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Publication Date
2017-04-01
Acknowledgements: Research generously supported by the Institute for Humanities Research, the Association for Asian Studies China and Inner Asia Council Small Grant, the Henry Luce Foundation/ACLS Program in China Studies Predissertation-Summer Travel Grant, the UCSC Department of History, and intellectual companion and research partner, Melissa Brzycki.

Ignorant Women, Violent Men: Spousal Murder in 1930s Tianjin
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Abstract

The following two 1930s legal cases of spousal murder in Tianjin, a suburb of Beijing and treaty-port city in North China, raise certain dimensions of the rapidly changing status of women and their proper role, popularly known as the “woman problem” in twentieth-century China. But what was the place of problem women—the unruly, the indigent, and the criminal—within the woman problem?

In the case of these two courtroom proceedings, several important markers of the “woman problem” played a key role in sentencing: women’s economic dependency on and vulnerability to exploitative men, and a lack of education and knowledge.

The trials of the two defendants—who were subsequently compelled to serve long sentences in modern prisons—highlight the struggles of rural women as the subordinate in male-female power relations and the narrow definitions of sexual consent and coercion in Republican legal practice.

Historical Context

- 1911: Abdication of Qing Emperor
- 1912: Establishment of Nationalist Party (GMD)
- 1921: Establishment of the Communist Party (CCP)
- 1923-1927: First military cooperation between the GMD and the CCP against local warlords

- 1927: GMD violently suppresses CCP
- 1931: New Nationalist Civil Code
- 1932: New Nationalist three-tiered Court System established
- 1937-1941: Second military cooperation between the GMD and CCP against the Empire of Japan
- 1937-1945: Japanese Guangdong Army occupies Beijing-Tianjin region
- 1946-1949: Civil War between the GMD and CCP
- 1949: CCP establishes the People’s Republic of China (PRC), GMD flee to Taiwan

Profiles of the Accused

Mrs. Wei, 27 years old, farmer
Sentenced to 12 years imprisonment in 1933

Mrs. Huo, 31 years old, farmer
Sentenced to 15 years imprisonment, stripped of civil rights for 10 years in 1939

Both Mrs. Wei and Mrs. Huo:
- Claimed they were forced to commit the murders by male accomplices
- Claimed they were raped by these male accomplices
- Were accused of “consensual adultery” (tongjian) by the court
- Were formally charged with accomplice to murder

Conclusions

- The “Woman Problem” and Problem Women: In general, women were pitiful for their economic dependency on and vulnerability to men, and lack of education and knowledge. Criminal women were furthermore derided for these problems and their turn to crime.

- The Nationalist Courtroom: The new three-tiered GMD court system sometimes sympathized with the plights of women as victims, but nevertheless often dealt out lengthy punishments which did not necessarily reflect those sympathies.

- Japanese Occupation: From these court proceedings, it is clear that there were no Japanese officials directly involved in the trials of the defendants, despite the Hebei-Tianjin area being under Japanese occupation. This supports other scholars’ conclusions that occupiers only intervened in the criminal justice system for political crimes.