This book is about one of the most dramatic and far-reaching attempts by a state to reshape "traditional" marriage and family structures and relations into those seen as more compatible with the "modern" world and with a specific political ideology. Its point of departure is the promulgation and enforcement of the People’s Republic of China’s (PRC) “Marriage Law” of 1950 and its impact on the Chinese family and conceptualizations of “proper” family and marital relations. Like many other family laws enacted by modern states, the PRC’s Marriage Law inserted the state into private and/or community decisions concerning courtship, engagement, marriage, divorce, property arrangements, and even with whom it was appropriate and legitimate to have sexual intercourse. Whom to marry, whom to love, and with whom to have sex, in addition to questions concerning when and under what conditions a couple should divorce, came under the scrutiny of state authorities. But whereas the enforcement of laws and regulations concerning the family is our beginning point, how people—ranging from high-level political officials in Beijing to fruit and tofu peddlers in a Shanghai shantytown—dealt with the new regulations and expectations constitutes the core of this book. In the following chapters, we will see how, contrary to expectations, those whom we would consider the most traditional members of society were the most eager, aggressive, and in the end also very successful in taking advantage of the “modern” provisions of the law (such as making it easier to divorce and choosing a partner of one’s individual liking) and new state institutions, while those often described as the most cosmopolitan were the most conciliatory when dealing with family disputes and timid when dealing with the state. We will see the unintended outcomes of trying to use political ideology and language to guide people’s intimate decisions in the family, as well as many forms of “un-
orthodox" behavior on the part of people said to be the most conservative members of society. These unanticipated or unintended outcomes challenge previously held ideas concerning modernity and tradition, the politicization of everyday life in China, the way in which different classes of citizens interact with state institutions, and the nature of peasant and urban society.

It was not long after arriving in China to begin my fieldwork that I realized that my own assumptions and scholarly baggage failed to explain even casual observations of the urban and rural population. When I was in Shanghai in 1993 I met a woman—call her Miss Z—who was in her early forties, well educated, a scholar, and a Communist Party member whose father had been a high-ranking official. Although she and her family had suffered during the Cultural Revolution, Miss Z fervently believed in the ideals of the Communist revolution. She also considered herself an avid supporter of "women's liberation." After we came to know each other better, Miss Z entrusted me with information she considered very personal, but only under the condition that I not tell anyone else in the danwei—her "work unit." Miss Z's secret was that she had been divorced several years earlier. After this revelation, she invited me into her small study, where, along with many papers, she also kept her photo albums. Among the tattered black-and-white photos were shots of her as a youthful, proud-looking Red Guard during the Cultural Revolution, of her at university in the southwestern province of Yunnan, and finally, of her ex-husband. The pictures of her husband, she said, had never been shown to her close friends.

During my time in Shanghai, I found that others shared Miss Z's hesitation to expose their private lives. This hesitation also seemed to involve certain notions of privacy concerning space. Although both my wife (who worked as an occupational therapist at an orphanage in the city) and I were considered "friends of China," it took several months for us to receive an invitation to a meal or tea in our intellectual friends' homes. Frustrated, I asked my research assistant why she thought this was the case. She replied that although she couldn't be sure, it was probably because scholars at our institute feared that they and the Communist Party would "lose face" if Westerners saw the size of their apartments after forty-five years of Communist Party-led "progress and development." She did not mention the possibility that our friends might get in trouble with the party branch in the work unit should the latter find out about such unauthorized visits. Given that this was in 1993–1994, memories of the 1989 political crackdown after the Tiananmen Square protests were still fresh.

This sense of privacy, fear, and face also seemed to be at the heart of trouble I encountered in arranging a donation for senior-citizen homes in Shanghai. The U.S.-based firm Johnson & Johnson gave me some money to spend on whatever I thought would improve the lives of the elderly in
Shanghai. A contact arranged for me to meet the director and some residents of Shanghai's premier senior facility, where many top bureaucrats and intellectuals were now spending their retirement. Finding out what the seniors themselves wanted proved difficult, however, as most of the people we were introduced to were "model residents" or "model couples," hand-picked by the authorities to impress visitors. "Everything is fine," the model seniors replied. "The party and government give us everything we need." Maybe this was true: the Number One Senior Home was indeed the premier facility in Shanghai. But if this was the case, why bother to provide us with "model" residents as escorts during our visit?

As my research shifted from urban to suburban and then rural areas, I noticed important differences in how people defined public and private, and in the way in which they interacted with state institutions more generally. In Qingpu, a suburban county just west of Shanghai, for instance, I happened upon a young woman in a small restaurant near the archives where I was working. After some chitchat, I told her about my research and some of my findings. Without any prompting, she told me that she was recently divorced: "My husband was too poor, so I divorced him. I can find someone better." Since we had met only that night, I was taken aback both by the speed with which she revealed this to me and by the frank way in which she explained its cause. But then again, perhaps this did not mean anything; after all, she knew that we would not see each other again. This occasion, however, was not the only one upon which I was impressed by suburbanites' frankness. Unlike the senior citizens' home in Shanghai, where it was difficult to prod the residents to advise me as to how to use the Johnson & Johnson contribution, in the suburban townships of Qingpu it was easy to find out what people wanted. In the presence of the county's director of civil affairs, the seniors rattled off a list of requests: Could we purchase a color television? How about a VCR? A satellite dish? "The reception we get isn't too good from this old set," they complained. The seniors, it seemed, were concerned neither about the party losing face nor about retribution from the director of civil affairs, who could have easily interpreted these requests as criticism of his own failures.

As my attention shifted to even more remote rural areas, I noticed that frankness in discussing matters of marriage, divorce, and politics was not limited to residents of suburban areas. When I was in Yunnan Province I took a walk one evening with my local host, Mr. Yang, a university-educated member of the Yi ethnic minority group. On the side of a small street we saw a fairly large crowd gathered. After maneuvering to the front row we saw three people—an older man and a woman and someone playing a Chinese erhu, a two-stringed musical instrument. Accompanied by the high-pitched tones of the instrument, the couple were singing to each other, using a dialect I couldn't decipher. Looking slightly embarrassed, my host told me
that the couple, both of the Yi minority, were singing a courting song. To rousing whoops and hollers from the audience, the man told the woman something like “The moment I saw you I wanted you,” to which she replied, “I saw you and thought you were uglier than a mule.” On and on this banter went, until finally the story ended when the couple were married. Moving on, I told my host that this was the first time I had heard such public storytelling in China. He wasn’t surprised. Such stories, especially about love, would likely be considered backward and uncivilized in “modern” cities such as Shanghai. Other differences between Shanghai and Yunnan were also immediately noticeable. Whereas in Shanghai we were rarely invited to people’s homes, in Yunnan I was invited for daily meals at my host’s home, which was quite small even by Chinese standards and much more shabby than those of friends in Shanghai; unlike Shanghai, where I was unsuccessful in drawing my intellectual friends into political conversations, in Yunnan, at one of the dilapidated homes I visited, I had the frankest political conversation of my entire time in China, with a peasant who was in the city visiting my friend. Our conversation centered on how U.S. policies during the Vietnam War had affected China’s Southwest, and to my surprise, this peasant was as critical of China’s policies at the time as she was of U.S. “imperialism.” Yet, here again, maybe it was only the circumstances of research that led to the revealing of political views: this peasant woman knew that I was leaving in a couple of days.

Nonetheless, something strange seemed to be happening here. In Shanghai, a woman who called herself a feminist and Maoist, and who considered herself quite cosmopolitan, was reluctant to divulge that she had divorced her husband. Intellectuals, whom I had expected to be the most liberal and cosmopolitan, turned out to be very concerned with the face of the Communist Party and how a Westerner would look upon the size of their apartments. At the seniors’ home in Shanghai, it was hard to get a frank answer even about whether some extra blankets would help. Frankness in dealing with matters that in modern Shanghai were considered private (such as love and divorce) seemed to be less of a problem in the “backward” courtship song in Yunnan, however. Nor was frankness a problem in dealing with the state; suburban residents of Qingpu clearly shared their urban counterparts’ quest for modernity, but were interacting with state officials in a way quite different from that of the most “modern” of Shanghai’s residents.

At the end of the year, I left with many questions: What was the relationship between “Chinese” modernity and tradition, and between perceptions of public and private? What were the sources of the variations I was observing? Were differences in conceptions of public and private the result of eth-
nic differences, as the Yi courting song might indicate, or perhaps of social class or living in an urban and rural locale, a possibility suggested by the contrast between Miss Z and the woman in Qingpu? Was it possible to speak of "the" Chinese state acting upon "society" when there were clear differences in how different sorts of political institutions interacted with different types of citizens? Finally, what did all of this have to do with my dissertation, which concerned the impact of the 1950 Marriage Law?

Only in hindsight did I recognize that these causal observations dovetailed nicely with the many archival documents I had been plumbing through. Concern with face and privacy appeared to be more prevalent in some places than others well before the post-Mao reform period. Moreover, state efforts to change family relations were sometimes rebuffed and at other times aided by an unwillingness or willingness to "go public" with matters of the heart. In this sense, how people interacted with the state, the culture of private and public, and perhaps even the very meaning of marriage and divorce shaped the way in which people dealt with the state's efforts to change the family and played an important role in the unanticipated outcomes I was trying to explain. In the process of figuring out these differences, I realized that I would have to rethink much of what I had assumed about intellectuals, peasants, cities, rural areas, and state-society relations during the Maoist period.

Much of the newfound knowledge I gained in this study was the result of a methodology that emphasized comparisons—between regions, classes, and levels of the state and party apparatus itself. J. H. Hexter wrote that historians can generally be divided into "lumpers," or those who "want to put the past into boxes . . . and then to tie all the boxes together into one nice shapely bundle," and "splitters," who would rather "point out divergences . . . perceive differences [and] . . . draw distinctions." During most of my research, I was a committed "splitter." Moving from Shanghai to Beijing to Qingpu and Kunming was a splitter's strategy. As I developed the topic, however, it soon became clear that an even finer slice would be necessary to make sense of some of the patterns I was discerning. Even within "the" city there were differences in upper- and working-class districts, while Qingpu seemed neither wholly urban nor completely rural. An up-close look at the state in each of these areas also made it difficult to become more of a "lumper": village, township, district, county, and court officials acted in different, and sometimes contradictory, ways, suggesting that "the party" was far from a monolithic entity; peasants, moreover, afforded different amounts of legitimacy to different sorts of political institutions. Yet, despite all of these differences, and sometimes despite myself, some commonalities poked through the surface of a sea of local variations: whether in the suburbs of Shanghai or in the mountains of Yunnan, peasants seemed to have
similar ways of interacting with courts; courts in all areas made “rash” decisions in divorce cases; and many village mediators experienced difficulties in handling family disputes.

The conversion to becoming something of a “lumper” was not limited to pointing out similarities within China. The more I delved into the secondary literature, the more it became clear that debates about the role of law and the state in family life were not limited to China, to revolutionary states more generally, or even to the twentieth century. In their respective revolutions, the French and the Russians also engaged in heated arguments about whether and how the state should and could use law to change and regulate private life and family relations. In the second half of the twentieth century, questions that French, Russian, and Chinese revolutionaries tried to answer still remain the subject of vigorous debate in legislatures, religious and social organizations, and families. In Ireland, for instance, the legislature and church are at loggerheads about whether even to allow divorce, and in the United States, state legislatures are now attacking as harmful to women and children no-fault divorce laws enacted during the heyday of the civil rights and feminist movements in the 1960s and 1970s. In India, where religious and secular laws concerning the family coexist in a fragile partnership, a Muslim woman's demand for alimony after her well-to-do husband divorced her after forty-three years of marriage resulted in heightened tensions between Muslim and Hindu communities, shaping the outcome of the national elections. In Iran, where Islamic law is not challenged by secular models, women have also been pressing the government and courts for more equitable property settlements in divorce cases after it became apparent that husbands who climbed the social ladder were abandoning their wives for younger women. But such conflicts are not limited to cases where there is a clear conflict between religious laws and demands for greater equality and better treatment in the family. In the Ivory Coast, for instance, some women are crusading against polygamy, targeting men who take multiple wives and women who agree to participate in such relationships. Even as the nature and tone of these debates differ from country to country, what seems clear is that, in a world undergoing rapid political and economic changes, contestations about the state, law, and the role of each in shaping family relations are unlikely to subside. This study, which draws on both past and present cases of state attempts to grapple with and change family relations, intends to contribute to this debate.

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