sold absolutely refused to become concubines.) Also, not everyone was equally sensitive to stigma, and some simply faced more pressing concerns; as many witnesses testified, worrying about "face" was a luxury that not all could afford.

The following case illustrates the paradoxical quality of polyandry as a widespread, well-known, and formally contracted alliance that many people were ashamed of all the same. In 1735, the harvest failed in Guanxian Subprefecture, Gansu, and by the New Year peasant Ha Qijun (57) and his family had begun to starve. He and his wife, Zhang Shi (50), decided to head south to Fengxian Prefecture in Shannxi, about a hundred kilometers away, where they hoped to find work and food; the couple's son (13) and adopted daughter-in-law (7) went with them. After a day's walk, the family stopped at a Guan Di Temple to shelter for the night and beg for food. There they encountered a teacher named Ye Ce (48), who worked at the temple; He knew him slightly from a previous visit during another famine many years before. Ye Ce was an immigrant from Wugong County in Shannxi. He was not a typical "bare stick" to in that he was literate enough to market himself as a teacher and had saved up a little money; even so, he had no wife or family, and certainly could not be called prosperous by any ordinary standard. But prosperity is a relative concept, and Ha Qijun decided to approach him. According to Ye Ce's testimony, Ha told him, "Teacher, you have no family of your own; how
would it be if I used my wife to bring you into my family, so we could all get by together (ba wo laopo zhao le ni, women yi tong guo rizi)?" Ha agreed, but it was not easy to persuade Ha's wife. Zhang Shi testified:

My husband told me, "There's a teacher named Ye, I know him from before, and he has money. . . . I have it in mind to use you to bring him in and have him support our family so that we can survive (bu ni zhe le ta yangguo women yi jiu)?" When I heard this talk I rebuked him, saying "I'm already old, and our son is already grown up, how could I do such a thing?"

Zhang Shi and her husband argued for four days until she finally gave in. As she later recalled, he told her, "If we lose this man, and don't bring him into our family, then who else are we going to find who can help us? I've already acknowledged him as family, and there's no one who will know what's going on. If you don't obey me, then I'll die here, I refuse to go on!"

Once the problem of immediate survival was solved, however, Ha Qijun became concerned that word of their new arrangement might spread back home, which was only a day's walk away. So he asked Ye to join them in walking to Shaozhi. They ended up some 200 kilometers from home in Jun County, where Ye found work as a teacher and supported the family; they told neighbors that Ye was Zhang Shi's brother, everyone in the Ha family called him "Uncle Ye" (Ye shi), and the sexual relationship between Ye and Zhang Shi was kept secret. This arrangement continued for about two years.

One day Ha Qijun and Zhang Shi heard that the famine in Gansu had ended, and they insisted on returning home. After some argument, Ye agreed, but when they neared home, Ha told him they no longer wanted his company. Incensed, Ye Ce murdered him and then forced Zhang Shi to accompany him back to Shaozhi as his own wife.

Two points are crystal clear. Everyone who testified in the case was clearly familiar with polyandry and used a consistent vocabulary to characterize it ("bringing in"zhao a second man to "support"yang the family). Moreover, there is no evidence in the case record that anyone actually ridiculed or otherwise bothered the couple because of their relationship with Ye Ce. Nevertheless, the couple found the relationship shameful—hence Zhang Shi's reluctance, his anxiety about public exposure, their effort to use kinship of one kind ("Uncle Ye") to conceal another (polyandry), and the fatal attempt to sever relations.

The dispute that led to murder focuses our attention on the emotional as well as material investment that individuals could make in such alliances. In rejecting Ye, Ha had reneged on what had been stipulated as a permanent arrangement. Ye Ce stated: "That day he told me that since he was already old, after he died his wife would be mine. Only then did I agree to hand over the money I had saved." Ye Ce obviously did not see himself as some sort of customer, to be rejected when his patronage was no longer wanted. On the contrary, Ye saw himself as part of a family: "I had joined his family by marrying his wife (zhao zhe fei ren), and had supported the entire family for two years—but now he was going back home and wanted to get rid of me! So I decided to kill him instead." He clearly did not share the couple's shame about their relationship.

To reiterate, legal cases record only relationships that ended in serious trouble, so they probably convey an exaggerated impression of the impact of stigma. We should also bear in mind that, when testifying in court, women would likely emphasize their sense of shame and devotion to chastity in the hope of receiving a more sympathetic hearing. In contrast, the social surveys convey little or no sense of stigma on the part of people engaged in these practices, despite the authors' obvious disapproval. But also, there are plenty of cases in which couples were quite open and obviously did not care about the opinions of other people. Attitudes seem to have varied within families, too. Often the husband and his male relatives seem to have worried more about losing face than did the woman herself: her lack of chastity seems to have bothered them more than it bothered her. When the couple was part of a well-organized corporate lineage, then elders sometimes tried to change their behavior in order to protect family honor, but (as we shall see below) such intervention did not always succeed.

Reproach by Family

We do find examples of family members feeling embarrassed and reproaching those involved in polyandry. Typically, however, the same family members were in no position to provide a viable alternative, and therefore their objections were met with indifference or even defiant resentment.

In a 1750 case from Zhaoyuan County, Shandong, Yang Chaohu (34) and his wife, Li Shi (29), were poor peasants with two small children. In the spring of 1748, they found that they could no longer make ends meet, and so the entire family walked to Li Shi's natal village and asked her older brother, Li Weibin, to take them in. A woman's natal family had a recognized, customary role in protecting her interests after marriage, and the fact that most peasant women married men from villages within walking distance of their natal homes facilitated the maintenance of close ties. Therefore, it was natural for Li Shi and her family to seek her brother's help in an emergency—and if a woman did not want to participate in polyandry, but was being pressured by her husband, then an appeal to her natal family would be her most obvious and effective resistance strategy.

But Li Weibin refused to help them. He was little better off than his sister's family, and he also feared entanglement with his shiftless brother-in-law, who had a reputation for "liking to eat but being too lazy to work" and drinking heavily. Instead, the family found shelter with a neighbor, a single tenant farmer named Yu Sihan, who took pity on them. Yu lent them 200 cash to buy food, and he
agreed to let them stay for the time being in one of the three rooms of his straw house.

But Yang Chaorè failed to find steady employment, so his family again ran out of food, and meanwhile, Yu Sihan was pressuring them for repayment. Finally, Yang refused, but Yang beat her; in desperation, she went back to her brother for help, would stand up for me." But once again he rejected her: "Your husband is useless, Shi gave in. One night, she went to Yu's room and told him (as she later recalled), company (he ni zuo ban), on condition that you agree not to ask for the money;" exchange for sexual access to Li Shi. Either Yu would sleep with Li Shi in her room, or in winter they would come to polyandry was a little unusual, in that the refugee family moved in with the outside in a single household closely resembled "getting a husband to support a husband," out of embarrassment, finally tried to intervene:

I saw my younger sister always going in and out of Yu Sihan's room, and finally in-law. But he just said, "We poor people can't afford to abide by those moral rules! (anmen xiazhao renjia yi bude zhixie gui), and he got angry at me for not minding my own business. After that, I didn't bother them anymore.

Li Shi also resented her brother's meddling: if he really cared so much, he should have helped them when she had twice begged for his help. She had not wanted to now.

Yang Chaorè and Li Shi were certainly aware of the normative "moral rules" violated by polyandry, but, with their family's survival at stake, such niceties were only a case from Youtong County, Zhili: when the husband was accused of "not earning. If you have money, then you can have 'face,' but if you don't have money, then if his wife did not sleep with the other man, then they would have no choice but to sell their son in order to pay their debts. The whole question of shame and stigma

We find a similar confrontation with family in a 1746 case from Nanchu County, Sichuan. In this case, a landless agricultural laborer and occasional peddler named Huang Yinglin (43) was married to Xiong Shi (33). The couple had great difficulty making ends meet, and in early 1743, a few days after the New Year, Huang invited an acquaintance, Guan Rongjun (32), to move in with them and pool resources. Guan was a landless peasant who made a decent living peddling paper, and over the years he had saved up more than 20 taels; it was Guan's savings that prompted Huang to invite him. Guan agreed, because he had no wife or family of his own and because he intuited that Huang's invitation implied an offer of sexual relations with Xiong Shi.

At Huang's urging, Guan pledged himself to the couple as their "godson" (gong er) — an interesting variation of the adoption strategy — and then shared his savings and earnings with them. Initially, there was no explicit agreement about sex, but, after Guan moved in with the couple, Huang told his wife to sleep with him; she was reluctant, but he pointed out that they had no other way to repay Guan and secure his continued support, so she finally agreed. Then, as Guan later recalled: "Huang Yinglin told me: 'You haven't married yet, and since we're all eating from the same pot, there's no need for us to distinguish between yours and mine.' (women jiran yi guo chi fan, daizia ye fen bu de ni wo), and he said that I should sleep with his wife. . . After that, she and I usually slept in the same bed.

The principals made no effort to conceal their arrangement, and word spread in the community. Huang Yinglin had an older brother, Yingxuan, but since they had divided their father's household long before and ate from separate hearths, Yingxuan did not feel responsible for Yinglin and had declined to help him. (Once again, we find that "fictive" kin were more reliable in a crisis than "real" kin.) But when Yingxuan heard what was going on, he felt embarrassed and reproached his brother:

I saw that Guan Rongjun did not distinguish inner from outer in his relations with my sister-in-law, and this looked very bad. . . . I advised my brother: "You have a young wife in your household, and you shouldn't let this single man live with you." But he said: "Guan Rongjun and your sister-in-law address each other as 'mother' and 'son,' and they get along well together. I'm very poor, and we rely on his money to survive, so I can't afford to pay too close attention (ye bu gu de xiaoduo le) . . . He told me there was no need for me to worry about it. I saw that my brother was content to do this kind of shameful thing, so it was hard for me to stick my neck out and make a scene about it. So I just left him alone.

Despite this euphemistic language, it is obvious that everyone concerned understood exactly what kind of relationship was framed by chosen kinship in this household. Once again, from the standpoint of the couple engaged in polyandry, stigma was far less important than the resources secured by this "shameful" means.
This relationship lasted for two years, until Guang's savings ran out and his inability to provide the same level of support provoked a quarrel. The couple told him to move out, so he demanded that they repay his money, but they had no money, and anyway, from their point of view, he had been fully compensated in the form of sex and the other benefits of sharing their household. When he refused to move out, Huang Yinglin went to the local rural agents (psalin) and complained that Guang had had illicit sex with his wife. Guang became frightened and moved out, so Yinglin withdrew his accusation and the rural agents did not pursue the matter. (Some months later, however, Guang and Huang got in a fight, and Huang died of his injuries.)

Community Indifference and Tolerance

How did neighbors and village authorities react to polyandry? The case records offer a variety of reactions, including a certain amount of opprobrium, but most significant, it seems to me, is the high degree of indifference and even tolerance found in so many. In the cases just cited, for example, it is obvious that polyandry was stigmatized to some degree and caused the relatives of its practitioners some embarrassment. But it is equally clear that no one in those communities was sufficiently offended to cause any trouble, and these relationships were allowed to continue for years without interference. One gets the impression that such arrangements were far from unusual, and although other people may have gossiped and snickered, they rarely felt either entitled or obliged to interfere. Either they did not seriously object, or they preferred not to inquire too closely into other people's domestic affairs. Given the exigencies that made people resort to polyandry and the inability of others to offer a better solution, the default attitude seems to have varied between "live and let live" and "don't ask, don't tell."

The case records contain many examples of such attitudes, often vividly expressed in testimony. For example, in the last case cited above, the two local rural agents later testified that they knew Guang Ronglun had moved in with the Huang family and that "he and Huang Yinglin's wife did not distinguish between inner and outer..... We thought this was inappropriate," but Huang himself told us that Guang is his 'godson' (gan erzi) and that his wife and Guang call each other 'mother' and 'son,' so we saw no good reason to intervene. The rural agents clearly understood what kind of relationship Guang had with the couple—"not distinguishing between inner and outer" evidently being a standard euphemism for polyandry—but they would not meddle as long as the husband did not complain. Similarly, a 1775 case from Wucheng County, Zhejiang, involved a polyandrous relationship between Zhang Zongdai, his wife, Chen Shi, and Zhang's distant relative Zhang Guoqin. Fellow villagers gossiped about this unconventional household, but no one interfered. Later on, when interrogated by the magistrate, the neighbors explained as follows: "Zhang Guoqin and Zhang Zongdai seemed to get along well with each other, so it was inconvenient for us to go and meddle in their affairs, which were none of our business.... Anyway, everyone has their own affairs, so we never bothered them" (yin geren youshi, buseng qu chuawen).

In a 1756 case from Lujiang County, Anhui, that involved a seven-year polyandrous relationship, the local baqijia* head testified that the people characterized by the magistrate as "criminal adulterers" were just "simple hard-working people who never caused trouble." As far as adultery was concerned, "that was their own secret affair (siping), and since the woman's husband never complained, there was no reason for me to interfere."

In a case from Ningdu Independent Prefecture, Jiangxi, a village tolerated a couple's open polyandrous relationship with a single woodcutter for three years, including co-residence and resource-pooling. But then the woodcutter was caught robbing a fellow villager's home, and he was prosecuted, beaten, and tattooed with the word "thief" (qiedao) on his shoulder. After he returned, the couple's neighbors insisted that they never tied with this "bad man" and expelled him from the village. Clearly, the community did not find polyandry particularly offensive, but theft was another matter.*

To summarize the discussion so far, we find that the usual scenario was for neighbors and community members to refrain from interfering in any serious way—and later, when questioned by authority, they would excuse themselves, by saying (for example) that "it was none of our business" that it was "inconvenient" (bubian) to get involved, that despite suspicion they had no real proof. In the case of rural agents and baqijia heads, the most common testimony is that, although they had heard rumors, as long as the husband himself did not complain, they felt they had no basis for acting. In fact, the Qing code required rural agents and baqijia leaders to report "criminal elements" (jei lei) in their communities, with penalties for failure to do so. Occasionally, this law was cited to punish local authorities who had tolerated polyandry. For example, in a 1756 case from Jinling County, Yunnan, the magistrate cited it to punish the local baqijia head and rural agents: "both men were stripped of their posts and beaten." But the legal definition of "criminal elements" is vague, and in polyandry cases, at least, it appears that magistrates usually did not enforce this law. Some cases suggest, however, that polyandry was less likely to be tolerated if the principals were outsiders. A 1747 case illustrates this pattern. Mao Bangcai (33) and his wife, Peng Shi (28), had three small sons (the oldest aged just 4ril) as well as a daughter they had adopted out. In 1740, poverty compelled them to leave their home in Xiangjiang County, Hunan, in search of a livelihood. They eventually settled down in Zhong County, Sichuan (roughly 800 kilometers to the west, as the crow flies), where they met Hu Guanghua (43), a single peasant who, with his brother, had migrated from the same county some years before and now farmed land they held by conditional purchase. Mao and Hu Guanghua became friends on
the basis of their shared native place ties. Before long, the family moved in and pooled resources with the brothers, in exchange for Guanghua's sexual relations with Peng Shi. Guanghua's brother was not happy about the arrangement, but he put up with it. The relationship was open, and everyone in the community became aware of what was going on. But after eight months, the local baogua head became concerned that such behavior on the part of "outsiders" might eventually provoke trouble, so he pressured the villagers who had conditionally sold land to the Hu brothers to redeem their land and take it back. Then the baogua head forced the brothers and Mao's family to leave the village.18

Similarly, in a 1746 case from Yunxi County, Hubei, Li Yonghui and his wife, Liu Shi (both in their early twenties), left Li's home village (where, as an orphan, he had been raised by his uncle) and migrated to another village in the same county in search of work. They rented living quarters and tried to earn a living by hiring out their labor, but they had trouble making ends meet. Finally, they secured help from a neighbor, Zhong Kening (39), who was single and lived and farmed alone. Zhong made Li a direct proposition: "If you tell your wife to sleep with me, then I'm willing to provide your food and clothing." This arrangement lasted for seven months, but, as gossip spread, the couple's landlord became nervous that his tenants' domestic arrangements might somehow get him in trouble. Finally, he evicted them from their lodgings and, with the help of neighbors, pressured them to leave the village. Zhong elected to go with them, and the three settled in a different village where Zhong managed to rent some land that they could farm together.19

Even in these two cases, we can detect a fairly high level of tolerance for polyandry: after all, no one interfered until seven or eight months had passed. In both, it seems, a crucial factor in triggering intervention was that some or all of the principals were outsiders for whom the community could not be held responsible. Rather than accept trouble from outside, it seemed preferable simply to expel the outsiders. Yet, again, the villagers who took action were not casual acquaintances but were individuals in positions of responsibility who feared they might be blamed should trouble occur.

An Extraordinary Example of Lineage "Justice"

When the individuals involved in polyandry were members of a large, well-organized lineage, then the stigma of their behavior might provoke a stronger reaction. A 1748 case from Huangmei County, Hubei, provides an exceptionally dramatic example of family and community condemnation of a polyandrous relationship. The male protagonists in this case were all members of the Xiang lineage and lived in close proximity to one another. Peasant Xiang Zhengl (48) and his wife, Hu Shi (40), had a long-standing, open polyandrous relationship with Zhenglu's distant cousin, a widower named Xiang Wanhuai (46), who lived in the same village as they; the two men addressed each other as "brother." This relationship had continued for over four years and was known to everyone in the lineage. At least some of the other men in the Xiang lineage felt anger and resentment at this relationship, because "it damaged the lineage's reputation" (baihuai menfeng). Zhenglu and Wanhuai had been repeatedly admonished by lineage elders, to no effect. Moreover, according to later testimony, both Zhenglu and Wanhuai had a reputation as worthless, dishonest reprobates who had "stolen pigs" and "slaughtered oxen." Wanhuai was further accused of reneging three separate times after promising his daughter in marriage. It is hard to know how much of this later testimony to believe, since its obvious purpose was to blacken the men's reputation in order to justify what had been done to them.

One day in the spring of 1746, the senior men in the lineage (not including Zhenglu or Wanhuai) gathered at the ancestral hall to organize for the Tomb Sweeping Festival, which is dedicated to honoring ancestors and visiting their graves. Conversation soon turned to the way Zhenglu had shamed the lineage by permitting his wife to carry on openly with Wanhuai. Several men indignantly argued that Zhenglu should be put to death by the lineage; others disagreed, proposing instead that, if Zhenglu had broken the law, then he should be taken to court for prosecution. Finally, the men agreed that Zhenglu should be forced to sell his wife; moreover, Zhenglu's older brother Xiangzhao should be publicly beaten, in order to teach him to be stricter with "family discipline." (fjiajiao)

On the day of the festival, the men gathered at their lineage's cemetery, bringing pork and other offerings for the ancestors. A group seized Zhenglu's brother Xiangzhao, tied him up, and beat him with a shoulder pole while admonishing him for not preventing his younger brother's disgraceful behavior. Confronting Zhenglu with paper, brush, and ink, they demanded that he "draw up a handprint and footprint certificates" in order to "sell off" his wife. (Contracts for wife sale usually bear the handprint and sometimes the footprint of the husband/seller, affixed in the presence of witnesses to demonstrate his consent.) Threatened with violence, Zhenglu had no choice but to agree.

But then the couple's partner in polyandry, Wanhuai, intervened. Protesting loudly, he declared that any man who forced Zhenglu to sell her wife should be required to provide Zhenglu with his own wife or daughter to replace her; Wanhuai further threatened to file charges against the lineage elders and "make them all die at his hand." The lineage men then turned on Xiang Huangzuo (50), because he was Wanhuai's closest senior relative, and socked him for allowing Wanhuai to behave in this outrageous manner. Huangzuo then socked Wanhuai, but the latter defied and cursed him. Incensed and humiliated, and pressured by the lineage to act, Huangzuo finally enlisted his nephews' help and together they beat Wanhuai senseless, tied him up, and buried him alive. Inspired by this decisive act, two other men seized Zhenglu, bound him, and buried him alive as well.
Just then, Hu Shi, who had heard what was afoot, rushed to the scene wielding a knife in a vain, heroic attempt to save her husband’s life. Men seized her and beat her, and then, declaring that “this whore” should die too because she had already caused two men’s deaths, they buried her alive next to her husband and lover.

More than twenty men of the Xiang lineage witnessed these three murders, but no one tried to prevent them. Later, in defiance of specific orders from the elders, Zheng’s father and brother reported the murders to the county yamen, triggering a mass arrest and a huge investigation that resulted in the main perpetrators receiving the death penalty. In court, the killers and witnesses testified that they believed their actions justified, because “if there’s someone in the lineage who defies law and public order, then according to family law he can be put to death” (zu zhong bu gong bu fa de ren, jia yu chau chu de de). The Qing government did allow lineages considerable leeway to manage their own affairs, but their privileges did not include license to kill.

The key factor in this case was the presence of a well-organized corporate descent group whose leaders were acutely sensitive about their extended family’s reputation and honor. The festival’s rituals gathered the lineage men together under the eyes of their ancestors, thereby setting up the confrontation but also reinforcing the hierarchy and solidarity of the lineage organization. In this context, the trio’s defiance was particularly offensive and provocative, generating an unbearable level of peer pressure on their closest seniors relative to act. This case provides a salutary reminder that patriarch’s victims do include men, as well as women, who refuse to conform.

But that context makes the defiant courage displayed by Xiang Wanhuai and Hu Shi all the more striking and poignant. They evidently felt no shame about their relationship—and on the contrary, they tried to expand Xiang Zhengli’s and to face down the lineage, despite the extraordinary tension and danger of the situation. In fact, the Xiang lineage itself was divided. The Tomb Sweeping Festival occurs annually, but more than four years had passed before anyone actually took action against the polyandrous trio. When they finally did take action, the consensus plan was to expel the woman, Hu Shi, as the discordant alien element who had disrupted the male solidarity at the heart of lineage power; after all, both of the men involved were surnamed Xiang. (Here, we may recall Avron Boretz’s observations about the misogynist basis for fraternal solidarity discussed in the previous chapter.) If Xiang Wanhuai had kept his peace, the matter would have ended with a wife sale. But by defying his lineage elders in the presence of the ancestral graves, Wanhuai radically escalated the dispute, provoking the extremists among the Xiang men and silencing the more moderate voices that had prevailed up to that moment. Moreover, although Xiang Zhengli’s father and brother may not have approved of polyandry, they did not agree that he deserved death; the fact that they defied their elders by seeking justice at the yamen shows that they rejected this application of “family law.” As counterintuitive as it may seem, therefore, I would suggest that even this hideous instance of patriarchal repression reveals a surprising measure of tolerance.24

An Example of Failed Lineage Intervention

The extreme cruelty and inhumanity documented in the last case above appear to have been rare; certainly not all lineages were so determined to interfere, nor so harsh in passing judgment. In a 1927 case from Zhejiang’s Zhaojiang, a landless peasant couple formed a polyandrous relationship with an unmarried agricultural laborer in their village, Zhou Chengguai (Sa), after husband Zhou Chengxi (36) fell ill with jaundice and was unable to work. Their arrangement (which included co-residence and resource pooling) was open, and everyone in the community knew about it. The two men were distant cousins and members of the Zhou lineage. Finally, concern about the family’s reputation prompted the lineage head (zazhang) to intervene:

They carried on without inhibition and there was ugly gossip. So I went to Zhou Chenghuan and questioned him and scolded him. But he told me that because of his illness, he and his wife had to rely entirely on [Zhou Chenggui]’s support in order to survive, and that they simply had no other choice. After that, I didn’t bother them any more.

Out of sympathy for the couple’s plight, the lineage head declined to press the matter, and no one else interfered. The arrangement continued for four more years.25

In a 1937 case from Hei County, Anhui, we find an example of lineage intervention that had a decidedly different outcome, thanks to the forceful personality of the woman in question. In this case, peasant Liu Peirong (50) and his wife, Xia Shi (37, a remarried widow), were very poor; their household included two small children and Xia Shi’s invalid mother. Their closest neighbor was a distant cousin of Liu’s named Liu Yu (36), a single man who lived alone and farmed cotton on land he owned by conditional purchase. A polyandrous relationship developed in stages, over the course of a year: first, Liu Yu began socializing with the family and helping them in various ways, and the couple expressed their gratitude by having their son of a sui “pledge” Liu Yu as “godfather” (yuan); then Liu Yu put up 4000 cash to help the couple buy an ox, the use of which he would share; and finally, Xia Shi began a sexual relationship with Liu Yu behind her husband’s back, and the two became passionately attached to each other. When Peirong discovered his wife’s adultery, he reacted angrily, but Liu Yu immediately proposed that they merge their households and pool resources, pointing out that this arrangement would solve the family’s economic difficulties. Peirong agreed, and Liu Yu’s sexual relationship with Xia Shi continued and became very open.

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After six months, Peirong’s cousin Liu Peile learned what was going on, and he reported the shameful matter to other men of the Liu lineage. A delegation of five men representing the lineage confronted the couple, forcing them to admit the nature of their relationship with Liu Yu, and then seized Liu Yu and Xia Shi, bound them with ropes, and took them to the ancestral hall to confer about what should be done to punish them. At first, the lineage elders resolved to take the adulterers to the county yamen and press charges, but Liu Yu and Xia Shi begged for mercy; so instead, to avoid shameful publicity, it was decided “to deal with this according to family law” (jiafa chuazhi). The couple were ordered to terminate their relationship with Liu Yu, including their pooling of resources, and to have no further contact with him; given the couple’s poverty, cousin Liu Peile was ordered to advance 4000 cash to buy out Liu Yu’s share of the ox. The latter stipulation seems to have been Peile’s penalty for failing to mind his own business.

But without Liu Yu’s help, the family soon found themselves in difficulty once again, and, with the New Year approaching, Peirong decided to sell their ox. At first he failed to find a buyer who would offer a good price, but then Liu Yu helped him find someone who agreed to pay the ox’s original sale price, making Peirong happy and relieved. After this, the couple resumed their former polyandrous relationship with Liu Yu, in defiance of the lineage.

When word spread, the same five lineage delegates visited to investigate. But this time, Xia Shi confronted the men and boldly defied them, shouting: “If my husband wishes to bring Liu Yu into our household to live with us, what does that have to do with you? If anyone comes out here and talks nonsense again, then I’ll fight him to the death, and die at his house!” (wo changfu yuan zhao Liu Yu tong zhu, yu nimen hengan! nuo zai youren chaoli yuan shuo, wo jiu pinming zai zai ta jia). Intimidated by her defiance, the men quickly departed. They later testified: “Her husband Liu Peirong just stood there and didn’t make a sound. But Xia Shi told us to our faces that she would fight to the death with anyone who tried to stop them (na ge zuzhi ta jiu pinming)! We were afraid, because she was so unreasonable and made such a scene (pu ta sa po), so we all just left.” After that, no one from the Liu lineage bothered them again.25

Qing legal cases show that men took women’s threats of suicide very seriously. In this case, Xia Shi’s specific threat to die at the house of any man who presumed to interfere with her domestic arrangements amounted to a threat to curse that man and his household, to ruin their fortune and haunt them in perpetuity. Suicide was a weapon of the weak, to be sure, but desperate women did sometimes “stage” suicides in a manner calculated to bring calamity to those who had offended them. For example, I have seen many cases with the following scenario: a woman who had been sexually harassed or raped by a fellow villager was unable to persuade the men in her family to do anything about it, because of the shame that publicity would bring; in the end, she crept out at night and committed suicide at the house of her tormentor—usually by hanging herself from a tree or even a roof beam of the house itself. Such an act had terrifying implications for those who were its target—and, as a practical matter, it guaranteed publicity and an investigation into the offensive behavior that had provoked the suicide.26

WOMEN’S ATTITUDES AND AGENCY IN POLYANDRY

Xia Shi’s feisty defiance highlights the importance of women’s own attitudes and interests with regard to polyandry. How did women themselves view their role in these arrangements? How did the experience of these survival strategies affect their own attitudes and consciousness? To what extent did these practices constitute the oppression or exploitation of women?

There are no simple answers to these questions, and it is difficult to generalize from a series of anecdotes about diverse individuals. Practices like polyandry were certainly part of the May Fourth stereotype of what Dorothy Ko has called “the victimized woman in old China,” reinforced by the polemical fiction of such writers as Xu Dishan.20 Of course, some real women were indeed victims, and we encounter some of these women in this book. As we have seen in several of the cases narrated above, women would be especially vulnerable to coercion if their natal families were unable or unwilling to help them. But the stereotype of unremitting victimization obscures more than it reveals, at least when it comes to people’s actual experience of the gender system in late imperial China. The evidence from legal cases reveals something both more complex and more interesting. First of all, it would be inaccurate to imply that the husband was always the subject of action, and the wife always its object. In more than a third of my polyandry cases, it was the wife herself who took the initiative in negotiating her extramarital sexual relations, often informing her husband only after the fact. But even when it was men who took the initiative, strategies like polyandry and wife sale usually seem to have required a woman’s cooperation in order to succeed.

Coercion and Other Forms of Pressure

A 1749 case from Yangyi County, Shandong, provides a dramatic example of one wife’s bitter resentment and resistance toward a husband who tried to force her to support him by prostitution. Liu Xian (36) was a landless peasant who earned a meager living as a boatman; he lived with his wife of twelve years, Zhang Shi (33), their two children, and his elderly mother. The marriage was fraught with conflict. Zhang Shi described her husband as “a shameless waster” who had lost their land and house through improvidence. In 1745, a customer who hired Liu’s boat offered money to have sex with Zhang Shi, and Liu agreed. This was the only instance of paid sex that she performed, and she bitterly resented it and refused to do it again. Later, Liu had to sell his boat to pay debts, leaving him without a livelihood. As a
result, his mother had to go live with his married out sister, and the couple and their children moved in with Zhang Shi's sister, brother-in-law (a tailor), and elderly mother, who reluctantly agreed to lend them lodging. But the couple often quarreled because Liu kept pressuring Zhang Shi to sleep with men for money. Her refusal enraged him, and he became increasingly abusive.

That winter, Liu sold off Zhang Shi's loom for 100 cash and spent it all, further exacerbating their difficulties, because her weaving had provided at least some income; from then on, she occupied herself with spinning. A few weeks later, however, Liu was unable to pay a debt of 200 cash (for a couple days' rental of a donkey), so he pressed Zhang Shi to sleep with his creditor, one Hao Tong. According to Zhang Shi's testimony, when Hao visited to collect his debt, Liu asked him for another 200 cash:

Hao Tong said, "You haven't paid me back for the donkey yet, how can you ask me to lend you more?" My husband answered, "I have no money to repay you, so why don't you let your sister-in-law here pay you back instead (ni jiao ni si ni zai liang mi hou)?" Hao Tong pulled out 200 cash and asked me, "Is that okay with you?" My husband told him, "Of course it's okay!" I saw that he wanted me to do that shameful thing again, and I scolded him. When Hao Tong heard my reaction, he took his money and left.

Liu's choice of words is revealing: by referring to Zhang Shi coyly as "your sister-in-law" he was implying that Hao and he were "brothers" and involving the fraternal sharing of resources—albeit in a particularly crass way. As this language suggests, Liu hoped to recruit Hao for a longer-term arrangement, perhaps framed by sworn brotherhood. But Zhang Shi had foiled his plan—so instead, Liu sold their daughter for 1000 cash to an adopted daughter-in-law. (Note that this little girl's sale price was only two-thirds of that of the loom.)

Zhang Shi hid the money from her daughter's sale to prevent her husband from wasting it, provoking a confrontation in which he beat her viciously. This episode was the last straw for Zhang Shi late that night when she stabbed her husband to death, with the help of her mother and sister (an extreme but telling example of a woman's natal family standing up for her). This case illustrates the reality of coercion but also the difficulty of making coercion work, as well as the possible results (and the all-too-real limits) of a wife's resistance. 58

In a number of cases, a wife reluctantly agreed to engage in polyandry or similar strategies only after her husband confronted her with the alternative of selling their children. In women's testimony, this scenario is typically framed as a husband's ultimatum that compels his wife's capitulation. Nevertheless, it seems less like coercion per se than pressure of circumstance, which weighs not only on the woman herself but also on her whole family, circumscribing her husband's options as much as hers. In these cases, selling sex may well have been the only way to avoid selling family members.

A 1750 case illustrates this point. Liu Mian (43) and his wife, Mao Shi (38), were poor peasants from Zhenyuan County, in eastern GanSu; they had a son aged 9 sul. By all accounts, the couple had a harmonious marriage. In the summer of 1748, the family fled famine and walked to Bin Independent Department, Shanzxi (about sixty kilometers to the southeast), where they borrowed lodgings in an earthen pit dwelling owned by a single man named Zhang Ninguang (35), who earned a modest living making and peddling pottery. Liu Mian could not find work, his family had no food or money, and they were very hungry. Within days of arriving in Shanzxi, Mao Shi later recalled, "my husband told me that we had to sell our son, but I refused. Then my husband said, 'If you won't let me sell the boy, then what are we going to live on?'" He told her frankly that their only other option would be for Mao Shi to persuade Zhang Ninguang to support them by sleeping with him: "He said 'You will have to serve as his wife temporarily (ni zhanghe he ta zuo ge fuqi)—literally, 'be husband and wife with him',' so that he will support us for a while.' I saw I had no other choice, so I agreed to do what he said." Significantly, Liu Mian did not propose selling Mao Shi herself—the couple did not wish to separate. Mao Shi did not particularly like Zhang Ninguang, let alone desire him, but as she later testified: "I saw that my whole family was going to die of hunger, so I had no choice but to obey my husband and do this thing."

Eventually, this ad hoc measure developed into a formal agreement for "getting a husband to support a husband," which the two men and Mao Shi negotiated while they all lay in bed together, along with the couple's son, on Zhang's single kang. In her later testimony, when explaining why she "had no choice," Mao Shi did not claim that her husband or Zhang had coerced her. Instead, she cited the danger of her family starving to death, her refusal to sell her son, and the lack of other options. 59

Men's Shame, Women's Power

The women who appear in these cases almost never seem to be passive victims. Far more typical than passive victimhood is the behavior of the woman named Yan Shi (38) in the following 1741 case from Weining Subprefecture, Guizhou. She and her husband ran a little wine shop in a market town with the help of a single migrant from Jiangxi named Sun Dongli (31), who also sold wine at his own street stall. When the couple first met Sun, they were short on cash, so Yan Shi made a pass at him and began a sexual relationship: at the same time, she began regularly "borrowing" money from Sun (none of which she ever paid back) to supplement her own business income. Her husband deferred to her and did not object. Sun continued to live separately, but visited regularly for sex and meals.

This relationship went on for ten years. It became something of a burden to SUN, who liked the sex but came to resent the constant drain on his meager funds,
because he also felt obliged to send money home to his widowed mother. But Sun was afraid to refuse Yan Shi, because even the slightest delay in his payments would provoke her to make an embarrassing public scene at his stall. According to witnesses, Yan Shi did not care what others thought of her, and although people certainly did gossip, she seems to have been popular.

One day, Sun found her sitting next to another man at her wine shop, chatting and laughing. Such intimacy angered Sun, who seems to have felt entitled to monopolize her charms; he called her a "whore" (changfu), told her not to expect any more money from him, and asserted that he would soon return home to Jiangxi. One gets a sense of Yan Shi's formidable personality from her response, which she screamed before a crowd of witnesses: "And what are you going to do when you go home? You're going to go home and fuck your mother, that's what!" (ni huai zao shenma, ni huai cao ni jia xiongzi). We can be sure that the case was reported to Yan Shi accurately because her words provoked a street brawl in which Sun ended up killing her, and an exact assessment of motive was crucial to the adjudication of homicide.

This case illustrates two subaltern forms of empowerment available to poor women that surface repeatedly in this sample of legal cases. The first is the power to use insults, public display, and gossip in order to shame men, who often seem much more concerned than the women about reputation and "face." This distinctly female form of power in peasant society has been documented by a number of scholars in China and elsewhere. Margery Wolf, for example, describes how the women's community in Taiwan villages could influence men's behavior by exploiting their fear of losing "face" before neighbors and kin: "Even men who think themselves free to ignore the opinions of their women are never free of their own concept, face. It is much easier to lose face than to have face... This is precisely where women wield their power."

The second subaltern form of empowerment seen here is an unsentimental view of sex as a valuable asset for a woman to trade with, in a continuum of various forms of sexual-economic exchange. My sense is that much of the women in these legal cases ended up developing such a view (if they did not have it to begin with), through the experience of marriage and subsequently helping to support their families with their bodies. This attitude implies a frank recognition of the instrumental nature of arranged marriage and an understanding that a woman's domestic duties in the marital context were not necessarily so different from a wide range of ways that sex might be exchanged for material benefits in extramarital contexts. This attitude took for granted that the main purpose of both marriage and sexual relations (even when meaningful and pleasurable) was not individual fulfillment of a personal, egocentric nature but rather the preservation and reproduction of the family.
A case from Yongqing County, Zhejiang, memorialized in 1817, reveals a similar pragmatic attitude on the part of the wife. Tian Shi (58) was the wife of Liang Yuanji (48); they were peasants, not desperately impoverished ones, but certainly not prosperous either. The couple was friendly with one Xing Wancheng (26), a single man from Dong'an County (about twenty kilometers to the northeast) who supported himself as an itinerant storyteller. Husband Liang later testified:

I'm not sure just when they started having illicit sex, but in 1811 I often saw Xing Wancheng joking and laughing with my wife, so I questioned her, and she admitted that she was having adultery with him. She also said that Xing Wancheng had money and could help us out, and since I was greedy for his financial help, I let them continue. He would pay my wife cash, I don't know how much it added up to in all.

The couple came to depend on this income, and the arrangement continued amicably for the next five years. The neighbors later testified that they had heard rumors "that Liang Yuanji let his wife sleep with Xing Wancheng", but "because it had nothing to do with us, we didn't care too much attention."

But then, as Xing Wancheng recounted, "I couldn't make as much money as before, so I couldn't afford to help them as much either. Because of that, Tian Shi started to act cool toward me." The two men continued to be friendly, but Tian Shi insisted on keeping their relationship on a strictly transactional basis, and she refused to let Xing Wancheng sleep with her anymore. Xing greatly resented what he saw as her lack of "qing" (love, feeling), but she was unmoved; Tian Shi's priority was to support her family, and whatever affection she may have had for Xing did not extend to providing sex for free. Xing pleaded with Tian Shi to resume their sexual relations, but when he had no cash to offer, she rejected him absolutely — so he stabbed her to death.  

The end of this story is typical of the legal cases in which the wife takes a ruthlessly pragmatic attitude toward her relations with the outside male: when he can no longer help her family, she cuts off the sex, so he murders her — and that murder is why the matter ends up recorded in the legal archives. To some extent, such cases parallel wife-killing cases, where typically some perceived failure of gender duty on the wife's part (refusing sex, for example) provokes her husband to kill her. These outside males clearly developed some of the same possessive sense of entitlement that many husbands maintained toward their wives.

A classic example of this scenario can be found in an 1817 case from Pingluo County, Gansu. Yang Shi was the wife of a hired laborer named Luo Guogui, who was often away from home for long stints either working or seeking work. Their household hovered on the very edge of subsistence, until Yang Shi finally initiated a sexual relationship with a neighbor, Ding Sanyi, who supplied cash to support her and her children while her husband was away. This relationship lasted four years, Luo Guogui eventually found out about it, but he did not object because he had no better solution to their problems. After a couple of years, Yang Shi began a second sexual relationship with another neighbor, Wang Yaqing, who also chipped in to support her family. She did not bother to inform her husband or her other patron of this new arrangement. In the meantime, Ding Sanyi ran short of funds. When it became apparent that he could no longer help out as before, Yang Shi cut off his sexual access in an entirely unsentimental way, and concentrated on cultivating her other partner. Ding refused to accept her decision, and, after harassing her for some time, he eventually murdered her.  

The Unsentimental Pragmatism of Peasant Women

How are we to understand the practical, utilitarian attitude that these women took toward their sexual relationships? In his path-breaking study of Communist marriage reforms in China, Neil Diamant argues that, in contrast with the prudishness of urban intellectuals and elites, peasant sexual culture was strikingly "open." Living in circumstances that allowed little private space, peasants were relatively unaffected by either Confucian or bourgeois sensibilities that would impose sharp distinctions between public and private. Diamant cites Communist cadres' shocked complaints that peasants "do not separate public from private" (bu fen gong si), 6 language that echoes the ubiquitous complaint in Qing legal cases that couples involved in polyandrous and polyamorous relationships "do not distinguish inner from outer." Women, in particular, tended to view marriage, separation, and divorce in practical non-nonsense terms; as some said, "I marry to eat; if I don't eat, I leave," and "Firewood and rice make a husband and wife, no firewood or rice, the two separate" (you cha, you mi, shi fuji; wu cha, wu mi, liang fen bi). Usually, they married to guarantee for themselves, and perhaps their families, a better life. When things did not work out as hoped, they often did not hesitate to break up.6

Thus, Diamant argues, it was peasant women who were best able to take advantage of the Communist Party's marriage reforms. Specifically, the prohibition of traditional arranged marriage and the promulgation of divorce on demand empowered these women to exploit sex and marriage as strategies for individual upward mobility.7

The frankly materialistic sayings quoted by Diamant recall the logic of sexual contract that framed the remarriage of poor widows, as seen in Qing legal cases that I have discussed elsewhere. This economic calculus is most explicit in cases where a widow refused to consummate her new marriage sexually (in hope of annulling it), because the groom turned out to be poorer than she had expected. As one widow bluntly informed her new husband, her only reason to remarry was "to secure food and warmth" (tu ge bao muan). "Now I've come to your home and you turn out to be this poor—what should I marry you for?"8
This experience of marriage as sexual-economic exchange recalls Friedrich Engels's controversial, classic argument that marriage under conditions of gender domination is a wholesale form of prostitution: as long as women lack access to income-producing work outside the home, they must trade their sexual and other domestic labor for economic security. Therefore, a wife "differs from the ordinary domestic servant only in that she does not hire her head, like a wage-worker, on piecework, but sells it into slavery once for all." [21] Engels saw the situation as inevitably and absolutely oppressive of women; in his opinion, women could be liberated only when their choice of partners was based on true love alone, without any material factors playing any role at all. [22] But in rural China, at least, a candid appraisal of marriage as simply one form of sexual-economic exchange sometimes empowered women to use sex as an asset they could trade to their own benefit. [23]

In diametric analysis, it was precisely peasant women's lack of bourgeois or Confucian pretensions—pretensions that would tend to mask the instrumental nature of marriage—that made possible their strategic pursuit of advantageous alliances. Many rural women were feisty, assertive, and uninhibited in taking advantage of new opportunities to pursue their own individual interests; many were frankly materialistic in dumping husbands who had been foisted on them in arranged marriages, in favor of more advantageous matches. The skewed sex ratio and shortage of wives that prevailed in the countryside only enhanced their opportunities to negotiate better terms for themselves. This kind of clear-eyed strategizing did not foster a feminist revolution, but it did enable many individual women to pursue their own interests quite effectively, by exploiting sex and marriage as strategies for upward mobility. In the end, Diamant argues, the biggest losers in the Communist reforms were the "poor, bald, and unattractive men" who had nothing to offer these headstrong women and therefore found themselves excluded from the new marriage market created by the reforms. [24] In many Qing polyandry cases, it was the women's unsentimental pragmatism that made it possible to recruit patrons and secure their family's livelihood.

Another factor stands out in the Qing legal case: a wife's economic contribution enhanced her position in the household, especially if it became her family's chief means of subsistence. Most obvious is the woman's empowerment in relation to the men in her life. The clearest example is the scenario of the ill or disabled husband, who ends up depending entirely on his wife and her sexual partner(s) for survival; often he becomes extremely deferential, and she can initiate as many extramarital relationships as she chooses. But also, picture the situation found in many cases, where one adult woman is at the center of a nexus of relationships between men. She has what they all want, so it should not be surprising to find them deferring to her.

Mao Zedong himself made a pertinent observation, in his famous 1936 "Report on the Peasant Movement in Hunan." Many readers will be familiar with the passage quoted as an epigraph for this chapter—except, perhaps, for the middle two sentences: "In sexual matters, poor peasant women also have relatively more freedom. Among the poor peasant class, triangular and multilateral relationships are almost universal." These lines have been cut from nearly all published editions of Mao's report, presumably because they cast an unflattering light on the revolutionary vanguard. Mao's overall argument in this section of his report is that, by smashing landlord power, the revolution will overthrow "the whole feudal-patriarchal ideological system" depending on that power, including "the masculine authority of husbands." But in this passage, he suggests that poverty itself has weakened the authority of husbands, freeing their wives to sleep with other men and resulting in a proliferation of polyandrous and polymorous relationships. Moreover, Mao's tone is approving; he appears to endorse these relationships, because he assumes they reflect women's liberation from the "chains" of patriarchy. [25]

One does not have to share Mao's naïve optimism about the liberating effects of promiscuity to sense that he grasped an important part of the truth. His statement can be compared to the 1743 testimony of a landless peasant from Shwe County, Zhihi, whose wife had initiated a sexual relationship with another man: "Since I couldn't support her myself, I had no choice but to let her do as she liked." [26] Poverty did not necessarily liberate women (who might find themselves having to serve more than one man), but it did undermine "the masculine authority of husbands" in that strategies like polyandry forced them to yield their wives to other men.

A Woman's Sense of Self-Worth

How did women themselves see the value of their contribution to household maintenance via polyandry? The case records contain many vivid examples of women's awareness that their husbands were (as one wife put it) "relying on my body in order to survive" (nao wo shenzi guo zhi). [27] Such comments often emerged during quarrels, when a wife would defy her husband's authority on the grounds that it was she who supported their family, not he.

In a 1757 case from Xinyu County, Jiangxi, for example, manual laborer Jiang Xingzhan (44) and his wife, Liu Shi (36), pooled resources with a sock-maker named Du Guisheng in a polyandrous relationship. At one point, Jiang discovered that a few cash he had put by were missing, and he accused his wife of stealing them. Angered, Liu Shi retorted: "Don't you forget, I'm using my body to earn Du Guisheng's money in order to support you! How is it possible for me to steal your money?" (wo jiang shenzi ju Du Guisheng zhuang yuan yang m, yinzi hai tou ni de qian.) What comes through in such statements—especially in women's specific mention of their bodies—is a clear-eyed perception that their sexual relations constituted a form of labor and source of earning power directly comparable to the labor of men.
A fascinating case memorialized by the governor of Hubei in 1762 illustrates such self-perception from a different angle. The three Hu brothers, Zhaixiang, Tingxiang (35), and Lianxiang, were peasants who had immigrated to Baokang County from their home in Taimen County (located some 255 kilometers to the southeast). They lived and farmed together as a single household and were very poor. Only the middle brother, Tingxiang, had ever married; he and his wife, Yu Shì (32), had two young sons. (Note the skewed sex ratio: five males to one adult female.)

A close neighbor was Liu Yuheng (41), a single man who had emigrated from Xiangyang County (about a hundred kilometers to the east) several years earlier. Liu farmed maize on some rented hillside land. He and the Hu brothers became friendly and got into the habit of trading work and helping each other out in various other ways. In the spring of 1755, Liu asked Hu Tingxiang to have his older son pledge himself to Liu as "godson" (garen erzi), and Tingxiang agreed. From that time on, Liu and the Hu family began "using kinship terms to address each other," and the Hu treated him as family, "without distinguishing between inner and outer." Liu became very friendly with Yu Shì.

That winter the Hu family ran short on food; the brothers also hoped to rent land from Liu's landlord to begin farming in the spring, but they had no money for the deposit. Liu, however, had a bit of extra, so Hu Tingxiang asked him for a loan. Liu demurred, however, because he was saving up to do some sort of petty trading. Early the next morning, Hu Tingxiang sent his wife alone to Liu's hut. Liu was still in bed, and she went right in, stood before his bed, and told him that her husband had sent her to ask for the loan. Liu understood the couple's intent, and at once he pulled her into bed and they had sexual intercourse.

After finishing, Liu agreed to make the loan on condition that the Hu family let him move in with them so that he could have easy access to Yu Shì. Her husband agreed, so Liu lent the brothers 7000 cash plus nine shi of corn (perhaps six months' food supply for this family), and then he moved into a side room of their house. Liu usually ate separately, but Yu Shì (on her husband's instructions) prepared Liu's meals, and he had sex with her in his room when he liked. Unlike most of the relationships documented in legal cases, the sexual nature of this one was never openly acknowledged; according to Yu Shì, "my husband just pretended not to notice what was going on." As husband Hu Tingxiang later confided,

I saw my wife coming and going from his room at all hours, without any boundaries whatsoever (bijen bian). I knew they were having illicit sex, but I never saw it with my own eyes; and I was very grateful to him for lending us the corn and money, so I didn't really feel that I could challenge him about it (bijian yu ta renzhe).

Tingxiang's brothers later claimed in court not to have known about the sexual relationship (had they known about the sex, they asserted, they never would have
doubt on their pretense of ignorance about the means by which their sister-in-law had serviced the debt. In fact, their arrangement with Liu was a sort of hybrid between polyandry and a conditional wife sale, in which a wife would service a loan by sleeping with her husband's creditor (see Chapter 3).

Perhaps the most surprising thing about the quartet is that Liu himself seems to have forgotten the *quid pro quo* that had given him conjugal privileges in the first place. Apparently, Yu Shī's affectionate treatment had convinced him that she was sleeping with him simply out of love and desire. As he later recalled, he provoked her last outburst by complaining about her lack of "feeling" toward him—"Before, you were so intimate *(qingmu)* with me! Why do you turn away from me now?"—and trying to take her by the hand.

His confusion on this point is precisely what made Yu Shī so angry, and she was the angriest member of the household. Until their falling out, she does seem to have had genuine affection for Liu Yuheng. After all, he had become part of her family: he was her son's godfather, with whom they had lived and pooled resources, whose meals she had cooked, and whose bed she had shared for five years. Indeed, for all practical purposes he amounted to her second husband, tacitly if not explicitly acknowledged by the whole family. But she did not consider their relationship a romance. Her anger focused on what she called his attempts to "cheat" her family by demanding interest, even though, as she put it, they had already repaid everything they had borrowed (i.e., the principal of the loan). In effect, by demanding interest from the Hu brothers, Liu was taking her for granted: he was dismissing the exchange value of everything she had done for him—and one can only imagine what five years of sexual intercourse, food preparation, and other services might have cost if priced in cash.

Today, it is commonplace to believe that sexual relations should be motivated only by romantic love (or at least mutual desire), and in particular to condemn any openly instrumental or materialistic use of sex. This is certainly the implicit or explicit position of many who have condemned prostitution, from Engels right down to the present, and, in the United States today, consensual sexual relations between adults are prohibited only when money changes hands. Whatever its merit, such a perspective does not help us understand the anger of Yu Shī. For her, there seems to have been no contradiction between a relationship of "feeling" *(qing)* or "intimacy" *(qingmu)* and an instrumental *quid pro quo*. On the contrary: in her view, it was precisely Liu's refusal to honor the instrumental nature of their relationship and to acknowledge the exchange value of all she had done for him that demonstrated his "lack of feeling" toward her.

The conflict between Liu Yuheng and Yu Shī was, among other things, a conflict between rival understandings of *qing,* which literally means "feeling" or "sentiment" but is often translated as "love." The famous literary ideal of *qing* is a sublime and passionate form of romantic love, epitomized by the Ming dynasty drama

*Mudan ting* (Peony Pavilion), in which the power of *qing* both kills the heroine and later brings her back to life. This literary paradigm is the complete antithesis of the sort of instrumental pragmatism that informed Yu Shī's approach to Liu Yuheng: she had no intention of dying for love, and the *qing* that she expected of him required that he acknowledge and appreciate the material value of her services. But Liu had somehow deluded himself into believing that their attachment was primarily one of sentiment.

**Affection and Passion, Jealousy and Violence**

Pragmatism notwithstanding, we do find many examples in which women developed strong bonds of affection and passion with their partners, especially when the women had negotiated these relationships themselves. In such relationships, there seems to have been no necessary contradiction between sentiment and more instrumental impulses, and sometimes the former even trumped the latter.

A case from Chongyi County, Jiangxi, illustrates this pattern. This case involved a couple of ten rotating farmers who had migrated to Jiangxi many years before from Huizhou Prefecture, Guangdong (about 40 kilometers to the southeast). In 1749, when this case was reported, Deng Zhihua was aged 68 *sui* and his wife, Huang Shī, aged 41 *sui* (they had no children); her brother Huang Xuewen, who was single, was aged 34 *sui*. The three had migrated to Jiangxi together. Not long after arriving in Jiangxi, Deng Zhihua had come down with an unspecified chronic illness that made it difficult for him to work, and for this reason Huang Shī had initiated a relationship of sexual-economic exchange with a neighbor named He Hongyuan (aged 57 *sui* in 1749), who was also a migrant from Guangdong. He Hongyuan was single, and he lived and farmed alone. In exchange for regular conjugal relations, He helped support Huang Shī and her husband, forming a stable and intimate relationship that lasted more than a decade. He Hongyuan did not actually move in with the couple, but he lived nearby and spent much of his time at their home. He got along well with Huang Shī and her husband, Deng Zhihua, and, under the circumstances, Deng did not object to their relationship. Deng seems to have played a passive and secondary role, keeping out of the way and content to be supported through his wife's efforts.

In 1747, a single migrant from Guangdong named Peng Tingcai (then aged 32) moved to Chongyi County and became friendly with Huang Xuewen, who by then was living apart from his sister and working at a shop in a market town. Peng made and peddled incense powder for a living. Since both men were from the same part of Guangdong and had been born in the same year, they pledged kinsmanship as "same-year brothers" *(tongnian xiandai).* (This variation of sworn brotherhood is common in rural Guangdong.) As Huang later testified, he was drawn to Peng because the latter was a "man of honor" *(you yi de ren)*—"honorable" or "a righteous spirit"—being precisely the quality that, according to Boretz, defines the solidarity performed by sworn brothers. **8**
After several months, Huang suggested that Peng Tingcai move to his sister's village, because there was woodland nearby with trees that could be used to make incense. He introduced Peng to his sister and her husband, and arranged for him to move in with the couple and share their meals in exchange for paying rent. Because Peng and Huang were "same-year brothers," Peng told Huang Shi that she should become his "same-year older sister," and she agreed. Before long, Peng and Huang Shi began having sex, in exchange for which Peng turned over all his money for Huang Shi to "manage" for him. Huang Shi's amiable husband acquiesced to this relationship as well.

From his later testimony, it seems that Huang Xuewen did not expect Peng Tingcai to end up having sex with his sister, and he remained ignorant of the sexual dimension of their relationship until much later. Nevertheless, his introduction of Peng to Huang Shi was intended to give them both access to each other's resources, and it illustrates a point that anthropologist David Jordan's Taiwan informants emphasized: "Sworn brothers assume an obligation towards the family members of their fictive brothers," as well as to brothers themselves, in a manner that includes the sharing of resources.52

By the time Huang Shi began sleeping with Peng Tingcai, it seems that her longstanding partner, He Hongyuan, was less able to support her and her husband than before, and Peng soon replaced He as the couple's main source of support. Nevertheless, Huang Shi had a loving relationship with He Hongyuan, and she did not reject him; on the contrary, she continued to sleep with him. Moreover, she remained openly affectionate and intimate with He, making shoes for him, inviting him over for meals and to drink wine at the New Year, sitting with him (as Peng later testified) "just as if they were husband and wife," and even giving him part of Peng's money. Peng became deranged by his wife's behavior, and he a year later murdered He, hoping thereby to gain exclusive conjugal rights to Huang Shi.53

In this instance, instead of simply replacing her first patron when he could no longer hold up his end of the sex-exchange bargain, Huang Shi expanded her polyandrous network by adding another partner, and she even went so far as to share the second patron's resources with the first. In this way, a stable triangular relationship morphed into the sort of transactional polyamory discussed in Chapter 3 below. But this expanded network proved untenable because Huang Shi's two partners failed to establish a cooperative relationship with each other.

Since polyandry was a chosen relationship, it should be no great surprise if sometimes it compared favorably to marriages that had been arranged by household heads and matchmakers with little regard to the prospective spouses' personal feelings. If all marriage was instrumental to a significant degree, there is no reason that sentiment within normative marriage should necessarily have outweighed sentiment within polyandry—quite the contrary, especially if the latter relationship had been initiated by the woman herself, with a man of her own choosing.

A case from Tieling County, Shengjing, reported in 1817, tells of an alliance that Sun Deji (49) and his wife, Tan Shi (33), negotiated with an ex-convict named Li Er (in his thirties); these people were all migrants to Manchuria from the north China plain who worked as casual laborers. The couple became friendly with Li, and when he proposed to move in and pool resources with them, they agreed. They rented a one-room hut with a single kang where the three adults and the couple's two young sons all slept together.

Tan Shi liked Li very much, and the two began having sex literally behind her husband's back: one night, Sun woke up to find them having intercourse right next to him there on the kang. He uttered a few curses but otherwise did not interfere, because he feared it would be hard for his family to get by without Li's help. From then on, Tan Shi and Li Er enjoyed sex openly, uninhibited by his proximity. She clearly preferred Li to her own husband. Within this triangular relationship, there is no question that the woman's alliance with her lover had become the primary alliance.

Eventually Sun did try to expel Li, under pressure from the landlord renting them their house (he felt nervous about harboring a conspicuously tattooed ex-convict). But Li refused to leave, and Tan Shi defiantly took his side: if Li had to go, then she would go with him. Sun very much resented being sidelined in this way. In the end, he murdered them both, while they lay sleeping in each other's arms.54

In a case from Shaoqing County, Hunan, also reported in 1817, a single man named Liu Kuazne (33) became sexually involved with Wang Shi (33), the wife of his distant cousin Liu Shengmo (36). Kuazne was already friendly with the couple and often dropped by their home; one day he and Wang Shi took advantage of her husband's absence to have sexual intercourse. Just as they were finishing, her husband arrived home and caught them in the act. He threatened to turn them in to the authorities for prosecution, but Kuazne bowed to him and promised to pay him if he let them off. Shengmo agreed.

This became an ongoing arrangement, with Kuazne and Wang Shi frequently meeting for sex and developing a passionate relationship, which her husband Shengmo tolerated in exchange for regular contributions of cash and grain. The relationship continued for two years, until Kuazne found himself unable to continue his payments. At that point, Shengmo attempted to cut off the relationship; he became violent, beating his wife and threatening to kill her and her partner if they continued to see each other.

The lovers' passion was the driving force in this relationship. Wang Shi refused to give up her lover, and she ultimately chose him over her husband. In the end, they conspired to murder her husband, hoping to live as a married couple themselves.55
This last case exemplifies yet another pattern seen in these legal cases, where the wife's consciousness is transformed by the experience of her relationship with the outside male, especially when she has an abusive, violent husband. The second relationship is obviously preferable to her marriage, and in effect it allows her to imagine a different life, a way out of her trap. When pressed to terminate that relationship, she ends up turning against her husband. In the most extreme examples, she murders him, in hope of creating a better life for herself with the second man. An alternative also seen is for the pair to run away together.

Such violence underscores the limits to women's agency in these situations. We have identified certain areas of subaltern power and agency that played an important role in our spectrum of polyandrous practice. The evidence in legal cases cannot be explained without taking into account peasant women's assertiveness, their pragmatic deployment of sex as an asset, their ability to influence men through shame and gossip, and the ways in which supporting their families with their bodies might empower them vis-à-vis the men in their lives. But we should not forget that the larger context that fostered such strategies was a pervasive market for women's bodies and that the shortage of women fueling this market was the result of lethal and pervasive discrimination. As a result, it was possible—one can even say that it made sense—for a husband to share, prostitute, or sell his wife in order to survive. Nevertheless, to understand how these practices actually worked, we must reckon with the paradox of women's poverty-driven power within strategies of sexual commodification.

THE COLLAPSE OF BOUNDARIES

From the standpoint of Qing orthodoxy, marriage and prostitution constituted irreconcilable opposites. Marriage depended on the absolute chastity of a secluded wife—a clear separation of "inner" (nei) from "outer" (wai)—whereas prostitution implied the untrammelled promiscuity of a public woman. This basic binary distinction was vital to elite status and lifestyle as well as imperial ideology throughout the Ming-Qing period.

But if we survey the Chinese marriage system from the bottom of the socioeconomic scale, that clear-cut binary distinction cannot be sustained. From this perspective, we learn that sex work in one form or another might even play a decisive role in the preservation of marriage and family. In poverty-driven polyandry, the distinction between marriage and sex work collapses, as a wife exchanges her sexual and other domestic labor with an outside male, with her husband's approval, in order to help maintain her family. This strategy depended on a frank assessment of the instrumental nature of arranged marriage and of the fact that a woman's domestic duties within marriage, including sex, were not necessarily so different from a wide range of ways that her labor might be exchanged for material benefits in extramarital contexts.

This collapse of boundaries requires us to rethink marriage, kinship, and gendered power relations within the household. If we look at the Chinese marriage system from the bottom up, then it suddenly makes sense, because polyandry falls into place as the necessary third piece of the puzzle, alongside the polygyny of the elite and the monogamy of the middling peasantry. If we define kinship as strategic practice, then we can account for the many chosen relationships of people who found it necessary to seek alliances outside the normative family system in order to survive. If we reckon the importance of poor women's work—including sex work—to their families' livelihood, then we begin to understand how those women apparently most exploited by traditional patriarchy might actually be able to negotiate their own sexual lives and even end up as the effective heads of their own households. This reconsideration does not mean we should glamorize the often sordid and desperate lives of the Qing dynasty poor. But it does require us to get past elite norms and judicial categories, to understand why these people behaved as they did and how they understood their own behavior.
The Intermediate Range of Practice

It's common for rural people to sell illicit sex because of poverty (xiangqian ren yin pin mai jian ye shi changshu).

—TESTIMONY OF YU HUALONG (263), AN ITINERANT BANNER FROM YISHUI COUNTY, SHANDONG, WHO WAS THE OUTSIDE MAN IN A LONG-TERM POLYANDROUS RELATIONSHIP BASED ON SWEAR BROTHERHOOD, RECORDED IN 1736

The evidence all says that extramarital affairs were common and tolerated if not approved. It does no good to argue that people in Haisi were poor and lacked the benefits of Confucian education; that was the fate of peasants everywhere in China. The image of the Chinese woman as a virtuous prisoner concealed behind high walls must go the way of the view that all Chinese families were four-generation households ruled by benevolent patriarchs.

—ARTHUR WOLF AND CHEN-SHAN HUANG, "MARRIAGE AND ADOPTION IN CHINA, 1845-1945"

This chapter examines the intermediate range of practices between formal polyandry and outright wife sale: a variety of arrangements whereby a wife would have sexual relations with one or more other men, with husband's approval, in exchange for material support for her family. The full spectrum is illustrated in Table 2. Proceeding from left (polyandry) to right (wife sale), one can visualize this spectrum as the progressive alienation of the wife from her husband, his household, and his home village. By "alienation," I refer to separation and transfer of custody, but the psychological connotations of the term may also be relevant here.

On one end of the spectrum, polyandry and polyamy often took place at the couple's own home; in many cases, a basic purpose was to enable them to remain at home on their land. These were mainly rural practices, as were both forms of wife sale (on the other end of the spectrum), whereas the two forms of retail prostitution found at the center of the spectrum usually took place in urban settings, even though most of the people involved were peasant migrants who had become separated from the land. The midpoint of the spectrum represents a profound break to the left of that point in the table, the woman would remain with her first husband and be part of his household (even as, in moving toward that midpoint, she would sleep with an increasing number of sexual partners and move from country to town); whereas to the right of that point, her husband would transfer her to the custody and control of others, either temporarily or permanently. In terms of female agency, a woman's control over her own fate seems to have peaked at the two extreme ends of the spectrum, polyandry and wife sale. In contrast, her vulnerability to coercion and other abuse would be greatest in retail prostitution, in part because its urban setting took most women far from the kinship and community networks that might otherwise have supported them.

My schematic presentation imposes a somewhat artificial clarity. Most of the cases discussed in this book can be placed on this spectrum. But details vary, and many blur the ostensibly neat categories outlined here, whereas others involve the simultaneous pursuit of more than one strategy, or a strategic shifting between them. Nevertheless, these are the patterns that emerge, and in this chapter we proceed from left to right along this spectrum to examine the four intermediate categories of practice seen there.

### TRANSACTIONAL POLYAMORY IN RURAL CHINA

In addition to formal polyandry, many legal cases document a more casual arrangement that involved a similar *quid pro quo* but no permanent co-residence or resource pooling, nor a contract or chosen kinship. In this scenario, which I call transactional polyamory, a couple would recruit two or more patrons from the local community—the cases suggest a maximum of four or five—who would help support the couple in exchange for occasional sexual relations with the wife. The patrons would drop by to deliver supplies, perform labor, and have sex, sometimes spending the night and sharing a meal. These relationships tended to be more casual and fluid than formal polyandry, and the details vary, but some were stable
and lasted for years. In other words, they were not the one-off exchanges of sex for cash that characterized retail prostitution; rather, this form of transactional sex took place in the context of ongoing relationships that often included emotional bonds. In terms of our spectrum, these relationships represent a step away from formal polyandry toward retail prostitution.

Consider the following 1757 case from Pengzhou County, Jiangxi, in which a peasant couple engaged three single peasant men to support them in exchange for sexual access to the wife. Yang Shini (40) and his wife, Hu Shi (37), had four surviving children: three sons (aged 14, 4, and 2), plus a daughter (5) who had been adopted out in infancy as a daughter-in-law. The family rented and farmed hillside land. Yang fell ill with jaundice, which compelled the couple to hire an unmarried peasant named Li Chugui (34) to help with farm work. But they lacked means to pay Li's wages, so Hu Shi began having sex with him, on the understanding that Li's labor would be compensated in this way. It was she who took the initiative to negotiate this understanding. After the term of Li's hire was over, his relationship with the couple continued, but instead of working their land, he contributed food and wine. For farm work, the couple hired Chen Huazmi and Chong Qida, who were single men in their twenties. Both slept with Hu Shi in lieu of wages, and, again, it was she who negotiated these terms.

In short, a stable and ongoing arrangement developed in which three young, single men chipped in to help support a family, in exchange for regular sexual relations with the wife. None of the men moved in with the couple; instead, they would visit and occasionally spent the night. The couple's dwelling had three rooms: Hu Shi slept in one, her husband and sons in another, and the visitors in the third. Hu Shi's three sexual partners were all on good terms with each other and often visited together, sharing meals and taking turns having sex with her in her room. Indeed, the couple's home became a social center for these men: they gained not only sex but also opportunities to socialize and something like a family life that otherwise would not have been available to them.3 The arrangement was quite open, and no one interfered. According to Yang's younger brother, who lived nearby, "everyone knew" that Yang relied on his wife's sexual relations with these men to support their family; the brother felt shame, but his only response was to stop visiting the couple. The couple's neighbors testified that they knew what was going on, but they sympathized because of Yang's poor health. Another factor, perhaps, was that this couple had three tough young men as patrons who could be counted on to defend them. The rural agent (zhishou), who lived just over a kilometer away, testified that he too had heard about Hu Shi's promiscuity, but as long as her husband did not complain, he "did not dare interfere."

This arrangement continued for several years, but tensions emerged as Yang found himself increasingly sidelined, tolerated but not respected. One day, Cheng brought over some pork and wine to share with Hu Shi and her other two patrons. Yang had been out, and by the time he arrived home the others had eaten all the meat. He scolded his wife, but she scolded him back, accusing him of laziness ("Why should we save any for you?") and Li Chugui defended her, telling Yang "a man like you should be satisfied eating prepared rice? How can you expect to eat meat too?"

"To eat prepared rice (chi xian chang fan)—prepared by others, rather than through his own labor—meant to be a parasite. These insults angered Yang; he complained that "my home has been completely taken over by you men," and he vowed to file charges in order to sever ties with them. But Hu Shi had come to prefer her lovers to her husband, whom she resented for his increasingly abusive behavior; taking his threat seriously, she persuaded the three men to help her murder him.

By the time of Yang's death, as he clearly realized, Hu Shi had become the effective head of their household. It was she who had taken the initiative to secure her family's subsistence by trading her sexual labor, and by doing so she had made herself the center of a web of relationships between four men. In the end, it was Yang's inability to adapt to this realignment that provoked his murder.4 But not all husbands were so obstreperous; others accepted the necessity of yielding authority and status, and hence they remained on good terms with their wives and patrons. In a 1747 case from Jiaxing County, Jiangsu, a couple allied with four landless, single peasants. The couple resorted to this strategy after the husband came down with a "swelling disease" that limited his ability to work. The couple's four patrons were all very poor, and they obtained resources for the couple mainly through theft. This arrangement lasted six years, during which two of the men were arrested, beaten, and tattooed for theft, but upon being released they resumed their relations with the couple as before. Throughout, the husband meekly accepted his secondary role, avoiding any conflict with his wife's lovers, and she remained loyal to him, manipulating the other men in order to secure her family's survival. Trouble arose when one of them failed to uphold his end of the bargain and she tried to sever relations with him, provoking a violent quarrel in which her other patrons intervened to defend her.5

A case reported by the governor of Shangxi in 1745 illustrates another variation of this pattern. Wang Shi (36) and her husband, Yao Xian (62), were impoverished peasants who lived in Lintong County. Wang Shi had been sold to Yao as an adopted daughter-in-law at the age of 11, and when he was 37, and their only child was a daughter who had herself already been adopted out. The couple lived in an earthen pit dwelling in a ravine with only two other households close by. One household consisted of the three Yao brothers (cousins of Yao Xian)—Chongjin (a casual laborer who was away much of the time), Hanier (47, a widower), and Cangtong (31)—along with Hanier's son Mote (19). None of these men had wives. The second household consisted of Yao Simin (54), who was the paternal uncle of the three Yao brothers. Simin's wife was long dead, and his son worked elsewhere as a
laborer and seldom returned home. Simin lived by himself, but he seems to have been slightly better off than the other two households, and he was the dominant figure in the little community.

Note the very high ratio of males to females, which is typical for such cases. This stark symptom of poverty exposes the expendability of female children, while simultaneously underscoring how one woman could become the focal point of a network of men. Wang Shi was the only female in this community of six men, and she had sexual relations with four of them. Simin, Moer, and Caiger were all helping to support her and her husband by sharing food, money, and labor. She had begun sleeping with Simin after she and her husband failed to repay a loan of grain, and he had been supporting them ever since, for six years. Her connection with Simin was very open, and he would sleep over at their dwelling whenever he liked. The other two relationships began when Wang Shi borrowed money from each man and offered to sleep with him in lieu of repayment. These, too, had become ongoing relationships of sexual-economic exchange; at first she concealed them from her first patron, who was the other men's uncle, but eventually all the men became mutually aware of their relations with her.

All of these men lived within easy walking distance of the couple's home. When the other men visited his wife, husband Yao Xian kept out of the way—he would go sleep in another earthen pit with the animals. He seems to have been rather cowed by his hardheaded young wife, and he did not object to the income she procured from his younger, more vigorous cousins. This situation continued until Wang Shi had a falling out with her eldest patron, Simin, and then recruited the two younger men to help her murder him.

A notable feature of this case is the assertiveness of Wang Shi. She may have begun married life as a purchased adolescent, but, by the time she began sleeping with Yao Simin, it was she who was running her household. Her relations with the other men were initiated and negotiated by her. The case follows the pattern of many in which dependence on the wife's body seems to enhance that woman's power in her relations with other men, including her own husband. The fact that she was the only woman in this group of half-a-dozen men reinforced her assertiveness.

Why did such cases end up in court? In *xinge* *tiben* like the ones narrated above, we find three basic scenarios of trouble that led to homicide. In the first, the husband refuses to accept a subordinate role, provoking a confrontation with his wife and/or her patrons. In the second, the woman's patrons have a falling out among themselves, usually because one tries to monopolize her at the expense of the other(s). In the third scenario, the woman tries to cut ties with one of her patrons, usually because he has failed to hold up his end of the bargain. We must bear in mind that conflict, violence, and people prone to them will inevitably be overrepresented in legal cases. Nevertheless, these scenarios suggest the tensions inherent in such arrangements and the potential difficulty of establishing an equilibrium along such unconventional, non-patriarchal lines.

In all of these cases, presumably, other options had been considered and rejected in favor of this one. These couples chose this particular option over the others: in the beginning, at least, they wanted to stay together (thereby ruling out *wife sale*), and they were sufficiently uninhibited to exchange sex for economic resources. But they did not wish to bring any one outside male permanently into their household, nor did they wish (or need) to resort to the opposite extreme of retail prostitution. Moreover, a factor in at least some cases was the woman's enjoyment of her relationships with the other men.

Occasionally, we find an arrangement that began with outright polyandry (in which just one outside male was fully incorporated into the family), but later the family again fell on hard times, so that another male had to be recruited—but, because the couple got along well with the first man, they were loath to sever ties, and therefore ended up adding a second man without getting rid of the first. In this scenario, we find a couple first opting for polyandry to avoid *wife sale*, and then expanding their polyandrous network in order to avoid breaking it up.

These households all engaged in other work aside from sex work—farming, for most, but many cases also mention women's handicrafts—and the wives' sexual relations supplemented these other sources of sustenance. From this perspective, one can see polyandry as part of the larger portfolio of survival strategies in the context of agricultural involution whereby peasants mobilized "underutilized" forms of household labor in order to maintain subsistence levels. The particular strategy discussed here resembles the way peasants with farms too small to support their families would hire themselves out as short-term or part-time laborers while continuing to farm their own land. This process of partial or semi-proletarianization (to use Philip Huang's terms) constituted a defining feature of the poor peasant economy during the Qing and Republican periods. Such peasants' conditions contrasted with the full proletarianization of those who had lost their land and survived solely through wage labor. In the scenarios we have discussed, a wife's polyamorous relations in exchange for supplementary income represented a sexual version of partial proletarianization, which enabled a family to stay together on the land—in contrast with the full proletarianization seen when peasant couples became separated from the land and survived through retail prostitution in urban settings. But polyandry also represented an extension of the way women's labor in marketable handicrafts provided a crucial supplement to farm income in the involutioned peasant economy.

In a 1978 case from Guizhu County, Guizhou, we find the same arrangement transplanted to an urban setting. Zhang Tianyun (33), who hailed from Pingyu County, worked as a porter in the provincial capital (present-day Guiyang). He was the uxorial husband of Tian Shi (20), who was the only child of widow Tian
Wang Shi (68). Zhang had a hard time supporting his family, but he knew three
young, single men from Pingyue County who had also migrated to town in search
of work. They were good friends with Zhang and with each other, and they often
visited the couple’s home. In the early spring of 1797, just before the New Year, Tian
Shi began having sexual relations with the three men in exchange for their promise
to support her family by providing grain and modest sums of cash when they visi-
ted her. Tian Shi’s husband and mother both approved of her initiative. The three
friends knew of each other’s relations with Tian Shi, and the arrangement seemed
to have been friendly on all sides, while it lasted. Trouble occurred one day when the
three visited and got drunk. One of the men tried to remove Tian Shi’s clothing in
front of the others, offending her and provoking a fight. The other two men beat
him up, and he later died of his injuries.8

The polyamory described in this section was mainly a rural practice that, like
other strategies of partially proletarianized peasants, aimed to provide supplementary
income to enable them to remain on the land. In this last case, however, a
band of dislocated peasants pursued polyamory in the provincial capital. They
bonded on the basis of shared native place, and it seems to have been a natural step
to cement their relationship through sexual-economic exchange. This case pro-
vides a convenient transition to our next topic: retail prostitution in the context of
marriage, which was almost always an urban phenomenon, even though the cou-
ples involved were usually migrants from the countryside.

RETAIL PROSTITUTION IN
THE CONTEXT OF MARRIAGE

Elite ideology in the Ming-Qing era held marriage and prostitution to be irreconcil-
able opposites. Nevertheless, all the evidence indicates a strong interdependence
between marriage and prostitution in social practice. After all, the classic
paradigm for prostitution before the Yongzheng reforms was the "prostitute
household," whose hereditary debased status provided the context for legally tolerated
sex work. The most famous example was the "music household" (yue hui) targeted
by the first reform edict in 1723. In that venerable paradigm, the husband/father acted as manager and pimp while his wife and daughters supported the
household through sex work and other stigmatized entertainment services.12

Despite criminalization, marital prostitution remained a pervasive pattern. I do
not mean to suggest that most wives worked as prostitutes, but the majority of
prostitutes—that is, women who engaged in retail sex work with multiple
customers—do appear to have been married. Certainly, most of the prostitutes
found in Qing legal records were married women doing sex work in order to help
support their families. If these records accurately reflect social reality—and on this
issue, at least, I have no reason to think otherwise—then most retail sex work actu-
gally supported marriage in that it enabled poor couples to survive without perma-
nently separating.13

The case records document two common forms of retail prostitution that
involved married couples.14 In the first, a couple worked together on their own,
with the husband acting as tout to recruit customers to have sex with his wife. Such
couples often worked out of rented rooms at an inn or tavern, with the proprietor’s
collusion. The second form was brothel prostitution, in which a husband con-
tracted his wife to the brothel-keeper for a fixed term during which the couple
would be separated.

Both forms of retail prostitution were mainly urban phenomena, being concen-
trated in market towns and cities where large numbers of clients might be found.
Nevertheless, most of the couples found in such cases were peasants who had been
separated from the land either permanently, by losing it altogether, or temporarily,
through some acute crisis such as harvest failure. They might go to an urban area
in order to seek customers but also to avoid having people back home know what
they were doing (some women adopted suggestive pseudonyms); or they might find
themselves stuck in an urban area as refugees and end up resorting to prostitu-
tion because they had no other means of livelihood.

Even in big-city brothels, many (perhaps most) prostitutes were married. For
example, an 1813 case from Ba County records a raid on a brothel located on Dajia
Alley, in the Linjiangmen neighborhood of Chongqing, in which two pimps and
twelve prostitutes were arrested, along with the yamen runner responsible for
the neighborhood (he had been collecting protection money from the pimps).15 Ten
of the twelve prostitutes were married; most were peasants from neighboring coun-
ties who had come to Chongqing with their husbands. Five women had been con-
tracted into prostitution by their husbands, at least two of whom were invalids
entirely supported by their wives. The other women had contracted themselves out
of sheer desperation; two were widows, and five were married women whose hus-
bands were missing or had gone off to work on some job, leaving them without
means of support. Their situation suggests the lack of options for women who
found themselves on their own in Chongqing.16

During the Republican period, Gail Hershatter observes, many of the prosti-
tutes in Shanghai brothels were married women or widows, the percentage being
highest among "lower-class prostitutes."17 Surveys conducted in Shanghai in the
late 1940s and 1950s found that anywhere from 32 percent to 45 percent of brothel
prostitutes were married women or widows. Christian Henriot attributes these
"high" percentages of married women to the influx of war refugees, but it is not
clear why he assumes that percentages were lower at an earlier point in time.18 Sig-
nificantly, the landmark studies by Hershatter and Henriot both focus on organ-
ized brothel prostitution; neither addresses the scenario discussed below, in which a
husband acted as his wife’s pimp outside a brothel setting. Exact quantification is
impossible, but this less institutionalized form of marital prostitution appears to have counted for a large share of the sex trade in places like Chongqing during the Qing dynasty.

**Retail Prostitution with Husband as Pimp**

A 1763 case from Chengwu County, Shandong, illustrates the basic scenario of a couple working on their own in retail prostitution. This case concerns the murder of a peasant named Yuan Liu who had been pimping his wife, Ming Shi. Her confession provides a succinct account of how the couple took up this line of work:

My husband liked to eat but was too lazy to work, so he would not continue living with my older brother-in-law. Instead, he sold the land he had received in household division and spent all the money he got for it... Then he wanted me to leave home with him and do these shameful things. There was nothing I could do but follow him. We stayed at Song Xianyi's inn. My husband gave me the name 'Charming Jade' (Qianyu) and made me receive customers and sell illicit sex.

The couple had left their home village and moved to a market town in the next county over so as to avoid the humiliation of having kin and neighbors find out what they were doing. By the time of her husband's murder, Ming Shi had slept with dozens of customers, and, when interrogated, she could remember the names of only two regulars who lived nearby. These two turned out to be the murderers; they had hoped by eliminating her husband to get free use of her and to live off the proceeds of her prostitution with others.²⁸

A 1756 homicide case provides a glimpse of a similar arrangement. Li Gui (42) and his wife, Jia Shi, were peasants from Linqing Department, Shandong, who left home because of poverty, making their way to a market town in Youqian County, Zhili, where they rented a room at a rate of 300 small cash per month, and they "made a living by selling illicit sex." Shi Rong (46) worked at the inn. One night he invited his boss Li Youguang and Jia Shi to drink wine and eat donkey meat together. The three sat together on the kang and got drunk, Jia Shi sitting between the men and flirting with them, and Shi announced that he wanted to have sex with Jia Shi. But she rebuffed him, saying she did not want to sleep with a mere employee, preferring the boss instead—and with these words, she embraced Li Youguang. Li agreed to her proposition, provoking a drunken brawl with Shi Rong, and Li ended up stabbing Shi to death. During the fight, Jia Shi had passed out drunk on the kang and later claimed to remember nothing.²⁹

We can find the same basic pattern in many cases from Ba County, of which the following 1840 example is representative. Peasant Liu Zhengwei took Zhu Shi (50) as wife in 1825, when she was aged 15. According to Zhu Shi's testimony, her husband was to blame for their poverty because of his laziness and "failure to work at his proper occupation" (bu wu zhengye). In 1836, the couple left home and migrated to Chongqing (about fifty kilometers from their village), where they ended up making ends meet through prostitution. After four years, Zhu Shi's brother tracked the couple down, discovered what had happened, and took her to the county yamen to file charges against Liu. The magistrate ordered the couple deported home under Zhu Shi's brother's supervision.²⁰

It is not unusual in such cases for the wife to express antipathy and contempt for her husband, especially for his alleged "laziness" that had caused their poverty and made prostitution necessary in the first place. What comes through is a clear sense that these women disliked retail prostitution—and here we can discern a contrast with both polyandry and less formal polyamorous arrangements, which often took shape as a result of women's own initiatives. Any generalizations based on this kind of evidence must be impressionistic. Nevertheless, it makes sense that many would have found retail prostitution relatively distasteful. In retail prostitution, women seem to have had little say over with whom they had sex; moreover, having sex with multiple customers created an inherently unpredictable situation that probably involved greater danger (of violence, disease, being cheated, legal trouble, etc.) than steady relations with one man and a small number of men. In addition, polyandry and polyamory often took place in circumstances where a woman could exercise a degree of control (including choosing her sexual partners), and, as we have seen, the formation of such relationships might enhance her power relative to the men in her life, even making her the effective head of her extended household. In contrast, retail prostitution usually took place in circumstances where women found themselves socially isolated and therefore vulnerable to coercion and exploitation by their husbands and especially by other parties—after all, these were mainly rural women who had migrated to urban centers far from the kinship and community networks that might otherwise have protected them.

It is not surprising, then, that in many cases we find women trying to improve their security by cultivating a regular client deemed reliable and trustworthy, and husbands might well encourage this effort. A woman might form what amounted to a polyandrous relationship with one client that would proceed in tandem with retail prostitution, or she might seek to transition out of prostitution altogether through such an alliance. The same phenomenon occurs in the modern sex trade, when a woman engaged in retail prostitution secures a transactional relationship with a favorite customer, a strategic repositioning that may result in long-term connections and even marriage. Movement along the sex work spectrum in the direction of marriage appears to be a goal for many modern prostitutes, who share much the same motives and desires as the women in our Qing legal cases.³¹

A 1796 case from Henan illustrates how a prostitute's regular customer might end up joining her and her husband in a polyandrous relationship. Zhang Shi (aged 47 sui in 1766) and husband Cheng Binyan (about the same age as she) were originally from Ru Subprefecture in central Henan. According to Zhang Shi's...
testimony, Cheng had been orphaned as a teen, not long after marrying her, and then quickly used up his modest inheritance by drinking and gambling. In 1726, Cheng took her to the county seat of Xiangcheng County (about seventy-five kilometers to the southeast) and "forced" (yi le) her to work as a prostitute. She was 17 sui at the time. Cheng himself "sang opera songs" to supplement her income.

For more than two decades, they made a fairly decent living in this manner and eventually purchased a boy and a girl for adoption. (Zhang Shi gave birth to no children herself—like many prostitutes, she may have been made infertile by sexually transmitted disease.) But by 1752, Zhang Shi had reached the age of 43 sui, and, as she later testified, she "had gotten old" and had "lost her looks," so fewer men were willing to sleep with her. The couple fell into debt, and Cheng was forced to pawn his collection of opera costumes and props. The couple then recruited one of Zhang Shi's few regular customers, a single, itinerant actor named Li Youcai, to "live together and pool resources." As Zhang Shi later testified, "from then on, Li Youcai often slept with me and had illicit sex with me, and my husband never bothered us. Whenever Li Youcai earned any money from singing and acting, he turned it over to us to help pay our household expenses." But Zhang Shi also continued to turn tricks when she could. The family (including Li) moved to the riverport city of Sheqidian (about 120 kilometers to the southwest in Nanyang County), in hope of finding more customers.

They continued to have difficulty, however, Cheng resented his wife's declining earning power, and he became abusive and violent. He proposed to sell off their adopted daughter, provoking a major quarrel with Zhang Shi, who refused to sell the girl. Moreover, Zhang Shi had come to prefer the mild-mannered Li Youcai to her increasingly abusive husband, whom she finally murdered. Li Youcai had simply been one of Zhang Shi's customers, but, after being recruited into her household, he began to consider himself—and to be considered by the couple—as more than that. Zhang Shi's testimony makes this clear. When the magistrate suggested that Li had "abducted and run off" with her (because he continued to live with her and the children after her husband's murder), she contradicted him: "That's just not how it was. He had been living with my family and pooling resources with us all along, so he just stayed with us and continued to do so. There was certainly no 'abducting and running off' involved." Li Youcai echoed her testimony: "I was already living with them together as one family (yi jia guo-

We find a similar scenario in a 1758 case, also from Henan. Wu Si (50) and his wife, Chen Shi (50), were peasants from Changcheng County, Zhiyu. In 1731, they migrated to a market town in Shanggu County (about 230 kilometers to the southeast, in Henan), where they rented lodgings at an inn and Chen Shi began working as a prostitute to support their family. A young, single man named Han San (26) was Chen Shi's regular and favorite client. In 1756, Han also began paying to have sex with the couple's daughter Xiaobo, then aged just 15 sui (i.e., 13 or 14 years old). This was Xiaobo's initiation into prostitution, and she soon began sleeping with at least two other clients.

But Chen Shi worried about the future. According to her subsequent testimony, because of her age (she had reached her late forties by then) she could not attract enough clients to earn a good living, but also she hoped to enable her daughter to quit prostitution and enjoy a better life than she herself had had. In 1753, she proposed that their client Han San take Xiaobo as wife, on the assumption that Han would undertake to support her and her husband as well. Han San enthusiastically agreed to this plan, but Wu Si demanded a brideprice of 10 taels for his daughter. Han managed to borrow a total of 7 taels, but Wu Si rejected this sum and treated Han rudely, declaring that he would sell the girl to someone else as concubine for a better price.

Wu Si's attitude made Chen Shi very unhappy, for several reasons. In her view, he cared only about short-term profit, never considering their long-term prospects; moreover, he expressed no concern for their daughter's welfare, being content either to exploit her indefinitely or to sell her to the highest bidder. For six years he had relied on Chen Shi's body for his living, nevertheless he refused to defer to her wishes. Finally, Chen Shi decided that she had no future with Wu Si and that it would be best to kill him, quit prostitution, and establish a new household by marrying her daughter to Han. She secretly proposed this plan to Han, offering him Xiaobo without brideprice, and Han agreed. With the help of a friend, he murdered Wu Si.26

In both of these cases, the crisis erupted over the wife's desire to transition out of prostitution into a more viable long-term situation, and an important flashpoint for conflict with her husband was her wish to provide for her daughter. Both cases also illustrate how a woman's age and ability to recruit customers might shape her calculations. Women who had long been able to support their families with retail prostitution began worrying about the future when they realized that they could no longer attract as many customers as before. The evidence suggests that women began to worry after they entered their forties, when their reproductive years had passed. In wife sales (as we shall see in the next chapter), the late thirties represented a rough upper age limit beyond which a wife could be difficult to sell, because the main priority of most prospective buyers was to have sons. In the prostitution cases, the concern was sex appeal rather than fertility, but the two factors seem to have aligned closely.

Shifting between Strategies

The following 1750 case from Sichuan illustrates how one couple might shift between various strategies, depending on circumstances, in the process demonstrating remarkable geographical mobility. It also highlights one wife's desire...
ultimately to quit both prostitution and polyandry and become the wife of a more reliable man.

In this case, landless peasant Yao Rufu (36) was born in Yibin County; in 1737, at the age of 23 she, he migrated about forty kilometers east to Nanxi County, where he married Li Shi (28) as an unremarkable husband (at the time she was just 15 yrs). The following year, however, Li Shi's father died and her mother remarried, leaving the couple to fend for themselves. By 1742, the couple had lost whatever assets they had inherited from Li Shi's father, so they moved to a town on the Yangzi River in Pingjiang County (about a hundred kilometers to the southwest), where Li Shi supported them through retail prostitution. As she later recalled, "that town was a busy port where many travelers and merchants came and went, and my husband would go entice (goyin) men to come spend the night with me and have illicit sex."

They lived this way for over a year, until Yao's older brother, Yao Ruhan, heard what they were doing, tracked them down, and fetched them home to Yibin County to help work his farm. But (according to Ruhan's testimony), Yao Rufu was "too lazy to be a farmer," and, just after the New Year, he took his family back and ran off without telling his brother. The couple traveled to Changning County (about sixty kilometers southeast of Yibin), where Yao eventually found temporary work making roof tiles. The couple became friendly with a tenant farmer named Chen Guotai (28), who was originally from Jiangnan County (about forty kilometers to the northeast); Chen was single and lived alone, and he hustled after Li Shi, so he lent the couple money and often visited with gifts of wine and meat. After a couple of months, Li Shi began sleeping with Chen, and Yao did not interfere. In her words, "Chen Guotai became accustomed to coming and going (laiwang guan le). He often gave us some cash, or bought wine and meat to share with us, and then he would have illicit sex with me, all without deceiving my husband... We would laugh and talk right in front of my husband and he didn't mind at all."

By this time the couple had three children, and Yao Rufu found herself unable to support his family. After six months, he proposed that Chen move in with them, promising to "yield" (rang) Li Shi in exchange for Chen's support. Chen agreed and moved in with the family, and he and Li Shi shared a bed, while Yao Rufu and the children slept separately. Chen paid for all their "food and fuel"; as Li Shi summarized, "my husband always preferred to eat prepared rice"—that is, to live off the labor of others.

After several months, rumors spread and Chen began to feel "embarrassed" (bu hao yisit), so he proposed that they move to Yeongning County (about sixty kilometers to the southeast) and rent land to farm together. Yao and Li Shi agreed, and they made the move, passing themselves off as a single family: Yao and his children adopted the surname "Chen" and pretended that he and Chen Guotai were brothers. When they first moved to Yeongning County, Chen Guotai still had some savings, but these soon ran out, so that they depended entirely on farming to survive. Yao resented this decline in their standard of living as well as the hard labor now required of him, so he began pressing Li Shi to separate from Chen in order to "find someone else who has money, so we can have an easier life." But Li Shi resisted this pressure, and Yao grew angry and abusive. She informed Chen Guotai what was going on, and she asked him to find some way for the two of them to become "long-term husband and wife" (changqiu fuqin). Matters came to a head when Li Shi berated Yao for his shamelessness: "Now that you've spent all his money, you want to kick him out—don't you have any conscience at all?" Yao cut her with a knife, and Chen intervened and killed Yao with axe.

This case illustrates the broad pattern we have seen, in which a peasant couple who were separated from the land would migrate to town and end up resorting to retail prostitution in order to make ends meet. But this form of prostitution was only one option in a spectrum of survival strategies, including more stable polyandrous or polygamous arrangements. Individual couples might engage in more than one such strategy over a period of years, along with more prosaic ways to earn a living, such as hiring out labor and engaging in farm work. Many cases document a remarkable degree of geographic mobility as people moved from village to town, thence to other urban centers in different counties and even provinces, in search of a viable livelihood. A common theme is women's anxiety about their long-term prospects and their desire to form stable households. Women's anxieties and desires played an important role in shaping the shifts between strategies found in these narratives. A corollary is their resentment of husbands whom they came to perceive as parasites and as obstacles to their own security and happiness.

"Pleading" a Wife into Brothel Prostitution

The second form of retail marital prostitution found in legal cases required a husband to "plead" his wife to a pimp or brothel-keeper, for whom she would work for the duration of her contract; during this time she would live apart from her husband, under the pimp's supervision. (A variation involved pleading a daughter or daughter-in-law instead of a wife.) In structure, this kind of transaction had much in common with conditional wife sale (to be discussed below), but it appears far more frequently in Qing court records. The term of service for a wife contracted to a brothel was relatively short: usually no more than one or two years, and sometimes as little as a few months. Often, the pimp would provide the husband with a loan in exchange for his wife's services, the principal of which would usually have to be repaid when her contracted term was over. But, in some cases, the pimp would pay her husband a share of the income she generated as a stipend, instead of (or in addition to) the loan. Generally speaking, the shorter the contract, the less the husband would receive.
Such transactions blurred the boundaries between wife-selling, polyandry, and prostitution, combining elements of all three, and they highlight the ways in which the sex trade and marriage were mutually dependent. By serving as temporary contract prostitutes, wives could provide vital income that sustained household survival without permanent alienation from their husbands and children.

The generic term for this kind of transaction seems to have been “diya” (or simply “ya”), which is usually translated as “mortgage” or “pledge.” (The term “bao”—which means to contract the exclusive use of something—was also used in some places.) When applied to land transactions, diya referred to the mortgage of land to secure a loan. Since the land did not actually change hands, diya must be distinguished from a conditional sale (shuan) of land, in which the buyer took possession for the duration of the contract.22 With regard to women, however, “diya” was much closer to a conditional sale, because for the duration of the contract the woman would remain in the custody of the pimp, for whom her sexual labor provided interest payments on the money he had lent her husband. Once the agreed term was over, she would return to her husband.

Investigation of Customs records this practice of pledging in Jiangou, Anhui, and Zhejiang. In “various counties of northern Jiangsu,” the practice was known as “binding out” (chui kan) and was often done with unmarried daughters or adopted daughters-in-law, as well as wives. A “binding contract” (kuan qi) would be drawn up, and the woman would be turned over to the brothel-keeper for a term of either three or five years. The brothel-keeper would pay the “binding price” (kuan jia) according to a schedule set down in the contract. For example, if the agreed price was 100 yuan, then he would pay 40 yuan in the first year, 30 in the second year, and 30 in the third year, with a new promissory note being written for the outstanding amount and modified in each successive year. It is not clear from the report whether the “binding price” had to be repaid in the end, but practice probably varied depending on the amount of money and the duration of the contract.23 According to Investigator Zhu Chengyou, who filed his report in 1918, this “evil customs” was “not at all improper” (bings fei fu chengdong) in the eyes of local people. But it often provoked litigation, because if disagreement arose, the woman’s in-laws or natal family would file charges accusing the brothel-keeper of forcing her into prostitution. Their real motive to file charges was that they wanted more money.24

We find much the same custom described in Yuhu County, Anhui, where it was called “binding a prostitute” (kuan ji): “A wife or daughter is pledged to work in a brothel,” known as the “binding host” (kuan zhu), for a period of twelve to sixteen months, in exchange for a loan. The terms of the transaction would be recorded in a “body binding contract” (kuan shen zhu), and, at the end of the term, the loan would have to be repaid for the husband to regain custody of his wife. Contracts would stipulate that, if the woman fell ill or became pregnant, she would have to make up for lost time by working beyond the loan period.25

Similarly, in Tianjin County, Zhili, “poor families will pledge their wives or daughters to work in brothels in exchange for cash loans, in order to obtain the money necessary to feed themselves.” The borrower (i.e., the woman’s husband or parent) will provide the brothel-keeper with a promissory note that specifies the woman’s length of service and guarantees that the loan will be repaid in full at the end of that time: “Only then will the wife or daughter be allowed to leave the brothel.” The investigator notes that his information came from “many legal cases” involving this “immoral custom.”26

My richest evidence about the temporary contracting of wives into prostitution comes from Chongqing, where such transactions provided much of the workforce in brothels. I find examples in the entire chronological range of my Ba County case sample, from the mid-eighteenth century through the early twentieth century. Details vary, but the underlying logic of these transactions is the same as that documented elsewhere in China by the sources cited above.

A case from 1759 involved a pimp named Wang Gu (24), who, together with his cousin, had brought two prostitutes to Chongqing by boat from Mao Independent Department (about 300 kilometers to the northwest). These women (aged 25 and 30) had both been “contracted” (kuan) to him the previous year by their husbands in exchange for loans, for terms of ten and eleven months, respectively. Wang and his cousin were spotted by the Yangzi River patrol and arrested on suspicion of trafficking; after interrogation, they were transferred to the Ba County yamen for prosecution. To justify himself, Wang Gu submitted his contracts and explained how he had acquired custody of the two women—whom he consistently referred to as “girls” (yutou), despite their age.27

One of the girls is named Yang Baojiao. On the 23rd day of the sixth month of last year, her husband Hei Yi agreed to contract her to me for 28 taels of silver. He has already paid me back 24 taels, and still owes 4 taels. According to the contract, I must return home by the twentieth day of the fourth month of this year, when the balance of the money and the girl will be exchanged. The other girl is called “Little Wu,” and she was also contracted to me on the 23rd day of the sixth month of last year by her husband Zi Fu, who got 28 taels of silver. He has already paid me 28 taels, and still owes 8 taels. According to our contract, I must return home by the fifth day of the fifth month of this year, when he will pay me the balance of his debt in exchange for his wife. I contracted these two girls from their husbands and brought them here, as proven by the contracts—I am telling the truth. I beg your honor to examine the contracts and release me.

Wang’s account was corroborated by his cousin, the women, and the contracts. From his testimony, it appears that he may not have realized that the transactions were illegal; at any rate, his main priority was to convince the authorities that he had not abducted the women (potentially a capital offense)—hence his eagerness to have the magistrate pursue his contracts. Wang did not state explicitly why he
had wanted to contract these women from their husbands, but as the head of the patrol noted (in his report to the magistrate), "it is obvious that they have been engaged in prostitution (mai chang)."

The logic of these transactions is that the pimp's income from the women's sex work would constitute interest on the money borrowed by their husbands. For that reason, only the principal had to be repaid. Each husband would pay the final installment in return for his wife. Some Ba County cases sum up this formula with the following phrase: "When the money arrives, you take back your wife" (yin diao qu ren).20

We find a slightly different arrangement in a Ba County case from 1840. A Chongqing vegetable peddler named Liao Duan (originally a peasant in neighboring Changshou County) "contracted" his wife, Liao Zu Shi, to a widow, Li Yang Shi, who ran a small brothel in the city. Liao Duan wrote the contract himself; this barely literate document, which survives in the case file, is so full of woolly characters and malapropisms that only a rough translation is possible:

I, Liao Duan, hereby establish this affidavit (chengren zi). The situation is as follows: I am from Changshou County. Because trade is poor, and I have no means of survival, I have fled to Ba County, where I now contract to Li Yang Shi's brothel (chang mei). The two sides have agreed to face to face on a monthly wage of 150 cash. This money has been paid in full, and nothing more is owed. Through mediators, we have agreed that this contract will terminate in the first month of the New Year. Fearing that spoken words alone are not reliable, I hereby establish this affidavit as proof.

Mediators: Old man Qiao, Old man Zhang, Old man Liu
Witness: Chen Gang
On Daoguang 20:9:35 the person establishing this affidavit Liao Duan has written this himself.

As we can see, this arrangement was intended to last only a few months, so get the couple through the New Year; instead of a loan, the husband was to receive a monthly stipend that he apparently was not required to refund. Curiously, the contract nowhere directly mentions Liu's wife, although the substance of the agreement is not in doubt.

This case came to court because four days after the contract was signed, Liao went to the brothel and demanded more money. Li Yang Shi refused, an altercation ensued, and Liao filed an oral complaint at the county yamen accusing her of abducting his wife. Li Yang Shi submitted the contract to disprove Liao's claims, and when the case came to a hearing, he admitted he had entered into the agreement voluntarily:

The fact is, I went broke and couldn't buy vegetables to sell anymore, so I told my wife to go to Li Yang Shi's household to sell sex as a prostitute (mai chang). I was promised 150 cash per month, and I drew up an affidavit acknowledging this. On the 30th,
to court, the contract would prove guilt of the lesser crime of wife sale (or in the present instance, pimping) but also exonerate the bearer from far more serious crimes, such as abduction.

**CONDITIONAL WIFE SALE**

Conditional wife sale had much in common with pledging a wife into brothel prostitution, but the main purpose of conditional sale was surrogate motherhood (rather than retail sex work), and therefore the contractual term was usually much longer. Moreover, a conditionally sold wife would be expected to have only one sexual partner, her buyer. Therefore, this transaction represents a step farther along the schematic spectrum toward outright wife sale.

As Chapter 6 below explains in detail, there were many close parallels between wife sales and land sales, including similarity of contractual forms and the common practice of demanding supplementary payments from the buyer in order to generate further income for the seller after the sale was ostensibly complete. The vast majority of wife sales were absolute and final, in that the transfer of the woman was intended to be permanent (the next five chapters of this book focus on transactions of that nature). But there was also an explicitly conditional form of wife sale that closely followed the model of conditional land sale: their common characteristic was that the "conditionally sold" (dianma) asset could eventually be "redeemed" (shuang) by the seller. In other words, conditional sale allowed a peasant household to leverage a vital asset to raise emergency credit while retaining the option of recovering that asset in the future.

In a "conditional wife sale" (tian qif), a woman would be transferred to her buyer for a limited period of time, after which she would return to her first husband. Like outright wife sales, a conditional sale would be negotiated through a matchmaker and formalized in a contract written in the seller's name that would stay in the buyer's possession along with the woman. From the standpoint of polyandrous practice, conditional wife sale can be seen as yet another arrangement by which a wife would share another man's bed in order to help support her family.

**The Classic Form as Practiced in Zhejiang**

Conditional wife sales (and especially the term "tian qif") appear to have been especially common in the province of Zhejiang, for reasons that are not clear, although the practice certainly could be found in other parts of China as well (we return to this issue below). *Investigation of Customs* lists nineteen counties in Zhejiang where conditional wife sales were known to take place, and other sources document the practice elsewhere in the province.

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How did a conditional wife sale work? The following account is representative:

In the middle and lower strata of Longyou County society, the custom of conditional wife sale is very common. The contract will specify the time limit, and the price will very low. When the time is up, the wife will return to her husband, but any children she bears during the period of conditional sale will belong to the buyer, and the conditionally sold wife may not take them with her.

As this passage indicates, the wife's sexual and reproductive labor belonged to the buyer for the duration of the contract, and he was entitled to keep any offspring she bore him. Such wives did not contribute much else of value to their buyers' households, including domestic caretaking work and economically productive labor. But in the classic form of conditional wife sale, the buyer's main priority was reproduction. The report from Jingning County is explicit:

In a conditional wife sale, the seller's motive is money, while on the buyer's part there are two possible motives. If he has not married and cannot afford a wife of his own, then he may conditionally buy another man's wife as a temporary measure [in order to secure a son]. If he has married, but his own wife has borne no sons, then he may conditionally buy another man's wife in order to have sons.

In other words, a conditionally sold wife was expected to serve as a surrogate mother to provide offsprings for a man who could not afford the greater expense of acquiring a permanent wife or concubine of his own. Some contracts for conditional wife sales even stipulate that the women must breastfeed any infants they bear for a minimum period of time in order to ensure that they thrive. For example, a Republican-era contract from Zhejiang contains the following language:

Chen Aowang voluntarily agrees to sell his wife, Zhang Shi, in conditional sale to Yang Linqian in order to bear him children (zheng man ya ni). . . . During the term of conditional sale, any son or daughter Zhang Shi bears shall belong to Linqiao for him to raise to adulthood, in order to continue the Yang family line. But Zhang Shi should breastfeed any infant she bears (yan you Zhang Shi ruhe) for at least one full year, after which Linqiao will care for the infant.

In other words, Zhang Shi would be required to nurse her baby for at least one year, even if that time period exceeded the agreed term of conditional sale.

Given the priority of reproduction, a conditionally sold wife would have to remain with her buyer for a substantial period of time—various sources report from at least three years (seen as the minimum length of time necessary for a woman to get pregnant, bear a child, and breastfeed it until weaned), up to a maximum of ten years. These were much longer time commitments than required when husbands pledged their wives into brothel prostitution. The time limit would be recorded in the contract, and the longer the period, the higher the price of the woman's services.
Within this overall pattern, there were variations. A key question is whether the first husband would have to repay the conditional sale price in order to "redeem" (shu, shubai, haishu) his wife when the contractual term ended. In most places, repayment seems to have been standard: in effect, the conditional sale price was a loan, and the woman's sexual and reproductive services constituted interest, so that only the principal would have to be repaid. This form of the practice followed the model of conditional land sales exactly.46 In some counties, the first husband could get his wife back without repaying the conditional sale price, in which case that price seems to have been considerably lower than otherwise; in this scenario, the woman's sexual and reproductive services constituted both principal and interest, so that her term of service ended when the entire debt had been paid in this medium. This practice was standard, for example, in Yongkang County, where conditional wife sales appear to have been unusually common, even by Zhejiang standards. But if the buyer did not wish to return the wife, then at the end of the designated period he could negotiate "to pay the conditional seller a supplementary payment," whereupon the wife's relationship with her first husband would be terminated.47 In other words, this final "supplementary payment" (here termed "shou jia") would convert the conditional sale into an outright sale, in the manner of the final shou tie paid to render a conditional land sale permanent. As this detail shows, a wife bought in a conditional sale cost considerably less than one bought outright.

When considering such arrangements, it is worth remembering how expensive credit was for the rural poor. Unless one had land to put up for mortgage or conditional sale, or generous relatives willing to provide a loan, the most likely source of credit would be a pawnshop, but pawnshops required collateral, and their terms were expensive. A common practice was for peasants to pawn winter clothing and bedding in spring, hoping to redeem them in the fall before the onset of cold weather. The Qing code limited interest on loans (including pawn) to 9 percent per month (i.e., an annual rate of 36 percent), also stipulating that the total interest could not exceed the amount of principal originally borrowed, but moneylenders generally ignored these regulations, which frustrated officials felt obliged to reaffirm repeatedly throughout the dynasty.48 Interest rates more than double the official maximum were not uncommon, because, in reality, "what the peasant pays is dictated by his necessities, and by the ability of the lender to take advantage of them."49 Some people might avoid such expensive rates by participating in revolving credit associations, but participation required one to contribute a share of funds up front.50 People desperate enough to resort to conditional wife sale or contracting a wife into prostitution would be unlikely to have access to such resources.

It is not clear how much stigma attached to conditional wife sales in Zhejiang. In some places, there seems to have been none at all, at least from the buyer's standpoint. In Lishui County, for example, the family of the conditional buyer would celebrate this relationship as a "formal marriage" (zhenghui hunion), offering congratulations and continuing to treat the woman as the buyer's wife (or concubine) even after she had returned to her first husband. If she bore the buyer a son, then she would even be recorded in the lineage genealogy, and the relationship would in every way "be seen as a real marriage" (shi zhe youxia zhi hunion).51 My sample of single tifen contains several examples of the classic practice of conditional wife sale in Zhejiang. The following two cases from the mid-eighteenth century are especially rich in detail; they add flesh to the descriptions found in the early twentieth-century surveys of custom.

**Conditional Wife Sale in Zhejiang—Example #1**

The first case, from Renhe County, illustrates several strategies that, together with conditional sale, constituted a menu of related options. In this case, peasant Chen Yuanfu and his wife, Qi Shi, had married at some point in the late 1730s, when she was 14 and they had no children. At the age of 25, in 1746, Chen fell seriously ill and was no longer able to support himself or his wife, so just after the New Year he approached her father, Qi Yongchang, and asked for a compensated divorce. But Qi refused to get involved. As he later testified, "I told him, 'My daughter has already married out, so how can I be expected to take care of her? Since you can't support her anymore, I'll leave it up to you two to figure out a solution.'" After being rebuffed by his father-in-law, Chen engaged a friend named Shen Erren to act as matchmaker and, through him, arranged a conditional sale to a local man named Yang Hongmao who had no wife. Yang, who was 35 at the time of this transaction, worked with his brother and a cousin making cakes and other sweets for a living. Yang agreed to pay 24 taels of silver for a ten-year term, after which Chen would be entitled to redeem Qi Shi—as she later testified, "I was hoping eventually to return to my first husband's home." The contract reads as follows:

Chen Yuanfu hereby establishes this conditional sale contract (bian qi). The situation is as follows: I have a wife named Qi Shi. Now the harvest has failed, leaving me with no means to pay the land tax or to get enough food to eat (juan jiang wo bai, hou shi wo shi), and in addition I am handicapped by illness. For these reasons, I can no longer support my wife, and so I am willing to sell her conditionally to Mr. Yang as wife, so that he can secure his own line of descent. For conditionally selling my wife, I, Chen Yuanfu, shall receive 24 taels of silver, and when ten years have passed, I may redeem her. This sum of money has today been paid in full. In future, if any other party should raise this matter or threaten litigation, then I, the first husband, shall take full responsibility on my own, without in any way involving the conditional buyer. There is no deceit involved, and we have acted voluntarily; in future there will be no regret or change of heart. Fearing that spoken words alone are not reliable, I hereby establish this conditional sale contract to serve as proof forever.
instead that they simply murder Yang in order to get him out of the way. Since Qi Shi feared the prospect of being sold to a stranger, she eventually agreed to this plan, which Li executed by giving Yang wine laced with arsenic. Suspicion immediately fell on Li and Qi Shi (since everyone knew about their sexual relationship), and they were arrested and, after confessing, convicted of murder.

A crucial factor in sentencing Qi Shi was whether she and Yang had been legally married (since more severe penalties applied to a wife who murdered her own husband than to someone who murdered an unrelated party). For this factor we are fortunate, because it explains the case record's exhaustive documentation of the conditional sale. Since conditional wife sale was illegal, Qi Shi was sentenced as an unrelated party, rather than as Yang's wife. In addition, her first husband was sentenced for conditional wife sale, and the money Yang had paid for her was ordered confiscated (including the 2 taels that Chen had given her father).98 Qi Shi's son by Yang was designated "a son born to adultery" (jian sheng ze) and was turned over to the custody of Yang's brother (according to the principle that a son belongs to his father's lineage).99

This case demonstrates three ways a woman could be leveraged for credit and cash income: compensated divorce, conditional wife sale, and polyandry. Since Yang Hongmao had acquired Qi Shi by conditional purchase, it seems to have been logical and easy for him to solve his subsequent financial difficulties through polyandry and resale.

**Conditional Wife Sale in Zhejiang—Example #2**

In the second case (from Xuanping County, reported in 1769), one wife was conditionally sold twice in consecutive transactions. Jin Shi (39, from Yongqiu County) had originally entered the household of peasant Wang Yunqi (42) at the age of 12 sui as an adopted daughter-in-law, and she had no surviving natal family. The couple had two sons and two daughters and because, as Wang later testified, "too many people were eating" they were very poor. Moreover, for two years Wang had suffered a chronic illness that prevented him from working regularly. They sold two rooms of their house, but, by the early spring of 1768, they had run out of resources and faced the prospect of starvation.

A couple of days after the New Year, Wang told his wife that "instead of starving to death together, it would be better to survive by going our separate ways" (e si sai yi chu bu ru gen zi taosheng). With her agreement, he engaged two local men, Cai Jixian and Liu Guofo, to help find a conditional buyer for her. Cai and Liu negotiated Jin Shi's sale to a single immigrant from Jiangxi named Hu Zixiu (40), who made a living peddling hemp cloth and had recently bought a piece of local land for the purpose of growing hemp. It was agreed that Jin Shi would join Hu Zixiu for six years in exchange for a "body price" of 6 taels, with the stipulation that she would take all four of her children with her to be supported by Hu for the duration
of the arrangement. After six years, she and her children would return to Wang. A contract was drawn up, but Hu was able to pay only 1 tael in cash, so Wang agreed to accept a promissory note for the balance of 5 taels, because his chief priority was to secure food for his wife and children. Jin Shi entered Hu’s household immediately, but matchmaker Cai Jixian kept both the contract and the promissory note, with the understanding that they would be handed over to Hu only after he paid the outstanding 5 taels. The matchmakers acted for free, out of charity for the couple’s poverty, but Wang used half a tael to buy wine for them to drink at the conclusion of the exchange.

The union was not happy because, as Jin Shi would later recall, Hu Zixiu “resented the fact that I was so old.” Apparently the matchmakers had been less than candid with him. Hu’s dismay at her age, 39 sui, reflects the fact that he had hoped for a son—the usual motive for buyers in these transactions—and, upon learning how old she was, he despaired of realizing this hope. After just a month, Hu left her and her children alone while he returned to Jiangxi to visit relatives. He was gone for several months, and in the meantime she ran out of food and had no idea when he would return. Finally, she took her children to the home of matchmaker Cai Jixian and made a scene, so Cai took her and the children back to her first husband Wang and handed over the conditional wife sale contract and the promissory note. Wang was very angry at what he saw as Hu’s violation of their agreement, so he burned the documents and began looking for another buyer.

After a few days, Wang’s fellow villager Chen Wenze (43, also from Jiangxi) dropped by—having heard about recent events—and complained to Wang that he had no wife to cook for him or to watch his home while he worked in the fields. Wang immediately offered “to conditionally sell my wife to him for a few years,” on the same terms Hu had accepted. Chen objected that “if you want me to support your children for you, then 6 taels is too much to ask for your wife’s body price,” and Wang, anxious to feed his children, finally agreed to accept just half that amount. Cai and Liu again acted as matchmakers and drew up a new contract:

Wang Yunqi hereby establishes this conditional marriage sale contract. Several years ago I took Jin Shi in marriage as my wife and she is now 39 sui. Because we are extremely poor, we have trouble getting our daily food, and now our family can endure hunger no longer. Therefore, I have begged matchmakers to draw up a contract in order to sell my wife conditionally to Chen Wenze for him to support for a period of six years. This day I have received from Chen exactly 3 taels of silver in payment for this conditional sale contract. I have received full payment and now establish this contract the very same day. During the six years that Jin Shi is supported by Chen any sons or daughters she bears will belong to the Chen family. When the six years are up, Jin Shi will return home as before. I hereby establish this conditional sale contract for Chen Wenze to keep as proof.

This contract is established on Qianlong 33.2.7 by Yunqi [mark]
Matchmakers: Cai Jixian and He Caiwen; scribe: Liu Guifa [mark]

The recorded testimony says nothing about Chen’s desire for children, but, as in the case from Renhe County, this contract makes explicit the reproductive purpose of conditional wife sale. The bargaining that preceded the transaction and the lack of any mention of repayment in the contract show that Wang was not expected to pay back the body price of 5 taels.

Despite the wording of the contract, Chen could pay only half a tael up front, so he gave Wang a promissory note for the balance of 2.5 taels. Once again, Wang felt he had no choice but to agree because his overriding concern was the welfare of his children, whom he could not feed on his own. Later on, when Wang asked for the balance owed, Chen threatened him with a beating, so he desisted.

Two months later, however, the first buyer, Hu Zixiu, finally returned to discover his house empty, and, upon learning what had happened, he demanded that Wang Yunqi either refund his down payment of 1 tael or return Jin Shi to him. Wang referred him to matchmaker Cai Jixian, who mediated a settlement whereby the second buyer Chen would be allowed keep Jin Shi in exchange for promising to pay Hu 1000 cash (the nominal equivalent of 1 tael) within a month. But when Hu came as scheduled to collect this sum, Chen asked for an extension of three months. Hu accused him of cheating and of “scheming to take another man’s wife,” and Chen retorted: “But I’ve already slept with the wife, and right now I don’t have any money for you—so what can you do about it? (qi zi yi shao le, ru jin meiyou qian bu ni, ni nai wo he.)” The two men quickly came to blows, and Hu ended up stabbing Chen to death.\footnote{Conditional Wife Sale in Other Regions}

As many sources testify, the classic form of conditional wife sale outlined above and especially the term “dian qi” were both strongly associated with Zhejiang. But one can find similar transactions elsewhere in China, sometimes called by the same vocabulary. A 1774 case from Tong County, Zhejiang, uses the term “diang” to refer to a proposed transaction that appears identical to Zhejiang practice. Similarly, an ethnography published in 1943 makes the following comment about marriage in Taiwan: “The middling classes and above strictly adhere to monogamy. But people of the lower classes do not…. For example, some men conditionally sell (diang) their own wives to other men, hoping by this shameful means to secure their own survival.”\footnote{Conditional Wife Sale in Other Regions} Elsewhere, different vocabulary was used. The practice of “marriage by pledge” (diang huan) in Fujian sounds exactly like conditional wife sale in Zhejiang, in Guangze County, for example:

There is also the custom of “marriage by pledge,” in which a time limit is specified, and any sons born during that time will acknowledge the second husband as father.
When the time is up, the wife will be redeemed by her first husband and return to him. There are also some cases in which the first husband is not required to redeem his wife—it depends on the terms specified in the marriage contract.45

The early Republican-era anthology Qing bai lei chao (Qing Miscellany), which contains snippets of gossipy information from a variety of Qing texts, describes much the same practice in Gansu under the rubric “renting a wife” (zu qie). According to this account, wife-rental was a strategy for “a man who cannot afford to marry but who wants a son,” and the transaction, recorded in a written contract, would last for two or three years, or simply until the woman had borne a son. If the renter wished to extend the contract, he would negotiate an additional payment.50

We find something similar in Da County. For example, a case from 1790 records the following transaction. Xiong Fu (64) and his wife, Zhang Shi (65), had migrated from home in Da Independent Subprefecture in 1785 and the couple had fallen on hard times. Unable to support his wife, Xiong arranged to “contract” her to one Ran Guangqi (in his fifties) as concubine, in exchange for 200 strings of cash for use as “business capital.” (Ran also hailed from Da Independent Subprefecture and had a small shop in Chongqing.) Zhang Shi and her little son then moved in with Ran, and she eventually bore him a daughter. This matter came to court three years later because Xiong began demanding more money from Ran (he may also have tried to take Zhang Shi back) and finally filed charges against him for “forcibly occupying” her.

How should we classify this transaction? In testimony, neighbors referred to Zhang Shi as a “prostitute,” and she herself referred to her domestic arrangements as “getting a husband to support a husband,” a term that usually referred to full polyandry. The case record does not report a specific time limit on Zhang Shi’s cohabitation with Xiong (the contract does not survive), but if this had been an outright wife sale then witnesses would have called it that (“jia mai” or simply “mai”), and they did not. Instead, they used the term “bao,” implying a temporary but not necessarily short-term arrangement. Ran paid a large lump sum up front, Zhang Shi moved in with him (while Xiong did not), and her duties included bearing children. In substance, this transaction appears to be the same as what people in Zhejiang called “conditional wife sale.”

Thus, although the phrase “dian qu”—“conditional wife sale”—may have been largely restricted to Zhejiang, the practice was found elsewhere too. Moreover, it was sufficiently well known to have been prohibited by both Ming and Qing codes.51

The advantage of a conditional sale (of either a wife or land) was precisely its temporariness, which provided flexibility for both sides and enabled the solution of several problems at once. Like the pawning of winter clothing over the summer, conditional sale was a way to raise emergency credit on a vital asset while retaining the option of getting it back. At the same time, it provided the services of a surro-

gate mother to a household that could not afford the price of a permanent wife or concubine.

A SPECTRUM OF STRATEGIES

Returning to the schematic spectrum outlined at the beginning of this chapter, we are struck by the remarkable flexibility of this field of practice, which served to meet a wide range of needs for the people involved. This entire spectrum of strategies involved the mobilization of a woman’s sexual and reproductive labor, with her husband’s cooperation, in order to help support her household. The intermediate range covered in this chapter blurred the boundaries between marriage and sex work in ways that highlighted the connections between these ostensibly separate and mutually exclusive categories.

At the extreme ends of the spectrum, formal polyandry and outright wife sale, the purpose was to form stable, secure households, and here the priorities of reproduction and the entire package of female domestic labor seem to outweigh sex per se in importance. In this sense, the ends of the spectrum have much in common. Moreover, to the extent that a wife sale created a relationship between the two husbands in which the first might expect continuing aid from the second (rather than simply severing the first husband’s relationship with his wife), we can perceive a logical link between polyandry and wife sale. The paradigm is the peasant household attempting to secure its long-term survival and reproduction. As a result, there was real scope for meaningful affective ties to develop between the parties, and, in this context, women found themselves relatively able to take the initiative and exercise some control over their situations. In the middle of the spectrum, we find the far more mercenary scenario of retail prostitution, where the priority was cash income generated by individual sexual acts with many customers—and a woman’s relationship with each man might last no longer than a single encounter.

Even though poverty was the basic motive for all of these strategies, poverty alone does not explain why a particular couple would opt for one strategy over another. Even the category “wife sale,” narrowly conceived, included several different options, including direct sale, compensated divorce, and conditional sale, as well as fraudulent versions of the first two transactions. How were such decisions made? Any claims about female agency in the context of sexual commodification must be carefully qualified; nevertheless, it was often the woman herself who had the decisive say.

A striking exception to this generalization is retail prostitution in an urban setting. The couples who engaged in that kind of sex work typically were peasants who had migrated to town out of desperation, and desperation sharply narrowed their options. Moreover, dislocation and separation from kin and community
meant that neither spouse was likely to have sympathetic allies close by from whom to seek help. Under the circumstances, such couples—and especially wives—became especially vulnerable to exploitation and other abuse. For this reason, it is not surprising that a woman might try to shift her position along the spectrum out of retail prostitution in the direction of polyandry, by cultivating a safer and more stable relationship with a regular customer.

PART TWO

Wife-Selling