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Women and marriage in China during the Period of Disunion

Lee, Jen-der, Ph.D.

University of Washington, 1992

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WOMEN AND MARRIAGE IN CHINA DURING THE PERIOD OF DISUNION

by

Jen-der Lee

A dissertation submitted in partial fulfillment
of the requirements for the degree of

Doctor of Philosophy

University of Washington

1992

Approved by

Jocelyn Dull
(Chairperson of Supervisory Committee)

Program Authorized
to offer Degree

History Department

Date

May 20, 1992

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Doctoral Dissertation

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Abstract

Women and Marriage in China during the Period of Disunion

by Jen-der Lee

Chairperson of the Supervisory Committee:

Professor Jack L. Dull

Department of History

Women in the Period of Disunion (A.D. 220-581) enjoyed more social and familial freedom than their counterparts in late imperial China. Like her Han (206 B.C.-A.D. 220) predecessor, she was, to certain extent, free to express her emotional affection, to voice her preference in selecting a spouse, to initiate a divorce, and to remarry after she was widowed. More than her predecessor, however, she could choose to get married, or she could live a celibate life as a religious devotee. Within the family, a northern woman's status seemed to be higher than a southern woman's.

The explanation for this is threefold. First, no single ideology at this time was strong enough to give instructions to marriage issues and to be taken seriously by the society. Lacking an organized church, contending religions were not in the position to do so. Second, even when the state intended to regulate marriage custom based on Confucian propriety, political division and aristocratic concern of self-perpetuation challenged its power and efficiency to accomplish its goal. Third, the Han legacy of a "pre-

Confucian" society was maintained, if not reinforced, in the North by the invading nomadic culture.

This dissertation consists of six chapters and a conclusion. Chapter one surveys the evolution of marriage ideas and practice prior to the Period of Disunion. Chapter two examines the marriage patterns by focusing on the ceremonial aspects to show the conflict and compromise between political promulgation and social custom. Chapter three presents the average life of a woman with regard to her social, educational, economic, and familial activities.

Chapter four shows marital conflicts caused by the existence of "the other woman", and demonstrates that the differences between the North and the South were often revealed through these conflicts and their consequences. Chapter five examines the legal aspects of married life, such as crimes of sex, family violence and collective responsibility. Chapter six offers preliminary interpretations by assessing ideological, cultural, political and socio-economic factors that influenced the status of women and marriage. A brief conclusion at the end summarizes the discussion and relates important findings in this study to further research in Chinese social history.

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ACKNOWLEDGEMENTS

In the preparation of this dissertation the writer has received invaluable advice from the members of the dissertation reading committee. I wish to express my gratitude to Professor Jack L. Dull, the principal advisor, for his constant suggestions and corrections. I am grateful to Professors Hok-lam Chan and Robert Stacey for their helpful criticism. Thanks are due to Professor Tu Cheng-sheng, Drs. Sung Kuang-yü, Liu Tseng-kuei, Liu Shu-fen, Chang Yin-ch'eng, Wang Chien-wen, Mr. Lu Chien-yung and Mr. Lin Fu-shih from the Academia Sinica in Taipei for their comments and inspirations in various stages of this work. The help and encouragement of my friends in Seattle should also be recognized. Finally, I am greatly indebted to my parents for their love and support throughout my student life. To my parents, I dedicate this dissertation.

Chapter I

INTRODUCTION

1. Thesis of Study

This dissertation deals with women and their role in marriage during the Period of Disunion (A.D. 220-581). It proposes that women in this period enjoyed more social and familial freedom than their counterparts in late imperial China, and that women in the North enjoyed more freedom than their southern sisters. Women in this period, like their Han (206 B.C.-A.D. 220) predecessors, were, to a certain extent, free to choose their spouses and to initiate a divorce. More than their predecessors, however, they had another option. They could choose to get married, or they could live a celibate life as a religious devotee. Within the family, a northern woman's status seems to have been higher than a southern woman's.

The explanation for this is threefold. First, no single ideology at this time was strong enough to give instruction on marriage issues and to be taken seriously. Second, even when the state intended to regulate marriage customs, it was not powerful and efficient enough to accomplish its goals. Third, the Han legacy of a "pre-Confucian" society, in which the classical norms were only partially practiced, was maintained in the North by the invading nomadic culture.

Issues such as selection of a spouse, significance of marriage rites, a woman's social activities before and after her wedding, and her chance as well as strategy to determine her marital status will be discussed to sustain the explanation.

Conflicts and compromise in the process of integrating ideological teachings into social practice are not unique in Chinese history, but the results vary geographically and temporally among civilizations. Studies show that the Catholic Church's assertion of control over marriage in the high and late middle ages changed not only the ceremonial but also the ideological aspects of marriage in Western Europe.¹ Marriage institutions in T'ang China (A.D. 618-906) also went through a process of ideological transformation brought about by the influence of Confucian studies, the scholar-officials' patronage of the philosophy, the emphasis on Confucian feminine ethics to educate women, and government enforcement of the Confucianized legal code.²

The situation in China during the Period of Disunion was different. There was not a unified government to promote and protect a single set of ideological teachings. Both law code, determined by the state, and ethical doctrines, the inherited intellectual tradition, were in the hands of the ruling aristocracy, who may have sacrificed them both for socio-political benefits in marriage alliances. Although

marriage and wedding ceremonies often demonstrated popular beliefs in pursuing fortune and avoiding evil luck, contending religions, both Buddhism and Taoism, were not organized in a way to regulate marriage norms and ceremonies, as it was the case of the Catholic Church in medieval Europe. They provided women with an alternative--religious celibacy--but their limited impact on marital ethics appear to have fallen within the existing Confucian context.

After the fall of the Western Chin (A.D. 265-316), the North was occupied by different nomadic and semi-nomadic peoples, while the South experienced a process of integrating the émigré and the native aristocracy. Social norms in the South became more strict and regulated. First, it was because of the dominance of the conservative native aristocracy south of the Yangtze river.³ Second, the tightening up of the social rules among émigré families was seen as a means to correct their erroneous socio-political practices which were perceived to have contributed to the loss of territory in the North.⁴ Meanwhile, tribal culture affected the observance of the classical marital norms in the North. Despite the sinification movement launched by the Hsien-pi emperor Hsiao-wen (r. A.D. 471-499), the North still kept a slower pace in its indoctrination in Confucian values. Marriage issues were less regulated and women were left more to their own way than was the case in the South.

The present study focuses on the period between two unified empires, the Han and the Sui (A.D. 581-618). However, in order to present a more inclusive picture in describing and analyzing the development, the discussion will sometimes extend to the latter part of the Eastern Han dynasty (A.D. 25-220) and the first part of the Sui. Due to its political situation, this period is often called "the Period of Disunion." But sometimes scholars mention this whole period as the "Six Dynasties", a term which refers mainly to the southern regimes. This dissertation will use both terms to describe the period under discussion. Sometimes scholars use "Nan-pei-ch'ao" (South-North dynasties) to describe the period between the fall of the Western Chin in 316 and the founding of the Sui. This dissertation will try to avoid such direct transliteration unless the work cited uses the term in its discussion (For terms of different dynasties, see Table I-1).

Along with the changing power of different regimes during this three hundred years period, the boundary between the North and the South changed too. For the sake of convenience, this dissertation will use "the North" to designate the area north of the Yangtze river bend, and "the South", the area south of it, even though sometimes the Southern dynasties also occupied areas north of Yangtze and south of the Huai river. (See Figure I)

2. Purposes of Study

Traditional Chinese society has been customarily characterized as Confucian, and women have been perceived as suppressed and inferior. In agreement with such characterization and perception, general works on the history of Chinese marriage often cite marriage in the ancient Classics and scholarly-promulgated regulations as evidence of Confucian marriage in practice. Many studies on this issue either deal with women and marriage of the whole imperial period without distinction, or explain the lowering of female status mainly on ideological grounds (see "State of the Field" below).

Although there has been a continuous presence of Confucian influence throughout Chinese history, the prescribed doctrines were not realized to the same extent in all parts and all periods. Even though women in the late imperial period may have been confined to inferiority and indoctrination of Confucian values, it was not the case in the Period of Disunion. This dissertation presents an alternative picture of women and marriage in Chinese history and tackles the socio-political as well as ideological grounds that gave women more choices in their life.

Moreover, although many scholars have studied aristocratic marriage in this period, the focus has been on the connection between marital alliances and political vicissitudes. This dissertation, although not ignoring

socio-political factors in marriage, depicts the ceremonial and realistic aspects of marital relationships to show the hopes, fears and conditions of the individuals involved.

Some scholars in the past have pointed out in passing that northern women in this period had more freedom than the southern ones,⁵ but there is no work so far to substantiate such an assumption. This dissertation will take up the burden of presenting evidence to confirm such unproven observations. Most importantly, even though scholars have been showing tremendous interest in marriage customs of the Han and the T'ang dynasties, there is no work to this day that deals with the development in between as a single unit. This dissertation will therefore serve as a pioneer work in treating marriage institutions in the Period of Disunion as a whole and, hopefully, inspire more research like it in the future.

3. Scope and Limits

In order to fulfill the aforementioned purposes, this dissertation applies research methods such as statistical analysis, comparative study, and case description and interpretation, depending on the nature and the amount of the material. This dissertation consists of six chapters and a conclusion. Chapter one defines the thesis and scope of the study and introduces primary and secondary sources of research. It also surveys, in the last section, the

evolution of marriage ideas and practices prior to the Period of Disunion. Chapters two, three and four are devoted to actual marriage behaviors in the Period of Disunion.

Chapter two examines marriage patterns by focusing on the ceremonial aspect to show the discrepancy between the prescribed classical norms and the actual practice; it tries to point out the conflict and compromise between state regulations and social custom. It first discusses the selection of spouses, issues such as consanguinity and class endogamy, then focuses on two of the six rites: betrothal gifts and wedding ceremony. With regard to the marriage ceremony, except that the popular belief in pursuing marital happiness and stability was expressed in some symbolic moves, Confucian norms were not fully observed while Buddhism and Taoism provided even fewer sanctions.

Chapter three is the first of two chapters that discuss the norms and reality of marital life in the Period of Disunion. It delineates virtuous behaviors and personality traits commonly required of a woman before and after her marriage. It also discusses propriety between husband and wife as perceived and promulgated by contemporary scholars and governments. It then shows a woman's conditions and choices in this period with regard to her social, educational, economic and familial life. Finally, there will be a general analysis to show the average life of an

aristocratic woman in this period, based on more than two hundred women's life stories extracted from their epitaphs.

While chapter three focuses more on the smooth side of the marital life, chapter four shows marital conflicts caused by the existence of "the other women." It portrays the prevalence of wifely jealousy in this period, and demonstrates the tension between monogamy and concubinage. It is mostly in conflicts and their consequences that the differences between the North and the South are revealed.

Chapter five further discusses the marital disputes and examines the legal aspects of marriage in this period. Crimes of sex and family violence will be investigated, and familism in legal issues, such as concealment and collective responsibility, will also be discussed.

Chapter six offers preliminary explanations that influenced the status of women and marriage in the Period of Disunion by assessing religious, social, economic and cultural factors. A comparative study of the religious impact on marriage is provided in the concluding section, describing the social consequences when the medieval Catholic Church asserted its control over marriage in Western Europe. Political circumstances and tribal customs are taken into consideration in evaluating the extent of indoctrination and the differences between the North and the South.

A brief conclusion is provided at the end, not only to

summarize the discussion, but also to relate important findings in this study to some larger issues. For instance, it suggests that a division of power, or the lack of an authoritative institution, be it an all-powerful state or an organized church, will be helpful in maintaining ideological and social alternatives. If people do adopt a set of values, they may do it not simply due to ideological reasons, but mainly because of socio-political ones.

4. Source Literature

Besides general works on Chinese social history, political history and the history of marriage, this dissertation relies on two sets of sources. First, Confucian Classics and religious histories are used for information on ideological norms, and secondly, standard dynastic histories, belles-lettres such as essays, epitaphs and ghost stories are used for the picture of women's life before and after the wedding.

The Confucian texts used include the Five Classics and other didactic texts written during the post-classical era. Hagiographies of religious figures, such as Biographies of Eminent Monks (Kao-seng-chuan)⁶ and Biographies of Nuns (Pi-ch'iu-ni-chuan)⁷ are utilized to show people's marital choices in this period. Various biographies, especially biographies of women in dynastic histories, are used to depict women's lives. Epitaphs collected in Chao Wan-li's

Annotations of the Epitaphs in the Han-Wei and Nan-pei-ch'ao Period (Han-Wei-Nan-pei-ch'ao mu-chih chi-shih)⁸ and anthologies compiled in Yen K'o-chün's Comprehensive Collections of Literature from the Ancient Time to the Six Dynasties (Ch'üan Shang-ku San-tai Ch'in-Han San-kuo Liu-ch'ao wen)⁹ are used mainly to substantiate the description of aristocratic women in the Period of Disunion. Readers will be cautioned in relevant chapters, however, that epitaph material sometimes over-praised the deceased person, while most standard histories of this period were written in the T'ang and may have carried some Confucian bias due to the ideological background of the authors.

Description and comments of contemporary scholars, such as Ko Hung's Pao-p'u-tzu¹⁰ and Yen Chih-t'ui's The Family Instructions for the Yen Clan (Yen-shih-chia-hsün)¹¹ are adopted to show contemporary interpretation of some social behaviors. Stories and anecdotes collected in Comprehensive Records of the Great Peace (T'ai-p'ing kuang-chi)¹² and other collections of folk stories are used mainly to depict the non-aristocratic women and their marriages.

Law codes, imperial decrees, litigation and legal verdicts that appear in the "Monographs on Penal Law" in various histories are used to present the struggles and results of some troubled marriages. Scholarly collections and annotations of legal cases are also referred to when necessary.

5. State of the Field

Women and marriage have not been popular research subjects until recent years. With regard to the two major subjects of this dissertation: the formation of marriage and women in marital life, some general works on Chinese marriage as a whole do touch on the socio-political factors in selecting spouses, information of weddings, and relationships in marital life. Articles addressed directly to the Period of Disunion, however, are mostly on financial and political aspects of marriage alliances among the aristocracy. This bibliographical review will first examine general works and specific articles on marriage patterns, then review studies on women and their marital life.

One of the earliest general works on Chinese marriage may have been Ch'en Ku-yüan's History of Marriage in China (Chung-kuo hun-yin shih).¹³ Ch'en's book is preceded by his own History of Marriage in Ancient China (Chung-kuo ku-tai hun-yin shih),¹⁴ which examines the pre-imperial history of marriage rites, marital patterns and litigation, and women's status based on material from the ancient Classics. Chung-kuo hun-yin shih discusses many of the same topics in the imperial period, supported by analysis and historical evidences. The book is not arranged in chronological order, and so discussion on the Period of Disunion is spread among chapters concerning different issues on marriage. In order to distinguish it from his first book on ancient marriage

norms, the author says that he studies marriage both as a social and a legal phenomenon in the second book. Therefore, more attention is paid to the establishment and execution of marriage law.¹⁵

On the discussion of marriage law, Ch'en points out that marriage ideas were first expressed in the Rituals of Chou (Chou Li), the "Go-between" (mei-shih) chapter. Marriage was to be registered. The government encouraged remarriage of widows and widowers to increase population. Also, the government rectified marriage customs, for instance, discouraging luxurious ceremonies which hindered people from marriage at proper ages¹⁶.

Although no bodies of marriage law before the Northern Ch'i dynasty (550-577) survived, governments in different periods laid down marriage regulations for different reasons. With regard to marriage partners, kinship exogamy and class endogamy were considered as common standards. For instance, intermarriage among different social statuses was discouraged since the Eastern Han (25-220), and sometimes prohibited by imperial decrees in the Period of Disunion. Marriage alliances were avoided not only between the aristocracy and commoners but also among aristocrats of different status and power. Had there been intermarriage, lower status families would be teased as selling daughters into higher status; and higher status families were also reluctant to marry daughters downward on the social ladder.

One consequence of this was the increasing number of elderly daughters of the T'ang aristocratic families who were unable to marry. According to Ch'en, it was not until the Five Dynasties (907-960) when political chaos dispersed the genealogies that such marriage limitations and distinctions started to disappear. Before then, princesses were refused by the aristocracy in the T'ang, says Ch'en, as a legacy of status distinction.¹⁷

Concerning the number of marriage partners, most of Ch'en's examples were cases after the T'ang since T'ang "Household and Marriage Law" (hu-hun-lü) prohibited two legal wives. Ch'en does mention multiple wives in both the Ch'un-Ch'iu (770-403 B.C.) and the Period of Disunion, but he does not provide any legal analysis.¹⁸ Lü Ssu-mien, on the other hand, regards two-wives cases in the Wei-Chin period as exceptions due to changing political circumstances and suggests that they should not be treated as evidence of a legitimate two-wives system.¹⁹ Ch'en also points out some two-empresses cases in Northern Dynasties and suggests that it was a reflection of the ancient Chinese practice of sisters marrying one man (yin-chia).²⁰ However, since most cases mentioned were imperial families of the Northern Dynasties, it is arguable whether it reflected ancient Chinese practice or exceptions due to influence of nomadic custom. This dissertation deals with the two wives phenomenon in Chapter VI and suggests that such anomaly

could be caused by changing political circumstances, chaotic social situations, and personal choices. Although the imperial government usually tried to distinguish the status of the two women involved in each case, people often cared more about family harmony than status distinction.

Ch'en suggests that money-marriage (ts'ai-hun), in which daughters were betrothed to families who promised to pay the highest betrothal, was popular in this period. He argues that several cases indicate that some families broke their marriage contracts due to the appearance of a "higher bidder." Therefore, the T'ang "Household and Marriage Law" defined marriage contract as final as long as the betrothal was paid.²¹ However, the significance of betrothal gifts was already developed in the Eastern Han, earlier than Ch'en suggests. Chapter II will examine this issue and show the relations between the betrothal gifts, the aristocratic effort to uphold class endogamy, and the higher female status in this period.

Other than money-marriage, Ch'en also points out many other types of methods to establish a marriage, such as elopement, labor service provided by the groom for the bride's family and so on. Though he tries hard to maintain the continuity from ancient times, the validity of his argument is debatable. Since China has such a long history and wide geographical variation, it is not hard to find some evidence for each type of marriage somewhere or sometime.

However, that does not mean all of them had continuity in the sense of historical development. Generally speaking, however, Ch'en's two books cover most of the issues on marriage institution and set the pattern for later research.

One more recent general study on Chinese marriage history is Liu Tseng-kuei's article published in 1982.²² Based on his own study of Han marriage institutions,²³ Liu argues that most of the marriage rites and norms were established by the end of the Chou dynasty (ca. 1100-221 B.C.). Issues such as kinship exogamy, incest taboos, class endogamy, nominal monogamy and concubinage, and the marriage methods such as parental arrangement and the use of go-betweens, a wife's slightly inferior status and her main obligations were all confirmed in the Classics. Later development was to see the ancient rites, presumably practiced among the nobility, diffusing down to lower levels of society through various ethical teachings and legal regulations promulgated by the governments after the Han.

In the section on propriety between husband and wife, Liu examines the concept of chastity and fidelity. He suggests that before the end of the Han, chastity was required of both husband and wife. However, since Pan Chao's Instructions for Women (nü-chieh), which allowed the husband to remarry while it prohibited the wife from doing so, chastity began to be imposed only upon women. The increasing emphasis on women's virtue in marrying only one man was

interrupted in the Period of Disunion and the early T'ang dynasty. Examples indicate that Confucian scholars and officials in this period treated their wives with more courtesy based on the rite of equality between husband and wife. Many women, due to the decline of Confucian ideas and the influence of Buddhist and Taoist ideas on one hand, and the nomadic culture on the other, neglected the concept of chastity and fidelity in marriage.²⁴

Liu's comments on the "decline" of Confucian ideas in the Period of Disunion and its resurgence in the mid-T'ang may need further investigation since some research suggests that Confucian ethics on marriage might never have been seriously carried out prior to the late T'ang or the Sung Dynasties.²⁵ Although his observation on the courteous behavior between husband and wife in this period is inspiring, the conclusion about religious influence on chastity requires more elaboration.

Liu has also published an article on concubinage in the Period of Disunion. He points out the opposing poles in marital practice in this period. First, while the commoners suffered postponement of marriage due to constant warfare, the aristocrats often had many family prostitutes and concubines. Second, at one end, women were jealous and dominant, but at the other end, aristocratic families were hardening rituals and the distinction between wives and concubines.²⁶

Liu connects female jealousy, which was prevalent in this period, with the increasing number of concubines. The growth of concubinage, he proposes, was caused both by the aristocrats' luxurious lifestyle and by the imbalanced number between men and women after many men were killed and women were captured in battles.²⁷ Probably due to different family structures between the North and the South, Liu hypothesizes, concubines were more despised in the North than they were in the South.²⁸

Liu's hypothesis on concubinage is very applaudable, and his observation of the two opposing poles in marriages is important. However, he fails to point out that such diversification very much represents different pictures between the North and the South. This is what this dissertation intends to show.

Probably due to the limitation of sources, most articles on marriage in this period deal with aristocratic families. Lu Yao-tung discusses the marriage alliances between the nomadic T'o-pa imperial house and the Han aristocracy in North China, and also examines how Emperor Hsiao-wen tried to use political power to break the class endogamy of the central plain aristocracy by issuing the "Decrees of marriage prohibition" in order to enforce his sinification policy through intermarriage.²⁹

Lu emphasizes the class endogamy of the Wei-Chin period and disagrees with the notion that individual factors could

have any influence over class endogamy. This view is challenged by Yeh Miao-na in her case study on marriage alliances of the émigrés in the Eastern Chin (317-420) and the Southern Dynasties (420-589).³⁰ As for the North, Lu argues that marriage was prohibited not only between aristocracy and commoners, but also among different levels of aristocratic families. Commoners' daughters were treated badly by their husbands' relatives of the aristocratic families. Their children were usually put down by other aristocrats too. Such high self-esteem and social prestige drew the close attention and interest of the T'o-pa imperial house, who wanted to establish marriage relations with the Han aristocracy even after several frustrations.

The class endogamy not only had an impact on the Northern Dynasties (386-581), but also encouraged the money-marriage in the South. T'ien T'ing-chu's article on "mercenary marriage" (mai-mai-hun) between aristocrats and commoners examines its origin and development, even though such marriages were legally prohibited.³¹ He suggests that mercenary marriage was popular due to the declining political power of the aristocracy on the one hand, and the rising influence of wealthy commoners on the other. Such intermarriage blurred the distinction between classes, thus arousing arguments among various aristocratic members. Some officials intended to stop such practice by impeaching the marriage parties involved. Decrees were issued both in the

North and the South to discourage mercenary marriages. However, the repeated prohibitions indicated the inefficiency in enforcing the law, and the practice carried on until the early T'ang time.

T'ien thus concludes that both the Nan-pei-ch'ao and the T'ang governments shared the idea of class distinction. However, the effort of the Nan-pei-ch'ao governments and aristocracy was to uphold class status through class endogamy, while the T'ang rulers were trying to broaden imperial authority, forbidding old aristocrats to "sell" marriage contracts. T'ang emperors hindered the aristocracy's attempt to retain their power so that a new class endogamy based on official ranks could develop and the imperial authority could be consolidated.³²

Although many scholars notice the practice of mercenary marriages, most of them deal with the shift of marriage finances as a whole. Only Patricia Ebrey's recent work on this issue distinguishes the betrothal gifts and dowry in marriage gift-giving and suggests shifts in marriage finance between the sixth and the thirteenth centuries.³³ Because of the changed political and economic environment of the ruling elite, while expensive betrothal gifts were the main concern in the Period of Disunion, dowry became the major form of channelling marriage finances in the Sung (960-1279).

Ebrey argues on three grounds that dowry was preferred

in the Sung. First, dowry was a superior bait because betrothal gifts were supposed to be returned as dowry. Second, since transmission of property along the patrilineal line through division among sons was inflexible, while dowries for each incoming bride were separately negotiated, dowry increased the options available in advancement strategies. Finally, the obligations inherent in an affinal relationship could be strengthened by a large dowry.³⁴ Ebrey also sees the growth of the economy, increasing availability of money, and freer transfer of land as preconditions for the greater transfer of wealth through dowry.³⁵ Although she does not explicitly relate marriage gift-giving to women's social status in the Period of Disunion, Ebrey's analysis of the meaning of betrothal gifts confirms the argument of higher female status discussed in Chapter VI of this dissertation.

With regard to class endogamy, although some scholars maintain that it had been strictly enforced in the Wei-Chin period, Yeh Miao-na, in her case study of the Hsieh family of Ch'en commandery, suggests a different picture. Yeh takes thirteen generations of the Hsieh family as an example to examine the marriage patterns of the émigré families (ch'iao-hsing) in the Eastern Chin and the Southern Dynasties and argues that although class distinctions were established between the Western and the Eastern Chin, it was not strictly enforced. The Hsieh family's marriage pattern

showed that individual factors such as talent and virtue, and sometimes even religious conviction, could have some influence on marriage arrangements between different classes in the early Six Dynasties.

She also points out the neglect of generation taboos in the Hsieh's marriage patterns; cross-cousin and cross-generation marriages often occurred. According to Ebrey's study of aristocratic families in the North, however, cross-cousin marriage was always practiced with strict generation taboos. Cross generation marriages never happened.³⁶

Yeh's explanation for this difference is two-fold. From the aspect of physical circumstances, the southern aristocracy was more inclined to practice cross-generation marriage. On the one hand, since they had loose kinsmen relationships, they divided property among themselves and lived in small groups scattered in different areas. The low availability of proper marriage partners was worsened by the strict class endogamy. On the other hand, due to the strict class endogamy, people had early marriage and early childbirth. Therefore, ages among brothers/sisters and cousins differed more than that among uncles/aunts and nephews/nieces. When ages, rather than generation was taken into consideration, cross generation marriage became more possible and frequent.³⁷

Yeh's interpretation of the kinship relations appears to be reasonable, though it needs more substantial evidence

and analysis. Chapter three below will discuss the issue of cross-generation marriage in detail. Her understanding about the indirect cultural impact of Hsiung-nu on southern marriage patterns, however, is very doubtful.

From the cultural point of view, Yeh suggests, Southern Dynasties, rather than the North, were more influenced by Han Dynasty practices, which were themselves influenced by the Hsiung-nu nomadic custom of cross-generation marriage. Moreover, in the North, aristocratic families treasured their Confucian learning which emphasized ancient rites and propriety and forbade cross-generation marriage. But in the South, aristocratic families who were more interested in mystical studies, deliberately despised Confucian teachings and ignored classical propriety.

Such interpretation has many problems. First, whether the Han custom was influenced by the Hsiung-nu is arguable. Second, Yeh's interpretation overlooks the nature of the émigré aristocratic families and their integration with the native southern aristocracy. It also completely ignores the attention devoted in the South to studies of the classical ritual texts, which actually strengthened the conformity to Confucian ethics in the South.

The most comprehensive book on Chinese women may have been Ch'en Tung-yüan's The History of Women's Life in China (Chung-kuo fu-nü sheng-huo shih).³⁸ It describes women's lives from the pre-imperial period to the "women's

liberation" after the May-Fourth movement in the twentieth century. One chapter out of the ten is devoted to the Period of Disunion. In this chapter, Ch'en discusses in a comprehensive way such topics as class endogamy among aristocrats, the prevalence of singing girls, concubinage, jealousy, contemporary ideas of beauty, remarriage and multiple wives, wife-selection and pre-natal education, conservative ideas of chastity, women's enfeoffment and literary elegance.

The categorization of material and presentation of information are well done even though there is not a thesis running through the chapters to integrate and interpret all those issues. However, Ch'en does state in his introduction that he intends to present his book as a history of suppressed women suffering from the idea of "male superiority and female inferiority" (nan-tsun-nü-pei).³⁹ This argument is applied to most parts of the book, and Ch'en attributes the relatively freer female position in the Period of Disunion to the "weakness of ritualism in political chaos."⁴⁰ Ch'en does not provide evidence or elaboration on this last point, but his view agrees with one of the three interpretations proposed in this dissertation: the lack of strong ideological indoctrination left women with higher status in this period.

The section on "marriage institution" in Lü Ssu-mien's History of the Chin and the Nan-pei-ch'ao Period (Liang-Chin

Nan-pei-ch'ao shih) also describes women and marriage in this period. Due to the time of its first publication (1969), Lü's book is based on searches through standard histories, but uses no archeological material. On the formation of marriage, Lü discusses issues of marriage age, the financial and status concern in selecting a spouse, and the luxurious wedding ceremony and its consequences.

With regard to marital relationships, Lü indicates that jealousy was an important feature in explaining the lack of concubinage and the aristocracy's frequent refusal to marry imperial daughters.⁴¹ As for the dissolution of marriage, Lü contends that divorce and widow remarriage were quite easy and suggests that it was due to the marriage custom lingering down from ancient times.⁴²

Three articles collected in Pao Chia-lin's Essays on the History of Chinese Women (Chung-kuo fu-nü shih lun-chi) confirm Lü's description on widow remarriage in the Period of Disunion.⁴³ Tung Chia-tsun examines the custom of widow remarriage between the Han and the Sung. He contends that to help widows remarry was perceived as a benevolent policy by ancient governments and widow remarriage was actually practiced throughout the Period of Disunion and the T'ang dynasty.⁴⁴

Tung suggests that, first, widow remarriage was so acceptable that a woman with a son from her deceased husband could still get married, and, second, even the imperial

government that had prohibited widow remarriage had to contradict itself by helping widows remarry. However, a close look at the source material suggests a more complicated picture. The section on widow chastity and remarriage in Chapter IV will discuss these questions. Although a woman with daughters could remarry, it became difficult for a woman who had a son from her husband to remarry in the post-Han period, unless she was willing to leave her son. As for the Sui imperial decree that prohibited widow remarriage, it was confined to wives of officials above certain ranks. It is my contention that the socio-economic factors had much weight, if not more, than ideological ones in affecting a widow's choice between widowhood and remarriage.

Tung Chia-tsun's statistics on chaste women throughout Chinese history suggests that there was no drastic increase until the Sung of widows who either mutilated or killed themselves to refuse remarriage. He proposes that the change was partially due to the different perception of marriage before and after the Sung. While marriage was seen by some as mercenary behavior in the Period of Disunion, it was perceived as a contract after the Sung. The early period did not recognize the marital relationship until the wedding; therefore, the responsibility of the betrothed for each other was light. But the later society, which developed in the commercialized Sung, required marital duties right after

the contractual engagement.⁴⁵ Though a reasonable assumption, Tung's interpretation can explain better the increase of chaste fiances than that of chaste widowed wives.

Tung Chia-tsun extracts his information from biographies of women and chaste women collected in Ku-ching-t'u-shu-chi-ch'eng (a huge compilation of books collected in the seventeenth century); Nieh Ch'ung-ch'i's article on the same issue uses information from biographies of women in the standard dynastic histories. According to Nieh's calculation, the drastic increase of chaste women did not happen until the Ming emperors (1368-1644) who highly honored widow chastity. Before the Yüan dynasty (1279-1368), Nieh argues, widow chastity was perceived as a performance of self-restraint and dignity instead of as a universal principle.⁴⁶

The situation in the North is confirmed by Jennifer Holmgren's article on the historiography of History of the Northern Wei (Wei-Shu). She suggests that in the sixth century Chinese historians took a special interest in cases of chaste widows simply because of the threat of Hsien-pi cultural domination: widow chastity was upheld as a distinctly Chinese virtue, and promoting it helped create barriers between Chinese and Hsien-pi culture.⁴⁷

In one way or another, the works reviewed here all contribute to the understanding of women and marriage in the

Period of Disunion. However, so far there is no research done to study women's lives in the four hundred years as a whole and no study tries to explain similarities and differences of marriage on various temporal and geographical units. This dissertation intends to do so. But before that, a brief background understanding is necessary.

6. Marriage Ideas and Customs in the Making

Scholars agree that most of the marriage rites and norms were established by the end of the Chou dynasty (ca. 1100-221 B.C.). Marriage patterns such as surname exogamy, incest taboos, and class endogamy were generally accepted. Marriage methods and ceremonies such as parental arrangement, the use of go-betweens and the six rites of wedding were confirmed in the classical books of rites. As for marital life, a wife's slightly inferior status and her main obligations to serve her husband's family, especially her in-laws, were prescribed. Nominal monogamy⁴⁸ and concubinage were accepted, and the ancient Classics described chastity, loyalty and endurance as the wifely virtues to cope with such nominal monogamy. Later development, as studies have suggested, was to see the ancient rites, presumably practiced among the nobility, diffusing down to the lower levels of society through various ethical teachings and legal regulations promulgated by the governments after the Han.⁴⁹

In order to provide a background knowledge for the understanding of women and marriage in the Period of Disunion, this section will examine marriage norms and reality in the Ch'in-Han dynasties. Based mainly on secondary literature, it will discuss the formation of marriage, women's status and marital life, and the legal issues as well as the termination of marriage prior to the Period of Disunion.⁵⁰

Proper marriage ages prescribed in the classical texts were pretty late. According to the Records of Rites (Li Chi), men married at thirty years of age and women at twenty.⁵¹ The same figures were agreed upon in the Comprehensive Discussion White Tiger Hall (Po-Hu-T'ung) of the Eastern Han and carried a cosmic significance, for their sum of fifty was "the number of the Great Expansion, which begets the ten thousand things."⁵²

Since segregation between men and women was the norm in classical teaching, parental arrangement and go-betweens became reasonable requirements in forming marriage alliances. According to the Classics on rites, a man and a woman should not see each other without the introduction of a go-between. They should not sit together, talk to each other, use the same accessories, nor deliver things directly to each other.⁵³ Unless the marriage presents have been received, there should be no communication nor affection between a man and a woman.⁵⁴

The six rites of marriage mentioned in the Li Chi and delineated in detail in the Book of Ceremonies (I Li) were supposed to be carried out by the parents of the two families, initiated by the groom's family. The six rites were na-ts'ai, "the presentation of choice (of the bride to the bride's parents)", wen-ming, "the request for the (girl's) given name", na-chi, "the presentation of the lucky (divination concerning the marriage)", na-cheng, "the presentation of the betrothal presents", ch'ing-ch'i, "the request to fix a date (for the marriage), and ch'in-ying, "the (groom) in person fetching (the bride, bringing her to his ancestral home)".⁵⁵

Other ceremonies also prescribed that the groom's family should not play music for three days in order to pay respect for and grieve at the passing away of the older generation, while the bride's family should keep candles lit for meditating on the departure of a girl from the family. There was also a ceremony to establish the bride as a wife (fu) in her husband's household when she was presented to his ancestral temple three months after the wedding.⁵⁶

Upon selecting a spouse, the kinship idea and biological knowledge prevented people from marrying the same surname. It is pointed out in Li Chi that "the parties are of different surnames; thus, those who are distant are brought together, and the separation (to be maintained between those who are of the same surname) is

emphasized."⁵⁷ The Tso-Chuan also stated that the couple with the same surname often had problems of procreation.⁵⁸ Therefore, the Li Chi prescribed that one should not marry a woman of the same surname, and should consult divination if he bought a concubine without knowing her surname.⁵⁹ Patrilateral cross-cousin marriage was thus prohibited. Although matrilateral cross-cousin marriage did not acquire attention of the same weight, ancient Classics did chide such alliances.⁶⁰

Within the marital relationship, a wife should occupy a slightly inferior status to her husband. Titles which designated the relationship between husband and wife in the Classics are sometimes used to prove the ancient ideas of marital equality. Terms such as p'ei-ou, partner-pair and k'ang-li, counterpart-spouse are two of them.⁶¹

Proponents of marital equality in Classics also liked to use the term fu-ch'i, husband and wife, to prove that ancient sages did believe in marital egalitarianism. Ch'i, according to the Han commentator Cheng Hsüan, meant "equality," since the wife was received into the household through rites, she enjoyed the status of "counterpart" or "partnership" with her husband.⁶² However, despite the titles, detailed descriptions of the husband and wife relationships suggest the wife's inferior status more than equality in marriage life. If one looks into the Classics more carefully, one discovers that following the sentence of

"equality", the Li Chi author kept teaching that "once a wife acquires this status of equality, she will not change for the rest of her life. Therefore, she will not remarry after her husband's death".⁶³ Some scholars believe that the comparatively equal status of a wife to her husband has to be put in the context of concubinage. Compared to the concubines, who were usually taken into the household by purchase, a wife's status was equal to her husband's, but without the comparison, she was still inferior to her husband in the marital relationship.⁶⁴

A wife's inferior marital status derived from the fact that women occupied an inferior status in the society, and a woman's role was defined by her relationships with other people. Ancient Classics prescribed that instead of dictating her own way, a woman had to follow the decisions and share the fates of three men in her life. She was to follow her father before her marriage; her husband, after she married; and her son, after her husband died. By the nature of being a woman, she was to be submissive.⁶⁵

Han scholars expanded the ideas of female submissiveness based on the yin-yang cosmological theory.⁶⁶ Therefore, a wife was not to leave her husband even if he had been unrighteous because there was no way for the earth, symbolized by a wife's position in marriage, to move itself from heaven, the husband's position.⁶⁷ The analogy of heaven and earth exemplifies the characteristic of eternity

in marriage for a woman, from the wedding to the end of her life. In the wedding ceremony, the man would go personally to fetch his wife because "man takes precedence over woman, and that is the meaning of the tough and the tender, just as heaven takes precedence over earth and the lord takes precedence over his subjects".⁶⁸

Her main obligations were to provide male offspring to her husband's family, to supervise the provision of food and clothes, and to serve her parents-in-law.⁶⁹ Such obligations were mandatory; if she failed, she could be divorced. The seven conditions for a man to divorce his wife were her disobedience to her in-laws, barrenness, adultery, jealousy, serious illness (supposedly leprosy), gossiping and stealing.⁷⁰ Therefore, a woman who wanted to stay gracefully in a marriage should refrain from any of these.

The segregation between men and women was required even after the wedding. If a married woman returned to her natal family, she should not sit among her brothers. Outside talk, supposedly conversation among men, should not be carried on inside the house. Household talk, conversation among women, should not spread outside. A woman should not go beyond the gate when she welcomed guests or bid them farewell. Even though intimate as husband and wife, a man should not stay in the inner chamber during the day time unless he was ill. When he was about to die, he should still not be held by the woman, even his wife.⁷¹

Such segregation was in fact required to assure chastity. In the Classics, however, chastity seems to have been an issue concerning primarily married and widowed women. In other words, chastity was more of an issue about marital fidelity than virginity.⁷² The "Ch'ü-li" chapter prescribed that once a girl was betrothed, she should not be visited unless there was something significantly important.⁷³ Since virtues were expressed more in personal relationships than in individual cultivation, it is understandable that the Classics put the focus on a young girl's main task in the context of obeying her father, and the issue of chastity was emphasized only after she got married and defined her role in another set of personal relationships.

With regard to marital fidelity, although the Ch'in stone engraving in K'uai-chi ruled that it was not a crime to kill an adulterous husband,⁷⁴ there was no such statement about a husband's fidelity to his wife in the Classics. Since one of the wife's main obligations was to produce a son for her husband's patrilineal family, her fidelity was far more important to the lineage than her husband's because her adulterous behavior could produce illegitimate sons who would confuse or adulterate the family line.

When alive, a man with a shih title, the lowest rank in nobility, could have one wife and one concubine. If his wife

died, he could take a successor wife.⁷⁵ But a woman, received into her husband's household, could have only one marriage. Even the death of her husband did not end her wifely obligation since her responsibility was not only to him but also to his patrilineal family. However, the Classics indicated, perhaps out of concern of practicality and humanity, that a young widow who had a small child and had no ta-kung relatives left in her husband's family could remarry to support herself and the child.⁷⁶ Nevertheless, widow remarriage was apparently not encouraged since a husband took heavenly position over a wife, and no one should serve two heavens.⁷⁷

Such were the prescriptions about marriage and wifely virtues in the Classics. Studies suggest, however, that even though some aspects of the classical system were practiced in the Han, the system as a whole was not.⁷⁸ Segregation between men and women was not taken seriously in the early Han. Women talked with their husbands' friends, labored in the fields with their family, sometimes even hosted in a restaurant and dealt with customers. Even though some imperial decrees praised local officials who practiced segregation, not until the end of the Eastern Han did some aristocratic families begin to pay attention to it.⁷⁹

With regard to marriage practice, actual marriage age fell between thirteen and nineteen years of age, younger than the classical norm.⁸⁰ Some suggested reasons for this

were, first, the need for labor power in small farm agriculture, second, the hope for sons to support the old generation, and third, the contemporary perception of the best procreation age: fourteen for women and sixteen for men.⁸¹

Marriage of the same surname was usually avoided. Marriages between cousins, however, were generally tolerated, although there were more examples of matrilateral cross-cousin marriage than of patrilateral ones.⁸²

Many scholars suggest that there was no taboo against marriage between different generations. Not until toward the end of the Eastern Han did scholars like Hsün Yüeh attack transgenerational marriages.⁸³ However, if one takes a closer look at the examples presented in most studies, one notices that most transgenerational cases happened between matrilateral distant "relatives." The relations of the couple involved were actually outside the "five degrees of mourning obligations" which were required of family members and which defined the scope of a family. The only transgenerational marriage of close kin was Emperor Hui's marriage with his sister's daughter. This was also the only case attacked in Hsün Yüeh's essay.⁸⁴

Recent studies suggest that unless there was political instability or forced migration by the government, most people in the Han period found their spouses in close proximity, either within their county or district, or in

neighboring districts.⁸⁵ The Han data do indicate arrangement by parents, elders, or political superiors,⁸⁶ but sometimes the young girl's choice would be taken into consideration.⁸⁷ In a few cases there is direct evidence of the use of a go-between,⁸⁸ but in most examples that individual was lacking or the role performed by the parents themselves.⁸⁹

As for the "six rites", some Han scholars tried to establish detailed literature for the ceremonials,⁹⁰ but evidence suggests that only the rite of presentation of betrothal gifts was most commonly practiced before the wedding. Others do not seem to have been accorded equal attention, at least not outside the imperial house.⁹¹ On fixing a date for the wedding, divination advice was sometimes sought,⁹² and the wedding was usually conducted in a manner of frivolity and gaiety instead of solemnity.⁹³

After the wedding, a woman often went out and shared labor burdens with her husband, as mentioned above. Aristocratic wives who did not have to work in the fields may have stayed in the house to provide her in-laws with food and clothes, sometimes with entertainment such as playing the lute.⁹⁴ Although courtesy and propriety were emphasized in certain aristocratic families of the Eastern Han, cases of conflicts and struggles between couples and in-laws were not uncommon.⁹⁵

Divorce was also not unusual in the Han period. Men

divorced their wives for various reasons other than the "seven conditions." Women also left their husbands, usually because of poverty.⁹⁶ Remarriage for either divorced or widowed women was also accepted, although there was a growing tendency for widows not to remarry by the end of the Eastern Han.⁹⁷

Han government policy upheld widow chastity as an honor deserving special reward, but it was not a common practice. In Emperor Wen's reign, a widow Ch'en was rewarded for remaining in widowhood and serving her mother-in-law for twenty-eight years.⁹⁸ In Emperor Hsüan's reign, the number of chaste widows became one of the indices in evaluating local administration.⁹⁹ In A.D. 1 when Wang Mang dominated the government, Emperor P'ing decreed that every county should recommend one chaste widow (chen-fu) and the government would select the "most chaste one" and exempt her from taxation duty.¹⁰⁰ Thus the reward of widow chastity became a nationwide policy. It also recognized the economic need a widow would face.

In A.D. 114 and 119 when Empress Dowager Teng was in charge of the government, a decree was issued to reward chaste widows either with cloth or with grain. The 119 decree offers a cosmological basis for such reward by saying that it was done to accord with the yang atmosphere and to increase growth.¹⁰¹ This was the first documented reward in the Eastern Han. Successive reigning emperors often issued

the same rewarding decrees.¹⁰² To discover and to reward female chastity was one of the obligations of the local sub-bureaucrats, san-lao.¹⁰³

Even though men could take concubines and women could divorce and remarry, extra-marital sex appears to have been prohibited strictly in the Han law. Men in the nobility were either deprived of their noble titles or sentenced to labor penalty; the punishment for unfaithful women could be more severe. The law could have prescribed the death penalty for adulterous women, although there is not enough evidence to support its execution.¹⁰⁴

Other legal issues involved beating, killing and collective responsibility between the couple and their families. According to the law, one was to be punished when one inflicted injury on one's spouse. There was no direct evidence in Han records of a penalty for a man who beat his wife, but the Ch'in law would sentence a man to labor work with his head shaved if he inflicted serious injury on his wife.¹⁰⁵

One who committed manslaughter of one's spouse would perhaps be sentenced to at least the death penalty "ch'i-shih" (executed and abandoned in the market place). If treason was either plotted or committed by either of the couple, the other one would be either sentenced to death (in the early part of the Western Han) or moved to the borderland (from the latter part of the Western Han)

according to the familial collective responsibility in the Han law. However, if divorce was carried out prior to the disclosure of the crime, the divorced spouse would not be punished.¹⁰⁶

Before 66 B.C. concealment of criminal behavior among family members was prohibited. However, an imperial decree in 66 B.C., reflecting the growing government benevolence and Confucian ethics at that time, softened the penalty for concealment between parents, husbands, grandparents and their children, wives and grandchildren. If the latter concealed the former, they would be pardoned; if the former concealed the latter, a case could be reviewed by higher authority if it involved the death penalty.¹⁰⁷ The change may indicate growing Confucian ethics to perceive a wife's position vis-a-vis her husband as that of son to his father. It also implies that a husband bore the responsibility to educate his wife just as a father had the responsibility to educate his son.¹⁰⁸

In sum, most Confucian norms on marriage institutions were set forth in the pre-imperial period, but by and large not adopted throughout most of the Han. Scholars agree that there was a growing development and influence of Confucian ethics toward the end of the Eastern Han. However, since there was not a sharp break of development, the interpretations of changes in the Period of Disunion vary among scholars. Some suggest that the chaotic Period of

Disunion interrupted such continuous growth, while others argue that Confucian ethics were not fully practiced among the society anyway. What was the situation of marital ethics in the Period of Disunion and how can it be interpreted? The following chapters are designed to propose an answer.

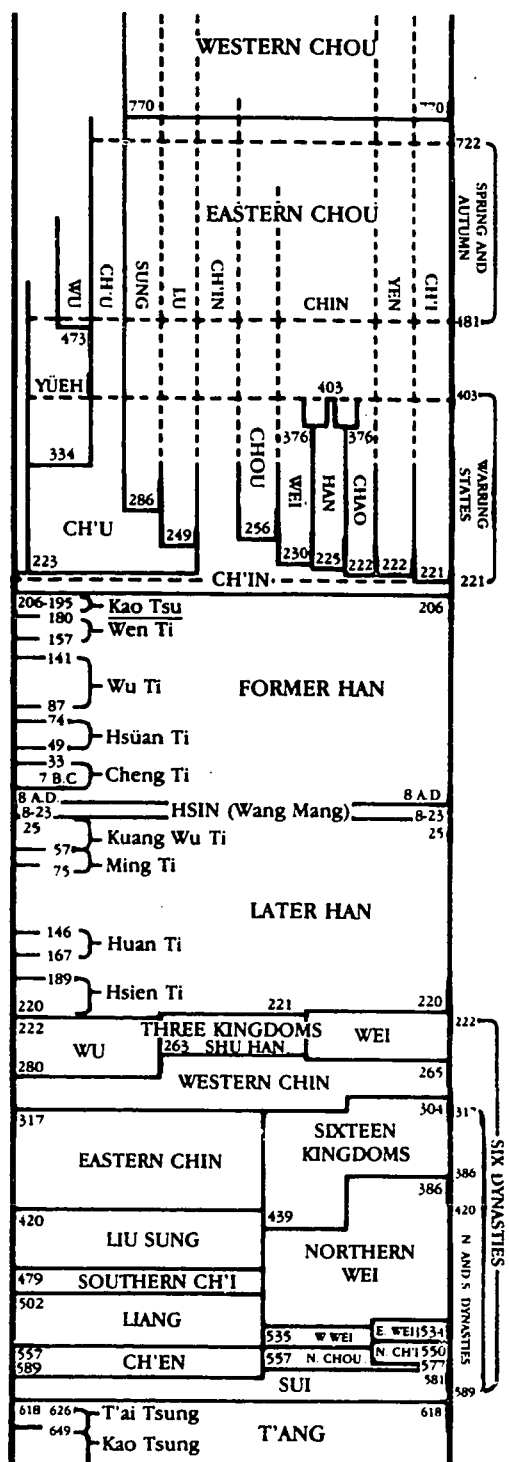
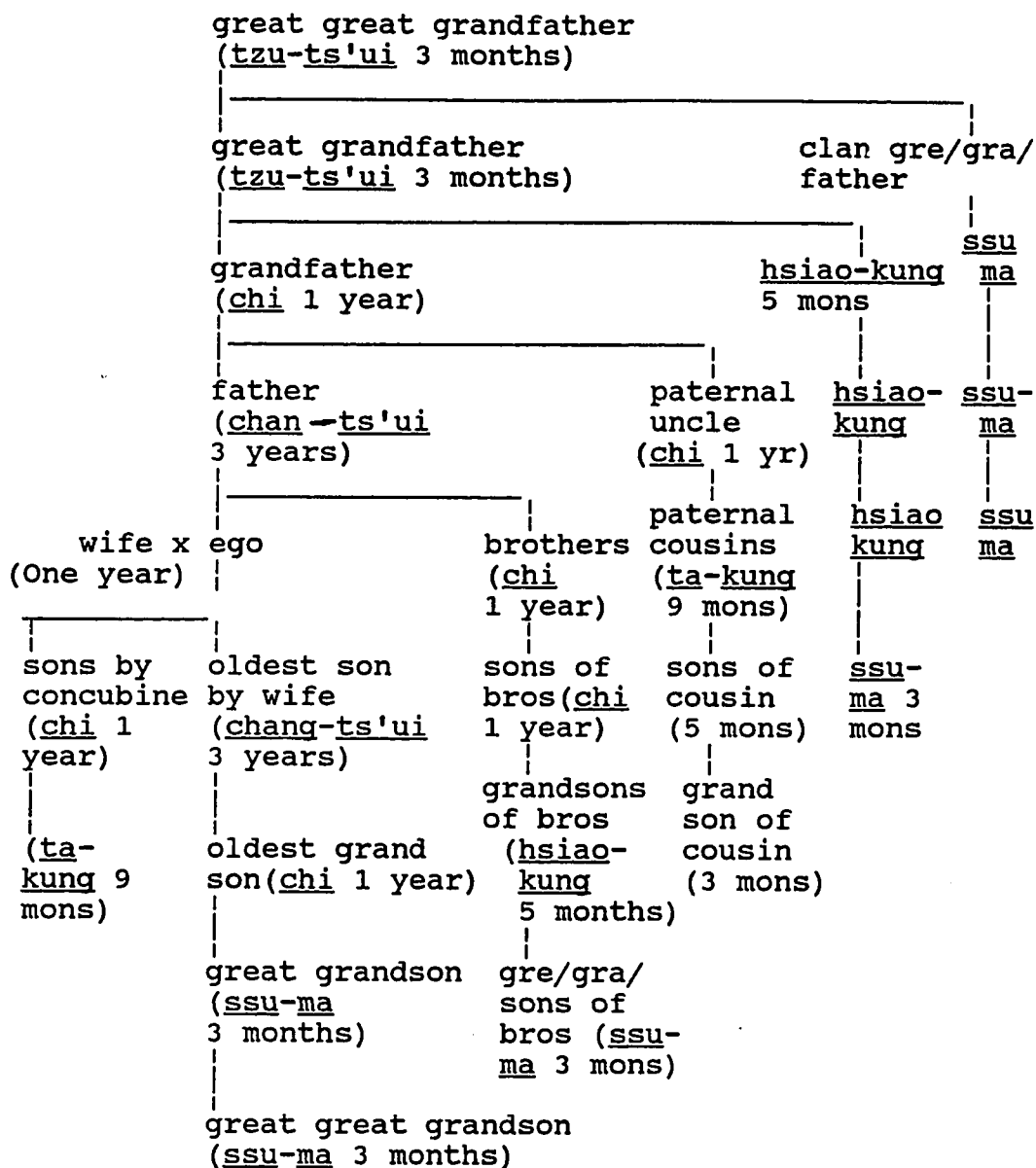
Table I-1 Chinese Dynasties from Ch'in to T'ang

Table adopted from John K. Fairbank & Edwin O. Reichauer,
China: Tradition and Transformation.

TABLE I-2 Mourning Obligations

Note: Time spans in parentheses are ego's obligations to his relatives. This table is based on "Sang-fu" in I Li. It defines the scope of family and relatives in the Classics, and exemplifies the patrilineal nature of such family.

Chapter I Notes

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39. Ch'en, 1990, pp. 18-19.

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41. Lü, 1983, pp. 913-915.
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43. Pao Chia-lin, Chung-kuo fu-nü shih lun-chi [Essays on the History of Chinese Women], Taipei: Tao-hsiang, 1988 reprint.
44. Tung Chia-tsun, "Ts'ung-Han-tao-Sung kua-fu tsai-chia hsi-su-k'ao" [On the Custom of Widow Remarriage from the Han to the Sung], Chung-ta-wen-shih-yüeh-k'an 3:1, 1934, reprint in Pao, 1988, pp. 139-164.
45. Tung Chia-tsun, "Li-tai chieh-lieh fu-nü ti t'ung-chi" [Statistics on Generations of Chaste Women], Hsien-tai-shih-hsüeh 3:2, 1937, reprint in Pao, 1988, pp. 111-117.
46. Nieh Ch'ung-ch'i, "Nü-tzu tsai-chia wen-t'i chih li-shih ti yen-pien" [Historical Development of Women Remarriage], Hsin-chi-wen-lu-ch'u-chi, reprint in Pao, 1988, pp. 128-138.
47. Jennifer Holmgren, "Widow Chastity in the Northern Dynasties, the Lieh-nü Biographies in the Wei-Shu", Papers on Far Eastern History 23, 1981, pp. 165-186.
48. Scholars argue about whether Chinese marriage pattern was monogamy or polygamy. Some suggest that since in most of Chinese history, social and legal norms accepted only one legitimate wife and other women in the household as concubines, it was monogamy. See Ch'en Ku-yüan, 1929, pp. 55-56. Others contend that such a fine distinction only had ritualistic meaning instead of realistic difference and conclude that it was polygamy. See Ts'ai Hsien-jung, "Chung-kuo tuo-ch'i chih-tu ti ch'i-yüan" [The Origins of the Chinese Polygamy], Hsin-she-hui-k'o-hsüeh-chi-k'an 1:2, 1934, reprint in Pao, 1988, pp. 79-110. For the sake of convenience, "nominal monogamy" is coined in this dissertation to describe the general phenomenon of one legal wife and one or more concubines in Chinese marriage.
49. Liu, 1982, pp. 421-472.
50. In her research on the transformation of marriage institution in the T'ang, Wong Sun-ming examines Confucian marriage principles and proposes that they were designed to support three general ideas: 1) the patriarchal system which gave male dominance over female, 2) the precedence of the interests of a family before those of the individuals and 3) the precept of monogamy. Wong, 1979. This section, acknowledging Wong's categorization, however, focuses on the

classical norms on the three aspects: the formation of marriage, wifely status and marital life in order to evaluate, in later chapters, the practice in the Period of Disunion.

51. Li Chi, "Nei-tse" [Inner rules], Ssu-k'u-ch'üan-shu edition, Taipei: I-wen reprint, 29/21b.
52. Pan Ku, Po-Hu-T'ung Te-Lun [The Comprehensive Discussions in White Tiger Hall], in Ssu-pu-ts'ung-k'an ch'u-pien tzu-pu, 9/70-75. Translation see T.S. Tjan, Po-Hung T'ung: The Comprehensive Discussions in White Tiger Hall, Sinica Leidensia, Leiden: E.J. Brill, 1949, Vol. VI, p. 245. Also see Dull, 1978, pp. 23-74.
53. Li Chi, "Nei-tse" [Inner Rules], 27/8ab.
54. Li Chi, "Ch'ü-li", 2/13ab.
55. I Li, "Shih-hun-li" [Marriage rites for the "shih"], 4/1-6/15. Translation according to Dull, 1978.
56. Li Chi, "Tseng-tzu-wen" [Master Tseng asked], 8/16b-17b.
57. Li Chi, "Chiao-t'e-sheng" [Sacrifice in the suburb], 26/18b.
58. Tso-Chuan, Ssu-k'u-ch'üan-shu edition, Taipei: I-Wen reprint, 15/11a.
59. Li Chi, "Ch'ü-li", 2/14a.
60. Pu-Hu-T'ung Te-Lun, p. 73.
61. Tso Chuan, 6/21ab, 21/18a, 27/2b.
62. Li Chi, "Nei-tse", 28/21b.
63. Li Chi, "Chiao-t'e-sheng", 26/19b.
64. Ch'en, 1987, p. 176.
65. I Li, 30/15b, and Li Chi, 26/19b.
66. Wong, 1979, pp. 36-43; Po-hu-t'ung, pp. 70-75. Tjan, 1949, p. 262.
67. Po-Hu-T'ung, pp. 70-75. Pan Chao, Nü-chieh [Lesson for Women], "Chuan-hsing" ["Being concentrated"], cited from HHS, p. 2790. On Pan Chao and her lessons for women, see Nancy Lee. Swann, Pan Chao: Foremost Woman Scholar of China, New York: The Century Co., 1932.

68. Li Chi, "Chiao-t'e-sheng", 26/19a.
69. Li Chi, 27/3a-9b.
70. Tai Te, Ta-tai Li-chi [The Records of the Rites by the Senior Tai], "Pen-ming" ["Original fate"], in Ts'ung-shu-chi-ch'eng ch'u-pien, v. 1029-1030, Ch'angsha: Shangwu, 1939 reprint, 13/156.
71. Li Chi, "Nei-tse", 27/8-10.
72. Ts'ao Ta-wei, "Chung-kuo li-shih shang chen-chieh kuan-nien ti pien-ch'ien" [Changing ideas of chastity in Chinese history], Chung-kuo-shih yen-chiu, 1991:2, pp. 140-150.
73. Li Chi, 2/13-14.
74. Ssu-ma Ch'ien, Shih Chi [Records of History], Peking: Chung-hua, p. 262.
75. "Wife" is used in this dissertation to translate "ch'i" and any terms the Chinese considered a synonym for "ch'i" (such as "shih", "shih-jen"), or a polite title for "ch'i" (such as "fu-jen"). "Concubine" is used as a translation for "ch'ieh" and words used as alternative for "ch'ieh" (such as "hou-shih" and "ts'e-shih.") "Successor wife" is used to translate "chi-shih", which addresses a man's second legal wife after the death or divorce of his first wife. See also Ebrey, 1991, "Introduction", p. 7.
76. I Li, 31/1a-2a. Ta-kung relatives were usually family members who had to pay nine months mourning to the deceased. For mourning obligation of different degrees, see Table I-2. Also see I Li, "Sang-fu" [Mourning obligations]; for their meanings on family ethics, see Lee Jen-der, "Hsi-Han lü-ling chung ti chia-t'ing lun-li kuan", [Family ethical ideas in the Western Han law codes] Chung-kuo li-shih hsüeh-hui shih-hsüeh chi-k'an 19, 1987, pp. 1-53. Han scholar Cheng Hsüan defined "young widow" as younger than fifty years old and "small child" as younger than fifteen. Cheng's commentary in I Li, 31/1b.
77. I Li, 30/15b.
78. Dull, 1978, p. 39.
79. Liu, 1980, pp. 13-16.
80. Liu, 1980, p. 48.
81. P'eng Wei, Han-tai hun-yin hsing-t'ai [The Marriage Patterns in the Han], Hsi-an: San-Ch'in, 1988, pp. 85-115.

82. Dull, 1978, pp. 30-32.
83. Chao I, Nien-erh-shih cha-chi [Notes on the twenty-two standard histories], "Hun-ch'ü-pu-lun-hang-pei" [Disregarding generation taboo in marriage arrangement], Taipei: Hua-shih reprint, pp. 59-60. Yang Shu-ta, Han-tai hun-sang li-su k'ao [On marriage and funeral customs in the Han], Shanghai: Shangwu, 1933, pp. 36-42. Dull, 1978, p.32. Liu, 1980, pp. 9-10.
84. Hsün Yüeh, Han Chi, 5/32. For detailed discussion, see Lee, 1987, p. 24.
85. P'eng, 1988, pp. 60-84.
86. Dull, 1978, p. 39.
87. Yang, 1933, p. 4.
88. Liu, 1980, p. 50.
89. Dull, 1978, pp.41-42.
90. Liu, 1980, pp. 51-52.
91. Dull, 1978, p. 51.
92. Liu, 1980, p. 53.
93. Dull, 1978, pp. 49-50; Liu, 1980, p.56.
94. Liu, 1980, p. 62.
95. Liu, 1980, p. 63.
96. Dull, 1978, pp. 52-64. Liu, 1980, pp. 21-24.
97. Dull, 1978, pp. 64-67. Liu, 1980, pp. 25-29.
98. Liu Hsiang, Lieh-nü chuan [Biographies of Women], Taipei: Chung-hua reprint, pp. 8-10. For English translation, see O'Hara, Albert R., The Position of Woman in Early China according to the Lieh Nü Chuan: "The Biographies of Chinese Women", corrected version of the author's thesis, Catholic University of America, 1946.
99. Pan Ku, Han Shu [History of the Western Han] Peking: Chung-hua, p. 3631.
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101. Fan Yeh, Hou Han Shu [History of the Eastern Han], Peking: Chung-hua, pp. 229-230.
102. HHS, pp. 235, 251, 289 etc.
103. HHS, p. 3624.
104. Dull, 1978, p. 68. Lee, 1987, p. 28.
105. Lee, 1987, p. 30.
106. Lee, 1987, pp. 34-38.
107. HS, p. 251. Lee, 1987, pp. 40-41.
108. Lee, 1987, p. 41.

Chapter II

THE FORMATION OF MARRIAGE

Classical marriage norms and their Han elaborations have been discussed in the previous chapter. Argument has been focused on the nature and extent of Confucian influence: whether the Period of Disunion witnessed an interruption of the Confucian norms of marriage, or it simply continued the non-Confucian Han customs. With regard to the formation of marriage, this chapter will first discuss the criteria considered in spouse selection, issues such as consanguinity, social status and other personal traits, and then reconstruct the marriage rites and ceremonials as much as possible. It intends to show, first, the conformity and discrepancy between the prescribed norms and actual practices, and, second, regional variations.

1. Selection of a Spouse: Issues of Consanguinity

Two issues with respect to consanguinity will be discussed in this section: close kin exogamy, particularly surname exogamy, and marriage within the same generation. While the former was prescribed by the end of the Chou dynasty, the latter was not seriously discussed until the end of the Eastern Han.

(1) Close Kin Marriage

Surname exogamy and matrilateral cousin marriages were the two issues of close kin marriage that attracted most attention in the Period of Disunion. Based on both ethical and biological concerns of avoiding the risk of incest and the problems in reproduction, the Classics discouraged close kin marriage.¹ But these two concerns were lost in the course of development. In the Period of Disunion people sometimes practiced surname exogamy but neglected its underlying ethical and biological rationale. Such lack of concern was especially demonstrated by Hsien-pi people in the North and perhaps their Han subjects living among them. The imperial governments showed their disapproval of marriage between close kin, but the motives were as much, if not more, political as they were ethical. When the increasingly sinicized northern government, instead of the southern regimes, first tried to regulate matrilateral cousin marriages, it showed its equal regards to the relatives of a husband and those of his wife, but it also revealed its attempt to break into the class endogamy of the Han aristocracy.

There had probably been a law prohibiting marriage between people of the same surname since the Eastern Han period, but even officials sometimes ignored it. Ch'en Chiao of the end of Eastern Han was originally a son of the Liu family and adopted by his maternal uncle as an heir. He

later married Liu Sung's daughter from his original Liu family. Liu Sung was almost impeached by a fellow official for sanctioning this marriage but was rescued by the efforts of another official.² Ch'en Chiao was impeached, but Ts'ao Ts'ao, who was in charge of the government at that time, treasured his talent and tried to save him. Ts'ao therefore issued an order in which he said that political chaos had made accusations and verdicts hard to decide; therefore, cases before A.D. 199 would not be charged.³ Although there is no explicit information about a penalty, it seems that without Ts'ao's help, Chiao might have been seriously punished according to the existing law.

Since close blood relationship rather than nominal identification of surnames was the real issue, scholars also debated marriages between maternal cousins. Yüan Chun of the Kingdom of Wei detested such marriages, saying, "the reason to prohibit marriage between the same surnames is to distinguish (the two families), but maternal cousins are even closer than the same surnames."⁴ However, such a norm was not seriously heeded by contemporaries.

In the South, maternal cousin marriage was accepted. Ma Ch'eng was originally a "humble man" (han-jen).⁵ He forcefully proposed to take his maternal aunt's daughter as a concubine. When his aunt refused, Ch'eng filed litigation in Chien-k'ang, the capital. The magistrate decided that he could take his maternal aunt's daughter as wife, but not as

concubine. Ch'eng replied, "my father is a Supervising Secretary (chi-shih-chung); our family is established. But my aunt's family is still impoverished and humble, so (my cousin) could be my concubine." The magistrate scolded Ch'eng and sent him away.⁶ The magistrate's rule suggests that marriage between maternal cousins was accepted by the southerners.⁷

Although there had been a custom for ten of the Hsien-pi clans not to intermarry,⁸ the lack of concern about close kin marriage was obvious in the Hsien-pi ruling North. In his attempt to sinicize nomadic customs, Emperor Hsiao-wen of the Northern Wei (386-534) issued a decree to prohibit marriage between the same surnames in A.D. 483. The decree prescribed that he who violated this regulation would be charged with "pu-tao," a crime related to seditious behavior in the Han and also one which included incestuous conduct in the T'ang code.⁹

Imperial decrees reflected the knowledge of the disadvantages in reproduction among couple of close blood relationship, but people's practices were still the same. In A.D. 543 Emperor Wen of the Western Wei (535-556) issued a decree to prohibit marriage between maternal cousins.¹⁰ But in A.D. 578 Emperor Wu of the Northern Chou (557-581) had to issue another decree addressing the same problem. Emperor Wu's decree read as follows.

"Families of the same surnames should not make marriage alliances even after one hundred

generations... As for marrying a wife and buying concubines, people sometimes take women from their mothers' families; although they are from different clans (surnames), it is still disorderly. From now on, one may not marry, nor take as concubines women who have the same surname of his mother. Those who are now engaged but not yet wedded are ordered to change their betrothals."¹¹

Repeated decrees concerning surname and maternal cousins exogamy, however, indicate continuing ignorance or disregard of such regulations by the populace. Chang-sun Sung, an official in Emperor Wu's reign, was appointed as Regional Inspector (tz'u-shih) of Ho commandery where the custom was for people to marry the same surnames. Pei Shih says that Sung educated them with propriety and changed the custom.¹²

Whether such administrative efforts were sufficient is doubtful. In A.D. 579 when Emperor Hsüan ascended the throne, one of the nine edicts announced to local governments was to approve marriages between maternal relatives who had no mourning obligations in order to recognize an established custom.¹³

In addition to ethical and biological concerns, the imperial effort to prohibit maternal cross-cousin marriages could also involve the issue of class endogamy. Since many great clans, such as the Lung-hsi Lis and the Fan-yang Lus, the Chao-chün Lis and the Po-ling Ts'uis, chose marriage partners exclusively from each other for generations for socio-political reasons, marriage between maternal cross-

cousins became almost inevitable.¹⁴ Since the imperial house had a hard time making marital alliances with its powerful subjects, therefore, by implication, its political authority was denied by the highly selective aristocratic group (see "Class Endogamy" below), prohibition of maternal cross-cousin marriages may have been a way to break into such a closed system.

Still, one may think that there were some further developments in the sinification process since the mourning obligations prescribed in the Classics were taken into consideration to decide the scope of family and relatives. However, it also seems that the imperial effort to change social custom was only successful partially and temporarily.

There is no evidence that the southern governments took the same step in forbidding matrilinear cousin marriages. Since the ritualistic discussion focused largely on the mourning obligations and tried to define a person's role in a patrilineal family (see Chapter VI below), it is possible that a woman's status in family did not acquire as much attention as that of a man. Moreover, since the aristocrats possessed not only social prestige but also political power in the South, they were perhaps not interested in avoiding maternal cousin marriages, which helped maintain class endogamy.

In the T'ang dynasty, there was further compromise when the law allowed marriages between maternal cousins who had

mourning obligations as long as the bride and the groom were of the same generation.¹⁵ The Northern governments' similar concern with both paternal and maternal cross-cousin marriages confirms their higher regard for a woman's role in the family. The change in the T'ang indicates that, as a ruling group from the North, the T'ang may have tolerated customs which were already practiced in the North, but it would not allow those practices mostly absent among the northern aristocrats that existed in the South. Transgenerational marriage was one of them.

(2) Generational Taboos

Most scholars agree that cross-generation marriage was not unusual in the Han dynasty; not until the end of the Eastern Han did scholars like Hsün Yüeh begin to criticize the practice in imperial marriages. Some claim that it was accepted until the T'ang government prohibited it in the law code.¹⁶ It is suggested in Chapter I that most cross-generation marriages in the Han involved people who had no mourning obligations. What Hsün Yüeh attacked was marriage between a woman and her maternal uncle, to whom she would have had a three months' mourning obligation according to the Classics. There were geographical differences in the Period of Disunion. While cross-generation marriages were generally practiced in the South after the end of the Han, it may have been avoided among the northern Han aristocracy.

In the Kingdom of Wu (222-280), Sun Ch'üan took his aunt's granddaughter and Sun Hsiu took his sister's daughter as imperial consorts.¹⁷ A case study of the Hsieh family in Eastern Chin also points out the neglect of the generational taboo in Hsieh marriage patterns; cross-cousin and cross-generation marriages often occurred.¹⁸

Ts'ai Hsing-tsung's case in Liu-Sung (420-479) is another example. Both Ts'ai Hsing-tsung's wife and the wife of his nephew Yüan Chi died early. Hsing-tsung's elder sister therefore took care of both Hsing-tsung's daughter, her niece, and Chi's son T'uan, her grandson. She considered the match between her niece and her grandson a good one because they were similar in age and grew up together. Therefore she mentioned a future marriage every time she saw Hsing-tsung. However, Emperor Hsiao-wu (454-464) of the Liu-Sung decreed that Hsing-tsung's daughter should marry an imperial prince, regardless of several refusals by Hsing-tsung. Therefore, Hsing-tsung's daughter married the imperial prince Liu Ching-yu, and T'uan married someone else.

Several years later, T'uan's marriage did not last and his family fell into oblivion and Hsing-tsung's daughter was widowed without a son. Many aristocratic families proposed to Hsing-tsung's daughter; Emperor Ming (465-472) also decreed her marriage with the eminent Hsieh family. Hsing-tsung refused them all and married her to T'uan.¹⁹

Cross-generation marriage did not seem to bother the aristocracy, nor the imperial authority; Emperor Hsiao-wu's refusal of Hsing-tsung's appeal was not based on any ethical or biological considerations. Rather, it was because the imperial house insisted that the aristocracy should not marry exclusively with one another and leave the imperial family with no marriage partners among its powerful subjects.²⁰ In fact, southern imperial houses made transgenerational marriage alliances throughout the Six Dynasties. Table II at the end of this chapter, based on a study of marriages of ruling houses of the Southern Dynasties, confirms such practices.²¹

As for the thinking of Hsing-tsung's sister about her niece and her grandson, acquaintance and age similarity seem to have been the main considerations since both would have made the proposed couple comfortable in their married life. Though there is little information left on non-aristocratic marriages, it seems reasonable that these may have been common considerations in selecting marriage partners for commoners who did not worry about using marriage as a strategy to protect political prestige.

The situation was different in the North. Although there were a few cases in which imperial houses of the Hsien-pi and the "barbarianized" Ch'i made transgenerational marriage alliances, such practices were most likely avoided among the Han aristocracy.²² A case study on the Po-ling

Ts'ui family shows that cross-cousin marriage was always practiced with strict generational taboo. Cross generation marriage never happened.²³ Li Shen-chün of the Northern Wei sought his maternal niece's hand after he was widowed twice. But the proposal was declined, and he was criticized by his contemporaries.²⁴

Generally speaking, people avoided same surname marriages more seriously than those between maternal cousins. The latter were prohibited only by the Hsien-pi imperial government, which saw maternal kinship as being as important as paternal kinship. The northern aristocracy was also more strict than their southern counterpart on marriages between people of the same generation. That the T'ang law gave up attempting to regulate maternal cross-cousin marriages may indicate a step away from the higher female status in nomadic culture toward a tighter patrilineal society.

2. Selection of a Spouse: Issues of Social Status

Class endogamy was often used to secure and enhance the prosperity and high reputation of the family since the end of the Eastern Han. Powerful families often intermarried with one another.²⁵ In the Kingdom of Wei, the Hsia-hou family and the Ts'ao family married each other for generations.²⁶ Actually, marriage was often used to expand political connections at both the local and the capital

levels; at the end of the Eastern Han, the "Law of Three Exclusions" (san-hu-fa) was issued to prohibit people with marriage relationships from supervising each other and serving in each other's county for fear of corruption.²⁷

However, besides socio-political privileges, the aristocracy also upheld their pride and dignity by class endogamy. It had been an established norm among the aristocracy not to marry economically or politically powerful people who had no social prestige. Hu Kuang (c. 90-172) was teased by his contemporaries when he made a marriage alliance with Ting Su, one of the powerful palace attendants-in-ordinary (chung-ch'ang-shih).²⁸ When Hsün K'un married his son Yü to the daughter of another powerful chung-ch'ang-shih, T'ang Heng, Yü could escape criticism only because of his life-long reputation for talent.²⁹

Intermarriages among families of different social statuses were discouraged in Eastern Han and throughout the Period of Disunion. Class endogamy was so firmly upheld by the aristocracy that even the imperial houses sometimes had a hard time gaining access to it. In the South, for example, the military backgrounds of the founding emperors was not highly regarded by aristocrats. In the North, ethnic and cultural differences separated the Han aristocracy and the Hsien-pi ruling house for quite a while. Moreover, the Hsien-pi rulers obviously had a hard time trying to enforce class endogamy on their kinsmen.

(1) Class Endogamy Upheld by the Aristocracy

Marriage and officialdom were the two keys to aristocratic self-perpetuation; they were also two indices of one's social standing. Marital alliances across status lines were often considered infamous by fellow prestigious families. When there was intermarriage, higher status families would be chided for selling daughters into lower status, while lower families often considered it honorable if they could marry children into the higher aristocracy. Emperor Hsiao-wu's complaint to Ts'ai Hsing-tsung exemplifies the situation.

In the Southern Liang (502-557), an aristocrat Wang Yüan married his daughter to the Man family of Fu-yang after the Mans paid fifty thousand pieces of cash as betrothal gifts. Yüan was therefore impeached by another aristocratic official Shen Yüeh. Yüeh commented that the marriage blurred the distinction between aristocracy and commoners and thus, was frightening news. Yüeh claimed that it was a serious matter since Yüan not only degraded himself but also belittled his parents and ancestors by the marriage. Yüeh therefore suggested that Yüan should be deprived of his official position and demoted in social rank.³⁰

Another example was Wang Yüan-kuei of the prestigious T'ai-yüan Wang family in the Ch'en dynasty. Yüan-kuei was orphaned at the age of twelve and went with his mother to stay with his maternal uncle. Local millionaire Liu Chen

proposed to marry his daughter to Yüan-kuei. Yüan-kuei's mother intended to grant the proposal in order to make an alliance with this local powerful family. But Yüan-kuei dissuaded her from doing so, saying that "marriage is a very important matter. How can we settle ourselves in a foreign land with people not of our kind?"³¹ In this case, a local wealthy man's attempt to promote his social status through money and marriage was blocked because of the idea of class endogamy upheld by a declining aristocrat.

The situation was similar in the North. Aristocratic families regretted having to marry their members down the social scale, regardless of the reason. Due to a blind eye, Ts'ui Chü-lun's sister was never proposed to by anyone from the aristocratic class. Her family considered marrying her down the social ladder. Her paternal aunt heard the news and arranged a marriage between her own son and Chü-lun's sister, because she did not want her deceased brother's daughter to "serve a humble family." Since her contemporaries praised her righteousness, it is obvious that they not only appreciated class endogamy, but also considered maternal cousin marriage a legitimate way to maintain it. It incidentally supports the earlier speculation on the Hsien-pi imperial governments' discouraging maternal cross-cousin marriage in order to weaken class endogamy and thereby enhance to possibility of Hsien-pi marriages with the Han aristocracy.³²

Yen Chih-t'ui told his offspring that the northern aristocracy entered officialdom to preserve traditional politics and teaching,³³ but that his offspring should only make marriage alliances with partners who had a similar social background instead of politically powerful families.³⁴ Yen's statement, however, has two ramifications. First, the aristocracy was so proud and dignified that whoever wanted to break out of the class endogamy had to offer either economic or political benefits. Second, Yen warned his children against mercenary marriages because he had already seen the evil of such practices. The Mans in the Southern Liang are one example. Feng Shu's case is another.

Feng Shu of the Northern Ch'i served as a judicial official for a long time. He understood the law codes very well; his verdicts were wise and fair and deeply praised by his contemporaries. But he is said to have been a very stingy person who would not help relatives or friends even when they were in deep trouble. Since judicial officials were not considered "pure stream" nor high aristocracy, his marriage arrangements with the Fan-yang Lu and Lung-hsi Li cost him dearly.

Feng Shu tried hard to make alliances with high ranking aristocrats. He married a Ssu-ma woman of Ho-nei and sent enormous sums of money to the Lis in order to contract a marriage between one of his sons and Lung-hsi Li Shih-yüan's

daughter. But even before the wedding, Shih-yüan was still indecisive. Shu suddenly took a Buddhist image and swore an oath to Shih-yüan to show his sincerity. Shih-yüan smiled and said, "where did you get this convenient image that you can swear on whenever needed?"

Shu also arranged a marriage between his son and a daughter of the Fan-yang Lus. He once commented on the cost of such an arrangement, saying Lu complained about all the betrothal gifts Shu presented: the horse was limp, the land was infertile, and the bronze vessel was useless. Although Shu was famous for his stinginess, through the comment one can perceive the size of the betrothal gifts a judicial official had to give to a member of the high aristocracy.³⁵

Class endogamy was upheld by the aristocracy both in the North and in the South. However, cases of mercenary marriage in the latter part of the Period of Disunion--Wang Yüan, Yen Chih-t'ui, and Feng Shu all lived in the sixth century--all indicate the deviations from the system of class endogamy. However, those who broke into the closed circle did not mean to end the system. Rather, they were trying to join and to regroup it. To achieve such goals, wealthy people used money, while imperial houses used political power.

(2) Imperial Efforts to Enter the Higher Social Stand

Imperial families, both in the South and the North,

tried to break into the system of class endogamy. In Ts'ai Hsing-tsung's case discussed above, Emperor Hsiao-wu complained that the aristocrats married exclusively one another and left the imperial house with no prestigious alliances. The emperor then used imperial decrees to forcefully make a marriage arrangement between Hsing-tsung's daughter and the imperial prince (see discussion in "Generational Taboo" above).³⁶

When Prince Yü-lin of the Sung was about to take Ms. Ho as his consort (fei), his father, the heir-apparent Wen-hui, did not like the proposal because Ms. Ho's father, general Ho Chi, had no male offspring and was not powerful enough. But a high official Wang Chien convinced the heir-apparent that an imperial consort needed to be from a high aristocratic family, not from a powerful family.³⁷ Wang Chien's statement confirms the imperial strategy that the imperial clan should ally itself with the high aristocracy to gain social recognition. But politically or militarily powerful figures were not necessarily prestigious in social standing. When Hou Ching, a powerful general of the Liang, asked Emperor Wu (502-549) to arrange a marriage for himself into the high aristocracy, Emperor Wu told Ching that the Wang's and the Hsieh's were too prestigious to consider and Ching should only ask hands from daughters below the Chu and the Chang families.³⁸

The record of imperial marriages shows that even with

their political power, the imperial families could gain marriage alliances with the most socially prestigious families, such as the Lang-ya Wang's, only after several generations of their rule: fourth in the Sung, third in the Ch'i and the Ch'en, second in the Liang dynasty.³⁹ But with the less prestigious ones, their efforts paid off. Among the empresses and empresses dowager recorded in southern histories, many were aristocratic daughters: eight out of eleven in the Sung, eight out of eight in the Ch'i, four out of six in the Liang and five out of five in the Ch'en.⁴⁰

However, due to the cultural and ethnic differences in the North, the Hsien-pi imperial families were making less progress than southern ruling families in breaking into the class endogamy system of the Han aristocracy. Class endogamy was considered a strategy by the T'o-pa imperial rulers who wanted to marry Han aristocrats, not inferior commoners of the central plain. Two decrees on marriage prohibition were issued by the Northern Wei in the fifth century. The first one in 463 prohibited imperial, aristocratic, and noble as well as scholarly families from making marriage connections with the "one hundred kinds of craftsmen and humble families"; he who violated the law would be punished.⁴¹

In the decree, Emperor Wen-ch'eng (453-465) explained the reason for such an order:

"Since the middle of the generation, many (Hsien-pi) aristocratic families entered marriage alliances without selection either because of greed for monetary benefit or because of private

favor. Such practices blurred the distinction between the eminent and the humble, and could not be shown to posterity due to the lack of ethics."⁴²

The issuance of this decree may have been the result of a memorial sent by Kao Yün who cited ancient Classics to remonstrate against the Hsien-pi imperial and princely marriage patterns. Yün argued that princely marriages were inappropriate because the princes were often granted wives and separate residences at the age of fifteen, but the women granted to them were not suitable because they were either too old for the princes or simply criminals from the Palace Discipline Service (i-t'ing).⁴³ However, those prisoners may not have been ordinary convicts. Since the palace prison often housed people who were punished collectively for their family's crime, many aristocratic daughters were also accommodated there. Arranging such marriages could have been one of the imperial methods to marry into the Han aristocracy, although it was not approved by scholars such as Kao Yün.⁴⁴

Kao Yün's memorial and Emperor Wen-ch'eng's decree suggest that the Hsien-pi imperial house either did not pay attention to social status or could not do better in marriage alliances in the first stage of immigration and conquest. But when they tried to rule the central plain, they had trouble integrating themselves into the society, because the Han aristocrats scorned them and were reluctant to conform. Studies suggest that due to political chaos in

the fifth century, many Han people in the North migrated into the steppe and married the nomadic people. Therefore, most intermarriage at this early stage occurred between T'o-pa clansmen and Han immigrants who were either criminals, captives, or commoners at best. Since most marriages were between different class groups and carried out without proper marriage ceremonies (na-pu-i-li), such nuptial alliances were despised by the Han aristocracy. The 463 decree which claimed to punish T'o-pa aristocrats who married commoners and craftsmen was issued to resolve such an embarrassment.⁴⁵

However, Emperor Hsiao-wen's decree on marriage in 478 suggests that although the imperial court may have been trying to seek support from the Han aristocracy through conjugal bonds, the princes did not practice marriage customs in the way the Han aristocracy and the imperial court would prefer. Hsiao-wen's decree complained that the Hsien-pi imperial, aristocratic and scholarly families did not marry aristocrats exclusively, but lowered themselves by marrying partners from another class. Hsiao-wen then decreed, based on an earlier decree (presumably the 463 one), that he who violated class endogamy would be charged as violating an edict (i-wei-chih-lun).⁴⁶

To the Hsien-pi, the issue was to join the class endogamy of the Han aristocracy; to the Han aristocrats, the issue was probably as much ethnic endogamy as class

endogamy. Therefore, this decree was to use imperial power to break into the closed marriage circle of the Han aristocracy in the central plain in order to enforce the emperor's sinification policy through intermarriage.⁴⁷

However, several cases suggest that Hsien-pi princes did not follow such regulations wholeheartedly. Hsiao-wen's half brother Hsi, Prince Hsien-yang, took a servant from Prince Jen-ch'eng's household as his wife. Hsi was deeply blamed by the emperor, who then issued a decree to lecture on the ideology of marriage and arrange a new marriage for Hsi.

Hsiao-wen portrayed marriage as an alliance between two surnames in order to serve the ancestral temples and pass the family line on to posterity, apparently based on Confucian ideology. He recalled the appropriate matches of imperial and princely marriages in Emperor Tao-wu's reign (386-408) and lamented the declining custom since then. He then ordered the princes to treat as concubines the women they took earlier and arranged new marriage proposals for his six brothers either with Hsien-pi officials or with Han aristocrats, such as the Lung-hsi Lis, the Ying-yang Chengs, and the Fan-yang Lus.⁴⁸

To join the class endogamy system, the northern ruling house faced more frustration due to the ethnic barrier. When Emperor Hsiao-wen proposed a marriage alliance between his heir-apparent and the daughter of Liu Fang, a Han aristocrat, Liu declined the proposal by saying that the two

young people were not suitable for each other either in age or in appearance.⁴⁹ When Po-ling Ts'ui Chien married his daughter to Pu-liu-ku Jui, a Hsien-pi aristocrat of the eight meritorious families, Ts'ui Chien told his relatives that he considered Jui a talented person but hated that he had a "multiple-character surname".⁵⁰ Ts'ui Ch'eng was executed by Emperor T'ai-wu (424-451) of the Northern Wei due to his arrogance. Ts'ui Shu-i, Ch'eng's offspring six generations from Ch'eng, was also killed after refusing marital proposals of the Hsien-pi princes.⁵¹

But the effort paid off gradually. Studies on the marriage relations of the Fan-yang Lus, the Lung-hsi Lis, the Ying-yang Chengs and the Lang-ya Wangs show that they all had alliances with the Hsien-pi imperial house. Sometimes the aristocratic daughters were taken as imperial and princely consorts. Other times, the Hsien-pi princesses were married to the Han aristocrats from these four families.⁵²

Although the Hsien-pi imperial house finally broke into the closed marriage circle and participated in it, it was not the end of class endogamy. When a new imperial house was established, it would have to try again either to enter into or regulate such practice among the high aristocracy, and the aristocracy tried to reject or avoid political interference. It is said that when Emperor Kao-tsung of the T'ang prohibited marriages among the highest seven families

(the T'ai-yüan Wang, the Fan-yang Lus, the Ying-yang Chengs, the Ch'ing-ho and Po-ling Ts'uis and the Chao-chün and Lung-hsi Lis), those families dared not to celebrate wedding ceremonies publicly, but privately sent daughters to the families of their betrothed husbands.⁵³

Some historians contend that talented men and virtuous women from the lower ranks sometimes gained marriage partners from the higher society in the Wei-Chin period. Case studies also suggest that individual factors such as talent, virtue and sometimes even religious conviction could influence the selection of a spouse.

3. Selection of a Spouse: Talent, Virtue and Religion

Besides surname exogamy and class endogamy, some other criteria may have also been considered during marriage selection. A case study of the Hsieh family of Ch'en commandery takes thirteen generations of the Hsieh family as an example to examine the marriage patterns of the émigré families (ch'iao-hsing) in the Eastern Chin and the Southern Dynasties. It turns out that although class distinctions were established in the late Western and early Eastern Chin, it was not strictly enforced then. The Hsieh family's marriage patterns show that individual factors such as talent and virtue did have some influence on marriage arrangements between different classes in the early Six Dynasties.⁵⁴

For example, since the Hsieh families were devout Taoists, evidence can be found that they established marriage alliances mostly with other Taoist families. One family of the tenth generation even married a daughter of a Taoist shaman, who apparently was from a lower social status.⁵⁵ Although in the fifth generation under study, one branch of the family did marry daughters from a Buddhist family, the two families later became hostile to each other, which might indicate the incompatibility between families with different religious backgrounds.⁵⁶

Granted the argument, talent and virtue may not have been the criteria per se. For the aristocracy, they were useful because they contributed to family integrity and reputation; hence, they constituted extra points within the context of class endogamy. For the commoners, talent and virtue could be paths to future advancement in social status. Since the latter part of the Eastern Han dynasty, filial piety had been a key to officialdom through recommendation. Opportunist parents sometimes looked for famous filial sons and loving brothers as their daughters' matches.

Chang Hsüan-tzu of the Western Chin married his daughter to a poor filial son of his commandery, Liu Yin. His wife was angry and disappointed by the arrangement. Hsüan-tzu explained that since Liu Yin was so famous for his filial piety and intelligence, he would eventually become

prosperous and powerful. Hsüan-tzu therefore instructed his daughter to serve Yin and his grandmother carefully, presumably to wait for their moment in the future.⁵⁷

Sometimes divination was involved in marriage selection to predict future prosperity. Lü Fan of the Kingdom of Wu was only a subofficial functionary in the magistrate's office (hsien-li) when he proposed to the wealthy and beautiful Miss Liu. Liu's mother disliked Fan, but Liu insisted on marrying Fan because his physiognomy suggested future wealth and prosperity.⁵⁸ Chung Yen, an aristocratic wife, did not want to marry her daughter to a young man from a military family. Because his physiognomy suggested a short life, she predicted that he would die young without achieving prosperity.⁵⁹

There may have been an opportunistic expectation when one looked for a virtuous young man as one's son-in-law. In contrast to that, common women with virtuous reputations were usually proposed to with more sincerity. One history says that all of the daughters of Tai Liang, a Han dynasty hermit, were virtuous. Whenever people proposed, Liang granted the proposal and married his daughters with coarse dresses, bamboo boxes and wooden shoes.⁶⁰

Liang Hung of the Eastern Han was well educated but preferred to be a hermit. He refused the marriage proposals from several powerful aristocratic families (as another example of reputation over social status). Instead, he

married a thirty year old fat and ugly Meng Kuang from his county. Kuang was also very selective about her marriage and told her parents that she wanted to marry someone as virtuous as Liang Hung. Hung therefore betrothed her after he heard her remarks.⁶¹ In this story, virtue was the key criterion in selecting marriage partners for both of them. But Hung could betroth Kuang by himself, while Kuang still needed to express her will to her parents and most likely gain their approval during the process.

Another example is Mr. Ch'en's daughters. K'uai-chi "humble man" Mr. Ch'en had only three daughters and no sons. His grandparents were over eighty years old; his father was ill and his mother had left the family. When there was a famine, the family was supported by three daughters who picked and sold water caltrops. The community praised their righteousness and many wanted to take them as wives. The two young sisters may have been married off, but the oldest daughter vowed celibacy because of her poverty and desolation.⁶²

Sun Kuei of the early fourth century often dressed in plain clothes and ate vegetables even though he was from a wealthy aristocratic family. He admired hermit Yü Hsi's virtue; therefore, he betrothed Hsi's brother's daughter as wife. Hsi taught his niece to abandon luxury and live thriftily with Kuei. Contemporaries praised their hermit lifestyle and compared them to Liang Hung and Meng Kuang.⁶³

In this case, the man also arranged his own marriage while the girl's life was decided by her paternal uncle.

In sum, in addition to consanguinity and social status, some other factors such as virtuous reputation and religious conviction may have influenced the selection process.

4. Marriage Arrangements: Age, Parents and the Go-betweens

Proper marriage ages perceived in the Period of Disunion were younger than those in the Classics. Through the mouth of Confucius, K'ung Tzu Chia Yü of the Ts'ao-Wei interpreted the classical prescription, saying that men and women should get married no later than the ages of thirty and twenty respectively. However, since a man underwent the ritual of capping at twenty and a girl was allowed to marry at fifteen, "from the age of (twenty and fifteen) and above, it is proper to marry." ⁶⁴

Common marriage age for women perceived by the governments in this period was perhaps between thirteen and seventeen. In 273 A.D. an imperial decree ordered that local officials should arrange marriages for single girls over seventeen years old.⁶⁵ In the North, a decree in 546 prohibited women younger than thirteen from marriage,⁶⁶ another decree in 574 ordered that men over fifteen and women over thirteen should get married and that such weddings should not be delayed because of lack of funds for betrothal gifts and wedding expenses.⁶⁷ In practice, women

married in their teens, between thirteen and eighteen. Ms. Lu of the Wu Kingdom married at the age of thirteen. Two women recorded in the "Biographies of Women" in Chin Shu married at age thirteen, one at fourteen and one at fifteen. One was widowed at age fourteen, and another when she was nineteen years old.⁶⁸ Epitaph material used in Chapter III section 2 below also confirms this observation. Whether in the government's perception or in common practice, the marriage age was much younger than it was in the Classics.

Since most of the recorded women were from aristocratic families, it is unlikely that they were married as extra agricultural labor force for their husbands' families, as was the case in the small peasant economy of the Han.⁶⁹ Instead, it was for procreation that women married young in this period. K'ung Tzu Chia Yü suggested that the reason to allow men and women to get married at the age of sixteen and fourteen respectively was because of their capability to procreate at those ages.⁷⁰ Aristocratic families' urge to perpetuate also encouraged early marriage ages.

Parental arrangement and consent was the common way to form a marriage alliance. Parents were also held accountable for such alliances; otherwise Liu Sung would not be impeached for his daughter's marriage to Ch'en Chiao (see "Close Kin Marriage" above). But it did not stop the women from voicing their choices. Meng Kuang and Miss Liu mentioned above are two examples. Perhaps it was not so

uncommon for women to take the initiative in expressing their romantic feelings in the post-Han period. Ko Hung complained about women's involvement in social activities. It is said that when the handsome young man P'ang Yüeh rode down the street, women often threw gifts and fruits into his carriage to show their affection for him.⁷¹ Chia Wu's case also shows an alternative form of dating.

Han Shou was a subordinate of Chia Ch'ung, the Western Chin prime minister, and was handsome and elegant in manners. Whenever Ch'ung invited his colleagues and subordinates for dinner, Chia Wu, Ch'ung's younger daughter, would peek from behind a screen. Wu saw Shou and fell in love with him. One of her maids who had worked in Shou's house told Shou about Wu's affection for him and praised Wu's beauty. Shou was interested and demanded that the maid help him. The maid told Wu the story; Wu then sent Shou gifts and asked him to visit her in the night. Chia Ch'ung did not know what happened except that he noticed his daughter looked happier than usual. Not until one of Ch'ung's perfumes was discovered being worn by Shou did Ch'ung realize the secret affair between Wu and Shou. Ch'ung then kept silent and arranged a marriage between the two.⁷²

Li Luo-hsiu of the early fourth century introduced herself to Chou Chün by preparing a banquet quietly for tens of people. When Chün proposed to take her as a concubine, she convinced her father and brother that she would be the

means for her poor family to enter the aristocracy. They agreed.⁷³ Theoretically both Chia Wu and Li Luo-hsiu needed their father's and brother's approval in marriage arrangements, but practically, they made their own choices.

Hsien-pi women also participated actively in their choices of marriage partners. Kao Huan's wife Ms. Lou is said to have been a bright and intelligent young woman. Many powerful families wanted to betroth her, but she refused. Once she saw Huan on duty on top of the city wall; she was amazed and said, "this is truly my husband." She then sent her maid to express her mind to him and gave him money several times so he could prepare the betrothal gifts. Her parents finally agreed to the marriage although it was counter to their preference.⁷⁴

There were also pre-natal marriage arrangements. Both Southern Liang Governor Wei Fang's concubine and Chang Shuai's concubine were pregnant, and they agreed on marriage between the two unborns. But Shuai died before the children grew up. When powerful families proposed to Wei Fang's children, he decided not to break his early agreement with Shuai; he then took Shuai's daughter as his son's wife and married his daughter to Shuai's son.⁷⁵

But pre-natal arrangements were not necessarily carried out later on. Wang Pao and Kuan Yen of the Western Chin agreed on their new born babies' marriage. But later, due to differences in political prestige, Wang Pao despised Kuan

Yen and decided not to attach himself to the Kuan's due to the latter's attempt to pursue political prosperity.⁷⁶

Although most scholars believe that go-betweens were used in marriage proposals in the Period of Disunion, only sketchy information confirms such practice, sometimes just for the sake of formality. Real matchmakers were perhaps people like Chia Wu's and Ms. Lou's maids who carried messages for the lovers. In some cases, a go-between was needed to express interest or affection for the two parties.⁷⁷ Often the go-between would be an elder person of good reputation, who would be requested to go between the bride's and groom's families to settle the proposal. For instance, Ling-hu Ts'e, a hsiao-lien, "filial and incorrupt," was requested by his local commandant T'ien Pao to propose a marriage for Pao's son to a local person's daughter.⁷⁸ In some cases, parents did not have any specific person in mind and would ask their friends or relatives to look for candidates for their children. Yü Fan of the Shu Kingdom wrote to his brother and a friend, asking them to look for good girls for his sons.⁷⁹ Eastern Chin aristocrat Wen Ch'iao recommended himself and married his cousin when he was requested to act as a go-between to look for a good match for her.⁸⁰

In most of the cases, parents arranged marriages for their children. Adult men often made their own decision if their parents were no longer alive. Women's fates, with few

exceptions, were usually held in the hands of their senior male relatives. After the selection of the marriage partners, proper procedures were to be carried out to complete a marriage alliance.

5. Marriage Rites and their Significance: The Betrothal Gift

Major ceremonies prescribed by Li Chi were the six rites, i.e., na-ts'ai, wen-ming, na-chi, na-cheng, ch'ing-ch'i, ch'in-ying. Other ceremonies also prescribed solemn meditation on the wedding day for both the couple's families, and a presentation of the wife in the ancestral temple three months after the wedding (see Chapter I, section 6 above).

Research suggests that only the rite of the presentation of betrothal gifts was commonly practiced in Han times; the others do not seem to have been accorded equal attention.⁸¹ Although people may not have carried out the procedures exactly as prescribed in the Classics of rites, steps of showing interest by proposing, sending gifts and consulting divination did exist in the process of forming a marriage.⁸²

Scholars toward the end of Eastern Han also tried to lay out the rites for their contemporaries and explain the details as well as the meanings of the rites. According to Cheng Chung, in the first rite (na-ts'ai) when the groom's family showed their interest in the bride, all the gifts had

symbolic meanings. They were first, symbols of fortune, such as sheep for luck and deer for wealth; second, symbols of marital affection, such as glue and paint (that stuck together); third, symbols of the wife's following the husband, such as rushes and other tender plants, and fourth, symbols for general virtues.⁸³

There were imperial efforts to promote adoption of the six rites as well as other classical marriage ceremonies in the Period of Disunion. In practice, consulting divination advice may have been a customary procedure since there were many divination texts on selection and timing of marriage arrangements.⁸⁴ But throughout the period, most concern was still focused on na-cheng, which was considered the key to form a valid marriage contract, and ch'in-ying, which became a burden due to its enormous expense. The following sections will discuss the significance of the betrothal gifts and the development of the wedding ceremonies.

The Chin imperial court tried to set a standard literature for the six rites, but it was not fully established until 357. The "Monograph on Rites" in the Chin Shu notes that the ceremonial schedule of the Ts'ao-Wei (220-265) imperial wedding was lost at that time. For Emperor Wu's wedding in 276, only three events were recorded: general amnesty, granting (gifts) to high officials, and the officials presenting the congratulatory gifts to the emperor. In 287 court officials came up with a

list of gifts that should be presented in imperial and royal weddings, but the ceremonial schedule only mentioned four of the six rites: na-ts'ai, the presentation of choice, na-cheng, the presentation of the betrothal gifts, kao-ch'i, the announcement of the wedding date (revision of ch'ing-ch'i, requesting of the bride's family to fix a date, perhaps because the groom was the emperor), and ch'in-ying, the personal fetch. Not until 357 before Emperor Mu's wedding did Wang Piao-chih, a proponent of Confucian rites, establish the standard literature of six rites for imperial weddings. In the literature, the emperor sent his messenger, in this case, Wang Piao-chih, to carry out the six procedures "according to propriety," and in each step an imperial letter was read to the bride's father (probably also her family), and the father would reply to the letter, showing that he kowtowed to accept the decree respectfully.⁸⁵

With regard to the celebration festival, scholar Hua Heng, based on the Han ceremony and contemporary custom, included the congratulatory ceremony in the imperial wedding in 336. Wang Piao-chih, however, argued against such a practice because it was proscribed in Li Chi: the family that took a wife should not make music for three days. Court discussion therefore decided that there should be no music and congratulations in the wedding. But in A.D. 387, Yü Hung-chih restored the congratulatory section in Emperor

Hsiao-wu's wedding.⁸⁶

The steps to establish the standard six rites reflected the imperial efforts to promote the Confucian norms of marriage. If they succeeded, they did so only partially, and only in the ceremonial aspect (see marriage life in Chapters III and IV). The debate over the congratulations may also reflect the current controversy over the meaning of rituals. Both Hua Heng and Yü Hung-chih compromised with contemporary custom and accepted delightful celebrations within the wedding ceremony, while Wang Piao-chih seems to have represented the conservative line which tried to correct contemporary custom by following the ancient classical rites literally. The revisions of the Eastern Chin wedding ceremonies, just like the mourning ceremony, can be seen as part of the southern ritualistic modification since the late fourth century.

Though established by the imperial house, the six rites were not as thoroughly laid out for the populace. People may have gone through some of those procedures. That T'ien Pao requested Ling-hu Ts'e to propose a marriage for his son indicates the practice of na-ts'ai (see "Marriage Arrangement" above). But for the most part, both the aristocracy and the commoners focused their marriage on na-cheng and ch'in-ying, and spent enormous resources on these two occasions, so much so that some were left penniless and others who could not afford such expenses postponed their

marriages.

It had been a problem since the latter part of the Eastern Han that many people broke marriage agreements in order to respond to offers of better gifts. Roth Wang Fu (c. 90-165) and Ko Hung (283-363)⁸⁷ criticized such practices. Wang Fu suggested severe punishment,⁸⁸ and Ko Hung proposed requiring of marriage registration right after the betrothal gifts were accepted.⁸⁹ In 268 the law defined a valid marriage contract by the presentation and acceptance of the betrothal gift.⁹⁰ In a discussion on mourning obligation, the Chin imperial court also ruled that "the day the widow's family accepted another man's betrothal gifts for her, the bonds between her and any sons from the first marriage were severed, even if she died before the wedding took place."⁹¹

The gifts presented in the Chin and the Liu-Sung imperial marriage were not very different from what the Han scholars had proposed. Silk, jade, wine, sheep, wild goose and so on all had appeared in earlier lists of marriage gifts. In addition to the gifts prescribed in the classical rites, the bride of the Chin heir-apparent is said to have received a stone anvil and ten pestles, thirty lotus-shaped wooden trays with a silver-painted mountain pattern, and a censer.⁹² The anvil and pestles apparently symbolized the wifely obligation to do laundry. The pattern on the wooden trays and the censer indicate Taoist meditation practices, but their meanings with respect to marriage are hard to

determine.

Rings may have been included in the betrothal gifts in this period. However, the practice of giving or exchanging wedding rings cannot be confirmed. Although the Chin Shu says that the Ta-yüan people in the West Region gave golden rings as betrothal gifts, there is no such firm information for the Han people.⁹³ Some scholars suggest that a ring may have had a Buddhist implication of admonition and self-restraint, but some propose that it was more of a symbol of love and sex and a token of engagement inherited from Eastern Han imperial practice.⁹⁴ In some ghost stories, when a man and a female ghost had a romantic encounter, however, they did give each other rings as if those were tokens of their affection and future recognition.⁹⁵

A recent study suggests a shift of marriage finances from betrothal gifts to dowries between the T'ang and the Sung. In the T'ang people complained about the snobbishness of those who would only marry out their daughters if they were presented with lavish betrothal gifts. In the Sung, by contrast, writers complained of young men who paid more attention to the size of a potential bride's dowry than to who she or her parents were. Because disappointed parents-in-law often mistreated their daughters-in-law, parents had to put together lavish dowries out of fear for their daughters' safety.⁹⁶

Actually, the requirement and burden of a betrothal

gift was not unique in the T'ang. Instead, it was a phenomenon existing since the Eastern Han throughout the Period of Disunion. The impeached marriage contract between aristocratic Wang Yüan and the wealthy Mans demonstrates such practice in the South. Feng Shu's case in the Northern Ch'i shows a similar custom in the North (see "Class Endogamy" above). All those arrangements present a picture of higher status women marrying lower status men who offered abundant betrothal gifts. Yen Chih-t'ui, who took pride in his family tradition of looking for marriage partners in poor families, criticized people of his day:

"Nowadays there are those who sell their daughters for money or buy wives with payment of silk. They compare the rank of fathers and grandfathers, take account of trifling items, ask for more and offer less, just as if bargaining in the market. Under such conditions, a boorish son-in-law might appear in the family and an arrogant wife assume power in the household."⁸⁷

Yen's description confirms that the betrothal gifts instead of dowry was the main concern in marriage finance. It also indicates that aristocratic daughters were "sold" to the lower status families and that they perhaps despised their vulgar in-laws.

Some scholars see such imbalance in marriage finance as the result of the declining political power of the aristocracy on the one hand and the rising influence of wealthy commoners on the other. After the invasion of the five "barbarian" tribes in the fourth century (wu-hu-luan-hua), the political power of the old aristocracy was

gradually replaced by the newly-risen wealthy commoners. The former, in order to maintain their prestige, entered marriage alliances with the latter, requiring large amounts of money either as betrothal gifts or as dowry. The newly risen families agreed to the marriage contracts in order to gain higher social status by their economic power.⁹⁸

However, there could be another ramification drawn from such channelling of marriage finances.

Generally speaking, hypergamy (women marrying up) was more prevalent in a patrilineal society where a woman's status would be more affected by her husband's status than he would be affected by hers. However, in the Period of Disunion, hypogamy (women marrying down) seems to have widely existed. Although they may not have been as prestigious as their counterparts in a matrilineal society, women in this period seem to have possessed a more influential position than those of the later imperial China. First, a man needed to pay a certain "price" to obtain a wife, while dowry was considered relatively insignificant. Sometimes women would financially help their beloved to prepare the gifts, as occurred in the case of Kao Huan and Ms. Lou (see "Marriage Arrangement" above). Secondly, the picture of hypogamy suggests that women could have an influence upon her marital family's socio-economic matters and it might therefore be considered valuable for lower status men to "purchase" them. Ko Hung's and Yen Chih-t'ui's

description about women fighting for their husband's and family's welfare also suggests that northern women had higher status in socio-political matters (see "Women's Social Activities" in Chapter III below).

6. Marriage Rites: The Wedding Ceremonies

In addition to the presentation of the betrothal gifts, the wedding itself was the most celebrated event in the process of marriage making. The wedding usually took place at dusk, but the groom and his retinue may have arrived at the bride's family early. In the Han, a wedding carriage was sometimes used when the groom went personally to fetch his bride. A Han ghost story relates that when a bride-to-be widow was about to get on the "welcoming carriage" sent by her second husband-to-be, she was reminded of her vow of chastity to her first husband and decided to kill herself.⁹⁹ People in the Period of Disunion continued to use such carriages both in the South and the North. The carriage was usually called the "welcoming carriage" (ying-ch'e),¹⁰⁰ but sometimes it would be referred to as "fragrant carriage" (hsiang-ch'e)¹⁰¹ or "carriage with high front" (hsüan-ch'e).¹⁰²

In the North, the retinue of the groom, ranging from ten to more than one hundred people altogether, would urge the bride by crying out loud "new wife, hurry up." The bride would often be slow either due to dressing up or because she

felt sad to leave her natal family.¹⁰³

During the wedding, the bride used a silk fan to hide her face.¹⁰⁴ She was to exchange bows with the groom in a room with a blue cloth covering the doorway, and to eat and drink with the groom from the same vessels to complete the ceremony.¹⁰⁵ In the T'ang, the bride would be seated on a saddle. Some contemporary scholars suggested that it symbolized "stability" since "saddle" and "stability" had the same pronunciation in Chinese (an). But some argued that it was a legacy from the Northern Dynasties since the northerners enjoyed and respected saddle-riding.¹⁰⁶ Since there is no detailed description of the way that a bride would be seated on a saddle, it is difficult to tell the real meaning of this practice. However, the interpretation of the Chinese pun sounds like an attempt to explain in Chinese a custom that was not originally Chinese.

One of the most peculiar features to the eyes of the scholars may have been the game of "teasing the bride" played on the wedding night. In his "Detestation of Errors," Ko Hung described such a game as follow: "they ask the new wife embarrassing questions in front of her relatives and blame her for not being able to answer them fast enough."¹⁰⁷ Sometimes not only the bride but also the groom would be teased and embarrassed in the wedding games. Litigation cases from the end of the Eastern Han suggest that at some weddings the guests were drunk and got so

carried away that they hung the newly-weds upside down and beat them so badly so that some were injured and bleeding, while some were even killed.¹⁰⁸ In the North, the players also included women from the bride's family.¹⁰⁹ In Kao Huan's wedding, one history says that he was so outraged by such disrespectful teasing of him that he almost executed a woman guest. However, given the fact that it was an imperial wedding, the woman would be too presumptuous had she not assumed that the game was a normal and commonly acceptable part of the wedding.¹¹⁰

All this teasing and playing confirms that the ancient prescription of solemn meditation was not followed on the wedding night. Kao Yün's memorial to the Northern Wei court remonstrated that the Hsien-pi aristocracy was not obeying the Classics, and that they performed music at the wedding.¹¹¹ Emperor Wen of the Western Wei (535-551) also complained that the wedding rites were deteriorating and music was often played on the wedding day.¹¹²

Many scholars, Ko Hung as one of them, lamented the "deterioration" of classical weddings.¹¹³ However, the lack of segregation between men and women on wedding nights has been recorded in Han history, although only in the Yen area (today's Ho-pei province).¹¹⁴ Other customs such as "eavesdropping on the (wedding) chamber" also existed since the Han. It is said that in the Eastern Han capital, puppet shows were included in the wedding banquet. Often times the

guests would start singing eulogies after they were drunk.¹¹⁵ The criticism by Ko Hung and others may have shown more of a scholar's ideal about classical wedding rites that were never seriously performed than an actual picture of "deteriorating" wedding morals.

Besides charivari, scholars saw another problem in contemporary weddings: excessiveness. Elaborate and lavish weddings had been a problem since the Han. Both the imperial government and Confucian scholars tried to curtail such practices.¹¹⁶ Often the intention of such decrees was twofold: first, it was to curtail wealthy families' weddings so that the performance could accord with their prescribed socio-political status. Secondly, it was to urge the commoners who could not afford expensive betrothals and weddings to get married in due time.

Wang Fu of the late Eastern Han criticized the luxurious expenses in marriage ceremonies conducted by the nobility in the capital and suggested a reduction based on political and social status. He claimed that contemporary weddings were so elaborate that carriages lasted for miles, fine cloth filled the streets, while servants and slaves led the marriage party on the road. The rich tried to outdo each other, and the poor felt shame at not being able to catch up. Often one wedding banquet could cost the savings of a life time.¹¹⁷

Lavish weddings practiced by the aristocracy sometimes

involved so many people on the street that it could be harmful to the participants. When Chou Sung married his daughter away, his students blocked the road and disassembled huts and injured two people.¹¹⁸

To establish rites of marriages and funerals was considered one of the criteria of efficient local administration. Many Eastern Han officials gained their good reputation by doing so. Wei Sung, Li Chung, Ch'in P'eng, Hsü Ching, and Luan Pa were all recorded in history for their capability to correct regional customs by introducing Confucian marriage rites into the localities where they ruled.¹¹⁹ To arrange marriages for people in due time was also an administrative work assigned to local officials by Emperor Wen of the Ts'ao Wei.¹²⁰ However, repeated compliments about similar matters of different officials in the same location seem to indicate that the Confucian teaching and penetration was only partially and temporarily successful, and it needed to be taught repeatedly by new officials.

When Jen Yen served as a governor of Chiu-ch'en (today's central Vietnam) in the Eastern Han, local people, perhaps aboriginal, had no marriage rites and ceremonies. Yen therefore arranged for men between twenty and fifty years old and women between fifteen and forty years old to marry one another. He also ordered local officials of various levels to save some of their salaries to help the poor who

could not afford betrothal gifts. Two thousand people got married at the same time, thanks to Yen's help and orders.¹²¹

The story indicates two points. First, among the six rites prescribed in the classics, only the presentation of the betrothal gifts seems to have been considered essential by the Confucian official. Secondly, perhaps simply because they were unable to provide betrothal gifts did the commoners delay their marriages.

Due to the nature of recorded history, we cannot really tell how the commoners perceived this problem. Some people who did not care about elaborate ceremonies, perhaps managed to take one wife. Later discussion on the "quick wedding" both in the South and the North confirms this. What we do know is about poor or declining aristocrats and scholars who sometimes refrained from marriage due to the dilemma between poverty and propriety, i.e., an appropriate yet expensive wedding. The Chin scholar Juan Hsiu was so poor that he could not get married even when he was forty years old.¹²² Both Liu Hsieh's granduncle and father were high officials of the Southern Liang. But since Hsieh was orphaned at a young age, he refrained from marriage due to poverty. Instead, he stayed and studied with a Buddhist monk for more than ten years.¹²³

Many stories in "Biographies of Filiality and Righteousness" in the standard histories include information

on wedding expenses, ranging from ten years' salary to all family property. Kung-sun Tao-yüan of the Southern Ch'i sold himself as a laborer for ten years to finance the weddings of his younger brother and sister.¹²⁴ Ho Po-yü and his brother Yu-yü paid for their nephew's wedding by selling all their family property.¹²⁵ Shen Tao-ch'ien used thirty thousand cash and two hundred bushels of rice to support the weddings of his orphaned nephew and niece.¹²⁶ The very fact that helping a relative with wedding expenses was recorded as a filial and righteous act indicates the great burden of such an event in the Period of Disunion.

There were decrees to cut down wedding expenses in both the South and the North. In 448, 463, 478 (Northern Wei), 589 (Southern Ch'i), 536 (Western Wei), 550 (Northern Ch'i), 573 (Northern Chou), imperial decrees were issued to regulate the custom.¹²⁷ However, repeated decrees and memorials seem to suggest continuous lavish wedding expenses. Such financial burdens often caused delays of marriages. The underprivileged were so badly affected that the government had to do something to solve the problem.

In his decree of 478, Emperor Hsiao-wen mentioned the connection between expense and postponement of marriage. "If the wedding and betrothal were excessive beyond propriety, people's marriage might be delayed." He then complained that "nowadays, people have become wasteful in weddings and funerals. Consequently, the poor and the rich competed for

elaboration and there was no distinction between the eminent and the humble."¹²⁸ The problem of late marriage was getting so bad that he issued a decree in 496 to encourage people to get married in a meet-and-elope ceremony based on the Chou Li. In that ceremony, arrangements were made by the government in late spring for eligible young people to meet one another so that they could choose their spouses.¹²⁹

In the South, a memorial in the Sung court suggested that if a girl was not married when she was fifteen years old, her family members, presumably her parents, should be punished.¹³⁰ A decree by Emperor Wu of the Ch'i in 489 blamed the wedding expenses for late marriages.¹³¹ When Emperor Wu of the Liang prayed for rain in a ceremony in 540, one of the seven factors he considered to have caused the drought was grief from men and women who could not get married in due time. To solve the problem, southern society practiced a kind of quick ceremony, pai-shih, in which the bride would be sent to the groom's house with her head covered with thin silk. The groom then uncovered her head and they paid respect to his parents right on the spot to establish the bride as a wife. The wedding was thus completed, regardless of the "six rites" and the ceremony of "eating from a same vessel." This kind of wedding had actually existed since the end of the Eastern Han; the southerners, most likely declining aristocrats and commoners, continued such a practice because "the time was

difficult" and many women "had passed their time (of marriage.)" Not until after the Southern Ch'i did it become less popular.¹³²

7. Concluding Remarks

Discussion in this chapter has confirmed that certain aspects of the classical norms were not seriously practiced in the Period of Disunion. Close kin marriage and class exogamy in the Hsien-pi clan, lavish and noisy wedding customs performed both in the North and the South all indicate the slow pace of Confucianization.

With regard to the selection of marriage partners, surname endogamy was more seriously avoided than class exogamy. Sometimes, personal factors such as virtuous reputation, religious conviction, health and wealth were taken into consideration. Transgenerational marriage, criticized by scholars since the end of the Eastern Han, was still practiced even among the aristocrats. Though rarely mentioned explicitly, go-betweens were expected in the process of contracting marriage.

In most cases, marriages were arranged by parents based on the criteria mentioned above, at least among the aristocracy, but sometimes personal affection was taken into consideration. An adult man, whether a first-time groom or not, could pursue a marriage alliance for himself. A woman, however, usually listened to the arrangement of her family

head, mostly her parents. If she was orphaned in young age, she would often have to follow the arrangement made by her oldest and closest male relative, either her brother or her paternal uncle. Various stories suggest that only in a few cases could she express her opinion about her marriage: first, if there was no male relative alive to arrange the marriage; second, if she refused to marry due to different reasons ranging from religious to financial ones; third, if she rejected her natal family's pressure to remarry after being widowed (See Chapter IV: "Chastity").

Marriage rites such as the six rites, though prescribed early in the Classics, were not practiced seriously. In the Period of Disunion, the Chin court tried to formulate the six rites into imperial weddings by establishing a detailed literature. At one time, it also decided that there should be no music or congratulations in the wedding ceremonies, based on the understanding of the Classics. But imperial families of later generations did not necessarily follow the Chin rituals.

For most of the populace, as far as we can determine, the betrothal gifts and the wedding ceremony attracted most attention. The betrothal gift was used to define the validity of a marriage contract. Lavish displays and playful games on the wedding night were common customs perhaps for both the aristocracy and the commoners. Although some Confucian scholars detested such behavior and promoted the

idea of solemnity, weddings were conducted as one of the most delightful social activities that people, including women, enjoyed attending and used to express their emotions. So many financial resources were expended on these two rites that the underprivileged suffered postponement of marriage and some eventually adopted a simpler wedding ceremony to solve the problem.

The betrothal gift is also revealing in understanding the connection between marriage finance and women's social status. Studies suggest a shift of marriage gift-giving between the sixth century and the ninth century. While expensive betrothal gifts were the main concern in the Period of Disunion, dowry became the major form of channelling marriage finance in the Sung.

It is understood that when marriage joined families of unequal ranks, families confirmed or enhanced their status by the partners they picked and often subsidized families of higher rank by providing gifts. According to cases discussed above, many families in this period apparently tried to use betrothal gifts to buy marriage alliances from the higher rank, assuming that the grooms would gain access to higher social status through their wives. In general studies, scholars often consider hypergamy more plausible than hypogamy in a patrilineal society like China's. They assume that the bride's status would be determined by her husband's family while the welfare of the groom and his family was

less affected by hers.¹³³ However, this may have been a later development. Since enormous amounts of betrothal gifts were presented to the aristocratic brides' families in the Six Dynasties, it may incidentally suggest higher social and familial status as well as more political influence for women in this period. The following chapters will investigate this issue more thoroughly.

TABLE II

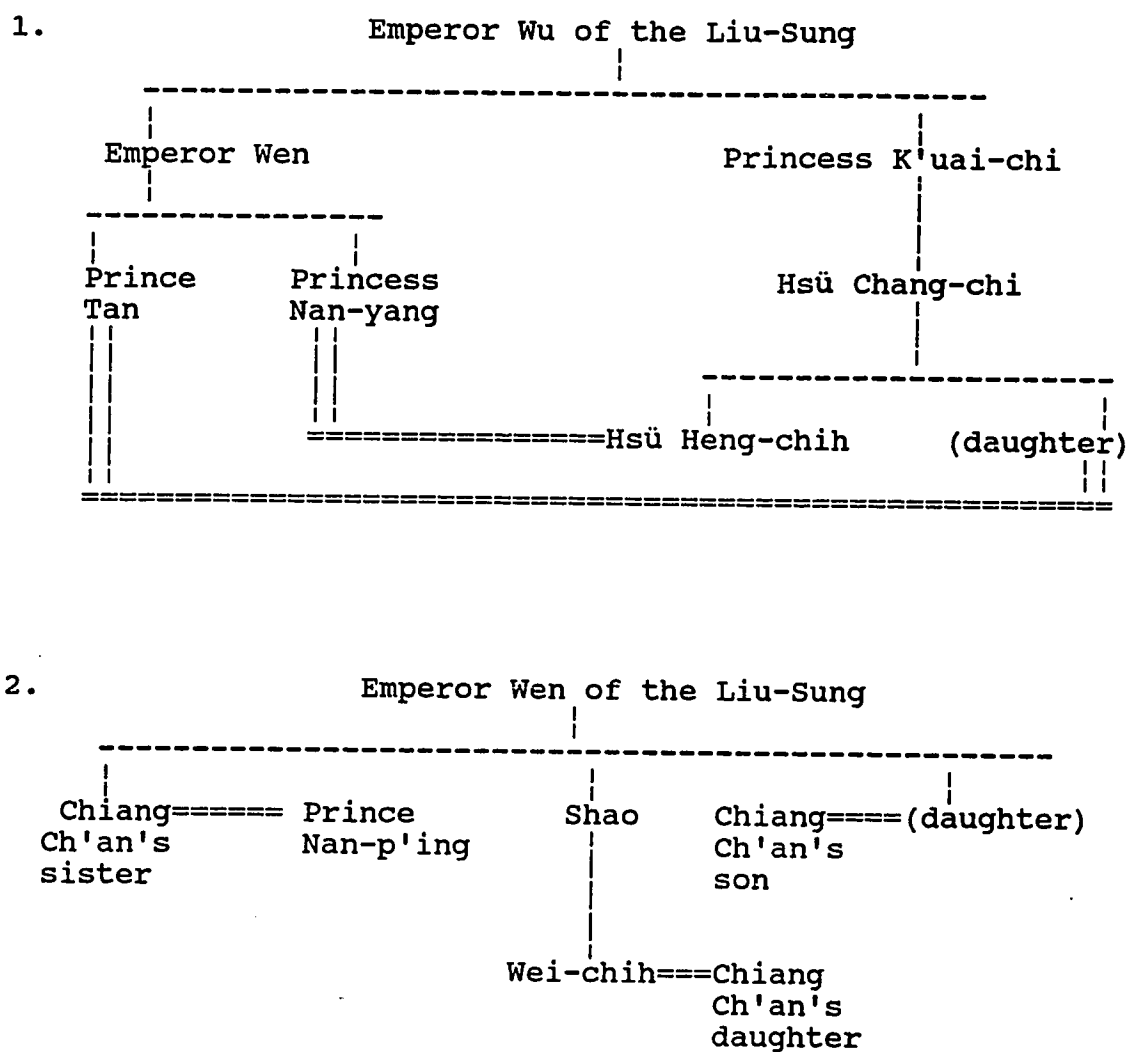
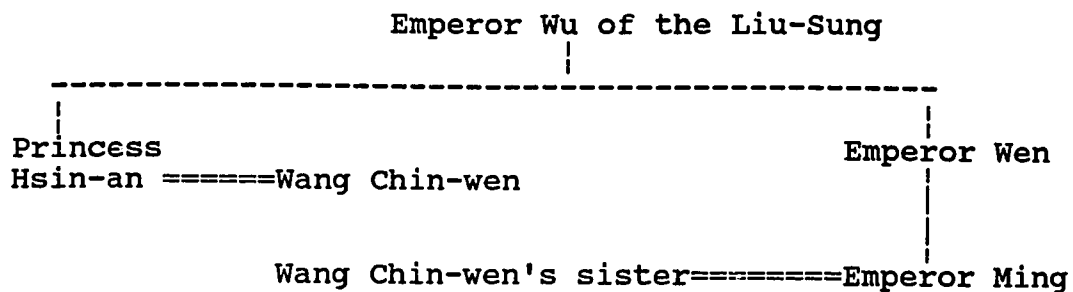
Transgenerational Marriages in the South

Table II continued

3.



4.

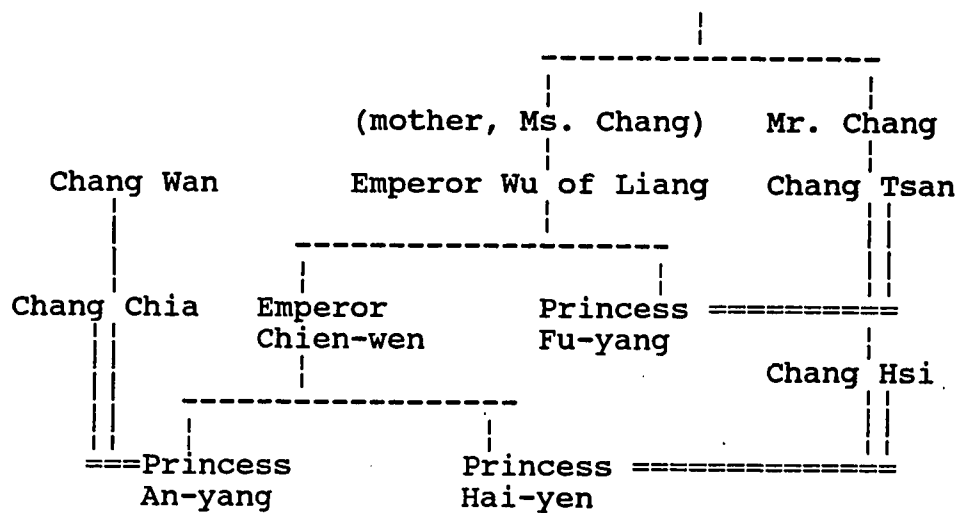
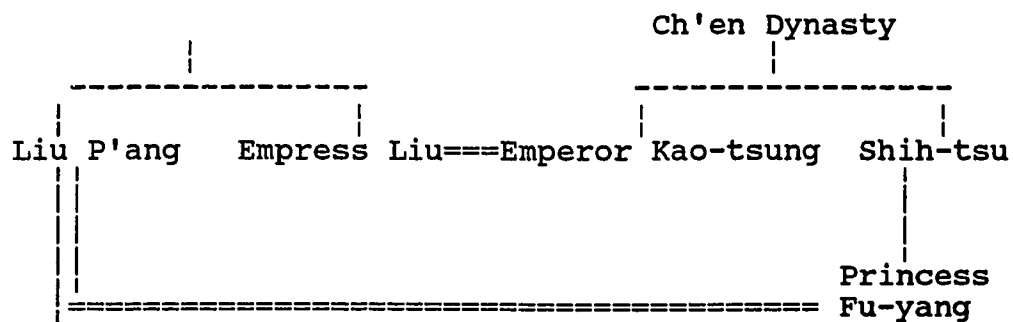


Table II continued

5.



Note: Table II-1 is based on Sung Shu, pp. 1843-1848. Table II-2 is based on Sung Shu, pp. 1848-1850; Table II-3, on Sung Shu, p. 2178. Table II-4 is based on Liang Shu, pp. 493, 503, 504; Table II-5, on Ch'en Shu, p. 129. All are recorded in Chou I-liang, 1985, pp. 173-175.

Chapter II Notes

1. Tung Chia-tsun, "Chung-kuo wai-hun-chih yü nei-hun-chih" [Chinese exogamy and endogamy], Chung-shan-ta-hsüeh wen-shih-yen-chiu so yüeh-k'an, 2:5, 1934, pp. 207-217.
2. Fang Hsüan-ling, Chin Shu [History of the Chin], Peking: Chung-hua, pp. 1308-1309.
3. Wei-shih ch'un-ch'iu, cited from Ch'en Shou, San-kuo-chih [History of the Three Kingdoms], Peking: Chung-hua, p. 644.
4. Yüan Chun, "Cheng-lun" [On correctness], cited from T'ung-tien, Shanghai: Shangwu, 1935 reprint, 60/346.
5. "Han-jen" was a person who was considered suitable only to serve as a subofficial functionary in connection with the Nine Ranks System. Official titles mentioned hereafter are translated according to Charles O. Hucker, A Dictionary of Official Titles in Imperial China, Stanford University Press, 1985.
6. Li Yen-shou, Nan Shih [History of the Southern Dynasties], Peking: Chung-hua, p. 331.
7. There is another interesting aspect of this case. Marriage litigation seems to have been an acceptable instead of exceptional practice to settle disputes about marriage proposal, marriage finance such as betrothal gifts and dowry, and the marriage status such as wife and concubine. The magistrate apparently accepted cases from all walks of people, including a humble man such as Ma Ch'eng, an aristocrat, a temporarily retired official, and a husband who resented his wife, who was a devout Taoist. This issue will be discussed more thoroughly in the chapter of marriage litigation.
8. Wei Shou, Wei Shu [History of the Wei], Peking: Chung-hua, p. 3006.
9. WS, p. 153; for pu-tao, see Oba Osamu, Sin Kan Hosei Shi No Kenkyu [Study on Legal History of the Ch'in and the Han], Tokyo: So-bun sha, 1982, pp. 139-150.

10. Li Yen-shou, Pei Shih [History of the Northern Dynasties], Peking: Chung-hua, p. 178.
11. Ling-hu Te-fen, Chou Shu [History of the Northern Chou], Peking: Chung-hua, p. 103.
12. PS, p. 826. Lu Yao-tung suggests that such close kin marriage was not practiced by the Hsien-pi, but by one of the Hsiung-nu tribes, Chi-hu, that occupied Ho commandery. Lu, 1979, p. 166. Repeated decrees, however, indicate close kin marriage in the North in general, which was either occupied by tribal groups or influenced by tribal customs.
13. Chou Shu, p. 116
14. Lu, 1979, pp. 197-214.
15. Chang-sun Wu-chi, T'ang-lü Shu-i [Commentary on the T'ang Code], Taipei: Hung-wen kuan, pp. 262-263.
16. Ch'en, 1987, p. 134.
17. SKC, pp. 1197, 1200.
18. Yeh, 1986, pp. 160-167.
19. Shen Yüeh, Sung Shu [History of the Liu-Sung Dynasty], Peking: Chung-hua, p. 1584.
20. Sung Shu, p. 1584.
21. Chou I-liang, "Hun-yin pu-chi hang-pei" [Marriage Regardless of Generational Taboos], in Chou I-liang, Wei Chin Nan-pei-ch'ao shih tsa-chi [Notes on the Histories of the Six Dynasties], Peking: Chung-hua, 1985, pp. 172-176.
22. Chou I-liang suggests that the Northern aristocracy also practiced transgenerational marriage, but the cases he presents were either Hsien-pi imperial house, or proposals that were criticized, such as Li Shen-chün's. See Chou, 1985, p. 176.
23. Ebrey, 1978.
24. WS, p. 897.
25. Liu, 1980, pp. 163-190.
26. SKC, p. 305.

27. HHS, p. 1990.
28. HHS, p. 1510.
29. HHS, p. 2281.
30. Shen Yüeh, "T'an-tso Wang Yüan" [Impeaching Wang Yüan], Ch'üan-Liang-Wen, 27/8b-9b.
31. Yao Ssu-lien, Ch'en Shu [History of the Ch'en], Peking: Chung-hua, p. 448.
32. WS, p. 1252.
33. YSCH, p. 534.
34. YSCH, p. 316.
35. Li Pai-yao, Pei Ch'i Shu [History of the Northern Ch'i], Peking: Chung-hua, p. 573.
36. Sung Shu, p. 1584.
37. Nan Shih, p. 331.
38. NS, p. 1996.
39. NS, pp. 315-352.
40. NS, pp. 315-352.
41. WS, p. 122.
42. WS, p. 122.
43. WS, pp. 1073-1075.
44. MCMCS, 1956, 4/24b-25a. Also see Lu, 1979, p. 179.
45. Lu, 1979, pp. 171-181.
46. WS, p. 145.
47. Lu, 1979, pp. 171-181.
48. WS, pp. 534-535.
49. WS, pp. 1226-1227.
50. WS, p. 911. Polysyllabic names received the direct attention of Emperor Hsiao-wen. He in 496 ordered that the Hsien-pi names be altered to more Chinese forms: almost all

were to become Chinese traditional names, and virtually all were to be reduced to one or two characters in length. For the Northern Wei's efforts to change over to Chinese surnames, and the attempt of Western Wei/Northern Chou to use Hsien-pi names as ethnic symbols, see Albert E. Dien, "The Bestowal of Surnames under the Western Wei/Northern Chou: A Case of Counter-Acculturation", T'oung Pao 63:2/3, 1977, pp. 137-177.

51. PS, pp. 868, 878.

52. Lu, 1979, pp. 220-236. Also see Shih Kuang-ming, "Wei-shu so-chien pei-wei kung-chu hun-yin kuan-hsi yen-chiu" [Northern Wei princesses' marriage connections recorded in Wei Shu], Min-tsu yen-chiu, 1989:5, pp. 106-112.

53. TPKC, 184/1377.

54. Yeh, 1986.

55. Yeh, 1986, p. 166.

56. Yeh, 1986, p. 164.

57. CS, p. 2288.

58. SKC, p. 1309.

59. CS, p. 2510.

60. HHS, p. 2773.

61. HHS, pp. 2865-2866.

62. NS, p. 1817.

63. CS, p. 2285.

64. Wang Su's annotation on K'ung Tzu Chia Yü [Remarks in Confucius' Family], "Pen-ming-chieh" ["Commentary of the Original Fate"], Taipei: Shih-chieh, p. 63. The K'ung Tzu Chia Yü is believed by scholars as a forgery by Wang Su who claimed to have found this lost family instruction by Confucius.

65. CS, p. 63.

66. PS, p. 179.

67. Chou Shu, p. 83.

68. CS, pp. 2509-2526.

69. For the relation between economic concern and marriage pattern in the Han, see P'eng Wei, 1989, p. 99.
70. K'ung Tzu Chia Yü, p. 63.
71. CS, p. 1507.
72. CS, pp. 1172-1173.
73. CS, p. 2514.
74. Li Pai-yao, Pei Ch'i Shu [History of the Northern Ch'i], Peking: Chung-hua, p. 123.
75. LS, p. 424.
76. CS, pp. 2278-2279.
77. Ts'ao Chih, "Min-chih-fu" [Poem Sympathetic to one's wish], Chüan-San-Kuo-Wen, 13/7a.
78. CS, p. 2494.
79. Yü Fan, "Yü-mo shu" [Letter to Mr. X] and "Yü-ti-shu" [Letter to my younger brother], both in CSKW, 68/3b.
80. Liu I-ch'ing, Shih-Shuo Hsin-Yü [A New Account of Tales of the World], Taipei: Shih-chieh reprint, p. 226. Translation see Richard Mather, Shih-shuo hsin-yü: A New Account of Tales of the World, University of Minnesota Press, 1976, pp. 445-446.
81. Dull, 1978, p. 51.
82. Liu, 1980, pp. 50-54.
83. Cheng Chung, "Hun-li-i-wen" [Ritual literature for weddings] and "Hun-li-i-wen-tsan" [Eulogy of wedding literature], both in Ch'üan Hou-han-wen, 22/4-5. See also Liu, 1982, p. 440.
84. There are at least twelve such texts recorded in Sui Shu, pp. 1036-1037.
85. CS, pp. 666-668.
86. CS, pp. 666-669.
87. There are three different views about Ko Hung's age: sixty one (d. 343), seventy one (d. 361), and eighty one (d. 363). For Ko Hung and his ideas, see Lu Chien-yung, "Ko Hung: Shan-lin chung ti she-hui p'i-p'ing che" [Ko Hung-A

social Critic in Seclusion], Shih Huo, 9:9, Dec. 1979, pp. 339-364.

88. Wang Fu, Ch'ien-fu-lun [Argumentation by a Latent Man], Taipei: Shih-chieh reprint, p. 98.

89. PPT, p. 143.

90. CS, p. 927.

91. P'ei Chu-pu, "Kua-shu-mu kwei-tsung wei-chia pao-wang fu-i" [Discussion on mourning obligation for the widowed paternal uncle's wife who died between her return and remarriage], Ch'üan Chin-wen [Comprehensive literature of the Chin], 143/4ab.

92. Chang Ch'ang, "Tung-kung chiu-shih" [Old stories of the Eastern palace], in Wei-Chin hsiao-shuo ta-kuan [Grand Look on the Wei Chin Novels], Taipei: Hsin-hsin, 1960 reprint, pp. 185-188.

93. CS, pp. 2543-2544.

94. Kao Kuo-fan, Tun-huang-min-su-hsüeh [Folklore in Tun-huang], Shanghai: Wen-i, 1989, pp. 159-171.

95. Kan Pao, Sou-shen-chi [Searching the spirits], Tun-huang edition, cited from Kao, 1989, pp. 163-165.

96. Ebrey, 1990, pp. 207-208; 1991, pp. 97-132.

97. YSCH, p. 64. For translation, see Teng, 1968, p. 20.

98. T'ien T'ing-chu, "Chin-T'ang shih-shu mai-mai hun-yin k'ao-lüeh" [Mercenary marriages between the aristocracy and the commoners from the Chin to the T'ang], Nan-k'ai-shih-hsüeh, 1984:2, pp. 150-160.

99. Yang Chüan, "Wu-li-lun" [On the reasons of things], recorded in T'ai-p'ing yü-lan [Imperial Review of the Great Peace], Taipei: Hsin-hsin reprint, 815/12a. Also see below, Wang Fu's description of how the carriages filled the road in lavish weddings.

100. NS, p. 329.

101. TPKC, 343/2721.

102. TPKC, 159/1146.

103. Tuan Ch'eng-shih, Yu-yang-tsa-tsu [Mixed notes of Yu-yang], in Ts'ung-shu-chi-ch'eng ch'u-pien, Shanghai: Shangwu, 1937 reprint, pp. 5-6.

104. Ho Hsün, "K'an-hsin-fu" [Watching the Bride], in Hsü Lin comp. Yü-t'ai-hsin-yung, 5/15.

105. WS, p. 610.

106. Su O, Su-shih yen-i [Historical novel of the Su family], in Ts'ung-shu-chi-ch'eng-ch'u-pien, Changsha: Shangwu, 1939 reprint, p. 8.

107. PPT, p. 149.

108. Chung-ch'ang T'ung, Ch'ang-yen [Prosperous remarks], cited from Chün-shu-chih-yao, 45/16b-17a, in Ssu-pu-ts'ung-k'an-ch'u-pien. PPT, p. 149.

109. Yu-yang-tsa-tsu, pp. 5-6.

110. PS, p. 521.

111. WS, p. 1073.

112. Chou Shu, p. 615.

113. PPT, p. 149.

114. HS, p. 1657.

115. Kan Pao, Sou-shen-chi [Searching for the spirits], cited from Wei-chin hsiao-shuo ta-kuan [Grand look on the novels of the Wei-Chin period], Taipei: Hsin-hsin, 1960 reprint, p. 96.

116. For instance, Emperor An's decree in 118, see HHS, p. 228.

117. HHS, p. 1635.

118. CS, p. 1837.

119. HHS, pp. 756, 2459, 2473, 1840.

120. SKC, p. 409.

121. HHS, p. 2462.

122. CS, p. 1366.

123. LS, p. 710.

- 124. NCS, p. 957.
- 125. NS, p. 1825.
- 126. NS, p. 1963.
- 127. WS, pp. 103, 112, 145; NCS, pp. 56-57; PS, p. 1174; PCS, p. 51; PS, p. 359.
- 128. WS, p. 145.
- 129. WS, p. 180.
- 130. Sung Shu, p. 2094.
- 131. NCS, pp. 56-57.
- 132. Tu Yu, T'ung-tien: "Pai-shih-fu san-jih-fu ch'ing-chung-i" [Comparing the Status of a "Timing" Wife and a "Three-day" Wife], 59/342.
- 133. Ebrey, 1991, p. 5.

Chapter III

THE LIFE OF WOMEN-- A GENERAL PICTURE

It has been pointed out in Chapter I that according to the ancient Classics, a woman should follow three men in different stages of her life. She should follow her father before she was married; her husband, after she married him; and her son, if she was widowed. These three men were to give her protection, honor and support throughout her life, and she was to follow their guidance and direction as well as official fate. Her father would arrange her marriage in due time. In her married life, she was to exhibit wifely virtues such as submissiveness, loyalty, and endurance, especially because nominal monogamy and concubinage were considered the norm, and she would have to bear the existence of another woman in the household. She was to occupy a status slightly inferior to that of her husband. Her main obligations were to serve his family, particularly his parents, by producing sons and preparing food and clothing for them.

The Han scholars elaborated such prescriptions, suggesting that such obligations continued after her husband died. But the discussion in Chapter One has shown that not all the classical ethics were seriously taken in the Han. This chapter will discuss the norms and reality about

women's life in the Period of Disunion. It will first examine the precepts of female propriety promulgated by contemporary scholars and then depict a more realistic picture of a woman's social, educational, economic and family life. At the end of the chapter, there will be a general presentation of women's life in this period, based on information from the epitaphs of more than two hundred women. It is designed to show the life story of an average aristocratic woman.

1. Norms and Reality of a Woman's Life

(1) Confucian Axioms

Scholarly works had elaborated the classical norms regarding the woman's role in family and society since the mid-Eastern Han. Various essays, with titles such as "Lessons for Women" were written since Pan Chao (ca. 45-120) had produced hers. Pan Chao's Nü Chieh [Lessons for Women], however, served as a blueprint for others to follow. The four "womanly qualifications" were explained in detail: to guard carefully her chastity was "womanly virtue" (fu-te); to choose her words with care was the characteristics of "womanly words" (fu-yen); to wash and scrub filth away was called "womanly bearing" (fu-jung), and to sew and to weave with wholehearted devotion was the nature of "womanly work" (fu-kung). Pan Chao claimed that these four qualifications

characterized the greatest virtues of a woman.¹

Since then, at least thirty different works aiming at women's education and behavior were written by the end of the Six Dynasties.² They gave instructions and model examples of virtuous womanly life. One of their common features was to teach a woman chastity, diligence and submissiveness both to her husband and his parents while at the same time dismissing the use of fine dresses and cosmetics. "Womanly bearing" was often defined as a clean face, appropriate dress and modest expressions. In many cases it was downplayed by the authors to make the other three womanly characteristics more visible.³

The segregation of men and women was proposed again by scholars like Hsün Shuang, Wang Su and Ko Hung.⁴ Segregation applied not only to physical encounters, but also in social functions. A woman's role was to be confined to caring for household matters. She should preside over the household supplies of wine, food and clothing. Even intelligent women with extra energy should not participate in politics, nor meddle in other people's affairs in the family. According to Yen Chih-t'ui (531-591), wise women should help their husbands by supplementing the latter's deficiencies, because "no hen should herald the dawn lest misfortune follow."⁵

Although there is no evidence of anyone, man or woman, who argued for a larger role for women, the confined role

was not seriously played by women in the Six Dynasties. Both historians' description and scholars' detestations of contemporary customs show people in this period did not abide by such rules.

(2) Women's Social Activities

Ko Hung, writing at the beginning of the fourth century, detested the idea that a man, in the name of "intimacy," would go to the inner chamber to see his wife or that men and women would sit around and toast one another.⁶ His criticism of the "erroneous" behavior of his contemporaries well described the social life an aristocratic woman could have led. Through his accounts, one knows that women of his days did not necessarily stay home weaving and preparing food for the family. Instead, they engaged in various kinds of social activities. They attended social occasions such as celebrations and funerals and made friends there. Buddhist temples seem to have been one of the popular gathering places since Ko Hung said that women enjoyed playing there. They also visited relatives and friends, watched fishing and farming, went hiking and played around on the beaches. They must have been aristocratic women since they took retinues and maids with them when they went out. But the maids apparently got a taste of such glamorous social life. Family rules did not seem to have been strict on these women since Ko Hung said that they

either stayed overnight at other people's houses or went home very late at night. Also, there must have been many of them since Ko Hung described them as filling the streets as if the streets were markets, drinking and singing along the road, licentiously teasing one another and considering themselves refined.⁷

Women would not be able to behave this way if the other gender in the society had not also accepted such customs. When Hsia-hou Chin was the governor of Ch'en-liu, he recommended Wei Chen as an accounts clerk (chi-li), and asked Wei Chen to bring his wife with him to a banquet. Chen refused by saying that such was a custom in a declining society.⁸ Wei Chen's attitude may have accorded with that of scholars like Ko Hung, but the fact that Hsia-hou Chin invited both of the couple suggests customary practice at that time.⁹

As a southerner living around the fall of the Western Chin dynasty, Ko Hung described the life-style of either an aristocratic woman in the capital Lo-yang area or a southern woman influenced by the émigré aristocracy from the North, but he could also have been referring to the situation in much of China. In the kingdom of Shu (221-263), which occupied the southwest of China, women are said to have visited sacrificial sites in luxurious carriages and attended banquets that sometimes lasted for several days.¹⁰ But the situation may have changed by the sixth century when

women in the North and the South seem to have carried on different social lives. In his family instructions, Yen Chih-t'ui compared the social vitality between northern (yeh-hsia) and southern (chiang-tung) women.¹¹ He noticed that the southern women usually had little social contact. Sometimes even in-laws did not visit each other for more than ten years, and they only sent regards to each other by messengers or letters.¹² Under such circumstances, it is hard to imagine married women visiting relatives, not to mention other social activities as described by Ko Hung.

However, the northern custom was different. Aristocratic women visited Buddhist temples, attended miracle sites, supported Buddhist societies,¹³ participated in donation, image-building,¹⁴ and relic-worshipping.¹⁵ Besides Buddhist activities, Confucius's temples may have also been popular places visited by women, sometimes even female shamans and prostitutes. In 472, a decree was issued in the Northern Wei to prohibit women from gathering and praying for "impossible fortune" in Confucius' temples so that sacrifices offered to the sage would be "pure and solemn."¹⁶

Despite repeated imperial decrees, however, women were still seen in various social occasions. In the early Sui dynasty, a memorial was sent to the throne, proposing prohibition of wrestling games in the Lantern Festival because during these gatherings in the capital and its

vicinity, "(people) mistook debauchery as jubilation and considered wantonness as gaiety," "beautiful dresses and cosmetics, horses and carriages filled (the places)," therefore, "the noble and the humble were not distinguished and men and women mingled together."¹⁷ Although the proposal was granted by the emperor, the custom described in the memorial suggests plenty of free space for women in social activities by the end of the Six Dynasties.

(3) Scholarly Activities

Women studied some books on female virtues and behavior in their young age. Epitaphs of aristocratic women in this period suggest that many of them were familiar with Pan Chao's Nü-chieh and similar works.¹⁸ But this may have been one of the many aspects of their education instead of the only lessons they had. Aristocratic families educated their offspring, both boys and girls, with family manners (chia-feng) and family learning (chia-hsüeh).¹⁹ Besides tracts on the proper roles for women, young girls studied calligraphy,²⁰ literature and history,²¹ and some Classics.²² Although they may have shared some basic educational programs, the learning to which women were exposed differed somewhat in the North and the South.

In the South, most women who are said to be intelligent showed their knowledge of calligraphy, accounting, history and some classical literature.²³ Han Lan-yin was selected

into the Liu-Sung imperial palace because of her good education. In the Southern Ch'i, she was appointed as an Erudite; what she taught was calligraphy.²⁴

Northern women's learning was attested in classical studies, political affairs and military skill. Ms. Sung was raised by her father since her mother died early. After she grew up, her father taught her the pronunciation and meaning of Chou Li. He said that since he had no son to carry on the family learning, he expected her to learn it so it would not become extinct. When Fu Chien became the King of the Former Ch'in state (357-384), Erudite Lü K'un suggested that Ms. Sung should take disciples and teach Chou Li since much of the classical learning and commentary tradition had been lost in the political chaos of the time. The suggestion was taken and a lecture hall was established in Sung's house. She then started teaching one hundred and twenty disciples behind a red silk curtain.²⁵

Three facts that confirm higher female status attract a reader's attention: first, Ms. Sung's father was widowed without male offspring but did not marry again; second, transferring family learning through a daughter was acceptable to an aristocratic scholar; third, the northern government and scholarly society recognized a woman's capability in transmitting the Classics.

Ms. Feng, the daughter of senior recorder (san-chi-ch'ang-shih) Feng K'ai, was intelligent and knowledgeable.

Wei Shu says that sometimes high officials would visit her to ask for her advice and to seek her knowledge if they came upon contemporary stories and precedents with which they were not familiar.²⁶ Yüan Yu's wife Hsüeh Po-hui was so well educated that when Yu discussed legal and administrative matters with her, she could always provide him with good advice and guidelines.²⁷ Cheng Shan-kuo's mother Ms. Ts'ui of Ch'ing-ho is also said to have been a very knowledgeable woman about political affairs; she would sit behind a screen to supervise her son's official performance.²⁸

Empress Dowager Lin of the Northern Wei often practiced archery personally in the palace backyard. Official Ts'ui Kuang remonstrated regarding such behavior and suggested that archery and horse-riding belonged to men, while women should practice propriety, music, calligraphy and accounting.²⁹ Apparently, what Ts'ui Kuang, a Confucian aristocrat, considered to be appropriate for women were the skills cultivated by southern women. But women in the North seem to have had some additional space in their educational activities.

(4) Economic Activities

Since one of the obligations of a wife was to prepare food and clothing for the family, cooking and needle work became the major occupations for women. A commoner's wife

had to prepare the meals herself; an aristocratic woman also knew the methods of gourmet cooking even though she might have some maids to help her. Hsiao Tao-ch'en's wife is said to have joined her mother and sisters in preparing family meals whenever she visited her natal family. That was when Tao-ch'en was an official of the Liu-Sung, before he became the founding emperor of the Southern Ch'i dynasty.³⁰

Brick paintings excavated from the Ho-hsi region (today's Chiu-ch'üan district of Kansu province in northwest China) provide pictures of all kinds of labor work performed in an aristocratic family (see Figure II).³¹ To depict various scenes in a kitchen, there were pictures of cooking instruments, meat racks, animals being slaughtered, dishes being washed, water being drawn from a well, and food being cooked. Most of the laborers shown were women except those responsible for slaughtering pigs and sheep.³² But many aristocratic women were knowledgeable of such processes and some did it themselves. Epitaphs of the northern women show that cooking was one of the lessons for young girls and preparing meals as well as sacrificial food was considered praiseworthy.³³ Ts'ui Hao, high aristocratic official of the Northern Wei, once noted that he remembered from childhood seeing his mother and aunts preparing food and wine to serve their in-laws and to offer sacrifices. They attended such labor personally without commanding the servants.³⁴

Women also labored at needle work and related agricultural labor such as gathering mulberry leaves. Many women's epitaphs in this period specified needle work as women's main activities and contributions to the family.³⁵ Brick paintings from the Wei-Chin tombs depict women gathering mulberry leaves while men cultivated the fields (see Figure II). However, collecting mulberry leaves may not have been the only agricultural labor which a woman would undertake. Since women were also entitled to twenty mou of land in the equal-field system of the Northern Wei, they may in some cases have labored in the fields too.³⁶

Driven by poverty, women might also have to sell the product of their needle work. Wang Seng-ju's mother is said to have supported the poor family by selling thin silk cloth in the market when Seng-ju was small.³⁷ Commercial activities were not uncommon among poor women. Mr. Ch'en's daughters mentioned earlier collected and sold water caltrops to support the family. Poor couples often worked together to make ends meet. For instance, Yüan Yung and his wife used to sell boots in the markets when they were poor.³⁸ Hermit T'ao Ch'ien's wife was praised for being able to live a harsh life. When T'ao Ch'ien cultivated the field, she also plowed with him.³⁹

Since women were involved in many different commercial activities, it seems reasonable to assume that they had certain property rights, though a wife was not supposed to

have her own private property according to the Classics. However, with regard to women's freedom to possess and dispose of property, only sketchy information is available.

The senior wife of the household seems to be the one who handled the family property, both before and after she was widowed. Some women helped their husbands with their family businesses. Li Hung-chih's first wife made him rich by skillful management of his property. There is no further details of how she did it, but she was apparently allowed to handle the property for him.⁴⁰ Ms. Chou of the fifth century is said to have "provided her husband with all the capital" for his military uprising.⁴¹ The Chin Shu does not specify where that property came from. Since both the couple's families were rich, Ms. Chou might have had access to certain property from her natal family. But she might also have been using the couple's own family wealth which she was responsible for managing.

A senior widow in a big household also handled the family resources. After Pao Lao-shou died, his wife Ms. Ch'eng re-established their family business and property. She is said to have regained their former prosperity and to have had about six or seven hundred servants.⁴² The Ts'ui's lived together and did not divide the family for three generations. Ts'ui Hsiao-fen and his brothers respectfully served their widowed aunt Ms. Li who was in charge of the household. They handed whatever they earned to

Ms. Li, and she decided the needs and distributed resources within the family.⁴³

All these cases of "managing property" may have involved chattel transactions, but there is no mention of real estate. Some cases, however, indicate that a widow might have had the disposition over landed property. Sun Ch'ang divided family land with his younger brother Lieh. After Lieh died, Ch'ang gave Lieh's widow and his orphan some grain during a famine and took away their share of the land. Lieh's son filed a suit when he grew up. The court's first decision was to blame Lieh's son because he took Ch'ang's grain earlier and then disputed the land later on. Only the Local Inspector of the North Sector (pei-pu-tu-yu) Chung-li I suggested that Ch'ang should return the land because it was not righteous for him to take advantage of his widowed sister-in-law and his nephew when they were desperate.⁴⁴

This case happened in the Eastern Han, and the story was perhaps recorded to show the ethical consideration in the legal verdict. It is hard to tell whether the widow gave away the land in the name of her son or by her own right. Given the fact that the son filed the lawsuit when he grew up, it is more likely that she did it in his name. However, the court's first decision indicates that the exchange between Ch'ang's grain and Lieh's land was perceived as a legal business transaction, and the widow's disposition of

that piece of property was considered valid.

Another case in the Chin dynasty shows that a widow of a diviner was about to sell the house, which her husband had left her, during a hard time. Not until she found gold underneath the floor did she change her mind.⁴⁵

Stories like this indicate a widow's disposition of financial resources, but they cannot confirm women's right of private property. Ms. Chao of Northern Ch'i was widowed at a young age with only one daughter who later married a Regional Inspector. When Ms. Chao died, her epitaph shows, she left her wealth to the Buddhist treasury (san-pao) in her will.⁴⁶ What was the "wealth" mentioned here? Was it Ms. Chao's private possessions or was it some property that she supervised for her deceased husband? There is no further information to answer specific questions in this case.

A story in the Southern Liang dynasty is also revealing yet inconclusive. Juan Hsiao-hsü was adopted as the heir of Juan Yin-chih, the paternal cousin of Hsiao-hsü's father, presumably because Yin-chih died without male sibling or offspring. When Yin-chih's mother Ms. Chou died, she left behind more than one million cash, which was supposed to go to Hsiao-hsü; this could be one of the reasons Hsiao-hsü was established as Yin-chih's heir. But Hsiao-hsü took none of the inheritance and gave it all to Yin-chih's sister who married a member of the Wang family from Lang-ya.⁴⁷

Where did Ms. Chou's property come from? Was it her

dowry that was supposed to support her if she were widowed and would not remarry? Was the property under her son Yin-chih's name before he died? Or was it kept in her possession and could not be disposed of without her consent? Was there a law to protect a woman from being deprived of her property by her husband's male relatives? When Hsiao-hsü declined the property inheritance, he gave it to his nominal/adopted aunt who had already been married. Does it suggest that if no one was established as Yin-chih's heir before Ms. Chou died, the property would go to Ms. Chou's female offspring or whoever she preferred instead of becoming the community property of the Juan family?

So many questions yet so little information! But this case reveals something about the higher female status in the Period of Disunion, not only in the Hsien-pi North and in social activities, but also in the not yet fully Confucianized South and with respect to the issue of property rights.

(5) Wifely Role

The limited success by Confucianists in defining a female role can be seen not only in the social realm but also in family life. Women in this period seem to have enjoyed the freedom of offering and receiving verbalized affection. Women could throw gifts into a handsome man's carriage on the street (see Pan Yüeh's case in chapter II).

Intimate expression between marital partners may have been popular (see Ko Hung's detestation mentioned above). A husband would go outdoors to get the cold temperature of the winter in order to cool down his wife who suffered from a fever.⁴⁸ Emotions between couples were sometimes expressed in an intimate yet frivolous manner.⁴⁹

Love letters between husbands and wives were not uncommon. Kao Shih-yüan and his wife wrote poetry to each other to show their affection.⁵⁰ Some sent gifts back to their wives when they were travelling away from home. Hsieh Hsüan sent his wife some fish he got and wrote that he hoped everything was peaceful at home.⁵¹ Ch'in Chia sent his wife a mirror, a jeweled hairpin, fine perfume and a lute to "show his upset when they were apart."⁵² His wife replied that she had no desire to play with those things when he was not around and would only use the gifts together with him after he came home.⁵³

Sometimes people asked well-known writers to compose passionate letters for them to send to their wives. This kind of letter, though full of idioms and symbols, rarely conveyed a realistic picture of married life.⁵⁴ Some letters, however, do show the practical side of the marital relationship. Ts'ai K'uo's wife sent K'uo a letter requesting summer clothing for the family when K'uo was away on official duty.⁵⁵ Kao Wen-hui's wife sent him an inventory letter saying that she had received cloth, shoes

and socks from him.⁵⁶

Practicality involved not only provision of food and clothing (as also revealed in the section of "Economic Activities") but also producing male offspring. A barren wife might not necessarily be divorced since her husband could usually take a concubine. But a wife did not want to face that kind of threat and competition either. Ch'en Su of the Eastern Chin intended to take a concubine because he was married for ten years and still did not have a son. His wife prayed to the gods and is said to have conceived suddenly.⁵⁷ Praying for sons was probably pretty common in this period. Both Wang Min of the Eastern Chin and Sun Tao-te of the Liu-Sung did not have male offspring when they were getting old. Both couples prayed to the Bodhisattva Kuan-shih-yin, and both wives became pregnant and delivered sons later.⁵⁸

It is interesting to note that Kuan-shih-yin already had the image of helping women in their suffering, especially the pain of infertility. It is also revealing to see that all three cases cited above happened in the South. Perhaps it is not that the northern couples did not encounter problem of infertility or that the northern men refrained from divorcing their barren wives, but because the northern wives were socially more active and more capable of maintaining their positions in the family.

According to Yen Chih-t'ui, northern women were not

just inactively following the decisions and fates of their husbands and sons; they took a more active role in promoting the family's welfare. They took charge of the family business; they were involved in disputes and litigation, and initiated invitations and receptions. Their carriages filled the streets (note the similarities of this description to Ko Hung's); their dresses occupied the official courts. They even applied for official positions for their sons, and complained about grievances on behalf of their husbands.⁵⁹ It could be Yen Chih-t'ui's bias, but he thought that women in the North were "immensely better" than those in the South even in doing needle work.⁶⁰ In sum, women in this period were involved in all kinds of social roles, and those in the North appear to have been even more active.

2. The Lives of Women--Based on Materials from Epitaphs

Women did enjoy certain freedoms in socio-economic activities in the Six Dynasties. However, the daily life of a woman, due to the lack of information, is hard to portray. Biographies of women in the standard histories often describe women with extraordinary rather than average life stories. To present a general picture of how women lived their lives, this section draws on the epitaph literature of the Six Dynasties period. Epitaph literature sometimes overpraised the deceased individual and made an idealized picture out of the person's life. But since the materials

are used here to describe the events rather than virtues these women had in their lives, hopefully, the problem of overstatement can be kept to a minimum level.

More than two hundred epitaphs are used to understand the pre-marital requirements of a girl and the general obligations of a wife as well as a widow. They are also used to calculate the average marriage age of women, usual age difference between a woman and her husband, the age a woman was widowed, the number of years she remained in widowhood, and her life expectancy. Since women in these epitaphs were mostly imperial consorts and officials' wives, the picture presented is still more about the life of an aristocratic woman than a commoner's wife. Moreover, with few exceptions, most epitaphs available are from the Northern Dynasties; therefore, these descriptions reveal more of a northern woman's life than her southern sister's.⁶¹

Table III-1 shows that most women married between fourteen and eighteen, which is not much different from the earlier suggestions based on information in the standard histories (see Chapter II, section 4). Four of the eleven women who married later than twenty-one years old became successor wives. It suggests that older girls were probably not as desirable in the marriage market as teenagers.

Before marriage, a girl's education often indicates the aim of making her a better person instead of only a suitable wife in the future. Many epitaphs show that pre-nuptial

education included not only needle work, but also classical learning. Women's epitaphs in the T'ang period indicate that pre-nuptial education was usually related to and geared toward wifely virtues.⁶² Although books for female virtue cultivation such as those by Pan Chao and others were sometimes mentioned in epitaphs in this period, many other types of learning without distinctly female nature were also mentioned.

As discussed in the previous section, many women were learned in history and poetry; some were talented in literature composition and calligraphy.⁶³ Yüan Ch'un-i's epitaph says that in addition to skillful needle work, she could read and very well understand the Book of Poetry, the Book of Documents and the Records of Rites when she was a girl (she married the first time at the age of fifteen).⁶⁴

Table III-2 shows that age difference between husband and wife in the Period of Disunion varied pretty much individually. Although most women married men about seven to ten years older, a practice not different from what the Classics prescribed, it was not uncommon for women to marry younger men. It is pointed out in Chapter II that Hsien-pi imperial princes commonly took wives older than themselves. Among the five women who married younger men, Ch'ang Chi-fan, once a palace prisoner due to family collective responsibility, married an imperial prince eight years younger than she was.⁶⁵ Others were either northern

aristocratic women⁶⁶ or a District Magistrate's wife from the Southern Liang dynasty.⁶⁷ It seems reasonable to assume that there was no fixed age difference between husband and wife in the perception of contemporaries, be he a northern aristocrat or a southern local official. The deviation from Confucian norms, therefore, existed.

Once married, a woman was expected to fulfill many different roles. She was a wife, a daughter-in-law, a mother (a biological mother of her children, a legal mother of the children from her husband's concubines, or a step-mother) and sister-in-law of her husband's siblings. She was to prepare food and clothing for her family. She was to serve her in-laws. In addition to material provision, her manner in serving was important. She would be praised if she was gentle and obedient,⁶⁸ diligent,⁶⁹ and respectful.⁷⁰ In governing the house, a thrifty personality would be applauded.⁷¹ The ability to integrate family members, especially to bring her natal and marital families together harmoniously, would be extolled.⁷² Her most important task, however, was still to bear and educate children.

Childbirth could be painful and dangerous. There were medical texts written in this period to show the methods of protecting the fetus and helping women recover from childbirth.⁷³ However, premature birth and infant mortality still caused suffering for the mothers.⁷⁴ Hsüeh Hui-min of the Northern Wei died of a delivery-related illness after

two of her infant babies died. There was an injury case in the Ch'in in which a woman who was six months pregnant suffered a miscarriage after she had a physical fight with her neighbor. She then wrapped the aborted baby in a piece of cloth and went to the local court to file an accusation. Perhaps this Ch'in woman was a strong common laborer and the women recorded here were all tender aristocratic ladies. Given the fact that this Ch'in woman was able to file accusation personally while many women are recorded as having died of miscarriages in the Period of Disunion (also see Chapter V below), the picture does not suggest much progress in medical care in pregnancy and delivery.⁷⁵ The comparatively high mortality rate between sixteen and thirty shown in Table III-5 indicates that the childbirth period was a dangerous stage a woman had to go through. Those who had endured childbirth successfully would not be forgotten. Ms. Tu of the Eastern Wei bore seven sons and six daughters. The author of her epitaph praised her for being a great mother.⁷⁶

Although many women are said to have acquired classical learning in their natal families, no epitaph indicates that they transmitted such knowledge to their children. Many women were praised for being capable of educating and disciplining their children and their nephews in the household. However, most compliments were phrased in abstract form; rarely was the specific subject of such

education mentioned.⁷⁷ It is possible that the educational role of the mother was to teach the basics, such as literacy. Then the son would go on to work with a tutor who was himself an expert in certain classical or religious text.

Barren wives or step-mothers, however, had to face tougher decisions. Jealousy was a common phenomenon in this period (see detailed discussion in Chapter IV). Women who were not jealous would get a special note in their epitaphs. Usually, the most important feature of "being not jealous" was to accept the existence of "another woman." Feng Lin-hua was praised for not being jealous because she raised children for her husband's concubine as if they were her own.⁷⁸ Meng Ching-hsün acquired the same reputation by allowing her husband to take concubines so that his family could prosper. She was perhaps infertile herself.⁷⁹ K'o Ch'iao's successor wife née Hsüeh was extolled because she took care of the children from Ch'iao's first wife and treated them nicely.⁸⁰ To evaluate the success of a woman's child-rearing, her sons' official success and her daughters' fine virtues would be mentioned in her epitaph.⁸¹

Twelve of the epitaphs indicate the average age when a woman was widowed; most of them were over forty years old (see Table III-3). The thirty-three epitaphs used in Table III-4 show that widows spent an average of 17.9 years in widowhood. Although most widows in those epitaphs did not

remarry, it was probably not because of chastity concern but because of the comparatively old age when they were widowed. Most of them may have passed the childbirth age. Such a pattern suggests that remarriage for widowed women was basically to establish another family and to have children, not just to obtain emotional companionship from a spouse. A young woman who intended to remain in widowhood did face pressure, especially if she did not have any child, or only had a daughter (see Chapter IV below).⁸²

Yüan Ch'un-i, mentioned earlier, was married the first time at the age of fifteen and was widowed with a daughter probably before she was twenty. Her epitaph says that her brother "went against her righteousness and deprived her of affection" by forcing her to remarry as a successor wife. The description of her second marital life suggests no difference between the first and the second marriage. She enjoyed intimate affection from her husband; she served his mother with propriety, and treated his children from his first wife "better than her own." But since there is no indication that she bore any more children, her only daughter from the first marriage may have been the child the epitaph author referred to.

Ch'un-i was widowed again when she was forty and decided to become a Buddhist nun. At the age of fifty-five, she died in the villa of her daughter's son.⁸³ The fact that she died in her grandson's house suggests little or no

support from her second marital family and a strong tie between Ch'un-i and her married daughter. The picture makes one wonder about the adjustments and pains she must have endured in her eventful life. That she died as a Buddhist nun seems to indicate some awakening to spiritual comfort in her old age.

Not all elderly widows became Buddhist nuns, but many did devote their time and energy to Buddhism. Some practiced Buddhist worship and meditation because it was the religion of their natal families. Ms. Chao of the Northern Ch'i donated all her property to a Buddhist treasury in her will. Annotations for her epitaph say that the name of her father Chao P'an-hu appeared earlier on a pagoda inscription, which indicates her family tradition of supporting Buddhist institutions.⁸⁴

Some women's devotion was a response to life-long struggles. Erh-chu Yüan-ching was orphaned in young age. As the oldest child in her family, she took care of her younger brothers and sisters. Her epitaph says that she loved them like a mother and disciplined them like a father. She was married and had at least two sons. But she was widowed around forty years old and her two boys also died later. She finally "severed (the chain of) affection and deserted worries." It is hard to tell whether she became a Buddhist nun or not, but there is no question that she devoted the rest of her life to Buddhist faith and died in her

seventies.⁸⁵ It is often considered by Chinese that the most tragic life is to be orphaned in youth, widowed in mid-life and to lose one's child in old age. Since Erh-chu Yüan-ching experienced all these pains, Buddhism seem to have been the only solution at the end of her suffering life.

The ever-changing nature of life did inspire many women in their old age, but few of them really relieved themselves from earthly obligations. Ms. Li's epitaph is the only one that verifies her abandoning household responsibilities and concentrating on Buddhist learning.⁸⁶ Others seem to have either integrated their Buddhist knowledge with classical learning or cultivated their faith along with Confucian virtuous behavior. Cheng Shan-fei is said to have been well-versed in Classics and history. Later she also studied and circulated Buddhist sutras to spread her religion.⁸⁷

Hsüeh Hui-min who died of childbirth related disease is said to have been devout in Buddhism and excellent in needle work. Ms. Feng was praised as a righteous and loving mother while at the same time was a fervent believer in Mahayana Buddhism.⁸⁸ T'ao Kuei is said to have realized the impermanence and ignorance of the world and to understand how life passed away as easily as water-bubbles. Therefore, she was converted to Buddhism and supported Buddhist temples. But the epitaph author did not overlook her propriety and diligence in the family; he praised her for being a righteous wife and a chaste widow.⁸⁹

In the end, Buddhism seems to have comforted these women in their widowed years (an average of 17.9 years); it provided outlets for their time, energy as well as financial resources. As Table III-5 indicates, most women had a good chance to live to be over fifty years old, if they had survived the danger of childbirth during their twenties and thirties.

3. Concluding Remarks

Such was the general picture of women's lives in the Six Dynasties. With few exceptions, marriage was still the norm for a woman's career. But a married woman could still enjoy certain social and scholarly freedoms, at least in the North. Many women shared the financial burdens with their husbands and may have had control over property, both chattel and real estate. The positive picture of marriage is, however, just one side of the story. Women encountered obstacles in their married life, and they had to struggle to get through. Often the negative emotions and conflicts arose from the existence of another woman in their marriage. To deal with such problems, northern women seem to have been capable of tougher strategies. When a marital relation ended in widowhood, the northern women also seem to have enjoyed more free space on the issue of chastity.

TABLE III-1 Women's Average Marriage Age

age	11	12	13	14	15	16	17	18	19	20	21	22	24	25	27	30	916
no.	2	1	1	5	14	2	7	4	2	3	2	2	2	2	2	1	52
average																	17.6

Note: Fifty-two of the two hundred and twenty-five epitaphs mention the marriage age of the women; five of them were "successor wives." These five women were married at 19, 22, 25, 27, and 30. Without including these five women, the average marriage age would be 16.9.

TABLE III-2 Age Difference Between Husband and Wife

years husband older than wife	-8	-5	-4	-1	0	1	2	3	7	8		
no.	1	1	1	2	3	2	1	2	3	1		
=====												
yrs.	9	10	12	14	20	21	23	29	31	32	34	total
no.	2	2	1	1	1	1	1	1	1	1	1	274
=====												
average												9.1

Note: Only thirty of the epitaphs have information useful for calculating the age difference between husband and wife. Women who married as successor wives were usually much younger than their husbands: either 12, 20, 23, or 29 years younger in this table. If they are not included, the average difference will be 8.3 years.

TABLE III-3 Average Age a Woman was Widowed

age	26	31	33	40	42	45	47	48	50s	478
no.	1	2	1	2	1	2	1	1	1	12
average										39.8

TABLE III-4 Years in Widowhood

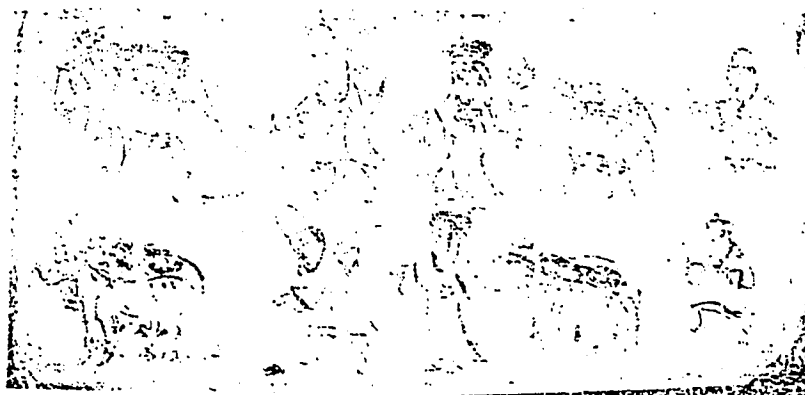
yrs.	1	2	3	5	6	9	10	12	14	15	16	17	18	19	20
no.	1	1	2	1	1	3	1	2	2	1	2	2	2	1	2

yrs.	21	25	30	32	33	48	57		591
no.	1	1	3	1	1	1	1		33
average									17.9 yrs.

Note: One hundred and fifty-five epitaphs contain information about these women's ages. The average life expectancy was 52.7 years old. But if the 13 women who died before 20 are not included, the average would be 56. The figures suggest that if she lived through the danger of childbirth in her 20s and 30s, she had a good chance to live to be over 55 years old.



1. Collecting mulberry leaves



2. Cultivating the fields

Figure II

Women's Economic Activities in Wei-Chin Brick Paintings



3. Getting water from a well



4. Preparing poultry

Figure II continued

Chapter III Notes

1. Pan Chao, Nü Chieh, cited from HHS, p. 2789. Also see Swan, 1932.
2. A chart that contains bibliographical notes for thirty one such works is included in Yamasaki Juitsu, "Choka joshishin o megute--kohankoki gishinkan kokyu joshikun ko" [On Chang Hua's "Admonitions for women"--a study of palace women's education between the latter part of the Eastern Han and the Wei-Chin period], Chugoku kotenkenkyu, 29, Dec. 1984, pp. 18-45.
3. See Ch'eng Hsiao, "Nü-tien-p'ien" [Models for women], in I-wen lei-chü [Collection of literature by categories], 23/6a (647), Taipei: Hsin-hsing, 1969 reprint. Hsün Shuang, "Nü-chieh" [Lesson for women], in Ch'üan Hou-Han-Wen, 67/6b-7a. Chang Hua, "Nü-shih-chen" [Admonitions for women], in CCW, 58/8ab. Wang Ch'an, "Fu-te-chen" [Admonitions regarding womanly virtues], in CCW, 20/12a. Also see discussion in Yamasaki, 1984, pp.19-24.
4. Hsün Shuang, "Nü-chieh", and Ko Hung, PPT, p. 149.
5. YSCH, p. 59; translation partially adapted from Teng, 1968, p. 18.
6. PPT, pp. 148-149.
7. PPT, p. 148.
8. SKC, p.647.
9. Examples of men and women attending banquets and playing together can also be found in Chin Shu, p. 2411.
10. Yang Ch'üan, "Ch'ing-tz'u" [Plead leaving], Ch'üan San-kuo-wen [Comprehensive literature of the three kingdoms], 75/3b-4a.
11. When Yen Chih-t'ui wrote in the Northern Ch'i and Southern Ch'en period, Chiang-tung should have been southeast of the Yangtze river. However, throughout the Period of Disunion, the Southern Dynasties usually also occupied the area between the Huai river and the Yangtze

river.

12. YSCH, p. 60.

13. Yang Hsüan-chih, Lo-yang ch'ieh-lan-chi, "P'ing-teng temple", 2/11-12; "Yao-kuang temple", 1/12b-14a; "K'ai-shan temple", 4/9b-12b.

14. Yü-wen Ta, "tsao-shih chia-hsiang-chi" [Note on building the Buddha image], Ch'üan Hou-chou-wen [Comprehensive Literature of the Northern Chou], 4/4a.

15. Wang Shao, "She-li kan-yin chi pieh-lu" [A Separate Record of Relics Responding], Ch'üan Sui-wen [Comprehensive Literature of the Sui dynasty], 22/1a.

16. WS, p. 136.

17. Sui Shu, pp. 1483-1484.

18. See MCMCS, 3/15a, 4/29ab, 4/35b-36a, 8/912b-913a, 9/103a, 9/104a, 10/109b.

19. Ch'ien Mu, "Lüeh-lun wei-chin nan-pei-ch'ao hsüeh-shu wen-hua yü tang-shih men-ti chih kuan-hsi" [On the relationship between the scholarly culture of the Period of Disunion and contemporary aristocratic families], Hsin-ya Hsüeh-pao 5:2, 1963, pp. 23-77.

20. MCMCS, 4/35b-36a. Wang Hsien-chih, "Pao-mu chuan-chih" [Brick epitaph of nanny], CCW, 27/11a.

21. MCMCS, 4/27a, 4/35b-36a, 7/72a, 9/103a, 10/110a.

22. MCMCS, 3/19b, 4/27a, 4/29ab, 9/103a.

23. For instance, Empress Hsi, LS, p. 157; Empress Chang, Ch'en Shu, p. 126; Empress Shen, Ch'en Shu, p. 130.

24. NS, p. 330.

25. Chin Shu, p. 2522.

26. Wei Shu, p. 1978.

27. MCMCS, 4/29ab.

28. PS, p. 3007.

29. WS, p. 1492.

30. NS, p. 329.

31. "Chia-yü-kuan wei-chin mu-shih pi-hua ti t'i-ts'ai ho i-shu chia-chih" [Subjects and artistic value of the Wei-Chin grave paintings in the Chia-yü area], Wen-wu 1974:9, pp. 66-70.
32. Chung-kuo she-hui k'o-hsüeh-yüan k'ao-ku yen-chiu-so [The Institute of Archaeology, CASS] ed. Hsin-chung-kuo ti k'ao-ku fa-hsien yü yen-chiu [Archaeological excavation and researches in new China], Peking: Wen-wu, 1984, p. 524.
33. MCMCS, 2/8b, 3/15a, 3/21a, 4/26a, 4/27ab, 6/59b-60a, 7/71b-72a, 9/104a.
34. WS, p. 827.
35. MCMCS, 2/71, 3/15a, 4/26a, 4/28a, 4/35b, 4/35b-36a, 4/36ab, 6/57a, 6/58a, 6/59b-60a, 6/68a, 7/70b, 7/71b-72a, 7/77b, 8/86b-87a, 8/88a, 8/91b, 8/912b-913a, 9/100a, 9/104a.
36. WS, p. 2853.
37. LS, p. 470.
38. WS, p. 2063.
39. NS, p. 1859.
40. WS, p. 1919.
41. Chin Shu, p. 2518.
42. WS, p. 2023.
43. WS, p. 1271.
44. K'uai-chi tien-lu, cited from TPYL, 639/7ab.
45. Chin Shu, p. 2480.
46. MCMCS, 7/70b.
47. LS, p. 739.
48. SSHY, p. 243.
49. YSCH, p. 60; SSHY, p. 245.
50. CSKW, 54/6a.
51. Hsieh Hsüan, "Yü-fu-shu" [Letter to wife], CCW, 83/8a.

52. Ch'in Chia, "Ch'ung-pao-ch'i-shu" [Second letter to wife], CHHW, 66/3a.
53. Hsü Shu, "Yu-pao-chia-shu" [Second letter to (Ch'in-) chia], CHHW, 96/9ab.
54. Yü Hsin, "Wei liang-shang-huang-hou-shih-tzu yü fu shu" [Letter written for liang-shang-huang-hou's son to his wife], CHCW, 10/9b. Ho Hsün, "Wei heng-shang-hou yü fu shu" [Letter written for heng-shang-hou to his wife], CLW, 59/11a. Fu Chih-tao, "Wei wang-k'uan yü fu i-an-chu shu", [Letter written for wang k'uan to his wife I-an-chu], Ch'üan-Ch'en-Wen, 16/8b.
55. Sung Shu, p. 1573.
56. Ms. Kao Jo, "Yü-fu wen-hui shu" [Letter to husband Wen-hui], CSKW, 54/6a.
57. Liu I-ch'ing, Yu-ming-lu [Records of darkness and brightness], "Ch'en Su", cited from Chiu-Hsiao-Shuo-Chia-Chi, p. 160.
58. TPKC, 110/751, 110/757.
59. YSCH, p. 60.
60. YSCH, p. 62.
61. This section is inspired by Mao Han-kuang's article on T'ang women's family role: "T'ang-tai fu-nü chia-t'ing chiao-se ti chi-ko chung-yao-shih-tuan--i mu-chih-min wei-li" [The important stages of women's family role in T'ang--with examples from the epitaphs], Kuo-chia k'o-hsüeh wei-yüan hui yen-chiu hui-k'an: Jen-wen chi she-hui k'o-hsüeh, 1:1, 1991, pp. 186-195.
Mao's article uses about three thousand and five hundred T'ang epitaphs to discuss the stages of a woman's life as a maiden, a wife, a head woman of the house, and a widow. Such an enormous amount of material, unfortunately, is so far not available for the study of the Six Dynasties. The comparatively small amount of epitaphs used in this section are mostly collected in Chao Wan-li Han Wei Nan-pei-ch'ao mu-chih-chi-shih [Annotated Epitaphs from the Han Wei and Nan-pei-ch'ao period], Peking: K'o-hsüeh ch'u-pan-she, 1956. Six of them are from Yen K'o-chün ed. Ch'üan shang-ku san-tai ch'in-han san-kuo liu-ch'ao wen [Comprehensive literature from the ancient time to the six dynasties], CHCW, 14/3b-6a, 16/2b-3b, 18/1a-2a, 18/3ab, 18/5b-6a, 18/7b-8b, Ch'üan-Liang-wen 50/11a-12a, and CCW, 27/11b, 146/8a-9a.
62. Mao, Ibid..

63. For instance, MCMCS, 4/27a, 4/35b-36a, 7/72a, 9/103a, 10/110a.
64. MCMCS, 4/28a.
65. MCMCS, 4/34b-35a.
66. MCMCS, 7/68b, 7/70b.
67. MCMCS, 9/103a.
68. MCMCS, 2/8b, 6/58a.
69. MCMCS, 4/34b-35a.
70. MCMCS, 4/37a, 4/40a, 5/49b-50a.
71. MCMCS, 4/35b, 5/49b-50a, 7/107b-108a.
72. MCMCS, 3/16a; 3/20a, 4/28a, 4/32a, 4/33b, 5/41ab, 5/49b-50a, 5/52a.
73. At least two books of this kind are recorded in Sui Shu, p. 1047.
74. MCMCS, 4/32b, 9/99b.
75. MCMCS, 4/32b. For the miscarriage case in the Ch'in, see A. F. P. Hulswé, Remnants of Ch'in Law, Leiden, 1985, pp. 205-206.
76. MCMCS, 3/16b.
77. MCMCS, 2/6a, 4/26a, 4/32a, 7/72a.
78. MCMCS, 4/27ab.
79. MCMCS, 5/49b-50a.
80. MCMCS, 7/78a.
81. MCMCS, 7/70b, 7/72a, 7/77b.
82. MCMCS, 3/20a, 4/27a. 4/28a.
83. MCMCS, 4/28a.
84. MCMCS, 5/70b, 7/70b.
85. Due to the condition of the inscription, the year of her death is hard to tell. But the epitaph was inscribed in A.D. 564. If that was when she passed away, she had lived to

seventy-two years of age. MCMCS, 7/72a.

86. MCMCS, 11/117b.

87. MCMCS, 9/108a.

88. MCMCS, 4/32b, 4/35b.

89. MCMCS, 8/86b-87a.

Chapter IV

CONFLICTS AND TERMINATION OF MARRIAGE

Previous chapters have demonstrated comparatively free marital practices and female status in this period. Women in the North and those in the South also appear to have had different social vitality. The differences in matrimonial relationships between the North and the South can be even better understood through the examination of jealousy, concubinage, and chastity. The Han legacy of relatively free marital practice and high female status, the influence of the nomadic rule, the social activities in which a northern wife participated, and the hypogamous marriage pattern all contributed to comparatively high female status in the North, where wifely jealousy was accepted as a norm, the practice of concubinage was despised, and women were allowed more free room on the issue of widow chastity. This chapter will describe the differences and touch on some explanations, but more detailed interpretations will be provided in Chapter VI.

1. Jealousy: Crime in the South and Virtue in the North

According to the Classics, a woman's jealousy was one of the seven grounds for her to be divorced. The ancient texts did not specifically define the term and its related

behaviors. It may be argued that a man's envious feeling toward his career competitor is a kind of jealousy. However, if one reads through the histories of the Six Dynasties, one gets a general picture that most historians made a distinction between career and affection competition. While a man's resentment toward his official rival was often phrased as "chi" (to detest, to dislike and to suspect), his ill emotions against his competitor in a love affair was usually termed as "tu" (to envy and to be jealous).

"Tu" was acknowledged as a common expression of resentment in this period, and it was evinced not only by women, but also by men either in marriage issues or in homosexual relationships. An official proposed to a widowed princess, but he was rejected because she had someone else in mind. He then started to frame charges against his rival, history says, out of jealousy.¹ Envious feelings could also be seen in homosexual relationships. In the North, it is said that homosexuality was so fashionable in the capital area that it caused not only resentment from wives but also discontent among gay lovers.² In the South, one man is reported to have turned his love into hatred and attempted to murder his ex-lover when the latter started to ignore him.³

It was also believed that jealousy would not end with human mortality. An envious empress is said to have come back after her death, and resided either in the emperor's

dreams or in the palace well as a dragon. The emperor did not explain those dreams, but he never established another empress throughout his reign either.⁴ Some ghost stories recount that jealous wives came back after death either to castrate or to kill their husbands because the latter broke their earlier promises of celibacy.⁵

Legends also have it that Liu Po-yü's wife of the early Chin drowned herself because Po-yü often recited the "Ode to the River Goddess" (Lo-shen-fu) and said he would like to marry the goddess. His wife spoke to him in his dream seven days after she died, and told him that she now had also become a river goddess. Po-yü was awakened by the dream and never crossed any river for the rest of his life. It is said that pretty women would be attacked by the waves and winds on the river where Po-yü's wife died, but ugly women could cross safely even with make-up and beautiful dresses. Therefore, people in the area said that, "Seeking a pretty maiden? Go to the shore of a jealous woman! Standing by the bank, the fine and the ugly rank."⁶

What this section intends to show is not the competitive feelings between the wives of two rival officials. It is to examine instead how women expressed their negative feelings against their rivals in affection and marriage, and what the different consequences were when they acted upon such feelings. In other words, "tu" is the issue here. One of the most significant features of the

husband-and-wife relationship of this period may have been jealousy by the wife. There was an increasing number of jealous wives recorded from the Eastern Han to the Sui dynasty. Although most of the extant stories involved aristocratic women, such as empresses and officials' wives, commoners sometimes also went into history due to their jealous behavior. At some point jealousy became a strategy in relationships taught within female circles. However, the reaction varied geographically, thus indicating different situations of female status and ideas of husband-and-wife relationships.

In the Eastern Wei, Yüan Hsiao-yu submitted a memorial based on the regulations of the Chin and the Southern Dynasties, requesting the establishment of a legally-set number of concubines and legal approval of divorcing those jealous wives without sons. Since jealousy was considered in the Classics to be one of the seven conditions for a man to legitimately divorce his wife, this condition of barrenness seems to suggest that jealousy was not a legitimate enough reason to divorce one's wife in the North. Even then, the memorial was ignored.⁷ One northern emperor who was pressured by his jealous empress once sighed and said that he could sympathize with the agony of his officials and members of the male populace who had jealous wives.⁸ In the South, however, one Liu-Sung emperor asked scholar-officials to write stories and essays against jealousy to reproach the

princesses after the aristocrats refused to marry imperial daughters due to their previous experiences.⁹ Another emperor even went so far as to either humiliate or execute several jealous wives of his officials.¹⁰

In order to show the fashion of jealousy and to distinguish the different attitudes towards jealous wives in the North and the South, thirty cases of jealous women selected from the standard histories of this period are summarized into four tables (see below) to support the arguments presented above.

(1) Jealousy as a Common Practice

Jealousy was prevalent in imperial and princely harems since the Han dynasty. Women, who were so close to legitimate political power and yet had none, often competed for their husbands' favor to improve their lot and to stay in the political center. Cases of murdered pregnant concubines were not unheard of. There were also cases in which impatient husbands killed their jealous wives who came from the imperial family; the husbands were therefore executed later by imperial authority.¹¹ Since jealousy was one of the seven conditions to divorce a wife, unloved or politically undesired empresses would sometimes be deposed in the name of jealousy. Such was the case when Ts'ao Ts'ao forced the last Han emperor to divorce his pregnant empress.¹² Jealousy was not an exclusively imperial

privilege, nor a female one. Feng Yen's letter to his brother-in-law showed the ideas of an Eastern Han educated commoner (defined as a person with neither noble nor official titles), his expectations in legitimate concubinage, his long-time tolerance of a jealous wife, and the reason for his final decision to divorce her.¹³

Yen started his letter with two principles regarding marriage that he considered to be universal. First, the conjugal relationship included aspects both of union and separation; second, rites set down by the ancient sages prescribed the practice of concubinage. Since he could not practice the second principle due to his jealous wife, he was to perform the first one by divorcing her. Owing to her violent and jealous behavior, Yen said, he had no chance nor desire to go into officialdom, and he chose to live in a hermit lifestyle to avoid embarrassment among his friends. He regretted that he had postponed the divorce for so long, but said now he had made the decision.¹⁴

To be dominant and to refuse concubinage seem to have been typical behaviors of wifely jealousy. But they were not the only methods a woman would apply to express her envious emotion. A "Poem of the Jealous Wife" composed in the Southern Liang suggests that outrageous jealous behavior could include burning the house and killing babies. Although the poem may have been exaggerating the situation due to the gender of the author and the writing style of poetic

literature, it still shows the destructive methods a jealous wife could have used.¹⁵ The thirty cases taken from the standard histories (see tables at the end of this chapter) confirm that women sometimes applied more drastic methods than being quarrelsome. However, the consequences caused by their behavior varied, not because of the degree of violence, but because of social and regional factors.

The following four tables are provided to demonstrate the connections among these four factors: the social status of a jealous woman, the measures she took to show her feelings, her temporal and geographical background, and the punishment, if any, inflicted upon her. Comparative completeness and conclusiveness are the reasons for the choice of these thirty stories.¹⁶ Cases from the Eastern Han and the Sui dynasties are also cited as reference to see the growing custom of jealous behavior in the Period of Disunion. All women in these stories were described as "tu."

(2) Jealousy: Social Status and Actions Taken

Table IV-1 shows that jealous behavior was prevalent in all classes of society in this period. However, probably due to the nature of the standard histories, more stories about aristocratic women were recorded. On the one hand, most jealous wives expressed their resentment without being penalized at all, whatever their social status was. On the

other hand, perhaps because aristocratic women caught more attention from the throne, they were also the ones to be persecuted if the imperial attitude was unfavorable. Among the aristocratic women, however, imperial daughters who had the emperors' favor were usually the ones most protected from punishment. They might have been reproached, as other incomplete stories indicate, but they were rarely put to death.

Two of the seven women who actually died were murdered by their socio-political inferiors. One was an empress of the Wu kingdom who was strangled to death by several palace ladies;¹⁷ the other was a Wu official's wife murdered by her husband's inferiors who could not stand her because she was, according to the historical account, beautiful but jealous.¹⁸ It is surprisingly consistent, however, to see that both murders happened in the southern part of China, in the Wu area where the custom was more conservative than the Lo-yang capital area. Since no further details available, we do not know whether these murderers were punished or not.

Empress Chia of the Western Chin, if considered as a northern woman, was the only northern empress who was put to death in these thirty cases. However, that was after she had committed adultery, plotted against several prestigious officials and murdered many imperial concubines and their families.¹⁹ The others executed were all southern women. They will be discussed later in a section on geographical

differences.

The only commoner's case was Ms. Luo whose first husband was murdered by her lover, and later husband, Chang-sun Chih. Luo was very suspicious and jealous because she was some ten years older than Chih. Even though she prevented him from taking concubines and killed at least four of his servants, he still loved and respected her very much.²⁰

Table IV-2 shows that the methods a woman used to express her jealousy were usually directed against her rivals instead of her husband. One-third of the women killed, or attempted to kill, their rivals. The fates of these jealous women varied probably due more to regional difference than to the actions they took. In the category of maltreatment, the women either tortured their husbands' concubines, sent them to Buddhist nunneries, or simply prevented their husbands from sleeping with other women. That none of them got themselves into trouble indicates either the husbands' ignorance of such maneuvers or a male mentality that considered such competition as normal or expected female behavior. Jealousy may have been acknowledged and accepted to a certain extent in some areas.

(3) Geographical Variations

Tables IV-3 and IV-4 show a clear geographical difference between the North and the South. Although both

had stories of jealous wives, northern women seemed to apply more drastic methods, and they usually had a better chance to carry out their will without being penalized.

Fifteen of the seventeen cases categorized as "nothing happened" came from the Northern Dynasties. The other two were from Wei and Western Chin period. There was no jealous women found executed in the Northern Dynasties category. In contrast, six out of seven executed women were from the southern part of China. No record indicates that a woman could express her envious emotion without being penalized one way or the other in the Southern dynasties.

(a) In the South

Three of the four southern women who lost their lives were officials' wives of the fifth century who were either executed by imperial order or by local authority. The other one was a princess of the mid-sixth century who was forced to commit suicide.

Princess Hsü offended her husband, the heir-apparent and later Emperor Yüan of the Liang (552-554), not only by jealousy, but also alcoholism and adultery. History says that the heir-apparent only visited her once every two or three years because she was not beautiful. Whenever he did visit her, she would put make-up only on half of her face to tease him because one of his eyes was blind. She killed pregnant concubines. She was often drunk and threw up on his

clothes. She had an affair with at least two men; one was a Taoist priest, the other was a member of the heir-apparent's retinue. After her son died, she was finally forced to commit suicide by the heir-apparent. He then returned her body to her natal family, saying that she was divorced.²¹

One of the three executed officials' wives injured her husband's face, the other two left no specific record of their jealous behavior. Two of them were executed by the emperors when the latter found out the situation of the officials' marital life.²² K'ung Chung-chih's concubine, however, was executed by the local governor after Chung-chih's younger brother reported her jealous conduct to the local authority.²³ This case raises an interesting question about legal interference into the marriage issue. No reasons are given to explain why the concubine was not divorced or sent away instead of being executed. However, the fact that Chung-chih's brother, a temporarily retired official, requested local authorities to solve the problem indicates such a role and practice might have been expected of the judicial powers.²⁴ One can argue that the woman's concubine status might have led to her death. But according to the three other cases described above, a jealous wife might also have to face severe punishment if the case was dealt with by legal authorities.

Southern emperors not only interfered in marriage issues personally, but also intended to promote female

tolerance by circulating "anti-jealousy" literature. After executing an official's wife, Emperor Ming of the Liu Sung told his official Yü T'ung-chih to write Stories of Jealous Wives, presumably to show their miserable fate and to warn other women. Before Chiang Hsiao, an aristocratic son, was about to marry an imperial daughter, the emperor asked an official to compose an article in Hsiao's name. In this article, Hsiao was supposed to decline the marriage proposal because of other aristocrats' painful experiences in marrying princesses.

Imperial daughters were notorious for their jealousy. They controlled their husbands as if the latter were their servants. These husbands did not enjoy freedom of making their own friends, or spending money the way they wanted. A princess's female companions, such as her nannies and Buddhist nuns who considered themselves her old acquaintance and knowledgeable friends, would encourage her to be jealous and inquisitive. The regulations of coming and going in the princess's residence were also tedious and difficult to follow.

Imperial princesses may have had their own residences throughout the Six Dynasties. Their husbands were required to visit but not to live with them all the time. Usually the husband would be summoned to stay overnight from dusk, about five o'clock in the evening, to dawn, about five to seven in the morning.²⁵ She would accuse him of alienation if he

did not visit, and be suspicious of his affairs if he requested to leave. Worst of all, these husbands were not allowed to take concubines. Therefore, according to this anti-jealousy article, many aristocratic families became extinct after they married imperial daughters. Emperor Ming showed this article to the princesses both as a reminder and as reproach.²⁶

(b) In the North

No record indicates that northern women were put to death because of jealousy. That does not mean that northern women applied less drastic measures to express their emotions. Table IV-4 implies the contrary. The common ways used by the imperial wives and concubines were either to prevent the emperor from sleeping with other women or to torture their rivals. One aristocratic woman tattooed the face of her husband's pregnant maid.²⁷ Another tried to poison her lustful husband.²⁸ None of them were punished.

In at least three of the five cases categorized as "killed/attempted to kill" in Table IV-4, jealous women did murder their rivals. One was the commoner Ms. Luo who has been discussed earlier. Another was an official's wife who personally killed her husband's favorite maid. The husband was angry, but he did not reproach nor divorce her. Instead, he took a concubine and moved out of the house. Several years later, he was slain by one of his jealous

concubines.²⁹ The other murder recorded in the Pei Shih actually happened at the beginning of the Sui.

Empress Tu-ku, wife of Emperor Wen (581-604) of the Sui, was a loving woman who often shed tears for those who were executed by the imperial judicial court. However, she was also so jealous that none of the imperial ladies in the harem dared to challenge her and get close to the emperor. The emperor once slept with an aristocratic girl, and the empress managed to have her killed when the emperor was in the court. When the emperor heard the news, he was extremely angry and rode on a horse wandering from the imperial garden to the nearby valleys. After two of his high officials found him, he sighed deeply and said, "I am the Son of Heaven, yet I do not have freedom." The officials suggested that he should not have risked wandering around alone like that simply because of a woman. The emperor seemed to be somewhat calmed down, but he stayed out late that night. When he returned to the palace, the empress was waiting for him with tears. The officials tried to reconcile the situation, and finally the emperor drank wine happily with the empress.³⁰

It is interesting to see the emperor's changing emotions from extreme anger to one of happiness. It is also reasonable to assume that the emperor had no intention to punish the empress since his first reaction to the event was to wander alone in grief. Jealousy against women who were not legal wives seemed to be acknowledged and accepted to a

great extent. History reveals that Empress Tu-ku repeatedly asked the emperor to reprimand princes or officials who got their concubines pregnant. Nominal monogamy, prescribing that a man could have only one legal wife but several concubines, was established in theory at least from the Chou dynasty. However, since the northern custom despised concubinage, it seems that the empress's expectation of realistic monogamy was not out of context either. (See "Concubinage" below.)

In fact, jealousy might have been taught as a strategy in relationships in female circles, and whoever did not perform in such a manner would be either teased or driven out of favor. Such was the situation described in Yüan Hsiao-yu's memorial to Emperor Hsiao-ching (534-550) of the Eastern Wei. Based on the regulations of the Chin and the Southern Dynasties, Hsiao-yu requested the throne to establish concubinage as an official system to counteract the custom of jealousy. According to Hsiao-yu's observation, realistic monogamy was so prevalent in the North that almost every man, be he an aristocrat or a commoner, had only one wife and no concubines. He who wanted to marry more than one woman would usually be teased and blamed by relatives and friends. Before marrying off a daughter, Hsiao-yu claimed, parents would teach her to be jealous, and sisters would encourage her to be envious. A woman usually considered the ability to control her husband as womanly virtue and

jealousy to be part of womanly work lest she should be taken for granted.

The result of this, Hsiao-yu said, was the extinction of concubinage and the emergence of adultery. Worse than that, the lack of offsprings might bring a family line to an end. He suggested that all the officials should take different numbers of concubines within one week according to their different ranks; jealous wives who maltreated the concubines would be beaten, and barren wives who prevented their husbands from taking concubines would be charged as unfilial and divorced.³¹ The memorial was discussed among officials, but the final decision was not to carry out the suggestion.

Hsiao-yu might have been exaggerating when he said that jealousy had become a female virtue. However, stories do show that jealousy was considered an accepted female strategy in the North. The most dramatic and disastrous story might have been Liu Hui's marriage with Grand Princess Lan-ling in the Northern Wei. The princess killed a pregnant maid, aborted and mutilated the unborn child. After an investigation ordered by the Empress Dowager, Hui was deprived of his noble title and was divorced. One year later, however, probably out of the princess's will, they were back together. When the princess was pregnant, Hui committed adultery with two women. History says that the princess changed her style and held her temper. However,

after being agitated by her female relatives, she started fighting with Hui again. Hui beat her and she died of a miscarriage. Hui was then sentenced to death (he was later pardoned during amnesty). The two adulterous women were both sentenced to slavery; their brothers were banished to the borderland as soldiers.³²

One would not be surprised even if the princess renewed the quarrels without being incited by others. But the fact that historians took care to write down the surrounding influence implies either a fashionable practice of encouraging jealousy existed among females, or there was common expectation of a kind of egalitarianism in the marital relationship.

Sometimes, jealousy was expected from a woman to control her husband and to keep him out of trouble, especially if she came from a social status that equalled his. One man, who committed adultery with a social superior, was in danger of being penalized. His mother, after beating him over two hundred strokes, reproached her daughter-in-law and said, "You are also from an aristocratic family with equal social prestige. What are you afraid of (in controlling the husband)? All women are jealous, why aren't you?" She then also whipped her several strokes to give her a lesson.³³

Jealousy is a human feeling that cannot be denied.

However, the fact that it was expressed explicitly and recorded frequently in this period shows the prevalence of such behavior and demonstrates people's serious attitude towards affection in relationships. Yet within the conjugal bonds, the North showed a more vivid picture than the South in, first, the way jealousy was used as a female strategy to gain control and, second, the degree to which the ideas of marital relationship deviated from Confucian norms. One may argue that the larger population in the North is one of the reasons for it to present far more cases than the South.³⁴ But if one reads those women's stories carefully, one sees that the point is more than just a larger population or even the amount of cases. It is the attention the historians paid to various women.

Only in two cases did the southern histories take the time to praise the women who were not jealous, but no specific description was given to that non-jealous virtue.³⁵ In the North, however, historians took pains to specify and praise aristocratic women who were not jealous.³⁶ Moreover, the non-jealous behavior was often specified as either being submissive and tolerant when the husbands were interested in other women, or helping the husbands to take concubines. Such careful description also appeared in the epitaphs of some northern women.³⁷ Whether the historians were simply presenting the stories of jealousy as they happened, or they were trying to convey

ethical lessons of female virtues, jealousy appeared to be a more impressive phenomenon in the North than it was in the South. The dislike of the "other woman" also seemed to be more visible in the North than it was in the South. The issue of concubinage and the anomaly of two wives support such argument.

2. Concubinage: Despised in the North

Yüan Hsiao-yu's memorial suggests that concubinage was not a popular practice in the North. It is reasonable to assume that it would be hard for women who were taught to value themselves through jealousy and who enjoyed intimate relationships with their husbands to tolerate a rival in the household. Not only the concubines but also their offspring were more despised in the North than they were in the South. Strict distinction between a wife and a concubine was a legacy of the Han marriage practice. Nomadic rule may have sustained the contempt of concubinage. But the different status a concubine occupied in the North and in the South may have also been caused by the different social roles and family responsibilities a wife had in the two areas.

It was a custom to uphold the status of a legal wife and to despise concubines since the Han. Han law punished people who "disturbed the hierarchy between wife and concubine."³⁸ Wang Fu, an Eastern Han scholar-official, was looked down upon by his contemporaries because he was the

son of a concubine and had no maternal relatives.³⁹ Kung-sun Tsan could only work as an insignificant local clerk because of the humble status of his mother.⁴⁰ At the end of the Eastern Han, people attributed the political failure of Liu Piao, Yüan Shao and Yüan Shu to their inability to distinguish the status between their wives and concubines.⁴¹ Emperor Wu of the Chin issued a decree in A.D. 274 to promulgate the distinction between the wife and the concubines and to forbid legalizing a concubine to be a wife.⁴²

With regard to social status, a concubine was purchased into the household instead of being received through the marriage rites. She was to help the wife to serve the husband and enjoyed no legitimate support from her natal family. With regard to economic status, the strict distinction between a wife and a concubine was needed to make sure their sons' legitimacy in inheriting property and noble titles.

Although it was not a popular practice in this period, concubinage still existed in both the North and the South. In the imperial house, both the Ts'ao-Wei and the Chin established numbers of imperial consorts of different ranks.⁴³ In the Southern Dynasties, the Liu-Sung and the Southern Ch'i followed the Chin regulations, but the emperors of the Liang and Ch'en often did not have as many imperial consorts as the law allowed.⁴⁴ The Northern court

started the Classics-based regulation during the reign of Emperor Hsiao-wen,⁴⁵ but often emperors of the Northern court did not have many established consorts.⁴⁶

Aristocratic officials in the South enjoyed being accompanied by singing girls. Some kept hundreds of women in their household. But it is hard to confirm that they were concubines.⁴⁷ The Northerners maintained an attitude of dislike of concubinage. The Hsien-pi ruling aristocracy even went farther to ignore the request for legalizing concubinage (see Yüan Hsiao-yu's memorial in previous section). The northerners were very strict in maintaining the hierarchy between the wife and the concubines. Therefore, if one's wife died, remarriage was often necessary, sometimes up to three or four times. Consequently, there were situations when step-mothers were younger than their step-sons. Sons of different mothers competed over matters of clothing, food, marriage and official positions. Sons of the legal wife did not consider their half-brothers by a concubine to be within the ranks of humans (pu-yü-jen-liu).⁴⁸

Both Li Hsin and Kao Tsun of the Northern Wei were frequently insulted by their half-brothers because their mothers were concubines.⁴⁹ Ch'u Sui-liang, a T'ang scholar-official, once stated that it had been customary in the North since the end of the Western Chin in the early fourth century that the sons of a legal wife treated their step-

brothers as slaves, and the legal wife treated the concubines as maids.⁵⁰ But the southerners did not mind the practice of concubinage. If one's legal wife died, his concubine would continue the household business. Therefore, Yen Chih-t'ui commented, there was rarely the shame of brothers fighting one another.⁵¹

Ts'ui Tao-ku's story is revealing. He was often scorned and insulted by his half-brothers because his mother was a concubine. Tao-ku's father, after several failed attempts to stop such assaults, gave Tao-ku money and sent him to the South to seek officialdom. Tao-ku went south and became a Regional Inspector (tz'u-shih). Later Emperor Hsiao-wu of the Liu-Sung commented that it was pitiful for such a wonderful figure as Tao-ku to be despised simply because of his birth.⁵² That a despised northern "shu-tzu," son of a concubine, could find an official position and sympathy in the southern government indicates drastically different attitudes towards concubinage between the North and the South.

The contempt for concubinage continued into the Sui-T'ang period. Empress Tu-ku of the Sui forbade a shu-tzu to serve her closely; the T'ang imperial house also applied such distinction between ti-tzu, son of a legal wife, and shu-tzu, in official selection and promotion.⁵³ Empress Tu-ku, who had shown a puppy love of Emperor Wen since his youth and who was a vehement practitioner of jealousy is a

good example of a proponent of realistic monogamy.

Due to its social and economic disadvantages, concubinage became the center of familial disputes in the North. Marriage litigation often involved regulating status between wives and concubines, which affected the inheritance outcome and social status of the sons. Yen Chih-t'ui observed that after the head of the household died, litigation often prevailed and slander was displayed on the road. "Step-sons accuse step-mothers of being concubines, and younger brothers demote older ones as servants." Yen lamented that these disputes were so ferocious that after several years of accusation, usually there would be no filial sons left.⁵⁴

The reasons for such contempt of concubinage in the North could be twofold. The distinction between a wife and a concubine was upheld since the Han and confirmed by the Western Chin imperial court. A legal wife was received into the household through proper marriage rites and to carry out family duties. However, the family duties a wife had varied between the North and the South. Since the southern women had fewer social activities in general, and their main obligations were more confined within the families, it seems more acceptable for a concubine to take up the family duties after the legal wife passed away. Nevertheless, a wife in the North played more complicated role both in social and in family realms. Since she often took charge of the family

business and participated in public affairs on behalf of her husband, her role could not be easily replaced by a concubine, who was perceived as socially inferior. Therefore, a recent study proposes, the lower status of a concubine in the North should be interpreted within the context of family structure.⁵⁵

3. The Two Wives Anomaly

Reasons that caused the two wives situations might have been political segregation and reunification, legal consideration of collective responsibility, or simply personal choice and preference. The discussion over cases caused by the first two reasons saw the attempt to uphold the classical norm of nominal monogamy; the disputes over cases of the third kind, however, demonstrate some women's effort in realizing monogamy. The situations that caused disputes and discussions about two wives were often mourning periods and burial sites. Inheritance questions, though they can be detected between the lines of argument, were rarely mentioned explicitly except in the disputes in aristocratic families.

One typical two wives situation caused by changing political conditions was Wang Pi's case, hotly debated in A.D. 280 after the reunification of China by the Western Chin. Ch'ang's father Pi was married and lived in Ch'ang-sha, a southern city of Han China. Shortly after he went to

the North, the Eastern Han dynasty fell, and Ch'ang-sha became the territory of the Wu kingdom. Due to political segregation, Pi therefore served as an official in the Ts'ao Wei government in the North and married again since he could not contact his first wife. However, the Chin reunified China forty years later. Pi did not have to face a dilemma of two legal wives; Ch'ang, Pi's son by his second wife, however, had to decide whether he was obliged to pay three years' mourning to his father's first wife, who had been dead for years.⁵⁶

Opinions in the court discussion can be generally divided in two. Those who suggested that Ch'ang should have paid three years' mourning argued from different interpretations of the Classics, but they basically shared the idea that two legal wives were acceptable. Hsieh Heng argued that both women should have been considered legal wives since this exceptional situation was caused by political circumstances; it was not against the Confucian Way, presumably manifested by ancient classical rites. Therefore, Ch'ang was to treat Pi's first wife as legal mother (ti-mu) and mourn for her.⁵⁷

One modification of such a presumptuous idea of two legal wives was to consider the first wife as the "original legal wife" (yüan-p'ei), and the second one as the "successor wife" (chi-shih), which was usually used to designate the woman who married a widower as his second

legal wife. Therefore, although Pi was not a widower when he remarried, Ch'ang, as the son of a second legal wife, should still have mourned Pi's first wife to show "the beauty of virtue."⁵⁸

Those who suggested that Ch'ang should not have paid three years' mourning argued from a different angle. They shared the idea that it was against the classical rites to have two legal wives at the same time, regardless of the situation. Therefore, at the time Pi remarried, Yü P'u argued, he had automatically divorced his first wife. He assumed that if Pi were alive with both wives, he would not have made them both legal wives either.⁵⁹

One argument that tried to decline the two wives idea but still insisted on Ch'ang paying three years' mourning was to see the marriage bond between Pi and his first wife being severed not by "righteousness" (i-chüeh) but by death (ssu-chüeh). But Wei Heng disagreed, and argued that it did not matter whether they were separated by "righteousness" or death, Ch'ang did not have to mourn.⁶⁰ The imperial decree finally decided that Ch'ang did not have to mourn since both Pi and his two wives were dead by then, and Ch'ang, considered as the son of a step-mother, did not have to pay three years' mourning to the first legal mother.⁶¹

There is an important point here. Although the officials interpreted this triangular relationship from different angles, most of them intended to make a status

distinction between the two women.⁶² No one suggested that the second woman should be considered a concubine, either because she was married according to appropriate rites, or because she was Ch'ang's mother. But, except for a weak voice that accepted two legal wives at the same time, most of the scholars tried to decide these women's status by temporal order: the first as the original wife, and the second as the successor wife. Even the imperial decree which sympathized with Ch'ang's situation had to consider him a step-son to justify the case.

The official view on distinguishing the status of the women involved was reconfirmed in the Eastern Chin. By then, there was a law code prohibiting marrying two wives. In 336 before Ms. Li was captured by bandits in rescuing her mother-in-law, she had been married to Ch'en Hsien, a commoner, and gave birth to four sons. Hsien then remarried to Ms. Yen, who bore him three sons. When Li returned from her captivity, Hsien registered two wives in his household. When Li died, Ch'en Hui, Hsien's son by Yen was confused about his mourning obligation, and his case was reported to the court for a decision. Court discussion varied, but Wang Ch'ien-ch'i's opinion, based on the principle of nominal monogamy, was followed.

Wang argued that since Li was not divorced earlier, and she was taken back again later, she was Hsien's legal wife and there was no doubt about Hui's mourning obligation for

her. Wang accused Hsien of unintentionally violating the law by having two legal wives; but as a rustic man, Hsien did not know the rites and propriety. Wang thus suggested that if Hsien wanted to take Yen as a wife, she should have been treated as the successor (chi), not the first legal wife (ti). If she humbled herself, then she had virtue. Otherwise, the government would have to step in and settle the issue for them.⁶³

The role of the state in regulating family ethics is very clear in these cases. Wang Ch'ien-ch'i's statement demonstrates that. The fact that the state was to interpret ancient Classics and to prescribe new rites in Wang Ch'ang's case shows the state's interest in personal life, in deciding the relationship between two people.⁶⁴

Chia Ch'ung's case was even more revealing in showing how state power, ritual norm, customary practice, and wifely jealousy were all entwined together in a two wives dispute. Ch'ung's first wife Ms. Li bore him two daughters before her father was sentenced to death and she was banished to the borderland.⁶⁵ Ch'ung then remarried Kuo Huai. But Li was pardoned and returned later through a general amnesty. The emperor granted a special privilege allowing Ch'ung to keep two legal wives. Ch'ung's mother also urged Ch'ung to take Li back. But Ch'ung hesitated. During this time of dynastic changes and reunification of China, cases of two legal wives were abundant. It is said that since officials in charge of

the rites were slow to decide the verdict, people simply kept two wives, established two households, and "committed adultery" (ssu-t'ung). Ch'ung refrained from doing so because he was the prime minister and the model supposedly looked up to by his contemporaries. He therefore established a separate house for Li, but never visited her. After Huai's daughter became the wife of the heir-apparent, the emperor finally decreed that cases such as this should have been decided according to the husband's will, that is, the first wife should not have been taken back.⁶⁶

Before the decision was reached, however, competition between the two women could be very vehement, involving virtue, reputation, talent and manipulation. Usually their children would also be involved in gaining their father's favor. Though there are not many details about the commoners' stories, Chia Ch'ung's case can be used as an example to show some aspects of the competition.

Ch'ung once discouraged Huai's attempt to see Li by saying that "she is full of intelligence." Li was perhaps quite famous for her virtue and talent at her time because of the book Women Teaching, Nü-chiao, she had written. Later when Huai's daughter was married to the heir-apparent, Huai visited Li with all her dignity of demeanor. Still, history says, she felt inferior and bowed to Li when she saw Li. After that, whenever Ch'ung went out, Huai would send servants to follow him for fear that he would visit Li.⁶⁷

The reunification of China in 265 caused such problems for many people. Although many people simply kept both wives, Ch'ung's hesitation indicates that the official view still upheld the practice of one legal wife, and considered involvement with another woman "adultery." Finally, a verdict was issued, not based on rites, or emotions, but on political power. Since Huai's daughter had become an imperial princess, Huai became Ch'ung's legitimate spouse.

Although the state took an interest in distinguishing women's status, its power could not always be felt. The fast changing political situations and the abundance of cases slowed down the process of standardization. Taking two wives was against the law. But perhaps due to the inefficiency of the local administration, when Ch'en Hsien registered two wives in his household, it was overlooked by the government. For people who were involved in two wives cases, they probably cared more about family harmony than status issues. Those who worked out the dilemma would be praised regardless of ideological principle.

During the political chaos at the end of the Eastern Han, Cheng Tzu-ch'ün lost contact with his wife, Ms. Ch'en, and married again to Ms. Ts'ai. After the political situation became stable, Ms. Ch'en returned home, and Cheng lived with both women. Ms. Ts'ai's son Yüan-hsin served Ms. Ch'en as legal mother (ti-mu), and her paternal cousin as his uncle. Educated countrymen all agreed that Yüan-hsin's

behavior was appropriate, although one of his senior clan members blamed him for degrading his own mother, apparently to the status of a concubine.⁶⁸

Another example is Mr. Chu's case. A certain Mr. Chu was married in Wu kingdom and had a son. When Western Chin reunified China, the government granted him a wife who bore him another son. History does not explain whether the government was aware of his marital status. When Chu died around A.D. 280, his second wife and her son joined his first family in his hometown. These two half-brothers are said to have been loving and respectful to each other, and the two mothers likewise. After they died, their sons paid three years' mourning to each other's mother, and they were highly praised by the men of age.⁶⁹

To preserve harmony and to better express human feelings were both the concerns in ritual modification in the South.⁷⁰ In the early years of the Eastern Chin, around 318-321, Kan Pao recalled Wang Pi's case and argued that the court discussion in 280 was misleading because it did not see the major point of the rituals: they should have been amenable to temporal and spatial factors to better express human feelings.

Kan Pao pointed out that Pi's two wives were strangers to each other, being forced to be close simply through their nominal relationship. Ch'ang could not have respected Pi's first wife when she was alive, and could not have felt love

for her when she died. But Kan Pao did not argue for Ch'ang's exemption from mourning. Instead, he suggested that the court should have educated people to acknowledge the flexibility of rituals, and accept both women as legal wives. However, due to their temporal difference in becoming legal wives, they should have treated each other accordingly; the first one should have tolerated the second, while the second one should have respected the first. Their offspring should have paid mourning to one another's mother, then it would be "a good thing of the rites."⁷¹

It will not be surprising to find Kan Pao's comment emerging in the South where jealous wives were persecuted and concubinage was common. But maintaining order within the family required individuals' tolerance and sacrifice, which was probably not the favorite ethics of the northern women.

All the two wives cases in the Northern Dynasties demonstrate the uncompromising attitude of the two women involved and constant disputes between their children. The Wei Shu records that Lu Li had two wives; his son Lu Ting-kuo also had two wives in his household. Wei Shu states that Ting-kuo first "married" (ch'ü) Ms. Liu who bore him a son, An-pao; later on he "took" (na) another woman and she also bore him a son, Hsi-chih. Because both women were from aristocratic families, there was no distinction of wife and concubine between them; perhaps neither would accept the status of a concubine. After Ting-kuo died, both sons

competed for inheritance of the noble title. Because Hsi-chih's uncle had a marriage alliance with the family of the Chief-Administrator (p'u-yeh), he not only gained support from the court to inherit the noble title but also married an imperial daughter. But An-pao, due to the lack of support, sank into lower social status and became very poor.⁷²

According to the different verbs used, i.e., "married" (ch'ü) and "took" (na), it is possible that either the historian who wrote this paragraph considered the second woman a concubine, or she was indeed taken into the household as a concubine, i.e., without proper wedding ceremony. But the status of these two women and their sons was apparently decided not by classical rites on family and marriage matters, but by political prestige and power.

The situation was the same regarding Li Hung-chih, a notoriously cruel local official of the Northern Wei. Wei Shu uses "wife" (ch'i) to designate his first wife and "obtained" (te) to describe the way he took the second woman. But this distinction probably shows the historians' mentality more than the actual situation. His first wife contributed to his prosperity, but the second wife came from higher social background.⁷³ Given the fact that the northerners' despised concubines, obviously none of them wanted to give in.

Not only were the two-wives disputes heard more in the

North, but also the conflicts between legal wives and concubines were recorded more in the northern histories. Often such conflict developed into feuds between their sons. Aristocrat Ts'ui Seng-shen first ignored and later divorced his legal wife and lived with another woman whom he "took" into the household. When he died, Po-lin, his son by his first wife, hastened to mourn but dared not enter the house. Instead, Po-lin sojourned in a nearby temple and mourned his father there. A son from Seng-shen's second wife, however, disputed with Po-lin over the issue of their legitimacy. The dispute reached the point that they had to defend themselves with swords as if they were enemies.⁷⁴

A certain Hsüeh Shu drove away his first wife and refused to acknowledge her son after he listened to his second wife, with whom he first committed adultery when she was still another man's concubine. Therefore, the family was full of agony and resentment; they ended up accusing each other in litigations.⁷⁵

All these cases indicate that the concubine, or the second wife, and her son tried to gain advantageous social status and inheritance over the legal wife. Those exceptions in which a man did have two legal wives reflect several points. Politically, the state took an interest in distinguishing the status of women, but such distinction was sometimes made not on the basis of classical norms, but on imperial favor. Legally, since there was a specific law

punishing he who disturbed the order of a wife and a concubine in Han times, it is interesting to note that there is no indication that people with two wives were legally punished in the Period of Disunion.

Socially, nominal monogamy had a potential tendency to become polygamy. The two wives anomaly reflects the blurred line between the two, and the related disputes demonstrate the struggle to uphold monogamy. When the struggle involved women with comparatively high female status, the result was either realistic monogamy, as Yüan Hsiao-yu vehemently protested, or two wives cases, since none of the rival women would accept the status of a concubine.

Establishing two separate households seemed to be the way to solve the problem in the North. The two wives anomaly, though caused by different reasons, also appeared more in the North. The situation agrees with Yen Chih-t'ui's observation about the northerners' disapproval of concubinage, and also fits well with jealousy practiced by the northern women. There is, however, another aspect of marriage life that shows the difference between the North and the South: the issue of chastity.

4. Chastity: Widowed, Divorced and Remarried Women

Theoretically, the issue of chastity should include both men and women. However, except in the Ch'in, early Han and men who married imperial daughters, the issue of

chastity usually only concerned women in traditional China. There were at least three aspects when Chinese talked about female chastity: first, the virginity of an unmarried woman; second, exclusive loyalty of a married woman to her husband; and third, widow chastity, i.e., widows refraining from remarriage. All three situations existed in Chinese history. The issue here is to see the attitudes different people held towards the participants and the participants' responses when the issue of chastity was at stake.

The matter of the virgin bride did not come up very often in Chinese historical records. Although Ch'in law did punish fornicators,⁷⁶ a virgin bride was hardly mentioned in marriage rites. One imagines, however, with the norm of gender segregation, the virgin bride would be considered more appropriate according to the classical spirit. In practice, late Chou poetry suggested that a girl was afraid of gossip about her reputation, but it also suggested that in some areas of China, men and women did have pre-marital intercourse.⁷⁷ The interest in virgin bride since the Sung and the methods used to test the virginity of a woman since the Ming were not heard either in the Ch'in-Han or the Period of Disunion.⁷⁸

Wifely chastity was a more established virtue, and it was usually equated with a subject's loyalty to his lord.⁷⁹ As a seducer, a man would want someone else's wife to be cooperative, but as a proposer, he would prefer to marry a

woman who reprimanded him when he tried to seduce her.⁸⁰

However, it also varied geographically in practice. In the Ch'in-Han period, there was a custom in the Yen area (today Hopei province) for a wife to sleep with a guest as a courtesy of hospitality.⁸¹

Widow chastity, however, developed later and comprised more practical obligations for the husband's patrilineal family. Features of widow chastity consisted of serving and supporting the in-laws,⁸² instructional role for the orphaned children,⁸³ and being plain-looking without using make-up to show her life-long mourning emotion.⁸⁴ What this section discusses are the historical development in different aspects of female chastity in the Period of Disunion and the different attitudes towards such issues between the North and the South.

There is not much information left on the subject of pre-marital chastity. Since gender segregation was hardly enforced, and men and women were allowed to freely express their affection in the Period of Disunion, pre-nuptial intercourse may not have been uncommon. Kan Pao criticized contemporary women for being indulgent in affection and shameless about fornication; he blamed their fathers and brothers for not correcting such behavior.⁸⁵ However, it is unlikely that the higher society perceived such practice as morally correct. Chia Wu and her lover Han Shou may have considered it all right, but her father's effort to cover up

the affair and to arrange marriage for them indicates aristocratic fear about licentious gossips (see Chapter II above).

One case in the Northern Wei can be used to see the general idea. Ms. Ssu-hsien was betrothed to P'eng Lao-sheng but the wedding ceremony did not take place for some unspecified reason. Lao-sheng often went to see her and tried to force her to consummate the marriage. She refused and threatened to die if he forced her to violate propriety. Lao-sheng was furious; he killed her and took her clothes. Before she died, she said the reason she protected her integrity was exactly because she wanted to present (her virginity) to him (after the wedding); now that he was about to kill her, she said, if her spirit was able to know what had happened, she would revenge her death after she died. In A.D. 483, Lao-sheng was sentenced to death and Ms. Ssu-hsien was rewarded posthumously with the title "chaste woman" by imperial decree.⁸⁶ The fact that A.D. 483 fell in the period of Emperor Hsiao-wen's sinification movement, both her mentality and the verdict seem to have suggested an increasing promotion of maiden chastity in T'o-pa imperial rule.

Women had been taught about wifely chastity since the Han. Han law executed married women who committed adultery, but men were not to be exempted from punishment either. Han legal cases indicate that he who committed adultery lost his

noble title (see Chapter I, section 6). The idea of mutual loyalty between husband and wife did come to the surface sometimes in Chin court discussions. During the two wives mourning controversy, Yü P'u once argued that if the government policy required a wife to serve her husband with loyalty, but allowed a husband to treat the wife with "two hearts," it would start the custom of hypocrisy and hurt the teaching of chastity and trust.⁸⁷

There are cases in the Chin Shu of husbands mourning wholeheartedly for their deceased wives or remaining celibate in the mourning period. Those stories suggest the idea of mutual loyalty between husband and wife, although we are told that men who did so were sometimes teased by the "frivolous people."⁸⁸

Within the conjugal bond, women should be faithful to their husbands, but sometimes they could end such a bond. Divorces were often used to avoid collective responsibility in criminal cases (see Chapter V below). Pleas for divorce would be granted, especially when the wives were princesses. Chao Ch'ien was divorced by Princess Hai-yen of the Liu-Sung after he hit her with his hand when they were playing games.⁸⁹ Wang Chün was divorced by Commandery Princess Fan-ch'ang because he was not smart and teased by his students.⁹⁰ But a man who suffered wifely jealousy was not necessarily able to get a divorce. Kao Kuei-yen's wife, the daughter of King Shang-tang of the Northern Wei, was

ugly and jealous. When Kuei-yen requested divorce after their constant quarrels, he was ignored by Kao Yang, then the reigning regent of the imperial government.⁹¹

Cases of virgin brides and wifely loyalty may not be abundant in the historical records, but those about chastity and remarriage of divorcees and widows are quite sufficient to show people's general attitude. These cases include imperial family members, aristocratic officials, government policy towards commoners, and the commoners themselves. The general picture suggests that young widows and divorcees with no child or only daughters often remarried; many became successor wives. If they refused, they faced family pressure. Those who were widowed in middle age were more likely to stay in widowhood for the rest of their lives, although some empresses dowager of the Northern courts were infamous for their adulterous affairs.

In the Han, although the government policy upheld widow chastity as an honor deserving certain reward, it was not a common practice. Widow chastity was considered as an exceptional rather than a required virtue.⁹² "Chaste girls and righteous women" were compared to filial children, to people who gave up their wealth to help in disasters, and to scholars whose behavior could be the populace's model. All of them were supposed to get an honorific tablet on the gate of their house from the government, so that "good local custom could grow."⁹³ There was no explanation of "chaste

girls". It could be girls who refused to be betrothed again after their fiancés died; it could also be girls who were killed or hurt when trying to protect their integrity, such as Ms. Ssu-hsien mentioned earlier.

Such policy was sometimes manipulated by officials who forced married widows to return to widowhood in order to show a record of good local custom. Many remarried widows are said to have cried on the street because of such forced divorce. When Chao Yen replaced Tu Chi as a local governor in the Ts'ao-Wei period, he reported more chaste widows to the imperial court than Chi did. Emperor Wen asked Chi the reason he had reported fewer. Chi replied that, "what I reported were all dead people's wives, those Yen reported were living people's spouses." When they suddenly realized that Yen had forced remarried widows to leave their second homes, the emperor and the court officials are said to have looked one another and changed the color of their faces.⁹⁴

The fact that governments rewarded chaste widows testifies to a favorable attitude to widow chastity held by the government. But the fact that local people did marry widows and the court was shocked by the news of forced divorces indicates that the society accepted widow remarriage.

Remarriage for widows and divorcees were quite common in this period. But the situation varied with the children a woman had. She could usually marry again without trouble if

she had no children. A court discussion in the Chin confirms that it was legitimate for a barren widow to return to her natal family and to be married again.⁹⁵

A widow or divorcee with a daughter might marry again, her daughter remaining with her. Even the elite families did so. In the late Han, the mother of Emperor Huan's wife, Empress Teng, married Teng Hsiang first and remarried to Liang Chi after Hsiang died, taking her daughter with her to the Liang family.⁹⁶ In the Northern Ch'i, Po-ling Ts'ui Hsiao-feng died; his widow took their adopted daughter Chia with her when she married again.⁹⁷

However, a woman with a son usually had to leave her son with her first husband's agnate when she married again. Lo T'ung returned to his father's hometown with relatives after his widowed mother remarried when he was nine years old.⁹⁸ Li Mi stayed and lived with his grandmother when his maternal uncle pressured his widowed mother to marry again.⁹⁹ Such situations sometimes caused agony and resentment between the mother and the son.

Yin Hua-chung's wife was first married to Teng Yüan-i, but was maltreated by Teng's mother. After having realized the situation, Yüan-i's father, who was then Vice Director of the Imperial Secretariat (shang-shu-p'u-yeh), sent her back to her natal family; she then married Hua-chung. When Hua-chung served as the Chamberlain for the Palace Buildings (chiang-tso-ta-chiang), she once rode in the court carriage

and Yüan-i saw her from the street. He told people around him that "that is my ex-wife, who had no fault, but was cruelly treated by my mother. She should be prosperous with me!" Meanwhile, her son Teng Lang grew up to be a court gentleman (lang), but he refused to reply to his mother's letters, and burned the clothes that she sent him. With the help of Lang's in-laws, she finally got to see her son. But when Lang arrived and saw his mother, he bowed twice, crying, and left. His mother ran after him and said, "I almost died (when I was maltreated); I was deserted by your family. What fault do I have that you treat me like this?" She then broke (chüeh) their relationship, and decided not to see her son anymore.¹⁰⁰

According to the story, none of the adults, all of them high officials, considered her divorce and remarriage a disgrace to their status. Though a sympathetic decision by Yüan-i's father, the divorce was not based on any of the "seven grounds" prescribed by the ancient Classics. Though she is said to have been very careful and tolerant when she served her first mother-in-law, she certainly saw no guilt in marrying again once she was sent back to her own family. The only lingering pain was the agony between the mother and the son. That is probably one of the reasons that women with children were not encouraged to remarry. Biological mother and son suffered agony from remarriage, while step-mother and son might suffer resentment.

Wang Shih's case happened in the beginning of the Eastern Chin. Wang Shih's step-mother was a widow before she married Shih's father. After Shih's father died, she paid her mourning and returned to her first husband's house. She was supported by her step-son there until she died and was buried with her first husband. Shih said that his step-mother asked to leave right before his father died and the request was granted. Therefore, Shih decided to pay only one year mourning on her death, treating her as a divorced mother.¹⁰¹

Pien K'un, the Palace Aide to the Censor-in-chief (yü-shih-chung-ch'eng), impeached Shih, arguing that a grant of divorce right before death had no ground in classical rites. K'un claimed that he who wanted to divorce his wife had to provide one of the seven conditions. If he had divorced her when he was alive, she had no obligation to pay him mourning when he died. If he was out of his mind to grant her leaving, then his son had to correct the grant based on classical rites. Since she paid three years' mourning to her husband, she was not an unrighteous wife. Her being divorced happened after her husband died when she was supposed to depend on her son. Since Shih treated her as a divorced mother, K'un concluded, then this mother was divorced by her son. After Pien K'un's impeachment, Wang Shih's case was handled by the local comments (hsiang-i-ch'ing-t'an), and he was deprived of officialdom for the rest of his life.¹⁰²

Several points can be seen here. First, Shih's mother was a step-mother and widow in both marriages, which indicates that widow remarriage was accepted in Chin time. Second, Shih's treatment of her after his father died and her return to her first husband's house indicate a serious relationship problem between her and Shih. Yüan Ch'un-i's life story presented in Chapter III also suggests that her step-children from the second marriage did not support her since she was staying with her own daughter's son when she died.

Third, that one should treat one's step-mother as one's own mother was one of the Confucian classical ethics promoted in the Chin court. Yüan Ch'un-i's case happened in the sixth century North. Yen Chih-t'ui's comments on discord between step-mother and children were also targeted at the northern families.¹⁰³ Both saw no reprimand from society or government. The fact that Shih served as a Junior Rectifier (hsiao-chung-cheng), who was in charge of the local ranking and selection, might have made the verdict against him more serious. Nevertheless, Pien K'un's argument about the seven conditions of divorce and Shih's final verdict of being deprived of officialdom for a life time indicate increasing conformity to the classical rites in family relationships, at least in the South.¹⁰⁴

In such a long history, some people remarried and some refused to do so. The point is not to try to figure out how

many of them were in each category, but to examine their justification, or lack of justification for doing what they chose to do and people's responses to their choices.

Reward of widow chastity, as mentioned above, was carried out since the Han dynasty when widow remarriage was common. But an increasing number of cases where widows refused to marry again caught historians' attention. Why were there some exceptional women who did not want to remarry? The analogy of heaven and earth never appeared in the women's accounts of their decision, but Lü Jung of the Eastern Han, refusing to divorce her ill-behaved husband and marry again, did mention that making a marriage last was part of the wife's obligation.¹⁰⁵ The sense of everlasting marital relationship, at least from the wife's point of view, can be perceived especially from women who were widowed very young or right after the wedding ceremony.

Lu Yü-sheng was married to Chang Pai when she was thirteen years old. During the three months between the wedding ceremony and the temple-visiting ceremony which made a bride into a wife in her husband's family, Pai died in exile. Yü-sheng showed her virtue and righteousness and "conducted her husband's funeral and mourning according to classical rites."¹⁰⁶ Three of Yü-sheng's sisters-in-law were also forced to divorce their husbands so they could avoid collective responsibility. One of the younger sisters was first married to Ku Ch'eng, but was forced by the

government to marry Mr. Ting; she poisoned herself on her wedding day.¹⁰⁷

Such a suicidal gesture of refusal can be interpreted as a woman's belief in loyalty to her one and only husband. However, since the common practice was for young widows to marry again, the resentment at being deprived of personal choice and dignity seems to have also played a role.

Personal promises before death also provided reasons for widow chastity. Ms. Fang of the Northern Wei cut off her ear to show her determination of remaining in widowhood because she promised her dying husband that she would take care of his old mother and their young son.¹⁰⁸ Chang T'ien-hsi's two concubines killed themselves when Chang was seriously ill because earlier they promised to serve him in the other world.¹⁰⁹

The politically chaotic era of the fifth century was also a period of ideological diversity. Confucian ethics might have had a marginal influence on the aristocracy, but Buddhist and Taoist conviction also played a role in justifying people's behavior. Some widowed women refused to marry again because of the teaching of Confucian classics; some killed themselves to show their Buddhist devotion when they were pressured by assault. Some went along with popular practice and married again without specific philosophical reasons, but some chose to compromise, supported by their vague idea of Taoist flexibility. However, this is a picture

of no single ideological conformity, at least in the North. Often times, it was personal promises and pride instead of ideological teaching such as widow chastity that determined an action.

Ms. Yin was first married to Ma Yüan-cheng of Fu-feng county. After Yüan-cheng died, she was married to Li Hsüan-sheng, king of the Western Liang (400-420). Because of her remarriage, she kept silent for three years. When her son Li Shih-yeh succeeded the throne and was about to attack Chü-ch'ü Meng-hsün of the Northern Liang (401-432), she gave advice based on the philosophical Taoist idea of contentment. But Shih-yeh did not take her advice; he was defeated and the Western Liang was eventually destroyed. Chü-ch'ü Meng-hsün respected her righteousness and did not kill her. Instead, he arranged a marriage between his son and her daughter. Not long after that, her daughter died. When she stroked her body, instead of crying, she said, "you have died too late." She lived until seventy-five years old.¹¹⁰

Although there is no biography for Ma Yüan-cheng in Chin Shu, the fact that he was a member of Fu-feng Ma family strongly suggests Ms. Yin's Confucian learning, a legacy from Ma Jung of the Eastern Han. The way Yin expressed her resentment of remarriage was also revealing. Yin kept silent for three years, supposedly imitating Hsi Wei of the Spring and Autumn period who was taken back to Ch'u after Ch'u

destroyed Hsi.¹¹¹ But Yin's knowledge was not confined to Confucian learning. Her advice to Li Shih-yeh and her way of compromising with the ruling authority to survive also revealed the spirit of ancient Taoist ideas.

A woman's determination in the politically chaotic era could be expressed in the most extreme form of physical self-mutilation or suicide. Many stories from the Chin Shu "Biographies of Women" show such situations.¹¹² Sometimes, such a refusal of remarriage was not due to pure widow chastity, i.e., loyalty to the first husband, but due to ethnic pride or integrity.

Ms. Yang, widow of the Ti king of Later Liang (386-403), refused to marry her slain husband's brother Lü Ch'ao even when Ch'ao had threatened her father Yang Huan with family disaster. She told Huan before she killed herself, "You sold me to the Ti barbarians in exchange for wealth and prestige. Once is enough. How can there be a second time?"¹¹³

For Huan, a northern Han aristocrat, a marriage alliance with the nomadic ruler may have been a way of survival. For Lü Ch'ao, marrying Ms. Yang may have been part of the custom of levirate--sons and younger brothers married the widows of their fathers and older brothers. But for Yang, she was the pawn in the marriage between her father's strategy and barbarian culture. She chose to die, perhaps not to protect her widow chastity, since she appeared to

despise her first marriage also, but to uphold her ethnic and cultural pride.

These personal choices and promises were sometimes supported by religious convictions. But religions such as Buddhism and Taoism, like their role in the choice of celibacy, appeared more as alternative outlets than forthright moral regulations. Ms. Chang was widowed and became a Buddhist nun when she was fifteen. When Lü Jung (r. 401-403) tried to "carry out his debauched behavior" on her, she said she enjoyed the ultimate way and swore not to be insulted. Therefore she climbed up to a high tower and jumped down from there, broke her two shinbones and died while chanting a Buddhist sutra.¹¹⁴ Her courage to preserve self-dignity could have been reinforced by her faith, but the sense of personal choice and integrity need not have been uniquely Buddhist. There is no account available to show the way her religion taught her about widow chastity, except that she considered the "ultimate way" more enjoyable than being violated.

That Buddhism did not show any initiative in regulating widow ethics can also be seen when it was instead used to achieve Confucian oriented fame. Northern aristocrats sometimes practiced widow chastity forcefully to demonstrate the virtue of their families. Yang Lieh's family of the Northern Wei and the Northern Ch'i was famous for their good behavior: none of the widows in his family remarried.

However, this behavior was possible because the Yang's built a Buddhist nunnery in Yen commandery during the T'ai-ho era (471-499) to house all their widows who had no sons.¹¹⁵

Such a reputation was propagandized by Yang Lieh as a plus point when he was competing for the position of Senior Rectifier (ta-chung-cheng) with Pi I-yün, who suffered a scandal in family matters.¹¹⁶

Fewer cases about both widow remarriage and chastity are found in the South than in the North, perhaps due to the different style of historical writing. Both Sung Shu and Nan-Ch'i Shu were written in the Southern Liang dynasty; both mention no strong ideological conformity on the issue of widow chastity. The standard histories written in the North and in the T'ang, however, show the authors' awareness of cultural difference and deliberate consideration in historiography.

Even though the custom was for widows to remarry, some northern aristocrats may have intended to use widow chastity to distinguish themselves from their nomadic rulers. One researcher has suggested that Wei Shou intentionally collected examples of chaste widows in his "Biographies of Women" in the Wei Shu to serve this purpose.¹¹⁷ That tribal influence contributed to the "lack of virtue" was also the T'ang historians' perception of the subject. The authors of the Chin Shu commented at the end of the "Biographies of Women," saying that the reason for them to record chastity

stories was because such virtues were hard to see in the barbarian influenced custom where the classical teaching (ming-chiao) had been lost.¹¹⁸ The historians' deliberate collection may have made the number of chaste widows larger in the North than it was in the South. However, both the attention they paid to the widows' marital status and the comments they made reflected the lack of concern with widow chastity in actual marriage practice in the North.

Different historical writings present different pictures, but one thing is certain: only in the North was there a record of widow remarriage arranged by the government. These arrangements, however, indicate more about government policy to calm down and to motivate soldiers than about concerns for the widows' living conditions. It happened when the "barbarianized" Han rulers, the Kao family of the Northern Ch'i, was in power. In A.D. 545, Kao Huan, then King of Ch'i, requested the throne of the Eastern Wei to release prisoners and marry them to local widows.¹¹⁹ In A.D. 555, Kao Yang, Emperor Wen-hsüan of the Northern Ch'i arranged for widows to marry soldiers who were stationed on the border to build the great wall.¹²⁰ In 556, another two thousand and six hundred widows in the Shantung area were married to the soldiers. It is said that during this arrangement, one-fifth of these "widows" were actually women who were forced to leave their husbands at the time to be married to the soldiers.¹²¹

A.D. 617, when uprisings took place in various areas of the Sui, the soldiers who accompanied Emperor Yang (605-618) in Chiang-tung kept running away. In order to settle the hearts of the soldiers, the emperor issued an order to arrange marriages for the soldiers with local women. During the match-ups, both widows and maidens were summoned to the palace and selected by the soldiers. Previously convicted adulterous women, Buddhist nuns and female Taoist priests were also married to the soldiers by the government.¹²²

There could be different reasons for the government to arrange widow remarriage. It was considered humane for some previous governments to arrange marriage for widows who were poor and left alone. Sometimes widow remarriage was a population plan used by the state, particularly right after the founding of a dynasty. However, Sui's practice was apparently a policy used to calm down and to motivate soldiers inherited from the Northern dynasties.

A woman may have been forced to remarry by the government, but most often the pressure was from her natal family, who saw widow remarriage a humane and common practice. In one case in Chin Shu, a widow disfigured her face to show her decision to remain in widowhood when her natal family tried to force her to remarry.¹²³ Such self-mutilation was not always welcomed. Some Chin scholars tried to portray a more productive image by praising widows who worked diligently to support their in-laws, and considered

self-mutilation an incomplete virtue.¹²⁴ However, perhaps it is exactly because the pressure for remarriage was so strong and prevalent, many women still applied drastic measure to preserve their widowhood.

Chaste widows in the South sometimes received substantive government reward, such as cloth or tax exemption. For instance, Ms. Huang refused to marry again after her husband died. When people forced her, she tried to drown herself, so they stopped. She was later exempted from taxation.¹²⁵ Ms. Ting was widowed when she was young; she remained in widowhood and was loving and supportive to her neighborhood. When her son died and her daughter-in-law also insisted on remaining a widow; their family was rewarded and exempted from taxation.¹²⁶ In A.D. 500, chaste wife Wan Hsi swore by her life that she would remain in widowhood when forced by her parents to remarry. She was rewarded by the local government with clothes.¹²⁷

Some cases in the Wei Shu suggest a similar situation in the North. Ms. Fang cut off her left ear, threw it into her husband's coffin and swore to follow him for fear that her parents would not understand her heart.¹²⁸ Ms. Liu was widowed at seventeen years old. Three years later her only son died. Her brother pitied her and tried to force her to remarry, but she swore not to and remained in widowhood to support her in-laws for the rest of her life.¹²⁹ Ms. Ken was widowed in A.D. 499. She was afraid that her parents

would try to go against her wishes, so she cried very hard at the funeral.¹³⁰ Ms. Lu and her elderly mother-in-law walked to the local government office together to show her will after her parents forced her to remarry and accused her in-laws of withholding her freedom to leave.¹³¹

In the North, rather than specific awards of cloth or grain, there were general policies regarding support for widowhood. For instance, widows, like other women, received twenty mou of land under the equal-field system but paid no taxes.¹³² In A.D. 515, a decree was issued that "insignia shall be placed on the dwellings of filial sons, obedient grandsons, righteous heads of families and faithful widows in order to make manifest their excellence."¹³³

Most cases of family pressure to remarry mention no intention of "mercenary marriages." Instead, it was out of pity that the parents tried to marry their widowed daughters again. Moreover, at least eleven out of seventeen cases recorded in Wei Shu seem to have happened during or after the sinification movement of the Hsiao-wen period. Such stories could have been used by the historians to show Han Chinese cultural characteristics.

Chastity did not seem to be the focus in the North. One of Kao Huan's consorts committed adultery with Chao governor Sheng and was banished to Ling Region. But she was later married to Lu Ching-chang of Fang Yang.¹³⁴ Considering that the Fang-yang Lu was an eminent aristocratic family, an

adulterous imperial consort seems not to have been considered objectionable in the social context. In fact, many adultery cases in the northern courts are documented.¹³⁵

Widow remarriage was such a prevalent practice in the North that sometimes wives or concubines of high officials would marry again even before the mourning period for their husbands was over. Sometimes, the offspring of the deceased official would sell his concubines only days after he died to gain financial profit.¹³⁶ Therefore, in A.D. 596 Emperor Wen of the Sui dynasty decreed that wives of officials higher than the ninth rank and concubines of officials higher than the fifth rank were not allowed to remarry after their husbands died.¹³⁷

While the Sui government prohibited certain official wives and concubines from remarriage, it also arranged for widows to marry soldiers and construction workers. Though all of these women were widowed, their status was perceived quite differently by the government. But the focus seems hardly to have been a woman's chastity. Rather, the concern was for men: an official's wife, also his concubines if he ranked higher in officialdom, was forbidden to remarry in order to preserve his dignity; a commoner's widow, however, would be used as a human resource to "calm down" a laborer. In addition, when the imperial government was promoting ethical norms, such as widow chastity, against current

practice, such as remarriage, it could only start enforcing the rules upon its immediate subjects, the officials.

5. Concluding Remarks

According to the discussion above, women in the Six Dynasties period enjoyed a certain amount of freedom in the social realm. In the North, the society seems to have provided more alternatives for women: more tolerance to jealousy, disapproval of concubinage and less emphasis on female chastity.

Jealousy was a common practice, and it encountered protest from men both in the North and in the South. However, the results differed. The memorial that suggested punishment of jealous wives and the legalized number of concubines was ignored in the North, while jealous women were reproached and executed in the South. The effort to distinguish the status of the wife and the concubine was made since the Han, and the distinction was upheld in the two wives discussion of the Western Chin court. In addition to the nomadic rule that sustained the Han legacy, the more active and complicated role a northern wife played may have also widened the status gap between a wife and her husband's concubines.

After the Han-Chinese government moved to the South, China followed different paths in the North and the South for about three hundred years. The aristocracy in the North

cooperated with the Northern Wei sinification movement, upholding the legacy of the ancient classics and distinguishing themselves from the tribal rulers by ethical culture, such as widow chastity. However, relatively free marital practice and higher female status since the Han were maintained both due to hypogamous marriage pattern and to the tribal rule. The Northern Ch'i showed the remnants of tribal customs, including looser restrictions on female chastity.

The aristocracy in the South evaluated their failure in the North and re-examined the social conduct in the Wei-Chin period. The ritual discussion was aimed at defining a person's role in a patrilineal family and to shape up the aristocracy. Although one of the concerns was to better express human feelings, the ritual modification resulted in establishing more strict ethical norms.

TABLE IV-1

Jealousy: Social Status and Outcomes

social status	outcomes nothing happened	reproached	divorced	killed	total
empresses/ imperial concubines	6	1		2	9
princesses/ imperial daughters			2	1	3
officials' wives/ concubines	10	2	1	4	17
commoners	1				1
total	17	3	3	7	30

TABLE IV-2

Jealousy: Actions Taken and Outcomes

Actions	outcomes				total
	nothing happened	reproached	divorced	killed	
killed/ attempted to kill rivals	5		2	3	10
maltreated rivals/drove rivals out of power & favor	6				6
killed/ attempted to kill husband	1				1
fought with husband/ complained to superiors	3		1	1	5
not specified	2	3		3	8
total	17	3	3	7	30

TABLE IV-3

Jealousy: Time/Space and Outcomes

time/space	outcomes				total
	nothing happened	reproached	divorced	killed	

Three Kingdoms					
Wei 220-265	1		1		2

Shu 221-263					

Wu 222-280		1		2	3

Chin Dynasty					
West 265-316	1	1		1	3

East 317-420					

Southern Dynasties					
420-589		1	1	4	6

Northern Dynasties					
386-581	15		1		16

total	17	3	3	7	30

TABLE IV-4

Jealousy: Time/Space and Actions

Actions time space	killed/ attempted to kill rivals	maltreated rivals	killed/ attempted to kill husband	fought with husband /com- plained	not spe- cified	total
Wei	2					2
Shu						
Wu	1				1	3
W Chin	1	1			1	3
E Chin						
Southern Dynasties	1			2	3	6
Northern Dynasties	5	5	1	3	2	16
total	10	6	1	5	8	30

Chapter IV Notes

1. PCS, p. 234.
2. CS, p. 1006.
3. NS, p. 574.
4. NS, p. 339.
5. TPKC, 272/2147; 322/2555.
6. "Tu-fu-chin" [Shore of the Jealous Woman], in Yu-yang-tsa-tsu.
7. WS, p. 422.
8. WS, p. 336.
9. Sung Shu, p. 1290.
10. NCS, p. 612.
11. HHS, p. 1132.
12. HHS, p. 453.
13. HHS, p. 1003.
14. For comprehensive translation, see Dull, 1978, pp. 58-59.
15. Chang Tsan, "Tu-fu fu" ["A Poem of the Jealous Wife"], CLW, 64/8a.
16. The thirty cases are collected from the following sources: SKC, pp. 203, 784, 1197, 1199, 1208; Chin Shu, pp. 953, 968, 983; Wei Shu, pp. 332, 336, 649, 1311, 1919; Pei Ch'i Shu, pp. 128, 186, 199; Pei Shih, pp. 523, 533, 537, 1509, 1757, 2467, 2658, 2691; Sung Shu, p. 1290; Nan Ch'i Shu, pp. 612, 835; Nan Shih, p. 341.
17. SKC, p. 1199.
18. SKC, p. 1208.

19. Chin Shu, pp. 955-968.
20. WS, p. 649.
21. NS, p. 341.
22. Sung Shu, p. 1290; NCS, p. 612.
23. NCS, p.835.
24. There were precedents established for marriage litigation and family conflicts since the Eastern Han. "Monograph on Penalties" in the Chin Shu mentions a compendium of such judicial cases when Pao Yü served as the Minister of Education (ssu-t'u). For more discussion on legal problems in marriage, see Chapter V below.
25. For a discussion about official proposals to abolish princess's residences and their continuous existence, see Chou I-liang, "Kung-chu tzu-yu chü-ti" [The imperial princesses had their own residences], in Wei-Chin Nan-pei-ch'ao shih tsa-chi, 1985, pp. 135-137.
26. Sung Shu, p. 1290.
27. PS, p. 128.
28. PS, p. 2467.
29. PS, p. 2691.
30. PS, p. 533.
31. WS, p. 422.
32. WS, p. 1311
33. WS, p. 563.
34. Numbers of registered households and population in this period are often considered underestimated because people avoided registration to escape taxation. Even though the North at some point had about five times more registered households than the South, it is hard to decide the real difference in population. The chart below shows recorded household and population. For a more detailed discussion, see Lü Ssu-mien, Liang-Chin Nan-pei-ch'ao shih, chapter 17, section 3, pp. 934-946; Tu Cheng-sheng, "Ch'uan-t'ung chia-tsu shih-lun" [Preliminary discussion on the traditional family], Ta-lu tsa-chih, 1982: 2 & 3, pp. 127-151.

		households	population	sources
	A.D. 280	2,459,840	16,163,863	<u>Chin Shu</u> p.415
South				
Liu-Sung				
	A.D. 464	906,874	4,685,501	<u>T'ung Tien</u> 7/39-40
	A.D. 477-479	717,760	4,878,286	<u>Sung Shu</u>
Ch'en				
	A.D. 557-589	600,000		<u>Sui Shu</u> p. 807
		500,000	2,000,000	<u>PS</u> , p. 414
North				
Wei				
	A.D. 527	2,000,000		<u>WS</u> , p. 423
Ch'i	A.D. 561	3,302,528	20,006,686	<u>Chou Shu</u> p. 101
Chou	A.D. 579-580	3,590,000	9,009,604	<u>T'ung Tien</u> 7/40
Sui	A.D. 609	8,907,546	46,019,956	<u>Sui Shu</u> p. 808

35. SKC, p. 1198. NS, p. 1067.

36. WS, pp. 332, 336, 563, 909; PCS, p. 122; Chou Shu, p. 145; PS, p. 506.

37. MCMCS, 4/27ab, 5/49b-50a.

38. HS, p. 711.

39. Wang Mao, Yeh-k'o-ts'ung-shu, in Ts'ung-shu-chi-ch'eng ch'u-pien, Changsha: Shangwu, 1939, 15/144.

40. HHS, p. 2357.

41. SKC, pp. 331, 375.

42. CS, p. 63. Also see Liu, 1991, pp. 20-21.

43. SKC, pp. 155-156. CS, pp. 947-948.
44. NS, pp. 316-317.
45. WS, p. 321.
46. PS, pp. 487-488.
47. Ch'en Tung-yüan says that these girls were neither concubines nor maids; they were later referred to as "household prostitutes" (chia-chi). See Ch'en, 1990 reprint, pp. 67-70.
48. YSCH, p. 47.
49. WS, pp. 1039, 1920. For more examples, see Liu, 1991, p. 25.
50. Ch'u Sui-liang, "Ch'ing-ch'ien-niu pu-chien ti-shu piao" in Tung Kao comp. Ch'üan-T'ang-Wen, 149/3b-4b.
51. YSCH, p. 47.
52. PS, p. 1639.
53. Ch'u, Ibid., 149/3b-4b.
54. YSCH, p. 47.
55. Liu, 1991, p. 27.
56. CS, p. 635.
57. CS, p. 636.
58. CS, p. 636.
59. CS, p. 637.
60. CS, p. 638.
61. CS, p. 638.
62. Twenty officials appear to have participated in this court discussion. Twelve of them have their own biographies in the Chin Shu. Among them, only Yü P'u's biography indicates his Confucian background. Yü P'u was also the first person who clearly argued against two legal wives at the same time in the court discussion. However, since the information of the officials' ideological background is insufficient, and most of them agreed on a status

distinction between the two women, it is impossible to make an ideological debate out of this case. Instead, such unanimous opinion confirms the official view on nominal monogamy. For Yü P'u's biography, see CS, pp. 2139-2140.

63. CS, pp. 642-643.

64. Before this case and the other two wives cases are discussed in the "Monograph on Rites" in Chin Shu, the author tells us that in A. D. 286, Cheng Muo, Chamberlain for Dependencies (ta-hung-lu) at the time, did not return to his office after his mother's burial as people usually did. Instead, he insisted on paying three years' mourning to her, and the court finally issued a statute allowing officials to serve three years' mourning. See CS, p. 635. Consider the situation Wang Ch'ang faced when he realized that his father Pi's first wife had been dead for years. Filial piety was the state propaganda for the Western Chin. Cheng Muo might not be an exception in the fashion of filial piety since there are many cases of prolonged mourning in Chin Shu. Yet, paying three years' mourning meant being out of office, hence, without direct political influence for three years. Wang Ch'ang, the prime minister of the principal kingdom of Tung-p'ing, probably was troubled by such an idea so that the king of Tung-p'ing brought up the case in court discussion for him.

65. Since the Ts'ao-Wei government had already decreed the modification of women's collective responsibility, this case may have happened between the Ts'ao-Wei decree and the establishment of the Chin Law which actually exempted a married woman from her natal family's collective responsibility.

66. CS, p. 1171-1172.

67. CS, p. 1172. The story was, however, denounced by Liu Hsiao-piao who saw no possibility for a woman as proud as Kuo Huai to show inferiority in front of her rival. Liu also cited Chin-chu-kung-tsan to argue that Ms. Li's inability to return to Chia Ch'ung's household was due to an imperial verdict since her father had sinned against the Chin court. For Liu's commentary, see SSHY, pp. 177-178. If that is the case, Chia Ch'ung was never granted the privilege to have two legal wives. It then confirms the state's opinion of nominal monogamy, but it does not reduce the picture of jealous women and the tensions of the legal wives disputes in this period.

68. CS, p. 640.

69. CS, pp. 639-640.

70. The best examples of better expressing human feelings were the discussion about a person's mourning for his parents and older sister-in-law. Political separation prolonged people's mourning for their parents who were detained in the North. The ritual discussion suggested a three year period of such waiting and mourning before one could get married and hold official position. Ancient Classics did not include one's mourning for one's older sister-in-law, but young aristocratic men often felt the affection towards their older sisters-in-law who took care of them. The ritual discussion thus suggested mourning periods between men and their older sisters-in-law. For more discussion, see Yü, 1980, and Chapter VI section 4.

71. CS, p. 638.

72. WS, p. 909.

73. WS, p. 1919.

74. PS, p. 1640.

75. PCS, p. 371.

76. Hulsewé, 1985, p. 207.

77. See "Chiang-chung-tzu" and "Nü-yüeh-chi-min" in the Book of Poetry, Taipei: I-wen reprint, 4-2/6b-8b; 4-3/3a-6a.

78. See Ch'en, 1990, pp. 145-148, 216-217.

79. HS, p. 2166.

80. HHS, p. 977.

81. HS, p. 1657.

82. HHS, pp. 2472-2473.

83. See Holmgren, 1981, pp. 165-186. Also, PS, pp. 3007-3008.

84. PS, p. 3008.

85. CS, p. 136.

86. WS, p. 1981.

87. CS, p. 637.

88. One of the examples was Liu Shih of the late third century and the early fourth century. See CS, p. 1197.

89. NS, p. 494.
90. NS, p. 654.
91. PS, p. 1856.
92. Ebrey mentions this point in her article. Ebrey, 1990, pp. 216-221.
93. HHS, p. 3624.
94. Wei Lüeh, cited in SKC, p. 497.
95. Ku Chen, 'Fu-mo-kuei-tsung wei-chia erh-wang wei-fu-i' [On mourning obligation for a returned widow who died before remarriage], CCW, 128/5b.
96. HHS, p. 444, p. 1186.
97. PCS, p. 235.
98. SKC, p. 1334.
99. SKC, p. 1078.
100. HHS, p. 1607.
101. CS, p. 1868.
102. CS, pp. 1868-1870.
103. YSCH, pp. 46ff.
104. Yü Ying-shih discusses the ritualistic modification in his article. See Yü, 1980, pp. 329-372. Also see Chapter VI below.
105. HHS, p. 2795.
106. SKC, p. 1329.
107. SKC, p. 1334.
108. WS, p. 1979.
109. CS, p. 2522.
110. CS, pp. 2526-2527.
111. Tso-chuan, Taipei: I-wen reprint, 9/9ab.
112. CS, pp. 2511-2513.

113. CS, p. 2526.
114. CS, p. 2526.
115. PCS, p. 576.
116. PCS, p. 576.
117. Holmgren, 1981, pp. 165-186.
118. CS, p. 2528.
119. PCS, p. 22.
120. PS, p. 252.
121. PCS, p. 62.
122. PS, pp. 470, 1392-1393.
123. CS, p. 2520-2521.
124. Chan Fang-sheng, "Shang chen-nü-chieh" [Interpretation of a chaste woman], CCW, 140/5ab.
125. NCS, p. 959.
126. NS, pp. 1816-1817.
127. LS, p. 759.
128. WS, p. 1979.
129. WS, p. 1982.
130. WS, p. 1983.
131. WS, p. 1985.
132. WS, p. 2854.
133. WS, p. 222.
134. PS, p. 518.
135. PS, pp. 499-500; pp. 504-505; PCS, pp. 126-127.
136. Sui Shu, pp. 1543-1544.
137. PS, p. 420.

Chapter V

MARRIAGE LAW AND LITIGATION

Marriage and the family had been a focus of government administration since the pre-imperial period. Although some dynasties had specific regulations for household related issues, there seems to have been no specified category of law codes for marriage until the Northern dynasties. According to the chapter "Go-between" (mei-shih) in the Chou Li, the government was involved in marriage regulations in several aspects. It prescribed marriage ages as thirty for men and twenty for women. It rectified marriage customs, for instance, discouraging luxurious ceremonies which hindered people from marriage in due time. It required marriage registration, and encouraged remarriage of widows and widowers to increase population. If there were disputes between men and women, the mei-shih was also the government office one went to for solution.¹

Although no specific office of this kind was found in subsequent imperial dynasties, marriage litigations still occurred and were handled by various governmental officials. In the Eastern Han, a work that was attributed to the Minister of Education (ssu-t'u) Pao Yü consisted of nine hundred and six chapters which dealt with legal cases and verdicts, all involving marital affairs.² There was no

description of the nature of disputes to be handled by the mei-shih, but historical literature shows that government involvement in marriage could include many aspects: from the formation of marriage, to struggle within marital bonds and the dissolution of such bonds.

Previous chapters have shown that imperial decrees tried to segregate men and women in public gatherings. The government prohibited marriage alliances between the same surname. In the Northern Chou one was even forbidden to marry someone who had the same surname with one's mother. To reinforce the imperial decrees, officials used impeachment to uphold class endogamy. As early as in the Chin, the law code had defined a valid marriage contract by the reception of betrothal gifts. Luxurious weddings were discouraged. Though unsuccessful, imperial governments in various dynasties tried to promote inexpensive yet solemn marriage ceremonies. One also risked impeachment if one married during the mourning obligations.

Struggles in marriage life were often caused by the "other woman." Earlier discussion has pointed out that the government favored the status distinction between a wife and a concubine. Emperor Wu of the Chin inherited the Han regulation and decreed that a concubine could not be legalized to be a wife.³ Although conflicts occurred both in the North and in the South, their results were somewhat different. Jealous women could be executed in the South, but

disputatious women in the North were often offered separate households and carried on litigation for years. Although sometimes emperors would decree approval of divorce pleaded for political reasons, there are no cases of men seeking support from local officials to divorce their wives. People, however, sometimes used such judicial resources to confirm their engagement if one of the parties refused to consummate the marriage. Governments treated widows according to their different status by helping commoners' widows remarry while prohibiting deceased officials' wives and concubines from doing so.

To summarize, one can find some different government attitudes towards women and marriage between the North and the South. This chapter will try to reinforce such an argument by showing the increasing Confucianization of law in the Six Dynasties and a setback for such a tendency in the North. The key figure that joined these two trends was the woman. Several modifications of collective responsibility, redemptive measures and execution showed benevolence toward women. But in the North, a proposal of male superiority and female inferiority in manslaughter cases was disputed and finally ignored.

1. The Development of Law

Legal studies may have encountered some setback in the Eastern Han. It is said that the learning of legal knowledge

was so lost among the scholars in the central government that the Ts'ao-Wei dynasty had to establish doctorate for legal learning (lū-po-shih) to preserve such knowledge and train legal officials for the government,⁴ and also to dictate the orthodox interpretation of the laws. But with the support of various emperors and scholars who believed in the necessity of law, Chinese law underwent several modifications and revisions in the Period of Disunion. The tendency to clarify and to simplify and the tendency of Confucianization can be perceived in most of these modifications.

For instance, the use of the term hsing-ming to denote a specific chapter of a law code was a Ts'ao-Wei innovation to remedy the confusion caused by the growing diversification of Han law. The Wei legislators collected all the criminal liabilities (tsui) and the rules for their application (li) and placed them at the head of the code. This scheme was continued in the Chin and the Northern Ch'i, and such practice was maintained thereafter in all codes through the Ch'ing (1664-1911).⁵

The Wei code also made other innovative arrangements of material in the field of criminal procedure. The Wei law made a distinction between the statutes of arrest and investigation (hsing-hsün) and sentencing (tuan-yü), because it was found that the Han code arrangement was inadequate in this respect. After the re-arrangement, the order of

presentation of the chapters on procedure in the Wei and Chin codes thus appeared to follow the natural course of a criminal trial: the accusation, the arrest, the detention and investigation, and the sentencing.⁶

When the Western Chin was founded, there was another modification and compilation of the law code. Since the complete Chin code has not survived, historians rely heavily on Chang Fei's memorial to Emperor Wu of the Chin. A minor judicial official who does not even have a biography in the Chin Shu, Chang Fei became known in history mainly because of his memorial in which he summarized and outlined the newly-established T'ai-shih code.

In recognition of the contemporary situation, i.e., the increasing power and influence of the aristocratic nobility, Chang pointed out that the T'ai-shih code started with the definition of law and statutes and ended with a chapter entitled "the Nobles." Definitions were to clarify crimes and punishments, while the nobles were to be considered the real force in the locality to execute the law.⁷ Chang Fei also appears to have been influenced by Confucian ideas when he talked about the rites and music in governing.

Scholars have pointed out that Chang Fei's twenty "definitive terms of statutory significance" introduced some of the most notable of Chinese legal ideas, from the early attention paid to the state of mind of the wrongdoer to the extraordinary weight placed on treason. In finding the facts

and determining the truth, Chang Fei reminded the magistrate that the code was a complex and subtle tool whose use demanded both sophistication and skill. But he also armed the magistrate with the tools of psychological perception.⁸

The attention paid to the wrongdoer's mental state was a continuous theme in Chinese legal theory. The Chin law considered four possible conditions in which a person could commit a crime. The first was to commit it knowingly, which was defined as "intent" (i). Inadvertence was known in three distinct species in the Chou-li, all three found leniency in criminal penalty: mistake of fact (pu-shih), actual accident in the physical sense (kuo-shih), negligent forgetfulness (i-wang). What the Chin law changed were the terms used for mistake of fact and actual accident. Take manslaughter for example; he who killed a person willfully showed "intent." He who wanted to kill A but mistook B for A and killed B had committed the criminal act of pu-shih, mistake of fact. He who had no intention of killing but accidentally killed a person, for instance in horseplay, was considered kuo-shih, actual accident in the physical sense. The Chin law, preserving the spirit of distinction, used ku for crimes with intent and shih for mistake of fact, and kuo-shih for actual accident.⁹ (See Table V-1)

Such fine and comprehensive definitions were not the only unique characteristics of the Wei-Chin law. There was also a tendency within Confucianization sometimes to show

leniency toward women. A recent researcher shows elements of the Confucianization in seven aspects.¹⁰

With regard to women and marriage, the Wei-Chin code emphasized the similar status of step-mother (chi-mu) and mother by blood (ch'in-mu), since it was so prescribed in the ancient rites. He who killed his step-mother would be punished as if he killed his biological mother.¹¹ The law also prohibited a concubine from becoming a legal wife (see Chapter IV "Concubinage").

Most of these elements were perhaps inherited in the Southern Dynasties since the Southern dynasties basically continued the Chin code.¹² In contrast to the North, the Southern governments did not show much interest in legal reform. Inefficiency was perhaps prevalent in the judicial process since sometimes litigation could drag on for years without decision. Hsü Chao-chih of the Liu-Sung period is said to have engaged in litigation and been detained for seven years. He still did not get a verdict after he had used all his capital and sold his house.¹³ There is little information that the South changed the Confucianization aspects, except that private revenge, regardless of reason, was prohibited in the Liang.¹⁴

The Northern Wei also prohibited private revenge. A woman who avenged her husband's murder was first sentenced to death by law before she was granted a special imperial pardon due to her wifely righteousness.¹⁵ Marriage and

wifely status did give a woman a different legal standing. One of the abolished liabilities during the revision of the Wei-Chin code was the collective responsibility of a divorced mother and a married daughter in treason cases. In the proposal of abolition, women's "three followings" prescribed in the ancient Classics and the "weak nature" of women were applied as justifications to support the government (see detailed discussion in "Concealment and Collective Responsibility" below).¹⁶

In addition to a woman's marital status, governments both in the North and the South showed leniency to her in the detention, sentencing and execution processes, due to her allegedly weak nature. In the Southern Liang, a woman was required to make only half of the regular payment in penalty substitution. When forced starvation was used in the process of detention and investigation, women, along with the elderly and minors would be fed once with porridge about every one and a half days, while ordinary men would be fed only every three days. If a woman was sentenced to beating, her punishment was to be substituted by monetary penalty. Pregnant women were not to be executed.¹⁷

Northern Wei also postponed the execution of a pregnant criminal until one hundred days after her delivery.¹⁸ In A.D. 477 a decree was issued to change the process in execution. While previous practice undressed criminals who were about to be executed, Emperor Hsiao-wen abolished such

process to protect propriety.¹⁹ The Northern Ch'i also refrained from using holding instruments such as fetters on the ill, the handicapped, and women.²⁰

Although legal discussion and litigation cases concerning women and marriage were not uncommon in the Northern Wei, it is hard to tell whether the dynasty had a special category of law for marriage. It is believed that when Hsiao Ho modified the existent Ch'in law to better fit the newly established Han dynasty, he added three more chapters to the previous six chapters. One of the three was the "Law of the Household" (hu-lü). The Chin government used the same name, as did the Northern Chou. However, the Northern Chou code had another chapter: the "Law of Marriage" (hun-yin-lü). The Northern Ch'i combined the two categories and named it the "Law of Marriage and Household" (hun-hu-lü). The Sui dynasty changed it to the "Law of the Household and Marriage" (hu-hun-lü), which was also used by the T'ang.²¹

It seems that a legalistic approach and state intervention in marriage life was pretty common in this period. Hsiao Mo-k'o of the early Sui was impeached because he ignored his ill wife and sent his son away from home to collect his property in the South.²² Sometimes a husband would file litigation against his wife if she did not perform family obligations. Mr. Tu sued his wife who practiced Taoist magic and ignored her family duties. She is

said to have been arrested and punished by a local official.²³ Governments were concerned about such behavior that might threaten the stability of marital relationships and family life. However, most cases appearing in court involved more serious problems, such as adultery, injury and manslaughter.

2. Fragmentary Information on Crimes of Sex

Although there were scholarly arguments and imperial decrees to segregate men and women, little information indicates that people who attended activities of mixed gender were punished by law. Sexual behavior that caused destruction and disability of marital relationship, however, would be penalized. It was prescribed in the Classics that men and women who "had intercourse beyond righteousness" would be castrated and imprisoned.²⁴ In the Han, the most serious punishment an adulterous woman could get was ch'i-shih (death penalty by abandoning the remains in the market place).²⁵ A married man who committed adultery with a maiden could be punished with a monetary fine or deprivation of his noble title, if he had one, or manual labor service for three years.²⁶

The Chin court carried on the Han spirit in stabilizing marital relationships during its modification of the law code. According to the Chin law, he who committed adultery with his paternal uncles' wives would be sentenced to ch'i-

shih.²⁷ He who committed fornication with a widow would be sentenced to three years penalty.²⁸

With few revisions, the Southern Dynasties inherited the Chin codes.²⁹ Though no detailed penalty is available, one can be certain that the Southern governments also punished sex criminals. However, due to the pa-i privileges, nobility may not have been punished as severely as commoners. Imperial prince Ch'en Fang-t'ai was once arrested by a local official when he committed adultery with a commoner's wife. During the arresting process, he resisted and hurt the official in charge. Investigated by the emperor, Fang-t'ai at first only admitted adultery and denied the charge of resistance. Not until the emperor threatened to use torture did he confess.³⁰ Apparently the penalty for adultery was less severe than hurting officials in resistance, at least not as serious as the death penalty.

Fornicators were punished much more severely in the early years of Hsien-pi rule than in later years. Tribal laws executed men and women who "had intercourse outside propriety."³¹ Although there is no information on changing this specific punishment, later execution of the law must have been more lenient. Due to the emperor's mercy or personal attachment, some adulterous empresses and empresses dowager were pardoned repeatedly.³² Among the populace, two-wives disputes invite suspicion of serious execution of adultery laws. Pao Lao-shou and Shih Jung exchanged their

wives. Together they had three children from these two women, and they could not decide which one belonged to which father. Even with adultery like this, they were only deprived of noble titles and official positions without further penalty.³³ Lu Fa-ho, a northern hermit, used to be accompanied by a young girl who wore a Buddhist gown and refused marriage. They were suspected of having committed fornication for over ten years. After Fa-ho died, she was accused for unclear reasons and sentenced to marry someone else.³⁴

The most sensational yet tragic case may have been the marital struggle between Liu Hui and Grand Princess Lan-ling in the Northern Wei. (This case happened in A.D. 518-519 during the Sheng-kuei era. Also see discussion in "Jealousy"). One year after their divorce which was caused by jealous disputes, Liu Hui reunited with the princess. But when the princess was pregnant, Hui committed adultery with commoner Chang Chih-shou's sister Jung-fei and Ch'en Ch'ing-ho's sister Hui-meng. The couple resumed their quarrels, incited by the princess' female relatives. The princess died of a miscarriage after Hui beat her and fled. A reward was offered to encourage Liu Hui's arrest. The reward was the same as a previous one offered to catch a traitor.³⁵ Hui was later arrested, sentenced to death, but finally pardoned during an amnesty.³⁶ The court discussion of charges and verdicts for these two women and their brothers occurred

when Liu Hui was still in hiding, and between the princess' miscarriage and her death.³⁷

The Department of Chancellery (men-hsia) proposed that both Liu Hui and these two women should be sentenced to death; the women's brothers should be banished to the borderland since they knew of the situation and did not prevent it from happening. An imperial decree approved the proposal except that it reduced the women's death penalty to palace slavery. Ts'ui Tsuan, then Director of the Three Dukes (san-kung-lang-chung) in the Department of Affairs of State (shang-shu-sheng), however, did not agree with the verdict. Ts'ui Tsuan's argument ran as follow.

First, the law was the foundation of government and should not be affected or altered by emotion or affinity. Liu Hui had not committed treason, but was treated as if he had done so. According to the "Law of Fighting" (tou-lü), parents who beat their children to death would be sentenced to four years penalty. Although the princess was prestigious, her aborted child was still Liu Hui's flesh. Second, although the imperial decree showed its mercy and reduced the women's penalty, the punishment was still too harsh for their deeds. What Jung-fei and Hui-meng committed was adultery. If they were considered as Liu Hui's accessaries, their sentence should be postponed since the law prescribed that verdict for the principal criminal should be made first. If they were caught right on the spot

of the crime with clear evidence, then they should be convicted as adulteresses instead of being sentenced to palace slavery.

Third, according to Chang Chih-shou's testimony, his sister Jung-fei was already married and had two daughters. Since classical rites prescribed the husband as a married woman's heaven, her husband instead of her brother should be responsible if she committed adultery. The Wei-Chin dynasties had already modified the law: it was necessary to punish a maiden for her parents' crime and a wife for her husband's; such principle should be followed. Fourth, the law even allowed concealment of ordinary crimes among family members of one year mourning obligation. How could the government demand siblings to testify about scandalous behavior? Moreover, there was no collective responsibility for adultery according to the law. The court should not punish the brothers because of its resentment against Liu Hui.³⁸

Imperial Secretary (shang-shu) Yüan Hsiu-i cited the Spring and Autumn Annals to show that a woman once married had broken her connection with her natal family and agreed with Ts'ui Tsuan's argument on the brothers' verdict. Yu Chao, the Right Vice Director (yu-p'u-yeh) in the Department of Affairs of State also argued that it was not the business of the Department of Chancellery to investigate crimes and to propose verdicts. The adulterous crime of Jung-fei and

others should be punished by labor penalty. The sentence was unfair. Yu Chao agreed with Ts'ui Tsuan's argument on Hui's treason charge and collective responsibility; he then suggested that the court put the appropriate office in charge and retry the case.³⁹

Such proposals were not appreciated by the imperial authority. The imperial decree following the discussions confirmed the earlier verdicts. It explained the reason to offer such a heavy reward was because Liu Hui's crime could not be spared and he had to be arrested. The decree claimed the two women had indulged and confused Liu Hui's mind by adultery which caused the princess' disastrous miscarriage. "If (they were) not executed, how can (the court) punish and purge?" Though the decree acknowledged the validity of the legal argument on collective responsibility, it still accused the two brothers' of non-prevention and concealment and punished them severely. With regard to the division of duties in government, the imperial court stated bluntly that it had the right to put the Chancellery in charge because, first, this was not an ordinary case, and, second, there was also an imperial prison (chao-yü) in ancient time and not all cases were decided by the Court of Judicial (ta-li). The decree then accused the Department of Affairs of State of misleading the populace by "going against righteousness." Ts'ui Tsuan was therefore deprived of his official position while the other two officials were deprived of their salary

for a period of time.⁴⁰

The story reveals many interesting points and includes almost every aspect of marriage law and litigation: crimes of sex, injury and manslaughter between husband and wife, and familism such as collective responsibility and concealment. What Ts'ui Tsuan argued was actually a kind of legal egalitarianism between, first, political superiority and inferiority, and, second, to a lesser extent, men and women. The imperial power nevertheless purged the bureaucracy and confirmed hierarchy both in legal practice and in marriage life. An exceptional verdict was issued to uphold imperial authority. Imperial daughters were supported by political power and that power somewhat reversed the perceived scholarly norm of male superiority and female inferiority in marital relationships.

With regard to the crime of adultery, this case, however, shows that the earlier Hsien-pi law of executing adulteresses and fornicators was already modified by the early sixth century. The arguments by Ts'ui Tsuan and Yu Chao indicate that under the sinicized government, sex criminals were to be sentenced to years of labor penalty according to contemporary law instead of execution.⁴¹ The following section will discuss in detail the other legal aspects revealed in this case.

3. Injury and Manslaughter between Husband and Wife

Court discussion on Liu Hui's case did not mention the penalty for husbands who hurt or killed their wives. Liu Hui's death sentence could have been caused by the princess' death which resulted from her miscarriage. But it could also be due to his inferior political status. In the Ch'in-Han law codes, men who beat their wives would often be sentenced to one year labor with their heads shaved. Men who killed their wives would probably be executed.⁴² Several cases of family violence in the Six Dynasties show that although men who killed their spouses would often be executed, those who beat their wives could be punished differently because of possible political intervention. Liu T'ung of the Eastern Chin was deprived of his noble title because he injured his wife with a knife.⁴³ Huan Fan of the Ts'ao-Wei kingdom once complained about his career to his wife when he got an official post that he did not like. His wife analyzed his personality and concluded that he could neither be a superior nor stand the status of an inferior. Huan Fan was outraged by her candor and hit her stomach with a sword handle. She was pregnant at the time and died of a miscarriage.⁴⁴ There is no information about an accusation after the incident. Huan Fan simply claimed that he was ill and did not go to the new post.

Liu Yen of the Shu Kingdom, however, was sentenced to ch'i-shih because he beat his wife. During the time, it was

a regular ceremony for officials' wives and mothers to go to the imperial palace to offer congratulations on occasion of certain festivals. Liu Yen's wife née Hu went to congratulate the empress dowager during one of those festivals and was kept in the palace for a month by the empress dowager by a special order. Since Hu was beautiful, Liu Yen suspected that she had an affair with the reigning emperor. When Hu returned from the palace, Liu Yen ordered his servant to strike Hu and hit her face with shoes. Hu sued Yen and he was arrested. The official in charge claimed that "one's servant was not the person to strike one's wife; (her) face was not the place to receive the shoes." Liu Yen was executed and abandoned in the market place. The congratulatory ceremonies of officials' wives and mothers were also abolished.⁴⁵

There is no proof of Hu's extra-marital affair with the emperor. However, it was unusual for a man to be executed for simply beating his wife. The abolition of the congratulatory ceremonies demonstrates concerns about propriety and indicates imperial interference in this unusual verdict.

There was distinction between different homicide cases since the Han law: he who committed murder would be sentenced to death, while he who committed manslaughter would usually be punished less severely than the death penalty.⁴⁶ The Chin law made an even finer distinction

between mistake of fact (shih) and the actual accident in a physical sense (kuo-shih) when it defined a criminal act.⁴⁷

The T'ang law did not charge a man who killed his wife by accident, while it would execute a murderer husband.⁴⁸

However, most cases suggest that men who killed their wives in the Period of Disunion regardless of condition were likely to be executed.

Ch'ien Keng of the Eastern Chin beat and killed his wife when he had a relapse into madness. He was sentenced to death by a judicial official in the capital. Although some officials, such as Tsu T'ai-chih argued against such a verdict based on Keng's lack of "intent," there is no indication that the verdict was changed later.⁴⁹ Southern Liang hermit Ho Tien's father Ho Shuo had a chronic disease, perhaps epilepsy. Ho Shuo killed his wife "without a reason" and was sentenced to death when Tien was eleven years old.⁵⁰ Since Yao Ssu-lien, the author of the Liang Shu explained Ho Shuo's chronic disease before he mentioned the incident, he seems to have suggested that the homicide was a result of Shuo's relapse. But there is no indication that the disease was taken into consideration during the investigation and sentence. However, since the verdict stated that he who killed his wife without a reason would be executed, it seems to suggest that if he did have a legitimate reason (such as adultery on the wife's part), he would not be put to death.

In the North, men who killed their wives would be sentenced to death even if it was an accident. During Emperor Hsiao-wen's reign, a certain Chang-sun Lü's mother drank alcohol; his father Chen beat her with a stick and killed her by accident. Chen was therefore arrested by the district official and sentenced to death. Not until Chang-sun Lü's appeal moved the minister who reported the case to the throne did the emperor decree to reduce the penalty from death to exile.⁵¹ Although Chang-sun Chen probably did not mean to kill his wife, the "intent" to hurt was perhaps existent. Since the law distinguished "intent," "mistake of fact" and "actual accident by physical sense" and only pardoned those crimes committed in the third situation, Chang-sun Chen still was sentenced to death. The reduction of penalty in the end was due to his son's plea for sympathy instead of a standard legal consideration.

He who killed his wife would receive the death penalty, both in the North and in the South, with the implication that if he did it for a legitimate reason, he might be pardoned in the South. The situation of the women was different. In legal matters, the Northern women, again, seem to have enjoyed more egalitarian treatment than those in the South.

T'ang Tz'u of the Liu-Sung dynasty died of vomiting worms after a banquet. Before he died, he told his wife née Chang to dissect his body afterwards so that the reason for

his death could be uncovered. After Tz'u died, Chang personally dissected the corpse. The local official charged Chang with cruelty; her son T'ang Fu was also charged because he did not stop her. But the official could not decide a verdict since the case happened right before an amnesty.⁵²

Since the Eastern Chin, the law prescribed that unintentionally injuring a person would be sentenced by three years of servitude.⁵³ In the Liu-Sung of the Southern Dynasties, the Law prescribed that he who ruined a corpse would be sentenced to four years penalty; a wife who hurt her husband would be sentenced to five years punishment. A son who was not filial to parents would be sentenced to ch'i-shih.⁵⁴

The local official presented such information, perhaps intending to judge the case accordingly. However, in the final verdict, after a court discussion between Liu Hsieh, then a Gentleman of Three Dukes (san-kung-lang) and Ku K'ai-chih, then Minister of Personnel (li-pu-shang-shu), Chang was charged with pu-tao and T'ang Fu, with being unfilial.

Ku K'ai-chih argued that the law considered he who removed a corpse on the road as pu-tao, not to mention a wife who dissected her husband's remains.⁵⁵ In his "Preface of the Chin Law", Chang Fei interpreted pu-tao (literally "against the Way") as "to go against moderation and rupture reason (ni-chieh-chüeh-li).⁵⁶ It was a crime with an

impious and heinous connotation. It was often preceded by ta-ni, "great rebellion", to designate treason cases since the Han;⁵⁷ it was also one of the Ten Abominations in the T'ang code.⁵⁸ In the Chin law, pu-tao was considered a more serious crime than pu-ching, "disrespect," which was defined as "to fall short in rites and to eject moderation".⁵⁹ Since pu-ching criminals were to be sentenced to ch'i-shih by the Chin code,⁶⁰ there is no doubt that Chang in this case would have been executed even though there is no specific information for her penalty.

The case shows that a woman in the South who injured her husband would be punished more severely than in ordinary injury cases. It also indicates that she could be trapped in the dilemma between following her husband's will and committing a crime. There could have been a lighter penalty in this case if some other codes were applied or if the amnesty were taken into consideration. The final verdict, however, suggests that harsher punishment was applied in order to make clear that family hierarchy was favored by the court. In the North, however, women seem to have occupied a relatively equal stand with men, at least in legal debates.

When Kao Huan was in charge of the Eastern Wei government, he proclaimed a new law. It was prescribed in the law that a son should not report his mother to the government if she killed his father; he who reported would be executed. Tou Yüan saw the law and sent a memorial to the

throne, arguing that wife and mother should occupy a status inferior to that of husband and father in legal matters. Tou Yüan said that he understood the origin of this law, viz., since Emperor Hsüan of the Han, concealment was allowed between parents and sons, grandparents and grandsons. But he argued that those crimes did not include one's mother killing one's father. His argument ran as follow.

"If one's father kills one's mother, it is a husband killing a wife. Since a mother holds an inferior status in the family, it is right for the son not to report the homicide. But it is not right for a son to conceal the crime if his mother kills his father.... If he conceals such a crime, he demonstrates that he only knows his mother but not his father. Such knowledge belongs to the wild people; such behavior is close to a beast's.... A father is the heaven for both a mother and a son. When she kills her husband, she destroys the heaven for both of them. This is a crime that can not be pardoned. The moment she commits the killing, the affection (en) between mother and son is severed. Therefore, the son should not conceal the crime in the name of the mother and son relationship."⁶¹

Tou Yüan also suggested that since such a situation could not be understood by the uneducated populace, it should be discussed and sentenced case by case. The government did not have to codify it in advance, because such a codification would taint the imperial government with a reputation of honoring the mother while degrading the father. He proposed that such cases could be attached to the existing code where it said "a son should report his father's high treason."⁶²

The emperor gave this memorial to the Department of

Affairs of State for discussion. Feng Chün-i, then Gentleman of the Three Dukes, argued that,

"A person receives flesh and care from both parents and has same affection for both of them. Now (Tou Yüan's) presumptuous distinction between superiority and inferiority is hard to endure and bears no historical precedent. If one's mother who kills one's father is executed after one's report, then her death is caused by her son. There is no country that does not have mothers; where can this son go?⁶³

In addition, Feng Chün-i argued, the reason for the sages to establish law was to prevent licentiousness and to prohibit violence, to make distinctions between the good and the bad so that people could avoid crimes. If penalty was to be discussed case by case, many people would be trapped into punishment. Therefore, Feng Chün-i disapproved the suggestion of revising the related law code.⁶⁴

To counterattack the decision by the Department of Affairs of State, Tou Yüan cited examples and prescriptions from the Classics such as the Book of Changes (I Ching) and the Book of Ceremonies (I Li) to prove that he was arguing on a historical foundation. However, no further response was heard from the imperial court and the event stopped at this point.⁶⁵

Since this account of Tou Yüan's legal thinking was included in one of the "Biographies of Good Officials" in the standard northern histories, perhaps both Wei Shou, the author of Wei Shu and Li Yen-shou, the author of Pei Shih considered Tou's ideas applaudable. However, such ideas were

probably not in accord with contemporary perception of family relations or practices of legal matters. The approval of Feng Chün-i's decision and the final dismissal of Tou Yüan's proposal suggest two principles in the northern codes: first, a son was to conceal his parents' crime out of filial piety; second, a son was to treat his father and his mother equally in legal matters, based on the assumption that he should love both of them equally.

To sum up, in the South, a wife who injured or killed her husband could be punished more severely than a husband who did such harm to his wife; a son who did not report his mother's dissecting his father's corpse would be executed. In the North, a husband who killed his wife, even unintentionally and with reason, could be sentenced to death. A son was to conceal both his parents' crimes because of his equal affection and respect for them. After comparing the different treatment of a wife in family violence, the general picture that emerges is that the northern women enjoyed a higher status than their southern counterparts in legal matters.

3. Collective Responsibility and Concealment

Ts'ui Tsuan's discussion on Liu Hui's case also brought up two important issues of familism in Chinese law: concealment and collective responsibility. Concealment among family members had been approved since the Western Han. A

decree issued in 66 B.C. said that whoever concealed his parents or grandparents would be pardoned, so would a wife concealing her husband; whoever concealed his sons, grandsons or wife would be tried in front of the emperor if the case involved the death penalty.⁶⁶ According to the mourning obligations that represented degrees of relations, one had to pay one to three years mourning to those family members if they died. Relatives with a one year mourning obligation (chi-ch'ing) therefore became the limit of concealment. Tou Yüan's argument on a mother's legal inferiority and its final dismissal show that concealment between parents and children was allowed throughout the Northern Dynasties.

Other than grandparents and grandchildren, chi-ch'ing also included one's brothers and their sons. The scope of concealment in Han code may have been extended in one of those legal modifications during the Period of Disunion. When Ts'ui Tsuan defended the two brothers, he cited the law and claimed that chi-ch'ing could conceal one another in ordinary cases, not to mention scandalous cases such as adultery. He also dismissed the argument that the two brothers should be charged with collective responsibility with their sisters' crime since the law did not prescribe collective responsibility for adultery cases.⁶⁷ But the imperial verdict went along and used both charges anyway.

Family execution (tsu-hsing) and collective

responsibility (lien-tso) was a way to deter people from committing a crime and to discover hidden criminal liabilities since the pre-imperial period. They underwent some alterations in the Han due to changing ideological thinking and socio-political circumstances. But it never disappeared and was inherited by subsequent dynasties.⁶⁸ Among the family members, one's spouse was almost always collectively punished if the crime was heinous and serious enough.

In the Ts'ao-Wei period, he who offended the imperial ancestor temple and graveyard would be cut asunder at the waist; his family members who were closer to him than his grandparents and grandchildren would be collectively punished (see Table I-2 for relative affinity). A treason criminal's parents, wife, children and siblings would all be executed.⁶⁹ To avoid such responsibility, a man in the Han might plead divorce after the crime was uncovered and before the case was sentenced.⁷⁰ However, there is no indication of women acting in a similar manner until the Ts'ao-Wei period. That a divorced wife was not responsible for her ex-husband's treason case was codified by the end of the Western Han.⁷¹ That a married daughter was not responsible for her natal family's involvement in treason was decreed in the Ts'ao-Wei.⁷²

Before A.D. 255 the law prescribed that collective responsibility for high treason included married daughters.

When Kuan-ch'iu Chien was executed for high treason, his son Tien and daughter-in-law née Hsün should also have been sentenced to death due to collective responsibility. But Hsün K'ai, Ms. Hsün's paternal male third cousin, had a marriage alliance with Ssu-ma Shih, then the reigning regent, and pleaded to the emperor. The emperor therefore granted his approval for Ms. Hsün to divorce Tien to save her life.

Ms. Hsün's daughter Chih, who was already married and pregnant at the time, was arrested and awaiting execution due to her collective responsibility with her natal family. Ms. Hsün asked the Metropolitan Commandant (ssu-li-hsiao-wei) Ho Tseng for mercy and said she would become an official slave in place of her daughter's death penalty. Ho Tseng pitied her and told his Assistant Magistrate (chu-pu) Ch'en Hsien to propose a court discussion. Ch'en Hsien's argument ran as follow.

A woman has the obligation to follow three men in her life and not to arbitrarily seek her own way. If she is married, her mourning period for her parents will be reduced; therefore, it is clear that her affection for them should be different from that of a maiden. However, according to the law, when a parent commits a crime, a married daughter will be punished; when the husband's family is executed, the wife will also be put to death. She has to endure penalty from both sides. Once a woman is married, she is the wife of another surname; if she gives birth to a child, she will be the mother of another family. A man will not be executed for both families. This is not a way to pity the weakness of a woman and to clarify the law.⁷³

Ch'en Hsien therefore suggested that a maiden would

only be responsible for her parents' charges, while a married woman would only be penalized for her husband's family. The suggestion was granted and the emperor decreed to change the law accordingly.⁷⁴

When the newly established Chin dynasty proclaimed its revised law code in A.D. 267, both divorced mothers and married daughters were exempted from the collective responsibilities of their previous families.⁷⁵ But family execution for treason cases continued. It was once abolished by the Chin court in A.D. 307, only to be revived in A.D. 325, except this time women in the family would have their death penalties reduced.⁷⁶

One day before Miss Hsieh was to marry into the Pei family, her father Hsieh Chih was accused of treason and subject to the sentence of family execution. The Pei's attempted to save Miss Hsieh's life perhaps by faking the wedding date, based on the code of exemption of the "married daughter." But Miss Hsieh refused and said that there was no point for her to be alive alone when her family was destroyed. She then died due to the collective responsibility law. Later, the imperial court began a discussion on reducing collective execution of women.⁷⁷

The Southern dynasties continued such practice of reductions. According to the Southern Liang code, he who committed high treason would be decapitated. His father, sons, brothers would all be executed. His mother, wife,

sisters and other female family members who otherwise would be collectively executed would instead be sentenced to official slavery.⁷⁸

Before the T'o-pa clan established the northern empire, they introduced more harsh law to facilitate their rule. A traitor's family members, both men and women, would be decapitated.⁷⁹ After Emperor T'ai-wu of the Northern Wei ascended the throne (424-451), he ordered a program, headed by Ts'ui Hao, then Minister of Education (ssu-t'u) to revise the law code. According to the revision accomplished in A.D. 431, he who was convicted of treason would be cut asunder at the waist and his family members who were registered in the same household (t'ung-chi) would be executed. Those who were under fourteen years of age were to be castrated, and women were to be put into official slavery.⁸⁰

The Northern Wei may have applied family execution also to non-treason cases prior to A.D. 474. Emperor Hsiao-wen issued a decree in A.D. 474 to stop household execution (men-fang-chih-chu) in non-treason cases and to punish only the person who committed the crime.⁸¹

A woman's collective responsibility for her husband did not stop at treason cases; the penalty meted out to her was not only official slavery either. The Ts'ao-Wei government hardened its law at the beginning of its rule and executed women whose husbands evaded conscription. Ms. Pai was sentenced to ch'i-shih only several days after her wedding,

even before she had met her husband because he had fled. Only after the local Magistrate Assistant Lu Yü argued the case in her favor was she sentenced to punishment less severe than the death penalty. Lu Yü cited the rite of presenting the bride to the ancestor temple in the Records of Rites, and argued that since the marriage was not consummated and Pai was not yet established as a "wife," it was too harsh to execute Pai for her husband's crime.⁸²

Another soldier Tou Li was also charged with evasion because he was not seen after a recent leave. His wife Yin and children were sentenced to official slavery. Ms. Yin went to the local government and filed grievance suits herself, but no one listened. She then sent her plea to the Chamberlain for Law Enforcement (t'ing-wei). Kao Jou, who was in charge of the office, investigated the case and discovered that Tou Li had been murdered by his debtor. An imperial decree was then issued to restore Ms. Yin and her children as free commoners.⁸³

In the Eastern Chin, a female shaman was sentenced to official slavery due to her husband's robbery case.⁸⁴ In a Liu-Sung case, a widow was almost charged collectively for the robbery committed by the sons of her husband's brother. She was only pardoned after the official in charge argued in her favor, based on the principle of a woman's three followings: since her husband was already dead when the crime was committed, she was supposed to follow the way of

her sons; in no way should she be collectively responsible for her nephew's criminal deeds.⁸⁵ In the Northern Wei, if a sub-official clerk (li) escaped after he was accused of criminal conduct, his wife would be banished to the borderland.⁸⁶

Not only could a woman be collectively punished for the crimes of her husband and his family, a man could also be ruined by the wrong doings of his wife and her family. Kao Tsun of the Northern Wei took bribery when he served as governor in the region of Ch'i, where his wife's natal family also lived. Her mother, brothers, maternal uncle and nephew all took advantage of being related to Tsun and contended for material benefit. They are said to have been "cruel and irrational in the struggle" and killed many people. When Emperor Hsiao-wen heard the case, he decreed the death penalty for Tsun. Tsun hated his wife so much that he did not bid her farewell before he committed suicide.⁸⁷ Although Tsun also took bribery himself, his death penalty may have been caused by the crimes of his wife and her family.⁸⁸ That was why he resented her so much.

Chang She-t'i, another Northern Wei official, is said to have had good discipline and a reputation of integrity. But in the middle of his career, he allowed his wife née Tuan to take bribery. When a Courtier (ching-san) Li Chen-hsiang investigated the case, She-t'i thought of fleeing. But his wife trusted her prestigious relatives and filed an

accusation against Li Chen-hsiang. After further investigation, the charges against She-t'i and his wife were confirmed and an imperial decree issued his death penalty. Before She-t'i killed himself, he summoned his wife to blame her and vowed revenge from the next world.⁸⁹

A similar situation happened in the South, although the husband was only impeached and deprived of official position instead of being sentenced to death. Ts'ai Ching-li of the Southern Ch'en was impeached and demoted in A.D. 558 when his wife's younger brother took a military horse from another person. In A.D. 562, he was finally deprived of his official position because his wife's older brother swindled and took military silk cloth as bribery.⁹⁰

Spouses were to be legally responsible for each other in many cases. The principle of "exempting divorced mother and married daughter," however, was kept in law most of the time. It was an idea justified by the "three followings" of women. Since a married woman was not legally responsible for her natal family, so her natal family should not be responsible for her either. This was the basis of Ts'ui Tsuan's argument when he protested against the two brothers' verdict in Liu Hui's case. Although Liu Hui's case was concluded differently due to imperial intervention, the above discussion on collective responsibility suggests that marriage did change a woman's legal liability.

4. Concluding Remarks

In reviewing different law and litigation concerning women and marriage in the Period of Disunion, one can see at least two important perceptions of women's legal standing. First, women were considered weak, and they therefore received more benevolent treatment; second, women were perceived as equally competent as men in legal matters. A woman's collective responsibility changed with her marital status, but one of the reasons to propose the lightening of her burden was because her nature was presumably weak. Pregnancy postponed a woman's serving her penalty. She was also often mentioned together with the elderly, minors and the handicapped in receiving lenient treatment.

However, in litigations and testimonies, women's legal capacity was never in doubt. Often times what they disputed was their right to property and their sons' inheritance. Filing a lawsuit did not seem to be extraordinary if a woman felt that she was wronged. Ms. Yin of the Ts'ao-Wei period went to different levels of courts to plead her grievances (see discussion above). Both in the North and the South were there women litigating against their husbands' male relatives over property and inheritance.

In the Northern Wei, Pao Yi's widow née Chang filed litigation for years to secure their adopted son's inheritance of property and noble title against Pao Yi's paternal first cousin Pao Lao-shou. Although the final

verdict favored Lao-shou's claim, it was because the child was adopted from another surname, not because of née Chang's legal incompetence.⁹¹

Liu Cheng of the Southern Liang was impeached and deprived of the right to serve in office after his brother's widow née Fan filed a suit against him in the Censorate (yü-shih-t'ai). She testified that Liu Cheng maltreated her and her orphaned son, and took away both their slave laborer and their harvest.⁹²

The information is not complete enough to show whether there were male legal representatives for these women or not. Based on the stories presented and Yen Chih-t'ui's comments on women entering lawsuits (see Chapter III, "Wifely Role" above), it is reasonable to assume that these women handled legal matters, perhaps just as men did.

To consider women as legally equal to men was probably an existing perception before the Confucianization of the law. The prescription of the "three followings" influenced the collective responsibility of a woman. The proposal of husband superiority and wife inferiority affected verdicts of family violence. However, the process of Confucianization suffered a setback in the North when two sets of ethical norms were in conflict. Tou Yüan's argument suggests the classical idea of wife inferiority; its final dismissal, however, shows that according to the law of concealment, a mother should be protected as much as a father, at least by

her son. Such a setback again indicates slower development in Confucianization and freer female position in the North.

TABLE V-1

Intent, Mistake of fact and Actual Accident

	<u>Chou Li</u>	Cheng Hsün's Commentary	Chang Fei Preface of Chin law	T'ang	Wallacker
intent		<u>i</u>	<u>ku</u>	<u>ku</u>	
mistake of fact	<u>pu-shih</u>	<u>pu-shen</u>	<u>shih</u>	<u>wu</u>	slip-up, physical error
actual accident	<u>kuo-shih</u>	<u>wu</u>	<u>kuo-shih</u>	<u>kuo-shih</u>	tres- passory

Chapter V Notes

1. Sun I-jang, Chou Li Cheng I [Correct Annotations for the Rituals of Chou, Taipei: Chung-hua, 26/28-52.
2. CS, pp. 922-923.
3. CS, p. 63.
4. Hsing I-t'ien, "Ch'in-Han ti lü-ling-hsüeh--chien lun Ts'ao-Wei lü-po-shih ti ch'u-hsien" [The Rise and Decline of Law-Learning in the Ch'in-Han officialdom: An Explanation of the Emergence of the Erudite of Law in the Early Third Century], Chung-yang-yen-chiu-yüan Li-shih-yü-yen yen-chiu-so chi-k'an 54: 4, Taipei: Academia Sinica, 1983, pp. 51-101.
5. CS, pp. 923-924. Also see Wallacker's interpretation in p. 231 of his article. Benjamin Wallacker, "Chang Fei's Preface to the Chin Code of Law", T'oung Pao, LXXII, 1986:4-5, pp. 229-268.
6. CS, pp. 924-925. Also see Wallacker, 1986, p. 235.
7. CS, p. 928. Also see Chang Kuo-hua ed. Chung-kuo fa-lü ssu-hsiang-shih [History of Chinese legal ideas], Peking: Fa-lü ch'u-pan-she, 1982, p. 214.
8. Wallacker, 1986, pp. 264-265.
9. In Cheng Hsüan's commentary to Han law, Cheng called the situation of actual accident wu and the mistake of fact pu-sheng. Chang Fei, however, referred to the mistake of fact as shih and the actual accident as kuo-shih. But in the T'ang code, mistake of fact was defined as wu and actual accident as kuo-shih. Wallacker translates Chang Fei's shih: "to believe that to be so [which is not in fact so], we call it 'slip-up'," and Chang Fei's kuo-shih as "trespassory slip-up." He explains what he has called here "slip-up" is more generally applied to physical error, not as here to mistake of fact. See Wallacker, 1986, pp. 237-238. This is apparently a misunderstanding. Since the wrongdoer "believed that to be so", there was an "intention" involved. Therefore such case could not be defined as physical error; instead, it was a mistake of fact.

Such a shift of terminology may have occurred in the Ts'ao-Wei period due to changing political power. Since the Ts'ao-Wei government shifted its support from Cheng Hsüan to Wang Su in classical education, Cheng's legal terms and definitions might have been put aside and replaced by some other innovations. See Chu Tsung-ping, "Lüeh-lun chin-lü ti 'k'uan-chien' yü 'chou-pei'", "On the lenient, simplified and comprehensive nature of the Chin code", Pei-ching ta-hsüeh hsüeh pao; che-hsüeh she-hui k'o-hsüeh, 1983-2, pp. 52-64.

10. First, law and rites had the same legal authority in the Chin judicial process. In the Han, the explicit statements of applying Spring and Autumn Annals in verdicts indicate that the spirit of the classical rites was not yet fully integrated into the law. In the Chin, li, the rites and lü, the law were often mentioned as a pair in officials' citations and verdicts. Classical rites were upheld to the same level as the law codes. See CS, pp. 1261, 2195, 2390.

Second, both civil officials and military officers should have finished three years mourning before they could return to work. He who did not practice three years mourning for his deceased parents or engaged in marriage arrangement in the mourning period for a brother would risk impeachment and degradation. Third, the Chin law not only inherited the Wei code's compromise in revenge cases, but also employed the method of "avoiding the vengeance" of the Chou Li. The Chin code allowed relatives of the chi and kung degrees, one year and nine months mourning periods, to avenge their wronged family members (mourning obligation, see Table I-2). However, if the wrongdoer had already been pardoned by amnesty, he had to be moved beyond a thousand li to avoid vengeance.

Fourth, the Wei-Chin code emphasized the similar status of step-mother, chi-mu, and mother by blood, ch'in-mu.

Fifth, the Wei government also abolished the section of the Ch'in-Han code that prohibited adult sons living with their father. The Chin law ruled that he who had an aging father had to give up his officialdom and go home to take care of his father. At least one son should stay at home if the father was eighty years old, and the whole family should have withdrawn from official career if the father was over ninety.

The sixth example given was that the law prohibited a concubine from becoming a legal wife (see discussion in "Concubinage"). The last one is the privileges enjoyed by nobles and officials in the judicial process, pa-i. That there were eight groups of people who should have enjoyed imperial review in judicial cases, was prescribed in the Chou Li. Cases indicate that sinful imperial relatives and high officials were usually pardoned in the name of pa-i. See Ch'eng Shu-te, Chiu Ch'ao Lü K'ao [Study of the Law of

the Nine Dynasties], Shanghai: Shangwu, 1966, reprint, pp. 207, 257-258.

Chu Tsung-ping discusses these aspects of the Chin codes; however, some of them were already existent when Ts'ao-Wei modified the law in Emperor Ming's reign. See CS, pp. 923-925; p. 1398. Also, Chu Tsung-ping, "Lüeh-lun chin-lü ju chia-hua" [On the Confucianization of the Chin law], Chung-kuo-shih yen-chiu, 1985:2(26), pp. 101-124.

11. CS, p. 925.
12. Sui Shu, p. 697. CCLK, p. 311.
13. Sung Shu, p. 2255.
14. LS, p. 92.
15. WS, p. 1980.
16. CS, 926.
17. Sui Shu, pp. 698-699.
18. WS, p. 2874.
19. WS, p. 2876.
20. Sui Shu, p. 706.
21. T'ang-lü-shu-i, p. 231.
22. PS, p. 2583.
23. TPKC, 60/374.
24. Shang Shu [Book of Documents], Taipei: I-wen reprint, 19/27.
25. See Tung Chung-shu's discussion cited in TPYL, 64/8a.
26. Lee, 1987; P'eng, 1985, p. 52; also see chapter I section 6.
27. CS, p. 927.
28. CS, p. 927.
29. CCLK, p. 311.
30. Ch'en Shu, p. 212.

31. WS, p. 2873.
32. WS, pp. 333-335, 339.
33. WS, p. 2023.
34. PS, p. 2945.
35. WS, p. 2886.
36. WS, p. 1311.
37. WS, pp. 2886-2888.
38. WS, pp. 2886-2887.
39. WS, p. 2887.
40. WS, pp. 2887-2888.
41. Although the imperial decree was in accordance with the earlier penalty for adultery, the justification given by the imperial court does not suggest deliberate throw-back to earlier non-Han or pre-Han norms of a steppe people.
42. Lee, 1987, pp. 30-31.
43. NS, p. 428.
44. Yü Huan, Wei Lüeh, cited in SKC, p. 290.
45. SKC, p. 1002.
46. CLCI, 68/683, Han law cited in Cheng Chung's annotation.
47. Chang Fei, "Chin-lü-hsü" [Preface of the Chin law], CS, p. 928.
48. TLST, pp. 409-410.
49. Tsu T'ai-chih, "I Ch'ien-keng sha-ch'i shih" [On Ch'ien-keng's killing his wife], CCW, 138/12a.
50. LS, p. 732.
51. WS, p. 1882.
52. Sung Shu, p. 2080.
53. TPYL, 640/4ab. NS, p. 868.
54. Sung Shu, p. 2080.

55. Sung Shu, p. 2080.
56. CS, p. 928. Translation according to Wallacker, 1986: 4-5, p. 237.
57. See Oba, 1982, pp. 151-164. Hulsewé, Remnants of Han Law, Leiden, 1950, pp. 195-196.
58. TLSI, pp. 6-15.
59. Wallacker, 1986, p. 237.
60. CS, p. 1660.
61. WS, pp. 1909-1910.
62. WS, pp. 1909-1910.
63. WS, p. 1910.
64. WS, p. 1910.
65. WS, pp. 1911-1912.
66. HS, p. 251.
67. WS, p. 2887.
68. Take the ta-ni-pu-tao cases as examples. First, owing to ideological reasons such as ethical ideas and cosmological thinking, family members of a criminal who had been sentenced to death would have been reduced to be exiled to the borderland after Emperor Chao's reign. Secondly, due to the growing influence of powerful families from the beginning of the Eastern Han, the range of collective responsibilities among family members also grew. While only one's parents, wife and children would be responsible in the Western Han, relatives within the five degrees of mourning (see Table I-2) would also be punished in the Eastern Han. Third, since powerful families and intellectual families became synonymous and more influential in the political field, the punishment of exclusion from governmental service became more abundant and forceful. See Lee, 1987, pp. 34-39; also Lee Jen-Der, "Family Execution and Collective Responsibilities in Han Law: Its Change of Nature and Significance", unpublished paper, University of Washington, 1988.
69. CS, p. 925.
70. HS, pp. 2962-2963.

71. HS, p. 3355.
72. CS, p. 926.
73. CS, p. 926.
74. CS, p. 926.
75. CS, p. 927.
76. CS, pp. 116, 163.
77. CS, p. 1633.
78. Sui Shu, p. 699.
79. WS, p. 2873.
80. WS, p. 2874.
81. WS, p. 2876.
82. SKC, p. 650.
83. SKC, pp. 689-690.
84. NS, p. 386.
85. Sung Shu, p. 1704.
86. Kuo Tso, "Tsou chien-li t'ao-hsing chih-hsi ch'i-tzu" [Memorial on moving wives and children of the escaping corrupt clerks], CHWW, 37/4ab.
87. WS, p. 1921.
88. The original Northern Wei law may not have specified execution for corrupt officials; only in Emperor Hsien-wen's reign was such exceptionally severe penalty issued to curtail bribery. PS, p. 795. Also see CCLK, p. 379.
89. WS, p. 1923.
90. Ch'en Shu, pp. 226-227.
91. WS, pp. 2022-2023.
92. Jen Fang, "T'an-tsou Liu Cheng" [Impeaching Liu Cheng], CLW, 43/2a-4a.

CHAPTER VI

COMPROMISING THE CLASSICAL IDEALS

According to the Classics and various scholarly elaboration, a woman should be separated from men before her wedding. She was supposed to cultivate her virtues of submissiveness and chastity so that she could perform her role as a wife, a daughter-in-law and a mother after she was married. She was to marry a man about ten years her senior, chosen by her parents. The night she wed should be a solemn event for both her and the groom's families. After being established as a wife, her role was to be confined in the family, preparing food and clothing and producing offspring for her husband's family. Death should not end her fidelity since she was expected to remain in widowhood and carry on her obligations. That was the picture of a woman's life depicted by Confucian scholars. The previous chapters on women and marriage have demonstrated significant deviations from such an ideal picture especially in the North. Although reality always falls short of ideals in different periods of time, there may still be some reasons that can partially explain the discrepancies between ideals and reality. This chapter tries to approach the problem from both ideological and socio-political ends, and suggests that social and political factors may have had more impact than ideological

and religious ones.

Since there were enormous amounts of Taoist texts and Buddhist sutras in the Period of Disunion, it is impossible to examine their individual attitudes towards marriage in this chapter. Marriage ideas in religions such as Buddhism and Taoism, which have not received sufficient scholarly attention, should be a separate subject of research.¹ What the following sections will do is to show signs of Buddhist and Taoist influence that can be perceived in common marriage practice. The most apparent impact was abstinence from marriage altogether. With regard to marital ethics, Confucian classical teachings were still the defining norm. Unlike the Catholic Church's assertion on the marriage institution in high medieval Europe, Buddhism and Taoism did not have an organized church to enforce their marriage ideas. While Taoist sanctions may have at some point been carried out at a regional level under the leadership of a certain Taoist priest, the significant Buddhist impact was shown mostly in the choice of celibacy.

1. The Choice of Celibacy

According to Confucian familism, men and women should get married to perpetuate his family line. Dying without an offspring was considered one of the most unfilial things a person could do. However, for different reasons, some men and women chose not to marry.

Li Ch'ing was ill since childhood, so he refrained from marriage and officialdom.² Hsia-hou Tao-ch'ien was ambitious since a young age. When he was seventeen, his parents arranged a marriage for him with Ms. Wei. Tao-ch'ien said he had boundless ambition and did not want to be married. His family thought he was kidding. Only on his wedding day when they could not find him did they realize that he had fled to the South.³

Some chose to lead a celibate life because of feelings of remorse toward their deceased parents and regrets that their parents could not conduct their weddings. Sun Fa-tsung of the Liu-Sung,⁴ Hua Pao of the Southern Ch'i (479-502) are two examples.⁵ Yü Ch'an's mother died in a nomadic invasion. Ch'an therefore refrained from combing, bathing, wine, meat and marriage for twenty years.⁶ Ts'ui Huai-shen of the Southern Ch'i who loved his wife very much sent her away immediately and lived as if he were in mourning after he heard his father had been captured by the northern invaders.⁷

Religious conviction was another reason. Ever since its introduction to China in the Han, Buddhism was famous for casting aside secular desires. In Hsiang K'ai's memorial in A.D. 166, he described this new religion, together with Huang-Lao Taoism: "(it taught) purity and emptiness; it venerated non-activity; it loved (keeping) alive and hated slaughter; it (served to) diminish the desires and to expel

intemperance."⁸

In fact desires (yü) were often paired up with love (ai) in the "Sutra in Forty-two Sections" (ssu-shih-erh-chang-ching), the first Buddhist scripture translated to Chinese language in A.D. 67.⁹ Love and desire were considered a hindrance toward enlightenment, and the worst kind was the love and desire for wealth and lust. The sutra compared the bondage of one's wife and one's mansion as the bondage of prison and fetters.¹⁰ Therefore, when asked why monks either forsake wife and children or did not marry all their lives, Mou-tzu, a Buddhist apologist at the end of the second century claimed that Buddhist monks "accumulated goodness and wisdom in exchange for the joys of wife and children."¹¹ The direct impact of such teaching was the option of celibacy for many people.

In Han times, some hermits refused marriage so that they could cultivate themselves to be Taoist immortals.¹² Han P'ing in the San-kuo period rejected marriage but enjoyed reading Lao-tzu and other Taoist texts.¹³ T'ao Tan of the Eastern Chin tried Taoist breathing exercises and refrained from marriage, wishing to achieve immortality.¹⁴

With the growth of religious fervor in the Period of Disunion, many people chose to be single in their youth so that they could concentrate on their religious vocation. Chou Hsü-chih of the Liu-Sung,¹⁵ and Ch'ü Po-yü of the Southern Ch'i¹⁶ are two examples. Some, however, tried to

live a celibate life within marriage. For instance, Kuan K'ang-chih is said to have had a clean and simple personality, and he often stayed alone in his room, rarely seeing his wife.¹⁷

In certain cases, religious conviction also served as a spiritual outlet for people who suffered dreadful marital or other experiences. T'ao Hung-ching's father was killed by a concubine. Hung-ching therefore refused to marry all his life and became a renowned Taoist scholar.¹⁸

Hermit and devout Buddhist Ho Tien's father had a chronic disease (feng-chi). He killed his wife without reason and was sentenced to death when Tien was eleven years old. When Tien grew up, he refused to marry because of his experience in this family disaster, but his grandfather forced him to marry Ms. Wang from Lang-ya. In the ceremony when he should have personally gone to fetch the bride, Tien cried unceasingly and wanted to carry out his own will, so the wedding was called off.¹⁹

When Tien was old, he married the daughter of another hermit, K'ung Ssu. Although he got married, he still did not live a marital life. He built her another room and would not see her. History says that nobody understood his mind. When a certain Chang Jung wrote a poem to tease him for being lustful in his old age, Tien was offended and could not forget the shame. He finally died without a son.²⁰

According to his biography, Tien's family was high

aristocracy (chia-tzu); both his grandfather and his father were high officials. Perhaps it was out of the responsibility to perpetuate an aristocratic line that Tien decided to marry in his old age. But apparently, he still had problems dealing with matrimonial life since he refused to see and live with his wife. His marriage in old age, his resentment at being teased, and his death without offspring may altogether indicate his being torn between the aristocratic idea of family prosperity and his problem with marital experience caused by family disaster in his childhood.

Wang Hsi, a poor but filial son of the Chin period, was engaged to Yang T'iao-hua, a wealthy and educated girl of his commandery. Right before the wedding, Hsi's mother and both of T'iao-hua's parents died unexpectedly. Hsi suddenly realized the impermanent nature of life; therefore, he decided to cast aside the earthly life and became a Buddhist monk. After carrying out the mourning obligation, T'iao-hua wrote Hsi a letter, trying to persuade him to come back by showing that it was unfilial to shave one's head and abandon ancestor worship. However, Hsi sent her a farewell letter, saying,

"To govern one country by serving a king is not as good as saving the world by expanding the Way; to establish one family by serving one's parents is not as good as saving three domains (san-chieh) by expanding the Way. Not to harm one's hair and skin is simply earthly talk....That you do not enjoy the Way is similar to my not admiring the earthly world... You will soon find another worth admiring

since you are still young and virtuous. Do not waste your prime years for me."²¹

The stories of T'ao Hung-ching, Ho Tien and Wang Hsi indicate that religious devotion gave men comfort to resolve their agonizing experiences and also provided them with the justification to go beyond the earthly ideas of marital responsibility, which was basically Confucian familism. Often times women also needed a higher call than marriage and family obligations to justify their choice of celibacy, unless there was no family member left to put pressure on them.

Mr. Ch'en's eldest daughter, mentioned earlier, chose to be single because of poverty and her desolate personality. After receiving Wang Hsi's letter, Yang T'iao-hua is said to have also come to a certain realization of the Buddhist Way and believed deeply. Due to the lack of information, it is hard to tell whether she also left the earthly world or not. It would not be surprising if she did later become a nun since both her parents were gone and her betrothed left her for transcendental pursuits.²²

Miss T'u is said to have been granted the power of healing by the local mountain god and earned herself quite a few pieces of property. Many local people intended to marry her, but she refused because she had no brothers and she wanted to guard her parents' graveyard.²³ Obviously, local people were amazed by her healing capability and wealth. But since T'u had no parental pressure, on the one hand, and she

could support herself, on the other, she was left free to carry out her own will.

But not all women were left to pursue their faith. Ch'i Hsiao-yao is said to have enjoyed Taoist conversations when she was a teenager. When her father taught her Nü Chieh, she told him that it was for ordinary people. Instead, she picked up Lao-tzu's book on immortality and started chanting. She was married in her twenties against her will. Since she enjoyed "purification and cultivation" and neglected family duties, she was often blamed by her husband and in-laws. Finally, after trying but failing to obtain sympathy from her in-laws and parents, she isolated herself in a small room, cultivated the Way and abstained from food, ignoring people's suspicious eyes.²⁴

Many women became Buddhist nuns when contemporary socio-political chaos separated them from their parents. In order to protect their integrity and support themselves, they chanted Buddhist sutras and joined Buddhist nunneries.²⁵ Some prayed to the Bodhisattva Kuan-shih-yin and vowed to leave their earthly home when they struggled with incurable diseases. After they recovered, they became Buddhist nuns.²⁶

Some chose nunnery life because of their distaste for their husbands' earthly desires and improprieties. The biography of Nun Miao-hsiang says that she was born and raised in a wealthy and educated family. She learned

Confucian teachings at early age and was married at fifteen. When her husband behaved against propriety during his mourning obligation period, she felt distaste for him and decided to get a divorce and become a nun. Her father agreed.²⁷

Some, however, decided to abstain from marriage out of deliberate choice because they saw higher ground than earthly family duties. A sixth century believer Yang Hsüan-chih noted that many unmarried women from famous families cut off their hair, bid farewell to their parents and became Buddhist nuns in Yao-kuang monastery in Lo-yang because they loved the faith.²⁸ Nun Fa-hsüan of the Southern Liang was born and raised in a Buddhist family and decided to become a nun in her youth. She became a vegetarian at age seven and began to chant the Buddhist sutras at age eighteen. She vowed to abstain from marriage and became a nun when she was twenty-four.²⁹

Nun An-ling-shou of the Latter Chao (319-350) is said to have been bright and articulate since childhood. She did not like worldly pleasures but enjoyed Buddhist learning. When her father questioned her decision with regard to a daughter's duty to her parents, she replied,

"I take work for religion to be my basic propensity; I take spiritual matters to be the exclusive (object of my) thought. Blame or praise will not move me, for purity and uprightness are their own reward. Why must I thrice submit and only then be regarded as (a person of) propriety....When I establish myself in life and walk the path of religion, I want to bring

salvation to all. How much more to my parents!"

Since she had already cast aside the Confucian familism altogether, she was ordained by the famous monk Fo-t'u-ch'eng and attracted more than two hundred female disciples. However, it is interesting to note that Fo-t'u-ch'eng sought to convince her father by telling him that An-ling-shou's ordination would help her family even more. When Shih Hu, the king of the Latter Chao, was amazed by her devotion and popularity, he promoted her father to a higher official position. The first-rejected Confucian family duty, which was to benefit one's family, was therefore fulfilled in a Buddhist context.³⁰

Although some people chose devotion and celibacy because of personal realization of the impermanence and suffering in life, some were converted because they saw powerful supernatural feats performed by the Buddhist monks. Some others joined monasteries to avoid poverty.³¹ In sum, both men and women led celibate lives for different reasons. However, very often such choice was meant to express their family values. Whether it was prolonged mourning, graveyard guarding or distaste for one's husband's impropriety, celibacy was used to show conformity to Confucian ethics. In the few cases that people deliberately chose monastic careers, religious conviction provided men and women with an alternative life plan. As for guiding moral conduct within marriage life, Confucian family ethics,

instead of contending religions, still seem to have played the leading role.

2. Religious Instructions on Marriage

(1) Confucian Norms in Buddhism

Since marriage and officialdom were the two cornerstones in perpetuating the aristocracy, the choice of celibacy by some aristocratic men and women may have caused sensation and opposition from their class. Unlike the Christian impact on the early medieval aristocracy, there was probably no real threat to marriage stability in the Chinese cases.³² Since most women became nuns only after they were widowed (see "The Life of Women" in Chapter III above), the number of unmarried aristocratic women joining the nunneries was not big enough to stimulate official opposition. Officials' criticism, rather, was usually directed either toward people who fled to the monasteries to avoid taxation, or against the licentious reputation of some nunneries.

Both in the North and in the South, the aristocratic support of Buddhism can be seen in the building of images, monasteries and pagodas, although the South showed a special interest in metaphysical discussion within scholarly circles.³³ However, throughout the fifth and sixth centuries, there were also constant complaints about the behavior of monks and nuns. Hsü Jung of the Eastern Chin

accused monks and nuns of being unable to follow the lenient "five cardinal precepts": not to kill, not to steal, not to commit adultery, not to tell lies, and not to drink intoxicating liquor.³⁴ Liu Yüan-ching of the Liu-Sung charged Tsang Chih, a wealthy aristocrat, with possessing hundreds of concubines and thousands of nuns.³⁵ In the Southern Liang, monks and nuns were accused of killing babies by performing abortions.³⁶

There might have been truth in those accusations.³⁷ As a fairly new yet very popular religion, it is also possible that Buddhism was falsely charged and easily blamed for contemporary socio-political problems. The point here is not to decide whether those accusations were valid or how many monks and nuns had taken the admonitions seriously. The vinaya texts which provided the regulations to discipline life in the monasteries were translated into the Chinese language by the end of the fourth century.³⁸ However, since the Buddhist church was still so new and unestablished, it was not in a position to regulate marital life of the laity.

The Buddhist admonition to desert earthly life, including marriage and family, had been accused by Confucian scholars as unfilial since Buddhism started to spread in China. To counter such a charge, Buddhist apologists tried two methods during the process of accommodation. First, they tried to show that becoming a monk brought both salvation and higher honor for one's parents; such intentions could be

seen in the hagiography of An-ling-shou. Secondly, they modified Buddhist virtues into Chinese family values.³⁸

In ca. A.D. 460 a text entitled T'i-wei Po-li-ching, forged by a monk T'an-ching, appeared in the North. One of the points stressed in this sutra was the equation of the Buddhist five precepts (not to kill, not to steal, not to commit adultery, not to drink intoxicating liquor and not to tell lies) with the five Confucian norms: human heartedness, righteousness, propriety, knowledge, and trust.⁴⁰ In some quotations found in texts, such as those found in the Yen-shih-chia-hsün and the "Monograph on Buddhism and Taoism" in Wei Shu, not to commit adultery was equated with Confucian propriety.⁴¹ In some other texts in the Sui and early T'ang, it was equated to righteousness.⁴² Although the equations between the two sets did not always coincide in different sources which quoted T'an-ching's text, the intention to accommodate Buddhist doctrines in the Chinese value system in order to gain popular support is beyond doubt.

To point out the impermanence of personal relations and to warn men of the falsities of apparent beauty, lay women were described in some Buddhist texts as fake and treacherous; they were blamed as the cause for personal tragedy, spiritual failure, family poverty and disharmony.⁴³ In a spiritual sense, the status gap between men and women appeared to be wider in Buddhism than it had

been in the Confucian Classics. However, the spread and influence of such spiritual distinction in the Period of Disunion is hard to confirm.

With regard to marital ethics, the role Buddhism played in this period did not go beyond Confucian norms. Buddhist texts translated into Chinese language in this period did prescribe a woman's role as a wife, a daughter-in-law and a mother. It is said that Buddha had instructed lay women to serve their husbands and in-laws wholeheartedly. A woman should love, respect, consider and praise her husband.⁴⁴ She should stay up late and get up early to labor around the house.⁴⁵ She should cook and clean the house when he was out, and stand to greet him when he came home. She should be loyal to him and bear the blame without resentment when he scolded her.⁴⁶ Ideal mothers not only took care of children, but also devoted themselves to the faith and supported Buddhist monks.⁴⁷ Devotion expressed in terms of worship and donation was popular among lay women in the Period of Disunion, but the influence of Buddhist marital instructions, like those of Confucian norms, is questionable. In practice, Buddhism was most likely to provide spiritual sanctions for the existing prescriptions.

According to the T'i-wei Po-li ching, condemnation to hell after death would be inflicted upon fathers who had no benevolence, mothers who had no mercy, wives who had no propriety and husbands who had no virtue.⁴⁸ Since propriety

was concerned mostly with marital fidelity in the equations mentioned above, it is reasonable to assume that adulterous wives were threatened with afterlife retribution in addition to divorce treatment according to the Confucian "seven conditions".

Religious sanctions also went to jealous wives. An early T'ang Buddhist text recorded the following Chin dynasty story: Huan Tao-min was so miserably sad after his beloved wife died that he saw her ghost one day. The ghost told him that she suffered punishment in hell because she had been jealous and suspicious of his love in her living days.⁴⁹ According to contemporary fiction, many other jealous wives who either killed or injured their husbands' concubines are said to have suffered pains from unknown reasons or unexpected death.⁵⁰ The instructive implication in these stories is obvious; the prevalence of female jealousy, however, suggests that these stories represented religious responses to contemporary situation more than the society's conformity to Buddhist instructions.

The supernatural Buddhist support a married couple asked for also fell within the Confucian context. As mentioned earlier, barren wives would pray to the Bodhisattva Kuan-shih-yin, hoping to conceive a son. In the sutra of Kuan-shih-yin, the Bodhisattva was described as not only being able to relieve people from suffering due to natural disasters, social injustice, emotional temptations

and evil creatures, but also to listen to women's prayers. It is said that she who wanted to conceive a boy would have a fortunate and talented son, while she who prayed for a girl would have a virtuous and respectable daughter as long as they worshipped and supported Bodhisattva Kuan-shih-yin.⁵¹ To pray to a Bodhisattva was a Buddhist practice; to pray for a son was very Confucian.

Although it could be totally rhetorical, Buddhism may have helped to ease the resentment in divorce cases by mutual consent. Divorce documents discovered in Tun-huang suggest that the Buddhist ideas of causal effect (yüan) and karma (yeh) were used to explain a couple's difficulties in getting along with each other. It is said that since they were enemies in previous life, they could not be a harmonious couple in this life. However, after the divorce, the husband wished his ex-wife longevity and happiness in her future.⁵²

For most widowed women, Buddhism provided emotional comfort in their old age, after they were done with marriage life and all its tears and laughters. Although infamous empress dowagers could be found committing adulterous sins in some of the Buddhist monasteries they visited, most old ladies were portrayed as being dedicated in their faith, either by donation or by meditation (see Chapter III, section 2 above).

(2) The Taoist Impact on Women and Marriage

To pursue good fortune and to shun the course of calamity have been part of the Chinese belief system. The underlying meanings of various betrothal gifts and some ceremonials in the weddings suggest such popular beliefs in enhancing supernatural blessings by objects and gestures with symbolic meanings (see Chapter II, section 5 & 6). Abundant divination texts on the timing of weddings and childbirth also demonstrate people's religious effort to ensure marital happiness and stability.⁵³ With the growth of religious Taoism in the Six Dynasties, some aspects of marriage life may have also been affected. However, like the role of Buddhism in Chinese marriage practices, Taoism in this period provided more justification than initiation in conjugal ethics.

First, Taoism confirmed the idea of male superiority and female inferiority.⁵⁴ According to the Text of Great Peace (T'ai-p'ing-ching), a book which first appeared in the Han and had a lasting impact on Taoism, the status distinction between men and women was rooted in biological nature. The text argued that a woman's physical appearance was similar to a man's, if not better looking. Since she had the same head, eyes, face, ears and limbs as he did, then why was she inferior to him? It was because in the intimate relationship, "he took the role of giving while she took the role of receiving." Since she was "empty" in the first

place, she was inferior, said the "heavenly master" in the text. Once a woman was pregnant, she was not "empty" anymore. However, the "solid thing" in her (presumably the fetus) was not hers originally; it was given to her by the superior male.⁵⁵

Second, Taoism could be used to justify concubinage, if not polygamy. Some studies suggest that the T'ai-p'ing-ching did include some more progressive ideas by condemning contemporary girl infanticide.⁵⁶ However, what concerned the T'ai-p'ing-ching author was beyond killing baby girls. Since the heavenly law prescribed the number for yang, the superior, was one and the number for yin, the inferior, was two, a man should be served by two women. If people kept killing baby girls, it would be impossible to fulfill the heavenly law.⁵⁷ Although the text talked about chastity so as "to refrain from lustful desire and reckless acts," it did not encourage abstinence. If yin and yang did not interact, said the author, human beings would be extinct since there was no procreation. The reason for people to propose celibacy was either due to the discord between men and women or the imbalanced lust in places like the imperial harem. If people followed the heavenly law, and let each man have two women, said the master, chastity could be observed and extreme abstinence would not be praised.⁵⁸

Ko Hung, the fourth century scholar, agreed with such a view, which was very likely a response to the growing

Buddhist celibacy. In a chapter on achieving immortality, Ko Hung claimed that extreme abstinence would cause "illness of obstruction" and resentment; he who practiced it would suffer various diseases and die without longevity. But the one who unleashed his lust and indulged in his own will would also injure his life. Only the one who could find the balance between the two would be benefitted.⁵⁹

The "art of the chamber" (fang-chung-shu) was one of the techniques that the Taoists considered beneficial to one's body. The "Monograph on Literature" in the Han Shu recorded eight contemporary texts on such techniques.⁶⁰ According to Ko Hung, there were more than ten schools of Taoism that taught "the art of the chamber." They applied the technique either to heal injury, to cure diseases, to "collect the yin in order to benefit the yang," or to prolong their lives. Ko Hung summarized the general principle of such techniques as "to withhold the sperm in order to benefit the brain" (huan-ching-pu-nao).⁶¹ The "Monograph on Books" in the Sui Shu also recorded six different texts on the "art of the chamber" that perhaps emerged during the Six Dynasties and were very popular in the Sui and T'ang era.⁶² The existence of such texts suggests public knowledge, perhaps even discussion about sex in this period.⁶³

Such teaching and perception may have affected the patterns of intimacy within or outside marital life.

However, little information is available to detail such influences. It may have justified the practice of concubinage with a theological approach, but there was almost no women's or wives' responses to evaluate such an impact from Taoism.

Although "the art of the chamber" could allegedly benefit one's health and prolong one's life, it was never considered the way to immortality. Instead, in order to dedicate themselves wholeheartedly to the search for immortality, some Taoist devotees abstained from marriage. Chü Po-yü and others mentioned in the section on celibacy are some examples.

For those who considered marriage, religious background may have been one of the factors in choosing a spouse (as suggested in Chapter II above). In some areas where Taoist beliefs were popular and religious life was directed under the leadership of local Taoist priests, marriage between fellow believers may have been a common practice. Sun En, the early fifth century Taoist rebel of southeast China, married his younger sister to Lu Hsün, another local Taoist leader. Lu Hsün's older sister was married to Hsü Tao-fu, a local governor. Since Tao-fu also joined the rebellion led by Sun En and Lu Hsün (around 404-418), it is possible that he was also a fellow Taoist. When Sun En and Lu Hsün failed and committed suicide by drowning themselves, many of their concubines and believers followed their steps, hoping to

become "water immortals."⁶⁴

Both Hsi T'ang and his older brother Hsi Yin supported the "Heavenly master" (t'ien-shih-tao) Taoist sect.⁶⁵ Hsi T'ang married his daughter to Wang Hsien-chih, whose family had supported the Taoist sect of "Five Bushels of Rice" (wu-to-mi-tao) for generations.⁶⁶ For some unknown reasons, Hsien-chih later divorced Hsi T'ang's daughter. Before Hsien-chih died, his family followed the Taoist regulations and asked him to evaluate the worst sins in his life. Hsien-chih replied that the only thing he could remember was his divorce.⁶⁷

Under the reforms by Lu Hsiu-ching and T'ao Hung-ching, Taoism in the South is said to have adopted texts and prescriptions from both Confucianism and Buddhism.⁶⁸ The first five of the eight precepts of Taoist cultivation credited to Lu Hsiu-ching were refraining from killing, adulterous desire, theft, lies and drunkenness.⁶⁹

In the North, K'ou Ch'ien-chih reformed the "Heavenly master" sect based on texts he had allegedly received from the legendary immortal Lao-tzu in A.D. 415 and 423. His new "Heavenly master" sect worshipped T'ai-shang-lao-chün, depended on imperial support and adopted Buddhist ceremonies. In addition, K'ou Ch'ien-chih also focused his Taoism on "purity and emptiness," casting aside the practice of donating five bushels of rice and the "art of the chamber." Instead, he applied Confucian propriety in terms

of social relations.⁷⁰

K'ou Ch'ien-chih emerged as a strong proponent of conservative Confucian values which were wrapped in a Taoist cloak. K'ou's Taoism took a more active role than the Buddhists in trying to shape Chinese society in the name of Taoism, but the material for the shaping was essentially Confucian. However, K'ou's attempt at a Confucio-Taoist reform failed. The North in the first half of the fifth century was not willing to accept those ideas.⁷¹ With the increasing integration of the three teachings of Confucianism, Buddhism and Taoism, however, it is no wonder that the five Buddhist precepts were established as the five basic Taoist admonitions by the Sung (960-1279).⁷²

Both Buddhism and Taoism had some impact on Chinese marriage during the Six Dynasties. Most of all, Buddhism provided the alternative of celibacy, and Taoism may have enlarged the knowledge about sex because of its "art of the chamber." With regard to marital ethics, neither seem to have initiated new norms beyond the Confucian context. K'ou Ch'ien-chih's Taoist regulations carried the Confucian nature. Although some translated Buddhist texts suggested lesson on women stricter than that in Confucian Classics, it is hard to determine their effects in the Period of Disunion. Neither Buddhism nor Taoism exercised real control over its believers' marital life in this period. In contrast to that, the Catholic assertion of control over marriage in

medieval Europe seems to have been more effective due to the organizational characteristics of the Church. In China, such a role was performed, at times, by the Confucian state.

However, the Chinese state in this period was not yet powerful and sufficient enough to play such role. Instead, marriage patterns and ethics were influenced by social, economic and cultural factors. While stem family pattern and financial burden affected marriage practice both in the North and in the South, nomadic custom slowed down the Confucianization of marital ethics in the North.

3. Socio-economic Factors

The stem family pattern that had emerged at the end of the Eastern Han may have helped the growth of widow chastity. However, the financial burden of marriage practice widened the age difference between husband and wife, and made Confucian marriage rites hard to follow. With regard to marital relationship, hypogamous marriages could in part explain the existence of dominant wives.

(1) Stem Family and the Growth of Widow Chastity

Confucian norms of marriage and divorce were not fully realized in the Han. Gender segregation was hardly an issue. Although some officials tried to create such practices, men and women worked, talked and had fun together. People married in their teens, regardless of the Han cosmological

elaboration on the prescribed marriage ages: thirty for men and twenty for women. People sometimes broke engagements even after they took the betrothal gifts. Weddings were often noisy and joyful in a manner that was inappropriate to some Confucianists.⁷³ Once married, they separated from their parents and established another household.⁷⁴ Marital fidelity was required of both men and women, but women were not bound to lose their free choice. If they were not satisfied with their marriage, women could divorce their husbands. Remarriage for divorcees and widows was common.⁷⁵ It seems that this was the case during most of the Han times except in the last years of the Eastern Han when Confucian family values, such as filial piety and fraternal love were integrated and heavily applied in the official recruitment system. However, in practice, the only affected marital issue appears to have been widow remarriage.⁷⁶

The change in widow remarriage could be due to the family structure that was changing at the end of the Han. The Ch'in-Han pattern of nuclear household, which included only parents and their unmarried children, was supported by its small peasant economy. In the latter part of the Eastern Han, however, the annexation of landed property, which had been present but guarded throughout the Han, became more serious. Local powerful families often possessed large estates that were farmed by serf-like "guests." They were thus able to support their extended family members.⁷⁷

The official promotion of filial piety and fraternal love through the recruitment system also encouraged the growth of family size. Late Han society began to praise the pattern of shared household and property among married brothers. However, the pattern more often seen was for brothers to yield property to one another during the division. Ying Shao of the late second century said that if brothers could live together, it would be the best; if they could use one another's money when it was necessary, it would be good also; as to yielding wealth among brothers, this was the worst way to show fraternal love.⁷⁸

Married brothers may not have lived together, but the practice of leaving their parents altogether after marriage was changed. Research suggests that there was a growing tendency in the late Han and early Ts'ao-Wei period for at least one married son to live with his parents; that is, the stem family pattern.⁷⁹ The mandatory family division, which forbade two married men in one household, had been codified since the Ch'in to facilitate small peasant economy. Due to the changes in family pattern, it was abolished in the Ts'ao-Wei period.⁸⁰ The Chin law also ruled that he who had an aging father had to give up his official career and go home to take care of his father. At least one son should stay at home if the father was eighty years old, and all sons should withdraw from an official career if the father was over ninety.⁸¹

The stem family pattern which became more common in the post-Han era may have contributed to the growth of widow chastity. A widow in the Han nuclear family pattern had many reasons to marry again. If she had no offspring or if her children were all married, she would be left with no support in her widowhood. If she had a minor under her care, she was more inclined to remarry in order to support her child. A widow in the stem family, however, had another alternative. Widows in the late Han and post-Han era who showed their decision to remain in widowhood often used their in-laws for justification (see Chapter IV, section 4 above). Granted that it had been a Confucian doctrine for a wife to serve her in-laws, only a woman whose husband lived with his parents would be able to perform such obligations.

Nevertheless, even though there were more chaste widows recorded in the Hou Han Shu and succeeding dynastic histories, the fact that so many had to perform some self-destructive acts to show their determination indicates a common contrary social expectation on the issue. Compared to the situation in the fourteenth century when both a widow's natal and marital families would try to encourage her either to remain in widowhood or to kill herself to obtain praise and reward,⁸² that family pressure of remarriage in the Six Dynasties suggests either humanity or political considerations, but rarely ideological concern such as chastity.

It was with this socio-economic background that marriage customs entered the post-Han era. There were still cases of chaste widows fighting against the pressure surrounding them, but the picture presented in the foregoing chapters suggests the lack of conformity to Confucian marriage norms in general. Financial burden was one of the reasons.

(2) Economic Concerns and Marriage Patterns

Studies suggest that people got married in their teens in Han times, and the age difference between husband and wife was about one to four years. The early marriage age, though at times discouraged by the imperial government, was popular because the necessity of labor force in small peasant economy.⁸³ In the Period of Disunion, the age difference varied among couples, but the average seems to have been larger than it was in the Han. Table III-1 and Table III-2 in Chapter III suggest that even aristocratic women often got married in their late teens, and on average the husband was about seven to ten years older than the wife.

Since the family pattern had changed, the reason for teen marriage was not for labor force anymore. Instead, it was for the purpose of procreation so that the aristocracy could perpetuate itself. However, as pointed out in Chapter II, betrothal gifts and wedding expenses were so huge that

many people could not afford and had to postpone their marriages. That men got married later than in the Han could be due to the financial burden demanded in marriage arrangements.

To solve the problem, different kinds of "quick weddings" were practiced to reduce the financial expenses. No matter whether it was the "meet-and-wed" marriage in the North or the pai-shih ceremony in the South, such weddings usually disregarded the six rites prescribed in the Confucian Classics. In sum, financial concern became one of the elements that prevented marriage institutions from Confucian conformity.

Marriage institutions might have been affected by different economic patterns in the North and in the South. However, the information is so far not sufficient to evaluate such an influence. Although the annexation was interrupted for a while after the chaotic fall of the Western Chin, the aristocracy still held large land in much of China. Since the Northern Wei government distributed mainly uncultivated land to its free peasants in the equal-field system, the northern aristocrats still owned and lived on their private estates like their southern counterparts.⁸⁴ It is logical to assume that women occupied different positions in large estate economy and in small peasant economy. However, the similar economic situation of the aristocracy in the North and the South does not seem to

explain the different marital patterns between the two.

As for the Hsien-pi conquerors, the nomadic economy was undergoing transition since A.D. 398 when the Northern Wei established its capital in P'ing-ch'eng. Although animal husbandry was still part of the Hsien-pi economic life, agriculture became more and more important, especially after Emperor Hsiao-wen's sinification movement. Small peasant economy may have been present after the equal-field system, but the Hsien-pi aristocrats also possessed large landed property.⁸⁵

It is reasonable to speculate that women had a different appearance in nomadic marriage life. However, since we do not know women's role in animal husbandry on the one hand, and there were still stories about dominant wives after agriculture became the main economic pattern on the other, the connection between Hsien-pi economy, mixed with farming and livestock grazing, and the relatively freer female position is so far hard to decide. It needs further examination based on better understanding of nomadic economy. Although the higher position of women in marriage and in society in original Hsien-pi custom may have been supported by nomadic economy, the tribal influence on Chinese marriage practice in the Period of Disunion appears to have been more cultural than economic.

(3) Hypogamy and Dominant Wives

The lack of Confucian conformity could also be seen in terms of marital relationship. In the Six Dynasties, women enjoyed considerable freedom in social gatherings, marital affection and options, at least, in the North. Hypogamy or even class endogamy could be one of the reasons for that. A woman who married into a family politically or socially less prestigious than her natal family tended to be tolerated if she behaved in a dominant manner.

Imperial princesses, both in the North and the South, were notorious for their jealousy. Yet in the South, the only thing an emperor could do was to circulate anti-jealousy articles as admonitions, hoping that the princesses would mend their ways and became more desirable in the marriage market. In the North, imperial daughters were also supported by the political authority in case their dominant manner instigated violence in the families (Liu Hui's case in Chapter V is only one example).

The betrothal gift was often the focus in making marriage alliances in this period, as discussed earlier. Less prestigious men often used huge amounts of betrothal gifts to "buy" wives from the higher society. Yen Chih-t'ui criticized such practices because it "created disobedient daughters-in-law." His comment seems to confirm a common scene of a dominant daughter-in-law from a higher status in society. Even among equal status families, wifely jealousy

was considered normal. A mother who blamed her daughter-in-law for not being controlling enough to keep her son out of trouble said, "you are also from an aristocratic family with equal social prestige. What are you afraid of?"⁸⁶

Except for the fact that the number of chaste widows recorded in histories was growing, classical ethics were still largely lacking in real marital life. Hypogamy and class endogamy practiced among aristocracy could be one of the factors. Political disunion and cultural diversity also played important roles in diverting marriage customs away from Confucian conformity.

4. Political Disunion and the Influence of Tribal Rule

With the evidence shown above, such as imperial edicts and legal codes, it is clear that the chief agent attempting to foster standardization of marriage practices in China was the state. However, the state was not very successful in this period. First, its ideological message in the North was blurred by the existing Han legacy and nomadic cultural influences; for instance, on the patrilineal idea of male superiority and female inferiority. Second, where the Confucian doctrines were taken seriously by the state, existing custom and social forces fended them off, such as the issue of gender segregation and appropriate marriage rites. If social hierarchy, in which women were to be submissive to men and different people should behave

according to their different status, was the essence of Confucian concern, society in the Period of Disunion was not yet Confucianized, nor indoctrinated to any ideology in the field of marriage.

(1) The Flight to the South and the Ritualistic Reform

The most obvious impact the changing political situations had on marriage was the two wives anomaly. Although the Classics prescribed that each man could have only one legal wife, the division and unification of China created problems for people and challenged the classical norm. In the North, customary contempt of concubinage may have made it even harder to achieve some resolutions.

Although similar marital problems may have existed in the North and the South, there are several reasons why the gap between the two widened. During the years of Ts'ao-Wei and Western Chin, the issue of Confucian conformity (ming-chiao) versus Taoist naturalness (tzu-jan) was raised among scholars.⁸⁷ Such intellectual debates had a resonance in social behavior. Since filial piety, one of the two criteria often used in recommendation for office (the other being integrity), was usually performed through prolonged and self-inflicted mourning, to question the sincerity of such a performance and to show their natural and true affection, some people behaved opposite to the ritualistic manner. A father would cry over his son's funeral to show his love;⁸⁸

a son would address his father by his first name to show their closeness.⁸⁹ Many aristocratic scholars refused to pay mourning to their deceased parents in order to show their distaste of contemporary affectation.⁹⁰

Such anti-ritualistic actions may have affected the area South of the Yangtze River after the fall of the Western Chin. Research suggests that most such reckless aristocrats who used to live in the capital areas fled to the South when nomadic tribes in the North revolted against the Chin central government.⁹¹ However, the impact of the flight to the South may have been twofold. Although the native southern aristocrats had been learning the naturalistic philosophy fashionable in the Lo-yang (capital) area since the unification in A.D. 265, their more conservative scholarship and manners since the Han had also supported those émigré aristocrats who saw the political failure within the context of social crisis and wished to start afresh in the South.⁹²

It could be that the loss in the North and the evaluation of such defeat had in general halted the conformity crisis. It could also be that émigré aristocrats who had not been part of the anti-ritualistic fashion before were now more influential after the flight to the South. When the Eastern Chin court tried to re-establish its rituals and rites in the South, émigré scholars, such as Tiao Hsieh and Hsün Sung, were appointed to carry out the

plan, very often with the advice from southern scholars, such as Ho Hsün.⁹³ Tiao Hsieh is said to have been interested in the Classics since his youth, while Hsün Sung was from a family of classical scholarship. Ho Hsün, a native of the Kingdom of Wu, carried a family tradition of ritualistic learning.⁹⁴

To revivify the family values and to self-perpetuate as a social force, the educated elite looked into classical Confucian texts for guidelines and focused on modifications of rituals. The modifications aimed at defining a person's role and status in the family, while at the same time being sympathetic to human feelings so that people could better express their emotions. Moreover, the aristocracy tried to adopt what was most useful to support their situations in marriage and in officialdom. To accomplish these goals, mourning rites became the focus.⁹⁵

In the conformity crisis in the Wei-Chin period, the naturalists regarded prolonged mourning for parents as affectation to acquire fame. They considered the mourning rites as inadequate in expressing human feelings since there was no mentioning of one's mourning for his older sister-in-law. During the discussion in the ritualistic reform, a person's mourning terms to his biological mother, divorced mother, step-mother and older sister-in-law were all taken into consideration. It is reasonable to assume that such fervent discussions and modifications of rituals did give

the society, at least the upper class, a clearer idea of what a woman's role was and where she stood in her family. In certain aspects, the rituals were changed to accommodate current socio-political situations. But the spirit was based on classical rites. A man's mourning obligation to his sister-in-law was against the classical idea of gender segregation, but appropriate in an aristocratic family where an older sister-in-law often took care of her husband's younger siblings.⁹⁶

Classical rites also forbade marriage arrangements during mourning periods. Wang Chi who got married during his mourning obligation to his paternal uncle's wife was impeached by Liu Huai. In his memorial to the throne, Liu Huai also suggested punishment for Wang Chi's two paternal uncles and his father-in-law because of their roles in arranging the marriage.⁹⁷ However, marriage and officialdom were the two cornerstones for the aristocracy to perpetuate itself. During the chaotic flight to the South, many had lost contact with their parents who were either killed or detained. The aristocracy could not afford to postpone marriage indefinitely in the name of mourning. Therefore, scholars, both the ritualistic and the metaphysical ones, proposed a fixed period, such as three years for searching and mourning to solve such a dilemma.⁹⁸

Scholarly discussions of such issues often centered on the woman concerned and particularly the legitimacy of her

marriage. Usually, if she were over twenty years old, it would be considered tolerable for her to get married in the prohibition period of mourning.⁹⁹ One may say in that sense, the marriage age prescribed in the Classics was integrated into the marriage norm when the three years mourning for parents and a woman's latest marriage age, twenty, were used as guidelines.

(2) Nomadic Rule Maintained Freer Female Position in the North

In the North, women were depicted as more active and affectionate. They took charge of the family business, initiated social activities and addressed their husbands in an intimate yet frivolous manner.¹⁰⁰ Commenting on their behavior, the sixth century scholar Yen Chih-t'ui asked "Isn't this the heritage of the Heng and Tai?"¹⁰¹ Tai, which belonged to the Heng region, was the commandery where P'ing-ch'eng, the former Northern Wei capital was located. Yen Chih-t'ui was therefore suggesting a Hsien-pi cultural influence on the northern women's roles and manners.

A proto-anthropological study of the nomadic Wu-huan and Hsien-pi societies is included in the Hou Han Shu. A person in such societies, the history says, would kill his father or brother when angered, but never hurt his mother because he had only cognatic kin but no agnatic ones.¹⁰² Marriage in Wu-huan society was by abduction, labor service and levirate. A Wu-huan man could abduct a woman and present

animals such as oxen, horses, and sheep as betrothal gifts after one hundred days or half a year. The groom then returned to the bride's home with her and worked as a laborer for one or two years before the bride's family would send her away with her dowry.¹⁰³ Hsien-pi marriage custom was similar, except that people would shave their heads first and get together along the Jao-le river at the end of each spring. After a banquet, they would be matched and married.¹⁰⁴

Wu-huan and Hsien-pi custom also demonstrated high social status for women. In social gatherings, fathers and sons, men and women squatted, facing one another. A woman's opinions and devices would be applied in political decision-making; individuals would only be left to decide the tactics in each actual battle. Such tradition for women to participate in politics can be seen both before and after the Hsien-pi entered the central plain of China.

Ms. Ch'i of the Hsien-pi tribe killed her nephew and established her son as the leader; the tribe was under her rule and called "a woman's country."¹⁰⁵ When Emperor T'ai-wu of the Northern Wei planned to attack Jo-jan in 429, he had to convince the empress dowager to obtain her approval before he could carry out his expedition.¹⁰⁶ Both dowager Wen-ming of the fifth century and dowager Lin of the sixth century were active in the Northern Wei political as well as religious lives. Wen-ming's economic and administrative

reforms are said to have set the foundation for Emperor Hsiao-wen's sinification movement. These women performed professional politics instead of petty harem struggles. Their behavior fell within a tradition in which women enjoyed relatively high social and political status.¹⁰⁷

Nomadic tribes were moved within the Great Wall beginning in Eastern Han. During the Ts'ao-Wei and Western Chin period, thousands of non-Han people were moved into the borderland, sometimes to cultivate the land, but often to serve as military resources. Except for the Hsien-pi, tribes were under strict government control and taxation.¹⁰⁸ Their numbers became so big and they caused such constant conflict in the locality that there was already an official proposal to move them back to their home land in the early Chin dynasty.¹⁰⁹ After the fall of the Western Chin in 316, the North was under the rule of nomadic tribes for almost three hundred years. The histories suggest that those social activities in which tribal aristocratic women participated were not much different from Ko Hung's description of women in his time. One empress of the Hsien-pi kingdom is said to have been fond of playing and banqueting under disguise and engaged in social activities outside the palace. She liked to travel around hunting and farming areas, and her husband would accompany her.¹¹⁰

It would be risky to suggest that tribal cultures transformed the northern customs, but it seems reasonable to

assume that such non-Han rule maintained, if it did not reinforce certain aspects of social behavior which had already existed in the Wei-Chin period. As discussed above, the Hsien-pi state did attempt to regulate marital patterns in the North. However, in some areas, the imperial authority, either due to existing custom or their own cultural background, sent a mixed ideological message that could be non-Confucian. In other areas when the imperial ideas were based on Confucian classical teaching, the aristocracy, considering its own socio-political interest, would not follow them.

The Classics that upheld the authority of the patrilineal family distinguished different status between man and woman as well as their relatives in marriages. According to the prescribed mourning obligations which defined a person's role in the family, the patriarchal line was the main concern. A man would mourn for three years for his deceased father, but only for one year for his deceased mother if his father was still alive. He would mourn for one year for his paternal grandparents, but for only five months for his maternal grandparents. He was to mourn for one year for his paternal uncles, but only for three months for his maternal ones. That was the outer limit of his mourning obligations to his mother's family, although he would have to mourn even his great-grandfather's nephew for three months if the latter died. Before she was married a woman

had the same mourning obligation to her parents as a man would have. After marriage, however, she only mourned for one year for her own parents and three years for her husband. But a man only mourned for one year for his deceased wife (see Table I-2).

Since the concern was to uphold the supremacy of the patriarchal line, relatives from the paternal family and the maternal family should have different weight and status according to the Classics. But the Western Wei/Northern Chou apparently did not abide by such rules when the emperors prohibited maternal cousin marriage, proclaiming that relatives from one's mother's side should be equally avoided in marriage alliances as one's paternal relatives (see Chapter II above). Northern Ch'i showed the same spirit by dismissing father superiority and mother inferiority in criminal concealment. That Tou Yüan's proposal was counterattacked and ignored confirms the Northern Ch'i government's recognition of a son's equal affection and obligation for both parents (see Chapter V above).

It would be wrong to assume that the northern governments deliberately went against the classical spirit. Since the Hsien-pi imperial house did promote regulations based on Confucian teaching, such as gender segregation and appropriate marriage rites, to dismiss the idea of male superiority and female inferiority was probably due to the comparatively high female status in the tribal tradition

rather than an anti-Confucian deliberation.

Those Classics-based decrees, however, were not often followed. Mixed gender social activities had existed since the Han and were never seriously regulated in the North. A Sui dynasty memorial discussed earlier suggests that the society did not abide by gender segregation even until the late sixth century. Thrifty and solemn weddings were promulgated by the northern government. At least six decrees were issued but failed to cut down marriage expenses (see Chapter II above).

The aristocracy used maternal cousin marriage, huge amounts of betrothal gifts and luxurious weddings to uphold class endogamy and demonstrate their prestige. The state tried to break into the closed circle and regulate marriage patterns by political power. One wanted to survive and perpetuate, the other wanted to rule. The issue was political; as for the other related areas on marital relations, such as jealousy and wifely propriety, the state did not seem to be interested and left considerable free space for the populace.

5. Concluding Remarks: The Christianization of Marriage in Medieval Europe--A Comparative Study

Buddhism and Taoism were popular in the Period of Disunion, but they did not exercise control over the marital ethics. A brief survey of the Western experience will throw light on the lack of religious assertion over marriage in

China during this period. Most studies agree that marriage institutions in the modern western world have been deeply influenced by the law and doctrines of the medieval Church. However, the interpretations about the degrees and reasons of such influence vary among scholars.¹¹¹

In the mid-twelfth century, the laws of the Catholic Church governing marriage began to take shape around three major principles: (1) present consent ("I take thee as wife/husband") freely given by a man and woman capable of marriage, made a valid marriage (thus no parent's consent was necessary). Such marriage was indissoluble during the joint lives of the contracting parties, except in the most unusual circumstances. Divorce was almost impossible. (2) Future consent ("I promise to take thee as wife/husband") freely given by a man and a woman capable of marriage, made a valid, indissoluble marriage, if that consent was followed by sexual intercourse between the parties. (3) Any Christian man was capable of marrying any Christian woman, if both were over the minimum age of consent, if neither had been previously married to someone else who was still living (therefore, concubinage was condemned), if neither was in major orders or had previously taken a solemn vow of chastity, and if the parties were not too closely related to each other (consanguinity and affinity were concerns in the marriage contracts).¹¹² Moreover, Alexander III, among other canonists, considered it proper to solemnize a

marriage ceremony publicly in the face of the Church by the blessing of the parish priest, following the publication of the banns. In other words, the Church, although it did not require a public ceremony to make a marriage valid, did not wish to encourage clandestine marriage.¹¹³

For some scholars, by these principles and rules, the Church appropriated marriage and changed its features. Before then, marriage was an instrument for the kings and noblemen to keep their power, land and wealth. All the rejected practices, such as concubinage, divorce, and marriage to close kin and their widows had previously been important means by which kings and princes ensured the provision of heirs, perpetuated their lineages, and prevented the dispersal of family property. However, in the eleventh and twelfth centuries, the Church's theory of marriage began to emerge and the Church emphasized its role as the only competent institution to officiate at the marriage ceremony.¹¹⁴

The Catholic Church may have benefitted in the long run by its control of marriage, but why would the European nobility go along with it? An examination of biblical teachings about marriage suggests that Pope Alexander III's proposals were not solely based on the Bible.¹¹⁵ A study of marriage litigation indicates that the Church was not all that influential in its early days either.¹¹⁶

Though celibacy was considered the best state in which

a person could serve God, in no way did the Bible propose rejection of marriage for all believers. Inherited from the Jewish tradition, Genesis provided an image that man and wife could be "one flesh."¹¹⁷ Even Jesus acknowledged that not all men could receive the difficult teaching of asceticism; for those who could not take it, marriage was the norm.¹¹⁸

The bachelor Apostle Paul elaborated this view, "To the unmarried and the widows I say that: it is well for them to remain single as I do. But if they cannot exercise self-control, they should marry. For it is better to marry than to be aflame with passion."¹¹⁹ Once married, the husband and the wife became one flesh and neither could claim their bodies as their own. Temporary abstinence was good if both were devoted to prayer, but afterwards they should "come together again; lest Satan tempt you through lack of self control."¹²⁰

Such a union was considered indissoluble. Although in the Old Testament, Moses did write a bill of divorcement, Jesus interpreted it as a result of human hardness, not the intention of the Creator God. "What therefore God has joined together, let not man put asunder," said Jesus, and "whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery."¹²¹

The ideas of marital fidelity and indissolubility can

be seen in these teachings. Even some Christian Roman emperors tried to make divorce more difficult.¹²² But the essence of consent and consanguinity were nowhere to be found in the biblical texts. Scholars suggest that they were actually the social custom and legal heritage of late antiquity. In Roman law marriage had been an agreement between families and spouses, an agreement that showed the "intent" to get married rather than just living together.¹²³ Although the Church did extend the prohibition degrees from four to seven in its early confusion, the prohibition of marriage between close kin already existed in Roman law.¹²⁴ Some scholars suggest that it was this shared common view, though ambiguous, of the late Roman emperors and of the early Christian bishops and popes that gave the Catholic Church some basis to make its rules.¹²⁵

The Church was not all powerful in enforcing its ideas either. The establishment of the Church's exclusive control over marriage was a long and disputed process. However, its first task was not even to compete with secular jurisdictions. The problem was to ensure that ordinary marriage disputes went to any court at all.¹²⁶ First of all, the Church was not powerful either as a political entity or as a social force in the early Middle Ages. Although local bishops did assume the role of caretakers and peacemakers in the locality after the fall of Rome, they were still dependent on the support of the local

aristocracy, from which they may have been elected as bishops, and on the cooperation of kings.¹²⁷ The papacy before the eleventh century was also trying hard to consolidate itself.¹²⁸ The monastic reform in the tenth and eleventh centuries built up a cult of celibacy within the clerical circle and washed afresh the tainted image of the papacy.¹²⁹ Not until then did the Church establish its power and feel confident enough to raise its moral standards, dictating that,

"The whole body of the Catholic Church consists of virgins or married persons or those holding themselves in restraint. Whoever, therefore, is outside those three classes is not to be counted among the sons of the Church or within the bonds of the Christian religion. Wherefore we also, if we should know for certain that even the lowest layman was involved in concubinage, would cut him off completely from the body and blood of the Lord until he should perform due penance."¹³⁰

Another problem was the contemporary attitude toward marriage. Since marriage was a relatively private matter in the Roman world, no special formula or ceremony was required to contract a valid marriage. Due to the nature of clandestine marriage, disputes often occurred when one of the parties refused to solemnize the union. Both Church and state in the barbarian kingdoms attempted to make marriage more public. For secular law, marriage should have been made public so that the complex of property rights and duties which arose out of the married state could be determined with reasonable certainty. For Canon Law, marriage should have been made public not only because it was a sacrament,

but also so that the Church could punish fornication and adultery.¹³¹ This coincident agreement between lay and clerical attitudes toward deciding a legitimate heir, some scholars suggest, helped the Church to gain support from the laity when the Church was confident enough to assert its control over marriage.¹³²

However, the process was slow and gradual, and its effectiveness varied geographically. A study of the Mediterranean world shows that the Church's teachings were never fully embraced by the total world, where customary and statute law often deprived of dowry any woman who married against her father's will.¹³³ Research on England shows that it was not until the fifteenth century that the habit of contracting marriage at home, the ambiguity of words used in mutual consent, the older notions regarding marriage as a private contract, and the repudiation of a spouse without securing formal dissolution, all gave way to the general assimilation of the Church's standards.¹³⁴

Slow as it was, the Catholic Church did take the initiative to regulate the marriage customs of the laity and to give spiritual justifications to marital ethics. In the end, it made marriage a sacrament. In contrast, Buddhism and Taoism did not play a parallel role in medieval China. Like the Catholic Church, Buddhist monks and Taoist priests also integrated existing marital perceptions into their teachings. But unlike the Catholic Church, they did not play

the leading role in prescribing conjugal ethics. Moreover, Buddhism and Taoism lacked a unified and "universal" church to enforce such norms. That role of enforcement awaited another sufficiently powerful institution.

After the above discussion, it may be reasonable to say that the Western church prescribed marriage ethics based on the heritage of the Roman world, the Frankish world, and the Bible. It then took the initiative to assert control and eventually succeeded by giving those ethics spiritual justifications. In China, however, the Confucian Classics provided the ethics; contending religions gave those ethics supernatural sanctions, if not encouraging people to escape from marriage altogether. The state, instead of any religious organization, was the only institution that tried to enforce those marriage norms. However, in the Period of Disunion, like the Catholic Church in the early middle ages, the Chinese state was not yet powerful enough to carry out its will sufficiently.

The state was divided at this time, and its power was curtailed. In the South, the aristocracy took up the responsibility of modifying classical rituals, defining a woman's role and status in a patrilineal family through mourning obligations. In the North, tribal rule maintained, if it did not reinforce the existing freedom for women. Male superiority and patrilineal supremacy were discussed and dismissed. What concerned both the Hsien-pi rulers and the

Han aristocracy was more about political survival than about ritualistic reform. A woman could choose to be celibate because of her faith. But if she married, she still enjoyed freedom in her marital life and would not be bothered by ethical instructions from the government, at least in the North.

Chapter VI Notes

1. A recent study on Buddhist perception of women discusses the roles of a lay woman according to original Buddhism, defined as 566-370 B.C. by the author, and the possibility for women to achieve nirvana in both Hinayana and Mahayana periods. But the book does not examine the practice and effect of such ideas in China. See Shih Yung-ming, Fo-chiao ti Nü-hsing-kuan [Perceptions of Women in Buddhism], Taiwan: Fo-kuang ch'u-pan-she, 1990.
2. SSHY, p. 170.
3. Tao-ch'ien later got married and had several concubines after he had established himself. WS, pp. 1580-1583.
4. Sung Shu, p. 2252.
5. NCS, p. 958.
6. CS, p. 2385.
7. NCS, p. 956.
8. HHS, p. 1082. Translation according to E. Zürcher, The Buddhist Conquest of China, Leiden: E. J. Brill, 1959, p. 37.
9. Zürcher, 1959, pp. 29-30.
10. Ssu-shih-erh-chang-ching, in Chung-hua Ta-tsang-ching, Taipei: hsiu-ting chung-hua ta-tsang-ching hui, 1:5, pp. 15918-15919.
11. Mou-Tzu, "Li-huo-lun" [Disposition of Error], in Hung-ming Chi, 1/4b, Ssu-pu-pei-yao, Shanghai: Chung-hua reprint. Translation based on Wm. Theodore deBary comp. Sources of Chinese Tradition, New York: Columbia University Press, 1960, Vol. I, p. 274. For Mou-tzu, the person and his book, see Zürcher, 1959, pp. 13-15.
12. For instance, Chiao Shen. HHS, p. 2772.
13. SKC, p. 365.

14. CS, p. 2460.
15. Sung Shu, p. 2280.
16. NCS, p. 926.
17. NCS, p. 937.
18. NS, p. 1987.
19. LS, pp. 732-34.
20. LS, pp. 732-734.
21. KSC, 4/17b-19a.
22. KSC, 4/19a.
23. NCS, p. 960.
24. TPKC, 70/438.
25. For instance, Nun K'ang-ming-kan, Nun Lin-tsung, and Nun Fa-hsiang in the Chin dynasty. PCNC, 1/6a-7a, 1/10ab, 2/12ab.
26. For instance, Nun Tao-shou and Nun Hsüan-tsao of the Liu-Sung period. PCNC, 2/4b-5a, 2/5ab.
27. PCNC, 1/5b-6a. Miyakawa Hisayuki, in his article about women's religious life in the Six Dynasties, suggests that Nun Miao-hsiang's husband requested intercourse during the mourning period and he may have been a product of the anti-ritualistic era. If that is the case, then Miao-hsiang's story suggests a close connection between contemporary Buddhist norms and Confucian family ethics; Buddhism did not instigate the anti-Confucian ritualistic fashion. For more discussion, see "Confucian Norms in Buddhism" below. For Miyakawa's point, see Miyakawa Hisayuki, Rikuchō Shi Kenkyū: Shu-kyo-hen, Kyoto: Eilakusi, 1977, p. 321.
28. Yang Hsüan-chih, Lo-yang ch'ieh-lan-chi [A record of Buddhist monasteries in Lo-yang], in Han Wei Ts'ung Shu, 1/13b. Translation partially according to W. J. F. Jenner, Yang Hsüan-chih and the Lost Memories of Loyang Capital, Oxford: Clarendon Press, 1981, p. 167.
29. PCNC, 4/12b-13a.
30. PCNC, 1/4a-5a. Miyakawa, 1977, pp. 319-320. Translation according to Arthur Wright, "Biography of the Nun An-ling-shou", Harvard Journal of Asiatic Studies XV 1-2, 1952, pp.

193-196.

31. For reasons of becoming a monk and its religious significance, see Poo Mu-chou "Shen-hsien yü kao-seng: Wei-Chin Nan-pei-ch'ao tsung-chiao hsin-t'ai shih-t'an" [Immortals and eminent monks: a preliminary study of religious mentality in early medieval China], Han-hsüeh yen-chiu 8:2, 1990, pp. 149-175.
32. For Christian service and its impact on the aristocratic women in early medieval Europe, see R.W. Southern, Western Society and the Church in the Middle Ages, Penguin Books, 1970, pp. 226-228. Suzanne F. Wemple, Women in Frankish Society: Marriage and the Cloister, 500 to 900, Chapter 7 "The Search for Spiritual Perfection and Freedom", University of Pennsylvania Press, 1981.
33. Lü Ssu-mien, 1983, pp. 1502-1504; Jen Chi-yü, Chung-kuo fo-chiao shih [History of Buddhism in China], Peking: Chung-kuo she-hui k'o-hsüeh ch'u-pan-she, 1985, vol. 3, p. 6.
34. For Hsü Jung's complaints, see CS, pp. 1733-1734. For translation for the five precepts, see Kenneth Ch'en, The Chinese Transformation of Buddhism, Princeton University Press, 1973, p. 55.
35. Sung Shu, p. 1918.
36. Shih Tao-hsüan ed., Hsü-lieh-tai wang-ch'en chih-huo chieh [Solutions to the confusion of kings and subjects from generations], in Kuang-hung-ming chi, 6/11b-12a, SPPY.
37. Nun Chih-miao-yin who was involved and influential in the Eastern Chin politics is one example. See CS, p. 1732. PCNC, 1/10b-11b.
38. Jen Chi-yü, 1985, Vol. 2, pp. 193-194.
39. Ch'en, 1973, Chapter II "Ethical Life", pp. 14-64.
40. A text of this forged sutra is discovered in Tun-huang, and portions of it are preserved in quotations found in later works. For the stories behind the forged text, see Ch'en, 1973, p. 56, note 90, and T'ang Yung-t'ung, Han Wei Liang-Chin Nan-pei-ch'ao Fo-chiao shih [History of Buddhism in the Han-Wei Chin and Nan-pei-ch'ao Period], Peking: Chung-hua, 1983, pp. 584-585. For collection of the fragmentary text, see Tsukamoto Zenryu, Hokucho Bukkyoshi Kenkyu [Study on the History of Buddhism in the Northern Dynasties], Tokyo: Taito, 1974, Chapter 6.
41. YSCH, p.339, WS, p.3026.

42. Such as in Chih I's Jen-wang-ching-su and Fa Lin's Pien-cheng-lun. Jen-wang-ching-su, in Hsü-tsang-ching, Hong Kong reprint, 1:4, p. 376. Pien-cheng-lun, in Chung-hua Ta-tsang-ching 1:8, 1/26695-26696. A chart that indicates how nine different sources equate the five precepts with the five Confucian norms is included in Ch'en, 1973, p. 59.
43. Tao Shih, Chu-ching-yao-chi [Collection of Various Texts], in Chung-hua Ta-tsang-ching 1:8, 7/24991-24992.
44. "Shan-sheng-ching" in Chung-a-han-ching chüan 33, collected in Chung-hua Ta-tsang-ching 1:5, pp. 14603-14605.
45. Shan-sheng-tzu-ching, in Chung-hua Ta-tsang-ching 1:5, pp. 15736-15738.
46. Shih-chia-luo-yüeh-liu-fang-li-ching, in Chung-hua Ta-tsang-ching 1:5, pp. 15521-15523.
47. Fo-shuo A-luo-han-chü-te-ching, in Chung-hua Ta-tsang-ching. For a detailed discussion on these Buddhist texts and their instructions for women, see Shih Yung-ming, 1990, pp. 43-60.
48. T'i-Wei-Po-Li-Ching in Paul Pelliot, "Tun-huang manuscript" (P. 3732), and Stein Rolls (S. 2051). Stein Rolls, see copy from British Museum, Toyo Bunko, 1953.
49. Story recorded in Fa-yüan-chu-lin, collected in TPKC, 319/2525.
50. Stories of "Ching Ching", "Fan Lieh's maid", "Hu Liang's concubines", "Liang Jen-yü's maid", "Chang Ching-hsien's maid, and "Li Hsün's concubine" in Ch'ao-yeh-chien-tsai, collected in TPKC 129/912 ff.
51. The sutra of Kuan-shih-yin was actually one section in the Lotus sutra (Fa-hua-ching) entitled "Kuan-shih-yin p'u-sa p'u-men p'in". See Miao-fa-lien-hua-ching, in Chung-hua Ta-tsang-ching 1:3, pp. 7088-7089. The Bodhisattva described was Kuan-shih-yin, Avalokitesvara in sanskrit. For an introduction to the text, the Bodhisattva and their spread in popular faith, see Jen Chi-yü, 1985, Vol. 3, pp. 566-589.
52. "A letter to divorce one's wife", in Stein Rolls, numbered 0343 and 6537. Also see Liu, 1982, p. 420.
53. As mentioned earlier, there are at least twelve texts on marriage selection and timing recorded in Sui Shu. There are also about ten divination texts on pregnancy and childbirth recorded in Sui Shu, p. 1037.

54. For the relation between yin-yang idea and women's status, see Pao Chia-lin, "Yin-yang hsüeh-shuo yü fu-nü ti-wei" [The idea of yin-yang and women's status in China], Han-hsüeh yen-chiu 5:2, 1987, pp. 501-512. Pao points out that the idea of yang/male superiority and yin/female inferiority was applied to worldly affairs since 780 B.C. The Han dynasty scholars used it eloquently to justify women's inferior or dependent status, and the idea was used in China till the twentieth century. However, her article does not deal with the situation in the Period of Disunion at all.
55. Wang Ming ed., T'ai-p'ing-ching ho-chiao [Comprehensive annotation on the text of great peace], the chapter "yang-tsun-yin-pei-chüeh" [Yang Superiority and Yin Inferiority], Peking: Chung-hua, 1960, pp. 386-388.
56. P'eng, 1988, p. 325.
57. TPC, the chapter "p'ing-fu-fen-pieh-fa" [The Law of Distinguishing the Poor and the Rich], pp. 33-34.
58. TPC, the chapter "I-nan-erh-nü-fa" [The Law of One Man and Two Women], pp. 37-38.
59. PPT, p. 34.
60. HS, pp. 1778-1779.
61. PPT, p. 34.
62. Sui Shu, p. 1050.
63. Kao Kuo-fan, 1989, p. 183.
64. CS, pp. 2631-2636.
65. CS, p. 2030.
66. CS, p. 2103.
67. CS, p. 2106. Lü ssu-mien suggests that the reason for Hsien-chih to regret so much was perhaps the fact that both families were Taoist believers. Lü, 1983, p. 1518.
68. Lu Hsiu-ching, "Lu-hsien-sheng tao-men k'o-lüeh", in Tao Tsang: 24-779, Shanghai: Wen-wu, 1988. NS, p. 1899. Also see Chu Yüeh-li, Tao-chiao ta-wen [Questions and Answers on Taoism], Taipei: Kuang-ya, 1990, pp. 55-60.

69. Lu Hsiu-ching, "Shou-ch'ih-pa-chieh-chai-wen" [Receiving the Eight Precepts], in Yün-chi-ch'i-chen, 40/13-14, in Ssu-pu-ts'ung-k'an ch'u-pien. Also see Chu Yüeh-li, 1990, p. 317.
70. WS, pp. 3050-3053; also see Chu Yüeh-li, 1990, pp. 53-55.
71. Richard Mather has an article on K'ou Ch'ien-chih's effort to fit the religious Taoism into political framework and to uphold the Northern Wei polity at the same time. See "K'ou Ch'ien-chih and the Taoist Theocracy at the Northern Wei Court, 425-451", in Welch, H & Anna Seidel ed. Facets of Taoism: Essays in Chinese Religion, Yale University Press, 1979. Also, comment notes by Prof. Jack L. Dull.
72. "Lao-chün-shuo-wu-chieh", in Yün-chi-ch'i-chen, SPPY, 39/1-3a.
73. Dull, 1978.
74. Hsü Cho-yün, "Han-tai-chia-t'ing ti ta-hsiao" [The size of a Han family], in Ch'iu-ku-pien [Searching Antiquity], Taipei: Lien-ching, 1982, pp. 515-541. Tu Cheng-sheng, "Ch'uan-t'ung-chia-tsu shih-lun" [Preliminary discussion on traditional family], Ta-lu-tsa-chih, 1982: 2 & 3, pp. 57-84, 127-151.
75. Dull, 1978, pp. 52-67.
76. Liu, 1980, pp. 25-28. There was a growing trend of ritualistic conformity (ming-chiao) in the latter part of the Eastern Han. However, since such development grew largely out of the official recruitment system, the emphasis was more on filial piety and fraternal love than marital ethics. If the Han was under the process of Confucianization, in which different social relations were appropriated by Confucian teachings, the appropriation of the husband-and-wife relation was a later scene on the stage than that of the father-and-son relation, and the process was not completed by the end of the Han.
77. For the growth of the local powerful families, see Yang Lien-sheng, "Tung-Han ti hao-tsu" [The powerful families of the Eastern Han], Tsing-hua hsüeh-pao 1936, 11:4. For the small peasant economy in the Han, see Hsü Cho-yün, Han Agriculture, Seattle: University of Washington Press, 1980. For the serf-like "guests" in the Han, see Kao Min, "Liang-Han shih-ch'i 'k'o' ho 'ping-k'o' ti chieh-chi shu-hsing" [Class status of 'k'o' and 'ping-k'o' in the Han dynasty], Ch'in-Han shih lun-chi [Essays on the history of the Ch'in and the Han], 1982, reprint in Chung-kuo she-hui ching-chi

shih ts'an-k'ao wen-hsien [Reference document on Chinese socio-economic history], Taipei: Hua-shih, 1984, pp. 257-392.

78. Ying Shao, Feng-su t'ung-i [General interpretation of the custom], pp. 138-139.

79. Tu, 1982, p. 70.

80. CS, p. 925.

81. CS, p. 1398.

82. For family attitudes on widowed daughters and daughters-in-law in late imperial China, see Mark Elvin, "Female Virtue and the State in China", Past and Present, August 1984, pp. 111-152.

83. P'eng Wei, 1988, pp. 85-115.

84. Mao Han-kuang, Liang-Chin Nan-pei-ch'ao shih-tsu cheng-chih chih yen-chiu [Study on the aristocratic politics of the Chin and the Nan-pei-ch'ao], Chung-kuo hsüeh-shu chu-tso chiang-chu wei-yüan-hui, 1966, pp. 267-288.

85. Ma Ch'ang-shou, Wu-huan yü Hsien-pi, Shanghai: Jen-min, 1962, pp. 303-312.

86. WS, p. 563. See "Jealousy" in Chapter IV.

87. Yü Ying-shih, "Ming-chiao wei-chi yü wei-chin shih-fen ti chuan-pien" [The Conformity Crisis and the Change of Scholarship in the Wei-Chin Period], in Chung-kuo chih-shih chieh-ts'eng shih-lun, 1980, pp. 330-372. For more detailed discussion on the Neo-Taoist aspect of this crisis, see Yü Ying-shih, "Individualism and the Neo-Taoist Movement in Wei-Chin China", in Donald J. Munro ed. Individualism and Holism: Studies in Confucian and Taoist Values, Ann Arbor: Center for Chinese Studies, University of Michigan, 1985, pp. 121-155.

88. SSHY, p. 166.

89. CS, p. 1380.

90. Yü, 1980, pp. 337-346.

91. T'ang Ch'ang-ju, "Tu Pao-p'u-tzu t'ui-lun nan-pei hsüeh-feng ti i-t'ung" [Reading Pao-p'u-tzu and inferring the differences and similarities of scholarship between the South and the North], in Wei-Chin Nan-pei-ch'ao lun-ts'ung [Essays on the Period of Disunion], Peking: San-lien, 1955,

- pp. 351-381.
92. T'ang, 1955, pp. 351-361.
93. T'ang, 1955, p. 373.
94. CS, pp. 1842, 1975-1976, 1824.
95. T'ang, 1955, pp. 371-381. Yü, 1980, pp. 358-372.
96. A man's obligation to his sister-in-law was enthusiastically proposed in the Six Dynasties and finally codified in the T'ang. See Tu Yu, T'ung-tien, p. 500. Also see Yü Ying-shih, 1980, pp. 358-361. Tu Cheng-sheng, "Ts'ung wu-fu lun ch'uan-t'ung ti tsu-ch'ün chieh-kou chi ch'i lun-li" [Traditional Clan Structure and its Ethics Based on the Five Mourning Obligations], in Chung-kuo wen-hua ti kuo-ch'ü hsien-tsai ho wei-lai [The past, present and future of Chinese culture], Taipei: Chung-hua, 1992, pp. 256-275.
97. Liu Huai, "Shang-yen Wang Chi chou sang ch'ü-ch'i shih" [Memorial on Wang Chi's wedding during his mourning obligation], CCW, 115/31.
98. Yü, 1980, pp. 362-363.
99. Ts'ai Mo, "Fu-mu-kuai-li-wei-chih-ts'un-wang-i" [Discussion on being separated from parents and not knowing whether they are alive], CCW, 114/4; Hsieh Ch'ien, "Wang Chi teng chou sang chia-ch'ü-i" [Discussion on the wedding between Wang Chi and the Chou in his mourning period], CCW, 127/2b-3a.
100. YSCH, p. 60.
101. YSCH, p. 60.
102. HHS, p. 2979.
103. HHS, p. 2979.
104. HHS, p. 2986.
105. WS, pp. 10, 13, 322-323.
106. WS, pp. 815-817.
107. K'ang Le, "Pei-Wei Wen-ming t'ai-hou chi ch'i shih-tai" [Dowager Wen-ming and Her Time], Shih-huo, 1986, 15:11-12, pp. 461-475; 16:1-2, pp. 56-66.

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111. Lee Jen-der, "A Review on Christopher N. L. Brooke, The Medieval Idea of Marriage", Taipei: New History 1:4, 1990, pp. 163-167.
112. Charles Donahue, Jr., "The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages", Journal of Family History, summer 1983, pp. 144-158.
113. Donahue, 1983, p. 145.
114. Georges Duby, The Knight, The Lady and The Priest, translated by Barbara Bray, New York: Pantheon Books, 1983. Jack Goody, The Development of the Family and Marriage in Europe, Cambridge University Press, 1983. Goody's view, however, is not widely accepted among medievalists since its publication, see review by R.A. Houlbrook, in English Historical Review, 1984, pp. 816-818; Suzanne F. Wemple, American Historical Review, 1984, pp. 1050-1051.
115. Brooke, 1989, pp. 41-50.
116. R. H. Helmholz, Marriage Litigation in Medieval England, Cambridge University Press, 1974.
117. Bible, Genesis 2:24, Revised standard version, New York: American Bible Society, 1971.
118. Matthew, 19:10-12.
119. 1 Corinthians 7: 8-9.
120. 1 Cor. 7: 5.
121. Mark 10:2-12.
122. Brooke, 1989, p. 40.
123. Brooke, 1989, pp. 39-40. "Concubinage", different from its meaning in Chinese context, was used to describe such situation of living together without marriage.

124. Goody, 1983, pp. 59, 134.
125. Brooke, 1989.
126. Helmholz, 1974, p. 5.
127. Gregory of Tours, The History of the Franks, Book II and Book IX, translation with an introduction by Lewis Thorpe, Penguin Books, 1974
128. For the struggle between the church and the Frankish monarchy, and the building up of papal authority, see Brian Tierney, The Crisis of Church and State 1150-1300 Part I, "The First Thousand Years", University of Toronto Press, 1988 and Geoffrey Barraclough, The Medieval Papacy, New York: W.W. Norton & Company Inc., 1979.
129. For the monastic reform and its influence, see Barraclough, 1979, Chapter III, "The Age of Reform". For the cult of celibacy and its influence on church's view on marriage, see Brooke, 1989, Chapter III, "The Cult of Celibacy in the Eleventh and Twelfth Centuries".
130. Gregory VII's letter to the bishop of Constance in 1074, collected in Tierney, 1988, p. 48.
131. Donahue, 1983, p. 146.
132. Brooke, 1989, pp. 119-143.
133. Diane Owen Hughes, "From Brideprice to Dowry in Mediterranean Europe", Journal of Family History, 1978, pp. 262-298.
134. Helmholz, 1974, pp. 167-168.

CONCLUSION

This dissertation has examined women and their role in marriage during the Period of Disunion. It has shown that women in this period had more alternatives than their counterparts in later imperial eras. Women participated in social, political, scholarly and economic activities both before and after their marriages. Although they often married the persons chosen by their parents, women in this period did voice their preferences in selecting spouses and expressed their emotions in marital life.

In the process of selecting a spouse, generational taboos were often ignored, but surname exogamy and class endogamy were practiced among the Han aristocracy. The prohibition of marriage between close kin, such as maternal cousins, was sometimes hardened by the Hsien-pi rulers so that they could break into the closed circle of class endogamy among the northern Han aristocracy.

To forbid maternal cousin marriage was only part of the evidence that demonstrated the lack of concern about patrilineal supremacy in Hsien-pi tradition. In the Eastern Wei, punishment of jealous wives and establishment of concubinage were proposed so that a man could produce offspring and perpetuate his patriarchal line; these proposals were dismissed. In the Northern Ch'i, male superiority and female inferiority were suggested in legal discussion so that a son would be allowed to report his

mother if she killed his father; these suggestions were ignored. However, the nomadic rule did not create free space for women; rather, it maintained and sometimes reinforced the existing legacy since the "pre-Confucian" Han and the anti-ritualistic fashion of the Wei-Chin period.

Confucianism was promulgated as orthodoxy as early as the Western Han, but marital ethics were not yet appropriated by any ideological norm. Confucian ethics can be best perceived in the increasing number of chaste widows recorded in standard histories. But the increase of chaste widows was made possible by the changing family pattern instead of ideological conformity, and it was used by contemporary historians to show exceptional rather than common compliance with Confucian norms.

Most classical prescriptions on marriage rites and ethics were not yet taken seriously in the Period of Disunion. Aristocratic families used expensive marriage gifts and ceremonies to show their social prestige. Financial burden often caused postponement of marriage and encouraged various kinds of "quick-weddings" which disregarded the Confucian six rites. Weddings were full of noise and gaiety since the Han, despite imperial promotion of solemn rituals based on the Classics. Women were still seen in "frivolous" wedding games and other public gatherings, regardless of imperial decrees of gender segregation.

Capable yet dominant wives were often heard of and sometimes appreciated because the social status of their natal families was equal or higher than that of their husbands'. It is proposed that the contempt of concubinage in the North was due not only to the Han legacy, but also to the complicated social and familial role a northern wife had to play. But such a hypothesis can only be tested later when more evidence is available.

Political division slowed down the process of indoctrination. A short period of unification caused the anomaly of two wives and challenged the classical idea of nominal monogamy. Constant social and political chaos attracted many people into the choice of celibacy, which was fundamentally against the patrilineal values in the Classics. Although contending religions provided spiritual outlets for people who escaped the conjugal bonds, their ethical sanctions for married lives in this period, however, did not go beyond the Confucian context.

In the end, both political division and cultural diversity prevented the society from ethical conformity and ideological standardization. Women were therefore left with more space in both social and nuptial realms, and the North exemplified such a picture even clearer than the South.

Many works have investigated the aristocratic society interwoven by marriage alliances and their political significance in this period. However, little attention has

been paid to women and their lives after the politically oriented alliances were consummated. With limited yet existent information, this dissertation has demonstrated the reality of conjugal life, tears and laughters, affection and conflicts, experienced by the couples involved. It also provides continuation for the study of women and marriage in Chinese history since so far many works are done to learn the situation in the Han and the T'ang but few works study the situation in the Period of Disunion.

This is, however, just a beginning. Since little research has been done to better our understanding of the history of daily life, Chinese historians are still learning the daily struggles and resolutions of the individuals who are somewhat faceless in the grand scheme of political history. Take women for example, this dissertation has shown the struggles they encountered and the resolutions they applied in the husband-and-wife relationship. However, further research can be done to examine their dietary habits, clothing patterns, living conditions, and health care, such as in childbirth, so that when we speak of the status of women in a certain historical context, we know better where they stood in reality. This dissertation, therefore, is just a start of a new realm of historical learning.

GLOSSARY

ai	愛
An-ling-shou	安令首
An-yang (princess)	安陽
chan-ts'ui	斬衰
Chang Chiao	張交
Chang Chih-shou	張智壽
Chang Fei	張斐
Chang Hsi	張希
Chang Hsüan-tzu	張宣子
Chang Jung	張融
Chang Pai	張白
Chang She-t'i	張叔提
Chang Shuai	張率
Chang-sun Chen	長孫真
Chang-sun Chih	長孫稚
Chang-sun Lü	長孫慮
Chang-sun Sung	長孫嵩
Chang T'ien-hsi	張天錫
Chang Wan	張綰
Ch'ang Chi-fan	常季繁
Ch'ang-sha	長沙
Chao-chün Li	趙即李
Chao P'an-hu	趙槃虎
Chao Wan-li	趙萬里
Chao Yen	趙儼

chao-yü
 chen-fu
 Ch'en (dynasty)
 Ch'en Chiao
 Ch'en Ch'ing-ho
 Ch'en Fang-t'ai
 Ch'en ku-yüan
 Ch'en-liu
 Ch'en Su
 Cheng Chung
 Cheng Shan-fei
 Cheng Shan-kuo
 Cheng Tzu-ch'ün
 Ch'eng Hsien
 chi
 chi-ch'in
 chi-li
 chi-mu
 chi-shih
 chi-shih-chung
 Ch'i (dynasty)
 Ch'i Hsiao-yao
 ch'i-shih
 Chia (empress)
 Chia Ch'ung
 chia-feng

詔獄
 貞婦
 陳
 陳矯
 陳慶和
 陳方泰
 陳顧遠
 陳留
 陳素
 鄭眾
 鄭善姬
 鄭善果
 鄭子群
 程咸
 期
 期親
 計吏
 繼母
 繼室
 給事中
 齊
 咸道遙
 桑市
 賈
 賈亮
 家風

chia-hsüeh	家學
chia-tzu	甲族
Chia Wu	賈午
Chiang Ch'an	江湛
Chiang Hsiao	江斂
chiang-tso-ta-chiang	將作大匠
chiang-tung	江東
ch'iao-hsing	僑姓
Chien-k'ang	建康
Chien-wen (emperor)	簡文
Ch'ien Keng	錢耿
Chin (dynasty)	晉
Ch'in (dynasty)	秦
Ch'in Chia	秦嘉
Ch'in-mu	親母
Ch'in P'eng	秦彭
ch'in-ying	親迎
ch'ing-ch'i	請期
Ch'ing-ho Ts'ui	清河崔
Chiu-chen	九真
chiu-ch'üan	酒泉
Chou (dynasty)	周
Chou Chün	周浚
Chou Hsü-chih	周續之
Chou Sung	周嵩
chu-pu	主簿

Ch'u Sui-liang
 Ch'un-Ch'iu
 chung-ch'ang-shih
 Chung-li I
 chung-san
 Chung Yen
 Chū-ch'ü Meng-hsün
 ch'ü
 Ch'ü Po-yü
 chüeh
 Erh-chu Yüan-ching
 Fan-yang Lu
 fang-chung-shu
 fei
 feng-chi
 Feng Chün-i
 Feng K'ai
 Feng Shu
 Feng Yen
 Fo-t'u-ch'eng
 fu-ch'i
 Fu Chien
 Fu-feng Ma
 fu-jung
 fu-kung
 fu-te

褚遂良
 春秋
 中常侍
 鍾離意
 中散
 鍾琰
 沮渠蒙孫
 娶
 蘧伯玉
 鮑
 爾朱元靜
 范陽盧
 房中術
 妃
 風疾
 封君義
 封愷
 封述
 封演
 佛圖澄
 夫妻
 符堅
 扶風馬
 婦容
 婦功
 婦德

Fu-yang (princess)	富陽
fu-yen	婦言
Hai-yen (princess)	海鹽
Han (dynasty)	漢
han-jen	寒人
Han Lan-ying	韓蘭英
Han P'in	寒貧
Han Shou	韓壽
Heng	恒
Ho-hsi	河西
Ho Hsün	賀循
Ho-nei	河內
Ho Po-yü	何伯璽
Ho Shuo	何朔
Ho Tien	何點
Hou Ching	侯景
Hsi T'an	希曇
Hsi Yin	希愔
Hsia-hou Chin	夏侯景
Hsia-hou Tao-ch'ien	夏侯道遷
hsiang-ch'e	香車
Hsiang K'ai	襄楷
hsiang-i-ch'ing-t'an	鄉議清談
hsiao-chung-cheng	小中正
Hsiao Ho	蕭何
hsiao-kung	小功

hsiao-lien
 Hsiao Mo-k'o
 Hsiao Tao-ch'eng
 Hsiao-wen (emperor)
 Hsiao-wu (emperor)
 Hsieh Hsüan
 hsien-li
 Hsien-pi
 Hsien-yang
 Hsin-an (princess)
 hsing-hsün
 hsing-ming
 Hsiung-nu
 Hsü Chan-chih
 Hsü Chao-chih
 Hsü Ching
 Hsü Heng-chih
 Hsü Tao-fu
 hsüan-ch'e
 Hsüeh Hui-ming
 Hsüeh Po-hui
 Hsüeh Shu
 Hsün I
 Hsün K'un
 Hsün Shuang
 Hsün Sung

孝廉
 蕭摩訶
 蕭道成
 孝文
 孝武
 謝玄
 縣吏
 鮮卑
 咸陽
 新安
 刑訊
 刑名
 匈奴
 徐湛之
 許肇之
 許荆
 許恆之
 徐道覆
 軒車
 薛慧命
 薛伯微
 薛琰
 荀顗
 荀勗
 荀爽
 荀崧

Hsün Yü	荀彧
Hsün Yüeh	荀悅
Hu (surname)	胡
hu-hun-lü	戶婚律
hu-lü	戶律
Hua Heng	華恆
Hua Pao	華寶
Huai (river)	淮
Huan (emperor)	桓
huan-ching-pu-nao	還精補腦
Huan Tao-min	桓道愍
Huang-Lao	黃老
Hui-meng	慧猛
hun-hu-lü	婚戶律
hun-yin-lü	婚姻律
i	義
i-chüeh	義絕
i-t'ing	義絕
i-wang	掖庭
i-wei-chih-lun	遺忘
Jao-le (river)	以違制論
Jen-ch'eng	饒樂
Jen Yen	任城
Juan Hsiao-hsü	任延
Juan Hsiu	阮孝緒
Juan Yin-chih	阮休
	阮胤之

Jung-fei
 Kan Pao
 k'ang-li
 kao ch'i
 Kao Huan
 Kao Jou
 Kao Kuei-yen
 Kao Shih-yüan
 Kao-tsu (emperor)
 Kao Tsun
 Kao Yang
 Kao Yün
 Ko Hung
 K'ou Ch'iao
 K'ou Ch'ien-chih
 ku
 Ku K'ai-chih
 K'uai-chi
 Kuan-ch'iu
 Kuan K'ang-chih
 Kuan-shih-yin
 Kuan Yen
 Kung-sun Tao-yüan
 Kung-sun Tsan
 K'ung Chung-chih
 K'ung Ssu

容妃
 干寶
 仇儼
 告期
 高歡
 高柔
 高歸彥
 高士元
 高祖
 高遵
 高洋
 高允
 葛洪
 寇嶠
 寇謙之
 故
 顧愷之
 會稽
 毋丘
 關康之
 觀世音
 管彥
 公孫道遠
 公孫綰
 孔仲雅
 孔嗣

Kuo Huai	郭槐
kuo-shih	過失
Lan-ling (princess)	蘭陵
lang	郎
Lang-ya Wang	瑯琊王
Lao-tzu	老子
li	例
Li Chen-hsiang	李真香
Li Ch'ing	李顯
Li Chung	李忠
Li Hsin	李訢
Li Hsüan-sheng	李玄盛
Li Hung-chih	李洪之
Li Luo-hsiu	李紹秀
Li Mi	李密
li-pu-shang-shu	吏部尚書
Li Shen-chün	李神儁
Li Shih-yeh	李士葉
Li Shih-yüan	李士元
Liang (dynasty)	梁
Liang Chi	梁冀
Liang Hung	梁鴻
lien-tso	連坐
Ling-hu Te-fen	令狐德棻
Ling-hu Ts'e	令狐策
Liu (empress)	柳

Liu Cheng	劉整
Liu Ching-yü	劉敬猷
Liu Hsieh	劉恂
Liu Huai	劉隗
Liu Hui	劉輝
Liu P'an	劉盤
Liu Piao	劉表
Liu Po-yü	劉伯玉
Liu Shao	劉劭
Liu Sung	劉頌
Liu-Sung (dynasty)	劉宋
Liu T'ung	劉通
Liu Yen	劉琰
Liu Yin	劉殷
Liu Yüan-ching	劉元敬
Lo-shen-fu	洛神賦
Lo-yang	洛陽
Lou (surname)	婁
Lu An-pao	陸安保
Lu Fa-ho	陸法和
Lu Hsi-chih	陸昕之
Lu Hsiu-ching	陸修靜
Lu Hsün	盧循
Lu Li	陸麗
Lu Ting-kuo	陸定國
Lu Yü-sheng	陸鬱生

Luan Pa
 Lung-hsi Li
 Lü Ch'ao
 Lü Fan
 Lü Jung
 lü-po-shih
 Lü Ssu-mien
 Ma Ch'eng
 Ma Jung
 Ma Yüan-cheng
 mai-mai-hun
 mei-shih
 men-fang-chih-chu
 men-hsia
 Meng Kuang
 Miao-hsiang
 Ming (emperor)
 ming-chiao
 Mou-tzu
 na
 na-cheng
 na-chi
 na-pu-i-li
 na-ts'ai
 Nan-pei-ch'ao
 Nan-p'ing (prince)

竇巴
 隋西李
 呂超
 呂乾
 呂榮
 律博士
 呂思勉
 馬澄
 馬融
 馬元正
 買賣婚
 媒氏
 門房之誅
 門下
 孟光
 妙相
 明
 名教
 牟子
 納
 納徵
 納吉
 納不以禮
 納采
 南北朝
 南平

nan-tsun-nü-peī
 Nan-yang (princess)
 ni-chieh-chüeh-li
 pa-i
 pai-shih
 Pan Chao
 P'an Yüeh
 Pao Lao-shou
 Pao Yi
 Pao Yü
 Pei Chu
 pei-pu-tu-yu
 p'ei-ou
 P'eng Lao-sheng
 Pi I-yün
 Pien K'un
 P'ing-ch'eng
 Po-ling Ts'ui
 pu-ching
 Pu-liu-ku Jui
 pu-shih
 pu-tao
 pu-yü-jen-liu
 p'u-yeh
 san-chi-ch'ang-shih
 san-chieh

男尊女卑
 南陽
 送節絕理
 入議
 拜時
 班昭
 潘岳
 抱老壽
 抱疑
 鮑昱
 裴助
 北部督郵
 配偶
 彭老生
 畢義雲
 卞壺
 平城
 博陵崔
 不敬
 步六孤睿
 不識
 不道
 不預人流
 僕射
 散騎常侍
 三界

san-hu-fa	三五法
san-kung-lang	三公郎
san-kung-lang-chung	三公郎中
san-lao	三老
san-pao	三寶
shang-shu	尚書
shang-shu-p'u-yeh	尚書僕射
shang-shu-sheng	尚書省
Shao	劬
Shen Tao-ch'ien	沈道遷
Shen Yüeh	沈約
shih	士
Shih-tsu	士族
Shu (kingdom)	蜀
shu-tzu	庶子
ssu-chüeh	死絕
Ssu-hsien (surname)	兗先
ssu-li-hsiao-wei	司隸校尉
ssu-ma	司馬
ssu ma	總祿
Ssu-ma Shih	司馬師
ssu-shih-erh-chang-ching	四十二章經
ssu-t'u	司徒
ssu-t'ung	私通
Sui (dynasty)	隋
Sun Ch'ang	孫敞

Sun Ch'üan	孫權
Sun En	孫恩
Sun Fa-tsung	孫法宗
Sun Hsiu	孫休
Sun Tao-te	孫道德
Sung (dynasty)	宋
ta-chung-cheng	大中正
ta-kung	大功
ta-li	大理
ta-ni	大逆
Ta-yüan	大宛
Tai Liang	戴良
T'ai-shang-lao-chün	太上老君
T'ai-shih (reign name)	泰始
T'ai-wu (emperor)	太武
T'ai-yüan Wang	太原王
T'an-ching	曇靜
T'ang (dynasty)	唐
T'ang Fu	唐復
T'ang Heng	唐衡
T'ang Tz'u	唐賜
Tao-wu (emperor)	道武
T'ao Ch'ien	陶潛
T'ao Hung-ching	陶弘景
T'ao Kuei	陶貴
T'ao Tan	陶淡

te	得
Teng (empress dowager)	鄧
Teng Hsiang	鄧香
Teng Lang	鄧朗
Teng Yüan-i	鄧元義
ti	嫡
Tiao Hsieh	刁協
T'ien Pao	田豹
t'ien-shih-tao	天師道
t'ing-wei	廷尉
T'o-pa	拓跋
Tou Li	竇禮
tou-lü	竇律
Tou Yüan	竇瑗
Ts'ai Ching-li	蔡景歷
Ts'ai Hsing-tsung	蔡興宗
ts'ai-hun	財婚
Tsang Chih	臧質
Ts'ao Ts'ao	曹操
tsu-hsing	族刑
Tsu T'ai-chih	祖台之
tsui	罪
Ts'ui Ch'eng	崔逞
Ts'ui Chien	崔鑒
Ts'ui Chü-lun	崔巨倫
Ts'ui Hao	崔浩

Ts'ui Hsiao-fen
 Ts'ui Huai-shen
 Ts'ui Kuang
 Ts'ui Seng-shen
 Ts'ui Shu-i
 Ts'ui Tao-ku
 Ts'ui Tsuan
 tu
 Tu-ku (empress)
 Tuan (surname)
 tuan-yü
 T'uan
 t'ung-chi
 tzu-jan
 tzu-ts'ui
 tz'u-shih
 Wan Hsi
 Wang Chi
 Wang Chien
 Wang Ch'ien-ch'i
 Wang Ching-wen
 Wang Fu
 Wang Hsi
 Wang Hsien-chih
 Wang Mang
 Wang Min

崔芬
 崔懷慎
 崔光
 崔僧深
 崔叔義
 崔道固
 崔纂
 妒
 獨孤
 段
 斷獄
 象
 同籍
 自然
 齊衰
 刺史
 萬睇
 王籍
 王儉
 王衍期
 王景文
 王符
 王睇
 王獻之
 王莽
 王珉

Wang Pao
 Wang Pi
 Wang Piao-chih
 Wang Seng-ju
 Wang Shih
 Wang Su
 Wang Yüan
 Wang Yüan-kuei
 Wei (kingdom, dynasty)
 Wei Chen
 Wei-chih
 Wei Fang
 Wei Heng
 Wei Sa
 Wen (emperor)
 Wen-ch'eng (emperor)
 Wen Ch'iao
 Wen-hui
 wen-ming
 Wu (emperor)
 Wu (kingdom)
 wu-hu-luan-hua
 Wu-huan
 wu-tou-mi-tao
 yang
 Yang (emperor)

琅
 王裴
 王彪之
 王僧儒
 王式
 王肅
 王源
 王元規
 魏
 衛臻
 魏志
 韋放
 衛恆
 衛玠
 文
 文成
 溫嶠
 文惠
 問名
 武
 吳
 五胡亂華
 烏桓
 五斗米道
 陽
 煬

Yang Lieh	羊烈
Yang T'iao-hua	楊苕華
Yangtze (river)	揚子
Yao-kuang (monastery)	瑤光
yeh	業
yeh-hsia	業下
Yen Chih-t'ui	顏之推
Yin (surname)	尹
yin	陰
Yin Hua-chung	應華仲
ying-ch'e	迎車
ying-chia	媵嫁
Ying-yang Cheng	滎陽鄭
yu-p'u-yeh	右僕射
yü	欲
Yü Ch'an	庾闡
Yü Fan	余範
Yü Hsi	虞喜
Yü Hung-chih	庾洪之
Yü Liang	庾亮
Yü-lin	鬱林
Yü P'u	虞溥
yü-shih-chung-ch'eng	御史中丞
yü-shih-t'ai	御史台
Yü T'ung-chih	虞通之
yüan	緣

Yüan Chi

袁錕

Yüan Chun

袁準

Yüan Ch'un-i

元純隨

Yüan Hsiao-yu

元孝友

Yüan Hsiu-i

元修義

yüan-p'ei

元配

Yüan Shao

袁紹

Yüan Shu

袁術

Yüan Yu

元祐

Yüan Yung

元永

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<u>CCW</u>	<u>Ch'üan Chin-wen</u>	全晉文
<u>CHCW</u>	<u>Ch'üan Hou-Chou-wen</u>	全後周文
<u>CHHW</u>	<u>Ch'üan Hou-Han-wen</u>	全後漢文
<u>CHWW</u>	<u>Ch'üan Hou-Wei-wen</u>	全後魏文
<u>CLCI</u>	<u>Chou-li cheng-i</u>	周禮正義
<u>CLW</u>	<u>Ch'üan Liang-wen</u>	全梁文
<u>CS</u>	<u>Chin Snu</u>	晉書
<u>CSKW</u>	<u>Ch'üan San-kuo-wen</u>	全三國文
<u>CSW</u>	<u>Ch'üan Sui-wen</u>	全隋文
<u>HS</u>	<u>Han Shu</u>	漢書
<u>HHS</u>	<u>Hou Han Shu</u>	後漢書
<u>KSC</u>	<u>Kao-seng-chuan</u>	高僧傳
<u>MCMCS</u>	<u>Han-Wei Nan-pei-ch'ao mu-chih-chi-shih</u>	漢魏南北朝 墓誌集釋
<u>NCS</u>	<u>Nan Ch'i Shu</u>	南齊書
<u>NS</u>	<u>Nan Shih</u>	南史
<u>PCNC</u>	<u>Pi-ch'iu-ni-chuan</u>	比丘尼傳
<u>PCS</u>	<u>Pei Ch'i Shu</u>	北齊書
<u>PHT</u>	<u>Po Hu T'ung</u>	白虎通
<u>PPT</u>	<u>Pou-p'u tzu</u>	抱朴子
<u>PS</u>	<u>Pei Shih</u>	北史

<u>SKC</u>	<u>San-kuo-chih</u>	三國志
<u>SKCS</u>	<u>Ssu-k'u-ch'üan-shu</u>	四庫全書
<u>SPPY</u>	<u>Ssu-pu-pei-yao</u>	四庫備要
<u>SSHY</u>	<u>Shih-shuo hsin-yü</u>	世說新語
<u>TLSE</u>	<u>T'ang-lü shu-i</u>	唐律疏議
<u>TPYL</u>	<u>T'ai-ping yü-lan</u>	太平御覽
<u>WS</u>	<u>Wei Shu</u>	魏書
<u>YSCH</u>	<u>Yen-shih chia-hsün</u>	顏氏家訓
<u>YYTT</u>	<u>Yu-yang tsa-tsu</u>	酉陽雜俎

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VITA

Lee, Jen-der

Born: March 7, 1961

Father: Li, Ta-chung

Mother: Tseng, Kuei-shiang

B.A. National Taiwan University, 1982

M.A. National Taiwan University, 1985

Ph.C. University of Washington, 1990