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# A Divorce Trial in China

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Felix Greene is an experienced Anglo-American journalist who has visited China several times. This article is a chapter in Awakened China, his account of five months of travel in China in the summer and fall of 1960.

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### *19. A Divorce Trial*

DURING a tour of a heavy machinery plant in Shenyang, word reached me that a municipal court would be in session at eleven o'clock. As I had not yet had a chance to see a court in action, I at once called off the factory visit and drove back into the city with Mr. Chang Ming-lun, one of the most efficient interpreters I ever met. His ability to give an instantaneous, running translation of the court proceedings enabled me to transcribe them almost verbatim.

We arrived at the court early. I looked around. The courtroom was a small, rather drab chamber, filled almost to capacity by about thirty women. The wooden floor had been recently scrubbed. Between the benches for the public and the judge's platform was a long table covered with a bright-red table-cloth. This was the only splash of color in the room. No flags, no slogans, no pic-



tures, not even of Mao Tse-tung. While we waited for the judge to appear, I learned from the court secretary that the case to be heard was a divorce action, and the presiding judge would be one of the youngest on the bench—only twenty-three. This particular court, he told me, heard thirty or forty such suits a year, and a smaller number of criminal cases. To divulge the exact number was not permitted. There were only six municipal courts of this kind in Shenyang, a city of nearly three million. He told me the court was called in session only when there was a case to be heard, usually only every ten days or so.

A woman, whom my interpreter told me was the court recorder, entered through a door behind the judge's table and loudly summoned the public to rise. As we did so, the judge and the two assessors took their seats on the platform. One assessor was an elderly, bespectacled man who might have been a shopkeeper or small businessman. The other was a buxom woman, a housewife perhaps, with white ribbons binding her black hair. The judge himself, in his freshly-pressed cotton work suit, looked even younger than twenty-three. I should have taken him for a student. His face was serious. From the moment he stepped into the court this young man was in complete control of the proceedings. He looked at us for a moment and then said:

"Please, everyone sit down."

He remained standing.

"Before this hearing begins," he said, "I wish to tell the members of the public what the regulations are. They are simple and I wish them to be strictly obeyed. There is to be no smoking. Do not clap or shout. Do not fidget. If any members of the public have questions to ask or suggestions to make, please do so at the end of the case. Do not interrupt during the hearing."

In addition to the judge, the two assessors, and the court recorder, another woman had taken a seat on the far side of the dais. She was to be a witness, I was told.

The judge then said, "Let the man and woman be brought in."

A young couple entered, side by side, and stood facing

the judge, their backs to the public. On a gesture from the judge they sat down in two chairs which had been placed there for them, and remained seated throughout. The judge asked each in turn for name, age, occupation. The woman was a teacher, twenty-four years old, her "cultural level" that of high school graduate. The man was a doctor, twenty-seven, and a college graduate.

The judge then told them:

JUDGE: My name is Tao Wan-yi; the people's assessor on my right is Liu Shi-ying and on my left Li Shu-lan. The recorder's name is Chiang Ming-chin and the name of the woman's representative is Yie Rung-chin. She is the principal of the primary school where Chang Wen-hung works. Your rights are these: you can put forward your reason, Chang Wen-hung, for wanting to divorce this man; and then Chang Wei-man will have the right to tell this court why he opposes divorce. You have the right to call evidence and you have the right to appeal to the higher court if you are not satisfied. You have the right to call any friends you wish to speak for you. You have the right to have a lawyer if you wish to have one. You also have the right to read the record of today's hearing at any time during the next four days, and any members of the public can read it also. If either of you two have any reason not to be satisfied with this court, either as to myself or the two people's assessors, you have the right to withdraw the case now and take it before another judge and assessors. Have you listened carefully to what I have said?

(All three say "Yes.")

Have any of you any question as to the membership of this court?

("No.")

We will then proceed. According to this woman's depositions she says she wants to divorce this man because there is no harmony in the home, that they often quarrel over quite minor things; that they have different temperaments and tastes; and because he has a very bad temper. He says in his deposition that she



pays too much attention to her family and not enough to him, that she is not tender and very rarely has a good word for him. He also admits that he has a bad temper but is trying to correct that. But he opposes the divorce because he still feels there is a basis of a good relationship.

That, briefly, is the situation. The law says that when two people agree in a divorce it is to be granted, provided adequate provision is made for the protection of the children's interests. If either party disagrees, then a hearing must take place before a people's court. That is the position today.

JUDGE (*to the woman*): When did you first get to know your husband?

WOMAN: In 1955.

JUDGE: When did you get married?

WOMAN: In May 1956.

JUDGE: How long did you love him before getting married?

WOMAN: For a year. But I didn't get to know him very well. He talked very well and pretended to be a good man. He often asked me to go to the park with him or to some movies, and kept asking me to marry him.

JUDGE: How about your feelings after you got married?

WOMAN: Not very good. He began to be rude and my state of mind about him became clearer and clearer. Since 1958 I have helped him with his work, so that though the feeling wasn't very good between us, it was still possible. But his temper got worse and worse, and he often beat me. I often spoke to him but it had no effect. We didn't seem to be the same family—we began to have nothing but quarrels and fights.

WOMAN ASSESSOR: Did he beat you?

WOMAN: Yes, and I couldn't stand his rude ways with me. His mother always supported him and that made things worse. We would often quarrel in the middle of the night. His mother didn't help at all, only made things worse.

MAN ASSESSOR: Why do you want a divorce now?

WOMAN: The work at my school is very heavy; I just cannot stand the strain any longer. If ever I come in late

from school he says, "Where have you been? What have you been up to?" For a long time I felt that though he beat me and slapped me, things would improve. While he was a medical student at Shenyang Medical College I helped him with money and other things and gave him as much as I could.

MAN ASSESSOR: How did he treat you while you were helping him?

WOMAN: Not always very well but much better. His attitude wasn't always patient. But I decided to go on just as long as I thought the relationship had a chance of improving. I tried to discuss things with him, especially about the children, and all he would say was, "You gave birth to them, they aren't my responsibility!" How can one bear it when one's husband says that about his children?"

JUDGE: What does he do with the money he earns?

WOMAN: Usually spends it on himself or on his mother, so I use my money to keep the children and for food and so on. I sometimes need books too, so there is often no money to hand over to him, though he thinks there should be.

JUDGE: What resources do his parents have?

WOMAN: They have enough to manage on—there's no need for him to spend money on them.

MAN ASSESSOR: Do you ever have a discussion with him about how to spend the family money and how to arrange the economy of the family?

WOMAN: Oh, yes. Before he graduated we had many discussions as to how we would budget our money. But after he graduated these talks annoyed him. Sometimes when he saw what the children needed he would buy them something, but usually he left that to me and paid no attention to the children.

JUDGE: How did the quarrels begin? Who started them?

WOMAN: Sometimes he did, sometimes I did by trying to correct him.

JUDGE: Did you ever strike him?

WOMAN: No.

JUDGE: What did he strike you with?

WOMAN: His hands. Sometimes he would come home at



midnight—a normal man doesn't come back at that time.

JUDGE: Do you often try to correct him?

WOMAN: Yes, and I asked friends to intervene. . . . Sometimes quarrels would last until midnight and neighbors would complain.

JUDGE: He said in his deposition that you often swear and curse at him—is that true?

WOMAN: (*Part of this reply couldn't be heard.*) . . . I was treated just like a stranger by his mother, who would also call me names.

JUDGE: Who did the housework?

WOMAN: His mother mostly, because I had to go to school; but I did all the children's laundry.

JUDGE: Who looked after the children's expenses?

WOMAN: I did.

JUDGE: How many children have you?

WOMAN: Two. One three years old; one, one year.

JUDGE: Are you pregnant now?

WOMAN: No.

JUDGE: (*turning to the man*): What about your feelings towards your wife?

MAN: After our marriage it was very good. We often did things together, cooked together, and we paid much care to each other.

JUDGE: Was this because she was supporting you while you were at college?

MAN: Yes.

JUDGE: How did you treat her?

MAN: Very well. I tried to study well.

JUDGE: Did you put your feelings of kindness into actions?

MAN: I wasn't much good at looking after the children. At that time I was living at the college and we would see each other on Saturdays and Sundays.

JUDGE: Why, after two years, did it get worse?

MAN: I think the trouble was largely because she wasn't on good terms with my mother. She had a weakness, too, in that she couldn't stand anything that would distress her, anything unpleasant. Also we are very dif-

ferent temperamentally. She likes to lead a quiet life, I like to be active.

JUDGE: She says you often beat her—is that true?

MAN: We had frequent quarrels, but I didn't beat her frequently.

JUDGE: Why did you quarrel so often?

MAN: My irritation and temper. Also she looked down on me. I'm a doctor, but she would always know best.

JUDGE: Do you feel superior to her culturally?

MAN: Yes.

JUDGE (*bearing down on him*): Don't you know there's a law that says couples should help each other? If you thought her cultural level was low you should have helped her to improve it. You think you are her cultural superior—is that a right way of thinking?

MAN: I think my thinking was wrong. I relied on her for money and help, but when I got near to graduation I began to think "I'm better than a mere primary-school teacher"—that, I admit, was wrong.

JUDGE: Who do you think is responsible for the quarrels?

MAN: I think I am, because I asked too much of her.

JUDGE: Has she tried to help you to overcome your rudeness?

MAN: She has tried to improve me lots of times!

JUDGE: Why didn't you take her help and advice?

MAN: Because of loss of face; I couldn't admit my weak points.

WOMAN ASSESSOR: Why do you think you would lose face by accepting her advice?

MAN: Mainly because I looked down on her culturally and couldn't accept her as an equal.

JUDGE: Why did this all happen only after your graduation?

MAN: Because then I could support myself.

JUDGE: Is it your lack of feeling for her or her lack of feeling for you that is the real problem? When she paid such tender care for you, why were you unable to respond in the same way?

MAN: Because of my lack of knowledge of how to look after a family and a wife.

JUDGE: Do you know the marriage law?



MAN: Yes.

JUDGE: Since you know the marriage law you should know the husband's obligations towards his wife and children.

WOMAN ASSESSOR: Was it because you had different opinions that you fought with your wife?

MAN: No. But because in the past, before liberation, I often saw my father beat my mother and I was brought up to think that men should be superior.

JUDGE: When did your father beat your mother?

MAN: In the old society.

JUDGE: And what does the present law say?

MAN: That men and women are equal. But I still think the wife should obey the husband.

JUDGE: But don't you know the law?

MAN: I don't think it matters if a man beats his wife—but he mustn't beat others. In the family it's all right.

JUDGE: What law allows the husband to beat the wife?

MAN: No law.

JUDGE: What was the reason you beat her the last time?  
(*Courtroom throughout all this very still. Everyone listening intently. No interruptions at all.*)

MAN: Because she took the children to her mother's without consulting me. I also loved the children and my mother did too, and we didn't want them to be taken away.

JUDGE: But isn't it fair for her to see her parents and take the children there too? Who else did you beat?

MAN: I hit her mother once, but that was quite accidental—a slip of my hand. It happened in a struggle . . . and also I had had some wine.

JUDGE: On what have you been spending your own wages?

MAN: Sometimes on myself. I bought a bicycle.

JUDGE: Do you agree to the divorce?

MAN: I think it's been my fault and I think it's quite reasonable of her to ask for a divorce. But I hope she gives me a chance to correct myself. I'll try my best. If later on I again fail, then I won't object to the divorce.

JUDGE: What is your plan for the future?

MAN: I will certainly pay more attention to my wife and family.

JUDGE (*to the woman's representative, the principal of the school where the teacher worked*): Do you want to say anything?

REPRESENTATIVE: I have made a thorough study of the case and all its aspects and made many inquiries. Though love was there at the start, there was never any real basis of a good relationship. He used fine words to start with.

You cannot see the realities of this marriage on the surface. The marriage on this basis cannot be consolidated. I believe the main trouble has been the man. The law says that marriage should be based on free-will and equality. Everyone has the right to freedom and to social life and a mutual life of shared obligations, and the shared duty to look after the children. But instead this man beat her—even when she was pregnant. As a doctor he should know very well that is a time when special care should be taken—and that is why she began to lose her health.

Bad treatment—those are the grounds for this application for divorce. This man has no real feelings for this woman and his actions show it. He has often promised to change, but hasn't. He often apologized but never changed. It is his feudal background that makes him treat his wife as an object to be possessed—it is a bourgeois view to look down on a wife as he has done. While he was dependent on her help, he never showed his real nature, but when he became independent his real attitude showed itself—a university graduate looking down on a mere primary school teacher! No real relationship can ever be built on another's pains. When he says he doesn't know how to look after children he's only lying. Fancy! a doctor saying he doesn't know how to look after children! And the only reason why he doesn't want a divorce now is because of public opinion!

JUDGE: Anything more?

WOMAN: No.

JUDGE: Anything more?



MAN: No.

JUDGE: Have any of you anything to say about the representative's statement? (*to the woman*) Just now your husband said he would like to correct himself and pay tender regard for you and the children. What do you say to this?

WOMAN: It is not the first time he has said this. He will be quite different as soon as he gets back home. One moment he says that he looks down on me, the next he says he will be kind to me. I am firm. My mind is made up. If this court does not grant me a divorce, I will take it to a higher court.

JUDGE (*to the man*): What do you say to that?

The man was struggling to find words. The judge leaned forward, waiting. Finally the man began to speak. He was looking straight ahead, over the head of the judge, but seemed really to be addressing his wife.

MAN: I know the basis of our life has not been good. I have not been a good husband, nor a good father. But many people have educated me and today I have really woken up. I know in the past I have heard all these things, but I didn't ever realize them as I do today. I have loved you, but I have neglected you. I have really loved you. We have two children and I now really commit myself to look after you and our two children. I know I have said this before, but today it is true.

This is the last time, and in front of so many people, I tell you that you can trust me and I am asking you to give me one more opportunity. Let us try once more to make a happy home and in this way to contribute to our society. I still believe we can make a happy home for ourselves and the children. I will take tender care of you. I will never again think, as I have done in my bourgeois way, that the man is more important than the woman. I now see that is nothing but a feudal attitude which I have not shed from my past.

JUDGE (*to the woman*): What do you think of giving him another opportunity?

WOMAN: It's not true that our relationship was ever all right. He has said all this before. He so often goes back on his words. . . .

MAN (*breaking in, his eyes still straight ahead*): Please . . . please.

The room was absolutely silent and all eyes were fixed upon the woman. We could not see her face, but from the set of her shoulders, and the bitterness of her previous words, I felt certain her answer would be no. The judge also had been watching her closely and at the very moment she started to speak, he rose to his feet, interrupting her. A superb piece of timing. He said, "There will be a recess for fifteen minutes for this man and woman to talk things over in private. Then I ask that they come to see me personally. The court is recessed."

We waited for half an hour or forty minutes. Some of the people went out to smoke and talk on the steps. The court secretary, as before, announced the court's reassembly. The judge, the assessors, the secretary, the woman's representative came in; then the man and woman. The woman had been crying and was twisting her handkerchief in her hand.

JUDGE (*standing*): Please sit down. The court is again in session.

Chang Wen-hung, schoolteacher, and Chang Wei-man, doctor, have had an opportunity to talk together while the court was adjourned and they have informed us of the discussion.

Chang Wei-man has declared several times this morning his determination to improve his behavior towards his wife, and she has told us that she agrees to give this marriage one more chance, but only on one condition. The condition is that if she finds that his behavior does not improve and that she feels it necessary to apply for a divorce again, her husband will not oppose her. In that case the divorce would be granted



without a court hearing. The court will now make its declaration.

*As the judge said this, the two assessors and the court recorder also rose and stood while the judge gave the finding of the court.*

This court declares that since Chang Wei-man has criticized himself in public here today and since his wife is ready to give him another chance, her application for a divorce should be considered withdrawn on the condition she has made. The two people should now try to make every effort to consolidate their relationship in affection and understanding.

MAN: I should like to thank the judge and the assessors and all the comrades present who have consistently advised me.

JUDGE (*to the man*): The court wishes to address these words to you. I think you have many problems which you must think over, many difficulties you have with your own character, especially your bad temper. You have shown a bourgeois attitude and this you must do your best to eradicate. You are hereby formally reprimanded by this court. We charge you to do your utmost to correct your behavior and erroneous attitudes and we charge you to see that you carry out in your actions what you have promised here in open court this morning. (*more gently*) You are a doctor. As a doctor in a socialist state you have a great responsibility. Try in future to conduct yourself so that you can lead a happy family life with your wife and two children, and this will also help your country and comrades. While we reprimand you, we want you to know that we understand how difficult it is to shed old attitudes. Our whole country is in the process of changing from one set of values to another. That is a very difficult task. Changes of attitude can only come when we consciously become aware of the old values which have to be eradicated. We understand the difficulties, and ask you to do your best. (*to all of us*) The court is now over. After we have left we wish the public to remain seated until Chang Wei-man and Chang Wenhung have left the courtroom.

The man and woman, without looking at anyone, the man with slightly averted face, left by the public door. The audience rose and we drifted slowly outside.

As I went through the outer lobby to the street I saw the judge, a policeman, and some of the people who had been watching in the courtroom, lighting cigarettes and chatting together.

## 20. Prison: Bad and Good





