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# Chinese Femininities/ Chinese Masculinities

*A Reader*

Edited by Susan Brownell  
and Jeffrey N. Wasserstrom

FOREWORD BY

Thomas Laqueur

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9. On the link between female chastity and male literati status, see Mann, "Grooming."

10. Shen Fu in his 1809 memoir of his marriage, *Six Records of a Floating Life* (New York: Penguin Books, 1983), offers one of the few nonfictional references to women reading erotic fiction in this period.

11. *Xingke tiben*, Qianlong 45.7.2, *juan* 152, case 5.

12. *Xingke tiben*, Qianlong 32.7.29, *juan* 226, case 8.

13. *Xingke tiben*, Qianlong 5.4.4, *juan* 153, case 1.

14. See Mann, "Widows," and Matthew Sommer, "Sex, Law, and Society in Late Imperial China" (Ph.D. diss., University of California at Los Angeles, 1995), 201–91.

15. *Xingke tiben*, Qianlong 5.2.15, *juan* 150, case 8.

16. Independent lifestyles and sexual impropriety did not carry the same consequences for her two lovers: neither of these footloose widowers seems to have been ostracized at all. On the night of the murder, both men were invited to a birthday party for the wife of Li Shi's next-door neighbor.

17. On the depiction of shrews in late imperial Chinese fiction, see Keith McMahon, *Misers, Shrews, and Polygamists: Sexuality and Male-Female Relations in Eighteenth-Century Chinese Fiction* (Durham: Duke University Press, 1995); and Yenna Wu, *The Chinese Virago: A Literary Theme* (Cambridge: Harvard University Press, 1995).

18. *Xingke tiben*, Qianlong 5 *run* 6.11, *juan* 165, case 3.

19. Women making shoes for men other than their husbands was a frequent source of conflict in many types of cases. The making of shoes obviously carried some connotation of sexual intimacy, yet often women seem to have done this as a favor for a neighbor or friend, sometimes at the request of their husbands, without anyone thinking it improper. Clearly, this was another controversial form of behavior on which no consensus existed in Qing society.

## CHAPTER TWO

# Dangerous Males, Vulnerable Males, and Polluted Males: The Regulation of Masculinity in Qing Dynasty Law

Matthew H. Sommer

### THE PHALLOCENTRISM OF THE LAW

When jurists in the Qing dynasty (1644–1911) attempted to regulate sexual behavior, how did they conceptualize masculinity? In the relevant legal texts (including codified law and case records), we can discern three basic categories of problematic males: dangerous males, vulnerable males, and polluted males. The logic behind these categories was an absolute phallogentrism that identified the act of penetration with domination, possession, and pollution. The dangerousness, vulnerability, and pollution of males all derived from the threat of penetration out of place.

The dichotomy of sexual orientation familiar today (homosexual/heterosexual) bears no relevance here; to impose it on the Qing evidence would risk, at best, a confusing anachronism.<sup>1</sup> Instead, the hierarchy of roles in a stereotyped act of intercourse (penetrator/penetrated) constituted the definitive framework for conceptualizing gender and sexuality in late imperial China.

As Charlotte Furth has shown, medical discourse in the Ming (1368–1644) and Qing dynasties blurred the lines of sex and gender so that physical difference and change were appraised in terms of capacity to fulfill normative social roles. For example, the most authoritative contemporary medical literature defined "false males" and "false females" (those with "useless bodies") largely in terms of inability to penetrate and to be penetrated, respectively. In a fundamental way, one became socially male or female to the extent that one played a specific sexual role.<sup>2</sup> Such thinking is equally apparent in the juridical field. The focus of judicial anxiety, then, was not the *sex* of the object of a man's desire but rather who penetrated whom and in what context.<sup>3</sup>

Hence, the fundamental problem in regulating sexuality was to keep penises in place: to confine the act of penetration to a legitimate marital context. Fear of the penis *out of place* found its most extravagant expression in the imperial institution of eunuchhood: the surgery required for male palace attendants eliminated the means both to impregnate (the testes) and to penetrate (the penis). Ideally, the only penis in the palace was that of the emperor—enjoying sole access to countless female vessels, who were guarded by thousands of emasculated attendants (whom Mitamura Taisuke terms “the artificial third sex”). The walls, moats, and guards encircling the palace’s inner quarters provided a security that was sexual as much as it was political, securing the hegemony of the imperial phallus.<sup>4</sup>

According to Qing law, sexual intercourse should take place only within marriage (i.e., between a man and his wife or legal concubine). This principle was extended with uniform rigidity from the Yongzheng reign on, when prostitution was completely banned and the sexual use of female domestics by their masters sharply curtailed.<sup>5</sup> Of course, Qing law forbade heterosexual rape and adultery, but the proscription of extramarital penetration did not stop there. Since the sixteenth century at the latest, homosexual anal intercourse had been banned; during the Qing, laws against sodomy were incorporated into the larger body of laws against heterosexual offenses (under the rubric “illicit sexual intercourse”—*jian*). This synthesis rationalized the regulation of sexuality according to the principle that phallic penetration should take place only within marriage. In all other contexts, the act was banned.

Behind this legislative program, we can discern a number of anxieties that I shall address in turn. But at root, the High Qing regulation of sexuality aimed to defend a Confucian vision of family-based order against the threat of men who were excluded from that order. To what extent this threat was real, and whether it was growing or not, are questions that lie beyond the scope of this article.<sup>6</sup> What we examine here is how Qing jurists *imagined* masculinity and male sexual behavior in the larger context of defending familial order.

#### DANGEROUS MALES

##### *Legislative Discourse of the “Rootless Rascal”*

The principal target of Qing efforts to regulate male sexual conduct was the marginal man who stood outside of (and presumably opposed to) the family-based social and moral order that underpinned the imperial state. Discussing the crime of “illicit sexual intercourse” (*jian*), which included both consensual and coercive acts outside marriage, a Qing jurist commented, “A man who engages in illicit sexual intercourse debauches the wife or daughter of another man; he ruins the inner female quarters of an-

other man’s household.”<sup>7</sup> In other words, illicit sexual intercourse represented an assault on the patriarchal household. Specifically, that assault was envisioned as being made by an *outside male* on *another man’s* household—a woman’s social identity was defined here by her relationship with husband or father. That outside male was an aggressive penetrator in sexual and symbolic terms: he ruptured the boundaries of the household and threatened to violate the women (and young boys) within.

This sexual predator was a subset of a more general stereotype of the dangerous outside male that runs through Qing legal discourse. We find this dangerous male mentioned repeatedly in the Qing code; he appears in some of the earliest laws of the dynasty, but with increasing frequency and urgency in the new ones that accumulated over the eighteenth and early nineteenth centuries. Qing lawmakers used a number of terms in various combinations to characterize him. He was “violent” (*xiong*) and “wicked” (*e*) and was described as one who “habitually fights” (*hao dou*); he was a “worthless, wicked reprobate” (*bu xiao e tu*), a “depraved rogue” (*diao tu*). But most important, he was a “*guang gun*”: literally, a “bare stick.”

*Gun* means a “stick” or “club” and thus, by extension, a man who stands alone (without “roots” or “branches”). The word implies both a lack of socializing ties and the roguery that resulted, and can be translated as “rascal,” “hooligan,” or “thug.” The prefix *guang* (bare, naked, alone, and so on) emphasizes poverty and lack of a wife. A *guang gun*, then, was a man with no wife, family, or property to discipline him and give him a stake in the social and moral order. (A translation less literal than “bare stick” would be “rootless rascal.”)

The Qing code’s chapter on “extortion” (*kongxia qu cai*) is the section most explicitly devoted to the rootless rascal.<sup>8</sup> The original Ming dynasty statute that heads that chapter simply extends the robbery statutes to cover extortion; it says nothing specific about *guang gun*. But the statutes appended over the course of the Qing dynasty did not elaborate on the theme of extortion and instead sought to punish habitual troublemaking by incorrigible individuals or groups. Many of these later statutes have no direct link to extortion; indeed, over time, as new laws accumulated, the emphasis of the chapter shifted away from that specific crime to dangerous, anti-social behavior in general and to different groups of marginal men thought to threaten the social order.

Running through the judicial discourse of the rootless rascal is a consistent conflation of certain kinds of crime (extortion, kidnapping, rape, seduction, sodomy, intimidation, robbery, banditry, heterodoxy, and so on) with certain kinds of men (Buddhist and Taoist clergy, local toughs, rootless migrants in frontier areas and cities, yamen clerks and runners, dislocated Miao tribesmen, eunuchs who had escaped palace supervision, and the like). One way or another, all of these men were seen as existing outside

the mainstream pattern of settled households, the network of family and community relationships on which the Confucian order depended to enmesh and socialize individuals. Their victims were portrayed as “the good people” (*liang min*)—that is, law-abiding commoners: “humble peasants,” chaste wives and daughters, and so on. These laws mandated harsh penalties of exile and death not to punish individual crimes so much as to remove incorrigible troublemakers from society altogether.

The most important measure added to the extortion chapter of the code was referred to by jurists simply as the “substatute on rootless rascals” (*guang gun li*):

Evil rascals [*e gun*] who scheme to extort from officials or commoners; or who put up placards or make false accusations at any government office; or who extort loans by threat or blackmail; or who, because of a fight, gather a gang to seize someone, falsely accuse him of owing money, and force him to write a promissory note for the alleged debt; or who, having failed in an attempt at extortion, dare to beat or kill someone—in all such cases, if the circumstances are serious and the rootless rascals [*guang gun*] are truly to blame, then regardless of whether money was obtained, the leader shall be immediately beheaded and followers shall be strangled after the assizes.

The earliest version of this law was promulgated in 1656; in 1673, jurists added the following clause in an effort to impose family discipline on disorderly individuals: “The head of the household of any such offender, as well as the offender’s father and older brothers, shall each receive fifty blows of the light bamboo. . . . If the head of an offender’s household, or an offender’s father or older brother, reports the offender, then he who made the report shall be spared, but the offender himself shall still be punished according to this substatute.”<sup>9</sup> When first drafted, the “substatute on rootless rascals” obviously related to the original chapter heading of “extortion.” But by the beginning of the eighteenth century, jurists had begun citing this law by analogy to punish an increasingly wide range of other crimes, including sex offenses, and this analogy was codified in many new substitutes promulgated during the Yongzheng (1723–35) and Qianlong (1736–95) reigns.<sup>10</sup>

For example, the “illicit sex” (*jian*) section of the code cited this substatute to add extra penalties for certain scenarios of rape. The 1734 substatute against sodomy (*ji jian*) reads (in part) as follows:

If evil characters [*e tu*] gather in a gang and abduct a young man of good character/commoner status [*liang ren zi di*—literally, “a son or younger brother of someone of good character/commoner status”] and forcibly sodomize him, then the ringleader shall be sentenced to immediate beheading, according to the “substatute on rootless rascals”; the followers, if they have also sodomized [the victim], shall all be sentenced to strangulation after

the assizes. . . . These sentences shall apply regardless of whether the offenders have committed homicide in the course of the rape.

Even if he has not gathered a gang, whoever murders a young man of good character/commoner status for illicit sex, or lures away a young boy of ten *sui* or under and forcibly sodomizes him, shall also be immediately beheaded as a “ringleader” according to the “substatute on rootless rascals.”<sup>11</sup>

Other laws cited the “substatute on rootless rascals” in order to punish the heterosexual variants of these same crimes: gang rape of a woman, rape and murder of a woman, rape of a young girl, and so on.<sup>12</sup>

Male clergy, both Buddhist and Daoist, were singled out for special scrutiny in the Qing code. By taking vows of celibacy, abstaining from marriage, and living apart from their natal families, these men stood outside the mainstream family order in the most basic ways. Late imperial officials were chronically suspicious of such men, seeing in them the very personification of the rootless rascal and all the dangers he represented; both Ming and Qing dynasties made repeated efforts to subject clergy to social and political control by registering them at particular institutions, by making novices the responsibility of their superiors, by banning the wandering of mendicant clergy, and by prohibiting men from joining clerical orders without registering and receiving permission from the local magistrate.<sup>13</sup>

The judiciary seems to have been particularly predisposed to suspect clergy of sexual aggression. According to Yasuhiko Karasawa, “A standard narrative found in [legal] cases involving Buddhist monks was that of the monk who attempts or commits illicit sex (*jian*) with women.”<sup>14</sup> This bias was reflected in legislation as well. For example, a Ming law adopted by the Qing code punished Buddhist or Daoist clergy at temples who seduced or abducted women, or who “swindle[d] them out of money.” Another statute increased by two degrees the severity of penalties for any sexual offense committed by clergy. A further measure cited the “substatute on rootless rascals” to impose the sentence of immediate beheading on “lamas, Buddhist monks, and other clergy who commit[ed] [heterosexual or homosexual] rape and cause[d] the rape victim’s death.”<sup>15</sup> Clergy who committed sex offenses (and were spared execution) would be forced to return to secular life.

To sum up, then, the sexual predator portrayed in Qing legislation was a subset of a more general archetype of the dangerous male: the “rootless rascal” outside the family order, who posed a multifarious threat to that order. If we shift from legislative discourse to the actual prosecution of rape, we find that the “rootless rascal” was more than just rhetoric—although, of course, there may be an element of self-fulfilling prophecy in the way Qing authorities targeted men for prosecution. Based on a sample of cases from central courts, we can develop a rough profile of the typical man who was prosecuted for rape during the Qing.<sup>16</sup> In fact, the profile is about the same for both homosexual and heterosexual rape cases. He was single, probably

of disreputable or lowly occupation, and almost certainly poor; there was a good chance he was an outsider unknown to the community in which his victim lived; he was a young man (in his late twenties or early thirties) but old enough, perhaps, to be frustrated at his lack of prospects; and he might well have a record of other disorderly conduct (theft, criminal conviction, drunkenness, and so on). In short, he was a marginal man without property, status, wife, children, or prospects—and hence, with little obvious stake in the social or moral order.

### *The Sexuality of the Dangerous Male*

What can we say about the sexuality of this dangerous male? He was represented, above all, as an aggressive penetrator—a specifically phallic threat to social order. As mentioned above, the dichotomy that framed thinking about sexuality during the Qing (in law and in social practice) was not one of sexual orientation (homosexual/heterosexual) but rather of a hierarchy of roles in a stereotyped act of intercourse, in which the *penetrator* played the definitively masculine role, dominating and possessing a feminized, *penetrated* object. In other words, the role one played far outweighed in importance the biological sex of one's partner and effectively gendered the partners as male and female, respectively. The evidence in both Qing legal cases and Ming and Qing fiction indicates that a powerful stigma pertained to a male who was penetrated (and thereby feminized), but no corresponding stigma attached to the penetrator, who played the definitively masculine role.<sup>17</sup>

We should note here the phallic connotation of *guang gun*—"rootless rascal" or "bare stick." In vernacular fiction, *gun* (stick) served as a metaphor for an erect penis—as it does in, for example, the late Ming novel *Plum in the Golden Vase*, when the Daoist priest Jin Zongming (himself something of a rootless rascal) prepares to rape a novice: "He manipulated his penis until it was very hard, a stick [*gun*] standing straight up."<sup>18</sup> A study of Beijing idioms states that "'*gun*' ['stick'] means 'penis'; that is why '*guang gun*' ['bare stick/penis'] is slang for a man without a wife."<sup>19</sup> The repeated use of *gun* in legal texts (*guang gun*, *gun tu*, *e gun*, and so on) clearly reinforced the image of the rogue male as a specifically *phallic* threat to social order.

Many legal cases portrayed the dangerous male as bisexual in object choice: he pursued both male and female objects while consistently playing the role of aggressive penetrator.<sup>20</sup> But this bisexual targeting of lust in and of itself does not appear problematic; jurists employed no special vocabulary to describe it, nor did they single it out for special explanation or commentary. Rather, it was the dangerous male's utter lack of respect for *all* boundaries and rules that threatened social order.

A fairly typical example is a 1745 case from Suining county, Hunan, in which Long Xiuwen (twenty-two *sui*) attempted to rape and then strangled his neighbor's son, Hu Yanbao (thirteen *sui*). Long was a poor peasant, single and without prospects, who secretly engaged in sexual relations with a neighbor girl, Zhang Wanmei (eighteen *sui*); she was betrothed, but Long planned to elope with her before she could be taken in marriage. One day, however, Long saw Hu Yanbao working in a field and felt aroused by the boy's youth and by the way "he looked so white and clean" (*sheng de bai jing*); so he lured Yanbao to a remote place and tried to rape him. When the boy resisted, Long strangled him. He then mutilated the corpse beyond recognition, hoping that the boy would appear to have been killed and partly eaten by animals rather than murdered; he also hoped that his girlfriend's parents might mistake the boy's corpse for *her* and not think to pursue them. But after being caught with incriminating evidence, Long confessed under torture and was sentenced to immediate beheading (according to the "sub-statute on rootless rascals") for the rape and murder of "a son or younger brother of someone of good character/commoner status."

The memorial on this case stresses Long Xiuwen's repeated, perverse defiance of all convention. Fornication, elopement, rape, murder, and dismemberment: he seemed willing to violate every conceivable taboo in order to indulge his criminal impulses. But there is no particular emphasis on the fact that he happened to desire both sexes.<sup>21</sup> In the presentation of cases like this one, bisexual object choice seems almost taken for granted, and homoerotic desire is not singled out for any greater or lesser censure than heteroerotic desire.

In vernacular fiction from the Ming and Qing dynasties, we find a complementary image of the aggressive penetrator in the role of the libertine. In terms of object choice, the libertine is bisexual too, although his primary obsession is women. The danger that the libertine represents is his insatiable pursuit of sexual objects. Thus, when Ximen Qing (hero of *Plum in the Golden Vase*) penetrates his page boy, Shutong, the episode seems relatively trivial, but it serves to underscore the protagonist's indiscriminate self-indulgence; Ximen's more dangerous behavior consists of his promiscuous seduction of other men's wives, leaving a series of wrecked households in his wake. Again, when Vesperus (hero of the early Qing novel *The Carnal Prayer Mat*, by Li Yu) finds no female vessel at hand, he substitutes the "south gate" of one of his young male pages; but his energies are spent primarily in the pursuit of other men's wives. These novels present their heroes' transgressive overindulgence as harmful to their own physical health; but more important, it ruptures the boundaries that frame familial and social order.<sup>22</sup>

The fictional libertine differs from the rootless rascal found in legal records by being a member of the privileged elite who enjoys material and so-

cial resources and, therefore, rarely falls afoul of the law. But he shares with the rootless rascal the aggressive penetrant role and therefore represented a specifically phallic threat to social order.

### VULNERABLE MALES

#### *Legislative Discourse and Case Records*

If the archetypal dangerous male was the rogue outside the family system who played an aggressive penetrant role, then what kind of male was vulnerable to his sexual predation? Specifically, how did Qing jurists conceptualize the credible male rape victim?

Qing laws against sodomy (homosexual anal intercourse—*ji jian*) dealt almost exclusively with rape (although consensual anal intercourse was banned as well); they consistently characterized the male rape victim as “a son or younger brother of someone of good character/commoner status” or “of commoner family” (*liang ren zi di*). Translation of this phrase is awkward, given the double meaning in legal discourse of *liang*—which literally means “good,” with a connotation of honorable, virtuous, or respectable, but which also denotes free “commoner” legal status.

*Liang* conflated morality of conduct and occupation with “good” legal status: the “common people”—*liang min*—were simultaneously the “good people.” Below them was a stratum of “mean people” (*jian min*) whose stigmatized occupations and presumably immoral conduct determined their debased legal status. “Mean” status had long been treated as fixed and hereditary, but by the mid-Qing the vast majority of people in China proper (peasants, commercial and artisan classes, and so on) would have been classified as *liang* before the law; still, the law continued to discriminate against certain stigmatized occupations (prostitutes, actors, professional entertainers, some categories of hired laborers, domestic slaves, and so on). The basis for continuing discrimination was no longer heredity but rather the principle that *liang* status depended on respectable occupation and conduct.

The stereotypical victim of homosexual rape came from a law-abiding family of commoner legal status; but specifically, he was a “son or younger brother” (*zi di*) of such a family. Here, we see a significant difference with the corresponding characterization of the female rape victim, who was a “wife or daughter of good character/commoner status” or “of commoner family” (*liang jia qi nü* or *liang ren fu nü*). Wives and daughters were subordinate members of the household primarily by reason of gender; sons and younger brothers were subordinate members of the household by reason of *youth*. (Sodomy legislation says nothing about a “husband” of a commoner family to correspond to the “wife” envisioned as a potential rape victim.) In other words, jurists imagined the male rape victim as a young, junior member of a respectable, commoner family.

The importance of youth is, if anything, even more explicit in the law that addressed “males who commit homicide while resisting rape” (*nanzi ju jian sha ren*).<sup>23</sup> Judges were extremely reluctant to accept such claims of self-defense; they assumed that no man would need to resort to deadly force (usually a knife or other edged weapon) in order to prevent rape. “Why didn’t you just struggle free? Why was it necessary to use a weapon?” they would ask homicide defendants who made this claim. The law mandated that only boys of fifteen *sui* or under who had been attacked by a considerably older man, and who could meet an unusually strict standard of proof, might be released without punishment (after paying a nominal fine). In contrast, a female of *any* age who immediately killed a man attempting to rape her would be spared any penalty whatsoever. Women were assumed to be weak enough that they would likely need a lethal weapon to repel a rapist; only a young boy might be weak enough to share this feminine vulnerability to penetration.

This stereotype is borne out by my sample of actual homosexual rape cases pursued by central courts.<sup>24</sup> The youth of the victims (and relative maturity of the rapists) is perhaps the most consistent and striking aspect of the sample: *in every case*, the rapist was older than his victim, by an average of fifteen *sui* in the rape cases and twenty *sui* in the self-defense homicides. The average age of homosexual rapists was thirty-three *sui*, while that of victims (including killers in the homicide cases) was only sixteen *sui*. In cases that involved homicide (of either rapist or rape victim), the homicide itself became the main focus of judicial inquiry and guaranteed prosecution; so if we exclude all such cases, we come even closer to the judiciary’s “stereotypical” homosexual rape, in which that crime alone was the focus of concern. In this smaller sample, the average age of victims falls to thirteen *sui*—only eleven or twelve years of age by Western reckoning—strongly reinforcing the stereotype of the credible male rape victim as a very young boy.

Another factor distinguished victims from rapists. Most victims were poor but came from intact family units, and most sexual assaults were reported to the authorities by the father or another senior relative of the victim. This finding should not surprise us, given that Qing sodomy legislation defined the plausible male rape victim as “a son or younger brother of *liang* family.” Like heterosexual rape, then, homosexual rape was seen as threatening the integrity of the patriarchal family as much as the person of the individual victim.

#### *Eroticization of the Young Male*

This judicial stereotype of the male rape victim also resonates with widespread evidence that the young male was eroticized as an object of possessive desire. In Qing legal cases as well as in Ming and Qing fiction, the young

male was cast in the “female” role as a penetrated object, and the penetrator seems to have been attracted to certain kinds of feminine features regardless of the sex of the individual who possessed them.

Memorials on homosexual rape cases routinely reported that a rapist’s lust was aroused when he saw that his victim was “young” (*nian you*) or “young and beautiful” (*shao ai*); the latter term carries a strong connotation of femininity and was frequently used in the same context in judicial reports of heterosexual rape. Homosexual rapists explained that (for example) their victims were “young and lovely” (*nian shao mei hao*), or “had a clean and attractive face” (*mian mu sheng de gan jing*), or “looked so white and clean” (*sheng de bai jing*).<sup>25</sup> Just as the bisexual-object choice of rapists warranted no particular analysis, this sort of testimony was transcribed in case reports without comment; clearly, then, the memorialists assumed that no special explanation was necessary to make it understandable to their superiors (ostensibly including the emperor) who would review their reports.<sup>26</sup>

The reason they could make this assumption is that the eroticization of the young male as a penetrated, feminized object was by no means peculiar to a subculture of marginalized males. In *Plum in the Golden Vase*, males who play the penetrated role are uniformly eroticized for their youth and feminine refinement. For example, an encounter between Ximen Qing and his adolescent page, Shutong, begins thus: “Shutong had been drinking wine, so his fair face was glowing; his lips were red and fragrant, and his teeth were as white as grains of glutinous rice—how could one not be enchanted? At once, Ximen Qing’s lust was aroused.” Elsewhere we find the following account of the Daoist priest Jin Zongming’s attraction to the males he pursues: “Under his supervision he had two novices who were fresh, clean, and young [*qing jie nian xiao*] and who shared his bed; but this had gone on for some time, and he was getting bored with them. He saw that Jingji had white teeth and red lips, and his face was as white as if it had been powdered. . . . So the priest arranged for Jingji to stay in the same room with him.” (The novel mentions in passing that Jin Zongming also patronizes female prostitutes.)<sup>27</sup> In *The Carnal Prayer Mat*, Li Yu explains the hero’s sexual attraction to his pages (“Satchel” and “Sheath”—appropriate nicknames for the penetrated!) in similar terms: “Both boys were attractive; indeed, apart from their big feet, they were on a par with the most beautiful women.” The hero prefers Satchel because he is the more “artful” and “coquettish” of the two and can manipulate his buttocks “like a woman.” In his story “A Male Men-cius’s Mother,” Li Yu describes the willow-waisted boy Ruiliang as “a woman of peerless attraction,” possessing a feminine charm superior to that of a genuine woman.<sup>28</sup>

In all these texts, both legal and fictional, the male sex object appears attractive to the extent that he possesses a certain feminized standard of

beauty. Youth, whiteness, cleanliness, clarity of complexion, red lips and white teeth, a willowy physique—all these features are conflated and eroticized.<sup>29</sup> (Ming-Qing pornography depicts both women and penetrated males with lighter skin than their masculine partners.)<sup>30</sup> The aggressive penetrator depicted in these sources seems attracted to the object of his desire more by these gendered features than by the object’s biological sex.

This evidence helps us to understand not only the eroticization of young males as feminized objects but also the threat from which “sons and younger brothers of good family” had to be protected. The legal discourse of the vulnerable male is pervaded by anxiety over the ambiguous gender of the adolescent boy, whose adult masculinity has not yet been confirmed by the social and sexual roles taken up with marriage (i.e., the penetrant role of husband and father). Being penetrated feminized a person in a profound and important way: it gendered a biological female as a *woman* (as wife and mother), just as to penetrate gendered a biological male as a *man* (as husband and father). From the point of view of a society and legal regime that radically subordinated women to men, the penetration of a young male threatened to derail his delicate journey to adult masculinity, to degrade or invert his gender.

#### POLLUTED MALES AND NONMALES

##### *The Double Meaning of Liang*

In the late seventeenth and the eighteenth centuries, the Qing judiciary formally adapted many of the standards long used for prosecuting heterosexual rape to the analysis and punishment of homosexual rape. Most important, perhaps, was the adaptation of the legal concept *liang* (good) to evaluate the victim of homosexual rape. *Liang* carried a double connotation, of “commoner” legal status (which depended on good family and respectable occupation) but also of good morals. As we have seen, the victim of heterosexual or homosexual rape was stereotyped as a commoner. To distinguish commoner status, Qing law discriminated in various ways against the inferior stratum of “mean” status occupational groups (including actors, prostitutes, slaves, and some kinds of hired laborers); for example, if a person of mean status raped a commoner, then he would receive a penalty far more severe than would someone who raped a person of equal status. If the reverse situation occurred, a commoner rapist would receive a reduced penalty (if prosecuted at all). Presumably, the damage inflicted by rape approximated the stigma already attached to “mean” status, so the perpetrator was guilty of a lesser crime.

But *liang* also implied a judgment of the rape victim’s morality, in a specifically sexual sense. In heterosexual rape cases, *liang* meant “chaste”; so, as

a “wife or daughter of good character/commoner status” or “commoner family” (*liang ren fu nü* or *liang jia qi nü*), a female rape victim was credible only if chaste and a commoner as well. Any record of sexual experience outside marriage disqualified her from full consideration as a rape victim (lack of chastity ostensibly mitigating the damage that rape might cause), so her rapist, if prosecuted at all, would receive a reduced penalty. In an important way, the full penalty of death for rape represented a testimonial to the victim’s chastity as much as punishment for the rapist.<sup>31</sup>

In applying the concept of *liang* to homosexual rape prosecution, jurists preserved the nuance of sexual morality, but with an important modification. A female who had been penetrated by her husband was considered as chaste as an unmarried virgin; but any history of being penetrated anally would disqualify a male from being considered *liang*. Here, we see an essential difference in the way jurists imagined male and female gender: a woman was defined and gendered by her penetrability—but that had to be reserved for her legitimate husband and master. A man was not to be penetrated *at all*, but to penetrate: he was a subject, not an object, of action. From a judicial perspective, there existed no legitimate context for homosexual penetration that corresponded to heterosexual marriage.

A male prostitute was the opposite of *liang* in both senses of the word, since he suffered from debased status and had a history of anal penetration. As early as the Song dynasty (960–1279), sources reported the prosecution of cross-dressing male prostitutes for the offense of *bu nan*—literally, “being not male.” As its name suggests, the essence of this crime was gender performance that radically conflicted with normative masculinity.<sup>32</sup> In the Qing dynasty, both cross-dressing and consenting to anal penetration continued to mark males as “not male” in ways that had important implications for rape law.

#### *Professional Female Impersonators*

By Qing legal standards, male actors who played female *dan* roles in opera were doubly debased: in terms of legal status (mean) and gender (female). As entertainers, they could not be treated in the same way as normative, commoner males. Moreover, their identity as female impersonators (whose onstage gender performance often strongly influenced their offstage personae) compromised their masculinity in a fundamental way. Indeed, their debasement had a sexual dimension as well, since actors had long been associated with homosexual prostitution.<sup>33</sup>

A 1653 case from Mancheng county, Zhili (some 150 miles southwest of Beijing), illustrates the extent to which Qing authorities treated such actors differently from ordinary, commoner males. Manchu troops seized two Han

Chinese men who had failed to shave the fronts of their heads (the tonsure was a mandatory sign of submission to the new dynasty, and the archives of the early Qing are full of reports of “rebels” summarily beheaded for non-conformist hairstyle). The two men were accused of rebellion (*pan ni*); but they defended themselves by claiming to be opera singers who performed female *dan* roles (*chang xi zuo dan*)—they were aware of the tonsure requirement but had assumed that it did not apply to them (one of the two had initially shaved his head but later let his hair grow back). Soldiers went to their home village to investigate, and it turned out they were telling the truth—they were the *dan* performers in a fourteen-man troupe of players—so their lives were spared. It is unlikely that any other Han male without the tonsure would have survived if taken into custody.<sup>34</sup>

What if a female impersonator were raped? In a case adjudicated by the governor of Shaanxi in 1824, two actors who performed *dan* roles were waylaid on the road and raped. Neither victim had any record of prostitution or other consensual sodomy; nevertheless, the governor argued, given their profession “they cannot be considered ‘sons or younger brothers of commoner status’” (*liang ren zi di*). Since Qing law defined homosexual rape as the violation of a young *liang* male, the rapists in this case could not be held liable for the full penalty for rape (death). On top of their debased status as entertainers, *dan* actors in particular already embodied an inversion of gender akin to that which phallic penetration supposedly threatened to effect. Regardless of sexual history, they could not possibly suffer the same degree of harm that a normative male would suffer if raped. Nevertheless, such a crime could not be allowed to go unpunished, especially since it had been committed in broad daylight, on a public road, and by more than one perpetrator. The solution was to reduce the penalty by one degree, so that each rapist was sentenced to a beating and exile, instead of death. This lower penalty balanced the principle of status hierarchy against that of punishment for rape.<sup>35</sup>

Actors and other mean occupational groups were generally tolerated but stigmatized by the law; their pollution and supposed lack of morality helped define, by contrast, all that was “good” (*liang*) about the “good people” (*liang min*)—commoners who supposedly adhered to valorized norms of marriage, family, and occupation. Rape law reflected these assumptions; elsewhere, the code made strenuous efforts to separate debased from commoner and to maintain the boundary between. A high priority was to prevent the recruitment of commoner youth into mean occupations, especially acting and prostitution; severe penalties were mandated for those who attempted recruitment, whether by purchase, adoption, marriage, or coercion. Preventing the debasement of commoner youth by such means corresponded to efforts to guard against their pollution by rape.<sup>36</sup>

*Men Who Consented to Being Penetrated*

What about the other meaning of *liang*—that is, what if a victim of homosexual rape had a prior record of consensual penetration? As a matter of judicial practice, the results were the same as when a man of “mean” status (like an actor) was raped. For example, in a case of homosexual rape memorialized by the governor of Shanxi in 1815, the victim, Guo Zhengqi, had previously, in the governor’s words, been “sexually polluted” (*jian wu*) by another man in a consensual relationship. Guo Zhengqi was a commoner. Nevertheless, the governor reasoned, given his sexual history “there is a difference between [Guo] and a man who is *liang*”; so the rapist’s penalty was reduced from strangulation to a beating and exile. In addition, for having consented to penetration by his partner, Guo himself was sentenced to one hundred blows of the heavy bamboo and one month in the *cangue*, according to the provision against “consenting to be sodomized” (*he tong ji jian*).<sup>37</sup>

Hence, a record of “sexual pollution” corresponded exactly to “mean” legal status for purposes of homosexual rape law (just as in heterosexual rape law): either factor disqualified a male from being considered *liang*, a fact reflected in the lighter sentences meted out if he were raped. Either kind of taint to some extent approximated—and hence, mitigated—the damage that anal penetration might inflict on a normative male. Since a male who was not *liang* could not possibly suffer the full damage of rape, it followed that his rapist should not receive the full penalty for that crime.

In the Manchu banner system, we find interesting confirmation of the pollution or stigma specific to the penetrated male. If a man were found guilty of consenting to be penetrated, not only would he receive the regular penalty mandated by the code (a beating and a term in the *cangue*), but also he would be expelled from his banner registry. Bannermen who played the penetrant role in sodomy offenses would receive civil punishment as well but would not be expelled. In other words, homosexual attraction in itself was not incompatible with bannerman status; but consenting to penetration, and the gender inversion that implied, disqualified one from service.<sup>38</sup>

To the judiciary, the difference between a vulnerable male and one kind of polluted male was consent. The prohibition of consensual sodomy (since at least the sixteenth century) betrays fear not just of the coercive aspect of sexual predation but also of the possibility that the putatively vulnerable male might learn to enjoy a sexual role that radically contradicted the gender order.

*The Cross-Dressing Predator*

In addition to the actor who performed female roles, judicial discourse included another, very different manifestation of the cross-dressing male: the imposter who employed female dress as a disguise to facilitate the seduction

or rape of otherwise inaccessible women. This sexual predator was a stock figure in Ming and Qing fiction, closely related to the “monster” or “human prodigy” (*renyao*), who supposedly could switch anatomy from female to male for the same purpose.<sup>39</sup>

The Qing casebook *Conspectus of Penal Cases* (*Xing an hui lan*) cites three cases of men who were prosecuted for dressing as women (*nan ban nü zhuang*); but only one seems to fit the stereotype of the cross-dressing sexual predator. Cross-dressing in and of itself apparently did not get a man in trouble with the law; after all, female-impersonating actors were an accepted, if stigmatized, professional group. In all three examples, the men who cross-dressed also played the penetrated role in sexual relations with other men (which was illegal). However, they were prosecuted not simply for violating normative masculinity but rather, in each case, because cross-dressing was seen as part of a larger pattern of dangerous and deceitful behavior.<sup>40</sup> Far from being viewed as passive feminized objects, these men were portrayed as a sinister threat to social order because of their own self-conscious actions. All three (together with accomplices who did not cross-dress) were punished according to the statute on “deceiving the people with heterodox doctrines” (*zuo dao huo zhong*), a catch-all law cited to punish sorcerers, medical quacks, con artists, religious practitioners suspected of fomenting millenarian rebellion, and so on.<sup>41</sup>

The example in which the perpetrator most closely resembled the stereotypical predator is found in an 1818 case from Hubei involving one Peng Ziran, who “dressed in women’s clothes, studied charms and spells, practiced [quack] medicine, and cheated people out of their money.” Peng also used his female disguise to facilitate illicit sexual intercourse with two women, one of whom he later tried to abduct. But his true sex was finally discovered by another man, Wang Shixian, who apparently used this knowledge to pressure Peng into submitting to sodomy; the two men then became partners in crime, passing themselves off as husband (Wang) and wife (Peng) for some time, until finally arrested. Peng Ziran was sentenced to strangulation as a “ringleader,” under the statute against “deceiving the people with heterodox doctrines”; the statute called for strangulation after the Autumn Assizes (an annual procedure at which most death penalty sentences were reviewed and commuted), but since Peng’s crimes were so numerous, a special edict ordered immediate execution. Wang Shixian, as an “accomplice,” was deported to Xinjiang to be a slave.<sup>42</sup>

In this case, a cross-dressing predator was found out by another man, who then forced him to submit to a sexual role (being penetrated) that conformed to his outward gender persona. In a sense, then, it appears that the imposter was put in his place and the gendered sexual order restored well before the two men were arrested.<sup>43</sup>

The other two cases of cross-dressing discussed in *Conspectus of Penal Cases*

involved no violation of women or other sexual predation. In an 1819 case from Beijing, a young monk named Zeng Liang had played the penetrated role in consensual sodomy with two other monks; he quarreled with one of them, beating and injuring him severely; then Zeng dressed as a woman to try to evade the authorities and, when arrested, claimed falsely, it appears (to get the court's sympathy), to have been raped at age twelve *sui* by the monk he had beaten. Clearly, Zeng Liang had committed multiple offenses, but his cross-dressing had not been intended to facilitate sexual predation, black magic, or swindling. As the Board of Punishment commented, "In the past, when this Board has adjudicated cases of men dressing in women's clothes [*nan ban nü zhuang*], in any case that has involved violation or seduction of women [*jian yin funü*], or swindling the common people out of their money [*huo zhong lian qian*], the offenders have always been sentenced to strangulation, according to the statute on 'deceiving the people with heterodox doctrines.'" But Zeng Liang did not fit this profile; therefore, he received a reduced penalty of beating and exile instead of death.<sup>44</sup>

The third example is an 1807 case from Beijing: one Xing Da had dressed as a woman and pretended to be a "fox spirit" capable of curing illnesses, telling fortunes, and so on in order to cheat people out of their money. He also had engaged in sodomy with an accomplice, and the two men apparently had alternated sexual roles (*hu xiang ji jian*).<sup>45</sup> There was no evidence that Xing Da had used his female disguise in order to debauch women; nevertheless, the sorcery and swindling earned him the full penalty of strangulation. His accomplice was sent into exile.<sup>46</sup>

I suspect that the prosecution of cross-dressing was extremely rare, and that cross-dressing sexual predators were rarer still. (In fact, most of the cases recorded in *Conspectus of Penal Cases* are exceptional in one way or another because the purpose of such casebooks was to show jurists how to apply codified law to peculiar and complex fact situations.) Although I have searched in Chinese archives through hundreds of Qing criminal cases involving sex and gender, I have yet to see a single actual record of prosecution for cross-dressing in any context. It seems, then, that the image of the cross-dressing predator tells us more about official and elite anxieties than about the practical problems of the judiciary.

The paranoid fantasy about the cross-dresser as sexual predator attempts to make sense of a gender performance that radically conflicts with normative masculinity. An ulterior motive explains it: the *apparent* embrace of femininity is, in fact, a disguise for that definitive form of dangerous masculinity, the aggressive penetrator. Behind a veil of feminine artifice, we discover the all-too-easily comprehensible danger of heterosexual predation. Ultimately then, the cross-dressing predator reflects anxiety less about gender inversion per se than about the vulnerability of chaste daughters and wives.

So the cross-dresser is a nonmale who turns out to be all too male. In this

sense, the stereotype recalls the judiciary's chronic suspicion of clergy. Male clergy, too, appeared to be nonmales, a sort of third gender; Qing law tried to reinforce clerical vows by prohibiting clergy from definitively masculine activity (taking wives or engaging in sexual intercourse) and by mandating penalties of extra severity for violations. Apparently, jurists suspected that the vow of celibacy might be no more than a disingenuous facade that masked real motive and intent; that is, they believed that this apparent nonmale, like the cross-dresser, might actually be a predator made all the more dangerous by his disguise.<sup>47</sup>

#### CONCLUSION: THE NORMATIVE MALE

In conclusion, what can we say about the standard of *normative* masculinity implied in Qing legal discourse? The normative male was a married, adult householder with a stake in the familial order so valorized by the Confucian state. He was a commoner, a man of respectable family and occupation. He had survived unsullied the delicate journey to adult masculinity; his masculinity was based, like that of the dangerous male, on the sexual role of penetrator—but it was a fully socialized masculinity, harnessed to the roles of husband and father. His centrifugal, penetrative sexuality was disciplined by the filial duty to procreate and by a sober fear of community sanction and imperial authority.

To this normative male, the imperial state delegated considerable authority. For example, a husband could beat his wife, with the complete backing of the state, unless he broke a bone or inflicted worse injury. Even if he murdered her, he risked capital punishment far less than someone who killed an unrelated person—let alone a wife who murdered her husband. The same weighting of penalties reinforced a father's authority over his children and a head of household's authority over servants and long-term hired laborers.

In principle, only the emperor could take human life; even homicide in genuine self-defense was seldom excused. But under exceptional circumstances, even the power to take life might be delegated, so that a head of household could kill with complete impunity. For example, if a man caught his wife in the act of adultery, he could kill her and her lover without penalty, as long as he acted at once. Equally, if a man immediately killed someone who had entered his house at night, then he was spared prosecution. The point here is that a householder could kill to defend the basic integrity and security of his home and lineage against extraordinary threats.

In addition, Qing law mandated that any offspring of an illicit sexual union (be it coercive or consensual) should become the responsibility of their father, the male offender: as the polluted fruits of outside penetration, such children should be excluded from the lineage of the mother's hus-

band. Similarly, if a wife committed adultery or ran away, her husband gained the right to expel her or sell her off in marriage, and she forfeited all claim to his property and children. Each of these measures aimed to safeguard the patrilineal integrity of descent and inheritance against the polluting threat of the outside male.

In the course of prosecution, if a rapist were found to be married, then his interrogators often focused on that fact: why on earth would he commit rape if he already had a wife? Jurists seem to have assumed the *rational* reason for a man to commit rape, either heterosexual or homosexual, to be that he lacked a wife (yet another reason to suspect male clergy). It seems they expected imbalance between the sexes to result naturally in rape.

To what extent this expectation matched social reality we cannot know. But the Qing dynasty's fear of marginal, rogue males should not be dismissed as idle paranoia. For example, as Elizabeth Perry has noted, in rural Huaibei by the nineteenth century, perhaps 20 percent of males went unmarried (given the shortage of marriageable women), and unemployment was a chronic problem. Surplus males constituted a large, fluid, mobile source of labor—and of trouble as well. Such men often left their native villages as beggars, soldiers, or hired laborers but also provided the manpower for smuggling, banditry, and rebellion. Indeed, Perry shows that collective violence in “predatory” and “protective” forms constituted a basic survival strategy; under the right circumstances, endemic low-level violence could grow in scale, and might even explode into rebellion against the imperial state. The ubiquitous, underemployed rootless rascal served as the main recruit for such activity.<sup>48</sup>

The judicial constructs of the Qing dynasty, and especially its attempts to regulate sexuality, must be understood against a social background in which men outnumbered women, so that patriarchal stability was perceived as under constant threat from a crowd of rogue males at the bottom of the socioeconomic scale. The household of the normative male, that microcosm of imperial order, was under siege; the purpose of law was to strengthen its defense.

#### NOTES

1. Sexual orientation is certainly a valid category for understanding identity and experience today; but it would be a mistake to assume that a fundamental social identity based on the sex of a person's object of desire has always and everywhere been experienced in the same way. For more on this admittedly controversial topic, see David M. Halperin, “Is There a History of Sexuality?” in *Lesbian and Gay Studies Reader*, ed. H. Abelove et al. (New York: Routledge, 1993); and Edward Stein, ed., *Forms of Desire: Sexual Orientation and the Social Constructionist Controversy* (New York: Routledge, 1992).

2. Charlotte Furth, “Androgynous Males and Deficient Females: Biology and Gender Boundaries in Sixteenth- and Seventeenth-Century China,” *Late Imperial China* 9, no. 2 (1988): 1–31.

3. I have covered much of this ground before: see Matthew H. Sommer, “The Penetrated Male in Late Imperial China: Judicial Constructions and Social Stigma,” *Modern China* 23, no. 1 (1997): 140–80, and *Sex, Law, and Society in Late Imperial China* (Stanford: Stanford University Press, 2000), chap. 4. Here, I am concerned less with the law itself than with what it can tell us about the conceptualization of masculinity and male sexuality.

4. Mitamura Taisuke, *Chinese Eunuchs: The Structure of Intimate Politics*, trans. Charles A. Pomeroy (Rutland, Vt.: Charles E. Tuttle, 1970).

5. See Matthew H. Sommer, “Banki teisei Chūgoku hō ni okeru baishun—Jūhasseki ni okeru mibun pafōmansu kara no ritatsu” [Prostitution in the law of late imperial China: The eighteenth-century shift away from status performance], *Chūgoku: Shakai to Bunka* 12 (1997): 294–328, and *Sex, Law, and Society in Late Imperial China*, chap. 2.

6. I address these questions at length in *Sex, Law, and Society in Late Imperial China*. Also see Philip Kuhn's discussion of how the imperial state during the High Qing perceived the large underclass of vagrant, single men as a grave security threat, in his *Soulstealers: The Chinese Sorcery Scare of 1768* (Cambridge: Harvard University Press, 1990).

7. Yao Run et al., eds., *Da Qing lili zengxiu tongcuan jicheng* [Revised comprehensive compilation of the Qing code] (1878; edition in UCLA East Asian Library), chap. 33, p. 1b. All translations in this article are my own, except where noted.

8. Xue Yunsheng, *Du li cun yi* [Lingering doubts after reading the statutes], ed. and punctuated by Huang Jingjia (Taipei: Chinese Materials and Research Aids Service Center), statute 273–00; *Qing huidian shili* [Collected statutes of the Qing, with statutes based on precedent] (1899; reprint, Beijing: Zhonghua Shuju, 1991), chap. 794, pp. 692–703.

9. Xue Yunsheng, *Du li cun yi*, statute 273–07; for a translation of the full text, see Sommer, *Sex, Law, and Society in Late Imperial China*, appendix 1.4.

10. In addition, a series of edicts from the Qianlong and Jiaqing (1796–1821) reigns imposed on local officials the duty of “prohibiting rootless rascals”—i.e., rounding up and punishing vagrant troublemakers and deporting them to their home districts; these measures were closely associated with rules about arresting escaped convicts, and prohibitions against gambling, heterodox religious sects, and the gathering of large crowds. See *Qing huidian shili*, chaps. 130–32.

11. Xue Yunsheng, *Du li cun yi*, statute 366–03; see Sommer, *Sex, Law, and Society in Late Imperial China*, appendix 2.1, for a translation of the full text. An infant is one *sui* at birth; a person ages one *sui* at each new year thereafter. As a result, age reckoned in *sui* is one or two more than if reckoned in the Western “years old.” Thus, a boy of ten *sui* would be eight or nine years old.

12. For example, statutes 366–02 and 04 in Xue Yunsheng, *Du li cun yi*.

13. Eighteenth-century officials feared that the “clerical underclass” provided “a breeding ground for sedition and lawlessness,” and that many supposed clergy actually were “rogues who took clerical garb to evade the law.” Kuhn, *Soulstealers*, 44.

14. Yasuhiko Karasawa, "Between Fiction and Reality: The Textual Framework of Qing Legal Plaints," *Ritsumeikan gengo bunka kiyō* 9, no. 5 (1998): 346. Karasawa goes on to explore the stereotype of Buddhist clergy as sex offenders in Ming-Qing crime fiction.

15. Substatute 161-01, statute 372-00, and substatute 366-09, in Xue Yunsheng, *Du li cun yi*.

16. Of course, such records do not give an accurate picture of all rapes that actually occurred, especially if one embraces a feminist definition of that crime (to cite the most obvious example, the concept of marital rape was utterly foreign to imperial law). Rather, the records reveal the specific scenarios that satisfied the expectations of the judiciary. The sample on which I base the following generalizations consists of thirty-nine cases of homosexual rape and forty-nine of heterosexual rape (some cases involve homicide in addition to rape); all are drawn from central court records, so they represent "by the book" adjudication. For a detailed discussion of this sample, see Sommer, *Sex, Law, and Society in Late Imperial China*, chaps. 3 and 4.

17. Sommer, "The Penetrated Male," and *Sex, Law, and Society in Late Imperial China*.

18. *Jin ping mei cihua* [Plum in the golden vase] (Hong Kong: Taiping Shuju, 1992 [Ming]), chap. 93, p. 10a.

19. Cited in Chen Baoliang, *Zhongguo liumang shi* [A history of Chinese hooligans] (Beijing: Zhongguo Shehui Kexue Chubanshe, 1993), 161.

20. By "bisexual" I refer only to the fact that the predators in question pursued members of both sexes; I mean to imply nothing about the sexual orientation of the individuals described in Qing sources.

21. *Neige xingke tiben* [Grand Secretariat memorials on criminal matters, held at the First Historical Archives in Beijing], category "marriage, sex offenses, and family disputes," bundle 119/Qianlong 10.12.3. For further elaboration see Sommer, *Sex, Law, and Society in Late Imperial China*, chap. 4, where I present this same case along with other, similar examples.

22. See Roy's analysis of "the causes of social disintegration" in his introduction to *The Plum in the Golden Vase (or Chin P'ing Mei)*, vol. 1: *The Gathering*, trans. David Tod Roy (Princeton: Princeton University Press, 1993), xxix-xxxi; and Hanan's discussion of the fictional libertine in his introduction to Li Yu, *The Carnal Prayer Mat*, trans. Patrick Hanan (Honolulu: University of Hawaii Press, 1996), vii-ix.

23. See Sommer, *Sex, Law, and Society in Late Imperial China*, appendix 2.2.

24. See note 16 for an explanation of this sample.

25. Examples are drawn from Chang We-jeu [Zhang Weiren], ed., *Zhongyang Yanjiuyuan Lishi Yuyan Yanjiusuo xian cun Qing dai Neige Daku yuan cang Ming-Qing dang'an* (Ming-Qing documents from the Qing dynasty Grand Secretariat Archive in the possession of the History and Language Research Institute, Academia Sinica) (Taipei: Academia Sinica, 1986), document 41-7; and *Neige xingke tiben*, category "marriage, sex offenses, and family disputes," bundle 70/Qianlong 4.9.5 and bundle 119/Qianlong 10.12.3.

26. In the memorials reporting death penalty cases up for review, the memorialists would anticipate reviewers' puzzlement about anything unusual in the testimony by adding specific follow-up questions to clarify those points. I have never seen fol-

low-up questions that address either this aspect of testimony by homosexual rapists or the issue of bisexual object choice.

27. *Jin ping mei cihua*, chap. 34, pp. 11b-12a, and chap. 93, p. 10a.

28. Li Yu, *The Carnal Prayer Mat*, 120-22; Sophie Volpp, "The Discourse on Male Marriage: Li Yu's 'A Male Mencius's Mother,'" *positions* 2, no. 1 (1994). (Translations are by Hanan and Volpp, respectively.)

29. Why was cleanliness such a fetish? Perhaps because the faces of so many people, by the time they reached maturity, exhibited a record of childhood disease and skin problems, and people did not have the benefit of treating or concealing the results with modern cosmetics or dermatology. A fair, clear complexion and clean skin must have been rare indeed in eighteenth-century China, especially among peasants, who were typically burned very dark by the sun.

30. Bret Hinsch, *Passions of the Cut Sleeve: The Male Homosexual Tradition in China* (Berkeley and Los Angeles: University of California Press, 1990), 146.

31. Sommer, "The Penetrated Male," and *Sex, Law, and Society in Late Imperial China*, chap. 3; Vivien Ng, "Ideology and Sexuality: Rape Laws in Qing China," *Journal of Asian Studies* 46, no. 1 (1987).

32. Sommer, *Sex, Law, and Society in Late Imperial China*, chap. 4.

33. For the gender education and offstage personae of males who performed *dan* roles, see Isabelle Duchesne, "The Chinese Opera Star: Roles and Identity," in *Boundaries in China*, ed. John Hay (London: Reaktion Books, 1994); for the homoerotics of actors and acting, see Sophie Volpp, "The Male Queen: Boy Actors and Literati Libertines" (Ph.D. diss., Department of East Asian Languages and Civilizations, Harvard University, 1995); and Hinsch, *Passions of the Cut Sleeve*. Qing jurists strongly associated male actors with homosexual prostitution, as seen in a substatute of 1852 (substatute 375-04 in Xue Yunsheng, *Du li cun yi*), which calls for punishment of any "female or male who decides on her/his own to become a prostitute or an actor and sell illicit sex" (*wei chang wei you mai jian zhe*), as well as anyone who "sleeps with prostitutes or actors" (*su chang xia you*).

34. *Neige xingke tiben*, category "criminal law," microfilm number 00661/Shunzhi 10.12.13. It may well be that Qing authorities eventually required actors to conform to the tonsure, but I have been unable to confirm this.

35. *Xu zeng xing an hui lan* (Supplement to the conspectus of penal cases) (1840?; edition in UCLA East Asian Library), chap. 14, pp. 2a-b; I treat this same case in Sommer, "The Penetrated Male," and *Sex, Law, and Society in Late Imperial China*, chap. 4.

36. Until 1723, Qing law preserved the long-standing legal fiction of fixed and hereditary status differences, so prostitution was tolerated among debased status groups but prohibited to commoners; from 1723 on, however, a series of imperial edicts extended commoner standards of morality and criminal liability to previously debased groups, so that all prostitution became illegal. Prostitutes and other entertainers continued to be considered debased, but that status derived from occupation and conduct rather than hereditary stigma. Sommer, "Banki teisei Chūgoku hō ni okeru baishun," and *Sex, Law, and Society in Late Imperial China*, chaps. 6 and 7; Terada Takanobu, "Yōseitei no semmin kaihōrei ni tsuite" [The Yongzheng emperor's edicts which emancipated debased status groups], *Tōyōshi kenkyū* 18, no. 3 (1959).

37. *Xing an hui lan* (Conspectus of penal cases) (1834?; edition in UCLA East Asian Library), chap. 52, pp. 7b-8a; I treat this same case in "The Penetrated Male," 152-53, and in *Sex, Law, and Society in Late Imperial China*, chap. 4. The *cangue* was a heavy wooden collar fitted around the neck as punishment.

38. *Xing an hui lan*, chap. 52, pp. 8a-b.

39. Judith Zeitlin, *Historian of the Strange: Pu Songling and the Chinese Classical Tale* (Stanford: Stanford University Press, 1993), chap. 4; Furth, "Androgynous Males and Deficient Females," 22-23. For comparison, see Kathleen Brown's account of the anxieties provoked in a colonial Virginian community by an individual of ambiguous genitalia who alternated between male and female dress: "'Changed . . . into the Fashion of Man': The Politics of Sexual Difference in a Seventeenth-Century Anglo-American Settlement," *Journal of the History of Sexuality* 6, no. 2 (1995): 171-93.

40. Cf. Marinus Meijer, "Homosexual Offenses in Ch'ing Law," *T'oung Pao* 71 (1985): 115.

41. Xue Yunsheng, *Du li cun yi*, statute 162-00.

42. *Xing an hui lan*, chap. 10, p. 22b.

43. Peng Ziran's case bears a remarkable resemblance to a fictional tale, "The Human Prodigy" (Ren yao), written approximately a century earlier by Pu Songling, based on a possibly apocryphal Ming dynasty legal case. See Zeitlin's translation and analysis of the tale in *Historian of the Strange*, chap. 4.

44. *Xing an hui lan*, chap. 10, p. 23a.

45. It is rare to find an admission of alternating sexual roles in a Qing sodomy case; so far I have seen only one or two examples in actual case records from the archives. In all other cases, there is at least the pretense of a clear, consistent division between penetrator and penetrated.

46. *Xing an hui lan*, chap. 10, p. 22b.

47. From high antiquity, a similar paranoia was inspired by eunuchs—namely, the fear that an uncastrated male might masquerade as a eunuch and thereby gain access to the palace women. The locus classicus is Sima Qian's account of how the famous minister Lü Buwei disguised an exceptionally well-endowed servant as a eunuch (by plucking his facial hair and bribing the official in charge of castration), so that he could perform sexual services for the queen dowager of the state of Qin. Sima Qian, *Records of the Grand Historian: Qin Dynasty*, trans. Burton Watson (Hong Kong: Renditions and Columbia University Press), 163-64.

48. Elizabeth J. Perry, *Rebels and Revolutionaries in North China, 1845-1945* (Stanford: Stanford University Press, 1980). A substatute of 1845 in the "extortion" chapter of the code (substatute 273-15 in Xue Yunsheng, *Du li cun yi*) specifically targets the Nian banditry in Huaibei discussed by Perry.

## PART TWO

### Ideals of Marriage and Family

In the following chapter, Susan Mann argues that in the Confucian revival of the mid-Qing period, an important element was a new discourse on marriage and intensified state campaigns to promote a common family ideal in which women were to be chaste and obedient. Mann asserts that this focus on the family was shaped by larger social change: society was becoming more commercialized and social mobility was increasing. In the early eighteenth century, female entertainers lost their hereditary position in the Office of Musicians in the imperial palace, which formed a prelude to the declaration that the formerly hereditary "polluted" (*jian*) occupations were eligible for commoner status. This produced a general anxiety among the literati about the boundaries between "debased" and "respectable" social categories;<sup>1</sup> and this debate extended to a concern with the boundaries between polluted and pure women—or, to put it another way, women who were sold versus those who were married and provided with wealth (dowry) by their families. One result was that dowries became socially necessary and increased in size, as a proof of the respectable status of a woman and her family. Another result was the increased emphasis on women's moral education. The importance of Mann's chapter is to show that a family's honor was closely linked with the status of its women, with the result that, in a time of greater social openness, there were intensified attempts to circumscribe elite women within the domestic sphere. As in part 1, it is clear that gender ideals are inseparable from class structure.

Mann's article also outlines the immediate historical backdrop for the attacks on the Confucian family structure that began with the New Culture Movement (1915-1923). In her chapter, Susan Glosser describes how New Culture radicals argued that China's inability to turn back the imperialist powers was due to the dependency and passivity of its people, traits pro-