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RESEARCH ARTICLE

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Bridal Dowry Land and the Economic Status of Women from Wealthy Families in the Song Dynasty

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Abstract Prosperous families in the Song Dynasty maintained the custom that a daughter went to her husband's household with a piece of land to ensure her economic position. During the Song Dynasty, the economic status of women from wealthy families was maintained at a high level. Neo-Confucian doctrines attempted to change the situation largely but they failed, even though during the Southern Song Dynasty Neo-Confucianism gradually rose to stand as the national ideology. Some people clamored for the Southern Song Dynasty regime to eliminate or to limit the custom of bridal dowry land in private, but the majority still favored the judicial practice in the protection of the wife's right to her property.

Keywords the Song Dynasty, bridal dowry land, wealthy women, economic status

According to Song marriage customs, "bridal dowry land" also known as *liantian* 奁田, was the most important component of the bride's marriage.[1] For Song Dynasty women, bridal dowry land was the foundation of their relative material independence and a guarantee of their livelihood. In a way, it was an important precondition for a satisfactory marriage. Because of this, the Song Dynasty was generally permissive in letting women remarry. Some women could even divorce their husbands on their own will if they were dissatisfied and then re-marry.[2] From an economic standpoint, the reason that Song Dynasty gave women the right and legal support to remarry was, for the most part, because these women were not economically dependent on their husbands. There is no

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[1] Wu Zimu, Vol. 20, "Jiaqu."
[2] Zhang Bangwei, 1989.

shortage of research in Chinese academia on the relationship between "bridal dowry land" and the economic status of brides.[3] In general, despite tending to agree on many issues, researches have several significant differences. For example, Xing Tie is of the opinion that "bridal dowry land" belonged to the husbands under most circumstances, and the wives maintained control on very rare occasions.[4] Conversely, Yuan Li maintained that the husband and wife generally owned the property jointly, but not as part of the husband's family properties, which is why women could take the land with them when they re-marry.[5] The research for this paper indicates that bridal dowry land was not joint property of the married couple, but in the majority of cases was solely the wife's property. The question of the relationship between bridal dowry lands and the economic status of Song women calls for further discussion.

During the Song Dynasty, because the right to control and own bridal dowry lands directly affected the economic status of women in their husband's households, most Song scholar-officials took the issue very seriously. For example, Yuan Cai, in his family instructions, mentioned that when daughters are married off "The farmland must be given out according to the rules, if you are very mean at the moment, someday after the marriage you must be indicted."[6] Besides, *Song xingtong* 宋刑统 (The criminal law of the Song Dynasty) also gave "bridal dowry land" protected legal status.[7] Here, it is possible to glean that not only were brides given relatively independent economic status and proprietary rights, they also, in general, were able to maintain control and ownership of bridal dowry land without qualitative regression. This paper will discuss the economic status of wealthy women in the Song Dynasty through the lens of a bride's dowry lands.

Bridal Dowry Land and Marriage Practices of Wealthy Song

The practice of giving dowry has a long history. Using land as dowry could be traced back roughly to the Tang Dynasty. The Tang *Huhun lü* 户婚律 (Family law) stated, "If a household were to split, their assets should be divided as well, if their distribution is uneven, the wife's assets should not be split."[8]

After the establishment of the Northern Song Dynasty, because of the unpeaceful Five-Dynasties Periods, Emperor Taizu of the Song was eager to

[3] Selections: Yuan Li; Yao Hong; Xing Tie, 1993; Guo Libing; Gao Nan, 2006.
[4] Xing Tie, 1993.
[5] Yuan Li.
[6] Yuan Cai, Ⅰ, "Gunü caichan suijia fenji."
[7] Dou Yi et al., eds., Vol. 12, "Huhun lü: Beiyou siyong cai."
[8] Zhangsun Wuji et al., eds., Vol. 12, "Huhun shang."

stabilize a society not yet wholly unified. For this reason, he "frequently meted out harsh sentences to curb raucous crimes."[9] Admittedly, an ironclad approach helps to establish order where there was none. However, this policy could not substitute for a long-term strategy. After the emperor had established "civilized governance" as the approach for ruling the country, there was all the more need for the state to employ "enlightened caution" when adjusting and maintaining an array of different social relationships.[10] In the 4th year of Jianlong (963), the emperor issued *Song xingtong*, which was "widely-acclaimed as just." As is commonly known, *Song xingtong* had "improved upon both the content and the form of Tang legal codes."[11] The legal regulation on "bridal dowry land" was exactly the same as during the Tang Dynasty. Because of this, a government official Song Keguan (part coroner, part police, part prosecutor) remarked in a report to the emperor on Aug. 28 of the 1st year of Tiansheng (1023):

> There is a woman, whose husband had separate finances from his brothers when he was still alive. The husband died without leaving an heir. The woman inherited the husband's property. She remarried, but her new husband is not allowed to inherit her former husband's estate. If the wife dies, her former husband's estate should be treated as if the whole household perished.[12]

It was also documented in *Huayang ji* 华阳集 (Collection of Zhang Gang):

> When a family already has no son, the heir should be treated equally as the married daughter on the distribution of land.[13]

From these two historical documents, it is possible to extrapolate that, Song Dynasty women not only enjoyed control of "bridal dowry land," but they also had control over their dead husband's properties. The law gave women many economic rights; it should be considered an important metric when discussing the high economic status of Song Dynasty women. *Minggong shupan qingming ji* 名公书判清明集 (Compilation of just verdicts by famous judges, hereafter *Qingming ji*), discusses the case of Jiang Sen's second wife Ye. Ye gave her daughter land to go with her marriage and reckoned that "the thirty-one *shuo* 硕 (an ancient unit for capacity) of land is under the control of the daughter and it is not to be trifled with by the brother."[14] Here, although the first-born son held a

[9] Tuo Tuo et al., eds., Vol. 199, "Xingfa yi."
[10] Ibid.
[11] Ibid.
[12] Xu Song.
[13] Zhang Gang, Vol. 40, "Fulu: Zhanggong xingzhuang."
[14] *Minggong shupan qingming ji*, Vol. 5, "Jimu jiang yanglaotian yizhu yu qinshengnü."

grudge against the land given to the stepmother's daughter by her, he could not change the situation because Song laws gave brides a level of control over her bridal dowry lands.

Of Course, it is important to clarify that "bridal dowry land" was not something enjoyed by all brides, it was primarily a marriage practice amongst the wealthy. In this sense, "bridal dowry land" was the social product of land consolidation during the Song Dynasty as well as a product of the development of the Song market economy. As Cai Xiang wrote, marrying a woman "only to get rich"[15] realistically reflects two trends in Song marriage customs: one is that poorer scholars generally marry up to achieve higher social status and move up in the imperial bureaucracy. One example of this is Du Yan of Yue Subprefecture. When he was young, "he was poor and lived by copying out book for others. Once he arrived to Jiyuan, the local gentry Xiangli Min thought he had rare talent, so he married his daughter to him, sponsored him for the imperial civil service exam, he was number four in the country."[16] In *Yuanfeng leigao* 元丰类稿 (Classified works of Zeng Gong), it was further noted that "a man who works in Xingbu 刑部 marries daughter often choose scholars living in genteel poverty because they generally go on to become famous statesman. History abounds with examples like these."[17] The second important custom was the practice of marrying daughters to men of lower social classes, whereby the men changed their names and became part of the women's household. From a sociological point of view, this practice helped elevate women's economic status in the household.[18] Even though some aristocrats dismissed this practice as a warping of the social order later on, the practice was not banned until much later.[19] In fact, instead of dying off, the practice became more and more prevalent. In the 7th year of Yuanyou (1092), "There was a wealthy widow in Jiangyin County of Changzhou Subprefecture, she married a man, and they lived in her house."[20] In the 9th year of Qiandao (1173), "someone married off his son into a girl's household at an early age."[21] In the same year, "Guo Bei of Jingmen Changlin County had his daughter marry Zou Yaliu of the same town, who changed his name to that of the brides'."[22] Some even took boys into the household at a young age to be raised to marry their daughters.[23] More detailed examination of

[15] Lü Zuqian, Vol. 108, "Fuzhou wujie."
[16] Jiang Shaoyu, Vol. 10, "Du Qigong."
[17] Zeng Gong, Vol. 45, "Yong'an xian jun Lishi muzhiming."
[18] Li Tao, Vol. 31, the 9th month, *wuyin*, of Chunhua 1 of Emperor Taizong's reign.
[19] Ibid.
[20] Ibid., Vol. 471, the 3rd month, *dingyou*, of Yuanyou 7 of Emperor Zhezong's reign.
[21] Hong Mai, Ⅰ, Vol. 3, "Zhang Dianyu."
[22] Ibid., Ⅲ, Vol. 1, "Yuanyi langma."
[23] Li Gou, Vol. 28, "Ji shangsun anfu shu."

this practice would drift from the focus of the article and now the discussion must shift to the importance of dowry land in maintaining a woman's social status.

During the Song Dynasty, it became possible to increase dramatically the holding of land.[24] Therefore, land accumulation became a major mechanism by which the rich showed off their wealth. According to official documentation, Emperor Taizu of the Song tried to take military power away from his generals by "offering them land instead."[25] It became such that "even though land is essential for the poor, the rich and the powerful gained more and more of it—the rich with their money and the powerful with their authority. The poor became nothing but laborers for the rich and the powerful."[26] Some criminals saw the tactic land-grab as a major way to get rich. "Mao Lie of Zhaoshi Village of Hejiang County in Luzhou Subprefecture enriched himself at the unrighteous way, plotting and grabbing land whenever possible."[27] Moreover, *Qingming ji* is full of cases like this. It is not hard to discern that land became an indispensable status symbol for the wealthy in the Song Dynasty. Therefore, it is not hard to deduce how crucial dowry land was for the social status of brides.

Now, here it is important to pose a critical question: who was considered wealthy? Generally speaking, in terms of land, "the wealthy, has twenty to thirty *mu* (1 *mu*≈666.67m^2) of land, lives off the profit and has tenants to toil the land like slave."[28] However, for average land distribution in the Song, twenty to thirty *mu* could only be considered the bare minimum for "the wealthy," since "the wealthy" had tens of thousands rent.[29] Comparing these two descriptions, it is evident that even among the wealthy, the differences were stark. In addition, when talking about dowry land, the differences among the wealthy became all the more evident. For example, Wu Gongshi "remarried Wang,"[30] "she originally had twenty-three *mu* of dowry land." When Yu Ai "married Chen, he gained one hundred twenty *mu* of the brides dowry land."[31] Sun Jie "initially had thirty *mu*, married Zhang of the same county, and got ten *mu* of dowry land."[32] In the 1st year of Jingding (1260), the Prime Minister Zhen married his eldest daughter Zhen Qingyi "with five hundred *mu* of land, 115 000 tales."[33] Even though dowry could be as many *mu* or as few *mu* as possible, one thing that is certain

[24] Wang Mingqing.
[25] Li Tao, Vol. 2, the 7th month, *wuchen*, of Jianlong 2 of Emperor Taizu's reign.
[26] Ma Duanlin, Vol. 2, "Tianfu er."
[27] Hong Mai, Ⅰ, Vol. 19, "Maolie yinyu."
[28] Li Tao, Vol. 374, the 4th month, *guisi*, of Yuanyou 1 of Emperor Zhezong's reign.
[29] Fang Hui.
[30] *Minggong shupan qingming ji*, Vol. 10, "Zi yu jimu zhengye."
[31] Ibid., Vol. 8, "Li zhaomu xiangdangren fuyu siyi qianhuan."
[32] Shen Huan, "Cheng fenglang Sunjun xingzhuang."
[33] Ye Sheng.

was that the land was not a mobile assets that the daughters could take away with them. Then why do the rich marry off their daughters with land? Two considerations are at play here:

First, the dowry land is a way to show off the family's influence, to win the bride some independent economic status in the husband's household. Before the Song, "marriages must be linked by family tree."[34] It is easy to imagine that under such social norms, aristocrats and the commoners rarely married each other. With the prosperity of market economy at the beginning of the Song, families looked to find families of appropriate wealth and status while arranging a marriage. This trend is why Cai Xiang mentioned, "Contemporary customs are such that when marrying a wife, the social status were not the focus, the questions are only about money."[35] According to related documents, Song brides, with the dowry land as their backbone, were able to secure a place of economic value and utility in the husband's household. For example, "Xiang Minzhong was a well-known gentleman, but fought with other men to marry a girl with vast land holdings."[36] After the death of Prime Minister Du Yan of the Northern Song, because of his household's declining wealth, the wife "sold all her dowry lands"[37] to support the family. According to Song law, "the wife could purchase properties in her own name and take them away when she re-marries."[38] At the time, the dowry of wealthy families consisted of two parts: one was the immobile "bridal dowry land" and the other was the more transferable assets *lianju* 奁具 (dowry).[39] In reality, the more transferable assets were not good guarantees for Song women, because they were often taken away by greedy men, depriving these women of a source of income and livelihood. In regard to this, *Xu Zizhitongjian changbian* 续资治通鉴长编 (The supplementary of *The Comprehensive Mirror for the Aid in Government*) documented that in the 1st month, *renchen*, of Dazhongxiangfu 7 (1014): A man in the Capital married about ten days but fled, and took money away from his wife," Emperor Zhenzong then ordered, "if someone goes away without leaving anything to provide for his wife, and wife is no self-sufficient, she should be allowed to remarry." Even though the policy insured the right for married women to remarry, she was economically destitute.[40] The consternation could only be imagined. In order to take more control of the situation and insure that when wealthy girls were married of, they had their own resources, the bride's family either gave land

[34] Zheng Qiao.
[35] Lü Zuqian, Vol. 108.
[36] Zhu Xi, Vol. 10, "Daquanji shiyi."
[37] Ye Mengde, 1984.
[38] Zhang Bangwei, 2003, 174.
[39] Xing Tie, 2005, 249.
[40] Li Tao, Vol. 82, the 1st month, *renchen*, of Dazhongxiangfu 7 of Emperor Zhenzong's reign.

as dowry or convinced the daughter to buy land with dowry money. The custom made the parents seem more prestigious and it also provided young brides with a livelihood. In addition, as an immobile asset, the husband's household could not take it away from the wife. For brides, dowry lands were much more of an insurance policy than more transferrable dowry could be. Because of this, wealthy Song women often bought land with their dowry money. For example, Ouyang Xiu's sister bought her own land.[41] Wu Gongshi's wife "bought fourty-seven *mu* with the dowry."[42] "Shi Yangxiu grew up poor, but despite it all, accumulated a lifetime of wealth to buy six hundred *mu* of land."[43] Of course, some women use their dowry land for the benefit of their husband's households. For example, Ye Mengde's wife paid for her husband's sister dowry so as not to make the family look bad.[44]

Secondly, because dowry lands were not easily moved, it was easier to till. Ordinarily women marry close to home. Yu Shi said, "Marry who but neighbors."[45] In reality, ever since the Western Zhou Dynasty, women generally do not marry far away. According to of *Zhanguo ce* 战国策 (Strategies of the Warring States), Vol. 3, "Qin 1", "women who do not marry far are kind." Such talk was common during the Song. Such as "Neighbors, they have known each other for a long time, the harmony of the marriage starts from the very beginning."[46] Further observations make clear that not only were marriages made between neighbors, prominent families often married each other. There are many examples of this. Here, aside from some incestuous marriages, from the standpoint of the principle of not marrying far.[47] The inter-related family that was borne out of intermarriage was the organizing basis of Song society, especially after the further consolidation of Neo-Confucianism. Chinese culture began to be based more on the organizing principles of "lun" 伦 (human relation). Fei Xiaotong summarized that "lun" is "organizing principle with hierarchy."[48] However, "in a hierarchical society, social relationship is a web

[41] Ibid., Vol. 157, the 8th month, *jiaxu*, of Qingli 5 of Emperor Renzong's reign.
[42] *Minggong shupan qingming ji*, Vol. 10.
[43] Hu Yin, Vol. 21, "Chengdu Shishi yitian ji."
[44] Ye Mengde, 1986, 28.
[45] Yu Shi, Vol. 1, "Xiaoshitang yuan."
[46] Lou Yue, Vol. 68, "Jijiu di'ernü Xugushi shu," "Fudi zhidao zhangnü Xulishi shu."
[47] Related resources include Lü Zuqian, Vol. 11, "Jinhua Wang Zhongyi mu Wangshi muzhiming." Wang Ling, "Wufuren zhuan;" Zhou Bida, Vol. 75, "Chaofeng dafu zhishi Lijun mubiao; " Cao Yanyue, Vol. 18, "Zhinü Caoshi muzhiming;" Li Jingde, Vol. 89, "Liliu;" Lü Zuqian, Vol. 11, "Jinhua Wang Zhongyi mu Wangshi muzhiming." For exact citations, see the Chinese version in *Shixue yuekan* 史学月刊 (Journal of Historical Science), 2009, (3): 98–105.
[48] Fei Xiaotong, 97.

formed by individual connections."[49] In this "kin-based social web,"[50] brides are important links in these organizing social relations.

Marriages for the wealthy Song were often made between two different clans. These marriages not only made the family's influence greater, more importantly, they provide for the livelihood of the women. Faced with social uncertainties,[51] some wealthy families coped by using dowry to ensure the wellbeing of brides was not endangered by such social uncertainties. Some scholars hold the opinion that such marriage practices created many social problems such as impotencies, sex ratio imbalance and other problems that had negative effects on the Confucians family and social norms.[52] Theoretically, these are valid points, but the question must be asked: Why during the Song Dynasty did "people choose spouses based on money?"[53] Hegel pointed out that "What is rational is real and what is real is rational."[54] During the Song Dynasty, some wealthy families were confronted with the reality that "the rich could be poor the next day, the poor rich the next day."[55] To avoid such unfortunate realities, the rich often relied on real estate. For example, a wife in the Shangguan clan doled out her dowry land for the benefit of the household. "There was no one in the clan did not praise her."[56] Shangguan was wise to buy properties with her dowry money. Yuan Xie of the Song Dynasty remarked that "it is a rare aristocrat that did not accumulate land."[57] The result of the massive accumulation of the rich was that "the wealthy had too much land to take care of, while the poor did not have enough to sustain themselves."[58] The Song was a time where family relations were close, parents did not want their daughters to suffer from lack of material wealth. They would rather give their daughter dowry land so that they would have a source of livelihood. For instance, Zheng Yingchen had two daughters and a foster son. He gave "his two daughters each one hundred and thirty *mu*."[59] Zhao Ding of the Song stipulated in article twenty-one of his family rules that "Whenever a daughter is married off, she must be given five hundred tales."[60] It is possible to conclude that, from both a family point of view and that of social survival, land as dowry was a form of guarantee of livelihood that Song parents gave to their

[49] Ibid., 100.
[50] Ibid., 96.
[51] Yuan Cai, II, "Zhijia."
[52] Song Dongxia.
[53] Ye Shaoweng, Vol. 4, "Dingji: Qingyuan dang."
[54] Hegel, 11.
[55] Xie Yi, Vol. 9, "Huangjun muzhiming."
[56] Han Yuanji, Vol. 22, "Rongguo taifuren Shangguanshi muzhiming."
[57] Yuan Xie, Vol. 16, "Shufu Chengyilang tongpan Changdefu jun xingzhuang."
[58] Li Tao, Vol. 27, the 7th month, *jiawu*, of Yongxi 3.
[59] *Minggong shupan qingming ji*, Vol. 8, "Nü he chengfen."
[60] Zhao Ding, Vol. 10, "Jiaxun bilu."

daughters. It was also a remedy that the wealthy in the Song had for dealing with a plethora of social uncertainties.

The Right to Control Bride Dowry Land and the Economic Position of Women in Song Families

In investigating the question of dowry land and ownership in the Qing Dynasty, Mao Liping put forth the following question: after the bride brought her dowry lands to the husband's estate, did they become mixed with the husband's property, or were they left in the care of the woman herself?[61] Tracing back through the years, this was not only a question for the Qing Dynasty. In fact, the Song Dynasty faced a similar type of problem. As mentioned before, current research has not yet come to an agreement on who claimed the right of ownership of bridal dowry lands during the Song Dynasty. Indeed, the Song Dynasty not only paid special attention to the lives of wealthy women but, on a legislative level, put forth laws that both respected and protected the rights and interests of women from wealthy families. The most striking of these laws was the acknowledgment that women had the right of ownership and the authority to dispose of their dowry as they saw fit.

First, "Land as dowry" belonged to the family of the bride and the right to buy and sell the land remained with the bride. According to the ideas on real estate held by the Song Dynasty aristocracy, while the parents were still living, neither sons nor daughters were able to come into possession of any property. Sima Guang wrote "The mother and father always managed the resources of their sons and daughters. Everything their offspring earned, the parents owned. If the parents-in-law wanted to borrow, the daughter had no choice but to lend."[62] Fang Yue puts it in even blunter, "As long as the mother and father are still alive, children cannot own property."[63] This principle, that children could not own property while their parents were still alive, was well established since the time of the Qin and Han dynasties and it served as one of the foundational principles of feudal rulers. The Song Dynasty was not an exception. Therefore, as seen in these examples, as long as the bride's parents were still alive, the land given as dowry could not become a part of the son-in-law's estate. The preceding examples from the *Song xingtong* make this principle quite clear. In fact, the Southern Song pushed regulations one-step further, "If the mother has already remarried, and the son wants to sell property, he must have the seal of his

[61] Mao Liping.
[62] Sima Guang, Vol. 4, "Jujia zayi."
[63] Fang Yue, Vol. 26, "Hui Li Zai."

mother."[64] Even a woman who divorced and remarried had this important right over her former husband's estate. When speaking to the issue of a widow's right to the lands of her dead husband, her control is even clearer. However, since the title of the bridal dowry lands were made out in the bride's name, she had commensurate control. One source relates the story of A Zhang, "After the death of Wu Zishun, as well as the death of his son, only his wife, A Zhang remained, the owner of 10 *mu*. In her old age, without a husband and without a son, the lands returned to her family."[65] As this typical example shows, the bride had the right to control her dowry land; otherwise, after the death of her husband and son, A Zhang would not have been able to take the lands back to her parents household and live out her remaining years. However, when the bride's mother and father were still alive the situation was different; it was only after the death of the mother and father that the bride gained the right of ownership and the right to control her dowry lands. Another example comes in the form of Shi Hui, who tried to take over his dead cousin's land for his own use but he was reported to officials by the cousin's husband for a violation of the law and the land was subsequently returned.[66] In the Song Dynasty, ownership of bridal lands fell into two groups: when the mother and father were still alive, they owned the lands; after the mother and father passed away, the bride had ownership of the lands and could manage it as she wished. It is clear that at least in the beginning of the Southern Song, the government protected the ability of brides to manage their dowry lands by granting them sole legal control. This statute was a way in which the Song Dynasty respected the rights of women and it illustrates how young women maintained their relative economic independence. This economic independence of the Song Dynasty women, made a deep impression on the society of the time.

As the previous examples showed, in the beginning of the Song Dynasty, a bride's dowry lands remained separate from her husband's household. Therefore, some have advanced the point that in the Song Dynasty "While the relations between couples were harmonious, the land belonged to the couple, and the husband and wife maintained joint ownership. However, when the relationship experienced a crisis, or the husband passed away, the problem of land ownership came up."[67] In fact, in both custom and expectation, the right of ownership and the right of disposal were quite clear. In comparison, the lands belonging to the husband also had very clear legal regulations and the two, the lands of the wife and the lands of the husband, were not to be confused. Therefore, to say that a

[64] Li Jingde, Vol. 128, "Beichao er · Fazhi."
[65] *Minggong shupan qingming ji*, Vol. 8, "Li qi tianchan ziwei zunzhang yuyi qinsun wei renhou."
[66] Ibid., Vol. 6, "Su liantian."
[67] Gao Nan, 2004.

husband and wife "maintained joint ownership" of the dowry lands is not accurate. For example, Xing Tie holds that during the Song Dynasty "the dowry land did not belong to the husband but to the wife."[68] Compared to earlier perspectives, the viewpoint closely accords with the reality of marriage practices in the early years of the Southern Song Dynasty. In fact, not only were the dowry lands treated in this way, land purchased with dowry followed the same custom. For example, Vol. 157 of *Xu Zizhitongjian changbian* relates the following story: "In the beginning, Ouyang Xiu's sister married Zhang Guizheng, who died without a son, but had a daughter born of his previous wife. At the time this daughter was four, Ouyang Xiu's sister went back to her own family to raise the daughter. When the daughter reached adulthood Xiu married the daughter to someone in his clan—Cheng. The daughter then had an affair with a household servant of her husband's charge. The husband brought it to court. Xiu once have some imbroglio with Yang Riyan, who had been official at Yizhou. Yang inspired his warden to denigrate Xiu. Another official, Qian Mingyi, thus accused Xiu have an affair with the daughter and try to steal the daughter's property.… At last, Xiu was accused to use the daughter's dowry to buy land for his own family."[69] As the example shows, the daughter used her own dowry to purchase other real estate and her husband's household had no right to interfere with her handling of the lands. Another example conveys a similar idea: "Liu Xiaban had three sons, Gongchen, a son by his wife named Guo, Gongli and Gongwu, whose mother was a concubine. Liu Xiaban had to pay taxes of six tales, and his wife had to pay taxes of six tales on her own lands brought with dowry. After the death of Liu Xiaban, as well as the death of his wife Guo, Gongchen and his brothers tried to divide the estate. Gongchen split the six tales of land in three ways and he claimed sole ownership of his mother's land and did not give it to his brothers. The two younger brothers were fine with this arrangement and did not dispute it."[70] An analysis of the previous examples demonstrates that the land a bride brought as dowry was not in the joint possession of the husband and wife. Instead it was the sole property of the wife. She could even pass this land along to her children as inheritance.

Secondly, the law of the Song Dynasty protected land bought by the wife's money and stipulated that this land was not part of the husband's estate. One document explains the case Deng Yi, "a resident of Hangzhou, who was poor and without his own home, and he had not applied himself enough to obtain a bureaucratic position. A prominent person's daughter was abandoned by her husband due to her schizophrenia. This daughter then took all of her dowry lands

[68] Xing Tie, 2005, 255.
[69] Li Tao, Vol. 157.
[70] Huang Gan, Vol. 33, "Guoshi Liu Gongli su Liu Renqian deng maozhan tianchan."

and married Deng Yi."[71] This example made it clear that the lands of the wife were independent of the husband's household and that the husband could not control the properties of the wife. Moreover, the evidence shows that if the husband initiated a divorce, the wife was entitled to half of the lands in the husband's estate. The following example comes from the *Yijian zhi* 夷坚志 (Curious tales): In Tangzhou, after a man named Wang Balang had a relationship with a prostitute for a number of years, he decided to get divorced from his wife. As a result, his wife went to see the county magistrate. The magistrate heard the case and gave the wife her share of the husband's property."[72] Examining this document, it is not hard to see that, under similar circumstances, the laws of the Song Dynasty tended to protect women's property from being encroached. Again, as in the case of the widow A Zhang and her daughter-in-law A Cao, who won the battle for ownership of their husbands' real estate with the clansmen, the wives received control of the land.[73] Many married men tried to used this practice, the protection of the wife's right of property ownership by law, as a way to protect their land from being split by any of their younger or older brothers. Men used this protection to transfer their own property. For example, in *Yuanshi shifan* 袁氏世范 (Master Yuan's precepts for social life), Ⅰ "Muqin," Yuan Cai puts forth the following point: When a husband did not want his land split between other members of his family, he agreed to put the title under the wife's name. *Xin'an zhi* 新安志 (Gazetteer of Xin'an) contains a story about the magistrate Cheng Mai spotting fraud in the transferring of a land deed in a woman's name. The original text says "Rong Zhimin in the village filed a land dispute suit that was not resolved for twenty years. The magistrate Cheng Mai asked the plaintiff's age and found that it was 66. Cheng Mai then said that when the deed was made, Rong Zhimin was only seven years old. 'How could you possibly buy it in you wife's name!' charged Cheng. The plaintiff was caught off guard."[74] Obviously, the example makes clear again that the Song Dynasty women held a special place in the economic life of their husband's household. Otherwise, there would not have been so many men who relied on the right of women to own property in order to protect and transfer their own lands.

From the perspective of the Song Dynasty law, women had a relatively high economic position in family life. For example, the law at the time stated: When the husband was already separated from his own household, or after the death of the husband, the lands should be inherited mostly by the wife."[75] Even though it is questionable that this law was strictly implemented, the fact that the Song

[71] Hong Mai, addendum 3, "Meng de fuqi."
[72] Ibid., Ⅲ, Vol. 14, "Wang Balang."
[73] *Minggong shupan qingming ji*, Vol. 6, "Zheng tianye."
[74] Luo Yuan, Vol. 7, "Chengxianxue."
[75] Xu Song.

Dynasty used laws as a method to protect the economic rights of women as they entered their husband's household represented a concrete example of societal progress. Another example comes from *Qingming ji* Where it is possible to see someone use the rights of his wife's property ownership to avoid a suit against themselves. "When Wu Gongshi's second wife, Wang, got married, all the titles they bought after their own marriage were in the name of Wang's dowry. Buying property in his wife's name protects him from future lawsuits. Originally, when Wu Gongshi was healthy, he had 130 *mu* of land, various equipment and various items in storage of which Wang had 23 *mu* as part of her dowry and another 47 in the name of her dowry. When Wu died, Wang took the properties with her to her next marriage."[76] Magistrates later ruled that "the 47 *mu* of property was bought with her dead husband's money and the son, Wu Ruqiu thought it reasonable that he should inherit this property but all official documents and the deed were made in Wang's name so there was no basis for the son's claim."[77] In the Song Dynasty, the land bought by the husband in the wife's name belongs to the wife in principle. Because the law protected the wife's land, some selfish husbands put property under his wife's name in order to avoid sharing property with his family. The accompanying problem, however, is that when husband died the wife usually brought her dowry to remarry causing tremendous financial losses for the husband's family. As the records found in *Yijian zhi* shown, "Zheng, a man from Quzhou, married Lu. After the death of Zheng, Lu took all his money and married Zeng Gongcao of Suzhou."[78]

However, the right of the bride to own and dispose of her dowry lands as she wished was not carried out during the entire course of the Song Dynasty. After the middle years of the Southern Song, due to the gradual increase of Neo-Confucian thought, officials used law and public opinion to limit the rights of ownership that brides maintained over their dowry lands. After these laws were passed, the Song was busy with fighting the establishment of the Yuan and these laws were not put into practice throughout the country. However, they would have a significant impact on the public opinion and legal philosophy of the Yuan, Ming and Qing dynasties. Therefore, great importance must be attached to these documents. The following quotations from *Qingming ji* demonstrate this trend quite clearly. From here it is possible to examine the process by which officials of the Song Dynasty continually weakened the economic status of brides from various social classes.

Case 1: "The law holds: The wife's household cannot be divided. The law

[76] *Minggong shupan qingming ji*, Vol. 10.
[77] Ibid.
[78] Hong Mai, 夷, Vol. 2, "Lushi fuyue."

further states: The wife's household should be managed together with her husband."[79]

Case 2: "The dowry land given to the husband by the bride's mother and father are then a component of the husband's estate. How can the wife take it away lightly?"[80]

The first example—from the third year of Duanping (1236)—chronicles a land dispute. The second quotation does not have a precise date. However, the *Qingming ji* comes from cases that happen after 1231. The *Qingming ji* is primarily compilation of middle to late Southern Song legal briefs and decisions. The preceding examples come from Chapter five, which documents 17 cases among these 10 of which are dated and one which happened in 1208, the rest were from 1229–1242. In view of this, it is possible to make a preliminary judgment on when the Song Dynasty began to limit the ability of brides to control their dowry lands. The regulation preventing women from taking their original dowry lands with them when they remarried was promulgated sometime in the reign of Emperor Lizong (1225–1264). The last collection of legal codes from the time, *Chunyou tiaofa shilei* 淳祐条法事类 (Case about the law in Chunyou years),[81] states that "140 statutes were modified, 400 were created, 50 were added in and 17 were deleted and there remained 430 volumes in total. After the reign of Emperor Duzong (1276–1278), the law was implemented but the statues were set in stone. At all levels of government exceptions were made and modification were made throughout time—too many to be listed here."[82] It is a pity that the original text no longer exists and scholars are unsure of the content of the 400 statues that were created and the 50 that were added. However, judging from the verdicts related to *Qingming ji* the limitation of women's property rights was one of the primary purposes of this book. According to Vol. 33 "Guoshi Liu Gongli su Liu Renqian deng maozhan tianchan" of *Mianzhai ji* 勉斋集 (Collection of Huang Gan) which documented the land disputes between the Liu brothers, the focus of the dispute was whether the land of Guo, the wife should be split three ways between the brothers. The judges had differing opinions and verdicts. "County Magistrate Zheng and the judicial commissioner thought the two younger brothers should not be given any of the wife's dowry lands. They should all be given to Gongchen, the son born by Guo. But the judicial commissioner of Jizhou, thought that Gongchen should not be given sole ownership of the dowry but should split them with his brothers equally. While

[79] *Minggong shupan qingming ji*, Vol. 5, "Qicai zhiye bu xifen."
[80] Ibid., "Jimu jiang yanglaotian yizhu yu qinshengnü."
[81] Wang Yinglin, Vol. 66. "Lüling xia."
[82] Tuo Tuo et al., eds., Vol. 199.

Zhao Anfu, Magistrate of Han County, thought the estate should be split two ways—one half to Gongchen and the other half to the two younger brothers." Combing the aforementioned analysis, at least before the 1st year of Jiatai (1201), the Southern Song had not established the principle that a husband can own the wife's property. Otherwise the judges would not have different opinions on the matter. Stripped of dowry land as an economic base, coupled with affirmation of neo-Confucianism as the unquestioned benchmark, the economic position of women nosedived. This was especially true for women who remarried, as they received society's scorn.[83] However, due to the influence of Mongol traditions, where the dowry was not as important as the engagement gift from the groom's side, on the one hand; and on the other hand, because of the marginalization of the literate class, which reduced their attraction for the rich. When reflected to marriage practices, it meant that during the Yuan Dynasty, the groom's side gave the gift. Accordingly, dowry as a practice was not valued. We can conclude that the rapid descent of the status of women actually happened during the Yuan Dynasty, not the Song.

Some scholars hold that since the husband could control the money brought in from his wife's lands, during the Song Dynasty the right of ownership and control of dowry lands rested with the husband and not with the wife.[84] However, this is only a partial understanding of the issue. As many examples make clear, being the head of the household and the right to own property was not the same thing. The Song Dynasty was discriminatory on the question of who could head the household and custom dictated that "If married or with male heir, the woman cannot head the household."[85] However, not being the head of the household did not, in and of itself, hinders women's ability to own property. As the preceding examples of Ouyang Xiu's sister and the case of the Ji family shows, even under the husband's household the wife's property rights were relatively independent,[86] even if they were registered under the husband's name, the wife's property had relative independence, and the division of property was quite clear: in general it could not be confused. If the husband was the head of the household or if the wife was the head of the household the conditions were the same. As the law of the Song Dynasty stated, after the death of the husband "The lands of the husband are to be registered under the wife's name but not to that of any future husband of the wife, and if the wife passes away the property were to be treated as if whole household perished."[87] Moreover, according to the law "if the household

[83] Su Shi, Vol. 15, "Chaozhou Hanwengong miaobei."
[84] Tuo Tuo et al., eds., Vol. 178, "Shihuoshang liu."
[85] Ma Duanlin, Vol. 13, "Zhiyikao er."
[86] Han Yuanji, Vol. 22.
[87] Xu Song.

perished, and they had a daughter, she was given one third of the estate except for charitable donations. The rest of the estate was to be confiscated by the government."[88] From this example, it is possible to see that even when the wife heads the household, she could not claim the dead husband's land because the properties between the two were not to be mixed. They had individual ownership of their properties and any future husband could not inherit the wife's former husband's land.

Looking at the overall picture, even though the Southern Song began to adopt a policy that limited the rights of brides to the dowry lands after the middle part of the dynasty, the change was not sudden and violent. Instead, the policy underwent a gradual change. Young brides from upper class families were still able to use their rights of controlling and possessing their dowry lands as a base to maintain their economic status. The change after the middle of Southern Song to the concept that a man could control his wife's land does not prove that the husband had ownership over this land. The laws of the Song Dynasty made it clear that these dowry lands belonged to the mother and father of the bride. Even taking a step back, to say that the bride owned the lands, this does not mean the government began to strip their rights to dowry lands. Some time was required from the establishment of a law to the moment when it could be carried out. It is easy to see from the preceding examples that, according the reality of Song Dynasty law, a bride's dowry lands were not part of the husband's estate, on the contrary, the lands of the husband were not his alone, he shared ownership with his wife.

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[88] Dou Yi et al., eds., Vol. 12.

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