

Monk Husband and Nun Wife: Clerical Marriage, Law, and the State in Contemporary China

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journals.sagepub.com/home/mcx**Gilbert Z. Chen**¹ 

Abstract

This article examines the phenomenon of clerical marriage in contemporary China, focusing on the legal and sociopolitical forces shaping this issue. It argues that the revised legal status of clergy, coupled with rapid post-Mao socioeconomic changes, has profoundly impacted the relationship between religious institutions and the state. Monks and nuns often adopt dual identities, balancing monastic commitments with familial obligations. By analyzing judicial decisions, the study highlights how monastics navigate conflicting identities and how their communities address related legal challenges. Special attention is given to the judiciary's reluctance to grant divorces to monastics, reflecting tensions between societal and political priorities and religious autonomy. Through a detailed examination of court cases, this study sheds light on judicial processes affecting monastics and explores the broader implications for the interplay of legal frameworks, religious practices, and state policies in contemporary China.

Keywords

Buddhism, clerical marriage, law, socialism, Xi Jinping

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In the summer of 2015, a post on Sina Weibo, a platform akin to Twitter/X, sparked widespread discussion across Chinese social media. The post, made by a woman with the surname Huang, levied serious accusations against a Buddhist abbot named Shi Zhitong from Wenzhou, Zhejiang province. Huang claimed that despite Abbot Zhitong's monastic vows taken at age fourteen, he led a life contrary to Buddhist precepts, including having a wife, consuming beef, driving luxury vehicles like Land Rovers and an Audi A8, and staying in five-star hotels during his travels. Interestingly, Huang was revealed to be the ex-girlfriend of the abbot's son. Abbot Zhitong was a prominent figure in the local religious community, overseeing two notable monasteries and serving as the vice president of the local branch of the Buddhist Association of China (BAC) and as the sole Buddhist representative in the Wenzhou Municipal Committee of the Chinese People's Political Consultative Conference. Confronted with these allegations, Abbot Zhitong strongly refuted them, though he conceded that he had been married until a divorce in 2014.¹ The controversy surrounding him escalated, resulting in his resignation from monastic leadership roles. The incident involving Huang and Abbot Zhitong tapped into broader concerns, especially given a recent scandal involving Shi Yongxin, the abbot of the famous Shaolin Monastery, who was accused of having illicit relationships and children. Subsequent investigations suggested that these were not isolated incidents, with reports indicating that numerous monks in Zhejiang had failed to adhere to their vows, reflecting a troubling trend of "fake monks" in the region (Liu, 2021).

In recent times, the Chinese Buddhist community has frequently been embroiled in controversies, leading to a general skepticism among the lay public and many monastics about the integrity of the contemporary monastic community. A prevailing narrative is that the resurgence of religious practice in the post-Mao era has outpaced China's capacity to adequately train monastics for the staffing needs of newly reopened temples. This discrepancy has reportedly compelled monastic authorities to relax admission criteria, resulting in the ordination of individuals who may not be fully committed to Buddhist principles. Consequently, there is a deplorable trend of ordained clerics flouting basic Buddhist precepts, including engaging in sexual relationships and starting families (Nichols, 2022). The narrative is rooted in a critical perspective on how market dynamics intersect with religious life: the increasing commodification of religious services and items during the reform era is seen as eroding the authenticity of spiritual commitment among practitioners. This view dictates that as religious expressions become more entangled with commercial interests, the sincerity of believers is invariably undermined (Chau, 2019).

Setting aside personal judgments about the moral standing of the accused monk and the health of institutional religion, these allegations illuminate an oft-neglected dimension of Buddhist monasticism: the uneasy relationship between monastics and their families. Conventional wisdom holds that entering the monastic life necessitates severing familial ties, reflecting a perceived fundamental clash between monastic duties and family responsibilities. This perspective is partly rooted in the terminology traditionally used to describe joining the monastic order: *chujia* 出家, which literally translates as “to leave the family.” However, recent academic investigations challenge this conventional view, revealing that monks and nuns across diverse Buddhist traditions and historical contexts have maintained connections with their families and continued to engage in familial roles post-ordination.² These findings suggest that despite the monastic ideal of transcending worldly attachments, Buddhist monastics often remain embedded within the social fabric of this world, indicating that the practice of renunciation is not as detached from societal interactions as the traditional rhetoric might suggest (Robson, 2010).

This study contributes to recent scholarship that reframes monastic interactions with their families not as a betrayal of monastic ideals but as a subject worthy of exploration in its own right, focusing on the sociopolitical mechanisms that drive such interactions in contemporary China. This research diverges from previous studies, which have predominantly examined how monastics navigate their familial responsibilities across various social contexts. Instead, it delves into how state legislation and judicial practices shape and influence the structure of monastic-familial relationships. The analysis reveals that the contemporary legal framework in China, distinct from its imperial predecessor, plays a pivotal role in enabling and sustaining the legality of monastic marriages. In modern China, unlike during the imperial era, monastics are not legally barred from marrying. This shift results from the broader legal modernization efforts by the Chinese state, which have aimed to eliminate distinct status groups and promote legal equality. This process, which I call “legal laicization,” means that national laws have ceased to acknowledge monastics as a unique legal category with specific provisions, inadvertently paving the way for the merging of monastic and marital lifestyles.

By investigating the changing legal status of monastics, this study also aims to engage with another strand of the literature that delves into the law–religion nexus within authoritarian frameworks. The dynamic between religious communities and authoritarian regimes is a subject of considerable debate among scholars, with a significant focus on how religious freedom—acknowledged constitutionally by various authoritarian states, including China—is interpreted and safeguarded. While some anticipate a contentious, if not adversarial,

relationship, others propose the potential for cooperation between religious entities and regime officials (Potter, 2003; Zhuo, 2009; Yang, 2011; Koesel, 2014; Li, 2020). Until now, scholars have addressed this direct impact of law on religion at the institutional level. However, there is a paucity of research on the nuanced and pervasive influence of state legislation on the daily lives of individual religious adherents. Michel-Rolph Trouillot's (2001) insights remind us that the state's influence is not confined to its institutions or emblematic national contexts. To thoroughly understand the intricate interplay between law and religion, it is imperative to go beyond examining the explicit legal stipulations regarding religion. Crucially, we need to scrutinize how the law inadvertently shapes, alters, and structures religious experiences and practices in areas traditionally considered beyond the field of religion.

This article embarks on a preliminary investigation into how modern Chinese marriage legislation and judicial approaches to marital disputes affect the status of marriage within the monastic community. Empirically, I analyze legal cases of marital disputes sourced from China Judgments Online 中国裁判文书网 (<http://wenshu.court.gov.cn>), the largest database of judicial records in contemporary China. To identify cases involving clerics within this extensive database, I use monastic titles such as *seng* 僧 (monk) and *ni* 尼 (nun) to search within the category of Marital and Inheritance Disputes 婚姻家庭, 继承纠纷. Through this method, I compiled a dataset of fifty-one lawsuits from 2011 to 2022, documenting divorce conflicts involving monastic individuals (see Table A1 in the appendix for a complete list of the cases, including case codes cited hereafter). Since monastics may choose not to disclose their monastic identity in such lawsuits, my dataset is inevitably incomplete. The aim is to shed light on the ways in which legal structures guide the actions and choices of religious figures in both their familial and monastic roles. This study argues against a simplistic interpretation of clerical marriage as merely a result of socioeconomic factors or individual ethical failings, as commonly proposed. Rather, it highlights the critical and overarching influence of legal systems in molding the clerical marriage phenomenon. In particular, the research reveals that judges, influenced by the state's pro-family and atheistic stances, tend to dismiss divorce applications grounded in religious motivations, leaving many monastics legally bound to their spouses in spite of their spiritual vows.

The Formation of Clerical Marriage: Two Scenarios

Generally, monastics may become entangled in matrimonial ties under two distinct scenarios. In the first and more prevalent scenario (encompassing

thirty-three cases), monastics enter into marriage before their ordination. Often, their inclination toward monastic life is spurred by a deep-rooted religious calling or an untenable marital situation. However, these marriages are not legally terminated at the time of ordination or are dissolved only after a significant delay. As a result, despite their commitment to monastic life, these individuals remain legally married. This type of clerical marriage can be classified as “legally binding.” In the second scenario, monastics consciously decide to marry post-ordination. Contrary to the first group, these monastics maintain close and ongoing relationships with their spouses, relying on income from religious duties to support their marital households. Such instances of clerical marriage can be classified as “factually binding.”

An illustrative example of the “legally binding” scenario is seen in a case where the plaintiff husband reported ongoing disputes with his wife beginning in July 2011. Following years of conflict, the wife left to join a local temple as a nun in the summer of 2014, leading to physical separation. A year later, the husband sought a divorce (Fenghua 423). Beyond marital disillusionment, some individuals are drawn to monastic life by profound religious convictions. For example, a 2015 case details a husband who, after developing a strong affinity for Buddhism, decided to become a monk, which eventually led his wife to file for divorce after his prolonged absence (Dongping 671). In another divorce lawsuit, a wife accused her husband of having “indulged in Buddhism” and becoming a monk without her knowledge (Youxian 4903). In some instances, monastics remain tied by marriage for extended durations. A 2016 case illustrates this: a wife, having left her husband in 1988 due to strained relations, sought refuge in a temple and became a nun. Interestingly, the husband, who later became a monk, only filed for divorce decades later (Weidong 1175). Collectively, these cases highlight that clerical marriage predominantly exists within a legal framework: despite being legally married to their secular spouses, monastics primarily adhere to a lifestyle that is distinctly monastic on a day-to-day basis.

While marital discord and personal religious convictions have led both men and women to monastic life, women face a unique catalyst: domestic violence. Despite government efforts to curb it, male-perpetrated domestic violence remains pervasive in contemporary China (McLaren, 2016; Zhang and Zhao, 2018). Moreover, the legal system presents substantial barriers for women seeking to divorce abusive spouses (He and Ng, 2013; Li, 2015; Michelson, 2019; Wang and Ng, 2020). When escape through divorce seems unfeasible, monasticism emerges as an alternative refuge for women seeking to extricate themselves from toxic marital environments. The case of “Woman Zou” poignantly exemplifies this scenario. She recounted to the court the ordeal of living with her husband, who was prone to excessive drinking and

bad temper, subjecting her to verbal and physical abuse. Unable to endure further maltreatment, she sought sanctuary in monastic life in 2002, leading a separate existence until she filed for divorce in 2016 (Pan 1476). However, the sanctuary provided by religious communities has its limitations. The enduring legal marital tie can supersede the autonomy of the monastic community, offering little defense against a determined husband intent on reclaiming his wife-turned-nun. Instances where nuns are coerced into renouncing their religious life and returning home, often precipitated by the husband causing disturbances at the temple, underscore the precarious balance between legal marital obligations and monastic autonomy (Weishi 1185).³

In the “legally binding” scenario, monasticism and conjugal family life are often incompatible, with monastics seldom maintaining close relationships with their spouses. In the “factually binding” scenario, however, a different dynamic is at work. Here, monasticism does not lead to or emerge from the dissolution of marital bonds but instead plays a role in forming them. First, shared religious convictions can be the bedrock of a relationship, where monks encounter their future spouses as they come seeking spiritual guidance in the monastery (Sanmen 216). Second, the economic benefits derived from religious roles can elevate a monk’s social standing, making him a desirable marital partner. For instance, a 2016 case featured a monk from Mount Putuo whose substantial religious earnings—amounting to more than 100,000 yuan per year, which is significantly above the national per capita average income—supported his wife and child (Dafeng 674). Moreover, some monks accumulate enough wealth to make substantial property investments for their families. Consider the case of a monk from Wenzhou. In 2003, he started a relationship with a woman named Liao, with whom he later had a son. The couple cohabited until 2011, when their relationship ended. Throughout their time together, from 2003 to 2011, the monk invested over 1.5 million yuan in acquiring four residential properties for them (Wenzhou 1971). This economic capability aligns with the broader societal pattern in which Chinese women often seek partners of higher socioeconomic status, suggesting that material prosperity enhances monks’ matrimonial prospects (Jacka, Kipnis, and Sargeson, 2013: 50).

The considerable wealth amassed by some monks reflects the broader trend of the rapid commercialization of Buddhism in China during the reform era. Buddhist monasteries, like other religious entities, have accumulated significant wealth amid China’s economic boom over the past thirty years. Many have embraced the prevailing ethos of developmentalism within contemporary Chinese society, at times resorting to controversial methods to enhance revenue, such as encouraging worshippers to purchase and burn high-priced incense at temples.⁴ As these monastic institutions grow wealthier, their

clerics often encounter numerous opportunities for personal financial gain. Consequently, it is not surprising to discover monks utilizing their newfound wealth to support their spouses and children. In this context, monasticism plays a critical role in establishing and maintaining family units, intertwining religious life with familial obligations.

The Drivers of Clerical Marriage I: The Legal Laicization of the Clergy

Legal cases, news reports, and ethnographic studies indicate that clerical marriage is a widespread phenomenon in contemporary China. To comprehend this trend, it is insufficient to dismiss it merely as a reflection of individual monastics' moral failings. Instead, this article aims to explore the issue from institutional and societal viewpoints. Legally, the question arises: does Chinese law explicitly prohibit monastics from marrying? Additionally, is divorce mandated as a prerequisite for ordination? Socially, what factors, especially those that have emerged recently, are contributing to this phenomenon?

First of all, according to national legislation, clerics are not barred from marrying. The 2001 Marriage Law outlines specific conditions under which a marriage certificate may be denied, but none pertain to the applicant's religious status.⁵ Thus, it is evident that monastics are legally permitted to marry, a notion that is without precedent in the history of Chinese Buddhism. Throughout the imperial era, the state explicitly outlawed clerical marriage. For instance, the Qing Code prescribed that "any Buddhist or Taoist monk who marries or engages in a concubine relationship shall receive eighty strokes of the heavy bamboo and be expelled from the monastic order" (Jones, 1993: 132–33). While the Republican period saw the abolition of physical punishment for married clerics, it maintained the practice of defrocking them (Huang, 2012: 824). This indicates that, up until 1949, secular authorities collaborated with religious leaders to uphold the celibacy norm among monks and nuns. In doing so, the state acknowledged a distinct legal and social status for clergy, subjecting them to a unique set of regulations divergent from those for the lay population. However, this distinct status of the clergy dissolved following the ascension of the Chinese Communist Party (CCP), which, adhering to principles of legal equality and its atheistic ideology, saw no justification for the special legal categorization of clergy (Keith, 1994: 1–38). This shift toward legal laicization underpins the absence of prohibitions against clerical marriage in contemporary marriage legislation.

The evolving legal status of the clergy has markedly undermined the capacity of religious organizations to mandate celibacy for ordination. Notably, the 2005 Regulations on Religious Affairs (RRA), China's primary

legislative document on religious matters, does not stipulate celibacy as a mandatory criterion for achieving clerical status (State Council, 2004; Carlson, 2005; Tong, 2010). This omission is attributable to the legal hierarchy within China, where administrative regulations like the RRA, issued by the State Council, are subordinate to statutory laws passed by the National People's Congress or its Standing Committee, such as the Marriage Law.⁶ Consequently, the RRA cannot contravene any stipulation within the Marriage Law. Meanwhile, the BAC, which acts as the official supervisory body for Buddhism in mainland China, has its regulations for certifying and qualifying Buddhist clerics. According to the 2009 Measures on Certifying the Qualifications of Religious Personnel for Chinese Buddhism, candidates for ordination must undertake the Great Precepts of the Threefold Altar 三坛大戒 to gain official monastic recognition, implicitly upholding the celibacy requirement among other traditional monastic precepts (Buddhist Association of China, 2009). However, despite the widespread application of the 2009 Measures by local BAC branches and individual monasteries to guide clerical conduct, this directive lacks legal enforceability. Thus, it falls short in legally preventing clerics from entering into marriage, reflecting a significant shift in the intersection of religious practice and the legal structure in contemporary China.⁷

In the absence of state support to enforce celibacy, religious authorities are compelled to independently verify the celibacy of monastic candidates before ordination. One effective strategy is to mandate the submission of official documents confirming the candidate's status as single. Recently, both central and local monastic bodies have emphasized the necessity of these documents for ordination processes. The BAC, for instance, requires ordinands to present a current copy of their household register 户口簿, which is expected to provide accurate and authoritative data on an individual's marital status, aiding the BAC in verifying the celibacy of the candidate (Buddhist Association of China, 2019). Furthermore, many local BAC branches and monasteries authorized to conduct ordinations demand additional proof of single status, such as a divorce certificate, a widowhood certificate 丧偶证明, or an unmarried certificate 单身证明 (e.g., Buddhist Association of Fujian, 2020). These measures are clearly aimed at enforcing stringent internal regulations to maintain a distinct separation between monastic life and family life.

Despite the rigorous efforts by monastic authorities to enforce celibacy, the practical effectiveness of these measures remains questionable. Clerics may employ various tactics to circumvent these regulations, exploiting discrepancies between monastic guidelines and government policies or finding loopholes within the monastic rules themselves. For instance, since local bureaus of civil affairs ceased issuing unmarried certificates in 2015,

monastic candidates might leverage this policy shift as a rationale for their noncompliance with ordination prerequisites (Ministry of Civil Affairs, 2015). Moreover, because the BAC requires only a hard copy of the household register, it is conceivable that applicants could bypass this stipulation by submitting altered or counterfeit versions of these documents.

Moreover, recent socioeconomic developments have further empowered individual monastics to evade the oversight of monastic authorities. A significant factor is the increased physical mobility of the Chinese populace in the post-Mao era (Jacka, Kipnis, and Sargeson, 2013: 65–82). Presently, hundreds of millions of people migrate for better job opportunities, education, or living conditions every year, with some moving for religious aims like ordination or monastery residency. This mobility challenges monasteries' ability to verify the backgrounds of applicants from different regions. For instance, some aspirants strategically seek ordination in monasteries far from their hometowns to circumvent scrutiny. A case in point is a man who, in 1996, traveled approximately 760 miles from Ninghai, Zhejiang, to Luoyang, Henan, to be ordained at Baima Monastery. Subsequently, he returned to his locality, eventually becoming the abbot of a temple there while continuing to maintain a marital relationship with his wife (Ninghai 31).

The increased mobility of individuals has empowered some monks to conceal their marital status from monastic authorities by establishing what could be termed “translocal families,” wherein they maintain conjugal households far from their temples. An illustrative case occurred in 2008 when a monk met his future wife in Yancheng, Jiangsu. They obtained a marriage certificate soon after and in 2011 his wife gave birth to a son. Post-marriage, they lived separately because of the monk's obligations at a temple in Yixing, Jiangsu, approximately 180 miles southwest of Yancheng, though he visited his family monthly (Dafeng 674). This case reflects a broader trend, as shown in Table 1, of monks managing to sustain family ties across significant distances and regional boundaries. Despite their primary residence in monastic settings, these monks regularly engage with their families, illustrating the effectiveness of this approach in balancing monastic duties with familial responsibilities.

Furthermore, monks aiming to circumvent the celibacy mandate have found a way to exploit the no-fault divorce system. In recent years, with the national divorce rate climbing, the phenomenon of “fake divorce” has gained traction. This tactic, where couples legally divorce for secondary benefits like eligibility for additional real estate purchases or having another child, allows them to maintain a normal marital relationship despite their legally divorced status (Fu and Wang, 2019). Such strategies have been adapted by some monks to superficially meet celibacy requirements while continuing their

Table 1. Locations of Married Monks' Families and Temples.

Case code	Family location	Temple location	Distance (miles)
Dafeng 674	Yancheng, Jiangsu	Yixing, Jiangsu	180
Haian 5937	Haian, Jiangsu	Hangzhou, Zhejiang	200
Jining 1290	Jining, Shandong	Changzhou, Jiangsu	390
Sanmen 216	Sanmen, Zhejiang	Ningbo, Zhejiang	70
Shaoxing 2324	Susong, Anhui	Shaoxing, Zhejiang	380
Tinghu 3035	Yancheng, Jiangsu	Zhoushan, Zhejiang	340
Wenzhou 1522	Fuding, Fujian	Cangnan, Zhejiang	40

Source: China Judgments Online 中国裁判文书网, <http://wenshu.court.gov.cn>.

marital relations in secrecy. An illustrative case involves a couple who divorced in 2014, with the breakup ostensibly due to one partner's decision to become a monk. By 2015, this individual had successfully been ordained in Hangzhou, yet the couple continued to live as though they were married, with the monk providing a monthly stipend and even purchasing a residence for his former spouse and child in 2016. Their *de facto* marital relationship persisted until 2019.⁸ Similarly, another case highlighted a monk who divorced his wife ostensibly to align with his temple's celibacy rules. However, post-divorce, the pair still interacted as if they were spouses (Hengyang 58). These examples demonstrate how the manipulation of the "fake divorce" process allows monks to ostensibly fulfill celibacy obligations while clandestinely maintaining family lives. This phenomenon underscores the monks' adeptness at leveraging legal mechanisms to navigate the conflicting demands of monastic discipline and personal desires.

In conclusion, state legislation in reform-era China establishes a legal foundation that permits the occurrence of clerical marriage. This development directly stems from the legal laicization of the clergy, which grants monastics the legal right to marry. While the state likely has no intention of reforming the law to explicitly permit clerical marriage, the outcome is that some clerics take advantage of or even exploit the system to satisfy their marital needs. With the state not exercising coercive enforcement of celibacy, monastic institutions have taken it upon themselves to uphold this rule, mandating that applicants provide various documents to verify their single status. This approach underscores the monastic authorities' endeavor to maintain the monastic identity, setting it apart from other social identities. However, the economic and social shifts accompanying China's reform era have provided clerics with multiple legal and social avenues to circumvent celibacy mandates. By leveraging these, they not only capitalize on the economic benefits

stemming from Buddhism's commercialization but also enjoy the advantages of familial life. This evolving scenario reflects the clerics' adeptness in navigating and maximizing the opportunities and rights available within the contemporary legal and social framework.

The Drivers of Clerical Marriage II: The Anti-Divorce Judicial Practice

Clerical marriage does not always stem from clerics' deliberate intention to lead simultaneously conjugal and monastic lives; it can also arise unintentionally because of a specific adjudication practice. This practice, influenced by political and ideological considerations, often favors the preservation of family unity over dissolution. Chinese judges do not consider religious belief alone as adequate grounds for granting a divorce. Consequently, securing a divorce through the courts can be challenging, leaving numerous monastics legally tied to their spouses despite their religious commitments.

Of the fifty-one cases examined for this study, twenty-two involve contested, unilateral, *ex parte* divorce lawsuits initiated by either monastics or their spouses. Within this collection, sixteen represent first-attempt filings, while the remaining six are second-attempt efforts. In the first-attempt category, judges ruled against divorce in eleven instances but granted it in five cases. For second-attempt filings, four resulted in divorce grants, while two were denied. It is crucial to highlight that the predominant motive for filing a second-attempt divorce is the failure of the initial filing. Collectively, these figures lead to a clear conclusion: obtaining a divorce in court poses a significant challenge for monastics and their spouses, particularly on their first try.

In many instances, the courts determine that one spouse's adoption of the monastic life does not inherently signify a breakdown in the marital relationship. Judges often reason that the marital bond remains intact, considering the possibility that the monastic spouse could return to secular family life. A case exemplifying this judicial rationale involved a plaintiff who reported that his wife had been living as a nun since 2008. After a 5-year separation, he filed for divorce, asserting that reconciliation was improbable. However, the judge contended that, despite the five-year separation and the wife's monastic status—satisfying the statutory two-year separation criterion for divorce—there was insufficient proof that the couple's mutual affection had dissolved. Therefore, the divorce request was denied (Cangnan 1354). This judgment reflects a broader judicial perspective that monasticism, in itself, does not provide sufficient legal basis for dissolving a marriage.

This legal rationale is also clearly illustrated in a case from 2014, where the husband vanished unexpectedly. His wife, after extensive searching, discovered that he had become a monk in Guangdong, located some 900 miles south of their hometown. Despite her efforts to convince him to return, her attempts were futile. In 2016, she sought a divorce, arguing that her husband's embrace of the monastic life signaled a neglect of familial duties and a total breakdown of marital affection. However, the judge ruled against the divorce, asserting that adopting monkhood is not a valid legal basis for dissolution of marriage. "As long as the defendant can live together with the plaintiff, and as long as both parties can improve communication and take into consideration the best interests of their child," the judge held, "the mutual affection between the two can still be restored" (Yunxi 405).

These decisions reflect a common judicial approach in divorce cases, where judges are typically guided by two legal principles. The first principle is the "breakdown of mutual affection" 感情破裂 standard, or "breakdownism," which assesses the current and potential future state of marital affection between spouses. The second principle, "faultism" 过错离婚, is outlined in Article 32 of the current Marriage Law, providing fault-based grounds for divorce (such as severe domestic violence, bigamy, and repeated drug use) if court-mediated reconciliation is unsuccessful. However, in practice, judges rarely base their verdicts on fault or misconduct within the marriage. Instead, they predominantly rely on the breakdown of mutual affection as the pivotal criterion for their decisions (Michelson, 2019). As demonstrated in the cases above, this breakdownism standard is frequently employed to dismiss divorce applications submitted by monastics or their spouses.

The breakdownism test, predicated on the nebulous concept of spousal affection, inherently lends itself to subjectivity, affording judges considerable latitude in divorce adjudications. Yet, this broad judicial discretion does not lead to a variety of outcomes; rather, it results in a notable trend where courts infrequently grant divorces, particularly on initial petitions—a pattern that has attracted significant global media attention (The Economist, 2021). Scholars have identified several factors underpinning this distinctive judicial approach. Primarily, intense caseloads pressure judges to expedite case closure. Awarding a divorce requires addressing complex issues like division of property and child custody, while denial of divorce conserves judicial time and effort. Furthermore, a performance evaluation system emphasizing efficiency and case turnover influences judges to favor case closure over prolonged proceedings. Beyond these institutional pressures, a blend of political and gendered ideologies also informs judicial decisions. Historically, the CCP has advocated for family preservation, discouraging divorce. Although this stance softened during the reform era, President Xi Jinping's rise to

power in 2012 has reinvigorated and intensified the anti-divorce ideology, leading to stricter divorce legislation, in alignment with his political directives.⁹ No less significantly, despite CCP propaganda promoting women's rights and gender equality, deeply ingrained patriarchal norms valorizing marital permanence further guide judicial discretion, reinforcing a bias against the dissolution of marriage (He, 2009; Li, 2015; Jiang, 2019). As we will soon observe, it is exceptionally challenging for nuns to secure a judicial divorce, even in cases of severe domestic violence.

Although the evidence is by no means conclusive, there is reason to believe that judges' frequent rejections of divorce petitions involving monastics may also be influenced by state-sponsored atheism and the political imperative to regulate religion. The CCP regime's stance on religion is complex and evolving. Following the Maoist era's severe repression of religious practices, the government shifted to a more moderate approach from the early 1980s, acknowledging religious freedom as a constitutional right and grudgingly accepting the legitimacy of religious pursuits for its citizens. This change in policy facilitated the resurgence of religious activities, including the restoration and construction of religious sites, training of clerical personnel, and revival of religious ceremonies, leading to a marked increase in religious engagement nationwide (Weller and Sun, 2010). However, the state maintains a belief that religion is an anachronistic element that is bound to diminish under a socialist framework, hence the continuous tight surveillance over religious organizations and efforts to moderate any surge in religious enthusiasm (Yang, 2021). In this context, the legal definition of religious freedom in China is particularly significant. The constitution guarantees individual belief 宗教信仰自由 but does not extend this right to public worship, religious practice, or monastic life (Li, 2020). No less significantly, under President Xi's administration, the state has intensified its campaign to curb the growth of religious influences and reinforce atheistic values among its citizens (Chang, 2018).

Within Buddhism, monasticism plays a pivotal role in the state's oversight of Buddhist beliefs and institutions. The state promotes monastic preeminence among Buddhist adherents by endorsing monastic privileges and their representative claim over Buddhism. This is exemplified by the establishment of the BAC, a monopolistic national Buddhist organization that is unique in Chinese history. Nevertheless, the state maintains an ambivalent stance toward monastic Buddhism. On the one hand, it leverages monastic Buddhism as a valuable political instrument to advance domestic and international goals, such as fostering social stability, attracting faith-based foreign investment, and promoting traditional Chinese culture on a global scale (Ashiwa and Wank, 2023). On the other hand, the regime remains uneasy

about monastic Buddhism's burgeoning influence, actively seeking ways to curtail its societal presence (Birnbaum, 2003; Ji, 2008; Laliberté, 2019). For example, the distribution of religious texts is confined to sanctioned religious venues (Fisher, 2016). Additionally, entry into monastic life is stringently regulated. Article 27 of the 2004 Regulations on Religious Affairs mandates that clergy must register with local government religious affairs departments to officially engage in religious activities, a directive further reinforced by the recently promulgated Measures for the Administration of Religious Personnel (Introvigne, 2021). These bureaucratic hurdles have made the process of becoming recognized religious personnel increasingly challenging, leading to a stagnation and even a decrease in the monastic population after its rapid expansion from the 1980s through the early 2000s (Gildow, 2020).

The state's ideological stance, which often perceives religion through a lens of skepticism or as a destabilizing societal force, is likely to permeate the judiciary, shaping judges' perceptions and decisions. Educated within a system that promotes atheistic values, judges may internalize these views, leading to a bias against religious institutions and individuals. This indoctrination can result in a judicial approach that views religious practices, such as monastic celibacy, not as a matter of personal or spiritual significance but as issues of political concern. When judges adjudicate divorce cases involving monastics, their decisions may be influenced by a dual agenda: adhering to the state's implicit mandate to curtail religious influence and addressing broader political objectives, such as family preservation. In this context, denying divorce petitions from clerics could be interpreted as a mechanism to limit the expansion of monastic orders, aligning with the state's potential interest in controlling religion. Simultaneously, this judicial stance aligns with state policies that emphasize the importance of traditional family structures, thus intertwining legal outcomes with overarching political and social objectives.

The bias against monasticism within the judiciary can be identified through an examination of specific judicial reasoning patterns evident in certain verdicts. This bias manifests in the tendency of some judges to disproportionately attribute the breakdown of a marriage to one party's commitment to monastic life, often overlooking or diminishing other significant contributing factors. In other words, monasticism becomes evidence of marital fault in the judge's eyes. In a 2015 case, the court's reasoning reveals a troubling inclination to attribute the dissolution of marital bonds primarily to the plaintiff's decision to become a nun, despite the substantial evidence of domestic violence and prolonged separation presented. In this case, the plaintiff told the court that she had suffered years of domestic violence: her husband (i.e., the defendant) often beat her for no reason. On several occasions, she had been battered so severely that she had to be hospitalized. In the end, she could

not tolerate it anymore and ran away from home to become a nun. Over the past sixteen years, she had lived separately from him. Given that the mutual affection between the couple had evidently ruptured, she requested a divorce. The husband countered her account by claiming that his wife “had been duped into joining the monastic order.” To change her mind, he had attempted to take her back home several times but was unsuccessful. In the end, the court sided with the husband. It dismissed the plaintiff’s claim of domestic violence and held that the root of the current marital discord was the plaintiff’s decision to embrace monastic life. Nonetheless, there was still hope of “rebuilding a harmonious family” as long as both parties could “communicate in a better way and gain a deeper understanding of each other.” The court thus denied the plaintiff’s petition for divorce under the pretext of insufficient evidence of the breakdown of mutual affection (Hezhang 488).

In a 2016 case, even though the court verified the existence of domestic violence, it still blamed monasticism for causing the marital rift. The plaintiff stated that her husband (i.e., the defendant) had beaten her several times over trivial matters. The husband admitted that he had indeed struck her on two occasions, but he justified this by saying it was because she ran away from home to become a nun. In the ruling, the judge made efforts to justify the husband’s violent behavior, suggesting that his efforts to find his wife indicated deep care for her. Although the husband was responsible for the beatings, the judge also found the wife at fault. Clearly, the judge perceived the wife’s religious choice to be at the root of the divorce dispute. Consequently, the court refused to grant the wife a divorce, thereby prioritizing the preservation of the family over her religious pursuits (Yushe 391).

When judicial decisions attribute marital discord to monasticism, it is common for judges to require monastics to provide financial compensation to their spouses in the event of a divorce. Generally, in divorce proceedings predicated on the misconduct of one spouse, the division of marital assets is guided by considerations of both the degree of culpability and the financial needs of the aggrieved party. Although monasticism itself is not recognized as a formal fault under the law, its practical effect is often that of prolonged separation between spouses. This separation aligns with one of the specified criteria for fault-based divorce as outlined in the Marriage Law, thereby influencing the allocation of marital assets and potentially diminishing the monastic spouse’s share in the division.¹⁰ As a result, during the division of marital property in divorce proceedings, the share allocated to a monastic spouse is often diminished. In a 2016 case, it was noted that the husband had left home to become a monk back in 1988. The wife asserted that by doing so he “did not fulfill his family responsibilities,” which led to the breakdown of mutual affection. Although the husband was absent from the hearing, he submitted a

prerecorded video expressing his willingness to divorce. The judge granted the divorce to the wife and awarded her the sole apartment the couple had purchased together. In contrast, the husband received nothing from the divorce settlement (Weidong 1175). Similarly, in a 2021 case, a wife-turned-nun was required to financially compensate her husband to obtain a divorce. She asserted that her husband was lazy and often physically abusive. In 2011, she left home to join a monastic order in a different county. Ten years later, she returned, seeking a divorce. Her husband refused, asserting that her prolonged absence inflicted significant harm upon him and even threatened to delay the divorce proceedings indefinitely. The court appeared to empathize with the husband's complaints. After intense mediation sessions led by the court, the wife agreed to pay 2,000 yuan in compensation, which persuaded the husband to consent to the divorce (Pengpai xinwen, 2022).

In conclusion, the persistence of clerical marriage can be attributed not only to legislative gaps and shifting socioeconomic dynamics but also to a critical judicial inclination to rule against granting divorces in cases involving lay individuals and monastics. A key element in this judicial pattern is the influence of the state's religious policy, which seeks to curtail and regulate the expansion of the monastic community. This policy likely exerts significant sway over judges' consistent refusal to dissolve such marriages. As a result, monastics frequently find themselves involuntarily tethered to their marital relationships, despite their endeavors to sever these bonds.

Conclusion

This article delves into the emergence of clerical marriage in reform-era China, a phenomenon that has captured significant media and public interest. Contrary to the predominant scholarly perspective, which interprets this trend as a reflection of the monastic community's moral decline amid market forces, the study highlights the overlooked role of legal frameworks in enabling and reinforcing such marital practices. By focusing on the legal dimensions, the analysis provides a nuanced understanding of how legislation and judicial processes contribute to the persistence and evolution of clerical marriage in contemporary China.

First of all, it is crucial to distinguish between two categories of clerical marriage. There are instances where clerical marriages are legally recognized, with monastics living almost monastic lives yet without formally dissolving their marital bonds. This contrasts with the "factually binding" type of clerical marriage, where monastics actively engage in marital relationships and identities. For this latter group, monasticism has transitioned into a profitable vocation that enhances their desirability in the marriage market. Their

actions align with the classical rational choice theory.¹¹ According to this perspective, religious practitioners are just as rational and goal driven as their secular peers. While their motivations might be influenced by otherworldly aspirations, they are still firmly embedded in the sociocultural dynamics of this world.

While rational choice theory offers valuable insights, it alone does not fully account for the widespread occurrence of clerical marriage. A comprehensive understanding requires examining the legal context of these marriages in the People's Republic of China. During the imperial era, the state's criminalization of clerical sexual misconduct, including marriage, significantly curtailed clerics' attempts to form conjugal unions.¹² However, the legal modernization initiatives of the CCP regime lifted these prohibitions. Under state law, clergy members are no longer viewed as possessing a distinct status. Despite monastic authorities' efforts to enforce celibacy through stringent rules, the legal secularization of clergy status has paved the way for the legal recognition of clerical marriages. This shift plays a crucial role in the increasing prevalence of such unions. In this context, the legal laicization of the clergy highlights Talal Asad's perceptive assertion that secularism is a fundamental component of the "project of modernity," which "aims at institutionalizing a number of (sometimes conflicting, often evolving) principles: constitutionalism, moral autonomy, democracy, human rights, civil equality, industry, consumerism, freedom of the market—and secularism" (Asad, 2003: 13). As this article demonstrates, the statist project of legal secularization has empowered individual clerics while substantially undermining the institutional authority of religious organizations.¹³

Rational choice theory is notably less effective in elucidating the predominance of the first type of clerical marriage, which represents the majority of my dataset. To comprehend its prevalence, it is crucial to contextualize it within the broader challenges associated with obtaining a judicially sanctioned divorce in reform-era China. Factors such as bureaucratic inertia and a pro-family ethos undoubtedly play a role, but this research highlights the significant influence of state-endorsed atheism on judicial decisions in divorce cases involving monastics. This influence often renders it extraordinarily challenging for monastics who are legally married to terminate their matrimonial bonds, despite their genuine desire to do so. Consequently, this form of clerical marriage emerges not merely as an individual choice but as a byproduct of specific judicial practices that lie beyond the control of individual monastics.

The widespread prevalence of clerical marriage carries significant implications. For those considering joining the monastic order, the challenges associated with obtaining a divorce present a substantial obstacle to their spiritual

aspirations. Notably, the judicial system's failure to recognize monasticism as a legitimate ground for divorce highlights the ease with which an individual's right to religious freedom can be undermined in the judicial context of the People's Republic of China. This situation underscores a critical tension between personal religious pursuits and the legal constraints imposed by the state. Moreover, as I will detail in a separate article, such judicial practices have profound ramifications for both individual monastics and their affiliated temples. The overlapping identities of monastics—as both members of the sangha governed by monastic rules and as citizens with defined family rights and responsibilities—blur the lines between personal and monastic property, resulting in legal contentions over property inheritance between the families of deceased monastics and the religious institutions to which they belonged. Such disputes not only raise questions about property rights but also challenge the very demarcation between secular and sacred, affecting the cohesion and operational integrity of religious communities.

In conclusion, this research underscores the pivotal yet overlooked influence of legal frameworks on the conduct of monastics in modern China. It reiterates the need to acknowledge a frequently overlooked facet of monastic life: despite the transcendent ideals professed by monastics, Buddhist clerics are seldom completely detached from broader societal dynamics. Their intrinsic connection to society at large warrants an intersectional approach to the analysis of monasticism, integrating legal, social, and cultural dimensions to provide a more comprehensive understanding of monastic behaviors within the contemporary context.

Appendix

Table A1. Cases Consulted for This Article.

Case code	Document information
Bagongshan 387	皖0405民初387号, 八公山区人民法院, 淮南, 安徽, 2016
Boai 00030	博民许初字第00030号, 博爱县人民法院, 博爱, 河南, 2015
Cangnan 1354	温苍民初字第1354号, 苍南县人民法院, 苍南, 浙江, 2013
Cangnan 331	温苍龙民初字第331号, 苍南县人民法院, 苍南, 浙江, 2015
Cangnan 5494	浙0327民初5494号, 苍南县人民法院, 苍南, 浙江, 2016
Changting 2557	汀民初字第2557号, 长汀县人民法院, 长汀, 福建, 2014
Chengde 1703	冀08民终1703号, 承德市中级人民法院, 承德, 河北, 2019
Dafeng 674	苏0982民初674号, 大丰区人民法院, 盐城, 江苏, 2016
Dongkou 1409	洞民初字第1409号, 洞口县人民法院, 洞口, 湖南, 2015
Dongping 671	东民初字第671号, 东平县人民法院, 东平, 山东, 2015
Gande 1	青2623民初1号, 甘德县人民法院, 甘德, 青海, 2017

(continued)

Table A1. (continued)

Case code	Document information
Gaoxin 573	绵高新民初字第573号, 高新技术产业开发区人民法院, 绵阳, 四川, 2013
Feixiang 352	肥民初字第352号, 肥县人民法院, 肥乡, 河北, 2015
Fenghua 423	甬奉民一初字第423号, 奉化市人民法院, 奉化, 浙江, 2015
Haian 337	苏0621民初337号, 海安县人民法院, 海安, 江苏, 2016
Haian 5937	苏0621民初5937号, 海安市人民法院, 海安, 江苏, 2020
Hebei 4820	北民初字第4820号, 河北区人民法院, 天津, 2015
Hengyang 58	湘04民终58号, 衡阳市中级人民法院, 衡阳, 湖南, 2019
Hezhang 488	黔赫民初字第488号, 赫章县人民法院, 赫章, 贵州, 2015
Huarong 00276	华民初字第00276号, 华容县人民法院, 华容, 湖南, 2015
Jiayu 00928	鄂嘉鱼民初字第00928号, 嘉鱼县人民法院, 嘉鱼, 湖北, 2015
Jining 1290	济民终字第1290号, 济宁市中级人民法院, 济宁, 山东, 2014
Kaiping 187	冀0205民初187号, 开平区人民法院, 唐山, 河北, 2016
Ninghai 31	甬宁深民初字第31号, 宁海县人民法院, 宁海, 浙江, 2014
Panxian 1476	黔0222民初1476号, 盘县人民法院, 盘县, 贵州, 2016
Peng'an 1753	蓬民初字第1753号, 蓬安县人民法院, 蓬安, 四川, 2014
Sanmen 216	台三民初字第216号, 三门县人民法院, 三门, 浙江, 2014
Shaoxing 2324	浙绍民终字第2324号, 绍兴市中级人民法院, 绍兴, 浙江, 2015
Shapingba 8844	渝0106民初8844号, 沙坪坝区人民法院, 重庆, 2018
Shibei 156	北少民初字第156号, 市北区人民法院, 青岛, 山东, 2015
Suyu 885	苏1311民初885号, 宿豫区人民法院, 宿迁, 江苏, 2016
Suining 379	睢李民初字第379号, 睢宁县人民法院, 睢宁, 江苏, 2014
Tinghu 3035	苏0902民初3035, 亭湖区人民法院, 盐城, 江苏, 2018
Weidong 1175	豫0403民初1175号, 卫东区人民法院, 平顶山, 河南, 2016
Weishi 1185	豫0223民初1185号, 尉氏县人民法院, 尉氏, 河南, 2020
Wenling 217	台温箬民初字第217号, 温岭市人民法院, 温岭, 浙江, 2013
Wenzhou 1522	浙温民终字第1522号, 温州市中级人民法院, 温州, 浙江, 2012
Wenzhou 1971	浙温民终字第1971号, 温州市中级人民法院, 温州, 浙江, 2014
Wuhou 7309	川0107民初7309号, 武侯区人民法院, 成都, 四川, 2018
Wujiagang 1990	鄂0503民初1990号, 伍家岗区人民法院, 宜昌, 湖北, 2019
Xiapu 3067	闽0921民初3067号, 霞浦县人民法院, 霞浦, 福建, 2022
Xiaochang 00622	孝昌民初字第00622号, 孝昌县人民法院, 孝昌, 湖北, 2011
Yilong 19	仪民初字第19号, 仪陇县人民法院, 仪陇, 四川, 2014
Yongnian 333	永民初字第333号, 永年县人民法院, 永年, 河北, 2014
Yongshun 1092	永民初字第1092号, 永顺县人民法院, 永顺, 湖南, 2015
Yongxin 1264	永民初字第1264号, 永新县人民法院, 永新, 江西, 2013
Youxian 4903	游民初字第4903号, 游仙区人民法院, 绵阳, 四川, 2014
Yunxi 405	鄂0322民初405号, 郧西县人民法院, 郧西, 湖北, 2016
Yushe 391	晋0721民初391号, 榆社县人民法院, 榆社, 山西, 2016
Zhouzhi 465	周民初字第465号, 周至县人民法院, 周至, 陕西, 2011
Zhuhui 575	湘0405民初575号, 珠晖区人民法院, 衡阳, 湖南, 2016

Source: China Judgments Online 中国裁判文书网, <http://wenshu.court.gov.cn/>.

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Notes

1. Zhitong asserted that “I became a monk at the age of fourteen and got married in 1984. Since then, I had practiced religious cultivation. I got divorced in 2014.” Nanfang Zhoumo, 2015.
2. On ongoing connections between monastics and their families in early Buddhist communities in ancient India, see Schopen, 1984; Clarke, 2014. On such connections in different periods of Chinese history, see Chen, 2002; Yao, 2008; Hao, 2010; Wang, 2016; Chen, 2019.
3. For a similar case, see Boai 00030. Thanks to Ethan Michelson for pointing out the case to me.
4. These commercialization practices have incurred severe criticism from both Buddhist circles and the general public for their corrupting influence on the Buddhist establishment and the morals of the monastic community. See Chau, 2015; Cheung, 2021; Hung et al., 2017; Sun, 2011.
5. Article 10 of the Marriage Law stipulates that “Marriage shall be invalid under any of the following circumstances: (1) if one party commits bigamy; (2) if the man and the woman are relatives by blood up to the third degree of kinship; (3) if, before marriage, one party is suffering from a disease which is regarded by medical science as rendering a person unfit for marriage and, after marriage, a cure is not effected; and (4) if the legally marriageable age is not attained” (National People’s Congress, 2001).
6. In general, China’s laws and regulations can be divided into four levels in terms of effectiveness in a descending hierarchy: (1) the constitution; (2) statutory

- laws; (3) administrative regulations, judicial interpretation, military regulations; (4) local laws and regulations, departmental regulations. Consequently, a law or rule may not contradict a higher law or rule.
7. For studies on the history and function of the BAC, see Ashiwa and Wank, 2006; Yang, 2011.
 8. The plaintiff asserted that such a scheme of using divorce to bypass monastic regulations was “quite common” among his fellow monastics (Haian 5937).
 9. For example, in response to a rising divorce rate, the state has required couples to undergo a thirty-day “cooling-off” period before initiating a divorce since 2021. The immediate result has been a sharp decline in divorce filings (Stevenson, 2022).
 10. Article 32 of the Marriage Law stipulates that “In one of the following cases, divorce shall be granted if mediation fails, . . . (4) where both parties have separated from each other for two full years for lack of mutual affection” (National People’s Congress, 2001).
 11. In recent times, rational choice theory has become increasingly prevalent in religious studies. See, e.g., Yang, 2011; Koesel, 2014: 14.
 12. Of course, this does not mean that clerical marriage did not exist during the imperial era. See Chen, 2022.
 13. Recent studies have further highlighted the varied ways in which religion continues to influence law and legal institutions, even within ostensibly secular regimes (Chua, Engel, and Liu, 2023: 19–73). Thanks to one of the anonymous reviewers for providing this valuable insight.

References

- ASAD, TALAL (2003) *Formations of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford Univ. Press.
- ASHIWA, YOSHIKO and DAVID L. WANK (2006) “The politics of a reviving Buddhist temple: state, association, and religion in Southeast China.” *J. of Asian Studies* 65, 2: 337–59.
- ASHIWA, YOSHIKO and DAVID L. WANK (2023) *The Space of Religion: Temple, State, and Buddhist Communities in Modern China*. New York: Columbia Univ. Press.
- BIRNBAUM, RAOUL (2003) “Buddhist China at the century’s turn.” *China Q.* 174: 428–50.
- Buddhist Association of China 中国佛教协会 (2009) “全国汉传佛教寺院传授三坛大戒管理办法” (Regulatory measures on transmitting the Great Precepts of the Threefold Altar by Chinese Buddhist monasteries). <https://www.chinabuddhism.com.cn/web/details/40682>. Accessed Mar. 14, 2025.
- Buddhist Association of China (2019) “汉传佛教教职人员资格认定办法” (Measures for the qualification of Chinese Buddhist clergy). <https://www.chinabuddhism.com.cn/web/details/40681>. Accessed Mar. 14, 2025.
- Buddhist Association of Fujian 福建省佛教协会 (2020) “福建省佛教教职人员资格认定备案和补办教职证流程” (Fujian province’s measures on certifying the

- qualifications of religious personnel for Chinese Buddhism, and on procedures for reissuing religious personnel certificates). <http://www.fjsfjxh.com/2020/08/14308.html>. Accessed Mar. 14, 2025.
- CARLSON, ERIC (2005) "China's new regulations on religion: a small step, not a great leap, forward." *Brigham Young Univ. Law Rev.* 3: 747–97.
- CHANG, KUEI-MIN (2018) "New wine in old bottles: sinicisation and state regulation of religion in China." *China Perspectives* 1–2: 37–44.
- CHAU, ADAM YUET (2015) "The commodification of religion in Chinese societies." Pp. 949–76 in Vincent Goossaert, Jan Kiely, and John Lagerwey (eds.), *Modern Chinese Religion II: 1850–2015*. Leiden: Brill.
- CHAU, ADAM YUET (2019) *Religion in China: Ties That Bind*. Medford, MA: Polity.
- CHEN, GILBERT Z. (2019) "Living in this world: a social history of Buddhist monks and nuns in nineteenth-century western China." PhD diss., Washington Univ. in St. Louis.
- CHEN, GILBERT Z. (2022) "Monastic mobility, social embeddedness, and kinship networks: Buddhist clerical sexuality in late-Qing Sichuan." *Late Imperial China* 43, 1: 85–126.
- CHEN, JINHUA (2002) "Family ties and Buddhist nuns in Tang China: two studies." *Asia Major* 15, 2: 51–85.
- CHEUNG, KIN (2021) "Merit, karma, and exchange: Chinese Buddhist mountain tourism company listings on the stock market." *J. of the American Academy of Religion* 89, 3: 931–55.
- CLARKE, SHAYNE (2014) *Family Matters in Indian Monastic Buddhism*. Honolulu: Univ. of Hawai'i Press.
- CHUA, LYNETTE J., DAVID M. ENGEL, and SIDA LIU [eds.] (2023) *The Asian Law and Society Reader*. Cambridge: Univ. of Cambridge Press.
- The Economist (2021) "Chinese divorce courts are places of peril for women." Mar 25. <https://www.economist.com/china/2021/03/25/chinese-divorce-courts-are-places-of-peril-for-women>.
- FU, AILING and JIAN WANG (2019) "Till death, purchase of another house, or occurrence of other events do us part: interests-oriented fake divorce cases in China." *J. of Divorce and Remarriage* 60, 2: 152–70.
- FISHER, GARETH (2016) "Mapping religious difference: lay Buddhist textual communities in the post-Mao period." Pp. 257–90 in Jan Kiely and J. Brooks Jessup (eds.), *Recovering Buddhism in Modern China*. New York: Columbia Univ. Press.
- GILDOW, DOUGLAS M. (2020) "Questioning the revival: Buddhist monasticism in China since Mao." *Rev. of Religion and Chinese Society* 7, 1: 6–33.
- HAO, CHUNWEN (2010) "The social life of Buddhist monks and nuns in Dunhuang during the late Tang, Five Dynasties, and early Song." *Asia Major* 23, 2: 77–95.
- HE, XIN (2009) "Routinization of divorce law practice in China: institutional constraints' influence on judicial behaviour." *International J. of Law, Policy and the Family* 23, 1: 83–109.

- HE, XIN and KWAI HANG NG (2013) "In the name of harmony: the erasure of domestic violence in China's judicial mediation." *International J. of Law, Policy and the Family* 27, 1: 97–115.
- HUANG YUANSHENG 黄源盛 [ed.] (2012) 大理院民事判例辑存: 亲属编 (A collection of civil cases at the early Republican Supreme Court: kinship). 台北: 元照出版公司.
- HUNG, KAM, XIAOTAO YANG, PHILIPP WASSLER, DAN WANG, PEARL LIN, and ZHAOPING LIU (2017) "Contesting the commercialization and sanctity of religious tourism in the Shaolin Monastery, China." *International J. of Tourism Research* 19, 2: 145–59.
- INTROVIGNE, MASSIMO (2021) "Enter the 'Administrative Measures for Religious Clergy': be afraid, be very afraid." *Bitter Winter*, Feb. 11. <https://bitterwinter.org/enter-the-administrative-measures-for-religious-clergy/>.
- JACKA, TAMARA, ANDREW B. KIPNIS, and SALLY SARGESON (2013) *Contemporary China: Society and Social Change*. Cambridge: Cambridge Univ. Press.
- JI, ZHE (2008) "Secularization as religious restructuring: statist institutionalization of Chinese Buddhism and its paradoxes." Pp. 233–60 in Mayfair Mei-hui Yang (ed.), *Chinese Religiosities: Afflictions of Modernity and State Formation*. Berkeley: Univ. of California Press.
- JIANG, JUE (2019) "The family as a stronghold of state stability: two contradictions in China's anti-domestic violence efforts." *International J. of Law, Policy and the Family* 33, 2: 228–51.
- JONES, WILLIAM C. [trans.] (1993) *The Great Qing Code*. Oxford: Clarendon Press.
- KEITH, RONALD C. (1994) *China's Struggle for the Rule of Law*. New York: St. Martin's Press.
- KOESEL, KARRIE J. (2014) *Religion and Authoritarianism: Cooperation, Conflict, and the Consequences*. Cambridge: Cambridge Univ. Press.
- LALIBERTÉ, ANDRÉ (2019) "Buddhism under Jiang, Hu, and Xi: the politics of incorporation." Pp. 21–44 in Ji Zhe, Gareth Fisher, and André Laliberté (eds.), *Buddhism after Mao: Negotiations, Continuities, and Reinventions*. Honolulu: Univ. of Hawai'i Press.
- LI, KE (2015) "'What he did was lawful': divorce litigation and gender inequality in China." *Law and Policy* 37, 3: 153–79.
- LI, SONGFENG (2020) "Freedom in handcuffs: religious freedom in the constitution of China." *J. of Law and Religion* 35, 1: 113–37.
- LIU, CUILAN (2021) "The fall of a Chinese Buddhist monk: law and state governance in post-imperial China." *J. of Law and Religion* 36, 1: 432–49.
- MCLAREN, HELEN (2016) "Domestic violence in Chinese families: cold violence by men towards women." *J. of International Women's Studies* 17, 4: 1–15.
- MICHELSON, ETHAN (2019) "Decoupling: marital violence and the struggle to divorce in China." *American J. of Sociology* 125, 2: 325–81.

- Ministry of Civil Affairs 民政部 (2015) “民政部通知进一步规范(无)婚姻登记记录证明相关工作” (Notice from the Ministry of Civil Affairs on further regulation related to the certificate of (non)marriage registration). Sept. 18. http://www.gov.cn/xinwen/2015-09/18/content_2934773.htm.
- Nanfeng zhoumo 南方周末 (2015) “和尚是假的，生意是真的” (The monkhood is fake, the business is real). July 30. <http://www.infzm.com/contents/110912>.
- National People's Congress (2001) Marriage Law of the People's Republic of China. http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/13/content_1384064.htm. Accessed Mar. 14, 2025.
- NICHOLS, BRIAN J. (2022) *Lotus Blossoms and Purple Clouds: Monastic Buddhism in Post-Mao China*. Honolulu: Univ. of Hawai'i Press.
- Pengpai xinwen 澎湃新闻 (2022) “女子结婚5天后出家为尼，10年后起诉离婚！法院判了” (A woman became a nun five days after getting married and filed for divorce ten years later! The court has ruled). Mar. 3. https://m.thepaper.cn/news-Detail_forward_16939938.
- POTTER, PITMAN B. (2003) “Belief in control: regulation of religion in China.” *China Q.* 174: 317–37.
- ROBSON, JAMES (2010) “Introduction: ‘neither too far, nor too near’: the historical and cultural contexts of Buddhist monasteries in medieval China and Japan.” Pp. 1–17 in James A. Benn, Lori Meeks, and James Robson (eds.), *Buddhist Monasticism in East Asia: Places of Practice*. London: Routledge.
- SCHOPEN, GREGORY (1984) “Filial piety and the monk in the practice of Indian Buddhism.” *T'oung Pao* 70, 1–3: 110–26.
- State Council 国务院 (2004) “宗教事务条例” (Regulations on religious affairs). Nov. 30. https://www.gov.cn/gongbao/content/2005/content_63293.htm.
- STEVENSEN, ALEXANDRA (2022) “Divorce is down in China, but so are marriages.” *New York Times*, Mar. 23. <https://www.nytimes.com/2022/03/23/business/china-divorce-marriage.html>.
- SUN, YANFEI (2011) “The Chinese Buddhist ecology in post-Mao China: contours, types and dynamics.” *Social Compass* 58, 2: 498–510.
- TONG, JAMES W. (2010) “The new religious policy in China: catching up with systemic reforms.” *Asian Survey* 50, 5: 859–87.
- TROUILLOT, MICHEL-ROLPH (2001) “The anthropology of the state in the age of globalization: close encounters of the deceptive kind.” *Current Anthropology* 42, 1: 125–38.
- WANG, JINPING (2016) “Clergy, kinship, and clout in Yuan dynasty Shanxi.” *International J. of Asian Studies* 13, 2: 197–228.
- WANG, YU and KWAI HANG NG (2020) “By the law? How Chinese judges rule on contested divorces.” *J. of Comparative Law* 15, 2: 223–46.
- WELLER, ROBERT and SUN YANFEI (2010) “Religion: the dynamics of religious growth and change.” Pp. 29–50 in Joseph Fewsmith (ed.), *China Today, China Tomorrow: Domestic Politics, Economy, and Society*. Lanham, MD: Rowman & Littlefield.

- YANG, FENGGANG (2011) *Religion in China: Survival and Revival under Communist Rule*. Oxford: Oxford Univ. Press.
- YANG, FENGGANG (2013) "A research agenda on religious freedom in China." *Rev. of Faith and International Affairs* 11, 2: 6–17.
- YANG, FENGGANG (2021) "Contemporary China." Pp. 809–30 in Stephen Bullivan and Michael Ruse (eds.), *The Cambridge History of Atheism*. Cambridge: Cambridge Univ. Press.
- YAO, PING (2008) "Good karmic connections: Buddhist mothers in Tang China." *Nan Nü* 10, 1: 57–85.
- ZHANG, HONGWEI and RUOHUI ZHAO (2018) "Empirical research on domestic violence in contemporary China: continuity and advances." *International J. of Offender Therapy and Comparative Criminology* 62, 16: 4879–87.
- ZHUO, XINPING (2009) "Religion and rule of law in China today." *Brigham Young Univ. Law Rev.* 3: 519–27.

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