

# UC Santa Cruz

## UC Santa Cruz Electronic Theses and Dissertations

### Title

Gender, Criminality, and the Prison in China, 1928-1953

### Permalink

<https://escholarship.org/uc/item/39x2z8g3>

### Author

Montgomery, Stephanie Michelle

### Publication Date

2018

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA  
SANTA CRUZ

**GENDER, CRIMINALITY, AND THE PRISON IN CHINA, 1928-1953**

A dissertation submitted in partial satisfaction  
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

HISTORY

by

**Stephanie M. Montgomery**

June 2018

The Dissertation of Stephanie M. Montgomery  
is approved:

---

Professor Gail Hershatter, chair

---

Professor Emily Honig

---

Professor Noriko Aso

---

Tyrus Miller  
Vice Provost and Dean of Graduate Studies

Copyright © by  
Stephanie M. Montgomery  
2018

## Table of Contents

Abstract.....	iv
Acknowledgements .....	v
Introduction.....	1
Chapter One: “The Eyes of Science” .....	16
Chapter Two: The Courtroom.....	62
Chapter Three: Inside the Women’s Prison.....	103
Chapter Four: Health and Hygiene in the Prison .....	141
Epilogue.....	177
Appendix A: Glossary of Prison Names.....	189
Bibliography .....	190

## **Abstract**

### **Gender, Criminality, and the Prison in China, 1928-1953**

**Stephanie Montgomery**

This dissertation examines the relationship between state visions of penal reform and actual conditions in women's prisons in the coastal cities of Shanghai and Tianjin during a quarter century of political change encompassing Nationalist political control, Japanese occupation, civil war, and the early years of the People's Republic of China. In particular, my research addresses a body of literature on the "woman problem," a topic of heated public debate centered on the status of women and their proper role in twentieth-century China. I ask the following question: what was the place of problem women — the unruly, the indigent, and the criminal — within the woman problem? Even though women criminals were among the most disenfranchised members of Chinese society, their lives touched on important issues of national debate about women's purported inherent weakness and its relationship to national weakness. Government reformers and planners believed that the reform of criminal women — who were often compelled to serve sentences in modern prisons — played an integral role in successful state building.

## **Acknowledgements**

I am deeply grateful for the community of scholars at the University of California, Santa Cruz. I wish first to thank my exceptional advisors, Gail Hershatter and Emily Honig. Their wisdom, generosity, and patience saw us all through many difficult moments. My work has also greatly benefited from coursework and conversations with faculty at UCSC, especially Noriko Aso, Nancy Chen, Alan Christy, Chris Connery, Minghui Hu, David Keenan, Marc Matera, and Rasmus Grønfeldt Winther. I am especially grateful to all of the faculty and staff in the Department of History. From my undergraduate years at the University of Nevada, Reno, I would like to express my gratitude for the unending and enthusiastic support of Hugh Shapiro, without whom I would not be an historian of China.

The coursework and research necessary to complete this dissertation would not have been possible without generous funding from the University of California, Santa Cruz Department of History and the Humanities Institute. The University of California Eugene Cota-Robles Fellowship allowed me to focus solely on research on writing for several crucial years. With the support of the Association for Asian Studies China and Inner Asia Council (CIAC) Small Grant, the Henry Luce Foundation/ACLS Program in China Studies Predissertation-Summer Travel Grant, and the U.S. Department of State Critical Language Scholarship Program, I was also able to do extended research and language study in China.

My research was made easier with the help of many scholars at the Ocean University of China in Qingdao, Fudan University, and Nankai University. I

especially wish to thank professors Zhao Hailin and Jin Guangyao. My dissertation also benefited greatly from the assistance of the archivists, librarians, and staff of the Qingdao Municipal Archives, the Shanghai Municipal Archives, the Tianjin Municipal Archives, the Shanghai Library, and the Nankai University Department of History Library. None of this research, of course, would be possible without the excellent training I received from the many Chinese language instructors of the University of Nevada, Reno, the Chinese language program at Middlebury College, and the International Chinese Language Program at National Taiwan University. Thank you all for your patience, care, and friendship, especially Viv He and Yeh Fang-Wen.

I consider myself very fortunate to be part of our close-knit group of graduate students at UCSC. The hardships of graduate school were easier with their intellectual companionship. I am most thankful for my closest comrades Faye Gao and Melissa Brzycki. Without their keen eyes, sharp wit, and steadfast emotional support, my days would have felt much bleaker. I look forward to re-living my research days with Melissa Brzycki in Minnesota.

My family has been a continuous source of support, especially my grandfather, Joseph McCoy. The women in my family in particular, and their resilience despite many difficulties, bolstered my commitment to this study of incarcerated lower-class women. My partner, Andrei Anatoilevich Tcacenco, provided continuous support, suggestions, and company during late-night writing sessions.

## Introduction

On a particularly hot summer day in the Qingdao Municipal Archives, after a month of slogging through countless archival sources (hospital records from maternity wards, newspaper articles on the Soviet-developed Lamaze method of childbirth, and receipts from Japanese midwives from the occupation years), I stumbled across a startling set of documents: bail requests from 1932 on behalf of four female inmates who were to be temporarily released to give birth outside of the Qingdao city prison. These documents raised a series of questions: were pregnant women always released to give birth? Were they released into the care of family members or a hospital? How common was it for newborns to be returned to the prison with their incarcerated mothers? Were children also raised in the prison? These questions changed the direction of my research. I set out to track female inmates in Republican-era women's and co-ed prisons in the eastern coastal cities Shanghai and Tianjin, where prison officials left a rich and plentiful paper trail on the female inmates in their care.

This project examines the reformist goals of the modern prison and argues that a new gendered ideology of penal reform emerged in early twentieth-century China. For both men and women inmates, the new penal system required an institution based on the principles of science, run by modern, efficient administrators. For female inmates in particular, administrators' main task was to incorporate women criminals into a regimented, meticulously documented system that would produce a new, modern woman subject. A criminalized woman required special intervention to



eliminate her difference from other Chinese women so that she, too, could be a productive citizen and raise her children for the nation.

Women criminals, most from impoverished backgrounds, were among the most disenfranchised members of Chinese society, and yet, their lives touched on important issues of national debate in early twentieth-century China. During the years when the Chinese revolution was taking shape, heated public debate centered on the status of women and their proper role. In newspapers, journals, and the print world, the so-called “woman problem” was arguably one of the most important issues of concern in twentieth-century China. Intellectual reformers, such as the early twentieth-century scholar Liang Qichao and China’s most famous modern writer, Lu Xun, focused on a specific, marginalized group — women — and concluded that their uneducated, illiterate, foot-bound state signified the national weakness of the Chinese state and people.<sup>1</sup> The so-called “woman problem,” and women’s purported inherent weakness, were thus directly tied to larger conversations about national

---

<sup>1</sup> All Chinese and Japanese names are listed surname first, given name last, except in footnotes and the bibliography, where they are given according to Chicago-style conventions. Liang Qichao, for example, is listed surname first, followed by given name. On foot-binding: Laurel Bossen et al., “Feet and Fabrication: Footbinding and Early Twentieth-Century Rural Women’s Labor in Shaanxi,” *Modern China* 37, no. 4 (2011): 347–83; Dorothy Ko, *Cinderella’s Sisters: A Revisionist History of Footbinding* (Berkeley: University of California Press, 2005), passim. On breast-binding: Angelina Chin, *Bound to Emancipate: Working Women and Urban Citizenship in Early Twentieth-Century China and Hong Kong* (Rowman & Littlefield, 2012), 78–85, 131–34; Jun Lei, “‘Natural’ Curves: Breast-Binding and Changing Aesthetics of the Female Body in China of the Early Twentieth Century,” *Modern Chinese Literature and Culture* 27, no. 1 (Spring 2015): 163–223; Yi-Li Wu, “Body, Gender, and Disease: The Female Breast in Late Imperial Chinese Medicine,” *Late Imperial China* 32, no. 1 (June 2011): 83–128. On women’s illiteracy and education: Paul Bailey, “‘Modernising Conservatism’ in Early Twentieth-Century China: The Discourse and Practice of Women’s Education,” *European Journal of East Asian Studies* 3, no. 2 (2004): 217–41. On marriage: Margaret Kuo, *Intolerable Cruelty: Marriage, Law, and Society in Early Twentieth-Century China* (Lanham: Rowman & Littlefield Publishers, Inc, 2012), passim.

weakness. Women came to signify all that was wrong with traditional Chinese society and values, and the “woman problem”—raising the status of women and improving their quality as citizens — became a pressing issue of reform and modernization.

At the same time, the circulating discourse of “good wife, wise mother”, a phrase imported from Japan that built on idealized gender roles from the Qing dynasty, heightened anxieties around transgressive women at all levels of Chinese society.<sup>2</sup> Republican reformers encouraged specialized educational programs for women that emphasized training in home economics and domesticity.<sup>3</sup> They extolled the importance of women performing their patriotic duties in the domestic sphere as “mothers to the nation.” The crucial role of motherhood was paired with eugenicist discourse to warn of the dangers to the Chinese race if mothers failed to properly care for their children.<sup>4</sup> The future of new Republic, in many ways, was understood to rest in the hands of the mother and her sphere of influence in the home.

---

<sup>2</sup> Kaku Sechiyama, *Patriarchy in East Asia: A Comparative Sociology of Gender* (Brill, 2013), 67–68; Yongmei Wu, “Selling Modernity: Housewives as Portrayed in Yuefenpai (Calendar Posters) and Magazine Advertisements in Shanghai of the 1920s and 1930s,” in *Asian Women and Intimate Work*, ed. Kaoru Aoyama and Emiko Ochiai (Leiden: Brill, 2014), 114. Some late Edo-period Japanese reformers explicitly argued that mothers’ lack of attention to child-rearing in Japan and China was the source of the two nations’ “inferiority.” The West, according to the author, enjoyed prosperity for encouraging women to become devoted mothers. Shizuko Koyama, *Ryosai Kenbo: The Educational Ideal of “Good Wife, Wise Mother” in Modern Japan* (Brill, 2012), 28.

<sup>3</sup> Helen M. Schneider, *Keeping the Nation’s House: Domestic Management and the Making of Modern China* (UBC Press, 2011), 66–68; Sally Taylor Lieberman, *The Mother and Narrative Politics in Modern China* (University of Virginia Press, 1998), passim; Yuxin Ma, *Women Journalists and Feminism in China, 1898-1937* (Amherst, NY: Cambria Press, 2010), passim.

<sup>4</sup> Hiroko Sakamoto, “The Cult of ‘Love and Eugenics’ in May Fourth Movement Discourse,” *Positions: East Asia Cultures Critique* 12, no. 2 (Fall 2004): 350.

But what was the place of problem women — the unruly, the indigent, and the criminal — within this larger “woman problem”? Could problem women be “good wives,” “wise mothers,” or “mothers to the nation?” Poor women’s success as wives and mothers was directly tied to the home and economic stability. As scholars such as Janet Chen and Zhao Ma have shown, however, impoverished women often earned income outside the home in ways deemed illegitimate by the Republican state, thus running a high risk of incarceration in workhouses or prisons.<sup>5</sup> Hoping to solve the problem of female crime, Chinese criminal sociologists infused their domestic research on female inmates with global discourses — particularly from American scholars of the Chicago school of sociology — on female criminality. This global cohort of criminologists generally equated men with active violence and women with passive deception in a biologically reductive framework of crime, but also singled out poverty as a high-risk factor. For both Chinese and American criminologists, a modern, reformed prison system offered, at the very least, a potential solution to the socioeconomic elements of modern crime.

This study tracks the promise of a modern penal system in China as it was situated within these complex domestic and global conversations, both of which espoused the efficacy of serving custodial sentences in modern prisons. The prison project for women, however, presented a number of challenges. From the global birth

---

<sup>5</sup> Janet Chen, *Guilty of Indigence: The Urban Poor in China, 1900-1953* (Princeton: Princeton University Press, 2012), passim; Zhao Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949* (Cambridge, Massachusetts: Harvard University Press, 2015), passim.

of the prison in the mid-eighteenth century on, women were incarcerated at increasing rates and often brought with them the responsibilities of motherhood.<sup>6</sup> Incarcerated women also historically represented a minority in the largely masculine space, a phenomenon that has led to accounts of modern prisons that “...seldom if ever consider the possibility that patriarchal and gender-based assumptions might have played a role in the development of modern prisons.”<sup>7</sup> Yet scholars have shown that gender-based assumptions radically altered the landscape of prisons across the globe. In colonial India, the incarcerated were given different punishments, labor assignments, and living spaces based on gender. Women were also sometimes granted early release if they consented to marriage.<sup>8</sup> Beginning in the late eighteenth century and through the twentieth century, American prisons followed sex-segregation policies based on conceptions of women’s fundamentally different nature from men, narratives of the unreformable “fallen women,” and fears over unauthorized sexual intercourse.<sup>9</sup> These issues not only affected the care that female inmates received, but also radically altered the global prison project, which became a two-track system based on gender differences.

---

<sup>6</sup> Mary Gibson, “Global Perspectives on the Birth of the Prison,” *The American Historical Review* 116, no. 4 (October 2011): 1057.

<sup>7</sup> Russell Dobash, R. Emerson Dobash, and Sue Gutteridge, *The Imprisonment of Women* (B. Blackwell, 1986), 9.

<sup>8</sup> Clare Anderson, *Legible Bodies Race, Criminality and Colonialism in South Asia* (Oxford: Berg, 2004), 7–8.

<sup>9</sup> Estelle B. Freedman, *Their Sisters’ Keepers: Women’s Prison Reform in America, 1830-1930* (University of Michigan Press, 1984), 2; Mark E. Kann, *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic* (New York: New York University Press, 2005), 15–17; Shelley Bookspan, *A Germ of Goodness: The California State Prison System, 1851-1944* (Lincoln: University of Nebraska Press, 1991), 72–73.

My research speaks to this growing body of research on prisons, criminality, and gender in a global perspective, as similar concerns fueled the construction of separate women's wings or all-women's prisons in Republican China. While Foucault and other 1970s scholars of the prison pinpointed the birth of the modern prison from the mid-eighteenth century to the mid-nineteenth century (1760-1840), for most of the world, this was not the case. Indeed, in most places outside of Europe, the development of a modern penal system began in the late nineteenth and early twentieth centuries.<sup>10</sup> For China, the implementation of a modern penal system began in earnest in the early twentieth century with the construction of new or renovated prisons.

These government planners and reformers in Republican China understood the reform of women convicts to be an integral part of successful state building. Despite several studies on the modern prison in China during the twentieth century, the visions of successful care and punishment for women convicts by different regimes and our knowledge of the daily lives of women convicts remains incomplete.<sup>11</sup> The present study provides a closer look at the efforts of the Nationalist

---

<sup>10</sup> Gibson, "Global Perspectives on the Birth of the Prison," 1057.

<sup>11</sup> There is a growing body of literature in Chinese on female inmates and criminals, however. See Qisheng Wang, "Minguo Chunian de Nvxing Fanzui (1914-1936) [Early Republican Female Crime (1914-1936)]," *Research on Women in Modern Chinese History* 1 (June 1993): 5-18; Jing Ai, "Minchu Nvxing Fanzui de Jingjihua Qushi Yanjiu [Research on the Economizing Tendency of Women's Crimes during the Early Republican Era]," *Journal of Southwest University, Social Sciences Edition* 38, no. 5 (September 2012); Qingwu Yang, "Minguo Shiqi Shanghai Nvjian Renfan Siwang Weiti Shulue [The Death of Women Prisoners in Shanghai of Republic of China]," *Lishi Jiaoxue* 16 (2016): 45-52. For studies Republican prisons in general, see Frank Dikötter, "Crime and Punishment in Early Republican China: Beijing's First Model Prison, 1912-1922," *Late Imperial China* 21, no. 1 (December 2000): 140-62; Frank Dikötter, "The Promise of Repentance: Prison Reform in Modern China,"

government, the larger reform community, and the Communist government from the late 1920s to the early 1950s as they approached the problem women within the woman problem. Their approaches to problem women were situated within global conversations on criminal justice and penal reform, but also tailored to local conditions in twentieth-century China.

In the 1910s and 1920s, Republican reformers made sweeping and tangible changes to the criminal justice and penal systems, including new civil and criminal codes, a three-tiered court system, and rules governing prison management.<sup>12</sup> Although they still drew on the language and form of Qing legal documents, these changes marked a shift away from the previous Qing period.<sup>13</sup> In the penal system, early twentieth-century Chinese penal reformers, as elsewhere in the world, moved from a conception of primarily corporal punishment for criminal acts to one of rehabilitation-minded custodial sentences.<sup>14</sup> Global conversations on social

---

*British Journal of Criminology* 42, no. 2 (Spring 2002): 240–49; Frank Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949* (New York: Columbia University Press, 2002), passim; Jan Kiely, “Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China,” in *New Narratives of Urban Space in Republican Chinese Cities: Emerging Social, Legal and Governance Orders*, ed. Madeleine Zelin and Billy K. L. So (Leiden: Brill, 2013), 135–53; Jan Kiely, *The Compelling Ideal: Thought Reform and the Prison in China, 1901-1956* (New Haven: Yale University Press, 2014), passim; Klaus Mühlhahn, *Criminal Justice in China: A History* (Harvard University Press, 2009), passim.

<sup>12</sup> On the new Civil and Criminal Codes, see Kathryn Bernhardt and Philip C. Huang, *The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence* (Leiden: Brill, 2014), 73–90. Kuo, *Intolerable Cruelty*, 28–38. On the new Republican three-tiered court system, see: Kuo, 78–82. On the rules governing prisons, see: Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 380–92.

<sup>13</sup> Michael H. K. Ng, *Legal Transplantation in Early Twentieth-Century China: Practicing Law in Republican Beijing (1910s-1930s)* (Routledge, 2014), 3; Xiaoqun Xu, *Trial of Modernity: Judicial Reform in Early Twentieth-Century China, 1901-1937* (Stanford, Calif: Stanford University Press, 2008), 25–26.

<sup>14</sup> Dikötter, “Crime and Punishment in Early Republican China: Beijing’s First Model Prison,

Darwinism placed China on the lower end of the global racial hierarchy, prompting eugenicist concerns in China over how to improve the quality of the Chinese race as a whole and a nation, which in turn fueled the popularity of the prison.<sup>15</sup> The shift from punishment to reform in the modern prison also restructured previous notions of criminality from the Qing criminal code, especially within the family and between men and women. This study explores how these changes affected rehabilitation practices aimed at women who, throughout the late imperial period and into the modern period, were the subordinate party in both senior-junior family relations and male-female power relations.<sup>16</sup>

The Republican period included the Nanjing Decade (1927-1937), Japanese occupation (1937-1945), and Civil War (1946-1949). The shifts in governance and political control, although immense for the conditions and stability of Republican China, did not figure prominently in daily prison life. Indeed, my research finds striking continuity in internal prison documents and approaches to management in Shanghai and Tianjin, two economically important eastern coastal cities, across all of these periods. Prisons were, however, deeply affected by larger economic conditions

---

1912-1922"; Dikötter, "The Promise of Repentance: Prison Reform in Modern China." Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, passim. Kiely, "Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China." Kiely, *The Compelling Ideal*, passim. Mühlhahn, *Criminal Justice in China*, passim.

<sup>15</sup> Tani E. Barlow, *The Question of Women in Chinese Feminism* (Durham: Duke University Press, 2004), 4–6; Frank Dikötter, *Sex, Culture and Modernity in China: Medical Science and the Construction of Sexual Identities in the Early Republican Period* (London: Hurst & Co, 1995), 109–16; Frank Dikötter, *Imperfect Conceptions: Medical Knowledge, Birth Defects, and Eugenics in China* (New York: Columbia University Press, 1998), passim.

<sup>16</sup> Paul Bailey, "'Women Behaving Badly': Crime, Transgressive Behaviour and Gender In Early Twentieth Century China," *NAN NÜ* 8, no. 1 (2006): 156–97.

and warfare. Shanghai prisons in particular were affected by Japanese bombings, and in post-WWII, by inflation and good shortages.

The period of the Japanese occupation presents a puzzle.<sup>17</sup> The Japanese occupation was a time of social experimentation with urban administration. Although American and British prison models helped shape the modern Chinese prison, scholars have shown that institutions in China like the workhouse, reformatory, and prison drew heavily on Japanese models.<sup>18</sup> As with many Chinese elites of the time, the majority of Republican judges and lawyers were educated in Japanese universities and were still deeply influenced by the Japanese modernization project.<sup>19</sup> And yet, despite these major Japanese influences and the immense ramifications of Japanese occupation, my research suggests that non-political criminals were not a source of concern for Japanese administrators. Although Japanese occupiers were concerned with political crimes, they essentially let Chinese officials continue running the daily operations of the prison system. Consequently, no Japanese officials directly involved in the apprehension, trial, or sentencing of the common criminals appear in my study.

---

<sup>17</sup> There are already a number of studies on Shanghai under Japanese occupation, although none discusses the prison system. David Barrett and Larry Shyu, eds., *Chinese Collaboration with Japan, 1932-1945: The Limits of Accommodation* (Stanford: Stanford University Press, 2002), passim; Poshek Fu, *Passivity, Resistance, and Collaboration: Intellectual Choices in Occupied Shanghai, 1937-1945* (Stanford: Stanford University Press, 1997), passim; Christian Henriot and Wen-hsin Yeh, eds., *In the Shadow of the Rising Sun: Shanghai under Japanese Occupation* (New York: Cambridge University Press, 2004), passim; Donald Allan Jordan, *China's Trial by Fire: The Shanghai War of 1932* (Ann Arbor: University of Michigan Press, 2001), passim; Frederic E. Wakeman, *The Shanghai Badlands: Wartime Terrorism and Urban Crime, 1937-1941* (Cambridge ; New York: Cambridge University Press, 2002), passim; Timothy Brook, *Collaboration: Japanese Agents and Local Elites in Wartime China* (Cambridge: Harvard University Press, 2007), passim.

<sup>18</sup> Chen, *Guilty of Indigence*, 23–24; Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 50–53; Kiely, *The Compelling Ideal*, 12–17; Mühlhahn, *Criminal Justice in China*, 67.

<sup>19</sup> Ng, *Legal Transplantation in Early Twentieth-Century China*, 57–59.



It was only during the early 1950s that, under the governance of the Chinese Communist Party, major changes were made to the penal system. The new thought reform and reform through labor or *laogai* systems replaced the prison system. Even then, major continuities characterized the 1949 divide. The stated goals and structure of the new penal system, although informed by Marxist discourses of class, shared many commonalities with the previous Republican system.

### **Sources**

As marginalized figures, poor, laboring, and/or rural women are often difficult to locate in the historical record and there remain in our knowledge about their lives. However, the historical subjects of this project were part of a category of poor women that the state was watching closely and documenting thoroughly. This study uses both published and archival sources to piece together the story of their lives. Published sources include stories in local Shanghai and Tianjin newspapers and popular journals that discussed the problem of women's crime, theories of female criminality, and observations of women's and co-ed prisons, both in China and abroad. I have also made use of criminological studies in Republican academic journals and the English-language criminologists whom Chinese criminologists cited in their work. In Shanghai and Tianjin archives, I found courtroom proceedings, internal prison reports, bail requests, infirmary records, and birth and death certificates.<sup>20</sup> In using these sources, varied in content and form, I make use of the rare moments in which

---

<sup>20</sup> In Chapter Four, I also utilize some sources from the Qingdao Municipal Archives (hereafter QMA), though Qingdao is not the geographical focus of any chapter.

poor women ran afoul of the law to explore not only their lives as inmates, but also how changes in Republican legal practice and the new criminal system impacted the lives of poor women, both rural and urban.

The question of how to understand female crime and what to do with women deemed criminal, as well as their children, was (and is) a complex issue for criminologists, law-makers, prison administrators, and workers in criminal justice systems in China. Although this project shares details about the lives and experiences of women who were labeled criminal, it is less a story about them than a story about the fascination Chinese criminologists, penologists, and reformers had with collecting details, facts, and statistics about each individual woman accused of a crime.<sup>21</sup> It is also a story about how Chinese officials involved in shaping the new criminal justice system hoped to end poverty, violence, and crime by engaging in invasive methods of scrutiny and documentation of the women in their care.

The dual theoretical and practical disciplines of criminology, which sought to understand crime, and penology, which sought to cure it, were tools of the Republican state in disciplining citizens. Such methods were thought to be modern, enlightened, and ultimately benevolent. Even at the time of their writing, and sometimes despite the best of intentions, however, it was clear that the prison was no such place. The persistent hope Chinese academics and reformers felt in the promise of the prison, despite evidence of its problems, is a recurring point of consideration here. Many of

---

<sup>21</sup> Tong Lam, *A Passion for Facts: Social Surveys and the Construction of the Chinese Nation-State, 1900-1949* (Berkeley: University of California Press, 2011), passim.

the details I use in this project reflect the level of invasiveness that female inmates were subjected to throughout their arrest, trials, and incarceration. I have tried not to recreate voyeuristic accounts that wax poetic on the sordid details of the lives of female inmates — such as the many stories that appeared in China’s popular press during the time period of my study — but I have included information that is necessary to understanding the experiences of women inmates in twentieth-century China.

### **Chapter Overview**

This project examines women inmates and women’s prisons in four chapters. Chapter One looks the construction of the distinct category of “woman criminal” as a concept and subject by reformers, penologists, and academic criminologists in the 1920s and 1930s Republican press. Scholarship from prominent male sociologists argued that the crimes of women were less violent than men’s and, owing to women’s purportedly surreptitious and deceitful nature, more difficult to discover than those of their male counterparts.<sup>22</sup> However, a cohort of young female sociologists, r, — Zhou Shuzhao, Liu Qingyu, and Xu Huifang — argued that female crime was the result of poor women’s social background and socioeconomic duress. In the popular press, authors cited this body of sociological research by Chinese academics, combined with scholarship from the Italian school of criminology and Japanese criminologists, to argue that women were prone to crime during menstruation and pregnancy. These

---

<sup>22</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 189; Kiely, *The Compelling Ideal*, 151–53.

overlapping discussions on women, prisoners, and the indigent population combined issues of gender and class to construct a distinct object of state intervention different from the average (young male) offender: the woman criminal.

Chapter Two explores three cases of women accused of murder in North China from roughly 1930 to 1944. Although women were often charged with crimes relating to forcible abduction, opium use, harming the family, and adultery, these three women were charged with murder and being accomplices to murder. Court trial documents show that, even in extreme cases such as murder, women's crimes were often "socioeconomic," or motivated by difficulties in pursuing a financially independent life, including severe constraints on marriage choices.<sup>23</sup> For the historian, these atypical cases can also be used as an analytical tool for looking at social relations for figures at the margins of Chinese society. Women of different backgrounds and ages came into contact with a strict court system often willing to dole out lengthy, harsh sentences. In contrast to the violent threat that male criminals posed, these sources suggest that problem women, who in these cases were portrayed as licentious or greedy, posed a threat to moral order.

Chapter Three examines the founding, expansion, and renovation of women's prisons in 1930s and 1940s Shanghai, both those attached to men's prisons and the smaller number of independently run women's facilities. Many of these prisons were originally built by imperialist powers in Shanghai's foreign concessions. In these

---

<sup>23</sup> Ai, "Minchu Nvxing Fanzui de Jingjihua Qushi Yanjiu [Research on the Economizing Tendency of Women's Crimes during the Early Republican Era]."

prisons, we see how the Republican government envisioned and implemented the rehabilitation of women criminals on the ground. Women inmates followed gender-specific labor training, working largely with handicrafts or textiles, and were given an education that focused on the problem of illiteracy. Prison administrators hoped to transform problem women into a new, modern woman subject through scientific, hygienic practices in the controlled environment of the prison. The proliferation of accounts of women's prisons abroad in the popular press during this period, however — some of which were aspirational guides for success, and others dire warnings of potential failure — reflected the material and institutional difficulties in achieving these goals in the modern prison.

Chapter Four takes up a central concern of daily prison life in the 1930s and 1940s: health and hygiene. As other scholars have shown, health, lack of funding and space, and shortages of medical supplies often resulted in outbreaks of disease.<sup>24</sup> Many inmates were treated within the prison for major illnesses that were also a problem in the general population, such as cholera, dysentery, typhoid fever, smallpox, diphtheria, scarlet fever, plague, typhus, and cerebrospinal meningitis.<sup>25</sup> New mothers were especially at risk of death during or after giving birth, and administrators paid special attention to the health and well-being of pregnant criminals. In addition to keeping a doctor on staff, women's prisons also kept

---

<sup>24</sup> Mühlhahn, *Criminal Justice in China*, 89, 111–13; Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, passim; Kiely, *The Compelling Ideal*, 35, 98–99.

<sup>25</sup> These were the nine types of infectious diseases recognized by the Republican government in 1928. Taishan Zhang, "Minguo Shiqi Fading Chuanranbing Bingzhong Kaoxi [A Type Analysis of the Statutory Infectious Diseases in the Republican Period]," *Zhonghua Yishi Zazhi* 37, no. 4 (October 2007): 215–17.

midwives on hand for managing births, drawing from newly trained doctors and midwives graduating from Western biomedical universities across China. This chapter looks at how larger trends in health, hygiene, and biomedicine across Republican China articulated with health care concerns and practices within the women's prison.

Finally, in the epilogue I turn to how the Republican prison system was transformed under post-1949 Communist rule into the *laogai*, or reform through labor, system. Although many of the strategies and goals of the *laogai* system could be traced back to its Republican predecessor, new discourses of class inflected plans for reform of criminal subjects. Communist prison officials employed new terminologies — counter-revolutionaries (*fan geming*), and members of the lumpenproletariat class (*liumang wuchanzhe*) — alongside labels of “woman criminal.” These new concepts framed the majority of crimes as a response to exploitation, with only a minority of criminals labeled as “class enemies” who could not be reformed, as the Communist government massively expanded the new *laogai* system.<sup>26</sup> Republican-era policies on women inmates that were difficult to enforce because of lack of political power, particularly the policy against bringing children into the prison, were finally implemented under the Communist government. Rather than incarcerating women and their children, women were released on bail under the supervision of local officials.

---

<sup>26</sup> Aminda M. Smith, *Thought Reform and China's Dangerous Classes: Reeducation, Resistance, and the People* (Lanham: Rowman & Littlefield Publishers, 2012) *passim*.

## Chapter One

### “The Eyes of Science”

“The function of sociology,” wrote Zhou Shuzhao — one of twentieth-century China’s foremost experts on women’s crime — “is simply to use scientific methods to discover and investigate the nature of social phenomena.”<sup>1</sup> Zhou’s 1932 study of one hundred Beijing women inmates was cited frequently in both the academic and popular press. Her research was published in *Academic Sociology*, one of many journals, magazines, and newspapers created during the flurry of a new print capitalism, the publishing epicenter of which was Shanghai.<sup>2</sup> Its popularity and reach were made possible by new printing technologies and the subsequent mass-print revolution of the late nineteenth and early twentieth centuries. The flourishing of media during this period also saw an explosion of writing written by women, about women, or aimed at women readers.<sup>3</sup> By the twentieth century, the Modern Girl, the

---

<sup>1</sup> Shuzhao Zhou, “Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals],” *Shehui Xuejie* 6 (1932): 31.

<sup>2</sup> *Academic Sociology* (*Shehui xuejie* 社會學界, translation mine), was a yearly academic journal established in June, 1927 and edited by Xu Shilian (許仕廉). It was one of the earliest journals to focus solely on sociological studies, alongside *Sociology Magazine* (*Shehuixue zazhi* 社會學雜誌, translation mine), which began printing in 1922. For more information on these publications, see Tao Yinghui, *Minguo jiaoyuxue shushi lunji [Collected Works of Republican Educational History]* (Taipei: Xiuwei chuban, 2008), 207; Christopher Reed, *Gutenberg in Shanghai: Chinese Print Capitalism, 1876–1937* (Honolulu: University of Hawaii Press, 2004), 8–11. Although xylographic (woodblock) printing began as far back as the Tang dynasty (618–907), in the late nineteenth and early twentieth centuries, Chinese publishers began to use new print technology imported from Western Europe, especially Gutenberg’s press to publish prints for popular use on an unprecedented scale.

<sup>3</sup> It is not always clear which publications fell into each category, as male elites especially had a pressing interest in women’s issues. As Yuxin Ma also points out, many men even used feminine pen names to write in women’s journals, making it unclear if some essays on women’s issues in women’s magazines by supposedly women writers were written by women at all. Ma, *Women Journalists and Feminism in China, 1898–1937*, xv.

New Woman and the so-called “woman problem” facing China were hotly debated issues in the print world.

In this discussion, the woman criminal occupied a crucial space. Who were China’s woman criminals and how did they become criminals? What was their relationship to national weakness and the “woman problem?” How could the supposedly increasing social problem of women’s crime be solved and who should solve it? Armed with an array of statistical tools, newly trained criminal sociologists such as Zhou Shuzhao turned to social science to answer these questions, publishing their research in new journals. Her work, and other studies like it, provided a stark contrast not only to other prominent Chinese sociologists, but also to a body of literature in the popular press about women’s crime.

This chapter discusses the intersecting discourses of gender and criminality in 1920s and 1930s Republican China. During this period, a new culture of social surveys, scientific studies, and statistics generated a massive paper trail.<sup>4</sup> This new culture was central to the discipline of criminal sociology. In considering women offenders, who were a minority of all cases of arrest and incarceration, a foundational concern of criminal sociologists’ arguments was how women’s sex differences from men impacted their crimes. New ideas about the criminality of poverty also meant that populations now identified as problematic, such as the poor and homeless, were rounded up and incarcerated simply because they were poor or transient.<sup>5</sup> Poor

---

<sup>4</sup> Lam, *A Passion for Facts*, passim.

<sup>5</sup> Chen, *Guilty of Indigence*, passim.



women stood at the intersection of two potentially troublesome populations — the impoverished and the feminine. Although there was increasing social acceptance of women working outside the domestic sphere, women were still largely reliant on men for financial stability. This, paired with economic depression and inflation in the 1930s and 1940s, respectively, made poor women especially susceptible to economic hardships.<sup>6</sup> Other scholars have found that the criminalization of previously tolerated practices (such as selling young women into brothels or marriage and opium use), as well as poor overall economic conditions and changing definitions of legitimate labor for women, coalesced to create a moment in which women criminals and inmates garnered a substantial amount of attention in the academic and popular press.<sup>7</sup>

This chapter also situates this emergent discipline of criminal sociology in Republican China within a larger web of contemporary criminological discourse across the globe. The first section gives an overview of the origins of criminology as a social science discipline, especially the research of Italian criminologist Cesare Lombroso. Lombroso's work in the late 1800s, which was both praised and derided by criminologists, remained a touchstone of social science endeavors that sought to find novel solutions to crime in the twentieth century. By the early 1900s, the epicenter of crime studies had shifted to the United States, where social science research at Columbia University and the University of Chicago provided models for

---

<sup>6</sup> Ai, "Minchu Nvxing Fanzui de Jingjihua Qushi Yanjiu [Research on the Economizing Tendency of Women's Crimes during the Early Republican Era]," 5; Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 12.

<sup>7</sup> Madeleine Yue Dong, *Republican Beijing: The City and Its Histories* (Berkeley: University of California Press, 2003), 221; Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 3, 40.

criminologists internationally, including China. This section will trace the spread of criminological research methods and theories as they travelled from Italy to Western Europe, the United States, Japan, and by the twentieth century, China.

The second section looks at academic research on crime published during the 1920s and 1930s in Republican China. While the majority of prominent Chinese sociologists and criminologists, such as Yan Jingyue and Li Jianhua, put forth studies largely devoted to male criminals, they included some discussion of women's crime. Their arguments on women's crime were largely predicated on women's biological differences with men. In their research, the new discursive category of "woman criminal," or *nyfan*, as opposed to *fanren* (literally, "criminal person," the term used for male criminals), highlighted gender as the central defining characteristic for women criminals. This conversation on criminal women fit into the larger public debate on the "woman problem" and raising the status of women.

This section will then turn to researchers focusing solely on women's crime: sociologists Zhou Shuzhao, Liu Qingyu, and Xu Huifang. In their research, this cohort used the language and methods of social science to examine the social backgrounds of women convicts. They found that, as expectations and opportunities for women changed in the twentieth century, particularly in reformers' increasing attention to wage labor, poor women charged with non-violent offenses were both

beneficiaries of new opportunities outside of the domestic sphere and victims of the bleak economic realities of economic independence.<sup>8</sup>

Zhou, Liu, and Xu were the only criminal sociologists to publish major studies solely on women offenders during this period. Their unprecedented work generated and shaped new categories of women's criminality but, strikingly, it also greatly diverged from the criminological frameworks of their advisors and colleagues. Zhou, Liu, and Xu argued that women's crime was ultimately the result of women's lower social status and economic dependence on men. Because of the immutability of these social constraints, however, they still saw fit to investigate and conceptualize women's crimes separately from men's.<sup>9</sup> In their work, *nyfan* thus emerged as a category of comparison, a biological other that was best understood as a larger part of constructions of criminality, which by default were gendered and coded as male. Both academic cohorts — those focusing on crime in general (Yan and Li) and on women's crime in particular (Zhou, Liu, and Xu) — undertook major original research but reached very different conclusions as to the origins of women's crime.

Finally, in the third section, the chapter turns to essays and articles about women's crime in the popular press and newspapers in the 1920s and 1930s. These sources were all written by Chinese and Japanese men, who cited the growing body of academic research on women's crime in essays that reified longstanding

---

<sup>8</sup> On these changing definitions of labor, see also, Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 3.

<sup>9</sup> As Tani Barlow has suggested of Chinese translators using the compound *nvxing* (女性) during the same period, "Woman was foundational only insofar as she constituted a negation of man, his other." Barlow, *The Question of Women in Chinese Feminism*, 54.

stereotypes of women as inferior to men with new pseudoscientific discourses in criminology. Citing Chinese, Japanese, and Euro-American researchers, these popular writers bolstered their claims by citing a network of international sources used to chastise women as a whole but, paradoxically, also to plead for sympathy and reform for poor criminal women.

Similar to academics Zhou, Liu, and Xu, popular writers utilized the language of science — such as statistics, tables, and citations — to posit relationships between women's crime and multiple factors, especially menstruation, emotional and psychological instability, and physical appearance. Although all authors also stressed that social factors in criminality played a crucial role, unlike Zhou, Liu and Xu, popular writers were unwilling to turn a critical eye on longstanding stereotypes of women. This was the fundamental difference between these two bodies of writings, academic and popular: whereas sociologists Zhou, Liu and Xu rejected biological theories of female crime still popular among Euro-American scholars and even their Chinese advisors and colleagues, popular writers were quick to subscribe to such theories.

### **Criminology: A Global Practice**

Criminology as a field and term was coined by Italian legal philosopher Raffaele Garofalo (1851-1934) in 1885. The genealogy of criminology, however, can be traced back to earlier Enlightenment-era philosophers such as Cesare Beccaria

(1738–1794) and Jeremy Bentham (1748-1832).<sup>10</sup> These Enlightenment thinkers, who rejected the moralizing and religious framework of crime as sin from the previous Middle Ages, and conceptualized crime as originating in thought, reason, and free choice.<sup>11</sup> Arguably the most well-known figure in modern criminology was nineteenth-century Italian criminologist Cesare Lombroso (1835-1909). The rise of Lombroso and his students — Enrico Ferri (1856-1929) and Garofalo — emerged out of a major shift in human thought: positivism. Unlike philosophy, which was largely speculative, positivism focused on “causation and determination” by relying on a methodology of observation and analysis.<sup>12</sup> Positivist methods had a profound impact on how experts studied criminal behavior, and as a result of integrating positivist methodology, criminology legitimized itself as a scientific method of inquiry.<sup>13</sup> Lombroso’s 1876 monograph *Criminal Man* in particular sparked widespread discussion of biological theories of crime across Europe.<sup>14</sup> His major contributions were the “born criminal” theory, which held that a small number of humans were

---

<sup>10</sup> James E. Crimmins, “Jeremy Bentham,” ed. Edward N. Zalta, *The Stanford Encyclopedia of Philosophy*, n.d., xx-yy, <https://plato.stanford.edu/archives/sum2018/entries/bentham/>; Bruce A. Arrigo and Christopher R. Williams, *Philosophy, Crime, and Criminology* (University of Illinois Press, 2010), 13; Jen Gartner, “Beccaria, Cesare,” ed. J.S. Albanese, *Encyclopedia of Criminology and Criminal Justice*, 2014, <https://doi.org/10.1002/9781118517383.wbeccj185>.

<sup>11</sup> David Arthur Jones, *History of Criminology: A Philosophical Perspective* (Greenwood Press, 1986), 3; Arrigo and Williams, *Philosophy, Crime, and Criminology*, 7–9.

<sup>12</sup> Arrigo and Williams, *Philosophy, Crime, and Criminology*, 11–12.

<sup>13</sup> As David Horn notes, by the nineteenth century, criminology could not truly be called a “discipline” in its own right, for its own methods and findings were far too fragmented and de-centered. David Horn, *The Criminal Body: Lombroso and the Anatomy of Deviance* (Routledge, 2015), 2.

<sup>14</sup> Peter Becker and Richard F. Wetzell, *Criminals and Their Scientists: The History of Criminology in International Perspective* (Cambridge University Press, 2006), 12.

genetically predisposed to crime; and the notion of criminal behavior as a form of atavism, or an ancestral trait of primitive humans that re-emerged in modern humans.<sup>15</sup> In short, Lombroso contended that there was a biologically distinct group of humans with an inherited propensity to crime.

Positivist claims that crime could be located in the biological body were particularly bolstered by studies of the head and brain, such as phrenology. Both Lombroso and Ferri themselves found phrenological comparisons of the human head across different races compelling. Such methods were not necessarily new. American naturalist, self-proclaimed “craniologist,” and physician Samuel Morton, for example, had collected nearly a thousand human skulls by the time of his death in 1851.<sup>16</sup> His work, including his infamous study of the skulls of indigenous Americans *Crania Americana* (1839), buttressed American white supremacist attitudes and was part of a patchwork of “racist science” popular in the mid-nineteenth century United States.<sup>17</sup> Lombroso himself also drew on a number of prominent European men of science (including sexologist Havelock Ellis, phrenologist Franz Joseph Gall, anthropologist Paul Broca, and neurologist Moritz Benedikt) to support his claim that crime was biologically inscribed upon the body.<sup>18</sup> These methods of criminal anthropology,

---

<sup>15</sup> Horn, *The Criminal Body*, 12.

<sup>16</sup> Ann Fabian, *The Skull Collectors: Race, Science, and America's Unburied Dead* (University of Chicago Press, 2010), 1.

<sup>17</sup> Fabian, 2, 81.

<sup>18</sup> Nikolas Rose and Joelle M. Abi-Rached, *Neuro: The New Brain Sciences and the Management of the Mind* (Princeton, N.J: Princeton University Press, 2013), 169. Havelock Ellis even argued that criminal women who committed infanticide often had excessive amounts of hair. Rebecca M. Herzig, *Plucked: A History of Hair Removal* (New York: NYU Press, 2015), 117.

which examined criminalized bodies “based on the objectivity of numbers—height, weight, relative proportions of various body parts” were taken up with great fervor in the United States by the 1890s.<sup>19</sup>

The work of figures such as Henry H. Goddard, later cited by Liu and Xu, exemplified how such scholarship was utilized in American society. Goddard was an American psychologist who promoted the use of IQ testing — developed by French psychologist Alfred Binet — in the military, immigration control, the public-school system, and even as courtroom evidence.<sup>20</sup> He was also an advocate of eugenicist theories of criminal behavior based on Mendelian and Galtonian models of genetic inheritance. Those with lower IQs, Goddard argued, should be separated from the general public and forced to live in colonies overseen by the government. Though Goddard did not believe that criminality itself was hereditary, he argued that those with low IQs simply could not make sound moral judgments and were “beyond redemption.”<sup>21</sup> Within the general American prison population, Goddard suggested that 25 to 50 percent of inmates suffered from low IQs, or to use the medical term of the time, “feeble-mindedness.”<sup>22</sup>

By the end of the 1910s, however, many social scientists in the English-speaking world — particularly Great Britain and Canada — denounced the frenzied

---

<sup>19</sup> Rose and Abi-Rached, *Neuro*, 170.

<sup>20</sup> Leila Zenderland, *Measuring Minds: Henry Herbert Goddard and the Origins of American Intelligence Testing* (Cambridge University Press, 2001), 3.

<sup>21</sup> Saran Ghatak, “Goddard, Henry H.: Feeble-mindedness and Delinquency,” *Encyclopedia of Criminological Theory* (Thousand Oaks: Sage Publications, 2010), 381–83.

<sup>22</sup> David W. Jones, *Disordered Personalities and Crime: An Analysis of the History of Moral Insanity* (Routledge, 2015), 132.

search for criminal characteristics.<sup>23</sup> Instead, psychological and social explanations for crime were increasingly popular. In the United States, prominent psychologists, such as William Healy (1869-1963), who specialized in juvenile delinquency, argued that the origins of crime were multifactorial and spurred largely by mental impulses.<sup>24</sup> Research on the impact of “social learning experience” in the Chicago school of sociology also popularized sociological theories of the origins of crime.<sup>25</sup> In China — where criminological studies, its related practical field, penology, and the field of sociology became popular only in the early twentieth century — this global shift away from Lombroso may explain why he was not cited frequently by criminal sociologists: researchers across the globe were already rejecting Lombrosian biological explanations of crime. Japanese academics, who were often the mediators of Western scientific and social scientific knowledge to China, were similarly dismissive of such theories.<sup>26</sup> As a result, Lombroso’s “born criminal” theory was

---

<sup>23</sup> Rose and Abi-Rached, *Neuro*, 170. As David Horn notes, the quest to find the traits of the criminal body did not simply end in the early twentieth century, however. Through a careful analysis of the methodology and practices in medicine, psychiatry, and criminology, Horn shows that experts on crime denounced biological explanations in discourse but continued to pursue questions about locating crime in genes or the brain. Horn, *The Criminal Body*, passim. Such research continues into the present day, including in China, where only recently a study was ended looking for the “warrior gene” for violent behavior in children. See Stephen Chen, “China Calls off Controversial Hunt for Chinese ‘Warrior Gene’ in Children,” *South China Morning Post*, December 17, 2017, <http://www.scmp.com/news/china/society/article/2124661/china-calls-controversial-hunt-chinese-warrior-gene-children>.

<sup>24</sup> Jon Snodgrass, “William Healy (1869-1963): Pioneer Child Psychiatrist and Criminologist,” *Journal of the History of the Behavioral Sciences* 20, no. 4 (October 1984): 332–39.

<sup>25</sup> Jones, *History of Criminology*, 12–13.

<sup>26</sup> Although Lombroso’s *Criminal Man* was translated by Seiichi Terada, a criminal psychologist, in 1914, it was never popular. One possible reason for this was because Japanese psychiatrists studying crime were deeply influenced by German medicine, which fundamentally rejected much of Lombroso’s work. Lombroso’s *Man of Genius* (1889), translated in 1916 by poet Jun Tsuji, was actually quite popular, however. Yoji Nakatani, “The



largely overlooked by Japanese experts on crime, and apparently also by Chinese criminal sociologists.

These global shifts in twentieth-century criminological discourse away from the biology of crime and toward environmental explanations, however, were less evident for theories of women's crime. Indeed, from the outset of criminology as a scientific discipline in the nineteenth century, women's crime occupied an elusive and perplexing space. In both criminological and penological studies, the primary focus was the problem of male crime, and women's crime was rarely addressed.<sup>27</sup>

There were notable exceptions to this general tendency to ignore women's crime. Lombroso himself wrote a monograph on women's crime, *Criminal Woman, the Prostitute, and the Normal Woman* (1893), although it was not as influential as his *Criminal Man*. Published nearly twenty years after *Criminal Man*, Lombroso's study of women's crime fundamentally argued, in line with his previous work, that the origins of women's crime were biological. He also claimed that criminal women were more masculine than non-criminal women and that even the average, so-called normal woman was also deviant, pathological, and possessed a latent propensity for crime.<sup>28</sup> Men and women were also given different parameters for normality and

---

Birth of Criminology in Modern Japan," in *Criminals and Their Scientists: The History of Criminology in International Perspective*, ed. Peter Becker and Richard F. Wetzell (Cambridge: Cambridge University Press, 2006), 282–85.

<sup>27</sup> In either criminology or penology, this was presumably because women were nearly always the minority of criminal offenders in non-violent crimes.

<sup>28</sup> Jordan Blair Woods, "The Birth of Modern Criminology and Gendered Constructions of Homosexual Criminal Identity," *Journal of Homosexuality* 62, no. 2 (February 1, 2015): 141. Some scholars have taken issue with this interpretation of Lombroso, however.

deviance. For example Lombroso argued that rebellion and promiscuity were normal behaviors in men but deemed abnormal for women.<sup>29</sup> Lombroso singled out menstruation as the “distinguishing” and “most specialized of all female functions.”<sup>30</sup> During a woman’s fertile years between the onset of menses and menopause, he argued, women were prone to bad moods and lying, and were “unsuited for physical and mental work.”<sup>31</sup> His study suggested that most women were menstruating at the time they committed their crimes, or that in so-called deviant women, such as prostitutes, menstruation was “always abnormally prolonged, repeated, or abundant.”<sup>32</sup> Lombroso’s central claim in *Criminal Woman* was the fundamental biological and physiological inferiority of women to men.

Sociologists Zhou, Liu, and Xu did not cite Lombroso’s *Criminal Woman* in their studies, but the research they cited reflected several important trends. First, nearly all of their citations were American sociologists, reflecting the increasing global influence of U.S. sociologists in criminology, especially the Chicago school of sociology, which stressed the social and psychological factors in crime.<sup>33</sup> Second, the influence of American sociologists’ methodology was clear in Zhou, Xu, and Liu’s

---

<sup>29</sup> Mary Gibson, “Introduction,” in *Criminal Woman, the Prostitute, and the Normal Woman*, by Cesare Lombroso and Guglielmo Ferrero, trans. Nicole Hahn Rafter and Mary Gibson (Duke University Press Books, 2003), 28–29.

<sup>30</sup> Cesare Lombroso and Guglielmo Ferrero, *Criminal Woman, the Prostitute, and the Normal Woman*, trans. Nicole Hahn Rafter and Mary Gibson (Duke University Press Books, 2003), 55, 159.

<sup>31</sup> Lombroso and Ferrero, 56.

<sup>32</sup> Lombroso and Ferrero, 160.

<sup>33</sup> On the great influence of the Chicago school of sociology in the U.S. and the world, particularly between 1915 and 1935, see Martin Bulmer, *The Chicago School of Sociology: Institutionalization, Diversity, and the Rise of Sociological Research* (University of Chicago Press, 1986), passim.

own research. Both sets of research created extensive data sets, precisely individuated and exhaustingly complete, on the thoughts, habits, backgrounds, familial networks, and daily lives of their criminal subjects.

The major point of divergence between American criminologists and Zhou, Xu, and Liu's research, however, was that American researchers persistently employed biological theories of women's crime. Despite adding social and psychological considerations, American researchers' female crime theories were deeply reminiscent of Lombroso's portrayals of transgressive women. A closer look at the arguments of the American researchers in this global conversation shows that little in theories of women's crime had changed since Lombroso: women were prone to crime, especially under moments of heightened biological stress, such as menstruation and pregnancy, and formed an entirely different criminal "type" from men.

Criminologist and child psychologist William Healy (1869-1963), cited by Zhou, was affiliated with both Harvard and the University of Chicago during his long career. He was most famous for arguing for a multifactorial and individualized approach to studying criminals: that is, the inclusion of social and psychological factors while downplaying biological factors.<sup>34</sup> His most important work, *The Individual Delinquent* (1915), included many case studies of women that focused on their particular sex characteristics, especially menstruation and pregnancy. Criminal women, Healy argued, were impulsive, irritable, and incapable of controlling

---

<sup>34</sup> Snodgrass, "William Healy (1869-1963): Pioneer Child Psychiatrist and Criminologist."

themselves during menses. They might also be more likely to commit sex crimes when premenstrual.<sup>35</sup> Although reluctant to pinpoint menstruation as the sole factor in women's crime, Healy noted "that there is excessive tendency towards misconduct and irrational behavior at menstrual periods is true."<sup>36</sup> Healy argued that pregnancy also made women impulsive and irritable, increasing their tendency towards crime.<sup>37</sup> The multiple case studies of girls and women Healy used in *The Individual Delinquent* frequently blurred the distinction between criminal and non-criminal women. As with Lombroso, it seemed that all women were suspect — whether or not they were deemed intelligent, attractive, or had a respectable family background seemed to have little bearing on their susceptibility to crime while menstruating or pregnant.

Another member of the Chicago school of sociology, William I. Thomas (1863-1947), like Healy, argued for an individual assessment of crime and was suspicious of women and their sexuality.<sup>38</sup> His work *The Unadjusted Girl* (1923) followed Healy's interest in personality to investigate how personality might shape an individual's internal desires. These desires, Thomas argued, mediated by one's upbringing, personality, and community, pushed individuals to either conform or rebel in society. Rapid processes of modernization resulted in a shift away from

---

<sup>35</sup> William Healy, *The Individual Delinquent: A Text-Book of Diagnosis and Prognosis for All Concerned in Understanding Offenders* (Little, Brown, 1915), 627–28.

<sup>36</sup> Healy, 631.

<sup>37</sup> Healy, 634.

<sup>38</sup> Shuzhao Zhou, "Beiping Nvxing Fanzui Yu Funv Wenti [Beiping Women's Crimes and the Woman Problem]," *Eastern Miscellany* 31, no. 7 (1934): 86; Qingyu Liu and Huifang Xu, "Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals]," *Dàlù Zázhi* 1.4 (1932): 76.

communal mindsets that perpetuated a social status quo. Thomas thus expressed an uncomfortable, if not distrustful, view of modernity, including "...mechanical inventions, facilitated communication, the diffusion of print, the growth of cities, business organization, the capitalistic system, specialized occupations, scientific research, doctrines of freedom, the evolutionary view of life..."<sup>39</sup> Modernity encouraged an "individualization" of life that encouraged anti-social behavior, such as criminality. For women, Thomas pointedly argued after examining three thousand summaries of the behavior of deviant girls, such anti-social behavior developed in girlhood, with "an impulse to get amusement, adventure, pretty clothes, favorable notice, distinction [and] freedom..."<sup>40</sup> Sex was a tool to secure these desires, one that poor girls were especially likely to use for their amusement and survival. The solution to women's crime, Thomas suggested, was partially to alleviate poverty, but largely to strengthen the moral environment of the home: "...if you have a good family, you do not have a bad individual."<sup>41</sup>

Even sociologists who emphasized the direct relationship between poverty and crime persistently believed that women were fundamentally prone to crime. Maurice Parmelee, an American sociologist trained at Columbia University cited by Liu and Xu, argued in his 1918 book *Criminology* that poverty and crime were

---

<sup>39</sup> William Isaac Thomas, *The Unadjusted Girl: With Cases and Standpoint for Behavior Analysis* (Boston: Little, Brown and Company, 1923), 70.

<sup>40</sup> Thomas, 109.

<sup>41</sup> Thomas, 151. Thomas also wrote, "You may have very good family life with bad economic conditions, but you cannot have good family life without community influence...It is not too much to say that the community made the family good." *Ibid.*, 213.

connected; however, he also supported an approach to criminality that looked for the “natural causes” of crime through a synthesis of the natural and social sciences. On women’s crime, he believed that women criminals were inferior to male criminals, a belief that he shared with his contemporaries.<sup>42</sup> In *Criminology*, Parmelee argued that women were hysterical, physically weak, passive, and surpassed men in their “deceitfulness, lying, hypocrisy, malicious gossip, backbiting, slander, nagging...and a weaker sense of social solidarity and justice.” Popular opinion suggested that women were underrepresented in the overall prison population because they were more moral than men, Parmelee wrote, but he disagreed. Instead, he argued that they were normally confined to the domestic sphere and thus most of their crimes went unnoticed.<sup>43</sup> For Parmelee, women might be even more criminal than men, were it not for the social systems in place that kept their crimes from criminologists.

Unlike Healy, Thomas, and Parmelee, Edwin H. Sutherland’s (1883-1950) highly influential study, *Principles of Criminology* (1924), rejected not only biological theories of crime, but even the direct link between poverty and crime.<sup>44</sup> Instead, Sutherland argued that crime was a learned behavior, the result of “...various geographic, economic, political, and sociological factors” that could occur in any

---

<sup>42</sup> Saran Ghatak, “Parmelee, Maurice,” *Encyclopedia of Criminological Theory* (Thousand Oaks: Sage Publications, 2010), 246.

<sup>43</sup> Maurice Parmelee, *Criminology* (New York: MacMillan Company, 1918), 231–48. Quotation from *ibid.*, 246.

<sup>44</sup> Originally called *Criminology*, and in later editions, renamed *Principles of Criminology*. I refer to it here as *Principles* so as not to confuse it with Parmelee’s 1918 monograph, also titled *Criminology*.

group regardless of gender, race, or class.<sup>45</sup> Arguably the most influential criminologist in twentieth-century America, Sutherland held the position that criminal behavior was learned, a basic tenet of his influential differential association theory. For this, Sutherland stood out as the only individual cited by Liu and Xu who did not ascribe to stereotypes of women or criminalized people in general.

Criminology studies conducted by professional women in the United States constructed similar arguments to those in the studies of Healy, Thomas, and Parmelee. *A Study of Women Delinquents in New York State* (1920), cited by Zhou, was co-authored by psychologists Mabel Ruth Fernald and Mary Holmes Stevens Hayes, and sociologist Almena Dawley. It analyzed the backgrounds and experiences of women inmates across the state of New York. The authors concluded that women's delinquency was a result of two factors: "poor economic background" and "a somewhat inferior mentality."<sup>46</sup> When compared with the general population, women inmates scored slightly lower on IQ tests. These differences were so slight, however, that the researchers concluded that "...any search for a well-defined type of individual, appearing as *the delinquent woman*, will probably be fruitless."<sup>47</sup>

---

<sup>45</sup> J. Mitchell Miller and Richard A. Wright, eds., "Sutherland, Edwin H.," *Encyclopedia of Criminology* (London: Routledge, 2005), 1627. Sutherland's 1949 monograph *White-Collar Crime* was a shocking exposé of how upstanding, middle-class, white-collar workers engaged in financial crimes.

<sup>46</sup> Mary Holmes Stevens Hayes, Almena Dawley, and Beardsley Ruml, *A Study of Women Delinquents in New York State* (Century Company, 1920), 525. Such comments were not uncommon for Chinese sociologists as well. Joanna Ransmeier wrote of Zhou Shuzhao that "she sometimes identified with her trafficker research subjects at the expense of understanding their victims" and even called some of the trafficking victims "stupider than" their own mothers. Johanna S. Ransmeier, *Sold People: Traffickers and Family Life in North China* (Harvard University Press, 2017), 278.

<sup>47</sup> Hayes, Dawley, and Ruml, *A Study of Women Delinquents in New York State*, 528. Emphasis in original.

Although rejecting the Lombrosian criminal woman “type,” Fernald et al. still argued that metrics such as IQ testing, which suggested an objective, biological root to intelligence, were useful tools for understanding criminality.

*500 Criminal Careers* (1930), also cited by Zhou, recounted the research results of the Harvard Law School husband-and-wife criminologist team Sheldon Glueck and Eleanor Glueck. Like Fernald et al, the Gluecks espoused similar suspicions about the biological fitness of their subjects. The study surveyed 510 male offenders incarcerated in the Massachusetts Reformatory, most serving time for robbery. Nearly all ended up as recidivists, and over half were determined by their parole officers to be “still a lazy, wandering, drunken set.”<sup>48</sup> The Gluecks’ subsequent book, *500 Delinquent Women*, was published in 1934, two years after Zhou had finished her 1932 study, but is worth briefly discussing for its exhaustive accounts of the woman criminal. In *500 Delinquent Women*, which was based on research conducted in the Massachusetts Reformatory for Women, the Gluecks remained deeply dissatisfied with the state of reformatory institutions in the United States. According to their findings, the aim of the women’s reformatory movement in the 1870s — to remove women from prisons and jails, where they might encounter male criminals, and place them in reform institutions where they might be reformed, educated, and converted to Christianity — had yet to be satisfactorily achieved.<sup>49</sup>

---

<sup>48</sup> Sheldon Glueck and Eleanor Glueck, *500 Criminal Careers* (New York: Knopf, 1930), xii.

<sup>49</sup> Sheldon Glueck and Eleanor Glueck, *500 Delinquent Women* (New York: Knopf, 1934), 8–9.



They rejected criminologist methods that relied solely on guesses about human nature.<sup>50</sup> Instead, the Gluecks sought to understand each individual inmate on a deeply intimate and personal level. Their study asked:

Who are delinquent women? From what soil do they spring? What are their physical, mental, and social characteristics? What are they like in childhood, in adolescence, and in adulthood? What occupations do they embark upon? Are they steady and reliable workers, or the reverse? What about their sexual experiences? Do they make good wives and mothers? How did they respond to the régime of a reformatory?<sup>51</sup>

To answer these questions, they created profiles of traditional “types” of criminals, such as the prostitute, the murderess, the drunkard, the adulteress, and the drug addict. Some categories, however, were new types based on individual social and psychological factors, such as suffering from poverty, or prone to nervousness, stubbornness, promiscuity, and psychosis. Each profile crafted a narrative of the steady progression of unchecked rebellions and transgressions from girlhood to adulthood that eventually culminated in arrest and incarceration for reform. The Gluecks concluded that their subjects were biologically, socially, and economically disadvantaged women whose roots were planted in “a soil so unfavorable we can scarcely expect a hardy fruit.”<sup>52</sup>

---

<sup>50</sup> Glueck and Glueck, 5–6.

<sup>51</sup> Glueck and Glueck, 5.

<sup>52</sup> Glueck and Glueck, 73. The multifactorial approach of the Gluecks, which included social factors but took biological ones seriously as well, particularly earned the scorn of Edwin Sutherland. Miller and Wright, “Sutherland, Edwin H.,” 1628.

From these studies, it is clear that, though Lombroso's "born criminal" theory fell out of favor in the early twentieth century, biological explanations of women's crime persisted in global criminological discourse into the 1930s, when Zhou, Xu, and Liu were beginning their research.<sup>53</sup> These larger trends in criminology may also explain why some Chinese criminal sociologists, especially older cohorts of sociologists such as Yan Jingyue and Li Jianhua, preferred social explanations of crime overall, but persisted in writing about women's crime as explicitly linked to biological factors.

Because Zhou, Xu, and Liu did not address the fact that they were all women themselves, we can only speculate on the influence of this fact. On the one hand, to naturalize women as the inferior biological sex in their writing certainly might undermine their own positions as scholars and researchers. They had also come of age in the post-May Fourth "enlightenment" era, a moment in which visions of the New Woman, and later the Modern Girl, challenged traditional femininity and redefined gender roles across China.<sup>54</sup> On the other hand, the few American women whose scholarship they cited — Fernald, Hayes, Dawley, and Glueck — had little to say by way of solidarity with other women. Indeed, although there was pity in their descriptions of criminalized women, there was little to suggest that they felt any

---

<sup>53</sup> As Mary Gibson notes, versions of Lombroso's theses on the "criminal woman" and the biological roots of women's crime were taught well into the 1970s. Gibson, "Introduction," 4.

<sup>54</sup> Zheng Wang, *Women in the Chinese Enlightenment: Oral and Textual Histories* (University of California Press, 1999), 12–13. The Modern Girl and New Woman were global phenomena, though situated and inflected by local place. See Alys Eve Weinbaum et al., *The Modern Girl Around the World: Consumption, Modernity, and Globalization* (Duke University Press, 2008), passim.

commonalities between themselves and their subjects. We cannot know how the experiences of these professional women, either Chinese or American, impacted their research, but historians documenting Lombroso's life have speculated that his disdainful portrayal of women in *Criminal Woman* was not only standard for men of his generation and class, but also, perhaps, a reaction to the budding women's movement in Europe and even to his newly adult daughters.<sup>55</sup> We might speculate about a similar personal influence for the young cohort of Chinese sociologists vis-à-vis their subjects. Regardless, the work of Zhou, Xu, and Liu was inseparable not only from the time, place, and society in which it was conceived, but also from the fact that the three were women themselves.<sup>56</sup>

### **Women's Crime and Academic Writers**

In Chinese universities, sociology became a popular major during the early twentieth century. The Princeton Center in Beijing and the College of Public Affairs at Yenching University facilitated the professionalization of this new social science discipline. Newly trained sociologists interested in crime were also deeply influenced by the methodology of the Chicago school of sociology, which encouraged field work in urban areas.<sup>57</sup> Western scholars writing on Chinese society tended to view crime in China as “culturally situated” and

---

<sup>55</sup> Gibson, “Introduction,” 13.

<sup>56</sup> I do not mean to suggest here that Zhou, Xu, and Liu dismissed biological theories of women's crime simply because they themselves were women. Rather, especially given their differences with more senior male scholars of crime, I suggest that their position as women may have further pushed them to follow global trends of social theories of crime.

<sup>57</sup> Dong, *Republican Beijing*, 211.

individual.<sup>58</sup> Although Chinese sociologists were not persuaded by cultural explanations of crime, they were clearly influenced by the individuated methodology of the Chicago school. After surveying inmates convicted of kidnapping in Beijing for her 1932 study, for example, sociologist Zhou Shuzhao wrote, “There is no such thing as an ordinary or typical kidnapping. I spent four years devising categories to analyze these incidents, only to conclude that in the end every event is unique.”<sup>59</sup> Such conclusions, however baffling for researchers attempting to find patterns in criminal behavior scientifically, were part and parcel of global twentieth-century criminological practices that collected data, produced statistics, and typically provided short vignettes about criminals’ lives.

There were two prominent groups of academic sociologists researching crime during this period. The first was based in the Yenching University Sociology Department and headed by prominent Chicago-trained sociologist Yan Jingyue (1905-1976). The second was based in Shanghai and led by Qian Zhenya at the Shanghai Baptist University.<sup>60</sup> Yan was one of the most influential figures in twentieth-century Chinese criminology. Born in Zhejiang, he completed his undergraduate studies in sociology at Yenching University, going on to complete a Ph.D. at the University of Chicago in 1934. Throughout his career, he taught not only at Yenching, but also at Dongwu University and the London School of

---

<sup>58</sup> Dong, 228.

<sup>59</sup> Translated and quoted in Ransmeier, *Sold People*, 246.

<sup>60</sup> Kiely, “Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China,” 144–47.

Economics, and traveled the world participating in international penology conferences.<sup>61</sup> A prolific scholar and activist, Yan was a well-respected criminologist and academic in the Republican period.

Yan's training at the University of Chicago no doubt shaped his view that crime was essentially a social problem that social reform could rectify. With regard to women, however, Yan concluded that their crimes were fundamentally different from the crimes of men. Although Yan admitted that women were less likely to commit violent crimes than men, he argued that, in a bad social environment, women were easily persuaded to commit crimes. Women's surreptitious and deceitful nature, Yan argued, also made their crimes more difficult to discover than those of their male counterparts.<sup>62</sup> As a result of women's hidden and surreptitious crimes, Yan argued that women's crimes were more difficult for the social scientist to research.<sup>63</sup>

Yan was not alone in this assertion that women's crimes were fundamentally different from men's, though many of his colleagues in China further asserted that this was directly tied to biology. Li Jianhua (1900-1993), a sociologist trained in

---

<sup>61</sup> Yan visited the London School of Economics for six months. He also taught at Yanjing (Wade-Giles: Yenching, 燕京) University in the sociology department until 1935, when he was purged for his interest in communist politics. He was reinstated in 1949, but later moved to the Law school of Beijing. Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 199–201. He joined the CCP later in life, *Ibid.*, 191.

<sup>62</sup> Dikötter, 189; Kiely, "Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China," 151–53.

<sup>63</sup> On women's crimes, Yan wrote that they were "complicated and concealed" (*fuza erqie ancang* 複雜，而且暗藏). Jingyue Yan, "Beijing Fanzui Zhi Shehui Fenxi [Sociological Analysis of Crime in Peking]," in *Minguo Shiqi Shehui Diaocha Congbian: Dibian Shehui Juan Shang* [Republican Era Social Surveys Collection: Base Society, Vol. 1], Reprint (Fuzhou: Fujian jiaoyu chubanshe, 1928), 215.

Tokyo who briefly taught at Fudan University, asserted in his 1937 monograph *Criminal Sociology* that women with intense sexual desire were more physiologically inclined toward prostitution.<sup>64</sup> Books published by the Nationalist Propaganda Department, such as *Chats on the Physiology of Youth* (1936), also claimed that women were more prone to crime during certain moments in their reproductive cycles, especially menstruation, pregnancy and menopause.<sup>65</sup> *Sex and Crime* (1946) contended that the evolutionarily determined trait of lower intelligence made women as a whole more likely to commit crimes such as abortion and infanticide.<sup>66</sup> These theories of the inferiority of women's biology, especially their reproductive and sexual biology, were thus canonized in serious criminological research and official Republican texts.

As other historians have shown, such texts demonstrated the resilience of longstanding convictions about dangerously deviant women.<sup>67</sup> These studies portrayed women as easily turning to crime, and "...either hapless and ignorant or deeply evil."<sup>68</sup> Thus, despite an emerging overall trend emphasizing changing sociological factors rather than immutable biology as the root of crime, even prominent sociologist Yan Jingyue and influential penologist Li Jianhua drew such

---

<sup>64</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 188–89; Kiely, "Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China," 145.

<sup>65</sup> Dikötter, *Sex, Culture and Modernity in China*, 50–51.

<sup>66</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 188–89.

<sup>67</sup> Kiely, "Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China," 151. Kiely ties these suspicions to longstanding discourses of dangerous female *yin* (陰).

<sup>68</sup> Kiely, 152.

conclusions. In their work, they consistently conceptualized the origins of women's crime as individual shortcomings deeply rooted in gender. A younger generation of women scholars who focused primarily on women, however, conceptualized women's crime differently.

Zhou Shuzhao was a twenty-four-year-old woman whose great-grandfather, Zhou Fu, had drafted anti-trafficking laws as a Qing dynasty official in North China.<sup>69</sup> She was also a graduate student training under Yan Jingyue when she published her groundbreaking 1932 survey of one hundred women prisoners in Beijing. It was published in full in academic journals such as *Academic Sociology* and *Prison Journal*.<sup>70</sup> In the survey, Zhou argued that criminals were the oppressed of society, and that poor women criminals — with nearly no education, recourse for divorce, or strong familial support base — were the most oppressed.<sup>71</sup> Poor women were not only compelled to put up with ignorant men who forced them to do all the domestic labor, but also often had to seek out means of livelihood on their own. They were more likely to turn to crime, she argued, because of their particular social circumstances, as they were often capable of little else.<sup>72</sup> Zhou speculated that because they were more deeply involved in home affairs than men, women would turn to crime if their home life was unbalanced. Only upper-class women were educated enough to have divorce

---

<sup>69</sup> Ransmeier, *Sold People*, 273.

<sup>70</sup> In Chinese, the periodical title was *Jianyu zazhi* (監獄雜誌).

<sup>71</sup> The exact quotation was “*fanzui de funv geng shi shou yapo zhong zui xiaceng zhe* (犯罪的婦女更是受壓迫中最下層者). Zhou, “Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals],” 32.

<sup>72</sup> Zhou, 32.

as an option.<sup>73</sup> Overall, women's sacrifices in life, Zhou argued, were bigger than those of men, especially if they were uneducated and had no means of supporting themselves economically.<sup>74</sup> For Zhou, the state of poor women in modernizing China was an indicator of the continued necessity for a women's emancipation movement that did not focus solely on upper-class women's issues.

Of the one hundred interviewees, Zhou found that the majority of women were charged with seduction (37 percent) and women were seven times more likely to commit forcible abduction crimes than men.<sup>75</sup> A "mature woman's crime," during the Late Qing and Republican periods, trafficking of children and young women supplied a high demand for "servants, wives, slaves, concubines, child brides, prostitutes, apprentices, and adopted children".<sup>76</sup> Age comparisons by criminal charges supported this claim: 72 percent of Zhou's interviewees who had been charged with seduction were over forty years old. The next most common crimes for women were opium (10

---

<sup>73</sup> Zhou failed to mention that access to the labor of servants also alleviated the household burdens of upper-class women.

<sup>74</sup> Zhou, "Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals]," 61.

<sup>75</sup> Both "seduction" and "harming the family" were part of a new category of criminal charges labeled "Offenses Against the Family" introduced during the legal reforms of the Republican period, particularly the 1935 Criminal Code. These laws were typically used to charge men who eloped with women, both married and unmarried, under twenty years old, though such relationships were decriminalized for women. As Zhao Ma notes, Republican lawmakers hoped "to support women's social autonomy and protect their sexual choices" through such legislation while also making maintaining and protecting the institution of the family. Families used these laws to control their daughters when they were unhappy with their choice of partner, however. See Li Chen, Madeleine Zelin, and Zhao Ma, eds., "Wayward Daughters: Sex, Family, and Law in Early Twentieth-Century Beijing," in *Chinese Law: Knowledge, Practice and Transformation, 1530s to 1950s* (Leiden: Koninklijke Brill, 2015), 192–93, 197–198. Direct quotation, 201. From Zhou Shuzhao's research, however, we see that women involved in human trafficking could also be charged with seduction.

<sup>76</sup> Ransmeier, *Sold People*, 2, 306; Zhou, "Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals]," 38.



percent) and harming the family (8 percent).<sup>77</sup> At the time of Zhou's survey, the average length of sentences for women was also increasing, with a median sentence length of one to three years for offenses. This was an increase from 1930, when the median sentence length for women had been less than six months.<sup>78</sup>

The inmates in Zhou's survey were older than the average male offender. Other scholars have noted that, in 1930s Republican prisons, the average male offenders were in their twenties and thirties, whereas 82 percent of Zhou's interviewees were thirty years or older.<sup>79</sup> Women inmates in China were also nearly all married; surveys in the United States in 1910, in contrast, showed that the majority of women inmates were unmarried.<sup>80</sup> In Zhou's survey, the majority of women were married (68 percent), widowed (24 percent), or had remarried (6 percent). Only two women (2 percent) were unmarried and there were no divorcees.<sup>81</sup> The majority of women also had no formal education (91 percent), no religion (83 percent), and no technical or vocational training (82 percent).<sup>82</sup>

---

<sup>77</sup> Zhou, "Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals]," 41–43. Men, on the other hand, were far more likely to be convicted of theft: 44.4 percent of the overall male prison population were incarcerated for robbery compared to only 2 percent of Zhou's women interviewees. Zhou was using data on male criminals from Jingyue's research. Statistics on opium convictions in Zhou's study did not explain if the convictions were for trafficking or usage. During this period, both were strictly controlled by a system of licensing and registration. See Alan Baumler, *Chinese and Opium under the Republic, The: Worse than Floods and Wild Beasts* (SUNY Press, 2012), 112, 131–32, 177.

<sup>78</sup> Zhou, "Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals]," 39.

<sup>79</sup> Zhou, 49. On male offenders, see Kiely, *The Compelling Ideal*, 87.

<sup>80</sup> Wang, "Minguo Chunian de Nvxing Fanzui (1914-1936) [Early Republican Female Crime (1914-1936)]," 15–16.

<sup>81</sup> Zhou, "Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals]," 53.

<sup>82</sup> Zhou, 55–57.

The biggest factor in these crimes, Zhou noted, was the rampant poverty in the capital city, Beijing. Roughly 29 percent of Zhou's interviewees had no income, and 45 percent had an unstable income.<sup>83</sup> Their household heads, most of whom were men (70 percent), had also received no formal education (59 percent) and had no daily income (39 percent).<sup>84</sup> In his 1921 study, *Peking: A Social Survey*, Sidney Gamble, who was cited extensively by Zhou, noted that a 1914 census classified 12 percent of the Beijing population as "poor" or "very poor." Within this group, nearly 45 percent were women, despite a severe gender imbalance within the overall population of Beijing (women were roughly 37 percent of the general population).<sup>85</sup> Both Gamble and Zhou concluded that women were more likely to suffer from poverty than men.

Liu Qingyu and Xu Huifang, like Zhou, were also young women researchers in the budding field of sociology. They published their study, "Shanghai's Women Criminals and Sociological Analysis," the same year as Zhou Shuzhao's Beijing study in 1932. Printed in *Continent Magazine*, the study surveyed more than 350 inmates in Shanghai prisons. The highest percentage of women were charged with "economic

---

<sup>83</sup> Zhou, 58.

<sup>84</sup> Zhou, 65–67.

<sup>85</sup> Sidney David Gamble, *Peking: A Social Survey* (George H. Doran Company, 1921), 270. Previous estimates suggested much higher levels of poverty — upwards of three-fourths of the population of the capital — although Gamble does note that all estimates were at the discretion of census-takers. For statistical data about poverty and labor in Beijing, Zhou largely relied on the work of Sidney Gamble, work done by Gamble and his research collaborator T'ien-p'ei Meng, and two 1929 studies, one on handicraft workers in Beijing by L.K. Tao and the other on subsistence levels by Fang Fu An. L.K. Tao, "Handicraft Workers in Peiping," *Chinese Social and Political Science Review*, January 1929; Fu An Fang, "What Is the Minimum Subsistence Level in China," *China Tomorrow* 1, no. 5 (n.d.).

crimes” (78 percent), and the top three overall charges were related to opium (25 percent), swindling (18 percent), and kidnapping for ransom (8 percent).<sup>86</sup> In these statistical records, drug-related crimes rarely explained whether the accused was charged with trafficking or drug use. Liu and Xu classified seduction and forcible abduction as both economic and sexual crimes.<sup>87</sup> One possibility for this grouping could be that these cases of seduction and abduction were considered trafficking for marriage or prostitution, as opposed to crimes like kidnapping for ransom, which would explain their sexual and economic nature.<sup>88</sup>

Liu and Xu’s findings were similar to those of Zhou: they found that most of the incarcerated women were poor and economically exploited, though much more of their inmate population was also of rural origins.<sup>89</sup> In general, these women’s

---

<sup>86</sup> Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 76. Swindling (*guaipian* 拐騙) can also be translated as abducting for illicit sexual purposes. The ZDIC Chinese Dictionary defines *guaipian* as “A person purposely abducting a woman or child or one under another person’s guardianship for marriage or illicit sexual relations” (*Yi hunyin huo bu hehu daode xingjiao wei mudi daizou funv huo ertong huo shou jianhu de ren* 以婚姻或不合乎道德性交為目的帶走婦女或兒童或受監護的人 <http://www.zdic.net/c/0/36/82016.htm>). ZDIC defines kidnapping for ransom (*bangpiao* 綁票) as “bandits seizing a hostage by force to obtain money for ransom from their family members and others” (*feitu jie zou renzhi yi qiangpo qi jiashu deng na qian shuhui* 匪徒劫走人質以強迫其家屬等拿錢贖回 <http://www.zdic.net/c/1/4/9481.htm>). See below for a detailed discussion of opium during this period.

<sup>87</sup> Liu and Xu, 76. The terms in Chinese, respectively, were *lueyou* (略誘) and *heyong* (和誘), respectively.

<sup>88</sup> Kidnapping was a major concern during the 1930s. In Shanghai, organizations such as the Anti-Kidnapping Society fought against the kidnapping of women and children for such purposes. For the problem of trafficking in sex work, see Gail Hershtatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 1999), 181–202; Ransmeier, *Sold People*, passim.

<sup>89</sup> The publication was *Continent Magazine* (*Dalu zazhi* 大陸雜誌), translation mine. Liu and Xu surveyed between 282 and 359 women, depending on the question. They do not address this inconsistency, though it likely was because of conducting research over a long period of time with a changing inmate population.

situations, Zhou, Liu, and Xu argued, often gave them little else to resort to beyond crime. One major discrepancy between their studies, however, was the number of opium convictions. Roughly 7 percent of Zhou's interviewees were incarcerated for opium use, compared to 25 percent of Liu and Xu's interviewees. The use and sale of drugs was indeed a major social concern throughout the Republican period, and both men and women opium addicts were imprisoned for violating stipulations of the government's evolving system of licensure and regulation. National statistics from the 1910s show that opium-related crimes were one of the top crimes for which women were convicted.<sup>90</sup> These convictions, presumably, were the result of violating the system of fines issued under President Sun Yat-sen in 1912.<sup>91</sup> The Nationalists officially criminalized the "growing, transporting, selling, or using opium and its derivatives" in March 1, 1929 and local organizations played a key role in enforcing such regulations.<sup>92</sup> The area of Zhejiang in particular had a long history of anti-opium

---

<sup>90</sup> Such statistics did not differentiate between traffickers and users. Ai Jing also argues that women were possibly well-suited to both consuming and trafficking opium for two reasons. First, opium was mostly smoked at home, where most women spent their time, and was thus difficult for authorities to discover. Second, social prohibitions towards searching women physically for paraphernalia meant that women themselves were not specifically targeted in drug searches, making trafficking easier. Ai, "Minchu Nvxing Fanzui de Jingjihua Qushi Yanjiu [Research on the Economizing Tendency of Women's Crimes during the Early Republican Era]."

<sup>91</sup> The 1911 revolution disrupted the Qing dynasty attempts to suppress opium cultivation and use through licensing. President Sun Yat-sen ordered local officials to suppress opium in 1912, and this was followed by regulations on poppy growers in 1914, but many officials simply side-stepped these measures. Yongming Zhou, *Anti-Drug Crusades in Twentieth-Century China: Nationalism, History, and State Building* (Rowman & Littlefield, 1999), 40.

<sup>92</sup> This was not the first time the Nationalists had tackled the problem of opium. Beginning in 1925, the government began the dual process of monopolizing the opium trade and laying the groundwork for weaning the public off of opium through licensing for commercial recreational and personal use. After attempting several different models of regulation and taxation of opium — and encountering immense difficulties in maintaining a monopoly — the Nationalist government eventually established an Anti-Opium Commission to oversee all

initiatives, and local organizations were especially prolific in publishing anti-opium propaganda and coordinating mass meetings that featured the speeches of former addicts or anti-opium performances.<sup>93</sup> In 1932 when both Zhou and Liu and Xu's studies were published, there were 208 anti-opium institutions (offices, clinics, hospitals, factories, reform-through-labor centers) with over 24,000 participants and more than 10,000 recorded suspects in Zhejiang.<sup>94</sup> This difference in local officials' attitudes towards opium no doubt contributed to the major discrepancy between opium charges in Zhou's Beijing study and Liu and Xu's Shanghai study.

Nationally, by 1929 possession or sale of drugs also accounted for a third of all criminal convictions.<sup>95</sup> Although in popular literature and news women were portrayed as struggling with opium addiction more than men, historians have noted that women were in fact less likely to use opium than men.<sup>96</sup> Stories of opium-

---

issues surrounding the drug in 1928. The government continued to generate revenue from the drug trade into the 1930s. It was not until 1935 that the Nationalists were finally able to implement a more successful campaign, the Six-Year Plan to Eliminate Opium and Drugs. Baumlér, *Chinese and Opium under the Republic, The*, 112, 131–32, 177. The city of Fuzhou also had a strong local anti-opium society dating back to the late Qing. Zhou, *Anti-Drug Crusades in Twentieth-Century China*, 35–37.

<sup>93</sup> Baumlér, *Chinese and Opium under the Republic, The*, 147.

<sup>94</sup> Baumlér also notes that 6,900 of those 10,000 were also imprisoned but does not give information on gender. Baumlér, 146–47.

<sup>95</sup> Frank Dikötter, Lars Peter Laamann, and Zhou Xun, *Narcotic Culture: A History of Drugs in China* (London: C. Hurst, 2004), 126.

<sup>96</sup> Dikötter, Laamann, and Xun, 52. Although numbers of opium users during the late imperial and Republican eras are difficult to assess, this is based on historical sources. A British survey in 1894, for example, estimated that only 1 percent of women smoked opium, but estimated that, and 20 to 40 percent of men, smoked opium. Keith McMahon, *The Fall of the God of Money: Opium Smoking in Nineteenth-Century China* (Rowman & Littlefield, 2002), 156. Norman Smith, "Writing Opium in Manchukuo," in *Beyond Suffering: Recounting War in Modern China*, ed. James Flath and Norman Smith (UBC Press, 2011), passim. Smith also notes that, in Manchukuo, addiction among women showed up as a major social concern, possibly because it raised major social issues concerning being a productive citizen and a responsible mother. The portrayal of women hopelessly addicted to opium was also a powerful literary trope for the deterioration of the family and society. Women opium addicts

addicted mothers blowing smoke into the mouths of crying children also circulated during this time, challenging the sanctity of women as the “guardians of the home and custodians of moral purity.”<sup>97</sup> These literary representations of women seemed to reflect the perception that women struggled more than men with opium addiction during the Republican period, and although women were indeed arrested, fined, and incarcerated for opium trafficking and use, they were not the majority.<sup>98</sup> Of the 10,000 suspects apprehended for opium-related crimes in Zhejiang in 1932, for example, 8,800 were men.<sup>99</sup> Through the lens of opium — which caused a social and moral panic in many reformer and elite circles beginning in the Qing dynasty and through the establishment of the Republic — we can see how fears about women failing to live up to defined gender roles resulted in a distorted sense of women’s crime.

In 1934, Zhou penned a short article in *Eastern Miscellany* that revisited the results of her original 1932 research. The article was titled “Beijing Women's Crimes and the Woman Problem.” The essay outlined the major class-driven arguments of her previous research for a much wider audience and addressed the broader question of the origins of crime:

If we look at crime through the objective eyes of science, crime becomes a naturally occurring phenomenon. It is the same as the desire to eat, which

---

were depicted as languishing in the shackles of “opium, poverty, and patriarchy” which created “women’s difficulty.” *Ibid.*, 13.

<sup>97</sup> Dikötter, Laamann, and Xun, *Narcotic Culture*, 171. Quotation, 113.

<sup>98</sup> Of course, crime statistics do not necessarily reflect accurate prevalence of certain acts.

<sup>99</sup> Baumler, *Chinese and Opium under the Republic*, *The*, 147.

follows hunger, and the desire to don clothing, which follows cold. When they have received an advanced education, when they have lived a life free from worries, will our refined little sisters be ready to commit a crime for no reason? They will not *not* commit a crime; rather, they will have no such opportunity.<sup>100</sup>

In general, and in agreement with most members of the Chicago school of sociology, Zhou argued that factors relating to crime could be categorized as individual (personality, mental and physical traits), or social (social and home environments, economic situation, or customs). Although each case was unique, Zhou stressed that explaining criminal behavior solely through individual factors was insufficient. In particular, Zhou argued against the idea of the “born criminal” or *tiansheng fanren*, which she concluded likely comprised “next to none” of the general criminal population, for both men and women.<sup>101</sup> In this way, although she did not cite him, Zhou raised the specter of influential Cesare Lombroso, and in one fell swoop, rejected his claims that women, or men, were biologically predisposed to crime.<sup>102</sup>

Zhou, Liu, and Xu each demonstrated comprehensive knowledge of the most important figures in global, and particularly American, criminology. In her 1932

---

<sup>100</sup> Zhou, “Beiping Nvxing Fanzui Yu Funv Wenti [Beiping Women’s Crimes and the Woman Problem],” 6. Emphasis added.

<sup>101</sup> Zhou, 6.

<sup>102</sup> Although Zhou did not directly cite Cesare Lombroso in this paper, she was extremely well-read on current criminological theory; this, paired with her language (*tiansheng fanren*), suggest that she was aware of Lombroso’s “born criminal” theory.

study, Zhou cited Fernald et al, Sheldon and Eleanor Glueck, William Healy, and William I. Thomas. Liu and Xu also cited respected American scholars, including Goddard, Parmelee, and Sutherland, as well as Cesare Lombroso, all of whom (with the notable exception of Sutherland) espoused deeply misogynistic views on women. As I have shown, Zhou, Xu, and Liu's citations did not always mean they agreed with their global colleagues. Zhou, like the many Chicago school sociologists she cited in her work, found Lombroso's "born criminal" theory an unsatisfactory and incomplete analysis of the criminal impulse. Instead, she looked to newer theories of crime that placed a greater emphasis on individual choice and socio-environmental conditions. Likewise, Liu and Xu also explicitly rejected Lombroso's theory that criminals were "physically inadequate." In their discussion of IQs, they also rejected Henry H. Goddard's conclusion in *The Criminal Imbecile* (1915) that 50 percent of criminals were mentally unfit, though they took no issue with the use or reliability of Binet IQ testing.<sup>103</sup> Based on two IQ surveys of criminal youth — one conducted by Chinese psychologist Lu Zhiwei, and another by Nanjing Higher Normal University's Liao Shicheng — Liu and Xu in fact argued that there were no notable differences in intelligence between China's general and criminal populations.<sup>104</sup> The results of IQ tests in China bolstered Liu and Xu's consistent claim that the origin of crime was

---

<sup>103</sup> Liu and Xu, "Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals]," 77. As an advocate of intelligence testing, especially IQ tests, Goddard is normally associated with eugenics. See Zenderland, *Measuring Minds*, 3.

<sup>104</sup> Liu and Xu were referencing two studies but did not provide full citations. The first was a Binet IQ test conducted by Professor Lu Zhiwei; the second was an IQ test conducted by Mr. Liao Shicheng. Both compared IQ tests from a sample of juvenile inmates and non-incarcerated people. Liu and Xu, "Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals]," 77–79.



socioeconomic, not psychological. In essence, all three researchers rejected a multifactorial approach because, although such methods considered social and psychological factors in criminal behavior, they also seriously considered biological explanations of crime. These arguments could be traced back as far as Lombroso, but had lasting influence in American sociological circles, particularly for analysis of woman criminals.<sup>105</sup> Nonetheless, Liu and Xu cited aspects of Euro-American scholars' research they agreed with, or simply cited their data, to situate themselves within cutting-edge conversations in criminology.

In general, Liu and Xu were unconvinced by Euro-American scholars' assertions that all criminals were disproportionately mentally or physically unfit, regardless of gender. This strong rejection of eugenicist, biological correlatives of crime reflected a conviction that criminals were not defective or subhuman specimens, and also bolstered arguments for the efficacy and imperative of individual reform in penal institutions and social reform in society more broadly. Zhou, Xu, and Liu were convinced that people committed crimes largely for socioeconomic reasons, relying on cutting-edge research from the Chicago school of sociology to bolster their claims, and rejecting the aspects of this body of work that did not do so. Although most of these American scholars, with the exception of Edwin Sutherland, remained convinced of women's biological inferiority, neither Zhou, Liu, or Xu believed that criminals or women were biologically predisposed to crime. Borrowing methodological tools from these sociologists, as well as their social analysis of crime,

---

<sup>105</sup> Gibson, "Introduction," 25.

Zhou, Liu, and Xu crafted a new criminological analysis of women's crime in China that demanded social reform first and foremost.

### **Women's Crime and Popular Writers**

“When women begin their menstrual cycle, they gradually become moody, making crime more likely,” popular writer Chen Yinxuan wrote in her 1934 essay “Women and Crime.” The essay, published in the Shanghai popular journal *Ladies' Monthly*, went on to claim that after women were married and busy taking care of children, their chances for crime were lessened.<sup>106</sup> Chen's argument — that women's biology and idleness drove them to crime — was a common refrain in the Republican popular press. Thus, while Zhou, Xu, and Liu's scholarly research concluded that the roots of women's crime were socioeconomic, their arguments were not enough to dispel stereotypes of women as mentally unstable and biologically inferior to men, especially during menstruation and pregnancy. Instead, arguments that reflected the male-authored scholarship of Yan Jingyue and Li Jianhua, echoed Lombrosian theories of women's crime, and relied on Japanese criminological surveys, were

---

<sup>106</sup> *Ladies' Monthly* (*nvzi yuekan* 女子月刊) began publishing in 1933, and published not only articles on women's issues, but also academic research. It stopped publishing in 1937. See *Nvzi yuekan/Zhongguo jinxiandai nvxing qikan huibian [Ladies' Monthly/Collection of Women's Periodicals of Modern China]* (Xianzhuang shuju, 2006). In the foreword of the first issue of *Ladies' Monthly*, its contributors — self-proclaimed “pure and sincere” women — announced the inaugural issue as an attempt to contribute women's knowledge “to serve society and show loyalty to country.” Although it is possible that Chen Yinxuan was a woman, as Grace Fong noted in her discussion of early twentieth-century popular poetry, men often posed as women writers in women's journals. Grace Fong, “Poetic Practice in Women's World, 1904-1907,” in *Women and the Periodical Press in China's Long Twentieth Century*, ed. Michel Hockx, Joan Judge, and Barbara Mittler (Cambridge University Press, 2018), 105. In any case, Chen was a prolific writer for *Ladies' Monthly*: including “Women and Crime,” Chen penned a total of eleven essays from 1933 to 1935, nine of which concerned women's crime and women's issues.

circulated and reinforced in popular writing. Although popular writers like Chen did not entirely dismiss socioeconomic duress as a factor in driving women's crime, they held on to longstanding beliefs that women were prone to crime. In their denunciations of women's criminality, they used the language of science to frame and legitimize their analyses.

Chen's essay relied on a complex set of references that brought together both popular and academic writers. Although Chen cited scholars Yan Jingyue, Li Jianhua, and Zhou Shuzhao, her arguments largely focused on menstruation and heavily relied on Lombroso's *Criminal Woman*, Japanese scholarship, and other Chinese popular writers. Chen argued that surveys conducted by Lombroso, and a survey of women criminals in Osaka, found that most women were menstruating when they committed their crimes. A young Japanese girl, she noted, even murdered her parents while menstruating.<sup>107</sup> Chen also cited Lin Mengyu's 1933 essay "Words on Menstruation," in which Lin argued that lower-class women reached sexual maturity earlier than upper-class women, and that women might be prone to certain "excesses and criminal behavior" during menstruation.<sup>108</sup> Throughout the essay, Lin summarized "the most

---

<sup>107</sup> Yinxuan Chen, "Funv Yu Fanzui [Women and Crime]," *Nvzi Yuekan* 2, no. 21 (1934): 3081. Chen still dismissed Lombroso's famous notion of the biologically determined "born criminal," and wrote that he [are you sure Chen was a he? Doesn't sound like it] was willing to argue that their numbers were "next to nothing." *Ibid.*, 3082.

<sup>108</sup> Mengyu Lin, "Yuejing Zhi Hua [Words on Menstruation]," *Dongfang Zazhi* 30, no. 11 (1933): 84–90. Relying on Japanese scholarship, Lin also asserted that race, environment, heredity, and circumstance were all factors that influenced the age at which menarche occurred. The essay was painstakingly researched and included numerous tables of menstrual symptoms, experiences, and age of menarche for Japanese, European, American, and Chinese women.

important points taken from the most recent, expert research” from several Japanese scholars — a woman doctor, Dr. Tsuji, and Yamazaki Masahige, a scientist who conducted gynecological studies on Ainu women to prove the racial superiority of Japanese people — to make such claims.<sup>109</sup> Chen’s article also heavily relied on other Japanese scholarship, including criminal psychologist and translator of Lombroso’s *Criminal Man*, Seiichi Terada (1884–1922) and forensic crime expert Mataichiro Kominami (1883–1954).<sup>110</sup> Research from these Japanese scholars bolstered Chen and Lin’s arguments that women were prone to criminality when menstruating.

Other Chinese popular authors writing in 1936 relied on the same sources, making the same arguments about the relationship between menstruation and crime. An essay in the popular journal *Healthy Life*, “Menstrual Cycles” by popular writer Mu, cited Lombroso’s *Criminal Woman* and wrote that menstruation was “mysterious,” linked directly to women’s crime, and could give rise to temporary psychological abnormalities and criminal behavior.<sup>111</sup> Lin Xingya’s 1936 essay

---

<sup>109</sup> Yuki Terazawa, “Racializing Bodies through Science in Meiji Japan: The Rise of Race-Based Research in Gynecology,” in *Building a Modern Japan: Science, Technology, and Medicine in the Meiji Era and Beyond*, ed. M. Low (New York City: Springer, 2005), 83–102.

<sup>110</sup> On Terada, see Nakatani, “The Birth of Criminology in Modern Japan,” 282–85; Brian J. McVeigh, *The History of Japanese Psychology: Global Perspectives, 1875-1950* (Bloomsbury Publishing, 2016), 132; “Seiichi Terada,” *The Biographical Dictionary of Japan* (JapanKnowledge Lib), accessed April 13, 2018,

<https://japanknowledge.com/lib/en/display/?lid=5011060334860>. On Kominami, see Sari Kawana, *Murder Most Modern: Detective Fiction and Japanese Culture* (U of Minnesota Press, 2008), 86; Berend Wispelwey, ed., “Kominami Mataichiro,” *Japanese Biographical Index* (Berlin: Walter de Gruyter, 2013). Titles of Chen Yinxuan’s other essays included, “A Look at Women under Capitalism” (1934); “The Problem of Gender Equality and the Married Property System” (1933); and his 1935 book *General Knowledge on Women’s Law*.

<sup>111</sup> Mu, “Yuejing Yu Funv Fanzui de Guanxi [The Relationship Between Menstrual Cycles and Women’s Crime],” *Jiankang Shenghuo* 6, no. 4 (1936): 218. To further their claims, Mu cited as evidence that most women committed crimes during the years in which they menstruated: from roughly fourteen *sui* to fifty *sui*.

“Comprehensive Survey of Reasons for Women’s Crime” — which also appeared in *Ladies’ Monthly* two years after Chen Yinxuan’s “Women and Crime” — agreed with both Chen and Mu, arguing that menstruation increased women’s “carnal desires.”<sup>112</sup> During pregnancy, too, women were violent, easy excitable, and prone to verbal abuse. In addition to menstruation and pregnancy, women criminals were also held to be deeply influenced by the physiology of their gender — which Lin Xingya deemed less evolved and developed than men’s — and personal physical attractiveness, as well as the changing seasons. Women were prone to superstition, jealousy, and spitefulness. These factors, combined with social and economic factors — women’s lower status within the familial structures, their increased contact with the “outer sphere” through labor outside the home, and poor economic conditions — often led to crime, especially sexual crimes, such as prostitution.

Lin Xingya cited popular writer Zhou Xianwen’s 1927 essay in *New Woman*, titled “Women’s Appearance and Crime,” which argued that there was truth to the common saying that “behind every major crime there is a beautiful woman” and that there was, in fact, a direct correlation between looks and crime. Beautiful women, empowered by the attention they received from men, easily became criminals with little regard for others. Ugly women, spurned by potential male providers, were forced to commit crimes to make ends meet.<sup>113</sup> Both Lin Xingya and Zhou Xianwen

---

<sup>112</sup> Xingya Lin, “Funv Fanzui Yuanyin de Mianmianguan [Comprehensive Survey of Reasons for Female Crime],” *Nvzi Yuekan* 4, no. 1 (1936): 43–51.

<sup>113</sup> Zhou, “Women’s Appearance and Crime.” In either case, it seemed that women were fundamentally flawed.

argued that physical characteristics were potential markers of women's criminality. Either conventional attractiveness, or lack thereof, could lead women down a path to crime.

The pathologizing of menstruation was part of an increasingly public conversation on menstruation as a natural process. Authors writing on the topic framed menstruation largely as an occasion for individual self-care and bodily practice based on the "science of hygiene." Scholars have shown that much of this literature emphasized that menstruation was not a disease but suggested that poor hygiene during menstruation could "trigger incurable diseases."<sup>114</sup> Lin Mengyu's essay framed menstruation as a natural process, albeit one that came with illness-like symptoms and the temptations of transgressive behavior. Mu also claimed that "Although menstruation is not an illness...it often assumes the form of an illness," and that increased blood flow from menstruation in the womb and other viscera irritated women's mental states. This general irritability and sickness during menstruation increased the chance of criminal behavior. Lin Xingya argued that women were inherently predisposed to superstition, jealousy, spitefulness and plagued by the ill effects of menstruation and pregnancy. Science offered the answer to these dangers, and as Mu suggested, from a young age, girls with menstrual pain or abnormalities should consult with a physician.<sup>115</sup>

---

<sup>114</sup> Shing-ting Lin, "'Scientific' Menstruation: The Popularisation and Commodification of Female Hygiene in Republican China, 1910s–1930s," *Gender & History* 25, no. 2 (August 1, 2013): 303.

<sup>115</sup> Mu, "Yuejing Yu Funv Fanzui de Guanxi [The Relationship Between Menstrual Cycles and Women's Crime]," 219–220. Quotation from 219.

Despite spending a great deal of time on women's biological inferiority and its special relationship with crime, all of these authors also emphasized the preeminence of societal factors in the origins of women's crime. Chen Yinxuan, for example, stressed the direct relationship between women's crime and larger social systems — noting that, especially in urban spaces, distance from stable family structures and lack of opportunities for employment negatively affected women. Lin Xingya agreed, suggesting that educational programs must be implemented in Chinese society.

Not all popular writers focused solely on menstruation or pregnancy. Translated from Japanese, Jiro Yamanaka's 1932 essay, "Shanghai Women's Crimes," argued that in the city, good and bad people mixed together to create "a den of monsters" fueled by an unstable atmosphere of decaying morality.<sup>116</sup> He noted that in Shanghai prison statistics, women from Subei, or Northern Jiangsu province, made up one third of the total women's population in prison, but rationalized that they were often forced into either low-skill jobs — becoming nannies, laundresses, and janitors — or crime, especially drug trafficking and robbery, because of economic pressures.<sup>117</sup> Especially in the aftermath of the Shanghai War of 1932, in which much

---

<sup>116</sup> Jiro Yamanaka, "Shanghai Nvxing Zhi Fanzui [Shanghai Women's Crimes]," *Shanghai Zhoubao* 1, no. 2 (1932): 28. Yamanaka's original wording for my translation "den of monsters" was *moku* (魔窟). Yamanaka's own expertise is unclear. There is no introduction of Yamanaka's background by the translator, Chi Min, nor does it appear that Yamanaka made any other written contributions to other journals in China. Louise Young notes a Yamanaka Jiro on the Manchukuo Mantetsu Committee in 1936, but we cannot be sure it is the same person. Louise Young, *Japan's Total Empire Manchuria and the Culture of Wartime Imperialism* (Berkeley: University of California Press, 1998), 298.

<sup>117</sup> Honig notes that many Subei women came to Shanghai cotton mills desperate for work but ended up sold into sex work, often by their own husbands. Emily Honig, *Sisters and Strangers: Women in the Shanghai Cotton Mills, 1919-1949* (Stanford: Stanford University Press, 1986), 181.

of Zhabei district was set afire and bombed by Japanese troops, “Jiangbei” (a derogatory name for Subei) people were “willing to commit any crime” as they struggled to make ends meet.<sup>118</sup> Despite these conditions, Yamanaka still argued that criminal women were fundamentally “biologically defective.”

Popular writers Ogonuki Shōtarō and Shu Zhenji, writing on their respective countries, Japan and China, agreed with Yamanaka that women were under deep economic stress, but rejected the notion that any crime had biological roots. Ogonuki’s 1935 article “Outline of Japanese Women’s Crime” argued not only that women’s crime was the “inevitable result” of poor socioeconomic conditions, but also that men’s and women’s crimes had no differences. Both men and women were interested in protecting their “personal interests and their reproductive interests” and would resort to crime if either were in jeopardy.<sup>119</sup> Shu Zhenji’s 1937 article, “Women’s Crime Problem,” argued women committed crimes “not because of some inherent criminal character” but because of China’s existing social, economic, political, and educational systems.<sup>120</sup> Women thus suffered five kinds of exploitation: social, political, legal, educational, and financial. Social values of old-style marriage

---

<sup>118</sup> On the Shanghai War, see Jordan, *China’s Trial by Fire*, passim. Xu Huifang and Liu Qingyu also noted in their 1932 survey that 33 percent of women in the Shanghai-area prison population were from Subei. Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 78. Also cited in Honig, *Sisters and Strangers*, 271n57. Yamanaka gave no citations for his work, but given the detailed statistics on Shanghai crime he used, I suspect that he read Liu and Xu’s 1932 essay. On “Jiangbei” as a derogatory term, see Honig, 74.

<sup>119</sup> Shōtarō Ogonuki, “Ribei Funv Fanzui Sumiao [Outline of Japanese Women’s Crime],” *Yuzhao* 2, no. 10 (1935): 38.

<sup>120</sup> Zhenji Shu, “Funv Fanzui Wenti [Female Crime Problem],” *Huanian* 6, no. 10 (1937): 185–89.



valued men over women (*zhongnan qingnv*); the political system was male-dominated and guaranteed no legal right to political participation for women; the legal system favored men in court proceedings; education was provided only to a small minority of society, but usually men; and finally, the overall economic system developing in China led to capitalist exploitation of women.<sup>121</sup> Shu, like most of his contemporaries, concluded that all of society must be reformed in order to solve the problem of women's crime.

With the prominent exception of Shōtarō Ogonuki, all of these Chinese and Japanese popular writers claimed that women were biologically defective and inferior to men. Strangely, however, they were also committed to denouncing the social system that discriminated against poor, criminalized women. Shu Zhenji also rejected all biological explanations of women's crime and offered a Marxian class analysis that blamed proto-capitalist social formations and governmental failures for poor women's state. Most popular writers, however, used the language of science to show women's biological inferiority and their susceptibility to crime.

### **Conclusion: Theory, Crime, and Social Scientific Analysis**

In the 1920s and 1930s, Chinese criminal sociologists were involved in the creation of new subjects for social scientific scrutiny and study.<sup>122</sup> The

---

<sup>121</sup> Shu, 189.

<sup>122</sup> As Janet Chen notes, this process might be called what philosopher Ian Hacking frames as "making up people," or "the ways in which a new scientific classification may bring into being a new kind of person, conceived of and experienced as a way to be a person." Quotation from Chen, *Guilty of Indigence*, 7. Although not discussed by Chen, the process of "making up people" described by Hacking also included what he called the "looping effect," in which classified subjects self-identify with their classification, and then interact with or alter it,

surveys and studies to which they subjected their captive subjects can be understood as an example of “compulsory visibility:” a form of discipline that both made the subject seeable, and brought them into being via intimate examination and scrupulous documentation.<sup>123</sup> Sociologists, by their own reckonings simply uncovering social realities through the “eyes” of science, were in fact arranging and objectifying criminal women in novel ways, forming new foundations of knowledge that were immediately translated into the penal project.<sup>124</sup> On a national scale, these overlapping discussions on women, prisoners, and the indigent population combined issues of gender and class to construct a distinct object of state intervention: the woman criminal. The use of evolutionary, scientific language to portray women as the lesser developed sex by criminologists such as Lombroso — language that was employed both by sociologists such as Yan Jingyue and Li Jianhua and by popular writers — was

---

is the second step of this process. Ian Hacking, “Kinds of People: Moving Targets,” *Proceedings of the British Academy* 151 (2007): 285–86. Some critics of Hacking have argued that his idea that the looping effect is what separates “natural kinds” from “human kinds” is in fact not the core issue here. Instead, some argue that it is the *awareness* of being classified that creates this looping effect. I would further argue that the looping effect can only take place if the categorized person is *aware* and *able* to influence the classification. Tsou hints at this in arguing that Hacking’s example of autistic children enacting change in their own classification ignores the “atypical” way in which autistic children are aware (338). That is, that there is a high variability between different subjects being categorized and they cannot all necessarily enact a looping effect. Jonathon Tsou, “Hacking on the Looping Effects of Psychiatric Classifications: What Is an Interactive and Indifferent Kind?,” *International Studies in the Philosophy of Science* 21, no. 3 (November 6, 2007): 337–38.

<sup>123</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage Books, 1977), 180.

<sup>124</sup> Zhou Shuzhao wrote that “Social reformers take advantage of all that scientific research can offer [to solve the problem of crime].” Turning this scientific “gaze” (*yanguang* 眼光) towards women, Zhou wrote, could help with both female crime and the “woman problem.” Zhou, “Beiping Nvxing Fanzui Yu Funv Wenti [Beiping Women’s Crimes and the Woman Problem],” 5.

rejected by sociologists who specialized in studies of women's crime: Zhou, Liu, and Xu.<sup>125</sup>

Yan Jingyue and Li Jianhua were both critical of social systems and uncritical of their own gendered prejudices against women. Although they placed themselves in a global conversation on the nature of crime that shifted the onus off of the individual, highlighting biological and social factors, they framed biology as absolute and inherently static. Through a series of mental leaps that portrayed all women's emotion and behavior as psychologically unstable and mentally immature, these sociologists created a gendered framework of crime in which women were simultaneously viewed with both pity and suspicion. Their analyses of the social, economic, political, and educational systems that discriminated against and hindered women showed a scrupulous attention to the rapidly changing and unstable milieu of Republican China, but they failed to turn this critical lens on the prejudices against women predicated in science, biology, and the social sciences. When it came to longstanding stereotypes of women's bodies, sexuality, and inherent deviousness, leading sociologists such as Yan and Li thus were part of an older conversation on the fundamental biological nature of women.

Throughout the work of Zhou, Liu, and Xu there is a hint of an alternative narrative to the hegemony of biological explanations for women's crime. Their

---

<sup>125</sup> On women's tendency towards crime, especially prostitution, see Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 188–89.

studies, particularly Zhou's, were cited by every piece of popular writing about woman criminals in China thereafter. Many of the popular writers citing them persisted in expounding biological theories of women's crime, reifying longstanding stereotypes about women's fundamentally criminal and lascivious nature. In this way, social scientific knowledge was used to legitimize pseudoscientific conclusions about women's mental, psychological, and biological inferiority, but popular writers also drew on the social theories conceptualized by Zhou, Liu, and Xu. This cohort of young women researchers found a way to connect the women's crime problem to the larger issues of the day: contemporary unrest and the reform of China's social ills. Although the popular writings that quoted them often derailed the conversation to address questions about the biology and psychology of women — questions that Zhou, Liu and Xu did not themselves address — their works became the foundation of women's crime studies in Republican China.

The production of knowledge on women's crime detailed in this chapter was not limited to academic writings, but was also a form of entertainment or social commentary in popular writing. As a source of knowledge, it was used to arrest, categorize, sentence, incarcerate, and discipline women in Republican courtrooms and prisons across China. This is the subject to which I will turn in the next chapter, which traces three criminal cases in the new Republican three-tiered court system in the 1930s and 1940s.

## Chapter Two

### The Courtroom

A joke printed in the Qingdao newspaper *Minzhi bao* in 1948 opened with a female thief brought before a judge, who chastised her for numerous arrests: “How many times have you been caught stealing? I remember it must be four times now, is that right?” She confirmed that this was correct and the judge asked her age. “I am 23 *sui* this year,”<sup>1</sup> she replied. Baffled, the judge said that during an arrest three years prior, she had also claimed to be 23 *sui*. “Oh, that?” she calmly replied, “That just goes to show my honesty. It proves that I’m not a person of empty words. I would never say I was 23 *sui* this year and the next say I was 24.”<sup>2</sup> Her meaning, that she would not change her answers in a court of law, or “lie,” either mocks the woman’s intelligence, suggests that she is cheekily teasing the judge, or perhaps even pokes fun at the legal bureaucracy of the Republican period, which was scrambling to keep tabs on women it deemed problematic. This interaction gives us little insight into the real exchanges between woman criminals and judges within the courtroom, but it does raise important questions about the relationship between gender, perceptions of criminal behavior, and sentencing decisions that are the subject of this chapter on courtroom proceedings.

---

<sup>1</sup> Throughout this chapter, I will use the traditional age calculation (*sui*), as they are in the original sources, rather than “years old” to refer to a person’s age, as they are in the original sources. This age calculation could be one or two years older than how one’s age was marked with the passing of age calculated according to one’s birthday in the Gregorian calendar, as it was based on counting nine months in the womb as one year of age and adding a year of age at the passing of each lunar new year.

<sup>2</sup> “Nvfan de Chengshi Deng [The Honesty of a Woman Criminal],” *Minzhi Bao*, October 2, 1948. Found in QMA D000423 00060 0006 MZB.

How were woman criminals and their crimes perceived and presented in the courtroom by practitioners in the legal system, such as judges, prosecutors, and attorneys? How did women themselves respond to these constructions of their characters? The following chapter will first look at the court judgements of murder cases in the Republican period and Japanese occupation, paying special attention to changes in the new criminal justice system under the Nationalists. Although there were similar components to both systems, and the Republican judicial system drew heavily on earlier Qing models, the new Republican Civil Code of 1931 and the Criminal Code of 1935 had a major impact on how and why the women of this chapter were imprisoned.<sup>3</sup> Under this new system, which purported to treat women as citizens and dismantle patriarchal society, judges often doled out harsh sentences based on women's perceived trustworthiness or morality.

The core of this chapter will analyze in detail the court proceedings of three murder cases, which together spanned nearly fifteen years.<sup>4</sup> The first is the case of

---

<sup>3</sup> Although historians of the Qing previously thought that most civil matters were typically settled outside of the legal system, we now know that Qing judicial officials regularly saw cases of this nature. The new code thus drew on a long tradition of adjudication in civil matters. See Kathryn Bernhardt and Philip Huang, *Civil Law in Qing and Republican China* (Stanford: Stanford University Press, 1999), 4–6. This new code, however, gave women unprecedented legal rights with regard to initiating divorce, spousal support, and alimony, essentially serving as a litmus test for the project of gender equality and the dismantling of the patriarchy under the Nationalists. Despite the persisting characterization of the civil code as another failed state project, scholars such as Margaret Kuo argue that women used the system effectively to exert more power in their marriages. See Kuo, *Intolerable Cruelty*, 4–6. On the Criminal Code specifically, see Mühlhahn, *Criminal Justice in China*, 46–52.

<sup>4</sup> Murder cases in particular spanned a series of years and generated more appeals than any other crime. It is not clear why this is the case, but other scholars have noted that during the imperial period in murder cases in which the sentence was death, all cases were automatically appealed to the highest court and reviewed by the emperor. See Robert E. Hegel et al., eds., *True Crimes in Eighteenth-Century China: Twenty Case Histories*, Asian Law Series, no. 20 (Seattle: University of Washington Press, 2009), 12–16. In the cases

Mrs. Tan Huang, who was charged with the murder of her friend and fellow villager Mrs. Tan Wang.<sup>5</sup> This case, which involves two women and a mysterious (and never discovered) young man, provides an example of murder motivated by socioeconomic gain. The following two cases, the 1933 to 1941 case of Mrs. Zhao Tang, a woman found guilty of accessory to her husband's murder along with her four supposed lovers, and the 1939 to 1944 case of Mrs. Wang Yang, also found guilty of being an accomplice to the murder of her husband with her supposed lover, together provide a useful contrast to the case of Mrs. Tan Huang as crimes of passion rather than economic strife. They also raise the issue of spousal murder, which comprised the majority of murder cases involving female defendants that I found in the archive.<sup>6</sup> All of these cases raise certain dimensions of the "woman problem," especially women's precarious financial positions and vulnerability to exploitative men.

With regard to court judgements, the legal archive, and the criminal justice system in general, these three murder cases display a number of common characteristics found in Republican criminal cases. In organization and structure, they demonstrate both the formulaic style and the tenor of Republican investigatory procedures and courtroom proceedings. Through them, we can obtain a clear sense of

---

analyzed in the present chapter, however, no women were sentenced to death.

<sup>5</sup> Women are referred to in legal documents by a combination of their married surname (A) and maiden surname (B), hence Mrs. Tan Huang might be best translated as Mrs. Tan née Gao. For brevity, however, I will refer to all married women in this format: Mrs. A B. All names have been anonymized in this chapter and all subsequent chapters that reference the historical subjects of this chapter.

<sup>6</sup> Both of these cases were from rural areas outside of Tianjin but were appealed to the Tianjin Branch of the Hebei Superior Court. During the Republican period, the Hebei Superior Court took cases mostly from Beijing, but also the surrounding counties. See Kuo, *Intolerable Cruelty*, 18.

how investigators gathered evidence, built legal cases, and then presented them in the courtroom. From the defendants' verdicts, sentencing, and appeals, we can also see important changes to the criminal justice system in practice. In particular, they demonstrate how the new three-tiered court system presided over cases for years at a time, shifted towards long-term prison sentences of reform rather than corporal punishments, and implemented top-down national policies in criminal sentencing that affected inmates across China. The cases help us track the continuities and ruptures between the longstanding tradition of meticulous legal process in Qing-era judicial procedures and the Republican-era criminal justice system.

Finally, and perhaps most importantly for this chapter, these cases reveal attitudes towards women in twentieth-century China. These court cases, which often ended in finding the female defendants guilty for crimes committed under social or economic duress, reflected larger attitudes towards the "woman problem" in twentieth-century China: women were pitiful for their lack of knowledge and vulnerability to men in a patriarchal society, but were also derided for these problems and their turn to crime as a solution. The new Republican courts professed sympathy, but continued to find women guilty and imprison them under new laws which demanded long sentences aimed at reform. For men and women accused of crimes, these large shifts in the criminal justice system undoubtedly altered the results of their trials and subsequent imprisonment. For women in particular, courtroom verdicts were thus the result of a sympathetic but suspicious attitude towards lower-class women prone to visible crime.



In Republican China, social expectations of women as actors outside the domestic sphere were changing rapidly, but there were still few well-paying opportunities for women in the workforce.<sup>7</sup> Other scholars have noted that by the 1910s, political unrest and its impact on the economy made women especially susceptible to financial hardships, and in the worst cases, crime. National surveys of crime from 1914 to 1919 show that most women were caught up in criminal activity because they struggled to make ends meet in ways that were deemed illegitimate to the state.<sup>8</sup> This was also a moment in which both the press and intellectuals became interested in publicly visible women and their comportment.<sup>9</sup> As we have seen, this interest continued with Chinese criminologists conducting social surveys and research in the 1920s and '30s, who were also concerned that women were especially vulnerable to becoming criminals.

Within this criminologist framework, which highlighted the vulnerable position of women while also sometimes highlighting their deceptive nature, even crimes of passion could be explained as the result of a man's manipulation and abuse. In the cases of women murdering men, the defense made use of this argument extensively. This reflects the tone of similar cases in Qing dynasty trials, in which

---

<sup>7</sup> Even fewer economic opportunities were open to lower-class women, so some opted to become performers, despite the stigma on the profession. For a detailed look at lower-class women who became successful actresses in late Imperial Tianjin, see Vanessa Qin Fang, "Beauty and A Broken City: Women and Their Publicity in Tianjin, 1898-1911" (University of Minnesota, 2011), *passim*.

<sup>8</sup> Ai, "Minchu Nvxing Fanzui de Jingjihua Qushi Yanjiu [Research on the Economizing Tendency of Women's Crimes during the Early Republican Era]," 5.

<sup>9</sup> Bailey, "Women Behaving Badly," 156–58.

women's immorality was blamed on men's moral failings.<sup>10</sup> Throughout the cases presented here, the written court judgements equivocate between sympathy and moral condemnation of the accused women. In the end, the court sometimes sympathized with the plights of women as victims, which mirrored the conclusions of criminologists, but they nevertheless often dealt out lengthy punishments that did not necessarily reflect those sympathies. These judgements were related to the larger question of the "woman problem" and perceptions of woman criminals discussed in chapter one.

The cases of Mrs. Tan Huang, Mrs. Zhao Tang, and Mrs. Wang Yang all took place in the 1930s and 1940s in rural areas outside of Tianjin but, at the provincial level, fell under the legal jurisdiction of the Tianjin Branch of the Hebei High Court.<sup>11</sup> Mrs. Tan Huang resided in her husband's native village, in Luan County, which is part of the city of Tangshan, about 108 kilometers west of Tianjin.<sup>12</sup> Nearby, Mrs. Zhao Tang also lived in a rural village of Tangshan in Laoting County. Mrs. Wang Yang lived not far off, in Dongguang County, located in the southeast region of the

---

<sup>10</sup> Hegel et al., *True Crimes in Eighteenth-Century China*, 9.

<sup>11</sup> When both women were first charged with a crime, they were initially tried at their respective local county levels. Although Luan and Dongguang counties are part of Tangshan and Cangzhou, respectively, because of the structure of the Republican court system, with its county, provincial, and supreme court levels, it does not appear that either case was ever tried at these municipal levels. After their verdicts at the county level, they both appealed and moved up the three-tiered Republican court system to the provincial level, and finally, for Mrs. Tan Huang, the supreme court level. Although their court documents in the archive are, for the most part, complete, Mrs. Tan Huang's original case file from Luan county is missing. All information from her Luan county trial is reconstructed from references to the original trial in subsequent court proceedings.

<sup>12</sup> Yuhui Ma, *Hebei Sheng Xingqing Duben [Hebei Reader]* (Shijiazhuang: Hebei renmin chubanshe, 2013), 208.

prefecture-level city of Cangzhou, about 100 kilometers southwest of Tianjin and 200 kilometers southeast of Beijing.<sup>13</sup> All of these cities and their surrounding areas are part of the North China region in Hebei Province, a place which, from the late nineteenth century, was subject to encroachment by Japan. In 1860, the Japanese empire secured a foreign concession, along with other non-Chinese nations, in Tianjin following the Second Opium War.<sup>14</sup> From 1914 to 1922, they occupied the port-city Qingdao in neighboring Shandong Province.<sup>15</sup> In 1935, the Tianjin Garrison, a Japanese army posted to the Tianjin-Beiping area in 1905 following the Boxer Rebellion, succeeded in getting the Nationalist forces to pull out of Hebei Province entirely. By July of 1937, the Japanese Guangdong Army was sending troops to Hebei en masse, culminating in a clash with Nationalist forces that ended with the occupation of Beiping, Tianjin, and much of Hebei Province until Japanese surrender in 1945, one year after the last trial of the two women of this chapter.<sup>16</sup> Throughout

---

<sup>13</sup> During the Ming and Qing periods, Cangzhou itself switched jurisdiction, and was at times under the direct control of the imperial center, or under the city of Tianjin. Ma, 263.

<sup>14</sup> Ruth Rogaski, *Hygienic Modernity: Meanings of Health and Disease in Treaty-Port China* (Berkeley: University of California Press, 2004), 14.

<sup>15</sup> Robert Nield, *China's Foreign Places: The Foreign Presence in China in the Treaty Port Era, 1840–1943* (Hong Kong University Press, 2015), 257. George Steinmetz, *The Devil's Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa, and Southwest Africa* (Chicago: University Of Chicago Press, 2007), 506–7.

<sup>16</sup> Gary Bjorge, "Chinese Civil War (Modern)," *The Encyclopedia of War* (Blackwell Publishing Ltd, November 13, 2011), par. 8-10, <https://doi.org/10.1002/9781444338232.wbeow114>. For North China in general, see also, Lincoln Li, *The Japanese Army in North China, 1937-1941: Problems of Political and Economic Control*, East Asian Historical Monographs (Tokyo ; New York: Oxford University Press, 1975), passim. For Japanese specifically in Tianjin, see Rogaski, *Hygienic Modernity*, especially Chapter Nine (254-288). It is unclear whether Cangzhou and Tangshan were directly under Japanese control, although Tianjin, where the women were imprisoned for the duration of their trial, certainly was under occupation. Although the Tianjin Garrison succeeded in ousting the GMD from Hebei in 1935, for example, the Communists were also successful in setting up a number of base areas throughout Hebei. Chongyi Feng and David S. G. Goodman, *North China at War: The Social*

the court proceedings, however, it is clear that there were no Japanese officials directly involved in the apprehension, trial, or sentencing of Mrs. Tan Huang, Mrs. Zhao Tang, or Mrs. Wang Yang, a fact which reflects the conclusions of historians who have suggested that the Japanese occupiers had little interest in meddling with the criminal justice system, except those in which political crimes were involved.<sup>17</sup> Thus, although the ramifications of Japanese occupation were immense, there is no reason to believe that the criminal justice system or non-political criminals were particularly singled out as a source of concern by Japanese administrators.

It is also crucial to note that murder was a rare crime for women imprisoned in the early twentieth century, though women were sometimes charged with and incarcerated for murder and accomplice to murder. National statistics from 1930 to 1933 show that the majority of women, from 65 to 69 percent, were imprisoned for “socioeconomic crimes” — such as robbery, abduction, trafficking opium, gambling, or forcing others to engage in prostitution — whereas violent crimes, which included murder, varied from 17 to 19 percent.<sup>18</sup> If most criminal women were not convicted and imprisoned for murder, why focus on these cases rather than more common, petty crimes? First, records of murder cases were very detailed. One reason for this is

---

*Ecology of Revolution, 1937-1945* (Lanham: Rowman & Littlefield, 2000), 14.

<sup>17</sup> In Beijing for example, most judges and court officials kept their posts throughout the occupation. See Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 21.

<sup>18</sup> Wang, “Minguo Chunian de Nvxing Fanzui (1914-1936) [Early Republican Female Crime (1914-1936)],” 12. There was a national uptick in murder in 1936, however, when crimes labeled “socioeconomic” dropped to 45 percent, and violent crimes for women rose to 27.3 percent. Complete national records for other years are, unfortunately, incomplete.

obvious: serious cases in which people lost their lives merited extensive investigations and collection of evidence. Republican-era investigatory procedures were very meticulous and murder cases contained mountains of visual descriptions, testimonies, coroner reports, and often a lengthy rumination by the presiding judge on the background, motive, and means to commit such heinous crimes.<sup>19</sup> Second, for each individual case there were a great number of appeals. Each appeal generated a new set of documents as it moved up the chain of command which both summarized previous appeals and also added new thoughts and judgements from the presiding court. Finally, the length of time that it took to resolve these cases allows us to track the accused individual over a long period of time within the prison, as both Mrs. Tan Huang and Mrs. Wang Yang were held in the Tianjin Prison throughout their series of trials and appeals, a common practice for those accused of murder.

### **The Case of Mrs. Tan Huang**

In the early hours of a summer morning in July of 1930, Mrs. Tan Huang asked her fellow villager Mrs. Tan Wang to accompany her to her natal village to sell some bundles of cloth.<sup>20</sup> Both women lived in the Tan Family Village of Luan

---

<sup>19</sup> Republican investigatory procedures mirrored many earlier Qing practices. Mühlhahn characterized the Qing judicial system as “inquisitorial” because of their dedication to meticulous forensic investigation and documentation. Mühlhahn, *Criminal Justice in China*, 32–34.

<sup>20</sup> All details about this case are taken from the following files: Tianjin Municipal Archives (hereafter TMA) J0043-2-035356; J0043-2-037339; J0043-2-002229; J0043-2-001921; J0043-2-002951; J0043-2-002940; J0043-2-009261. The general details of the case remain the same throughout, but in the case of important details about the case that are either update the general narrative or contradict it, I will note the specific document number. Also note that the original case file from the Luan County Court was either unavailable in the archive or no longer exists. The basic details of the case draw on a 1939 appeal to the Tianjin Branch of the Hebei Superior Court. Mrs. Tan Huang’s case went through to the highest level

County.<sup>21</sup> The pair normally peddled cloth to make ends meet. On this day, Mrs. Tan Wang also collected on a debt owed to her. At dusk, they set off for home, with Mrs. Tan Wang carrying all of her cloth goods and a total of eighty *yuan* from the day's sales and the collected debt on her person. At this point in the court case, the claims of the prosecution and the accused differ greatly. According to the prosecution, on their walk home, Mrs. Tan Huang suddenly pretended to be tired and asked Mrs. Tan Wang to stop for a moment to rest. As they did, she approached Mrs. Tan Wang from behind and began to choke her. A young man, lying in wait for this moment, emerged from a clump of sorghum growing by the road, and using a knife previously hidden in the earth, sliced Mrs. Tan Wang's throat from the front to the back.<sup>22</sup> The pair then stole the cloth and money and turned to flee. Mrs. Tan Huang, however, worried that Mrs. Tan Wang was not dead, returned to slice at her neck until she was convinced the woman had died. Then, she calmly went home and reported that Mrs. Tan Wang was killed by bandits on their way home.<sup>23</sup> She told her own mother-in-law, Mrs. Tan Zhang, who immediately ran to notify Mrs. Tan Wang's husband, Tan Maoyin. He took a cart and retrieved Mrs. Tan Wang, who was miraculously still alive, but

---

of the three-tiered Republican court system, which was established in 1932, but it spanned over a decade, from 1930 to 1941.

<sup>21</sup> Hegel's translates "family village" (*jiazhuang* 家莊) as "manor." Hegel et al., *True Crimes in Eighteenth-Century China*, 65.

<sup>22</sup> In an eighteenth-century case, coincidentally in the same county as Mrs. Wang Yang's case (Dongguang County), Hegel notes that in early September, sorghum plants in this region would have been mature and able to conceal a full adult person. Hegel et al., 78n2. While the height of the plants is not noted in the original case, it is noteworthy that the murder of Mrs. Tan Wang occurred in late July, which may have been a reasonable time for sufficient plant height.

<sup>23</sup> The exact phrase used was *congrong huigui* (從容回歸). TMA J0043-2-002229.

gravely injured, and who died that later night because of her injuries. The villagers then turned to the village head, Tan Zhenxian, who sent Mrs. Tan Huang to the Luan County government seat for interrogation. The prosecutor of the Luan County Court opened a murder investigation and brought charges against Mrs. Tan Huang.

The defense, however, painted a very different picture of the murder scene.

Mrs. Tan Huang presented her own retelling of the events:

...I invited Mrs. Tan Wang to come to my natal village and she brought a bundle of cloth with her to sell. When we came back, we were about halfway there, and I said let's have a rest. Then, a man came out from a clump of sorghum and cut her. Because she was in the front and I was in the back, as soon as I saw him cut her, I immediately got out of there and ran. It wasn't me that cut her.<sup>24</sup>

Unfortunately for Mrs. Tan Huang, after Mrs. Tan Wang was brought back to the village, the village head, suspicious of Mrs. Tan Huang's original story, brought her before the dying Mrs. Tan Wang. From court documents, we know that performing interrogations and interviews immediately, often in the presence of the victim, appeared to be standard practice.<sup>25</sup> According to the village head, the dying woman's

---

<sup>24</sup> Although the quotation is dated 1930, the year of the trial, it appears in an appeal to the Tianjin Branch of the Hebei High Court in 1939, eight years after the murder. TMA J0043-2-002229.

<sup>25</sup> During the Qing, this practice was believed to be the most truthfully expedient, as it gave little time to concoct stories and also put emotional pressure on the perpetrator being in the presence of the victim. Hegel et al., *True Crimes in Eighteenth-Century China*, 78n3. Hegel also points out, however, that there were critics of this system, who argued that torture forced false confessions. *Ibid.*, 16.

last words confirmed his fears, “You cut me,” Mrs. Tan Wang said, “I have so many stab wounds. I pretended to be dead and you walked away for quite a bit. Then you came back and stabbed me two more times. You didn't leave until you thought I was dead.”<sup>26</sup>

In the 1939 appeal to the Tianjin Branch of the Hebei Superior Court, these two conflicting reports, as well as the total absence of the young man whom Mrs. Tan Huang claimed had murdered Mrs. Tan Wang, led the court to wonder how to reconcile the two claims. The court documents raised a crucial point: although Mrs. Tan Wang did not report seeing a man, if there was no one else there, how could a young woman physically commit such a crime by herself?<sup>27</sup> The court concluded that, although they doubted her ability to kill Mrs. Tan Wang alone and there was a lack of physical evidence, the defendant was undeniably guilty. The court went on to write that the appellant's situation could be attributed to the fact that she possessed “women's weak knowledge, and momentary poverty compelled [her] to go to such an extent [as murder].”<sup>28</sup> Given this more sympathetic conclusion, the court commuted

---

<sup>26</sup> TMA J0043-2-002229.

<sup>27</sup> The exact phrase used to describe Mrs. Tan Wang was *nianqing youfu* (年輕幼婦). TMA J0043-2-002229. Hegel notes that in a 1738 case of a wife killing her husband, court officials questioned her physical ability to kill her husband, a man “...in the prime of his life.” They concluded that the father-in-law, who was having illicit sex with her, must have helped. Although the circumstances are not exactly the same, the search for an accomplice despite plenty of testimony to the contrary strikes a similar tone. In the 1783 case, the woman's original sentence of dismemberment was delayed to confirm whether or not the father-in-law was an accomplice. Quotation from Hegel et al., *True Crimes in Eighteenth-Century China*, 140–41.

<sup>28</sup> The exact phrase was *cha shangsuren xishu funv zhishi boruo qi yin yishi pinkun suo po yizhi* (查上訴人係屬婦女知識薄弱祇因一時貧困所迫以致). TMA J0043-2-002229.



her original (unknown) sentence from the Luan County Court to fifteen years' imprisonment.

Later, in her final 1941 appeal to the North China Supreme Court, the same phrase, "young woman," which suggested Mrs. Tan Wang's physical weakness, was instead used in her defense to describe her as just a young woman of 23 *sui* at the time of the murder. While this struck a slightly more sympathetic tone than previous appeals, more quotations from witnesses to Mrs. Tan Huang and Mrs. Tan Wang's final exchange were brought up that cast doubt on any pleas for sympathy. "You did this to me, didn't you?" Mrs. Tan Wang reportedly asked of Mrs. Tan Huang. "What hate was there between us?" In the end, the Supreme Court found that there was not enough convincing evidence to repeal or alter Mrs. Tan Huang's previous sentence. Her sentence from the Tianjin Branch of the Hebei Superior Court of fifteen years' imprisonment was upheld.<sup>29</sup> By that time, however, she had already spent nearly nine years in the Tianjin Prison. During her time there, she also fell gravely ill several times, an issue we will turn to in the following chapter.<sup>30</sup>

What could have driven Mrs. Tan Huang to murder her fellow villager?

Eighty *yuan* was certainly no small amount in the 1930s. As historian Zhao Ma notes, house servants in nearby Beijing earned roughly three to six *yuan* in an entire

---

<sup>29</sup> Although the original Luan County court judgement, if still extant, is not to be found in the archive, we know from her 1939 appeal to the Tianjin Branch of the Hebei Superior Court that the court repealed her original sentence and she was re-sentenced to fifteen years' imprisonment.

<sup>30</sup> This will be discussed at length in the following chapter on health and maternity issues in the prison.

month.<sup>31</sup> This sum of money, in addition to the cloth, was worth a great deal. Attempted murder, especially of a fellow villager, however, was risky, and Mrs. Tan Huang risked not only prison time but her relationships with fellow villagers if she committed murder. Indeed, it is clear from the court documents that her supporters were few, if any, as there were no witnesses called to her defense. Instead, it appears that most of Tan Village rallied against her and attested to her guilt. In the 1941 Supreme Court appeal, too, the quotation from Mrs. Tan Wang, apparently shocked that Mrs. Tan Huang would hurt her, also suggests that she previously had had an at least outwardly friendly relationship with this woman. With no further detail, of course, it is impossible to know the tone in which this final plea was delivered. Was this final question asked in sad disbelief? Or were Mrs. Tan Wang's words bitter and angry, full of some unmentioned tension between them? Despite Mrs. Tan Wang's accusations, throughout of her all of her trials, Mrs. Tan Huang denied her involvement both in the plotting and execution of the crime. Regardless, the courts could not be persuaded of her complete innocence, and were willing to lessen, but not repeal, her sentence based primarily on her struggles as a poor, uneducated woman.

There was a longstanding legal tradition of pity for impoverished women, and poverty was often construed as a legitimate reason for adultery.<sup>32</sup> In wartime Beijing, historian Zhao Ma also found that women accused of adultery or prostitution often

---

<sup>31</sup> Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 64.

<sup>32</sup> Hegel et al., *True Crimes in Eighteenth-Century China*, 216.

used their husbands' inability to support them financially as justification for such actions, although Ma was not looking at murder cases.<sup>33</sup> In a sense, Mrs. Tan Huang too highlighted her helplessness as a woman faced with the violence of men when she claimed she ran from the mysterious young man who emerged from the sorghum with a knife. Thus, while the provincial-level court took pity on her impoverished state and lack of knowledge as a woman, which were the primary reasons for the commutation of her original (unknown) sentence to fifteen years imprisonment, the North China Supreme Court found that there was not enough compelling evidence to re-try her case.<sup>34</sup> In the final verdict on her case, lack of physical evidence against her was never a factor in the commutation of her sentence. The court did not mention a murder weapon, the so-called accomplice, the missing money and cloth, or cite any forensic evidence of blood on Mrs. Tan Huang's person or clothing. These glaring absences in the court verdict, when placed alongside the absolute conviction of the court that she murdered Mrs. Tan Wang, suggests that the second-hand testimony of the victim quelled such doubts. Instead, the court focused on Mrs. Tan Huang's lack of knowledge as a woman and poverty as the critical factors, resulting in the successful commutation of her sentence. In the following case of seduction, adultery, multiple lovers, and murder, the North China courts also chose to focus on the young defendant's "weak woman's knowledge."

### **The Case of Mrs. Zhao Tang**

---

<sup>33</sup> Hegel et al., 28.

<sup>34</sup> TMA J0043-2-002229.

Mrs. Zhao Tang was only nineteen years old when she was charged with the murder of her husband, Zhao Xingqi, who was shot to death in 1933.<sup>35</sup> The couple were living together in his hometown, the rural Jiuzhen Village of Laoting County, outside the city of Tangshan. Although a Laoting County document from May 1941 stated that her original trial documents were missing because of issues with bandits in the area, her series of appeals and trial record in the Hebei Superior Court, Tianjin Branch and the Supreme Court, North China Branch were intact.<sup>36</sup> In both appeals, the prosecution claimed that Mrs. Zhao Tang was having an affair with multiple lovers: Tang Fenglin, Xu Cunren, Tang Youzhi, and Tang Chunlin. The duration and extent of these affairs were unmentioned; however, court documents clearly called this a case of “consensual adultery” (*tongjian*). The prosecution then claimed that the group eventually plotted to kill her husband by having Mrs. Zhao Tang lure him into a secluded location. Beforehand, Mrs. Zhao Tang pressured her husband to meet her in her mother’s home, saying that she wanted to return some money to him at that time. She then returned to her natal home, telling no one in Jiuzhen Village, and waited for her husband. Later that day, at dusk, when the two were returning to

---

<sup>35</sup> All details about this case are taken from the following files: TMA J0043-2-009349; J0043-2-002807; J0043-2-002426; J0043-2-003609. The original Laoting County Court documents have been destroyed, but most details of the case are gathered in TMA J0043-2-009349, which includes Hebei Superior Court and Supreme Court proceedings. The general details of the case remain the same throughout all documents, but in the case of important details or new information, I will note the specific document number.

<sup>36</sup> The original documents were apparently lost due to bandits (*fei luan sunshi* 匪亂損失), but the rest of the series and appeals from 1938 to 1941 were collected together in one archival file. TMA J0043-2-009349.

Jiuzhen Village, Tang Fenglin and the three others ambushed and killed Zhao Xingqi with a gun.

After her husband was shot four times, Mrs. Zhao Tang ran back to her natal village to her neighbor Mrs. Li Li's house and claimed that her husband had been robbed and murdered by bandits. According to Mrs. Li Li's later testimony, Mrs. Zhao Tang said that her husband was carrying 20 *yuan* on his person, which was taken in the robbery. Mrs. Li Li testified that she believed her story at the time, but sent the young woman on her way nonetheless.<sup>37</sup> When Mrs. Zhao Tang returned to Jiuzhen Village, she claimed not to know her husband's exact whereabouts, but insisted that everything was fine. She confided in Zhao Xingqi's older sister, Mrs. Wang Zhao, however, telling her that her husband was robbed by bandits on the road. Zhao Xingqi's brother, Zhao Rongqi, was deeply suspicious of her behavior and went to the county government to press charges against her. She was taken into custody the same day of the murder, and remained in custody throughout her trial proceedings, from 1933 to 1941.

Mrs. Zhao Tang's original trial at the Laoting County Court took place on September 3, 1934. She was found guilty of being an accomplice to murder and sentenced to twelve years' imprisonment in the Tianjin Detainment Center.<sup>38</sup> Her case

---

<sup>37</sup> Although Mrs. Li Li claimed in her testimony that she believed Mrs. Zhao Tang, her actions (turning Mrs. Zhao Tang back onto the bandit-filled road) suggested otherwise.

<sup>38</sup> Here, I am translating *gongtong sharen* (共同殺人) as "accomplice to murder." From Mrs. Zhao Tang's later medical records, which will be discussed at greater length in Chapter Three, we know that she was kept in the Tianjin Detainment Center (*Tianjinshi fayuan kanshousuo* 天津市法院看守所), not the Tianjin Prison (*Tianjin jianyu* 天津監獄). It is not clear if this was because she was awaiting a verdict or for some other reason.

was subsequently appealed to the Hebei Superior Court, Tianjin Branch, and the Supreme Court, North China Branch, with court dates set for March 19, 1938 and January 31, 1939. The Supreme Court reviewed the case on December 25, 1940, noting that the appellant's mother, Mrs. Tang Li, had provided compelling testimony that her daughter was helpless in the face of her so-called accomplices. "My son-in-law [indicating Zhao Xingqi]," the court quoted her, "actually died at the hands of Tang Fenglin and the four others."<sup>39</sup> Her daughter, she asserted, was not explicitly to blame for the murder. The court went on to conclude that Tang Fenglin and the others were "motivated by lustful desires" to kill Zhao Xingqi, and that Mrs. Zhao Tang had no means of stopping the crime or helping him. The Supreme Court vacated the original twelve-year sentence and returned the case to the Hebei Superior Court for sentencing, where it was again reviewed on April 10, 1941.

During this trial, for the first time, we learn more about the male murder suspects. Tang Fenglin and Tang Youzhi were still on the run, but Xu Cunren had been detained in nearby Changli County, which was under the administration of the coastal city, Qinhuangdao, on the Bohai Sea.<sup>40</sup> He was charged with gun possession there, although no further details were given on pressing murder charges.<sup>41</sup> In this trial, the prosecution also pressed Mrs. Zhao Tang to admit her guilt, grilling her on why her relationship to her husband was troubled, and suggesting that she took trips to her natal home as an opportunity to commit adultery. Despite this harsh line of

---

<sup>39</sup> TMA J0043-2-009349.

<sup>40</sup> Changli County is roughly 200 kilometers northeast of Tianjin.

<sup>41</sup> We also learn that Tang Fenglin and Xu Cunren were both former soldiers, most likely for the Nationalists, as no other affiliation is listed.

questioning, the court concluded that Mrs. Zhao Tang was young and lacking in knowledge at the time of the murder; indeed, the court transcripts went on, she was seduced by Yang Fengqin and simply got “caught up in the net of the law.”<sup>42</sup> Finally, the court noted that the original sentence of twelve years relied on old criminal law and that, according to the new criminal code, she should be re-sentenced.<sup>43</sup> Mrs. Zhao Tang had already been imprisoned for nearly eight years by this point in 1941. The court reduced her total sentence to a total of eight years and she was released into the custody of guarantor Zhao Zhenshan that May.<sup>44</sup>

Although poverty was never a factor in Mrs. Zhao Tang’s case, like Mrs. Tan Huang, she was also represented as a woman with “weak knowledge,” a judgement that played a key role in her defense and early release. Her young, impressionable age was taken into consideration, although the courts do not note the ages of her male accomplices. Regardless of Mrs. Zhao Tang’s age, “weak woman’s knowledge,” or vulnerability to “seduction,” however, the court verdicts still fixated on her “adulterous” behavior. Mrs. Zhao Tang, like Mrs. Wang Yang, whose case we will turn to below, was portrayed as an immoral woman who, although not guilty of physically killing her husband with her own hands, was still given a lengthy prison sentence for her part in the crime.

---

<sup>42</sup> The exact phrase was *yin shou Tang Fenglin deng youhuo jiechu fawang* (因受楊鳳林等誘惑接觸法網).

<sup>43</sup> This was according to a “pardoning law:” *yi shemian jianxing tiaoli di er tiao di er xiang qianduan ying yu jianxing* (依赦免減刑條例第二條第二項前段應予減刑).

<sup>44</sup> His relationship to Mrs. Zhao Tang is not noted, but we can likely assume that he was a relative of her late husband’s, given his surname.

## The Case of Mrs. Wang Yang

On August 11, 1939, Wang Yangyao was convicted of murdering the husband, Wang Xianqi, of his supposed lover, Mrs. Wang Yang.<sup>45</sup> According to the original court documents, he had been having an affair with her for more than ten years and could no longer endure Wang Xianqi standing in the way of their relationship.<sup>46</sup> Wang Xianqi had taken Mrs. Wang Yang as his second wife when she was 18 *sui*, and two years into their marriage, the affair began.<sup>47</sup> Three neighbors from the village, also surnamed Wang, appeared at the first trial and confirmed the affair. Mrs. Wang Yang herself admitted the infidelity when she was brought in for questioning after Wang Xianqi's younger brother, Wang Xianyin, turned the adulterous pair in to the Dongguang County government office the day after the murder.

According to the original county-level trial documents explaining the grounds for the convictions of Wang Yangyao and Mrs. Wang Yang, on June 13, 1939, the passion of the couple's long extramarital relationship finally culminated in the murder of Mrs. Wang Yang's husband. The two reportedly planned to commit the crime in the middle of the night, while Wang Xianqi was asleep. Wang Yangyao brought an

---

<sup>45</sup> All details about this case are taken from the following files: TMA J0043-2-036259; J0043-2-036259; J0043-2-00728; J0043-2-002225; J0043-2-002939; J0043-2-002986; J0043-2-003437; J0043-2-038439; J0043-2-038295; J0044-2-167520; J0044-2-167458.

<sup>46</sup> In the 1941 retrial of this case, the court stated that the couple felt Wang Xianqi's existence stood in the way of the couple's "desires." The exact wording of this will be discussed at greater length below.

<sup>47</sup> Mrs. Wang Yang was born in either 1909 or 1910, and was 18 *sui* by 1927, and 30 *sui* at the time of the initial trial in 1939. It is unclear whether Mrs. Wang Yang was a concubine or Wang Xianqi's second wife following his first wife's absence or death. The document calls Mrs. Wang Yang his *erqi* (二妻), literally, "second wife." This fact is also not mentioned until the retrial at the North China Supreme Court. TMA J0043-2-003437.



axe into their courtyard compound and entered the bedroom of Wang Xianqi and Mrs. Wang Yang. Wang Yangyao then proceeded to cut off Wang Xianqi's head. During the first trial, courtyard neighbors Mrs. Wang Ma and her husband Wang Xianting confirmed that they saw Wang Yangyao enter the bedroom and commit the crime whilst a fully dressed and totally silent Mrs. Wang Yang stood by the side of the bed.<sup>48</sup> Wang Yangyao then ran home and enlisted his younger brother, Wang Jiu, to come help him dispose of the corpse in the river to destroy all evidence of the crime.

In addition to the testimony of neighbors, the physical evidence brought against Wang Yangyao and Mrs. Wang Yang was quite compelling. During the first trial, a judicial worker was dispatched to examine the courtyard and front gate of Wang Xianqi, which both had drops of blood that eventually led to the river. At the riverbank itself, there was a square area of about 10.5 meters covered in droplets of blood.<sup>49</sup> The judicial worker also discovered an axe with traces of blood in Wang Yangyao's house; his own mother said she had seen him hide it in a basket in their home.<sup>50</sup> The original plaintiff, Wang Xianqi's younger brother Wang Xianyin, also produced blood-covered cloth shoes and bedding belonging to the victim. During questioning, the defendant Mrs. Wang Yang told police that Wang Yangyao forced

---

<sup>48</sup> Strangely, the pair did not immediately report it, and expressed their own regret and culpability during the trial. There is no archival evidence that they were convicted of any crime. TMA J0043-2-002225.

<sup>49</sup> This area was about 3 *zhang* (丈) or about 10.5 meters.

<sup>50</sup> TMA J0043-2-036259. Another later document (TMA J0043-2-003437), however, claimed that the axe could not be recovered for evidence. It is plausible that the evidence had been misplaced by the court system, though this is not explicitly indicated.

her to cut off the blood-stained portions of the mattress and quilt.<sup>51</sup> A description of the victim's body, however, was not given in the court documents, suggesting that it was never actually found.<sup>52</sup> Regardless, the court concluded that, given the evidence, it was without a doubt<sup>53</sup> the defendant Wang Yangyao who had used the axe to murder Wang Xianqi and then dump his body in the river. The report also claimed that Wang Yangyao knew the seriousness of the crime but was unwilling to admit his guilt.

Mrs. Wang Yang was charged with being an accomplice to homicide by the Dongguang County government office on August 26, 1939. Her case was then appealed to the Hebei Superior Court, Tianjin Branch in 1940, although the court documents note that she was initially satisfied with her original sentence.<sup>54</sup> The higher court upheld the ruling that she be sentenced to imprisonment for fifteen years and deprived of civil rights for ten years. Wang Yangyao, charged both with murder and disposing of a body, was sentenced to death and deprivation of civil rights for life.<sup>55</sup> However, the pair were given a retrial, again at the Hebei Superior Court, in

---

<sup>51</sup> TMA J0043-2-036259.

<sup>52</sup> All other cases of murder I found in the archive included detailed descriptions of the body down to every minute detail: the position of the body, marks and lacerations, color of each body part, etc. This is also the case in all the murder cases Hegel translates in the eighteenth century. Hegel et al., *True Crimes in Eighteenth-Century China*, passim.

<sup>53</sup> The document used the phrase *haowu yiyi* (毫無疑義).

<sup>54</sup> In the 1940 retrial court document, it notes that Mrs. Wang Yang was satisfied with her sentence (TMA J0043-2-002225) but it appears that the appeal was filed by Wang Yangyao in September of 1939 (TMA J0043-2-00728). He also was the only defendant to file an appeal to the North China Supreme Court in February of 1941 (TMA J0043-2-002986). There is no evidence that Mrs. Wang Yang ever filed an appeal, nor is it ever noted that Wang Yangyao filed on her behalf. Rather, it seems the two were linked in the case and appealed together.

<sup>55</sup> His exact sentence was *gongtong sharen ju sixing chiduo gongquan zhongshen* (共同殺人

1941. From the language of the retrial verdict, it is clear that the court could not be persuaded to absolve Mrs. Wang Yang of her husband's murder completely, although there seemed to be a new sense of sympathy for her. The court judgement concluded that, with regard to the affair, "...the defendant's crime was listening to Wang Yangyao, and it was difficult for the defendant [Mrs. Wang Yang] to free herself from such a poor situation, with nowhere to go, [this] led to the necessity of the horrible crime."<sup>56</sup> The court suggested that her sentence be lessened to one-third of the original fifteen-year sentence, both "as a show of sympathy," and also in accordance with the new laws on sentence reductions.<sup>57</sup> In 1943, the court, citing the same new law, also commuted Wang Yangyao's sentence of death, and his custodial prison sentence was reduced to five years.<sup>58</sup>

Given the great difference between the original sentences, and the pains the Hebei Superior Court took to sympathize with Mrs. Wang Yang's situation, it is unclear why the two defendants were eventually given the same sentence. It is also

---

據死刑褫奪公權終身). See TMA J0043-2-036259. Here I am using William Kirby's translation of *chiduo gongquan*. See William C. Kirby, *State and Economy in Republican China: A Handbook for Scholars* (Cambridge: Harvard University Asia Center, 2000), 288. Klaus Mühlhahn also translates this just as "deprivation of rights." See Mühlhahn, *Criminal Justice in China*, 50–51. It is not entirely clear what exactly this might entail in Republican China, nor is it explained in the court documents but, in general, deprivation of civil rights, often called a sentence of civil disabilities, refers to stripping an individual of citizenship, voting power, judicial rights, and even loss of personal property. See Richard Singer, "Conviction: Civil Disabilities," ed. Joshua Dressler, *Encyclopedia of Crime and Justice* (New York: Macmillan Reference USA, 2002).

<sup>56</sup> Here, I am translating *nanyi ziba* (難以自拔) as "free herself from such a poor situation." TMA J0043-2-003437.

<sup>57</sup> The court used the phrase *jianqing qi xing sanfenzhiyi yi shi jinxi* (減輕其刑三分之一以示矜恤). See TMA J0043-2-003437. It did not, however, name a specific law which could point to this decision, nor did it cite her behavior in prison as a factor.

<sup>58</sup> TMA J0043-2-038295.

clear from all of the court documents that there was compelling evidence that Wang Yangyao both initiated the affair and carried out the act of murder.. In the 1941 appeal to the court, a statement was even taken from Mrs. Wang Yang claiming that the affair with Wang Yangyao was not consensual and that he threatened her with death if she did not comply:

Wang Yangyao has a frightening temperament. He saw that my man was weak and easy to bully, so he wanted to rape (*qiangjian*) me. He had his mother call me to his house and [he said] if I didn't sleep with him he'd kill me. I couldn't not have an affair with him. For the next ten years he would come to my house or I would go to his. It was absolutely him (referencing Wang Yangyao) who killed my man. He used an axe to chop him to death and the axe was Wang Yangyao's. After he killed my man he took [the corpse] to the north room (referencing Wang Xianting's room). Wang Yangyao locked the door. The corpse was then carried to the river and thrown in by Wang Yangyao and his brother, Wang Jiu.<sup>59</sup>

These details were not brought up until nearly a year and a half after the first trial in 1939, in the series of appeals initiated by Wang Yangyao to the Hebei Superior Court (1940) and the North China Supreme Court (1941). The 1941 trial also made reference to testimony in the original trial from neighbor Mrs. Wang Ma: Wang Yangyao was also having an affair with Mrs. Wang Ma's sister-in-law, surnamed

---

<sup>59</sup> TMA J0043-2-003437.

Long, and perhaps another woman, at the same time of his affair with Mrs. Wang Yang.<sup>60</sup> In this same trial fellow villager Wang Ze, although he would not speak to Wang Yangyao's guilt, confirmed that the affair between Wang Yangyao and Mrs. Wang Yang had been ongoing for at least seven or eight years, and that they were never open with Wang Xianqi about the affair.<sup>61</sup> From the language of the testimony, it is not apparent whether or not other women's relationships with Wang Yangyao were consensual or coerced, but they certainly highlighted the perceived salaciousness of Wang Yangyao's moral character.

A closer look at the court documents, which on the surface exhibited more leniency and sympathy toward Mrs. Wang Yang than toward Wang Yangyao, reveals that the court's language was peppered with judgements of her moral character.

The 1941 verdict from Mrs. Wang Yang's appeal began as follows:

The wife of Wang Xianqi, Mrs. Wang Yang, who is naturally lascivious and does not follow the way of women's virtue, not long after getting through the door [marrying Wang Xianqi] was seduced into an adulterous relationship for 10 years with the disrespectful Wang Yangyao. Finally, because her husband

---

<sup>60</sup> It is unclear why this testimony from Mrs. Wang Ma was not directly quoted in the original Dongguang County Court documents (TMA J0043-2-036259) but was clearly referenced in the later 1941 retrial at the North China Supreme Court (TMA J0043-2-003437) as being given during the original trial. Although no other documents exist in the archive about Mrs. Wang Yang's trial, it is possible that the Supreme Court was given much more than just the cleaned up Dongguang County court verdict and decided to include the previous testimony in the retrial.

<sup>61</sup> TMA J0043-2-003437.

was still alive, and they could not carry out their lustful desires, she plotted with Wang Yangyao [to murder her husband].<sup>62</sup>

Evidence of her lack of respect for female virtue could be easily found, the court concluded, in the fact that she took up sexual relations with Wang Yangyao so quickly after her marriage. The eyewitness testimony from courtyard neighbors Mrs. Wang Ma and her husband Wang Xianting that Mrs. Wang Yang stood by, fully clothed and silent, as the murder happened was further damning. The court pondered a set of questions in the verdict: if the defendant did not agree to Wang Yangyao committing the violent crime, and he suddenly burst into their bedroom in the middle of the night, how could she be so calm and composed? How could she not try to prevent this violent atrocity? Her deliberate concealment of the evidence, referring to the blood-stained shoes and bedding, and her feigned ignorance as to her husband's whereabouts, led the court again to conclude that she shared criminal intent with Wang Yangyao and that they collaborated in carrying out the murder. Even if, at the time of the affair and murder, she was afraid of the tyrannical Wang Yangyao and couldn't speak up, the court raised the question of why she did not accuse him the next day.<sup>63</sup>

---

<sup>62</sup> The exact phrase of “does not follow the way of women’s virtue” was *shengqing yindang bu shou fudao* (生情淫蕩不守婦道). See TMA J0043-2-003437. Unlike Mrs. Wang Yang, however, there were no outright condemnations of Wang Yangyao's failure to conform to “male morality,” although the court does note that he was disrespectful (*wusang* 無賴, TMA J0043-2-003437), as well as exceptionally violent (*xiongbao Yichang* 兇暴異常, TMA J0043-2-036259) and unfilial towards his mother (*dui mu buxiao* 對母不孝, TMA J0043-2-036259).

<sup>63</sup> The court's exact wording was Wang Yangyao's *yinwei* (淫威). See TMA J0043-2-003437.

In the end, the court believed that Mrs. Wang Yang helped Wang Yangyao plot the crime, and although most of the blame fell on his shoulders, they were both found guilty with varying degrees of culpability. However, if we compare their commuted sentences in 1944, it appears as though Mrs. Wang Yang was equally guilty in the death of her husband. In other words, in 1939 Wang Yangyao was originally sentenced to death and deprived of his civil rights for life, while Mrs. Wang Yang was only given a sentence of fifteen years' imprisonment and five years deprived of her civil rights. The differences in the severity of their sentences ostensibly reflected a difference in their culpability in the crime. Yet in 1944 they were essentially given the same sentence in a jointly filed criminal appeal. Thus we can see that, despite acknowledging that Mrs. Wang Yang had limited options for survival in her situation, the courts felt compelled to imprison her for the same amount of time as the primary culprit.

### **The New Criminal Justice System**

The cases of Mrs. Tan Huang, Mrs. Zhao Tang, and Mrs. Wang Yang reflect the broader changes to the new criminal justice and penal system in modern China. For the Republican penal system, the defining new characteristic was an emphasis on reform rather than punishment. Such a shift in philosophy changed how cases were handled in the new court systems: verdicts primarily shifted to sentences of imprisonment, rather than the corporal punishment or death common in the imperial

period.<sup>64</sup> This change was the crucial foundation of the new Republican prison regime.

Major reforms to the court system and criminal justice system began in the late Qing and went through several phases, including the development of separate civil and criminal codes. In 1932, the Judiciary Act established a three-tiered court system made up of county, provincial, and capital courts.<sup>65</sup> The Republican Criminal Code was originally adopted in 1928 but was revised extensively and implemented in 1935.<sup>66</sup> The new 1935 code and changed philosophy of the judicial and penal systems meant that persons accused of a crime spent more time than ever before in jails and prisons. Serious criminal cases such as murder often continued for many years in a long series of appeals to the highest courts in the country.

---

<sup>64</sup> During the Qing, the foundation of the criminal justice system was penal, or based on punishment. It is important to note here that although the late Imperial criminal justice system was considered “penal,” this is also a stereotype that was derogatorily named by Western Imperial powers as proof of China’s barbarism. Although it is indeed true that the criminal justice system was based on punishment, this punishment (fiscal, corporal, or capital) was seen as a means of reform and “redemption” itself. See Mühlhahn, *Criminal Justice in China*, 40–41.

<sup>65</sup> For an overview of the new Republican organizational system, see Kuo, *Intolerable Cruelty*, 78. During the Qing, there was a four-tiered hierarchical system with county, prefectural, provincial, and capital levels, which could all potentially review a criminal case. At the local level, households were organized into groups which reported to one local male head, who then reported all criminal activity to the district magistrate (hereafter DM). Once all evidence for the case was gathered by the DM and their assistants, the DM made a final decision for punishment or leniency. After the decision, the accused had the option of appealing to a higher level of review, but all criminal cases were given a six-month limit for review from all levels. Hegel et al., *True Crimes in Eighteenth-Century China*, 12–16.

<sup>66</sup> The new code was largely adopted from the Beiyang Government’s earlier “Prison Regulations of the Republic of China,” (*Zhonghua Minguo Jianyu Guize*) which was completed in 1910 and put into effect in December 1913. It drew on a Japanese model, which was based on the German civil and criminal codes. Mühlhahn, *Criminal Justice in China*, 50–51.



The case of Mrs. Tan Huang, for example, went all the way to the North China Supreme Court, the highest level of the three-tiered Republican court system. Although Mrs. Zhao Tang and Mrs. Wang Yang's cases were not given verdicts from the Supreme Court, they also traveled throughout the courts of North China. From the Laoting County court in 1933, Mrs. Zhao Tang's case was then appealed to the Hebei Superior Court, Tianjin Branch in 1938. It reached the Supreme Court, North China Branch, in 1939, but was returned to the lower Superior Court in 1941. Mrs. Wang Yang's case began at the Dongguang County level in 1939, was appealed to the Tianjin Branch of the Hebei Superior Court that same year, and was retried there in 1940. Like Mrs. Zhao Tang, the North China Branch of the Supreme Court in 1941 returned Mrs. Wang Yang's case to the Superior Court with no retrial and she was given a final judgement by Hebei Superior Court in 1944.<sup>67</sup> When compared to the earlier Qing period, which set a six-month limit for a criminal case to pass through all levels of review, the Republican court proceedings show a decreased commitment to expedient judgements.<sup>68</sup> As these examples show, long, drawn-out litigation procedures — for Mrs. Tan Huang, a decade; Mrs. Zhao Tang, eight years; and finally, Mrs. Wang Yang, five years — meant that the accused were detained in poorly funded prisons. These new trial and sentencing procedures in the Republican

---

<sup>67</sup> Kuo, *Intolerable Cruelty*, 78.

<sup>68</sup> During the Qing there was a six-month limit for all levels of judicial review. This was not the case in the Republican period. Hegel et al., *True Crimes in Eighteenth-Century China*, 14. Margaret Kuo, furthermore, points out that if the proper paperwork and fees were not paid, appeals were immediately rejected. Kuo, *Intolerable Cruelty*, 81.

period created a need for massive penal institutions that could house, clothe, feed, and educate a large number of individuals, sometimes for many years.

In 1936, the Republican Criminal Code was updated, and the major modification that further underlined the emphasis on reform was the “Accumulation and Progress System,” a points system that rewarded well-behaved inmates with the possibility of earlier release and parole.<sup>69</sup> Although archival documents do not cite this new system by name, after 1936 many women inmates were given early release based on a new “sentence reduction rule” cited in court documents. For example, in 1941 and 1944, Mrs. Zhao Tang and Mrs. Wang Yang, respectively, were approved for early release based on a “new pardoning law” which apparently went into effect after both women’s trials. According to the language of court documents, the implementation of this law did not point to the new points system, nor to women’s good behavior, but instead pointed to reasons within each individual case that merited early release. The Hebei Superior Court described Mrs. Zhao Tang as a woman “young and lacking in knowledge” who was “seduced by Tang Fenglin...and got caught up in the net of the law.”<sup>70</sup> The same court also argued that pity should be taken on Mrs. Wang Yang, whose husband’s murder was the result of her inability to “free herself from a bad situation.”<sup>71</sup> Both women were granted shorter sentences in accordance with the new law.

---

<sup>69</sup> I am using Mühlhahn’s translation here. See Mühlhahn, *Criminal Justice in China*, 51–52. Dikötter also mentions a “progressive stage system” which was modeled on a system in Ireland in the late nineteenth-century. Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 153–56.

<sup>70</sup> TMA J0043-2-009349.

<sup>71</sup> TMA J0043-2-003437.

As we can see, these major changes to the criminal justice system, from the late Qing to the 1930s and '40s when Mrs. Tan Huang, Mrs. Zhao Tang, and Mrs. Wang Yang were imprisoned, had a serious impact on the lives of inmates in the new prison regime. They were in jails and prisons during lengthy trials, imprisoned for long amounts of time, and at best, could only hope for an early release after 1936, if at all. Despite these dire examples, the new criminal code was certainly an important attempt on the part of the Republican government to dismantle systems of inequality, especially for women.<sup>72</sup> The previous criminal code during the Qing had severely undermined the legal rights of wives by the eighteenth century, when the criminal code was revised to make punishments stricter for the same crime committed by junior-ranking family members than for senior ones. This move would likely have resulted in the execution, or even legally defensible murder by enraged husbands, of the women accused of adultery in this chapter.<sup>73</sup> The Republican Criminal Code was no doubt an attempt to redress these legal inequalities from the imperial period by granting subordinates and women protections under the civil and criminal codes as citizens with equal legal rights. However, for criminal women, the result was a mix of sympathy and condemnation. Like other modern states, the Republic of China paid increasing attention to disciplining the bodies of its population, and the primary

---

<sup>72</sup> Hegel et al., *True Crimes in Eighteenth-Century China*, 73, 78n5; Mühlhahn, *Criminal Justice in China*, 32–34.

<sup>73</sup> On the rights of wives in the eighteenth century, see Mühlhahn, *Criminal Justice in China*, 35–36. On the murder of adulterous wives, see Matthew Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford, Calif: Stanford University Press, 2000), 42.

development of the new criminal justice system was mass incarceration on an unprecedented scale.<sup>74</sup>

### **Women in Courtroom Documents**

These murder cases, although certainly not the most common criminal cases for women, still tell us a great deal about the norms in general for women at this time, especially regarding attitudes towards their sexuality and struggles with financial hardship. On women's sexuality, the trials of Mrs. Zhao Tang and Mrs. Wang Yang reflect changing definitions of consent in male-female sexual relationships from the Qing to the Republican criminal codes. In particular, the case of Mrs. Wang Yang raises a crucial question for women: how was rape (*qiangjian*) defined and determined by the Republican period? During the Qing, criminal definitions of “consent to seduction” (*heyong*), “consent to abduction” (*helue*), and “consent to illicit sex/adultery” (*hejian*), constructed a certain category of sexually deviant *he* crimes which implied consent from women who submitted to men's desires.<sup>75</sup> By the Yongzheng period (1723-1735), rape (*qiangjian*), rather than “illicit sex” (*hejian*)<sup>76</sup>

---

<sup>74</sup> French philosopher Michel Foucault explored this modern state process. The hallmarks of the process Foucault tracked — scrutinizing and tracking criminal bodies through individuated paper trails — were also part and parcel of the new penal system in Republican China. See Foucault, *Discipline and Punish*, passim.

<sup>75</sup> Philip C. Huang, “Women's Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic,” in *The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence*, ed. Kathryn Bernhardt and Philip C. Huang (Leiden: Brill, 2014), 58.

<sup>76</sup> Hegel writes, “Illicit sex is always referred to with the pejorative term (*jian*) and is frequently described as having been carried out whenever the opportunity arose, with no further indication of the extent or even the nature of the relationship. Witnesses regularly report having arrived too late to intervene in a conflict or having been intimidated by the ferocity of the attacker.” Hegel et al., *True Crimes in Eighteenth-Century China*, 18.

was determined by confirming a dedication to chaste behavior “before, during, and after the rape attempt itself.”<sup>77</sup> The legal definition of rape was narrow and the burden of proof fell on the woman, whose current and past behavior was the primary determinant of whether or not sex was consensual. This definition contributed to what Philip Huang termed the “passive agency” of women in the Qing legal code, in which women were limited to “choosing between consenting to and resisting abuses.”<sup>78</sup> Indeed, although rape was punishable by law, rape cases were often settled outside of the Qing judicial system, and even in the Republican period, historian Fenghua Jing points out this was still often the case.<sup>79</sup> Adultery, furthermore, was legally tolerated for men but severely punished for women. Within this framework, the subtle differences between illicit sex, adultery, and rape were difficult to discern, and women had to follow a set behavioral script to avoid being labeled sexual offenders.

The 1928 and 1935 criminal codes, however, redefined and restructured legal definitions of adultery, consent, and rape from the Qing period. First, in 1928,

---

<sup>77</sup> Direct quotation from Sommer, *Sex, Law, and Society in Late Imperial China*, 11. Only in cases which a woman’s complete resistance was proven was any sexual advance given the status of rape. In 1803, for example, a murder case opened for Mrs. Cao Wang determined it was also a case of attempted rape because of forensic evidence and a confession from her attacker. Her sash and pants were ripped, indicating a struggle, and her attacker claimed she screamed and cursed at him loudly, so he killed her in alarm. Hegel et al., *True Crimes in Eighteenth-Century China*, 68–69. In contrast, one Mrs. Zhang in 1738 was accused of having consensual illicit sex with her father-in-law, and her silence each time he suggested they had sex was “taken as proof that she did not resist his advances.” Hegel et al., 134.

<sup>78</sup> Huang, “Women’s Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic,” 52.

<sup>79</sup> Fenghua Jing, “Representation and Practice in ‘Privately Settling Illicit Sex Offenses,’ with Attention to the ‘Third Realm’ from the Late Imperial Period to the Present,” in *The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence*, ed. Kathryn Bernhardt and Philip C. Huang (Leiden: Brill, 2014), 159.

adultery was renamed *tongjian*, implying a mutual consent from both parties, and applied only to cases of married individuals. Sex outside of marriage was no longer considered “illicit sex.” Second, although the 1928 criminal code still legally tolerated adultery for married men, the 1929-1930 civil code made adultery from either married party grounds for divorce.<sup>80</sup> In the 1935 criminal code, adultery was also finally made criminally punishable for both married men and women.<sup>81</sup> Adultery (*tongjian*) was mentioned in the court proceedings of Mrs. Wang Yang and Wang Yangyao, for both parties, and also Mrs. Zhao Tang (whose accomplices, it appears, were never all caught), but adultery as a criminal charge was never explicitly made part of their final sentences. Instead, they were charged and sentenced only for being accomplices to homicide. We should not conclude, however, that because neither woman was officially charged with adultery that these legal definitions did not play a significant role in their trials.

While Mrs. Zhao Tang’s own testimony on the nature of her relationship with Tang Fenglin and the others was never recorded, the Hebei Superior Court chose to use the legal terms “adultery” (*tongjian*) and “seduction” (*youhuo*) to describe their relationships. There was no statement from Mrs. Zhao Tang herself.<sup>82</sup> This word

---

<sup>80</sup> In the original 1928 criminal code, adultery was punishable for women with two years of imprisonment, but not for men. In the 1929-1930 civil code, however, it was grounds for divorce for both men and women. Huang, “Women’s Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic,” 77.

<sup>81</sup> Mühlhahn, *Criminal Justice in China*, 53–54.

<sup>82</sup> In this case, the court chose the word *youhuo* (誘惑) to describe the “seduction” of Mrs. Zhao Tang rather than *lueyou* (the charge for human traffickers used in Zhou Shuzhao’s study) or *heyou* (the Qing equivalent of “consent to seduction”). This was likely used to describe Mrs. Zhao Tang’s state as a victim of seduction, as she was not formally charged

compound — *you*, meaning to seduce, and *huo*, meaning to confuse — highlighted Mrs. Zhao Tang’s naiveté and innocence. Together, however, they also suggested that she was not compelled by force.<sup>83</sup> In the trial of Mrs. Wang Yang, the court treated her sexual relationship with Wang Yangyao also explicitly as “adultery” (*tongjian*), suggesting that they viewed it as consensual sex for both parties. Unlike Mrs. Zhao Tang, however, we do have testimony from Mrs. Wang Yang that explicitly contests this definition. She herself called the encounter(s) “rape” (*qiangjian*).

As Zhao Ma suggests, women under duress were likely to say anything to cast themselves in a more positive light.<sup>84</sup> If we take Mrs. Wang Yang’s statement seriously, is likely that she felt compelled to continue a sexual relationship because of fear of violence and even death. It is of course impossible to determine the extent to which consensual or coerced sex might have described Mrs. Wang Yang and Wang Yangyao’s interactions. What we do know is that the court recorded a statement from Mrs. Wang Yang using the word “rape,” (*qiangjian*) but proceeded to use the word “adultery” (*tongjian*) throughout the court document. This suggests not only that cases such as those of Mrs. Zhao Tang and Mrs. Wang Yang were lumped together, but also that little had changed from earlier Qing parameters of rape. From the court documents, it appears that neither Mrs. Zhao Tang’s vulnerability to “seduction,” nor Mrs. Wang Yang’s continued submission to Wang Yangyao under threat of violence,

---

with seduction or consent to seduction herself.

<sup>83</sup> In contrast, legal definitions which used the term *lue* (略) suggested that the abduction was by “force or fraud,” definitions which dated back to the Ming. Huang, “Women’s Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic,” 56–58.

<sup>84</sup> Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 30.

fit the definition of rape. Other scholars of the imperial period have shown that unconventional arrangements outside of the norm of heterosexual, monogamous marriage constituted important survival strategies for the poor. Practices such as polyandry and polyamory sometimes served to keep families from being separated, while prostitution kept lower-class families afloat during hard times.<sup>85</sup> Likewise, studies have shown that during the Republican period, illicit sex, whether it was adultery or prostitution, continued to be an important means of economic stability for lower-class women struggling with wartime conditions.<sup>86</sup> With no testimony from Mrs. Zhao Tang, it is difficult to argue that this was the case for her, but within this framework, Mrs. Wang Yang's behavior could potentially be considered a survival strategy. Based on her own testimony, she continued an unwanted sexual relationship in order to preserve not only her own life, but also the life of her husband.

Although the Hebei Superior Court did not go into great detail, in the 1941 appeal of Mrs. Zhao Tang, the court posed a series of questions regarding her adultery: "How were you and your husband troubled? How could you [dare to] use your trips to your natal home as an opportunity to commit adultery with Tang Fenglin?" These questions suggest an interest in how she was manipulated by her four male accomplices. Curiously, the same court was not very interested in recording

---

<sup>85</sup> For the imperial period, see Sommer, *Sex, Law, and Society in Late Imperial China*, 16; Matthew H. Sommer, *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions*, 1 edition (University of California Press, 2015), 12 and passim. Matthew Sommer, for example, argues that the imperial state struggled with enforcing "...a fundamentalist Confucian vision of female chastity [as they] tried to cope with the social reality" of such survival strategies. *Ibid.*, 2.

<sup>86</sup> Hershatter, *Dangerous Pleasures*, 6; Ma, *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*, 3.



much testimony from Mrs. Wang Yang on the ten years during which she submitted to an unwanted relationship beyond her claim of rape, but they were very interested in knowing why she did not stop his murder. As mentioned before, in the 1941 retrial of Mrs. Wang Yang's case by the Hebei Superior Court, for example, the court document reads: "...how could she be so calm and composed [when her husband was murdered]? How could she not try to prevent this violent atrocity? ...Even if, at the time, she was afraid...and couldn't speak up, but how could she not accuse him [the murderer] the next day?"<sup>87</sup> These types of questions written by court officials were often sprinkled throughout the text of court documents, appearing as a series of questions in the text seemingly directed at the accused, but actually reflective and rhetorical. These lengthy sets of questions do show, however, the most pressing questions on the minds of court officials. While both defendants in the Mrs. Wang Yang case were portrayed as immoral, in the Mrs. Zhao Tang case, because it is not clear whether or not Tang Fenglin was ever captured, we cannot know how the court may have judged his guilt.<sup>88</sup> The examples from these cases, however, consistently show a condemning and moralistic attitude toward women, which was at odds with

---

<sup>87</sup> Quotations translated from TMA J0043-2-003437. These questions do not appear to be aimed at the accused themselves, but rather are presented as reflections of the court officials, a style which was also common in judicial reviews in the eighteenth century. In a 1803 case on the rape and murder of one Mrs. Cao Wang, for example, the District Magistrate wrote in his initial report "...why were the hairpiece and the hair ornament she had worn found in Cao Zhikang's field? ...Why did no one working in the fields that day hear her?" Hegel et al., *True Crimes in Eighteenth-Century China*, 68.

<sup>88</sup> There are no murder trial records for Tang Fenglin in the Tianjin Municipal Archives. There is a death certificate for one Tang Fenglin in the Tianjin Prison in 1944 (TMA J0044-2-166925), but his crime is not listed, so we cannot be sure if it is the same Tang Fenglin. However, given that Mrs. Zhao Tang's original trial documents were destroyed, it is possible his trial records were also destroyed.

any sympathetic gestures sprinkled elsewhere throughout the court verdicts. On a larger scale, although these reforms to the criminal and civil codes concerning adultery were intended to either discourage anti-social behavior or alleviate power imbalances between different groups, through the cases of Mrs. Zhao Tang and Mrs. Wang Yang, we can see that these legal terms served as evidence of immoral behavior and contributed to the long-term incarceration of the defendants.

### **Conclusion**

The murder trials of Mrs. Tan Huang, Mrs. Zhao Tang, and Mrs. Wang Yang reveal tensions between a developing Republican legal code and longstanding social practices. Although murder of varying degrees was a rare charge for women during this period, it can be used by the historian as an analytical tool for looking at social relations for individuals at the margins of Chinese society. The case of Mrs. Tan Huang in particular highlights suspicions over socioeconomic motivations for crime. The court was not swayed by her refusal to confess guilt, even though it was highly suspicious of her ability to murder Mrs. Tan Wang alone, never found her mysterious accomplice or conclusive forensic evidence, and also never found the stolen goods and money. The sole evidence for her guilt was the testimony of Mrs. Tan Wang which, because of her death, must have been relayed through the local village head and others. The courts' attitude towards Mrs. Tan Huang reflects a persistent disbelief in her trustworthiness, despite a lack of physical evidence for her guilt, and a willingness to commute her sentence based solely on stereotypes of her gender and economic strife.

Like Mrs. Tan Huang, Mrs. Zhao Tang was depicted as a young, uneducated, impressionable woman who deserved the pity of the courts. Her involvement with several men, however, led the courts to portray her behavior as “adulterous,” even if she was “seduced” into such sexual relationships. With little testimony from Mrs. Zhao Tang, it is difficult to say how she herself might have represented her case, but from both her initial and commuted sentences, we can certainly conclude that the court did not find the vulnerability of her situation initially compelling. By the time of her release in 1941, it seems that the court felt persuaded to commute her sentence largely based on her youthful naïveté and “weak women’s knowledge.”

In the case of Mrs. Wang Yang, the court drew a line from her “fundamentally lascivious” character and her inability to comply with correct female comportment directly to the eventual murder of her husband. Her deception towards Wang Xianqi’s younger brother and the authorities further solidified her culpability in the crime. Although the court expressed sympathy for Mrs. Wang Yang, in the end her sentence was the same as Wang Yangyao’s, who both murdered her husband with his own hands and, according to her, forced her into an unwanted sexual relationship for nearly a decade. In particular, this case highlights 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.

Both of the central issues brought up by the courts in these three cases — socioeconomic struggle and exploitation of women in male-female power relations — were also crucial nodes of Chinese criminologists’ arguments on female crime.

Although these two cases cannot represent the typical criminal case during this period because murder was not a common crime for woman criminals, these cases do fit into the framework of the “woman problem” in the early twentieth century. Mrs. Tan Huang, Mrs. Zhao Tang, and Mrs. Wang Yang were three uneducated rural women who, the court determined, committed vile crimes either because of their lack of knowledge as uneducated women struggling to make ends meet or because of the manipulation of men who held a tyrannical power over them in a deeply patriarchal society. These were the gravest possible consequences of the “woman problem” if Chinese society did not reform its purported national ills. In the following chapter, I will turn to the health of Mrs. Tan Huang, Mrs. Zhao Tang, and Mrs. Wang Yang in the prison, in which all three fell dangerously ill at various points. In 1940, Mrs. Tan Huang was discharged from the hospital twice for bouts of sickness. Her health report listed no major identifiable illnesses, but a number of symptoms which could be dangerous when combined.<sup>89</sup> No other documents of her exist in the prison after these medical examinations. Mrs. Zhao Tang also fell ill in 1940 and was released for medical treatment just before her final release in to the custody of Liu Zhenshan.<sup>90</sup> Mrs. Wang Yang and Wang Yangyao, however, both passed away of complications in the Tianjin Prison just a month apart from one another in 1944, despite having succeeded in getting their sentences reduced.<sup>91</sup> The details of their mysterious

---

<sup>89</sup> TMA J0043-2-002940.

<sup>90</sup> TMA J0043-2-002426. The guarantor, Mr. Liu Zhenshan, was a 42 forty-two-year -old Cang County (of Cangzhou City) native currently living in Tianjin, who owns a small lamb meat shop. Mrs. Zhao Tang has been released into his custody. There is no relationship listed, so we can assume that she is working under his custody.

<sup>91</sup> TMA J0043-2-002939, J0044-2-167520, J0044-2-167458.

illnesses, and the state of health and hygienic procedures and care for the ill, pregnant, and deceased, will be explored in the following chapter.

## Chapter Three

### Inside the Women's Prison

“Modern punishment,” Yang Peng wrote, “does not emphasize revenge. It emphasizes genuine reform.” Yang, who was serving as the head of the Third Branch of the Jiangsu High Court, penned this remark in the introduction of a 1937 report on the South Ma’si Prison.<sup>1</sup> Prisons, he went on to note, were established in the hope that inmates would become good citizens, but imprisonment did not always guarantee such results. For Yang Peng, the key to implementing efficient inmate reform was constructing programs tailored to fit the needs of the specific “time, place, and individual.”<sup>2</sup> Yang argued that, for different types of criminals or “special types,” inmates might need a different institution, treatment, and instruction.

Yang noted that juvenile offenders could be considered a “special type,” but he did not mention women as a special type of inmate who particularly needed tailor-made reform programs. Unlike juvenile offenders, there was no such blueprint for reform. Instead, records of female inmates in prison reports, academic writing, and popular writing reflect a set of unarticulated assumptions about how to reform

---

<sup>1</sup> The official names of prisons in Shanghai sometimes overlapped. I will refer to prisons in this chapter by unique names based on the roads or areas in which they were built. For this prison, officially named the Jiangsu-Shanghai No. 2 Special Prison (*Jiangsu Shanghai di er te qu jianyu* 江蘇上海第二特區監獄), I have chosen to use one standardized name based on its location on historical South Masi Road (*Masi nan lu* 馬斯南路), which is now Si’nan Road (*Sinan lu* 思南路). Jiajun Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]* (Shanghai: Shanghai shehuikexue chubanshe, 2015), 117. Yang Peng, “Preface,” in *Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]* (Shanghai: Jiangsu Shanghai di er te qu jianyu, 1936), 1–2.

<sup>2</sup> “Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]” (Shanghai: Jiangsu Shanghai di er te qu jianyu, 1936), 1.

problem women. Although the daily needs of women were not entirely different from those of their male counterparts, by looking at daily practices in women's prisons, we see that prison administrators gave special consideration to female inmates. The concept of a women's prison itself, an institution founded on the necessity of gender segregation, was the first basic consideration. Other considerations, however, were also commonplace across the globe in women's prisons: allowing small children, and performing "women's work," or handicraft and textile work. These considerations were an attempt to solve problems with co-ed housing (namely, sexual contact between men and women), and re-entry into a society with changing expectations for women's labor. These special considerations for women, although not delineated by any prison officials as part of an explicit plan for gendered reform, implicitly altered the design and planning of all-female or co-ed prisons.

For both men and women, there were also important aspects of reform for inmates which were specific to conditions in China. The first was illiteracy. Evelyn Rawski estimates that, by the end of the Qing dynasty, less than half (30 to 45 percent) of men were literate. Although there was a long tradition of elite, literate "talented women," only 2 to 10 percent of Chinese women were literate.<sup>3</sup> After the

---

<sup>3</sup> Evelyn Sakakida Rawski, *Education and Popular Literacy in Ch'ing China* (University of Michigan Press, 1979), 140. On talented women (*cainv* 才女), see Dorothy Ko, *Teachers of the Inner Chambers: Women and Culture in Seventeenth-Century China* (Stanford: Stanford University Press, 1995), passim; Susan Mann, *The Talented Women of the Zhang Family* (Berkeley: University of California Press, 2007), passim. During the 1898 reform period, Joan Judge points out that female education both opened up a space for the support female literacy while also restricting it within a nationalist discourse. See Joan Judge, "Reforming the Feminine: Female Literacy and the Legacy of 1898," in *Rethinking the 1898 Reform Period: Political and Cultural Change in Late Qing China*, ed. Rebecca E. Karl and Peter Gue Zarrow

end of the Qing in 1911, as other scholars have shown, Chinese reformers viewed illiteracy as a severe impediment to China's development. Movements such as the Mass Education Movement, founded in 1923 by James Yen, attempted to address the problem of illiteracy, particularly in the countryside.<sup>4</sup> The Republican government, as with many state-building projects, supported Yen to some degree financially but did not have the resources to help him expand MEM programs.<sup>5</sup> Many Communist Party members, including Mao, were also involved in these early literacy campaigns and supported mass education.<sup>6</sup> After fleeing Nationalist-controlled spaces to remote base areas, the Communists enacted similar mass education with the addition of political education.<sup>7</sup> Such was the importance of literacy to Chinese reformers that, across a wide political spectrum, many of their first political efforts were to teach people to read. Given the weight given to the issue of illiteracy, it is unsurprising that all prisons in China included an educational literacy component.

---

(Cambridge: Harvard Univ Asia Center, 2002), 158–79.

<sup>4</sup> Charles Wishart Hayford, *To the People: James Yen and Village China* (New York: Columbia University Press, 1990), xiii. Hayford argues that the philosophy of James Yen, although he was a Western-educated, liberal Christian, had striking similarities with that of the Communists. He believed in the promise and necessity of uplifting rural China, primarily by improving their material lives through “economic, political, and social change” and education, especially literacy.

<sup>5</sup> Hayford, x. As Grace Shen notes, grand plans with limited funding (and little chance of such plans becoming reality) were common in the Republican bureaucracy. Shen made such observations about geological public works projects, but the same can be said of Yen's MEM and also the penal system. Grace Yen Shen, *Unearthing the Nation: Modern Geology and Nationalism in Republican China* (University of Chicago Press, 2014), 126.

<sup>6</sup> Xiaorong Han, *Chinese Discourses on the Peasant, 1900-1949* (SUNY Press, 2012), 160. Mao took part in Yen's 1923 literacy campaign in Changsha, though by 1926, he wrote that the revolution would quickly surpass its achievements. *Ibid.*, xiii.

<sup>7</sup> Xiaoping Cong, *Teachers' Schools and the Making of the Modern Chinese Nation-State, 1897-1937* (UBC Press, 2011), 182.



A second condition specific to China was religion. In Euro-American prisons, Christianity performed an important role in penal reform, particularly since the 1800s.<sup>8</sup> In Republican China, however, Christianity was limited to Western missionaries' small sphere of influence. Although prominent members of the Nationalist Party were Christian, such as Jiang Jieshi and his wife Soong Meiling, Christianity remained a minority religion in the general populace.<sup>9</sup> In Chinese prisons, there was no explicitly Christian message of reform; instead, all major religions and philosophies were encouraged. In the Beijing No. 1 Prison, for example, portraits of major religious leaders (Mohammed and Jesus), Chinese philosophers (Confucius and Laozi), and "the father of prison reform," John Howard hung in the inmates' classroom.<sup>10</sup> These are the most salient examples of how prison

---

<sup>8</sup> Wing Hong Chui and Kevin Kwok-yin Cheng, "Self-Perceived Role and Function of Christian Prison Chaplains and Buddhist Volunteers in Hong Kong Prisons," *International Journal of Offender Therapy and Comparative Criminology* 57, no. 2 (2013): 155; Winnifred Fallers Sullivan, *Prison Religion: Faith-Based Reform and the Constitution* (Princeton University Press, 2011), 4.

<sup>9</sup> Jiang himself appeared to believe in the promise of Christianity for China. In his diary on April 1937, for example, he wrote, "For the Chinese people Confucianism is the authentic source of morality and ethics, and the ancestry of political philosophy, while religion, or Jesus Christ's spirit of service and sacrifice ought to be the spiritual doctrine." Quoted in Kyoungan Bae, "Chiang Kai-Shek and Christianity: Religious Life Reflected from His Diary," *Journal of Modern Chinese History* 3, no. 1 (2009): 7. By the 1920s, there were an estimated 500,000 Protestants in China. By 1950, their numbers had doubled, ranging from an estimated 900,000 to a million. See Daniel H. Bays, *A New History of Christianity in China* (John Wiley & Sons, 2011), 94, 147.

<sup>10</sup> David W. Chapman, "The Legendary John Howard and Prison Reform in the Eighteenth Century," *The Eighteenth Century* 54, no. 4 (2013): 545; Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 244. As Janet Chen notes, Buddhist teachings were part of the curriculum in Sugamo Prison. Chen, *Guilty of Indigence*, 26. Christianity was also introduced in Japanese prisons as early as the Tokugawa period. In the 1880s, a group of Meiji Christian elites in Hokkaido also began advocating for prison reform and Christian chaplains were included in the Hokkaido prison's staff alongside Buddhist clergy. Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton University Press, 2013), 126, 191–92.

administrators molded the modern prison — an import from Europe and America — to fit the particular needs and conditions of Chinese inmates.

In a larger, national sense, prisons were also a special project for the budding Chinese nation-state. As with many other nations outside of Western Europe or America, modern prisons, like hospitals and schools, were modernizing projects. For China, however, the prison had additional significance as a means to prove China's civilized nature, earning its place among modern nation-states. Under the Qing, the reform of "old-style" prisons and the development of a modern prison system were directly tied to the practice of extraterritoriality. During the late imperial years of the nineteenth and twentieth centuries, extraterritoriality was a routinely upheld legal exemption for foreigners who broke the law in Qing territory. It held that foreign nationals could not be arrested, tried, or imprisoned by officials of the Qing legal system because of supposedly barbarous prison conditions and courts which harshly sentenced foreigners. Although this was a common practice for foreign powers in China, especially Great Britain after the Foreign Jurisdiction Act in 1858, following the Treaty of Shimonoseki in 1895, imperial Japan enforced extraterritoriality for its citizens in China.<sup>11</sup> At the collapse of the Qing, reformers viewed this encroachment by foreign powers as a threat to the sovereignty of the new Republic.

---

<sup>11</sup> On the Treaty of Shimonoseki, see Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 42. Japan, however, did not reciprocate the right of extraterritoriality for Chinese citizens in Japan. This increasing enforcement of sovereignty by Japan also, ironically, began with local opposition to the treaty-ports and extraterritoriality enjoyed by Western foreign powers in Japan. As James Hoare suggests, treaty-ports and extraterritoriality drove social and governmental reforms during the Meiji Restoration. James Hoare, *Japan's Treaty Ports and Foreign Settlements: The Uninvited Guests, 1858-1899*,

Like their counterparts in the Qing, Republican reformers pursued the development of modern prisons in the hopes of eliminating the policy of extraterritoriality.<sup>12</sup> Prisons were a marker of statehood, modernity, and offered a powerful tool for reforming the many ills from which Republican China suffered: drug abuse, prostitution, illiteracy, infectious diseases, and a lack of well-developed industry. By bringing the population which suffered most acutely from these ills into the prison, Republican reformers hoped to transform the lower strata of Chinese society. This was not simply a selfless act; they hoped that in mobilizing what they perceived as idle bodies into valuable labor for the state, they could catapult Republican China into modernity. The problem people who inhabited the prison would thus be transformed into productive citizens of the nation.

The prison thus not only housed, fed, clothed, and cared for inmates, but also strove to give them vocational training, an education, and a sense of civic duty to the new Republican state. The results of these undertakings were mixed and recidivism was a major problem throughout the Republican period.<sup>13</sup> This chapter thus examines not only the daily lives of female inmates in prisons across Shanghai, but also the special considerations in properly caring for a female inmate population. The implicit plan for gendered penal reform had several basic elements: women should be separated from men; should be taught a modern regimen of hygiene, nutrition, and

---

Meiji Japan Series 1 (Folkestone, Kent: Japan Library, 1994), *passim*.

<sup>12</sup> Kiely, *The Compelling Ideal*, 165. Extraterritoriality was in fact not given up by foreign powers in China until 1943. Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 352.

<sup>13</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 84–88; Kiely, *The Compelling Ideal*, 111–14.

exercise; should have access to biomedical treatment, including gynecology, obstetrics, nurse-midwifery, and pediatric medicine; and, perhaps most important, should be given vocational training in women's work for their eventual release into a safety net of social work programs in general society. All of these elements were crucial to guaranteeing that a female inmate, upon release, would be fixed into a stable relationship with a husband and seek out employment recognized by the state as valuable labor. An achievement such as this would raise the status of poor women from "parasites" to productive citizens.<sup>14</sup>

This chapter draws primarily on published sources which described the conditions of daily life in women's prisons, both in abroad and in China. Just as Chinese sociologists Zhou, Xu, and Liu from Chapter One drew on global criminological theories, so too were Chinese popular writers interested in women's prisons abroad. The first section looks at these observations of women's prisons globally, examining popular writings printed in Chinese newspapers about foreign women's prisons in the United States, Spain, and the Soviet Union. It also looks at academic observations of women's prisons from prominent American criminologists, such as Sheldon and Eleanor Glueck, who were cited in studies by Chinese criminologists Zhou, Liu, and Xu, discussed in Chapter One. These circulating descriptions of how women's prisons operated abroad, both in popular and academic

---

<sup>14</sup> As several scholars have noted, reformer Liang Qichao referred to Chinese women as "parasites" for their lack of productive work. Bailey, "Women Behaving Badly," 162; Saman Rejali, "From Tradition to Modernity: Footbinding and Its End (1839-1911) – the History of the Anti-Footbinding Movement and the Histories of Bound-Feet Women in China," *Prandium - The Journal of Historical Studies* 3, no. 1 (Fall 2014): 6.

writing, served as both aspirational and cautionary stories for how to reform China's own female inmate population.

The second section turns to academic and professional writing on women's prisons in Shanghai. Chinese criminologists Liu and Xu, in their 1932 study, gave detailed accounts of the conditions of daily life for incarcerated women in Shanghai prisons. The impressions of prison life detailed by Liu and Xu, taken alongside the statistics from the 1937 report on the South Ma'si Prison, give us a picture of how criminologists and prison administrators felt prisons were helping inmates, as well as their assessment of where prisons could be improved.

Finally, this chapter turns to popular writings in Chinese newspapers about Shanghai's women's and co-ed prisons. These accounts, in contrast to accounts on foreign prisons translated into Chinese, were written directly by Chinese observers visiting women's prisons. Some of these popular writers explicitly tied the successes of the prison to the fledgling Chinese nation-state, suggesting that the development of modern prisons was a sign of progress. Compared to the academic and professional accounts of prison life, these popular writings by Chinese observers also offered much more candid and critical descriptions of women's prisons, frequently commenting on the "terrible stench" or "coarse food" female inmates endured. It appears that popular writers were able to write more freely, whereas prison

administrators had to carefully walk the line between extolling the success of the prison and proving the need for more funding and resources.<sup>15</sup>

All of these sources — on foreign or Chinese women’s prisons, in professional or popular writing — give us overlapping but sometimes contradictory accounts of how women’s reform operated in practice, both globally and locally. Taken alongside one another, however, they give us a much fuller picture of the daily goings-on of inmate life. This chapter attempts, despite many silences, to recover how gendered penal reform emerged in the daily practices of the women’s prison.

### **Global Networks: Foreign Women's Prisons**

Foreign prisons — particularly in Japan and the United States — were foundational in the imaginations of penologists and criminologists who advocated for the establishment of modern prisons in China. Touring Japanese prisons was a popular activity for Chinese travelers in the early twentieth century.<sup>16</sup> Beyond Japan, there were also a number of articles discussing foreign women’s prisons in popular Chinese journals from the late 1920s to the late 1940s. Much like the question of women’s criminality discussed in Chapter One, the hidden space of the women’s prison — or women’s branch of the co-ed prison — piqued the interest of popular writers in the Chinese print world. Accounts of these foreign prisons reinforced many

---

<sup>15</sup> Related to the delicate nature of finding this balance, Jan Kiely recounts the story of a male former inmate who was commissioned by Yan Jingyue to tell his story of incarceration. Yan insisted that former inmate tell a story that would extoll the “the glory of the prison.” Kiely, *The Compelling Ideal*, 86.

<sup>16</sup> Chen, *Guilty of Indigence*, 26.

of the notions of how a modern prison should be designed and operated, and how reform through education and labor should be carried out.

The prison system in the United States was deeply affected by discourses of liberty circulating after the American revolution. Although the country was founded on the rejection of British paternalism and assertion of the right to liberty, advocates of the prison argued that incarceration was necessary to maintain order. Within this logic, they “reconciled liberty and patriarchy” to justify the incarceration of marginal populations deemed problematic. Penal reform was also explicitly gendered: reform for unruly men focused on transforming them into sober, productive citizens, whereas reformers targeted criminal women for training in “cheerful domesticity.” Much of the time, however, they deemed such “fallen women” to be too corrupted and impossible to reform.<sup>17</sup> By the mid-nineteenth century, the American prison system underwent rapid changes when critics of the prison pushed for reform to transform the prison from a “form of exile” to an institution for rehabilitation.<sup>18</sup> This shift marked great changes for female inmates. Although women were typically vastly outnumbered by men in the prison, by this time, the number of female convicts in American prisons had increased enough to necessitate building small women’s wings in many prisons, rather than sequestering women off with little supervision.<sup>19</sup>

At the same time, U.S. reformers still had no explicit plan for specialized women’s reform, but were quite concerned with preventing social and sexual

---

<sup>17</sup> Kann, *Punishment, Prisons, and Patriarchy*, 17.

<sup>18</sup> Bookspan, *A Germ of Goodness*, xi.

<sup>19</sup> Nicole Hahn Rafter, *Partial Justice: Women in State Prisons, 1800-1935* (Boston, MA: Northeastern University Press, 1985), xx.

intercourse between men and women inmates and the mounting costs of keeping women's in men's prisons. In some cases, reformers suggested that female guards, who could be paid less than male guards, might serve both purposes: gender segregation and cost-effectiveness.<sup>20</sup> By the late nineteenth century, as members of a new women's reformatory movement advocated for a specialized, less restrictive space for female reform, almost all states had a prison with a women's wing.<sup>21</sup>

The premise of women's reformatories was that gendered differences between men and women necessitated a different, separate type of reform. In the U.S., this gendered difference was legally entrenched in state and Supreme Court cases in 1919 and 1920 that allowed gender as a consideration in sentencing length and location. In arguing that "women's separate nature" necessitated a specialized plan for reform, however, turn-of-the-century reformers reified notions of gendered difference between men and women.<sup>22</sup> By 1935, as the reformatory movement drew to a close, seventeen states had new all-women's reformatories. Unlike custodial prisons, which were designed for men and typically had a cell-block style with a fenced perimeter, women's reformatories were often unfenced with small residences spread across a large tract of land.<sup>23</sup>

For critics of the American system, however, rising prison populations were a point of concern. A 1936 article in the journal *Xinghua* called on its readers,

---

<sup>20</sup> Bookspan, *A Germ of Goodness*, 72–73.

<sup>21</sup> Rafter, *Partial Justice*, xx–xxiii.

<sup>22</sup> Freedman, *Their Sisters' Keepers*, 148, direct quotation, 2.

<sup>23</sup> Rafter, *Partial Justice*, xx–xxiii.



addressing them as “sisters,” to take note of growing numbers of incarcerated women in the state of New York.<sup>24</sup> The article noted that from 1916 to 1926, the female inmate population in a New York prison had jumped from 72 to 107. At the time, in the whole state of New York there were a total of 6,483 female inmates, comprising one-tenth of the total state inmate population.<sup>25</sup> Although the article noted that there were no statistics on female crime in China, the author asserted that, anecdotally (“from reality and the newspaper”), solutions to female crime in China were more effective than in the United States. The state of prisons was not only a contest between nations, but of morals; the article went on to say that the increase in female criminals in the U.S. had occurred because American women were “too liberated.”

Most popular writing in China on American prisons, however, was full of praise. A 1940 essay titled “Another World: an American Women’s Prison” wrote with a gleaming review of conditions in America, where “life is incredibly civilized because of such a developed culture,” and praised the women's prison the author visited.<sup>26</sup> The author waxed poetic on the facilities, going into great detail about the

---

<sup>24</sup> According to Dacheng Database, *Xinghua bao* (興華報) was a Republican journal which ran from 1925 to an unknown time. Andrei Janku notes that it was a Christian missionary publication. Andrea Janku, “The Internationalization of Disaster Relief in Early Twentieth-Century China,” in *State, Society and Governance in Republican China*, ed. Mechthild Leutner and Izabella Goikhman (LIT Verlag Münster, 2014), 16; “Funv Fanzui Jinzhan [Progress in Female Crime],” *Xinghua* 28, no. 24 (1931): 43.

<sup>25</sup> It is not clear how accurate these statistics were. A 1930 census of state and federal prisons in the United States records New York as having only 8,135 incarcerated persons total statewide. Margaret Werner Cahalan, “Historical Corrections Statistics in the United States, 1859-1984” (Rockville, MD: U.S. Department of Justice, Bureau of Justice Statistics, December 1986), 29.

<sup>26</sup> Feng, “Lingyi Shijie: Meiguo de Nvjian [Another World: American Women’s Prisons],” *Da Guan Yuan*, 1940, 84. The title of the journal, *Da guan yuan* (大觀園), was a reference to the Jia family’s garden in the Rongguo House from the classic novel *Dream of the Red Chamber*.

beautiful library, school, gymnasium, and flower garden. Despite what one might think, the author concluded, prisoners enjoyed the same comforts within the prison as in the outside world. This reverent review suggested that both American society and the American penal system were worthy of emulation.

Authors of other articles were equally impressed with both the facilities and management of American women's prisons.<sup>27</sup> Published in 1942 in the popular Shanghai magazine *Wan Xiang*, "A Women's Prison in California" opened with a quotation from *Reader's Digest*, an American periodical:

Watching movies, listening to the radio, and every Sunday night there's also a dance. Can enjoy to one's heart's content. There's no difference between this and [living] in a city. However, they don't forget work and studying specialized sciences and technologies.<sup>28</sup>

The author, Yu Ailing, was quite impressed with the prison, and described the 180 female convicts' lives as scheduled but also free, as though they were "living in an apartment." Outside of their studies and work, Yu wrote, they had free time to pursue hobbies and were allowed to decorate their rooms as they pleased. Their primary work was sewing flags for government institutions in a factory at the prison. All were required to learn to sew for a minimum of three months. All women also learned to

---

<sup>27</sup> Ailu Yu, "Jialifuniya Zhou de Funv Jianyu [Women's Prison in California]," *Wanxiang* 1, no. 11 (1942): 79–81. Another 1947 article titled "Women's Prison in California, U.S.A." appears to plagiarize this article. There is a different author listed, with whole paragraphs lifted from the 1942 article, but the 1947 article does not cite any other publication. Ruiying Xue, "Meiguo Jiazhou de Funv Jianyu [Women's Prisons of California, U.S.A.]," *Honglvdeng* 1 (1947): 51–52.

<sup>28</sup> Yu, "Jialifuniya Zhou de Funv Jianyu [Women's Prison in California]," 79.

cook and clean for themselves. There were also some convicts who studied medicine in the infirmary or worked in the administrative offices. After a length of time, these women graduated from these positions, much like a professional training or work-study program. Thus, the prison produced many X-ray operators, dental assistants, switchboard operators, bookkeepers, and photographers.

Apart from the “new style” of this women’s prison, which Yu wrote had only been implemented within the last ten years or so, the author also wrote with great respect for the head of prison: Miss Mahaney.<sup>29</sup> Formerly a teacher, Miss Mahaney also served as the head of a juvenile detention center and a reformatory. She was also an advocate of modern reform techniques and believed that:

...no matter the person, if one is in a prison cell with not even two sticks to rub together, hands and legs fettered and shackled, forbidden to talk aloud for years at a time, once they leave the prison they will still be a useless person and they absolutely will not become a promising citizen.

Other scholars have shown that many punitive practices, such as solitary confinement and enforced silence, remained distinctive features of American prisons.<sup>30</sup> Yet in popular writings across China, accounts of American women’s prisons remained mostly positive.

---

<sup>29</sup> The essay translated her name as *Ma'nahai xiaojie* (瑪納海小姐). With no direct English correlate, I am translating her name as Miss Mahaney.

<sup>30</sup> Bookspan, *A Germ of Goodness*, xiii–xix. Bookspan does not explicitly address whether or not women were put in solitary confinement in the United States. However, prisons which had female inmates, such as San Quentin, did indeed have women inmates. *Ibid.*, vii.

European prisons also drew the interest of readers. A 1934 feature in *A Small World*, an illustrated magazine, printed photographs of a model women's prison in Madrid, Spain.<sup>31</sup> There was no accompanying article, but the photographs and their captions suggested a welcoming institution that catered especially to women's needs. Its facilities included "bathrooms, a visitor room, a stadium, telephones, and a model kitchen." In one photo, inmates in long, full skirts chatted with their guests in an airy, open courtyard. In another, an inmate worked on a quilt by the light of the sun streaming through her cell window. A picture titled "the daily view inside the classroom" showed inmates — again neatly dressed in long, full skirts — sitting attentively at school desks as they watched a presentation from several teachers.

Children featured prominently in the *Small World* photograph collection. One photograph showed an inmate holding her young toddler at the sink in a black-and-white tiled bathroom. Another showed seven school-age children gathered around a table with two female nurses dressed in crisp white pinafores over dark dresses. Its caption read, "the sons and daughters of female inmates have special nurses." At the center of the feature was the head of the prison. Dressed all in black, with her hair well-coiffed in a bun at the nape of her neck, she somberly stared straight ahead at the camera, her right hand resting on a book in front open on the table before her.

The photographs presented an all-female space that was modern but homey, even luxurious, with fixtures such as indoor plumbing, telephones, and a stadium for

---

<sup>31</sup> "Mofan Funv Jianyu [Model Women's Prison]," *Xiao Shijie: Tuhua Ban Yuekan* 40 (1934): 5. I am using Paul Bevan's translation of the magazine title here. Paul Bevan, *A Modern Miscellany: Shanghai Cartoon Artists, Shao Xunmei's Circle and the Travels of Jack Chen, 1926-1938* (Boston: Brill, 2015), 358.

exercise. Its residents and staff were modestly dressed in feminine clothing. The incarcerated women engaged in traditionally feminine textile work, but they were also given an education. Children were not only allowed in such a space, they were specially cared for by trained medical professionals. The message of the feature was clear: this prison was an excellent example of how incarceration should, and could, work for women. For the Chinese reader, this feature expressed a positive model of modern imprisonment.

A 1936 article on Soviet female inmates appeared in *Social Life*, a general interest journal that featured essays about literature, science, and the arts. The short piece was a section taken from the book *The Soviet Union's Struggle with Crime*, written by a German researcher and prison reform advocate, Miss Keller.<sup>32</sup> She conducted interviews and observed the daily work schedule of several prisons with female inmates. In the Bailumi Women's Prison, she interviewed two inmates: Anna and Ann.<sup>33</sup> Anna, a famous thief working in the prison boot factory, told Miss Keller that she was dedicated to living "a life of useful labor" in the future. Each month, Anna could earn over 220 rubles in the factory and, Miss Keller noted, she was well-respected in the prison as a trustworthy individual. Ann, a young woman of 20 years with short cropped hair who spoke "like a boy," was "like a wild cat" when she came

---

<sup>32</sup> Her name was transliterated as *Kaierbai* (凱爾白). Translations of names into Chinese characters was often a haphazard process with little standardization. In this case, it is quite difficult to guess what the German name was, so I use the common German surname "Keller" as a stand-in.

<sup>33</sup> From the translation of the Russian name into Chinese (translated as *Bailumi* 白魯米), it is also unclear which prison in the Soviet Union the article is referring to; I thus retain the Chinese translation in pinyin.

to prison, refusing to speak or work. When Miss Keller interviewed her, having undergone many months of her imprisonment, Ann said she loved to work, and no longer wanted to be a thief.

In a women's prison in Moscow, Miss Keller also spoke to Veronica, the wife of the famous criminal thief. Veronica's "difficult life" had aged her beyond her years, Miss Keller wrote, and her disengaged and cold demeanor when telling gruesome stories of her husband's crimes led Miss Keller to believe that she herself was also a victim of her husband's evil deeds. When Veronica talked about her work in the prison, however, her face brightened and came alive:

Work has made me a completely new person. Before I came here, I couldn't even read, but now I'm already at a high level and have read so much. I don't necessarily have to get married again, because here I can earn enough to get by. In the prison, I am the factory leader. I am in a position of responsibility!...After I am set free, I still want to be an independent laborer and work at a factory.<sup>34</sup>

In these interviews, Miss Keller showcased inmates' extreme enthusiasm and diligence for labor. The previous lives of the inmates were described with great pity. The transformative power of labor in the prison, Miss Keller wrote, revealed a "whole new person" underneath the criminal exterior. These stories of reformed women, recorded nearly twenty years after the October Revolution in 1917, reflected the

---

<sup>34</sup> Erbai Kai, "Sulian Nvqiu de Shenghuo Pianduan [A Section on the Lives of Soviet Female Inmates]," trans. Feiyi Yi, *Shehui Shenghuo* 1, no. 3 (1936): 141–42.

deeply moralistic undertones in discussions of the value of labor and production in Soviet society. As other scholars have shown, Soviet prison reformers did not design inmate labor in the early twentieth century to simply reap the benefits of cheap labor; reformers instead viewed penal labor as an “...educational and meditative aid” which could transform the individual.<sup>35</sup> The transformation of Miss Keller’s interviewees fit seamlessly with the Soviet line on crime in the 1920s and 1930s: given the proper environment, people were drawn to and fulfilled by the inherent value of useful labor and thus cured of the need or desire to commit crimes.

In the Bailumi Prison, female inmates labored in work teams sewing shoes. As other scholars have shown, in the 1920s, both men and women inmates in Soviet prisons performed a wide range of labor, both skilled and unskilled, and received extensive vocational training. As in prisons in China, many Soviet inmates made clothing, but others worked as “...printers, cobblers, cafeteria workers, binders, boiler service men and even locksmiths.” Under the watchful eye of their instructors, some learned and practiced “tailoring, cobbling, cloth works, book binding and smithery.”<sup>36</sup> Vocational training was a central aspect of rehabilitation-minded Soviet prisons, and marked a shift away from the Tsarist penal system of punishment and exile.<sup>37</sup>

Miss Keller also noted of the Bailumi Prison that women worked in teams, competing with one another to surpass their production quotas. She described the

---

<sup>35</sup> Aaron B. Retish, “Breaking Free from the Prison Walls: Penal Reforms and Prison Life in Revolutionary Russia,” *Institute of Historical Research* 90, no. 247 (February 2017): 142.

<sup>36</sup> Retish, 142.

<sup>37</sup> Retish, 135.

fervor of these competitions, writing that women convicts would gather in the main prison hall to hear each team's final numbers. The most productive team was given a coveted red flag, while the losing team received a wooden tablet with a drawing of a tortoise.<sup>38</sup> These descriptions fit with larger shifts in the ideology and stated goals of the Soviet penal system. By the 1930s — and especially after December 1936, when Stalin declared that socialism had been achieved — inmates were expected to work “heroically” to demonstrate that “they believed in socialism and deserved release.”<sup>39</sup> This focus on productive labor, fundamental to the global prison project, thus took on all-important ideological meaning in Soviet prisons.

These accounts of foreign women's prisons in the United States, Spain, and the Soviet Union reflect a strong interest in modern prisons, and especially, women convicts, for both popular writers and their readers. Each approach to penal reform garnered different levels of praise and criticism. Popular writers described U.S. prisons as luxuriously equipped, orderly, and well-managed, but noted that changes in larger society, especially changing gender roles, had resulted in increasing female crime. The photograph collection of the model women's prison in Madrid also portrayed the facilities as modern, scientific, and even comfortable. The focus in popular writing on Soviet prisons, however, was on the transformative power of production and labor. Together, these vignettes of foreign prisons in the Chinese

---

<sup>38</sup> Presumably, this was meant to embarrass the losing work team for being slow at production. Upon receiving the tablet, the losing team declared during the group meeting that they would not carry the tablet for long.

<sup>39</sup> Michael Jakobson, *Origins of the Gulag: The Soviet Prison-Camp System, 1917-1934* (Lexington: University Press of Kentucky, 1993), 139–41. Direct quotation, *Ibid.*, 141.



popular press were fundamentally positive and endorsed the idea that foreign prisons could be studied and adapted to local conditions.

### **Merits of the Penal System: Academic Criminologists and Sociologists**

Academics and criminologists in China were also convinced of the efficacy of the prison project. As in the United States, they were observing rising numbers of female inmates.<sup>40</sup> From the 1910s to the 1930s, the average prisoner was between twenty or thirty years old, uneducated, illiterate, unemployed, nearly propertyless, and male. In contrast, female inmates tended to be older, with most in their forties and fifties, and had even lower rates of education and higher rates of illiteracy than their male counterparts.<sup>41</sup> The state of female inmates was of deep concern to academics tackling the origins of female crime and its impact on women's lives. Their research concluded that, although the prison was a useful tool for rehabilitation, larger social reforms and improved prison conditions were necessary.

In their 1932 study, Liu Qingyu and Xu Huifang argued that crime was like an illness, and the prison performed the function of a hospital. They found the courts, which were concerned only with ascertaining the facts of crime committed and the intentions of the accused, to be a system which simply doled out lengthy sentences and did not address the root causes of crime. In their research, which focused solely on female inmates, they suggested that prisons be granted more rights and flexibility to determine the necessary length of a woman's imprisonment. In general, Liu and Xu

---

<sup>40</sup> On rising numbers of female inmates in the U.S., see Cahalan, "Historical Corrections Statistics in the United States, 1859-1984," passim.

<sup>41</sup> Kiely, *The Compelling Ideal*, 87.

outlined three central factors in prisoner reform: education, labor, and entertainment. Of these three, they said, labor was indispensable. Mobilizing prison labor not only aided the financially strained country, but also helped the prison itself to become a self-sufficient institution. Liu and Xu also argued that labor gave the prison's bored, embittered inmates something to do other than talk among themselves — a dangerous activity that simply presented an “opportunity to learn more criminal tricks.”<sup>42</sup> Indeed, labor was the pillar of Liu and Xu's final suggestions for combatting both crime and recidivism for female inmates. Liu and Xu concluded that the prison system should work closely with social workers to help inmates find a vocation after serving their prison sentence. For women in particular, this typically meant work traditionally considered “women's work,” such as sewing, knitting, and weaving.

Liu and Xu's descriptions of prison facilities, departments, and spatial layout gave readers a strong visual impression of women's daily prison life.<sup>43</sup> They conducted their research in the women's branches of three major Shanghai prisons, two of which were built and managed by foreigners before being handed over to the Republican government in the early twentieth century.<sup>44</sup> The North Zhejiang and Bihuali Prisons were in the International and French Settlements respectively, while the Caohejing Prison was in what is now Xuhui District.<sup>45</sup> The oldest of the three was

---

<sup>42</sup> Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 21.

<sup>43</sup> Liu and Xu, 21–23.

<sup>44</sup> It is not clear how many prisons had women's branches during this period. However, there were very few women's-only prisons in the Shanghai-Jiangsu area.

<sup>45</sup> The North Zhejiang prison, located in the International Settlement on North Zhejiang road, was officially the Shanghai No. 1 Special District Prison (*Shanghai di yi tequ fayuan nvjian* 上

the North Zhejiang Prison, which was originally built in 1903 alongside the public government office for trial hearings, the Shanghai Municipal Court, and the Jiangsu High Court Second Division. It was colloquially called the “New Yamen.”<sup>46</sup> The Caohejing prison was built in 1917.<sup>47</sup> These prisons, like others in China, were nearly all constructed in urban spaces. As Klaus Mühlhahn notes, this was an intentional choice, as reformers saw Chinese cities as the epicenters of a growing crime problem.<sup>48</sup>

The three prisons varied in size, capacity, and density. North Zhejiang had four floors, with a lower level that included a clinic and pharmacy, a common room, and several prison cells. Each floor had one bathroom with running water for inmates to wash cooking utensils or clothes. The remaining top three floors were all inmate cells, and there were several separate, single-story buildings for the guard office, classroom, and kitchen.

---

海第一特區法院女監), though it was later renamed the Jiangsu No. 2 Prison (*Jiangsu di er jianyu fenjian* 江蘇第二監獄分監), a name that it shared with another, different men’s prison in Shanghai. The Bihuali Prison, located in the French Settlement on Bihuali Road, was officially the Jiangsu No. 2 Special Court Prison (*Jiangsu di er tequ fayuan nvjian* 江蘇第二特區法院女監); and the Caohejing Prison, located in what is now Xuhui District in the Caohejing Residential Area, was officially the Jiangsu No. 2 Women’s Prison (*Jiangsu di er jianyu nvjian* 江蘇第二監獄女監). Xu, *Shanghai Jianyu de Qianshi Jinsheng* [*Shanghai Prisons: Past and Present*], 49, 117.

<sup>46</sup> In December of 1930, the Shanghai No. 1 Prison Women’s branch was converted into the Jiangsu No. 2 Prison with the intention of housing sentenced, and some unsentenced, female criminals from the Shanghai No. 1 Special Division Court (*Shanghai di yi tequ fayuan* 上海第一特區法院). In prison documents, it was called the Shanghai No. 1 Special Division Women’s Prison (*Shanghai di yi tequ nvjian* 上海第一特區女監). See Xu, 117–21; Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 88.

<sup>47</sup> Xu, *Shanghai Jianyu de Qianshi Jinsheng* [*Shanghai Prisons: Past and Present*], 49. Liu and Xu wrote that Caohejing opened in 1921. Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 90.

<sup>48</sup> Mühlhahn, *Criminal Justice in China*, 85.

Bihuali, with two floors, and Caohejing, with only one, were much smaller. At Bihuali, the bottom floor was entirely occupied by inmate cells, but the top floor, in addition to inmate cells, also contained rooms for the prison director and guards. Caohejing in particular was described in detail by Liu and Xu, as it was the only prison that had not been built or managed by foreigners. On the outside, the prison's exterior was that of a Chinese-style tiled building. Inside, cells were arranged in a cross shape facing one another, with hallways running down the middle. The guard office and the guards' personal rooms were located near the front of the prison, with inmate cells in the back.

Liu and Xu clearly judged the construction and facilities at Bihuali to be the most impressive. Whereas North Zhejiang and Caohejing had only cement floors, Bihuali had glossy floors and a "sturdy" exterior. It also boasted metal bars on inmate cell windows, which allowed for excellent air circulation and light. In contrast, the other two both had poor lighting and narrow windows, and at North Zhejiang, cell windows even had a wooden board wedged in the bottom half of the window to discourage communication with people outside.<sup>49</sup>

At the times of their visits in 1932, the North Zhejiang prison housed a total of 176 female inmates, with five to eight prisoners assigned to a cell. In Bihuali, there were only 44 inmates with never more than two inmates per cell.<sup>50</sup> Caohejing was by

---

<sup>49</sup> It is not clear whether or not inmates could communicate with people outside the prison walls in North Zhejiang and Caohejing, though their narrow windows certainly may have made it more difficult.

<sup>50</sup> This included a Russian inmate and a Fujianese inmate with whom the pair of researchers could not communicate because of language barriers, as well as four inmates who were too

far the most overcrowded, with 200 total female inmates who were sleeping two to a bed and upwards of ten to a single prison cell.<sup>51</sup> Liu and Xu noted that Caohejing felt exceptionally crowded and chaotic, whereas less populated prisons such as Bihuali were orderly and strict. These observations reveal the gap between ideology and reality: Liu and Xu themselves noted that “single cells” were ideal, but not a single prison they visited was capable of attaining such a standard. From these descriptions, it is clear that design of the prison and general overcrowding meant that women shared very close quarters with both their fellow inmates and their guards, sometimes developing close, “family-like” relationships.<sup>52</sup>

All three women’s branches were entirely staffed with female prison guards. In North Zhejiang, the largest of the three, two female guards were stationed on each floor. In Bihuali, six female guards formed three teams which rotated standing guard for eight-hour shifts each. Though Liu and Xu praised Bihuali for its very strict and orderly conditions, they also noted that guards and inmates got along particularly well in the North Zhejiang and Caohejing facilities. In these two prisons, inmates were given substantially more freedom to move throughout the prison, and could chat loudly without fear of reprisal from the guards. Caohejing in particular was lenient,

---

ill to speak. It is not clear why some prisons were more overcrowded than others, though it may have been related to sentencing policies based on location of the crime or trial.

<sup>51</sup> There were more than 200 inmates at the time of their visit. Of these, 176 were in the general population, and over 30 were in a rehabilitation clinic for opium use.

<sup>52</sup> Liu and Xu did not explain exactly why this was the case, but wrote that in the Caohejing prison, inmates and guards were “like a family.” This could simply be a gesture towards how intimate, though clearly imbalanced in terms of power, such relationships could become in the prison. As other scholars have noted, sex workers in brothels often considered madams their mothers. See Hershatter, *Dangerous Pleasures*, 75.

and allowed inmates to cook their own meals in the prison kitchen and draw their own water, tasks which Liu and Xu felt made the prison considerably more loud and disorderly, unlike the other two.

Meals were provided two to three times per day, and primarily consisted of some combination of rice, porridge, soup, vegetables, or tofu. In North Zhejiang, Liu and Xu described the dishes as “coarse,” though it was the only prison to carefully include rice husks in inmate meals to prevent beriberi. Inmates there also complained of hunger despite large portions, which Liu and Xu speculated was perhaps because the food contained very little fat. Though inmates at Bihuali were fed three meals per day, neither they nor North Zhejiang inmates were permitted to supplement their meals with anything they procured themselves. In contrast, Caohejing inmates were permitted to buy their own food each month, and the prison director even personally arranged food for those with small children. Such assistance was no small matter, as food security was a pressing issue during the Republican period. In addition to Japanese occupation and civil war, “population growth, natural disasters, plant diseases and insect pests, and deforestation” contributed to food insecurity from the collapse of the Qing to the establishment of the PRC, and in the late 1920s, there was heated debate on how to solve this problem, commonly called the “food problem.”<sup>53</sup>

---

<sup>53</sup> Janku, “The Internationalization of Disaster Relief in Early Twentieth-Century China,” 15. Direct quotation, Jenifer Huang McBeath and Jerry McBeath, *Environmental Change and Food Security in China* (Springer Science & Business Media, 2010), 16. Disruptions in agriculture from the Japanese invasion also led to the establishment of the National Grain Control Bureau and the Ministry of Food in 1941. See Kirby, *State and Economy in Republican China*, 137.

Thus, despite these seemingly bleak conditions in women's prisons, inmates may have had more food security than many in the general population.

Exercise in the prison yard ranged from thirty minutes to an hour each day, and, in the common refrain of prison reformers and penologists, Liu and Xu stressed that this allowed inmates to “breathe in the fresh air.”<sup>54</sup> At North Zhejiang, inmates normally showered once a week, though on hot summer days they showered twice a week. Prison reports from another Shanghai women's prison noted that inmates were required to cut their hair monthly.<sup>55</sup> Inmates there were given one light uniform during the summer and cotton-padded clothes during the winter. During cold weather, inmates were given a blanket at night, which they were required to return to the guards the following day.<sup>56</sup> This rigorous daily schedule, and micromanagement of possessions, reflected the aspirations of the prison as a regimented space in which the body, physical needs, and indeed every moment was regimented, disciplined, and orderly.

---

<sup>54</sup> The exact phrase Liu and Xu used was “*huxi xinxiān de kōngqì*” (呼吸新鮮空氣). Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 89. For an account of the Chinese and EuroAmerican criminologists Liu and Xu were citing and drawing on for their research, see Chapter One.

<sup>55</sup> Female prison administrator Lin Xiaoming used a nearly identical phrase to Liu and Xu in this report, writing that inmates could “breathe in the fresh air” during walks outside (*xishou xinxiān kōngqì* 吸收新鮮空氣). In Liu and Xu or Lin Xiaoming's reports, however, one cannot know how often such descriptions were simply ideals of daily prison life or actual policies. Shanghai Municipal Archives (Hereafter SMA) Q177-1-74.SMA Q177-1-74, 60.

<sup>56</sup> Liu and Xu wrote, “If inmates do not have a blanket during the day, they won't lie down during the day and become ill.” Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 19. At Caohejing, Liu and Xu also noted that the state provided uniforms, blankets, and pillows for the inmates. *Ibid.*, 89.

Only one prison, North Zhejiang, had a full-time health official. A clinic, run by a single female nurse, was stocked with Western medicine. She supervised the distribution of medicine and treatment, which was administered in a separate sick bay. At Caohejing, a doctor visited once a day to treat common illnesses, while the mentally ill were sent to the charitable relief institution and hospital, Puyu Tang, and opium addicts were sent to a rehabilitation center on the third floor of the prison.<sup>57</sup>

Both the North Zhejiang and Caohejing prisons had regimented systems of labor. In Republican China, inmates sometimes provided labor for the state, such as constructing government buildings or sewing police, army, or school uniforms. Many prisons, however, also contracted out inmate labor to local factories.<sup>58</sup> In the case of the North Zhejiang and Caohejing prisons, raw materials were provided to prisons from private factories and finished goods were then returned to the factories. At North Zhejiang, most inmates made western-style straw hats and cotton-padded jackets in a contract-style labor system. Materials for the hats were supplied by private factories, which paid the state when they received the finished hats. If not working in the factory, some inmates collectively prepared food for the prison. Aside from the old, sick, and those with poor vision, everyone worked. The prison authorities distributed

---

<sup>57</sup> "Shanghai Nvjian Zhi Wanshan [The Perfection of the Shanghai Women's Prison]," *Xinghua* 33, no. 10 (1936): 37. On Puyu Tang, see Human Rights Watch Asia et al., *Death by Default: A Policy of Fatal Neglect in China's State Orphanages* (Human Rights Watch, 1996), 118; Zhou Lin, *Kou jie wen xiang: Shanghai malu de qianshi jinsheng [Knocking on Streets and Asking Around Alleys: Shanghai Streets Past and Present]* (Shanghai: Shanghai cishu chubanshe, 2008), 227; Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*, 104–9.

<sup>58</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 163, 237. Some prisons even set up shops adjacent to the prison to sell inmate-manufactured goods. See Kiely, *The Compelling Ideal*, 31.



some money for good work, though it was not much compensation.<sup>59</sup> Liu and Xu praised the work of the North Zhejiang inmates as “especially good” and “especially fast.” This system of prison labor, they wrote, was “a great benefit” for both the inmates and the state economy.

At Caohejing, a factory floor was next to the main prison entrance. Liu and Xu found a dimly lit room with few windows filled with low tables and long benches. From 7 AM to 5 PM, inmates embroidered, sewed, and wove textiles for pillows and hand towels. As in North Zhejiang, work supplies were provided by factories outside the prison, though Liu and Xu did not note who bought the finished goods. Inmates who worked especially well could also be recommended by the guards to the head of the prison, who would issue a small monetary prize. Much like the Soviet inmates described by the German prison reformer Miss Keller, Chinese prison officials used praise, competition, and monetary compensation to encourage higher rates of production.

Liu and Xu’s commentary on the state of these women’s prisons ranged from neutral to positive. Inmates were, at a minimum, fed and housed, and in the best of cases, also given some education and vocational training, though most of their time was spent engaged in production and labor. Though Liu and Xu’s descriptions were rarely filled with outright praise, their language was clear: the project of the prison

---

<sup>59</sup> Liu and Xu wrote that the prison officials couldn’t make such compensation too “common.” One assumes this was to not raise inmates’ expectations too high. Liu and Xu, “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals],” 19. It is also not clear what inmates were buying, although other accounts of female inmates in China noted that women often bought extra food with their earnings. See Shan Hua, “Ji Shanghai Nvjian [Notes on Shanghai’s Women’s Prison],” *Jia* 7 (1946): 5–39.

itself was a worthy one, and though most modern prisons in China had some flaws, they were still excellent vehicles for criminal reform.

### **Popular Writings on Women's Prisons in China**

Although Liu and Xu were generally positive about prison conditions for female inmates in China, popular writers had mixed opinions. In the 1930s and 1940s, interested observers — ranging from young students to writers — visited women's prisons in China and penned articles in popular journals recording their impressions. Many of these non-academic visitors to women's prisons in Shanghai took a less nuanced approach than Liu and Xu's study. Sharing emotional reactions from their experiences, popular writers expressed either a clear revulsion or disdain for prison conditions and inmates, or they praised the order, cleanliness, and efficacy of the prison.

A 1935 issue of *New Woman* ran a collection of essays written by junior middle schoolers who toured the Caohejing Prison.<sup>60</sup> The students arrived during lunchtime and most were disturbed at the prisoners' quality of food. Several noted that the food was “coarse,” “bitter,” and consisted only of millet. Two students described the inmates as yellow-faced and thin, though one student noticed some “fair-skinned and chubby” inmates. Nearly all the essays commented on the horrible stench of the cafeteria, of which one student lamented, “They don't even notice [the

---

<sup>60</sup> Yuan Wu et al., “Jiangsu Di Er Jianyu Nvjian Yinxiang Ji [Notes on Impressions of the Jiangsu No. 2 Women's Prison],” *Xin Nvxing* 2 (1935): 25–28. It is unclear why such young students were visiting a prison. However, on the same day, they also toured a vocational school and a middle school, suggesting that they were visiting modern institutions.

smell]...I cannot understand this!”<sup>61</sup> In describing their reactions to the prison, most students were overwhelmingly repulsed by the conditions of the prison.

Some students seemed surprised that the prison was not a “dark and dirty” place, but instead had clean rooms, an open yard, and gardens.<sup>62</sup> Others were not so impressed. One student in particular described the students as having “disheveled hair and sallow faces.” These frank, and often unsympathetic, assessments of the Caohejing Prison were certainly at odds with Liu and Xu’s conclusions. Though it is not clear why these students’ accounts of Caohejing (the only women’s prison not built by foreigners, and built in a “Chinese style” at that) differed so starkly from those of Liu and Xu, they may have been distressed at its lack of foreign, “modern” influence. Their observations were published in *New Woman* — a journal that was part of the public press which fetishized new institutions, rejected Chinese tradition, and gave “uncritical approval of Western values, ideas, and practices.”<sup>63</sup>

From the time of Liu and Xu’s visit in 1932 to the junior middle schoolers’ visit in 1935, Caohejing went through six prison wardens.<sup>64</sup> It is possible that with

---

<sup>61</sup> The multiple students who wrote these remarks did not elaborate on what the stench was: spoiled food? Poor indoor plumbing? Poor inmate hygiene? Regardless, the smell must have been powerful, as three students commented on it.

<sup>62</sup> One student even passionately argued that the inmates were imprisoned because society had failed them in a miserable economic situation.

<sup>63</sup> Hua R. Lan and Vanessa L. Fong, *Women in Republican China: A Sourcebook* (Routledge, 2015), x.

<sup>64</sup> Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*, 298–301. Xu does not explore why prisons went through so many wardens. Other scholars, however, have shown that the 1930s were a tumultuous time for Shanghai in general, which may have contributed to the high turnover rates of prison wardens. See Frederic Wakeman, *Policing Shanghai, 1927-1937* (University of California Press, 1995), passim; Wakeman, *The Shanghai Badlands*, passim; Christian Henriot, *上海: Municipal Power, Locality, and Modernization* (University of California Press, 1993), passim; Brook, *Collaboration*, passim.

different leadership, the prison underwent changes, or perhaps larger economic pressures affected the quality of food and daily life in the Caohejing Prison.

Caohejing caught fire and burned down in 1937, as a result of Japanese bombing.<sup>65</sup>

Other popular writings on women's prisons in Shanghai offered rosier impressions than those of the junior middle schoolers. An article in a 1936 issue of *Xinghua* claimed that, under the leadership of Miss Wang Baosan, who served as prison warden for two terms (September 1934 to July 1936, and July 1939 to August 1943) the North Zhejiang prison was "reaching perfection."<sup>66</sup> Inmates lived three to a cell, with pure white quilts and exceptionally clean floors. Their education was so "earnestly" undertaken that the previously illiterate could write essays and diaries. Finally, the author observed, prison discipline was so well-maintained that prisoners all stood when the head of the prison entered the room.

Authors of accounts of women's prisons after World War II ended in 1945, were also impressed by prison facilities; however, they also expressed a deep distress at the lack of nutritious food and supplies. A 1946 article "Notes on the Shanghai Women's Prison" appeared in the magazine *Home*.<sup>67</sup> A women's magazine with the tagline "Energizing Women's Lives, Boosting Family Happiness," *Home* focused on issues such as housekeeping, marriage, and children. The prison article by author Hua

---

<sup>65</sup> "Shanghai Jianyu Zhi: Nvjian [Shanghai Prison Gazetteer: Women's Prisons]," Shanghai shi difangzhi bangongshi, accessed April 25, 2018, <http://www.shtong.gov.cn/node2/node2245/node73095/node73105/node73142/userobject1ai86273.html>.

<sup>66</sup> "Shanghai Nvjian Zhi Wanshan [The Perfection of the Shanghai Women's Prison]"; Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*, 303.

<sup>67</sup> Hua, "Ji Shanghai Nvjian [Notes on Shanghai's Women's Prison]."

Shan was published alongside articles on “The Homes of Americans” and “The Ideal Marriage Age.” Hua had the opportunity to tour the Tilanqiao Prison, a co-ed prison which was originally built in 1843 for foreign prisoners, including foreign women, but by the time of Hua’s tour, Tilanqiao housed only Chinese inmates.<sup>68</sup>

The prison facilities, Hua noted, were “exquisite:” the prison was encircled with a stone fence and heavy iron gates, and the cells in the men’s wing boasted a number of modern amenities: wash basins, hot and cold running water, flush toilets, benches, clothes drying racks, bookshelves, drawers, and steel-wire bed frames.<sup>69</sup> Hua mentioned several times that the prison was so well-built because it was originally for foreigners. Throughout the prison, cells had tatami-like mats on the floor, ten blankets per room, and “sanitary equipment.” Hua found that, though the women’s quarters were not as well-furnished as the men’s, overall the facilities of the prison were impressive: it had a sick ward, an infirmary, and a factory.<sup>70</sup> The author again described the accommodations as “exquisite,” but noted that it was very crowded, with at least eight or nine inmates, or as many as twelve, to a single cell.<sup>71</sup> A *Shenbao* article from July 1946 showed that Hua’s visit to Tilanqiao came directly after the admittance of fifty new, and very ill, female inmates.<sup>72</sup> These new inmates, no doubt, influenced Hua’s impressions of the prison.

---

<sup>68</sup> Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*, 17.

<sup>69</sup> The author even joked that, as a writer, they were envious of such a space.

<sup>70</sup> Of the sick bay, the author noted that it had a terrible smell and its occupants had “dry, yellow, thin” faces. Hua guessed this was because of poor nutrition and lack of medicine. They looked, Hua wrote, as though they were “waiting for the grim reaper.”

<sup>71</sup> Hua concluded that this must be a “comfortable inmate life.”

<sup>72</sup> “Nv Jianyu [Women’s Prison],” *Shen Bao*, July 18, 1946.

Like the other co-ed prisons, Tilanqiao was segregated by gender and reinforced gendered labor. Female inmates did handiwork, such as stringing???? toothbrushes and making shoe soles, but they also knitted, sewed, and embroidered gloves, socks, and *qipao*. Prison officials compensated inmates to some extent for their labor, and they earned one-tenth the cost of the goods they produced, and at the end of the month, could purchase goods with these earnings.<sup>73</sup> For a month's work, Hua guessed that they might afford to buy snacks, such as pickled vegetables or salted grapes.

This was the extent of Hua's praise for Tilanqiao. The remainder of the article heavily criticized the food, medical care, and visitation rules. The food, Hua wrote, was "tasteless and odorless." Even so, the kitchen should not have been located right next to the factory floor — an "evil" trick, Hua wrote — so that hungry inmates would be forced to smell food as they worked all day long. Twice a day inmates ate red beans with brown rice and plain white congee.<sup>74</sup> Though it was possible for inmates to receive food from their families, it was subject to approval, which was not always guaranteed. In general, visitation was only allowed once a month, two family members at a time, with only one visitor allowed to actually speak to the inmate. Hua disapproved of these policies, and expressed hope that inmates be granted leniency.

---

<sup>73</sup> There were also several famous "race traitors" in the women's wing of Tilanqiao: the wives of Wu Shibao and Li Shize. These political prisoners were separated from the general prison population, hidden behind a black curtain in their detached cells. They did not work, and, Hua noted with surprise, were allowed to simply read novels in their cells.

<sup>74</sup> Hua shared an anecdote in which several inmates on their death bed once quarreled endlessly with the administration about what they wanted to eat. In the end, they did not receive food and passed away with empty stomachs.

An article composed a year later in a 1947 issue of *New Woman* by author Juan followed a similar pattern to Hua's; it described the conditions of "the first all-women's prison" in China: the Changyang Prison, praising its facilities but expressing distress at shortage of nutritional food.<sup>75</sup> The same year, a one-page feature in the magazine *Moti* showed a tour of the Changyang women's prison. A group of well-dressed women with fashionable coats and curly bobbed hair were greeted by male guards at the gate. They walked throughout the prison grounds, which housed a building six stories tall. Only one photo showed women who were likely inmates. They stood off to the side of the frame, in pants and padded jackets, while a visitor stood in the center of the frame.<sup>76</sup>

The overall tone of the article in *New Woman* was positive; the author noted that the facilities did not look like a prison, but rather, a school. As at the prisons Liu and Xu visited in Shanghai — the North Zhejiang, Bihuali, and Caohejing prisons — all of the Changyang prison employees were female and most of the inmates were incarcerated for drug offenses. The total inmate population was 173, including two foreigners from Russia and Korea, both charged with plotting murder and robbery.

---

<sup>75</sup> Wenzhong Juan, "Canguan Zhongguo Weiyi Nvjian [Visiting China's Only Women's Prison]," *Xin Funv* 7 (1947): 19. The author, Juan, was affiliated with the University of Shanghai, but it is not clear whether this was as a student or a professor. The official name of this prison was the Shanghai No. 1 Prison, a name very similar to the North Zhejiang (Shanghai No. 1 Special District Prison) Prison. For this reason, I will refer to this prison as the Changyang Prison, named after its location on Changyang Road. For reasons which are unclear, both Hua Shan's article on Tilanqiao and Juan's article in *New Woman* both claim to be reporting on "China's only women's prison." While it is true that the Changyang Prison was the only woman-only prison in Shanghai at the time, there were several co-ed prisons with female inmates, including Caohejing (converted to a *laogai* institution in 1949) and North Zhejiang (closed 1945). See Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*, 302, 356.

<sup>76</sup> Juan, "Canguan Zhongguo Weiyi Nvjian [Visiting China's Only Women's Prison]."

There were also seven children born and living in the prison, all of whom Juan described as “fat and cute.”

Inmates also had a similar work, rest, and exercise regimen to other women’s prisons in Shanghai: they worked nine hours per day, studied for two, and played games, gymnastics, or sang during their exercise hour. For work, they made handicrafts, embroidered, sewed, knitted wool, made toothbrushes, plastered paper boxes, and wove straw sandals. The inmates’ instructor, Teacher Qi, gave a range of instruction, with advanced classes for the highly literate (those who could write their own letters and journals), and basic classes for those who could only recognize some characters. Even the “stupidest and oldest” convict knew more than one hundred characters. Juan also noted that convicts were proud of these accomplishments and very interested in learning.

Inmates were given food supplies twice daily — including rice, vegetables, salt, oil, and firewood — but provisions were so low that prison administrators were applying for more funds for food. The prison warden even personally donated more than a thousand pounds of condensed milk. To ensure that inmates got enough calcium, prisoners dried eggshells in the sun and ground them into a fine powder. They also brewed tea of clean tangerine peels for its Vitamin C.

The conditions described by both Hua and Juan reflected larger problems with inflation and food security in Shanghai. The end of World War II, as scholars have noted, was a time of great shortages in basic goods and food for Shanghai, and many



factories began rationing out goods to their workers.<sup>77</sup> At this time, Shanghai experienced “hyperinflation” in the cost of rice, coal, and power, among other basic necessities.<sup>78</sup> From both the writings of Hua and Juan, we see that prisons were also greatly affected by these shortages.

Juan, like Hua writing on Tilanqiao, was generally impressed with the Changyang prison and concluded that the prisoners were well-fed, warmly clothed, and kept busy with work and study. Juan even claimed that there was no recidivism. The only area for future improvement, Juan politely argued, was space. The prison was overcrowded and cramped. Projecting that the number of female prisoners would only rise, the author did not think that the prison could hold many more inmates. One ray of hope, Juan concluded, was the rumor that there would soon be a big release of about two hundred people. Like Hua, Juan also concluded that the best course of action was to release prisoners or reduce sentences.

These varied accounts of the prison in popular writing stood in stark contrast to the accounts of Liu and Xu. Prisoners were pitied and reviled by the student observers, one of whom even extended this disgust to the Chinese people as a whole. Popular writings such as these suggested a more cautious appraisal of the management, if not the efficacy, of the penal system. Yet in other writings, authors praised the project of the prison as nearly ideal, clearly propagandizing the mission and success of the prison as a vehicle for modern reform. Unlike academics such as

---

<sup>77</sup> Honig, *Sisters and Strangers*, 236.

<sup>78</sup> Jeffrey N. Wasserstrom, *Global Shanghai, 1850–2010: A History in Fragments* (Abingdon-on-Thames: Routledge, 2008), 86.

Liu and Xu, whose research informed and bolstered the new criminal justice system, popular writers who visited incarcerated Chinese women were not overwhelmingly inclined to praise. In their accounts, the benefits of reform through deprivation of freedom did not make up for the suffering caused by the harsh conditions of prison life. For popular authors writing after 1945 in particular, the postwar difficulties Shanghai faced deeply affected its prisons, and in this moment, even foreign-built prisons with “exquisite” facilities struggled with lack of nutritional food and severe overcrowding.

### **Conclusion**

From these sources, we see that the prison for women was designed, in many ways, to resemble that of men; within its walls, inmates were to be deprived of their freedom, become literate, and transform themselves through labor. They also needed the same support systems and safety nets once released, or they were vulnerable to recidivism.<sup>79</sup> What was subtly different for female inmates were the conditions under which they were imprisoned. Women’s prisons or women’s branches in co-ed prisons were typically staffed with all-female guards, and even all-female administrative and medical staff. Special measures were taken to ensure proper nutrition for new mothers, infants, and children. Female inmates were taught trades that aligned with traditional notions of “women’s work,” such as weaving, sewing, and embroidering. These many accounts — from academics and popular writers, about foreign and

---

<sup>79</sup> Unfortunately, there is nearly no documentation of female inmates after their release.

Chinese prisons — reveal the unevenness of prison life across the globe and within China.

## Chapter Four

### Health and Hygiene in the Prison

Chinese reformers and criminologists hoped to fashion the prison as a modern institution that was designed and run on the principles of science. As the previous chapter explored, labor was the central transformative process undertaken by inmates during their incarceration. From some prison administrators, however, hygiene was the crucial foundation of managing everyday life in the prison. Dr. Hu Qipeng, the resident doctor at the South Ma'si Prison during Prison Warden Sun Xiong's tenure, wrote a 150-page book expounding on the necessity of hygiene in the prison. Published in 1935, *Essentials of Prison Hygiene* argued that, in the old prisons of China, there was "essentially no prison hygiene to speak of."<sup>1</sup> Yet without following the proper principles of hygiene, Dr. Hu contended that prisoners could very easily become malnourished and perish.<sup>2</sup> Prison medical staff in Shanghai, where Dr. Hu was employed, were hired and trained to practice hygienic rituals of disinfecting, cleansing, diagnosing, and healing to avoid dangerous illnesses in both inmates and staff.<sup>3</sup> The reality of maintaining hygiene in the prison, however, was a messy and complicated process. Prisons were routinely underfunded, lacking basic supplies, and

---

<sup>1</sup> Qipeng Hu, *Jianyu Weisheng Gaiyao [Essentials of Prison Hygiene]* (Shanghai: Shangwu yinshuguan, 1935), 1. Title translation taken from Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 234.

<sup>2</sup> He also strongly believed in the biological and psychological roots of crime, which, like an illness, had to be treated with medicine. For a detailed discussion of biological theories of crime, see Chapter One. This is not the focus of this chapter.

<sup>3</sup> We might assume that it was the same for Tianjin prisons, but with no prison staff rosters, we cannot be sure.

dealing with chronic, deadly illnesses. These conditions resulted in the deaths of many inmates.

Prisons were also part and parcel of the modernizing health practices through which reformers sought to transform the health of treaty-port cities such as Shanghai and Tianjin during the Republican period. Outbreaks of infectious disease in prisons, Dr. Hu argued in *Essentials*, could have terrible consequences for surrounding communities.<sup>4</sup> Thus, rather than a clearly demarcated boundary, the prison walls were regarded as permeable and directly related to public health concerns. The prison, despite its attempts to sterilize, organize, and discipline space, was also vulnerable to environmental factors. A 1930 article in *Social Welfare* titled “Report on Visiting the No. 3 Prison,” for example, noted that the prison grounds were so swampy, and the inmates’ rooms so damp, that many fell ill.<sup>5</sup>

This chapter examines the struggles of medical staff, including *Essentials of Prison Hygiene* author Dr. Hu Qipeng, and prison administrators in both Tianjin and Shanghai, as they managed health, contagion, and hygiene for inmates from roughly 1930 to 1948. In the previous chapter, we saw that under the direction of the Republican government and new criminal justice system, the modern prison was designed as a total, nearly self-sufficient institution that attempted to address all of the needs of its inmates and prison staff. For women, this included a gendered vision of

---

<sup>4</sup> Hu, *Jianyu Weisheng Gaiyao [Essentials of Prison Hygiene]*, 3. Hu cited several examples of several unnamed prisons in England in 1577, 1730, and 1750, which all experienced outbreaks of plague. Inmates not only died, as did nearby city residents.

<sup>5</sup> “Di San Jianyu Canguan Ji [Notes on Visiting the No. 3 Prison],” *Yi Shi Bao*, July 28, 1930, sec. Ben shi. The prison, which was built in a swampy area, required ditches and irrigation to collect excess water.

reform that reinforced gendered divisions of labor and “women’s work.” However, all visions of prison reform — directed at men or women — ran into serious practical obstructions as the new Republican government struggled to maintain leadership and financial stability during periods of warlordism, occupation, and civil war.

Perhaps the biggest challenge prison administrators faced, aside from reforming their criminal population was issues of nutrition, contagion, and hygiene. Although education and rehabilitation were the primary goals of penal reform, prison administrators and staff spent much of their time simply trying to feed, house, clothe, and heal inmates and their children. For many inmates, poverty and the desperate crimes that followed were what had landed them in prison in the first place. Unsurprisingly, many were also seriously ill and malnourished upon arrival.<sup>6</sup>

To combat the extremely poor health of incoming inmates, as well as to curb additional outbreaks of serious disease, prison staff deployed an efficient, scientific management of space — both of the prison and inmates’ own bodies. Their efforts were threefold: first, prison reports show that prison administrators took care to employ, either on-call or in-house, medical professionals with the most current biomedical training from Western-founded medical universities in China. Second, medical records show that staff conducted and oversaw medical procedures: prophylactic (vaccination, inoculation, disinfection, exercise, nutrition), interventional (biomedical treatment), and postmortem (autopsy and coroner’s

---

<sup>6</sup> As Yang Qingwu notes, many women in Shanghai prisons suffered from illnesses they contracted before entering the prison. Yang, “Minguo Shiqi Shanghai Nvjian Renfan Siwang Weiti Shulue [The Death of Women Prisoners in Shanghai of Republic of China],” 45.

report). Medical staff used prophylactic measures to build immunity in inmate bodies, as well as carefully disinfecting individual and shared living spaces. When inmates fell ill with a serious or contagious disease, medical staff intervened to isolate patients and treat their illnesses individually. When an outbreak occurred, medical staff also employed meticulous, methodical approaches to prevent the continued spread of illness. When all such measures failed and their patients passed away, medical staff generated postmortem reports, statistics, and official death certificates which painstakingly documented every detail of their passing. These death certificates reveal how the medical staff of the prison attempted the most current available biomedical treatments for inmates despite chronic underfunding.

Third, medical staff made special provisions for female inmates receiving medical treatment. Women's and co-ed prisons often employed nurses, midwives, and surgeons who dealt with gynecological and pediatric issues. Republican government prison health initiatives also gave suggestions for alternative treatments for female inmates, such as scalp treatments rather than head shaving during a lice outbreak. When inmates suffered from pregnancy complications, prison administrators requested bail on their behalf for hospitalization. Should an inmate pass away during this hospitalization, it attracted considerable attention from the medical community, even in national medical journals. Though women were a minority in the prison, administrators produced an enormous paper trail on the treatment of their medical maladies. This chapter traces attempts at medical care in the space of the prison in general — where chronic problems of underfunding, paired

with the reality that Republican prisons were overcrowded, made them hotbeds of contagion — with a special eye towards how medical staff approached women’s healthcare.

Attention to contagious diseases in the prison also reflected larger concerns about public health in Republican China. Public health was an issue that garnered increasing attention from the Nationalist government, which established the Ministry of Health in 1928.<sup>7</sup> That same year, the Ministry of Health legally recognized nine types of infectious diseases deemed a significant problem in the general population: cholera, dysentery, typhoid fever, smallpox, diphtheria, scarlet fever, plague, typhus, and cerebrospinal meningitis.<sup>8</sup> On a local level, with the arrival of the GMD in 1927 to Shanghai, and 1928 to Tianjin, came the flourishing development of government offices, hospitals, and schools dedicated to fashioning a new, hygienic modernity.<sup>9</sup>

By 1934, the New Life Movement solidified the place of hygiene and public health as integral parts of the new Republic’s agenda. The New Life Movement was a doctrine loosely formulated by Chiang Kai-shek in 1934. It was based on an amalgam of different philosophies and ideologies (Confucianism, Social Darwinism, fascism,

---

<sup>7</sup> Sean Hsiang-lin Lei, “Habituating Individuality: The Framing of Tuberculosis and Its Material Solutions in Republican China,” *Bulletin of the History of Medicine* 84, no. 2 (Summer 2010): 254.

<sup>8</sup> Zhang, “Minguo Shiqi Fading Chuanranbing Bingzhong Kaoxi [A Type Analysis of the Statutory Infectious Diseases in the Republican Period].”

<sup>9</sup> Rogaski, *Hygienic Modernity*, 233; Karl Gerth, *China Made: Consumer Culture and the Creation of the Nation*, Harvard East Asian Monographs 224 (Cambridge: Harvard University Asia Center, 2003), 293; Arif Dirlik, “The Ideological Foundations of the New Life Movement: A Study in Counterrevolution,” *The Journal of Asian Studies* 34, no. 4 (August 1975): 945–80; Lloyd E. Eastman et al., *The Nationalist Era in China, 1927-1949* (Cambridge University Press, 1991), 31–32; Xiaoping Sun, “New Life: State Mobilization and Women’s Place in Nationalist China, 1934–1949” (University of California Santa Cruz, 2008).



and militarism, among others) and spread throughout areas under Nationalist control largely through entertainment, literature, and public lectures. Fundamentally, the New Life Movement was an attempt to address the pressing problems of the day, especially “clothing, food, housing, and transportation,” but it was also a challenge to new feminist conversations that questioned the traditional gender roles of Chinese women as domestic laborers and mothers.<sup>10</sup> The New Life Movement had a great deal to say about hygiene. It denounced “public spitting, loud talking, public scratching, [and] slouching” and gave “guidelines for showering, haircutting, and fingernail trimming.”<sup>11</sup> Although the movement gained little momentum in the general population, and was not explicitly mentioned in prison documents, its messages on hygiene mirrored those of prison hygienic regimens.<sup>12</sup>

Articles in Tianjin’s local newspaper, *Social Welfare*, reflected the concerns of the Republican government and the agenda of the New Life Movement, particularly about the spread of diseases such as cholera, dysentery, and tuberculosis.<sup>13</sup> A 1930 article titled “Tuberculosis: Reasons and Prevention,” argued that teaching people — especially children — not to spit or share food was crucial in the fight to end the spread of tuberculosis.<sup>14</sup> Another article in the same issue aimed at

---

<sup>10</sup> Jonathan D. Spence, *The Search for Modern China*, Third Edition (New York: W. W. Norton & Company, 2013), 339–40.

<sup>11</sup> Rogaski, *Hygienic Modernity*, 238.

<sup>12</sup> Rogaski notes that, at least in Tianjin, the New Life Movement did not seem to have much of an impact on daily life. Rogaski, 238.

<sup>13</sup> The Chinese name was *Yi shi bao* (益世報).

<sup>14</sup> “Feilaobing Qiyin Ji Yufang [Tuberculosis: Reasons and Prevention],” *Yi Shi Bao*, July 27, 1930, sec. Ben shi.

children cautioned its young readers, “Don’t greedily eat melons! Doing so can not only cause bellyaches, but also cholera, dysentery, and other epidemics.” It also suggested that in the blistering July heat the best way to prevent illness was to wash clothes often, avoid cool food, and eat fruit sparingly.<sup>15</sup> These fears over the spread of contagious diseases in the general population reflected the concerns of the Nationalist state; officials were dealing with similar concerns within the prison.

### **Medical Staff and Services**

In 1937, penologist, prison administrator, and prolific writer Sun Xiong authored a 186-page report on the state and organization of the South Ma’si Prison that described the duties and responsibilities of the medical team of the prison, which included one doctor, Dr. Hu Qipeng, and one pharmacist, Liu Huiying.<sup>16</sup> Much like their fellow doctors staffing the newly established Nationalist health offices, Dr. Hu and Dr. Liu were part of a cohort of new doctors trained at medical universities in Republican China that specialized in Western biomedicine.<sup>17</sup> Doctor Hu Qipeng, author of *Essentials of Prison Hygiene*, trained at Shanghai Dongnan Medical College

---

<sup>15</sup> “Xiatian de Weisheng [Summer Hygiene],” *Yi Shi Bao*, July 27, 1930, sec. Xiao pengyou.

<sup>16</sup> “Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years],” 14. On the details of this report, see also, Xu, *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*, 297. The South Ma’si Prison a co-ed prison which did not appear to have a midwife on hand; however, it is possible that pharmacist Liu Huiying was trained in obstetrics. The medical university she graduated from specialized in obstetrics.

<sup>17</sup> Rogaski notes that in Nationalist health offices in Tianjin, Chinese doctors were highly educated in Western biomedicine, with some even educated abroad. Rogaski, *Hygienic Modernity*, 234. On Western biomedicine in twentieth-century China in general, see also, Ka-Che Yip, *Health and National Reconstruction in Nationalist China: The Development of Modern Health Services, 1928-1937* (Assn for Asian Studies Incorporated, 1995), passim;; Sean Hsiang-lin Lei, *Neither Donkey nor Horse: Medicine in the Struggle over China’s Modernity* (University Of Chicago Press, 2016), passim.

and was responsible for examining, diagnosing, and treating inmates, as well as overseeing all matters related to hygiene.<sup>18</sup> Pharmacist Liu Huiying was trained at the Liwan Hospital of the Third Affiliated Hospital of Guangzhou Medical University.<sup>19</sup> At the prison, Dr. Liu was responsible for filling prescriptions and assisting her colleague Dr. Hu with hygiene issues.

The professional training and backgrounds of both Dr. Hu and Dr. Liu reflected the prison administrators' commitment to employing medical staff with cutting-edge training in biomedicine. In 1924, for example, out of 798 total graduates from Guangdong's medical school system, 112 graduated from the Xiage University of Medicine.<sup>20</sup> Graduates of this elite and highly trained cohort matched the exact profile for modern prison staff: those highly educated in the Western sciences of biomedicine and hygiene.

---

<sup>18</sup> Dr. Hu's alma mater, Shanghai Dongnan Medical College, opened in 1926. See Mu Ziyue et al., eds., *Xuefu wangshi xilie [The Past of Higher Education Series]* (Changsha: Qing pingguo shuju zhongxin, 2015), 397–98. Shanghai Dongnan Medical College (*Shanghai sili dongnan yike daxue* 上海私立東南醫科大學) was moved to Anhui and renamed Anhui Medical University, (*Anhui yike daxue* 安徽醫科大學) in 1949. The private university tried to locate to a more rural area, Anhui, to "please the new regime" in 1949. See Peng Deng, *Private Education in Modern China* (Westport: Praeger, 1997), 93.

<sup>19</sup> Guangzhou Medical University changed its name in 1921 from Xiage Women's Medical College to Xiage University of Medicine. School administrators also changed the program from a four-year program to a six-year program, with one year of preparatory classes (*yuke* 預科), and five years of undergraduate coursework and student-teacher work (*benke jiaoxue* 本科教學). At the time the report was authored in 1936, Dr. Liu had been at the Jiangsu Shanghai Prison for less than one year, and the roster also noted that she had graduated from the Xiage University of Medicine in six years. If the prison was Liu's first posting, this may have placed her in school from roughly 1929 to 1935. *Guangdong gaodeng jiaoyu fazhan shi [History of the Development of Guangdong Higher Education]* (Guangzhou: Guangdong gaodeng jiaoyu chubanshe, 2002), 125.

<sup>20</sup> *Guangdong gaodeng jiaoyu fazhan shi [History of the Development of Guangdong Higher Education]*, 127.

At the South Ma'si Prison, Dr. Hu and Dr. Liu were collectively responsible for running three distinct departments for managing the health of inmates: the clinic, the office of hygiene, and the pharmacy.<sup>21</sup> The former two were run by Dr. Hu, while the pharmacy was run by Dr. Liu. In the clinic, Dr. Hu oversaw the diagnosis and treatment of criminals suffering from a range of common illnesses. In accordance with their goals for prophylactic, interventional, and postmortem medical methods, inmates were given physicals on a routine basis, but also when admitted and discharged.<sup>22</sup> Medical staff also gave physical exams to staff and guards onsite at the prison clinic. The entire prison population was given preventative inoculation against contagious illnesses, and contagious, seriously ill, and pregnant inmates were separated from the general prison population. All of these tasks, which were common throughout Republican prisons, fell under the purview of medical staff such as Dr. Hu and Dr. Liu.

Beyond these standard medical procedures, medical staff were influenced by international conversations on prison hygiene. Dr. Hu admired the work of his contemporary, English psychologist (and later, surrealist painter) Grace W. Pailthorpe. A psychoanalyst, Dr. Pailthorpe was an advocate of rehabilitation-minded

---

<sup>21</sup> "Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]," 11–13. The departments were listed as the clinic (*zhenliao gu* 診療股), the pharmacy (*tiaoji gu* 調劑股), the office of hygiene (*weisheng gu* 衛生股).

<sup>22</sup> The report also noted that inmates were given physicals "before and after receiving punishment." The meaning of "receiving punishment" is not explicit in the report, but it may have referred to disciplinary actions, such as solitary confinement. "Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]," 11.

treatment rather than punishment and was particularly interested in female offenders. Her research on female inmates and young girls under the care of the state in workhouses in Great Britain, *Studies in the Psychology of Delinquency*, was published in 1932.<sup>23</sup> This complete reorganization and reconceptualization of the current prison system in her research was the foundation of Pailthorpe's "Psychopathic Clinic," founded in London in 1933.<sup>24</sup> This clinic earned the high praise of Dr. Hu for its medicalized approach to criminality.<sup>25</sup> Like Pailthorpe, Dr. Hu advocated running the prison as a hospital first and foremost.

### **Medical Methods: Prophylactic, Interventional, and Postmortem**

Prophylactic methods, particularly inoculation and sanitization, were crucial steps prison administrators took to keep inmates and staff healthy. Prison records from 1938 to 1948 across several institutions — the Tianjin Detainment Center, the Hebei-Tianjin Prison, the Hebei-Tianjin Detainment Center, and the Hebei No. 3 Prison — show that inoculation was also a standard procedure in the Tianjin area. In 1938, the Tianjin Detainment Center requested inoculations from the Department of Hygiene for their inmates twice; once in late June (1,200 inoculations) and again in late July (809 inoculations). The first request cited the sweltering summer heat and

---

<sup>23</sup> Pailthorpe's areas of interest included intimate details of each inmate's "...history of depressions and states of excitement...with special regard to periodicity and relation to menstruation." Grace W. Pailthorpe, *Studies in the Psychology of Delinquency* (London: His Majesty's Stationery Office, 1932), 13.

<sup>24</sup> Jones, *Disordered Personalities and Crime*, 168. Jones, *Disordered Personalities and Crime*,.

<sup>25</sup> Hu, *Jianyu Weisheng Gaiyao [Essentials of Prison Hygiene]*, 2. From archival records, it does not appear that the psychological dimension of Dr. Pailthorpe's methodology, however, was part of the prison project in China.

desire to prevent an outbreak.<sup>26</sup> In May 1940, the Hebei-Tianjin Prison also reached out to the Department of Hygiene, writing that the summer months were coming, and with them, communicable diseases. At that time, there were approximately 1200 male and female prisoners, and the prison requested that the Department of Hygiene send employees to disinfect the prison grounds.<sup>27</sup> Beginning in 1946, prison records for such requests to the Department of Hygiene were more abundant: from 1946 to 1948, seven requests were made by prisons in the Hebei-Tianjin Area (see Table 1).

The primary focus of all of these requests was providing inoculations and medicine for inmates, although some also mentioned vaccinating staff.<sup>28</sup> In June 1948, the Hebei-Tianjin Court Detainment Center even requested that the families of staff be given inoculations.<sup>29</sup> Nearly all of the requests were for the cowpox vaccine to inoculate against smallpox.<sup>30</sup> No follow-up correspondence was sent between the Department of Hygiene and any Tianjin prisons, so it is unclear if or with what effectiveness these requests were fulfilled. It is clear, however, that prison administrators attempted to implement a mass inoculation policy to protect a controlled population from an outbreak. Such practices in China were not

---

<sup>26</sup> TMA J0115-1-000578-003; J0115-1-000558-046.

<sup>27</sup> TMA J0115-1-001089-002.

<sup>28</sup> For documents which requested inoculations for staff as well as inmates see TMA J0116-1-000827-039, TMA J0116-1-000831-064, TMA J0116-1-000837-019, TMA J0116-1-000837-033.

<sup>29</sup> TMA J0116-1-000842-031.

<sup>30</sup> Despite the precise numbers quoted for how many dosages of vaccines or medicine were needed, the diseases for which inmates were being vaccinated or treated were less explicit: requests were often made for generic shots and preventative medicine. These supplies, “shots” (*zhushhe* 注射) and “preventative medicine” (*fangyi yaoji* 防疫藥劑), such as “disinfectant water” (*xiaodu shui* 消毒水), were given in generic terms that did not indicate their actual contents.

unprecedented. By the mid-nineteenth century in Tianjin, charity clinics were inoculating hundreds of children a year against smallpox using tissue from the pustules of infected cows.<sup>31</sup> Implementing the mass inoculation of inmates, staff, and the family of staff of the prison suggested an expansion of this practice in public health policies.

Sanitation efforts also reflected this understanding of contagion and transmission. In the Office of Hygiene at the South Ma'si Prison in Shanghai, for example, Dr. Hu was responsible for filing reports on inspecting and managing the entire prison's hygiene, including carrying out orders to clean and disinfect all clothing, bedding, and personal items. The entire prison required disinfecting and cleaning, inside and out, especially the irrigation ditches and pipes which ran throughout the prison grounds.<sup>32</sup> In Tianjin, medical staff made similar efforts to disinfect the interior of the prison. In 1948, for example, two requests were submitted to the Department of Hygiene to dispatch officials to disinfect the prison with "disinfectant water" and DDT.<sup>33</sup>

Interventional methods, including medical treatment, rehabilitation, and emergency responses to epidemics, were the follow-up measures taken when prophylactic methods failed. All of the nine recognized statutory illnesses — cholera, dysentery, typhoid fever, smallpox, diphtheria, scarlet fever, plague, typhus, and cerebrospinal meningitis — were present in some frequency in both Tianjin and

---

<sup>31</sup> Rogaski, *Hygienic Modernity*, 71.

<sup>32</sup> "Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]," 12.

<sup>33</sup> TMA J0116-1-000837-033; TMA J0116-1-000842-036.

Shanghai prisons. A 1935 study conducted in Nanjing by doctors working for the *China Medical Journal* found that the most common illnesses were malaria (50 percent), hookworm infections (13 percent), typhoid (11 percent), black fever (7.8 percent) and diphtheria (5 percent).<sup>34</sup> Medical staff in the prison, such as Dr. Hu in the South Ma'si Prison, were responsible for diagnosing and treating such illnesses. In the South Ma'si pharmacy, Dr. Liu also prepared prescriptions of Western medicine, cleaned and looked after medical supplies, instruments, and hygienic materials, and conducted chemical analysis and testing of food and medicine.<sup>35</sup> These were standard procedures for providing interventional medical treatments, but other medical conditions were also major issues in the prison, especially managing parasite outbreaks and treating drug withdrawal.

Managing outbreaks of parasitic infection — such as hookworm infections and black fever — prompted a bureaucratic, chain-of-command response and dissemination of scientific information from the Republican central government. In September 1935, for instance, the Jiangsu High Court No. 2 Branch received a memo from the Department of Hygiene concerning outbreaks of typhus and relapsing fever.<sup>36</sup> According to the memo, in the Zhejiang Wuxing County Prison and Jiangsu

---

<sup>34</sup> S. M. Hillier and Tony Jewell, *Health Care and Traditional Medicine in China 1800-1982*, Reprint (Abingdon-on-Thames: Routledge, 2013), 36.

<sup>35</sup> “Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years],” 12.

<sup>36</sup> Both typhus and relapsing fever belong to a family of diseases called febrile (fever) illnesses. These illnesses were “rife in gaols and hospitals” because of “filth and poor ventilation.” Roy Porter, *The Greatest Benefit to Mankind: A Medical History of Humanity* (W. W. Norton & Company, 1999), 261. Chinese doctors were aware of febrile epidemics by late 17th and 18th centuries. As Marta Hansen has shown, febrile epidemics (*wenyi* 瘟疫)



Tongshan County Prison, severe outbreaks of these two illnesses prompted the Department of Hygiene to dispatch staff for disease prevention. Although most of the seriously ill had already recovered from these two outbreaks, the department composed a handbook to address the most common source of typhus: lice. Aptly titled *Reducing Lice*, the handbook included methods on how to handle outbreaks of the parasite and detailed schematics on building de-lousing equipment for large institutions. Two hundred copies of the handbook were disseminated to prisons across China, of which the Jiangsu High Court No. 2 Branch received six. The department of hygiene also requested that prison administrators who had any solutions not listed within the handbook should please let the department know.

According to the memo, outbreaks of head lice and pubic lice were a great public health concern, especially during the winter, when lice could also hide in thick clothing, or in pockets and seams. In the prison, outbreaks of lice were an acute problem because cells were often overcrowded, and new inmates were booked daily. Such conditions made it difficult to control the spread of lice, but *Reducing Lice* suggested building a disinfecting boiler or barrel for clothing, constructing a de-lousing shower and changing rooms. A disinfecting boiler could be built cheaply and regularly disinfect the clothing of 200 to 400 inmates. A disinfecting barrel of

---

emerged as a new topic of medical analysis and were classified as the most severe form of warm diseases (*wenbing* 温病). See Marta Hanson, *Speaking of Epidemics in Chinese Medicine: Disease and the Geographic Imagination in Late Imperial China* (New York, N.Y.: Routledge, 2013), 17.

sufficient size for “the largest prison” would cost only ten to twelve-*yuan* worth of materials.

The handbook advised that these disinfecting boilers or barrels should be placed under a thatched hut, out the door of the shower and changing room. Inmates would first enter the changing room, remove their clothes and place them in the disinfecting boiler or barrel. They would have their hair cut, with all hair trimmings carefully burned. Inmates could then enter the shower, taking care to soap their entire body. For soap, the handbook suggested a mixture of one-part kerosene, three parts soft soap, and a five-percent shiso plant extract to make a medicinal soap. If such supplies were unavailable, inmates could use a small amount of kerosene rubbed all over the body to cleanse. After this thorough wash, inmates would then enter the changing room to change into new uniforms.

*Reducing Lice* noted that the only permanent cure for lice was to shave off hair completely, but that this method might be difficult for short-term inmates or female inmates, presumably because neither would be happy sporting a shaved style. In general, the handbook stressed that inmates should bathe once a week to maintain hygiene and prevent illness. Prison uniforms were a necessity and should be washed often. Hair should be kept short, not long. Prison staff should inspect for lice regularly, and if discovered, immediately isolate the afflicted persons from the general population. The handbook suggested hiring a doctor or health inspector, if possible, to supervise the disinfection of inmates, tend the ill, and check the prison

hygiene status overall. It also included instructions on how to fumigate the prison should inmates' cells become infested with lice.<sup>37</sup>

From this handbook, which was disseminated to prisons across China, we can infer several important points about the implementation of procedures from Nationalist government branches to local prisons. First, the handbook was a centralized attempt to standardize and scientize prison booking and de-lousing practices. In response to what we can assume were severe outbreaks in the Wuxing and Tongshan prisons, the handbook followed a standard script of scientific evidence and proposed scientific solutions. Second, in its schematics of disinfecting boilers and barrels, different methods of cleansing soap, and even alternatives to shaving the body, the handbook also gave choices to local prisons, which could be adjusted according to their budget or the makeup of their inmate populations. Finally, the Department of Hygiene opened up channels of communication for feedback, should prison staff on the ground have further solutions.

Treatment for opium addiction was also a major consideration in the delegation of clinic responsibilities. In the South Ma'si Prison, for example, it was standard practice to examine new inmates for signs of common illness, venereal disease, mental illness, but also, because of its prevalence in the inmate population, opium addiction.<sup>38</sup> For female inmates, this was particularly relevant, as scholars have

---

<sup>37</sup> Though the handbook drew a direct connection from lice infestations to typhus, it noted that there was no scientific evidence that lice or crabs themselves necessarily caused illness, but noted that when people had lice, they experienced strange illnesses.

<sup>38</sup> "Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]," 11–12.

shown that the cause of death for women in Shanghai prisons was often addiction-related.<sup>39</sup>

Finally, statistical compilations about deceased inmates — which I call postmortem procedures — were a central component of modernizing projects such as the prison.<sup>40</sup> Death certificates in particular were central to this compilation process, which sought to generate reports and statistics on medical issues. At the South Ma'si Prison, Dr. Hu was responsible for giving diagnosis reports that justified sending inmates to the hospital or releasing them on bail for treatment. The presiding doctor in the hospital of any prison also shouldered the responsibility of compiling statistical reports on the illnesses and deaths of those in the prison. This included filling out specific forms for diagnosis, treatment, and death certificates. Archival records of prison death certificates reflect this heavily regimented paperwork: each death was documented with a formal cover page giving the deceased's name and a brief description of cause of death, followed by a standard death certificate. These procedures were followed not only in the South Ma'si Prison, but also the Jiangsu No. 2 Prison, and the Jiangsu-Shanghai No. 1 Special Detainment Center. The Tianjin prison system used nearly identical death certificate forms and reporting procedures.

The standardization of forms and the collection of statistics after death was essential to the project of the prison. Standard information on prison death certificates

---

<sup>39</sup> Dikötter also notes that drug use was a problem in men's prisons. Although we have no evidence of this for female inmates, we might also assume that they were able to smuggle opium into the prison for personal use. Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 126; Yang, "Minguo Shiqi Shanghai Nvjian Renfan Siwang Weiti Shulue [The Death of Women Prisoners in Shanghai of Republic of China]."

<sup>40</sup> Foucault, *Discipline and Punish*, passim; Lam, *A Passion for Facts*, passim.

recorded the inmate's personal information, including name (married, maiden), native place, age, and relatives; criminal information, including the original ruling court, convicted crime, sentence, date of prison booking, and actual sentence served; medical information, including the inmate's state of health in the prison, the date the illness began, name of illness, reason for illness, and record of medical treatment; and finally, death information, including the date and time of death, examination of the cadaver, disposal of the body, and personal articles. Each death certificate was signed and stamped by the head guard, doctor, head warden, and public prosecutor. These death certificates were the foundation of postmortem procedures that tracked and compiled information on inmates even after their passing.

A small sample of sixty-nine surviving death certificates of female inmates from the Jiangsu No. 2 Prison, the Jiangsu-Shanghai No. 1 Special District Detainment Center, and the Shanghai-Jiangsu No. 2 High Court Detainment Center reveal the stakes of disease management in the prison. In these documents, which were submitted from 1932 to 1940, tuberculosis was a significant contributor to the death of twenty-nine out of the sixty-nine female inmates. As other scholars have shown, though public health officials were concerned about tuberculosis in China, it was largely framed as a disease originating in practices of the traditional Chinese family; namely, communal eating, sharing sleeping space, spitting, and reluctance to air out indoor spaces. Rather than a "social disease caused by capitalism," as it was described in the factory workers' slums of Western Europe, in China tuberculosis was

seen as the dangerous result of the traditional Chinese family.<sup>41</sup> The 1930 *Social Welfare* article mentioned earlier in the chapter — “Tuberculosis: Reasons and Prevention” — also criticized social practices that led to disease when it urged children to refrain from sharing food or spitting.

The next major cause of death in this sample of death certificates was beriberi, or thiamine deficiency. Beriberi was a deadly disease primarily caused by a diet of white rice, which had been polished to take off its outer shell of nutritious bran.<sup>42</sup> Chinese writers noted incidences of beriberi as early as the eighth century, but Western doctors practicing in China after 1850 noted that beriberi had all but disappeared.<sup>43</sup> By the early 1900s, Western medical professionals noted that Chinese coolies laboring in the mines of the Federated Malay States contracted beriberi in staggering numbers, including in prison.<sup>44</sup> By the 1930s, wartime refugees in large cities such as Hong Kong and Shanghai also suffered from the disease in great

---

<sup>41</sup> Hsiang-lin Lei, “Habituating Individuality: The Framing of Tuberculosis and Its Material Solutions in Republican China.”

<sup>42</sup> Kenneth J. Carpenter, *Beriberi, White Rice, and Vitamin B: A Disease, a Cause, and a Cure* (Berkeley, CA: University of California Press, 2000), xi. In Japanese, beriberi is *kakke* (脚気), which comes from the Chinese. See C. van Dijk and Jean Gelman Taylor, eds., *Cleanliness and Culture: Indonesian Histories*, 272 (Leiden: Brill, 2011), 272; Mary Somers Heidhues, “The Epidemic That Wasn’t Beriberi in Bangka and the Netherlands Indies,” in *Cleanliness and Culture: Indonesian Histories*, ed. C. van Dijk and Jean Gelman Taylor (Leiden: KITLV Press, 2011), 63. The fact that Chinese prisoners were given higher quality, polished rice is a puzzling historical issue, nor was it clear why there was an uptick in the early twentieth century, but these issues were not limited to China. Peter Zinoman, for example, notes that beriberi was a major problem in colonial Vietnamese prisons in the late nineteenth century. Even when unpolished brown rice was introduced in 1908, prisoners still suffered and even perished from beriberi, though in smaller numbers. See Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862-1940* (University of California Press, 2001), 94.

<sup>43</sup> Carpenter, *Beriberi, White Rice, and Vitamin B*, 4.

<sup>44</sup> Carpenter, 66.

numbers.<sup>45</sup> Unfortunately for prisoners diagnosed with beriberi during this period, the groundbreaking research by Dr. Christiaan Eijkman on the cause of the disease was not widely known or accepted until the 1930s.<sup>46</sup> There is no indication from prison records that medical staff were aware of the link between consuming white rice and beriberi, but the presence of the disease suggests that a core component of prisoners' diets may have been polished, not brown, rice.

Other major causes of death in Shanghai death certificates were cardiovascular issues (such as a “weak heart” or “heart disease”), febrile diseases (fevers), typhus, and stomach issues (such as gastric ulcers and “diarrheal” illnesses). All of these death certificates show a careful attention to compiling detailed information on individual inmates through paperwork, while also suggesting how many prisoners suffered from poor health and terrible illnesses with little hope of being released.

Coroner's reports in Tianjin reveal patterns of meticulous record-keeping for other serious, sometimes mysterious, illnesses. Some of the women and men who were the historical subjects of Chapter Two who were charged with murder or accomplice to murder — Mrs. Tan He, Mrs. Zhao Tang, Tang Fenglin, Mrs. Wang Gao, and Wang Yangyao — are five such examples of prison health record-keeping. Mrs. Tan He and Mrs. Zhao Tang, both incarcerated in the Tianjin Detainment Center and treated by Dr. Li Rongnian, fell seriously ill in 1940. In Mrs. Tan He's medical

---

<sup>45</sup> Carpenter, 170.

<sup>46</sup> Somers Heidhues, “The Epidemic That Wasn't Beriberi in Bangka and the Netherlands Indies,” 63.

report filed in May of 1940, Dr. Li found that her *mo*, or pulse, was abnormal; she had terrible headaches related to her poor vision; her menstrual cycle was irregular; and, overall, her condition was quite serious.<sup>47</sup> He requested her temporary release for treatment twice: once in June and again in September.<sup>48</sup> Mrs. Zhao Tang also fell gravely ill at roughly the same time as Mrs. Tan He. In June of 1940, two years after she was initially imprisoned, Dr. Li reported that she was experiencing headache, fever, intense thirst, had high thoracic fat levels, and could not sweat. Dr. Li determined that these symptoms were quite serious, but he did not recommend that she be released for treatment.<sup>49</sup>

In the Tianjin Prison, where Tang Fenglin, Mrs. Wang Gao, and Wang Yangyao were imprisoned, and where all eventually perished, the presiding medical official was Dr. Wang Jinsheng. In February of 1944, Dr. Wang reported that one Tang Fenglin, a 51 *sui* male, had died of a combination of illnesses — including depletion of the spleen, a stomach cold, and flaccid paralysis.<sup>50</sup> Three months later in

---

<sup>47</sup> TMA J0043-2-001921. *Mo* (脉) does not translate easily, but scholars such as Linda Barnes approximately translate it as “pulse.” The reading of *mo* dates back to the early Song Dynasty. It was used to diagnose all types of illnesses easily and with minimal invasiveness. Linda L. Barnes, *Needles, Herbs, Gods, and Ghosts: China, Healing, and the West to 1848* (Harvard University Press, 2009), 24.

<sup>48</sup> In the September release request, Dr. Li wrote that she suffered from “an illness which pains [her] in the area of [her] heart and abdomen.” TMA J0043-2-002940. It also seems that Mrs. Tan He herself signed off on her notice for release; her name appears at the bottom in large, scrawling letters, followed by a small thumbprint in the same ink. TMA J0043-2-001921.

<sup>49</sup> TMA J0043-2-002426.

<sup>50</sup> TMA J0044-2-166925. It is unclear from the document if there were any family members to retrieve the body, nor is it clear whether or not this is the same Tang Fenglin from the Mrs. Zhao Tang murder case. There were multiple listings of men named Tang Fenglin in the archive, none of whom had a charge of murder. However, his age, native place, and time of incarceration match those of Mrs. Zhao Tang’s supposed murder accomplice.



May, Dr. Wang reported that Wang Yangyao had contracted an abscess of the lung and suffered from depleted kidneys, a traditional Chinese medical fatigue syndrome thought to be related to sexual excess.<sup>51</sup> Medical treatment had no effect and he subsequently passed away.<sup>52</sup> His passing was followed by the death of Mrs. Wang Gao in June, who suffered from atrophied lung tumors and red dysentery. She passed away at 35 *sui*.<sup>53</sup>

In both locations, prison doctors followed similar procedures, although with different requests and results. In the case of Dr. Li at the Tianjin Detainment Center, though there was no evidence of Mrs. Tan He or Mrs. Zhao Tang's release for medical treatment, neither is there evidence of their deaths while imprisoned. Dr. Li's meticulous reporting and, at least in the case of Mrs. Tan He, requests for release for medical treatment, show a dedication to addressing inmate health concerns, but a lack of follow-up. Dr. Wang, on the other hand, made no such requests for release for medical treatment, and there was a conspicuous lack of medical reports leading up to his patients' deaths. While we cannot know the final reasons for the failures of the

---

<sup>51</sup> According to Charlotte Furth, depletion was a "broad syndrome of internal disorders impairing sexual function...sexual excess was adduced as part of an etiological pattern." Wang, a man accused of rape and sexual coercion of several women, was thus diagnosed with a disease associated with sexual excess. Charlotte Furth, *A Flourishing Yin: Gender in China's Medical History, 960-1665* (Berkeley: University of California Press, 1999), 80.

<sup>52</sup> TMA J0044-2-167520.

<sup>53</sup> Wang Jinsheng signed off on her coroner's report, which described everything from the placement of her corpse (head to the east, feet to the west) to her tattered clothes. In the Tianjin Prison, each inmate's death was accompanied by a long trail of paperwork which included a description of the reason for death, a transcript of an interview with a witness, an illustrated diagram of the body, and a textual examination report. Detailed observations of the cadaver — such as the length of the body, arms, and chest — were included in the report, as well as the color of the face, abdomen, and internal organs. This was not the case in Shanghai prisons, where it seems that the standard use of death certificates overtook the longstanding Qing practice of having an illustrated corpse diagram. For more on these diagrams, see Ng, *Legal Transplantation in Early Twentieth-Century China*, 16.

medical interventions we presume each inmate was given — perhaps Dr. Li's requests for release were denied by his supervisor? Perhaps Dr. Wang's previous medical reports were destroyed or could not be preserved? — these interactions between patient and doctor show attention to the health of the inmate, but also suggest possible negligence or bureaucratic obstructions to expediting treatment. Despite the meticulous record-keeping efforts of prison staff, missing information and documents raise many unanswered questions for the historian.

### **Inmate Pregnancy and Maternity**

Although legally children were banned by the Nationalists from entering the prison with their mothers in 1913, in practice, women both brought young children with them and gave birth in the prison. From the substantial paper trail left behind concerning pregnant inmates — booking records, birth and death certificates, and bail requests — it is clear that prison administrators paid particular attention to their health. In many prisons, there were not only doctors on staff, but also midwives and surgeons, to provide modern medical treatment before, during, and after childbirth. If a parturient inmate experienced complications, prison administrators sometimes requested temporary bail for her to give birth in a hospital. In many ways, though impoverished and incarcerated, female inmates had greater access to biomedical treatment and care than most other Chinese women.

Though prison medical staff were trained at Western biomedical universities, there was already a developed and longstanding tradition of gynecology (*fuke*) and midwifery in Chinese medicine dating back to the early imperial period (AD 618-

1270).<sup>54</sup> These medical traditions engendered a certain approach to maternal comportment. Fetal education and “sitting the month” in particular emphasized a type of maternal comportment which valued a poised, careful embodiment of pregnancy in which the mothers were the guarantors of the state of the fetus or infant.<sup>55</sup> In wealthy families, wet nurses were often chosen for their health and physical characteristics and were expected to manage their health, diet, and personal behavior for the health of the child.<sup>56</sup> The danger in breaking with these guidelines and allowing unchecked emotional and physical comportment not only for mothers and wet nurses, but also for midwives, was harm to the child. In this approach to maternal comportment, women had only a contested hold over their own reproductive labor.

Maternal medical traditions based on the principles of fetal education and “sitting the month” were widely practiced throughout China from the early imperial

---

<sup>54</sup> During this period, male physicians wrote medical treatises that carefully prescribed monthly herbal treatments, as well as the proper emotional and physical comportment, for women to achieve safe terms of pregnancy and childbirth. In contrast, midwives were essential actors in physically supporting and skillfully handling both mother and child during childbirth, especially difficult deliveries. Midwives were also sometimes blamed for difficult births, however. Furth, *A Flourishing Yin*, 281.

<sup>55</sup> From the Song to the Ming dynasties, the concept of fetal education (*taijiao* 胎教) was an embodied practice that encompassed not only the mother’s influence on the fetus’s physiology and intelligence, but also its sex. See Furth, 112. “Sitting the month” is still practiced throughout China and Taiwan, as well as by overseas Chinese around the world. Suzanne Gottschang, *Formulas for Motherhood in a Chinese Hospital* (Ann Arbor: University of Michigan Press, 2018), *passim*.

<sup>56</sup> Jen-Der Lee, “Wet Nurses in Early Imperial China,” *NAN NÜ* 2, no. 1 (January 1, 2000): 1–39. Beginning in the Tang dynasty, authors of medical texts began to press the importance of breastfeeding to mothers as essential for the health of the baby. If this was impossible, at the very least a wet nurse should be hired and brought into the house in order to supervise her diet, behavior, emotional state, and appearance. Ming medical texts further emphasized the importance of looks and emotional state, as well as advising mothers to avoid handicapped or disabled wet nurses, with the concern that such characteristics would be passed on to the child. Ping-Chen Hsiung, “To Nurse the Young: Breastfeeding and Infant Feeding in Late Imperial China,” *Journal of Family History* 20, no. 3 (September 1, 1995): 217–38.

period to the twentieth century.<sup>57</sup> Though wet nurses were largely only available for elites, it is not clear whether or not fetal education and “sitting the month” were encouraged or allowed for pregnant inmates. Certainly fetal education — a set of principles in which pregnant women should “avoid quarreling, sudden movements...certain food and drink” and instead “listen to soothing music, move slowly, and sit up straight” — would be a difficult standard for lower-class women who committed crimes.<sup>58</sup> “Sitting the month,” also, would conflict with the expectation that all inmates work daily. Though exceptions were made for the sick, elderly, and those with poor vision, no such exception was mentioned for pregnant inmates.

Although maternal guidelines such as fetal education and “sitting the month” preceded by many centuries the eugenic theories of bad “genes,” the notion of the inheritable body of the mother resonated deeply with later scientific racial discourse. In the Republican period, biomedical discourse paired with imperial medical discourse on fetal education as a means to strengthen the country's national weakness.<sup>59</sup> Advocates of Western approaches to menstruation, pregnancy, and childbirth portrayed biomedicine as a way out of defunct Chinese “traditions,” which

---

<sup>57</sup> Furth, *A Flourishing Yin*, 110–15.

<sup>58</sup> Direct quotations from Tina Phillips Johnson, *Childbirth in Republican China: Delivering Modernity* (Lanham, Md: Lexington Books, 2011), 12–13.

<sup>59</sup> Nicole Richardson, “Translating Taijiao: Modern Metaphors and International Eclecticism in Song Jiazhao’s Translation of Shimodo Jirō’s Taikyō,” *Research on Women in Modern Chinese History* 19 (December 2011): 255–87; Nicole Richardson, “The Nation in Utero: Translating the Science of Fetal Education in Republican China,” *Frontiers of History in China* 7, no. 1 (March 1, 2012): 4–31.

were supposedly unmodern and unhygienic.<sup>60</sup> Just as the prison represented a turn away from traditional approaches to crime, such as exile or corporal punishment, the prison hospital fit carefully into an increasingly popular framework of modern progress in national medicine.

The training of midwives in biomedicine was a necessity in this process. With the establishment of First National Midwifery School in the 1920s — primarily funded by the Rockefeller Foundation — the vocation of midwifery turned away from traditional apprenticeship towards the institutional training of modern midwives who adhered to strict, sterile medical practices.<sup>61</sup> These nation-wide shifts in medical practice reflected how modern understandings of science, the body, and medicine were well underway in China. This process, scattered and incomplete across China, was in fact standardized and foundational to the modern, aseptic space of the prison and its internal hospital.

Though midwives were kept on staff at many prisons, some prisons were not equipped to handle deliveries. In the Qingdao City Prison from July to December 1932, for example, prison administrators submitted six individual requests to their superiors on the behalf of four female inmates. They requested that the women be

---

<sup>60</sup> Dikötter, *Imperfect Conceptions*, 64–65; Schneider, *Keeping the Nation's House*, 20–21; Lin, “‘Scientific’ Menstruation,” 1.

<sup>61</sup> This criticism, in fact, was similar to criticisms in the early imperial period, in which male authors of medical treatises denigrated and attacked midwives for bringing female emotionality into the delivery room or for so-called ineptitude. Male doctors often criticized midwives not only for their manipulation and re-positioning of the fetus during difficult labor, but also for their heightened emotional state during delivery that could harm mother and child. Wu, *Reproducing Women*. This criticism continued into the modern period, as midwives were labeled remnants of “old” China and slowly replaced with biomedically trained professionals. Johnson, *Childbirth in Republican China*, 116.

temporarily released on bail to give birth outside of the prison. Three of the six requests cited the lack of facilities or a proper delivery room available in the prison.<sup>62</sup> According to prison administrators, these factors made childbirth at the prison dangerous, possibly for both mother and fetus. They also documented the deliveries of two inmates inside the prison itself.<sup>63</sup> All of the women were married, like most female inmates in China, but it is not always clear from the requests when they became pregnant. During the Nanjing Decade, although it was legally required to cease any criminal proceedings brought against a woman over seven months pregnant, in practice the law was often not followed.<sup>64</sup> In one request, the inmate Mrs. Liu Wang was inspected upon arrival to confirm pregnancy. Already eight months pregnant, Liu had unspecified complications and the prison administrator, fearing that she might suddenly give birth, requested immediate bail. It is not mentioned when or if Liu would return, but it was clearly noted that another inmate, Mrs. Zhang Xue, who was forty-two years old at the time of booking, was to return to the prison after delivery for trial. These requests from the Qingdao City Prison illustrate that women who were obviously late in their pregnancies were possibly still expected to serve out prison sentences, even if granted temporary bail.

---

<sup>62</sup> Johnson, *Childbirth in Republican China*. This interest in specialized, modern facilities, however, did not eclipse the long history of midwifery and childbirth practices in China. For studies on midwifery and childbirth during the early imperial and late imperial periods, see Furth, *A Flourishing Yin*, passim;; Yi-Li Wu, *Reproducing Women: Medicine, Metaphor, and Childbirth in Late Imperial China* (Berkeley: University of California Press, 2010).

<sup>63</sup> All of the following case studies are taken from Qingdao Municipal Archives 39-4-39-1-105-2.

<sup>64</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 243.

These requests share a concern for the safety and health of the female convicts themselves as opposed to simply focusing on the health of the fetus. Scholars have shown the increasing importance of discourses during the Late Imperial and Republican periods on the culpability of the mother in ensuring the health of the fetus first and foremost, with eugenics playing a large role in the twentieth century.<sup>65</sup> Given this discourse, the concern for women's health in these prison documents is striking. These documents stressed individual health concerns, such as the aforementioned examples of Mrs. Liu's unknown pregnancy complications and Mrs. Zhang's age. In several cases, the prison administrators appealed to the idea of "civic morality," or *gongde*, in order to request bail.<sup>66</sup> Granting an act of kindness or benevolence, or *shiren*, was another reason for petitioning for their temporary release in several cases.

Although it is difficult to disentangle the shared lives and bodies of the pregnant woman from the fetus, the language used by prison administrators did not portray women as mothers. Women are always referred to by their individual names, "Mrs.," "female criminal" (*nvfan*) or pregnant woman criminal (*huaiyin zhi nvfan*), and were never referred to as mothers. In the case of the two women who gave birth in the prison, both successfully delivered healthy babies, although the gender was not noted.<sup>67</sup>

---

<sup>65</sup> See Dikötter, *Imperfect Conceptions*, 82; Richardson, "Translating Taijiao: Modern Metaphors and International Eclecticism in Song Jiazhao's Translation of Shimodo Jirō's *Taikyō*"; Richardson, "The Nation in Utero."

<sup>66</sup> Here I use Jan Kiely's translation of the term. See Kiely, "Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China," 143.

<sup>67</sup> Francesca Bray notes that in medical texts, the term *zi* (子), which is often translated as

Without detailed explanations for each delivery and birth, we can only speculate as to why some inmates gave birth in the prison hospital and others, such as those in Qingdao, were released on bail for delivery. From the perspective of the prison administrators, if children were born inside the prison, they might have become wards of the state. The chance that the child would be accepted by family members outside of prison, especially the father's family, might have been greater if the child was not born within the prison itself.<sup>68</sup> It is also possible, as in the case of the Qingdao inmates, that there was simply no place for the women to give birth in the prison. The fact that at least two of the women requesting bail did deliver in the prison, however, may indicate an ulterior motive on the part of the prison administrators in their bail requests to avoid taking official responsibility for the infants.

In any case, in both birth records from Shanghai or bail requests for delivery in Qingdao, prison administrators chose to articulate these documents in language that did not express the importance of motherhood, maternity or fetal development and education. The reasons for this can only be surmised, but it does indeed raise questions about whether women criminals were viewed as maternal figures during

---

son, does not necessarily indicate the sex and is better translated as child. Francesca Bray, *Technology, Gender and History in Imperial China: Great Transformations Reconsidered* (New York: Routledge, 2013), 161. This may not carry over into the Republican period, as Bray is writing about late imperial medical treatises, but as there is no other mention of gender I suggest that child is the best translation as well.

<sup>68</sup> I am grateful to Jacob Eyferth for suggesting this possibility. Personal communication, March 4, 2014.



this period. The published case below, in contrast, shows how criminals could be portrayed as mothers even in professional publications.

A 1934 article printed on the autopsy of a female convict and stillborn twins in a forensic medicine periodical, the *Forensic Monthly*, provided details about one such serious case.<sup>69</sup> As an instructive periodical for forensic pathologists, the *Forensic Monthly* redacted the names of the prisoner, prison, hospital, and hospital staff included in the report, so the background of the prisoner and institution were not clear. The level of detail and the language in the report do reveal, however, an extreme attention to the condition of the patient regardless of her status as a prisoner, although much of this attention is indeed postmortem and reflects concern over the death of individuals in the custody of the state. The report began by quoting the original document from the prison guard headquarters requesting that there be an investigation into the causes of death. It stated that this was at the request of the Nationalist Party. The commission entrusted with the autopsy, and also presumably the author of this article (there are no specific names), contended that their primary objectives were to determine the facts and provide an explanation for the death in accordance with the principles of science. The emphasis on science as an explanatory tool was a methodology that was central to the prison project, as well as the *Forensic Monthly* publication itself.

---

<sup>69</sup> The name of the periodical was *Fayi yuekan* (法醫月刊), which I am translating as the *Forensic Review*.

The commission outlined five important points on the postpartum death of the prisoner and twins. First, it was possible that the mother had suffered a brain embolism caused by a pre-existing medical condition. If this were the case, it would have been difficult for the doctors to predict or treat, even with modern medicine. Second, normal vaginal discharge from the uterus after giving birth was exacerbated by excessive bleeding, causing an infection that certainly contributed to her death. Third, the doctors and nurses implemented a number of treatments correctly but still failed to save the patient. The commission found no fault with the medication or treatment they administered for uterine hemorrhaging. However, in the fourth section of the autopsy report, the commission called into question the actions of the doctors and attending nurses, who apparently were initially inattentive to the patient when she suffered from hot and cold chills after her traumatic delivery. The commission suggested that in the future doctors and nurses should not only pay attention to the dangers of childbirth but also work on communication with patients. Finally, the commission concluded that twins were often born either quite early or quite late, and that even when mothers were healthy there was often little that could be done or said to deal with potential complications. In this case, the commission concluded that although the mother was healthy, the twins were sadly born too prematurely to survive.<sup>70</sup>

This detailed report on the death of a parturient woman prisoner suggests a surprising amount of care and attention for a female inmate. The existence of the

---

<sup>70</sup> "Di Liushi Lie [Case 60]," *Fayi Yuekan* 3, no. 10 (1934): 60.

report itself is telling, but the maternal language used to describe the prisoner and her infants also reflects an important point: in this case, although the convict was not explicitly portrayed as a mother, she was still portrayed as a patient, with no mention of how her status as a prisoner should have affected her own and her children's rights to medical attention and care. The reality of her experience at the hospital, however, is equally illuminating. We cannot know if the negligence of the doctors and nurses was due to extenuating circumstances at the hospital or if the prisoner's stigmatized criminal status was the cause of their overlooking dangerous symptoms. The report has no answers to these questions, but its disapproval of the actions of the doctors and nurses suggests that, despite the patient's status as a prisoner, it was expected that medical staff should be held accountable for their errors.

In addition to the threat of death to mothers during childbirth, young children were also vulnerable in the prison. Three cases of children's deaths in the Tianjin Detainment Center from 1943 to 1948 provide examples of dangers to children. On August 25, 1943, the Tianjin Detainment Center reported that the daughter of Mrs. Ji Feng, who was incarcerated during her third appeal for her crime of harming the family, had passed away the day before after a severe illness.<sup>71</sup> Although she was treated in the prison, medicine and treatment had no impact upon her. The report noted that Mrs. Ji Feng had brought only this one child into the prison with her.<sup>72</sup>

---

<sup>71</sup> The age of Mrs. Ji Feng's child was not noted. We might assume, according to 1913 "Rules Governing the Administration of Prisons" that the child was a maximum of three years old. However, it is not clear how routinely such rules were enforced. See Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 381.

<sup>72</sup> TMA J0044-2-166261. The report was signed off on by Hebei-Tianjin Municipal Court's

In the two other cases, children were born in the prison itself. On November 17, 1943, Chief Inspector Zhou of the Hebei-Tianjin Municipal Court reported that, according to a female guard named Fu Lanfang, inmate Mrs. Qi Zhao — also charged with harming the family — had given birth to a stillborn daughter.<sup>73</sup> When she entered the prison, Mrs. Qi Zhao was already eight months pregnant. Although her daughter was stillborn, the report noted that the mother was in good health.<sup>74</sup> The third and final case of infant death took place on December 17, 1947 but a report was not filed by the Chief Inspector Liu until February 1948. The two-month-old son of Mrs. Tan Chen, also charged with harming the family, passed away as a result of his mother's own nutritional deficiency and physical weakness — presumably referring to her pre-delivery health, or perhaps even breast milk — despite being fed formula every day. This report noted that this formula was donated by local charities and that the sick infant had been examined by both Chinese and Western doctors. In the examination, the presiding doctor, Dr. Yang, noted that the baby had not yet been named and that there would be no one to retrieve and bury the body, as the mother was in prison, and presumably was the only family member able or willing to collect

---

Chief Inspector (*shouxi jianchaguan* 首席檢察官) Liu and the Detainment Center Head, Qian Shujia, and an examination was provided by Dr. Wang Jinsheng. It appears that Dr. Wang also served as a doctor later at the Tianjin Prison.

<sup>73</sup> "Harming the Family" was an official charge which could refer to a number of offenses. See Chapter One for a detailed account of Harming the Family as a legal term.

<sup>74</sup> TMA J0044-2-166665. Detainment Center Head Qian Shujia and Dr. Wang Jinsheng again also signed off on the report and physical examination.

the child's body. At the time of the report, the body had not yet been buried or cremated, but was still in the infirmary morgue.<sup>75</sup>

Collectively, these documents reveal legal and medical practices regarding pregnancy and maternity in the prison. Legally, they show that, despite bans on jailing women late in their pregnancies, women entered the prison while pregnant and gave birth in prison hospitals. In some cases, they were released on bail to stay in general hospitals before returning to finish their sentences. Despite the Ministry of Justice's ban on bringing children into the prison with only extreme exceptions in 1913, children still entered the prison with their mothers.<sup>76</sup> Even mothers who had been charged with "harming the family" were allowed to retain custody of their young children. The flexibility of these rules on the governance of prisons transformed the women's or co-ed prison as a space in which women not only underwent reform through education and labor, but also raised their families.

Medically, these documents add to our understanding of how approaches to gynecology and women's health were rapidly changing during the Republican period. As other scholars have shown, men were increasingly allowed to treat women's general and gynecological health, though female midwives remained the standard in Republican China.<sup>77</sup> Even in the women's prison or women's wing, where most staff

---

<sup>75</sup> TMA J0044-2-170076. Two new administrators, Detainment Center Head Wu Zhongyue and Dr. Yang Yunpo, the head of the Detainment Center infirmary, signed off on the report and physical examination.

<sup>76</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 380. When children were admitted with their mothers, prison officials rarely noted why an exception was made for the mother and child, making it difficult to assess how to apply the ban.

<sup>77</sup> Johnson, *Childbirth in Republican China*, 152.

were women themselves, internal prison records show that male doctors treated female inmates. In many ways, the prison hospital was an excellent space to enact modern methods of health, biomedicine, and hygiene. For inmate women's health, having a biomedically trained midwife (rather than a traditional midwife) or surgeon on hand during delivery was no small benefit during a period in which many women passed away during childbirth.

### **Conclusion**

The prison was primarily an institution for the reform of subjects deemed criminal by the Republican state. For such an institution to function, however, a strict hygienic regimen was necessary in its overcrowded space. Some prison officials, such as Dr. Hu Qipeng in Shanghai, even viewed hygiene as the foundation of the prison. As other scholars have noted, modern hygiene was not only about health and cleanliness, but also was tied to larger national narratives of state-building.<sup>78</sup> It was “constitutive of modern discipline both for the individual body and for the body politic.”<sup>79</sup> Even in a controlled space such as the prison, however, implementing such hygienic discipline was difficult. Inmates throughout China were most likely nutritionally deprived during a difficult economic time in the entire country, while also being institutionalized in under-funded institutions. Many came into the prison already ill, and came from impoverished, lower-class backgrounds. It is difficult to conclude, however, that their incarceration was the most significant factor in their

---

<sup>78</sup> Rogaski, *Hygienic Modernity*, passim.

<sup>79</sup> Xinzhong Yu, “The Treatment of Night Soil and Waste in Modern China,” in *Health and Hygiene in Chinese East Asia*, ed. Angela Ki Che Leung (Durham: Duke University Press, 2010), 68.

deaths. Most likely, they were already ill with serious diseases, suffered poor nutrition both before and during incarceration, and passed away as a result of the combination of the two. Despite the best efforts of medical staff to employ prophylactic and interventional methods to address the outbreaks of disease, many inmates passed away in their care. Postmortem methods of record-keeping through detailed death certificates reveal the serious illnesses to which inmates finally succumbed.

## Epilogue

...the re-educating idea works well with common-law criminals — these are beheld as the victims of the old vicious society; poverty, a lack of good education, unemployment drove them into crime; they are taught trade and society acquires decent citizens — but as for the counter-revolutionaries, changing their mental habits is no easy task.

— Simone de Beauvoir, *The Long March*, 1957

In September 1955, the French feminist writer, philosopher, and theorist Simone de Beauvoir set out on a six-week tour of the People's Republic of China, which had been established six years earlier.. De Beauvoir's travels were inspired by the invitation Premier Zhou Enlai extended at the Bandung Conference in April 1955 to a world curious about the new communist state: "Come and see." De Beauvoir's journey by rail across China took her to major urban centers, the countryside, co-operatives, and in Beijing, to a local prison. There, she found a compound resembling a factory, with "no wardens, no guards, no guides, only un-uniformed...unarmed overseers."<sup>1</sup> She admiringly described its extensive facilities, built by the Nationalists, but lamented the "naïveté" of the "boring" two-hour long re-education and political indoctrination lectures prisoners underwent. Regardless, de Beauvoir praised the *laogai* (reform-through-labor) system, countering the critics of *laogai* by denouncing the French prisons,

---

<sup>1</sup> Simone de Beauvoir, *The Long March: An Account Of Modern China* (London: Phoenix, 1958), 385. Although de Beauvoir notes that this was not a "model prison," in fact, it is very likely that she visited the Beijing No. One Model Prison, as she noted it was the only prison in the capital.



By the time he is freed the Chinese convict goes out a craftsman, a skilled or at the very least a specialized worker; the French convict goes out empty-handed, empty-headed. Which of the two is the better off?<sup>2</sup>

Although de Beauvoir worried that the *laogai* system could possibly be exploited for cheap labor, like many of her contemporaries sympathetic to visions of communist utopia, she believed in the transformative power of labor. She also described the post-victory struggle of the Communists: to distinguish “Enemies” from “the People” in a developing social system under the shadow of Jiang Jieshi’s U.S.-supported government-in-exile in Taiwan. At the time of her visit in 1955, these stakes were palpable throughout Chinese society but especially for those in the criminal justice system. “Even a foreigner could sense,” she wrote, “in that month of September 1955, that the defensive battle [against counter-revolutionaries] was going through a critical period.”<sup>3</sup>

After 1949, the Chinese Communists revolutionized methods of criminal justice and reform, radically altering and restructuring the Republican prison system. The roots of this transformation stretch back to the end of the War of Resistance with imperial Japan and the early years of Communist organizing in their rural base areas. By 1944, nearing the final days of the war, 40 percent of prisons in areas under Nationalist control had been bombed by Japanese forces. In Japanese-occupied areas, 30 percent of prisons were entirely destroyed. After the end of the war in 1945, local

---

<sup>2</sup> de Beauvoir, 383.

<sup>3</sup> de Beauvoir, 375.

governments began prison reconstruction.<sup>4</sup> Beginning in 1947, a national post-war wave of prison reform initiated by the central government resulted in 120 new prisons and more than 500 county jails.<sup>5</sup> Nationalist officials, however, began to fill prisons above maximum capacity with both political and civil criminals, and prisons once again struggled with underfunding and overcrowding.<sup>6</sup> As the Nationalists retreated southward and the Communists advanced, prisoners escaped or were released en masse by local authorities.<sup>7</sup>

The nearly empty prisons that Communists found upon their arrival in cities were soon filled to capacity with new criminals. To meet the pressing need for increasing incarceration, the Communists quickly organized mobile and rural prison camps, establishing the beginnings of the “reform through labor” prison camp system, known as the *laogai* system.<sup>8</sup>

The *laogai* system had actually begun in the early days of the organizing in rural areas, when the Communists attempted thought reform and reform through labor for members of the *lumpenproletariat* class — vagrants, prostitutes, beggars, and others from the poorest strata of society — in the Communist bases. Although the boundaries and definitions of the *lumpenproletariat* changed over time, the Communists included members of this marginalized group in the early days of

---

<sup>4</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 357–60.

<sup>5</sup> Dikötter, 360–61.

<sup>6</sup> Kiely, *The Compelling Ideal*, 257.

<sup>7</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 364–65;; Kiely, *The Compelling Ideal*, 264.

<sup>8</sup> Kiely, *The Compelling Ideal*, 271.

revolutionary organizing.<sup>9</sup> After liberation, however, internment of vagrants began in earnest, and by November 1952, the Ministry of the Interior claimed to have mobilized more than 250,000 vagrants and prostitutes in production.<sup>10</sup> By 1953, there were 920 re-education centers nationally, and reform-through-labor prison camps held 84% of the prison population.<sup>11</sup> In both urban prisons with small workshop spaces and smaller reform-through-labor prison camps, inmates continued to engage in the same types of work as their Republican predecessors, namely light industry and handicrafts. In rural prison camps, inmates engaged in larger projects, such as farming, land reclamation, and major construction infrastructure projects.<sup>12</sup>

The goals of the Communists in mobilizing the *lumpenproletariat* class in re-education and reform-through-labor were twofold: vagrants were not only compelled to labor by the communist state, but also, were re-educated to raise their “low consciousness” so that they would internalize the necessity and glory of labor.<sup>13</sup> This fit with major goals of the base area Communist organizing and early years of liberation, in which raising the national consciousness of all Chinese citizens was a central concern. As Aminda Smith has shown, the Communist state considered the reform of vagrants and their ideological problems “a difference of degree, not type”

---

<sup>9</sup> Smith, *Thought Reform and China's Dangerous Classes*, 37.

<sup>10</sup> Kiely, *The Compelling Ideal*, 271.

<sup>11</sup> Smith, *Thought Reform and China's Dangerous Classes*, 79;; Kiely, *The Compelling Ideal*, 278. In the case of sex workers in the Women's Re-education and Production Institute, children were allowed to stay with their interned mothers. Smith, *Thought Reform and China's Dangerous Classes*, 81.

<sup>12</sup> Smith, *Thought Reform and China's Dangerous Classes*, 148;; Kiely, *The Compelling Ideal*, 280.

<sup>13</sup> Smith, *Thought Reform and China's Dangerous Classes*, 148.

from those of the average individual.<sup>14</sup> Members of the *lumpenproletariat* class were not a lost cause, but in fact, reformable through the transformative power of labor.

By 1957, however, the State Council's "Re-education Through Labor" decision directed that vagrants in social welfare institutions should be transferred to prisons and all re-education centers would transition to reeducation-through-forced-labor.<sup>15</sup> This marked a greater shift in Party politics away from the idealized promise of consciousness-raising tactics, such as re-education and reform through labor, and towards a more brutal crackdown on the un-reformable "bad elements" in society. With the 1957 decision to implement reeducation-through-labor, those final few members of the *lumpenproletariat class* who continued to resist their reform were compelled en masse to serve sentences of reform through labor.<sup>16</sup>

What impact the transition from the Republican penal system to the Communist prison system had on female inmates is not always clear from these large-scale changes. One place in which major shifts for female inmates can be found, however, is in policies towards children. As discussed in the previous chapter, although the Nationalists banned mothers from bringing children into the prison with them beginning in 1913, it was legally permissible for prison administrators to make exceptions in "extreme cases."<sup>17</sup> The Communists also attempted a national ban on children in prisons, detainment centers, and *laogai* prison camps. An internal Party

---

<sup>14</sup> Smith, 81.

<sup>15</sup> Smith, 187.

<sup>16</sup> Smith, 204.

<sup>17</sup> Dikötter, *Crime, Punishment, and the Prison in Modern China, 1895-1949*, 381.

publication from the Ministry of Security in 1951 laid out specific orders for how to deal with the children of counterrevolutionary female criminals.<sup>18</sup> First, every effort should be made to avoid the execution of pregnant women. If the crimes were especially terrible, however, and “the masses are determined to execute” her, then execution had to be deferred until at least a year or two after she gave birth. The instructions argued that this stay of execution was crucial to ensure the safety of the child's own life.

Second, inmates should no longer give birth in prison, nor should they bring children with them during their incarceration. These practices, the instructions argued, would have a “negative impact” on the children, who themselves “had not committed a crime.” Instead, children should be placed in foster care with relatives or close friends. If no such social network existed, children should be brought up orphanages. Although the focus of these instructions was purportedly female criminals, in fact, it only discussed the welfare of their children. The order made clear what was at stake:

Children must be regarded as the future descendants of the nation, not as the descendants of counterrevolutionaries. If we pay a small cost in these hard economic times, politically the rewards will be great.

---

<sup>18</sup> These full instructions were on how to treat female, elderly, and juvenile offenders within the larger counterrevolutionary population. However, for the instructions on women, nearly all of it was concerning children. The only explicit instructions for female inmates was for those sentenced to death. The instructions advised that, if possible, it was best to stay the sentence or give life imprisonment rather than execute women inmates. “Zhongyang Gong'anbu Guanyu Fan'geming Zuifan Zhong Zhi Nvfan, Shaonian Fan Ji Laonian Fan de Chuli Wenti Zhishi [Ministry of Public Security Directives on Dealing with the Issue of Female, Minor, and Elderly Criminals Among Counterrevolutionary Criminals],” *Xibei Gong'an* 2, no. 12 (1951): 7.

The instructions went on to discuss juvenile offenders under eighteen *sui*, writing that they were “...reformable and must be reformed.” The true origins of their crimes was the “old social system and the deception and temptation of counterrevolutionaries.” The underpinning logic of these instructions clearly framed children under eighteen as not only innocent, but also as victims of an older generation corrupted by previous social formations. Though the instructions were intended to cover female, juvenile, and elderly inmates, the majority of the text was spent arguing to focus on children, as well as their crucial importance to the future of the nation. Women and the elderly were briefly addressed: do not execute women if possible and release light offenders over sixty *sui* to protect their health. Children and youth were the primary focus.

A Party notice on March 3, 1953 collectively disseminated by several government organs — the Ministry of Justice, the Ministry of Public Security, the Ministry of Internal Affairs, the People's Government of the Inner Mongolia Autonomous Region, and local city governments — to all reformatory institutions across China explicitly ordered administrators to cease the practice of allowing children to accompany their mothers serving their sentences. These orders, which were based on the research of the Northwestern Administrative Area, stipulated that these measures would protect the mental and physical development of the children of incarcerated women.

The notice also gave specific directions for finding homes for children and the treatment of pregnant inmates. In fostering children of inmates, relatives and close friends should automatically be given custody. This policy should be implemented

both for the children of new inmates and retroactively, for children already in prison. If no relatives or friends could take the child, the notice suggested that the local government find a local resident to foster the child. Financial expenses for foster children could be supported by emergency relief funds. If an inmate committed less serious crimes or showed genuine reform, however, her sentence could be suspended “...for the benefit of the child’s development.”<sup>19</sup> Pregnant inmates, the notice advised, should avoid heavy labor altogether. They should also be released on bail two weeks to a month before their due date. After giving birth, women could stay with their infants until they found an appropriate foster home, but would be taken back into custody thereafter.

Throughout this official notice, the welfare of inmates’ children was marked as the central issue at hand. Their health and development was the sole justification for ending the widespread practice of mother-child incarceration. Although women might be granted parole for rearing small children and giving birth, these exceptions were justified solely for the benefit of their children. There was no indication that sentences might be repealed for mothers; thus such measures only stayed a sentence, rather than commuting it.

A report submitted on July 13, 1953 by the Tianjin Ministry of Public Security Director Wan Xiaotang, Assistant Director Zhang Youheng, and Prison Director Xu Zangzhen described the results of implementing these policies.<sup>20</sup> In Tianjin, such

---

<sup>19</sup> SMA B1-2-875.

<sup>20</sup> TMA X0053-C-000513-002.

policies were underway as early as 1951. By October 1952, all thirty-two children living in Tianjin prisons had been released into the care of guardians. Twenty-seven of these children left the prison with their mothers (twenty-five women total), all of whom had light sentences under five years and were granted bail.<sup>21</sup>

The five remaining children, whose mothers were charged with more serious crimes and could not be paroled, had no family members or friends willing or able to foster them. They were sent to state-run orphanages and Tianjin *laogai* funds were given to the orphanages for their care. Some inmates, the report noted, were quite reluctant to separate from their children. After being “educated” on the matter and sent a report on the good health of their children in the orphanage, however, they “were very grateful to the government.” As evidence, the report quoted one inmate mother, Mrs. Li Shi, who said “The government really treasures the second generation, to care for my child in this way. I will absolutely work hard on my reform (*haohao laogai*) to repay the government.” rework. There is reason to question whether such a declaration, given under circumstances of incarceration, truly expressed Mrs. Li’s sentiments. Nonetheless, it is clear from the language of the source that the re-education official wished to convey a sense of their successes, both in placing these children in homes and facilitating the compliance of mothers.

The report concluded that there were no real difficulties in ending the practice of allowing inmates to rear children in the prison, as there were very few female

---

<sup>21</sup> The report noted that “This policy was undertaken with the agreement and under the supervision of the masses.”



inmates overall. The report also determined that, in deciding the fates of inmate mothers who had committed less serious crimes, such cases could be determined and supervised by the masses.<sup>22</sup> For mothers convicted of more serious crimes, however, final decisions should be made by the courts.

These changes to the policies concerning inmate mothers and children mirrored the larger changes to the penal system after 1949. Under the Communists, the goals of the new prison system still required an institution based on the principles of science, run by modern, efficient administrators, but these goals were inflected by a Marxist understanding of class exploitation. Like the Republican government, the Communists also produced a new, modern woman subject to be a productive citizen and raise her children for the nation; the People's Republic of China would be a socialist nation, however, and this required a different kind of approach. On an ideological level, the Nationalist government preferred to incarcerate female prisoners — even alongside their children — rather than let them out on bail to raise them. For the Communist state, the opposite was true because of their strong ideological commitment to the reformability of all individuals and the importance of all children to the future People's Republic of China. Thus, the Communist government determined that, at least for women serving shorter sentences for less serious crimes,

---

<sup>22</sup> On the “supervision of the masses:” Of the judicial system, Simone de Beauvoir emphasized that, though the supreme Court had to answer to the National Assembly, it was not necessarily completely “in the hands of the regime.” De Beauvoir found that courts enjoyed a certain amount of independence, though judges could be removed from office, and there were people's tribunals who advised the courts. de Beauvoir, *The Long March: An Account Of Modern China*, 380. Thus, the language that we find in some PRC documents that suggest that legal decisions were approved and supervised by the masses was not entirely a figure of speech.

it was better for children to be raised outside the prison by their mothers — criminal or not.

The decision of the Communist government to release mothers on bail en masse was not simply ideological, however. They were only to parole women under the supervision of local authorities because they had political and social power at the local level. As other scholars have shown, Nationalist power was largely limited to urban spaces and hindered by lack of money and resources.<sup>23</sup> Republican reformers, like their Communist successors, envisioned a modern penal system to radically transform problem populations into productive citizens. They simply did not have the resources, or the local support, to manifest such visions.

In this study of women's prisons and female inmates, I have shown that the changes to the legal and penal systems from the late 1920s to the early 1950s were attempts at modernization and state-building by both the Republican and Communist states. For Republican China in particular, the modern prison was the centerpiece of this project. Chinese criminal sociologists contributed to the modern prison project by conducting in-depth studies of female inmates and developing theories of female criminality. A cohort of young women scholars — Zhou Shuzhao, Liu Qingyu, and Xu Huifang — put forth theories that linked female crime to poor socioeconomic conditions in China, despite the global popularity of biologically reductive stereotypes of criminal women during this period. These global stereotypes

---

<sup>23</sup> Shen, *Unearthing the Nation*, 126; Mühlhahn, *Criminal Justice in China*, 60.

overlapped with local discourses on the “woman problem” in early twentieth-century China.

The ramifications of this project for women accused of crimes during the Republican period were immense. For Chinese lower-class women who engaged in acts deemed criminal by the state, such as trafficking of women and children or opium use, these major changes to the legal system sometimes resulted in their incarceration in poorly funded, overcrowded prisons. In many cases, incarcerated women, and sometimes their children, perished from serious illnesses while in the care of prison administrators. Despite this, social reformers, criminal sociologists, and penologists all believed in the power of the prison to transform the criminal subject into a productive citizen. This belief spurred the expansion of a gender-segregated prison system in twentieth-century China. In the eyes of reformers, the modern prison presented an opportunity for the Republican state to construct an ideal modern space — disciplined, hygienic, and scientific — in an imperfect world.

## Appendix A

### Glossary of Prison Names

Official Name	Nickname
Jiangsu-Shanghai No. 2 Special Prison ( <i>Jiangsu Shanghai di er te qu jianyu</i> 江蘇上海第二特區監獄)	South Ma'si Prison
Shanghai No. 1 Special District Prison ( <i>Shanghai di yi te qu fayuan nvjian</i> 上海第一特區法院女監)	North Zhejiang Prison
Jiangsu No. 2 Special Court Prison ( <i>Jiangsu di er te qu fayuan nvjian</i> 江蘇第二特區法院女監)	Bihuali Prison
Jiangsu No. 2 Prison ( <i>Jiangsu di er jianyu nvjian</i> 江蘇第二監獄女監)	Caohejing Prison
Tilanqiao Prison ( <i>Tilanqiao jianyu</i> 提籃橋監獄)	-
Shanghai No. 1 Prison ( <i>Shanghai di yi jian jianyu</i> 上海第一監監獄)	Changyang Prison

### Bibliography

- Ai, Jing. "Minchu Nvxing Fanzui de Jingjihua Qushi Yanjiu [Research on the Economizing Tendency of Women's Crimes during the Early Republican Era]." *Journal of Southwest University, Social Sciences Edition* 38, no. 5 (September 2012).
- Anderson, Clare. *Legible Bodies Race, Criminality and Colonialism in South Asia*. Oxford: Berg, 2004.
- Arrigo, Bruce A., and Christopher R. Williams. *Philosophy, Crime, and Criminology*. University of Illinois Press, 2010.
- Asia, Human Rights Watch, Robin Munro, Human Rights Watch Staff Asia, and Human Rights Watch/Asia. *Death by Default: A Policy of Fatal Neglect in China's State Orphanages*. Human Rights Watch, 1996.
- Bae, Kyoungan. "Chiang Kai-Shek and Christianity: Religious Life Reflected from His Diary." *Journal of Modern Chinese History* 3, no. 1 (2009): 1–10.
- Bailey, Paul. "'Modernising Conservatism' in Early Twentieth-Century China: The Discourse and Practice of Women's Education." *European Journal of East Asian Studies* 3, no. 2 (2004): 217–41.
- . "'Women Behaving Badly': Crime, Transgressive Behaviour and Gender in Early Twentieth Century China." *NAN NÜ* 8, no. 1 (2006): 156–97.
- Barlow, Tani E. *The Question of Women in Chinese Feminism*. Durham: Duke University Press, 2004.
- Barnes, Linda L. *Needles, Herbs, Gods, and Ghosts: China, Healing, and the West to 1848*. Harvard University Press, 2009.
- Barrett, David, and Larry Shyu, eds. *Chinese Collaboration with Japan, 1932-1945: The Limits of Accommodation*. Stanford: Stanford University Press, 2002.
- Baumler, Alan. *Chinese and Opium under the Republic, The: Worse than Floods and Wild Beasts*. SUNY Press, 2012.
- Bays, Daniel H. *A New History of Christianity in China*. John Wiley & Sons, 2011.
- Beauvoir, Simone de. *The Long March: An Account of Modern China*. London: Phoenix, 1958.

- Becker, Peter, and Richard F. Wetzell. *Criminals and Their Scientists: The History of Criminology in International Perspective*. Cambridge University Press, 2006.
- Bernhardt, Kathryn, and Philip Huang. *Civil Law in Qing and Republican China*. Stanford: Stanford University Press, 1999.
- Bernhardt, Kathryn, and Philip C. Huang. *The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence*. Leiden: Brill, 2014.
- Bevan, Paul. *A Modern Miscellany: Shanghai Cartoon Artists, Shao Xunmei's Circle and the Travels of Jack Chen, 1926-1938*. Boston: Brill, 2015.
- Bjorge, Gary. "Chinese Civil War (Modern)." *The Encyclopedia of War*. Blackwell Publishing Ltd, November 13, 2011.  
<https://doi.org/10.1002/9781444338232.wbeow114>.
- Bookspan, Shelley. *A Germ of Goodness: The California State Prison System, 1851-1944*. Lincoln: University of Nebraska Press, 1991.
- Bossen, Laurel, Wang Xurui, Melissa J. Brown, and Hill Gates. "Feet and Fabrication: Footbinding and Early Twentieth-Century Rural Women's Labor in Shaanxi." *Modern China* 37, no. 4 (2011): 347–83.
- Botsman, Daniel V. *Punishment and Power in the Making of Modern Japan*. Princeton University Press, 2013.
- Bray, Francesca. *Technology, Gender and History in Imperial China: Great Transformations Reconsidered*. New York: Routledge, 2013.
- Brook, Timothy. *Collaboration: Japanese Agents and Local Elites in Wartime China*. Cambridge: Harvard University Press, 2007.
- Bulmer, Martin. *The Chicago School of Sociology: Institutionalization, Diversity, and the Rise of Sociological Research*. University of Chicago Press, 1986.
- Cahalan, Margaret Werner. "Historical Corrections Statistics in the United States, 1859-1984." Rockville, MD: U.S. Department of Justice, Bureau of Justice Statistics, December 1986.
- Carpenter, Kenneth J. *Beriberi, White Rice, and Vitamin B: A Disease, a Cause, and a Cure*. Berkeley, CA: University of California Press, 2000.
- Chapman, David W. "The Legendary John Howard and Prison Reform in the Eighteenth Century." *The Eighteenth Century* 54, no. 4 (2013): 545–50.

- Chen, Janet. *Guilty of Indigence: The Urban Poor in China, 1900-1953*. Princeton: Princeton University Press, 2012.
- Chen, Li, Madeleine Zelin, and Zhao Ma, eds. "Wayward Daughters: Sex, Family, and Law in Early Twentieth-Century Beijing." In *Chinese Law: Knowledge, Practice and Transformation, 1530s to 1950s*, 176–206. Leiden: Koninklijke Brill, 2015.
- Chen, Stephen. "China Calls off Controversial Hunt for Chinese 'Warrior Gene' in Children." *South China Morning Post*, December 17, 2017.  
<http://www.scmp.com/news/china/society/article/2124661/china-calls-controversial-hunt-chinese-warrior-gene-children>.
- Chen, Yinxuan. "Funv Yu Fanzui [Women and Crime]." *Nvzi Yuekan* 2, no. 21 (1934): 3078–85.
- Chin, Angelina. *Bound to Emancipate: Working Women and Urban Citizenship in Early Twentieth-Century China and Hong Kong*. Rowman & Littlefield, 2012.
- Chui, Wing Hong, and Kevin Kwok-yin Cheng. "Self-Perceived Role and Function of Christian Prison Chaplains and Buddhist Volunteers in Hong Kong Prisons." *International Journal of Offender Therapy and Comparative Criminology* 57, no. 2 (2013): 154–168.
- Cong, Xiaoping. *Teachers' Schools and the Making of the Modern Chinese Nation-State, 1897-1937*. UBC Press, 2011.
- Crimmins, James E. "Jeremy Bentham." Edited by Edward N. Zalta. *The Stanford Encyclopedia of Philosophy*, n.d.  
<https://plato.stanford.edu/archives/sum2018/entries/bentham/>.
- Deng, Peng. *Private Education in Modern China*. Westport: Praeger, 1997.
- "Di Liushi Lie [Case 60]." *Fayi Yuekan* 3, no. 10 (1934): 25–76.
- "Di San Jianyu Canguan Ji [Notes on Visiting the No. 3 Prison]." *Yi Shi Bao*. July 28, 1930, sec. Ben shi.
- Dijk, C. van, and Jean Gelman Taylor, eds. *Cleanliness and Culture: Indonesian Histories*. 272. Leiden: Brill, 2011.

- Dikötter, Frank. "Crime and Punishment in Early Republican China: Beijing's First Model Prison, 1912-1922." *Late Imperial China* 21, no. 1 (December 2000): 140-62.
- . *Crime, Punishment, and the Prison in Modern China, 1895-1949*. New York: Columbia University Press, 2002.
- . *Imperfect Conceptions: Medical Knowledge, Birth Defects, and Eugenics in China*. New York: Columbia University Press, 1998.
- . *Sex, Culture and Modernity in China: Medical Science and the Construction of Sexual Identities in the Early Republican Period*. London: Hurst & Co, 1995.
- . "The Promise of Repentance: Prison Reform in Modern China." *British Journal of Criminology* 42, no. 2 (Spring 2002): 240-49.
- Dikötter, Frank, Lars Peter Laamann, and Zhou Xun. *Narcotic Culture: A History of Drugs in China*. London: C. Hurst, 2004.
- Dirlik, Arif. "The Ideological Foundations of the New Life Movement: A Study in Counterrevolution." *The Journal of Asian Studies* 34, no. 4 (August 1975): 945-80.
- Dobash, Russell, R. Emerson Dobash, and Sue Gutteridge. *The Imprisonment of Women*. B. Blackwell, 1986.
- Dong, Madeleine Yue. *Republican Beijing: The City and Its Histories*. Berkeley: University of California Press, 2003.
- Eastman, Lloyd E., Jerome Ch'en, Suzanne Pepper, and Lyman P. Van Slyke. *The Nationalist Era in China, 1927-1949*. Cambridge University Press, 1991.
- Fabian, Ann. *The Skull Collectors: Race, Science, and America's Unburied Dead*. University of Chicago Press, 2010.
- Fang, Fu An. "What Is the Minimum Subsistence Level in China." *China Tomorrow* 1, no. 5 (n.d.).
- Fang, Vanessa Qin. "Beauty and A Broken City: Women and Their Publicity in Tianjin, 1898-1911." PhD Dissertation, University of Minnesota, 2011.
- "Feilaobing Qiyin Ji Yufang [Tuberculosis: Reasons and Prevention]." *Yi Shi Bao*. July 27, 1930, sec. Ben shi.



- Feng. "Lingyi Shijie: Meiguo de Nvjian [Another World: American Women's Prisons]." *Da Guan Yuan*, 1940, 84.
- Feng, Chongyi, and David S. G. Goodman. *North China at War: The Social Ecology of Revolution, 1937-1945*. Lanham: Rowman & Littlefield, 2000.
- Fong, Grace. "Poetic Practice in Women's World, 1904-1907." In *Women and the Periodical Press in China's Long Twentieth Century*, edited by Michel Hockx, Joan Judge, and Barbara Mittler. Cambridge University Press, 2018.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Vintage Books, 1977.
- Freedman, Estelle B. *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930*. University of Michigan Press, 1984.
- Fu, Poshek. *Passivity, Resistance, and Collaboration: Intellectual Choices in Occupied Shanghai, 1937-1945*. Stanford: Stanford University Press, 1997.
- "Funv Fanzui Jinzhan [Progress in Female Crime]." *Xinghua* 28, no. 24 (1931): 43.
- Furth, Charlotte. *A Flourishing Yin: Gender in China's Medical History, 960-1665*. Berkeley: University of California Press, 1999.
- Gamble, Sidney David. *Peking: A Social Survey*. George H. Doran Company, 1921.
- Gartner, Jen. "Beccaria, Cesare." Edited by J.S. Albanese. *Encyclopedia of Criminology and Criminal Justice*, 2014.  
<https://doi.org/10.1002/9781118517383.wbecj185>.
- Gerth, Karl. *China Made: Consumer Culture and the Creation of the Nation*. Harvard East Asian Monographs 224. Cambridge: Harvard University Asia Center, 2003.
- Ghatak, Saran. "Goddard, Henry H.: Feeble-mindedness and Delinquency." *Encyclopedia of Criminological Theory*. Thousand Oaks: Sage Publications, 2010.
- . "Parmelee, Maurice." *Encyclopedia of Criminological Theory*. Thousand Oaks: Sage Publications, 2010.
- Gibson, Mary. "Global Perspectives on the Birth of the Prison." *The American Historical Review* 116, no. 4 (October 2011): 1040–1063.

- . “Introduction.” In *Criminal Woman, the Prostitute, and the Normal Woman*, by Cesare Lombroso and Guglielmo Ferrero, translated by Nicole Hahn Rafter and Mary Gibson. Duke University Press Books, 2003.
- Glueck, Sheldon, and Eleanor Glueck. *500 Criminal Careers*. New York: Knopf, 1930.
- . *500 Delinquent Women*. New York: Knopf, 1934.
- Gottschang, Suzanne. *Formulas for Motherhood in a Chinese Hospital*. Ann Arbor: University of Michigan Press, 2018.
- Guangdong gaodeng jiaoyu fazhan shi [History of the Development of Guangdong Higher Education]*. Guangzhou: Guangdong gaodeng jiaoyu chubanshe, 2002.
- Hacking, Ian. “Kinds of People: Moving Targets.” *Proceedings of the British Academy* 151 (2007): 285–318.
- Han, Xiaorong. *Chinese Discourses on the Peasant, 1900-1949*. SUNY Press, 2012.
- Hanson, Marta. *Speaking of Epidemics in Chinese Medicine: Disease and the Geographic Imagination in Late Imperial China*. New York, N.Y.: Routledge, 2013.
- Hayes, Mary Holmes Stevens, Almena Dawley, and Beardsley Ruml. *A Study of Women Delinquents in New York State*. Century Company, 1920.
- Hayford, Charles Wishart. *To the People: James Yen and Village China*. New York: Columbia University Press, 1990.
- Healy, William. *The Individual Delinquent: A Text-Book of Diagnosis and Prognosis for All Concerned in Understanding Offenders*. Little, Brown, 1915.
- Hegel, Robert E., Maram Epstein, Mark McNicholas, and Joanna Waley-Cohen, eds. *True Crimes in Eighteenth-Century China: Twenty Case Histories*. Asian Law Series, no. 20. Seattle: University of Washington Press, 2009.
- Henriot, Christian. *上海: Municipal Power, Locality, and Modernization*. University of California Press, 1993.
- Henriot, Christian, and Wen-hsin Yeh, eds. *In the Shadow of the Rising Sun: Shanghai under Japanese Occupation*. New York: Cambridge University Press, 2004.

- Hershatler, Gail. *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai*. Berkeley: University of California Press, 1999.
- Herzig, Rebecca M. *Plucked: A History of Hair Removal*. New York: NYU Press, 2015.
- Hillier, S. M., and Tony Jewell. *Health Care and Traditional Medicine in China 1800-1982*. Reprint. Abingdon-on-Thames: Routledge, 2013.
- Hoare, James. *Japan's Treaty Ports and Foreign Settlements: The Uninvited Guests, 1858-1899*. Meiji Japan Series 1. Folkestone, Kent: Japan Library, 1994.
- Honig, Emily. *Sisters and Strangers: Women in the Shanghai Cotton Mills, 1919-1949*. Stanford: Stanford University Press, 1986.
- Horn, David. *The Criminal Body: Lombroso and the Anatomy of Deviance*. Routledge, 2015.
- Hsiang-lin Lei, Sean. "Habituating Individuality: The Framing of Tuberculosis and Its Material Solutions in Republican China." *Bulletin of the History of Medicine* 84, no. 2 (Summer 2010): 248–79.
- Hsiung, Ping-Chen. "To Nurse the Young: Breastfeeding and Infant Feeding in Late Imperial China." *Journal of Family History* 20, no. 3 (September 1, 1995): 217–38.
- Hu, Qipeng. *Jianyu Weisheng Gaiyao [Essentials of Prison Hygiene]*. Shanghai: Shangwu yinshuguan, 1935.
- Hua, Shan. "Ji Shanghai Nvjian [Notes on Shanghai's Women's Prison]." *Jia* 7 (1946): 5–39.
- Huang, Philip C. "Women's Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic." In *The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence*, edited by Kathryn Bernhardt and Philip C. Huang, 51–95. Leiden: Brill, 2014.
- Jakobson, Michael. *Origins of the Gulag: The Soviet Prison-Camp System, 1917-1934*. Lexington: University Press of Kentucky, 1993.
- Janku, Andrea. "The Internationalization of Disaster Relief in Early Twentieth-Century China." In *State, Society and Governance in Republican China*,

edited by Mechthild Leutner and Izabella Goikhman, 6–28. LIT Verlag  
Münster, 2014.

“Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years].” Shanghai: Jiangsu Shanghai di er te qu jianyu, 1936.

Jing, Fenghua. “Representation and Practice in ‘Privately Settling Illicit Sex Offenses,’ with Attention to the ‘Third Realm’ from the Late Imperial Period to the Present.” In *The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence*, edited by Kathryn Bernhardt and Philip C. Huang, 150–72. Leiden: Brill, 2014.

Johnson, Tina Phillips. *Childbirth in Republican China: Delivering Modernity*. Lanham, Md: Lexington Books, 2011.

Jones, David Arthur. *History of Criminology: A Philosophical Perspective*. Greenwood Press, 1986.

Jones, David W. *Disordered Personalities and Crime: An Analysis of the History of Moral Insanity*. Routledge, 2015.

Jordan, Donald Allan. *China’s Trial by Fire: The Shanghai War of 1932*. Ann Arbor: University of Michigan Press, 2001.

Juan, Wenzhong. “Canguan Zhongguo Weiyi Nvjian [Visiting China’s Only Women’s Prison].” *Xin Funv* 7 (1947): 19.

Judge, Joan. “Reforming the Feminine: Female Literacy and the Legacy of 1898.” In *Rethinking the 1898 Reform Period: Political and Cultural Change in Late Qing China*, edited by Rebecca E. Karl and Peter Gue Zarrow, 158–79. Cambridge: Harvard Univ Asia Center, 2002.

Kai, Erbai. “Sulian Nvqiu de Shenghuo Pianduan [A Section on the Lives of Soviet Female Inmates].” Translated by Feiyi Yi. *Shehui Shenghuo* 1, no. 3 (1936): 141–42.

Kann, Mark E. *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic*. New York: New York University Press, 2005.

Kawana, Sari. *Murder Most Modern: Detective Fiction and Japanese Culture*. U of Minnesota Press, 2008.

- Kiely, Jan. "Dangerous Cities: Judicial Authorities, Criminologists, and the Perception of Crime Zones in 1920s and 1930s China." In *New Narratives of Urban Space in Republican Chinese Cities: Emerging Social, Legal and Governance Orders*, edited by Madeleine Zelin and Billy K. L. So, 135–53. Leiden: Brill, 2013.
- . *The Compelling Ideal: Thought Reform and the Prison in China, 1901-1956*. New Haven: Yale University Press, 2014.
- Kirby, William C. *State and Economy in Republican China: A Handbook for Scholars*. Cambridge: Harvard University Asia Center, 2000.
- Ko, Dorothy. *Cinderella's Sisters: A Revisionist History of Footbinding*. Berkeley: University of California Press, 2005.
- . *Teachers of the Inner Chambers: Women and Culture in Seventeenth-Century China*. Stanford: Stanford University Press, 1995.
- Koyama, Shizuko. *Ryosai Kenbo: The Educational Ideal of "Good Wife, Wise Mother" in Modern Japan*. Brill, 2012.
- Kuo, Margaret. *Intolerable Cruelty: Marriage, Law, and Society in Early Twentieth-Century China*. Lanham: Rowman & Littlefield Publishers, Inc, 2012.
- Lam, Tong. *A Passion for Facts: Social Surveys and the Construction of the Chinese Nation-State, 1900-1949*. Berkeley: University of California Press, 2011.
- Lan, Hua R., and Vanessa L. Fong. *Women in Republican China: A Sourcebook*. Routledge, 2015.
- Lee, Jen-Der. "Wet Nurses in Early Imperial China." *NAN NÜ* 2, no. 1 (January 1, 2000): 1–39.
- Lei, Jun. "'Natural' Curves: Breast-Binding and Changing Aesthetics of the Female Body in China of the Early Twentieth Century." *Modern Chinese Literature and Culture* 27, no. 1 (Spring 2015): 163–223.
- Lei, Sean Hsiang-lin. *Neither Donkey nor Horse: Medicine in the Struggle over China's Modernity*. University of Chicago Press, 2016.
- Li, Lincoln. *The Japanese Army in North China, 1937-1941: Problems of Political and Economic Control*. East Asian Historical Monographs. New York: Oxford University Press, 1975.

- Lieberman, Sally Taylor. *The Mother and Narrative Politics in Modern China*. University of Virginia Press, 1998.
- Lin, Mengyu. “Yuejing Zhi Hua [Words on Menstruation].” *Dongfang Zazhi* 30, no. 11 (1933): 84–90.
- Lin, Shing-ting. “‘Scientific’ Menstruation: The Popularisation and Commodification of Female Hygiene in Republican China, 1910s–1930s.” *Gender & History* 25, no. 2 (August 1, 2013): 294–316.
- Lin, Xingya. “Funv Fanzui Yuanyin de Mianmianguan [Comprehensive Survey of Reasons for Female Crime].” *Nvzi Yuekan* 4, no. 1 (1936): 43–51.
- Liu, Qingyu, and Huifang Xu. “Shanghai Nvxingfan de Shehui Fenxi [Sociological Analysis of Shanghai Woman Criminals].” *Dalu Zazhi* 1.4 (1932): 71–93.
- Lombroso, Cesare, and Guglielmo Ferrero. *Criminal Woman, the Prostitute, and the Normal Woman*. Translated by Nicole Hahn Rafter and Mary Gibson. Duke University Press Books, 2003.
- Ma, Yuhui. *Hebei Sheng Xingqing Duben [Hebei Reader]*. Shijiazhuang: Hebei renmin chubanshe, 2013.
- Ma, Yuxin. *Women Journalists and Feminism in China, 1898-1937*. Amherst, NY: Cambria Press, 2010.
- Ma, Zhao. *Runaway Wives, Urban Crimes, and Survival Tactics in Wartime Beijing, 1937-1949*. Cambridge, Massachusetts: Harvard University Press, 2015.
- Mann, Susan. *The Talented Women of the Zhang Family*. Berkeley: University of California Press, 2007.
- McBeath, Jenifer Huang, and Jerry McBeath. *Environmental Change and Food Security in China*. Springer Science & Business Media, 2010.
- McMahon, Keith. *The Fall of the God of Money: Opium Smoking in Nineteenth-Century China*. Rowman & Littlefield, 2002.
- McVeigh, Brian J. *The History of Japanese Psychology: Global Perspectives, 1875-1950*. Bloomsbury Publishing, 2016.
- Miller, J. Mitchell, and Richard A. Wright, eds. “Sutherland, Edwin H.” *Encyclopedia of Criminology*. London: Routledge, 2005.

- “Mofan Funv Jianyu [Model Women’s Prison].” *Xiao Shijie: Tuhua Ban Yuekan* 40 (1934): 5.
- Mu. “Yuejing Yu Funv Fanzui de Guanxi [The Relationship Between Menstrual Cycles and Women’s Crime].” *Jiankang Shenghuo* 6, no. 4 (1936): 218–21.
- Mu Ziyue, Li Ziyuan, Li Muzi, Yang Qian, Liu Zhaoxiang, Shuo Zhibei, and Xu Biji, eds. *Xuefu wangshi xilie [The Past of Higher Education Series]*. Changsha: Qing pingguo shuju zhongxin, 2015.
- Mühlhahn, Klaus. *Criminal Justice in China: A History*. Harvard University Press, 2009.
- Nakatani, Yoji. “The Birth of Criminology in Modern Japan.” In *Criminals and Their Scientists: The History of Criminology in International Perspective*, edited by Peter Becker and Richard F. Wetzell, 281–300. Cambridge: Cambridge University Press, 2006.
- Ng, Michael H. K. *Legal Transplantation in Early Twentieth-Century China: Practicing Law in Republican Beijing (1910s-1930s)*. Routledge, 2014.
- Nield, Robert. *China’s Foreign Places: The Foreign Presence in China in the Treaty Port Era, 1840–1943*. Hong Kong University Press, 2015.
- “Nv Jianyu [Women’s Prison].” *Shen Bao*. July 18, 1946.
- “Nvfan de Chengshi Deng [The Honesty of a Woman Criminal].” *Minzhi Bao*, October 2, 1948.
- Nvzi yuekan/Zhongguo jinxiandai nvxing qikan huibian [Ladies’ Monthly/Collection of Women’s Periodicals of Modern China]*. Xianzhuang shuju, 2006.
- Ogonuki, Shōtarō. “Riben Funv Fanzui Sumiao [Outline of Japanese Women’s Crime].” *Yuzhao* 2, no. 10 (1935): 34–38.
- Pailthorpe, Grace W. *Studies in the Psychology of Delinquency*. London: His Majesty’s Stationery Office, 1932.
- Parmelee, Maurice. *Criminology*. New York: MacMillan Company, 1918.
- Peng, Yang. “Preface.” In *Jiangsu Shanghai Di Er Te Qu Jianyu San Nian Lai Gongzuo Baogao [Jiangsu-Shanghai No. Two Special District Prison, Work Report on Preceding Three Years]*, 1–2. Shanghai: Jiangsu Shanghai di er te qu jianyu, 1936.

- Porter, Roy. *The Greatest Benefit to Mankind: A Medical History of Humanity*. W. W. Norton & Company, 1999.
- Rafter, Nicole Hahn. *Partial Justice: Women in State Prisons, 1800-1935*. Boston, MA: Northeastern University Press, 1985.
- Ransmeier, Johanna S. *Sold People: Traffickers and Family Life in North China*. Harvard University Press, 2017.
- Rawski, Evelyn Sakakida. *Education and Popular Literacy in Ch'ing China*. University of Michigan Press, 1979.
- Reed, Christopher. *Gutenberg in Shanghai: Chinese Print Capitalism, 1876–1937*. Honolulu: University of Hawaii Press, 2004.
- Rejali, Saman. “From Tradition to Modernity: Footbinding and Its End (1839-1911) – the History of the Anti-Footbinding Movement and the Histories of Bound-Foot Women in China.” *Prandium - The Journal of Historical Studies* 3, no. 1 (Fall 2014).
- Retish, Aaron B. “Breaking Free from the Prison Walls: Penal Reforms and Prison Life in Revolutionary Russia.” *Institute of Historical Research* 90, no. 247 (February 2017): 134–50.
- Richardson, Nicole. “The Nation in Utero: Translating the Science of Fetal Education in Republican China.” *Frontiers of History in China* 7, no. 1 (March 1, 2012): 4–31.
- . “Translating Taijiao: Modern Metaphors and International Eclecticism in Song Jiazhao’s Translation of Shimodo Jirō’s Taikyō.” *Research on Women in Modern Chinese History* 19 (December 2011): 255–87.
- Rogaski, Ruth. *Hygienic Modernity: Meanings of Health and Disease in Treaty-Port China*. Berkeley: University of California Press, 2004.
- Rose, Nikolas, and Joelle M. Abi-Rached. *Neuro: The New Brain Sciences and the Management of the Mind*. Princeton, N.J: Princeton University Press, 2013.
- Sakamoto, Hiroko. “The Cult of ‘Love and Eugenics’ in May Fourth Movement Discourse.” *Positions: East Asia Cultures Critique* 12, no. 2 (Fall 2004): 329–76.



- Schneider, Helen M. *Keeping the Nation's House: Domestic Management and the Making of Modern China*. UBC Press, 2011.
- Sechiyama, Kaku. *Patriarchy in East Asia: A Comparative Sociology of Gender*. Brill, 2013.
- “Seiichi Terada.” *The Biographical Dictionary of Japan*. JapanKnowledge Lib. Accessed April 13, 2018.  
<https://japanknowledge.com/lib/en/display/?lid=5011060334860>.
- “Shanghai Jianyu Zhi: Nvjian [Shanghai Prison Gazetteer: Women's Prisons].” Shanghai shi difangzhi bangongshi. Accessed April 25, 2018.  
<http://www.shtong.gov.cn/node2/node2245/node73095/node73105/node73142/userobject1ai86273.html>.
- “Shanghai Nvjian Zhi Wanshan [The Perfection of the Shanghai Women's Prison].” *Xinghua* 33, no. 10 (1936): 37.
- Shen, Grace Yen. *Unearthing the Nation: Modern Geology and Nationalism in Republican China*. University of Chicago Press, 2014.
- Shu, Zhenji. “Funv Fanzui Wenti [Female Crime Problem].” *Huanian* 6, no. 10 (1937): 185–89.
- Singer, Richard. “Conviction: Civil Disabilities.” Edited by Joshua Dressler. *Encyclopedia of Crime and Justice*. New York: Macmillan Reference USA, 2002.
- Smith, Aminda M. *Thought Reform and China's Dangerous Classes: Reeducation, Resistance, and the People*. Lanham: Rowman & Littlefield Publishers, 2012.
- Smith, Norman. “Writing Opium in Manchukuo.” In *Beyond Suffering: Recounting War in Modern China*, edited by James Flath and Norman Smith, 13–35. UBC Press, 2011.
- Snodgrass, Jon. “William Healy (1869-1963): Pioneer Child Psychiatrist and Criminologist.” *Journal of the History of the Behavioral Sciences* 20, no. 4 (October 1984): 332–39.
- Somers Heidhues, Mary. “The Epidemic That Wasn't Beriberi in Bangka and the Netherlands Indies.” In *Cleanliness and Culture: Indonesian Histories*, edited by C. van Dijk and Jean Gelman Taylor, 61–93. Leiden: KITLV Press, 2011.

- Sommer, Matthew. *Sex, Law, and Society in Late Imperial China*. Stanford, Calif: Stanford University Press, 2000.
- Sommer, Matthew H. *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions*. 1 edition. University of California Press, 2015.
- Spence, Jonathan D. *The Search for Modern China*. Third Edition. New York: W. W. Norton & Company, 2013.
- Steinmetz, George. *The Devil's Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa, and Southwest Africa*. Chicago: University of Chicago Press, 2007.
- Sullivan, Winnifred Fallers. *Prison Religion: Faith-Based Reform and the Constitution*. Princeton University Press, 2011.
- Sun, Xiaoping. "New Life: State Mobilization and Women's Place in Nationalist China, 1934–1949." PhD Dissertation, University of California Santa Cruz, 2008.
- Tao, L.K. "Handicraft Workers in Peiping." *Chinese Social and Political Science Review*, January 1929.
- Tao Yinghui. *Minguo jiaoyuxue shushi lunji [Collected Works of Republican Educational History]*. Taipei: Xiuwei chuban, 2008.
- Terazawa, Yuki. "Racializing Bodies through Science in Meiji Japan: The Rise of Race-Based Research in Gynecology." In *Building a Modern Japan: Science, Technology, and Medicine in the Meiji Era and Beyond*, edited by M. Low, 83–102. New York City: Springer, 2005.
- Thomas, William Isaac. *The Unadjusted Girl: With Cases and Standpoint for Behavior Analysis*. Boston: Little, Brown and Company, 1923.
- Tsou, Jonathon. "Hacking on the Looping Effects of Psychiatric Classifications: What Is an Interactive and Indifferent Kind?" *International Studies in the Philosophy of Science* 21, no. 3 (November 6, 2007): 329–44.
- Wakeman, Frederic. *Policing Shanghai, 1927-1937*. University of California Press, 1995.
- Wakeman, Frederic E. *The Shanghai Badlands: Wartime Terrorism and Urban Crime, 1937-1941*. New York: Cambridge University Press, 2002.

- Wang, Qisheng. "Minguo Chunian de Nvxing Fanzui (1914-1936) [Early Republican Female Crime (1914-1936)]." *Research on Women in Modern Chinese History* 1 (June 1993): 5–18.
- Wang, Zheng. *Women in the Chinese Enlightenment: Oral and Textual Histories*. University of California Press, 1999.
- Wasserstrom, Jeffrey N. *Global Shanghai, 1850–2010: A History in Fragments*. Abingdon-on-Thames: Routledge, 2008.
- Weinbaum, Alys Eve, Lynn M. Thomas, Priti Ramamurthy, Uta G. Poiger, Madeleine Yue Dong, and Tani E. Barlow. *The Modern Girl Around the World: Consumption, Modernity, and Globalization*. Duke University Press, 2008.
- Wispelwey, Berend, ed. "Kominami Mataichiro." *Japanese Biographical Index*. Berlin: Walter de Gruyter, 2013.
- Woods, Jordan Blair. "The Birth of Modern Criminology and Gendered Constructions of Homosexual Criminal Identity." *Journal of Homosexuality* 62, no. 2 (February 1, 2015): 131–66.
- Wu, Yi-Li. "Body, Gender, and Disease: The Female Breast in Late Imperial Chinese Medicine." *Late Imperial China* 32, no. 1 (June 2011): 83–128.
- . *Reproducing Women: Medicine, Metaphor, and Childbirth in Late Imperial China*. Berkeley: University of California Press, 2010.
- Wu, Yongmei. "Selling Modernity: Housewives as Portrayed in Yuefenpai (Calendar Posters) and Magazine Advertisements in Shanghai of the 1920s and 1930s." In *Asian Women and Intimate Work*, edited by Kaoru Aoyama and Emiko Ochiai, 107–38. Leiden: Brill, 2014.
- Wu, Yuan, Yihua Yuan, Fengzhen Lu, Liqin Zhang, Huang Yin, Jingxiang Wang, and Huiqiu Wang. "Jiangsu Di Er Jianyu Nvjian Yinxiang Ji [Notes on Impressions of the Jiangsu No. 2 Women's Prison]." *Xin Nvxing* 2 (1935): 25–28.
- "Xiatian de Weisheng [Summer Hygiene]." *Yi Shi Bao*. July 27, 1930, sec. Xiao pengyou.
- Xu, Jiajun. *Shanghai Jianyu de Qianshi Jinsheng [Shanghai Prisons: Past and Present]*. Shanghai: Shanghai shehuikexue chubanshe, 2015.

- Xu, Xiaoqun. *Trial of Modernity: Judicial Reform in Early Twentieth-Century China, 1901-1937*. Stanford, Calif: Stanford University Press, 2008.
- Xue, Ruiying. "Meiguo Jiazhou de Funv Jianyu [Women's Prisons of California, U.S.A.]." *Honglvdeng* 1 (1947): 51–52.
- Yamanaka, Jiro. "Shanghai Nvxing Zhi Fanzui [Shanghai Women's Crimes]." *Shanghai Zhoubao* 1, no. 2 (1932): 27–29.
- Yan, Jingyue. "Beijing Fanzui Zhi Shehui Fenxi [Sociological Analysis of Crime in Peking]." In *Minguo Shiqi Shehui Diaocha Congbian: Dibian Shehui Juan Shang [Republican Era Social Surveys Collection: Base Society, Vol. 1]*, Reprint., 210–37. Fuzhou: Fujian jiaoyu chubanshe, 1928.
- Yang, Qingwu. "Minguo Shiqi Shanghai Nvjian Renfan Siwang Weiti Shulue [The Death of Women Prisoners in Shanghai of Republic of China]." *Lishi Jiaoxue* 16 (2016): 45–52.
- Yip, Ka-Che. *Health and National Reconstruction in Nationalist China: The Development of Modern Health Services, 1928-1937*. Assn for Asian Studies Incorporated, 1995.
- Young, Louise. *Japan's Total Empire Manchuria and the Culture of Wartime Imperialism*. Berkeley: University of California Press, 1998.
- Yu, Ailu. "Jialifuniya Zhou de Funv Jianyu [Women's Prison in California]." *Wanxiang* 1, no. 11 (1942): 79–81.
- Yu, Xinzhong. "The Treatment of Night Soil and Waste in Modern China." In *Health and Hygiene in Chinese East Asia*, edited by Angela Ki Che Leung, 51–72. Durham: Duke University Press, 2010.
- Zenderland, Leila. *Measuring Minds: Henry Herbert Goddard and the Origins of American Intelligence Testing*. Cambridge University Press, 2001.
- Zhang, Taishan. "Minguo Shiqi Fading Chuanranbing Bingzhong Kaoxi [A Type Analysis of the Statutory Infectious Diseases in the Republican Period]." *Zhonghua Yishi Zazhi* 37, no. 4 (October 2007): 215–17.
- "Zhongyang Gong'anbu Guanyu Fan'geming Zuifan Zhong Zhi Nvfan, Shaonian Fan Ji Laonian Fan de Chuli Wenti Zhishi [Ministry of Public Security Directives on Dealing with the Issue of Female, Minor, and Elderly Criminals Among Counterrevolutionary Criminals]." *Xibei Gong'an* 2, no. 12 (1951): 7.

- Zhou Lin. *Kou jie wen xiang: Shanghai malu de qianshi jinsheng [Knocking on Streets and Asking Around Alleys: Shanghai Streets Past and Present]*. Shanghai: Shanghai cishu chubanshe, 2008.
- Zhou, Shuzhao. “Beiping 100 Ming Nvfan de Yanjiu [Research on 100 Beiping Woman Criminals].” *Shehui Xuejie* 6 (1932): 31–86.
- . “Beiping Nvxing Fanzui Yu Funv Wenti [Beiping Women’s Crimes and the Woman Problem].” *Eastern Miscellany* 31, no. 7 (1934): 185–92.
- Zhou, Yongming. *Anti-Drug Crusades in Twentieth-Century China: Nationalism, History, and State Building*. Rowman & Littlefield, 1999.
- Zinoman, Peter. *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862-1940*. University of California Press, 2001.