

**ECONOMIC STRUCTURAL REFORM AND
ITS IMPACT ON WOMEN IN MARRIAGE
IN POST-MAO CHINA**

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MASTER OF PHILOSOPHY

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Dated: 20th July, 2001

DECLARATION

This dissertation entitled **Economic Structural Reforms and its Impact on Women in marriage in Post-Mao China**, submitted by me for the award of the degree of **Master of Philosophy**, is an original work and has not been submitted so far in part or full, for any other degree or diploma of any university.



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CERTIFICATE

I hereby certify that this dissertation entitled, **Economic Structural Reform and its Impact on Women in Marriage in Post-Mao China**, submitted in fulfilment of the requirements for the award of the degree of Master of Philosophy of the School of Language, Literature and Culture Studies, Jawaharlal Nehru University, New Delhi, is a record of *bona fide* research work carried out by **C. Usha** under my supervision. No part of the dissertation has been submitted for any other degree or diploma.

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All translations used in preparing the dissertation are mine, unless otherwise mentioned.

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Ever since I was exposed to China as a country, I was fascinated by the Chinese culture and its history of rich tradition. During the course of studying Chinese language I was very inquisitive to learn more and more about Chinese culture. However, after I went to China in the year 1997, I was taken aback to see the drastic difference between what I read and presumed about the Chinese culture and the reality I saw.

It was during the one-year stay in China that I got interested in studying the subtle changes in the Chinese Society. What interested me the most was that, a society, which had rich marriage tradition, was now surprisingly, following the western style of marriage. Therefore, I decided to further examine the factors, which led to these changes and its impact on the society. As the positive or negative outcome of any change in a society can be best known by studying its effect on women of the concern society, I opted to relate the change in marriage system in China, with the status of women in China today.

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All inadequacies in the dissertation are solely mine.



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CHAPTER ONE:

**INTRODUCTION AND
BACKGROUND**

As known to us today marriage is the union of two individuals with a purpose of leading a life together. It is one of the most intense human relationships. Going back to the origin of marriage, marriage as an institution has a definite history behind it. Right from the time of Adam and Eve man and woman have been drawn towards each other. The study of the history of primitive society reveals conditions in which men lived in polygamy and women simultaneously in polyandry, and the common children are therefore brought up collectively by all of them. The definition of marriage given by Edward Westermarck (1971), in his book *The History of Human Marriages-1* is that marriage is a relation of one or more men with one or more women, which is recognised by a custom or law and involves certain rights and duties both in case of parties entering the union and in case of the children born of it. A promiscuous sexual intercourse was prevalent in the earlier times, every woman belonged equally to every man and similarly every man to every woman.

It was Bachofen (1861) who first initiated to search for traces of marriage trends in the historical and religious tradition, and collected it in his work *Mother Right*. Being a pioneer, he replaced mere ideas and phrases about the unknown primitive marriage conditions with promiscuous sexual intercourse proof, that the ancient classical literature comprise traces of a condition in the Greeks and the Asiatic, where men and women had sexual inter-course with more than one men and women respectively.²

Lewis.H.Morgan does a detail discussion on the concept of origin of family and marriage in his book *Ancient History* (1877), which is further studied by Engels in the *Origin of family, Private Property and State*. Morgan rediscovered the original mothers' right gene as the preliminary stage of fathers' right gene to be the basic principle of the history of primitive society. According to Engels, Morgan was the first person with expert knowledge who attempted to follow a definite order to study the prehistory of man.

The evolution of family as explained by Morgan can be divided into the following two stages before entering the stage of civilization:

- 1) **Savagery:** This stage more or less revolves around the time when man was living in his original habits. Thereafter he gradually passed through the stage of cannibalism. This period saw the invention of bow and arrow, which was followed by a series of inventions and discoveries.
- 2) **Barbarism:** It starts from the introduction of pottery and is gradually followed by the domestication and breeding of animals and cultivation of plants. Even in the lower stage of barbarism the Indians had already started the cultivation of Maize, Pumpkins, melons etc.... They lived in wooden and stone houses. In this period, men living in different regions lived in different stages of development. Cannibalism gradually disappeared in the middle stage of this period. In the upper stage of barbarism, smelting of iron-ore had started and mankind entered the stage of

civilization with the invention of alphabetic writing, and its utilization of literary records. Maximum progress was made during this stage.

Thus the periodization done by Morgan can be summarized as: Savagery --- the period in which the appropriation of natural products ready for use, predominated; the things produced by man were, in the main, instruments that facilitated this appropriation. Barbarism--- the period, in which knowledge of cattle bearing and land cultivation was acquired, in which methods of increasing the productivity of nature through human activity was learnt. Civilization--- the period in which knowledge of the further working up of natural products, of industry proper, and of art was acquired.³

As explained by Morgan, 'family represents an active principle. It is never stationary; it advances from a lower to higher form as a society advances from a lower to higher degree of progress.' Before the induction of value and importance of 'family' in the human society, man lived in a state of promiscuity where individual marriage did not exist. Thus according to Engels, it is believed that in primitive times the habit of all men and women living together, having free sexual relations, and commonly rearing their offspring prevailed. Here the man being the stronger one physically, acted as the protector and earner, and the women used to do the job of helping and feeding him. However, according to Josette Trat's article, *Engels and the Emancipation of Women*⁴ 'nowadays anthropologist recognize the major role women played in nutrition among hunting-gathering societies, by gathering food and catching small animals, and women's decisive role in

rudimentary forms of farming. Hence the earliest form of family is the 'group family'. People used to live in hordes and tribes. All men living in this horde had indiscriminate access to all the women and vice-versa, and the children born of this union belonged to the community at large. At this time, the two major aspect in the group family was that, women was a common property and that the child's mother was known to all, but father known to none.

Such conditions of promiscuity underwent a whole series of modifications, until ultimately dissolving to monogamy. The tie of marriage, which originally would have been very wide, gradually narrowed down to the single couple, which predominates today.

Following are the various stages the institution of 'family' underwent, as categorised by Morgan, before finally reaching the present setup:

- 1) **The Consanguine Family:** The first stage of the family. In this stage the marriage groups are ranged according to generations: all grandfathers and grandmothers are mutual husbands and wives, the same being the case of their children.
- 2) Thus in this form of the family only ancestors and descendents parents and children are excluded from the rights or obligation of marriage with each other. Brothers and sisters, male and female cousins of first second and more remote degrees are both brothers and sisters and husbands and wives to each other. The consanguine family has become extinct, even the rawest peoples known to history do not

follow this kind of family system today. However, that the Hawaiian system of consanguinity, is still prevalent throughout Polynesia, forces us to believe that such form of family existed as a necessary preliminary stage for the development of family system to the present.

- 3) **The Punaluan Family:** The second advancement after the exclusion of parents and children, was the exclusion of brothers and sisters from mutual sexual relations. Besides the origin of various forms of group marriage is also sited in this stage. Since in all kind of group marriage, only the mother is known and not the father, thus the descent is traceable only by the maternal side, and female line alone was recognised. The punaluan family proceeds towards the pairing family as a necessary stage of development. Slowly there started emerging a trend of partial pairing. However, in this trend of partial pairing women was often forced and suppressed. For e.g. if a women is abducted or brought in to an already existing group by a man, then although all men of that group would have sexual relationship with her but she would still be called the wife of the man who initiated the abduction. Thereafter if the women escapes or leaves the group and get caught by another man, in this case she would become the latter's wife.⁵ The above example shows that the suppression of women by the stronger men had taken roots in this stage itself. Nonetheless, pairing for short period along with polygamy was established within the framework of group marriage.
- 4) **The Pairing Family:** A certain kind of pairing for longer or shorter period, which had already originated in the group marriage or even

earlier, now started becoming habitual and more and more established. As the genes developed and the numbers of classes of "brothers" and "sisters" between which marriage was now impossible increased, the concept of preventing marriage between blood relations took a firm footing during this stage. In this stage, one man lived with one woman, yet in such a manner that polygamy and occasional infidelity remained men's privilege, whereas almost strict fidelity was expected and demanded of the women during the period of cohabitation. The marriage tie could however, be easily dissolved by either side, and the children belongs solely to the mother.

Originally under the free marriage system men were never in want of women but on the contrary had a surfeit of them. Gradually with the beginning of pairing marriage women became scarce and thus were sought after. Consequently with the beginning of pairing marriage, began the abduction and purchase of women. It was in this stage that the women started being fully used and misused for the very reason of her being weak. The old tradition of free sexual relations lost their naive as a result of economic development and change in life styles.

Gradually the arrangement of marriage started becoming a concern for the respective mothers, rather than the individuals getting married. They were most of the time not even consulted. Before marriage the bridegroom has to present gifts to the brides relatives (only on the mother's side) as a purchase cost of the ceded girl. Nonetheless the

marriage can be dissolved at the pleasure of either of the two spouses. But in many tribes, for e.g. in the Iroquois tribes, such separations started being discouraged by general public. In case of conflict the relatives of both sides intervenes and attempts a reconciliation, but if despite this separation cannot be averted the children, if any, remains with the mother and both are free to remarry.

According to Engels, women occupied a free and highly respected position among all savages and all barbarians of the lower and middle stages. Thus the notion that a woman was a slave of man ever since the beginning of mankind is an illusion. In the communistic household, which comprised of several families, usually the female portion ruled the house. No matter how many children are there in the family, the mother is responsible to take care of them. The husband of the house might at any time be ordered to pack up and move out of the house, in that case he has to go back to his own clan or as was often done, start a new matrimonial alliance. The division of labour between the two sexes was determined by causes entirely different from those that determine the status of women in society. Rather in those societies where women handle more hard work, have far more real respect for women, than in the western society. As correctly identified by Engels, the social status of the lady of civilization, surrounded by sham homage and estranged from all real work, is socially infinitely lower than that of the hard working women of barbarism, who was regarded

among her people as a real lady (lady, *frowa*, *frau*-mistress [*herrin*]) and was such by the nature of her position.⁶

Therefore, while talking about the history of origin of family, it is very important to note, as to how and when women, who earlier enjoyed supremacy in the house during the communistic household, lost the power and authority from their hands.

Bachofen rightly contents that, the transition from "hetaerism" or "*Sumpfzeugung*" to "monogamy" was essentially initiated by the women. The women being the weaker sex faced oppression, which led to their longing for chastity more fervently, at least temporarily or sometimes permanently aspiring to stay with one man. This led to a gradual increase in pairing family. Slowly with the changing times, the individual possession started increasing, and with this the once easily available women had now acquired an exchange value.

Now, a man weds a woman with an intention to keep her with him. The pairing family above all introduced a new element to the family, beside the natural mother it also placed the natural father. As the life style changed, the men being the stronger sex had a larger command over the physically strenuous work like, working in the fields, hunting etc. as a result he started saving his assets. After marriage he shared it with his wife. While at this stage since 'mother's right' still prevailed, his property was not inherited to his children, instead it would go to

his brothers, sisters and sister's children as per the 'mother's right'. Thus his own children were disinherited from his property. Therefore, according to Engels, as individual possession and wealth increased men started enjoying more status and importance in the family than the women did. Consequently, this inspired the men to use his power to overthrow the traditional order of inheritance and transform it to the idea of his children inheriting him. Thus emerged the need to overthrow the order of 'mother's right', and as a result it was overthrown.

The overthrow of 'mother's right' was the *world historical defeat of the female sex*.⁷ As a result of this, gradually woman's importance started degrading also at home, the man seized the reins in the house, the women was now downgraded, enthralled as the slave of man's lust, besides were viewed as a mere instrument of breeding children. For the first time the society was open to the patriarchal form of family system. Among the Romans, in the beginning, the *family* did not even refer to the married couple and the children, but to the slaves alone. *Famulus* means a household slave and *familia* signifies the totality of slaves belonging to one individual. The expression was invented by the Romans to describe a new organism, the head of which had under him the wife and children and a number of slaves, under Roman patriarchal power, with power

of life and death over them all. To this Marx adds: "The modern family contains in embryo not only slavery (*servitus*) but serfdom also, since from the very beginning it is connected to the agricultural services. It contains within itself in *miniature* all the antagonisms which later develop on a wide scale within society and its state."⁸

In order to guarantee the fidelity of the wife, that is, the paternity of the children, the woman is placed at the man's absolute power; if he kills her, he is but exercising his rights. Slowly there was a transition from pairing family to monogamous family. Nevertheless, the onset of monogamy did not completely stop polygamy, since polygamy on part of men was clearly a form of slavery, even though by this stage more and more number of families started living in monogamy but till today polygamy is a privilege of the men.

- 5) **The Monogamous Family:** This type of family system arose out of pairing family, in the transition period from the middle to the upper stage of barbarism, it was also one of signs of the beginning of civilization. It was based on the 'supremacy of man', with the aim of begetting of undisputed paternity of children, so that the children would in due time inherit their father's wealth as his natural heirs. As different from pairing family, monogamous family has far greater rigidity of the

marriage tie, it could no longer be dissolved by either party, now as a rule only the man could dissolve the marriage and cast off his wife. Thereby in almost all the main communities of the world, with a few exceptions, patriarchal system of society was established.

As observed by Marx, 'the female Goddess in the ancient history and mythology held an important position, and in the Heroic age the Greek wife was more respected than in the period of civilization'. But, by this stage a wife was merely the mother of the husband's legitimate heirs, his chief housekeeper and the superintendent of the female slave, whom he may make, and does make, his concubines at will. Thus the existence of slavery side by side with monogamy. A number of beautiful young slaves belonged to the *man* with all they have. This newly established monogamy had a specific character of 'monogamy *only for woman*, but not for the man'. And in the broader sense it retains this character to this day.

Another form of pairing marriage in monogamous marriage was the trend of maintaining two marriages at a time. In this case the cause of second marriage would most probably be the inability to give birth to a child by the first wife. For e.g. in the Greeks of the latter times, King Anaxandridas (about 650 BC)

took another wife in addition to his first, childless one, and maintained two households. Beside this, various practice like several brothers keeping a common wife, sharing one's wife with friends etc existed. However, on the other hand real adultery, infidelity of the wife behind the back of her husband, was intolerable, and was liable to punishment. This degradation of women owing to the predominance of man also led to fierce competition among female slaves.

The emergence of monogamy was not in any way a fruit of individual sex love. The marriage remained marriage of convenience, as before. It was the first form of family based not on natural but on economic conditions, namely, as per Engels, on the victory of private property over original, naturally developed common ownership. Thus monogamy does not make its appearance in history as the reconciliation of men and women, on the contrary it appears as the subjugation of one sex by the other.⁹ Monogamy emerged as an inevitable social change with the change in human life and conditions of life. According to Engels, it was the origin of private property and its ownership that led to the pressing need for man to make his children inherit his property, which in turn overthrew the 'mother's right', there by paving way to male dominated form of monogamy. The old relative freedom of sexual intercourse by no means disappeared with the victory of the pairing family or even of monogamy. The old conjugal system, now reduced to narrower limits by the

gradual disappearance of the punaluan groups, still environed the advancing family, which it was to follow to the verge of civilization.

A new trend of *Hetaerism* emerged in the society. By *Hetaerism* Morgan means that extra marital sexual intercourse between men and unmarried women which exists alongside monogamy, and, is well known, has flourished in the most diverse forms during the whole period of civilization and is steadily developing into open prostitution. *Hataerism* is as much a social institution as any other; it is the continuation of the old sexual freedom -- in favour of the men. Although it is condemned in words, but in reality it is not only tolerated but also practiced with gusto, particularly by the rich and powerful. Unfortunately, in reality, however this condemnation by no means hit the men who indulge in it, instead it hits only the women, they are excoriated and abandoned by the society. However, an important point intimated by Engels worth mentioning is that, the greatest advance in the development of monogamy definitely occurred with the entry of Germans into the history. Despite their firm belief in the sanctity of marriage-- "each man is content with a single wife and the women lived fenced around with chastity" --polygamy existed for the men of rank and the tribal chiefs.¹⁰

By identifying private property in the means of production as the common root of exploitation of women and all the exploited, Engels directly linked women's fate to that of all the oppressed class.¹¹ Since the new feminist wave

started in the early 1970's, feminist researchers have recognised and merited Engels, *Origin of family, Private property and State*, to have sought to show, on the basis of the historical and anthropological data of its time, that the subjugation of women is not a "natural" state of affairs, but the product of social relations that are subject to change over the course of history.¹² Even though appearance of new forms of wealth dominated by private property and ownership of private property, played a major role in granting men a dominant position in the family and thus encouraging and facilitating them to own woman as their private property so as to dominate over them, this could not be the whole and sole reason of male domination. Male domination, sometimes of a very violent sort, can also be found in pre-class society, which has no knowledge of private property, whether they are hunter-gatherer or horticultural societies.¹³ Thus the question arises, should the development of male domination be only attributed to the development of private property? Can't the fact that men and women are naturally made different from each other, both in terms of appearance and physical strength, be the first and the foremost reason behind the success of male domination in our society? It cannot be overlooked that the rule of nature is that 'the strong always rules the weak'.

The first division of labour between men and women is child breeding. This responsibility conferred to women by nature is one of the main reasons why women were confined the house, to reproduce and rear the children. Nonetheless, as in the primitive society there were no marriage bindings, men had no obligatory sense of responsibility towards women, thus there are

indications that from the very beginning women besides looking after the household, also had a major role in the production force. Therefore, the division of labour between men and women, given by Engels that men used to go to hunt and the women stayed back at the house, cared for the house and prepared food and clothing could be a myth which has come down through the generations until recently. Nowadays anthropologist recognizes that women had a major role in gathering food, catching small animals and rudimentary forms of farming. As per anthropologist Alain Testart, although a very clear division of labour between men and women can be observed in all hunting-gathering societies, though it differs greatly among societies, "in none of these societies are women cut off from production" ¹⁴ and "women have never devoted themselves exclusively to domestic duties".¹⁵ The only exception being the women of the ruling class, i.e. those societies where private property and class society was already established. Thus along with performing the household chores women have always taken part as productive labour, be it gatherers, farmers, craftswomen, home manufacturers or industrial workers¹⁶

With the gradual formation of the institution 'family', the change in the role of men and women in the family, and above all the invention of new methods of earning a lively hood, which paved way to private property, the women's house work lost its significance. The increase of production in all fields---cattle bearing, agriculture etc enabled human to produce in surplus. This invoked in man a sense of greediness to own more and more. Therefore, how and when the herds and flocks were converted from the common property of

man into the property of the individual herds of families is not yet known. Gradually as men started playing a major role in gaining a livelihood, he produced and owned all that he produced, thus all the surplus resulting from production now fell to the man, although the women shared in consuming it but she had no share in owning it. The division of labour in the family regulated the distribution of property between men and women (the wife). Thus the very cause that made woman supreme in the house earlier, that is the major role she played in the housework, now assured supremacy in the house for the man. The women's housework lost its significance as compared to the man's work outside the house, because of its zero economic profit, its insignificant contribution. Thus it is observed that, emancipation of women and their equality with men is impossible as long as women are excluded from socially productive work and restricted to housework. Only if they actively participate in production, and the domestic duties are shared both by the wife and the husband, can they come up and be valued equal to man. However it is perceived that mere participation of women in the production forces would not necessarily lead to equality, instead there are increasing possibility of further inequality and exploitation. As said by Engles, the avenue to social production; but in such a way that when she fulfills her duties in the private service of her family, she remains excluded from public production and cannot earn anything; and when she wishes to take part in public industry and earn her living independently, she is not in a position to fulfill her family duties.¹⁷ Thus, working women should be given some considerations both at work place and at home, failing which a women taking part in the production work might end up both neglecting her family duties

and fail to give her best at work. A larger emphasis on the family would lead to her insufficiency in producing good work, and giving more importance to the responsibility at work, would lead to neglecting of household duties. Thus both at the work place and at home, the work should be distributed among the men and the women, and this can only be realised if there is mutual respect and love. Besides all this, since the women are responsible for childbirth and childcare thereafter, besides a limited support, men cannot share this duty equally with the women. Therefore, every workstation should make special arrangements like baby care center, gynecologist hospital, child welfare center etc, inside or near the office for the benefit of the women workers. This would benefit both the workers and the employers by reducing the trend of being absent for work due to family reasons.

Even though monogamy has been established as a common rule today, it could be noted that monogamy is supplemented by adultery and prostitution. As rightly pointed out by Engels, prostitution demoralizes the men far more than it does to the women. Among women, prostitution degrades only those unfortunates who fall into its clutches, on the other hand it degrades the character of the entire male world. According to Engels we are now approaching a social revolution in which the hitherto existing common foundation of monogamy will disappear just as certainly as will those of its supplement---prostitution.¹⁸ However this argument holds ground only if the reason behind the existence of prostitution and adultery, i.e. ones urge to possess wealth still remains. Engels argues, "prostitution disappears: monogamy, instead of declining, finally becomes a reality---for the man as

well".¹⁹ However, in the present society, resorting to adultery for fun is on an increasing trend. As to whether monogamy will actually become a reality is unforeseeable.

After the establishment of monogamy as an increasing trend, a new factor of individual sex love spreads widely and helps in further intensifying monogamy. (No such thing as individual sex love existed before the Middle Ages.). Besides, along with this, the form of marriage by purchase reduces and now not only the women but also the man is also appraised not for his physical appearance, but by his possession. Till today in almost all parts of the world, both men and women are judged according to their own/family possession, most of the times weighting it to be more important than the physical appearance and self-quality. Therefore, Engels argue that, full freedom in marriage can become generally operative only when the abolition of capitalist production, and the property relations created by it, has removed all those secondary economic considerations which exert a so powerful an influence on the choice of a partner. Then, no other motive remains than mutual affection.²⁰

Engels continues to argue that, the predominance of man in marriage is simply a consequence of his economic predominance and will vanish with automatically. However, in today's world, especially in the urban life, where both men and women work hard and earn their livelihood, this argument does not hold much ground. In spite of earning and contributing equally with the husband, besides also performing the household duties, the women is

dominated by her husband in most of the families. Nonetheless, it is also important to mention that, in the recent past a few studies on this aspect have shown that, man in many developed and developing countries share the household work with their working women. Employed women have less time to do family work, so their husbands should take up the slack and do more house work and child care. Woman's employment also provides them with resources, especially earnings. Partners hold certain beliefs about whether wage and family work ought to be shared or separated by gender. It is assumed that housework is onerous and it takes power to get out of it. The more power wives have in marriage, the more housework their husbands do. Through this process, then, womens' employment enhances husbands' contribution to family work.²¹

Even though male domination has declined to some extent over the generations, it all along existed and continues to exist in various forms and shapes. As correctly said by Engels, 'the exploitation of one class by another is the basis of civilization',²² however this should not only be directed to the exploitation of the 'rich by the poor', but also to the exploitation of the 'weak by the strong', i.e. of the 'the women by the men'.

As the earlier state of polygamy and polyandry underwent a chain of modification to finally reach the stage of monogamy - the single couple, which predominated today, the institution of 'marriage', over the centuries began to be recognised by societies all over the world to be a pivotal part of every individual's life. This came as a result of man's need to accord this

so-called 'coming together of man and woman' a name and a status. Thus the institution of marriage started taking shape in myriad forms in different societies reflecting their culture and way of life.

This work would be analysing the development of marriage, and consequently the status of women in marriage in China, from the traditional times till date. Studying the subtle changes in the perspective of the Chinese people on love and marriage reveals dramatic social changes that have come about in the recent past. The objective of this paper is to study the marriage system existing in China today as affected by the changes and transition over the last few decades and its impact on the life and status of the Chinese women.

CHAPTERIZATION:

This dissertation comprises of five chapters. Chapter One - **Introduction and Background**. The chapter introduces origin of marriage and the position of women in marriage right from its origin and its evolution in different stages of development.

Chapter two - **Marriage and Women in Traditional China: A Historical Survey** gives a detailed description on the concept of marriage in ancient Chinese society. The basic idea of marriage just being a means of continuing the 'family line' itself indicated the position of women in ancient China, being a mere reproducing machine.



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Traditionally this conjugal bond comes next only to the intergenerational ties between parents and children, especially father-son, and mother-son relationships. The five relationships explained in the Confucian philosophy, in descending order of importance are:- ruler-minister, father-son, elder brother-younger brother, husband-wife, and friend-friend. This clearly indicates how little a weightage was placed on conjugal relations historically.

China's patrilineal kinship system emphasized lineage. There is an unbroken "descent line" which links a man with both his ancestors and descendants. The Chinese believe that their lives are continued in the lives of their children and that the maintenance of family continuity is the greatest responsibility of an individual. Thus the failure of producing an offspring means the death of the family and thus the death of the ancestors as well. The descent line carried so much importance that it relegated individual family relationships. Therefore, marriage took place primarily to extend the family line; not to benefit the individuals involved. Hence the quality of marital relations was never a salient concept in the traditional Chinese society.

An arranged marriage system was strictly followed in ancient China. The traditional Chinese marriages were arranged and conducted completely by the parents and relatives of the individuals involved, to the extent that in most cases the bride and the groom never even got a glimpse of each other before their marriage. The criteria of match-making centered on the ancestry and the economic status of the families involved rather than the merits of the individuals getting married. The Chinese family mainly

functioned on the basis of two commonly accepted ideas: the younger members of the family should obey the elders; and that woman was inferior to men. Thus the word of the eldest member of the family was respected and obeyed, and the women of the house had no status. Her only job was to do the household work and produce children.

In ancient China when Emperors ruled the nation, a strict hierarchical system and an emphasis on rituals prevailed. Marriage was considered to be one of the most important events in one's life. Thus it involved rich customs and rituals making it extremely time consuming and expensive on the one hand, but culturally rich and colourful on the other hand. The elaborate wedding ceremonies without fail involved the tradition of paying homage and sacrifice to the ancestors of the bride and the groom. Besides the feast and other ceremonial expenses, a major share of the high expenses of the traditional marriage was the amount to be paid to the girl's family in kind or in cash, or sometimes in both. The boy's family is to pay a betrothal gift to the girl's parents. This in turn also compelled the daughter-in-law to submit to the authority imposed on her by the boy's family, as they had paid the requisite price for her. Those families, which could not afford such elaborate weddings, generally adopted the practice of child marriage. They would get a very young girl, who would grow up along with their son and they would get them married when they reach a marriageable age.

Chapter three - **Marriage and Women in Twentieth Century China.** This chapter is divided into two sections; the period between 1911 and 1949, and from 1949 to 1978.

With the fall of the last dynasty of China in the year 1911, there appeared a few changes in the traditional Chinese marriage and family system. The Republic of China was established and the people began demanding more and more freedom from family control. For the first time the people were exposed to the western concept of marriage and its influence was being felt especially among the intellectual class.

With the establishment of Communist China in 1949, the marriage system underwent radical changes. The Communist Party revamped the whole custom of marriage. It abolished all the elaborate marriage rituals and encouraged simple marriages through a number of reform policies. The first step being the Marriage Law of 1950, which abolished the practice of all kind of arranged marriages and introduced a new marriage contract based on freedom of choice. Quite a few changes were also brought about by introducing equality among men and women, and by encouraging women into paid employment.

In the early 50's the new government took remarkable and rapid steps to thoroughly uproot the existing trend of extreme subordination and exploitation of women in the society. They introduced certain laws, which legally reduced the power of men and gave equal rights and status to women. The best

instance of this can be seen in the fact that, after the new marriage act was implemented, a woman who chose her life partner out of her own choice against her parents, could seek the government's support. To get married, the couple was required to get them registered with the local government, and the marriage was considered legal if it conformed to the provisions of the Marriage Law. Women were largely encouraged to work hand in hand with men, in order to facilitate their economic independence, thereby bringing the traditionally conservative and oppressed women of China to the forefront of the new society. While coming to the aspect of love and marriage, the idea of "love" as a prelude to marriage was cultivated and encouraged by the Communist Party of China. The CPC went out of its way to enlighten the masses about the concept of love and marriage.

In the 50's young women wished to marry cadres of the Chinese Communist Party, the reason being, the good political standing, secure jobs, stable incomes, and upright personalities that these men had. However most cadres had wives selected by their parents. But still the shift from the completely arranged marriage system to a greater pattern of choosing a partner was exceptionally noticeable. This is mainly because shifting control of the marital decision from extended family to individuals has been one of the key family goals of the Communist government since 1949. The new 'Marriage law' aimed at annihilating all the marriage-related problems existing in the society, namely forceful marriage, child marriage, polygamy, prostitution etc. Besides all this, the new law also included the freedom to divorce. Divorce,

which was a taboo in the conservative Chinese society, was for the first time legally accepted.

The government's promotion of love and mutual companionship as the major criterion for selecting a life partner changed the existing trend of arranged marriages to a large extent. However it goes without saying that it was an inordinately difficult task for the government to get the masses to imbibe the new concept of "free choice marriage". Despite the reforms, there were many cases of forced or arranged marriages, which involved all the rituals, including paying a price for the bride. This illustrates the desire of the majority to cling on to their traditional system. Hence it became evident that the deep-rooted customs and rituals of marriage which had developed over the ages could not be transformed overnight by merely introducing new laws.

To bring about this change in the society a concerted effort was put in via a series of political meetings and lecture demonstrations to educate the masses about gender equality in practice under the communist system. Theatrical groups were formed to organise various plays and dramas to propagate these new ideals, attacking the traditional system and its negative impact on the society. The masses were encouraged to discard their old ways and to adopt the new path of socialism, to look forward and contribute to the establishment of new China.

Under this new arrangement of free choice marriage, Chinese marriages underwent a drastic transformation, liberating the Chinese society from the

negative impact of the old marriage system with the aim of enabling them to embrace the new Communist ideology. However, it also made the Chinese people lose their rich tradition and culture of Marriage and family. This new system made more and more young people select their partners on their own, sometimes not even consulting their parents. This gradually created a rift between the children and the parents, weakening the family bond that existed earlier.

Chapter four - Impact of Reforms----Women In Marriage (1978-2001).

This chapter analysis the effect of reform policy adopted by the Chinese government on the marriage system and consequently on the status of women in the last few decades of the twentieth century.

The post 1978 era, which is widely known to be the era of reforms and opening up in China, is undoubtedly the turning point in the history of China. The years that followed the reforms showed a decisive change in China's politics and economy, which implicitly facilitated a drastic change in the social and cultural setup - a change, which relates directly to the lives of common people of China. One of the major aspects which reflects this transformation of the society is the changes that have come about in marriage trends and the status of women in marriage in the Chinese society during the past two decades.

Innovative changes in some aspect of the marriage system, breaking away from both the traditional customs and Communist system came about after

China started its reforms and opening up process in 1978. A new Marriage Law was introduced in 1980, which came into effect from January 1, 1981. The new Marriage Law built upon the Marriage Law of 1950. A few noticeable changes made in it were the raising of the legal marriage age from 18 to 20 for women and from 20 to 22 for men. It reiterated the right of the people to choose their life partner. This came in the wake of various cases of forceful marriages being reported in some rural and even urban areas. Although free choice marriages were most often supported by parents in the cities, they were more or less rejected by the parents in the small towns and villages. Thus the need to fill the gap between the theory and the actual practice of the system of free choice marriage was felt.

By the 90's, due to the increasing exposure to modern progressive ideas, especially in the urban region, people finally became comfortable with the idea of free choice marriage. Now the focus was on knowledge and talent instead of party status or family ancestry. University graduates and post-graduates were being preferred as partners. Subsequently in the mid 90's when the reform policy started showing more results, the standard of living of the people improved and the general focus of the people got diverted to earning more money. Thus the criteria for selecting a partner changed again from political and educational conditions to economic conditions.

Now that the people had the freedom to choose their own partner, the onus of selecting their mate was solely on them, as parents were no longer entrusted with this job. The new problem was - whom to marry? In the day to day life of

a city where every one is busy with his/her work, most people find it very difficult to find a match. Of late a few Women's organisations and some private companies have started running marriage bureaus, providing matrimonial and match-making services through the media and over the Internet. The government has also given consent to this practice. On going through these matrimonial it becomes evident that the primary demand of the Chinese while selecting a partner is a good economic background apart from the looks and educational qualifications possessed by the individual.

With the rise in the standard of living, diverse means of earning money, and widespread exposure to marriage trends outside China, money spent in marriages is also increasing remarkably. Every year the Chinese are creating new customs for marriage ceremonies.²³ The people have started wearing more fashionable and exorbitantly priced wedding dresses unlike the blue and green wedding uniforms worn before the reforms under the Communist rule. The wedding uniform was introduced by the government in the 1950's to avoid the troubles and expenses of wearing traditional marriage dresses, that is, robes with golden python patterns or phoenix coronets and capes.

Chapter III, Article 9 of the Marriage Law, 1980, states: Husband and wife shall have equal status in the family. Though China has traditionally been a country where women have all along been dominated by men, ever since the Communist government has taken over, women have been accorded equal status and have come to be at par with men in all fields. However, while talking about marriage and the rights and duties of men and women in their

married life, there still exists a lot of disparity. Although women's liberation started in China as early as the 1950's, the traditional concept of men dominating women has not yet been uprooted from the psyche of the Chinese men. The traditional Chinese concept laying down the obedience rules for women (A women has to obey her father when she is young, her husband after marriage and later her son if she gets widowed) is still predominant in modern China.

The freedom to divorce was redefined in the Marriage Law, of 1980. This was done because an increasing number of people had started seeking divorce. While studying the role of women in Chinese society and the system of marriage there are many issues that warrant a careful study and research. Have the developments in the marriage system in the Chinese society to the present day setup actually brought about changes in the life and status of women in China? Are Chinese women happy in their married life? Have they actually been accorded a status equal to that of men? Have they actually been liberated? What is going to be the future of women's status in China? A deep and thorough study of the marriage system existing in China would enable me to throw light on the above issues.

METHODOLOGY:

In view of the above information, this paper would further ponder into the status and life of Chinese women as affected by the changes in marriage system after reforms. It would in the first place introduce the theme, analyse the marriage system and the status of women in traditional China, thereafter,

first compare it with the initial changes in the early 20th century, after the fall of the last dynasty and then with a relatively important phase in the history of emancipation of women in China, i.e. the Mao's China. Following this it would deal with the primary changes during the initial reforms era, and subsequently the greater changes in marriage system and its impact on the status of women, as the reform process starts showing results.

To proceed towards achieving the above this study will involve detailed textual analysis of the works of selected, serious theoretical writing on the theme of women and marriage in China. This study will primarily rely upon the Chinese language source material, i.e., detailed works of Chinese scholars and socialist engaged in the area. Much of the source material that will form the basis of my work has not been mentioned in the writings of Western China scholars for two reasons. One these articles and essays were published in China recently and are not easily available to the scholars' abroad. Secondly, because of the selective approach adopted by the social scientists in general. The overall approach adopted will be analytical and comparative.

A Critical Survey of the Existing Literature:

Being a Chinese language literate, I will largely rely on the Chinese language materials for its comparatively greater reliability. To study the present scenario of marriage system in China, I have largely relied on the Chinese articles published in the Chinese media during the last one to two years. It includes popular debates and discussions presently going on in China by the legalist and sociologists, who are actively involved in the making and

processing of the recently adopted Marriage Law of the PRC (Revised Version). Besides this, there are articles showing recent survey in a few urban cities, which reveals diverse views of the Chinese people on Marriage. Along with this, these articles also sight the wishes and aspirations of the Chinese people especially the women, for leading a peaceful married life, and reach the long awaited economic reform, which is still a domain of the privileged.

Among the other source material, LinYutang's (1995) *Zhong Guo Ren*, (The Chinese People), speaks a lot about the life, nature and trend of today's Chinese people. The book touches upon the various aspect of the Chinese society, besides it also includes a comprehensive chapter on 'Life of the Chinese women' which gives a brief introduction on the life and status of women in ancient China. However, in this chapter the author shows extreme degree of chauvinism. After giving a background of the history of life and status of women in China, he portrays women as a caretaker of the house, and continues to say that even at the present times, women are satisfied and happy with their subordinate position to their husband, since she considers herself to be the ruler inside the house, thanks to men's lack of interest in indulging themselves in the 'pity household affair', as part of their tendency to escape the burden of household responsibility. The author continues to say that in an urge to liberate, today's women are trying to blankly ape the women in the West and leave their original nature of being a Chinese woman. With the increasing trend of equality between men and women, they are also copying the men, there by loosing their feminine identity. The author rejects this and proposes

that a modern woman should preserve their feminine identity and embody a nationalist vigour in them, so as to fit in to the model of a 'complete' woman.

Jingji Tizhi Gaige he Zhongguo Nongcun de Jiating yu Hunyin, (Economic Structural Reforms and Family & Marriage in Rural China) by Yang Shanhua, focuses on the vivid changes in family and marriage system after the introduction of economic reforms in rural China. It provides facts and figures of a survey conducted in 1998, in some of the villages in Beijing, Shanghai, Henan, Hei Longjiang etc. In this book the author says that, since the rural economy differed to the development standards of the society, the impact of economic structural reform also differed from region to region. He says that the economic structural reform in the rural areas has emerged due to the need to fill the gap between the social development in the villages and the economic development in the cities, thus establishing a Chinese style of social modernisation in the villages. The author's correct relation of the economic development in rural China with the changes in family and marriage is a great contribution to this not much explored field.

Among other non-Chinese works, Elisabeth Croll's research on the changing status of women in China is indeed a very interesting and useful source. Elisabeth Croll (1983) in her book *Chinese Women since Mao*, has done a detailed study on the status and life of women from 1949 to the early years of reforms. She grounds her argument showing a lot of facts and figures.

In her chapter "Image of women" she correctly identifies the changing image of the Chinese women. The image of women, especially their appearance after the reforms has undergone drastic change as compared to the women in Communist China. This change is mainly due to the sudden opening up of China to the outside world and relaxing of the existing laws.

In her book, Croll analyses the position and status of women as a whole, since the Mao's era. She is touching upon various aspects affecting the status of women, including love, marriage and divorce.

Women and Chinese Patriarchy edited by Maria Jaschok and Suzanne Miers, provides a few case histories of the 1930's when women were sold in China and sometimes even smuggled to Singapore, Hong Kong etc the book reflects the life of a woman as a slave and what all she had to face because of being a woman in the Chinese society through the stories of Jenet Lim, and few others. Similar instances of mainland women being smuggled to Taiwan and Hong Kong in the 1990's have been quoted in the article *Gender and New Geopolitics of Desire: The seduction of Mainland Women in Taiwan and Hong Kong Media* by Shu-mei Shih. According to the article initially this happened as a result of smugglers deceiving the mainland women, however later on it was mainland women willingly going to these places to become prostitutes, with the sole purpose of earning money. This presents us with a valuable insight to the growing trend of 'somehow earning money', in the Mainland China. This can be identified as the outcome of uneven

development in China, after the reform process started showing results, especially in the later half of the 90's.

The article "Marital Relations in Urban China" by Ellen Efron Pimental, while studying the marital relations in urban China as affected by the type of marriage - arrange or love marriage, makes two hypothesis: Greater freedom of mate choice - greater marriage quality and approval by parents - higher marriage quality. In this article he has shown figures of a survey conducted by him on the distribution of work between husband and wife: working and non-working and working and working. This would be a great help in analysing the status of women in the marital life of today's Chinese.

CHAPTER TWO

MARRIAGE AND WOMEN
IN TRADITIONAL CHINA :

A Historical Survey

Even though the family has long been, and still is, the fundamental unit of Chinese society, the Chinese marriage, and family system has undergone great changes from time to time. As per the butterfly man (*Hudie ren*) of Yuanmo County, *Yunnan* province, China has a history of around 300,000 years of existence of primitive horde.²⁴

China is a country with a vast territory. It faced an unbalanced social development, some region developed fast and some took time in entering the civil society. As seen in the other parts of the world, promiscuity was a general trend in ancient China also. Some ancient books mention an old saying: "圣人无父" (*shengren wu fu*), "a wise man is born without a father" It is believed that a wise man's birth is obliged by God Almighty himself. It is popularly said that, even "Changez Khan does not have a father."²⁵ Besides showing the innocence of the ancient people, this also reflects the existence of promiscuous relationship between man and women, as a result of which, the mother is known to all and the father known to none. Thus, before the establishment of "一夫一妻" (*yi fu yi qi*), "one husband and one wife", no one including the mother could identify the father of the child.

In the ancient, 《诗经》, *Book of Songs*, of the Zhou dynasty, there are traces of marriage in the poem, 《小雅。我行其野》, (*Xiaoya. wo xing qi ye*). Besides, the word "family" first emerged only by the Northern and Southern dynasty. Later on, at the end of Spring and Autumn period the philosopher MoZi, had said, "Governing a country was like governing a family"²⁶

Traditionally the Chinese people believed in the old saying that, their ancestor Ban Gu, created the world and his sister Nu Wa, created man.²⁷ This reflects the existence of consanguine family system in ancient China. While going through the historical books, one can find that, even after the beginning of civil society, there were instances where people, especially of the royal class, did not follow monogamy. For example, Han Zhaojun, of the Han dynasty was first married to Hu Hanxie, she gave birth to a boy. Later on after the death of Hu Hanxie, she was again married to the son of her late husband Hu Hanxie, from his earlier wife, and again once she gave birth to two daughters.²⁸

According to Ren Huanghu, the system of "one husband one wife" was established as an economic requirement and not as the requirement of individual sex love, in the ancient society.²⁹ As Engels has also pointed out that, it is with the development of private property, that the pairing family and consequently the monogamous family came into practice.³⁰

With the fall of 'Mothers' right', and society's gradual conversion into the patriarchal society, the objective of marriage was now focused mainly on giving birth to a child, so as to continue the 'descent line'. China's patrilineal kinship system emphasized family lineage. There is an unbroken "descent line" which links a man with both his ancestors and descendants. The Chinese believe that their lives are continued in the lives of their children and that the maintenance of family continuity is the greatest responsibility of an individual. So long as generation succeeds generation, the predecessors are

perpetuated. Therefore, the failure of producing an offspring means the death of the family line and thus the death of the ancestors as well. The descent line carried so much importance that it relegated individual family relationships. Therefore, marriage took place primarily to extend the family line, not to benefit the individuals involved.

The monogamous system of marriage in China; "一夫一妻" *yi fu yi qi* (one husband one wife), underwent a gradual process of evolution. It had taken roots even in the *Xia* dynasty. The first generation king of *Xia* dynasty, unlike the earlier kings who maintained four to five wives, had only one wife. Moreover, majority of the thirty *Shang* dynasty kings had only one wife. However by the late *Shang* dynasty the trend of maintaining one wife along with many concubines, started being prevalent.³¹

The fact that traditionally this conjugal bond comes next only to the intergenerational ties between parents and children, especially father-son, and mother-son relationships, shows the least importance attached to the husband-wife relationship in ancient China. The five relationships explained in the Confucian philosophy, in descending order of importance are - ruler-minister, father-son, elder brother-younger brother, husband-wife, and friend-friend. Therefore, the quality of marital relations was never a salient concept in the traditional Chinese society.

The traditional Chinese marriages were arranged and conducted entirely by the parents and relatives of the individuals involved, even to the extent that in

most cases the bride and the groom never got a glimpse of each other before their marriage. This is part of the central ethics of filial piety, which defines the duties, obligations, and attitude on part of the children towards their parents. They owe filial piety to their parents because of their "indebtedness" towards them for bringing them up and rearing them to maturity. The main purpose of marriage was to increase the family and organise continuity through successive generations, perpetuate the patrilineal family, to beget male offspring who would perform the ancestral sacrifice. As the old adage goes; "传宗接代" *Chuan zong jie dai*, sons and grandsons carry forward the ancestral clan from generations to generation. The second important purpose of marriage was, to obtain a daughter-in-law to serve and help the parents.

An 'arrange marriage' system was strictly followed in ancient China. Marriages were more specifically arranged by the mother. When a family has a grown up boy of fifteen or so, the matchmaking women, a female relative, or a friend of the parents inquires about the boy. In case her son is engaged she would be proud to declare that, otherwise she would seek her help.³² Most of the time it was these matchmakers who used to arrange marriages. After the initial agreement from both sides, the birth date of the girl and the boy, which is written with eight characters defining the year, month, date, and hour of the birth, is exchanged. Thereafter both the families approach a fortuneteller, who would calculate the girls' compatibility with the boy and his family, however, the boy's compatibility with the girl is of less importance. Both the girl and the boy are not consulted, and sometimes not even informed of the happenings till it is all finalised and fixed. It is on the wedding day, when the young girl

steps into the scarlet bridal chair and is carried to the husband's home, who lifts her red silk veil, that for the first time they see each other.

The criterion of matchmaking is often centered on the ancestry and the economic status of the families involved, rather than the merits of the individuals getting married. Marriage cannot be entered into with a family having the same surname or of the same clan. An interesting point to be noted is that, the selection of a daughter-in-law is simpler than that of a son-in-law. The chief requisites for a daughter-in-law are her physical health to insure progeny, efficiency in housework, a good reputation--which means, she is not famous for having love affairs or for being disobedient to parents.³³ Another criterion for marriage in ancient China is the 'lotus' shaped "three-foot-bound-feet". It was a symbol of elevated status. Surprisingly it is the women herself who consented to such a barbaric act. It was the child's mother who bound the feet of their little ones, when they are four-year-old. For the mother, who would be the best person to know how painful it might have been for the girl child, to submit to this act, shows that how helpless she might have been in front of social pressure. The "lotus-feet" gradually became important criteria for marriage among the rich and noble class. What could have been simply a passing fashion, became a symbol of faithfulness to the husband and neo-Confucianist totally embraced it. The small feet symbolized the complete submission of women. The smaller the feet, the more beautiful she is considered to be and the more ceremonial price she will fetch for her parents, at the time of her marriage. However this was mostly prevalent in the wealthy

society, it was not so much common among the simple and poor Chinese people.

In China a family can get their sons married only by paying a price for the daughter-in-law. The payment is decided by the parents of both the parties, and is paid to the girl's parents. In one way it can be said that through the process of marriage the girl is sold to the boy's parents, by default, without her consent. Therefore, as for selecting a son-in-law, the economic condition of the boy's family is more important than the personal qualities of the boy. Even though, they would accept money from the boy's family, the girl's family has to make arrangements for the numerous articles like, silk dresses, warm winter cloths, bedding etc. the girl would be carrying to her future house as dowry.

Paying the ceremonial price for the bride, and conducting the ceremonial act, the elaborate feast, and the ancestral worship is a very costly affair for the boy's family. However, the importance of familial continuity becomes the basic purpose of this costly and elaborate event.

While marriage for a man enhances his status from a boy to a man, for a woman it only deteriorates her status from a daughter to a slave of the husbands' family. An unmarried man of twenty-five is considered a boy, whereas a married youth of twenty is considered a man. Before marriage the boy has no say whatsoever in the house, his opinion is overlooked, he is treated as a small child, and is never asked to represent the family in any

social gathering, he is pampered by his parents and grandparents. After marriage the situation is completely altered. The parents and villagers will have new expectations from him. Now he has the status of a married man, he is now expected to fulfill and satisfy all his family members and share their burden to economically provide for the family. If a man dies unmarried, he is buried without any ceremony, his spirit will not be admitted to the ancestral halls. However, when a married man dies he is mourned and buried ceremonially.

On the contrary, the girl has no status whatsoever, be it before or after marriage. Before marriage she is not considered as the permanent member of the family, she can add nothing to the fortune of the family. When a girl is born her parents and relatives do not expect her to earn property or bring fortune to the family. Since a girl must marry and her important prerequisites are beauty, talent and other virtues, her name is chosen from among the names of flowers beautiful insects, pretty birds, musical instrument or of natural beauties. Names like *Qin* (diligence), *Sheng* (thrift), *Cheng* (chastity), *Chun* (purity) etc. Whereas a boys' name is chosen with wishes for his health longevity and expected talents. Words like *Pao* (precious), *Jin* (gold), *Xiao* (filial piety), *Xi* (joy) etc.

A patriarchal system has dominated Chinese families and society over a thousand years. Influence of patriarchal ideology was hidden in the legal system the social institutions and the daily life of the individuals. Men in the

Chinese society have always used their control over political, economic, and legal institution, to suppress women.³⁴

The girl is destined to become the wife and daughter-in-law of another family, for whom she will work and bear children. Once married she has gone out of the house'. A girl starts been treated different from her brother from the age of six. After the age of ten, she is not allowed to leave the inner apartments. An old saying goes; "男外女内" nan wai nu nei, meaning--men are to look after the outside matters, and the women to manage the housework. An exclusive feminine training is been given to her within the baton-door. As for a daughter of an official's family, she might receive education in the Four Arts: music, playing hedged-in-checkers, calligraphy, painting, sewing, knitting etc. At times some of the girl's father might provide his daughter education in literature and poetry, however by doing this he would take the risk of providing an unhappy life for the daughter. Therefore, in general, the parents prefer happiness to fame, for their daughters. In the traditional Chinese society, a man and his parents seek, in their wives and daughter-in-law, knowledge of the domestic arts, rather than proficiency in literature. No Chinese father can commit a more serious sin of omission than to neglect his daughter's betrothal. Behind the baton-door a girl is taught to sew, to weave, to embroider, and to perform all kind of household chores. She is a guest in her father's house, a place where she gets trained for her future life, where she will be using these skills to satisfy her husband and his family.³⁵

It is truly said that in China a woman marries not an individual but a family. In her husband's family she would be regarded as an added working member of the family, and more importantly a reproducing machine to continue the family lineage. The husband's clan name is added to that of hers. The daughter-in-law is expected to take the whole burden of the housework on her shoulders. It was not unusual for a boy of fifteen, particularly if he is the eldest son, to marry a woman of twenty-five. Such marriages are undesirable from the point of view of the two parties to the union, but only a mature daughter-in-law can take over the work, which is necessary for the family.³⁶ In some cases where the girl is too young at the time of the marriage, she is often sent to her own family, since she is too young to be of any use in the house, she is called back only after a few years, within which she would learn the necessary skills.

The second and most important task of a girl is to produce children, preferably a boy, so that the family 'descent' would not break. If a daughter-in-law fails to reproduce sons, she would be criticized and ill-treated, to the extent that often the parents re-marry their son to get a boy child.

Traditionally the importance of a boy child and the continuation of family lineage were mainly attributed to the need of a son in agricultural production. Since the family functioned as an organisational unit in agricultural production, the peasants were more kinship minded in their dealing with the social world, than any other

section of the Chinese population.³⁷ The son of a family is married, and the daughter-in-law comes to her husband's family to become a link binding the Clan of her husband to that of his forebears and his descendants. The cult of ancestors requires that the spirit of the dead shall be cared for by the sons and the grandsons in unending succession. Posterity must be assured. The woman who becomes the mother of a son would feel that destiny was fulfilled. Ancestral rites were provided for and a potential bright young man, who would bring fame to the family, is lying on her laps. She is like the moon in the sky, everlasting. If she does not have a son, then she would resemble a comet flashing across the heavens.³⁸ Nonetheless, giving birth to one boy child is also not enough, if that child does die due to some reason or the other, then there will be another one to continue the family line. In fact it was said that the more boy child you have the more rich you are. "多子多福" *duo zi duo fu*.

Therefore, if the wife fails to give birth to a child, it was her duty not only to acquiesce in but also to further the choice of concubines. If they also do not bear any sons, then adoption of a nephew, a collateral relative or even some boy who is not connected to the clan must be resorted to. Therefore, although the vast majority of the marriages in the conservative framework of traditional China were monogamous, polygamy was traditionally permitted on the formal ground of obtaining male heirs in case of failure by the wife to bear a son or if the wife dies. However it was also a practice that permitted a man to enjoy a romantic experience with more than one woman. In the process he also

exploits and overlooks the interest of his original wife. This creates competition and bitterness, between the wife and the concubine.

Concubinage in China was considered to be the logical outgrowth of the family system and the social structure. Ancestors require a male descendant, if one woman is not able to do so, another should be given an opportunity. Furthermore, those officials who had to leave their house and go to far off places for work, took their concubines along with them. The wife could not throw off the responsibility towards the parents-in-law, and children to join his husband. Therefore, even though the position of the concubine was legal and she could not be deserted, she was never called the wife of the man. While the wife is brought to the house in a bridal chair, all other ceremonies except this would be conducted when the man weds a concubine.

In the Imperial harem women were divided into a few classes. First came the consort, the Empress; followed by three concubines of the first rank, nine of the second, twenty-seven of the third, eighty-one of the fourth, and any number of lesser ladies. In private household there were two grades of concubines: the first those who were acquired with legal formality and the second were the purchased over----- possibly from a brothel.³⁹

Different dynasties had different codes regarding the concubines. The *Ming* code, for instance, allowed only one, whereas the *Qing* allowed infinite. Keeping slave girls for the imperial palace was a general trend in ancient China. During the *Han* dynasty slave girls were kept in the seraglio, and were

trained in dancing singing, as entertainers, they were also employed as servants, and wet-nurse.⁴⁰ Thus all through the history of dynasties, women especially of poor families were made slaves, to satisfy and serve the kings and the imperial family. Besides, rich families also used to keep slave girls, as both servant and concubines.

In ancient China, the idea of marriage is not on the basis of personal preferences for one man or the other, it was a fulfilling of a contract in the beginning of time by cosmic forces, a contract governed by the stars, a contract by which the individual becomes one with the cosmos.⁴¹ It can be said that this thinking is related to the extraordinary stress laid by the Chinese on the chastity and devotion, attached by a woman, to the very thought of one man. There were instances in ancient China, where if a man to be married dies, the marriage ceremony is still conducted on the due date, and the bride is brought to the groom's house to get the living girl married to the dead man. Marriage of two spirits or of living girls to the dead man was not rare in China, and it is believed that, it always brings renown to the families concern. She is brought in the scarlet bridal chair; dressed as a rich young bride she performs the marriage rituals. Thereafter, retiring to the bridal chamber she sheds off the bridal dress and appears in sackcloth of a widow, brocaded jacket, and a long white coarse cotton gown.

Even before marriage the girl idolizes the man she is going to marry as her husband, even if she is young enough to understand all this, she is directed by her family members to think and act like a widow. In many countries, widows

used to follow their husband to the other world, for example, the 'sati' system in India. Many forms of conjugal suicide also existed in ancient China.⁴² At times even those girls whose husband might have died before marriage resort to suicide, with the hope that she would meet him in the other world.

On the third day of marriage, the bride prepares a meal for her parents-in-law, and offers sacrifice to the Ancestral Tablets. This ceremony marks her acceptance by the clan. Surprisingly, if she dies before this even though the marriage was consummated, her body would be returned to her family for burial.

In the married life, the husband has all rights and authority and the wife has to obey her husband. However the husband should be kind and the wife quietly bear it as her fate. Even though selling off, was not allowed, but if the situation demands so, one can go to the point of husband selling their wives for money, or on the law.⁴³

Formal divorce was not known in traditional China. A divorced wife and her husband, generally returns to her own parents for a few years and sometimes for the whole life. Domestic discord was sometimes not even the main reason for divorce. In Chinese tradition, there are seven reasons for a husband divorcing his wife, called "七出" *qi chu*; disobedience to the husband; failure to give birth to a boy child; lasciviousness;

thieving; and leprosy. Divorce that can only be initiated by the husband, with or without the consent of the wife was very easy at the husbands' disposal. Beside the above reasons, the husband was free to divorce his wife, with some or the other lame reason also. For e.g. once when the great philosopher *Meng Zi*, entered his bed room to sleep, he saw his wife lying naked, he got furious and thought it was impolite on her part to do so, thereafter, he forced her to leave. In all the three generation of Confucian, (*Kongzi*) there were instances of 出妻, *chuqi*, divorce.⁴⁴

In spite of the physical separation, both sides, especially the wife always claimed the man to be her husband. Due to the lack of any authentic recognition of the act of divorce, any permanent severance of a matrimonial tie was difficult for the wife. In case of divorce the wife is not allowed to take her children along, most of the time she was not to keep any connection with the family thereafter.

Historically the Chinese societies have placed a high value on family stability. Thus there has been a low degree of divorce rate in China. This is also because many of the divorce cases would go unreported. The divorce was a hidden act.

The underlying principle governing divorce is that, just as marriage was not the result of individual wish and choice, so breaking a marriage was also not a matter for the individual to decide. With supreme emphasis on the integrity of

the family, there could be adjustment and sacrifice of individual's interests for the benefit of the family.

No social inequality between men and women is so apparent as the discrimination in remarriage. While a man is perfectly free to remarry in case his wife dies, a widow is not supposed to remarry. When a man remarries, the ceremonies, the good wishes, parade, happiness of his relatives, are exactly the same as the first marriage; moreover he can also marry a virgin. The dead wife is forgotten all together, especially if she does not leave a child behind. Local custom also allows a man to marry his dead wife's sister; most of the time, such a marriage is encouraged by both the already related families.

A widow must not remarry. If she is the wife of a family of status, or if she has a child, especially if the child is a son, she is supposed to remain in widowhood for the rest of her life, still serving her parents-in-law. The general public opinion is that a decent woman should be the wife of only one man. However there were exceptions made, for e.g. in the Zhou dynasty, *Kongzi's* (Confucius) son *Boyu* passed away, thereafter *Boyu's* wife was remarried to the *Wei* country, *Kongzi* did not object to this. Besides he has not at all mentioned, the idea of women not remarrying, in his classic, 《论语》 *Lunyu*.⁴⁵

Yet, it should be noted that, it was under the influence of Confucian philosophy that the concept of man being superior to woman took firm roots in the Chinese society. Casting the shade on women and the light on men-----

"阴阳" *yin & yang*, the two opposing principles of nature, the former feminine and negative, the latter masculine and positive.

In case a widow of a poor family, or of a family with a low social prestige does remarry, she is not carried in a bridal chair nor accompanied by her brothers or uncles, no parade or ceremony is held for the occasion. The husband will simply take her to his home on the back of a beast or on a wheelbarrow, usually in the early morning or late afternoon, when they will not be seen by many people. Furthermore the family of the new husband will treat her like a maid not as a wife. A widow can find a husband, who is very poor or very old.⁴⁶ Nonetheless such a woman is also criticized and looked down upon by the society for the very reason of remarrying.

While, 'many wives for one man'; "多妻" *duo qi*, was permitted and common among the men, 'many husbands for one wife'; "多夫" *duo fu* was very rare, or rather a crime, in the male dominated feudal society of China. The trend of having more than one husband were seen in some of the most backward communities of ancient China. Besides this there were instances where the wife used to have sexual relationship with men other than her husband, but this kind of relationship was not acknowledged by the society, and was criticized by the society at large. The women involved will be the target of attack, she would be secluded from the society, and as an when the husband comes to know, she may either be beaten up, abandoned, divorced, or killed by the husband.⁴⁷ She had no rights to object, since she has committed a crime.

In some communities, like the "藏族" *Zang* (Tibetan) nationality, a system of one wife many husband "一妻多夫", *yi qi duo fu*, existed and continued for a long period of time. They had a custom of sharing common wives among brothers or friends. If a person marries, one wife all for himself, he is looked down upon and is considered to be disobedient towards the whole group.⁴⁸ Woman's' status was also comparatively better among the Tibetans than that of the Han nationality.

The law regarding women's property was simple---she had none. No inheritance was hers; she shared the common purse of her husband's family. From this came the famous Chinese saying "三顺" *san shun*. *Sans* means 'three' and *shun* means 'obedience' or 'dependence' in this case. A women is dependent three times in her entire life, once on her father, then on her husband, and lastly on her son.⁴⁹ If at all she had some property given by her 母家, *mujia*, mother's house, the husband has full rights on them.⁵⁰ Thus all through her life she is depending on someone or the other for leading a life dictated by them. The only time a women's status is of importance, when her son is due to get married. Marriage of a son raises a mother's position in a large family.⁵¹ She involves herself in finding a match for the son, through the *meiren*, matchmaker. It is a matter of high prestige, if the son's marriage is fixed and the women would be getting a daughter-in-law for her. However this status could never surpass to that of the men of the family, it was limited to the women of the family and the village.

Therefore as the society became more and more male dominated, the woman started being treated as mere objects of reproduction and a slave. She was a commodity that could be sold and bought. She could only obey and be submissive. All through her life she was to serve the family she was living in, either with her parents or with her in-laws. The rules of the society was such that in cases of disagreement and trouble, even the fellow woman would not extend their support, either for her own gains, or in fear of being punished. Most of the time, woman were not aware of any sexual emotions, or any feelings of love, even in marriage it was mostly a part of their duty and obligation. For a woman who is being oppressed by her husband and her in-laws, the only way to express herself was to commit suicide.

CHAPTER THREE

MARRIAGE AND WOMEN

IN THE TWENTIETH

CENTURY CHINA

I. 1911-1949

Even at the end of *Qing* dynasty (1644-1911), the last dynasty of China, eudal system of suppressing the weak, and dominating over the woman, was widely prevalent and had reached its peak. With its defeat in the Opium war (1840), China became a semi-colonial and semi-feudal state. During this period the society was in a state of total chaos. It was a mixture of traditional, conservative, feudal system. Besides the effect of western influence was also felt in some pockets of noble and family.

It was the "辛亥革命" *Xinghai* revolution of 1911, which overthrew the *Qing* rule, and for the first time in Chinese history initiated the task of bringing about womens' liberation and equality between men and women. This revolution was lead by the great revolutionist, *Sun Zhongshan* (Sun Yatsen). His victory marked the fall of long standing dynasties of China.

With more and more new ideas been exposed to the Chinese people, many Chinese families especially in the cities and in the intellectual class, accepted these ideas and changes in the marriage and family system. The Republic of China was established and people, especially the youth, began demanding more and more freedom from family control. For the first time people were exposed to the western concept of marriage and its influence was felt especially in the intellectual class.

With the revolution of 1911, which was mainly political, the general call for a new order of life had taken roots. Therefore encouraging many young men and women in love, to fight and win their love, which often resulted in a tragedy. During this period there were many short stories and plays written, which depicted the desire of the young to get married on their own will, against the traditional bondage of marrying at the parent's will. One such play, which was widely read, appreciated, and enacted called; 《家》 *Jia*, "The Family" clearly depicted the effect of these changes in the conservative Chinese families. This play was based on a youth who was the youngest son of a family, which held a prestigious status in the society. This youth falls in love with a servant girl, who serves the family. He dares to dream about getting married to the girl.

To start a new trend is the most difficult task for any society. In this initial stage of transformation, there were more failures than success. There were many instances of forced separation, or sometimes both the parties resorting to suicide. Nonetheless, whenever such cases of love affair, becomes public, the woman was the obvious target of attack. She would be ridiculed and accused of promiscuity and having bad character. Therefore in this stage of social change, the woman had to pay a heavier price to break the traditional bindings and come to the forefront of the society.

Besides this, with many young sons and daughters of well-to-do family been sent to schools, after which they go to the cities for further education or fetching jobs, divorce rate in the villages started shooting up. In the city they

fall in love with fellow educated girls, and want to marry them, even though many of them already have wives in the village. These young men are beyond the ties of the old communities and the family rule cannot reach them. Thus they divorce their ignorant, old-fashioned and uneducated wife back home and proceed with their new life with a new wife. The divorced wife is although heartbroken but helpless, she is aware that she has already lost her husband. Without much antagonism, she accepts her fate, and continues to grow up her children and look after her parents-in-law.⁵²

After the nationalist government was established, in Nanjing, in 1927, large number of young intellectuals occupied important position in the government. They promulgated a new kinship law, which permitted marriage by free choice of partners unconditional of parent's approval. They also introduced law regarding various issues including marriage system and women's status, however it did not carry out a basic reform of the old traditional marriage system.⁵³ While this nationalist law did not prohibit marriage through compulsory parental pressure, it however for the first time provided a legal recognition, which realised the importance of love and freedom in marriage. The major drawback of this legal law was the lack of its proper enforcement especially among the large masses, who were mostly ignorant of the existence of such a law. Therefore the Confucian and feudal ethical code and feudal patriarchal clan system continued to exert a large influence on the marriage and family system.

The stone wall of traditional mores stood firm for two more decades. Nonetheless, the movement for freedom in continued to spread up among the modern intelligentsia. Moreover, the forceful impact of revolutionary wave, such as the May 4th movement 1919, gave an added impetus to the gradually changing concept of marriage from being an affair of parents to a new concept of marriage being an affair of the individual concerned first, then a cause of concern for the parents.

Other factors like political disturbances, social and economic changes, wars, physical separation of family members due to varied reasons, converged to loosen parental control over the youth, thus leading to a slight fall in the arrange marriage system and marking a new beginning of free choice marriage.

Therefore, the 1911 revolution was not merely a change in the political formality, from Monarchy to a nominal Republic, devoid of any social significance. Actually it started the trend towards destroying the theoretical applicability of Confucian kinship operation to the operation of state. Thus undermining the traditional dominance of family in social and political life. Furthermore the collapse of monarchy brought the abolition of old imperial laws, which compelled traditional family institution based on Confucian orthodoxy.⁵⁴ However, the republican revolution resulted mainly in disintegrating the traditional system, it did not introduce any new pattern of the society.

While the Nanjing KMT government were ruling China, there also emerged another political power, the peasant revolution, lead by the Chinese Communist party, which mobilized a huge number of people for a nationwide joint Communist revolution, winning over and overthrowing the KMT government.

II. 1949-1978

Communist China was established on 1st October 1949. The subsequent four decades of republican period started a gradual disintegration of China's traditional institutions, and a rather chaotic beginning of a new social order. However, the aim of the new Communist power was not limited to gain a complete political power, the declared intention of the regime was to remake the whole structure of the political, economic, and social life of the Chinese people.

The new government formulated and effectively implemented various policies and laws, which directly or indirectly twisted the old traditional system. The marriage system underwent radical changes. The first effort of the government to alter the family institution on a national scale formally began with the promulgation of the new Marriage Law, in May 1950. The new Marriage Law abolished the practice of all kind of arrange marriages and introduced a new marriage contract based on freedom of choice.

Quite a few changes were also brought about by introducing equality among men and women, and by encouraging women into paid employment. In the early 50's the new government took remarkable and rapid steps to thoroughly uproot the existing trend of extreme subordination and exploitation of women in the society. They introduced certain laws, which legally reduced the power of men and gave equal rights and status to women. The best instance of this can be seen in the fact that, after the new

marriage act was implemented, a woman who chose her life partner out of her own choice against her parents, could seek the government's support. To get married, the couple was required to get them registered with the local government, and the marriage was considered legal if it conformed to the provisions of the Marriage Law. Women were largely encouraged to work hand in hand with men, so as to facilitate their economic independence, thereby bringing the traditionally conservative and oppressed women of China to the forefront of the new society.

While coming to the aspect of love and marriage, the idea of "love" as a prelude to marriage was cultivated and encouraged by the Communist Party of China. The CPC went out of its way to enlighten the masses about the concept of love and marriage of ones own choice.

The Communist leadership, though fully aware of the vital role of the family and the broader kinship system in the traditional social structure, considered remaking the family system, as one of the basic measures to transform the Chinese society. Amidst the fact that it is so difficult to make a nationwide change in the deep-rooted institution of the traditional family and marriage system, the Communist government took initiative and created awareness among the people and made a conscious effort to change the traditional and conservative family system. Changing a society in which the 'family' is the most important unit of organisation, was the much challenging task taken up by the Communist regime.

While bringing about change in the family structure, the first and foremost would be a change in the marriage system of the society. Marriage being the first step in creating a family, any change in the family system would directly effect the foundation of the traditional family system. The Communist government all along supported the struggle for freedom of marriage based on love. The first step towards this was the new Marriage Law promulgated in May 1950.

Article 1. of the new Marriage Law abolishes the feudal marriage system based on arbitrary and compulsory arrangements, supremacy of man over women, and in disregard of the interest of the children. At the same time it also establishes a new democratic marriage system, which is based on the free choice of partners on monogamy, on equal rights for both the sexes and on the protection of the lawful interest of women and children.⁵⁵ This was a drastic step taken by the Communist government, making marriage an affair of the marrying couples and no longer an affair of the parents or relatives of both the parties. The appropriate propaganda and implementation of this stipulation broke the strong traditional bond between the parents and the children.

The prohibition of polygamy, even to assure the birth of a child, was another important content of the Marriage Law. The practice of keeping a concubine with the pretext of begetting a boy child to continue the family line was now illegal and punishable by law. Moreover, the wife was now given a new right to keep the child in case of a divorce.

Thus the abolition of polygamy, and the wife been given the right to have the custody of the child, asserted that begetting male descendant was no longer the guiding principle and main objective of marriage, as in the traditional times. The sacred character of the traditional Chinese family system, of having a boy child to continue the family descent line was now seriously undermined. The role of parents in the newly established free choice marriage was now reduced to a large extend. As the new Marriage Law also stipulated a cut in the huge marriage expenses, now the couples had to only register in person with the people's government of the district or township in which they reside, and they would get the marriage certificate.

Simplification of marriage ceremonies was widely propagated by the government. A "civilized marriage ceremony" patterned closely on the lines of Western style of marriage. The ceremony would be held with the presence of parents of both the families, a "witness" and a circle of only close relatives and friends. The ceremony would be very less elaborate and expensive. Under the Communist rule sumptuous wedding ceremonies, are not only condemned by the new ideology, but also discouraged by the general fear that any display of wealth, such as elaborate ceremonies and feast is dangerous. After the marriage is consummated by registering with the government, instead of an elaborate and lavish feast there would be a simple tea party with light refreshments.⁵⁶ Another aspect of the new marriage system is the exemption of large extended family circle or clan as participants

of the ceremony, thereby mitigating the importance of general kinship system on the matrimonial affairs of the young.

Besides, the huge amount of purchase price to be given for the bride was also forbidden by law. Thereby further reducing the parent's role in the financial expenses of the children's marriage. The bride and the groom would now wear simple dresses. The bride Lenin suits (formal suits with two vertical button), and the groom would wear blue, black or gray Chinese tunic suits instead of the heavy ceremonial robes.

All these changes along with reducing the sacred character of the traditional family and marriage, also reduces the dominance of the parents over the married son and the daughter-in-law. Even though dominance of some level did continue to exist in many rural Chinese families. The stipulation of the marriage age, 18 for the girl and 20 for the boy was also an important feature of the new Marriage Law. It restricted the traditional practice of child marriage to a large extent.

Therefore, the new 'Marriage law' aimed at annihilating all the marriage-related problems existing in the society, namely forceful marriage, child marriage, polygamy, prostitution, exploitation and dominance over women's etc.

Besides all this, the new law also included the freedom to divorce. Divorce, which was a taboo in the conservative Chinese society, it was for the first time

legally accepted. Divorce was given an elaborate focus in the Marriage Law. Nine out of the twenty-five articles were concerning the right to divorce. It was now easy to seek divorce. Since it has already been established that, marriage is no longer considered a bond tying a women to a family for life but the result of love between two individuals, if the two individuals could not get along together, the relationship should be dissolved through divorce. These articles explain in details, the rights, and duties to be followed by either matrimonial party in case of divorce. The rights of the divorced wife, and the duty of the divorced husband towards his divorced wife and the children. The milestone was that now both husband and wife can seek divorce, and in case the husband alone applies for divorce, without the wife's consent, the law grants divorce only after mediation by the Peoples Sub-district judicial organ fails to do any reconciliation.⁵⁷

The new laws on divorce facilitated the wife, by the new legal stipulations concerning the custody of and responsibility for the children.⁵⁸ "The custody of the children, will be decided in accordance to the interest of the children"⁵⁹ In the actual practice this law indicates granting of the child's custody to the mother. Following this the father will be responsible for the whole or part of the necessary cost and maintenance of the child. Moreover, it should be mentioned here that, " since the communist land reform the wife's share of the family property will be written in her own name", thus assuring her a fair amount in case of a divorce.⁶⁰ Furthermore, " after divorce, if one party has not remarried, and has difficulties in maintenance, the other party should render assistance.⁶¹ This is in concern to those women who are unemployed,

and does not have anyone to support, except their husbands. Now, in case the husband divorces his unemployed wife, he will have to extend financial support to her.

On the whole the new Marriage Law was a great relief to the highly suppressed Chinese women. It was a law increasing the rights and status of women, and restricting the undue power of men over their women. The Communist government propagated the slogan of "women held half the sky". Right from article one to article twenty-five, the new Marriage Law supports and propagates the idea of 男女平等, (*nan nu pingdeng*) equality between men and women. As a result of this, both men and women was now treated equal in the eyes of law, thereby increasing the status of women from a mere slave, and reproducing machine of the house to an individual who is at par with the men.

One of the main factors that led to the elevation of women's status is clearly the effort to prohibit "buying-and-selling" marriages and the serious attempt to prohibit polygamy by the Communist marriage. The wife can now use her own surname, this would let her preserve her own identity, rather than just being a subordinate to her husband. Thereby asserting her individuality and independence.

The government's promotion of love and mutual companionship as the major criterion for selecting a life partner changed the existing trend of arranged marriages to a large extent. However it goes without saying that it was an

inordinately difficult task for the government to get the masses to imbibe the new concept of "free choice marriage" and "equality between men and women in marriage". Despite the reforms, there were many cases of forced or arranged marriages, which involved all the rituals, including paying a price for the bride. This illustrates the desire of the majority to cling on to their traditional system. Hence it becomes evident that the deep-rooted customs and rituals of marriage which had developed over the ages could not be transformed overnight by merely introducing new laws.

To bring about this change in the society a concerted effort was put in via a series of political meetings and lecture demonstrations to educate the masses about gender equality in practice under the communist system. Theatrical groups were formed to organise various plays and dramas to propagate these new ideals, attacking the traditional system and its negative impact on the society. The masses were encouraged to discard their old ways and to adopt the new path of socialism, to look forward and contribute to the establishment of new China.

Initially a small group of women joined the party and took up the political work of the women's federation. There were vigorous communist campaign on literacy and education for women. A nationwide campaign reaching not only the cities, but also the rural villages was carried out. Increasing education for women, which in turn would reflect the social and economic status of women has further altered the Chinese family organisation.⁶²

Active party members enlightened woman about the concept of "Womens' liberation".⁶³ Nonetheless, for women who were largely suppressed and exploited by the society, to come out and fight for equal rights with that of men, join employment and work hand hands with the men and actively participate and propagate the ideals of "Womens' liberation" to other womens, was indeed a difficult and bold step. At a time when, socialism was an increasingly established theme politically, but was rather a new concept for the society, the old traditional conservative thinking still dominated the society. Under such a situation these women were bold enough to come out of their homes and take up jobs. Women workers who had come of age just after the socialist revolution reminisced about their boldness in that earlier time, when the socialist discourse of liberation inspired them to re-imagine their identities as women, they recounted the way they felt freed from the necessity of embodying femininity and acting as women at least for a time.⁶⁴ Therefore the Socialist Revolution enabled the women to under severe subjugation and shame, come out, speak and express themselves, which they could not do ever in the history of Chinese civilisation.

With all these changes in the marriage system, in the 50's young women wished to marry cadres of the Chinese Communist Party, the reason being, the good political standing, secure jobs, stable incomes, and upright personalities that these men had. However, since most cadres belonged to the countryside, they had wives selected by their parents, but as the revolution changed the life of the people, causing great social upheaval, many of them divorced their wife back home and married young urban women. Therefore, the shift

from the completely arranged marriage system to a greater pattern of choosing a partner was exceptionally noticeable.

Under this new arrangement of free choice marriage, Chinese marriages underwent a drastic transformation, liberating the Chinese society from the negative impact of the old marriage system with the aim of enabling them to embrace the new Communist ideology. However, it made the Chinese people loose their rich tradition and culture of Marriage and family. Even though this tradition gave more troubles rather than happiness, people had their morals strong, elders were respected and looked after, there was a joint family system, were mutual sharing was the general trend. The new system made more and more young people select their partners on their own, sometimes not even consulting or informing their parents. This gradually created a rift between the children and the parents, weakening the family bond that existed earlier. Moreover it also encouraged many youth to avoid the responsibility of looking after and caring for their parents and grand parents, thus making many parents helpless and self-dependent.

During and after the Cultural Revolution (1966-1976), surprisingly the same government which gave utmost importance to love and marriage, now took the view that, "the concerns of love and marriage were a distraction from the revolutionary goals and activities, and discussions on the two subjects were discouraged." Thus for almost ten years, it was entirely absent from literature and media.

After all no system is perfect, especially if it does not suit the ground reality of the concerned society. The upliftment of women by the Socialist State, which included her active participation in production as equal to the men, on contrary led to further exploitation of women. Even though it was aimed at the realisation of equality between men and women, since women's responsibility at home was not evenly shared by the men, the women was now burdened with both the responsibilities. According to Lisa Rofel, women in China were now caught in the structures of a patriarchal socialist state.⁶⁵ By the Cultural Revolution it was realised that, generally educated and specialised working women are caught between, wanting to advance their career and believing that, women should make a proper house for their husband and children. As the old saying goes, "女人应该是贤妻良母" (*Nuren yinggai shi xianqiliangmu*), 'An ideal women should be a virtuous wife and a good mother'.

The emergence of this frustration can also be attributed to the increasing expectation from women workers, equal or sometimes more than that of men workers. Even though women of this generation were more career-oriented than the earlier ones, but unfortunately almost all of them were the victims of the bad effects of Cultural Revolution. Some were not allowed to pursue, or continue education, and were sent to villages, others were criticized and harassed of being intellectuals or bourgeoisie. On the whole they were dissatisfied and frustrated with life. Even after, the situation relaxed, as they were so heavily burdened at the workplace, they had very less interest in marriage and family. However, most of them had to marry, since it was an

established and natural trend in the society, as a result many of them were unhappy in their married life also. In fact there were instances where the wife in spite of putting more years and efforts at work than the husband, is given an inferior post to that of the husband, in an attempt to assert her subordinate position to that of the husband even at work.⁶⁶

It is indeed unfortunate to learn the amount of disparity between men and women, existing in workplace. For example, in a silk factory at Zhenfu, Hangzhou, wages were set by gender, no matter which task women and men performed. The four scales of wages were skilled, male, female and children. Even men who swept floor received higher wages than women reelers did. The food at the factory also distinguished among levels. The women's rice and vegetables were the most inferior. The male workers had four dishes and a soup; the women only a few dishes of old vegetables. The skilled personnel ate from ten dishes whereas the high-level management had dishes they could order prepared specially for them. For year-end bonus, the male workers received two months wages, while the women workers received objects such as rings.⁶⁷

All this when a women also had to face the agony and shame of going "out" to work, being a women. If a woman went out to work nobody wants her, "a women falls into the factory like a horse falls in the battle field". Nobody wants such a women as a respectable marriage partner; they were placed in the same category of other "fallen" women.⁶⁸ Except in some places, the

society at large, had not yet accepted the idea of women going out to work and financially supporting the family as the men.

Therefore, even though equality was the slogan of the Communist government, in practice it could not be established in its true spirit. However, besides these drawbacks, the achievements were also not less. While comparing the merits and demerits, one should not miss out the merits. Under the Communist rule, there were many facilities given to the women workers at the work place. A birth planning office which guide women on family planning, appropriate marital and sexual activity, the office also kept a comprehensive statistics of the marital status of all women working in the concerned institution. A long maternity leave is granted to women, which is also subjected to extension depending upon the mother and child's health condition. Children care center is situated inside or near the work place, so that, women can attend their children in between work.

The traditional Chinese society, with its existing amount of conservatives and backwardness, was in an utmost need of such a socialist revolution, which made the people undo the conventional trend and way of life, leading them to a path of a more egalitarian society.

However, in its effort to bring complete equality between men and women, Mao's socialism made an unnatural attempt to 'change innate femininity'.⁶⁹ This resulted in added burden and expectation from women in the workstation, without compromising on the already existing responsibility of

women at home. Therefore, if one refrains from the universal fact that, men and women are naturally made different---physically and emotionally, and have different responsibilities towards the society, it would lead to further inequality and injustice.

Hence, when the Chinese say that the task of 'Women's liberation' has been achieved by the Communist Revolution, they for all practical purpose compare their state to the past, and then define this conclusion. Their achievement in attaining minimum freedom from family bindings and basic rights for women, as compared to the earlier position of a slave, is their focus of attention.

Thus the Communist government along with destroying the traditional Chinese family also created a somewhat stabilized modern family. Which was by and large free from traditional bindings. Thus pioneering a new beginning in both marriage and the status of woman in marriage.

CHAPTER FOUR

IMPACT OF REFORMS-
WOMEN IN MARRIAGE
(1978-2001)

At the 3rd plenum of the 11th CPC held in Dec. 1978 China decided to carry out the 'reform and opening up' drive. Its concrete content being developing foreign trade, import advance Foreign technology, attract foreign investment, and carry out joint or independent venture, and borrow advanced management skills from outside. The CPC put forth the reform and opening up policy as part of the general principle for socialist modernization construction, it was a fundamental guarantee for a rich country and a strong public.⁷⁰

As part of the reforms drive, the Chinese government also Marriage Law, which was enforced on 1st Jan 1981. The new Marriage Law built upon the Marriage Law of 1950. The changes made in the new Marriage Law were the raising of the marriage age from 18 to 20 for women and from 20 to 22 for men. It mentioned in the Article that, "late marriage and late childbearing are encouraged." It reiterated the right of the people to choose their own families. For the first time the Law mentioned family planning as a national policy. "Both husband and wife shall have the duty to practice family planning." Both husband and wife were held equally responsible for family planning. This Law also gave rights to those children whose parents failed to care for them, to demand the cost of their upbringing from their parents. Parents whose children fails to look after them, to demand support from their children.⁷²

The new Marriage Law for the first time mentioned the right of adoption. In the divorce section, this Law carried some additi

rights and duty of bringing up the child, after the parents' divorce. Article 27 states that, " after divorce, both the parents shall still have the right and duty to bring up and educate their children." Thus now the responsibility of the child is equally shared between the husband and the wife. This change is due to the increasing trend of women taking up jobs, which had just begun in the 50's.

This Law came in the wake of various cases of forceful marriages being reported in some rural and even urban areas. Although free choice marriages were most often supported by parents in the cities, they were more or less rejected by the parents in the small towns and villages. Thus the need to fill the gap between the theory and the actual practice of the system of free choice marriage was felt.

In the two years prior to the introduction of the new Marriage Law, there were many cases of third part intervention and forceful marriage leading to violence and even death. According to Elizabeth Croll, the national newspapers reported a case in which a young city girl, who was sent to work in the countryside, wished to marry a peasant. On hearing this, the girl's parents, both cadres, tried to convince her otherwise, and even resorted to violence, however it was only with the Women's Federation's intervention, that the young couples could eventually get married. Nonetheless, there were others who did not prove so fortunate. In 1980, some newspapers reported a case where a young man and young woman was found dead in each other's arms in a pump house near the Beijing airport.⁷³ This was another case of,

parents not allowing them to marry and after losing all hopes, they resorted to this act.⁷⁴

During this time the Women's Federation played an active role in publicizing such cases, and thus creating awareness among the people and arousing concern of the government. Even though such extreme cases of suicide was not so common or was gone unreported, but various forms of arranged marriages were still very common form of marriage, especially in the countryside.

A survey on marriages in various rural counties in 1979, revealed that a high proportion of marriages were still arranged or semi-arranged. From the two counties in Anhui province, it was reported that only 15% of the marriages were termed to be free choice. Another set of investigation in the large metropolitan city of Shanghai, only 4 out of 22 were negotiated on the basis of free choice without the interference of parents or matchmakers.⁷⁵

Therefore from the above information it can be learnt that, even till the late 70's and early 80's, the idea of free choice marriage was not much welcomed, both in the rural and the urban areas. However, in the cities, free choice marriages sometimes do get the support of the parents, and if they do not support, in spite of objection, the couples by now had the courage to defy these objections. In the rural areas the story is entirely different. The major question is "whom to marry", in the rural areas, there are very few opportunity for the young girls and boys to meet each other. The segregation of the sexes

in the daily life and work and lack of physical mobility has caused young people to rely on their parents and the informal help of kin and neighbours as go-betweens, thereby making arrange marriage a natural and obvious choice. The parents have full control over their children's marriage and marital life thereafter.

The persistence of betrothal gift in rural areas even in contemporary China was a major factor affecting the freedom and status of peasant women. In fact one of the main reason the parents did not wish to loose the authority of arranging the girl's marriage were also attributed to extract money and gifts from the groom's house. Even though following the implementation of Marriage Law 1950, there was a widespread campaign, against the exchange of betrothal gift during marriage, but this practice once again surfaced in a new form in the late 1970's and early 1980's.

While this practice was never completely absent from the Chinese society, but far from declining it started rising with the growing economy and growing needs of the society. Even to the extent that in the 80's the peasant families had to spend their entire savings in buying objects like bicycle, fan, sewing machine, television etc for the bride's families.⁷⁶ Not to miss, this practice has also lured some family to use their daughter's marriage to extract large sum of money, which has resulted in selling off their own daughters like commodities.

In 1982 there were sprat complaints from Yunnan and Hebei provinces that professional matchmakers have reemerged and were conducting a lucrative business recruiting and transporting women from one province for marriage in another.⁷⁷

Therefore, status of women, especially in rural China, once again slipped down more or less to the level of being a mere slave of the house, as in ancient China. She has no rights over her own life. All decisions about her life are made by her parents before marriage and by her husband's family after marriage.

Once again the economic status of the boy's family had become the criterion of marriage especially in the rural areas. However in the urban cities, it was not betrothal gift but the factor of socio-economic status, being a major criterion for matchmaking. In the cities although people expressed their agreement on the concept of free choice marriage but still made sure that the marriage is "well-matched", both socially and economically.

In the urban areas also the problem of "whom to marry" was a key issue. In the cities there was a trend of common friends and colleagues helping in introducing possible mates, 找对象 (*zhao duixiang*). There were efforts to create opportunities for socializing among the youths. Surprisingly on identifying this problem the government had also given its consent to the establishment of Marriage Bureau in the major cities.⁷⁸

In the urban China the situation of women was no better, since most of the women took up jobs, either in factories or other units. Life for them was very hectic. They were busy fulfilling the dual responsibility of performing duties both at work and at home. With the economic reform drive, the intellectuals who were once discarded as bourgeois were now regarded as essential for China's development. Gradually as the market activity led to new forms of wealth, there emerged a chaotic situation where most of the youth started getting attracted towards the market jobs. Many men either left their already established government jobs for taking up private jobs or did not take up government jobs at all. Unfortunately the women were not bold enough to leave the job and go. This created job vacancies especially in the manual labour tasks in the government factories. With cheap labour available in the form of women, especially migrant women from countryside, all manual labour tasks became the women's work now. Thus causing a direct effect on the already burdened life of women.

Due to the great expectations of the society, the modern woman now seeks femininity. "The youngest women workers held another form of gendered "interests", as hyperfemininity became a symbolic ground of a new liberation from socialism. They were diligent enough in their work but they were far more excited about figuring out how to "become" women."⁷⁹ Chinese feminists have pointed out that new type of gendered inequality has ushered in. Some Chinese feminists have embraced "difference" from men as the way to advance the cause of Chinese women against what they perceive

as the "sameness" instituted by the state, they have created a new meaning to the word "women" that hold the state at a distance.⁸⁰

In its effort to bring about equality between the two sexes, the government adopted various policies and measures, which treated men and women equally. However, along with emancipating women, these policies thrush upon new responsibilities and challenges over women. On the one hand it endorsed the women to share the production task with the men, but on the other hand it did not direct the men to share the household chores with the women. Thus creating inequality in itself. Women were to long hide their femininity, and act as equal to men even in their appearance. All this led to the urge to be identified as 'women', different from men.

Therefore as a number of women became more and more aware of her needs and status, they started being less compromising and more demanding. Even in marriage, the husbands could no more take the wife for granted. Any unfaithful act on part of the husband would now face objection, unlike earlier women started being open to the idea of divorce. Even though freedom to divorce had been one of the important features of the Marriage Law of 1950, but minus the initial years, there were very less cases of divorce. Divorce was very uncommon; it was a general feeling that, if one selects his/her partner freely and carefully with ones own wishes then there would be no scope of divorce.

However in the 80's divorce cases again started shooting up, for e.g. in Beijing in the first six months of 1980, 41% of the civil cases heard in the city courts were divorce suits, and out of the 2,131 applications for divorce, 1,208, were granted. The cause of 397 of these divorce suits handled in one district of the city is given in the following table:

Cause of Divorce, Beijing 1980⁸¹

| <i>Cause</i> | <i>Number</i> | <i>Percentage</i> |
|------------------------------------|---------------|-------------------|
| Maltreatment | 50 | 12.6 |
| Presence of third Party | 66 | 16.6 |
| Lack of Mutual Understanding | 77 | 19.4 |
| Political Reasons | 31 | 7.8 |
| Psychological Cruelty | 48 | 12.1 |
| Tension Mother and Daughter-in-law | 115 | 29.0 |
| Other | 10 | 22.5 |
| <i>Total</i> | <i>397</i> | <i>100</i> |

(Beijing Divorce Statistics, *NCNA*, 5th October 1980)

The above table shows that, even in the capital city of Beijing the women were still maltreated in the 1980's. The fact that a maximum of 29.0% of divorce cases were due to tensions between mother and daughter-in-law, indicates that family still plays an important role in the life of the Chinese people and that the traditional setup of mother-in-law dominating the

daughter-in-law still persists. But unlike the traditional times women have awakened to realise her rights to object, she has started initiating divorce. Nonetheless the above table also shows that, the status of women in marriage has rarely uplifted. Rather with the changing times and increasing expectations it has further deteriorated.

In view of the above situation, the promulgation of the new Marriage Law of 1980 carried innovative changes, breaking away from both the traditional customs and Communist system. It came as part of the need to fill the gap between the theory and the actual practice of the system of free choice marriage.

However, a cause of worry for many women, after the implementation of the new Marriage Law, was the replacement of the word *may*, with *should*, in the divorce law, Article 25. It stated that, if one party applies for divorce, and mediation fails then a divorce '*should*' (*shall*) be granted. In the Marriage Law 1950, it states '*may*' be granted. This was a cause of concern for many women. The Women's Federation reported that a large number of women had written to the Women's federation expressing their fears that this new wording undermined their position and opened the door to many men who would purposely create problems to take advantage of this new provision.⁸²

Unfortunately, it is easier for a divorced or a widowed man to remarry, than it is for a woman. Moreover, she is usually burdened with the responsibility of looking after the children. Having a low income and faced with the

pressures of living in the society as a divorcee, a divorced woman leads a very tough life. A shift from the traditional requirement of having a heir to continue the family line, to granting the custody of the child to the divorced or widowed mother, has on contrary created new sets of problems for the women. However this issue gets solved if the court manages to order the divorced husband, to give a part of the money spent for the child's growth.

The one-child family programme was one of the most far reaching in its implications for women in the family and the society. This policy demands that except in exceptional cases all Chinese family should only have only one child. In the 1970's family planning became the focus of new policymaking and campaign. The Chinese government realised that any kind of reforms; socialist modernization or other development strategy is bound to fail in China, till the population is controlled. This was the result of the alarming population growth rate in the last 20-30 years. Thus the one-child policy was to compensate the lack of population control in the gone years.

One of the main features of the one-child policy, is the degree of economic sanctions imposed on those who fail to adhere to this policy. In fact the government had formulated regulations regarding the rewards and penalties for those who maintain a single-child family and for those who fail to do so respectively. The single-child family would now receive cash payments, food subsidies, and welfare subsidies.

Besides this other privileges like, the single child getting preference in school admission, hospitals and clinics, and job allocation, allocation of housing was also a part of the incentives given to the family of a single-child. Moreover the parents of a single-child family would receive

additional subsidies after retirement, to provide for their support in old age. On the contrary, an 'excess child levy' is to be made on the income of the couples as part of the economic compensation to the state. 5 to 10% of their total income is cut; this would increase with the number of children. In addition to this the family must bear all cost incurred for the birth of the child, and will not be given any preference or subsidy, for the subsequent medical and educational expenses.⁸³

The one-child policy, is a bold step taken by the government so as to control the population and facilitate development, nonetheless it also projects the extreme degree of intervention by the state in the private family affairs of the people. For this very reason it was the most unpopular policy in contemporary China. The government had to carry out a number of extensive campaigns to convince the people that one-child policy was a compulsory prerequisite for developed and modernized China.

The Government established organised birth planning office in almost all the state-run factories and units, so as to advice and guide women, on taking proper contraceptives, and precautions for avoiding birth of a second child. In fact these offices were constantly kept informed about the personal and sexual

life of all women working in the concerned unit. Although the office provided many facilities, like free check up, free abortion, proper guidance it also maintained statistics on women who menstruated. Every month, each woman reported the arrival of her periods and informed the office that she was not pregnant. "Every month, they went through a process of declaring that they were women, normative women. Men, on the other hand, did not report their ejaculation activities or their sperm count." ⁸⁴

Such overindulgence of the state, in the most private affairs of a woman shows the least kind of importance given to the emotional feelings and personal interest of the women. Rather than entitling half the responsibility of taking precautions for birth control to the husband, the state has burdened the entire charge to the wife. Even though in the Marriage Law it states that "both husband and wife shall have the duty to practice family planing". ⁸⁵

Moreover, in case there is an accident pregnancy, the women have to anyway go through the agony and pain of an abortion. Besides if a woman gets "inappropriately" pregnant, that is if she gets pregnant without using birth control----anyone who had sex outside the normative mode, will have to undergo abortion and bear loss of pay for the days she rested and no additional money for nutrition will be given. ⁸⁶

Hampering physical health and hurting emotional feelings of women, punishing women for a crime she has never committed, is too heavy a price

woman in today's China have to pay, for building up a healthy and prosperous nation.

The economic reform along with leading the country to a road of development is also consequently increasing the gap between the rich and poor. Unfortunately in the beginning only a few could enjoy the fruits of it. With the rise in the standards of living, diverse means of earning money, many women belonging to poor families who did not have a means of earning, and who took themselves to be a burden on the family, in an urge to earn money started choosing the easy way out.

Women in south China opted to go out and seek job. Initially they were deceived by smugglers and smuggled to Taiwan and Hong Kong. They were told that they are been taken for jobs, but latter on they were served as prostitute or concubines for men in Hong Kong and Taiwan. They were called 大陆妹 *dalumei* (Mainland sister). However, it latter became a willing choice, women got attracted towards this easy and fast means of earning. They started getting themselves smuggled and then, pay off the smuggling money after they earn them. Besides there were also cases of women turning prostitutes to serve the rich businessmen from Taiwan and Hong Kong, who come to the mainland for business purpose and are engaged in trade in the coastal and economic zones of China.⁸⁷

Young Chinese women choosing this path in an impulse to get prosper, shows both their audacity and helplessness. Along with the desperate economic need it also indicates the deterioration of cultural and moral standards. People have started exploring all ways to "somehow earn money" Some of the women choose to become prostitutes, due to lack of sufficient education to work, lack of money to get married, having a difficult marital life, divorcees, or widows.

Nevertheless, the economic reforms in the urban region started showing results by the 90's. Due to the increasing exposure to modern progressive ideas, people finally became comfortable with the idea of free choice marriage. Now the focus was on knowledge and talent instead of party status or family ancestry. University graduates and post-graduates were being preferred as marriage partners. Subsequently in the 90's when the reform policy started showing results, the standard of living of the people improved and as mentioned earlier, the general focus of the people got diverted to earning more money. Thus the criteria for selecting a partner also gradually changed again from political and educational conditions to economic conditions.

Now that the people had the freedom to choose their own partner, the onus of selecting their mate was solely on them, as parents were no longer entrusted with this job. The new problem was - whom to marry? In the day to day life of a city where every one is busy with his/her work, most people find it very difficult to find a match. Off late a few Women' s organisations and some private companies have started running marriage bureaus, providing

matrimonial and matchmaking services through the media and over the Internet. The government has also given consent to this practice.

Beijing has a "电化红娘" (dianhua hongniang) "Telephonic matchmaker", the telephone number is 8317722, and in mid 90's everyday it received an average of 100 calls. A lady working for this company reveals that, one third of the callers are unmarried, and rest is either divorced or widowed. In Shanghai city there is "上海电视征婚" (Shanghai dianshi zhenglun) "Matchmaking through television". It was started in 1990, the programme telecasts on every Saturday evening.⁸⁸

Several daily newspapers and magazines carry matrimonial columns through which people select their partner. On going through these matrimonials it becomes evident that the primary demand of the Chinese while selecting a partner is a good economic background apart from the looks and educational qualifications possessed by the individual.

With the increasing standard of living, diverse means of earning money, and widespread exposure to marriage trends outside China, money spent in marriages is also increasing remarkably. The people have started wearing more fashionable and exorbitantly priced wedding dresses unlike the blue and green wedding uniforms worn before the reforms under the Communist rule. The wedding uniform was introduced by the government in the 1950's to avoid the troubles and expenses of wearing traditional marriage dresses, that is, robes with golden python patterns or phoenix coronets and capes. Wedding

photos have increasingly become complicated and could cost up to an office employee's half-year salary. Today wedding ceremonies are more varied and colourful than ever before. Ceremonies and receptions now incorporate more and more western traditions and etiquette. Expenditure on wedding ceremonies in China has increased by 50 times over the past twenty years. Today many Chinese spent several ten thousand Yuan and sometimes, even more than hundred thousand Yuan on weddings. Every year the Chinese are creating new customs for marriage ceremonies.⁸⁹

With then new circumstances and new problems emerging in the field of marriage and family, once again a drastic overhaul of the current 'Marriage Law' is being planned in China today. Last year there was a series of debate and discussions, between the legal experts and sociologists in China, on the clauses to be included and emphasized in the new Marriage Law. According to an article published in Beijing Youth Daily, on 11th August 2000, *The five main focus of revision of the Marriage Law*, the five main focus were:

First, whether or not the crime of bigamy be defined. As per the Deputy Director of NPC Standing Committee's Legal Working Committee, Hu Kangsheng, "with the present existing Marriage Law it is very difficult to get proof of bigamy, thus there are very few cases in which people have been implicated for this crime. However there are suggestions that, under the condition where a person already having a spouse marries, or maintains husband-wife relation, or lives with another person for more than six months" bigamy would be proved.

Second, should the property of husband and wife be considered common. The existing law says that, property earned by both the parties while they were husband and wife belongs to both of them equally. A professor at the Peoples University Law Department, Yang Daren, suggests that. Along with this existing law, a law regarding individual property of both husband and wife should be supplemented.

Third, whether the conditions for divorce should be moderate or strict. Some legal experts are of the view that the condition of divorce, "lack of emotions", in the current Marriage Law, should be changed to "breaking up of husband-wife relations", or "breaking up of marital relations". Yang dawen suggests that, divorce should only be allowed if all sorts of mediation fail and the two parties have been staying separately for more than three years.

Fourth, whether or not law, fining compensation from the guilty party be included in the Marriage Law. However, the problem of deciding as to who among the two is the guilty party, and how to calculate the compensation for the emotional feelings, and whether the third party involved, be termed equally responsible and be asked to pay compensation, is the focus of debate.

Fifth, whether or not rights of the spouse be determined. The legalist points out that the purpose of introducing this clause would be to, emphasise the obligation of "husband wife living together", so as to curb occurrence of extra marital affairs. However some people are of the view that if this is actually done, then at some level there is a fear of increase in cases of "rape inside

marriage". Presently, in the legal study there has been no uniformity reached on "rape inside marriage", thus creating a difficult position when such cases are brought to the court for hearing.⁹⁰

In another article published by Zhongxin news agency, on 18th July 2000, *The New Marriage Law to stipulate a clause regarding rape inside marriage as a crime*, says that experts dealing in marriage law, reveals that the new "Marriage Law" would stipulate" rape inside marriage as a crime. The same article reveals that, Mr. Ma Yinan, a marriage law expert and assistant professor at Beijing University Legal Department, while giving an interview to a reporter of Beijing Youth Daily, said that, the revised Marriage Law along with including the obligation of 'husband-wife' staying together, would also grant the right to one party to avoid staying with the other party under a certain circumstance, however if the other party use force, to make her stay back it might give way to rape inside marriage.

The first instance of rape inside marriage causing death was reported on 21st June 1995. As per an authoritative survey material, out of 4049 urban women surveyed, 113 acknowledge that their husbands have forced them into having sex. Among the 1079 rural women surveyed, 86 acknowledge that they face brutal violence at home. However the experts are of the opinion that owing to the various factors affecting the correctness of the survey, the proportion of violence and rape inside marriage is definitely more than the above figure.⁹¹

A few amendments, which the general public was following with interest and concern were, changing the name of "Marriage Law" to "Marriage and Family Law", to include rights of the spouse into the Marriage Law, change the condition of divorce from "emotional break" up to "break up of marital relations". A general fear among the people was that the new Marriage Law is intended to curb the divorce rate. However Yang Daren says that, the amendment is not to check divorce and curb freedom to divorce, instead it is to fill in the legislative gap in the existing Marriage Law, and to perfect the marriage and family system of China. Some scholars are of the view that the increasing rate of divorce should not be essentially termed as a bad trend. A legal expert Wu Chanzhen says that, the present trend of divorce is a sign of development, it's a reflection of women's urge to lead a spiritual life and restraint bigamy.⁹²

Xu Anzhen, deputy director of Shanghai Marriage and family Research Meet, writes in his article, *Is The Revision of Marriage Law Aimed At Curbing Divorce?* That there were 12,02000 cases of divorce in the year 1999 itself. In every thousand person there are 0.95 cases of divorce, the rate of divorce has increased three fold, in the last 20 years. Moreover in a few places the practice of bigamy, extra marital, and household violence are at an increasing rate. Another article titled *China's Divorce Rate Increase at a speed of 200,0000 every year*, reveals that as per Chinese sociologist's estimate, with the year 2000 China's divorce rate would increase at a speed of 200,0000 every year. Experts say that the general attitude of the people towards divorce has changed from viewing it as a tragedy to a common placid act.

However some government officials, legalist and Women's organisation are linking the increasing rate of divorce to the moral decay and social instability of the society, and thus suggest that, while revising the Marriage Law, the freedom of divorce of the guilty party should be curbed and he/she should be severely punished. However the popular feeling is that freedom to divorce is very closely linked to free choice marriage and freedom to marry, therefore curbing this freedom does not confirm to the fast developing modern civilisation.

Legal scholar Li Yinhe, and professor Ma Litian, are of the view that increase in divorce rate has not brought about social instability and has not deteriorated the quality of conjugal relationship. Nonetheless a survey conducted on Chinese marriage quality, under the supervision of Xu Anzhen, Deputy Research Scholar at The Social Science Research Center of Shanghai Social Science Institute, reveals that only 3% of the marriages can be termed as high quality and perfect, 75% as average, and 22% marriage is of low standard.

The above survey was conducted by visiting 800 families each in Shanghai, Beijing, Tianjin and Hei Longjiang, both the husband and wife were asked to fill in a questionnaire for the purpose. This survey was signed by experts and was termed as a high standard survey on family sociology conducted in the recent years. The survey also reveals that, a total of 14.4% of the marriage is still completely arranged by the parents. A 13.5% of the husband occasionally beat up their wife, a 0.6% of wife beat up their husbands. The existence of domestic violence in the cities makes one wonder the situation in the villages.

7.9% of the people were of the view that if they were married to someone else they would be happier, 34.2% feel they might or might not be happier, and rest 55% feels they would not be happier. Such dissatisfaction in marriage often paves way to extra marital relations.⁹³

At present the most acute problem of extramarital affair is undergoing debate among the scholars. The focus of discussion is, as to whether or not "mutual obligation between husband and wife" be included in the "Marriage Law". Legal scholars have unanimously accorded for its inclusion in the Law, they are of the view that, if a third person comes between the husband-wife, the affected party can object and the law should protect the interest of the affected party. However the sociologists do not agree to this, they say that, extramarital affair is a moral problem, and that law should not discuss this. Sociologist Li Yinhe emphasizes that, "while revising the Marriage Law, we have a lot of influence of morals, instead we should ensure its effectiveness."⁹⁴

Extramarital affair has become a form of pleasure in some segment of the population in China's cities and even in some towns where economic prosperity has brought a revolution in attitudes towards marriage and romance. Chen Xinxin deputy secretary general at the China Marriage and Family Research Institute, and deputy researcher at the Women's Research Institute run by Women's Federation, acknowledges that, "there are no studies done on how many people are having extramarital affairs, but I feel there are definitely more people having extramarital affairs". The counseling service run by non-governmental organisations in various cities report that maximum

number of phone calls are either from those involved or affected by extramarital affairs. In its first year of operation in 1992, a hotline operated by Beijing Maple Women's Psychological Counseling Center handled 311 telephone calls related to extramarital problems, by 1998 the number of such calls increased to 569.⁹⁵

Even though extramarital affair is on an increasing rate in urban China, but there are many Chinese, especially women who feel trapped in unhappy marriages and do not get a divorce and begin a new life. Instead they continue to survive and face the other party's disloyalty, without breaking the family so as to avoid hurting the only child, social opprobrium or criticism by the parents. During the Mao's regime, people having extramarital affair were punished by demoting them, putting them through sessions where they were criticized by their colleagues and even jailing them, nothing like this happen in China today. One of the reason extramarital is increasing among people in their 40's and 50's is, those who married for political reasons during the cultural revolution times, and are unhappy with their marriage, are making up for the lost time. Therefore, increasing trend of extramarital affair makes one wonder whether the ancient practice of Concubinage, abolished by the Communist regime, is resurfacing in a modern style.

As per a survey conducted recently on the peoples view on the revision of "Marriage Law", by Beijing Public Opinion Survey Department, 46.3% of the people hope that the revised "Marriage Law" would further restrain divorce. 99.3% of the people are of the opinion that there should be mutual loyalty

between the husband and the wife, and that they should be obligated to live together. However there were a minority number of people who felt that the government cannot and should not manage people's love life.⁹⁶

The above survey was a questionnaire conducted on 7357 people, above the age of 18, in 31 cities all over China. 54% of the people feel that as per the existing Marriage Law, it is not difficult to get divorce. The 46.3% of the people who hope that the revised Marriage Law would constraint divorce, feel that, easy attainment of divorce is a sign of irresponsibility towards the family, besides it also leads to social instability. On the contrary 24.2% are hoping that the revised Marriage Law would relax divorce conditions.

Another very important aspect that draws attention of the people is the practice of domestic violence. 97.4% hoped that the revised Marriage Law would make domestic violence a punishable crime. As per the statistics of the concerned department, there are around 400,000 families that split every year, out of them 1/4th are due to domestic violence. China doesn't have a special Law, which treats domestic violence as a punishable crime. In most of the situation it is the women who become the victim of both physical violence and emotional torture.⁹⁷

The Peoples Republic of China Marriage Law (Revised Draft) was published and circulated to People's Congress Standing Committee at all provincial, autonomous region and prefecture level, to extensively solicit public opinion and suggestions on 11th Jan 2001. Latter on this revised Marriage Law was

adopted by the 21st Session of the Standing Committee of the Ninth National Peoples Congress on 28th April 2001. This was a major event in the marriage, family, and social life of the Chinese people.

The Marriage Law further revised the Marriage Law of 1980. It added 15 more Articles to the existing Marriage Law. Along with reaffirming free choice marriage, it also bans the practice of bigamy, domestic violence, using other ways of maltreating and abusing ones spouse, or abandoning ones spouse.⁹⁸ It proposes that "husband and wife should be faithful to each other and assist each other"⁹⁹

On the invalidity and cancellation of marriage, it says that under a few condition like, bigamy, absence of husband wife relationship, and one party suffering from a serious disease, which was not reveled before marriage, a marriage would be considered invalid.¹⁰⁰

The revised Law also carried regulations on family property and individual property. However, regarding the condition of divorce, the condition of 'breaking up of emotional feeling' still persists.

The law carried detailed clause regarding the punishable crime under marriage, and guaranteed justice to the affected party, but nevertheless among the punishable crime it did not include 'rape inside marriage', rather it said 'any other way of maltreating the spouse is banned'. Even though this might

include, 'rape inside marriage', avoiding the use of the phrase, would definitely lead to confusion and mislead the people.

With all these factors affecting the status of women in marriage, which also reflects her status in the society, one is lost to find, whether the concerted effort of the Communist government to liberate women, and uplift the status of women in the Chinese society has actually benefited them or has further complicated their miseries. Or is it the economic reforms, which has subsequently deteriorated the status of women, and foiled the efforts of the Mao's regime to liberate women, and bring about equality.

If one zooms out and views the present scenario in its entirety one realises that the Chinese society has more or less come full circle as far as marriages are concerned. Despite the reforms and the radical changes, some of the essential underlying facets of the traditional Chinese marriage system have resurfaced in an altogether new light - the same concepts wrapped up in a new package tailored for the present society. For instance economic status of the individuals concerned has once again gained precedence over other factors and expensive ritualistic marriages have once again become the norm.

The women in China today are in a very precarious situation. Theoretically they are supposed to be at par with men albeit practically that's far from the truth. Gender related issues still are a major concern and women end up compromising on all fronts to lead a balanced life. As women are becoming increasingly ambitious and career-minded they have to compete with men at

their work-place. However, being women they are expected to perform certain duties and assume responsibilities for their family back home with little or no help from their husbands. Thus women today are under tremendous pressure to perform well on both fronts, failing which they might either be branded as irresponsible mothers/wives or they might end up compromising on their career.

CHAPTER FIVE

TOWARDS

CONCLUSION

As the institution of 'family' evolved from savagery to barbarism to the present day civilization, it advanced from a lower to higher form along with the development of the society. The union of men and women was accorded with the institution of 'Marriage', which subsequently led to the formation of family. From the stage of promiscuity, mankind entered the earliest form of family, the 'group family' and consequently underwent the stage of Consanguine family, Punaluan family, Pairing family, and finally reached the stage of Monogamous family which is most prevalent in today's world.

Till the shift from 'mother's right' to the 'father's right' in the middle stage of Pairing family, women enjoyed supremacy in the house. The origin of Pairing family, was a result of women's desire for chastity and the longing to temporarily or permanently live with one man. Women being the weaker sex faced oppression and felt the need to be protected. However, in the pairing family itself, men indulged in frequent or occasional infidelity, yet strict fidelity on the part of the women was expected and demanded. It was on this stage that for the first time in the history of mankind women started being treated next to men.

As the individual possession started increasing, men being stronger managed to possess more. He had a better command over the physically strenuous work, and the women stayed back at home cooking and looking after the children. With this the men started viewing himself to be superior to women, since he is the breadwinner. Moreover, with the shift in the existing

'mother's right' to 'father's right' complete patriarchy was established. Followed by this the status of women started deteriorating, the patriarchal form of family system was now predominant in the society.

In a country like China, which has a long-standing history of strong tradition and rich culture, family has all along been the basic unit of the society. Even though polygamy was a general trend in the Chinese society also, but a strong patrilineal kinship family system, which emphasized family lineage dominated the society. The primary purpose of marriage in the Chinese society was to extend the family line.

Therefore the status of women in traditional China was limited to her role in producing offspring and performing the household duties. The concept of women being purchased by the groom's family in the form of marriage indicated the extreme degree of subordination, imposed on women, who was treated as a commodity, that has a price value. Consequently, since she has been sold to the boy's family, she was their property. Thus completely submitting to the boy and his family's orders.

Right from her birth to her marriage, and finally till her death, she does not have any right over her own life, she is required to do as she is directed, ~~嫁身随鸡, 家狗随狗~~ "whatsoever in the house. It was said, " meaning, if a women gets married to a hen, she will have to follow the hen and if she gets married to a dog she will have to follow the dog. This indicates that under any circumstance a woman has to obey her husband.

Even though the revolution of 1911, started the trend of rejecting old traditional ideals, it was only after the Communist regime came into power, that a concerted effort to completely wash away the existing system and reconstruct the whole structure of the society in all aspect was made. Along with formulating and implementing a new 'Marriage Law', the CPC and the PRC regime should be credited for the widespread nationwide campaign initiated to create awareness among the people about their new rights. This contributed a lot in digging out the deep-rooted traditional marriage system of the society. Result-oriented efforts to annihilate all marriage-related problems like forceful marriage, child marriage, polygamy, prostitution, and exploitation of women, was carried out. For the first time in the history of Chinese civilization women was accorded a status in the society.

Nevertheless, women's active participation to the production work, and the government's failure to properly distribute the work between men and women, both at work and at home let to new inequalities against women. Women were caught between, wanting to advance their career and looking after their household responsibilities. The increasing expectation from women on both the fronts tore her apart, and she compromised on her personal wishes and desires. Gendered inequality re-emerged itself in a new form. The disparities at workplace and subordinate position at home left women yearn for an individual identity of being a 'woman'.

Despite the efforts made, the idea of free choice marriage was not yet the slogan of the day in the whole of China. There were places where the law could

not reach, and cases of forceful marriage were common in the countryside. Even though, the law protected the rights and interest of women, not all could reach to the court. The 'development and opening up' process was aimed at developing the whole society, moreover, any development is regarded positive only if it benefits the weaker and oppressed section of the society. On the contrary, the changes brought about by the development of the economy, and opening up to the outside world, led to a more complicated situation wherein incidents of exchange of betrothal gift, selling of women, disparity at work, dominance at home etc started aggravating.

Nonetheless, innovative changes like, increase in women's education, more contribution in the work force, active participation in political and social activities, law protecting women, were the positive aspects of the development process. Women can now, choose to divorce, if she is not happy with her marriage, but unfortunately most women do not take this drastic step, so as to save the family from breaking, avoid hurting the only child, and fearing criticism of the parents and society.

The rigid policy of 'one couple one child', which is aimed at population control for a prosperous and healthy nation, further aggravated the miseries of women. It is indeed unfortunate that, even though the government all along maintained that, both husband and wife should have the duty to practice family planning, in reality the whole burden is on women.

The recent debate going on inside China, pertaining to the revision of Marriage Law surprisingly reveals the deep-rooted problems Chinese women are facing today in their married life. The Chinese women are today fighting with problems like fulfilling dual responsibility; at home and at work, husband involved in bigamy, subordinate position at home, domestic violence, rape inside marriage, difficulty in remarriage, social problems for a single divorcee or widow.

It is an irony that women, who are generally considered the 'weaker sex', have to bear the burnt of any change, for better or for worse overtaking a society. Approximately half of the population of the Peoples Republic of China, are women, still she receives only a small share of the development of the country. At every juncture, life is a challenge for her.

Thus Chinese women are today caught in a false web of equality with men. She is clutched in an emotional dilemma of the values to be accepted and rejected. Only when the whole society respects and regards woman for what she is, and woman continue to fight for their rights, can the Chinese women attain equal status to that of men in marriage, and in society as a whole.

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