

HISTORICAL RECORDS OF CHINESE 'IN-MARRYING SON-IN-LAW': WITH RESPECT TO THE STATUS OF CHINESE WOMEN

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ABSTRACT: *In feudal Japan the practice of taking a muko yoshi (adopted son-in-law) in essence established a parent-child relationship with the wife's parents, allowing him to assume the headship of the wife's house. This was important for insuring the continuation of the house lineage.*

The conception of "son-in-law" and "adopted son" in China is quite different. Although, terms for "in-marrying son-in-law" and "adopted son" exist as in Japan, a nomenclature to express "adopted son-in-law" does not. Throughout its history, clan exogamy or a taboo against taking a spouse with the same family name has characterized the Chinese kinship system. This means that the daughter's husband is always from another clan (with a different family name) and also establishes the general rule yi xing bu yang (literally; different name no adoption), implying that in the case where male adoption is necessary for the continuing house headship, the adopted son must be a member of the same clan. Therefore, a husband cannot be an adopted son at the same time, or "adopted son-in-law" as is the case in Japan.

In China a man living with his wife's family was looked down upon. An "in-marrying son-in-law" is called zhuixu (luxury husband or unnecessary husband). The word's nuance itself reflects the lowly position of an "in-marrying son-in-law." This in turn relates to the low status places on women in Chinese society. I will introduce examples of zhuixu found in historical sources from the Sung and Ming periods and present my observations.

Historically, the Japanese family system has included an adopted child of special status: the *muko yoshi*, or son-in-law adopted as heir. Traditionally, couples lacking a male heir would adopt a son and simultaneously marry him to their daughter, there-upon conferring on him their surname and the right to succeed to the family business. This system of combining in one person an adopted son (*yoshi*) and son-in-law (*muko*) is in Japan a perfectly ordinary way to prevent the extinction of a family line. Studies show that from the Tokugawa era (1600-1867) to early Meiji times (1868-1911), one in four men was adopted, and of those, many were *muko yoshi*.¹

China has equivalents for *muko* and *yoshi*, but never has there been anything

¹ Yuzawa Yasuhiko, "Nihon ni okeru yoshi engumi no tokeiteki taisai" (Statistical trends in marriages with adopted sons in Japan) in *Atarashii kazoku* (New family), Vol. 3, 1983.

like a *muko yoshi*. To the Chinese mind, a son-in-law and an adopted son must necessarily be different people. A son-in-law could never be adopted, and an adopted son could never marry into the family, for the same reason: a longstanding taboo against marriage between people of the same surname. To marry one's daughter to someone whose surname was the same as hers would be unthinkable. Equally absurd would be adopting someone with a different surname; since an adopted heir must have the same blood lineage, he must be chosen from children of a sibling or other close relative. Marrying such a person to one's daughter would therefore be seen as morally wrong. This is why in China there could never have been an institution like the Japanese *muko yoshi*.

Nonetheless, despite these differences, China tradition does provide a way for a married man to enter his wife's family. It is a custom observed not only by the majority Han people, but by many minority ethnic groups as well (this paper will focus on the Han). However, throughout Chinese history, a man who entered the family of his wife had been treated with scorn. This paper will examine historical records to ascertain the status of the "in-marrying son-in-law" (*zhuixu*) and its connection to the status of women.

I. THE "IN-MARRYING SON-IN-LAW"

1. What is an "in-marrying son-in-law" ?

Simply put, a *zhuixu*, or in-marrying son-in-law, is a man who enters the family of his wife. In addition to meanings of "supernumerary" and "useless," the Chinese character *zhui* also has the meaning of "mortgage." The first Chinese dictionary, *Shuowenjiezi* by Xu Shen (A.D. 58-147), defines it this way: "to use an object as security for money." In the earliest days of the *zhuixu* system, when a man's family was too poor for him to take a wife, he himself would be "mortgaged" to the wife's family. Other sources contain the following entries:

Shiji, Commentary on the Annals of the Emperor of Qin: "Zhui, a poor man who marries into his wife's family."

The Han History (*Hanshu*), "Biography of Jia Yi": "Zhui, a pawn. A person from a poor family with no assets for gifts who uses himself as pawn."

The history of this institution in China is very old. One early text states that Tai Gongwang of Zhouchu was a *zhufu* [chased-off son-in-law] from Qi, and the *Shiji* says that Chun Yukun was a *zhuixu* in Qi.² These are the earliest references to in-marrying

² *Lu Shi Chun Qiu*, "Shuo Yuan . Zun Xian"; *Shi Ji*, "The Biographies of Fun."

son-in-law.

2. Reasons for Accepting or Becoming an In-marrying Son-in-law.

The word "marriage" (*hunyin*) applies equally to men and women, but for a man to enter his wife's family is known specifically as *ruzhui*, with "ru" meaning "enter." From the standpoint of the woman's family, the same action is called *zhaozhui* or *zhaoxu*, with "zhao" meaning "invite."

***Ruzhui* (Marrying into a family as son-in-law):** In feudal Chinese society men had supervisory positions in society and in the home. When two people married, normally it was the wife who joined the husband's family, but for a tiny minority of couples it was the other way around—in common parlance the husband "entered the gate" of the wife's family, joining it and sometimes, depending on circumstances, even being forced to change his name. This was considered a great dishonor for the man and his family, and an in-marrying son-in-law was treated with general scorn. Therefore, a man took this option only where there was no other recourse, as being too poor to acquire a wife in the usual fashion, and having no other choice than to mortgage himself, selling his labor in exchange for the right to marry. "Qin customs weaken daily. As a result, in the houses of the rich, able-bodied sons form collateral houses, and in the houses of the poor, able-bodied sons go off as sons-in-law."³ The custom of entering one's wife's family out of poverty was thus known as early as the Qin dynasty (c. 221-206). It was known also in the later Song (960-1279) and Yuan (1280-1368) dynasties. The Yuan *Tongzhi tiaoge* declares, "These days, families taking in a son-in-law are exceedingly common. No doubt poverty keeps some men from taking a wife, so they marry into the woman's family instead." Besides poverty, the explanation given here, other inducements for *ruzhui* included the desire to be associated with a powerful family, or to acquire its wealth or possessions. In the Ming period (1368-1644), writer Feng Menglong wrote a novel *Xingshi hengyan* in which was a poem entitled "The In-marrying Son-in-law." Following is the gist of it.

Why become someone's son-in-law!
 How can one with a different surname be heir?
 No desire to be filial,
 He's just after the family wealth.
 Looks worried to stave off his wife's kin
 While cruelly despising her little sister.
 Bothered by the empty name of son-in-law,
 Better by far to have no son at all!

3 *Hanshu*, "The Biography of Jia Yi."

Still, people like this were rare exceptions.

Chaozhui (Taking a son-in-law into the family): There were three reasons why for a woman's family, "inviting" or taking a son-in-law into the family could be advantageous.

The first was to carry on the family line. Chinese families are blood lineages, and the ultimate aim of the family is to pass on the ancestral blood from generation to generation. This means also to carry on the "fragrant fire," making sure that there will always be descendants to carry out the ancestral rites. Marriage is in that sense nothing but a means of fulfilling one's duty to "carry on the clan and connect the generations," or continue the family line to the next generation. In keeping with the patriarchal code, it is believed that the only way to fulfill this duty is to provide a male heir. Taking a son-in-law into the family would be an emergency measure in case no male heir was forthcoming. For that reason, from Song times on, an in-marrying son-in-law was called *budai*, "extra generation" (or "cloth bag," a homonym). Yuan writer Zhang Guobin, in Act II of his play *Xie Rengui*, writes, "The bodhisattva-like daughter of Father Liu took as husband the second son of the Wang family in the village, making him *budai*."

A second incentive for the family to take in a son-in-law was to have someone to provide for its aged members. The section on families in a book of Yuan dynasty laws (*Yuan dianzhang*) says, "Among private families that take in a son-in-law, if there is no heir or the son is infantile, they do so to make him look after the elderly, to borrow his strength. When the man's own family has no money or possessions, he becomes an in-marrying son-in-law for a specified period of years." In other words, parents with nothing but daughters, or with very young sons, might take in a son-in-law to look after them in old age. Also, a family unwilling to part with a precious only daughter might take in her husband in order to keep her in the family.

A third crucial reason for taking in a son-in-law was to gain an extra pair of hands. Families with no sons, or sons too young to help out, were particularly desperate for help. Farming families had to pay various levies, which could not be done without an able-bodied worker; this explains the reference above in Ming law to "borrowing the strength" of the son-in-law.

By the Yuan dynasty, in-married sons-in-law were of two basic types: *yanglao*, or those who would look after the woman's parents in old age, and *nianxian*, or those whose stay was for a limited time.

The first type of son-in-law was by far the more common. Since the wife's family took him in to provide them with a successor and to care for their elderly, he was required to stay in that family for the rest of his life. In such a case, the wife's family sent betrothal gift money to his family. It was sometimes necessary for him to take his

wife's surname as well.

The second type of son-in-law, one whose stay was limited, would make an agreement at the time of betrothal about how many years he would live with his wife's family. During the agreed-on time he lived in his wife's house, afterwards moving back with his wife and children to his former house or somewhere else apart from her parents. This system was used mainly when an extra worker was needed, the man earning his right to marry by agreeing to donate the strength of his labors to his wife's family. This system is essentially the same as that of *nenki muko*, "indentured son-in-law," in the Tohoku district of Japan. Both of these systems continued through the Ming and Qing (1644-1912) periods all the way to the Republic.⁴

In addition, there was another special case known as *jiejiaofu*, "grafted leg husband," which involved a widow taking a new husband. "The law allows for *jiejiaofu* when a woman with small children has lost her husband and there is no one else to provide for the family."⁵ Beginning in the Song dynasty, documents of all sorts contain mention of this phrase. In particular, a compilation of Song law contains a section on "grafted-leg husbands." In the Ming and Qing periods the custom became popular among the common people. A woman who lost her husband and was left with little children to provide for would take a second husband from an impoverished background, one who married into her family. This was called "taking a husband to nurture a child" (*zhaofu yangzi*). There was another custom known as "sitting on assets and taking a husband" (*zuochan zhaofu*): after the husband's death, if substantial family assets remained, it would not do for the widow to take them with her by remarrying into another house; taking a second husband into the family was a way to prevent that and guard against having the assets stolen by other kinsmen, all at the same time.

3. Criteria for Marrying into the Wife's Family

The first standards for in-marrying sons-in-law are seen in Song law. From the Yuan dynasty to the Ming and Qing periods, it was codified into law. Since this was a

4 *Chugoku minji shukan chosa hokokuroku* [Report on survey of Chinese civil customs], published in 1930 by Ming Judicial administration states that in Ming and Qing periods (1644-1912), in-married son-in-law were of two types: those who look after the woman's old parents, and those whose stay with wives' family was for a limited time.

The first type is more common. In many cases of this type, there is only a daughter and no heir, a son-in-law is taken into a family to care after the elderly. This is to borrow his strength and the family is unwilling to part with an only daughter. In such cases, a marriage agreement is documented based on understanding of the whole family. This should promise in marrying son-in-law to stay with the family for a life long time, treat him as a member of the family, and secure the right for property. Members of the family cannot intervene these rights and status of the son-in-law.

The second type, a son-in-law's stay is limited, would make an agreement on the duration of how many years he would live with his wife's family. In completing the duration, he is eligible to leave the house with his wife. His right on property is not necessarily secured in such a case. This is more commonly practiced in rural areas than in urban areas.

This is quote from Shiga Shuzo. *The Logic of Family Law in China*. Sobunsha, 1967: 616.

'Common', the first type, in the above sentence indicate *yanglao*, those who should look after the woman's parents in old age.

The second type indicates *nianxian*, those whose stay was limited.

5 *Minggongshu panqingmingji* [Collection of famous judgments from the Ming and Qing periods], Vol. 9.

peculiar form of marriage, the laws made special mention of it.

a) Establishing the marriage.

Marriage contracts: From the Yuan dynasty on, in addition to following all the rules applying to marriage in general (i.e. taboos against marriage between people with the same surname, people related by blood, and people of vastly different social class), to avoid complications it was necessary to draw up a marriage contract. In this contract, obligations and expectations were clearly laid out, whether it was for the in-marrying son-in-law to stay on permanently and look after the elderly, or to stay only for a limited number of years; then both parties, as well as a go-between, had to sign the papers and affix their seal. This system continued in the Ming and Qing periods.⁶

The status of a “grafted-leg husband” was lower than that of other in-marrying sons-in-law, and some contracts indicate such men were forced to agree to harsh terms.⁷

Marriage assets: This was the basic reason for marrying into a woman’s family. A man from a poor family with no possessions who could not afford to take a wife would instead humble himself and become an in-marrying son-in-law. If he was to stay on permanently and look after her parents, then since her family was taking him in, they would send betrothal gift money to his family. According to Yuan law, the amount to be paid was half the standard amount paid to a bride’s family. If the son-in-law was to stay for a limited time only, his family paid betrothal money to hers; in that case, the amount was two-thirds the amount paid in the previous case.⁸ As a practical matter, the man’s family being too poor to afford this payment, he would indenture himself to her family for a specific period of time to work off the money owed, effectively putting himself “in hock.”

6 *Mingling*, family law; *Daqingluli* (Great Compendium of Qing Law).

7 Contract of Chen Xueshou Agreeing to Become an Invited Son-in-law in the 11th year of Chongzhen: “The servant Chen Xueshou, real name Hu Tiande.... My family was so poor that I was unable to take a wife. After talking it over with my mother, I decided to have my younger brother become the family heir, and return to serve my original master. Now of my own volition I am marrying Qili, wife of the servant Chen Liulang. In deference to my master I hereby change my name to Chen Xueshou. After I have married into his family, I will obey all of his family laws, guard my share and faithfully serve him; I will support the Chen family, and carry on the Chen family line. I will not use any Chen family valuables to repay debts I may have contracted before this marriage. Also, I will not sneak Chen money or food supplies to my natural mother on the sly. If I should do any such thing, family members living with me will report it to the master and sue me in court. Having no other recourse I set this down in written form.

Seventh month of the eleventh year of Chongzhen [] Chen Xueshou (seal)
(Witness) (seal)

A Feng, “Shilun Mingqing Hwizhoude jiejiaofu [Draft Discussion of Invited Sons-in-law in Hwizhou in the Ming and Qing Periods],” in *Ming and Qing Collectanea*, ed., Ju Chengru and Wang Tianyou, Forbidden City Publishers, 1999, pp. 369-370.

8 *Tongzhi tiaoge*, family law.

b) Restrictions on Marrying into a Woman's Family

From the Yuan dynasty, there were two main classes of men who could not marry into a woman's family. The first was only sons. According to *Tongzhi tiaoge*, "...in a family with wealth enough for a man to take a wife, if there is only one son, he is not permitted to marry into a woman's family. If the man's family is impoverished and he is the only son, then he is permitted to marry into a woman's family for a limited time, on condition that he be released when the time is up." The same rule applied in the Ming dynasty: only sons were not allowed to marry out of their family.⁹

The second prohibition applied to any heir of a military family. In the Ming era, men registered with the military engaged in production during times of peace, and served the army in times of war. "Any man who is heir to a military position and will one day be head of his family may not marry into his wife's family, either to care for her parents in old age or on a limited basis."¹⁰ In the Song dynasty, men whose parents were still living were not allowed to marry out of their family,¹¹ a restriction that proved extremely difficult to enforce in practice and accordingly vanishes from the laws of later ages.

c) Divorce

The wife of an in-married husband had the right of divorce; this was popularly called "chasing away the husband." A passage in the *Ming History* declares, "Wang Xucheng...married into his wife's family out of poverty, but was chased away by his father-in-law and not given a penny. He then took his wife and went back to his mother."¹² In the Yuan and Ming dynasties, divorcing an in-married husband without proper justification was restricted by law.¹³

II. Status and Property Rights of an In-married Son-in-law

1. Status

The status of an in-married son-in-law was expressed in his surname. According to the Chinese way of thinking, a name is a marker of birth and pedigree, and proof of

⁹ *Mingliu*, family law.

¹⁰ *Tongzhi tiaoge*, family law.

¹¹ The History of the Song Dynasty and the Annals of the Emperor Taizong: A.D. 909 "The people of Chuanxia forbid any man with mother and father from marrying out of his family."

¹² *Mingshi*, "Biographies of Exemplary Literati," No. 4, the biography of Wang Xucheng, attached to the biography of Wang Jihdeng.

¹³ *Yuanshi*, criminal law: "Anyone who chases out his son-in-law and replaces him with another shall receive 67 beatings with a cane. The second son-in-law shall also be found guilty of the same crime, and his assets confiscated by the government."

Minglu, family law: "Anyone chasing out one son-in-law and replacing him with another shall receive 100 cane beatings. The daughter shall not be held guilty. If the man's family knowingly complied, they share in the guilt. If they knew nothing about it, they are not to blame. The young woman belongs to her prior husband."

patrilineal heritage. Chinese people have always jealously guarded their names. No one could deny his or her name - to do so would be to deny a birthright and incur shame. Names are generally impossible to change without extraordinary cause, which is why traditionally a Chinese woman does not take her husband's surname, even though historically the position of women has been low. When a man married into his wife's family, however, the primary reason was to produce an heir for a family lacking sons. He became a member of his wife's family and as such had to honor her family ancestors and look after her parents. In such marriages, the man's surname became a key issue.

There do not appear to have been specific laws concerning the name of an in-marrying son-in-law, but several distinct patterns can be observed.

First, the son-in-law might tack his wife's surname onto his own. The main character in the Yuan drama *Luoli Lang* was originally surnamed Li; after marrying into the Luo family, he was called Luoli Lang. This custom survived into the modern era: the famous movie director Maxu Weibang (1906-1961) was born a Xu, and added "Ma" to his name only after marrying into the Ma family. Certain areas in the province of Guangxi feature names like "Yangbenluo" and "Dongbenwang," indicating that men originally surnamed Luo and Wang married respectively into the Yang and Dong families.

Second, the man might switch over to his wife's surname. Since he was the new family heir, it was only natural if his new family should press him to adopt their name. This custom appears to have been observed frequently in the Yuan dynasty. The biography of Chen Pengliang in the *Ming History* states, "Chen Pengliang was the son of a fisherman; his surname originally was Xie but when he married into his wife's family, he changed it to Chen." The biography of Huang Guan states, "Huang Guan's father married into the Xu family, so his surname became Xu... In the twenty-fourth year of Hongwu [1391], Huang Guan placed first in the examinations. He became an official in the Ministry of Rites and petitioned the emperor to recover his original surname." This episode shows that Chinese people traditionally have found changing surnames abhorrent as it signifies a turning away from one's ancestors - the single worst thing that anyone could do. Therefore, unless prevented by dire poverty from taking a wife, no Chinese man would ever enter lightly into an agreement to marry into another family and change his surname into the bargain.

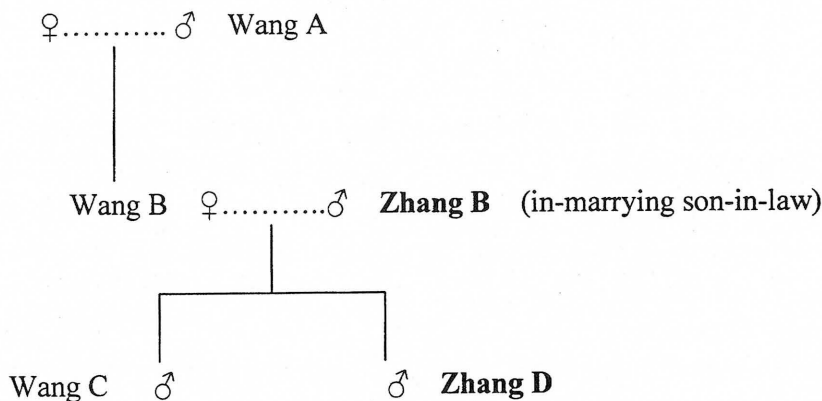
A third possibility was that the man might retain his original surname. In the Ming and Qing periods, the law provided that "a man who marries into another family on a long-term basis shall establish a successor of the same ancestry to carry on the ancestral rites, with family property to be divided equally between the two."¹⁴ In other

¹⁴ *Damingling*, family law; *Daqingluli*, family law.

words, even if a family took in a son-in-law to look after them in old age, a legitimate heir was still needed. During the Ming and Qing periods, an in-marrying son-in-law could care for the elderly but could not carry on ancestral rites; accordingly, few men changed their surname. For instance, the famous man of letters Zhu Yizun (1629-1709) married into the Feng family at age 17, but kept the surname Zhu till his death. Depending on the family, however, an in-marrying son-in-law might be required to change his surname anyway. The story of Chen Xueshou [see footnote 6] is a good example; Chen's original surname was Hu. Whether a man changed his name after marriage depended on the wishes of the family and on local custom.

The fourth pattern concerns the surname of the in-marrying son-in-law's children. Whether he himself changed his name or not, any child he fathered necessarily took its mother's surname. That is because the main purpose of having him enter the family was to prevent a break in the family line. Unless his children took the mother's name, this purpose could not be accomplished. Occasionally it happened that after several generations, his descendants' surname might revert back to the original name. In the above-quoted passage from the biography of Huang Guan, the father of the Minister of Rites had changed his name to Xu after marrying into his wife's family, and Huang Guan petitioned the emperor to have the original surname restored. This practice reflects the intensity of people's regard for their patrilineal heritage. The fact that in the Ming and Qing periods an in-marrying son-in-law was prohibited by law from carrying on the ancestral rites in his new family indicates protection and strengthening of clans and blood relationships. Also, due to traditional ways of thinking, the son-in-law wished to provide a successor not only for his wife's family, but for himself or his birth family as well. Therefore, it frequently happened that some offspring would go to their mother's family, and others to their father's. Usually such arrangements were made ahead of time on the understanding that the firstborn son would take the mother's surname and the next-born the father's, or vice versa.¹⁵ The family tree then took on a peculiar configuration, as below.

15 "When there is no son and there is a daughter, they have a custom of inviting a son-in-law into the family. This is popularly known as a 'gate-entering son-in-law.' The son-in-law always draws up a formal written contract with his parents-in-law, and as payment he furnishes 24 strings of cash or 24 pieces of silver; after entering the family he lives and cooks with his parents-in-law, swearing to look after them in life and bury them properly after death. If later sons are born, the firstborn will be the heir of his mother- and father-in-law; the next son he can return to his original clan, so that each child can acquire the estate of one family. If only one child is born, that child must perform the ancestral rites for both houses. In that case, the estates of both houses will all belong to him." *Chugoku minji shukan chosa hokokuroku* [Report on survey of Chinese civil customs], Vol. 4, 15-54; in *Chugoku kazokuho no genri* [Principles of Chinese family law], Shiga Hidezo, Sobunsha, 1967, p. 618.



As the figure shows, Wang A has a daughter, Wang B, who takes Zhang B as husband and gives birth to two children. The firstborn child, Wang C, takes the mother’s patronymic and becomes the Wang family heir, while the second child, Zhang D, takes the father’s patronymic and becomes the eventual head of the Zhang family. This signifies that the only one to observe Wang ancestral rites is Wang C, whose existence thus takes on utmost significance in the family.

2. Property Rights of an In-married Son-in-law

From the Song and Yuan periods on, it was held that since an in-married son-in-law produced the next generation and took over ancestral rites in his wife’s family, he had the right of inheritance. According to the *Song Huiyou*, on the twenty-first day of the ninth month in 990, “When the official Guo Daiyan visited Jiannan, he saw that if a man marries into a wealthy family and produces a child, then when the wealthy man dies, the son-in-law shares with the man’s natural children in the estate.”¹⁶ Even so, how much was an in-married son-in-law actually able to inherit? Song law is unclear on this point; the matter was apparently decided by local custom and the will of the deceased. If a dispute arose, the court examined the situation and reached a verdict. Following is one recorded incident.

In the time of Emperor Taizong in the Northern Song dynasty, when the famous official Zhang Yong was governor of Hangzhou, a man sued his wife’s younger brother for a share of the family estate. He pointed out his father-in-law’s deathbed promise, saying, “At the time of my father-in-law’s death, my wife’s younger brother was only three years old. My father-in-law told me to manage the estate, and said that when my wife’s brother grew up and the assets were divided, I would receive 70 percent, and her brother, 30 percent.” After examining the case, Zhang Yong said, “Your father-in-law was a very smart man. When he died, his son was three. He was

16 Manuscript Edition of *Song Huiyao*, Criminal Code 2.

afraid that if he asked you to look after the boy and then revealed that your share was 30 percent and the boy's 70 percent, you might kill the boy and make off with the family fortune. His true intention probably lay in a reversal of the percentages." And so the estate was divided with seven-tenths going to the son, and three-tenths to the son-in-law.¹⁷

Basing his decision on the Chinese tradition of passing on family treasures to the next generation through the son, not the daughter, Zhang Yong saw through to the true intention of the deceased.

Judging from recorded judicial precedents, by the Yuan dynasty an in-married son-in-law had acquired the legal right to an inheritance; when his wife had brothers, the inheritance was to be divided equally with them, in accordance with established precedent. In the Ming and Qing periods, the right of the son-in-law to split the family estate equally with the successor was unequivocally spelled out in the law, as we have already seen: that is, "a man who marries into another family on a long-term basis shall establish a successor of the same ancestry to carry on the ancestral rites, with family property to be divided equally between the two."

Although an in-married son-in-law might be legally entitled to his inheritance, traditional notions of family and blood put effective limits on that right. He might use property of his wife's family to gain profit, but he had no right of possession. Any property that he inherited could be passed on to his children, but not equally: if the firstborn carried the mother's name and the second-born the father's, then only the firstborn had right of inheritance; the child bearing its father's patronymic could not lay a finger on family property. Though the two children shared exactly the same parents, the one with its father's patronymic was not a successor to the family, and so the father could not leave it any portion of the estate of his parents-in-law.¹⁸ Nor did an in-married son-in-law have the right to dispose of family property on his own.¹⁹ He was nothing but an administrator, entrusted with the task of seeing the property passed on safely to the next generation; a mere intermediary in the transfer process, not an

17 *Songshi*, the biography of Zhang Yong.

18 In two districts, "Family assets of the woman shall revert to the in-marrying son-in-law, and he shall consent to this. The in-marrying son-in-law shall also be able to inherit the estate of his own family. If in the future two children are born, the eldest son shall be the heir of the woman's family, and the next son shall be the successor of the son-in-law's family. Assets inherited by the son-in-law from the family estate of his wife shall be passed on to his eldest son, and any share in the estate of his own family which he may receive shall be passed on to his next son. If there are assets in the wife's family alone, the next-born son cannot receive an inheritance. If there are assets in the son-in-law's family alone, the firstborn son cannot receive an inheritance." *Chugoku minji shukan chosa hokokuroku* [Reports on surveys of Chinese civil customs], Vol. 4 13-15-3, in *Chugoku kazokuho no genri* [Principles of Chinese family law] by Shiga Hidezo, Sobunsha, 1967, p. 617.

19 An example of a marriage agreement for an invited son-in-law: "It shall be decided as follows. The firstborn son shall be the heir of the son-in-law, and the next-born son shall be the successor of the woman's family; if a single son is born, then he shall be the heir for both families at once. The son-in-law shall be able to manage all possessions of the woman's family, but he cannot sell them. If he should attempt to do so, the family can put a stop to it." *Chugoku kazokuho no genri* [Principles of Chinese family law] by Shiga Shuzo, Sobunsha 1967, p.629.

autonomous owner.

The position of a “grafted-leg husband,” one who married into the family of a widow, was even lower than for other *zhuixu*, and he had even less control over the estate of his predecessor. “The widow shall be in possession of the houses and fields of her former husband, and she is not to take the family name of her second husband. Upon the her decease, the family shall be considered extinct, and the houses and fields given to the poor.” Furthermore, “[the second husband] shall not participate in the former husband’s business.”²⁰ The status of the “grafted-leg husband” was therefore that of “helper, not husband.”²¹ That is why among the common people, such men became known as *labangtao*, meaning “pulling a cart horse.”

III. Social Status of an In-married Son-in-law in the Historical Record

1. The In-married Son-in-law in Authentic History

The historical record shows unmistakably that in-marrying sons-in-law were treated with contempt. As we have seen, in the biography of Jia Yi in the *Han History*, the fact that “in the houses of the rich, able-bodied sons form collateral houses, and in the houses of the poor, able-bodied sons go off as sons-in-law” was taken as a sign that “Qin customs weaken daily.” In other words, becoming an in-marrying son-in-law was viewed in the Qin and Han periods as detrimental to public morals. The status of an in-married son-in-law was so low that he was expected to shave his head like a common criminal. Chun Yu Kun, the Prime Minister of state of Qi, was a son-in-law living in home of his wife’s parents. The character “Kun” in his name means “to shave the hair around head.” This was one of the ancient punishments to criminals. Thus in the Qin and Han dynasties, the in-marrying son-in-law was looked down upon and added to the ranks of exiles alongside prisoners and disgraced officials, being forced on occasion to do penal servitude as a frontier guard. For example:

Shiji, “Basic Annals of the Qin Emperor” : In the thirty-third year, deserters, in-married sons-in-law, and tradesmen were sent to Longliang to serve at front.
Hanshu, “Records of the Han Emperor Wu” : In the fourth year of Tianhan, the seven kinds of exiles and brave soldiers served under General Li Gongli, going north, and consisting of 60,000 cavalry and 70,000 infantry.²² In-married sons-in-law were one of the “seven kinds of exiles.”

20 Manuscript Edition of *Song Huiyou*; *Qingmingshu*, vol. 12.

21 Xing Tie and Gao Chong, The Problems of Women’s Rights of Inheritance in Song, Yuan, Ming, ing, in *Journal of Hebei Shiyuan*, No.1, 1996.

22 The seven exiles were disgraced officials, refugees, in-marrying sons-in-law, tradesmen, former merchants, those whose parents were merchants, and those whose grandparents were merchants. *Hanshu*, *Han Dihuang ji*, note by Zhangan.

In the Han dynasty, in-married sons-in-law were not allowed to serve as public officials. "In the time of the emperor Kaowen, integrity was honored and corruption despised. Tradesmen, in-married sons-in-law, and all who brought false accusations were imprisoned, and not allowed to serve as public officials."²³ Later, entering the family of one's wife was no longer punishable by exile, but it continued to be looked down on. In the Tang period, when Ssu-ma Zhen annotated the *Shiji* he wrote that in-marrying sons-in-law were "superfluous, like human warts," and when Yan-shi Gu annotated the *Hanshu*, he wrote that they "ought not to enter their wife's family; like warts on a human body, they ought not to exist." These comments reflect the views of that era. In the Tang period, it was felt that the custom did "great damage to public morals."²⁴ In the Ming and Qing periods, the law states clearly that "anyone accepting a son-in-law into his family to care for the elderly must specify someone else of the same lineage as successor." In other words, a son-in-law born with a different patronymic was nothing but an outsider who could never really put down roots in the family, and who was not entitled to continue the family line. This way of thinking clearly derives from the Chinese tradition that "the spirits do not respect non-descendants, people do not honor non-ancestors."²⁵ Thus an in-married son-in-law was not entitled to become the family heir. Confucian thought added to the restrictions inherent in the law combined to keep the in-married son-in-law low in status throughout Chinese history.

2. The In-married Son-in-law in Popular Conception

Along with being held in contempt in the laws of the land, in-married sons-in-law were also reviled by the public at large. Mostly, families of men opting for such a marriage were poor in the extreme, with no hope for escape from their straitened circumstances but to marry off a son in that ignominious way. This was one reason why such men were scorned. Seen as a reversal of the natural order, such marriages were looked on as a perversion, and in some places men were taunted with the epithet "male bride." An old folksong from the Shanghai and Chuangsha area contains the lines, "A man who marries into his wife's family is non-human; a willow planted upside down won't grow roots." In literary works, too, the in-marrying son-in-law always comes in for disparagement.

"To keep his line from dying out, Old Man Zhang took it in his head to have a son-in-law marry in and so perpetuate the family line. Any man who would go

²³ *Hanshu*, biography of Gongyu.

²⁴ Manuscript Edition of *Song Huiyao*, criminal law 2 (A.D. 990): "Many poor commoners leave their parents and marry into a woman's family, corrupting the public morals and causing frequent litigation, so the emperor was memorialized to forbid this, and he agreed to do so."

²⁵ *Zuo Zhuan*, 10th year of Duke Xi regime.

so far as to change his name and marry into another family is bound to be no good, either bad in behavior or in personality. If not deformed, he's a baldhead, or blind, or deaf, or lame, or his features are grotesque."

This passage from a literary work at the time by Liu Shaotang²⁶ gives a good idea of what people think of in-marrying sons-in-law. In one district of Guangxi, the marriage contract contains humiliating lines such as, "My ancestors having no merit, and I myself being a good-for-nothing, I hereby change my name and become a different person."²⁷ Under such circumstances, a man could hardly hold his head high. He was ostracized by many families and by society at large. *Changzhou Gazeteer*, revised in the Guangzhu era of the Qing dynasty, comments in the section on public mores, "For a man to marry into his wife's family shows ill breeding. Country bumpkins might do such a thing, but gentlemen should not."

There were many restrictions against the custom in family precepts as well. For example:

From *Clan Rules of the Yen Family*,

"It won't do for someone of a different surname to be made an heir. A horse can't be the successor of a cow, and a peach can't be the successor of a plum. People who fail to understand this and appoint a son-in-law, a nephew or the son of a stranger as successor, unable to have a son or to find someone of the same blood, willingly allow their ancestral line to become extinct. There is no greater sin than this."²⁸

From *Clan Rules of the Ancestral Shrine of the Wang Family*,

"Those who have daughters but no sons must not allow a son-in-law to marry into the family and corrupt it, even if they should grow old and frail. Any violation of this rule is to be severely punished. After a woman's husband dies, even if she is penniless with small children, she is not to remarry on such terms. In this way marriage for self-interest shall be prevented."²⁹

In the Chinese patriarchal clan system, confirmation of family pedigree and prevention of corruption of blood ties were matters of signal importance. Final judgment was reached using the family register; having one's name entered in it constituted official

26 Liu Shaotang, *Gucun* [Orphan village]. From the *Chugoku seishonen shinseiki dokusho nettowaaku* [Chinese young people's new century reading network] (<http://gd.net/cnread1/index.htm>)

27 Sheng huo shi bao. 1998. 4.6.

28 Taga Akigoro, *Shuhu no kenkyu* [A study of clan records], Toyo bunko, 1960, p.615.

29 Fei Chengkang, *Rules of Chinese Clan*, Shanghai Academy of Social Sciences Press, 1998, p.308.

endorsement of one's lineage. If you were not listed there, you could not be considered a member of the family. Most clans had strict rules governing who could and could not be entered in the register; anyone with a different surname, including in-marrying sons-in-law, was automatically ineligible. The purpose of such regulations was to ensure that the blood line be kept pure and unsullied. For example, various prohibitions were placed on the genealogical history of Confucius' descendants; among others, the names of in-marrying sons-in-law were to be excluded. Even though people may have shunned the likes of in-marrying sons-in-law and adopted sons of different names as corrupting influences on the family lineage, the fact remains that many examples of the custom of marrying into one's wife's family do exist. That is why when compiling their registers, most clans have had no choice but to swallow their pride, grudgingly accept such anomalies as *fait accompli*, and include the names of all relevant people in the register. Even so, they still dream up ways to separate out such "interlopers" from the rest. Some families, for example, draw a red line under the name of the successor, and a black line under the name of anyone with a different surname; others enclose the name of an in-marrying son-in-law, or any other person with a different surname, in a rectangular box.

Since the establishment of the new China, great changes in society and advances in people's way of thinking have led to a disappearance of laws disparaging in-marrying sons-in-law; nowadays, children's surnames are decided after marriage by mutual agreement between husband and wife, with no particular obligation to choose the patronymic. Modern Chinese society treats men and women equally, and if a man enters the family of his wife, he usually does so out of some practical necessity having to do with daily life, housing, care for the elderly, or the like; popular opinion is therefore no longer lined up against him. Still, traditional ways of thinking and acting remain influential to this day, and there is still a tendency to recoil from the idea of a man entering a woman's family, or a woman taking in a husband. In Shandong province, for example, young women reportedly select their marriage partner as follows: the first rank, a young woman of highest station chooses someone working for government or industry; the second, a young women of slightly lower station chooses someone of the same status as herself; the third, she takes into consideration her personal qualifications and family situation and seeks a husband of as good quality as can be expected, who lives not far off somewhere but right in her own village; and the fourth, if her personal qualifications are somehow wanting or her family situation bad, she seeks a husband from a village in a remote area, since she cannot hope to find what she wants at home.³⁰ Most men still believe that for them to marry into their wife's family

30 Zhang Shoujun, et al., [A survey of marriage values of new-age women in farming villages], *Jingji shehui fazhan* [Developing economic society] 2000, no. 4.

would mean a severe loss of face. As yet, to step out of this frame of thinking still takes considerable courage.

IV. THE IN-MARRIED SON-IN-LAW AND THE STATUS OF CHINESE WOMEN

The derision with which in-marrying sons-in-law were treated had to do not only with various restrictions on family relations and the taboo on marrying persons of the same surname, but also with the low status of women generally.

The dualistic *ying-yang* world view of the Chinese cemented the ethical underpinnings of a belief in the innate superiority of men. In the Han dynasty, philosopher Dong Jongsu put finishing touches on the doctrine of “three cables, five constants.” Confucian belief in the subjugation of women was established in the basic tenet that a husband was the cable of the wife, meaning men are in control over women. From then on, women lost freedom of participation in all aspects of society, including politics and culture, while even their value in the family was denied. People thought that only males could establish a lineage and carry on a family line, so the family head and legal successor had to be a legitimate son. A family lacking a male successor could not keep the “fragrant fire” blazing; a clan with few male successors to its name was in danger of drying up and blowing away. It was recognized that only the birth of a son and heir who might grow up to take a wife and sire other sons, be filial to his parents in their old age, carry out the ancestral rites and prevent the “fragrant fire” from being wiped out, would enable the family to continue safely in future generations. For that reason, there were sayings like, “no child, no family,” or “with a child, all is sufficient.”

Naturally, this way of thinking did not extend to girls. Another saying was that “of the three great unfilial acts, to leave no descendants [was] the most heinous,” where “descendants” actually meant “sons.” Sooner or later, girls would go off to marry into another family and provide heirs for another line. “A married daughter is like sprinkled water,” was another saying; naturally a woman had no right to own or inherit family property. She was a mere means of producing and raising children for her husband’s family, and could have no private possessions. “A woman has no personal property, no personal savings, no personal utensils, cannot act on her own, cannot give herself.”³¹ Even the trousseau and other possessions she brought with her to the marriage as dowry were entirely at the disposal of her husband. Because girls’ status was so low, female infants were branded as inferior from the moment they were born. A baby boy was given a jewel to hold, a baby girl a spool. Convinced of the innate superiority of the male sex, people rejoiced at the birth of a son and grew

³¹ *Liji*: Neize.

melancholy at the birth of a girl. For centuries, right up to modern times, it continued to be true that "when a boy was born people celebrated, and when a girl was born, they killed her."³²

Because of this age-old inequality of the sexes, it was considered normal for women to marry into the husband's family, and the reverse situation was seen as an anomaly. In fact, it went beyond a simple reversal of the usual roles of the sexes in marriage: down the ages when patriarchy held sway, for the husband to marry into the wife's family meant that both sexes were placed in a position of low status with no rights.

[Translated by Juliet Carpenter]

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32 *Hanfei zi*: Liu Fan