

of Yongchangxiang was one example of a more general pattern of Minjia privilege, or whether it was achieved despite Minjia suffering discrimination similar to other non-Han groups. Without finding out a lot more about the Minjia we may never know. And to be able to make general statements about the privileges or oppression of any group, we have to first know that it makes sense to talk about them as a group.

Problem number three is simply a question of data. In a lot of cases key details seem missing. Having written a book myself on the history of the Southwest in the same era, I am acutely aware of the beam in my own eye here. But to give one example: Giersch indicates that during the Second World War, the Yu Li Mining Company's labor force in its gold mines in Lijiang's Dagu region was mostly recruited from Sichuan (179). But this does not necessarily mean it was a Han labor force, since the neighboring areas of Sichuan were inhabited by non-Han people who had a history of moving across the provincial boundary. Also, during the War, the demand for manual labor in the Southwest was high, with important consequences for local economies. According to one survey, Han left some areas to take laboring jobs on main highways or in the regional cities, making the Han presence in some cosmopolitan borderlands smaller than it had been before the War.⁶ Even if Yu Li's miners were Han from Sichuan, this was an era of significant labor mobility for Han and non-Han alike so it is difficult to treat their employment in Yunnan as clear evidence of rising ethnic inequality.

Giersch's impressive book will surely spark a lively and engaging debate on key questions about Yunnan's history. Were new enterprises and provincial state initiatives big enough for their ethnic biases to produce inequality in the wider economy even before Han-dominated institutions gained control over most economic activity thanks to the Communist take-over? Or is it more accurate to note only that a Han-centric mindset developed in business leaders and officials in the Republican period, and this mentality was adopted in much more powerful Communist-era institutions? Conclusions on these issues might be a while coming thanks to the increasing restrictions on historical research in China, but Giersch deserves much credit for starting the debate.

Concubines in Court: Marriage and Monogamy in Twentieth-Century China

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The institution of concubinage was at the core of the family reform in China's striving for modernity in the twentieth century, but how the process played out in the state

⁶Joseph Lawson, *A Frontier Made Lawless: Violence in Upland Southwest China, 1800–1956* (Vancouver: University of British Columbia Press, 2017), chapter 6.

sponsored policies through various political entities has not been well understood. Thanks to Lisa Tran's book, *Concubines in Court: Marriage and Monogamy in Twentieth-Century China*, we are one significant step closer to understanding that process. Focusing on the legal treatment of concubinage and concubines, this important work details the laws and courtroom practices under different governments, contrasting them while elucidating the interconnections. Drawing on legal codes, judicial interpretations and rulings, and court cases (mainly from Beijing and Shanghai for the Republican period), the minute discussion examines the contexts, the thinking and the rationale behind the laws' promulgation, cases filed by individual women and men, and jurists' interpretations in courtrooms. The analysis cuts across legal and family histories with attention to gendered meanings of the legal reform of concubinage. It is a work to be consulted and appreciated by scholars in all these areas of study.

The millennia-old practice of concubinage gained notoriety at the turn of the twentieth century in the midst of China's deepening national crisis and the increasing influence of Western social values. As the new ideas of "individualism, freedom, monogamy, and equality" spread, concubinage increasingly became problematic, and hence the target of legal reform. Tran's book demonstrates that while lawmakers and jurists throughout the first half of the twentieth century supported the ideas of monogamy and equality in principle, concubinage was dealt with often ambiguously. Monogamy, or *yifu yiqi* 一夫一妻 (one husband, one wife) in Chinese translation, was technically upheld in imperial China, for, legally and socially speaking, a concubine was not married to her master, and until the late imperial period she was forbidden to be elevated to the status of wife even after the wife's death. But as a modern ethical value, monogamy required marital fidelity for wife and husband alike. Republican era lawmakers and jurists were reluctant to criminalize concubinage, thanks to the prevalence of the practice among the government leadership and to their concerns that such a radical approach would cause social and political instability.

Concubines in Court identifies three historical phases in the change of the legal treatment of concubinage: The early Republic (from 1912–1927), the GMD (Nationalist) period, and the CCP (Communist) era. The early Republic was "the transitional period." As with the Qing, the Daliyuan—the highest court—insisted that concubinage was not a form of marriage. Consequently, although it "promised to uphold monogamy and equality," there was inherent contradiction in the body of laws and rulings it produced, and in the end tolerated the practice. The GMD lawmakers were similarly reluctant to define concubinage as bigamy. Under the pressure from the public, especially from women's groups, they characterized it as adultery, and made men taking concubines criminally liable. However, preexisting concubinage relationships were exempted from the new laws. Jurists "did not view the purpose of those laws to be the elimination of concubinage," and as a result, concubinage cases were punished only "within the very specific limits of the law" (44–45). As with the early Republican law, the GMD law characterized concubines as household members, which protected them from arbitrary expulsion and granted them right to maintenance (*fuyang* 撫養). Radically different from the Republican laws and continuing their policies initiated in their base areas of the 1930s and 1940s, the CCP characterized concubinage as bigamy. Yet similar to the approach of the GMD, it formulated a so-called "no complaint, no trial" policy to treat the preexisting cases, and only new cases would be punished in criminal courts. Divorce was granted when a wife and a concubine filed for it. When divorce was requested by a man, the court would decide whether it would be granted or which woman (wife or concubine) he could divorce based on its

“understanding of the marital situation and the strength of the man’s relations with each woman” (191).

Although *Concubines in Court* presents the GMD laws as conservative and its lawmakers as halfhearted in their commitment to eliminate concubinage, it complicates that picture by showing that the GMD also created (and implemented in the 1930s) some of the most generous legal provisions to ensure the wellbeing of the concubines seeking to leave their masters. Unlike the early Republican case, when a concubine who wanted to leave her master had to show just cause, she now had “unlimited freedom” to sever relations with him (p.80), and was entitled to alimony like a wife without having to prove the master’s guilt. The civil code that recognized legal marriage with the mere requirement of having an open ceremony witnessed by as few as two people also unwittingly provided grounds for concubines to claim the status of wife and request the financial benefits due a wife.

Some of the most informative and exciting sections in this book come from accounts featuring women. In the Republican period, women’s groups, along with public opinion, are described as influential in seeking to shape the course of action of the lawmakers and to advance the cause of eradicating concubinage. The legal cases analyzed in the study also suggest that concubines—who were usually seen as powerless victims—actively took advantage of the laws to fight for financial benefits and a better life. Such information sheds important light on women’s activism and the women-centered interaction between law and social change in the Republican period. Given its importance, one wishes the book could devote more space to the interaction among women’s groups, public opinion, and the making of the law (as opposed to summaries and references to the author’s earlier work).

Concubines in Court is informative and its arguments are effectively delivered. Its probe of law codes is nuanced and thorough. One issue that perhaps warrants further attention is children of concubines. Did the issue ever come up? While the discussion of the laws is detailed, the book could better contextualize them by providing some information about the people writing these laws (rather than terming them abstractly as “lawmakers” and “jurists”). Readers would have an interest in knowing where these powerful people came from, what their intellectual backgrounds were, and how their background might help explain their approaches to the law. Institutionally, the book could clarify how the GMD court system worked during the years of war with Japan when Wang Jingwei’s puppet government controlled part of the country.

Concubines in Court disputes the dismissive views of the legal achievement of the Republican era, and Tran’s solid and skillful delineation demonstrates without doubt that the laws produced during this period formed a major link in the legal reform of the twentieth century. This excellent study is less revealing as to how and to what extent the laws were implemented and what role they played in changing social attitude and people’s behavior with regard to concubinage broadly. The cases cited in the book suggest the effect of the laws in Beijing and Shanghai, but they leave one to wonder what the scale of impact might be in the two cities and beyond. Given the weak and decentralized Republican governments, coupled with social instability, warfare, and the resulting destruction, one would be curious to know if they made efforts to promote the laws and translate them into action within the regions under their control. It would be helpful to provide some discussion concerning the application of the laws in terms of geographical space, urban and rural division, and time and an assessment of the ways in which the laws contributed to “the gradual disappearance of concubinage” in modern China.