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Author

Chen, Jingyi

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Domestic Abuse and Women's Legal Consciousness:
Cases from Magazines and Newspapers in China in the 1930s

Jingyi Chen

Faculty Mentor Program, University of California, San Diego

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Professor Weijing Lu

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Abstract

This research delves into legal consciousness and women's agency during the early 1930s in China. In 1931, the Nationalist government implemented the Civil Code of the Republic of China, which granted women important legal rights, such as expanded property ownership and marriage autonomy. Notably, the Code unprecedentedly allowed individuals to be granted divorce by the courts on the grounds of intolerable domestic abuse. While existing literature have suggested an increase in divorce litigations initiated by abused women, indicating a rise in their legal awareness, there has been limited discussion on how abused women leveraged available resources to resist abuse and oppressive sociopolitical conditions prior to taking formal legal action. How did women experiencing domestic abuse navigate their situations in the years following the 1931 Civil Code? Through archival research and in-depth qualitative analysis of legal inquiries made by individuals to three periodicals -- *Ling Long*, *The China Times*, and *Sin Wan Pao* -- from 1932 to 1935, this study reveals how some women analyzed their circumstances and strategically leveraged their familial and social networks and free legal consultation to subtly resist and alter their historical conditions. By contextualizing the findings within the sociopolitical and legal contexts, this research provides insights into the complexities of Chinese women's history, challenging traditional narratives of women being passive victims of oppression by illustrating their active agency in navigating their situations. Also, it sheds light on the life experiences of ordinary women in Chinese history, which have frequently been overlooked, suggesting valuable untapped primary sources for future studies.

Keywords: domestic abuse, Republic of China, women, agency, legal consciousness

Introduction

In 1928, the Nationalist Party established control over a significant portion of Chinese territory and enacted the Civil Code of the Republic of China in 1930. Implemented since May 1931, the Code granted important rights to women, such as the rights to own properties and initiate divorce, which women did not enjoy during the Qing era. The Code designated the remuneration earned by the wife through labor and personal gifts as her special properties that were independent of shared properties in marriage. It also sponsored individuals' rights to decide on their marriages and prohibited bigamy. Notably, it provided ten grounds for the courts to grant divorce: "bigamy, adultery, spousal intolerable cruelty, in-law intolerable cruelty, abandonment, intent or attempt to murder a spouse, incurable physical disease, incurable mental disease, lengthy disappearance, and imprisonment or the commission of an infamous crime" and established the right of the no-fault party to seek remedies. When the no-fault party faced financial difficulty after divorce, they could also obtain alimony, even if another party was not at fault either. The Code's definition for domestic abuse as a grounds for divorce is "such ill-treatment from the other spouse as to render it intolerable to live together (不堪同居之虐待)." This definition is much more expansive than that of the Qing Code, which only allowed the wife's natal family to sue when the injury involved "broken bone or tooth" specifically.¹

¹ Min Fa (民法) [Civil Code] (promulgated by the Republic of China, Dec. 26, 1930, effective May 5, 1931), art. 1052. Retrieved February 19, 2024, from Legislative Yuan, lis.ly.gov.tw/lglawc/lglawkm; Ching-Lin Hsia, James L. E. Chow, and Yukon Chang, trans., *The Civil Code of the Republic of China* (Arlington, Virginia: University Publications of America, Inc., 1976); Margaret Kuo, *Intolerable Cruelty: Marriage, Law, and Society in Early Twentieth-Century China*, ProQuest (Lanham, MD: Rowman & Littlefield Publishers, Incorporated, 2012), 109-137, <https://ebookcentral.proquest.com/lib/ucsd/detail.action?docID=>.

Evidenced by historian Margaret Kuo's archival research of court cases in the 1930s and 1940s, the sense of legal rights had risen among many women after the implementation of the Civil Code, which allowed them to perceive and name abuse and formally address their grievance through formal legal processes. In the past, women might have to regard domestic abuse as a misfortunate part of their marital lives, but following the implementation of the Civil Code, it was increasingly perceived as an infringement of their legal rights and an injustice.²

Kuo's study focuses on women who had brought divorce lawsuits, shedding light on the perspectives of the abused wives, the husbands, and the judges in court. However, there has still been limited close studies on ordinary women's experiences and perceptions of domestic abuse, and how they navigated the situations. Because of the privacy of domestic violence and the limited ways ordinary people's experiences a century ago could be recorded, it is challenging to find historical sources documenting abused women's narratives. The formal court case records only captured the experiences of women who actually sued for divorce, and details of how they navigated the situation prior to taking formal legal action were often unavailable. Also, the cases only included what the litigants shared with the courts and what the judges found out. It was recorded from the court's perspective. On the other hand, newspapers such as *Sheng-ching Shih-pao* in Fengtian (in today's Liaoning Province) and *The China Times* in Shanghai reported more than a thousand incidents of domestic violence during 1930s, but they typically lacked abused women's voices regarding the incidents because they were written from the third-person point of view.³

² Kuo, *Intolerable Cruelty*, 109-137.

³ This observation derives from an exploration of news articles on domestic abuse incidents published in the newspapers *Sheng-ching Shih-pao* (Fengtian) and *The China Times*

In order to observe the perspectives of abused women prior to suing for divorce, the analysis of this paper employs legal inquiries, which were leveraged by women to formulate practical strategies to escape from domestic abuse and protect their rights. In the early 1930s, several newspapers and magazines became popular, and some of them provided a section of free legal consultation. People could mail letters about their questions relating to laws and legal procedures to the press, and the press had lawyers answer them and posted the questions and answers on newspaper or magazine issues.⁴ This process was mostly free except the cost of mailing. *Ling Long* (玲瓏), an urban women's magazine, and *The China Times* (時事新報) and *Sin Wan Pao* (新聞報), two of the most popular newspapers in the Republican era, provided a platform for women-centered narratives of domestic abuse and an opportunity for the domestic abuse survivors to seek support. These periodicals were published in Shanghai, where the new ideas and women's culture spread in 1930s. The *Ling Long* magazine had a section titled "Legal Consultation (法律顧問)". Under this column, it states: "This column collects news reports, evening papers, and advice from this magazine's legal consultants regarding legal questions for readers' reference. Readers with any questions or difficulties can also send inquiry to this magazine".⁵ *Ling Long* typically posted legal inquiries relating to women, with topics ranging from arranged marriage, forced prostitution, and women's inheritance. Occasionally, individuals

(Shanghai), which are archived in the CNBKSY database. The URL for *Sheng-ching Shih-pao* (Fengtian) is: <https://www.cnbksy.cn/literature/newspaper/2deb4d3d96ef1b61d929cf08c738e85e>; the URL for *The China Times* (Shanghai) is: <https://www.cnbksy.com/v2/literature/detail/newspaper?Pid=54d365b23200638160230ee75fef0408&ngTitle=%E6%97%B6%E4%BA%8B%E6%96%B0%E6%8A%A5%EF%BC%88%E4%B8%8A%E6%B5%B7%EF%BC%89>.

⁴ Upon the request of the inquirers, the inquirers' names and questions could be hid in the publications.

⁵ For instance, it was stated alongside this source: Fuzhen Wu, "丈夫寵妾虐妻 [Husband Dotes on Concubine and Abuses Wife]," *Ling Long* (Shanghai), 1934, 2523-2524.

also wrote inquiry letters about domestic abuse to a column called “Ling Long Mailbox” where readers can ask the editors questions and received their responses. Because *Ling Long* was an influential female-oriented magazine and typically gave women advice about health, relationship, and so on, female readers frequently sought advice on their life struggles from the magazine. Similarly, *The China Times* had a columns called “Q&A (問答)” under the section “Legal Forum (法壇)” and *Sin Wan Pao* provided the column “Legal Inquiries (法律質疑)”, which posted questions people mailed to the newspapers and the lawyers’ answers. These platforms provide a resource for women to seek guidance and support in navigating legal issues. There was a growing awareness among some women in 1930s China of their legal rights and a willingness to challenge the injustices.

The inquiries on *Ling Long*, *The China Times* and *Sin Wan Pao* in 1932 – 1935, just a few years after the implementation of the 1931 Civil Code, gave a snapshot of the emergence of women’s legal consciousness and the personal narratives of those experiencing domestic abuse. These inquiries, sent by the abused women or on the women’s behalf to the magazine or newspapers, illustrate one approach for abused women to directly or indirectly access the legal consultation resources before taking legal actions and provide details into their personal experiences, which were written from abused women’s standpoint. Building upon previous research and applying in-depth qualitative examination of archived legal inquiries, the evidence analyzed in this paper suggest that, despite the legal and judicial limitations in protecting the rights of women experiencing domestic abuse as well as the difficulty to shift the traditional status of women under structural oppression, some women were able to analyze their situations and leverage available resources, particularly familial and social networks and free legal consultation provided by the periodicals, to resist the struggling circumstances and blunt the

injustices. In the processes, individuals' legal consciousness and understanding of domestic abuse not only guided their actions but also disseminated to others through personal networks and publications of legal inquiries. The body section of this paper mainly focuses on social and familial support and women's agency; legal consciousness is a shared theme in both parts. For the friends and relatives helping the abused women, their legal awareness served as both a motivation and a tool to empower these women; for the abused women, their legal consciousness empowered themselves to resist the hardships and injustices.

These legal inquiries provide insight into women-centered perspectives, as women and their personal networks framed domestic abuse as an infringement of personal rights, which resisted patriarchal perceptions of domestic abuse. Moreover, the experiences shared by the abused women themselves or their surrounding people contributed to the ongoing discourse surrounding women's rights and empowerment, potentially helping to spread legal consciousness to a broader population in Chinese society in the Republican era. This research can expand the current understanding of the complexities of the Chinese women's history and challenge the stereotypical narratives of women being vulnerable and powerless victims throughout Chinese history. It also suggests valuable untapped primary sources to study the experiences of ordinary people in eras where preserved records are limited.

Background

In her book *Women and China's Revolutions*, historian Gail Hershatter characterizes the era around the May Fourth Movement as a period of "Imagined Futures." Following the collapse of the last Chinese empire Qing in 1911, during 1912 - 1927, in which the persistence of

warlords and foreign invasions perpetuated political instability in China, some reform-minded individuals linked the emancipation of women to comprehensive cultural changes that they saw as essential for reshaping Chinese society and fostering the resistance against entrenched oppressive power structures by people, especially the younger generations. They argued that freeing Chinese people's minds and creating a more democratic society could not be achieved by political revolutions alone. Thus, they criticized the traditional family norms rooted in Confucian ideologies, which they believed taught people to be subject to authorities and prevented them from becoming independent-minded citizens. Many traditional practices, such as arranged marriages, widow chastity, and segregation of sexes were condemned to be oppressive relics of the past, and writers and activists argued that overthrowing these practices was key to changing the old family structure and norms.⁶ In 1919, the Treaty of Versailles handed the previously German-held privilege in Shangdong Province to Japan, which prompted Chinese youths' outrage and their national protests demanding the government to reject this Treaty, which became known as the May Fourth Movement. In the years following the outbreak of this movement, the Nationalist Party and the Chinese Communist Party united to reunify China and later split.⁷

Both the Nationalists and Communists increasingly portrayed women as hopeless and vulnerable victims of the "old" society featured by Confucian ideologies and traditional family structures, who needed liberation by a strong nation. This portrayal became known as the May

⁶ Gail Hershatter, *Women and China's Revolutions*, 1st ed. (Lanham, Maryland: Rowman & Littlefield, 2018), 93-128, ebookcentral.proquest.com/lib/ucsd/detail.action?pq-origsite=primo&docID=5492087#; Kuo, *Intolerable Cruelty*, 109-137.

⁷ Hershatter, *Women and China's Revolutions*, 93-128.

Fourth narrative of women.⁸ Though the May Fourth Movement did not focus on women's rights solely, this narrative has been influential throughout the studies of Chinese history and today's perception of women during that time.

Over a decade after the movement, the Nationalist government implemented various new laws, including the 1931 Civil Code of the Republic of China. Studying the aftermath of these legal reforms, historian Margaret Kuo argues that the significant increase in the number of divorce cases initiated by women suggests that consciousness of legal rights had emerged among some women. She closely studied the court cases relating to intolerable abuse from local to national courts. There were thousands of marital litigations brought by women during 1930s – 1940s, and spousal abuse was the most common grounds cited by wives for divorce. For example, among 774 divorce cases in 1936, 247 cases cited spousal abuse as the grounds and 72 cases cited in-law abuse.⁹ It suggests that women became aware of themselves being individuals with rights and considered conflicts and harms in terms of infringements of personal legal rights. They pursued their rights in a practical way with the endorsement for gender equality and legal rights by the Civil Code. However, improvements in women's circumstances were not as substantial as people might imagine. Kuo found that women's ability to succeed in litigations was limited, and when women sued for divorced on the grounds of intolerable abuse, the practical definition of “intolerable abuse” might differ among the wives, husbands and judges, and most of the time the judges tended to rule against the women. In order for wives to succeed in the divorce lawsuits, Kuo points out, the severity of the abuse and the ability of them to

⁸ Hershatter, *Women and China's Revolutions*, 93-128.

⁹ Kuo, *Intolerable Cruelty*, 118.

provide evidence, such as hospital and police documentation and impartial witnesses, were significant. Judges often deemed the abuse claimed by the wives as “minor” or “occasional”, or lacked adequate evidence, revealing their reluctance to prioritize wives’ rights over social stability and the maintenance of conjugal units, upholding the traditional patriarchal ideologies. During that time, there were already many low-income single men, and the men who divorced would be unable to have another wife. Because of political and social instability during that time, the state had an incentive to maintain marriages. Therefore, despite legal reforms, it was still challenging for the abused women to protect their rights.¹⁰ Nevertheless, as discussed in the next section, some abused women had employed available strategies to resist their circumstances, and their familial and social networks often played a significant role in empowering them to navigate the challenges.

Case Studies of Legal Inquiries

Social and Familial Support

As evidenced by the legal inquiries, abused women often obtained support from their social and familial networks when navigating the challenging circumstances. Many individuals mailing the inquiries to the magazine or the newspaper were connected to the abused wives’, or sometimes the abusive husbands’, close social or familial circles. For instance, some inquiries were authored by the woman’s cousin, her sister, her sister’s friend, her parent’s friend, her husband’s friend, etc. As illustrated by Table 1, 14 of the 22 inquiries were from the wives’

¹⁰ Hershatte, *Women and China’s Revolutions*, 129-163; Kuo, *Intolerable Cruelty*, 109-137.

friends, relatives, friends of their relatives, or the abusive husband's friend or colleague.¹¹ They all showed concerns of the wives' well-being and asked about possible legal actions the wives could take.

The inquirer's relationship to the wife or the husband	Number of legal inquiries
The wife herself	4
The wife's relative	5
The wife's friend	3
Friend of the wife's relative	4
Friend of the husband	1
Colleague of the husband	1
Unknown	4
Total	22

Table 1

¹¹ “Fu na xiaoxing” 夫納小星 [Husband Taking Xiaoxing], *Ling Long* (Shanghai), 1934, 1883-1884; “Bi qi lihun” 逼妻離婚 [Forcing Wife to Divorce], *Ling Long* (Shanghai), 1932, 929-930; Zihua Men, “Lihun wenti” 離婚問題 [Divorce Inquiry], *The China Times* (Shanghai), April 30, 1933; Ying Meng, “Feifa lihun” 非法離婚 [Illegal Divorce], *Ling Long* (Shanghai), 1933, 837-838; “Shemei sinianqian tingxin meiren” 舍妹四年前聽信媒人。。。 [My sister listened to a matchmaker four years ago...], *Ling Long* (Shanghai), 1932, 546; “Fu yu naqie” 夫欲納妾 [Husband Wants to Take Concubine], *Ling Long* (Shanghai), 1934, 347-348; “Nuedai faqi” 虐待髮妻 [Abusing Wife], *Ling Long* (Shanghai), 1933, 1616; Feiyun Ma and Zhenling Chen, “Jiagei hengbao de zhangfu” 嫁給橫暴的丈夫 [Married an Abusive Husband], *Ling Long* (Shanghai), 1934, 145-146; Fen Lan, “Naqie qiqi” 納妾棄妻 [Taking Concubine and Abandoning Wife], *Ling Long* (Shanghai), 1933, 777-778; Lu Lan, “Ganqing buqia” 感情不洽 [Inharmonious Relationship], *Sin Wan Pao* (Shanghai), May 9, 1934; Ren, “Fufu bumu” 夫婦不睦 [Discord between Husband and Wife], *Sin Wan Pao* (Shanghai), May 5, 1934; Jun Tang, “Nuedai qizi” 虐待妻子 [Abusing Wife], *Ling Long* (Shanghai), 1932, 496-497; Da Feng, “Nuedai qiuli” 虐待求離 [Being Abused and Seeking Divorce], *The China Times* (Shanghai), April 8, 1933; Shi Wan, “Bihu duda” 閉戶毒打 [Beating Behind Closed Doors], *Sin Wan Pao* (Shanghai), June 27, 1933.

There are several potential reasons that the women experiencing domestic violence did not send the inquiries themselves.¹² First, illiteracy might be a barrier for some abused women, so they needed someone to write the letter for them. For women in the rural areas, the literacy rate was extremely low. A large-scale survey done by John Lossing Buck on 46,601 families in rural communities across China during 1929 to 1931 suggests that the literacy rate was 1.2% for women on average, and men's literacy rate was 30.3%. Buck states: "Only...one percent of the females...had attended school long enough to learn to read a common letter".¹³ For urban women in Shanghai, where *Ling Long* and *The China Times* were published, it is reasonable to expect a higher literacy rate. Though there is a lack of precise data for women's literacy rate in Shanghai, based on the annual national statistics for 1929 – 1930, in Shanghai, there were 27.93% of the lower primary school students being female, and 29.01% of the upper primary school students being female. According to the 1930 – 1931 annual national education report, there were 5436 female students attending middle school and 1498 students attending high school in Shanghai.¹⁴ These suggest that although urban women in Shanghai were more likely to

¹² In addition, it is possible that the abused women who authored the inquiries also had someone write the letters, if they were illiterate. These women's personal networks might compose the inquiries from their point of view.

¹³ John Lossing Buck, *Land Utilization in China; a Study of 16,786 Farms in 168 Localities, and 38,256 Farm Families in Twenty-Two Provinces in China* (New York, NY: Paragon Book Reprint Corp., 1964), 373.

¹⁴ Yanzhen Lu, "Zhongguo jindai nuzi jiaoyushi" 中國近代女子教育史 [Modern History of Women's Education in China] (Taipei City, Taiwan: The Liberal Arts Press, 1989), 122, 116-118, quoted in Xin Zhao, "1843 — 1937 nian de Shanghai nuzi jiaoyu: jieduan yu tedian" 1843—1937 年的上海女子教育：阶段与特点 [Women's Education in Shanghai from 1843 to 1937: Stages and Characteristics], *Journal of East China Normal University (Educational Sciences)* 28, no. 2 (June 20, 2010): 90–95, <https://oversea.cnki.net/KCMS/detail/detail.aspx?dbc>

be educated, education opportunities remained unequally distributed, and many women from less privileged backgrounds likely remained not educated enough to access the legal inquiry resources in the periodicals on their own. In 1935, the Shanghai municipal government and the Nationalist Party implemented a literacy movement mandating local organizations to build schools educating the illiterate people, which increased the number of non-elite people who could read newspapers.¹⁵ This also suggests that prior to 1935, there was at least a considerable portion of illiterate people living or working in Shanghai.

Second, making legal inquiries themselves could put the abused women into risk. Since these women were already enduring violence from their spouses, suppose, for instance, that the spouses or in-laws saw them writing and mailing the inquiry letter, this might jeopardize the abuse. Third, consider the fact that the Qing collapsed only about 20 years before in 1911, abused women were possibly influenced by the traditional gender and family norms that tended to value women's submissiveness and efforts to protect family honor, which made them feel inappropriate about and refrain from disclaiming their husbands.¹⁶ Moreover, generally speaking, women from lower socioeconomic backgrounds tended to have less awareness and access to legal resources, so their social networks who had received more education and resources would

ode=CJFD&dbname=CJFD2010&filename=HDXK201002012&uniplatform=OVERSEA&v=xgEu-dJ4JV9jrR9BPafSQmE5kefDkke2HUqlbTnS8GZItSflgz72gZqrP_X3OzSU.

¹⁵ Sei Jeong Chin, "Print Capitalism, War, and the Remaking of the Mass Media in 1930s China," *Modern China* 40, no. 4 (2014): 409, <http://www.jstor.org/stable/24575604>.

¹⁶ Another speculation is that because individuals needed to put down their names and addresses when mailing the inquiry letter, some women might feel uncomfortable publicizing family conflicts, so they might employ euphemisms, such as referring to themselves as "a friend," to conceal their identities. However, there is insufficient evidence to support it.

tell them about the legal inquiry platforms and take the initiative to send the letters on these women's behalf.

The analysis of inquiry contents provides insights into how some abused women navigated their plight with the support from personal networks. In an inquiry titled “Married an Abusive Husband” in the column “Ling Long Mailbox” in 1934, the inquirer Ms. Ma Feiyun stated that her friend, Ms. Liu, was abused by her husband Yu but was bearing it and did not want to concern her parents by telling this.¹⁷ Ma wrote:

[Liu] has a very virtuous temperament. Every time she was beaten, she dared not to tell anything to her parents. She let her tears flow to her stomachs and just blamed for her own misfortunate destiny. Unexpectedly, the man was not considerate of her difficulties, thinking she was young and vulnerable, so he got worse and worse, [battering her] many times a day.

However, according to Ma's narrative, seeing that Liu wasted away physically and mentally, Liu's parents noticed something going on and kept asking her. Liu eventually told her parents about all the pains and abuses she had experienced from Yu. Her parents were shocked and went immediately to negotiate with him. However, Yu refused to admit his wrongdoings and instead accused Liu of not being a good wife. Her parents wanted to initiate a divorce, but they lived in the countryside and had little legal knowledge.

¹⁷ Feiyun Ma and Zhenling Chen, “Jiagai hengbao de zhangfu” 嫁給橫暴的丈夫 [Married an Abusive Husband], *Ling Long* (Shanghai), 1934, 145-146.

Based on Ma's description regarding Liu's endurance of her husband's repetitive physical violence and refrainment from telling her parents about it, Liu likely found it difficult to navigate the situation on her own. Regarding why she was unwilling to tell her parents about the abuse, she might be influenced by traditional norms and social pressures to prioritize the stability of the family over her own well-being and avoid disclosing spousal conflicts to others. Potentially she also feared the consequences of speaking out against her husband, who Ma described as being "violent (横暴)" and easily angered over trivial matters. Moreover, her rural background possibly led her to have limited access to education and legal resources, making her more disadvantaged than women from urban backgrounds. In 1930s China, the only law addressing spousal abuse was the Civil Code which granted divorce in the circumstance of intolerable cruelty, and Liu's parents, and likely Liu also, did not know about that. As a result, Liu might have seen no options except enduring the abuse. Her situation might reflect many rural women experiencing domestic abuse. In the early 1930s, the rural population was estimated to comprise 75 – 80% of the total population in China. The rural people had minimal access to education, as only 2.2% of rural women and 45.2% of rural men had ever received some education.¹⁸ Therefore, it is conceivable that a considerable number of women suffering from abuse in 1930s China could encounter similar predicaments as Liu did.

However, Liu's familial and social networks, as well as the inquiry platform offered by *Ling Long*, led her to see alternative paths. According to Ma's words, Liu's parents eventually mailed a letter asking about divorce procedures to her friend Ma, who then wrote a letter to the magazine describing what happened and asking:

¹⁸ Buck, *Land Utilization in China*, 363, 373.

...Can [Liu] seek a divorce in this situation? What are the procedures for divorce? I am a youngster with no legal knowledge, and I have always aspired how you, Madam, frequently solve challenging problems for us women. Therefore, I would like to request you to help me address this matter in your esteemed periodical.

Ma's words imply that the women-oriented magazine *Ling Long* was not only a source of information for readers but also a platform where women communicated about their personal challenges and received advice from the editors, who were likely better educated and more experienced women. The magazine became a resource tailored to address the problems faced by women, whose voices might be marginalized within patriarchal social and familial frameworks in 1930s. Despite that Ma, one of the readers, had no knowledge about the divorce procedures to directly assist her friend Liu, she recognized this magazine as a valuable resource and extended support by leveraging her ability to connect Liu with this resource.

Having read Ma's letter, Ms. Chen Zhenling, one of the main editors, replied to Ma's inquiry:

...Regarding divorce procedures, [your friend] should go to the nearby doctor to examine and document [her] injuries and file for divorce with the court based on reason. It is best to hire a lawyer to handle everything on [her] behalf.

It was evident that some individuals in the era had developed some legal consciousness and awareness regarding spousal abuse, which were transmitted through various networks. While Chen might not be a legal expert, she seemed familiar with the divorce procedures in general and

provided detailed steps of how to request divorce on the grounds of intolerable abuse. During 1930s, it was crucial for women to show evidence for the abuse, such as documentations of injuries, to increase the likelihood of being granted divorce by the court.¹⁹ Chen utilized her knowledge to point a direction for Liu to potentially save herself from the abuse. Based on the fact that Liu's parents chose to ask Ma about legal procedures, Liu and her parents likely did not have easy access to legal resources. Ma's lack of legal knowledge did not stop her from playing an intermediary role to help maximize the potential of Liu to change her situation. Although knowing the legal procedures marks only the first step, and Liu later experiences remain unknown, it is evident that her connection with her family and friend served as a crucial supporting resource for her to at least gain legal advice that held the potential to free her from the cycle of spousal abuse. In this process, the perception of domestic abuse as a manifestation of Liu's "misfortunate destiny" had been transitioned into a discourse about applying legal procedures to obtain a divorce that was justified by the harms inflicted by the spouse on the individual. The three women, Liu, Ma, and Chen, with different levels of education and accesses to resources, were interconnected to create a nuanced, strategic response to the broad historical conditions of legal and judicial limitations in protecting the rights of women and the traditional status of women under structural oppression, emphasizing abused women's perspective.

In another inquiry titled "Husband Taking *Xiaoxing* (Concubine)" under the "Legal Consultation" column of *Ling Long* in 1934, the anonymous inquirer stated that their relative Ms. X wanted to bring a lawsuit but had some questions on which she hoped the legal consultant

¹⁹ Kuo, *Intolerable Cruelty*, 109-137.

could offer guidance.²⁰ This implies that Ms. X sought help from the inquirer to send the inquiry to the magazine on her behalf. This case will be discussed in more detail in the next section “Legal Consciousness and Women’s Agency”.

Sometimes the inquirers might take the initiative to send the inquiries on the women’s behalf. In one inquiry posted on *Ling Long*, for instance, the inquirer noted that the abusive husband was their colleague in the factory, and the husband had an affair with a female worker there. He wanted to force his wife Ms. Z to divorce, often battering and abusing her.²¹ The inquirer states:

...His wife is a “weak woman (弱女子).” Her natal family doesn’t have abilities either. Recently it had led her to attempt suicide. Seeing her situation, I feel very sympathetic... I earnestly request an answer on what law can be used to address this.

In this case, the inquirer did not tell their relationship with Ms. Z, and it is unclear whether Ms. Z talked with them about seeking legal consultation on periodicals. However, such case indicates that the surrounding people who sent the inquiries for the abused women, showing sympathy on the women’s suffering and awareness of potential legal means to address spousal abuse, applied and developed legal consciousness and recognition of oppression on women in a

²⁰ “Fu na xiaoxing” 夫納小星 [Husband Taking Xiaoxing], *Ling Long* (Shanghai), 1934, 1883-1884; This paper tries to respectfully refer to individuals by their names, but there are many individuals mentioned in inquiries whose names are unknown. Thus, women who were anonymized in the legal inquiries are referred to as Ms. X, Ms. Y, and so on, and anonymous men are referred as Mr. A, for instance.

²¹ “Bi qi lihun” 逼妻離婚 [Forcing Wife to Divorce], *Ling Long* (Shanghai), 1932, 929-930.

practical context. In another inquiry, the author Wan Shi whose sister was abused by her husband stated: “Moved by our blood ties, I weep upon hearing about [the repetitive and violent abuse happening to my sister]. I plan to let my father and [her husband’s] father bring a lawsuit to the county government.”²² Compared to Ms. Z in the previous inquiry who was possibly socially connected with the anonymous inquirer, Wan’s sister found support from her sibling, who expressed deep concern of her well-being and tried to help her escape from the abuse through legal means.

Additionally, in some other inquiries, the writers did not specify the interactions between them and the abused women. The information needed to find out is unavailable, but it can be inferred that they were either requested to write on the abused women’s behalf or possibly took the initiative to send the inquiries.²³

From all these sources, it is observable that the abused women’s social or familial networks functioned as a supporting system which provided the women access to some legal consultation resources and empowered them to seek possible strategies to address spousal abuse despite the dominance of patriarchal family and social structures in 1930s China. Though these individuals might not be directly involved in resolving the disputes, they had leveraged their connections and recognition of the legal consultation resource, as well as their ability to write the

²² Shi Wan, “Bihu duda” 閉戶毒打 [Beating Behind Closed Doors], *Sin Wan Pao* (Shanghai), June 27, 1933.

²³ Yingshen Liu, “Lihun zhisu” 離婚之訴 [Divorce Lawsuit], *The China Times* (Shanghai), November 17, 1932; Zhemin Fan, “Hunhou yiqi” 婚後遺棄 [Abandonment after Marriage], *The China Times* (Shanghai), November 17, 1932; Chen, “Nuedai lihun” 虐待離婚 [Abuse and Divorce], *The China Times* (Shanghai), May 4, 1933; Xian Ji, “Lihun wenti” 離婚問題 [Divorce Inquiry], *Sin Wan Pao* (Shanghai), June 18, 1933.

legal inquiry letters and mail them to the press.²⁴ The fact that these individuals wrote the legal inquiry letters indicates that they were relatively educated and possessed literacy and legal consciousness. They considered the abused women's struggles in the legal frame, asking the lawyers about how laws can be applied to protect the women's rights and pursue justice. They were aware of the periodicals as a free legal resource and enabled the abused women to obtain some advice through the personal networks. Though whether these women actually brought a lawsuit and if so, the outcomes of the cases, are unknown, at least they had received some help and were able to see more options she could pursue, such as collecting evidence and sued for divorce on the grounds of intolerable cruelty, instead of just enduring the abuse.

Furthermore, the inquirers narrated spousal abuse from women's perspectives and bridge the voices of suffered women to the public sphere. Instead of framing the story as a family disharmony, which is more associated with patriarchal perception of family and gender, the friends or relatives writing the inquiries for the women portrayed the abused women as individuals who were unjustly mistreated by their husbands and sometimes in-laws also. They typically used the word "abuse (虐待)" to name the behavior.²⁵ To convey the seriousness and

²⁴ Although the mentioned individuals in the inquiries were typically anonymous, the process of sending inquiries is not anonymous for the inquirers. Because they were mailing letters to the periodicals, they likely needed to put down their names and addresses on the letters. Moreover, though some inquirers' names were hid from publications of the magazine or newspapers, in many instances the inquirers' full names were printed out.

²⁵ Xian Ji, "Lihun wenti" 離婚問題 [Divorce Inquiry], *Sin Wan Pao* (Shanghai) June 18, 1933; "Fu na xiaoxing" 夫納小星 [Husband Taking Xiaoxing], *Ling Long* (Shanghai), 1934, 1883-1884; Zhemin Fan, "Hunhou yiqi" 婚後遺棄 [Abandonment after Marriage], *The China Times* (Shanghai), November 17, 1932; "Bi qi lihun" 逼妻離婚 [Forcing Wife to Divorce], *Ling Long* (Shanghai), 1932, 929-930; Zihua Men, "Lihun wenti" 離婚問題 [Divorce Inquiry], *The China Times* (Shanghai), April 30, 1933; Ying Meng, "Feifa lihun" 非法離婚 [Illegal Divorce], *Ling Long* (Shanghai), 1933, 837-838; "Shemei sinianqian tingxin meiren" 舍妹四年前聽信媒

perpetuation of the abuse and enduring trauma experienced by the wives, they used phrases like “too miserable/suffering to describe (苦不堪言)”, “suffering being unbearable (受苦不過)”, “abuse being intolerable” (不堪虐待), “all kinds of abuses (種種虐待)”, and “[the woman] often being beaten and abased (時遭毆辱).”²⁶ In four particularly egregiously violent incidents, authors mentioned “harms/pains all over [her] body (遍體鱗傷),” “not a single part of her body is intact (體無完膚),” “blood flowing all over the ground which was too terrible to see (血流滿地慘不忍睹).”²⁷ Some authors also emphasized the gravity of the abuse by condemning the

人。。。[My sister listened to a matchmaker four years ago...], *Ling Long* (Shanghai), 1932, 546; “Fu yu naqie” 夫欲納妾 [Husband Wants to Take Concubine], *Ling Long* (Shanghai), 1934, 347-348; “Nuedai faqi” 虐待髮妻 [Abusing Wife], *Ling Long* (Shanghai), 1933, 1616; Feiyun Ma and Zhenling Chen, “Jiagei hengbao de zhangfu” 嫁給橫暴的丈夫 [Married an Abusive Husband], *Ling Long* (Shanghai), 1934, 145-146; Fen Lan, “Naqie qiqi” 納妾棄妻 [Taking Concubine and Abandoning Wife], *Ling Long* (Shanghai), 1933, 777-778; Lu Lan, “Ganqing buqia” 感情不洽 [Inharmonious Relationship], *Sin Wan Pao* (Shanghai), May 9, 1934; Ren, “Fufu bumu” 夫婦不睦 [Discord between Husband and Wife], *Sin Wan Pao* (Shanghai), May 5, 1934; Xian Ji, “Lihun wenti” 離婚問題 [Divorce Inquiry], *Sin Wan Pao* (Shanghai), June 18, 1933.

²⁶ “Fu na xiaoxing” 夫納小星 [Husband Taking Xiaoxing], *Ling Long* (Shanghai), 1934, 1883-1884; Zihua Men, “Lihun wenti” 離婚問題 [Divorce Inquiry], *The China Times* (Shanghai), April 30, 1933; Ying Meng, “Feifa lihun” 非法離婚 [Illegal Divorce], *Ling Long* (Shanghai), 1933, 837-838; “Shemei sinianqian tingxin meiren” 舍妹四年前聽信媒人。。。[My sister listened to a matchmaker four years ago...], *Ling Long* (Shanghai), 1932, 546; “Nuedai faqi” 虐待髮妻 [Abusing Wife], *Ling Long* (Shanghai), 1933, 1616; Fen Lan, “Naqie qiqi” 納妾棄妻 [Taking Concubine and Abandoning Wife], *Ling Long* (Shanghai), 1933, 777-778; Xian Ji, “Lihun wenti” 離婚問題 [Divorce Inquiry], *Sin Wan Pao* (Shanghai), June 18, 1933.

²⁷ Chen, “Nuedai lihun” 虐待離婚 [Abuse and Divorce], *The China Times* (Shanghai), May 4, 1933; Yingshen Liu, “Lihun zhi su” 離婚之訴 [Divorce Lawsuit], *The China Times* (Shanghai), November 17, 1932; Shi Wan, “Bihu duda” 閉戶毒打 [Beating Behind Closed Doors], *Sin Wan Pao* (Shanghai), June 27, 1933; Zihua Men, “Lihun wenti” 離婚問題 [Divorce Inquiry], *The China Times* (Shanghai), April 30, 1933.

perpetrators with phrases like “[the husband] doing all kinds of evil (無惡不作)” and “such cruelty cannot be tolerated by either the law of nature or the state (似此殘忍手段為天理國法所不容)”.²⁸

One reason behind the inquirers’ choices of language might be that the traditional norms influenced by patriarchal ideologies tended to downplay domestic abuse as a commonplace, minor issue or occasional conflict between spouses that was generally tolerable. From the fact that the 1931 Civil Code only allowed divorce in the circumstance of intolerable cruelty, and Kuo’s finding that court judges often trivialized domestic violence as occasional and not serious enough to warrant divorce, it can be imagined that society at large did not view spousal abuse in general as a legitimate reason for a woman to leave her spouse.²⁹ Therefore, the women’s friends or relatives might think the severity of the abuses were important to underscore.

Also, such expressions also suggest the writers’ sympathy to the women and concerns for their well-being. In one previous example, one inquirer explicitly stated their sympathy to this woman who had attempted suicide, indicating that concerns on the woman’s situation prompted them to ask about legal resolutions for them.³⁰ Such inquiries, which were published on the three periodicals that were influential during the 1930s in China -- *Ling Long*, *The China Times* and *Sin Wan Pao* -- helped show the injustice and harm of domestic abuse to the readers who came across to learn about these women’s stories. Through their narratives of women enduring abuse

²⁸ Zhemin Fan, “Hunhou yiqi” 婚後遺棄 [Abandonment after Marriage], *The China Times* (Shanghai), November 17, 1932; Zihua Men, “Lihun wenti” 離婚問題 [Divorce Inquiry], *The China Times* (Shanghai), April 30, 1933.

²⁹ Kuo, *Intolerable Cruelty*, 109-137.

³⁰ “Bi qi lihun” 逼妻離婚 [Forcing Wife to Divorce], *Ling Long* (Shanghai), 1932, 929-930.

and struggling to navigate their situations, these individuals implicitly suggested women's disadvantaged position in the power relationship of the family and helped raise awareness of domestic abuse issues.

Abused Women's Agency

Building upon Kuo's findings of women bringing divorce lawsuits to courts on the grounds of intolerable cruelty, this study provides empirical insights into the process of abused women approaching their challenges in the legal frame, suggesting concrete evidence of their legal consciousness and capacity of taking actions to resist the obstacles and injustices. In doing so, they were able to subtly change the historical environments they lived in.

The individuals seeking the inquiries thought of using legal means to address their predicament and leveraging their networks and free legal consultation. For instance, in the inquiry titled "Husband Taking *Xiaoxing* (Concubine)" mentioned in the previous section, Ms. X's husband Mr. A took two concubines, and she had been experiencing spousal abuse for a long period.³¹ Also, she was forced to live outside alone to escape from abuse. Her relative wrote on her behalf:

...Now my relative [i.e. Ms. X] wants to file a lawsuit to the county government but has several questions. Please offer some guidance on them. (1) Does Mr. A violate the criminal law by taking concubines? Can she file a criminal lawsuit? (2) Mr. A is a respectable businessman who owns real estate worth about thirty to forty thousand. How

³¹ "Fu na xiaoxing" 夫納小星 [Husband Taking Xiaoxing], *Ling Long* (Shanghai), 1934, 1883-1884.

much share can my relative get? (3) My relative is already at her sixties and wants to request for an alimony of five thousand Yuan. Is it legal? (4) However, my relative now lives outside alone and has no money. If she requests for an alimony, she will need to pay legal fees. The cost is really too high for her to afford. Can the law provide any aid?

Based on this inquiry, Ms. X whose husband took concubines and abused her intended to use legal means to navigate her situation. She was not only aware of possible legal resolutions to protect her rights and address her financial needs, but also managed to access free legal consultation through her familial network who wrote the inquiry letter to the periodical on her behalf. Though her own legal knowledge might be limited, she recognized that concubinage and bigamy potentially violated certain law which would allow her to file a legal complaint to seek remedies. On the other hand, she was at her sixties and had been forced to live alone with no money, so reasonably her priority was to secure a stable life by getting some alimony and share of the marriage property while living away from her abusive husband. She also considered the legal costs of bringing lawsuits and asked about potential legal aid. Despite her financial difficulties and experiences of injustice, which were very frustrating to her, she did not refrain from resisting the situation. She actively sought resources and leveraged her familial network to get free legal advice. She practiced her legal consciousness to protect her own rights, showing an effort to control the direction of her life and future.

Ms. Y's situation was similar to Ms. X's. In another *Ling Long's* legal inquiry, Lan Fen, the inquirer, writing on the abused woman Ms. Y behalf, stated that her husband took a

concubine and abused her.³² Unable to bear the abuse any longer, she went to Shanghai alone to make her own living and hoped her husband would change his mind one day. However, her husband even took another concubine recently. She was now middle-aged and could not make her own living. Considering how to navigate the rest of her life, she had her friend Lan ask the lawyer: what law her husband violated by taking two concubines; since her husband completely ignored her when she lived in Shanghai over the past nine years, whether her husband had the legal right to prohibit her from marrying to another man; whether this man would violate the law by marrying her; what the possible means to end her marital relationship with her husband were.

Similar to Ms. X, because of Ms. Y's particular circumstance, her priority was how to settle the rest of her life. Considering marrying another person, she focused on asking whether this would be legal and in what way she could divorce her husband. Since she did not ask about spousal abuse, it is unclear whether she perceived the abuse as a potential legal grounds for divorce. However, it can be inferred that she deliberated on how to navigate the rest of her life and the questions she needed to ask to ensure there would be no legal obstacles. Her careful formulation of questions reflects her determination to navigate the complexities of her circumstances and overcome legal barriers with the assistance of available resources. Like Ms. X, she obtained assistance from her friend to leverage the free legal consultation offered by the magazine. With deliberate consideration, she, without much knowledge of laws, was able to thoughtfully translate her understanding of the struggles in her life into specific, practical strategies to overcome the predicament.

³² Fen Lan, "Naqie qiqi" 納妾棄妻 [Taking Concubine and Abandoning Wife], *Ling Long* (Shanghai), 1933, 777-778.

Moreover, there are also instances in which the abused women themselves wrote the inquiry letters. An abused woman named Wu Fuzhen told that her husband Hu took a concubine and beat her many times in an inquiry found in *Ling Long*, which was written in 1934.”³³ Ms. Wu stated: “The repeated beating can be evidenced by hospital documentations of injuries, and there are witnesses available to testify every instance of violence. The weak woman (referring to herself) has injuries all over her body and has gone to the hospital for treatment, which can be proved by documentations of injuries.” She called herself a “weak woman”, a common image of some women who were socially perceived as powerless and vulnerable, possibly in order to highlight her situation of being oppressed and disadvantaged in the familial and gender power relationship. Then, she moved on to ask several legal questions: whether Hu was responsible for bigamy; whether his repetitive abuse and beating violated criminal laws; if she could get her properties that she gave to him back; whether she could apply for monetary remedies and alimony, and under which law she should file the lawsuit.

These questions reflect her thoughtful consideration of various possible legal actions she could take, ranging from holding her husband responsible for legal violations to getting monetary compensation to protect her rights and future well-being, as well as the specific lawsuit procedures. Although Ms. Wu, who was unable to escape from the abuse for a long time, wrote her story in a passive tone and described herself as “weak”, it does not mean she lacked agency from the historical perspective. The difficulties she faced were most likely due to structural oppression on women in the historical period, patriarchal family system, and lack of resources. Despite the challenges she had been facing, her awareness and actions of collecting evidence for

³³ Fuzhen Wu, “Zhangfu chongqie nueqi” 丈夫寵妾虐妻 [Husband Dotes on Concubine and Abuses Wife], *Ling Long* (Shanghai), 1934, 2523-2524.

abuse, the fact that she wrote the inquiry letter to the periodical to seek legal advice, and her thoughtful questions to address her situation all suggest that she had the will and capacity to fulfill the potential of changing her situation by taking actions as she could.

Such case suggests the capacity of oppressed women in analyzing their situations and taking advantage of the resources they had access to. Another woman, Ying Ying, who seemed to lack familial support that some other women in the inquiries had, also wrote an inquiry letter by herself to the periodical.³⁴ She narrated that she married to a man who, based on her parents' assertions, was financially well-off and 24 years old. She discovered after marriage that he was actually 39 years old and deeply in debt. He frequently abused her severely, making her have "injuries all over her body". When she complained to her parents with tears, her father even reprimanded her. She "sworn to herself that she would rather die than living together [with her husband]" and had attempted suicide several times. She then pleaded to the lawyer for advice on whether it would be possible for her to divorce with her husband and seek a women's charity shelter or other possible shelters to live. She also asked whether and on what grounds she could bring a divorce lawsuit.

For Ms. Ying, the familial network which other women found support from was not available, leaving her with minimal resources to escape from her abusive husband. In a society dominated by patriarchal family structures, she could not return to either her husband's home or her father's home. Despite the trauma and stress, her narrative suggests that she carefully evaluated her circumstances and all viable alternatives. Being alone in navigating the struggles, she formulated a feasible plan for her future, which included divorce and living in a women's

³⁴ Ying Ying, "Zao fu nuedai" 遭夫虐待 [Abused by Husband], *Sin Wan Pao* (Shanghai), May 9, 1934.

charity shelter where she could work and maintain a celibate life. Ying demonstrated her agency by recognizing and leveraging the legal consultation resource provided by the periodical to seek guidance on her plan and by actively devising a possible escape from the abusive family environment to continue her life, when available options for women like her were extremely limited.

In an era where legislation protecting individuals from domestic violence or holding the abusers responsible was lacking, with only the Civil Code addressing divorce in the circumstance of intolerable abuse, women like Ms. X, Ms. Y, Ms. Wu, and Ms. Ying demonstrated resilience in seeking alternative strategies within the existing legal framework to improve their circumstances, despite formidable legal and socioeconomic obstacles. These cases underscore the agency of oppressed women in analyzing their situations and utilizing available resources to resist and blunt the historical circumstance of their time.

Moreover, some other pieces showed similar legal consciousness and the women's capacity to seek potential resources to influence their own lives. In an inquiry on *The China Times*, the inquirer, Ms. Jin, had a husband she described as fierce and violent.³⁵ He often used a sharp knife to threaten her, and she "feared him like fearing snakes and scorpions". Also, Jin revealed that her husband was addicted to opium and stole and sold her grandfather's property. She then asked about the possible legal means she could utilize if her husband insisted and refused to divorce. Another example is revealed in the inquiry written by the abusive husband's friend. The author stated that the abused wife could no longer bear the suffering from the repetitive abuses and planned to divorce through legal means, asking whether this would be

³⁵ Jin, "Fu ye buliang" 夫也不良 [Husband Being Depraved], *The China Times* (Shanghai), September 18, 1932.

feasible.³⁶ Furthermore, there is another instance in which the abused woman, Lin Ying, did not categorize the issues as law-related in her letter but similarly demonstrated her capacity of seeking out resources to manage her challenges.³⁷ Ms. Lin used to have a boyfriend who later told her that he was already married. After marrying another man, Ms. Lin had been experiencing physical violence and verbal abuse from her husband. Struggling with domestic abuse and relationships, she wrote in her letter to the “Ling Long Mailbox” column: “I have always known that older sister (referring to the editor) is good at understanding and solving people's struggles. I hope you can provide me guidance on how to find a way out by publishing your answer on your esteemed magazine.”

The timelines described by authors in all these inquiries reveal that the abuses had unfortunately occurred for a long period at the time the letters were written. This can be attributed to the limited resources these women had and the patriarchal family and social environments. As the result, they might endure the abuses at the beginning and finally decided to take legal actions when the abuses became too repetitive and severe. However, based on the fact that the Civil Code was implemented only less than four years before the inquiries, it can be reasonably speculated that most of these women might have become aware of the new laws. Though they were not necessarily knowledgeable of the specific provisions, they possessed legal consciousness of their rights and the will to navigate the predicament by approaching legal resources, sometimes through familial and social networks. Thus, they often approached the issues from the legal perspective to address their needs and protect their well-being.

³⁶ “Nuedai faqi” 虐待髮妻 [Abusing Wife], *Ling Long* (Shanghai), 1933, 1616.

³⁷ Lin, Ying, “Shou zhangfu nuedai” 受丈夫虐待 [Being Abused by Husband], *Ling Long* (Shanghai), 1935, 3595-3596.

Beyond navigating their own situations, these individuals made the voices of women experiencing spousal abuse louder in the society, in which the traditional patriarchal notions and power structures were prevalent and legal systems addressing spousal abuse were extremely limited. Certainly, the sources discussed in this paper are far from sufficient for a casual inference between these legal inquiries and the raised awareness of spousal abuse and changes of social attitudes on this issue. However, the figures appeared in these inquiries represent some of the women in the era who actively took legal actions to assert their legal and human rights and participated and expanded the discourses on spousal abuse and women's rights. Through the spread of the influential periodicals *Ling Long*, *The China Times*, and *Sin Wan Pao*, these women's voices were heard by readers of these periodicals and possibly these readers' networks with whom they talked about the stories they had learned. Through the publication of these women's experiences, people could become aware of spousal abuse and laws addressing this. Though the scope of influence might be limited because people needed to be literate and interested in reading the legal inquiries, at least the awareness and knowledge were expanded to a larger population, making it more difficult for the society to overlook or deny these women's suffering.

Although it was uncertain how widely legal consciousness and awareness of spousal abuse had spread among the general population since the implementations of the 1931 Civil Code and other new laws, evidence supports their emergence in the early 1930s in China. First, the legal inquiries were popular, suggesting a widespread readership and heightened legal awareness. *Sin Wan Pao* was so overwhelmed by the inquiry letters sent to them that they had to

suspend accepting submissions for three weeks.³⁸ *Ling Long* and *The China Times* had also found their “Legal Consultation” column and “Legal Forum” column becoming popular. On *The China Times*’s issue on January 1, 1933, the article titled “Remarks for Legal Forum”, authored by Xu Yuanqing, stated:

Our newspaper... launched the Legal Forum column on April 1... Within less than a year since its inception, the readership has spanned all over the country, including remote regions such as Guangxi, Beiping, Shanxi, Guangdong, Guizhou, and Shandong. There has been a total of 2,744 inquiry letter from various regions. Our forum has almost been overwhelmed, but fortunately, 257 distinguished lawyers from the Shanghai Bar Association have generously volunteered as legal advisors to answer questions.³⁹ We and the readers are deeply grateful for their assistance.⁴⁰

The information indicates that there had been on average over 10 legal inquiries sent by readers per day to *The China Times*, and the inquirers ranged from those living in provinces far north to far south. It suggests that many people had developed their awareness of new laws implemented by the Nationalist government in the early 1930s and the free legal inquiry platform as a resource to address their personal legal issues. As evidenced by previous discussions of the

³⁸ “Tingzhi shougao sanxingqi” 停止收稿三星期 [Stop Accepting Submissions for Three Weeks], *Sin Wan Pao* (Shanghai), September 15, 1933.

³⁹ The exact number of lawyers is uncertain due to unclear printing.

⁴⁰ Yuanqing Xu, “Fatan ganyan” 法壇感言 [Remarks for Legal Forum], *The China Times* (Shanghai), January 1, 1933.

inquiries relating to domestic abuse, the abused women and their networks had also recognized the platform as a resource. The popularity of the column suggests a considerable number of readers of the legal inquiries posted on the newspaper. Therefore, more people potentially developed the awareness of domestic abuse and relevant legal provisions through reading those inquiries.

Similarly, the editors of *Ling Long* found readers particularly interested in the legal inquiries. In “Editor’ Note” in 1932, it states: “Due to letters from readers requesting more legal Q&A contents, we have decided to increase the amount of such contents as much as possible starting from this issue.”⁴¹ Since *Ling Long* is a female-oriented magazine whose readers were mostly women, this might also indicate that many women who had access to this magazine developed their legal consciousness and actively sought more legal knowledge. They might learn about the abused women’s stories through reading their inquiries, which would also foster awareness of domestic abuse.

There are also snapshots of women being influenced by and engaging in the discourse surrounding domestic abuse and divorce. In one letter to the editor Ms. Chen Zhenling in the “Ling Long Mailbox”, the author Meng Ying stated that her parents did not agree her to marry her boyfriend, who tried to persuade her to marry him anyway.⁴² However, Meng was very concerned and stated the reason: “. . . The newspapers continuously feature horrific news about abandonment, abuse, divorce, etc., leaving a profound impression on me.”

Another writer, Juan Juan, wrote an article in *Ling Long* stating:

⁴¹ “Bianjizhe yan” 編輯者言 [Editor’s Note], *Ling Long* (Shanghai), 1932, 282

⁴² Ying Meng, “Relian zhong de aichou” 熱戀中的哀愁 [Sorrow in Romance], *Ling Long* (Shanghai), 1934, 1605-1609.

...Regarding the recent increase in divorce cases, we should think of it as oppressed women rising up, rather than a collapse of morality. Many people in society often blame women for divorce... Most divorce cases nowadays were caused by men's abuses, so it becomes clear who is responsible [for increased divorce cases].⁴³

Meng and Juan might exemplify a group of relatively educated women who became sensitized to the domestic abuse issues through media reports and social discourses.⁴⁴ It is conceivable that abused women in 1930s China, despite facing obstacles in seeking justice in courts, had found alternative ways to amplify their voices in an era with limited resources for them and to influence other individuals, such as those relatively educated women who engaged in the discussions of the issue. Through leveraging legal inquiries and filing divorce lawsuits, they managed to create influences on others who learned about their experiences of resisting the structural obstacles. Also, as suggested by Kuo's study of divorce cases, a significant number of abused women were bringing lawsuits to courts in 1930s, which also indicates women's increasing legal awareness and resistance to domestic abuse.⁴⁵

⁴³ Juan Juan, "Lihun shi shuide zeren" 離婚是誰的責任 [Who Is Responsible for Divorce], *Ling Long* (Shanghai), 1933, 243-244.

⁴⁴ This study primarily focuses on the agency exhibited by women in leveraging available resources to navigate struggles with domestic abuse as presented by legal inquiries. Due to the limitation of sources, the analysis here can only provide a glimpse into the potential broader implications of the abused women's voices. Future studies could further examine the social impacts of women's actions against domestic abuse and the evolving discourse surrounding domestic abuse prompted by the publication of these women's stories.

⁴⁵ Kuo, *Intolerable Cruelty*, 109-137.

From a historical perspective, the legal inquiries bring a woman-centered narrative about domestic violence in the context of legal means and responsibilities, resisting the systematic oppression and patriarchal narratives. Legal inquiries connected spousal abuse to a pursuit of legal rights and justice. In the historical period without advanced technologies or social media, such accounts were brought to the public through personal inquiries to the popular periodicals. Although not all women at that time had direct access to such platforms to address their legal issues, the discussion of publicized cases shed light on domestic abuse suffered by women whose voices were often marginalized. This exposure could help the awareness of the issue penetrate society, potentially empowering a broader group of women facing similar challenges.

Conclusion

This paper discusses the legal inquiries written by women who experienced domestic abuse or by their familial or social networks to three periodicals -- *Ling Long*, *The China Times*, and *Sin Wan Pao* -- in 1930s China. The individuals' actions of sending legal inquiries about domestic violence in the years following the implementation of the Civil Code in 1931 demonstrate the existence of legal consciousness of domestic abuse in the 1930s. The inquiries, which were sent by abused women themselves or by others on behalf of the women, suggest that these women possessed the capacity to analyze the nuances of their situations and actively leverage available strategies to improve their circumstances. These sources provide concrete evidence of women strategically taking advantage of available resources to protect their rights, including existing laws, personal networks, and free legal consultation provided by the periodicals. Based on the analyses of the inquiry contents, the reference to the Civil Code or law

in general was highly prevalent. This shows that the individuals were aware of the new laws as a potential source to protect the abused women's well-being. From the social or familial relations mentioned in the inquiries, it can be imagined that legal consciousness had been transmitted through the networks. Moreover, given the popularity of the periodicals, the legal consciousness of domestic abuse might have been spread more broadly to the audience of the periodicals, reshaping the discussions regarding domestic abuse to focus on legal actions and rights, which would subtly modify the social attitudes toward domestic abuse, an issue marginalized by traditional patriarchal norms.

The experiences of women discussed in this paper should not be casually generalized to the broader population. However, a critical value of exploring abused women's plight in 1930s China is to illuminate the complex nature of individuals' resistance against structural obstacles within the context of their historical circumstances. It would be nearly impossible for an individual to substantively alter their historical condition, and even for a group of people, it would be an extremely difficult task. However, this does not mean the individuals are powerless. Through the legal inquiries relating to domestic abuse, women demonstrated their capacity to resist and subtly alter their historical conditions by deliberately analyzing their circumstances and strategically utilizing available resources. Moreover, the abused women's personal networks and those individuals behind the legal inquiry platforms extended their agency to empower others, which enhanced the potential for meaningful changes within challenging historical conditions.

Bibliography

Primary Sources

“Bianjizhe yan” 編輯者言 [Editor’s Note]. *Ling Long* (Shanghai) 2, no. 56, 1932: 282.

CNBKSY.

“Bi qi lihun” 逼妻離婚 [Forcing Wife to Divorce]. *Ling Long* (Shanghai) 2, no. 70, 1932: 929-

930. CNBKSY.

Chen 陳氏. “Nuedai lihun” 虐待離婚 [Abuse and Divorce]. *The China Times* (Shanghai). May

4, 1933. CNBKSY.

Fan, Zhemin 范哲民. “Hunhou yiqi” 婚後遺棄 [Abandonment after Marriage]. *The China Times*

(Shanghai). November 17, 1932. CNBKSY.

Feng, Da 馮達. “Nuedai qiuli” 虐待求離 [Being Abused and Seeking Divorce]. *The China*

Times (Shanghai). April 8, 1933. CNBKSY.

“Fu na xiaoxing” 夫納小星 [Husband Taking Xiaoxing]. *Ling Long* (Shanghai) 4, no. 29, 1934:

1883-1884. CNBKSY.

“Fu yu naqie” 夫欲納妾 [Husband Wants to Take Concubine]. *Ling Long* (Shanghai) 4, no. 6,

1934: 347-348. CNBKSY.

Hsia, Ching-Lin, James L. E. Chow, and Yukon Chang, trans. *The Civil Code of the Republic of*

China. Arlington, Virginia: University Publications of America, Inc., 1976.

Ji, Xian 集賢. “Lihun wenti” 離婚問題 [Divorce Inquiry]. *Sin Wan Pao* (Shanghai). June 18,

1933. Microfilm.

Jin 金氏. “Fu ye buliang” 夫也不良 [Husband Being Depraved]. *The China Times* (Shanghai).

September 18, 1932. CNBKSY.

Juan, Juan 娟娟. “Lihun shi shuide zeren” 離婚是誰的責任 [Who Is Responsible for Divorce].

Ling Long (Shanghai) 3, no. 6, 1933: 243-244. CNBKSY.

Lan, Fen 蘭芬. “Naqie qiqi” 納妾棄妻 [Taking Concubine and Abandoning Wife]. *Ling Long*

(Shanghai) 3, no. 17, 1933: 777-778. CNBKSY.

Lan, Lu 蘭路. “Ganqing buqia” 感情不洽 [Inharmonious Relationship]. *Sin Wan Pao*

(Shanghai). May 9, 1934. Microfilm.

Lin, Ying 林英. “Shou zhangfu nuedai” 受丈夫虐待 [Being Abused by Husband]. *Ling Long*

(Shanghai) 5, no. 41, 1935: 3595-3596. CNBKSY.

Liu, Yingshen 柳應深. “Lihun zhi su” 離婚之訴 [Divorce Lawsuit]. *The China Times*

(Shanghai). November 17, 1932. CNBKSY.

Ma, Feiyun 馬菲芸, and Zhenling Chen 陳珍玲. “Jiagei hengbao de zhangfu” 嫁給橫暴的丈夫

[Married an Abusive Husband]. *Ling Long* (Shanghai) 4, no. 3, 1934: 145-146. CNBKSY.

Men, Zihua 門梓華. “Lihun wenti” 離婚問題 [Divorce Inquiry]. *The China Times* (Shanghai).

April 30, 1933. CNBKSY.

Meng, Ying 夢影. “Feifa lihun” 非法離婚 [Illegal Divorce]. *Ling Long* (Shanghai) 3, no. 18,

1933: 837-838. CNBKSY.

Meng, Ying 夢鶯. “Relian zhong de aichou” 熱戀中的哀愁 [Sorrow in Romance]. *Ling Long*

(Shanghai) 4, no. 25, 1934: 1605-1609. CNBKSY.

Min Fa 民法 [Civil Code] (promulgated by the Republic of China, Dec. 26, 1930, effective

May 5, 1931), art. 1052, Legislative Yuan, from <https://lis.ly.gov.tw/lglawc/lawsingle?0>

00B5F8E992900000000000000000A000000002FFFFFD^04513019120300^000020010

01, retrieved on Feb. 19, 2024.

“Nuedai faqi” 虐待髮妻 [Abusing Wife]. *Ling Long* (Shanghai) 3, no. 30, 1933: 1616.

CNBKSY.

Ren 仁. “Fufu bumu” 夫婦不睦 [Discord between Husband and Wife]. *Sin Wan Pao* (Shanghai).

May 5, 1934. Microfilm.

“Shemei sinianqian tingxin meiren” 舍妹四年前聽信媒人。。。 [My sister listened to a

matchmaker four years ago...]. *Ling Long* (Shanghai) 2, no. 62, 1932: 546. CNBKSY.

Tang, Jun 湯鈞. “Nuedai qizi” 虐待妻子 [Abusing Wife]. *Ling Long* (Shanghai) 2, no. 61, 1932:

496-497. CNBKSY.

“Tingzhi shougao sanxingqi” 停止收稿三星期 [Stop Accepting Submissions for Three Weeks].

Sin Wan Pao (Shanghai). September 15, 1933. Microfilm.

Wan, Shi 頑石. “Bihu duda” 閉戶毒打 [Beating Behind Closed Doors]. *Sin Wan Pao*

(Shanghai). June 27, 1933. Microfilm.

Wu, Fuzhen 吳福珍. “Zhangfu chongqie nueqi” 丈夫寵妾虐妻 [Husband Dotes on Concubine

and Abuses Wife]. *Ling Long* (Shanghai) 4, no. 39, 1934: 2523-2524. CNBKSY.

Xu, Yuanqing 許元慶. “Fatan ganyan” 法壇感言 [Remarks for Legal Forum]. *The China Times*

(Shanghai). January 1, 1933. CNBKSY.

Ying, Ying 英英. “Zao fu nuedai” 遭夫虐待 [Abused by Husband]. *Sin Wan Pao* (Shanghai).

May 9, 1934. Microfilm.

Secondary Sources

- Buck, John Lossing. *Land Utilization in China; a Study of 16,786 Farms in 168 Localities, and 38,256 Farm Families in Twenty-Two Provinces in China*. New York, NY: Paragon Book Reprint Corp., 1964.
- Chin, Sei Jeong. "Print Capitalism, War, and the Remaking of the Mass Media in 1930s China." *Modern China* 40, no. 4 (2014): 393–425. <http://www.jstor.org/stable/24575604>.
- Hershatter, Gail. *Women and China's Revolutions*. 1st ed. Lanham, Maryland: Rowman & Littlefield, 2018. <http://ebookcentral.proquest.com/lib/ucsd/detail.action?pq-origsite=primo&docID=5492087#>.
- Kuo, Margaret. *Intolerable Cruelty: Marriage, Law, and Society in Early Twentieth-Century China*. ProQuest. Lanham, MD: Rowman & Littlefield Publishers, Incorporated, 2012. <http://ebookcentral.proquest.com/lib/ucsd/detail.action?docID=1108262>.
- Lu, Yanzhen 盧燕貞. *Zhongguo jindai nuzi jiaoyushi* 中國近代女子教育史 [Modern History of Women's Education in China]. Taipei City, Taiwan: The Liberal Arts Press, 1989. Quoted in Zhao, Xin. "1843—1937 nian de Shanghai nvzi jiaoyu: jieduan yu tedian" 1843—1937 年的上海女子教育：阶段与特点 [Women's Education in Shanghai from 1843 to 1937: Stages and Characteristics]. *Journal of East China Normal University (Educational Sciences)* 28, no. 2 (June 20, 2010): 90–95. https://oversea.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFD&dbname=CJFD2010&filename=HDXK201002012&uniplatform=OVERSEA&v=xgEu-dJ4JV9jrR9BPafSQmE5kefDkke2HUqlbTnS8GZItSfIgz72gZqrP_X3OzSU.