論　著

THE ACQUISITION OF CONCUBINES IN CHINA, 14～17th CENTURIES

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Restrictions on Concubinage

A man could not choose any woman as a concubine. Superstitions about mates with identical surnames, incest taboos, and remarriage limitations, limited the pool. In addition, officially the laws placed limitations on the number of concubines a man could take, and on the age at which he could begin taking them. These latter official restrictions on age and number were not absolute, but depended upon the man's social standing. Yet, although these latter restrictions in Ming and early Ch'ing times had legal standing, they were also widely ignored in customary practice. Of course, if a legal complaint was made, there was the possibility of a punishment, although probably not so severe as in former times.

The restriction on identical surnames originated in ancient times with a belief that a marriage between people of the same surname would lead to problems for their descendents, and that their offspring would be few and unfortunate. This taboo was generally seriously enforced when a man married a wife, but was not taken so seriously

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when a man was taking a concubine,① because most concubines were bought, and so there was little certainty about their surnames (T. T. Chü 1965:91-94). Thus, when a man bought a concubine whose surname could not be clearly ascertained, divination was called for (LC "Chü-li," pt. I:14a). According to Ming and early Ch'ing custom, people would say that they decided against taking a certain woman as a concubine because the results of divination had indicated a bad omen, rather than because she had the same surname. This custom operated partly because people of the same surname were rarely from the same lineage, and partly because taking a concubine was not as important as marrying a wife. Punishments were lighter both for taking a prohibited woman as a concubine rather than as a wife, and for taking a same surnamed woman outside of the lineage (*tsu*) rather than in it (TMLCCFL 6:16a; TCLLHTHT 9:18a). The punishment for marriage as a wife between persons with the same surname was sixty blows and annulment of the marriage. The punishment was even higher if the wife was of the same lineage, and higher yet if she was a mourning relative. But the punishment for breaking this taboo with a concubine was two degrees lighter than that for the same crime with a wife, because the position of the concubine was not as important as that of the wife (TMLCCFL, 6:16a-16b; TCLLHTHT 9:22a-24a). Moreover, even these lighter punishments

① In *Ch'un-ch'iu Kung-yang chuan* (The Kung-yang commentary on Spring and Autumn Annals), the king of Lu married Lady Wu Meng-tzu as a concubine, although they both had the same surname. In the same period Tso Ch'iu-ming stated that this marriage should not be heavily criticized, because a concubine was not a close relative (CCKYC 7:56). Therefore having a concubine of the same surname was not severely prohibited in the time of Spring and Autumn. During the Han and T'ang periods there was no general taboo against taking a concubine of the same surname. In those periods some people did not even believe in a taboo against marrying a wife of the same surname. People of later periods became more concerned again.

were often unenforced. Nevertheless, most people would not willingly have broken this taboo if they knew that the woman had the same surname (C. Y. Shih 1956:7).

There were two other restrictions on concubinage in traditional China which were taken even more seriously than the one against taking a concubine of the same surname. The restriction against making a concubine out of the widow of one's relative was strictly enforced, and the closer the relative, the more serious the punishment. A widow could remarry, but absolutely not with a member of her deceased husband's family. A man was even more heavily punished for taking his living kinsman's concubine or wife as his concubine. In most cases, taking a relative's concubine was a less serious offense than taking his wife, but taking a woman from one's father or grandfather, either wife or concubine, whether the man was dead or not, was punished by immediate decapitation (TMLCCFL 6:20 a-23b; TCLLHTHT 9:12a-14b). But in general, the offenders in such cases were punished according to the degree of relationship between the deceased and the present husband. The punishment was one hundred blows for taking a concubine who was a widow of a kinsman beyond the mourning system; while for taking a widow of a kinsman in the fourth degree, it was sixty blows and one year's penal servitude. The taking of a concubine who was the widow of a kinsman in the third, second, or first degree was considered incest and was punished much more severely (TMLCCFL 6:16a-16b; TCLLHTHT 9:22a).②

② Taking the widow of a nephew or a great uncle, or a father's paternal first cousin was punished with strangulation; taking the widow of a father's brother's son, or a grandfather's brother's grandson, or a brother's son, or a brother's grandson was punished with three years' penal servitude. The punishment for taking a brother's widow was strangulation. The punishment was reduced by two degrees if a man married the concubine of any these relatives, but immediate decapitation was the penalty for taking a grandfather's or a father's concubine.

The other seriously enforced set of ritual and legal prohibitions on entering into concubinage was part of the major prohibition on all kinds of marriage during any of the mourning periods for either partner's grandparents or parents, or during any terms of imprisonment for these relatives. These prohibitions were seriously enforced in Ming custom because they were part of the punitive system as well as the ritual system. The punishment for marrying while either partners' grandparents or parents were in prison was eighty blows for marrying a wife, and sixty for taking a concubine (TMLCCFL 6:11a-11 b; TCLHTHT 9:17a). The punishment for marrying a wife during any of the mourning terms for either partners' grandparents or parents was one hundred blows; for taking a concubine, eighty blows. For a man to marry his wife or daughter off as another man's concubine during a mourning term, the punishment was eighty blows (TMLCCFL 6:11a-15a; TCLLHTHT 9:12b).

The Ming and Early Ch'ing Codes tried to set limits on the age before which a man ought not to take a concubine and on the number of concubines which a man might take (TML & TCLLHTHT, " Ming-li-lü, the principles of law " : wen-hsing t'iao-li, the principles of penalties), but in practice these rules were not part of custom, and only came into question when people tried to obstruct a specific case of concubinage and managed to bring it to court (TMLCCFL 6:9a-10a). However, there was no rule restricting the age of the woman taken as a concubine, and a concubine could be taken before or after the principal marriage. In any case, since the usual reasons for taking a concubine were to bear more sons and to enjoy life, the age of a concubine was usually younger than that of either her husband or his wife.

The number of concubines which a person was allowed to have was set by the traditional laws according to his social status, and the

Ming Code set out rules assigning various ages for the marrying of concubines of different numbers by different ranks of gentry and nobility. As for a commoner, he was allowed to have a concubine only if he still had no son by the age of forty (TMLCCFL & TCLLHTHT, " Ming-li lü " : wen-hsing t'iao-li). But this code was totally ignored by custom, and never enforced in official practice. In Ming and early Ch'ing society the number of concubines a man had became a major symbol of his wealth and social status. As a result, in total disregard for the law, all men were able to have as many concubines as they could afford without any judicial reaction.

In general, Chinese custom permitted whatever did not cause dishonor to one's close relatives, and so most kinds of concubinage were permitted even when they were supposed to be forbidden.③ This result parallels the basic Confucian philosophy on law itself which places higher value on the judgement of the honorable gentlemen, on the individual situation, and also on personal honor, than it does on any written codification of law. Thus, in practice, the many different forms of concubinage customarily allowed in China from the fourteenth to the seventeenth centuries, serve as a demonstration of the flexibility of the traditional Neo-Confucian system in providing alternative positions with which to respect the honors of individuals in particular social situations. It is this Neo-Confucian respect for an individual's personal honor as above the law which results in

③ For similar reasons, although a legal prohibition on marriages between people of different social status was set in the Ming and Ch'ing Codes (TMLCCFL 6:30a-32a, 33a-37a; TCLLHTHT 9:3a-7a) , these restrictions also were not all taken seriously by custom. While marriages between noble and common families, or between official and despicable families were not approved of in society, taking a woman of inferior social status, even a prostitute, as a concubine without marriage was always accepted in spite of the law.

tolerance for, and engendering of, the multiple forms of traditional Chinese concubinage. In particular, this Neo-Confucian respect for personal honor is most clearly illustrated by the general motivation for the system of concubinage by marriage.

Concubinage by Marriage *(Na-chü)*

A woman who was married as a concubine often came from a good family, but usually from a lower social stratum than her husband. However, as a further illustration of flexibility in the system, it was even possible (see example in footnote 6) for a woman of equal social status to be married as a concubine, particularly under unfortunate circumstances or when the family required an additional patrilocal heir. The motivations for such a marriage were varied. In many cases, a woman's parents, and sometimes the woman herself, admired a moral and capable man, or his good family, and so arranged for her to become his concubine living in his household.④ A woman who did not have a good family background at all could still be married as a concubine to a man of a good family by reason of her personal or familial virtues, such as character, beauty, talent, or wealth. Moreover, there could be yet other possible reasons for a woman to be married as concubine, as if, for example, she herself was

④ In *Forest-Orchid-Fragrance (Lin-lan-hsiang),* the father of Hsüan Ai-niang e crime of supporting his cousin with money for bribing the inspector of the provincial examination. Because of this crime her father lost his official title and died from anger. Her family's social status declined after this judicial case, but, due to her beauty and virtue, she was still courted by several men from powerful families. Her mother admired the Keng family, and Ai-niang, herself, wanted to be together with both of her intimate friends, Lin Yün-p'ing and Yen Meng-ch'ing, who were married to Keng Liang. For these reasons she and her mother decided that she would be married as a concubine to Keng Liang (LLH 11:83-86, 13:98-101).

determined, according to the traditional principles of chastity, to uphold a betrothal which had become untenable due to social or political changes, as often happened during the Ming and early Ch'ing era.⑤ Generally, concubinage by marriage served the purpose of marriage in situations where marriage as a wife was desired or required by individual or family, but not acceptable for some reasons, social or otherwise. In all cases, marriage as a concubine, when it became effective, acted as a link connecting the two families of the man and the woman so joined.

There were at least three major forms of the marriage as a concubine: First, simple concubine-marriage; Second, any marriage under the *chien-t'iao* (inheriting two families) system, under the

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⑤ In *Forest-Orchid-Fragrance*, Yen Meng-ch'ing was betrothed to a duke's grandson and soon to be married. But, just before the wedding, her father, an imperial inspector, was charged with the crime of having received a bribe when he was in charge of the provincial examination. Because Meng-ch'ing was a filial daughter, she appealed to the Board of Justice to allow her to be punished in place of her father. Since her father was seriously ill, her request was granted, and thus her betrothal was cancelled. But, impressed by her virtue, a powerful official kept her father in prison instead, and he died before his judicial case was reinvestigated. However, after the reinvestigation, he was found to be innocent, and therefore his punishment was revoked, and Meng-ch'ing's honor was restored. Her filiality so impressed the emperor that he bestowed on her the honorable title of filial daughter. Thus she became well-known in upper society, and many noble powerful families wanted to marry her to one of their sons, but Meng-ch'ing refused. She said, " ... since I was already betrothed to the family of Keng, I belong to them, no matter whether I am alive as a human being or dead as a ghost. I dare not marry any other man... Although in reality, we have not been husband and wife, yet we have been named as a couple. If I marry with another man, how is it different from marrying again " (LLH 11:81-82) ? Because, according to Ming and early Ch'ing social custom, a chaste woman could only marry one man in her whole life (Elvin 1984:114,123-129;Meijei 1981;Tien 1988:39), therefore, she decided to marry Keng Liang, her fiancee before, as a concubine, since he had already married his wife, Lin Yün-p'ing after the original betrothal had been broken.

condition that the woman was entering her husband's family, rather than making an uxorilocal adoption; and third, all marriages under the *liang-t'ou tso-ta* (equal status) system. Under either of the latter systems, a concubine so married would be given the additional title of *p'ing-t'ou ch'i* (equal status wife), and would be treated according to the local customs as a wife (C. Y. Shih 1956:8, 11), but, according to the Ming and early Ch'ing Codes, while her marriage was accepted as official, for legal purposes, she was still considered a concubine (TMLCCFL 6:9a; TCLLHTHT 9:10a).

Usually the family status of the woman who was married under the title of *p'ing-t'ou ch'i* (equal status wife) which covered both the systems of *liang-t'ou tso-ta* and *chien-t'iao* was, as the term implies, closer to the family status of her husband. This was seldom the case in simple concubine-marriage. In addition to the general motivations for provision of descendants and for the satisfaction of erotic desires as stated above, marriage under *liang-t'ou tso-ta* and *chien-t'iao* served specific purposes. For all three forms of concubine-marriage, there was a different set of customary procedures to be followed.

The custom of marriage under the *liang-t'ou tso-ta* system was often followed when a man had already married a wife, but they did not live together for some reason, such as separation without divorce or simply the holding of an official position, which required that he have a separate residence in another province. He could always take or marry a concubine, but often the woman he wanted would come from a good family of equal social status and her parents would object to her becoming a simple concubine, or it could happen that he himself so greatly admired the character of the woman whom he wanted to marry that he did not want to marry her as a simple concubine. In either of these cases, the man had the option of

marrying the woman in the title of *p'ing-t'ou ch'i* under the system of *liang-t'ou tso-ta*.

The *chien-t'iao* system was customarily practiced in the situations where a man had inherited more than one family inheritance or where a woman needed her own son to inherit her natal family name. In the first situation, the man would be an only son of a family where another branch of the family was heirless. In the second situation, the woman's family would be without any male offspring. In the first situation, for example, the man could be both the only son of his father and at the same time the adopted son of his uncle, because the latter did not have an heir. Since he therefore inherited from two families, at least one of his sons would inherit from the family of his uncle. In order to ensure the birth of heirs for his own and his uncle's families, he would marry more than one wife, because sons of concubines were considered to be inferior, and as such not dignified enough to inherit a good family, especially if both of the families were of the high social status. The second situation, where a woman's family was heirless (no male offspring), was known as *hu-chüeh* (a family without heir), and the daughter of such a family had a duty to continue her father's name. She could (1) adopt a uxorilocal husband into her own family and bear a son in her natal family's name, or, more commonly, (2) marry into her husband's family, either as a wife or as a concubine, after which one of her sons would inherit her natal family's name.⑥ (In this latter case, marriage as a simple concubine was also possible.) Thus marriage as *p'ing-t'ou ch'i* under the system of *chien-t'iao* was motivated by the need for additional heirs in the family inheritance system.

⑥ About the customs of the traditional Chinese adoption system, see Waltner 1981b, 1984, 1990; Wolf and Huang 1980.

The ceremonies for simple concubine-marriage were less complicated than those for concubine-marriage under the systems of *liang-t'ou tso-ta* and *chien-t'iao*. The wedding ceremonies for the latter types of marriage were much more formal and usually involved the procedure of the *six rites* which was same as that for marrying a wife.

As Shih Ch'i-yün indicates, for simple concubine-marriage, a betrothal based on a marriage agreement or a contract between two families was legally required. Customarily, after the betrothal, the concubine was not received by the groom himself but by his servants. No Ming document, however, of such an agreement for concubine-marriage remains; nevertheless, the major concepts which underlie this type of agreement are clearly reflected in Ming and early Ch'ing fiction (1956:6-8).

In fictional accounts of simple concubine-marriage, the concubine's family would send the woman's date of birth and her marriage contract to the groom's family; then the woman's family would receive in return the price of the bride. A matchmaker was required to formally negotiate the terms of the agreement between the two families. A witness to the marriage was also necessary both for the negotiation between the two families and the wedding ceremony. This witness could be one of the concubine's parents, grandparents or uncles. If the concubine was a widow and lived at home, she herself decided her remarriage under the agreement of the elders of her marital or even natal families. The witness to her wedding could likewise be an elder of her marital or natal family. But the ceremony could not be conducted until she had completed the mourning period for her deceased husband (e. g. CPM ch. 7; LLH ch 2).

Examples of the betrothal ceremony are easy to find in fiction.

For example, *Gold-Vase-Plum* (*Chin-p'ing-mei*) recounts the procedures by which a widow remarried as a concubine and describes the motivations of both the husband and the widow herself. In the story, Meng Yü-lou was in charge of the large legacy of her deceased husband, a rich merchant who died without an heir. Because of her beauty and wealth, Hsi-men Ch'ing was interested in having the widowed Meng Yü-lou as his concubine. With her beauty, wealth, and middle class background defined by her deceased husband's social status, Yü-lou could easily remarry as a wife. Therefore, Hsi-men could not have her by simply taking her as a concubine, but had to please her and propose marriage. Yü-lou accepted Hsi-men's proposal because she was attracted to his handsome looks and his wealth. As befits fiction, this was a marriage for romance. It was not for *liang-t'ou tso-ta* and *chien-t'iao* and was a simple concubine-marriage. Their marriage was through a betrothal ceremony based on an agreement, but not the whole *six rites*: In the absence of her parents and parents-in-law who were dead, the closest living elder relative of Yü-lou's was an old aunt of her deceased husband. She had a say in the marriage but the ultimate decision on the remarriage was Yü-lou's:

> [Therefore], Hsi-men sent a matchmaker with presents to please both the old aunt and Yü-lou, and ask for their consent to a marriage agreement. After Yü-lou had agreed, Hsi-men presented some golden ornaments as betrothal presents. On the day for receiving the bride, Hsi-men himself did not go, but his servants came to receive Yü-lou. The aunt, as the guardian and witness of the ceremony, approved Yü-lou's remarriage, and successfully dealt with the opposition of the other relatives of Yü-lou's deceased husband. Also before the ceremony, Hsi-men

hired monks to appease the spirit of Yü-lou's deceased husband (CPM 7:169-193).

Unfortunately, I have no example of marriage ceremonies for concubines under the system of *chien-t'iao* in fiction or elsewhere. However, an example under the system of *liang-t'ou tso-ta* would be very similar and is found in the fictional case described in *Marriage of Ill Omen* (*Hsing-shih yin-yüan*). This work shows us the rites for marrying a concubine under the system of *liang-t'ou tso-ta* in much detail. The story was set in late sixteenth century Peking, and the weddings described were according to the customs of that time in that city.

In this story, Ti Hsi-ch'en had left his principle wife, Su-chieh, and his hometown in Shantung after his parents died and was living in Peking. There he asked Ms. T'ung, an old friend of his father, to seek a concubine for him. Ms. T'ung and two matchmakers, Ms. Chou and Ms. Ma, spent several days looking for a nice concubine for Ti Hsi-ch'en but they failed in their own eyes. Hsi-ch'en himself was attracted to Ms. T'ungs daughter, Chi-chieh. He asked the two matchmakers to tell Ms. T'ung that he was willing to marry Chi-chieh as his *p'ing-t'ou ch'i*, and that he would provide economic support for Ms. T'ung as he would for his own mother. The complicated processes was described in detail, including four major forms: " negotiating marriage " (*i-hün*), " presenting betrothal gifts " (*hsia-ting*), " presenting the values " (*kuo-p'ing*), and " presenting in person " (*ying-ch'ü*). These procedures which are portrayed in the following paragraphs started with the two matchmakers going to the house of T'ung to negotiate the marriage with Ms. T'ung:

> Ms. Chou leaned toward Ms. T'ung's ear and said, " He is waiting to become your honored guest [son-in-law] . " Ms.

T'ung replied, " They have known each other from early childhood and been like brother and sister to each other. How could they possibly get married? He already has a principle wife at home, yet how could my daughter possibly become a concubine? Even if it were possible, then someday he would take my daughter home with him to Shantung; and then how could I possibly go on living without my daughter? "

Ms. Chou realized that Ms. T'ung was not refusing firmly and enlarged widely on the provision [of economic support] which Hsi-ch'en hoped would be persuasive. Her speech was so persuasive that it made even Ms. T'ung, who was as stubborn as rock, nod her head and agree. Chi-chieh also was so impressed by Ms. Chou's statement that she came out to the living room like a curious fish who could not hide in her cave anymore.

Ms. T'ung asked Chi-chieh, " Did you hear what she said? Your father is already dead, and your brother is still young, while I am only a woman who isn't good at making choices. So I need to know your preference because this is the most important thing in your life. Your ' brother ' Ti is not some strange man. We should reply to him honestly and clearly, and not let him worry in uncertainty. "

Chi-chieh said, " This thing should not be decided by me. Really, Mother, your opinion is the one that counts. We have known each other since childhood. So, we don't need to investigate him as we might need to do with a stranger. However, on this thing only you, Mother, can make a decision. Neither I nor my brother can make this decision. "

Ms. T'ung said, " We will wait for your brother to come

home, discuss it with him, and let him go to draw a divinatory lot at the temple of Master Kuan-kung near the front of our house. Then we can make the final decision. "

Chi-chieh said, " It is right to discuss it with my brother, but it is ridiculous to neglect the thinking of man and seek for divine guidance from a god made of mud. "

Ms. T'ung told the two matchmakers, " Anyway, would you two please wait for a while? After my son returns home, I will discuss it with him, and then we will see what we want to do. "

The two matchmakers said, " We have to give him some kind of answer because he is looking for one so desperately that his eyes are going to bleed. We will come back to wait for your decision. "

Ms. T'ung said, " It's Ok. You can go to see him right now, but don't tell him anything certain. "

The two matchmakers went back to Ti Hsi-ch'en's house, and when they saw him, they immediately told all that had occurred. " We told you that this business would be difficult to deal with, but you didn't believe us. We have already figured out the right way with the best chances of accomplishing what you want. But, this is such a difficult business for us, Master Ti. How much is in it for us? "

Hsi-ch'en said, " If Chi-chieh and I can become a couple, I don't care how much I need to spend. I will give you two [ounces] where you need one. Nothing cheap about this one. "

Ms. Chou said, " Sure, we will try our best to carry this business through out of concern for our face. We are worried

that we won't have any cotton clothes to wear, or any coal to burn for heat this winter. "

Ti Hsi-ch'en said, " Don't worry. After you make this match, I will make you very warm. " ...

Early next morning, the two matchmakers went to the T'ung house, ... [and] Ms. T'ung gave them a positive answer (HSYY 75:737-740).

Hsi-ch'en was very happy to hear that the " negotiation of marriage " was completed. He gave the matchmakers each one ounce of silver as a reward. He started to arrange the betrothal ceremony and found a fortune teller to choose a good date for the wedding. He wanted the matchmakers to find out what local customs for bride price and wedding would please Ms. T'ung. The matchmakers tried to arrange a big wedding ceremony so that they could earn a large reward and also please the T'ung family. But Ms. T'ung found out the matchmakers' intentions, and thus herself came to discuss the details of the wedding with Hsi-ch'en. She told Hsi-ch'en that she did not prepare a big dowry ⑦ since she was a widow without rich property,

⑦ The significance of dowry for a Chinese woman has caught the attention of many scholars (McCreery 1976; Shiga 1978; Ebrey 1981, 1984a, 1991c; R, Watson 1991b). As Rubie Watson states in her work on women's lives in nineteenth-century Hong Kong, the wife's domestic superiority over concubines comes from her having dowry and natal family connection (1991 a;244), Using Sung upper class cases, Patricia Ebrey notes that the wife was powerful because she could control her dowry and use it to help the family or even provide for her own postmortem welfare; moreover, financial assistance form the wife's natal lamily could also contribute to te wife's economic power (1984:117−120; of, McCreery 1976:163−174; Ebrey 1981, 1991c; R Watson 1991b), Both scholars thus stress that a concubine suffered from a lack of economic power, The observation, in general, holds true for the Ming as well, However, from some Ming and early Ch'ing sources, one can qualify the general picture by noticing that although it was not common, some concubines did have economic power from dowry, personal

and preferred Hsi-ch'en to save the money for later on. The wedding was then provided in a much simpler manner in order not to waste too much money. Hsi-ch'en was not required to give lots of expensive presents for the betrothal nor was there a large bridal price. Instead, he gave a reasonable assortment of betrothal gifts, including hairpins, hairclasps, bracelets, finger rings, handkerchiefs decorated with silvery flowers and the character of auspiciousness, and some new dresses for Chi-chieh. On the day for the ceremony of betrothal,

> Two matchmakers came to Ti Hsi-ch'en's house to prepare betrothal gifts to be sent to the T'ung house. The presents were covered under a piece of red cloth. Hsi-ch'en's servant and the matchmakers carried the gifts to present the ceremony of betrothal in the T'ung house. Ms. T'ung received the presents and rewarded them with a meal and several copper corns [*ch'ien*]. They brought back some gifts for Hsi-ch'en as return from Ms. T'ung (HSYY 75:740).

After betrothal, Hsi-ch'en called a silversmith to make jewelry, a tailor to make clothes, and a goldsmith to make ornaments as part of the bridal price. The story does not describe the details of the ceremony of " presenting the valuables, " however, it was probably very similar to the ceremony of betrothal. After the ceremony of " presenting the valuables " was completed, the lucky day for the wedding arrived, Hsi-ch'en would present the ceremony of receiving the bride himself as follows:

(續) wealth, or control of the household finances, There are several examples in Ming and early Ch'ing fiction of married concubines who had dowry similar to a wife's, For instance, the *p'ing-t'ou chi* chi—chieh in Marriage of Ill Omen (Hsing-shih yin-yuan)(HSYY ch, 95), and the married concubine Yen Meng-ch'ing in *Forest-Orchid-Fragrance.*

[On his way to receive his bride, he] wore the official robe with red silk flowers on his cap and red silk drape on his shoulder, and rode a horse. Sitting in a sedan chair carried by four men, Chi-chieh wore a silvery belt, a colorful cloak decorated with the picture of " the King Wen playing with one hundred children, " and a red silk bridal gown decorated with fabulous animals. Twelve trumpet players led her sedan chair and walked after Hsi-ch'en towards his house. After they entered the house, Hsi-ch'en and Chi-chieh performed the ceremony of bowing to each other and drinking wine in the nuptial cup... " (HSYY 76:741).

Concubinage by Sale *(Ch'i-mai)*

Commercial traffic in women was illegal according to the Ming and early Ch'ing Codes;⑧ however, it was very common in that society. Although the Codes required punishments for the selling of women, very few parents or husbands were actually punished for it. Because Confucian traditional prohibited women from accusing their

⑧ Trade in women was not allowed according to the traditional laws; the punishments for breaking these laws ranged from a beating to a life in exile. The Ming and Ch'ing Codes required these punishments for husbands who married, sold or pawned their wives or concubines as maids, concubines or wives of other men, and for parents who sold or pawned their daughters as maids or concubines. The punishments for a husband for selling or pawning his concubine were: one hundred blows plus two years' penal servitude for selling his concubine as a wife or concubine of another man, eighty blows for selling her as a maid (TMLCCFL 18:53b-61b; TCLLHTHT 7:28a-30b), sixty blows for pawning her as a wife or concubine to another man (TMLCCFL 6:6a), and one hundred blows for marrying his concubine as a wife or concubine to another man. Parents who sold or pawned their daughters as maids or concubines were also punished, but their lighter penalties were not even specifically set (Ibid.).

husbands and absolutely prohibited children from accusing their parents, therefore daughters, wives, and concubines who publicly accused their parents or husbands who sold them were usually punished for their accusations. A judicial case from the reign (1487-1505) of Emperor Hsiao-tsung tells us about one such tragedy with additional elements:

Man Ts'ang-erh, the daughter of Wu Neng, was sold into a house of prostitution through a go-between who afterwards lied, telling Wu Neng that the girl had been sold into an official family as a maid and might become a concubine. After Wu Neng died, his wife finally found her daughter in another house of prostitution. But the girl refused to recognize any relationship with her mother, because she hated her mother for selling her off. However, she was forced to go home by her mother and brother. The procurer of the house of prostitution was willing to pay more money to buy her back, but was turned down, and moreover pointed out to the authorities, by the mother. The governor Ting Che hated women traffics, and so he gave orders to have the procurer beaten heavily, and ruled that the girl belonged to her mother. The procurer died after being beaten severely. But the case was not yet closed. The procurer's wife accused Ting Che before the *Tung-ch'ang* (The Judicial Institute officiated by eunuches). The girl denied that she was the daughter of Wu Neng, and cooperated with the procurer's wife to accuse her mother of being a robber. In the end, a judge found out the truth. Ts'ang-erh was sentenced to the *Wan-i chü* (Imperial Department of Laundry) for the crime of prosecuting her mother (HTSLc 120:6a-8b).

The traffic in women in Ming and early Ch'ing was so widespread that it produced prosperous markets in women, where the concubine traffic was one of the major businesses. Though there were only a few

big regular markets for concubines, irregular business activities in the informal local markets seem to have existed in many areas. Many professional or amateur brokers earned a living through this business. Most of them were older women from the classes of peddlers, midwives, nuns, fortune-tellers, restaurant and teahouse staff. They were the people with the greatest mobility, travelling between countryside and town. A typical broker possessed a great deal of social knowledge supplemented by her wide network of acquaintances. Her social status was low, but she acted as a confidante to many people superior to her in class. Her position of access to the " inner-chambers " of the upper class permitted her power beyond her social station. A broker in woman could be involved at different levels. She could go to villages herself and buy young girls. The initial expenditure might come from the commissioning agent or her own capital. In many instances, a broker would dispose quickly of the girls, but the share would never be as large as when the girl had been trained to attract buyers of concubines or high-class prostitutes. When working as a member of an organized team the matchmaker's role was confined to transferring the women and establishing the contract with potential buyers.⑨

The women for sale were usually daughters or wives from poor families, maids or concubines driven out from rich families, and courtesans or prostitutes. These kinds of cases were often described in Ming and early Ch'ing literature, fiction and history (P.Y.Wu

⑨ The market for concubines in the late nineteenth and early twentieth centuries Hong Kong is well described by Maria Jaschok (1988:89-90) . She shows us that the general nature of this traditional business continued to remain much the same.

1988).⑩ The price for concubines varied, depending on her age, beauty, virginity, artistic skills, size of feet and family background (natal and marital families). For example, the price of a woman with artistic skills and reading ability was higher.⑪ The price of a virgin wasusually higher than awoman who was beautiful but not a virgin,⑫ and a woman with small bound feet was usually worth a good price because tiny feet were considered to be sexually attractive (e.g. McMahon 1987, 1988; Van Gulik 1951, 1961; TSMH; Levy

⑩ In the historical case described by Chu Chin-fan in *Hsiao-ch'ing niang feng-liu yüan chi* (The romance of Hsiao-Ch'ing), Hsiao-ch'ing was sold into a house of prostitution by her poor parents, and then bought as a concubine by the merchant Mr. Feng. In *Gold-Vase-Plum,* Li Chiao-erh, one of Hsi-men Ch'ing's concubines, was bought from a house of prostitution. After Hsi-men Ch'ing died, his concubine P'an Chin-lien and his maid Ch'un-mei were driven out of the household by his wife, Ms. Wu, because they had committed adultery with Master Hsi-men's son-in-law. Ms. Wu asked the matchmaker Ms. Wang to take them away and sell them without worrying about the price. Ch'un-mei was sold as a concubine to a military official for the price of sixty ounces of silver, whereas Chin-lien was sold to her brother-in-law, Wu Sung, for one hundred and twenty ounces of silver (CPM chs. 85, 87). Another concubine, Sun Hsüeh-erh was sold into a brothel.

⑪ In *Gold-Vase-Plum,* P'an Chin-lien was sold for one hundred and twenty ounces of silver because she could read and play the lute, whereas Ch'un-mei was sold for sixty ounces of silver because she was beautiful. (CPM ch. 86). It is significant to compare the price of a woman with that of the major food for the people; the comparison will help us understand the value of a woman in the Ming and early Ch'ing market. When looking at the whole Ming dynasty, the cost of essentials, on the average, did not fluctuate greatly. If there could be a comprehensive study of the cost of concubines, then comparing that with the price of essential goods would be a vital contribution to the socioeconomic history of the Ming. The cost living is clearly compared by Huang Men-t'ang, 1985:346-372.

⑫ A record in *Chia-hsing jih-chi* (The diary of Chia-hsing) reports, during the late Ming wartime, a bandit sold several women whom he captured in the "human market." A beautiful married woman would be sold for fifty ounces of silver, while a young virgin with ordinary looks would be sold for five hundred ounces of silver (CHJC 5:10).

1966, chs. 4 & 5).

The customer, either the man himself or his wife, was usually familiar with the broker and lived in the same area. They would come to the broker's house to select from the women for sale. Ming and early Ch'ing literature talk about the concubine business to a certain extent. The opera *An Antidote for Jealousy (Liao-tu keng-chi)*, written by Wu Ping (d. 1560), describes the activities in a local market. Ms. Chang, a broker in the city of Hangchow, was asked by Ms. Yang to find a nice concubine for her husband. She spent a couple of days visiting many places and finally found several women. She invited Ms. Yang to come to look at the women gathered in her house. When Ms. Yang showed her disappointment after she saw all the women, the matchmaker Ms. Chang promised to find more women for her to select. At the same time, a male relative of the Yang family was asked by Ms. Yang to go to Yangchow with a hope that he could find an ideal concubine for her husband (LTKC pt.1:7, 17, 25-29, 36-37).

The market for concubines in Yangchow was the biggest and the most prosperous one during the late Ming period. In reality and in popular perception, transactions in women were part and parcel of the commercialized economy and culture of Yangchow. In a Yangchow gazetteer published in 1685, for example, a poet wrote, " Kuang-ling women are as numerous as clouds /... They are born not to weave and spin / But to learn songs and dances / Powerful men converge in front of their gardens / Big merchants gather at their gates / ... At thirteen or fourteen they are ready to be looked at / Who cares if the man is old if he has gold... " (YCFC 31:15a-15b).

The market for concubines there was well-known for its beautiful and refined women, who attracted many customers from different

areas.⑬ Hsieh Chao-che attributed this to the abundant waterways in the city which nurtured natural beauties (WTT 8:7a). There were actually not many natural beauties in Yangchow, but through training in feminine arts, many of them became more marketable since they were more closely approached the society's ideals of beauty. " The people of Yangchow had long treated their beautiful women as precious merchandise. Merchants bought young girls from everywhere. They dressed up the girls and taught them crafts such as calligraphy, abacus, lute and chess, expecting a handsome return. The girls were called " thin horses " (*shou-ma*) " (Ibid.).⑭ Yangchow girls received an education to enhance their market value not only in procures' houses, but in common households as well. Remarks by observers in the early Ch'ing, such as Cheng Hsieh (1693-1765), suggested that it was common for parents to have their daughters learn singing and dancing (CPCC 1965:35).

The writer Li Yü explained in great detail his program for

⑬ The tradition of procuring women for pleasure from Yangchow was started by Yang-ti, the second emperor of the Sui dynasty (541-618) who was also the builder of the Grand Canal. Besides supplying his own harem, he also offered Yangchow widows and virgins to his soldiers. This practice was followed by generations of emperors after him (Ko 1989:87). In 1519, for example, the Ming emperor Wu-tsung raided the city for virgins and widows (WTWC, 11. 2/11a).

⑭ The term " thin horse " came from a poem by the T'ang poet Po Chü-i, lamenting the speed with which the ownership of young prostitutes changed hands (T. Y. Ch'en 1985:210). The poem reads, " Don't feed a thin horse / Don't teach a young prostitute / The results are obvious / Watch if you don't believe--/ Once the horse is fat it runs / Once the girl grows up she sings and dances / In three to five years / They change owners / Who's happier and who has toiled / The new owner or the old? / Do listen and take heed / And write down what I've said " (Quoted in Ko 1989:88). By the Ming times it had become a name reserved for girls sold on the Yangchow market (Ko 1989:88).

training concubines which can be taken as an ideal representation of education for Yangchow women in the demimonde. Li Yü believed that cultivation of talent was as important as the cultivation of beauty. In his training program, the cultivation of talent consisted of four parts: literary skills, musical instruments, songs and dance, and needlework (LYCC "Hsien-ch'ing ou-chi: leisure writings" 3:46a-46b). The level of a girl's artistic accomplishment increased her price, as did footbinding. "The practice of footbinding in Yangchow is more widespread than other places. Even coolies, servants, seamstresses, the poor, the old and the weak have tiny feet and cramped toes" (Ibid. 6:7a). Moreover, Shen Te-fu (1578-1642) the writer of one of the most abundant Ming social sources, *Wan-li yeh-ho pien*, emphasized the importance of training girls in beauty and in subordinate characteristics from the time they were very young. He pointed out that many of them could thus please jealous wives (WLYHP 23:597-598).

The business activities in Yangchow were conducted day and night. Many people lived on the business of selling women as concubines, including brokers, the owners of the houses of prostitution, and even the rich and official families raised several or more young girls as the investment for having rich son-in-laws in the future (Ibid.). The prosperity of the concubine markets was recorded by Chang Tai (1597-ca. 1676), a rich young scholar, who grew up in Yangchow and saw what had occurred. In his *T'ao-an meng-i* (Memoirs of T'ao-an) the process of the selection was recorded in detail:

> Several hundred people earned a living by selling women as concubines, who were called *shou-ma* in Yangchow. A matchmaker, a broker, and a scout worked together as a group

to run a business; the competition between different groups was high. These people kept close track of anyone who had shown any intention of buying a concubine, and, if the customer were compared to a piece of meat, then these salesmen sticked to that meat like a group of flies that were not easily shaken off. Early in the morning, the groups gathered to wait outside the doors of potential customers, who usually gave their business to the group coming earliest; whereas the other groups that came later, following behind the first group, ought to wait for the next opportunity. The winning group then led their customer to the matchmaker's house, where they usually had several women waiting to be sold. The customer was then treated to tea, and seated to wait for the women. The matchmaker led out each of the women, who then acted according to the matchmaker's instructions. After each of the matchmaker's short commands, the woman then performed that action in order as directed: to bow first for the customer; to walk several steps, [allowing the customer to judge her gait], to turn towards the light, so that the customer could see her face clearly; to draw back her sleeves and show her hands to the customer, [who could judge her fate from them]; to show her eyes by glancing shyly at the customer, [who could judge her inner spirit from them]; to say her age, so that the customer could test her voice; and finally, to lift her skirt revealing her feet, showing whether they were bound. An experienced customer could figure out the size of her feet by listening to the noise she made when she was walking out of the inner room. If her skirt made noise when she walked in, she had to have a pair of big feet covered by the skirt; otherwise,

her feet would be kept out of the skirt, which was lifted high, and thus did not make noise when she walked. All women came out one by one to be selected through the same procedure. The customer would go to see more women in other houses shown by another group of people if he could not find a suitable one. He was required to reward the matchmaker or the maids several *wen* [copper coins] before he left. If he decided to buy one of them, he would put a golden hairpin in this woman's hair at the temple; the procedure was called *ch'a-tai* [putting on a ornament]. There was always another matchmaker waiting for him after the first one was tired. Although a customer could repeat the same procedure continuously for four or five days without getting tired, he could not finish visiting all the houses of the " thin horses " in Yangchow within a couple of days. Nevertheless, after seeing fifty to sixty women, he could no longer distinguish the pretty from the ugly, since all women looked similar with a white face and wearing a red dress. It was like having difficulty in recognizing a character for someone who had written it hundreds and thousands of times. Therefore, he usually chose one at the point in which as his mind and eyes could not judge well anymore. The owner of the woman had a clerk write the contract on a piece of red paper on which they wrote down the price of the woman and the presents for the bride, including a certain amount of golden ornaments, pieces of colorful silk and clothes. The customer was sent away after he agreed with the deal. When he arrived back at his temporary residence, a band and a load of food, along with goat wine for the bride's family were already prepared. Soon after, the presents for the bride

are also prepared. Those parents led by the band were all sent to the woman's family [or surrogate family]. Then a sedan chair with colorful lanterns, happy candles, groom company, and the food for worship waited outside for the customer's arrangement. The cooks and the entertainers for the wedding festival also came together with foods, wine, candy, tables, chairs, and the dinner settings. Without the customer's orders, the colorful sedan chair for the bride and the small sedan chair for her companion were sent to receive the bride and all came back immediately. The wedding ceremony was carried out with the music made by the entertainers. The next morning before noon, these laborers asked rewards from the groom, and left to prepare another wedding for another customer, using the same procedure (TAMI 5:12b-14b).

Chang Tai might have exaggerated the speed of the wedding ceremony, but his description conveys the efficiency with which the business of selling women was run as well as the size of the enterprise. Each procurement house had at least five or six girls on the market, with almost certainly more still under training. The army of orchestra players, musicians, sedan chair bearers, cooks and porters at the concubine's disposal must have numbered close to a hundred. It is not clear whether each house had its own team or whether they were sub-contracted. There is no record of the total number of procurement houses in Yangchow at the time, however, the business of selling women inside that city's predominantly service-oriented economy must have been considerable (Ko 1989:89).

After the deeds of sale were set, a formal contract was necessary for buying a concubine, but the contract did not have a definite form. it usually started with the intentions of both parties to make a

transaction, the price of the woman, and the unconditional or conditional nature of the right of ownership delegated by the previous owner to the new owner of the woman. At the end of the contract, the signatures or fingerprints of all parties involved in the sale were required, especially those of the seller or pawner. Without the signatures, the contract was invalid. The presence and the names of the matchmaker, witnesses or guarantors lent a binding quality to transactions. This was customary procedure in order to preempt suspicions of kidnapping, and also to open the way for eventual resale, when documents were shown as evidence of claims to ownership over a given woman. As far as I know, no complete written contract remains from Ming times; however, the following contract for buying concubines was written in regular form in the reign of the emperor Kuang-hsü (1875-1908) in Ch'ing times, which is recorded in *Taiwan ssu-fa jen-shih pien* (Collection of Taiwanese Civil Law cases) (TSFJSP 1969:630-631) about a father selling his daughter as a concubine. Although the document is Ch'ing, the major concepts which underlie the contract are clearly reflected in much of the relevant Ming fiction (e.g. CPM, CLT).⑮

> I, Lin Yu-chang, make this contract to sell my elder daughter, because my family has had difficulty in surviving. Through the introduction of the matchmaker, the daughter is now sold to Wu Min-kuang as a concubine. She is named Yü-lien as fifteen years old, and has been neither engaged nor married. The price of the girl, two hundred *yüan*, now is

⑮ Maria Jaschok describes contracts for buying concubines in the late nineteenth and early twentieth centuries Hong Kong (1988:146-149) . They are essentially same as the one mentioned above. The major aspects: a witness, and the signatures of the seller and the buyer were necessary in all periods.

received under the witness of the matchmaker. The girl is ready to be taken away by the buyer anytime. The daughter born by my principal wife was not abducted from an unknown place. Any trouble about the price or the birth of the girl created by any unexpected person will not be a problem to Mr. Wu; however, I myself will resolve it. After she is taken into the Wu family, all children she gives birth to will belong to them. This contract will stop the relationship between her and her natal family forever as much as the vine is cut off totally. This contract, which proves that the girl has been sold as a concubine, is now given to the buyer. It is the evidence to avoid any further trouble.

Right today, I, Yu-chang, who under the witness of the matchmaker has received two hundred *yüan*, sign here as proof.

December, 1886 in the reign of the emperor Kuang-hsü

The writer: Ts'ai Wen-ping

The middleman and guarantor: K'ang ah-hsiu

The witness: Ms. Ch'en (biological mother)

The seller: Lin Yu-chang (biological father)

The contract was not written by the seller but by a hired specialist, because most of the sellers were illiterate and from the lower classes. A witness was invited to guarantee the future respect of the contract. The seller could be the woman's husband too. The contract for a husband selling his wife or a concubine to be another man's concubine had the same form as those contracts mentioned above.

Fraud in the market for concubines was not uncommon because the Ming and Ch'ing government did not put its authority behind the honoring of such contracts, especially since they were usually illegal

by the unenforced letter of the law. No specific legal code existed to punish the breaking of the contracts for the buying and selling of women. Therefore, a customer who paid the price for a virgin, might find out that he had been cheated and could not ask for any compensation. Some customers liked to buy women with special skills, such as painting, singing, calligraphy, composing poetry, playing lute or playing chess. But most of them were disappointed when they found out that their concubines had very limited skills, and were not able to do more than one or two pieces of art (WLYHP 23:597-598). The customers who bought concubines in Peking complained that very few of the concubines were diligent, but that most were spendthrifts and knew the skills of love making better than housekeeping. Many lonely young scholars, gentry and officials bought local concubines after having stayed in the capital for a long while, but most of them later regretted their purchases and could not get rid of them. Some concubines even brought their sisters to live together with their husbands. They made away with his property or left him right after he became poor. According to these sorts of disappointed men, those concubines who stayed with husbands were shrewish when the men could not satisfy them with money or other things (Ibid.:597). Some men paid the price but did not get the woman that they had expected, since she was either exchanged for someone else or had already been bought by another man. Some people found that they got an ugly concubine instead of the pretty one they thought they had bought in the market (PSHP 37:14a). A judicial case of fraud occurred in the Hung-chih reign (1424-1425): A military commander, Chang Chung, found he had been cheated after he became engaged with a woman as a concubine. The engagement was annulled after the accusation of fraud was made by the woman's original fiancee. The women had been engaged to two men by her

parents in order to gain the bride price twice. The case was reported to the emperor Jen-tsung, who ordered that the parents should be punished, the woman belonged to the first fiance and Chang Chung was innocent since he was cheated (JTSL 2:5-7). In the Ming and early Ch'ing Codes, the punishment for such swindling was exile (TML & TCLLHTHT, " Ming-li-lü " : wen-ming t'iao-li).

The traffic in women assumed different forms in war and peace, yet at all times women were regarded as property, in one form or another. In wartime during the late Ming, women were seized as chattel and sold in sacks; at these times, mercantile terms often appeared in both eyewitness and literary descriptions of the traffic. Armed men from all camps--Manchu soldiers, Ming fighting men, local bandits--saw women as loot that was worth money. Nowhere is the mercantile nature of the exchange more evident than in the " human markets " in women. Li Yü described in his opera " Sheng-wo lou " (The tower where I was born) how hoodlums in Hu-kuang disguised themselves as soldiers and went out on a hunting spree. All the women they came across, young or old, were rounded up and locked up in boats. The hoodlums then bought the boats to a port and opened up a human market: " The soldiers were most cunning. They feared that if the buyers could see the women's faces, they would pick the choicest ones, and then who would buy the rejects? So they made a new rule: Put the women in sacks. Mix them up like rotten fish with good salted ones... The women were packed in sacks and sold by weight " (SEL 1986:224).⑯

⑯ This account appeared in a fictional story which the author set in the Sung-Yüan transition in the thirteenth century, but it could not have been too far from the realities of the mid-1640s. Li Yü was in Chinhua, Chekiang when Nanking fell in 1645, and the collection in which the story appeared was prefaced 1658. Remnants of the Ming army plunged the province into lawlessness for over a year, making Li Yü a likely eyewitness to the scenes described above.

Other contemporary writers have left similar if less detailed non-fictional accounts. For example, T'an Ch'ien (1549-1657), famous for his private history of the late Ming, visited a " human market " in a certain city north of the Yangtze: " On the main street inside the Shun-cheng Gate, there were a horse and mule market, a cow market, a sheep market and a human market. People who wanted to sell the women under their possession gathered there. Or a procurer would lead a buyer home to look at the women " (PYL 1969:386). Li Yü and T'an Ch'ien's accounts suggest that in times of calamity women were often sold in market places specializing in such a traffic.

The family backgrounds of the women sold point to a crucial difference between traffic in wartime and in times of relative peace. The women of the transactions in peacetime were either professional entertainers or girls who were poor and from the lower classes or who were deprived of the protection of their families. With the breakdown in the civilian social order, however, women who were normally protected by the economic security of their families and Confucian norms of propriety were exposed to the same dangers of being turned into commodities. Invading armies and local hoodlums seldom distinguished between women from the upper and lower classes when they raped and plundered; if they did, they were likely to go after the ones from rich families who might have more valuable items on them (Ko 1989:19-20).

Promotion of a Maid to Concubinage *(Shou-fang)*

Keeping and raising bondservants was illegal in the Ming and Ch'ing Codes. According to the commentary of the Ming Code, it appears that only meritorious officials were legally allowed to keep

bondservants (TMLCCFL 4:12a-14b).⑰ In practice, however, many commoners owned bondservants. Traffic in maids was very common in the society from the fourteenth to the seventeenth centuries, and maids were one of the main sources of concubinage.

A maid was bought through a contract. The form of a contract could be either a red or a white contract. The red contract was marked by the personal seals of the buyer, the seller, and the middleman, and then stamped by the magistrate with his official red seal. Sometimes a witness or guarantor was required to be present when a contract was signed. If the maid had previously been a free person, the magistrate would move her name from the population register and record her name under the household of her master. The red contract confirmed that the maid's relationship with her natal family was completely extinguished. When it was signed, the stamp of the magistrate was required. With a white contract, which still kept partly intact the relationship between the maid's natal and marital families, the approval of a magistrate was not required by law (Meijer 1980:329-330). Under the red contract, a maid was property of the family, and her master could take her as concubine. If she was bought with a white contract, during the effective term of the contract, she belonged to the family and the master had a right to take her. Since female bondservants were common in Ming society, taking a maid as concubine was not unusual at all.

There was no contract required for a master to take a maid as a

⑰ The Ming and early Ch'ing Codes contained the provision that common people should be punished with one hundred blows for keeping and raising bondservants, while the bondservants would be released from bond. The more serious punishment for a bondservant contractor was one hundred blows and three years' penal servitude (TMLCCFL 4:12a-14b; TCLLHTHT 7:28a-28b).

concubine, since she already belonged to him or someone in his family. However, it was necessary to have a formal ceremony and festival for rectifying her position of concubine before the relatives. In the Ming and early Ch'ing society the process of taking a maid as a concubine was called *shou-fang* (taking as a legal spouse). Much of the literature carried detailed descriptions about the process of taking a maid as a concubine. The following statement cited from *Forest-Orchid-Fragrance* documents the ceremony through which maid P'ang Ch'un-wan was taken as a concubine:

> Lady K'ang found out that January sixteenth was a fortunate day for Keng Liang to take Ch'un-wan as a concubine. On the day before the ceremony, she ordered a maid to decorate the nuptial room in the eastern chamber. On the day of the sixteenth, all relatives were invited to be present at the ceremony. In the ceremony, Ch'un-wan, assisted by maids, bowed to the senior relatives and those of higher position than her in the family. After the ceremony, people enjoyed a large festival from morning until night (LLH 43:331).

Before she was promoted to be a concubine, Ch'un-wan was a maid of Yen Meng-ch'ing, Keng Liang's married concubine. She was a part of Meng-ch'ing's dowry from her natal family. The master, Keng Liang, was attracted to her beauty, but took her as a concubine after he was supported by his mother, his wife, and especially by his concubine Meng-ch'ing. Before death, Meng-ch'ing specifically wanted her son to be placed in Ch'un-wan's care. Moreover, after Meng-ch'ing died, her spirit came back to ask her mother-in-law, Lady K'ang, to take Ch'un-wan as her husband's concubine, so that she would bring prosperity to the family (Ibid., 37:285, 39:302-303). Although in reality a husband could manage his wife's dowry, legally

he had no right to own her dowry (Shiga 1978:118; Watson 1984). Therefore, a master primarily needed the agreement of the maid's owner before he took the maid as a concubine. This rule was customary in Ming and Ch'ing times.⑱

The story of T'iao-keng, a maid in *Marriage of Ill Omen*, is another example showing that a man needed to have his wife's agreement before he took a maid as concubine, even when he had bought the maid himself: After T'iao-keng entered the household of Ti as a maid and cook, she served the apoplectic mistress carefully and without complaint. She was thus taken as a concubine by the master with the agreement of her mistress, who needed a reliable person as an assistant to help her manage the household (HSYY 56:466-467). For the peace of the family, most men would obtain their wives' acceptance before taking a maid as a concubine.

The Keng family was a big, rich, and noble family, Ch'un-wan was an outstanding maid, and thus the ceremony for her was formal and grand. Not all maid-concubines were as lucky as she was; some of them would only become concubines after they had conceived or even already had given birth to a child, especially a son; otherwise, they might be forgotten by their masters immediately. Ping-mei in *The Guiding Light at the Crossroad (Ch'i-lu-teng)* was taken as a concubine after giving birth to a son. She was a maid in the T'an family, and was forced by her young master, T'an Shao-wen, to be his woman. After she gave birth to a son, the mother of the young master was happy but worried that the neighbor had criticized her son for

⑱ In *Dream of the Red Chamber (Hong-lou-meng)*, we find a similar example: Chia She wanted Yüan-yang, the grandmother Lady Chia's maid, as his concubine. He wanted his wife to ask for Lady Chia's agreement (HLM ch. 46).

having been unfair to Ping-mei. The uncle of the family, congratulated the mother, " ... It is fortunate to have a son, the heir of the family. We will conduct a festival and invite the neighbors to come, thus publicly taking her as a concubine. " He immediately ordered the young master to write the invitation cards. Three days later, the neighbors and the matchmaker were all invited to come to the feast. The person who sold Ping-mei also came and threatened to accuse the young master with the crime of taking advantage of a maid. The uncle gave him two hundred ounces of silver and promised to treat him as a relative. The man was happy and did not make further trouble (CLT 27:256-257).

In this story, Ping-mei had born the T'an family an heir; this made the elders of the family recognize the importance of Ping-mei and they promoted her to the position of concubine only because she bore a son. The story raises the question: if Ping-mei had not given birth to a son, would she have been promoted to concubine? According to Ming custom, a master did not have a duty to take a maid as his concubine after he had had sexual relations with her. If she had conceived, for the honor of himself and of his family, he usually took her, otherwise, he could just forget her (cf. Ng. 1987).⑲ Maids who shared their master's bed were called, *t'ung-fang* (bedmate). Such a maid could originally have been her mistress's personal maid and also served her master. Ordered not to avoid him, she could not reject his advances and might become a favored sexual

⑲ Chao-yün, in " Liu P'u-yüan shuang-sheng kui-tzu " (Liu P'u-yüan bore two sons) , a story in *Ch'u-k'o p'ai-an ching-ch'i,* was taken as a concubine after she had conceived but before giving birth. In *Gold-Vase-Plum,* master Hsi-men had sexual relationships with several women but did not take them as concubines (e. g. CPM ch. 5) . There are also many cases in *Dream of the Red Chamber,* see chs 6, 73.

partner. She might be able to be promoted to the position of a formal concubine after giving birth to a child or gaining her master's favor, otherwise, without a formal ceremony of *shou-fang*, she was actually just her master's personal maid. She still kept a maid's dress and hair style (LLH 62:479).

Taking A Concubine From Criminal Families

Accoding to the Ming and early Ch'ing law of "*lien-tso*" (join responsibility), if a man committed a crime of treason, rebellion, or certain offenses labeled perverse, his wife, concubines and daughters would be confiscated by the government and then granted to meritorious military officials. Besides military officials, the high ranking civil officials favored by the emperor could also receive some women of criminal families as concubines. Some imperial relatives and high ranking civil officials even used their influence to gain concubine from the criminal families, although this was illegal.⑳ Beautiful women from criminal families were very popular. Many noblemen and officials did not hesitate to fight in order to get them,

⑳ Chiao Fang, a *chin-shih* in Cheng-te reign (1505-1521), started his career as a Han-lin scholar and attained the ranks of imperial tutor and minister of the Ministry of Officials. He was a corrupt politician collaborating with the powerful eunuch Wei Chung-hsien. He heard that Ch'en Ch'un, the rebellious leader of a tribe in Kuangsi, had a beautiful concubine who had been confiscated by the Ming government. Chiao Fang used his special relationship with Wei Chung-hsien to get the woman as his concubine. His case was unusual because he was a civil official who was not supposed to take a criminal's woman as concubine. He favored the concubine so much that he had a quarrel with his wife and wanted to kill her. But the concubine was disgusted with him, an old man, and committed adultery with his son. The father and the son fought for the woman and were laughed at by their neighbors (WTSL 147:5a-6b).

as occurred in the reign of the emperor Shen-tsung(1527－1620): The rebel Yang Yin-lung's daughter-in-law Ms. T'ien was well known for her beauty. After she was confiscated, many meritorious officials and imperial relatives competed to have her as a concubine. Shen Yüan-ch'u, the official in charge of the granting of the criminal's women to officials, decided to let all candidates draw lots because he could not bear so many people asking for his favor. The imperial relative Earl Chang won the woman. Ironically, he then became ill often and died soon after he acquired Ms. T'ien as a concubine. His son also committed incest with her when his father had been ill (WLYHP 18: 462).

The women from criminal families, who had been involved in political struggles, but were not granted to other officials, had to work in the Department of Entertainment (*Chiao-fang ssu*) or the Department of Laundry (*Wan-i chü*) (WLYHP 18:455, 456). Both departments were in the Inner Palace. The women who worked in the Inner Palace could not be released until they had finished their penalty or were remitted by an imperial decree. Those in the Department of Laundry were labor workers, but the others in the Department of Entertainment were actually treated as prostitutes. Working in the Department of Entertainment, they had to serve in the imperial festivals for the emperor and his consorts, or for the foreign ambassadors accompanied by the court officials. Many of them could not keep their chastity, and some of them were taken as concubines by officials and thus advanced their social status (Ibid., 14:361).㉑ Many of the female relatives of criminals confiscated by the

㉑ Li Hsi-erh was favored by the emperor Ching-ti when she worked in the Department of Entertainment. She was an example of successful advancement in social status for a woman who worked in the Department of Laundry. Because of her influence on the emperor, her brother was given an official post and wealth (TWL 1976:127) .

government were from official or even noble families; they were ashamed to work there. The following two poems show us their sorrow, and also give us the information that women from the Department of Entertainment were a source of concubines for officials.

My family was broken and the property had been ruined. My tears were streaming down my jade cheeks while I left the official residence (of my father) and walked into the Department of Entertainment with my small bound feet. How could I bear the shame of becoming a prostitute. I pity myself when I see my beautiful face in the mirror. I was ashamed to learn the way to make up my face as a prostitute. The water in the spring rain is as abundant as in the sea. It is better to marry scholar Liu than romantic Juan.

* * *

After washing off the cosmetics used in the Department of Entertainment where I work, I look at the flowers falling on the ground and listen to old songs, which seem to express my hateful life. I can not find my family in my old home anymore. The mirror shows my loose hair and the rainy tears have wetted my silk dress. I have been happy today because I met (an old friend of my father) military commander Mr. Po. I told him of my sad story and about my shameful life here (SCPWL in PCHSTK 6/7:3912).㉒

㉒ It was said that these two poems were written by T'ieh Hsien's (1398-1402) two daughters when they were punished with work in the Department of Entertainment. T'ieh Hsien was the military commander of the city of Chi-nan in the Chien-wen reign (1399-1401). He successfully protected the city from being conquered by the army of the prince of Yen, but thus offended the prin·e and was killed after the prince became the

Some women of criminal families would be sold to commoners in public by the government. These cases occurred when their husbands or fathers committed crimes lighter than the previous cases. The crime could be as serious as homicide, and as small as tax evasion. The Ming and early Ch'ing local governments hired some brokers to sell those women. These matchmakers were older women who were also in charge of guarding criminal women before their verdicts were given (CLT 13:141). Other miscellaneous reasons could also put women on sale. In most cases, the criminals were husbands or fathers, and the women were involved in the system of family responsibility. Cases of selling women from criminal families in public places

(續) emperor Ch'eng-tsu. His two daughters were punished under the system of family responsibility. Both of his daughters tried hard to keep their chastity when they had to please many men in the Department of Entertainment. After several months, one of T'ieh Hsien's ex-colleagues, commander Po, came to visit them. They each wrote a poem and asked him to present them to the emperor. Ch'eng-tsu was so impressed by their chastity and dignity that he decreed a release for them. They were both married to young scholars after they were released. The Ming scholars Wang Shih-chen (1520-1590) and Mei Ch'un (Ming) provided supporting evidence for this essay (M. T. Huang 1985:1213; HCPWL in PCHSTK 6/7:3912). But there was also a different theory about the author of the poems and the daughters of T'ieh. There was a theory supported by *Li-chai hsien-lu* (Leisure writings from Li-chai) which claims that T'ieh Hsien only had one daughter, who was sent into the Department of Entertainment at the age of four, and therefore, the poems were actually written by an anonymous meddler (M. T. Huang 1985:1213). Whether these two women were T'ieh Hsien's daughters was the subject of much discussion by several Ming scholars without any final conclusion. However, despite the arguments about the number and the age of T'ieh Hsien's offspring, it has been generally agreed by all records that the poems were/was written by some contemporary writers/writer (Ibid.).

are easily found in Ming and early Ch'ing literature. A short story in *Ch'u-k'o p'ai-an chin-ch'i* offers an example: Jen Ying and his wife, citizens of Cho-chou, became wanderers in Su-ch'ien during wartime in the late Ming. An old man selling groceries in the street was beaten by a vagabond named Li Erh, and his groceries were thrown into the river. The scene was witnessed by Jen Ying when he passed by. He was very angry and beat Li Erh so heavily that he caused Li's immediate death. Jen Ying was accused by the local government, and was punished by penal servitude with the crime of homicide by mistake. His punishment was allowed to be released by paying thirty ounces of gold, but Jen Ying did not have the money. The authorities then decided that his wife would be sold by the local government. She was sold as a concubine (CKPACC ch. 11 in SYLP).㉓

Conclusion

This paper presents three hypotheses which have been proven in the previous discussion. First of all, concubinage was a result of the larger context of socioeconomic history in the Ming and early Ch'ing era. Secondly, concubinage was mainly built upon the traffic in women. Thirdly, women experienced considerable physical and social mobility through concubinage.

㉓ The story originally was named " chan ch'ing-shan " (The stolen blue dress), which implied that a man was killed by a boat owner because of a valuable blue dress. it was written by an anonymous writer in the Wan-li period (1572-1620).

Social historians of late imperial China have characterized the late Ming and early Ch'ing period as one marked by economic expansion, a fluid status system, expansion of education, and integration of urban and rural culture. Concubinage was affected by these rapid economic and social changes which suggests that prosperity increased the number of people who, due to the demand for heirs, emotional needs, or simply sexual desire, could afford to take concubines. The increase of consumers corresponded to an increase the supply of women, especially from the poor rural families who often sold their women to survive heavy taxes and natural calamities. The supply and demand affected each other; thus creating flourishing markets for concubines. The importance of the concubine business in Kiangnan served as an obvious example of the connection between concubinage and socioeconomic conditions.

The second hypothesis is that traffic in women was widespread in Ming society, although it assumed different forms in wartime and in peace. The idea of comparing women to pigs who had often been sold, found in folk literature, epitomized the mercantile nature of the exchanges. Women were regarded as property, in one form or another. The seizure of women as chattel and the selling of them in sacks were merely extreme examples of commodification during times of war and economic hardship.

The variety of complex means and systems under which concubinage operated reflects the pervasiveness of concubinage in the general population. This study has shown the degree to which a large number of women were physically and socially mobile. Moreover, it is a strong indication of a much greater level of physical and social mobility for women in Ming and early Ch'ing society than has been previously supposed. Concubines experienced physical mobility when

they were sold far away from their natal families. Physical mobility between different families and areas still occurred after becoming a concubine. Many women in the market were resold as concubines. The greatest physical mobility occurred during wartime. Many women who fled their homes or were held as chattel became concubines after they had travelled great distances. Most of this mobility was involuntary. Women who fled their homes in wartime, and those who were held as chattel, sometimes travelled great distances before they became concubines.

Traffic in women permitted very different experiences for the women as commodities. While describing concubines' suffering from the standpoint of distance and physical mobility, we see also advantages to many women of upward social mobility through concubinage. By becoming a concubine through purchase, a woman might experience considerable physical and social mobility. She might be sold to a family far away from her natal family, and ascend the social ladder of upward mobility. The possibility of upward mobility with its related prestige was often attractive to women in the lower and poorer classes. Many women ended up in miserable situations, while others surprisingly improved their social standing. Social mobility usually came along with physical mobility. Every way of entering concubinage changed the standing of women in a variety of ways. The process of concubinage sorted women into patterns of upward or downward mobility that tend to reinforce the relationships between household and status. It is remarkable that concubinage by sale and promotion resulted more often in greater absolute value of social distance covered in mobility than concubinage by marriage.

In the markets for concubines, women were goods to be exchanged. The people who did the exchanging were more or less

satisfied. But what did women feel about the system and did they benefit from the mobility? How the different means of acquisition affected a concubine's status in general, and how they changed her status in specific ways need to be examined.

Glossary

For names of authors and works cited, see bibliography

Chao-yün	朝雲	Cho-chou	卓州
Ch'a-tai	揷帶	Ms. Chou	周氏
chan ch'ing-shan	佔青衫	Ch'ü-li	曲禮
Ms. Chang	張氏	Feng Hsiao-ch'ing	馮小青
Chang Chung	張忠	Hsi-men Ch'ing	西門慶
Ch'en Ch'un	陳純	hsia-ting	下訂
Ms. Ch'en	陳氏	Hsien-ch'ing ou-chi	閒情偶集
Cheng-te	正德	Hsüan Ai-niang	宣愛娘
Ch'eng-tsu	成祖	hu-chüeh	戶絕
Chi-chieh	寄姐	Hu-kuang	湖廣
Ch'i-ma	契買	i-hun	議婚
Chi-nan	濟南	Jen Ying	任英
Lady Chia	賈母	K'ang Ah-hsiu	康阿秀
Chiao Fang	焦芳	Lady K'ang	康氏
Chiao-fang ssu	教坊司	Keng Lang	耿朗
ch'ieh	妾	Kuang-ling	廣陵
Chien-wen	建文	kuo-p'ing	過聘
ch'ien	錢	kuan-kung	關公
chien-t'iao	兼祧	Li Chiao-erh	李嬌兒
Ching-ti	景帝	Li Erh	李二

Li Hsi-erh	李惜兒	T'an Shao-wen	譚紹文
Liang-t'ou tso-ta	兩頭坐大	Ti Hsi-ch'en	狄希陳
lien-tso	連坐	T'ieh Hsien	鐵絃
Lin Yün-p'ing	林云屏	Ms. T'ien	田氏
Lin Yu-chang	林又章	T'ien Ch'un-wan	田春畹
Ms. Ma	馬氏	T'iao keng	調羹
Meng Yü-lou	孟玉樓	Ts'ai Wen-ping	蔡文炳
Ming-li-lü	名例律	tsu	族
na-ch'ü	納娶	t'ung-fang	通房
P'an Chin-lien	潘金蓮	Ms. T'ung	童氏
P'ang Ch'un-mei	龐春梅	Wan-i chü	浣衣局
Ping-mei	冰梅	wen	文
p'ing-t'ou ch'i	平頭妻	wen-hsing t'iao-li	問刑條例
Shantung	山東	Ms. Wu	吳氏
Shen Yüan-ch'u	沈元初	Wu Meng-tzu	吳孟子
Shen-tsung	神宗	Wu Sung	武松
Sheng-wo lou	生我樓	Ms. Yang	楊氏
shou-fang	收房	Yangchow	楊州
shou-ma	瘦馬	Yang-ti	煬帝
Shun-ch'eng	順城	Yang Ying-lung	楊應龍
Sun Hsüeh-erh	孫雪兒	Yen Meng-ch'ing	燕夢卿
Su-chieh	素姊	ying-ch'ü	迎娶
Su-ch'ien	宿遷	Yüan, yüan	元

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Abbreviation of Collection

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CMCC

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CPMYWSC

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HCSYHSYY

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SKCS

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SKTK

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CCKYC

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JTSL

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LC

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LKCL

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LYCC

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LYKC

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MC

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MCSWP

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MHKCL

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PHT

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PHTP

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PSHP

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PYL

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SAPC

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SCC

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SCYC

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SMa

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SYTC

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TMHT

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TMLCCFL

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TML

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TYH

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YATL

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YCCMC

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