1

Making Sex Work

Polyandry as a Survival Strategy in Qing Dynasty China

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"Getting a Husband to Support a Husband": 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 (age forty-nine[1]) lived in Fangshan County, Zhili (about fifty kilometers southwest of Beijing); his household consisted of himself, his wife Li Shi (forty-one), his widowed mother Fu Shi (seventy-nine), two young sons, and a daughter. The six of them shared a one-room house. Wang owned only four *mu* of poor-quality land, so much of the family's income depended on what he could earn by hiring out his labor to others (an example of the "semi-proletarianization" typical of the North China plain[2]). 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 He Shixin (thirty-seven), an immigrant from Neiqiu County, Zhili (about 350 kilometers to the southwest), who was working in the village as a casual laborer. He Shixin had neither land nor family, but he was strong and healthy. Wang proposed that He move in with Wang's family and sleep with his wife Li Shi in exchange for "farming and supporting the family" (*gengzhong yangjia*), and He 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 (*yanghuo*) 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*) He Shixin into our family. My son told me that he was going to let He Shixin live with us and sleep on the same sleeping platform 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 He 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 for the family's problems?

But sometimes He could not get work, and the family continued to go short on food, provoking Wang Yuliang to complain 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 He 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.[3]

How Widespread a Practice?

This story illustrates a practice known as "getting a husband to support a husband" (*zhaofu yangfu*), a form of nonfraternal polyandry that, with some variation, appears to have been remarkably widespread among the poor in China during the Qing dynasty (1644–1912). How widespread? It is impossible to quantify the practice in any exact way, and I would not suggest that most people—even most poor people—participated in such relationships. But it certainly was no isolated phenomenon.

Two major kinds of sources document this form of polyandry in China: Qing legal case records and early twentieth-century surveys of popular customs. The story of Wang Yuliang's family is found in a "routine memorial on criminal matters" held at the First Historical Archives in Beijing. These memorials from provincial governors report capital cases, which the archivists have sorted into categories according to the background situation that framed the central crime for which the death penalty was recommended (usually homicide).[4] In the archival category "marriage and sex offenses," a very common scenario found is the impoverished couple being supported by one or more outside males in exchange for sexual access to the wife. From a judicial point of view, such behavior constituted the crime of "abetting or tolerating one's wife or concubine to engage in illicit sexual intercourse with another man" (*zongrong qiqie yu ren tongjian*), for which the Qing code mandated ninety blows of the heavy bamboo (for the woman and both men) and compulsory divorce.[5] The "marriage and sex offenses" category contains countless memorials related to this crime, and I have collected several hundred from the Qianlong (1736–1796), Jiaqing (1796–1821), and Daoguang (1821–1851) reigns.

These are nearly all homicide cases, and homicide, of course, is an exceptional event. But I am convinced that the background situations that *framed* these homicides were not rare at all. This conviction is strengthened by the fact that such practices are well represented also in the routine caseloads of local courts in Ba County, Sichuan, and Baodi County, Zhili, most of which involved offenses far less serious than homicide.[6]

In addition to criminal records, two surveys of popular customs from the early twentieth century provide valuable documentation of polyandry (as well as related practices like wife selling). *Report on an Investigation of Popular Customs* contains data collected from local authorities in a number of provinces during the late Qing and early Republican eras as part of the preparation for drafting a modern civil code. This survey's reports from Fujian, Gansu, Hubei, Shaanxi, Shanxi, and Zhejiang all mention the "evil custom" of "getting a husband to support a husband."[7]

We need to bear in mind the limitations of this survey when weighing the significance of its evidence. Its reports vary widely in quality and detail, and it is far from complete: it leaves out most counties and many provinces altogether, including the far south and entire southwest of the country. It would be wrong to assume that the practice did *not* exist in places that are not specifically mentioned in the survey.[8]

A second survey, *The Common Law of Taiwan* published by Japanese colonial authorities, reproduces the text of a written contract for "getting a husband to support a husband" dated 1869.[9] This contract, which I translate here, documents a practice identical to that described in *Report on an Investigation of Popular Customs*. Based on these surveys, 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.

A limitation of both surveys is that since their compilers sought to document "customs," they included only the most formally contracted version of polyandry, in which an outside male was openly incorporated into a couple's household. This practice—which should be understood as a form of marriage—represents only one end of a wide and varied spectrum of polyandrous practices that combined elements of both marriage and sex work in different ways and proportions. The common denominator among all these practices is that a wife, with her husband's permission, would have sexual relations with one or more other men in order to help support her family. In other words, the surveys reveal only the tip of the iceberg: there was an awful lot going on that the compilers either did not know about or (more likely) considered too deviant to mention in a report on local "customs." Since the entire spectrum of polyandrous practice was criminalized as "abetting or tolerating one's wife to engage in illicit sexual intercourse with another man," however, we can turn to the legal archives for a fuller picture of social reality.

The main challenge in interpreting the legal cases is to get beyond the judiciary's criminal categories to understand why people behaved as they did and how they themselves understood their own behavior. One should also keep in mind that since polyandry was illegal, participants had a strong interest in avoiding official attention. Legal cases record only those relationships that ended in serious trouble; harmonious relationships rarely left any trace in the public record. On the other hand, the main challenge in interpreting the surveys is to get beyond the compilers' definition of "custom" to understand their evidence in the broader context of practices they have left out. By combining these diverse sources, we can find evidence of some variation of polyandry 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 He Shixin as a second husband for his wife. He Shixin 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 He, the ubiquitous "rootless rascals" or "bare sticks" (*guanggun*[10]) at the bottom of Qing society. The larger context, of course, is the skewed sex ratio and concomitant shortage of wives among the rural poor that were already very 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.[11]

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: his wife's body. Nor was it really 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. The situation would only grow worse over time. Female infanticide was one such strategy and no doubt was the main reason for the shortage of wives and the surplus of single men among the rural poor; children also could be sold off (a transaction often euphemized as "adoption"), as could wives. In this particular case, we are reminded of Philip Huang's analysis of the involutionary pressure on peasant families to mobilize underutilized labor and engage in sidelines and risky cash cropping in order to survive.[12] One available form of "underutilized" labor was the sexual and reproductive labor of women, and one possible sideline was 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 entrepreneurial 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 help support women's families. The women who do 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.[13]

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 involutionary pressure on poor families—were interrelated, and at their *intersection* we find people like

Wang Yuliang, Li Shi, and He Shixin engaged in survival strategies that combined elements of marriage and prostitution in a range of polyandrous forms. Some arrangements were formalized with matchmakers and written contracts or with some type of chosen (or "fictive") kinship; others were more casual, even ad hoc, and depended on verbal contracts or more indirect ways of reaching an understanding (such as the husband turning a blind eye to what he knows full well his wife is doing on the side). Each legal case tells a unique story full of specific details. But among the countless individual anecdotes we can discern common patterns and logic that make sense only when considered at the intersection of larger forces.

A Spectrum of Polyandrous Practice

Qing legal cases reveal a spectrum of different 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. Marriage and prostitution are the opposite poles of this polyandrous spectrum: some scenarios look more like marriage, and others more like sex work. Most, perhaps, lie somewhere in between.[14]

A number of variables can be used to plot a given scenario along this spectrum. For example, 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. I have examples of such alliances lasting over ten years. At the prostitution end of the spectrum, we find multiple partners (typically, the wife cannot remember how many), each of whose relationship with her lasted only the duration of each "trick."

Second, to what degree, if any, did the couple incorporate an outside male into their family and household, 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, coresidence, resource pooling, the sharing of meals from the same hearth, and sometimes even change of surname. For example, in Hubei "the second husband who was brought in" would adopt the surname of the first husband, in order to formalize his integration into the family.[15] 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 "*bufen neiwai*"—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 preparing food, mending and making clothes, cleaning, caring for the sick, and so on. He also gains the less tangible benefits of membership in a family, including both chosen kinship (e.g., sworn brotherhood or adopting the couple's children as *ganqin*, 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."[16] 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.

For reasons of space, this chapter focuses on practices that most closely resembled marriage, in which the outside male was formally incorporated into the family. Readers should keep in mind that we are examining only one end of a wide spectrum of polyandrous alliances. It is my belief—which I shall elaborate and substantiate in a larger project—that this entire spectrum, along with related practices like wife selling, needs to be included in our analysis of the traditional Chinese marriage system.

The Polyandry Contract

The term "getting a husband to support a husband" (*zhaofu yangfu*) 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.

Report on an Investigation of Popular 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 (*zhaofu rujia, yi yang qianfu*). They will draw up a 'bringing in a husband contract' (*zhaofu juzi*), which clearly states that 'the second husband may not mistreat the first husband.'"[17] The Japanese colonial survey of Taiwanese customary law reproduces the text of a written contract for *zhaofu yangfu* dated 1869:

> Wang Yunfa hereby establishes this contract for getting a husband to support a husband (*zhaofu yangfu zi*). Years ago I married Li San's daughter, Li Xiuliang, who is now twenty years old. We have lived together for four years. Xiuliang 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]" (*buxiao yousan*).[18] 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 Xiuliang preserve her chastity (*bao qi zhenjie*), 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 Jiusheng's first-born son, Wu Jinwen, to enter our family as an uxorilocal husband (*dengmen jinzhui*), and he [and Xiuliang] will become husband and wife (*chengwei fuqi*). We have, on this day, agreed that there will be no bride price, but that Wu Jinwen should provide the family with 20 yuan a month to cover expenses. Regardless of how many sons and grandsons Wu and Xiuliang may have, they will be heirs to the Wang family as well as to the Wu family.
>
> Both parties have reached this agreement voluntarily and without regret. Since spoken words alone are unreliable, I hereby establish this contract for getting a husband to support a husband, which can be presented as proof of our agreement.
>
> Dated Tongzhi 8.3.?, and signed with marks of husband Wang Yunfa, the matchmaker, the scribe, and two witnesses.[19]

The agreement documented by this contract closely resembles those described by *Report on an Investigation of Popular Customs* as being customary in several mainland provinces. In both sources, we find the same basic vocabulary, including the ubiquitous "*zhaofu yangfu*," which appears to have been used everywhere from Taiwan to Gansu.

The Taiwan contract is written in the voice of the first husband, and it begins with a narration of hardship that justifies the unorthodox transaction as a last resort undertaken with regret; in both respects, it closely resembles contracts in which husbands sold or divorced wives, or parents sold ("adopted out") their children. Contracts for widow remarriage also justify themselves with a preamble of hardship and regret. Such narratives of woe have a formulaic quality, but all the evidence suggests that no one was proud of the kinds of transactions documented by these contracts.[20] Many of these transactions were illegal, even if local society accepted them—for example, wife selling, widow remarriage during the mourning period, and "getting a husband to support a husband."

The editors of the Taiwan survey and several contributors in *Report on an Investigation of Popular Customs* point out that "getting a husband to support a husband" was a form of uxorilocal marriage, in that the new husband would be incorporated into his wife's family. It specifically resembled uxorilocal remarriage of a widow, who (with permission of in-laws from her first marriage) might "bring in" (*zhao*) a second husband without changing her surname or surrendering her place in her first husband's household. The latter practice was called "*zhaofu yangzi*" (getting a husband to support one's sons), "*zhaofu yanglao*" (getting a husband for old-age support), and other similar terms.[21]

An important issue addressed by the Taiwan contract is the two men's (and, by extension, their respective lineages') claims to any sons born to the wife. Practice apparently varied quite a bit—and the matter was especially important where contracts set a time limit on the arrangement, meaning that eventually the second husband would leave the couple's family. *Report on an Investigation of Popular Customs* cites limits of anywhere from three to ten years in various counties. In Gutian County, Fujian, these relationships were generally limited to a decade:

> Any sons born within the ten years go to the second husband for him to raise. There are also some first husbands who lack sons, who stipulate that the first son born during the ten-year period will go to the second husband, but that any subsequent sons must become successors to the first husband himself.[22]

This focus on progeny indicates there was more at stake in these formally contracted relationships than just sex and money. Indeed, one of the most important benefits being exchanged was reproductive ability or labor, in the form of surrogate motherhood or fatherhood. All of the formally negotiated contracts described in *Report on an Investigation of Popular Customs* make clear that the second man was entitled to at least one of any sons produced by the polyandrous relationship. In effect, the wife would function as a surrogate mother, enabling the outside male to secure his own line of descent.

We are reminded of a related form of surrogate motherhood—namely, a husband's "conditional sale" (*dian*) of his wife to a creditor. The latter (typically a man whose own wife had failed to have children, but who could not afford to buy a concubine outright) would lend a sum of money to the husband; in exchange, the borrower's wife would share the creditor's bed for the duration of the loan, and any children she bore during that time would become the creditor's to keep. After the principal of the loan was repaid—her sexual and reproductive services having constituted the interest—she would return to her own husband, and the conditional relationship would be terminated.[23]

The Taiwan contract adds surrogate fatherhood to the picture. In the situation it describes, the husband's illness prevented him from impregnating his wife. By recruiting a second husband, therefore, he hoped to secure both his family's immediate survival and his own future line of descent. The contract states explicitly that 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."[24] In this way, the outside male served as a surrogate father to continue the first husband's line of descent, as well as his own.

In many 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 qi jia wei fu*); this second husband will take responsibility for all the needs of the household. The two sides will strike a verbal contract (*koutou qiyue*) to settle questions such as which husband will get [as successors] any children who are born.[25]

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.

Two Examples of Formal Negotiation of Polyandry

We find an example of the open, formal negotiation of polyandry in a case from Shaanxi, in which a poor family contracted consecutive relationships with two different outside males; the record provides a detailed account of how the second relationship was negotiated. "Old Wang" (fifty-one) and his wife Wen Shi (thirty-one) were originally from Pucheng 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 Wen'ge: they moved in with Li and "ate from the same hearth" (*hecuan chifan*), 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 Shanxi, 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 a relationship (*bao*[26]) with Old Wang's wife." He sent a mutual acquaintance to propose that he replace Li Wen'ge as the couple's patron, and they agreed. Hei then asked the village head to act as "matchmaker" (*mei*) to negotiate the terms. With this man as witness, Hei promised husband Wang to "support him for the rest of his life" (*yanglao*) 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 ba xiaofuren zhao Hei Jing wei fu*). The family moved in with Hei Jing, Wen Shi began sharing his bed, and they all "ate together as one family" (*tongjia chifan*). In her testimony, Wen Shi referred to this relationship as "getting a husband to support a husband" (*zhaofu yangfu*).

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 even 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 either the couple or the outside male in this case.[27]

A case from Zhejiang reported in 1753 illustrates the use of a written contract for polyandry. Ma Shiyin (forty-five), Lin Shi (thirty-one), and their son Ma Ake (eight) were poor 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 (thirty-four), 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 while 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" (*zhaofu yangfu de hunyue*) and gave this document to Mao; that night, Lin Shi began sleeping with Mao, and the couple instructed their young son to address Mao as "uncle" (*shushu*). From this time on, Mao covered all their expenses. In testimony, witnesses referred to this arrangement as "*zhaofu yangfu*" (getting a husband to support a husband), "*zhaofu yangbing*" (getting a husband to support an invalid [husband]), "*zhaozhui yangbing*" (getting an uxorilocal husband to support an invalid [husband]), and other similar terms.

In another six months, however, Mao had used up his savings, and Ma's illness had greatly improved. Ma began to talk about taking his wife back home to Yongjia 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 zhao le 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. 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

for home. Mao angrily retorted, "You already '*zhao*'ed' your wife to me (*ni qizi zhao 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 *zhao* as a transitive verb with the wife as its object, as shorthand for "contracted your wife to me in a 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 back. The quarrel quickly turned into a fight, and Mao ended up killing Ma.[28]

Stigma and Loss of Face

The openness and formality of such contractual arrangements imply a high degree of social acceptability and even accountability—why else have witnesses and a contract? Some of the commentary in *Report on an Investigation of Popular Customs* confirms this implication, despite the condescending and disapproving tone of the compilers. In Gansu, for example, we learn that "the first husband's relatives never interfere in these arrangements, and there is no social stigma attached to them whatsoever (*shehui shang yi jue bu yiwei kechi*)."[29]

But the evidence from legal cases is mixed, and we find many examples of significant stigma and shame (gossip and ridicule being the most common). In the middle range of practices between the poles of marriage and prostitution, especially, we find many instances of couples trying to maintain secrecy or at least ambiguity about the wife's extramarital relations. There are also examples in which the husband or other family members try to maintain a certain deniability by never openly acknowledging what is going on, although they know about it. Not infrequently, the crisis that produces a legal record occurs precisely because the husband can no longer face ridicule about his domestic arrangements and tries to break his family's connection with the second male.

The following case—from Gansu, it happens—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 some ways its story parallels the last case. In 1735, the harvest failed in Guyuan Subprefecture, Gansu, and by the New Year, peasant Ha Qijun (fifty-seven[30]) and his family had begun to starve. Ha and his wife, Zhang Shi (fifty), decided to head south to Fengxiang Prefecture in Shaanxi, about a hundred kilometers away, where they hoped to find work and food; the couple's son (thirteen) and adopted daughter-in-law (seven) 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 (forty-eight), who worked at the temple; Ha knew him slightly from a previous visit during another famine many years before. Ye Ce was an immigrant from Wugong County in Shaanxi. He was not a typical "bare stick," 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 zhaole 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 (*ba ni zhaole ta yanghuo women yijia*)." 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:

> My husband said, "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 (*ren ta zuo qinqi*), 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, Ha became concerned that word of their new arrangement might spread back home, which was only a day away. So he insisted that Ye join them in walking to Shaanxi. They ended up some two hundred 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 *shu*), 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 Shaanxi as his own wife.

Two points are crystal clear. As in our other cases, 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). Nevertheless, this couple found the relationship shameful—hence Zhang Shi's reluctance, Ha's 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. According to Ye Ce, "That day he also said 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 zhei furen*) 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.[31]

To reiterate, we must remember that legal cases record only relationships that ended in serious trouble, so they may give us an exaggerated impression of the impact of stigma and shame. Also, there are plenty of cases in which couples seem quite open about their arrangements and simply do not care what the community thinks. Attitudes may vary within families, too. Often the husband and his relatives seem more worried about losing face than the woman herself: her lack of chastity seems to bother them a lot more than it bothers her. When the couple was part of an extended lineage, then elders might try to suppress their behavior to protect the family reputation. The attitude of the community varies, too, but perhaps the most common attitude found in the case records is "don't ask, don't tell"—where fellow villagers have a pretty good idea what is going on, but it is never explicitly confirmed, and despite gossip, no one interferes.

Polyandry within Sworn Brotherhood

Chosen kinship was a prominent feature of this field of social practice, and sworn brotherhood between the husband and the outside male was one of the most common variations. In some cases, it is the pledge of brotherhood that frames the incorporation of the second man into the family, rather than an explicit contract for "getting a husband to support a husband." In other words, the second man's connection to the wife is a function of his relationship with her husband.

For example, in a 1750 case from Tangyi County, Shandong, a peasant named Ding Bi (thirty-two) pledged brotherhood (*bai xiongdi*) with Yuan Congren (forty-eight) 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 felt acutely his inability to reward 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 xifu dajia huozhe, zhe cai shi xianghao 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 him again [to let me sleep with her], so finally he agreed.

Material interests definitely played a role here, but more important, it seems, was Ding's genuine gratitude toward the other man—Ding seems to have agreed with Yuan's suggestion that true friendship meant sharing *everything*, even a wife. Eventually, the couple ended up living with Yuan and farming together in another village, after Ding Bi's uncle (shamed by their unorthodox relationship with Yuan) forced them to leave home.[32]

Sometimes, a husband swore brotherhood with another man as a self-conscious strategy to gain access to his resources. For example, Zhu Gan (thirty-two) and his wife Liu Shi (twenty-nine) 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 (thirty-four), 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 that they swear brotherhood. Wang 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 (*rencheng xiongdi*)."

That winter, Zhu borrowed three 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; as several witnesses testified, "They did not distinguish between inner and outer" (*bu fen nei wai*).

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 (*bufen ge nei wai*)?" My brother said, "His name is Wang Hu, he's from Zunyi, and he's my good brother who's pledged brotherhood with me (*tong wo jieyi de hao xiongdi*). So there's no need to treat him as an outsider (*meiyou fen shenme nei wai de*)."

After six months, Wang persuaded the couple to move about a hundred kilometers west to Anle County, where they lived together and worked on land belonging to a distant relative of his.[33]

The exchange between Zhu Gan and his brother is remarkable. 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 last case, sworn brothers need no boundaries, because they share *everything*.

The prominence of chosen kinship here 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.[34]) Usually these factors coincided with the traditional kinship connections of blood and marriage, but they also seem to have helped *define* kinship.[35] From this point of view, the pledging of kinship in polyandrous relationships ratified the facts of coresidence, resource pooling, and wife sharing; it was a strategy to reinforce bonds of mutual trust and dependence. Pierre Bourdieu argues that kinship should be seen as a product of "strategic practice," rather than an automatic, natural result of bloodlines.[36] The function of chosen kinship in Chinese polyandry is a prime example of what he means.

Poverty as a Motive for Polyandry

The principal motive for couples to recruit an outside male was poverty. Even in cases where the wife's adultery preceded the economic support and was motivated by passion (the archives contain many examples of this scenario), these were invariably poor people, and it was the outside male's promise to provide food, cash, or other resources that would win the husband's acceptance of the relationship. 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. *Report on an Investigation of Popular 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 (*lingzhao yi houfu, yi fuyang qianfu*)."[37] Polyandry's incidence and regional distribution probably correlated with those of poverty.

Poverty distinguishes the nonfraternal 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 birthrate in such families, since one woman can get pregnant only so often (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. 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.[38]

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. 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.[39]

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, many peddlers and clergy, 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 Zhili reported a case of "one wife with two husbands" (*yifu liangfu*), in which a "propertyless single man" (*guangshen 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 (at the southern end of the province), where they again peddled food and Zhang also did odd jobs on the side. (The whole family adopted the surname Zhang, and Dong pretended to be Zhang Liang's brother). Zhang Liang may have been a classic "bare stick," but he was also a tenacious entrepreneur.[40]

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 raise the ratio of labor to mouths. 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 clearly 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—a fact completely missed by the sanctimonious moralizing of dynastic officials and modern survey investigators alike. In other cases, the situation was not nearly so dire, but couples were still poor enough to welcome the support a second man could provide.

Polyandry and the Chinese Marriage System

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." I knew that among the wealthy, polygyny was the rule: a main wife (*qi*), of the same social background as her husband, would be supplemented by concubines (*qie*) and maidservants (*bi*) purchased from less well-off families. Among the broad majority of peasants, however, monogamy prevailed (although there was considerable variation and flexibility within that overall pattern).[41] 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.[42] Among less prosperous families, daughters were more or less sold for bride-price, although this cash transaction would be masked as much as possible—"misrecognized," to use Bourdieu's term—by face-saving gestures. I also knew that there were many surplus males at the bottom of society with no wives at all, but I had no idea how they got along.

The evidence shows that in addition to polygyny and monogamy, the Chinese system for exchange of women included a third pattern, polyandry, that

was practiced by a significant section of the poor. By *polyandry*, I refer to the spectrum of strategies that combined elements of both marriage and sex work in varying proportions and degrees of formality. The unifying theme of these diverse strategies is the naked instrumentality by which a wife slept with one or more men other than her husband, with his approval, in order to help support her family.

The reason that dowry was such a potent status symbol in Late Imperial China is that most families simply could not afford it. Dowry served to proclaim that "we are moral enough and wealthy enough not to sell our daughters"—unlike the great majority. The same logic applies to widow chastity and perhaps to foot binding. These were strategies to transform material capital into symbolic capital, and their utility as status symbols depended on remaining out of reach for the poor majority.

Among the poor, all marriage was instrumental to a high degree: basically, daughters were sold into marriage by their parents, and any endowment (direct or indirect) was trivial in material value, perhaps no more than a few small items to save face. This instrumentality is also obvious when one considers several variations of marriage that were common among the poor: *widow remarriage* (in which a widow sold herself or was sold by her in-laws, often using the bride-price to clear her first husband's debts or even to pay for his burial), *divorce* (in which the first husband typically would be compensated by the woman's natal family out of the new bride-price paid by a second husband), and *wife selling* (i.e., the direct sale of a wife by one husband to another), In fraudulent wife sale (a common variant, in which the wife usually posed as a remarrying widow), it was nigh impossible for the buyer to discover the fraud unless the woman told him the truth, for the simple reason that such a transaction appeared identical in every respect to a normal widow remarriage. In fact, some people did not understand that wife selling was a crime, since it was easy to confuse an illegal wife sale with all the legal kinds of marriage that also constituted sales. All of these variations of marriage were straightforward cash transactions.[43]

The spectrum of polyandrous practice depended on what Qing officials saw as the sexual promiscuity of a relatively small number of women with a much 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.[44] It was this perspective that misrecognized 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 a part of traditional Chinese custom? This objection only begs another, more fundamental, question: What counts as "custom," and

who gets to decide? "Custom" has a positive connotation, especially in the Chinese language; it implies a value judgment, behind which lies a power structure. Therefore, while delayed transfer marriage may have been the dominant norm in much of the Pearl River Delta, local gentry stigmatized the practice and Qing officials tried to suppress it outright.[45] Fraternal levirate (in which a widow is inherited through remarriage by her unwed brother-in-law) was far from unusual in China, but Qing law treated it as a capital offense.[46] 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 another woman to be his concubine, the practice counted as "marriage"; but when a poor woman with her husband's approval contracted a uxorilocal 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 Taiwan villages, "minor" marriage 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.[47] Of course, prostitution never counts as custom, even where ubiquitous and known to all.

Polyandry was a minority practice, but in weighing its significance, we should bear in mind, too, how few marriages were polygynous. Concubinage was most common among the gentry, who have been estimated to comprise less than 2 percent of the Qing population. In a study of twenty-three South China genealogies, Liu Ts'ui-jung has estimated that, on average, only 3.7 percent of married women were concubines/*qie* (i.e., the rest were main wives/*qi*).[48] Since a rich man might have more than one concubine, it is safe to assume that less than 3.7 percent of the men in these lineages had concubines. The percentage of Qing dynasty men who never married was certainly far higher than that—and it seems likely that many "bare sticks" were never recorded in any lineage genealogy.

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 has consequently received a degree of scholarly attention far out of proportion to its actual incidence. If polygyny was paradigmatic of Chinese marriage, then so was polyandry—and I would guess that polyandry 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 young women to rich households (to become concubines and maidservants) exacerbated the shortage of wives in poor communities.

Polyandry was part of a larger field of practice in which people who could not buy into the normative pattern of marriage and family, because of poverty and other factors, would bond with others of similar condition in a variety of ways. These "unorthodox households" also included same-sex unions among marginalized males, alliances between independent widows and their hired laborers, and relationships in bands of itinerant beggars, in which one or more women allied with a group of men. In each scenario, sexual relations deemed illicit by the state combined with coresidence, resource pooling, emotional bonds, and chosen kinship. Unorthodox households may have been illegal and stigmatized, but they nevertheless constituted a basic and very widespread part of Qing social practice.[49]

Marriage and Prostitution

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 *nei* from *wai*—while prostitution implied the untrammeled promiscuity of a public woman. This basic 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 distinction cannot be sustained. On the contrary, 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 one or more outside males, with her husband's approval, in order to help maintain her family. This collapse of boundaries requires us to rethink marriage and kinship in Late Imperial China. 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. 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.

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

afflicted China over the last 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 described in this chapter.

What changed over time? It may be impossible to answer with much certainty, but we can speculate. 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 overall population held steady from 1700 to 1900, the absolute numbers of such men would have more than tripled during that time.) If that is correct, then it seems reasonable to guess that the incidence of polyandry and related practices would have increased as well.

In *Report on an Investigation of Popular Customs*, the section on Gansu contains a remarkable flash of insight:

> According to our investigation, this evil custom [of "getting a husband to support a husband"] exists almost everywhere in the province (*ji yu quansheng jieran*). It seems likely, therefore, that to enforce the law and prohibit this custom would pose an immediate threat to the survival of a very large population.[50]

This frank statement cuts through all the moralizing rhetoric, right to the heart of the matter. Polyandry was a response to survival 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.

Notes

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1. I provide ages of protagonists in legal cases when possible (ages at time of first trial, unless noted), in *sui*. An age calculated in *sui* is on average one more than the number of years old according to a Western reckoning: someone aged twenty *sui* was probably nineteen years old.

2. Philip C. C. Huang, *The Peasant Economy and Social Change in North China* (Stanford, Calif.: Stanford University Press, 1985).

3. *Neige xingke tiben* (Grand secretariat memorials on criminal matters) (held at First Historical Archives, Beijing), Qianlong 10.7.23. Memorials collected before 2000 are identified by date; those collected since 2000 are identified by new serial number and date. All are from archival category "marriage and sex offenses."

4. For more on these sources, see Matthew H. Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford, Calif.: Stanford University Press, 2000), 18–22.

5. For the history and application of this law, see Sommer, *Sex, Law, and Society*, chapters 6 and 7.

6. These documents are held at the Sichuan Provincial Archives in Chengdu and the First Historical Archives in Beijing, respectively.

7. *Minshi xiguan diaocha baogao lu* (Report on an investigation of popular customs) (two volumes), compiled by the Administrative Law Department of the former Nanjing National People's Government (Beijing: Zhongguo zhengfa daxue chubanshe, 2000), 2:840, 894, 904, 928–29, 938–40, 968, 977, 997, 1006, 1036, 1051. Kishimoto Mio also cites this survey in "Tsuma o uttewa ikenai ka? Min-Shin jidai no baisai/tensai kanko" (Is it forbidden to sell a wife? The custom of selling/pawning wives in the Ming-Qing period), *Chûgoku shigaku* 8 (December 1998): 179–84.

8. This survey leaves out Guangdong, Guangxi, Guizhou, Sichuan, Taiwan, and Yunnan, but legal cases document variations of polyandry in these provinces, too.

9. Rinji Taiwan Kyûkan Chosakai (Temporary committee on research of customs and practices on Taiwan) (1910–1911), *Taiwan shihô furoku sankôsho* (The common law of Taiwan, with reference materials appended) (thirteen volumes) (Taipei: Nantian shuju, 1995) (reprint), IIB:129–30.

10. For analysis of this term, see Sommer, *Sex, Law, and Society*, 96–101.

11. See Sommer, *Sex, Law, and Society*, introduction and sources cited therein.

12. See Huang, *The Peasant Economy*.

13. Kamala Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition* (New York: Routledge, 1998), especially 3–4; Alison J. Murray, *No Money, No Honey: A Study of Street Traders and Prostitutes in Jakarta* (Singapore: Oxford University Press, 1991); Paola Tabet, "I'm the Meat, I'm the Knife: Sexual Service, Migration, and Repression in Some African Societies," in *A Vindication of the Rights of Whores*, ed. Gail Pheterson (Seattle: Seal, 1989), 204–26; Luise White, *The Comforts of Home: Prostitution in Colonial Nairobi* (Chicago: University of Chicago Press, 1990).

14. In her study of African prostitution, Paola Tabet posits a "continuum" of "sexual-economic exchange" that in many ways resembles the spectrum of polyandrous practice I am describing here: "One aspect along the continuum of sexual service concerns time length; there is a whole range of sexual-economic relations between the two extremes of lifelong marriage and few minutes' intercourse in prostitution" ("I'm the Meat," 206–7). The lifelong marriage she refers to is monogamy or polygyny, however, not polyandry.

15. *Minshi xiguan diaocha baogao lu*, 2:977.

16. Tabet, "I'm the Meat," 206.

17. *Minshi xiguan diaocha baogao lu*, 2:1006.

18. This well-known proverb from Mencius is typical of the moralistic clichés used in contracts and legal plaints during the Qing.

19. Rinji Taiwan Kyûkan Chosakai IIB: 129–30; for an alternative translation, see Patricia B. Ebrey, ed., *Chinese Civilization and Society: A Sourcebook* (New York: Free Press, 1981), 235.

20. For a good example of a widow remarriage contract, see Sommer, *Sex, Law, and Society*, 184. Qing and Republican-era contracts for land sales contain formulaic language lamenting the need to sell family property, and household division documents typically apologize for violating the ideal of many generations living harmoniously together. See David Wakefield, *Fenjia: Household Division and Inheritance in Qing and Republican China* (Honolulu: University of Hawaii Press, 1998), 59. The popular imagination seems to have viewed all such transactions as transgressions against the family ideal that could be justified only imperfectly by reference to material need.

21. Kishimoto also makes this point ("Tsuma o uttewa ikenai ka," 183). In the Qing, a widow could get away with uxorilocal remarriage only if in-laws from her first marriage did not object, but the practice seems to have been fairly common; see Sommer, *Sex, Law, and Society*, 193–97, and Arthur Wolf and Chieh-shan Huang, *Marriage and Adoption in China, 1845–1945* (Stanford, Calif.: Stanford University Press, 1980).

22. *Minshi xiguan diaocha baogao lu*, 2:928–29.

23. See Kishimoto, "Tsuma o uttewa ikenai ka."

24. *Minshi xiguan diaocha baogao lu*, 2:894.

25. *Minshi xiguan diaocha baogao lu*, 2:1036.

26. *Bao* means to contract something for one's own exclusive use: for example, to purchase the exclusive services of a prostitute or to reserve an entire restaurant for a private party.

27. *Neige xingke tiben*, #554-3/Qianlong 19.5.27.

28. *Neige xingke tiben*, #527-4/Qianlong 18.9.24.

29. *Minshi xiguan diaocha baogao lu*, 2: 1036.

30. In this case, I provide ages in 1735.

31. *Neige xingke tiben*, Qianlong 3.9.7.

32. *Neige xingke tiben*, Qianlong 15.5.24.

33. *Neige xingke tiben*, Qianlong 10.5.17.

34. Wakefield, *Fenjia*, 60–62.

35. Qing law defined "a single household" (*yijia*) by coresidence and pooling of resources; blood kinship was not a necessary factor. See Derk Bodde and Clarence Morris, *Law in Imperial China, Exemplified by 190 Ch'ing Dynasty Cases* (Philadelphia: University of Pennsylvania Press, 1967), 193–94, 323–26.

36. Pierre Bourdieu, "Marriage Strategies as Strategies of Social Reproduction," in *Family and Society: Selections from the* Annales, économies, sociétés, civilizations, ed. Robert Forster and Orest Ranum, trans. Elborg Forster and Patricia M. Ranum (Baltimore: Johns Hopkins University Press, 1976).

37. *Minshi xiguan diaocha baogao lu*, 2:968.

38. The scholarship on Tibetan polyandry is summarized by William H. Durham, *Coevolution: Genes, Culture, and Human Diversity* (Stanford, Calif.: Stanford University Press, 1991), chapter 2, who explains Tibet's marriage system in terms of the logic of domestic economy. Also see Jack Goody, *The Oriental, the Ancient, and the Primitive: Systems of Marriage and the Family in the Pre-industrial Societies of Eurasia* (Cambridge:

Cambridge University Press, 1990), 137–53. Nonfraternal polyandry among the poor in Ceylon may resemble the Chinese case more closely than Tibetan practice does. See Nur Yalman, *Under the Bo Tree: Studies in Caste, Kinship, and Marriage in the Interior of Ceylon* (Berkeley: University of California Press, 1967), 108–12.

39. Aleksandr V. Chayanov, *The Theory of Peasant Economy* (Homewood, Ill.: Irwin, 1966).

40. *Neige xingke tiben*, Qianlong 10.6.19.

41. For variations of monogamy among the Chinese peasantry, see Wolf and Huang, *Marriage and Adoption in China*, and Janice E. Stockard, *Daughters of the Canton Delta: Marriage Patterns and Economic Strategies in South China, 1860–1930* (Stanford, Calif.: Stanford University Press, 1989); for elite polygyny in Late Imperial China, see Francesca Bray, *Technology and Gender: Fabrics of Power in Late Imperial China* (Berkeley: University of California Press, 1997), and Patricia B. Ebrey, *The Inner Quarters: Marriage and the Lives of Chinese Women in the Sung Period* (Berkeley: University of California Press, 1993).

42. Goody, *The Oriental*, sees this "diverging devolution" as a Eurasia-wide pattern in which women were not sold, as in sub-Saharan Africa, but instead took property with them into the conjugal funds of their new marriages. Here he has grasped the normative ideal of Chinese marriage far better than actual practice among the poor. The farther down the socioeconomic scale one looks, the more China resembles Goody's characterization of Africa.

43. Wife selling and compensated divorce will be explored in detail in my second book, now in preparation, tentatively entitled *Polyandry, Sex Work, and Wife Selling as Survival Strategies in Qing Dynasty China* (under contract to Stanford University Press).

44. See Sommer, *Sex, Law, and Society*, conclusion.

45. Stockard, *Daughters of the Canton Delta*, 105–10.

46. *Report on an Investigation of Popular Customs* contains many references to levirate.

47. Wolf and Huang, *Marriage and Adoption in China*.

48. Liu Ts'ui-jung, "Demographic Constraint and Family Structure in Traditional Chinese Lineages, ca. 1200–1900," in *Chinese Historical Microdemography*, ed. Stevan Harrell (Berkeley: University of California Press, 1995), 130.

49. Sommer, *Sex, Law, and Society*, 16, 155, 320.

50. *Minshi xiguan diaocha baogao lu*, 2:1036.

2

The Virtue of Travel for Women in the Late Empire

Susan Mann

In late imperial China, no successful elite man remained at home: he had to travel. Scholar-officials traveled to attend school, to sit for exams, to teach, to take up office, and—along the way—to see and celebrate the famous sights immortalized by writers before them.[1] Often, men sojourned in the company of wives, daughters, and daughters-in-law,[2] and often it was far from home that they died. If his widow survived him, it was she who brought her husband's body home for burial.[3] These journeys by families in motion continually bent the spatial boundaries marking off the domestic realm (*nei*) where women were supposed to preside. When in the spring of 1847 Zhang Wanying set off from the city of Wuchang on a small riverboat bound for the eastern coast of Jiangsu province, she was embarking on a journey whose moral contours were well defined. Her travel diary, later published by her younger brother and translated in full here, is in some ways unique. Wanying's husband, an uxorilocally married man, died far from his own native place though well ensconced in the household of his wife.[4] Her search for a resting place for his body reads like a pilgrim's progress: a record that encodes and inscribes her wifely virtue while reiterating her distinctive place as a woman whose charge is home and family. To place that record in its cultural context, we must first understand the concerns about women's travel that occupied scholarly men during Wanying's lifetime.

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In memory of Christine Egan
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