

# INTRODUCTION

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## AIMS OF THE CONFERENCE

Women have played important roles in household management and its succession in various family systems in the world. In some cases, women ascend to the headship for themselves, whereas in other cases sons-in-law or kinsmen on the female side become successors through female ties. Some women are appointed as the heiress when they are still young, while others suddenly become the head by the death of their husbands. Female succession, i.e., inheritance by women or through women, is included in the formal rules in some societies, and indeed it is sometimes intentionally chosen as a strategy for perpetuating the household. In other societies, however, it is only the last resort when no suitable heir exists.

This symposium, to which scholars from various areas in Asia, Europe and America were invited, casts the light of comparison on the roles of women in household management and succession-roles that have been largely overlooked by research that assumed, or was preoccupied with, male headship. How are the logics of female succession different according to the type of family system, inheritance custom, and family ideology? Or is there universal logic across cultures? Have the logics changed in the process of history?

Scrutiny of female succession will not only reveal the truth about societies that has been hidden under the cultural ideology but also make a breakthrough from theories that oversimplify the question of gender with such concepts as 'patriarchy' and 'patrilineality.'

This 'Introduction' will start with locating the symposium papers geographically upon a world map. Then, the major topics of female inheritance discussed in each paper will be presented in comparative terms. Finally, historical changes in female succession are also illustrated in relation to geographical contexts.

## GEOGRAPHY

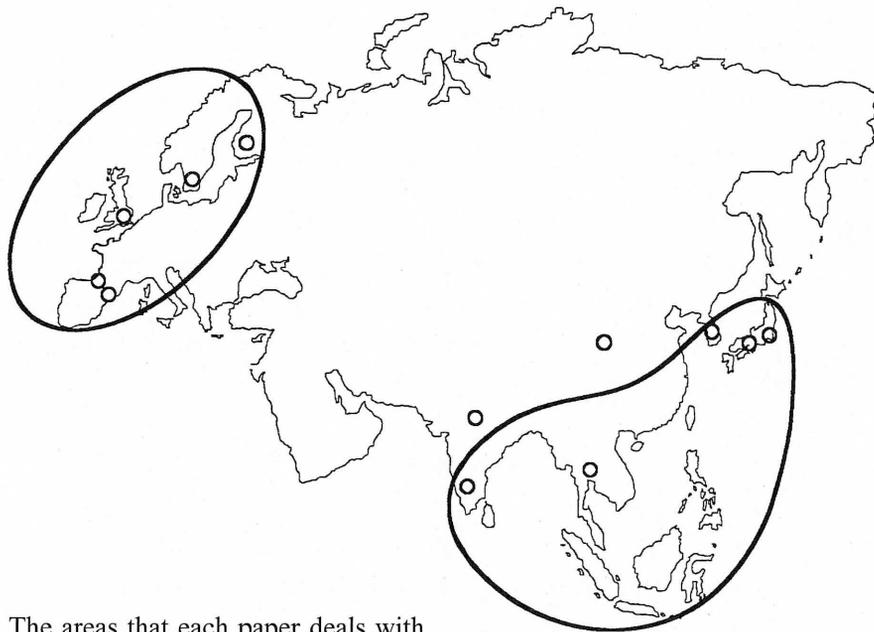
Marking the areas that each paper deals with on a map makes us realise that this conference covered much of the globe. Reports from Europe treat Southwestern Europe, such as the Pyrenees and Basque area of France; Scandinavia including Southern Sweden and Finland; then England. There is one paper on Canada, North America. We have two reports on India, including one on an area in the Southwest with unique

characteristics, then, one each on Thailand, Korea, and China, and two on Japan.

During the conference, the question of geographical divisions was often raised. As to Europe, we have learned a division between Southwestern Europe and the Mediterranean from the papers by Professors Antoinette Fauve-Chamoux and Marie-Pierre Arrizabalaga. Though the term 'Southern Europe' is commonly used, we need to distinguish the Southwest where bilateral features are strongly pronounced from the Southeast where patrilineal tendencies prevail. Scholars consider that the Southwest keeps a very old tradition that even predates the Roman Empire. Further studies are required to grasp where to draw lines in other parts of Europe that we did not take up at this conference

The Indian papers and the Thai paper demonstrate a contrast between the Southeast and the South of Asia. A closer look, however, reveals a sharp difference between the North and the South of India, differences between those areas and East India, and similarity between the latter and Southeast Asia. In these areas, succession rules are in many cases matrilineal or bilateral (or non-linear) and the residence rules are matrilineal, being more profitable for female inheritance.

As for East Asia, we see a cultural variety which distinguishes Korea, Japan, and China. Korea is usually considered to be more Confucianist than China, but historical investigation reveals a bilateral tradition. Northeast Japan had a tradition of absolute primogeniture regardless of sex, which is quite similar to the Basque case.



Map: Advantageous places for female inheritance

As a conclusion, the advantageous places for female inheritance are the western and southeastern ends of the Eurasian continent – places such as Western Europe, Southeast Asia, and a part of East Asia (Map). In contrast, according to the presentations on China and North India, disapproving attitudes towards female inheritance are more commonly found in these areas.

In this light, both edges of the Eurasian continent seem to be accommodating to female succession, whereas the central part of the continent is not. To quote Professor Sølvi Sogner's comment: Asia and Europe have more in common than expected. The dividing line lies not between them but somewhere else. Yet, we must be aware that the conclusion is still premature, as there are not enough papers on the central part.

### WHAT DO THEY SUCCEED / INHERIT?

The first question for the comparison of female inheritance in reported areas is what is succeeded and inherited. There are four answers: (1) property, (2) headship, (3) social roles, such as community tasks, and (4) ritual or spiritual continuity and ancestral rituals.

In general, the weight on (1) property is prioritised in most areas, except among a few social classes to whom the notion of property is meaningless. The term 'inheritance' tends to imply a transmission of property, while the term 'succession' is more suitable for (2) headship and (3) social roles. (4) Spiritual continuity is emphasised in East Asia, although there are discussions of how old the tradition is.

It is worth noting how Professor Marie-Pierre Arrizabalaga responded in the discussion to a question on the transmission of the land in Pays Basque. In her response, she explained that it is considered shameful to sell the family land at inheritance, because ancestors are buried in this (their) land, and thus the land has a spiritual aspect. I would call this a notion of spiritual continuity which might be comparable to that in East Asia.

When I visited a museum of ethnology in Sweden, the exhibition was on the ways ancestral spirits return home for Christmas. The explanation said that the family members slept on the floor on the night of Christmas to clear the beds for ancestors. It reminded me of the Bon tradition, an ancestral ritual in Japan to welcome deceased family members back home for a few days in August (in the seventh lunar month, in premodern times). This made me wonder whether spiritual continuity is socially recognised in Scandinavian cultures as in East Asian cultures. As I have come across this personally, I find it convincing that succession in Europe could have a ritual/spiritual aspect, and that the land is perceived in relation to ancestors.

## WHO ARE THE HEIRS IN FEMALE SUCCESSION?

The next question is who the heirs are in 'female inheritance.' The answers are (1) daughters, (2) sons-in-law, (3) adopted sons-in-law, (4) widows, and (5) married women.

(1) Daughters have played more important roles in history than usually assumed. In Sweden they sometimes inherit the farm even when they have brothers according to Professors Martin Dribe and Christer Lundh. Scandinavian women had a right to possess the land. In contrast, daughters did not have a right to inherit property in China. The rights of Korean daughters drastically changed in the late 17th century. The inheritance system changed from the equal inheritance including both sons and daughters to the unequal inheritance only for sons with a great privilege of the eldest son.

There has been no other conference in which so many presentations cast light upon (2) sons-in-law as in this one. Studies on family history heretofore had given nearly no attention to the roles of sons-in-law. Nevertheless, the conference revealed that the son-in-law in female inheritance is socially crucial; it is a compromise of female succession in a society where male headship is the formal rule. This was found in the Basque country, the Pyrenees, Scandinavia, Thailand, and China. The status of son-in-law is varied according to society. A son-in-law in the Basque country became a co-manager of the farm, though not a co-owner. Similarly, the role of a son-in-law in the Pyrenees was not to inherit but to secure the next generation. In Norway, however, a son-in-law could sell the farm the wife owned as if it were his own. Korean sons-in-law even played a role in ancestor worship before the turning point in the late 17th century. Probably the severest place for sons-in-law has been China. Chinese sons-in-law are discriminated against in many ways; for a man to in-marry is regarded as a last resort. However, in practice, Chinese people have never stopped taking sons-in-law, and the treatment of sons-in-law has varied according to time and space, as Professor Li Zhuo shows. For example, the Mongol Yuan Dynasty saw a better attitude toward them than later periods. We should pay more attention to regional diversity as well.

The difference between (3) an adopted son-in-law and a usual son-in-law lies in whether he is taken as a child by his wife's parents or not. Son-in-law adoption is commonly practiced in Japan, though this is regarded with astonishment in China, because it constitutes incest in the Chinese context. Professor Beatrice Moring's comment that son-in-law adoption was practiced in Finland, although it is very rare and considered to be incest in most of Europe, provoked a heated discussion. She holds that sons-in-law were adopted in Finland and also in South Sweden as a step to inheritance. However, both Professor Lundh from Sweden and Professor Sølvi Sogner from Norway argued that there were no such evidence for Sweden and Norway. We need more research and discussion on this topic.

The distinction between (2) son-in-law and (3) adopted son-in-law, however, might not be so crucial when observed in a global context. The peculiar custom of son-in-law adoption in Japan can be understood as a mere cultural disguise of female succession under a patriarchal ideology influenced by China. We should pay more attention to similarity in practice rather than difference in outlook. The Basque and Pyrenean custom of calling a son-in-law by the name of the wife's house (not a surname but a house name or 'yago' in Japanese) can be reconsidered in this context, though it is not a case of adoption.

(4) Widow's rights are secured in Europe, as shown for Sweden and England in this conference. A widow inherits after her husband's death based on their legal rights. However, they often face economic difficulties, as Professor Richard Wall discussed in detail for England. This is a phenomenon Peter Laslett called 'nuclear hardship' (Laslett, 1988). I will not get into details of this topic here because I have written a review on it with Michel Oris elsewhere (Oris and Ochiai, 2002). In Canada, due to the revision of the law, the rights of the widow have been extended. Turning to Asia, a widow was highly respected in Korea. She enjoyed a status nearly equal to her husband. She became the head after the husband's death in until the 17th century, and after this custom was abandoned in favor of male inheritance, sons came to pay even more respect to her in compensation for her giving up the headship. In Japan, the role of widows is strategically crucial in inheritance.

(5) Women in marriage are not quite visible in a system of inheritance, since married women in Europe could own property, but the manager was the husband, as Professor Fauve-Chamoux tells us. Professor Peter Baskerville reports how Married Women's Property Acts changed the situation in late nineteenth century Canada. On the contrary, Thai women had full control over their property and many women owned and ran businesses. Their property rights became limited in the process of modernisation.

### **WHAT AFFECTS THE STRENGTH OF FEMALE SUCCESSION?**

There are various factors that affect the strength of female inheritance. For example, (1) kinship structure, (2) ethnicity/linguistic group, (3) law/legislation, (4) economy, (5) ideology, and (6) strategy.

Two aspects of (1) kinship, lineality and locality, were discussed throughout the conference. Places in which female inheritance is strongly practiced tend to have a bilateral, or non-linear, structure of kinship. This is generally found in Europe, as Professor Fauve-Chamoux states. Southeast Asia has a similar kinship structure, though Professor Hiroko Seki Hashimoto proposes to call the Thai system 'female-centered' rather than 'bilateral.' Korea and Japan are in brackets, because they are

believed to be patrilineal or semi-patrilineal societies, but researches by Professors Shima and Jun Yamamoto imply that they used to be, and potentially remain, bilateral.

As to patrilineal societies, we must note that it is not always the case that female succession is restricted. According to Professor Patricia Uberoi, even in patrilineal India, a diversity of 'patrilineality' is found, depending on how circumstances operate. As marriage systems differ in South and North India, women's rights are much more secure in the South where close kin marriage is common. Professor Ayami Nakatani from the floor also pointed out that Bali, Indonesia is patrilineal and patrilocal, yet women's rights are protected, depending on a special arrangement of locality produced from patrilateral parallel cousin marriage.

Nayar can be categorised as a matrilineal society. Thailand is obviously a matrilineal society, though the term 'matrilineal' is not applicable. However, it is worth noting that Professor Gopinath Ravindran and Professor Hashimoto found various common features to share in their research areas.

Here, I would like to reintroduce the term 'house' Professor Fauve-Chamoux mentioned. The term had been elaborated by Levi-Strauss in studying kinship systems. Different from lineality and locality, the term 'house' implies a system like 'ie' in Japan. More precisely, 'house' indicates a system of family line, based on residence or accommodation, including estates, buildings, farms, and so forth. The house has been overlooked in anthropological studies that have focused on Africa and Latin America. However, recent studies have shown that the house is a fundamental unit of social structure in areas such as Europe, Southeast Asia, and Japan. One can argue that the house system is found particularly in the western and the eastern ends of Eurasian continent. Professor Fauve-Chamoux and I organised a conference five years ago to compare the western and the eastern house societies (Fauve-Chamoux and Ochiai, 1998). The existence of absolute primogeniture regardless of sex in both Basque territory and Northeastern Japan, reported by Professors Arrizabalaga and Yamamoto, is an evidence of latent similarity in kinship structure in Europe and Japan beyond such a geographical distance.

In the current context, it is interesting to remark that the house system areas correspond to the areas of female inheritance that I pointed out above. This leads to a question of logical or causal relationship between them. Unfortunately we did not have adequate time to discuss this topic in the conference. However, the logic seems quite clear to me that the house system has to make use of both sons and daughters as heirs, because it prefers to choose the heir from within a house. The number and the range of possible heirs are quite limited in a house system, compared to a lineage system where all males (or females) of the same generation are possible heirs.

Concerning (2) ethnicity or linguistic group, studies on Basque people and Dravidian people in South India illustrated how the difference in ethnicity or language

persists and affects the strength of female succession.

Many papers mention the effect of (3) law and legislation on female inheritance. These papers illustrate how a legal system sets directions for female succession in each society. However, at the same time, we should keep in mind Professor Sogner's remark that the legal system does not determine everything, but leaves a lot of space to practice. The Swedish paper compares the legislation rules and the practice observed in data. Another important point regarding law and legislation is that the law changes with different effects on female succession. For example, for Thai and Nayar societies, the modern legislation brought from the West had an effect obviously damaging to the interests of women who were treated better in their own tradition. On the contrary, the modern law functions to extend the rights of women in Canada.

The influence of (4) economy in relation to female inheritance is discussed in papers on the Basque country and Nayar territory. In the Basque case, the disadvantageous economic condition drove male heirs away to America, resulting in more female succession.

We did not have much discussion on the issue of female labour at the conference, except for Professor Hashimoto's paper on Thailand. In Thailand, the 'housewife' hasn't actually existed, as women are expected to work to such a great extent that their work cannot be limited to domestic labour. The great contribution of women to household economy, equal inheritance advantageous for daughters, and matrilocality make a consistent picture of the Thai situation.

Yet, as a whole, the issues of male and female labour, and how it operates and functions in relation to female inheritance, were not much argued during the conference. Why was this so? The answer might be that labour is not necessarily a determinative factor for social positioning, which differs from or even is the opposite of the Marxists' view. The whole issue of labour in relation to inheritance requires further detailed investigation.

As to the issue of (5) ideology, the influence of Confucianism in China and Korea was discussed. Professor Mutsuhiko Shima argues that ideology was not a determining factor in family change in late 17th century Korea. He insists that the Confucianist ideology was employed rather as a tool, when social changes occurred independently from it.

Considering the aspect of (6) strategy, some studies revealed how female inheritance functioned strategically. The example of men leaving houses in the Basque country and the case of family businesses in Kyoto presented by Professor Mary Louise Nagata explained ways female inheritance had a strategic aspect. The input reward system that benefits family members who took care of old parents also enlarges women's portion in inheritance.

At the end of this section, I have to emphasise an important point. Holding

rights of inheritance does not necessarily mean having control over property. Even though women's right of inheritance is protected, in Europe it is often at husbands' or male relatives' disposal, as Professor Fauve-Chamoux points out. The case of matrilineal Nayar where the eldest male holds the power to make decisions is a striking example from Asia. Professor Tamara Hareven is right in warning that female inheritance is not an indicator of gender equality. It is more often utilised to meet economic needs or to keep the family line.

### **HISTORICAL CHANGES IN FEMALE SUCCESSION**

A number of papers argued how modernisation, or westernisation from an Asian point of view, has functioned to limit and suppress female rights of inheritance. It happened when the Civil Code was introduced in Europe and when the westernisation occurred in Asia. Thailand and the Nayar area of India are the most extreme cases of the latter. However, it must be noted that modernisation had two stages. As Professor Baskerville pointed out, at the first stage it functions as disadvantageous to women's right of inheritance. At the second stage, however, it began to serve for a reversed outcome, i.e., modernisation worked as a means of protecting the rights of married women.

Apart from modernisation, the influence of China must not be overlooked in considering historical changes in East Asia. As it was seen in the cases of Korea and Japan, Chinese influence affected or justified the restriction of women's right for inheritance. The change was called 'Yangbanisation' in Korea. In India, Aryan influence played a crucial role in limiting female inheritance. This tendency was reinforced under the Muslim rule some centuries later.

I have hitherto summarised features of female inheritance from both a geographical and a historical point of view. As a result, I cannot help wondering why and how great civilisations have historically been patriarchal and hostile to women. It may be argued that it is because each society tries to regard itself irresponsible for the degrading of women, blaming others, for instance Westerners in the Asian context, Chinese in the East Asian context, and Aryans in the Indian context. However, the reality could be like the Korean case, in which ideology was employed just as an excuse. Further research, we hope, will reveal more clearly what the underlying logic of female inheritance is.

At the end of this introduction, I must add with sorrow that Professor Tamara Hareven, who played the role of discussant in this conference, passed away on October 18, 2002. She could not physically join us in Kyoto at the time of the symposium, yet she read the papers carefully and sent us a general comment. That was presented by Professor Baskerville in the final session, and I include it at the end of this volume.

## REFERENCES

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