
This is a sophisticated and clearly argued study rooted in legal and extra-legal documents, mass media, court documents and police reports pertaining to concubinage. The book introduces new materials pertaining to civil law, public policy, case records, mass media accounts, criminal codes and fuses detailed evidence to a strong interpretation of how concubines, as Tran phrases it, “evolved as legal constructs, gendered symbols, and social beings” (p. 16). To my knowledge concubinage has not been a focus before. Maybe that is why you have to ask yourself, how accurate are generalizations about Chinese women, family or marriage without concubines? In the tradition of legal historians Kathryn Bernhardt, Philip Huang and Mathew Sommer, Tran’s focus illuminates larger institutions. The concubine was central both to the late Qing normative patriline and, as a social problem, to twentieth-century legal policy makers. The book shows how a century of struggle enshrined monogamy in modern Chinese law.

Tran’s study posits several stakes. First, reforming legal modernists faced the fact that concubinage was a semi-marital and sanctified institution. Under Guomindang jurisprudence concubinage got reclassified as adultery and, later, under PRC law bigamy, so illegal and heterodox. Under late Qing law, Tran argues, concubinage was an ambiguous, sanctified, never extra-marital, system. It was also the norm. Concubines had sustenance and property claims, yet they were not wives. Over decades of social revolution GMD and CCP jurisprudence drew on European, Japanese and other traditions, but they still needed to establish workable laws in real social terms. When reforms banned socially sanctified now extra-marital sexual partners, the wife, the husband and concubines had different claims to kin and family resources.

Second, Tran demonstrates that not only did old terms shift social meaning they dialectically engaged social transformations that reconceived women to be motile. Here the argument is complex and important. The notion that women have natural rights had never been a part of late Qing marital law. Modern twentieth-century thought and politics launched aggressive attacks on the old society in the name of women’s humanity. This
opened a political space, a juridical space, for women, wives, to claim a right to *his* sexual fidelity. Literally what was sauce for a goose became sauce for a gander. This is both a theoretical argument about how law thinks, and an explanation of how a complex pre-revolutionary family law bent under the weight of new social demands and international norms. Neither one thing, nor another, twentieth-century Chinese family law initiated, according to Tran, the platform for women’s social rise. This fusion of social demands on behalf of women in modern social life and the struggle to figure out what equality means in human domestic relationships is not imported, not simply a linguistic category, but rather faithful to the belief that women and men are each full human beings.

Third, on conjugal fidelity, the new norm, Tran gives a clear-eyed discussion of how norms changed in social struggles. Conflicts erupted about the semi-marital “spouse.” Tran is sensitive to situations where relative rank (was the redundant woman at the same rank as a wife or lesser?) complicated efforts to bring justice to women without inflicting injustice on other women. The fact that “women” is an internally heterogeneous category fueled domestic conflicts over who was married to whom. A fascinating part of her discussions about CCP law is how “emotional relationship” (*ganqing*) got into jurisprudence. In its modern form, Chinese family law authorizes wives to try and force their husbands to give up the concubine. As Tran points out, wives tried but they did not always win. Where the man’s emotional relationship to the secondary partner, the concubine, was stronger than to his legal wife, the CCP court might rule against the wife leading to divorce and remarriage.

Beyond these heavily evidenced, historical arguments Tran asserts a general truth. Her book contends that women of all stations and kinds have what many scholars call “agency,” or subjective will. The victimized concubine, the evil wife, shrews and battered women are clichés. In family revolution where real people fight over rank, personal intimacy and property, legal strategies animated social clichés. Tran’s point is that women and men are agents. Her documentation and the insight that a family law conflict involves active participants helps wipe away some moralism attached to studies of social inequality. The fact is that Chinese modern family law empowered women as a new social group and as individuals. But it did not compel them to all desire the same things. It did not make all
women equal to all other women. And it did not guarantee that women became a mass subject with a common objective.

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