

Unsung Heroine: Wang Ruqi, the 1950 Marriage Law, and State-Legal Feminism

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Shangyang Li¹ and Qiliang He²

Abstract

This article analyses Wang Ruqi's contribution to the drafting of the 1950 Marriage Law, the first codified law promulgated by the People's Republic of China (PRC). It argues that Wang—who had been a legal specialist and a female political activist dating back to the 1930s and 1940s—was the actual author of the law's first draft. In rehabilitating Wang's long-forgotten contribution to the making of the Marriage Law, this study highlights that, first of all, lawmaking in the early years of the PRC was characterized by legal “professionalism,” rather than the “vernacularism” that scholars in recent years have tended to ascribe to this period. Second, Wang was an exemplary figure of a new breed of “state feminists” in the PRC, which we term “state-legal feminists.” State-legal feminists, like state feminists in general, were brought into the PRC state apparatus and took advantage of their role in the state to advance sociopolitical agendas. However, they differed from their fellow state feminists because they firmly believed that the state's will and intent could be best articulated and exercised through codified laws and legal institutions. The making of the Marriage Law thus exemplifies the state-legal feminist approach insofar as it resorted to a codified law to push for the political agendas of women's emancipation and restructuring families in China. While recent scholarship highlights the politicization of the law in

¹Department of History, Fudan University, Shanghai, China

²Department of History, Hong Kong Shue Yan University, Hong Kong, China

Corresponding Author:

Shangyang Li, Department of History, Fudan University, 220 Handan Rd., Yangpu District, Shanghai, 200437, China.

Email: fudanlishangyang@163.com

the 1953 campaign to promote the Marriage Law, this study inverts this by addressing the legalization of political and social movements.

Keywords

Wang Ruqi, Marriage Law (1950), People's Republic of China, state-legal feminism

The Marriage Law 婚姻法 promulgated in May 1950, less than one year after the founding of the People's Republic of China (PRC), was an epoch-making legal document that set the tone of “women's rights and family reform” in post-1949 China (Johnson, 1985: 3). Scholars have delved into exploring its sociopolitical implications in the early years of the PRC. M. J. Meijer (1971: 70) stresses the law's function of transforming Chinese society, while Judith Stacey (1983: 3) views the enactment of the law as “an explicit assault on China's patriarchal family system.” The implementation of the Marriage Law, especially the nationwide campaign promoting the law in 1953, has also come under scholars' critical scrutiny. For example, Kay Ann Johnson (1985: 98) highlights the emergence of contentious issues when the law was popularized and implemented in early 1950s China. While Johnson (1985: 121) emphasizes the resistance of male villagers and some local cadres against this newly minted law, Neil Diamant (2000: 9) notes that the Marriage Law enabled female villagers to develop “legal strategies and cultures” to serve their interests well into the 1960s.

While studies on the 1950 Marriage Law have been fruitful, its legislators have received relatively inadequate attention. When conducting research on the law in the late 1960s and early 1970s, Meijer (1971: 71) was unclear about the “actual history of the draft.” In works published more recently, the authors of the Marriage Law's first draft, the Marriage Law Drafting Group 婚姻法起草小组, an ad hoc team under the Women's Committee 妇女委员会 headed by Deng Yingchao 邓颖超 (1904–1992), are only either mentioned in passing or relegated to footnotes (see, e.g., Cong, 2016: 248; Altehenger, 2018: 32; Manning, 2023: 158–59). In China, a debate on the authorship of the law raged in the new millennium. Before and after the publication of *The Biography of Wang Ming* 王明传 in 2008, quite a few studies asserted, incorrectly, that Wang Ming 王明 (born Chen Shaoyu 陈绍禹, 1904–1974), once the supreme leader of the early Chinese Communist Party (CCP), had been chosen by Mao Zedong to write the Marriage Law (see, e.g., “Mao Zedong appointed Wang Ming to draft the Marriage Law,” 2001; Dai and Cao, 2008: 268–72; Xia Fei, 2010: 6–8). Faced with the wide circulation of such factual

errors, Luo Qiong 罗琼 (1911–2006), a member of the Marriage Law Drafting Group, stepped in to give due credit to the drafting group and call particular attention to the actual author of the Marriage Law's first draft, Wang Ruqi 王汝琪 (1912–1990), on numerous occasions during the 2000s (see, e.g., Luo, 2000: 102; Huang, 2007: 49–52).

Wang Ruqi, the protagonist of this article, has garnered very little attention in academia, with the exception of her activism in women's suffrage in the mid-1930s (Edwards, 2008: 203–204) and her victimization during the campaign of persecution against Wang Shiwei 王实味 (1906–1947) during the Yan'an Rectification Movement 延安整风运动 (1942–1945) (Dai Qing, 1994: 197). It was presumably her various political stigmas—including those arising from her ties with Wang Shiwei—that caused her reputation as the writer of the PRC's first Marriage Law to be erased from the historical record. This article clarifies that Wang Ruqi was not only a member of the drafting group but also the actual author of the 1950 Marriage Law. Her key role as the author of the draft of the law has previously been discounted to such a degree that the existing research projects about Wang, albeit small in number, fall short of recognizing the extent of her contribution to making the law. For example, Maeyama Kanako's (2021: 16–40) article-length study on Wang's political activism illustrates her conceptualization of Chinese women's struggle for political representation and their contributions to China's war effort during the Anti-Japanese War (1937–1945). By comparison, her role in drafting the Marriage Law is mentioned but not fully analyzed.

Establishing the participation of Wang and other legal specialists in the drafting, reviewing, and revising of the Marriage Law is of vital importance because recent scholarship has tended to characterize the laws enacted in the early years of the PRC as the product of “vernacularism,” as opposed to the “professionalism” of legislators in the Nationalist Party (Guomindang 国民党) government during the Republican era (see, e.g., van der Valk, 1971; Altehenger, 2018: 30–31). In line with this approach, previous studies have underscored the lack of legal training of the leading female officials who drafted the Marriage Law in the late 1940s and early 1950s (Manning, 2023: 159). As this article will demonstrate, however, Wang studied law as an undergraduate at Fudan University 复旦大学 in the early 1930s (Altehenger, 2018: 32) and practiced law after her graduation.

Wang Ruqi was not only the author of the Marriage Law, she also participated in the implementation of the 1953 mass campaign to promote the law. Recent scholarship on the Marriage Law has focused on this campaign, characterizing it as one of the major party-led mass movements of the early years of the PRC, and thereby downplaying the nature of the Marriage Law as a codified law. For example, Xiaoping Cong (2016: 250–51) notes that the

movement was, in reality, a bona fide political campaign. Neil Diamant (2021: 8–9) juxtaposes the campaign with other political events, such as the Five-Antis Campaign 五反运动 (1952), in the early 1950s. During the campaign to popularize the law, as Jennifer Altehenger (2018: 56) contends, the CCP propagandists developed “a new technique of mass mobilization.”

While there is no denying that the mass movement constituted a key component of the law’s implementation, we argue that Wang’s role as the interpreter of the Marriage Law during the 1953 campaign was akin to that of the Supreme Court justices who proffered decisions and explanations of various legal codes in Republican China and elsewhere. Our understanding of the 1953 campaign as a legal event—in addition to a political mobilization—challenges the deep-rooted presumption that it was the post-Mao Zedong Chinese state, but not the Mao-era state, that sought to “strengthen and rationalize its hold over formal, legal institutions” (Cook, 2016: 26). Wang’s contribution provides a counternarrative that, even in the Mao era, some state actors looked to accomplish political goals by means of the law and legal institutions. This continuity between Mao-era China and the China of today corroborates Philip Huang’s (2010: xvi) observation that the CCP’s revolutionary tradition has had a major impact on legal practices and thought in contemporary China.

Furthermore, an emphasis on the legality, rather than the politicality, of the making and implementation of the 1950 Marriage Law allows for a reconsideration of a specific category of feminists—“state feminists”—that has been used to describe and define women officials in the PRC, such as Wang Ruqi. Zheng Wang (2017: 7) defines state feminists as “feminists in the CCP who took on various official posts after the CCP gained control of the state in 1949.” The process of making the Marriage Law sheds light on the workings of state feminism, as all of the members of the drafting group were female, and their personal experiences had an impact on the law (Manning, 2023: 158–59). By comparison, the legislators who drafted the Civil Code 民法 of the Nationalist government featured only one woman, Zheng Yuxiu 郑毓秀 (1891–1959), who would be replaced by a male legal expert before provisions about marriage, family, and succession were made (Huang, 2001: 53). A comparison of the two codes thus reveals that the Nationalist government’s Civil Code tackled women’s issues from elite men’s perspectives, whereas the 1950 Marriage Law was an outcome of the workings of state feminism in post-1949 China.

The present study complicates the category of state feminism and redefines Wang and her ilk as “state-legal feminists.” Wang was a state-legal feminist because, first of all, she was a legal specialist who would continue to embark upon a law-related career in the following four decades (except for

the period between the late 1950s and the late 1970s when she was branded a “rightist”). Second, as a typical Marxist feminist who believed in the full emancipation of women via women’s economic independence (Croll, 1980: 118), Wang harbored an intention to resort to state law to accomplish such a goal. Although the 1950 Marriage Law “invoked important principles of the Western liberal tradition—namely, that ‘freedom’ [here, in the case of marriage] is rooted in individualism, and that ‘free’ choice is more likely to bring about personal happiness than a constrained one” (Diamant, 2000: 6–7), Wang had a profound belief in the state’s capacity to protect individuals’ freedom by granting women job opportunities. Third, Wang presumed as early as the 1930s that such protection afforded by the state and gender equality promised by the state could be materialized only through the channel of state law. It is in this sense that Wang and her colleagues stood out among their fellow state feminists as state-legal feminists.

Wang Ruqi’s Life and Career

Wang Ruqi had long had a dismissive attitude toward the family in China because of the turmoil she had experienced in her childhood. After her mother’s death, according to Wang, she and her siblings suffered from their stepmother’s physical and mental torment, resulting in the tragic suicides of her brother and sister. The heartbreaking loss of her two siblings led Wang to believe from a young age that the family in China was an institution of oppression in need of a revolution. In the 1930s, Wang Ruqi, an economically independent woman and a practicing lawyer, began to vow to “reform” 改造 China’s “dark” families (Jiang, 1937).

Wang Ruqi’s career in law started on the campus of Fudan University. She spent three years between 1928 and 1931 at Fudan’s preparatory school (“Fudan University alumni roll,” n.d.). In 1931, Wang officially enrolled at Fudan University as a student majoring in law. The Law School at Fudan was established in 1929 (“Brief information,” 1933), but failed to obtain official registration from the Ministry of Education until July 1931 (He, 2020: 2–3). At Fudan, Wang and her fellow students ran a journal, *The Rail of Law* 法轨, to publish articles by both law professors and students. This journal afforded Wang a platform to explore legal issues regarding marriage and family at length (e.g., Wang, 1933, 1934) and thereby provided her with a well-rounded training in both law and writing. Meanwhile, Fudan University had been widely known as the center of political radicalism in Shanghai since the late 1910s. It was the birthplace of the Chinese translation of Karl Marx’s *The Communist Manifesto*, making it a stronghold of left-wing intellectuals in China (Wasserstrom, 1991: 44–45). Therefore, Wang immersed herself in

both legal knowledge and Marxist feminist ideas, two sources of her particular state-legal feminism. Also at Fudan, Wang came to know Chen Chuangang 陈传纲 (1912–1966), her future husband (Jiang, 1937). Shortly after graduation, both Wang and Chen relocated to Ji'nan, Shandong, where Wang pursued a new career as a high school teacher. It was in Ji'nan that the couple came into contact with some communist organizations, paving the way for their final decision to move to Yan'an several years later.

Soon after the couple left Ji'nan for Shanghai, the Anti-Japanese War broke out. During the war, Wang became known in a new role as a wartime political activist, serving as the director of the Department of Propaganda of the Shanghai Women's Association for Resisting Japan and Saving the Nation 上海妇女界抗日救国会 (He, 2012: 55–56). During the war, Wang witnessed the sudden collapse of social order and the appalling tragedies experienced by Chinese women. Despite her criticism of the Nationalist state in previous years, she still called on the state government to rescue indentured laborers who were exploited by Japanese collaborators in wartime Shanghai (Wang, 1937b: 2). Wang continued to work with the Nationalist state after she escaped to Wuhan in the second half of 1937. In 1938, she worked under Soong May-ling 宋美龄 (1898–2003) as a member of a women's organization (Song, 2018: 89). Wang was tasked with training female cadres. Once again, Wang kept in touch with the CCP as many of her colleagues were party members (Wang, 1985: 59). In Wuhan, Wang officially joined the CCP ("Wang Ruqi passes away in Beijing," 1990). Wang's wartime experience led to her firm belief that citizens were miserably vulnerable without a well-functioning state, thereby jumpstarting her lifelong political career within the CCP.

After moving from one city to another in southern China because of the intensification of the war, Wang Ruqi and her husband finally headed for Yan'an, the CCP's headquarters, in 1940. It was in Yan'an that the couple felt the bitter taste of political persecution for the first time. In May 1942, Wang and her husband were charged with joining the "Five Member Anti-Party Gang" 五人反党集团 because of their personal ties with Wang Shiwei (Dai Qing, 1994: 197). Wang Shiwei, who had outspokenly criticized the darker side of Yan'an, was accused of being a Trotskyite 托派分子 and was put on trial in 1942. He was found guilty and imprisoned before being executed in 1947 (Lovell, 2019: 50).

Wang Ruqi's case was particularly complicated because of her dubious family background. Her cousin, Wang Kunlun 王昆仑 (1902–1985), was alleged to have been a diehard member of the anti-CCP and right-wing Western Hills Group 西山会议派 of the Nationalist Party. What the accusers were unaware of was that Wang Kunlun had secretly joined the CCP as early

as 1933. After living under persecution and suspicion for several years, the couple received a resolution in 1946 from the higher authorities, stating that Wang Ruqi was “organizationally unrelated to Wang Shiwei but ideologically exploited by Wang Shiwei.” Nonetheless, the political stigma that was attached to Wang Ruqi was not entirely expunged (Song, 1998: 87–89).

As early as 1945, Wang Ruqi had been assigned to work under Shuai Mengqi 帅孟奇 (1897–1998) in the Women’s Committee, where Wang’s expertise as a legal professional won the respect and trust of her superior. Despite the political predicament Wang was still in, she followed Shuai in joining the Marriage Law Drafting Group (Wang and Wu, 1988: 78). Wang turned out to be the only member who had received a legal education and practiced law. Most research indicates that Wang was responsible for putting the law into writing during the process of drafting it (Luo, 2000: 102; Altehenger, 2018: 32). A memoirist who also participated in drafting the Marriage Law unequivocally pointed out that it was Wang Ruqi who produced the first draft (Liu, 1993: 294). In March 1949, the draft was completed and submitted for further review. After the founding of the PRC, Wang worked variously at the newly established China University of Political Science and Law 中国政法大学 and the Ministry of Justice 司法部 as the director of the Department of Notaries and Lawyers 公证律师司. During the 1956 trial of Japanese war criminals in Shenyang, Wang was designated as one of the defense lawyers for the Japanese defendants (Ōsawa, 2015: 160).

After the trial, Wang Ruqi’s career in law was put on hold as she fell victim to the Anti-Rightist Campaign in 1957 and was banished from Shanghai. More tragically, the couple bore the brunt of radicalism during the Cultural Revolution (1966–1976), and Chen Chuangang, Wang’s beloved husband, died an unnatural death in 1966 (Editorial Committee, 1995: 47). After the Cultural Revolution, Wang took up her former post as the director of the Department of Notaries and Lawyers and carried out the task of recruiting and directing lawyers to defend the members of the Gang of Four 四人帮, including Jiang Qing 江青 (or “Madam Mao,” 1914–1991), and other figures deemed culpable for the Cultural Revolution at their public trials (Peng, 2013: 68), a testament to her legal professionalism, particularly considering the fate of her husband.

Despite the resumption of her political and professional career, Wang Ruqi’s decades-old stigma as an accused member of the “Five Member Anti-Party Gang” was not lifted until 1982 when the central government finally redressed the mishandled case (Xiong, 1999: 37). On October 6, 1990, Wang Ruqi passed away in Beijing. Her obituary published in *People’s Daily* 人民日报 lauded her as an “outstanding member of the CCP and time-tested loyal communist fighter,” a phrase usually invoked to commemorate top leaders of

the state and party. Not only was Wang recognized for her contribution to the CCP-led revolution in the obituary, but the readers were also reminded of her leading role in drafting and implementing China's first Marriage Law ("Wang Ruqi passes away in Beijing," 1990).

The Debate Concerning the Authorship of the Marriage Law

Despite the confirmation of Wang Ruqi's authorship of the Marriage Law by the PRC's higher authorities immediately after she died in 1990, the debate concerning who drafted the law in the late 1940s continued in the following decades. In 2001, *People's Daily* contradicted itself by publishing an essay in its overseas edition stating that Mao Zedong had handpicked Wang Ming, Mao's arch-rival within the CCP in the 1930s, to take charge of the drafting of the Marriage Law after the founding of the PRC. The essay attempted to leave its readers with an impression of Mao's generosity and compassion in appointing Wang Ming to head the Legal Affairs Committee 法制委员会, despite the latter's lack of any legal training. The essay also noted that as Wang Ming had been tasked with supervising the establishment of a women's college and the publication of a women's magazine in Yan'an, he was a natural choice to draft the Marriage Law ("Mao Zedong appointed Wang Ming to draft the Marriage Law," 2001).

This account published in *People's Daily* inspired other writers to provide more details corroborating Wang Ming's authorship. In 2008, *The Biography of Wang Ming*, published by the History of the Chinese Communist Party Publishing House 中共党史出版社, established the CCP's official assessment of this highly controversial historical figure's life and political career. Wang's biographers interviewed Li Guangcan 李光灿 (1918–1988), a member of Wang's Legal Affairs Committee, for details about the drafting of the Marriage Law. Li recalled that he and other members revised the draft forty-one times before Wang Ming submitted the final edition along with a 23,000-character report rationalizing the law's enactment. Li pointed out that the report resulted from Wang Ming's seventeen-hour-long oration on the subject, of which Li had kept a written record (Dai and Cao, 2008: 268–72). Upon a close reading of the book and other related publications, however, it is evident that the biographers and their advocates contradicted themselves. On the one hand, they elected to ignore the contribution of the Marriage Law Drafting Group altogether. On the other hand, some articles that were meant to heap praise on the biography nonetheless added that the Women's Committee had begun to make preparations for drafting the law long before Wang Ming's involvement (see, e.g., Wu, 2001; Jiang, 2001).

Giving Wang Ming credit for authoring and presenting the Marriage Law irritated Luo Qiong, Wang Ruqi's longtime colleague and another member of the Marriage Law Drafting Group. As a witness to and participant in this event, Luo felt obliged to lay bare the falsehood that Wang Ming had written the Marriage Law and reaffirm the accomplishment of the Marriage Law Drafting Group. In her open letter to *People's Daily* in October 2001, Luo unequivocally stated that it was Liu Shaoqi 刘少奇 (1898–1969) who had personally assigned the task of writing a marriage law in late 1948, and that Deng Yingchao had then assembled and supervised the drafting group. Luo also pointed out that Wang Ruqi was the author of the draft, precisely because of the latter's educational background at the Law School of Fudan University (Huang, 2007: 49–50).

Luo Qiong's letter was a response to the publication of the aforementioned essay in the overseas edition of *People's Daily* in 2001 that sparked the controversy over the authorship of the Marriage Law. The account provided by Luo is assertive and convincing, given her personal experience in this historical event. Elsewhere, Luo gave more details about the drafting of the law. She recalled that, first of all, the drafting group was formed to include seven members, including herself and the team's lone legal specialist, Wang Ruqi. Second, the members of the group worked on the draft in Xibaipo 西柏坡, Hebei, between late 1948 and early 1949 by holding regular meetings. Here, Luo reiterated Wang's role as the writer of the first draft given her expertise as a legal professional (Luo, 2000: 102–103). Third, the first draft was completed in March 1949, after which all of the members left for Beijing (Luo, 1988: 91).

However, Luo's testimony did not seem to stifle the debate in the following two decades. In the anglophone world, scholars continue to juxtapose the two theories in their research into China's first Marriage Law. For example, Jennifer Altehenger (2018: 268n21) posits that the "making of the 1950 Marriage Law was the subject of a historical debate in China," but elsewhere she reaffirms the drafting group's efforts to write the legal code (Altehenger, 2015: 344–45). Xiaoping Cong (2016: 248) creatively mingles the two competing accounts: the drafting group penned the law whereas Wang Ming "presented the drafted Marriage Law and its interpretation to the People's Central Government Committee for approval in April 1950." Cong's research findings might be the closest to reality, and some China-based scholars have made a similar argument recently (see, e.g., Liu, 2017: 36–37; Liu, 2020: 29–50). As a matter of fact, when Wang Ming presented the draft of the Marriage Law to the central government in April 1950, he admitted that the Women's Committee and his Legal Affairs Committee had worked together to prepare the law since the winter of 1948 (Selected Materials, 1982: 19). In

addition, Deng Yingchao (2010: 5) stated as early as January 1950 that when she presented the final draft of the Marriage Law to the central government, that edition of the law had gone through five internal reviews by members of the Women's Committee. Meanwhile, the Women's Committee had also invited members of other institutions, including the Legal Affairs Committee, to further discuss the draft. Thus, Li Guangcan must have confused the making of the law with the writing of Wang Ming's final report to the central government before the law was ratified.

Although it is quite clear that the Marriage Law Drafting Group at least produced the earliest draft of the law, Wang Ruqi's key role as its actual author has yet to garner the full attention of scholars. A more complete understanding of her contribution takes on special significance for several reasons. First, it complicates the established picture of professionalism (as embodied in the Nationalist Party) versus vernacularism (the CCP) in the composing and implementing of laws in midcentury China. The professionalism of legal specialists in Nationalist China between the 1920s and 1940s was evidenced by the fact that virtually all of them were trained in law and were "bilingual and bicultural" (Huang, 2001: 53). By contrast, other than Wang Ruqi, no members of the Marriage Law Drafting Group had received any prior training in law (Manning, 2023: 159). On this basis, Althenger (2018: 30–31) argues that law was in the hands of legal professionals before 1949, whereas the CCP attempted to make law genuinely "popular" 通俗.

As Wang Ruqi later personally testified, the committee counted heavily—if not exclusively—on her legal knowledge and work experience to make the Marriage Law (Wang and Wu, 1988: 787). Wang, as a legal professional, was undoubtedly the actual author of the first draft (Liu, 1993: 294). Hence, Wang's very existence and her assignment to draft the legal code complicates the existing narrative of vernacularism replacing professionalism in the early PRC. In the Women's Committee, which convened the drafting group, Shi Liang 史良 (1900–1985) was a practicing lawyer, too. Shi later clarified her contribution to the drafting of the Marriage Law. She recalled in the 1980s that as a practicing lawyer she had arrived at a better understanding of women's miseries in loveless marriages in many cases she had handled. Therefore, she insisted on granting women the right to divorce when she held meetings with members of the Marriage Law Drafting Group (Shi, 1987: 76). Also, the abovementioned Li Guangcan and other members of Wang Ming's Legal Affairs Committee were trained legal experts. Although the latter were not drafters of the Marriage Law, they oversaw the composition of the law and provided feedback. In this sense, the PRC's 1950 Marriage Law was an outgrowth of the concerted efforts of numerous legal professionals who assumed roles variously as writers, reviewers, and coordinators.

Second, Wang Ruqi's authorship of the original draft of the Marriage Law attests to the rise of state-legal feminism—an offshoot of state feminism—in the PRC. In the past two decades, scholars have attempted to define the CCP cadres who drafted the Marriage Law. Unsurprisingly, scholars have reached a consensus that May Fourth feminism left an imprint on the members of the Marriage Law Drafting Group, all of whom happened to be women. Zheng Wang (1999: 360), for example, posits that the law was drafted by “a group of May Fourth feminists within the party” and, therefore, that it “expressed many May Fourth feminist ideas.” Cong (2016: 248) also asserts that the members of the drafting group “were heavily influenced by the May Fourth Movement.” Zheng Wang's (2017: 8) exploration of female CCP officials in the early PRC characterizes them as “socialist state feminists,” for several reasons: First, they continued to hold on to “the May Fourth feminist vision of equality between women and men”; second, they committed themselves to the liberation of the “masses” of women; and third, their “positions in the *state*” allowed them to make contributions to “political, economic, social, and cultural transformations in the PRC” that benefited women across China.

What needs further elaboration is how those female cadres took advantage of their positions in the state to accomplish the goal of effectively enabling the “social advancement of millions of Chinese women” (Wang, 2016: 8). Wang Ruqi's case shows that she and her colleagues highlighted the role of law in the socialist state in the emancipation of women in China. Wang began to ponder the relationship between law and women in the early 1930s when she expressed her disappointment at the newly enacted Civil Code, which, according to Wang, only paid lip service to women and made hollow promises of gender equality. Only when she began to study the law of the Soviet Union in the mid-1930s did she become convinced that the goal of women's liberation could, and could only, be achieved by state law. The drafting and implementation of the Marriage Law was thus a reconfirmation of Wang's longstanding beliefs. In this sense, Wang was a state-legal feminist in socialist China because of her deep-seated belief that the will of the state—women's rights in this case—could best be articulated and exercised via state law.

Wang Ruqi's Feminist Ideas

Wang Ruqi's feminist ideas featured two salient aspects: women's participation in productive work and women's political activism. Wang firmly believed that gender equality, which underpinned the newly enacted Civil Code in the early 1930s, was mere hollow rhetoric because it did not address a fundamental issue: women's economic independence. In 1932, after the Civil Code was enacted and while Wang was still a Fudan student, she wrote a newspaper

article calling for women's "economic emancipation" 经济解放, without which, Wang stated, the codified law alone could not accomplish the goal of liberating women (Wang, 1932). A few years later, Wang argued that women's economic independence allowed for women's acquisition of full human rights and fulfillment of their obligations as worthy citizens (Ma, 1936: 38).

In this sense, Wang Ruqi made a firm connection between women's pursuit of vocational careers and their political activism, because, after all, women were citizens of a nation. In 1936 and 1937, Wang joined the Shanghai Women's Movement Promotion Association 上海妇女运动促进会 to push for the agenda of increasing the number of female representatives in the National Assembly 国民大会. During a meeting on July 3, 1937, the association passed a resolution that women must constitute 20 percent of all representatives in an assembly in any given city or town (Wang, 1937a: 15). It was thus clear that, for Wang, giving women equal rights in the nation's highest lawmaking institution was a manifestation of the government's sincere support for the notion of gender equality. Otherwise, equality between sexes stipulated in law was nothing but a blatant lie. Once again, Wang addressed this political issue from the perspective of a legal specialist.

As a legal specialist, Wang Ruqi usually put forward her feminist viewpoints in the 1930s through her comments on the Civil Code, promulgated in 1929–1930. Wang emphatically pointed out that the Civil Code discriminated against women despite its avowed mission to achieve gender equality. Wang cited the clause concerning adultery 通奸 and reminded readers that a female adulterer was punishable with a maximum of two years in prison, whereas a man who committed adultery was not legally liable but merely gave his wife grounds for a divorce petition (Wang, 1932). In a separate essay published in 1933, Wang (1933: 68–72) reiterated that the Civil Code was a new instrument for perpetuating patriarchy. Wang particularly cited the provision that "[t]he wife shall take the husband's residence as her residence" 妻以夫之住所为住所 as revealing of the fact that the lawmakers' intention was to preclude women from achieving economic independence.

As a matter of fact, Wang was not alone when she castigated the Civil Code. This legal code aroused bitter controversies as soon as it was promulgated. Margaret Kuo (2011: 51–56) shows how the debate on married women's adoption of their husbands' surnames, as stipulated in the Civil Code, became a matter for heated debate. For Wang Ruqi (1933: 72), the only remedy was forming a new conjugal relationship in which women could achieve economic independence. In her words, "all freedom and equality" were premised upon the "economic base" 经济基础. Wang's economic determinism revealed a tension between her dual identity as a Marxist feminist and a legal specialist. As a Marxist feminist, she prioritized women's full emancipation

over what Zheng Wang (1999: 339) calls a “partial” or “narrow” feminist movement. In other words, Marxist feminists embraced “a materialistic view of history” and aimed to resolve all women’s issues by bringing about fundamental changes to the existing sociopolitical and economic system (Song, 2023: 43). When Wang subscribed to such a social evolutionist view, she, as a legal professional, began to question the capacity of state law to accomplish the goal of gender equality.

Wang Ruqi’s Conceptualization of Marriage and Family

To address this tension, Wang Ruqi dedicated herself to exploring the issue of marriage and family at different historical stages. As a social evolutionist and socialist, Wang held that marriage and the family were not given, but rather were artificial institutions that had undergone and would continue to undergo dramatic changes over time. In her 1933 article “The Marriage System of Yesterday, Today, and Tomorrow” 婚姻制度的昨日今日明日, Wang researched the origins of the marriage system, made comments on its current situation, and produced a forecast of its future (Wang, 1933: 53–69). First, she asserted that marriage was the most fundamental “social organization” 社会组织. Second, she asserted that the marriage system kept evolving in history because it was a “social formation” 社会形态 built upon a specific economic base. Therefore, the prevailing marriage system, characterized by monogamy and exogamy, was a product of the capitalist economic mode. Wang reasoned that under capitalism women relished better chances to land jobs in cities and were no longer property of their natal or husband’s families. In other words, women’s economic independence led to the rise of individualism among women and brought polygamy to an end. That being said, Wang believed that the rule of economic determinism continued to ring true despite the system of mandatory monogamy in 1930s China, because economically advantaged men could retain their statuses as polygamists (Wang, 1933: 61–66).

At this point, Wang Ruqi’s economically deterministic but historicized ideas about marriage bore a resemblance to a notion endorsed by the CCP that marriage was a defining feature of a group’s evolutionary status (Friedman, 2005: 315), although Wang had yet to become a CCP member. At the end of the article, Wang proceeded to make predictions about marriage in the future. She predicted four solutions: “conservatism” 保守主义, namely, keeping the status quo of male domination; “reformism” 改良主义, namely, correcting flawed marriages by such means as education; “absolutism of love” 唯爱主义; and “socialism” 社会主义.

Here, absolutism of love was akin to what Haiyan Lee (2007: 137) calls the “enlightenment structure of feeling” in May Fourth discourses on love—that is, love is a “hypergood” that deserves “total faith and supreme sacrifices and subsumes all of life’s purposes.” Lee (2007: 96) posits that the emphasis on the “hypergood” of free choice of love in the May Fourth era was more about the termination of one’s “family, tradition, and locality” than about individualism. In Wang Ruqi’s analysis, proponents of love’s hypergood at this stage of history were unrealistic because their agenda was to replace marriage and family with love. Wang envisioned that the disappearance of the family as a social institution would be possible only under socialism. Wang reasoned that the marriage system would “be totally annihilated, just like the entire destruction of the system of private ownership of property.” Here, Wang conceptualized marriage and family, first of all, on the basis of her presumption that the marriage system “was a product of the system of private ownership of property” (Wang, 1933: 70–72). Second, Wang invoked the anarchistic notion that family and marriage, like all other “artificial” institutions, were doomed to vanish.

It is worth mentioning that the very notion of freedom of love 自由恋爱, which underpinned the views of both liberals in the May Fourth period and socialists in Wang’s analysis, had been a creation of anarchists in early twentieth-century China (Müller, 2005: 96). In Qiliang He’s (2018: 6) words, anarchists were “China’s first true feminists.” For anarchists in the first half of the twentieth century, social institutions, such as family and marriage, were disposable because they were not spontaneous but artificially created (Dirlik, 1991: 12–13). The confluence of Marxism and anarchism in Wang Ruqi’s understanding of marriage in socialism should come as no surprise since the relationship between Marxism and anarchism “retained some ambiguity” in early twentieth-century China (Dirlik, 1991: 7). It is thus no wonder that Wang quoted Karl Johann Kautsky (1854–1938) to further her anarchism-inspired assertion that marriage was set to disappear after the coming revolution in which socialism would prevail (Wang, 1933: 72).

Wang Ruqi’s anarcho-socialist views on marriage and family did not last long. She soon gained inspiration from law promulgated in the Soviet Union to reorient the role of the state—the very institution that anarchists vowed to wipe out—toward regulating marriage and family and thereby protecting and liberating women. In 1934, Wang published an article translating the 1926 Russian Republic Code of Laws on Marriage, the Family, and Guardianship (widely known as the 1926 Soviet Family Code). In the translator’s note, Wang emphatically pointed out,

Law is at once a product of the environment and a reflection of realities. In this code about marriage, divorce, family, and custody, the relationship between the

sexes is regulated. When reading the code, one can understand what the relationship between men and women is in Soviet Russia. [One can] further understand how [the state] liberates women and how the government protects children. Instead of viewing the code as [a law] enacted to stipulate the relationship between men and women, [one needs to understand that it] is established to protect women and children. (Wang, 1934: 166)

This passage conveyed information of vital importance about Wang Ruqi's renewed understanding of the state, marriage, and the family. First of all, she had overturned her earlier conviction that marriage and the family would vanish once the socialist revolution prevailed. Second, rather than calling for the abolition of the state apparatus, as was envisioned by anarchists, Wang now hailed the socialist state as the guarantor of the safety and liberation of women. Third, Wang held a firm belief that the will of the state to protect women and children could be manifested through the channel of codified laws. The law ensured that the state would not intrude upon the liberty of the people but, on the contrary, would uphold the rights of individuals. The law Wang Ruqi translated, the 1926 Soviet Family Code, understandably exerted an influence on her because this legal code was designed to prioritize the protection of women over individual freedom. Compared with its predecessor, the 1918 Soviet Family Code, the 1926 Soviet Family Code emphasized the "financial interests of women since their earning capacity had failed to reach that of men" in the postrevolutionary Soviet Union (Quigley, 1979: 168). Such protection was afforded not only legally but also sociopolitically. The 1926 Soviet Family Code stressed that the Soviet government had set up public kitchens and public nurseries to relieve women of daily chores, thereby enabling them to pursue their careers and achieve economic independence (Wang, 1934: 168). Wang's translation of the Soviet law thus provided a solution to the abovementioned tension between her belief in social evolutionism and her training as a legal professional. In other words, women's full emancipation was guaranteed by the state in the Soviet Union by means of codified laws, among other things.

Wang Ruqi's Interpretation of the Marriage Law

Wang Ruqi's conviction that the state should play a pivotal role in reforming gender relations and the family by liberating women in China was materialized with the promulgation of the 1950 Marriage Law that she had personally drafted. The law, however, was not fully implemented until 1953 when the CCP launched a mass campaign promoting it. As one of the key propagators of the law, Wang provided her new understanding of women, the family, and

marriage in a 1953 essay about how to promote this legal code in post-liberation China. In the opening paragraph of the essay, Wang explained the motivation for making the Marriage Law one of the first legal codes produced in the PRC. In Wang's words, the Marriage Law was created before any other laws because "the people's government led by the CCP cares deeply about the people" (Wang, 1953: 8). Here, Wang's rhetoric was comparable with that of the 1926 Soviet Family Code that she had translated in 1934: both emphasized socialist states' willingness and capacity to protect women and achieve gender equality via legislation.

Wang Ruqi then explained how the family should become a locus where women could accomplish the goal of economic autonomy in the new era. Wang clarified that family was a "unit of social economy" 社会经济的单位. In the new family, Wang reasoned, spouses could not only live together happily but "actively engage in production" 积极地生产, "responsibly raise children" 负责地抚育子女, and "collectively endeavor to [achieve] family happiness and [work for] the construction of the new society" 为家庭幸福和新社会建设而共同奋斗 (Wang, 1953: 8). Wang's rhetoric particularly corresponded to Article 8 of the Marriage Law: "The husband and wife have a duty to . . . struggle for the happiness of the family and the building of the new society." Meijer (1971: 73) made a similar comment to Wang's that the law popularized a new idea of the "family as a socialist cell." For this purpose, Wang made a firm connection between the promotion of the Marriage Law and women's participation in productive work. For example, in a village in Fujian, female villagers, after learning about the Marriage Law, began to take the initiative to work in the fields (Wang, 1953: 8).

Wang Ruqi's call for women's engagement in productive work decades earlier gradually became a reality in the 1950s, at least in the countryside, because of the enactment of the Marriage Law. In this sense, the campaign to promote the law and the CCP-led land reform program were mutually supportive. Wang (1953: 8) acknowledged that both the Marriage Law and the land reform movement helped the peasants eliminate vestiges of feudal ideas. Meijer (1971: 70) notes that the Marriage Law and the Land Reform Law, both promulgated in 1950, were closely related to each other, for both were designed to do battle with feudalism in China. The two laws were also interconnected in that both were intended to restructure the mode of production in rural China. Hence, when Wang associated the change in women's roles and gender relations with the dramatic social transformation that was taking place, she went a step further from the translator's note to her 1934 translation of the 1926 Soviet Family Code. That is, she not only hailed the state as the guardian of women's rights but also underscored the contribution of

renewed gender relations, as an outcome of the newly minted law, to the ongoing state-building effort.

What prompted Wang Ruqi to step in to propagate the Marriage Law in 1953, according to her, were the pervasive distorted understandings of various articles of the law. Wang blamed cadres in some areas of China for oversimplifying the Marriage Law. For example, some cadres summarized the law as “freedom of marriage, [the eligibility of] a man over twenty and a woman over eighteen to get married, the necessity of widows to remarry, and an adult woman’s right to give birth to illegitimate children” (Wang, 1953: 9). It was evident that some of the issues taken up in the Marriage Law had for years been misinterpreted, and, in consequence, panic about sexual promiscuity and the collapse of the conventional family system in China was growing, especially in the countryside.

Qiliang He’s (2018: 241) research into the popularization of May Fourth concepts about love and marriage in the late 1920s and early 1930s shows that ordinary people tended to “vernacularize” abstract terms and theories partly because of their deep concerns over the ever-changing Chinese society and increasingly unstable gender relations. For example, in popular fiction, “liberty” 自由 connoted libertinism, and “gender equality” was equivalent to debauchery. Despite its drafters’ endeavors to resort to more accessible language, the 1950 Marriage Law was similarly subject to vernacularization. Widowed women’s right to remarry (Article 2) in the 1950 Marriage Law was interpreted as their obligation to remarry, and the legal rights of “children born out of wedlock” (Article 15) was misunderstood as the government’s encouragement of women to bear illegitimate children. In Wang’s eyes, such vernacularization was detrimental to the Marriage Law, for it tarnished the reputation of the law and created great confusion in society. Wang Ruqi’s 1953 essay was thus intended to clarify such misinterpretations and provide more accurate explanations of individual articles. Wang thus stressed that a widow had the legal right to remarry or not. Also, the law’s recognition of women’s illegitimate children did not mean that they were encouraged by law to bear illegitimate children (Wang, 1953: 9).

Wang Ruqi’s explanations of specific articles of the Marriage Law bore a resemblance to the “decisions and interpretations” issued by the Supreme Court (or Daliyuan 大理院 before 1927) in the Nationalist legal system. Kuo (2012: 81) posits that such interpretations “carried additional significance,” for they “provided important guidelines on questions” raised when codified laws invited debates and controversies. In the late 1920s and early 1930s, when the Qing Code enacted in 1910 transitioned to the 1930 Civil Code, such interpretations took on special significance because they provided local law practitioners with general legal principles. In a similar vein, Wang’s

explanatory essay emerged at a time when, first of all, the full implementation of the Marriage Law as an articulation of the state's program of social transformation had become a necessity and, second, the law's applicability to local conditions was in need of clarification. In other words, the implementation of the Marriage Law entailed negotiation between legal orthodoxy (legal formalism)—legal specialists' "use of deductive theory to arrive at absolute truths" of law—and legal pragmatism. Huang's (2010: 2–3) research into the decisions of the Supreme Court in various contexts shows that legal practice usually operated in the form of a "tug-of-war between orthodox formalists and their pragmatist-realist challengers." Wang's explanations, therefore, did not function vastly differently from decisions and interpretations of the Supreme Court in Nationalist China and elsewhere. In this sense, rather than arguing that Wang and her like-minded political activists resorted to the Marriage Law to launch a mass political movement, we posit that they attempted to strike a balance between legal abstraction and the everyday use of the law in order to make the Marriage Law a formal platform to popularize and fulfill the intent and purpose of the newly established state—in this case, achieving gender equality and revolutionizing the family in China.

Conclusion

This article examines the trajectory of Wang Ruqi's transformation into a state-legal feminist. Wang emphasized the state's role in women's liberation for several reasons: the influence of law in the Soviet Union, her experience in wartime China when the state was in a state of collapse, and her CCP membership. Wang represented a specific type of state feminist, for she paid particular attention to the contribution of the law to the state-building endeavor. In this sense, Wang was a state-legal feminist because of her fundamental assumption that the state was able to perform its function of transforming social and domestic relations not only politically but also legislatively. Wang had subscribed to state-legal feminism ever since the mid-1930s when she grew conversant with Soviet law. The drafting and promotion of the Marriage Law in the late 1940s and early 1950s provided her with an opportunity to bring her state-legal feminism into full play. Not only was she the actual writer of the draft of the law, but the campaign to popularize the law also allowed her to make interpretations of the provisions based on the social and cultural realities in midcentury China.

Our effort to unearth the long-forgotten truth about the authorship of the Marriage Law is not merely intended to give Wang Ruqi due credit. More importantly, our research shows that the principle of the "rule of law" had already taken hold from day one of the PRC. It is thus not a surprise that the

state quickly enacted two laws in the opening years of the PRC, the Marriage Law and the Land Reform Law, in its quest for social transformation. While recent scholarship highlights the politicization of the law in the 1953 campaign to promote the Marriage Law (e.g., Cong, 2016: 250–51; Stacey, 1983: 3–4; Altehenger, 2018: 56), this study inverts this by addressing the legalization of political and social movements. This legalization of political programs also manifested itself in Wang’s participation in the defense of Japanese war criminals during the 1956 war crimes trial in Shenyang.

In the post-Mao era, the legalization of events with immense political implications gained more currency. Alexander Cook’s (2016: 26) research into the 1980–1981 public trial of the Gang of Four, in which Wang was personally involved, shows that the law’s importance loomed large in China under Deng Xiaoping 邓小平 (1904–1997) as it functioned as the “key to justice.” Wang Ruqi’s case nevertheless shows that state-legal feminists had already resorted to codified laws and legal institutions to attain the sociopolitical goals of gender equality and women’s emancipation in the case of the 1950 Marriage Law.

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Author Biographies

Shangyang Li 李尚阳 is a PhD candidate at Fudan University, Shanghai. Her research interest is women's history, law, and society in twentieth-century China. She is working on a doctoral dissertation about family, marriage, and law in Mao-era China.

Qiliang He 何其亮 teaches history at Hong Kong Shue Yan University. He is the author of numerous books on twentieth-century China, including *Working the System: Motion Picture, Filmmakers, and Subjectivities in Mao-Era China, 1949–1966* (2023), *The People's West Lake: Propaganda, Nature, and Agency in Mao's China, 1949–1976* (2023), and *Feminism, Women's Agency, and Communication in Early Twentieth-Century China: The Case of the Huang–Lu Elopement* (2018).