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## ABSTRACT

### MARRIAGE AND ADOPTION IN CHINESE SOCIETY WITH SPECIAL REFERENCE TO CUSTOMARY LAW

By

James Pierce McGough

Anthropological field research into the customary laws of family and household organization in rural Taiwan brought to light a number of "irregular" forms of marriage and adoption--forms not easily categorized by traditional descriptions of Chinese society. Uxorilocal marriage, in which the newly married couple moves to live with the woman's family instead of the man's family is an example, as is the institution sometimes referred to as the "adopted daughter-in-law," in which a young girl is taken into a family and is raised to marry one of the sons of the family.

My attempt to account for these and other, related forms led in two main directions. One was descriptive: I collected data from field research and historical and archival sources referring to these customary forms as they existed in Taiwan and in other parts of China as well, in order to gauge the range of variation in forms of marriage and adoption in traditional Chinese society generally and to determine whether Taiwanese society deviated from the pan-Chinese norm.

The second direction of investigation was theoretical: Because serious problems arose in formulating definitions of "marriage" and "adoption" that were applicable cross-culturally, I attempted an approach which did not assume these categories as a basis for analysis.

I found that there was great variety of forms of both marriage and adoption in traditional Chinese society, that this variety seems to have existed in all geographical regions, not peculiarly in Taiwan, and that it seems to have been inversely related to socio-economic class. "Irregular" forms were more likely to be found among urban and rural poor than among the elite. This has led to a certain bias in many accounts of traditional Chinese family and kinship organization: an emphasis on elite norms at the expense of the more varied reality in lower classes.

My theoretical conclusion is that it is a mistake to choose "marriage" and "adoption" as units of study, at least for the Chinese case. I found it much more productive to focus instead upon the household as a social, legal, and economic unit, and then to view marriage and adoption as more or less vaguely defined areas on a spectrum of social forms, all of which could be utilized to recruit persons for the household or to establish connections with other households. When this approach is taken, it becomes evident that a large number of these recruitment forms can be treated as variations on a basic structure and, further, that the particular variations can be accounted for by reference to demographic, economic, and socio-political factors.

MARRIAGE AND ADOPTION IN CHINESE SOCIETY  
WITH SPECIAL REFERENCE TO CUSTOMARY LAW

By

James Pierce McGough

A DISSERTATION

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## INTRODUCTION

I conducted anthropological field research into customary law in T'ien-sung-p'i Village, I-lan Country, Taiwan, from August 1970 to August 1972. One of the interesting things to emerge from this research was the variety and prevalence of "irregular" forms of marriage, especially uxorilocal marriage, in which residence after the wedding is with the wife's family, and simpua ("little daughter-in-law"), or adopted daughter-in-law marriage, in which a female child is adopted into the family and raised to marry one of the sons.

This dissertation utilizes material from field research and a variety of other sources to examine the nature and role of these and other "irregular" forms of marriage and adoption in Chinese society. My research began with the contemporary Chinese society of rural Taiwan. Some have suggested that such irregular marriage patterns were and are particularly Taiwanese and were due in part to Taiwan's history, particularly its fifty years under Japanese rule. However, investigations into data about actual, rather than ideal, marriage patterns throughout traditional China showed impressive historical depth and geographical spread for such irregular forms. The description and comparison of irregular marriage forms which I include have benefited much from a compilation of customary laws made

early in this century, Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu (abbreviated in the text MSS).

The data from Taiwan and from mainland China led me to conclude that for the purposes of my analysis it was best to abandon "marriage" and "adoption" as significant and relevant categories and to focus instead on a spectrum of social forms that blended into one another along a number of dimensions which emerged in the course of the research. Uxorilocal marriage blended into regular marriage, regular marriage blended into simpua marriage, simpua marriage blended into adoption, and so on.

The problem was to determine whether there was some basic pattern common to all these social transactional forms and to try to identify the demographic, economic, political, and technological circumstances in which particular forms might be found. It proved easiest and most productive to treat family or household units as corporate interest groups, and to focus the analysis on patterns of group recruitment, particularly in the context of the concept of "self-exploitation" developed in A. V. Chayanov's theory of peasant economy.

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and the unflagging hospitality of our village friends and neighbors made it productive and enjoyable.

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Mr. Tien Tsung-yao, of Michigan State University, and Mr. Alfred Pan, of the University of Hong Kong, both helped in the translation of difficult texts, and Mr. Austin Shu, of the Michigan State University Library, was very helpful in settling some bibliographic questions. Mr. Tien also helped in checking some of my translations.

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Finally, I thank my wife, Helen, for her crucial intellectual and emotional aid and support throughout all phases of work on this dissertation.

The following abbreviations are used in the text to identify languages or dialects used: M. (Mandarin or kuo-yü), T. (Taiwanese), C. (Cantonese), J. (Japanese). The romanization of Taiwanese words follows Douglas (1873) and Barclay (1923), except that an asterisk is used instead of a superscript "n" to indicate nasalization.

CHAPTER I

THE DEFINITION OF MARRIAGE IN  
ANTHROPOLOGICAL THEORY

In attempting to deal with the overlapping categories of marriage and adoption in rural Taiwanese society and Chinese society generally, a natural response is to hold that if it is hard, and in some cases impossible, to distinguish between the two, then in some sense they are the same thing. From this point of view it is important to look at definitions of marriage, to see if there are strong reasons to reject this argument.

Although I am not concerned here with cultural universals as such, it is in this context that a number of general definitions of marriage have been put forward. Although Edmund Leach says that "marriage is a 'bundle of rights'; hence all universal definitions of marriage are vain" (1961: 105), Ward Goodenough disagrees, and goes on to offer one.

I would myself define marriage, then, as a transaction and resulting contract in which a person (male, female, corporate or individual, in person or by proxy) establishes a continuing claim to the right of sexual access to a woman--this right having priority over rights of sexual access others currently have or may subsequently acquire in relation to her (except in a similar transaction) until the contract resulting from the transaction is terminated--and in which the woman involved is eligible to bear children (1970: 12-13).

Goodenough's formulation and the arguments behind it are interesting for other reasons than just arriving at a universal



definition of marriage. In attempting to arrive at universals, he is forced to return to basics in his characterization, to the essentials, independent of particular cultural forms.

The result is that the definition of marriage is broadened to include institutionalized unions that are not usually thought of when "marriage" is discussed, but are known from the ethnographic record: marriages in which a woman may marry another woman, "ghost marriages," and so on (Goodenough 1970: 13).

Both of these latter irregular forms of marriage were found in Chinese society ("ghost marriage" is still prevalent in some areas, but I know of no evidence that woman-woman marriage is still practiced), so we are on the right track. Such a definition does not deal with T. simpua, or "little daughter-in-law," marriage, however. In this form of marriage, which was widespread in Chinese society, a young girl was adopted into a family and raised until puberty, when she was married to a son of the family. (This institution will be described in greater detail later.)

There are good arguments for considering her to have become married when the adoption took place. Her status with respect to such things as mourning grades, surname use, kinship terminology, and aspects of customary law all seem to indicate this. Yet obviously no right to sexual access, or eligibility to bear children, was immediately created.

Goodenough's arguments for the inclusion of these last two clauses are that

In all human societies, it is necessary to have some means of determining when a woman is eligible for sexual relations

and when she is eligible to bear children. The timing of these eligibilities does not always coincide. In all societies, there is a need to know when a man is eligible to engage in sexual relations, too, and, if relevant, when he is eligible to beget children. And in all societies, there is a need to determine who has sexual privileges with whom and on what occasions. Everywhere, finally, criteria of some kind are needed by which to determine where a child belongs, in what groups he has membership rights, and what adults are responsible for his maintenance, socialization, education, and for protecting his interests and enforcing his rights (1970: 8).

It is further argued that in different societies these requirements are met by various kinds and numbers of transactions, and that to achieve a generally applicable definition of marriage it is necessary to find a universal concern that relates in some way to sexual reproduction and that requires a transaction between a man and a woman. "Sexual access is the only human concern I can find that meets this requirement" (Goodenough 1970: 11).

This is an outcome, he says, of several human characteristics. One is the tendency to form more or less continuous, affect-laden relationships, sexual and otherwise. A second is the "universal tendency" for males to be combative and competitive when it comes to sexual access to females. Finally "for a variety of reasons that are yet unclear," men and women who grow up together as siblings "tend not to establish sexual liaisons with one another" (1970: 11). This is the so-called "Westermarck hypothesis."

A consequence of these universal human tendencies is that men and women develop continuing social relationships with two categories of persons: those with whom they are intimately associated in childhood as members of the same domestic unit, and those with whom they establish sexual liaisons as young adults. There is little overlap of these categories. . . . Because rights and obligations other than those pertaining to sexual access can be vested in the sibling relationship, a definition of marriage that includes other than considerations

of sex and reproduction cannot be applied universally--as long, that is, as we assume that marriage involves a transaction that links two persons in a manner they were not linked before (1970: 12).

Arthur Wolf has written three articles attempting to show that simpua marriage in Chinese society is a source of evidence which supports the "Westermarck hypothesis" mentioned above, that men and women who grow up as siblings tend not to establish sexual liaisons with one another (Wolf 1966, 1968, 1970; Goodenough explicitly refers to the first of these articles). I do not agree with Wolf's arguments, however.

Wolf argues that such marriages are disliked by those for whom they are arranged, and are less successful than are other marriages. He measures success by such things as divorce rate, number of visits to prostitutes by the male partners, and numbers of children. Although some of these may be particularly culture-bound definitions of success in marriage, even if it is true that such marriages are comparatively unsuccessful, it has not been demonstrated to my satisfaction that this has anything to do with the fact of partners having been raised together, in and of itself.

Informants in T'ien-sung-p'i who had themselves been involved in or with such unions tended to blame any distaste felt on the part of the male (the female was not regarded as in any position to complain) on the fact that the intended wife occupied the lowest position in the family social structure. From the time they were little she was the one who did all of the dirty, distasteful jobs. She was a drudge, and was not dressed as well as the others in the family. As a female she was inferior to the males in the household;

as adopted she was inferior to the daughters of the family. Since her ties with her natal family had been cut, she could not appeal to them (or threaten to appeal to them) to bolster her own position in the adoptive family and her position was inferior to that of a woman who had been married in the regular way. The latter could always return to her natal family if she got fed up, and the affinal family had a greater or lesser investment in her in the form of the brideprice. Neither of these was true for the simpua.

It is not surprising that the simpua was sometimes indistinguishable from the adopted daughter, or from the T. cha-bo-kan, or female slave/servant. The picture was not so dark in every instance, of course, but it was a general tendency to regard her as occupying a distinctly inferior position. Hence, for instance, it seems that adopted daughters tended more often to become prostitutes than did others (until fairly recently, when adoption itself began to decline in popularity).

For these reasons I think that the institution of simpua adoption and marriage is not evidence for a postulated "universal tendency" for those raised together not to form sexual liaisons with each other. Certainly if there is such a tendency it seems not to come from being raised together, but rather from certain sociological characteristics of the situation, and it is by no means a strong tendency. I have not done a careful count of such marriages in the village of T'ien-sung-p'i to compare with other types of marriage, but my intuitive feel is that they are no less "successful" (in terms of divorce rate or number of children) than other

marriages. I do not think that "number of visits to a prostitute" in an adequate measure of "success" in this case, since in Taiwanese society frequenting prostitutes may be as much a manifestation of conspicuous consumption as of marital distress.

This means that Goodenough's reliance on sexual access as a cornerstone of his definition of marriage is not warranted generally, and certainly should not be used in this particular case. Edmund Leach has made essentially the same point:

The institutions commonly classed as marriage are concerned with the allocation of a number of distinguishable classes of rights. In particular a marriage may serve:

- A. To establish the legal father of a woman's children.
- B. To establish the legal mother of a man's children.
- C. To give the husband a monopoly in the wife's sexuality.
- D. To give the wife a monopoly in the husband's sexuality.
- E. To give the husband partial or monopolistic rights to the wife's domestic and other labour services.
- F. To give the wife partial or monopolistic rights to the husband's labour services.
- G. To give the husband partial or total rights over property belonging or potentially accruing to the wife.
- H. To give the wife partial or total rights over property belonging or potentially accruing to the husband.
- I. To establish a joint fund of property--a partnership--for the benefit of the children of the marriage.
- J. To establish a socially significant "relationship of affinity" between the husband and his wife's brothers.

One might perhaps considerably extend this list, but the point that I would make is that in no single society can marriage serve to establish all these types of right simultaneously; nor is there any one of these rights which is invariably established by marriage in every known society. We need to recognize then that the institutions commonly described as marriage do not all have the same legal and social concomitants (Leach 1961: 108-109).

Leach adds, with respect to item "C" above, that "I use the term 'monopoly' advisedly. I consider this right C is to be regarded as a monopoly control over the disposal of the wife's sexuality

rather than an exclusive right to the use thereof" (Leach 1961: 107).

If marriage never serves simultaneously to create all the above rights, and no one of them always serves to define marriage itself, then it seems clear that we must look at these and similar rights together in any particular society, to see just which of them are involved in particular cases.

It should come as no surprise that we may find more than one kind of "marriage" in a particular society. If there is no single right which can serve to define marriage as against all other social institutions, then we can expect a more fluid situation, in which various institutions may take on various combinations of Leach's rights listed above. Adoption, in Chinese society, does establish a good number of those rights. It might be argued that this serves to show that the list of rights, the characterization of marriage, is inadequate, then, because it cannot serve to distinguish such clearly different things as adoption and marriage. As we have seen, though, and as I will show in greater detail later, we are in this way getting closer to the empirical situation, in which it is often hard to distinguish the two.

Rodney Needham argues that the marriage institution

. . . is defined in any particular instance by what we divisively call the "other institutions" of the society. It is not only jural institutions, either, that we have to take into account, but moral and mystical ideas as well, and these in an unpredictable and uncontrollable variety. The comparison of marriage in different societies needs therefore to be contextual, and ultimately "total" in a Maussian sense, if we are to be sure that we understand what we are trying to compare (1971: 6).

P. G. Riviere carries this argument even further, leaving jural institutions far behind. In an argument in which he seems to confuse "functions" (in the sense of mathematical functions or interrelations between social and/or cultural variables) with "functionalism" [the explanation of the existence and functioning of social and/or cultural phenomena in terms of their contribution to the maintenance of some presumed system], he says that "functions" are part of the conscious model; rationalizations of an underlying structure.

. . . marriage must be studied as one of the possible relationships between men and women, and . . . this relationship is only meaningful in comparison with other relationships in the same structure. . . . Marriage is . . . one of the socially approved and recognized relationships between the conceptual roles of male and female. This relationship will reflect an aspect of the particular society's conventional ideas about the two categories and it will be possible to define it by opposing it to other possible male/female relationships which exist in society. . . . In taking marriage as a category of study we have concentrated on a part-relationship rather than a whole one. What I am trying to do is to get marriage viewed as part of the total male/female relationship (Riviere 1971: 66).

I am generally in agreement with Riviere's proposed approach, and I have found many of his arguments interesting and his suggestions useful. What I have found less persuasive, and less useful in actual analysis, is his emphasis on marriage as "an aspect of the particular society's conventional ideas" about the conceptual roles of male and female and their relationships (emphasis supplied), to the seeming exclusion of economic, legal, and broadly sociological perspectives.

Abner Cohen, writing of the writers whom he calls "thought structuralists," says that

It is when they lose direct reference to social interaction that they become one-sided and stray from the main stream of social anthropology. Most of them are fully aware of this danger and almost invariably begin their different dissertations with a declaration of faith in "social structuralism" and a promise to bring their analysis of thought structure to bear upon the dynamic intricacies of social organization. But, as the exposition proceeds, the promised analysis is put off until the end, when it becomes largely inconsequential.

This is in no way an indication of analytical weakness, but is rather a matter of orientation and interest. The problems that this approach poses are not sociological problems, but principally deal with the relations between symbolic categories. . . . These are of course very important problems for social anthropology, but only if they are systematically analysed within the context of power relationships (Two Dimensional Man 1974: 44-45).

Elsewhere, Cohen says of these "power relationships" that they consist of two of the four broad institutional spheres (the economic and the political) into which most anthropologists (implicitly or explicitly) have divided social structure. The other two spheres, kinship and religion, he categorizes as having the common denominator of symbolism (1974: 22).

Cohen is interested in developing an integrated anthropological study of "modern" industrial society which will focus on the dialectical relationship between power relationships and symbolic relationships. Furthermore, he argues that what will be of basic interest in such a study will be relationships between individuals and groups, interest groups of all sizes and sorts, groups which may be organized formally, along Weberian lines, or informally, "making use of the kinship, friendship, ritual, ceremonial and other forms of symbolic patterns and activities that are implicit in what is known as 'style of life'" (1974: 68). Furthermore, "the study of the structure of the informally organized interest group



is a key to the development of an anthropology of complex society" (1974: 124).

I have found it very productive to approach the family (which must, after all, be an important factor in any discussion of marriage and adoption) as one of a number of "interest groups, protecting or developing power for their members through informal organisational mechanisms" (Cohen 1974: 120). The family is and was a particular kind of interest group in an on-going, ever-changing politico-economic field. In the Chinese case, certainly for any time period of interest to us, this politico-economic field does and did include the existence of a formally organized state polity.

This is a very important factor because "the development of interest groups, and the nature of the relationships between them and the state, depends to some extent on the structure of the state. . . . The anthropologist must deliberately formulate his problems in such a way as to make reference to the state a necessary part of his analysis" (Cohen 1974: 128-29).

The analysis of marriage and adoption, and related social transactions, must be carried out in such a way that explicit reference is made to the state and to the general politico-economic setting. Marriage, no less than adoption, was traditionally a transaction between interest groups, between families, and not just individuals. Thus it is necessary to focus on power variables: on the legal and economic characteristics of such transactions. "Failure to take proper account of the transactional nature of social relationships--especially in their jural aspects, where

rights and duties are involved--may well have contributed to anthropology's conceptual problems in defining marriage, family, and kinship" (Goodenough 1970: 22).

## CHAPTER II

### GENERAL CHARACTERISTICS OF MARRIAGE AND FAMILY IN TRADITIONAL CHINESE SOCIETY

#### The Chinese Marriage Ceremony

Marriage, in the classical Chinese formulation, had six stages, the so-called M. liu-li. These were "asking the name" (M. wen ming), "betrothal" (M. ting-hun), "exchange of goods" (M. na ts'ai), "exchange of wealth" (M. na pi), "setting the date" (M. ch'ing-ch'i), and "welcoming the bride" (M. ch'in ying). These were not always followed, but furnished a general pattern, a guideline, for the wedding ceremony.

According to Kataoka Iwao, observance of the "six rites" was a class-related phenomenon during the Japanese era in Taiwan. This seems to have been true for the rest of China as well. The upper classes attempted to follow the traditional six rites, while the lower classes' marriage forms were, he says, very disorganized, including even marriage by sale and temporary marriage of one's own wife to another man (Kataoka 1921: 20). This is described in Chapter III under the term "pawn marriage."

This corresponds roughly to the distinction made in Taiwan between "major" and "minor" marriage (T. toa chhoa and sio chhoa, respectively). The former consists of "regular" marriages of the *virilocal* type, in which an adult woman marries into, and moves

into, the husband's family. The second category, of minor marriages, includes various forms of uxorilocal marriage and adoption-marriage (Kataoka 1921: 20).

In major marriage the stage of discussing the potential match includes the exchange of the horoscopes of the two individuals. Inspection and comparison of the horoscopes, often done by a specialist, can offer an avenue for honorable withdrawal from the negotiations should there be the need for one. At the start of the negotiations it is usually the man's family that is approached by a go-between who has been engaged by the woman's family.

"Asking the name" is sometimes also called "discussing the marriage" (M. i hun). According to a traditional saying, there are five items of importance in the discussion of a potential marriage match. These were the reputation of the family, the matter of money, talent and ability, appearance, and health (Wu 1970: 125).

In the next stage, "betrothal," there is an exchange of gifts, usually including sweet cakes (T. le pia\*, "ritual cakes") and other articles, often symbolic of fertility and the birth of many sons. These are sent to the woman's family by the man's family, and then they are divided up and redistributed to the relatives as announcement of the impending marriage. The relatives who receive such cakes then send gifts that are intended to make up the dowry.

The next stage is the further exchange of gifts, and includes the old stages or rites of exchange of goods and exchange of money. A procession accompanied by the go-between conveys further presents and the marriage contract (T. hun-su) from the man's house to the

woman's. The presents again include cakes and other symbolic gifts, but this time betrothal money as well. Some of the gifts are kept, but some are used to make up return gifts, sent back to the man's family. Often, also, a portion of these goods is kept back by the woman's family and later used to inflate the dowry, so as to be in a better position when negotiating the betrothal gifts they are to receive from the man's family. Sometimes, because of the trouble and expense involved in this exchange of gifts, they are all converted into cash. This is sometimes called T. ta\*-poa\* ("convert to cash"), and it is said that if the two sides do not have close contacts, live far apart, or if they are quite different in socio-economic status, then in this way though one side loses face, both profit (Wu 1970: 128).

"Asking the date," selecting an auspicious date and time for the welcoming of the bride, is colloquially called T. sang jit-thau-a ("sending the horoscope"). The groom's family sends, through the go-between, a paper (jit-thau-a) on which is written the time for the agreement of the bride's family. When the time arrives, the groom or the go-between (customs differ) goes to the bride's home and accompanies her back to the groom's home.

### The Role of Marriage in Chinese Society

As Arthur Wolf puts it, "three things happen in a marriage of the patrilocal type [that is, virilocal type]. The bride leaves her natal home and relinquishes membership in her family of orientation; she steps over the threshold of the groom's home and becomes a member of his household; and she is presented to the groom's

ancestors and thereby acquires the status of wife" (Wolf 1966: 883). This last is colloquially called T. chhut-thia\* ("to come out to the hall"), and refers to the emergence of the bride from her chamber on the third day after marriage to worship the gods and ancestral tablets, and to be introduced to her husband's relations. Inviting her to come out was supposed to be done by a little girl, and was called T. chhia\* chhut-tia\* ("invitation to come out to the hall"). The bride paid homage as well to the parents-in-law, and then afterwards repaired to the kitchen to cook a chicken and begin her service to the family.

Marriage, or marriage-like social transactions, was of course of great importance in traditional Chinese society. Major marriage was at the center of the development of one's status with respect to family and kinship. It was, of course, more a matter of concern for the family than the individual. This was in part because of the religious connotation that marriage carried. It was incumbent upon the younger generation to provide offspring to continue the sacrifices to the ancestors. These offspring had to be males, not females, as only the former were thought to be capable of offering effective sacrifices.

This latter distinction is important because it is related to the fact that (as I argue) all social transactions and relationships in Chinese society were traditionally, and still are to a large degree, between parties of unequal standing. One of the basic and most important sources of this inequality is the social distinction of sex roles. Women, of course, played an absolutely

indispensable role in the social system, but it was a role which was distinctly different from that of the males, and distinctly inferior. The rights and duties of the children in a family differed sharply depending on sex, and the rights and duties of husband and wife were likewise differentiated.

The major marriage system, the officially approved one, was in theory monogamous, but was in fact often polygynous. That is, even under the Ch'ing code it was a crime to have more than one principal wife (M. ch'i or cheng-ch'i), but secondary wives, or concubines (M. ch'ieh) were permitted. Ostensibly these were taken only when the principal wife proved barren, but this rule was not much followed, and in practice a man could take as many concubines as he wanted or could afford. The concubine had a definite and legally protected position in the household and family, but one which was distinctly inferior to that of the principal wife. Her children by her "husband" were not considered illegitimate, but their rights in the family estate were inferior to those of the children of the principal wife.

If we approach marriage as a kind of social transaction, then we must pay attention to the kinds of rights, duties, and other items exchanged in the transaction. Robin Fox has pointed out that there is a "universal tendency" to male dominance over females and children (Fox 1967). This gives men an interest in the control of the sexuality and reproductive powers of women and of the labor that both women and children can provide.

Proprietary rights in the sexuality and labor of a woman and her children may be vested in the husband and father or in the brother and maternal uncle. The allocation of these rights also relates to the distinction between the conjugal and consanguine forms of the family. But like other forms of property, they can be subject to inheritance, sale, gift, loan, rental--whatever kinds of transactions and transfers of title a society's rules of property allow. . . . The widespread practice of various forms of adoption and fosterage indicate how common are transactions in the rights of parenthood (Goodenough 1970: 22).

Major marriage, in Chinese society, was accomplished through a transaction between two corporate groups, families, which resulted in a contract (usually written) in which the man's family acquired a continuing claim to the right of control over the sexuality of the woman.

#### Social and Legal Aspects of Marriage

The effect of marriage in the traditional social and legal system was important in two main areas. These were the socio-legal status of the individual and property law. In socio-legal status, the most important aspect was the establishment of the husband-wife relationship (cf. Wolf 1966: 883). This, of course, does not consist solely in the relationship between two individuals, but rather in the creation of a constellation of family and kinship relationships between the two families concerned.

As far as the husband-wife relationship itself, the two were considered to form a single unit upon marriage, but this did not imply that there existed a relationship of equality between the two. The woman took her basic social position from that of the husband, and had no independent existence; she was clearly submissive in her relationship to her husband (Tai 1966: 233; Taiwan Min-shih Hsi-Kuan



Tiao-ch'a Pao-Kao [hereafter TMS]: 85). In law, the relationship between husband and wife was in many ways comparable to that between genealogically senior and junior. In terms of mourning duties, that of the wife to the husband was the heaviest degree, of coarse sack-cloth and three years (M. chan-ts'ui). That of the husband to the wife was one degree less, coarse hempen fabric for one year (M. tzu-ts'ui).

The existence of this clearly unequal relationship did not mean, of course, that there were no mutual obligations; though a hierarchical relationship, it was not completely one-sided. Mutual obligations, followed and enforced in varying degrees, were those of mutual support, cohabitation, and maintenance of sexual fidelity. Mutual support was not defined in the Ch'ing Code, but according to customary law, the husband was bound to support the wife and the concubine as well; if he was unable to do so, the wife then had a duty to support him (TMS: 850). As we will see later, there were at times and in certain places socially recognized forms of "simultaneous" or "serial" polyandry that arose from this duty.

The duty of cohabitation was emphasized in the code, and of course a runaway wife was subject to punishment (TMS: 85). In customary law this duty of cohabitation was often applied to the husband as well, and the absence of the husband, or letters from him, constituted, after a certain number of years, grounds for divorce and permission to remarry.

As for sexual fidelity, this of course was perhaps the area of greatest inequality between husband and wife. Under the

traditional law, extramarital relations were considered adultery, but (unsurprisingly) a wife's adultery was considered more serious than that of the husband. Moreover, while a husband could take a concubine, both in the formal and customary law, the wife had no right to form any kind of sexual relationship with any other man. We will see, however, that the husband, exercising his right to the monopoly over the wife's sexuality, could enter her into a polyandrous relationship with another man. This usually took place in situations in which the man could not support the family.

The husband had the right to issue orders to the wife, and she had the duty of obeying, but this right was not without limit. The husband's ill treatment or punishment of the wife was not actionable in court, no matter how arbitrary or unreasonable it might have been, unless it went as far as serious injury or death. On the other hand, in the event of injury or death caused to the husband by the wife, the punishment usually meted out for such offenses was increased because the wife had additionally violated the socially and legally defined relationship between herself and the husband. This was also true when a junior or inferior assaulted a senior, or superior.

The husband was forbidden by the Code to mortgage or sell his wife or concubine, but in fact this often happened, usually in cases of poverty (TMS: 33; also see cases described below).

By virtue of the marriage, the wife took on the husband's socio-legal position to a certain degree. That is, the husband's relatives, both consanguine and affinal, became the wife's relatives

as well. But while the wife's mourning grade with respect to her parents-in-law was the same as her husband's her duties with respect to his other ascendants were one degree lower than his (TMS: 86). Although the wife in some respects took on the status of a member of the husband's kin group, she was in an ambiguous situation. She maintained her relations to her own kin group, and she maintained her own surname, putting the husband's surname before it. In other words, she was not entirely absorbed by the husband's kin group. On the other hand, her position in her natal family was not unaltered. Her mourning duties to her natal family members were all reduced by one degree, as were theirs to her (TMS: 86).

In this context of the constellation of family and kinship relationships created between the two families by marriage, the subordinate position of the woman is again demonstrated. A relationship was created between the husband and other kinsmen of the wife's family, but the scope of these relationships was not the same as that between the wife and the other kinsmen of the husband's family; it was limited to the circle of mourning relatives (TMS: 86).

As far as property rights were considered, the husband and wife were thought, by some, to have common property in the sense that she had no personal property except for items of personal use that came with her dowry (clothing, utensils, etc.); other items of the dowry, including money, land, houses, etc., were all considered to be the common property of the wife and the husband, and hence part of the common family estate (TMS: 89).

Conventional Analyses of the Traditional  
Family System

It seems appropriate here to give a brief description and analysis of the customary laws of the traditional family system, its composition and structure, and the rights and duties incumbent upon the various members by virtue of their status as members. The family in Ch'ing China could be defined, from a customary law point of view, as "a coresident organization of kinsmen with the intention of living a common life" (TMS: 219). A family had a family head, and the rest of the family members were family dependents. The family, or M. chia, was called a household, M. hu, in terms of public law.

The head of the family held his position as such by virtue of being a male elder, but there were also cases of those of proven ability performing the role regardless of generational or age standing. If there were no male to fulfill the role, then a female elder could act as head. The family head represented the family externally, in the realm of public law. Internally, in private law, he was the leader of the family. Not only in matters of socioeconomic status, but also in matters of property, the family members were bound by his decisions.

Since the family was seen as a coresident organization of kinsmen with the intention of living a common life, commensality and common property were the rule, and religiously the family was centered around ancestor worship. Thus, according to Tai Yen-hui (1963: 2), the common life of the family was expressed through the

commonality of residence (M. chu), property (M. ts'ai), and fire (M. huo), the latter symbolizing the cooking stove and sacrificial fires. Thus one comes across such terms as smoke (M. yen), residence (M. chu, chü), cooking fire (M. ts'uan), property (M. ts'ai), household utensils (M. chia-huo), sacrificial vessel (M. ting), and so on, all prefixed with "common" (M. kung, t'ung, chung) to indicate a still undivided family, and prefixed with "separate," "divided," or "different" (M. fen, hsi, i, pieh) to indicate a divided one.

The constituent members of the family sometimes included members other than kinsmen, such as slaves, servants, or hired laborers. Tai Yen-hui (1963: 3) has found it convenient to divide the family members into basic family members (M. chi-pen ch'eng-yüan) and secondary members (M. fu-hsü ch'eng-yüan), the latter including such persons as slaves, servants, etc. (In Taiwan of the Ch'ing Dynasty, the T. cha-bo-kan, indentured servant, was such a "secondary" family member.) Those coresident persons of freeborn status (M. liang-jen, "virtuous people," not slaves or servants) were regarded as the basic members, and in ordinary usage this is what was meant by the term "family members."

The term "family member" usually meant a coresident kinsman, but coresident family members of different kin lines (such as different-surname adopted children, or uxori-local husbands), though they had different rights vis-à-vis the family property, were still regarded as basic family members (Tai 1963: 3).

This indicates a certain problem in defining the family and family members. TMS, following Tai, says of the Ch'ing family structure that

"Family members," . . . refers to coresident persons with mourning obligations. Coresidence is an essential factor in the definition of family member, and a family was usually made up of same-surname consanguineal relatives with mourning duties. But those of different surnames, relatives without mourning duties, or those non-patrilineal relatives with mourning duties (as, for example, a son-in-law), all also can be regarded as family dependents (TMS: 182).

Historically Chinese law and custom has been male-centered and patriarchal in its bias. Kinsmen were divided into agnatic consanguines (M. nei-ch'in, "internal kin," or tsung ch'in, descendants of the same male ancestor), consanguinal kinsmen connected through females (M. wai-ch'in, "external kin," including those related through the mother, father's sister, daughter, and so on), and "wife's relatives," that is, those created through one's marriage (in pre-Ming times this last category was not distinguished from the previous one, relatives through females in general. TMS: 9). Although law and custom basically gave more weight and importance to the agnatic kin, there was still considerable importance given to the "maternal relatives" (M. wai-ch'in), especially in the criminal law.

According to some analyses of the traditional social system, there were two main types of kinship relationships: those arising from a "natural state of affairs" (TMS: 9), such as marriage or birth, and those created through legal fiction, such as adoption, etc. Apart from this there was also the creation of a kind of kinship relationship through a moral duty of support, as between

the concubine's son and his father's primary wife, or between a child and his/her step-parent (TMS: 10).

Birth was regarded as the only true source of "natural consanguine kinship" (TMS: 10). The parent-child relationship was the basis of the kinship system, and such relationships as grandparent-grandchild, uncle-nephew, and so on were regarded as extensions of the parent-child relationship.

In general there were at least two different kinds of parent-child relationships: that born of a socially and legally approved marriage, and that not so born. Each of these could again be divided into at least two types. Of the legitimate relationships, there were children born of the primary wife, M. ti-tzu, and children born of the secondary wife, or concubine, M. shu-tzu. Of the illegitimate relationships, there was that created when a child was born of fornication or adultery (M. chien-sheng) and that created when a child was born of a domestic slave (M. pei-sheng).

In most circumstances a child had a kinship relationship with his mother, his father, and with their own consanguineal kin, but there were exceptions to this rule. There were two different situations for those children born out of wedlock (M. chien-sheng). In the one case, when the children were born of a legally ineffective marriage, then they followed the father's line. If, on the other hand, the father did not recognize them, and did not raise them, then they followed the mother's line. When the child was assigned to one side, then all kinship relations with the other were severed. Thus the common saying "Follow the man, sever relations

with the woman. Follow the woman, sever relations with the man" (M. kuei nan, tuan nü. kuei nü, tuan nan). In the other case, children born of a domestic servant, they also were regarded as illegitimate, born out of wedlock, and their status was lower than that of one born in wedlock, but if the father recognized the child, then in law this created a parent-child relationship, but no kinship relationship was formed with the mother's relatives (TMS: 12).

Half-siblings, children of the same mother but different fathers, were not considered to have mutual mourning relations in the customary law, though according to the Chu-tzu Chia Li specified a mourning grade of M. hsiao-kung with a mourning period of five months (TMS: 12). Thus, apart from a prohibition on inter-marriage, they were not seen in customary law as having any kinship relations. During the Japanese period in Taiwan, if they lived together, then they were regarded as relatives. If not, then as strangers. According to Toshio Ikeda (1944: 163), a saying was current in Taiwan during the Japanese period that "those of the same father but different mothers are true brothers; those of the same mother but different fathers are 'dog brothers.'"

Logically, those consanguineal relationships that can in principle be created only through birth can be terminated only through death; only a natural function can terminate a relationship that is the product of a natural function.

Traditionally, however, there were at least two exceptions to this rule. The first of these concerns the relationship between a child and its mother after divorce or remarriage. A woman who



has been divorced by her husband, or who has remarried after his death, has extinguished her rights and duties with respect to him and his kin group, but her relationships to her children by him were not, under the traditional law, thereby severed. They were curtailed, however, and limited to the persons involved, and did not extend to other relatives, except insofar as an affinal relationship was created between a son's wife and his mother, whether divorced or remarried. This is because the son takes on a single identity with his wife (they form one unit). As for a woman who has married an uxori-local husband into the first husband's family, it was held in the Japanese period in Taiwan that she maintains her mother-child relationship with her children by the former husband until she follows the second husband out of the family (M. ch'u-she, "leave the house"), whereupon the relationship is extinguished (TMS: 13).

The second exception to the rule that only death terminates a consanguineal relationship is that of alienation through sale (M. mai-tuan). A child who is "sold" (mai-tuan, "sold and cut off") thereby loses any kinship relationship with his/her natal family. If, however, the child is bought back ("redeemed," M. shu-hui), then the original kinship status is restored. In Taiwan of the Japanese era, concubines and female slaves were usually purchased (M. mai-tuan), and among adoptions, the M. ming-ling-tzu was usually purchased. Once purchased, the kinship relation of such a child to his natal family was completely severed (TMS: 14).

Speaking of rights in land and buildings, Santaro Okamatsu says:

There are two kinds of alienation of immovable right in Formosa as in other countries; in one of them, the person entitled transfers all of his right to another (translative acquisition); and in the other, the person entitled creates a new right based on his own right; or, in other words, the possessor of a right constitutes a new right which restricts his own right (constitutive acquisition) (1901: 30).

As for translative acquisition, "This term applies to cases where a person entitled transfers his right to another person, that is, when the subject of the right is changed. In the legal use of the term in Formosa, if the term M. mai (buying) or M. mai (selling) is used, it refers always to this kind of alienation" (1901: 31). Included are not only the rights enumerated above, but also rights in persons. The "purchase" of children and women in Taiwan and other parts of China during the Ch'ing Dynasty was one example of this translative acquisition. It was an indication that the transaction was one of translative acquisition and not one of constitutive acquisition. The transfer was of an absolute and irrevocable nature (unless and until, of course, it was superseded by another such transfer), and basically did not differ in form and function from one involving, say, land. Thus there was the common saying "After you've sold a child, you can't even call out his name. After you've sold a field, you can't even have access to its frontage" (M. mai tzu, wu chiao ming, mai t'ien, wu yu t'ien-t'ou hsing. TMS: 32).

Fictive consanguineal relationships are those that exist between persons who do not, in fact, have any biological relationship, but are recognized in law as having an equivalent relationship. In the customary legal system of the Ch'ing Dynasty, there were very many different types of such fictive kin relationships.

For instance, there was the relationship between an adopted, instituted heir, and his adoptive parents, created through the institution of an heir through adoption (M. chi-szu), those relationships created between parent and child through the various other forms of adoption, and a host of relationships created through moral duty (M. en-i ming-fen), such as that between step-parents and step-children, primary wife and concubine's children, concubine and primary wife's children, a concubine and the children of another concubine, foster mother and foster children (M. tz'u-mu), a wet-nurse and the children she has nursed, adoptive mother and adopted child, and so on.

In the traditional socio-legal system, the patrilineal line of descent was paramount, and if an adult male were without offspring, he could take an agnatically related kinsman of the proper generation as his heir. This was called "instituting an heir" (M. chi-tszu, or li-szu). The one so instituted was called M. chi-tszu or szu-tzu, and was considered to have a relationship with the senior party that was the same as a biological one, and it was not limited to the two parties to the transaction themselves, but extended to the other kin as well, as though they were really parent and child. The relationship was an artificial one, though, and so could be terminated by disinheritance or the return of the child to his natal home (TMS: 15).

In the traditional legal system (but not necessarily the customary system), adoption without the goal of continuing the line could be divided into adoptions within the kin group, or adoptions

of different-surname children. This kind of adoption was held to create only an adoption relationship, not one of fictive kinship, and, moreover, a relationship that did not extend beyond the immediate parties to the adoption: no relationship was created with the relatives of either party.

In Taiwan, at least, and one suspects that this was true of China generally, there was some variance between the traditional law and the customs actually followed. Adoption was generally divided into two kinds: M. kuo-fang and M. ming-ling-tzu adoption. The former, "transfer to another branch," in principle meant an adoption within a kinship line, but it also included adoption within a surname, since colloquially people of the same surname were recognized as of the same line. In most cases a kuo-fang adoption did not extinguish relationships with the child's natal family (TMS: 33).

Ming-ling-tzu adoption indicates an adoption in which a child of another surname is adopted, and thereupon the child's relations with the natal family were ended. Thus the ming-ling-tzu were for the most part "sold" (M. mai-tuan). Adoption of abandoned children is included within this category.

In Taiwanese custom, the relationships between the adoptive parents and adopted children, whether it was kuo-fang or ming-ling-tzu adoption, were the same as those between biological parents and children. The explanation for this discrepancy with the Ch'ing Code that is offered in TMS is that

In Taiwan, because the objective conditions at the time of colonization were not suitable, the system of lineage organization slowly fell into disuse, and so the prohibition on

inter-surname adoption was not strictly followed, until it reached the point that the status of an adopted child was not at all changed by the fact of its being an inter-surname adoption (TMS: 34, n. 7).

Between a step-father and the children of his wife by a former husband, there existed in the Ch'ing law a quasi-father-child relationship, one that was restricted to the two parties themselves, and did not extend to the relatives of either of them. This was one of the relations created through moral obligation, and it was dissolved if the step-father and the mother of the children divorced, or if she remarried. During the Japanese period in Taiwan this generally remained so, except that a condition for the existence of the relationship came to be that the step-father be actually coresident with the mother and children. If he moved to live elsewhere, then the relationship was ended.

Between step-mother and step-children a quasi-parent-child relationship was created, one that was not restricted to the parties themselves, but extended to the relatives of the respective parties, just as if it were a biological mother-child relationship. This also was a relationship created through moral obligation (M. ming-fen), and it ended through divorce, remarriage, or death (TMS: 34).

There existed a quasi-parent-child relationship between the primary wife in a family and the children of a concubine, a relationship not limited to the parties themselves, but extending to the relatives of each. This relationship was created through moral obligation (M. ming-fen), and was ended if she divorced, died, or remarried. This remained so under the Japanese, but in practice if the primary wife married in an uxori-local husband after the death

of the first husband, this was not regarded as the same as regular marriage, and her kinship relations continued as before.

Between the concubine and the children of either the primary wife or another concubine there also existed a quasi-parent-child relationship. It too was based on moral obligation, and was ended by divorce or remarriage. In Taiwan of the Japanese period, the concubine was called M. shu-mu whether or not she herself had children. The mourning duties that the other children in the family had toward her were determined by the father (TMS: 36).

The husband-wife relationship was the basic source of the kinship relationship. The wife, through marriage, obtained a status as a member of the husband's kin group. This in a sense meant that the husband-wife relationship was basically incestuous, a suggestion that is borne out by the fact that sexual relations and marriage between a man and his brother's widow were strictly prohibited in certain segments of society (though nonetheless a practice in some other segments, as we will see; cf. Riviere 1971: 73, n. 13).

In the traditional law, the wife had kinship relationships with the husband's kin, that is, the husband's consanguines and their wives. The husband was also thought to have a kinship relationship to the wife's kin, but because of the patrilineal bias, the relationship here was narrower and weaker than in the case of the wife. The husband's relationships extended only to the wife's consanguines, and not to their wives (TMS: 38).

The status of the concubine was definitely lower than that of the primary wife, but still she was in law admitted the status of

secondary wife. Not only was she therefore regarded as a relative of the husband, but she was also a quasi-member of his kin group (TMS: 39).

### Rights and Duties Within the Domestic Unit

There are several different kinds of rights which must be differentiated, particularly parental rights (M. ch'in-ch'üan), elders' rights (M. tsun-chang ch'üan), and family head rights (M. chia-chang ch'üan). It is important to separate these in analysis, though the situation is confused since in many, if not most, cases they tended to all repose in the same individual. Moreover, it is argued that "in Chinese traditional law, except for elders' rights, it seems that there are no other kinship rights specifically based upon the parent-child relationship" (TMS: 178). That is, parental rights are simply a subset of the more general elders' rights, and are not in nature different from them.

Within one family there was often more than one elder; the category of "elder" was a relative one. For instance, the parents certainly had elders' rights (or "parental rights") over their own children, but if there were also grandparents living in the family, then the parents were expected to follow their orders, and thus their rights over their own children were to a certain degree restricted. Among the elders in general, there were distinctions between lineal elders and collateral elders, and a division between male and female elders. Great-grandparents, grandparents, and parents of course qualified as elders, but so did uncles and aunts, older brothers, and older sisters. The rights of elders were not

absolute, but varied, with respect to the particular relationship between senior and junior. The status of elder was further extended to those senior "relatives through moral obligation" such as adoptive parents, step-parents, etc. But in law at least, the concubine was not seen as an elder vis-à-vis any of the family head's children except for her own (TMS: 158).

The order of precedence among the various relatives who qualified as elders was not specified in the Ch'ing Code (TMS: 180). Thus it seems that the situation might have arisen in which more than one elder, in acting within the limits of their rights, might find themselves in conflict over the same junior relative. But in practice there was an order of precedence that was based on genealogical distance and generation. The father first exercised parental (elder's) rights. In his absence the grandparents did so, and in their absence, great-grandparents. If there were no lineal elders, then the closest collateral elders took over the rights, subject to the approval of the eldest among them (just as the father's rights were in theory subject to the grandparents' approval).

Under the Ch'ing system, all junior persons coresident in a family, whether or not adult, whether or not they themselves were parents, were subject to the elder's rights. These elder's rights could not, however, be exercised over juniors living apart, and with separate property (cf. Chuang 1972).

The most succinct and most accessible source of information on the rights of the family head and the elders, from the point of



of view of customary law, is Tai Yen-hui's article on the Taiwanese family system and the family estate during the Ch'ing Dynasty (Tai 1963).

The family head was the leader of the family; he represented the family in public law and was responsible to the government for the reporting of census information, for payment of taxes, for the fulfillment of pao-chia duties, etc. The post of family head was in principle filled by the eldest of the family, with males taking precedence over females. If a family had a capable male member, then a woman could not in principle serve as head.

What must be noted (as was pointed out above) is that in the traditional family law the elder had great authority over those younger than himself. This was the so-called elders' rights, and they were differentiated according to whether the elder was a lineal elder or a collateral elder. In the latter case, the elders' rights then were differentiated on the basis of genealogical distance. The elders' rights over the juniors, moreover, did not depend on coresidence. In the case in which all were coresident, the family head had rights as such over the family members, and since he (usually) was also the elder of the family, he had elder's rights over them as well. Thus one can, in analysis at least, differentiate between his rights as family head and his rights as elder. In this more strict use of the term, the rights and powers of the family head over the family members derive from the fact that the family, as an organization, needs some sort of chain of command, someone in authority to make decisions, decisions affecting the

family as a concrete, coresident group. This is why the family head's rights and powers extend only to those actually coresident (in some sense of the term) in the family. The elders' rights, however, are based on the deference and obedience expected on the part of juniors in their relationships to the elders. It is based more in the ethical and moral system, and thus is not, in principle, limited by coresidence. But this distinction between different kinds of rights, between rights based in slightly different socio-political realms, is complicated by the fact that in most cases the family head and the elder was the same person, in which case in actual practice it was not possible to separate the different kinds of rights. Internally, domestically, the authority system was dualistic, and so the strength of the rights of the family head depended on his particular genealogical connection with the family members. When the family head was also a lineal elder, then his two sorts of rights coalesced, and he had great, if not absolute, powers over the family members. There were other situations, however, in which the dualistic nature of the rights became evident. If for whatever reason someone junior became family head, then his powers in general were limited by the elders' rights held by senior members of the family. Also, when the family head happened to be a collateral elder, his rights were more limited than those of a lineal elder.

The content of the family head rights must be divided into those having to do with the general management of the family life

and those having to do with the management and disposal of the family estate. We treat the first division here.

A family is a group of family members living a common, coresident life. The family head had the power to direct affairs having to do with the family property, expenditures, and daily life, and the family members had the duty of obeying his directions.

His most important function, as family head, was, in the traditional view, to manage the allocation of duties, ensuring that the men farmed, or did other kinds of external business, and that the women busied themselves with domestic tasks. If quarrels arose within the family, then he was to arbitrate (either by his personal decision or through expressing the consensus of the important family members). If a family member violated a state law or a family regulation, then he had the responsibility of punishing the violation according to the law. But, as has been pointed out, if the family head was not the eldest, then he had to abide by the decisions of his senior, and could not criticize or admonish him. In this respect, his powers as family head were limited. The head had the power, however, of admonishing and punishing other family members (junior to him), and if such punishment did not go so far as serious injury, he could not be taken to court. Of course, the family head also had the responsibility of supporting the family members, and had to arrange for the marriages of those in the family. It is most fitting, however (in Tai's view), to view his powers of disposal of family members through marriage, indenture, and adoption.

as being based in his rights as elder and not as family head. If a family member has another elder who is genealogically closer, then that elder's rights take precedence in this matter (but then one must deal with the fact that the family head had the duty of arranging the marriage of a slave).

In Chinese history the social-ethical system has long given precedence to those senior in either generation or age (with generation taking precedence over relative age). In fact, one could simply treat generation as a more elaborated and more indirect expression of age, that is, birth order of the founders of particular branches of a kin line. The relationship between older and younger (whether phrased in terms of strict age or in terms of generation) is essentially one of authority/submission. The status of elder is rooted in the kinship system and so is independent of the particular geographical location of the individuals, but of course coresidence is an important condition for the actual practice of those rights.

The important point here is that this authority system, based as it is ultimately upon age, is inherently a relativistic one. Structurally, at least, there is always another elder more senior to each elder, and another person more junior than each junior. Thus though parents exercise elders' rights over their own children, these rights are subject to the rights that their parents have over them, and so on. It is for this reason that Tai concludes (Tai 1963: 6) that China has never had, in the history of its legal

system, a system of "pure parental rights," no system that approaches the modern-law system of rights of guardianship.

The rights of the elder are quite general and abstract in nature. They are based in the general socio-political and moral system, on the obedience and deference that the juniors are supposed to display toward them. They are, moreover, based on the relative hierarchy of age and generation, and so one must pay attention to the particular situation in each case, to just what kind of elder the senior person is, and the particular relationship with the family members, before one can determine what the content of the rights is likely to be. In general, however, the types of rights enjoyed by the elder are as follows:

1. General authority.

The elder, as has been noted, has a general authority of command over his juniors, and this includes the authority to admonish or punish. The elder could not cause serious injury or death to the junior without reason, but it was no abuse of his rights to beat the junior as an admonition. But if this led to death, it was treated as a crime.

2. The power of expulsion.

The expulsion of children from the family is not mentioned in the Ch'ing Code, but was a common practice among the people (Tai 1963: 7). Many cases of parents expelling their own, or adopted, children can be found for Ch'ing Taiwan. Usually, at the time of expulsion, some way of public announcement was found; sometimes this was to file a case with the magistrate, a case called a "burial

case" (M. mai-ti an). After the expulsion, all family and kinship relations were completely severed, though they might be restored later if the source of friction was removed.

### 3. The power to dispose of juniors in marriage.

According to the Ch'ing Code, marriages should be managed by the grandparents or the parents. If neither the grandparents nor the parents were alive, then marriages should be managed by some other relative. If a woman's husband died, and her daughter was to be married, then she (the mother) could manage the marriage (Tai 1963: 7). The absolute right to dispose in marriage, however, was limited to grandparents, parents, and M. chi-ch'in elders (that is, elders toward whom the person concerned had a mourning obligation of at least one year). In Taiwan under the Ch'ing Dynasty, the marriage was usually managed by the father or the household head; in their absence, then by some other male elder, such as grandparent or uncle, etc. A woman, even if she was the mother, could not act as the manager of the marriage. This, however, was just a formal requirement. In practice, of course, a woman had the main say in the marriage of her daughter.

### 4. The right to adopt out junior family members.

At the time of adoption, the person being adopted out was usually not an adult, and so the adoption contract was executed by an elder, whether grandparent, father, uncle, or older brother. If the adopter was dead (as, for example, in the institution of post-humous heirs), then his wife, parents, or brothers executed the adoption contract. Adoption sometimes had the character of sale and

purchase, that is, a transaction involving "translative acquisition." This was in principle prohibited by the Ch'ing Code.

According to the commentary to the Code, however, such customs were permitted in cases of extreme hardship. The Code prohibited the hiring out of children as indentured servants, but once again the Commentary to the Code said that "among poor people today it is a very common occurrence to hire out one's children to serve others, and this does not fall within the prohibition" (Tai 1963: 7).

As far as this custom was concerned in Taiwan, it was very common to mortgage (M. tien-mai) or sell into indentured service one's children, whether or not the child agreed, whether or not the family was very poor, and whether the child was to be made a wife, concubine, slave, or adopted child (Tai 1963: 7).

There has been much argument and discussion over the nature of the traditional Chinese family, and given the pervasiveness of the ideological bias of the ruling class in the traditional society, it is well to try to maintain a critical attitude toward accepted theories and ideas.

Basically, however, it seems that the family was "the basic social unit" (though I will not enter into a discussion here of exactly what is meant by this phrase). It has been pointed out that Chinese families were not, on the average, large, extended families, as was popularly believed by some in the West and China. Attention cannot be paid to size of family alone, of course, but also must be paid to its structure and its social functions (in the sense of its relationships with the rest of the social,

political, economic, and ecological environment). It seems safe to say that a typical family in traditional China was made up of three generations. Whether or not this was any different from a contemporary American or European family is another question. As the typical family was a peasant one, it tended toward economic self-sufficiency (without suggesting that families were ever "mainly" self-sufficient; this was clearly not the case). Although three-generation families seem to have been quite common in Ch'ing Taiwan, what information we have from the period, in the various gazeteers, shows that the households averaged between four and six persons (TMS: 322).

It is interesting to note the sources of socioeconomic support for the family system that are outlined in TMS:

1. China has long been an agrarian country, and common, cooperative labor is profitable in agriculture. The common saying "have many sons and you'll get lots of money" (M. ting tuo, hsieh ts'ai) indicates that only through coresident cooperation can one bring prosperity to the family.

2. Because China was so large, the government was usually unable to ensure peace and order in local areas, and because self-protection was necessary, there naturally developed large families and other self-protection organizations.

3. To maintain a family's power, influence, and capital, it is necessary to follow a large-family system.

4. Economy of scale. The ancient saying was "living together, many expenses are saved; divided, each person has expenses" (Chü chü tse pai fei chieh sheng, hsi chü tse ko yu fei).

5. In order to support normal human relations and develop morality, the government promoted coresidency and common property among families; honors were awarded to virtuous families, and sometimes they were made exempt from tax payment. The Code also prohibited brothers from living separately and dividing the property as long as the parents or grandparents were alive (TMS: 323).



The same source notes, however, that because of various factors, some of the supports for the traditional-ideal large-family system became built-in threats:

1. The maintenance of the family relied upon the knowledge and ability of the head, and if he were not competent, then the family would lose its order. Even a competent head, one with character, couldn't accomplish everything.

2. The maintenance of coresidence and common property required that family members renounce selfishness and uphold the common good. But in fact, there was usually division because of selfish family members and unfair collateral elders.

3. In the daily life of a large family, the women take turns at the domestic chores. If there is any inequality in work allocation, it is easy for gossip to get started, everyone harbors suspicions with respect to the domestic management of other branches, and it is easy for this to cause sisters-in-law to argue and wives and concubines to quarrel (TMS: 323).

A very important factor in the analysis of the domestic system is the nature and control of the family estate or family property.

The term "family property," of course, means "property belonging to a family," but there are many interpretations of this phrase. TMS outlines and compares four major theories as to the nature of the traditional family estate, and adopts the view that the estate was not the sole property of the head, but rather was the joint possession of the head and the dependents (those members of the family other than the head). This was so whether the head was a lineal or collateral elder (TMS: 325-31).

All of the terms used in the Ch'ing Code for division of family estate (M. fen-hsi, fen-i ts'ai-ch'an, fen-hsi chia-ts'ai t'ien-ch'an) clearly express the idea of division of common property, not that of inheritance. That is, it is clear that the estate was

a joint possession of the senior and junior family members, whether lineal or collateral relatives. Although the possession was termed "common possession" (M. kung-yu), the share coming to an individual was unfixed, and changeable in nature. It could not be freely disposed of before the actual division, and could be subsumed as one kind of right that the individual possessed by virtue of his status as a family member.

After the formal division, the original family estate was divided into several new family estates, and each portion of the original became the common property of the members of that new family.

A further reason to regard the estate as the common property of the family members is that the coparceners to the estate were limited to the family dependents. The share due a coparcener in joint possession exists in the whole of each article that goes to make up the estate. The articles themselves do not function as shares. The share of each coparcener is not fixed, and this is different from ordinary joint ownership (the so-called joint ownership in severalty, M. fen-pieh kung-yu, in which the shares are fixed). Thus if the number of coparceners increases (through birth or adoption) or decreases (through adoption out, uxorilocal marriage, or death), then the shares will accordingly change.

The coparceners have the right of increase (jus accrescendi), and if only one coparcener is left, the right of survivorship; the estate becomes the property of that one person. The coparcener's share is implicit, and is limited to persons with the status of

family dependent. Thus a coparcener could not, before division, at will dispose of any of the property of the estate, and could not turn over his portion to any other person. The act of alienation of the estate (through sale, mortgage, or gift) required the agreement of the entire group of family members (but the lineal family head's powers of alienation, as noted above, were not thus limited). The debts of the family were the debts of each in the group, and after division the basic coparceners took on these debts. The basic coparceners had no right to request of the lineal elders that partition take place, but they did with respect to the collateral elders.

An important point here is that the family estate in the traditional system was passed on from generation to generation through division and not through inheritance. That is, since the family estate is best seen as having been held in common between the head of the family and the family dependents (other family members), the latter had continuing rights (if implicit) in that estate both before and after the death of the head. Thus division of the estate before his death posed no logical or legal problems in and of itself. This is connected with the fact that (as Tai Yen-hui argues) there were, in the traditional family system, no "pure" parental rights. The rights exercised by parents over children were a form of elders' rights in general, and were limited and restricted in turn by the elders' rights which the grandparents held over the parents. Both of these reflect the continuity and

corporateness of the family as a unit, and a de-emphasis of the place of any particular individual within the unit.

The result is a kind of flexibility and relativity within the structure. The share of a coparcener in the family estate is not fixed, but is relative and changing. The change in one's share, moreover, is dependent upon the others in the family. The rights of one person over another in this situation are never absolute, but are qualified, at least in principle, by those held by someone higher in the hierarchy.

This sort of relativity makes for a good deal of flexibility in size and complexity of structure. The basic blueprint works for higher-order structures as well, such as lineages. This, I think, is one of the sources of the problem that social scientists have had in defining family and lineage and differentiating between the two. The fact is that there is no clear and definite dividing line between them. The Chinese themselves seem to give recognition to this terminologically. The term M. chia, which is usually translated "family," can also be used for much larger and higher-order kin groupings. The distinction between this term and M. tsu (lineage) is much more a Western (or Western-trained) social scientist's distinction than it is a Chinese distinction. Similarly a M. fang (branch) can range in size and complexity from an individual (a single, unmarried brother within a "family" can be termed a fang) to a large grouping which in isolation might itself be seen as a lineage. The term fang itself refers literally to a room within a family dwelling, and thus is simply a segment within

whatever is the larger unit. All of these terms are relative, and changing in meaning except structurally; the specific meaning emerges in context, in relation to what other units are involved.

This is also true of the term M. hu (household), but the context of its use is rather different. Traditionally the distinction between "family" (M. chia) and "household" (M. hu) was simply that the household was the external aspect of a family, the family as seen in terms of public law. In private law the same thing was termed a family. In the Ch'ing Code it was specifically stated that in the census records, when computing families, "household" should be written (TMS: 220). It may be objected that this is inadequate because a household may contain persons who are not family members. I think that this may be another problem in the translation of cultures. We translate M. chia as "family," then turn around and expect the chia to have the same characteristics as "family," including some kind of presumed biological coherence.

Many definitions of family in Chinese society do, in fact, begin with the assumption that the members are "kinsmen" or relatives with mourning duties to one another. Earlier in this chapter, however, it was pointed out that it was necessary to divide the family members into "basic" and "secondary" members, and that a number of "unrelated" persons, including even household servants and slaves, had to be admitted to some sort of family member status.

The distinction between the "family" and the "household" became much less clear in Taiwan because of the influence of the Japanese Civil Code. During most of its rule, the Japanese

Colonial government attempted to maintain what it could (or what seemed useful) in the customary legal system. Inevitably, however, court interpretations and administrative fiat had an effect on the customary system. This was accelerated with the policy decision that the Taiwanese legal system would eventually be brought within the ambit of the Civil Code in effect in Japan proper.

The Japanese Civil Code, of course, differed from Taiwanese Chinese customary law. The Japanese, for instance, assumed that the Taiwanese system of family estate division was really the same as the Japanese inheritance system, and treated it accordingly. This, of course, then had an effect on the Taiwanese system of division and on the family estate in general.

Another point of difference was that in the Japanese system, the "family" was an abstract entity, and had come to be administratively defined. Each person had to be registered as a member (either a head or a dependent member) of a family in order to have any legal status as a person. Each family had to have a head (J. Koshu), and the position of family/household head was passed on in succession.

When the Japanese put essentially the same system into effect in Taiwan, the Taiwanese family system was changed. The new household head rights were of course placed in the hands of the family head, and this had a great effect on the system of elders' rights in the traditional Chinese system.

The difference that is usually emphasized between "family" and "household" is that the former implies some sort of "kinship"

relationship, while the latter does not necessarily do so. Since family members, in the data I present, were seldom actually restricted to those with kinship relationships, I have not found the distinction between the terms very useful, and will use them more or less interchangeably. Any future discussion of Taiwanese family structure and organization must pay more attention than has been the rule to the effect of Japanese colonial policies. This is also important in the wider problem of relating Taiwanese society to Chinese society generally.

The major or "regular" form of marriage mentioned above was only one of the ways a family could bring in new members. There was also a surprising variety of alternative marriage forms and adoption forms. The next chapters will examine these in detail.

## CHAPTER III

### IRREGULAR MARRIAGE FORMS

#### Uxorilocal Marriage

If one approaches it from the point of view of dialectical logic, it is not surprising that a society which extols the virtues of patrilineality, patriarchy, and virilocal/patrilocal residence after marriage should also develop customs of uxorilocal marriage and at least a limited form of "matrilineality."

Uxorilocal marriage has long been a feature of Chinese society. It is unclear for just how long, but there is a clear reference to it as an institutionalized form in the Shih-Chi, written in the Han dynasty. In the section of that work devoted to the biography of Hua Chi is the passage, "Ch'un-yü K'un was an uxorilocal son-in-law to the state of Ch'i."

In the Han Shu, also written in the Han dynasty, in the biography of Chia I is a passage which says, "In the state of Ch'in, if a family is rich and the sons vigorous, then they divide the estate and leave. If the family is poor, and the sons vigorous, then they marry uxorilocally and leave." This passage occurs in a memorial presented by Chia I to the Emperor in 174 B.C. to illustrate what depths the state of Ch'in had reached because the Lord of Shang had abandoned propriety and benevolence.

Ch'ü T'ung-tsu (1972: 252, n. 8), who translates this passage somewhat differently, includes an interesting discussion of the



meaning of the word M. chui, which is common in terms for uxori-local husbands. One explanation is that it means "an excrescence," something unnecessary. But it is also identified with M. chih, "to pawn"; a man who is too poor to manage a betrothal gift would, in effect, offer himself to the bride's family as a pledge, or in bride service.

Another point of view rejects the latter interpretation, and refers again to the Han Shu, where it is said that people pawned their children (M. chui tzu) in bad years to get food and clothing. It is further pointed out that there was a custom in areas south of the Huai River of people selling their children (M. mai tzu) to work for others as slaves. These children were called M. chui tzu, "pawned children"; if they were not redeemed within three years, they became permanent slaves. Thus, it is argued, the chui tzu was a person who was "pawned" out for a fixed period--a bond servant. A male who was pawned out in this fashion, and not redeemed, might have then married the daughter of his master, in which case he would be called a M. chui hsü, "bond son-in-law."

Yet another scholar thinks that a chui hsü was simply a male slave, one who was given a female slave as his wife, not his master's daughter. "Whatever the explanation, the chui hsü had an inferior status and were treated unfavorably by the government. Under the Ch'in and Han they were sent together with fugitives and merchants to guard the frontiers. According to Kung Yu, chui hsü were also prevented from entering officialdom during Emperor Wen's time" (Ch'u 1972: 253, n.).

Two other common terms for an uxori-local husband both employ the word M. chao, "to invite" (T. chio). These are M. chao-hsü and M. chao-fu, "invited husband." The former indicates a son-in-law who is brought in to marry a daughter of a family, while the second indicates a man who is brought into a family to be the second husband of a daughter-in-law whose first husband (the son of the family) had died. These distinctions are not always observed. The Rev. Carstairs Douglas records that in the late 1800s in Fukien the word T. chin-tsoe meant "marrying and going to live in the house of the bride's father for a longer or shorter time (gen. short), but retaining one's own surname and having full power over one's own household, thus differing from the manner of marriage called 'chio'" (Douglas: 1873). Barclay, in his supplement to the work of Douglas, then says of the practice referred to by the word T. chio that "in some cases the bridegroom retains his own name" (Barclay: 1923). It seems, then, that the distinction between these two words also is not always observed, and in fact I have never come across any other evidence of a consistent difference of meaning between M. chui and M. chao (T. tsoe and chio, respectively).

Uxorilocal marriage is not only an old form, it is also widespread. The Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu (Record of Investigations Into Civil and Commercial Customs, hereafter abbreviated MSS) records various types of such marriage from areas in Chi-lin, Feng-t'ien (the present Liao-ning), Shan-hsi, Ho-pei, Shan-tung, Ho-nan, Chiang-su, An-hui, Chiang-hsi, Che-chiang, Fu-chien, Hu-pei, Shen-hsi, Kan-su, and Je-ho. A few quotes

from this source will give an idea of the general form and some of its variations.

In various parts of Hu-pei,

The uxorilocal husband is treated as a son. Some follow the wife's surname, some don't. The marrying-in ceremony is the same as in ordinary marriage (literally M. wan-hun, "completion of the marriage"). In Ma-ch'eng he does not follow the woman's surname, and there is no fixed type of ceremony. In Hsing-shan, if there is no son of the family, then the uxorilocal husband must change his surname, a go-between must officiate, the relatives come for a feast, and then the son-in-law is sent into the bedroom for the ritual drink of wine.

In Chu-hsi there are three types of uxorilocal marriage: that in which the husband obtains property but no sons (M. yu ch'an usu tzu), that in which he obtains both property and sons (yu ch'an wu tzu), and that in which he gets neither property nor sons (wu ch'an wu tzu). In the first case the husband continues the family line and inherits the family property. He must change his name to that of his wife's family. The second type occurs when the woman's family loves her very much, and this sentiment is extended to the son-in-law. He later receives a portion of the property, and need not change his name. In the last case, the husband usually changes his name, but there are cases in which he does not. As for the marriage ceremony, it is the same as in ordinary marriage.

In Wu-feng all uxorilocal sons-in-law are treated as sons, and continue the line. There is no distinction like the one between the three types of marriage mentioned above; all of them must change to the woman's surname. When the man enters the woman's family it is after a go-between has arranged it between the two families. The woman's family holds a feast to give witness, and invites relatives and neighbors. A contract of mutual agreement is written up. The contents include the name of the one marrying uxorilocally, his father's name, the name of the bride, and a guarantee that the children will become permanent descendants of the family, or a specification of exactly which children in the future will follow the son-in-law's line. The son-in-law then changes his surname to that of the wife's family. It is further recorded in the contract, if the son-in-law (to be) is still a child, that he will be raised (M. t'ung-yang) by the woman's family until the couple is of age, when the marriage will be completed. If the two are already adult, then an auspicious day is selected for the wedding. The marriage expenses are all borne by the woman's family, but there are also cases in which the man's family prepares items of clothing and jewelry for the woman's family, or the man's family may even send along a dowry and trousseau (MSS: 1630-31).

Again, for Hu-pei, we find that

In Chu-shan this kind of uxorilocal marriage is divided into three types based upon rights in property and in children: those with rights in both, those with rights in neither, and those with rights in property but none in children. In the first form, the husband need not change his name. In the last form, he is regarded as a son, and so must change his surname. In the middle form, when he has rights in neither the family estate nor the children he and his wife produce, he is made a permanent dependent in the woman's family, colloquially called M. shang-men, and he also must change his surname. This is a completely uxorilocal marriage; he does not set up another household.

In Ching-shan he must change his name. This usually happens when there are no sons, and when the woman's parents die, most of the time the uxorilocal husband then returns to his own kin line. The ceremony of entering the household in uxorilocal marriage is the same as that in regular marriage. In Ch'ien-chiang, whether or not the uxorilocal husband changes his name is decided in the agreement worked out by the go-between. This is usually decided by the circumstances of the case. Generally, if it is a case of a marriage in which the uxorilocal husband gains rights in the family estate, but not in the sons, he changes his surname. He rarely does so if he has rights in both the estate and the sons. In the event that he has no rights in either, he must pay a certain amount of money to the woman's family for her trousseau. Sometimes he then changes his name, sometimes he does not.

In Ku-ch'eng he not only must change his surname, he must also go through the ceremonies of worship, lighting candles, and drinking the nuptial cup.

In T'ung-shan no matter which of the three forms of uxorilocal marriage [abbreviated M. yu yu, yu wu, wu wu] are involved, the son-in-law does not change his name. His sons, however, must follow their mother's surname, and continue that line. The marriage must be witnessed by the go-between and the relatives, a contract must be drawn up, there must be an exchange of gifts, and the ceremony of presentation to the ancestors (M. miao-chien) must be observed.

In Pa-tung the husband need not change his name. If he is to continue his wife's kin line, however, either he does or his first son does. The second son would then follow the father's surname. The marriage ceremony is more or less the same as that in ordinary marriage (MSS: 1644).

In Hupei, as elsewhere, there also existed a subvariant of uxorilocal marriage called "inviting a son-in-law for support (of his parents-in-law) in old age," M. chao-hsü yang-lao:

In Wu-feng there is a custom of uxorilocal marriage in which the husband obtains rights in neither the estate nor the sons. If one has only one daughter, for instance, and if one wishes to rely on her care and support for the rest of one's life, one can only invite in an uxorilocal husband. He does not change his name, and does not continue his wife's family line. The contract stipulates only that during the life of the parents of the woman, they will be supported by the son-in-law, and that in death the expenses of their funerals will be borne by him. There is no fixed time limit set for his leaving to set up another household (this, leaving with the wife and children, was called M. ch'u-she).

In Chu-hsi, Ma-ch'eng, and Hsing-shan, all of these "uxorilocal sons-in-law for support in old age" have the time limit set in the contract. It is usually said to be after the woman's parents "are 100 years old" that the son-in-law can leave their household. This is the so-called "half son, half son-in-law" (M. pan tzu pan hsü) (MSS: 1632).

In Chu-shan, Ching-shan, T'ung-shan, and Ch'ien-chiang Hsiens, the time limit before the son-in-law can leave (M. ch'u-she) is usually clearly set in the contract. It may be ten years, or eight years, or when the children have grown up, or when the wife's parents are dead and buried. This is the "half son, half son-in-law."

In Chu-shan, however, when the agreed-upon period has been completed, then if the son-in-law wants to leave, he must pay over a predetermined amount to the wife's family. If there is a difference of opinion, the son-in-law may at times leave before the stipulated time is up. In Chung-hsiang Hsien whether or not the son-in-law changes his name, or whether or not he supports the wife's parents in their old age are both determined by the particular contract drawn up. In Ku-ch'eng Hsien the contract does not set a specific time for the departure of the son-in-law. In Pa-tung Hsien, there is no contract for this kind of marriage (MSS: 1645).

The discussion so far has been mainly concerned with the uxorilocal son-in-law, M. chui-hsü or M. chao-hsü. There is also the related, but somewhat different form mentioned earlier, the M. chao-fu, the second husband of a widow, who marries uxorilocally, typically into the household of the family of the first husband. This form of marriage was found in many areas. In Chilin Province he was called M. tso-t'ang chao-fu (MSS: 1311-12). In P'u-t'ien Hsien Fukien, it is recorded that sometimes the uxorilocal husband

was even of the same surname as the first husband, which caused much trouble. "Sons born of a different-surname uxori-local father cannot compete, with respect to inheritance, with those of the original kin group. It is very hard to decide, however, whether the sons of a same-surname uxori-local husband should or should not be regarded as the same as those born to different-surname husbands" (MSS: 1969-70).

In Shen-hsi such a husband was called a M. shang-men han. He changed his name to that of the wife's former husband's family, and in many other respects as well took on the former husband's social identity; he enjoyed whatever rights to property the first husband did (MSS: 1748).

It is recorded that in Shun-ch'ang Hsien, Fukien, .

If a woman's husband dies and she has no children, and the family is poor, she will usually remarry, and move out, with the permission of the head of the household. When they have a little property, though, or if she has children, then it is much more likely that she will marry in an uxori-local husband, or even marry out, taking the children and property with her. These sort of customs are found mostly among the middle and lower classes (MSS: 1579).

In Shan Hsien, Ho-nan, if a woman's first husband died, she was able to take in a second, to live uxori-locally, and the relatives of her first husband could not interfere. The second husband changed his surname to that of the first husband, and any children subsequently born to them also took that surname. The first husband's property went to the sons by him, while the property of the second husband, at his death, was shared equally by all of the sons of both fathers (MSS: 1386).

The uxorilocal husband in Shan-tung, Te-p'ing Hsien, who changed his surname to that of his wife was called, interestingly, an "adopted son," M. i-tzu. His sons, however, were not called "adopted grandsons," M. i-sun (MSS: 1398). A woman, in parts of Shan-tung, who had no brothers or other relatives, could inherit from her father. If her parents were both dead, and there was no one else to arrange a marriage for her, then she could herself marry in an uxorilocal husband, who would take her surname. This was called M. tso-shan chao-fu. When this sort of thing happened, and the uxorilocal husband inherited the estate, or if a girl had been adopted in, and a husband married in uxorilocally for her, and they inherited, the household was called, in Shan-tung, a "woman's household," M. nü-hu (MSS: 1399-1400).

In some parts of Hu-pei (as well as elsewhere) it was stipulated in the customary law that only sons could not marry uxorilocally. In some other parts of Hu-pei (as well as elsewhere), however, only sons were permitted to do so (MSS: 1633, 1635, 1946, 1951).

Chin-chiang Hsien, Fukien, is recorded as coming close to fulfilling all of the logical possibilities:

In Chin-chiang Hsien, when one has no sons, then apart from instituting a child of the same surname as an heir, or adopting a child of another surname (M. ming-ling) to be instituted as heir, there are other customs. If one has no sons, but only daughters, one can invite in an uxorilocal husband for a daughter, and even institute this son-in-law as heir. Or, if one has neither sons nor daughters, one can adopt a daughter, and then invite in an uxorilocal husband for her, and institute him as heir. Again, even if one has a son, who already married, but then died, then one can invite in another husband, to live uxorilocally, and make him heir.

All of the above uxori-local husbands abandon their surnames and take on the family's surname. Later, whatever property there is is inherited by the uxori-local husband (MSS: 1573-74).

The report on uxori-local marriage from Chü-yung Hsien  
Chiang-su advances some basically sociological explanations for its existence:

In Chü-yung problems relating to legal status (M. shen-fen) and succession are exceedingly complex. Families without sons usually invite in uxori-local husbands for a daughter, to play the role of son. When he marries in he changes his surname, and signs a document as evidence, a document called an "uxori-local contract" (M. chui-shu), which is actually no different from an adoption contract (M. chi-shu). If the person being succeeded has sons or nephews, he will give them a certain portion of the property to avoid disputes. If not, then he must pay a certain amount to the clan, and then the son-in-law can enter the genealogy and the clan, and enjoy all the rights of an heir.

One reason for this kind of custom is that because of war males become rare and the land is visited by devastation. Another reason is that the parents love their daughter so much, and this love is extended to the son-in-law. This latter is the most common circumstance. After it has been practiced for a long time, people come to regard it as natural.

In families without much property it is not much cause of litigation. In cases of families with some property, or in cases in which the son-in-law is for some reason unsatisfactory, then lawsuits certainly do arise. In recent years litigation has reached 80% to 90% of the cases. If one strives to maintain the relationship, then one finds oneself acting counter to the law. If one is strict in following the rules, then there are too many restrictions of the freedom of others. It would seem better to have this matter regulated by the Draft Civil Code (MSS: 1465-66).

Thus in parts of Chiang-su uxori-local sons-in-law could be entered into the lineage and the genealogy. This was not true in other areas. In Min-ch'ing Hsien, Fukien, for example, it was made explicit in the customary law (according to the Min Shang Shih collection at any rate) that an uxori-local husband could not be entered into the genealogy after death. Sons born to the union, however,



could change their surnames and be entered (MSS: 1601). In parts of Hu-nan, "sometimes the [uxorilocal] son-in-law is entered into the woman's family's genealogy, and it is recognized as a properly listed name. Sometimes this is not so" (MSS: 1690).

In some areas (Chekiang, for instance; MSS: 1530-31) a terminological distinction was made between husbands or sons-in-law invited to live uxorilocally to manage the family estate (M. tso-ch'an chao-fu) and those invited in to support the children of the dead first husband (M. chao-fu yang-tzu).

Feng-t'ien (the present Liao-ning) had a custom which approached the "temporary marriage" discussed elsewhere. This was called M. ta-huo, "companionate marriage":

In Sui-chung Hsien there is the custom of ta-huo, which means to marry a husband in to live uxorilocally for support. If a woman's husband has died or has been gone for several years without any trace, and the family circumstances are poor, so she cannot support herself, then she can establish this relationship with another man. Their relationship is the same as in ordinary remarriage, but a contract must be written up. In the contract it must clearly state that this is because of poverty, and that the husband will assume a certain number of debts. If the first husband is to return, then the money will be returned to the second husband, who must then return the wife (and any children she may have taken with her). This kind of custom is found only too often in both urban and rural areas, each case for its own reasons (the relatives of the first husband, for instance, may be desirous of the money, or may oust her from the estate). In lawsuits the contract becomes very important. In the minds of rural people, this is a perfectly proper custom (MSS: 1308).

Not much has been written, in either English or Chinese, about the various forms of uxorilocal marriage. One relatively easily available article is by Liu Hsing-t'ang titled "Two forms of uxorilocal marriage," published in The Eastern Miscellany (Tung-fang Tsa-chih) vol. 33 #15, August 1936.

In his article, Liu mentions that it is often difficult to find material on uxorilocal marriage:

We might look for help on this from the local gazeteers. They, however, publicized only the exalted and refined customs; this sort of "indecent" affair was forbidden by them. According to the principle of "hiding the evil and publicizing the good," such things were generally left undiscussed.

It is in this context that I would like to make known Mr. Ch'en Sheng-shao's work, the Wen-su Lu (A Record of Customs). Mr. Ch'en has, with a fearless spirit, fully and in detail, exposed for Fukien Province the dark areas of feudalism, the power of clan organization, the economic life, and various other kinds of customs. This is an important archival source for sociology, economics, social history, and ethnology (Liu 1936: 109).

After an introduction like that, and after reading the excerpts included by Liu, I of course wanted very much to find a copy of Ch'en's work. This desire was only increased when I discovered that sections of it were reprinted in the Komalan T'ing-chih, the gazeteer published in the Ch'ing Dynasty for the I'lan area in Taiwan, where I did research. The sections that appear there include information on social problems in Taiwan, inter-ethnic disputes, the Aborigines, the process of development of the land, banditry, industry, and so on.

I was very disappointed, then, to be unable to find a copy anywhere, or even a reference to the work. When I did finally find a reference to it, it was in an article by Cheng Hsi-fu published in Taiwan Feng-wu (Taiwan Folkways), February 1970, in which Cheng laments that the work is now lost.

The Wen-su Lu, by Ch'en Sheng-shao, written in the Tao-kuang era [1821-1851], is an important historical source for Taiwan, compiled by a well-travelled official during the mid-Ch'ing. Though it was written not long ago, very few people know anything about it; Lien Ya-t'ang does not include it in

the Taiwan T'ung-shih [General History of Taiwan], and none of his contemporaries seem to have mentioned it. It is really a pity that it is this difficult to preserve historical sources. Fortunately, the Komalan T'ing-chih has preserved six excerpts from it (one of which also appears in the Tan-shui T'ing-chih), so that we still have some impression of it as a work (Cheng 1970: 74).

The excerpts which appear in Liu's article, however, include material not found in the Komalan T'ing-chih. It seems, then, that Liu, writing in 1936, had access to the original, so the work may not be completely lost, and a copy may surface some day.

Aside from their historical interest, the excerpts quoted by Liu are important for the information they give on uxorilocal marriage in both mainland China and Taiwan.

In Chao-an (Fukien) when a middle-class (M. chung-hu) family marries in a wife, the bride-price is around 100 taels (M. chin); among lower-class families (M. hsia-hu) it is 56 or 60 taels. Other gifts are not furnished. The dowry when marrying out a daughter is similar, so marriage is quite difficult. Marrying out a daughter is quite difficult, so few daughters are raised. Marrying in a wife is quite difficult, so bachelors are many. It is proper that a man have descendants to continue the line, so an attractive woman may invite in an uxorilocal husband to produce children to do so. The old customs are based on this (Liu 1936: 109).

If someone of the lower class is old and without sons, and has a daughter of marriageable age, then they invite in an uxorilocal husband for her in order to get the most out of their remaining years. In Chao-an people buy girls in order to get an uxorilocal husband, and widows also invite in husbands, in order to continue the line, to maintain the (first) husband's grave, manage the estate, and husband the resources.

The sons are not discriminated against on the basis of which husband was their father, and the clansmen do not disapprove on the grounds of having disrupted the kin group. In this situation it is agreed, in contract, that the first-born son shall follow the wife's family and subsequent sons the husband's line. Sometimes all follow the wife's and none the husband's. There are some husbands who, enamoured of the wife, and covetous of her property, completely forget their origin.

If he steals the wife's property and absconds, or does not attend to the support of her parents, then this is cause for

litigation. If a husband marries uxori locally, his son may inherit (in the wife's line), or a son may be sold in adoption and so enter that ancestral temple. Though this is confounding surnames and lines, its actual occurrence in Chao-an is very common. Such is the popularity of uxori local marriage (Liu 1936: 109).

Ch'en is quoted as saying that in Lu-kang T'ing (Taiwan), where he was an official,

When a widow invites an uxori local husband, or an uxori local husband is brought in for an adopted daughter, it is called M. chui ([T. tsoe or ch eh] just as on the mainland. In Taiwan wives call the husbands M. lao-kung [T. lo-kong], and the weakest is the M. chui lao-kung (T. tsoe lo-kong). He makes a virtue of obedience, is submissive, and plays the role of wife. Moreover, there are prostitutes who, when there is no alternative, take in uxori local husbands and then talk of themselves as married women, while in fact he is no more than an opium-den flunky. The conjugal intimacies are no more than vain imaginings. Once a difference of opinion arises, he is expelled. Thus the uxori local husband in this situation is like a wife, and actually even more like a female slave (M. pei) (Liu 1936: 110).

Finally, he says of the Aborigines in Lu-kang that "they do not employ a go-between, the males usually marry uxori locally, and after marriage they rarely indulge in immoral liaisons. Taking a wife is called 'taking the hand' [M. ch'ien-shou, T. khan-chhiu], and divorcing her is called 'dropping the hand' [M. fang-shou, T. pang-chhiu]" (Liu 1936: 108).

This last section is also found in the Komalan T'ing-chih (chapter 5b, on the "wild" Aborigines, the appendix), but the rest of the quotes, as far as I know, are found nowhere else than in Liu's article. This reference to the Aborigine word for marriage may be one of the sources for the claim (made, for instance, by Lien Heng in his Taiwan Yü-tien [A Dictionary of Taiwanese Phrases]) that the Taiwanese word for wife, khan-chhiu, is traceable to

non-Chinese, Aborigine, marriage customs. Douglas, however, in his dictionary of Amoy vernacular, lists this word as meaning "wife." He is generally careful to point out "local" words, and makes no comment in this case. Furthermore, khan-chhiu is used only as a noun, never as a verb, and pang-chhiu, "divorce," is never used (Wu 1953: 136). I suspect that it is an old Hokkien word unconnected with Taiwanese Aborigine customs.

Liu also provides us with some more recent information on uxori-local marriage in mainland China. He cites an investigation of marriage customs in Hu-pei which was reported in the April 20, 1936, edition of Hsin-wen Pao.

Families with daughters but no sons may invite in an uxori-local husband. He follows the wife's surname and is borrowed (M. chieh) to continue the wife's family line. But there are also families with both sons and daughters which still take in an uxori-local husband. This is probably because the mother greatly loves the daughter and cannot bear to be parted from her. Only in this case would there be such an irrational custom. There are also those without either sons or daughters, who buy or adopt a girl and then invite in an uxori-local husband for her. There are even cases of families of which the sons-in-law, for many generations, were all uxori-local, creating a large and flourishing family. There is more than one form, and they are practiced by eminent families as well as poor. These customs flourish in the Chiang-ling, Kung-an, and Pao-k'ang areas (Liu 1936: 107-108).

Among widows in Pao-k'ang Hsien there is the custom called M. tso-t'ang chao-fu, "remaining in the family, bringing in an uxori-local husband." The uxori-local husband is called a M. p'ei-erh, "compensator."

In T'ung-ch'eng Hsien wives may take an uxori-local husband, after the death of the first husband, to move in, manage the domestic affairs, and support the children. This is called M. shang-men. The same custom exists in Chung-hsiang Hsien, but the name is not the same. There it is called M. chao-fu yang-tzu, "inviting an uxori-local husband to support the children."

Those husbands who marry uxori-locally have a ready made wife, ready-made children, and ready-made property. Nothing

could be more convenient. But one condition is that he must follow his wife's surname. Some call him M. nan-ch'ieh, meaning "male wife," but he is really a "female husband." Usually those who take advantage of this convenience are extremely poor men, but there are also those who endure this humiliation for only a short time, and wait until after they have entered the wife's family and then suddenly, with a resurgence of pride, they change back to their own surname (Liu 1936: 108-109).

Liu claims that in the Han-chung area of Shen-hsi, the ancestors of one family usually include several different surnames, and that this is also true of Szu-ch'uan. That one surname-group should maintain sacrifices to ancestors of several different surnames, and that several different surnames should unite in one blood line, he argues, is a natural outcome of one or the other form of uxorilocal marriage. In the Nan-yang area of Ho-nan there is said to be a tradition that this form of marriage was practiced in the Ming Dynasty. Village names composed of double surnames have resulted from one son's following the mother's former husband's surname, and another son's following her second husband's surname. To the present day, says Liu, the two surnames are still regarded as of the same blood, and do not intermarry (Liu 1936: 110). This phenomenon involving surnames is not rare. For an example in contemporary Taiwan, see the discussion of the Liaos of T'ien-sung-p'i in Chapter V.

In Taiwan, the customs surrounding the institution of uxorilocal marriage were not much different from those on the mainland of China. Uxorilocal marriage is perhaps best divided into the two forms mentioned earlier--that involving the marriage of a daughter of a family, and that involving a daughter-in-law of a

family. I will begin with the first form, called M. chui-fu (T. tsoe-hu) in the Nationalist Code, but also sometimes referred to as M. chao-hsu (T. chio-sai), or, more rarely, the institution is called M. chiu-hun (T. chiu-hun).

If it is seen from the point of view of the inviting family, three main goals emerge. These (not mutually exclusive) goals are to provide heirs for the family, to support the older generation or young children in the family, or to provide someone to manage the family estate.

According to the legalistic interpretation of the Taiwan Min-shih Hsi-kuan Tiao-ch'a Pao-kao (TMS), China has long had an "iron rule" that there is no intermarriage between those of the same surname, and those of different surnames don't adopt (the traditional phrase is M. t'ung-hsing pu hun, i-hsing pu yang), so it is impermissible in both li ("rites," "propriety," "morality") and law to consider the uxorilocal husband as having been adopted. Thus the children of the uxorilocal husband must be seen as children of the wife's family, not his, for the goal of providing heirs to be realized (TMS: 110).

This may be fine logic, given the premises, but it is poor description of social and legal realities. The Chung-kuo Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu (MSS) has many reports from many different areas of customs permitting same-surname intermarriage. There are also many reports, in that compilation as well as elsewhere, not only on the abstract permissibility, but the widespread practice of inter-surname adoption. (In fact, this type has

probably always been as popular, if not more so, in Taiwan, than intra-surname adoption, even if we are considering only male children.) Thus it should be no surprise that in many areas the uxori-local son-in-law was explicitly considered as adopted. In parts of Shan-tung, as noted above, an uxori-local husband who changed his surname to that of his wife was called an "adopted son" (M. i-tzu). In parts of Chiang-su uxori-local husbands played the role of son, and their contracts were no different from adoption contracts. In some areas an uxori-local husband could be entered into the family genealogy. This last is true of Taiwan as well. The Sung-shih Tsu-p'u, a genealogy published in Taichung in 1971 (and which includes inhabitants of T'ien-sung-p'i) lists uxori-local husbands quite often. There was also a case in the village where I did research of a man who was simultaneously married uxori-locally into, and adopted into, a different-surname family.

Another goal on the part of the inviting family, as noted, is to provide support or property management. A high court ruling in the thirty-ninth year of Meiji (1906) said that

The M. chao-fu (T. chio-hu) institution can be divided into two aspects, marrying out uxori-locally and marrying in uxori-locally. Either way it is marriage with a daughter of a family to provide that family with property management or heirs. Thus it must imply a submissive relationship on the part of the uxori-local husband to the family head, and the marrying-in husband cannot set himself up as an independent family head with all the public and private powers that that implies. This is an obvious fact in the customs. Thus if the man feels that he and his family have been slandered against to the point that he cannot endure living there any longer, and uses this as a reason to go against the household head's wishes, and demands that the wife be handed over so that they can live apart from the household head, this is entirely counter to the goal of such a marriage (TMS: 110, 111, 247).



It should be noted that the M. chao-fu referred to in the passage above refers to both the chao-fu proper (the uxori-local husband married to a daughter-in-law of the family) and the M. chao-hsü (an uxori-local husband married to a daughter of the family). The Japanese seem not to have made a clear distinction between these two in their legal rulings, and the two are lumped together in the Nationalist Code as M. chui-fu.

On the part of the man's family, it is usually said that the motivation for marrying a son uxori-locally into another family is economic; the family is poor and lacks the money and presents needed to marry in a wife in the regular way. There is another consideration. It sometimes happens, it is claimed, that two families are on very intimate terms, and wish to intermarry. Because the girl's family "loves her too much," or if for some other reason they are reluctant to part with her, they may have the son of the other family marry in and live uxori-locally (TMS: 111).

There are two basic types of uxori-local son-in-law marriage, that in which the son-in-law moves permanently into his father-in-law's family and that in which it is for a limited period. This latter type can then be divided into two further categories, one in which the period is indefinitely limited, and one in which there is a definite limit. The former, for example, might be until the children are grown (the sons, that is), or the woman's parents are dead and buried. The second sort of limitation is set in terms of a certain number of years, typically from three to ten.

After the agreed-upon period, however it is defined, the man is then able to leave the family if he wishes, taking his wife and children with him. Often he also receives a kind of "severance pay," an amount agreed upon in the contract that he is to receive when he fulfills it. The present mayor (Ts'un-chang) of T'ien-shan Ts'un (one of the administrative divisions of T'ien-sung-p'i) had married uxorilocally into the Liao family in the 1930s. He signed an eight-year contract, but stayed with his wife's family for ten years. He received three yen per month, and at the end of the time period, got a lump sum of 300 yen. He laughs now, and says that because of inflation, by the time he got the money, it was hardly enough to buy a bottle of wine.

According to the mayor (and in addition to his personal experience in this, his official position requires that he write up marriage contracts among others, and help mediate marriage disputes), if an uxorilocal husband moves out of the wife's family before the expiration of the contract, he must pay a sum of money in compensation, and then the marriage becomes an "ordinary" marriage. If divorce occurs, then there is no compensation, but then there must be an agreement about the fate of the children.

This form of marriage occurs only, it is said by informants, if the wife's family is much wealthier than the man's. Education is also important. If a man has a high school education, he could marry into a wealthier family than if he had only an elementary education.

In this kind of marriage, the husband gives the wife's family money to buy things for the marriage ceremony, but then they return it to him when the contract has expired. The upshot, though, of all the exchanges is still that the marriage costs "about one-fifth" what a "standard" one costs--NT\$10,000 as opposed to NT\$50,000 for an ordinary marriage.

In the case of the Ts'un-chang, he paid about the same as he would have in an ordinary marriage because his family was very poor, and his wife's family was of much higher status. At that time, in addition to other business interests, they owned one-half share in a bus line that connected T'ien-sung-p'i with Lo-tung. Thus he was able to ally himself with one of the most powerful socioeconomic groups in the town. He got on well with his father-in-law, and was prevailed on to stay an extra two years beyond his contract time, in part because his father-in-law had lost a good deal of money on his business deals. It is not uncommon that a husband stay on longer than was specified in the contract; usually he gets more money.

In wealthier families this kind of marriage is treated as a very serious matter, with many conditions set out in the contract. In poorer families, there are fewer conditions, the husband is not so restricted, and the whole thing is freer.

The Ts'un-chang's decision to marry uxorilocally has paid off. He has a respected standing in the town, and official office. He has "many" chia of land, he owns a building in Taipei that he rents, and he operates a drygoods store. He has two sons with

college educations; one is a businessman in Tokyo, and the other is trained in pharmacy, and is resident in the United States part of the time. (Both, however, are still officially registered in T'ien-sung-p'i.) His wife's older sister also had an uxori-local husband. The latter married into the Liao family in 1928 and stayed for fourteen years. Finally dividing from them in 1942, and setting up a new household, they too are quite well-off. They are land-owners, not tenants, they own a drygoods shop, two of their daughters are graduates of the Lanyang Girls' School (said to be the best in I-lan), and a third daughter is a college graduate, teaching at a local middle school. In neither case of uxori-local marriage did any of the children take the surname Liao.

As far as the form of uxori-local marriage is concerned, because of its nature, there is usually no M. ch'in-ying (T. chhin-geng), the part of the ceremony in which the bridegroom goes to the bride's house to escort her to his house. Some other elements of the usual ceremony may be changed, but one important requirement is the contract.

Often the uxori-local husband is in a rather weak position and can be easily browbeaten by the wife's family, so in the Yuan, Ming, and Ch'ing laws, it was ruled that a marriage contract must be written up, called a M. chao-hun tzu [T. chio-hun ji], clearly specifying how long he will remain in the wife's family, when he will be permitted to leave with her and their children, what rights he will obtain, what duties he will take up with respect to the wife's family, and which kinship lines the future children (particularly the males) will follow (TMS: 111, 112).

This was true under the Japanese as well; in 1917 it was ruled that such a contract was a legal requirement of such a

marriage, and it was further specified that in the absence of such a contract the relationship was to be regarded as simple cohabitation, and that to have it recognized as a valid marriage, a contract had to be written up specifying the assignment of children and whether it was a permanent or fixed-time relationship (TMS: 112, 134n, 256). The simple act of registering the marriage with the household registry did not legally establish the relationship.

The husband, through his agreement to the contract, had, either permanently or for a specified length of time, to live with the wife in her household. He became a family dependent in that household, but his relationship was ambiguous. He was supposed to take on only an affinal role in the wife's family, not the role of a blood relation of that family or a member of that family's kin group (TMS: 112).

As we have seen, however, the situation could be much more complicated than that. The uxori-local husband could, at times, take on a "quasi-blood relationship" within the wife's family. In any case, as a dependent member of that family, he was subject to the wife's family's elders' rights and/or household head rights. In addition to these general duties of his, to obey those holding the above rights over him, he had also to produce heirs and meet the conditions set out in the contract, including that of support.

We have noted that depending on the type of relationship entered into, and depending on the particular clauses in the contract and the rights and duties thereby transferred, the husband may or may not change his surname to that of the wife. According

to the compilation of Taiwanese customary law, a court ruling in 1910 held that the uxori-local husband maintained, in any case, his "blood" relationship to his natal family and his membership in his original kin group. Thus he kept his own surname (TMS: 112). This may have been true in the law books, but clearly went against the customary arrangements; though it has perhaps always been most common that the husband keep his own surname, it was not uncommon for him to add the wife's surname to his own, or, though this was the least common of the three, to change it completely (see Tai 1966: 146).

While the husband did not lose his original kin ties or nominal membership in the kinship group to which he was entitled by birth, certain other rights and duties were curtailed. During the time that he was resident in his wife's family, for instance, all rights and duties which arose from the family-dependent relationship (such as the duty of following the orders of one's own family elders or the family head) were ended, since they were replaced by the same rights in the hands of the elders and the head of the wife's family.

Another sort of curtailment, of course, depending on the clauses in the marriage contract, was in rights to and over children. As was noted earlier, during the Japanese period it was something of a legal requirement, to make the union valid, that there exist a contract with clauses specifying the assignment of children to surname and kin line. This kind of clause was almost always found in such contracts from other periods as well, because it was naturally

an important factor in the relationship and a source of potential trouble.

Those children assigned to the husband in an uxorilocal marriage, who were to follow his surname and give sacrifices in his kin line, had, in the customary law, legal relations to their parents and other kinsmen which were essentially the same as those in "regular" marriage.

The legal status of those assigned to the mother and her kin line, or those destined to joint assignment to both the father's and mother's lines, was a bit more confused. In Tai Yen-hui's opinion, the kinship relationships of such children arose from their birth, and not from any sort of implied adoption (TMS: 113). This is, in a sense, paradoxical. The same natural process (birth) produces two different kinds of children with two different sets of rights and duties, but the distinction between the two kinds, the allocation of individuals to each group, is, of course, a cultural process. Logically, this is connected with considerations about the status of the uxorilocal husband with respect to the wife's family.

To the degree that the marrying-in husband is viewed as an affinal relative in his wife's family, the custom of allocating one or more sons to that family to take that surname and sacrifice to that kinship line must be seen as matrilineal descent. (This is the custom often referred to as M. huan-sun [T. hoan-sun]; customarily the first son is assigned to the inviting family, though this is modifiable in the contract.) The logical alternative to this (matrilineality, as noted elsewhere, is usually attributed to

barbarians) is to have the husband change his surname, adopt him, and then there is no problem with the mode of descent; it is simple patrilineal descent. What this does, of course, is to shift the logical problem elsewhere in the system. Now a "son" is married to a daughter, and one is uncomfortably close to the incest taboo.

I have not seen uxori-local marriage discussed in precisely these terms, but this is what is meant when it is argued that the uxori-local husband cannot be viewed as having been adopted because those of the same surname don't marry, and those of different surnames don't adopt. If the husband is viewed as adopted, then both parts of the rule are violated simultaneously.

However problematical the precise status of the uxori-local husband may be in terms of Chinese kinship theory, when it comes to inheritance and other relations to property, it is not surprising that a number of fairly widely accepted and fairly clear rules have evolved.

Traditionally the main arrangement (and this seems to have been true for Taiwan as well as the rest of China) was more or less as follows. The uxori-local son-in-law had the right of management and disposal of his own personal property. This property was, in a sense, held in common with the children following his own surname and line. After his death (or at division if this occurred before his death) the property went to those children. If there were no such children, then it went to the children following the mother's line (see Tai 1966: 146; TMS: 113).



It was noted earlier that the uxori-local husband maintained "nominal" rights to membership in his natal kin group. As long as he was resident with his wife's family, he was considered a family dependent of that family, and not of his natal family. Thus, during this time he had no rights to the family estate of his natal family. If, however, he returned to his family and kin line before property division, he could participate in that division.

As far as the original estate of the wife's family is concerned, the uxori-local son-in-law had no rights of possession, though he might have rights and duties of management of that estate. He usually had the right, however, to share equally with the family whatever increase in the estate occurred through his management; often this was included as a clause in the contract. In the Ming and Ch'ing Codes, however, it was held that a permanent uxori-local son-in-law had the right to divide the estate equally with an adopted heir, another instance where the uxori-local husband seems to be equated for some purposes with an adopted son (TMS: 114). At times, depending on the situation, a fixed-term uxori-local son-in-law might also be given a portion of the family estate, called currently in Taiwan, according to the compilation of Taiwanese customary law, T. tam long-a pun, "carrying off a basket of money," or T. tau long-a pun, "measuring out a basket of money" (TMS: 135n). Most of the above shares were, of course, subject to his having fulfilled the uxori-local marriage contract satisfactorily. If the uxori-local son-in-law has been adopted, that is made an heir, then he can, of course, inherit in the wife's family estate.

When it comes to the termination of such a marriage, the Taiwan Min-shih Hsi-kuan Tiao-ch'a Pao-kao points out that the principles are the same as in ordinary marriage, but the positions of husband and wife are exactly reversed, and the uxori-local son-in-law is not uncommonly driven out unilaterally by the inviting family (TMS: 114). The man's departure from his father-in-law's household, taking his wife and some or all of his children with him, is called T. chhut-sia (M. ch'u-she). This may happen because the period in the contract has expired, because of mutual agreement, or he may unilaterally leave, or be expelled. There are two main points where this differs from the dissolution of regular marriage. After the death of the husband, his wife still maintains her affinal links with his family, even though she is not resident there. If she remarries, then they are extinguished. The death of the wife, however, extinguishes his affinal ties with his wife's family, even though he may, through mutual agreement, continue to reside with them. This seems to be another indication of the relative inferiority of the uxori-local son-in-law's position in the relationship (TMS: 115).

As far as the current legal status of this form of marriage is concerned, I quote from TMS:

The Civil Code recognizes uxori-local marriage as well as regular marriage, and this is done to remain close to custom. According to article #1002 the uxori-local husband shall live with the wife, which is the meaning of the old term chiu-hun. Also, according to article #1059, "The children of the uxori-local husband shall take the mother's surname; but if there are other provisions made in the contract, they shall apply." This is a change from the old viewpoint of passing on the surname and continuing the line. According to article #1000, "The uxori-local husband shall prefix his wife's surname to his own. If provisions are made otherwise in the contract, however, they shall not be limited by this."

This last provision does not follow the custom, so one might ask why it has been included. It was desired to give some recognition to sexual equality, and to express the fact that in uxorilocal marriage the wife has transformed her status. The relationship between uxorilocal husband and wife is a marital one. The relationship of their children to the husband's or the wife's family line is equally a blood relationship in each case. Because the Civil Code is based on ideas of bilateral descent and inheritance, whether or not the children are family dependents does not distinguish between them, nor does a difference of surname. The recognition of the freedom of the parties to the contract to specify in the contract the allocation of surnames to the children and the assignment to the ancestral lines of the mother or the father has not been put to the question in law, but according to article #1059, second part, the children of an uxorilocal husband in principle follow the mother's surname, but if provisions are made to the contrary in the contract, they shall be followed. Also, Article #1060, part 2, says that the children shall reside with their mother. As for the contract itself, and its division of the children with respect to surnames and property rights and inheritance, this can be viewed as an act of division by grant or testament (TMS: 116).

We now come to the second major type of uxorilocal marriage common in Chinese society. This, as has been noted, is the uxorilocal husband (as opposed to the uxorilocal son-in-law); a man who marries into a family, but to a daughter-in-law (as second husband) instead of a daughter. There were several types of this form of marriage. First, families lacking sons or resident sons-in-law may invite in an uxorilocal husband to manage the family estate. This is the so-called T. chio-hu che-soa\*. (This is one reading of the last character, and it is the same, except for tone, as the reading T. soa\* for "mountain"; in some areas of the mainland, at least, this type of uxorilocal husband is called M. tso-shan chao-fu ["uxorilocal husband sitting on the mountain"] [T. che-soa\* chio-hu].) At the same time, the term M. tso-shan ("sitting on the mountain")

itself also has the meaning "manager, overseer," and is opposed to M. ch'u-hai ("the one who goes to sea," "supercargo").

Second, if a couple was old, and had no sons to support them in their old age (and one tends to forget, in an age of Social Security, just how serious a situation this could be), they might marry in a husband, after their son had died, to their daughter-in-law. This was, of course, the form called T. chio-hu iong-lo (M. chao-fu yang-lao, "inviting in an uxori-local husband to support the older generation").

Third, if a son dies leaving a wife and small children, his parents might invite in another husband for the daughter-in-law, to support and raise the children. This is called T. chio-hu iong-tsu (M. chao-fu yang-tzu, "inviting in an uxori-local husband to support the children"). The children by the previous husband will call him "step-father" (T. ke-hu, M. chi-fu, or T. au-chek, M. hou-shu), and he will reciprocate with, for example, T. ke-tsu (M. chi-tzu) for his step-son. In principle, they should all reside together and the mourning grade of the children to him should be that for a step-father, but in Taiwanese custom they do not do so if they are already adult, and can independently manage the property themselves. If her children are independent and the mother still invites in an uxori-local husband, "then this is considered an immoral act (M. pai-te) on the part of the mother" (TMS: 117).

Fourth, if a family's only son has died, leaving a widow, then a husband may be invited in specifically to provide heirs. This is called T. chio-hu si\*-tsu (M. chao-fu sheng-tzu).

Whatever the goals on the part of the inviting family, the goals on the man's part are said to be much the same as for uxori-local son-in-law marriage--lack of money for the brideprice. One of the ways that this form of marriage differs, in fact, from ordinary marriage is that the expected amount of brideprice is comparatively small, at times nonexistent. Customarily, the man does not provide anything more than the cost of a mosquito net or other such bedroom furnishings (things brought by the woman in ordinary marriage). He may sometimes assume part of the cost of a feast for the family (TMS: 119).

This kind of uxori-local marriage differs from the first type considered, apart from the fact that the wife is a daughter-in-law instead of a daughter, in that rarely is it a limited-term relationship, in the sense of limitation to a definite number of years. The arrangements often specify that after the mother-in-law and father-in-law are dead, the husband and wife can then leave the household, or that after the birth of sons they can leave.

As in the other form of uxori-local marriage, provision must be made in the contract for the allocation of children. (Provision is always made, says TMS: 118.) In this form, however, the situation is somewhat more complicated, in part by the likelihood that there are also present children by the first husband.

If the purpose of the marriage was not to provide heirs for the inviting family, then the children, in customary law, would follow the uxori-local husband's surname and kinship line. What the provisions are in the contract, though, is very important. A

court ruling in 1913 held that if in the contract it was stipulated that the children should follow the kinship line of the inviting family, but somehow the opposite was entered into the household registry, this was insufficient to consider that they did not follow the inviting family; the terms of the contract took precedence over the household records (TMS: 122).

A common principle for the division of children, as with the other form of uxori-local marriage, was to have the first son follow the inviting family's line. Again following the reasoning with respect to the other form of uxori-local marriage, they are considered, legally, to be participating in matrilineal succession (complicated by the fact that the mother's relationship to her former husband's family is a bit curious). The sons who follow his surname and family line pose no legal or logical problems; they are participating in simple patrilineal succession.

As for the children of the woman by her first husband, according to a ruling of 1921 the uxori-local husband had absolutely no kinship rights over them at all (TMS: 122). A husband in this type of marriage is also in a more subordinate position in the inviting household than in the first type of uxori-local marriage. He becomes a family dependent and must obey the elders of the family or the family head. He cannot independently manage the affairs of the family, and an important characteristic was his inability to live other than where his wife did. According to a court ruling of 1908, moreover, he was barred from becoming head of the household into which he married (TMS: 119-20).

The status of this kind of uxori-local husband differed from the first, though, in that there was no question of his being regarded as adopted into the family. He obtained no membership status in the inviting family's kinship group, nor did he lose membership in his own (according to a 1910 ruling; TMS: 120). Although he gains no rights to the new family's estate, he does, as long as he resides with his wife, lose his rights as coparcener in his own family's estate. He does not usually take the inviting family's surname, and is considered to have only an affinal relationship to the wife's natal family, not a blood relationship (or even "quasi-blood relationship"). In this respect this form of uxori-local marriage is closer to ordinary marriage than is the first form. With respect to the inviting family, that is the family of the wife's first husband, the second, uxori-local, husband is held to have no legal kinship relationship at all. While he is resident there, he is subject, of course, to the elders' rights and the household head's rights of that family, but after the death, for instance, of the woman who is the center of this relationship, the uxori-local husband is held to have no longer any standing as a person with kinship rights in that family (according to a 1921 court ruling; TMS: 120).

As far as property rights are concerned, this uxori-local husband's rights were much the same as those of the other type. He had rights of management and disposal over his own property, and at his death the property was inherited by the sons following his

line, not the sons following the inviting family's line. If he had no sons, though, the property went to the inviting family.

He had few rights in the property of that family, but he did not lose his position as a coparcener in his natal family, if and when he returned. What rights he did have in the estate of the inviting family were subject to the limitation of the contract and its fulfillment by him. These rights were generally limited to helping in the management of the estate and the domestic affairs of the family. He had no rights of inheritance nor had he any independent rights to management or disposal of the estate (TMS: 121, 122).

### Polyandry

At this stage, the discussion leads naturally into a description of a number of other "irregular" forms of uxori-local marriage. I include these not for their curiosity value but because, though they are and were statistically rare compared to "ordinary" uxori-local marriage, they were widespread geographically and are important to fill in the complete spectrum of variation on some basic themes.

We have seen that one form of uxori-local marriage took place when a woman's first husband died and for a variety of reasons she preferred to (or, more likely, had no choice but to) remain in her husband's family and bring in another husband uxori-locally. We have also seen that this was an institutionalized and accepted practice in some areas even when the husband was not known to be dead



but had been missing for some time (see "companionate marriage" above, and Hui-an Hsien in Fukien referred to in MSS: 1587 where this was called M. shih tsung chao-fu, "inviting an uxori-local husband when the first husband is missing"). The next logical step is for this form of marriage to be practiced before the husband is dead--polyandry. In Fukien Province, according to the Chung-kuo Min Shang Shih Hsi-kuan Taio-ch'a Pao-kao Lu (Report on the Investigations Into Customary Law in China, MSS),

In Ku-t'ien Hsien wives are quite ordinarily able, with the husband's permission, to marry in another husband uxori-locally for a period of perhaps ten years, turning the bride-price over to the first husband for his use. This is called "hanging up the curtain" M. kua-chang. Those children born during the ten-year period will be raised by the uxori-local, second, husband, but sometimes, if the first husband lacks heirs, it is agreed that the first son born during the ten-year period will follow the second husband, but that the rest will follow the first husband. They refer to each other as "intertwined brothers" M. chiao-chia hsiung-ti, and if they are equally well-off, and their mother dies, they will fight over who is to carry out the sacrifices and burial, paying no attention to popular opinion. This custom is practised in Ta-tung Hsiang of Ku-t'ien Hsien, but it is not yet known to have led to litigation. When, because there are many children, it's difficult to provide the daily necessities, and the husband finds it difficult to support even himself, and so another, uxori-local, husband is brought in, he is called a "helper" (M. pang-t'ui). The general circumstances are similar to those in the first form, "hanging up the curtain," but the period of uxori-local residence is only two or three years (MSS: 1585-86).

In Fu-an Hsien, in the area of Hsi-pei Hsiang, there is still an evil custom called T. pák chhe [The first character seems to be a dialect character, related, I assume, to the Taiwanese dialect character pronounced T. pák, which means "to hire, rent," and which can be used in reference to persons], "rented wife." Usually it is because party A has no wife, and does not have the wherewithal to marry one in, and party B has a wife but is unable to support her. The rental price is no more than ten taels (M. chin), and the period of time varies from perhaps three to perhaps ten years. The children born within that period follow A. If she is to die within the time

period, then both A and B together arrange for the funeral. When the time period is up, and if the first husband can redeem her, then it must be permitted. If not, then she remains the wife of A (MSS: 1602-1603).

In Chekiang and many other areas, this sort of marriage was called, appropriately enough, "inviting a husband to support a husband" (M. chao-fu yang-fu); it was described as "frequent among the lower classes," and it was specified that if the first husband had no sons, sons by the second husband could inherit from the first (MSS: 1530). The custom was also found in Hsia-p'u Hsien, Fukien (MSS: 1604), and in P'ing-nan Hsien, where the husband was called "helper" (M. pang-t'ui); the time period was said to be usually three to five years, and the sons born to the second husband were at times able to inherit from the first husband. This custom, it was claimed, had formerly been more prevalent, but had declined in recent years (MSS: 1606).

In Chu-shan, Ching-shan, and Ch'ien-chiang Hsiens, Hupei (these areas seem to have been particularly well studied), it was also called M. chao-fu yang-fu; in Chu-shan Hsien he had to change his surname to that of the first husband, while in the other two Hsiens, he did not (MSS: 1653). In Yuan Hsien, Hupei, where it was described as "quite rare," the second husband also did not change his name (MSS: 1667).

In Ch'eng-ku, Tz'u-yang, Mien, and other Hsiens of Shensi,

There are women, already with husbands, who invite in another husband to come and live with them, in order to support the family. This is called M. chao-fu yang-fu. This sort of custom is frequent in the Hsiens south of the Han River. In seeking reasons for this, one finds that in most cases it is

because the first husband is disabled and cannot make a living. The couple, after consultation, are forced to do this. There are also those, however, who are not disabled, but through the profligacy of youth have expended the family property, and so endure humiliation, swallow their pride, and allow the wife to marry in another husband (MSS: 1702).

In other areas of Shensi,

If a woman is promiscuous, or if her husband becomes paralyzed, or deaf and dumb with senility, or disabled through aberration or some other sort of illness, and cannot make a living for his family, so that they become poor, and exposed to the cold and hunger, and there is no other way out, then after discussing it and freely agreeing to do so, they can ask a go-between to seek out a man to marry in and live uxori-locally, in order to support the first husband. A contract is written up, called an uxori-local marriage contract, which clearly stipulates that they cannot mistreat the first husband.

There are also cases of this happening when the first husband is not at all sick or disabled, but has just, through youthful profligacy, gambling, and inattention to his proper business, completely dissipated the family estate, so there is no alternative but to endure the humiliation, swallow their pride, and allow the wife to marry in another husband (MSS: 1718).

This sort of polyandrous marriage also was practiced throughout most of Kansu:

Kansu has a special kind of evil custom called M. chao-fu yang-fu. For instance, if A has married in B as his wife, and if later he becomes debilitated from age, or he is struck down with a serious illness, or he becomes poor to the point that he cannot any longer support himself, then the wife, B, can, with A's permission, marry a man C into the household to live uxori-locally and support the first husband. Everything in the household is his to use. If later, sons and daughters are born, which father they should follow is decided through oral agreement by the two sides. The relatives of A cannot interfere in this. This form of marriage is definitely not considered shameful by society (MSS: 1769).

A commentary is appended to the above, listing the names of those making the reports on which the notice is based, and the areas within Kansu reported on. It then continues to the effect that "according to the investigations of this Committee, this evil custom is found practically everywhere in Kansu, and if it is to be

forbidden by law, this will have the unfortunate effect of immediately cutting off the sources of support for large numbers of people."

I do not know of any descriptions of this form of marriage from Taiwan. How prevalent it was in the past is now impossible to tell. It was no doubt rarely encountered, but it did occur. The collection of legal documents and commentaries titled (in Chinese) the Taiwan Szu-fa Jen-shih P'ien contains at least one contract for a M. chao-fu yang-fu marriage:

The executor of this contract of chao-fu yang-fu marriage, Wang Yun-fa, married, as wife, the daughter of Li San named Hsiu-liang, twenty years of age this year; they have been married four years. Hsiu-liang cares every day for her parents-in-law, is very obedient and filial, and in her regulation of the family, one seldom hears any recriminations; having married a wife like this, one can really set one's mind at rest.

In recent years, however, the executor Yun-fa has become ill and disabled, is physically less than a man, the family has become impoverished, cannot meet its expenses, and are unable to borrow money anywhere.

Though they are poor, they are still alive. Thinking that "of the three unfilial acts (leaving no descendants is the worst)," and that youth will not return, husband and wife have discussed the situation day and night, and have decided that indeed there is no other way. Wishing to preserve virtue, and thinking that a family of several persons will hardly go without food, they have decided that only with a chao-fu yang-fu will they be complete. Therefore they have asked in a go-between, to discuss the matter of the marriage. The go-between has found Wu Chin-wen, the oldest son of Wu Chiu, to marry in uxorilocally, to form man and wife. They have agreed that they do not want any bride-price, but that each month he must provide twenty dollars to cover his expenses.

Should sons later be born, and grandsons in turn, then whether there are many or few, they shall all sacrifice to the two family lines.

The two sides are willing and in agreement, and neither will have later regrets. Fearing that there is no evidence of the spoken word, one copy of this chao-fu yang-fu contract is drawn up as evidence.

Scrivener Cheng Ju-shui

Go-between Mrs. Ch'en nee Hsü

Witnesses Wang Chin-fa

Wang T'ien-fu

Executor of the chao-fu yang-fu contract Wang Yun-fa

T'ung-chih 9 (1869), third month (Taiwan Szu-fa IV: 571).

### Analytic Model for Uxorilocal and Polyandrous Marriages

One of our informants, a T. tai-su (M. tai-shu) or "scrivener," one who makes a business of writing up contracts, other official documents, and may also become a mediator and informal legal counsel, said that uxorilocal marriages are generally more likely to end in divorce than regular marriages. Usually this is said to be because the woman's parents are likely to be critical and fault-finding with respect to the uxorilocal husband. He said that for the woman's side, her parents want to ensure descendants and/or support in their old age. The motives on the man's side are primarily economic. He can, by marrying uxorilocally, set up a household and family without most of the usual expense. Basically, the scrivener argues, there is no great difference between uxorilocal husbands who take their wife's surname and those who do not. The decision is an individual one, made by the parties involved in each case.

The scrivener's arguments about the instability of uxorilocal marriage should sound familiar to those interested generally in kinship and social organization. Buchler and Selby say that:

. . . Our concern must be directed at the transference of rights between groups linked by the conjugal dyad. It seems that correlates to . . . anomalous structural features are to be found in the degree to which rights in uxorem (over a woman qua wife), and rights in genetricem (over a woman qua bearer of children, or over the progeny of a union) are transferred from the family of orientation of the woman to the man or his group with whom she coresides (1968: 28).

All of this was written in the context of a discussion of the Nayar case, which is in many ways different from the case of uxori-local marriage in Chinese society. They go on, however, to make a more general point, and to suggest a cultural universal. Whereas Gluckman correlated divorce rates with degree of patriliney (Gluckman 1950: 166), Fallers proposed a correlation with the degree to which women were absorbed into the man's lineage:

Where a woman, either through the complete transfer of her child-bearing properties or by other means, is socially absorbed into her husband's lineage, patriliney tends to stabilize marriages; where a wife is not so absorbed and thus remains a member of the lineage into which she was born, patriliney tends to divide marriages by dividing the loyalties of spouses (Fallers 1957: 121).

Buchler and Selby point out that, following Levi-Strauss, it does not logically matter whether we regard the exchange from the point of view of the male or female.

From the female point of view we would state the conclusion as follows: the degree to which the female or her group retains rights in genetricem and in uxorem will be positively correlated with the degree of instability in the marriage (Buchler and Selby 1968: 29).

Thus, the many indications of a tendency to relative instability in such marriages are not surprising.

Buchler and Selby's work has some other points of interest in this connection. Reporting on Selby's research in the Oaxaca

Valley, they consider postnuptial residence, and discuss a number of points which should sound familiar to the reader of these pages.

Although a statistical summary of residential forms displays an amazing disparity, the jural pattern of postnuptial residence in this village is virilocal. To an actor (and his family) postnuptial residence (which will permit access to the household resources by the coresident) poses problems in strategy, which are seen to be resolved appropriately only in the context of a number of situational factors. For a man there are two alternative patterns of postnuptial residence, virilocal and uxorilocal. Virilocal residence is the preferred form, not in the statistical sense that it is the "normal" form of residence (which it is), but in the sense that positive value attaches to it. Associated with residential choice are a bundle of activities . . . undertaken by both families whereby the hand of the potential spouse is "sought"; arrangements are made for the wedding; and financial commitments are made by both sides in deciding how much of a contribution will be made by each side to the expenses of the wedding. . . . By arranging to seek the hand of the groom, the family of a potential bride can arrange an uxorilocal marriage.

As mentioned earlier, the jural or normative rule is virilocality, to which positive value is attached. Positive value is also attached (by actors) to the resources of the household, and each actor (actor in the sense of negotiating family) attempts to maximize the values of the transaction. A male gains an initial "profit" by arranging a virilocal marriage. The comparative "loss" on the part of the bride is made up by the fact that she marries into a household with greater resources than her household "of orientation." Thus jurally we have a pattern of what the anthropologist would call hypergamy, and the native actor an equivalent exchange.

Consider the opposite situation--that of uxorilocal marriage. Uxorilocal marriage is not evaluated neutrally, but a negative value is placed upon it (from the point of view of the male actor). Thus a proportionately greater degree of incentive must be injected into the transaction in order to make the exchange between the two families a fair or equal exchange. Thus in the case of uxorilocal marriage the differential will be proportionately greater than in the case of virilocal marriage (Buchler and Selby 1968: 49-50).

Almost all of this could be in reference to uxorilocal marriage as found in Chinese society. It is gratifying, if not entirely surprising, to see such an interesting example of general sociological

principles in operation in very different and geographically very separate societies.

They go on to suggest that the "incentive" mentioned above can be thought of in much the same way as "relative deprivation"; "economic differential sufficient to provide adequate incentive (for uxorilocal marriage in this example, but by inference to virilocal marriage as well) will vary directly with the economic status of the 'lower' party in the exchange" (1968: 50). Data are presented to show that of eighty-four households surveyed, the family that sought the hand of the spouse was always richer than the other family in the transaction. Though I do not have at my disposal all of the economic information necessary to make the same argument about the general form of uxorilocal marriage in Chinese society, I strongly suspect that similar results would be found. This would be an interesting topic for further research.

Buchler and Selby argue that this kind of decision-oriented approach provides a bridge between jural accounts on one hand and statistical summaries on the other, but it is then necessary to

. . . have recourse to principles that underlie behavior, as formulated by the native-speakers, and implicit in their behavior. This requires an ethnoscientific definition of the behavioral parameters, an approach that requires of the informants that they indicate the behavioral segments they regard as critical to ordering their behavior as well as the situational determinants of decisions in the context of the behavioral segment. For example, it appears that residence per se is not an appropriate frame of reference for analysis. It is subsumable under the more general domain of analysis of status differentiation and exchange. The critical observed behavior is not the physical translation of a member of one family to the behavioral environment of another, but rather the negotiation of sexual, physical, and economic rights involved in the process of the pedimiento (1968: 52).



"Pedimiento" refers "to that set of activities undertaken by both families whereby the hand of the potential spouse is sought" (1968: 49).

The underlying principles of exchange in this model of uxori-local marriage in the Chinese case (following Buchler and Selby 1968: 52) are as follows:

Each party to the exchange contributes what each thinks are approximately equal values, defined in the following ways:

1. A positive value is attached to postnuptial residence (that which determines what household the actors are in, and what position they have in the household, and hence their rights and duties) that follows the pattern in the dominant ideology (viri-patrilocal in this case).
2. A positive value will be attached to the resources under the control of the households involved.
3. A positive value is attached to allocation of children (particularly, but not exclusively, sons) to a certain surname and to sacrifice to the ancestors of a certain line, which follows the pattern in the dominant ideology (patrilineal in this case).
4. The value of the resources attached to each actor will be calculated in two ways.
  - a. The differential evaluation of resources (economic and other).
  - b. The relative position of each actor in terms of locally relevant socioeconomic divisions.

Knowledge, then, of the socioeconomic variables and the relevant cultural principles underlying such exchanges should make it possible to "generate," or predict, what line of action will be taken in particular situations.

This model, as is noted, is one of decisions made in exchanges involving postnuptial residence. We have seen, however, that in Buchler and Selby's view, and my own, what is really important is not the residence itself, but status differentiation and exchange; the exchange of sexual, physical, and economic rights over and in persons. From this it should be clear that this model, with suitable modifications, should also work to generate or predict other kinds of marriage and, I will argue, the various kinds of adoption as well.

In a sense this is "common sense." It should be no surprise that such things as marriage and adoption, actions with social and economic consequences, should also have social and economic constraints. What is important, I suggest, is that there is a relatively small number of principles which are interrelated in particular ways, principles which can, in specifiable circumstances, generate particular, observed, social forms. In this way a kind of unity can be postulated for what are otherwise rather disparate and seemingly unrelated forms, and thus understanding, in at least one sense of the term, has been advanced.

#### Double Generation Marriage

When a man died leaving a number of children and little to support them, we have seen that one way of dealing with the situation was through uxori-local marriage. A second husband was married in for

the widow to support her and her children. In certain circumstances she might marry out and take her children with her. This was, in fact, a common enough practice that it was associated with particular local terminologies in a variety of geographic areas.

When a woman took her children with her to another marriage it was quite common to differentiate between those of her children who continued their former kinship connections (M. huo-tai, literally "bring alive," or "bring and maintain their former status"), and those who did not (M. szu-tai, literally "bring dead," or "bring and extinguish their former status"). In Shan-hsi it is recorded that:

When a widow brings along her former husband's children when she remarries, they are colloquially divided into M. huo-tai and M. szu-tai. No matter how long she has been widowed, those children who do not change their surnames, and for whom it is clearly stipulated in the marriage contract that they will later return to their original kinship line, are called M. huo-tai. The M. szu-tai are those children whose surnames are changed to that of the second husband. Their given names remain the same, and they inherit equally with the step-father's own children. If he has no such children, then they can succeed him (MSS: 1436-37; see also pp. 1447, 1450, 1454, 1723).

In another area of Shan-hsi it is said that step-children in such situations called one another M. ke-shan hsiung-ti chieh-mei, literally "siblings separated by mountains" (MSS: 1447).

In parts of Chekiang this was called M. sui mu chuan-chia, "following the mother in remarriage":

. . . When a widow has no children or has children but the family is poor and it is difficult to support them, she is permitted to remarry. As for her children, if her former husband has parents and brothers, she can leave the children with them. If not, then she may take them with her. If there are people in the first husband's family who can support and raise them, but the mother and children cannot endure living with them, . . . in that case she may remarry and take the children with her. Furthermore, for the children there may be a specified time

limit, after which they return to their original kinsmen, or they may stay permanently, as integral parts of the family (MSS: 1567-68).

In parts of Fukien the former category of children, or at least those who kept the former husband's surname after moving into the step-father's household, were called M. ya-t'ung tzu, a term that I cannot satisfactorily explain.

In a society in which parental arrangement of marriages was taken for granted, and such practices as the adopted daughter-in-law were so common, it is not surprising that a common variant on the pattern under discussion was one of "double generation marriage"; that is, the marriage of a man and a woman, and, at the same time, the marriage to each other of their children by their respective former spouses.

In Shan-hsi and some other areas, this was called "brother-sister marriage":

When a woman remarries, and takes her children with her, she can then marry one of her daughters to a son of the second husband. This is called M. hsiung-mei hun "brother-sister marriage" (MSS: 1436).

When a widow remarries and takes one of her own daughters along as wife of a son of the second husband, this is for current support, and future marriage. This is quite common among the people. It is necessary, however, that both sides agree, that the services of a go-between be secured, that gifts and marriage documents be exchanged, and that a regular betrothal be carried out. When the girl has reached marriageable age, and the marriage has been completed, then the two families will interact with each other just as do ordinary affines. The woman who has remarried, however, must not again go to her former husband's family, so as to symbolize their limited relationship to her (MSS: 1450-51).

In parts of Chiang-hsi, a betrothal contract was added to the marriage contract (of the parents) in such cases, or a separate marriage contract was drawn up (MSS: 1515).

In Fu-ting Hsien, Fukien,

. . . When a woman's husband dies she commonly takes her children with her when she remarries. Sometimes her son might marry a daughter of her second husband by his former wife, or her daughter might marry a son of the second husband by a former wife, so that the parents and the children, respectively, marry each other. Colloquially this is called M. t'ao-hua chia-chu, "grafting a peach blossom onto bamboo" (MSS: 1603).

This last account is most interesting, as this is the phrase that is used in such cases in Taiwan (T. tho-hoe ngoeh-tek; see, for instance, Wu 1969: 142-43). The peach blossom is a common symbol for the female, and the bamboo here is representative of the male.

#### The Levirate, Sororate, and Cousin Marriage

Thus far, a number of alternative solutions have been considered for the problem of what to do when a woman with young children is widowed. A logically obvious solution which has not yet been discussed is that the dead husband's position in the marriage be occupied by his brother. This institution is commonly known as the levirate, and has many advantages. Because the sociological situation does not change in terms of the relationship between the two affinally linked families, no money or new presents need change hands. The brother of the original husband gets a "free" wife, and neither family has the problem of what to do with the woman. Exactly whose right it was to marry her off again, however, and so receive the brideprice and marriage presents, was in any case variable and subject to dispute. If there were children, the levirate could be

an ideal solution. The children would be kept in the first husband's family, and his kin line would be in no danger of dying out. The popularity and acceptability of M. kuo-fang adoption, adoption within the patrilineal kingroup, meant that it was quite natural for the second husband, the original husband's brother, to care for and support his dead brother's children and have them share in the division of his estate upon his own death.

The problem with the levirate was that it was seen, at least in the value system of the elite classes, and in the written classics, as a rather alarming sort of incest. It was not the worst form, to be sure, but it was, nevertheless, abhorrent. One writer comments on slave girls that they might find themselves being pursued by two brothers. The idea of two brothers having sexual intercourse with the same woman, even if serially, was disgusting, as, in greater degree, was the idea of father and son in the same situation.

Functionally, of course, such a prohibition would have helped maintain harmony within a household in which more than one married brother lived. Such a function was obviously more important in gentry, elite, circles where such a family size was possible, than among peasants and other poor people, who had little chance to (and perhaps, in some cases, little desire to) develop and maintain such a coresident kin group.

Structurally, one can also see this prohibition as an index of the degree to which a woman was seen to be incorporated into the *kin* group of her husband. The act of marriage quite clearly reduced *her* kinship ties to her natal family, and just as clearly established

her within the husband's group. In a sense, then, she is incorporated into the kin group to such a degree that her sexual availability to the males of that kin group becomes ambiguous.

Such a prohibition is not, however, common in other societies with patrilineally organized corporate kin groupings. Robin Fox says:

It is interesting that the exogamic ban in China extended to a widow of an agnate. Thus, if a man died his lineage had to marry his widow off to another lineage (if she was allowed to remarry). Usually, in patrilineal societies the opposite has been the case; once the lineage has obtained a woman it hangs onto her. Very often, for example, she is married to her dead husband's brother; a custom known as the levirate. China however was an exception to this, and I do not know the reason why this should be (Fox 1967: 117).

I suggest that it is not really a big problem to explain the absence of the levirate. It was, in fact, not absent. Fox says, in another context, of China that "in such a complex society there was room for flexibility" (1967: 116). That is certainly true, especially given the nature and functioning of the class system. From the point of view of the society as a whole, China was able to have her cake and eat it too; there was a prohibition on the levirate and there was the levirate too. There was far more variation and heterogeneity in China than is usually depicted. In the elite value system it was quite easy to set up a rule which prohibited the practice of the levirate, and get it cannonized in the classics. If such a prohibition "helped" anyone at all, it was those in the elite class with large corporate kin groups to maintain. It could then also be used as a measure of elite status. Any family which, for

economic or other reasons, found it advantageous to practice the levirate defined itself as nonelite by so doing.

The lower classes were generally left to go ahead and follow whatever "disgusting" or "evil" customs they wished, so long as the social, political, and economic status quo was not threatened. In fact, analytically, it was in the interests of the elite to make sure that there would always be a clearly defined lower class, one defined so as to be clearly different from their own.

Surely one of the reasons that there was a ban on marriage to widows of agnates in China, while other societies with patrilineally organized kin groups tend to follow the levirate, is because China had an elite class and a long and prestigious literary tradition which was shaped by, and helped support, that elite class. In other societies, once a lineage obtains a woman it holds onto her because to do so makes good socioeconomic sense; it is a rational use of resources. To do otherwise is expensive, in a number of senses of that term. One can argue, then, that the ban on the levirate in China is a form of conspicuous consumption. So, also, are some other customs which are connected with this in various ways, like the ban on the remarriage of widows to anyone, footbinding of women, and so on. These things are expensive, but they were also necessary for a minimal definition of membership in the elite class. This argument suggests that many, if not all, of the social forms forbidden by the elite and in the classics should be found actually to be the practice in nonelite classes. One of the things I am attempting to demonstrate



is that this is in fact so. The levirate did exist, as we shall see, but seemingly was not prevalent among the elite.

The Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu says, for parts of Shan-hsi, that

If the older brother dies, and his younger brother has no wife, then the younger brother can take his sister-in-law as wife. If the younger brother dies and the older brother has no wife, then he also can take his sister-in-law as wife.

The compiler's comment is as follows:

This marrying the wife or concubine of a relative is not permitted in the law. Moreover, in regard to right human relationships and public morals, this is truly an evil custom (MSS: 1418).

In another part of Shan-hsi,

When an older brother dies, leaving a widow, the younger brother can, with the services of a go-between, marry his widowed sister-in-law. This is colloquially called M. chieh-hsü hun "continuing marriage" (MSS: 1434-35).

In yet another part of the same province,

When a family is poor, and among several brothers one who has married dies, then one of the brothers who has no wife can, after discussing it with the woman's family, marry her as his wife. This is called M. t'e-pieh hsü-ch'in ("special remarriage").

The compiler's comments:

This custom was reported by the Hsien Magistrate Chang Liu-hsing, and is the same as that in . . . [other named Hsiens]. Marrying the wife or concubine of a relative is clearly prohibited in the current Code. These customs in these Hsiens cannot be regarded as having a beneficial effect on public morality (MSS: 1455).

The same custom was found in parts of An-hui, and is reported with the comment that "no custom is worse than this" (MSS: 1477-78).

In parts of Chiang-hsi the levirate was called M. sheng-fang, literally "elevating to another branch," when it was the younger brother

who died, and his older brother married the widow of the former.  
 "But this kind of evil custom is found only among poor families"  
 (MSS: 1505).

In Kan Hsien of Chiang-hsi Province

The evil custom of the levirate, which is found among the people, is most flourishing in Kan Hsien. For instance, if among several brothers only one has a wife, and he dies, then his wife is then re-married, to his older or younger brother. If the brother then dies, she can be again remarried in this fashion. A certain previous Hsien Magistrate strictly forbade this custom, and it has decreased somewhat, but in remote villages it is still quite common. Also, some are forced into this by the excessive cost of brideprice and wedding presents (MSS: 1510).

In Lin-hai Hsien, Chekiang, the levirate was said, again, to be found among people of poor families, and was called M. shu-sao chieh-mien, "joining brother-in-law and sister-in-law" (MSS: 1548).

For another part of Chekiang a similar account is found, and the custom is compared, implicitly, to uxori-local marriage:

The custom of the "estate-managing uxori-local husband" (M. tso-ch'an chao-fu) is found in various parts of Chekiang. In P'ing-hu Hsien it is found as well, and the second husband is called M. tien-fu, "supplanting husband" or M. chuan-ch'e chu "axle." Moreover, there is also the custom of a brother-in-law marrying a sister-in-law. For instance if a woman's husband dies, and her brother-in-law is adult, and the family is in difficult circumstances, then either with the woman's parents-in-law making the arrangements, or the two persons themselves agreeing, the two may become man and wife. This custom, however, is found only among the lower classes of society (MSS: 1557).

In yet another part of Chekiang (where the custom is called M. chuan-ch'in, "transferring the relationship"), it is said that it may be practiced because the family is poor and cannot afford another marriage, or it may because the two people have already formed an illicit relationship (MSS: 1559-60).

It is claimed that in areas of Hu-pei (where the levirate is called M. lun-hun, "regular, or natural, marriage," which must be a euphemism for M. lun-hun, "rotating marriage") no marriage document is used, and no go-between, and the marriage may be the result of the free agreement of the two parties, or the woman may be forced to make obeisances to the ancestral tablets, thus concluding the marriage (MSS: 1615; see also 1668).

In a number of places in Hu-pei the levirate was called M. chuan-fang, "transferral to another branch," and in Wu-feng Hsien it is said that it was not permitted that a man marry his own brother's widow, but he could marry the widow of some other member of the same generation within his lineage (MSS: 1629-30; see also 1653).

There are also reports from various areas in Hu-nan (MSS: 1679; 1681), Shen-hsi (1744, 1745, 1756), Kan-su (MSS: 1775, 1801), Chih-li, and so on. It is curious, though, that I have yet to find references to its practice in Taiwan. I do not know why this should be; I would expect it to be practiced, and given the zeal with which many writers have pointed out "evil" and "low" customs in Taiwanese society, I would expect it to be recorded if it had been observed.

A discussion of the levirate quite naturally brings to mind its logical companion, the sororate. This was evidently much less common than the levirate was, which should occasion no great surprise. If it was in the interests of a patrilineally organized corporate group to "hang onto" the women it had married in, because it was expensive to do otherwise, it was also sensible for the same group to marry off its own women in a regular way, so as to obtain

the bride-price and extend its affinal ties. In the sororate neither of these goals is likely to be furthered. Still, the sororate evidently did exist.

In Yu-yü Hsien, Shan-hsi,

If A marries the oldest daughter of B, and then she becomes ill and dies, and B has a second daughter, he may marry her to A as his second wife. This happens in those families which have good and close relationships (MSS: 1448).

This was called M. hsü-ch'in, "continuing the relationship."

In an area embracing five Hsien in Hunan,

. . . If A has two sons, and B has only one daughter, and [the families of] A and B have long had affinal ties, or they are particularly good friends, and B's daughter is of an age with A's oldest son, then they may marry. If A's oldest son later dies, and A does not wish to break off the good relationship, then he can ask that B's daughter be married to his (A's) second son.

Also, if A and B each has several sons and daughters, and B marries a daughter to a son, of the right age, of A (A's other sons having already been betrothed or married), and later B's daughter dies, A can ask to have B's second daughter in marriage to his widowed son. Both of these are attempts to continue the relationship in the face of change. In these various Hsien, they are colloquially called M. huan-ch'in, "changing relations" (MSS: 1681).

There is an exceedingly brief account from a Hsien in Shensi (where it is also called H. hsü-ch'in, "continuing the relationship"), and one from the present Hupei (the term for it is the same), wherein it is said to be no different from ordinary remarriage (MSS: 1293).

I think that it is quite significant that out of perhaps 1,500 reports, in over 500 pages, on kinship, marriage, and inheritance, the Chung-kuo Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu has only a few notices on the sororate. Although they are very few, it seems significant that the element that receives emphasis is that

of the existence and maintenance of good relationships between the two families, something that is not emphasized in the very many more reports on the levirate. The sororate, unsurprisingly, seems not to be a natural outcome of structural features of Chinese kinship organization, but is there to be used when other, particular, circumstances outweigh its disadvantages. Wolfram Eberhard (1968: 181) gives a number of reports of the institution in various areas and time periods, but on the brief data he presents, they seem not to be institutionalized patterns, but rather, isolated and idiosyncratic cases. As with the levirate, I know of no reports on its practice in Taiwan.

The levirate and the sororate are particular examples of preferential marriage patterns. A natural question arises about the occurrence of such patterns in Chinese society.

Throughout Hu-pei, but particularly in Chu-shan Hsien we find

. . . the custom of two families intermarrying. . . . As for instance, when a girl of family A is married into family B, and family B also has a girl, or a cousin, who marries into family A. There are even cases of such intermarriage when the generations are not matched, as when family A marries in a girl of family B, and then a paternal aunt, or some such relative, of A is given to the brother of the girl of family B as wife.

In the commentary it is pointed out that though the original report was for Chu-shan Hsien, this custom was found throughout the area. It is also pointed out that except for intermarriages in which the generations are not matched, this custom was not contrary to the current Code (MSS: 1609).

There is a companion report about cousin marriage:

In Chu-shan Hsien matrilateral cross-cousin marriage is most common, while matrilateral parallel cousin marriage is also not uncommon (MSS: 1609).

Patrilateral cross-cousin marriage, however, is clearly prohibited.

For four Hsien in Hu-pei, it is said that

The children of a mother's brother can marry the children of a father's sister, and the children of two sisters can intermarry. In the customs of Chu-hsi and Yun Hsiens, except for the children of two sisters, who can marry, only the daughter of a mother's brother is permitted to marry the son of a father's sister. This is colloquially called M. chih-nü sui ku "the niece following the aunt (patrilateral)," and it is not permitted for the daughter of a father's sister to marry the son of a mother's brother. This latter is called M. ku-jou huan-hsiang "flesh and bones returning home" (MSS: 1624).

In five other Hsien of Hupei it is said that all of the above forms were permitted, but in one additional Hsien (Ku-ch'eng), as in Chu-hsi and Yun Hsien, as noted above, the daughter of a father's sister was not permitted to marry the son of a mother's brother. The colloquial saying was M. ku-jou huan hsiang, chia pai jen wang, "If the flesh and bones return home thus, the families will be destroyed and the people lost" (MSS: 1650-51).

In Luang-p'ing of Jehol (present Ho-pei), very near Peking, it was said,

If a father's sister's son took as wife his mother's brother's daughter, or if the offspring of two sisters marries, in both cases this was called M. ch'in-shang chia ch'in "adding relationship upon relationship" (MSS: 1808).

The cousin-marriage forms mentioned above all preserve surname exogamy, but this itself was not inviolable. Intra-surname marriage is specifically mentioned as practiced in the Hopei-Tientsin region (and most of the provinces north of the Yangtze River) (MSS: 1292), various parts of Shansi (1430, 1449), parts of

Chiang-su (1478, 1482), Kuang-tse Hsien in Fukien (1585), all of Hu-pei (1608; see also 1618, 1639), Ch'an-an Hsien of Shensi (1739), and all of Kansu (1768). In most, if not all, of these accounts, it was specified that such marriages were permitted and customary as long as the persons were not actually of the same kin line, or were not too close genealogically.

### Consensual Unions

In addition to forms labelled "marriage," there are also a number of marriage-like forms to consider. Because of their nature, it should come as no surprise that there is little information about them, historical or otherwise.

Mention has been made of the relationship known as M. ta-huo ("companionate marriage"), as found in the area now known as Liao-ning. This was a form of uxorilocal marriage which differed from the usual forms in that it was potentially temporary. If the woman's first husband were to return after being missing for some time, she would return to him. Various forms of wife rental and pawning were also characterized by their temporary nature.

Another form of consensual union was called M. pan-lao ("companion in old age"). From Szu Hsien in Anhwei Province,

Old men without wives take in an old woman as a companion. She is not a wife and not a concubine, and there is no marriage document or any other conditions. This is called "companion in old age." After the man's death, these women "companions in old age" are constantly embroiled in lawsuits with the sons and grandsons of the man (MSS: 1485).

This was brought to the attention of and recorded by the authorities when one of the lawsuits came before the court in 1915.

Hsü K'o reports a somewhat different custom from the Shanghai area (or at least from the Wu dialect area) in his Ch'ing Pai-lei Ch'ao (Hsü 1920: XVI, 43); the relationship called M. cha p'ing (pin/p'in/p'eng)-t'ou, which is translated by Mathew's Chinese-English Dictionary as "to form an illicit connection; to live as man and wife without regular marriage." Mathews says that cha, usually read "ya," means in Shanghai dialect "to join, to crowd around."

L. C. Arlington points out of the word M. p'ing that

The modern meaning of "illicit intercourse with maid-servants" seems to be derived from the custom in vogue during the Han dynasty forbidding sexual intercourse during periods of fasting, for which the penalty was a fine of four ounces of silver. . . . (1922: 56).

This penalty was called M. p'ing.

Whatever the origins of the term, it is more widespread than just the Wu dialect area. Hsü's account is as follows:

M. cha p'ing-t'ou means a man and woman who form an irregular union, who act as man and wife, and who, moreover, live, eat, and drink together. It also applies to those who only form a liaison, but do not live together. As for this term M. p'ing-t'ou, it is used reciprocally by the man and the woman. After such a relationship has been established, and recognized by each side, it may also be recognized by a third party. For instance one can say "He (she) is my p'ing-t'ou," or "He (she) is her (his) p'ing-t'ou." This term "p'ing-t'ou" particularly pleases those of a literary turn of mind. In the Peking dialect we call it wai-chia, "house on the side" (this term, however, implies that there is a fixed house or apartment, while the term p'ing-t'ou does not necessarily imply that; this is the only, slight, difference in meaning).

M. che p'ing-t'ou is the term that is used when, either because of some actual clash of opinion the two persons decide to part, or their interests become opposed, and they go their separate ways. This is just as in business, when there is a split in the stock of a joint-stock company (M. che-ku). After such a split the two persons look upon each other as strangers (Hsü 1920: XVI, 43).



With admirable sociological acumen, Hsü establishes that this is an institutionalized form, recognized by society; the relationship has a clear beginning and a clear end, and it links two persons in socially recognized, named roles. It is also clear that it is an irregular form, clearly distinguished from marriage. It is a pity that we have no further information on the legal status of the parties, or of children born to the union.

Ch'en Ku-yuan divides marriage into formal and actual. The former are those with the form of marriage but not the substance (such as spirit marriage, or ghost marriage, in which one or more of the partners is dead) and the latter are those with the substance of marriage without the formal aspects. As an illustration of this last type, he discusses the custom of M. p'ing-t'ou, which he also calls M. p'ing-tu:

As for this p'ing-tu, today we use this term for what is in effect a marriage, but the Shuo-wen cites the Han Code to the effect that "The people of Ch'i call fornication with someone's wife or female slave "p'ing," and the Kuang-yun says "If one has intercourse with a woman during fasting then the penalty is a fine of four ounces of silver." Both of these are different in meaning from the current usage. Today's meaning of the term p'ing is perhaps equivalent to the old M. yeh-ho, "illicit union," etc. . . . Those examples from the past which seem most like the modern p'ing-tu, and excepting those which are obviously just illicit cohabitation, are not fornication (M. chien), and yet are without benefit of a marriage ceremony; in this they are no different from p'ing-tu. . . .

Generally speaking, for the last several thousand years only the standard betrothal and marriage have been recognized, and p'ing-tu, not having included the proper ceremonies, was treated in the li and law both as simple fornication. If we look at the various historical legal codes, we can see that in some the intercourse of man and woman without the benefit of the rites was punishable by death. In others fornication with an unmarried woman could be punished with one and one half years' banishment, and in some cohabitation without the ceremonies of

the li was called fornication or mutual enticement, and had its specified punishment. Today p'ing-tu is simply regarded as a non-legal marriage, but it is still regarded as in effect a marriage. Thus, though there are none of the legal protections and guarantees of a legal marriage, yet the persons involved in the union are not criminally culpable.

Customs, however, are not united in the terminology used for this relationship. Cohabitation without marriage is certainly called p'ing. For a married person to be involved with someone outside the marriage in a criminal relationship is also called M. cha p'ing-t'ou. On the other hand, in some customary usages those who are united without the proper ceremonies may, in the eyes of society, be regarded as being formally and properly married, and moreover the term p'ing is not then used. For this reason some scholars use the Latin term concubinatus to translate p'ing-t'ou; this is not entirely the same as concubine, the English term used to translate M. ch'ieh (Ch'en 1937: 112-14).

It will be noticed that the quote given by Arlington about the origin of the term p'ing having to do with an old prohibition on intercourse during fasting is the same as that given by Ch'en. Arlington, however, attributes it to the Han Code, while Ch'en attributes it to the Kuang-yün (an old rhyming dictionary, but considerably later in origin than the Han). Given the similarity of the passages, it is possible that the texts have been corrupted.

In a footnote Ch'en explains that what he has in mind when he talks about some people without the proper ceremonies being nonetheless regarded by society as well and properly married is the custom, as reported in the Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu (Record of the Investigation Into Chinese Civil and Commercial Customs), of abbreviated "marriage ceremonies."

In P'ing-ch'uan and Sheng-hua Hsien, for example, (in what is now Ho-pei, northeast of Peking)

Poor people usually get married on the night of the last day of the year (M. ch'u-hsi); they need not select an auspicious day, the man's family need not send wedding presents,

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and the woman's family need not reciprocate with a trousseau. This is in order to save on expenses (MSS: 1806).

Ch'en also says that it is an "old custom" that a widow on remarriage need not go through any open marriage ceremony (Ch'en 1936: 120n).

The report about poor people getting married at the new year so as to save on expenses and trouble is very interesting because that is what used to be the custom in Taiwan for simpua marriage. I thought that this might have something to do with the fact that at this time the kitchen god, or the god of the hearth, who has an influence over the fortunes of the family, and reports family affairs to heaven, is in fact thought to be absent, in heaven making his report. If there was any guilt or nervousness about such a relationship this would be a natural time to "get it over with," with the smallest amount of fuss possible and hopefully without the knowledge of the spiritual powers. I have never heard this argument voiced, however, and usually the selection of the date, as is reported from Hopei, is explained as an effort to save on money and trouble (see, for example, Ikeda 1944: 202).

If this was a general custom among the poor in China, however, it lends no special significance to simpua marriage in Taiwan. From the evidence presented so far, however, it is impossible to tell. The report for the two Hsiens in Hu-pei does not specify what kinds of marriage were involved in these end-of-the-year ceremonies. Another general report for the area does say, however, that the custom of adopting daughters-in-law was found "among poor families" and that

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when the girl was over fifteen years of age an auspicious day would be selected, "in the regular way," for them to complete the marriage. This was said to be intended to save on expenses (MSS: 1805).

Information is available about some other such relationships, but one becomes increasingly suspicious of their degree of institutionalization. Yao Ling-hsi, for example, discusses the "dew husband and wife" (M. lu-shui fu-fu):

A temporary union is called a "dew marriage" (M. lu-shui yin-yüan). It is not a regular marriage because it is as temporary as the dew, which evaporates with the light of day. It means to conduct a temporary illicit union (Yao 1940: 147).

The information on another few such relationships is even more tenuous. Hsü mentions, for the Cantonese dialect area, the C. kai ga-poh, M. ch'i chia-p'o:

This is the "p'ing-wife" (M. p'ing-fu) of a man, or a prostitute he especially likes. A C. kai ga-louh, M. ch'i chia-lao is the "p'ing-husband" (M. p'ing-fu) of a woman (Hsü 19 : XVI, 43,3).

Such "common-law marriages" are not unknown in Taiwan. Barclay lists T. tau (reading pronunciation to); "together; said of man and woman living together without proper marriage."

### Spirit Marriage

Spirit marriage or "ghost marriage" is fairly well known from reports based on research in Taiwan (see, for example, Jordan 1971). It was also found in mainland China in various Hsien in Hopei and in Ho-nan.

. . . If a son dies before marriage, usually a girl of another surname is selected who died young, before marriageable age, and a ghost marriage is conducted. This is colloquially

called M. ch'u kuei-ch'i (literally, "marrying a ghost wife"). It is also called M. p'ei-ku (literally, "marrying the bones"). After the marriage they are buried together (MSS: 1379).

In P'ing-hu Hsien (Chekiang) in upper, middle, and lower class families, when a son dies before marriage, usually an appropriate, matching family is selected, with a deceased daughter of the right age, and the two are betrothed. Then her spirit tablet is brought into the house. The ceremony is like that for a living person. This is called M. ming-hun (literally, "hell marriage"). If this is not done, the soul will have nowhere to belong, and cannot enter the ancestral temple for sacrifices, and moreover descendants cannot be instituted. Once the ghost marriage has taken place, then the necessary qualifications have been fulfilled for having an heir, and one can then have a descendant instituted (MSS: 1557-58).

In parts of Shantung,

When a male has died unmarried, his parents may ask a go-between to find an unmarried, deceased girl to marry him. Her coffin is then buried with him in his grave. This is called M. ch'eng yin-ch'in [literally "forming a yin marriage," and where "yin" is part of the familiar yin-yang dichotomy in Chinese thought.] (MSS: 1392).

In areas of Shanhsi,

All those males who have died young and unmarried can be married to deceased, but unbetrothed, girls. In this kind of affair one still obtains the services of a go-between, who discusses the arrangements with the two sides. If they then agree, an auspicious day is selected for the marriage. The form of the ceremony and procedure is no different from that in living marriage, just a little simpler. When the ceremony is finished, the two sides then interact as though they were kin. This is colloquially called M. p'ei-szu hun ("marrying the dead") (MSS: 1423).

In other parts of Shansi,

For all those males who died married, but their wife then remarries, or for those who die unmarried, and they were twelve years old or more, their fathers or brothers will marry in an unmarried, deceased girl, and bury them together. This is colloquially called an "old wife" (M. lao-ch'i) or "ghost wife" (M. kuei-ch'i) (MSS: 1408-1409).

For some parts of Shensi it is reported that

Among the people if a girl of marriageable age dies, then whether or not she has been betrothed, she may be first buried.

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Then a go-between will be asked to discuss a union with a deceased, unmarried male. When the two are married, then they are buried together in the same grave, and the girl is also dressed in new clothes as though she were being married out. Thus this is called "marrying a ghost wife" (M. ch'ü kuei-ch'i) (MSS: 1702).

This form of marriage is what Ch'en Ku-yuan calls an "empty union" (M. hsü-ho). He gives evidence of its having existed in pre-Han days, and the Northern Wei, T'ang, Sung, Yuan, and Ming dynasties. In the Ch'ing

. . . it was still flourishing; in Shansi, for example, all those males or females who die young after being betrothed will go through a spirit marriage ceremony. If the girl dies, then she will be buried in the man's tomb; if the man dies, and the girl is re-betrothed, then another, deceased, girl will be sought to marry him, an auspicious day will be selected, and the two buried together.

Today in the Ho-pei, Shan-hsi, Shan-tung, and Che-chiang regions this custom still exists, and is called "yin marriage" (M. ch'eng yin-ch'in or M. yin-p'ei) (Ch'en 1937: 112).

It is interesting that all spirit marriages that I have heard of in Taiwan are initiated by the spirit of the deceased female. Jordan (1971: 183) bears this out, and goes on to say that "culturally and structurally there is every reason not to be surprised that it is the girls who become ghosts, and that they are pacified and laid to rest by providing them with a husband and line of descendants who undertake to worship them." It is surprising, though, that most of the reports from the mainland of China give as much or more weight to the deceased male as initiator of such a relationship.

It is also surprising that from the reports that I have seen so far, it was typically two ghosts who were married to each other, and the remains buried together, whereas in Taiwan (in my experience)

it is much more typical that the spirit desires to marry a living person.

Jordan mentions that in what he calls the "Bao-an variant Type II," the ghost specifically demanded to marry her sister's husband, and caused trouble for her natal family (1971: 184). I found this to be the most common situation in T'ien-sung-p'i, though often it was not exactly specified that it was absolutely necessary that this man be the one.

Jordan finds it puzzling that the sister's husband be singled out, and offers the hypothesis that this is because the "supply" of deceased, unwed girls in a village may get "used up," and by having recourse to the deceased sister of a wife, a new source of supply can be tapped. (This is because villages in southern Taiwan tend to be exogamous, and there may be more such girls in another village where this ceremony is not so popular.)

There is another possible explanation. In my experience the spirit medium tends to stick to "prescriptions" which can be carried out by, and involve, the person who has taken the initiative to approach the medium. This only makes sense. Functionally, the involvement of the afflicted or affected person should be psychologically more effective. The typical situation is that illness or misfortune has been visited upon a person or family, and finally it is felt that something has to be done about it. If the medium advises a course of action that involves the affected person, then at least it is felt that he or she is "doing something."

Secondly, strangers are not going to want to get involved with this sort of affair, simply because there is no particular reason to put up with the trouble and inconvenience, and the possible future complications. Jordan cites Lou Tzu-k'uang's (Lou Tzyy-kuang in Jordan's romanization system) account of a practice in the south of Taiwan of inducing a stranger to participate in such a marriage by putting money in a red envelope on the road, hiding, and waiting until a male of the appropriate age picks it up. Then the perpetrators rush out, addressing the stranger with the appropriate kinship term, and try to force him to acquiesce to their demands that he play along and marry the spirit (Lou 1968: 26-29; Jordan 1971: 185n). The point here is that the man has to be tricked into the situation, has to be persuaded, and often is paid a certain amount of money (the red packet). Otherwise he would have no reason to get involved.

A typical case that is taken to a medium is one in which one's children are ill, or have been often ill. Jordan (1971: 182) says that the motivating problem is typically illness unresponsive to normal medical treatment. Such illness does, I'm sure, act as such an impetus, but more often it is repeated or extraordinary illness. It has been pointed out (Helen L. McGough, personal communication) that often in such cases there seems to be, in effect, a distinction made between types of causation. It is recognized that there are "rational," "objective" causes of illness, and recourse is made to Chinese or Western medicine to deal with them. This, though, is in a sense treating only the symptoms. There is still the

kind of questions posed so well by Evans-Pritchard; the questions "Why me?", "Why now?", "Why ill so often?" and so on.

Typically a child will be ill for a while, or several times, and the mother will take him or her to a doctor (Western or Chinese). After the illness is over (or before, if it is a long one), she will take the child to a medium to find out just when the illness occurred. It does seem to be true that, as pointed out by Jordan and others (Li Yih-yuan, personal communication), unmarried females have an anomalous position in the social structure during life, and in death this is extended into the spirit world. Thus, such a woman is a "natural" for explanations involving malevolent, or at least uneasy, spirits.

So it should be no surprise that when faced with a sick child, the medium should say (and typically this is the way it is phrased) "There is a (deceased) woman of the (child's) mother's generation," or "There is a woman of the father's generation who died young," and so on. In one case which I observed, an old woman with a sick son was told that it was her daughter who died young who was causing the illness; the exact relative chosen depends on the age and social characteristics of the client, but is usually one over whom the client has some influence or control. It would hardly make sense for the medium to attribute the illness to someone or something over which the client has no influence or control, and in effect say that it is an incurable affliction.

In the case of ill children (and in my experience, this was the major motive for consulting a medium), then, it is very likely

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that the medium will single out either a sister of the child's mother, or of its father. In most such cases, in my experience, it is the mother who takes the child to the medium, and the father seldom goes along. Thus it also makes sense for the medium to specifically single out the mother's sister, thus involving the mother more directly. By this logic it also makes sense to specify that the dead girl wishes to marry the father of the ill child. If the father is not willing to go through with such a ceremony to possibly (and many people are rather dubious about this whole thing, but want to "cover all bets") help his own child, then who could be expected to do so?

I don't think, then, that it is necessary to have recourse to some sort of village exogamy in spirit marriage (Jordan 1971: 186-87) to account for a preference for the sister's husband in such marriages; it is a natural tendency, an outcome of the sociological situation. Furthermore, I question the idea of such dead girls being "used up." In my own experience I have never seen a medium at a loss for words when told by a client that "I have no sisters and never did." The medium may say that the client's mother had been pregnant and had a spontaneous abortion without knowing it, and the fetus had been a female. The medium is always absolutely certain, and the client doubtful, but in many cases persuadable. Carrying this argument even further, it seems that in some areas the medium may even argue that the increased and increasing use of birth control pills means that many spirits that never even had the chance to be born are floating around, causing trouble for living people (Ch'en Chungmin, personal communication).

Wu Ying-t'ao has an interesting description of such marriages as practiced in Taiwan, and which he calls by another, common name, M. ch'ü shen-chu, "marrying the (woman's) soul tablet":

This is spirit marriage (M. ming-hun, T. beng-hun). In the past this custom used to flourish in Taiwan. Now, because it is common for various Buddhist temples to take in and make offerings to soul tablets, it is less often seen. Its characteristics are as follows:

A woman who dies before betrothal is called an "orphan girl" (T. ko-liang), and her family members will arrange a ghost marriage for her. Since it is the common belief that the spirit of the dead can still desire descendants (T. tho-su) to offer sacrifices to them in order to prevent their becoming evil spirits, a go-between is engaged to find a poor man and give him a certain amount of money to compensate him for ceremonial expenses, and have him marry the soul tablet. Most poor people could find a use for this money to find another woman and to help meet the expenses of marrying her. The man's family, however, also has the duty of ever afterwards continuing the sacrifices, and of regarding the (woman of the) soul tablet as the principal wife, and any other as second wife.

In the ceremony of marrying the soul tablet, the go-between first acts for the man, selecting an auspicious day and sending gifts to offer to the soul tablet. On the day of the wedding, the tablet is then put in a black sedan-chair, and only after it has been brought into the house, and put on the family altar, can the red sedan-chair arrive with the new bride. Some time later again an auspicious day is selected, and then the soul tablet is entered into the man's family's main ancestral tablet (T. toa-pai) to receive homage from the later generations.

Another form occurs when a woman dies after betrothal, and the man's family wishes to have him marry her spirit. If they do not it is colloquially believed that the soul of the dead woman may become an evil spirit dangerous to the second wife. Therefore, on the day before, or on the same day as, the wedding, the man marries the soul tablet. The form of the ceremony is the same as the form described above.

There is also the case in which both the male and female die after betrothal; when this happens the man's family may marry in the girl's soul tablet, and then sacrifices are made to them both together. A certain amount of money is then put in front of the incense brazier to symbolize that later a M. kuo-fang adoption will be carried out from among the families of the brothers of the dead man to provide them with descendants.

If the male dies first, and the woman decides to remain a chaste widow, as in the old days, she will don wedding clothes on the day of his burial, and will ride in a sedan-chair

to the man's family's house, where they will welcome her as in the regular ceremony. Afterwards, the bride should formally ask after the groom's health. His family members claim that he has already recovered. Then she changes into mourning clothes, and remains in the house, sending off her husband with wailing. On the other hand, if she does not intend to remain a widow, and wants to remarry, then she does not follow the above marriage ceremony, but only attends the funeral, just as anyone else would (Wu 1969: 143-44).

### Purchase and Pawn Marriage

The Chung-kuo Ch'uan-kuo Feng-su Chih (Record of Customs for All China) records that in Shao-wu Hsien in Fu-chien

If the husband dies, then the wife remarries. This is regarded as quite customary. It even goes so far that a wife has one husband, and then remarries to another, and then remarries to yet a third. There is the custom of the M. tso-ch'an chao-fu, "property-managing uxori-local husband," who people call a M. pai pi-t'ou "white nose." A husband can sell his wife to someone else, and the wife can redeem her own self. This sort of evil custom ought to be prohibited, for the good of the people (Hu 1936: II, 5:74).

This last is an institution similar in some ways to that of polyandry described elsewhere, but is basically quite different, and is referred to by a variety of names, M. tien-ch'i, M. tsu-ch'i, and so on, all meaning "mortgaged wife," "pawned wife," or "rented wife."

A report from Ching-ning Hsien, Chekiang, says that:

In the lower classes there have been cases of mortgaging (M. tien) one's wife to someone else. The two parties discuss and set the amount of money and length of time of the mortgage, and a contract is drawn up, called a "mortgage marriage contract" (M. tien-hun shu). The mortgaged wife may move to the family of the one who bought the mortgage, or may remain in the family of the one who sold it; there is no fixed pattern. The children born during the specified time period belong to the one who bought the mortgage. As for the goal of this form, it is financial gain for the one mortgaging his wife. For the holder of the mortgage, there are two reasons for this:



1. Because he has not yet married, and can't afford to marry in a wife, he can accept another's wife for a temporary period, or

2. Because he has a wife, but she has had no children, he takes in another, mortgaged, wife to provide heirs.

Sometimes men have been known to take two or more such wives at the same time. This kind of custom is also practiced in the upper and middle classes. The sale of a wife occurs when, due to poverty and inability to support her, she is sold to another as wife or concubine. The seller executes a contract, called a "contract of marriage by sale," M. mai-hun shu (MSS: 1560-61).

In Yung-K'ang Hsien, Chekiang,

. . . the custom is quite open in nature; there is a go-between as witness, and a contract. In the contract is clearly written the time limit and the price of the mortgage. Sons born during the mortgaging period follow the line of the one who holds the mortgage. When the time limit is reached, then she returns to her original husband and his relatives. The mortgage price is not returned (thus this should perhaps be called "rental marriage"). Sometimes, if they don't want to return her, the original husband can be approached to see how much it would cost for him to sever his relations with her (MSS: 1558).

The same custom is reported for a number of other areas of Chekiang (MSS: 1529-30), and there is a relatively extended analysis for Feng-hua Hsien:

1. Aspects of the custom and their changes:

In Feng-hua it is customary that when a woman's husband dies leaving children, and there is no property, so it is hard to make a living, they she can mortgage (M. tien) herself out to someone else as wife or concubine. Those who are old or poor, and lack descendants, and find it hard to marry a wife will take a mortgage on such a widow, and take her as wife or concubine. The time limit is typically eight or ten years (there are also indefinite time-periods, as agreed to and set in the contract by the two parties). The children born during the period are recognized as the sons and daughters of he who holds the mortgage. When the time-period is up, and the contract no longer holds, most of these children remain in the household of that husband. The amount paid to the woman by the holder of the mortgage is also clearly entered into the contract. Each year a certain amount of silver is paid, and a certain amount of grain; a rather small amount sufficient for an allowance, but not for the complete requirements of the whole family. The variations on this are difficult to discover.

2. The areas where it is found and its legal effect:

This custom of mortgaged wives is found in various [named] areas of Chekiang, but in those places the motivation for it is generally poverty and difficulty in making a living. In Feng-hua, however, about 90 percent of the cases are because the first husband died, leaving children (if there are no children, then the wife just remarries in the ordinary way [literally "completely," M. wan-ch'uan]). The effects of this transaction are such that all of the children born during the time-period of the contract have the same rights when it comes to property division. If the holder of the mortgage has no other children, then they have the rights of those with the status of legitimate sons of the primary wife (M. ti-tzu), they enter into the line of kinship succession, they can be entered into the genealogy, and there is no question but that they have full rights of inheritance to the estate; no one in the kin group can dispute this.

3. The relationship between this custom and the current code:

According to the current code, in the section on the rights to the estate held by those of junior generations, it is held that in division of property, one cannot simply give each son an equal share depending on the number of sons. Illegitimate sons (M. chien-sheng) must be given one-half the share that legitimate sons receive. If there are no other children, then they can be treated as heirs and given full shares. According to the Draft Legal Code, "illegitimate" sons are limited to those born of fornication only (M. yin chien erh sheng), and those born of legally invalid marriage are not included. When distinguishing between illegitimate (M. chien-sheng) and natural (M. szu-sheng) children, one must look at the time-periods involved. The contract in this kind of transaction, whether the woman is termed "wife" (M. ch'i), or "concubine" (M. ch'ieh), or dependent (M. t'ou-k'ao), or even when there is no specific term used, still these are not permanent unions, and the wife does not move to the husband's household. The holder of the mortgage also does not usually live with the woman, and only provides an allowance, and does not take responsibility for the entire expenses of the family. In effect, then, this is nothing but a union which has been provided with a contract, and in law absolutely cannot be regarded as a regular marriage. In this kind of marriage the children that are born are of course no different from natural children (M. szu-sheng), and so have the same rights in property division as do legitimate children born to the primary wife (M. ti-tzu). If the holder of the mortgage has no other children, and so treats these as his children, then other possible heirs cannot object. Although this custom has long been prevalent, it is in conflict with the Code, and its result is the confusion of blood lines (this kind of mortgaged wife has no moral standing to speak of, and whether or not the children born to her are really the blood children of the holder of the mortgage is truly a big problem). . . .

This report also has an appended item comparing this with the institution of polyandry (M. chao-fu yang-fu) mentioned elsewhere:

In (various named) Hsiens, there is the custom of inviting in an uxori-local husband to support the first husband. This is to mortgage a wife, through poverty or sickness (but the wife does not leave the first husband's family, but invites in the second husband to live with them). Its important points are as follows:

1. The uxori-local husband must have obtained the permission of the first husband, and seldom is the money so obtained used to cure illness.
2. The children born during the fixed time-period (usually three years to five or ten) follow the second husband.
3. The second husband, during the contract period, does not live with the first (that is, does not live in the same room (M. pu t'ung-fang chü-chu. MSS: 1543-45).

So far the discussion has been limited to the so-called M. tien-ch'i, which has been variously translated "mortgage" or "pawn." The legal relationships created by entering into a tien contract are not, of course, exactly those implied by the English terms used as glosses.

In Taiwan (where, as we shall see, the custom of transferring tien-rights over persons also existed), there were two main forms of pledge or pawn, T. tian and T. thai. T. tian is often translated as "pledge" or "pawn," while thai is more often translated as "mortgage" or "hypothecation."

A major consideration in all of these forms was, of course, that they allowed persons to transfer rights in the reproductive powers of women separately from other rights, and furthermore did not imply that the original rights-holder irrevocably lost those rights. The argument that Okamatsu applies to rights in land must apply to some degree to rights in persons as well:

In countries where the feudal system prevails and the laws are undeveloped, the main occupation of the people is agriculture, and, apart from the land, goods constituting capital do not amount to much, and consequently if the right to land is entirely lost, one has difficulty in obtaining a livelihood. Even if money is obtained for the land it cannot be used as capital in the absence of commerce in which to employ it. These are the reasons, it is supposed, why, in disposing of the right to lands in a country like Formosa, a partial right was always reserved and made a source of constant revenue (Okamatsu 1901: 28).

Finally, I would like to give some attention to the relationship created through T. pák. This meant giving (in the case of land) the right of tenancy over to someone else; letting the land. The owner of the land obtained the right to a certain consideration, a rental. The "real" rights to the land (T. giap-tsu) remained with the lessor.

I have elsewhere discussed the use of the T. pák relationship with respect to rights over persons as it was practiced in mainland China. It was also used in that way in Taiwan, where, for example, the phrase T. pak-sin ho-lang means "to hire out (as one's son) to be like a slave" (Barclay 1923). This type of relationship, however, was in both mainland China and Taiwan subject to a good deal of terminological variation. For parts of Che-chiang, for instance, we learn that

In middle and lower classes, it has been the custom of men with wives of several years' standing, and with children, but when later forced by poverty and inability to support them, to write up a contract, renting (M. tsu) the wife to someone else. This is discussed and arranged through a go-between, the time-period is set at perhaps five or ten years, and the price at so many foreign dollars. This is all written up clearly in the contract. If she is to take her children along to be raised, the time-period for that is also mentioned, and other conditions, such as one absolving the other party of

responsibility if the children die young, etc. When the period is up, then the contract is abolished and the wife must return to the original husband. Sometimes she is redeemed early (MSS: 1555-56).

Although this is called "rental" (M. tsu), on the information available there would seem little to choose between such "rental" and the M. tien, or "pledge" mentioned above. Okamatsu (1901: 147) has said that in regard to land and other immovables there is considerable terminological inconsistency in the use of M. tien and M. t'ai. From what little I have read in regard to rights in persons, there seems to be little consistency in the use of M. tsu and M. tien, but these two do seem to be differentiated from M. t'ai on the basis of whether or not the reproductive powers (as distinguished from sexual access per se) are transferred.

I asked a sophisticated informant in T'ien-sung-p'i about this rental or pawning of persons in Taiwan and the local area. His response was that such contracts now mainly have to do with girls going to work as prostitutes, and are entered into by their parents. A prostitute who signs a two-year contract gets (or rather her parents get) about NT\$20,000 if she is a virgin, and NT\$17,000 if not. As one might expect with such sums of money involved, there is a medical check to ascertain the state of her virginity. The "black society" guarantees and enforces the contract, as it is of course illegal in the eyes of the Nationalist Code. If either side violates its provisions, the other side can appeal to the society for adjudication. If the girl runs away, they will find and return her. In T'ien-sung-p'i while we were there, it was said that there were about fifteen girls from the village working somewhere else (mainly in

Taipei) as prostitutes. Usually about 30 percent of them at any particular time had gone out to work as prostitutes on their own initiative. The rest had been "pawned" or "mortgaged" by their parents. Usually this happens when they are fifteen or sixteen years old. A broker comes to the town, asking families if they want to pawn out their daughters. Understandably, given the legal situation, it was a bit hard to get information on this broker. I did find out, however, that while he was sometimes a local person, often a girl from the area who went to work in such a way would often tell her M. lao-pan, "boss," about other prospects in T'ien-sung-p'i, and he would come asking.

Most of the girls who are hired out in this way go to Taipei. Some used to go to Taichung, in the 1960s, because a woman from the town had opened a house of prostitution there. There is both legal and illegal (but winked at officially) prostitution in Lotung, the closest city of any size, and only about one-half hour by bus from T'ien-sung-p'i, but that was considered too close. Some of the local girls were working there, but only the older, more experienced ones, who were described as no longer shy and embarrassed about their profession.

In the contracts of this sort that I have seen (all historical) for Taiwan, the term used is M. t'ai. Though I have not investigated this carefully, it seems that there is an indication for M. tien to be used when a married woman (or a widow) is pawned to a man for a certain amount of time, in which time he obtains her services as cook laborer, etc., and obtains rights in her reproductive

powers; the children born to her become his. In the M. t'ai contract, the reproductive powers are not so transferred.

Taiwan, of course, was not the only part of China where this sort of arrangement was possible. A report from Chiangsu says that

Though people are not articles of commerce, yet poor families still treat them as pawnable goods, and send betrothed, but yet unmarried, girls to the husband's family to be raised. Sometimes they are pawned out (M. ch'u-li k'un-ch'i, literally "sent out in a k'un contract," where k'un means "to tie up," "to bind") to houses of prostitution for perhaps three or five years. A formal contract is quite casually written up, a contract called a M. k'un, which also clearly noted that the death of the girl would be considered an act of heaven (M. sheng szu t'ing t'ien). The conditions of her return and the length of the time period were also stipulated. The price might be 100 yuan, 40 yuan at first, then 30 yuan the second and third years (MSS: 1460-61).

This introduces yet another term for the various contracts for transferring persons, or rights over persons, but also forms a bridge with adoption and T. simpua marriage. A report for another area in Chiang-su uses, in addition to this term M. k'un, the term M. ya, which also means "to pawn," "to mortgage":

M. k'un-chi means to take one's daughter, or one's wife, and send her into a house of prostitution to work for a specified period of time as security for a loan of money, setting up a M. k'un-shen contract. The time period specified can be in terms of long, middle, and short years; the first are of sixteen months, the second of fourteen, and the third twelve. If she becomes ill, she must make up the days of work that she misses, and if she gets pregnant, she must work an additional three months after the baby is born (MSS: 1483).

This sort of pawning was not necessarily connected with prostitution. In Hsia-pu Hsien, Fu-chien,

If poor people have too many daughters or too many adopted daughters-in-law (M. miao-hsi), then when they are perhaps six or seven years of age, they can write up a contract pawning them to someone else to act as M. pei, "a servant, female slave". In the contract is clearly specified the period of time, which may be eight or ten years. The price may be four

or five yuan to perhaps ten-odd yuan. If it is for an indefinite period, then she can be redeemed through repaying the original sum. If she should die through illness, then no questions are asked. Should she die through mistreatment, however, then her master must pay compensation (MSS: 1604).

In the Ch'ing Dynasty there were popular sayings comparing women from the Pescadores to cattle from Taiwan, as both were thought to be forced to do extremely hard and heavy work. In part this was because women from the Pescadores were thought to be often sold or pawned as slaves. In 1852 there was great famine in the late winter in the Pescadores, and several score of women were taken to be sold in Taiwan as slaves. Several representatives of the gentry there felt that this was a shameful affair, and so banded together to redeem them. They then supported them until the harvest was finished, gave them some travel expenses, and returned them to their families.

In 1840 a proclamation concerning such slave girls said, in part,

. . . There are rich and poor families, noble and mean persons, but the most harmful practice in Taiwan is that of taking slave girls! The girls of good families have, at home, mother and father, brothers and sisters. When they marry out they have the enjoyment of mother-in-law, father-in-law, husband-wife relationships, sisters-in-law and children. As for female slaves, however, their parents, through poverty, are forced against their own wishes to sell them to act as lowly servants to get the several tens of taels they can for them to keep themselves alive. But are not these girls also people just like us?

According to the M. li a girl should be betrothed at fifteen and married at twenty, and clearly these times should not be missed. If I had a daughter, I should certainly marry her at the proper time, and as long as a suitable husband was still not found, I would be nervous and worried, and leave no stone unturned in trying to find one. So how could one delay this year after year, until she is old-aged and still unmarried?

In Taiwan it is customary that such slave-girls grow to adulthood and still do not marry. They may be kept in the household, or sold and resold to other people, to spend their lives as



servants even unto death. They may be kept to marriageable age and then be given to some old man as his plaything, to work like an animal, and end up reduced to a pitiful state, a toothless old hag. They may find themselves pursued by both father and son, each unaware of the other's interest, or two brothers, bewitched, may each try to get her into bed. Or such a girl may find herself whipped and injured by some jealous wife, or the target of scheming concubines, or she may find herself constantly pregnant, giving birth to bastard after bastard, whose status and ancestry are unclear. Or she may find herself in a house of prostitution, or may be sold to another province. She may have no one to rely on in life, and no one to care for her ghost after death. This is in direct opposition to heavenly virtue, and the cause of many scandals in families. When consciences are lost, what has happened to the way of heaven? Grievances build up, and silent anger that can't be aired.

The anger of heaven is what causes the frequent disasters, large and small, which afflict Taiwan. It is not unlikely that it is anger at this kind of evil. . . .

This not marrying off slave girls is clearly punishable under law, and the Taiwanese custom of confining them, apart from the sensibilities and the law, also goes against harmony in heaven, and harms customs on earth. Though it has been prohibited by previous officials, it has still not been changed.

A number of the gentry representatives have requested that I again prohibit it; if it is not clearly regulated, then it will be difficult to change evil customs. Thus after careful consideration, I have decided that: Henceforth all, whether gentry or common people, who have slave girls who have reached the age of twenty-three years, must find a husband for them; they may not delay beyond the age of twenty-five. If they delay longer than age twenty-five, then the slave girl shall be returned to her parents, brothers, or other relatives to be married if they apply to the government office to ask for her. The price paid shall not be returned, and moreover the head of the guilty family shall be punished with eighty strokes. After her marriage, the girl shall follow the directions of her husband, and shall not be detained by the family head. If the latter has not received back the price that he paid, then the girl and her husband may stay to serve for a number of years, but it shall be their decision to do so (Taiwan Szu-fa: 155-57).

Just as this practice was not restricted to Taiwan, so it was not restricted to the Ch'ing Dynasty. Feng Ho-fa says of Shensi in the 1930s that

. . . Because of lack of food grains, and because all other possessions were already sold, persons were bought and sold, and there were even human markets (M. jen-shih). In Wu-king and

Fu-feng Hsien there were at least three of these, centers in trading in women, where the price was dependent on age and beauty. Attractive girls of around twenty brought eight yuan according to the January 5, 1930, edition of the Shen Pao. For the most beautiful, the highest price was no more than ten yuan. The majority were around eight yuan, the next most common price was three or four yuan.

In Sui-yüan human markets were set up. When the local government stopped it, they were disguised as marriage brokerages (M. shou hsi-t'ieh). One could buy a marriage contract (M. hsi-t'ieh) for four foreign dollars, and then could take the girl whose name was on it. One could then tell the government that it was a marriage (M. ch'ü-ch'i) or taking a concubine (M. na-ch'ieh). The government then set up a 10 percent tax on this, and in a short time earned as much as 10,000 yuan. . . . In other provinces selling women would bring about 100 yuan. . . . Women from Shensi were sold to Shansi to be wives and concubines--which was better than being sold as a prostitute to Chih-li (Feng 1933: 142).

This association with marriage brokerage was not fortuitous; an edict issued in the latter half of the eighteenth century made reference to the same sort of thing in Fu-chien Province:

From the time that this office prohibited the custom among the Fukien people of confining female slaves and not marrying them to husbands, it has been gradually abolished, but they are still not automatically married, but are given to an evil go-between (M. chien-mei) who contracts to sell them, and they are then taken to an illegal brokerage (M. mei-kuan), and then prospective buyers are invited to come to inspect them. Some of these buyers are shameless fellows with no consciences; they may falsely claim that they have lost a wife, and intend to remarry, or they may claim to want to buy a slave, or marry a concubine, and in their deception demand a trial of her cooking ability, whereupon they will throw a big party, with much drinking and riotous behavior, even to the point of forcing the girl to sell her favors to the guests, from which these fellows take the profit. This sort of thing may go on for months and years, with no date set for the marriage (Taiwan Szu-fa: 154-55).

Women and children could be sold as well as rented or pawned out to others; it would seem that the difference was between trans-lative acquisition and constitutive acquisition. While the latter was "the creation of a certain right out of a right enjoyed by one person and the transfer of the created right to another person,"

the former was applied "to cases where a person entitled transfers his right to another person, that is, when the subject of the right is changed" (Okamatsu 1901: 31). Thus the important difference between the two has to do with the degree to which the person or actor with the original rights to and in the thing or person retains some of those rights after the transaction; in constitutive acquisition, some of the rights are transferred, but some of them remain with the original rights-holder. In translative acquisition, all of the rights are transferred, so the original rights-holder no longer has any.

A report for An-huei says that

Poor people who lack the means to support their young children may sell (M. chia-mai) them to one or another Buddhist temple to be monks. These rural people, forced by poverty, mistakenly believe that monkhood is just another profession, and so willingly send their children to the monastery, and receive money in return which can help support them, or in the hope that he may in the future succeed to the position of head of the monastery (MSS: 1488).

In another part of An-huei, it is said that it was customary for people, if they lacked sons, to buy (M. chia-mai) a boy of a different surname to inherit and continue the kin line. In the contract for such a purchase it was clearly stated that he would never return to his original kin line (MSS: 1493). In both of these cases the result for the child's original family was much the same, in that the child was completely lost to them, both as a person and as a way to produce the next generation.

This was also said to be common in Chin-chiang Hsien of Fu-chien, where people, whether or not they had their own sons, liked

to buy (M. mai-yang) boys of other surnames, change the surname to their own, treating them as their own children. Any family property was then divided equally among the sons, whether they were purchased or born to the family. This was not objected to, it is said, even though it confused kin lines (MSS: 1573). In another part of Fukien this was said also to be the case, except that when the sons were entered into the genealogy the purchased ones were differentiated from the ones born to the family by the use of different colored ink--blue for the former, red for the latter--when drawing lines to indicate M. chao-mu, "generational standing" (MSS: 1598).

In parts of Hu-pei poor people sold their daughters to others to be their wives, and it was noted that this was through the pressure of poverty and was something that the law "could not successfully prohibit" (MSS: 1668).

In Hu-nan, it is said of selling one's wife that

This kind of custom is followed because worthless people squander their money, and find it difficult to stay alive, so much so that they sell their wives. As for the wives, they are often willing to do this because the husband is unreliable, and they can't endure the suffering to which they are subjected. They must, however, gain the permission of the husband, and in the case of those who have not reliably obtained such permission, a go-between must be used. If the wife's permission is obtained, and her relatives' permission, and the purchaser's elders' permission as well, then she is taken in as wife, with a palm-print as evidence (on the contract). The purchaser must also provide a certain number of presents and a feast.

There then follows a sample contract:

The executor of this contract to sell a first wife is Mr. so-and-so. Today, because of incompatibility with my first wife, so-and-so, I have asked the go-between, so-and-so, to help in selling my wife to Mr. so-and-so, and in settling the amount in cash and presents and to act as witness. I wish to make it clear that after selling her, we will have no further

contact whatsoever, and the purchaser can establish a husband-wife relationship with her, and no one shall interfere. Fearing that there is no proof of the spoken word, this is written up as evidence (MSS: 1683).

This sort of sale of a wife at times became difficult to distinguish from "regular" marriage; in Nan-an Hsien, Fu-chien,

Marriage, in other than gentry families, can still be concluded through purchase. The price of a wife may even be as much as several hundred yuan. If it is no more than a few yuan, then this is actually betrothal money. It is called "buying a wife," though, and not "marrying a wife" (M. p'in-ch'i). This is the colloquial in Nan-an. What is most strange, though, is that whether she is bought or married, after the woman is brought into the house, her husband can freely resell her, and her natal family cannot interfere. The money that is so received goes to his family, and the woman's natal family does not share in it (MSS: 1583).

In parts of Shensi,

Poor people raise daughters to marriageable age, and then simply treat them as valuable commodities. Those who would wish to marry off a daughter ask a go-between to arrange it and to discuss the price. Ordinarily this is around twenty-four strings of copper cash or twenty taels of silver. After gifts are exchanged, then a marriage card is sent, and the price is discussed; this may be as much as 100 taels or more. Colloquially this is called "marriage by purchase" (M. mai-mai hun-yin), but afterwards the families of the man and of the woman in this kind of marriage may not recognize each other as relatives (MSS: 1740).

Soon we find that we are discussing brideprice in general, and there is little or no question of marriage by purchase. In Chahar:

. . . When poor people marry out daughters, they always demand many presents, so that there is an element of purchase-marriage. At the time of marrying out a daughter they repeatedly demand clothing, jewelry, money and presents. These are all written in the marriage document. If family A pays out a lesser number of presents, family B can step in and offer more; there are constant lawsuits over this (MSS: 1817).

In Hong Kong, at the present time, this is still practiced as an institution. According to the South China Morning Post of August 10, 1975:

. . . Immigration Department sources say that as many as 950 overseas Chinese girls were married in Hong Kong last year.

Despite the fact that both Vietnamese and Khmer girls are a little less available because of the political situation in those countries, 500 girls from Southeast Asia have been married here in the first six months of the year--and in most cases the weddings were arranged by intermediaries who are making a small fortune out of the business.

As with everything else, inflation has reared its ugly head. The price of a transaction has gone up from HK\$8,000 to \$10,000--but men of Chiu Chow and Fukienese descent are apparently quite prepared to part with this sort of sum provided they get the right type of girl.

The "wrong" type at the moment would seem to be the Cantonese girl. "They spend too much time playing mahjong and wasting money. We want women who are frugal and will look after us in our old age" said one Chiu Chow bridegroom who appeared to be at least twenty years older than his bride.

Complications, of course, do arise, because some of the girls arriving--particularly those from Bangkok--believe the streets of Hongkong are paved with gold. Many are village girls from humble backgrounds, whose parents sell them to brokers for something in the region of \$2,000. The Hongkong and Bangkok connections then split the rest of the \$8,000 (out of the \$10,000) paid by the prospective bridegroom.

The bride price fluctuates, but not by very much. . . .

This sort of brokerage occurs in Taiwan as well, but the most notorious form of such transactions, as mentioned earlier, is connected with prostitution, not marriage. I have mentioned that in T'ien-sung-p'i I was told that about 60 percent of the girls who became prostitutes did so through a broker, and through a contract entered into by their parents. Little reliable information is available on general figures for Taiwan, but what is available seems to suggest that this figure (60 percent) is about right. Although it is complicated by different categories of prostitutes, it would

seem that around 50 percent have entered into some sort of contractual arrangement (Hsieh 1971: 456-60).

### Homosexual Unions

To end this section on irregular marriage and marriage-like forms, I would like to discuss homosexual unions. To some the term "homosexual" implies unions in which there is physical, homosexual, activity. I do not mean to imply this, but simply mean by the term that these are unions with a greater or lesser degree of institutionalization and permanency, in which the partners are of the same sex. As we shall see, this often did lead to a physical homosexuality, but this is not a sociologically necessary part of any definition or characterization of these unions.

In the discussion so far, attention has been given to heterosexual unions only. The great variety of these, however, should lead one to suspect that marriage-like unions might not be restricted to heterosexual pairs, and once one starts looking for such arrangements, a certain amount of information on them does come to light. Of all the forms mentioned so far, however, these were probably the most rare. This, however, is only a relative evaluation; the numbers of women, in particular, involved in such relationships may have been quite substantial indeed, even if the practice of such relationships seems to have been rather limited geographically.

The first of these forms to be considered is that involving females, and it seems to have been restricted to the P'an-yü (C. Pun-yu) and Shun-te (C. Sun-tak) areas of Kuangtung province

(these areas are quite near Canton city). It seems at first glance to be fairly recent, and to be a response to particular techno-environmental and economic conditions. There actually were a number of different forms, interrelated in various ways.

The data are limited at present. I suspect that a thorough search of written sources would produce a good deal more, however, and there is ongoing research in Hong Kong among women who had participated in these and similar forms by Marjorie Topley and Andrea Sankar.

Following Fei Hsiao-t'ung's argument, the introduction of Western manufactured goods upset the rural economy, particularly that sector involved with rural handicrafts. At about the same time foreign capital, and Chinese capital, was being used to set up certain kinds of factories, particularly in the treaty-port areas, the large urban centers on the coast of China. In the P'an-yu and Shun-te areas, the important local economic activity was silk production. The development of a degree of mechanization of the silk industry, and its centralization in more capitalized factories, meant the creation of wage labor, and thus jobs. The existence of jobs at which women and young girls could make enough by their own labor to support themselves meant that they had a much greater degree of freedom and independence, and they, of course, took steps to increase and protect this new-found freedom. One of the results was the development of an "anti-marriage" movement, as marriage and the family were seen by some of these women as one of the most, if not the most, oppressive of social institutions. It is interesting,



if not surprising, that alternatives to male-female marriage and family organization were still often phrased in terms of family organization and marriage. The girls involved in these alternate forms had to work with a given repertoire of concepts and values. To some degree this movement was phrased in indigenous terms. It seems that it had its beginning well before the May 4th movement in China, which did much to spread "modern" and Western ideas about individuality, freedom to marry, the small, conjugal family, and so on.

Most of the data that I present here are from the Chung-hua Ch'uan-kuo Feng-su Chih (Record of Customs for All China). This work was published in 1936, but the work of collecting the data seems to have been done a number of years earlier. The picture that the author, Hu Pu-an, gives is one of a rural countryside in a good deal of economic trouble, but one that is near enough to the big cities and ports connected with overseas trade that alternative means of employment are available, means that have particular effects on local social organization.

One measure of widespread poverty and great socioeconomic class divisions in Kuangtung is the "slave-girl" system (C. mui-tsai), which flourished up through the nineteenth century.

In Kuang-tung there are middle-aged women who specialize in trading in women and girls. They put up their savings and purchase attractive girls from poor families, dress them gaily and make them up, and then send them to various ports in Southeast Asia, where they are sold to overseas Chinese to be concubines or slaves. The profit is not inconsiderable. The girls who are thus sold are called C. mui-tsai ("little sister"). Men who are sold this way are called C. jyu-tsai ("piglet") (Hu 1936: II, 7,10).

This mui-tsai system flourished in Hong Kong as well, where it attracted the attention of the League of Nations and caused a good deal of embarrassment for the British government in international circles. Various measures were taken to eradicate the practice, over the objections of some of the Chinese community in Hong Kong, objections which attempted to show that the C. mui-tsai was not really a slave, but just a household servant, and almost an adopted daughter. It seems fairly obvious that it was the Kuang-tung equivalent to the Taiwanese cha-bo-kan system, but that it was perhaps open to a greater degree of abuse because of its capitalization and development as a business.

Chen Han-seng says that

The rubber manufacturers of Malaya are by no means the only people who appreciate the rich reservoir of cheap labour offered by Kwangtung. The cheapness of that labour, especially of women, is, indeed, appalling. From such villages as Shun-te, Pan-yu, Chung-shan, and Sin-hwei, nearly twenty thousand peasant girls have been taken to Hong Kong and are now working as housemaids with the status of a mui-tsai. Other streams of peasant girls, bought and sold, move toward the cities of the province itself. In Swatow, the market price of a housemaid used to be about 100 yuan . . . , and that of a concubine about three times more; but at the present time, with the increased inability of the peasants to support their daughters, the average price may be said to be from 30 to 40 percent lower. There was a time when military officers of the lower ranks made lavish purchases of peasant girls. Now the purchasing power of these circles, too, and of other urban classes is diminished; and a far greater number of peasant girls are being pawned rather than sold outright. The price obtained by pawning is, of course, much lower than obtained by sale; but since the peasant father is often not in a position to redeem the pledge, pawning often simply represents a disguised form of selling at much less than the customary price (Chen 1936: 112).

Kuang-tung in the 1930s, according to Chen, had more women than men employed as day-laborers, a certain sign of rural economic trouble:

One of the surest proofs that a condition exists in which agricultural production is discouraged is an abnormal proportion of female labor in the total labor power applied to the land--and this even in regions where field work by women is customary. As the more mobile part of the laboring population, it is the men who first come out from under an intolerable burden, either by engaging in some other form of labor if such can be found or by migrating. When rural employers increase the proportion of women laborers, this is a sign that male labor has become scarcer or less docile or sufficiently less efficient to make the employment of women preferable. An increased employment of women may also reflect a desperate general economic situation in which a peasant woman who normally works for her own family is forced to seek employment for wages--even though the wages offered may not suffice to support even her alone (Chen 1936: 103-104).

Female labor was less well-paid than that of men: in ten representative villages of Pan-yu the wages for females were on the average only three-fifths those of the males (Ch'en 1936: 104). This was due to a number of factors, but one of them was that female labor, in agricultural work which demanded great physical exertion, was simply less productive.

In work which was not so strenuous, the labor of women was not less productive than that of the males, and since the price of female labor was depressed, employers could reap an unearned profit, in a sense, by hiring females exclusively. This seems to have been true in silk production; the work did not demand great labor, but did demand long hours of careful and tedious work. Thus it became common to hire only women.

There is some evidence that the economic situation had much deteriorated by the 1930s, compared to twenty years or so earlier,

the approximate time of the collection of the data contained in the Record of Customs of All China, if for no other reason than the world economic depression. Even so, things were not rosy for most peasants in the earlier days.

The argument that the depressed economic situation was in large part responsible for the concentration of women laborers in the silk industry is given support by the fact that during the Ming Dynasty, before the impact of Western manufactured goods on the domestic handcraft industry, the silk workers in Chaingsu and Anhwei were all men (see Chung-kuo Tz'u-pen Chu-i Meng-ya Wen-t'i T'ao-lun Chi [Collected Discussions on the Problem of the Sprouts of Capitalism in China] Peking 1957: I, 12).

This is an indication that the specialized reliance on women laborers in the silk industry in Kuang-tung may well have been a recent phenomenon (Ch'ing and later), and may well have been, as Ch'en says, an indication of basic rural economic problems, and the exodus of male laborers. This is important because, as we will see later, the concentration of women laborers in the silk industry led to some decidedly irregular social forms.

In a section on marriage customs in Pan-yu, Hu says that rural women usually waited three to five years after the formal wedding until the next ceremony, the welcoming of the bride by the groom, took place, and that it was another three to five years before she moved to live virilocally. This, he says, was because it was an old custom, but also because of poverty. Marrying in a woman took several hundred taels of silver. The money usually was obtained

from a money-lender or from a credit association. After the expenses of the wedding itself, it took three to five years to repay the debt incurred. The same was true of the next ceremony, the "welcoming"; only after the debt incurred then was repaid could the husband begin to support a wife and children.

In rural areas it has become quite customary that the newly married women return to their natal homes, as is customary, but then do not return to the husband's home. The bride may stay for a whole month, and then return to the husband's home for a few days and then later she is permitted to return to his home at major festivals. . . . Some are unwilling to do even this, and hide to avoid it. . . . Some run away and hide permanently, and do not return to their husbands, nor do they return to the natal home. . . . There are also those who set up concubines for the husband to make him agreeable to their not returning (Hu 1936: II, 7,27).

It seems that because economic circumstances (and there were no doubt a number of other factors at work), marriage and post-marital residence customs changed enough, and in the right direction, those women who were for various reasons upset with their lot were able to avoid what they saw as the trap of marriage. Hu records that the common pattern was for young girls, after marriage, to spend a few days in residence at the husband's home, and then return to live in the natal home except for the New Year's and other holidays. In the customs of Kuang-tung a woman was supposedly not permitted to pass such holidays in her natal home (Hu 1936: II, 7,32). Her parents-in-law would often use subterfuges to get her to return to them, and she would counter with her own. The saying "The mother-in-law is always ill, the daughter-in-law is always a bridesmaid" expresses this. The husband's family tried to get the woman to return on the pretext of the mother-in-law's illness, but the

daughter-in-law would leave again very soon on the pretext that she had to participate in the wedding of a relative (Hu 1936: II, 7,28).

Though I wonder at the demographic validity of the exact figures, Hu claims that in middle-class families marriages were typically at age seventeen or eighteen, so the age of actually taking up virilocal residence was twenty or even thirty. In poor families this was delayed even further, so often the age of forty is reached before a son is born, and so rich families usually were one or two generations deeper than were poor families (Hu 1936: II, 7,28-29).

Anticipating, in a sense, what Chen later said about male laborers, Hu says that

In the rural areas, men may marry, and a month or so later find it advantageous to go off looking for work abroad. The husband is not upset at this, nor does the wife complain. They are husband and wife in name only, and not in reality. Thus they take this lightly. Several years later, if he returns, only then will his wife move in to live with him. Then the men are always upset about the age or ugliness of the wife, and so buy a concubine. This is an aberration of family life, and a shameful blot on customs (Hu 1936: II, 7,29).

The same author goes on to praise the rural women of Pan-yu, saying that they take chastity very seriously, and that there were many virtuous, exemplary, and chaste women there. Not as many as one or two out of a hundred, he says, would remarry when widowed. Those who did were immediately marked off for ever. If a woman were violated, she would think nothing of death. This was said to have happened in the Hsien-feng period (1851-1862), when many women committed suicide when raped by bandits.

In the really glorious cases of such chastity, the women just drowned themselves, and no one knew what had happened. This is very regrettable. One still sees today those who would

rather die than be disgraced, and among them some have become too radical in this. Those who are not willing to live with their husbands, and so take poison, to commit suicide, or run away because of a quarrel, or because the husband has used up the savings to buy a concubine, they view the cohabitation of man and wife as a great shame, and life, in comparison, they treat very lightly. This is the special nature of rural women (Hu 1936: II, 7,30).

In the difficult economic circumstances, a disproportionate share of the burden fell on the women and young girls, giving an added incentive to a search for some sort of alternative life-style and source of support, something that most women would no doubt have welcomed in the best of times.

As we have seen, one way out was the C. mui-tsai system. Another, one of the few alternatives in the traditional economic and political system of China, was prostitution. He mentions the "blind singing girls of Kuang-tung":

The so-called blind singing girls of Kuang-tung are attractive girls who have been purchased by procurers and procuresses who follow this kind of business. They teach them to sing and dance and how to entertain customers. Then they wait until they are fourteen or fifteen years old, and cruelly pluck out both eyes, and give them false eyes and dark glasses to conceal them. Thereupon the girls go out to solicit for customers to entertain, and make a business of "selling songs"; they cannot distinguish between old, young, handsome, or ugly customers, and don't entertain thoughts of running away, but instead obey every command of the proprietor. This is really reprehensible (Hu 1936: II, 7,10).

This is of interest not only in this context, but also because it is an indication that the custom of buying/adopting young girls and raising them to be prostitutes was not, as has been claimed by some, confined to Taiwan Province. (See Chapter IV, on adoption.)

Another alternative for women and young girls was to become a servant in a wealthier family; an "amah," or C. ma-je:

You see them here and there in [certain named areas of the city of Canton], where they are more common than are ordinary women. Some let it be known that they are married, but are forced by poverty into this occupation. Others are women from rural villages who were married out, but refused to go to the husband's household. These latter have set up their own organization, and their united strength is very great. Some of them take their monthly income and save it in a credit association. They may also raise a young female slave as an investment. These are called C. ma-je mui ("amah's mui-tsai"). There are many dark deeds in this sort of situation, and abundant evil practices (Hu 1936: II, 7,11).

Another alternative strategy, one which has attracted the most attention (but was not necessarily, for that, the most common), was made possible by silk production:

In P'an-yu the land is fertile, and the people mainly make their living from silk production. Whether rich or poor, the daughters of the families there all know how to pick mulberry leaves and how to reel off silk from cocoons. In one day they can earn as much as eight or nine M. chiao, but at least three or four chiao. The standard of living in rural areas is of course not as high as in the cities, and this amount is enough for self-sufficiency, and even for a bit of surplus. Such girls, then, have a means of support, and regard marriage as the most shameful of human affairs. Thus they form pacts not to marry. If they are forced to marry by their parents, they do not move to reside virilocally. These latter, after marriage, do not have intercourse with the husband, and the next day return to their natal family, to be companions to their sisters and female cousins. This means that they are lost to the husband's family (Hu 1936: II, 7,30).

It is in this context that we find the transactional social forms that are similar to, or are, marriage. The nonmarrying pacts were in the form of groups, or associations, of girls. They all entered into a kind of sworn sisterhood, called a M. chin-lan hui, "golden orchid society," or colloquially M. k'ua-hsiang chih,



C. kua-seung chi, "a recognition of mutual admiration," or M. shih p'eng-yu, C. sihk pang-yau, "workmates (society)" (Hu 1936: II, 7,34).

In P'an-yu, the group of sworn sisters would attempt to enforce the nonmarrying agreement if the parents of one of them forced her to marry. They would at times abduct her and hide her when the date of the wedding approached, or they might start an uproar to embarrass the girl's family. If they were unsuccessful in this, and the girl was forced to marry, then their second line of defense was to keep her from moving to reside virilocally.

Thus on the day of the wedding, they take her and strip her clothing off, and using long strips of cloth, bind up her body, . . . and then thoroughly stitch it with thread, as a protection. Then on the next day, when she returns to her natal family, they investigate to see if she is still "sealed up" with the thread. If it is not still in its original form, then they all beat her, and there is nothing that the parents can do about it (Hu 1936: II, 7,31).

In Shun-te there was a refinement; when she was bound up "like a corpse about to be put in the coffin," they make her eat "white melon" (M. pai-kua) and other medicines, to retard the production of urine, so she will not have to urinate (Hu 1936: II, 7,35).

The obvious goal of all this is to try to interfere with the consummation of the marriage. The girl is also expected, by her sworn sisters, at least, to resist her husband's advances, even to the point of using force.

Hu says that there are a number of motivations for girls to act this way. One kind of girl saw marriage to a man to be a great shame, or did not want to marry because of the sufferings of

childbirth and raising children, or wanted to avoid the drudgery of housework. Another motivation had to do with the desire for a freer life, and to indulge in promiscuity (II, 7,31).

There are also those who . . . are only using the pretext of not marrying to advance their own profligacy and promiscuity. The great degree of hidden licentiousness is, I am afraid, breaking out into the open. . . (Hu 1936: II, 7,32).

In another section Hu complains about the so-called "free woman" (M. tzu-yu nü):

In recent years the clamoring for women's liberation has grown louder day by day. In Kuang-tung there already is the "free woman." After becoming adult, she does not submit to the fetters of the family, and the family also no longer wishes to restrict her. Those who are already married are permitted to be free and active. They are colloquially called "free women." These women go so far as to actually become promiscuous. To spend the night with the highest class of them costs no more than ten yuan; second class, only five yuan. They intend by these means to be able to get a good husband, and the two may even reach an understanding that they will obtain the various necessities for a wedding in this way. This behavior is not considered shameful by the girl, nor is it by the families either. Society treats it very lightly and would just as soon forget it. This is very strange (Hu 1936: II, 7,11).

Hu says that this sort of behavior even led to the "absolutely immoral practice" of abortion, a practice that, "though it has been discussed as a support for freedom in love, yet must not be adopted" (Hu 1936: II, 7,32).

Just what eventually happened to the majority of the non-virilocal wives is unclear. Some, as has been noted, went to work as servants, or amahs, in the large cities like Canton and Hong Kong. Some must have become prostitutes, and some no doubt simply remained in their natal homes for the remainder of their lives. A certain number of them eventually did take up virilocal residence.

As for those non-virilocal wives, although they reside with their parents, yet because continuing the kin line is regarded as the greatest duty of the individual in our society, they dare not flaunt their selfishness, and openly go against the usages of a kinship-based society. Thus those who are rich pay a sum of money over to the husband to enable him to buy a concubine. . . . Only then will she herself be free.

If she does not do this, then each year at festival times, when she must visit her husband, and stay with him for a night . . . and man and woman are together in the night, one cannot avoid something happening. Moreover, it may be a long time after the wedding, and far from the control of her sworn sisters. In the quiet of the night nature will take its course. Even steel, if it's been smelted a hundred times, may become soft and pliable. Certainly this is very probable.

Thus the non-virilocal wife and her husband, through these several acts of intercourse, may develop a physical relationship, and a pregnancy may occur. If she gets pregnant, then she cannot but move virilocally, in the normal way.

Thereupon, the so-called "non-marrying chaste girl" successively becomes married, and after marriage a non-virilocal wife, and finally a pregnant, virilocal, housewife (Hu 1936: II, 7,32).

A certain proportion of them, however, ended up living together as couples, with emotional ties like those between husband and wife (Hu 1936: II, 7,30). Hu says that he is not sure when this custom started, but that some say that it started among girl workers in the silk factories. Two girls would establish a sworn bond, and unite as a pair. The other women would imitate this, and soon it had even spread to the daughters of influential families. This, says Hu, went too far, and became something of a custom.

In the drawing up of the contract, both sides must agree, much as in the legal form. If both parties are interested, then one will prepare . . . gifts of respect, to symbolize her sentiments. If the other side accepts them, this constitutes consent. If not then it is refusal. When the contract is written up and put into effect, if they have any savings, they invite friends for a night's feast, and the friends all congratulate them. After this they are inseparable, day and night, and happier than any married couple. After the contract has been established, if there is any difference of opinion, and one of them wishes to go back on the agreement, then they must submit to the judgment

of one of their sisterhood leaders (M. niang-tzu chün, "amazon"). Usually the punishment is some kind of beating or disgrace. Thus it has become a kind of customary law.

As far as their cohabitation is concerned, though they cannot completely live as do man and wife, yet they can actually have the pleasure that men and women do, either, it is said, through using massage and caresses, or through using mechanical aids. This is not a refined account, and it is difficult for one of the elite (M. chin-shen hsien-sheng) to speak of it. These women even select descendants, instituting a daughter to succeed to their estate, and later their adopted daughter will also enter into one of these compacts, as though it were a daughter-in-law, and it is all as if there were a blood relationship. This is really strange (Hu 1936: II, 7,34).

Hu was not the only one to notice these customs, though he seems to have recorded more specific information than anyone else whose accounts I have seen. Another such account is reproduced in Ch'en Tung-yüan, Chung-kuo Fu-nü Sheng-huo Shih (A History of Women's Life in China):

Chang Hsin-t'ai, in his Yüeh-yu Hsiao-chih (A Short Record of Travels in Kuang-tung), says "The women of Kuang-tung all call sworn sisterhoods 'golden orchid societies' (M. chin-lan hui). After a woman has been married out, she returns, as is customary, to her natal home, and then does not return again to the husband's family. Sometimes, in fact, those who have not completed the marriage must wait until her sworn sisters are all married out, and only then can she return to her husband's family. If they try too hard to persuade her to do so, then all of the sworn sisters will band together and forbid it." He also says "In the last ten-odd years, the custom has taken yet another turn; two of these sworn sisters live together in a close relationship, and moreover in their cohabitation, one of the women acts the role of the husband. This custom began in Shun-te, then later spread its influence into the P'an-yü and Sha-chiao areas, and its followers became even more widespread, so that Canton itself could not avoid it. It is also called a "sworn agreement" (M. pai-hsiang chih), and after entering the agreement, they enter into a close union, whose pleasures exceed even those of married life. They even spend their entire lives this way, without marrying."

To refrain from marrying because of lesbianism is really unnatural, and very harmful to the women's health, but after the great changes in the circumstances of earning a livelihood, women not getting married at the proper time, and falling into lesbianism, has become much more widespread, and is truly a big problem (Ch'en 1933: 300).

Institutionalized male homosexual unions were evidently much less widespread, though at the same time these are also precisely the kinds of union that one would expect to be least talked about and written about. This indeed is a general problem for anyone trying to investigate many aspects of social life in traditional Chinese society. Only a small proportion of the people were literate, and the use and contents of literary works were heavily influenced by socio-political factors. It is no accident that, as we have seen elsewhere in this study, the standard histories and other works tend very much to ignore nonstandard social forms and processes, and have very little to say, and little of even that is reliable, about non-elite aspects of social life. It is often hard, for example, to find in these works material on peasant life that is specific enough to be genuinely useful.

This has been acknowledged by historians as a great pity, but not something about which anything much could be done. Recently, however, attention has been paid by some historians to the use of such things as short stories and plays as sources of historical material for the study of the "other side" of traditional Chinese society.

There is another special significance to using short stories and plays in the study of the social and intellectual history of China. Because they were a form of popular literature, then though they were not taken seriously by the literati of the past, still they were very widespread among the masses, and their influence was very great. Also, the audience that they were aimed at was not limited to the privileged ruling class, but also included peddlers, clerks, and, in fact, all classes. Thus the thoughts and sentiments these works reflected were very broad and their influence went far.

At the same time, though the study of history in China is more than 2,000 years old, yet the historians and compilers of the past were under the management of government authorities,

and so not only were most of their materials from official archives, their viewpoints were always those of the officials. If we wish to enlarge and deepen our understanding of past history, if we wish to obtain new knowledge of past social phenomena, and if we want new facts about the lives of people of the various social classes, then we must go beyond the limited and biased histories and archives of the past, and boldly search for new material and new research methods. The use of material from popular literature to study history must be one of these new attempts (Lo 1975: 56).

One author who will no doubt hold an important place in the study of the non-elite aspects of the late Ming and early Ch'ing is Li Yü. Li lived from 1611 to 1679, and so his life straddled the two above-named dynasties. He was a playwright and literary critic, and led an interesting and rather unorthodox life, well described by Lo (1975). From writing plays it was a short step to writing short stories; Li in fact held that the two were really no different, and titled one of his collections of stories The Silent Play (Wu-sheng Hsi). Li is perhaps best known in the West as possibly being the author of a mildly (by current Western standards) erotic novel called The Prayermat of Flesh (Jou P'u-t'uan). This novel was translated into German by Franz Kuhn and then retranslated into English, with the title The Before-Midnight Scholar, and used to be available in paperback in supermarket book-stands in the United States.

For our purposes an important aspect of his literary philosophy is that he advocated a sort of "literature for the masses." He divided literature into standard and popular. In his own words,

Stories and dramas are not comparable to essays. The latter are written for those who are literate, and of course it is quite all right if they are profound. Plays are written for both the literate and the illiterate to see, including illiterate women and children. Thus they should be simple, and not profound. If we use the form of the essay, and still intend

that the literate, the illiterate, even women and children, all appreciate it, then even the classics passed down from the ancient sages will be simple, and not profound, like the short stories of today (Lo 1975: 63).

A natural outcome of this philosophy is that Li held that popular literature should appeal to the emotions and should be realistic. In his own words:

The way of the ancient kings was rooted in human nature. Those who write plays and stories must restrict themselves to what is immediately observable through their own eyes and ears. They must not have recourse to things and events outside their own experience. Whether in poetry, plays, ancient or modern literature, it is all the same. Those who illuminate the workings of human nature will never be forgotten (Lo 1975: 63).

People say that the affairs of old are all true, and those related of today are all false. I do not agree. If a writer of stories and plays is not factual, it's usually just because he's being allegorical. If you want to motivate people to be filial, then you use as an example a well-known filial son. But you need not record everything about him, just (appropriate) actions. You can then judiciously choose from among the rest to add (where appropriate) (Lo 1975: 64).

The ancient poets never failed to make literary allusions, never failed to include the names of people, and never failed to write with fixed phrases. There is another way, however, to use these allusions, names of people, and fixed phrases. If one refrains from using remote allusions, from using the names of obscure persons, and takes phrases from the speech of the streets, then it may happen that in one's writing there will be dialogue and phraseology that are familiar to the ear and tongue and, though it be literature, it is still no different from what is said in the streets (Lo 1975: 64).

I am citing Lo and Li himself in such detail to establish Li's credentials as an observer, and to show that he in particular is a good source of the sort of information discussed by Lo. Li is still looked upon by many Chinese scholars of a traditional and literary turn of mind as rough, crude, and not quite acceptable. His style, though, is, to my eyes at least, vigorous and direct. He writes in the vernacular, or M. pai-hua, and often uses simplified

and nonstandard characters, and many colloquial expressions. This is evidence of a sincere effort to follow his own philosophy of literature, but makes life hard for the non-native speaker who wishes to read and translate his work.

In his article on Li, Lo Hsüeh-lun lists the sorts of topics that Li uses in his various writings. His collection of short stories titled Shih-erh Lou, for example, treats mainly problems of marriage and the relations between the sexes; seven stories out of twelve have this as a topic. The important characters in the twelve stories are: gentry (two stories), merchants (two stories), "upper-class students" (five stories), "ordinary people" (M. pai-hsing: three stories).

The collection titled The Silent Play treats of a great variety of social problems. The important characters in these stories are: "lower-class scholars" (five stories), ordinary people (M. pai-hsing: seven stories), merchants (three stories), and officials (one story) (Lo 1975: 77).

It is one of the stories in this collection, a story whose main character is a scholar, that is of most interest to us. The story is called "Nan meng-mu Chiao-ho San-ch'ien," which means something like "Male solicitous and conscientious mother"; it is a reference to the mother of Mencius, who is a model of motherly virtue. It is story number six in the edition edited by Helmut Martin and published by the Chin-hsueh Bookstore, Taipei, 1969.

The story, briefly, is of a young, brilliant, and handsome scholar in P'u-t'ien Hsien, Hsing-hua Prefecture, Fukien, in the late Ming, named Wei Chi-fang, who was a homosexual. When he was



quite young he managed to pass the first examinations, but was so handsome, and so given over to seeking pleasure among his friends, that he had little time to prepare for the M. chü-jen examinations. When he got a little older, however, a moustache began to develop on his upper lip, and slowly a number of such inconvenient, and unattractive, things began to develop, and he found himself with more time for study. In the examinations he was successful enough to enter the academy, and became a "subsidized scholar" (M. ling-shan hsiu-ts'ai).

Later he realized that "of the three unfilial acts, to have no descendants is the worst," so, though he was completely indifferent to women, he married a woman named Shih, and eventually had a son by her, though they did not live together most of the time. The wife then died of post-partum infection, and so he entrusted the child to a wet-nurse to raise. Because he already had a son, there was no need to remarry another woman, and instead, he decided to get an attractive young homosexual as a "second wife" (M. hsü-hsüan, "to replace the string on one's lute; to remarry"). He looked around for a long time, and after a number of trials and tribulations, settled on a boy named Yu Jui-lang, son of a poor rice-merchant.

After a number of false starts, the two became lovers, and Wei paid a bride-price (500 taels) to Jui-lang's father, and the two of them then took up residence together as man and "wife."

When Jui-lang approached puberty, and began to feel the stirrings of sexual desire, he started to masturbate while Wei was having anal intercourse with him. Wei became alarmed at this,

saying, in effect, that a young man has only so much yang in him, and if it is thus spent, he will age and die prematurely. What alarmed him even more was, as he said to Jui-lang, that the boy, though happy with Wei, would soon start to see women in a different light, which is only normal, and that because this is so they were doomed to part.

This sort of talk upset the boy greatly, as he had come genuinely to love Wei, and was happy living with him. When Wei was away on a business trip, Jui-lang determined to remove this threat to their relationship, and so took a knife and totally emasculated himself. Wei returned just in time to find him in a pool of blood, but still alive. He rushed the boy to a doctor, who was able finally to save him. It is noted, however, that the scar that remained looked very much like the external genitalia of a woman, and that the boy Jui-lang took to dressing like a woman, and to staying home to attend to domestic affairs.

There was a brief "run-in" with the local magistrate, who accused Wei of doing this to the boy on purpose, violating one of the important Confucian commands that one should not harm the body, which is a gift of one's parents, and making it impossible for Jui-lang to have descendants. This, however, was cleared up, and the two returned home, whereupon they retrieved Wei's son from the nursemaid, and, essentially, "lived happily ever after."

This is, of course, fiction, and is presented neither by me nor by Li as a true story. The setting, however, the concepts, ideas, the descriptions of customary forms, and the names for these

sorts of relationships, are useful data, especially in a situation in which there is very little else to use.

The general concepts, for instance, that are used to explain sex and its workings, and the nature of homosexuality, are very interesting and important, especially when it is remembered that these stories are intended to be popular literature, accessible, acceptable, and understandable to the literate and nonliterate alike. The terms in which, the concepts with which, these things are analyzed and discussed must therefore have been common in the society generally, among the elite and nonelite alike.

I will present some excerpts in free translation.

The poem says:

It's unknown where or when the "southern custom" started.  
That the role of a woman should be given to a man,  
That the back should be turned and buttocks presented,  
That the male role should be vigorously played, in the absence  
of the female,  
So that one of the pair is left frustrated, out in the cold;  
What enjoyment can be derived from this?

This is unbearably dirty and sordid; yet still, there is another side to it. This poem . . . is particularly intended to offer an admonition to homosexuals. It isn't known when homosexuality began, or who started it, but it has been handed down to the present, and indeed, has become a challenge to the natural male-female relationship. How can this not be regarded as strange?

How do we know that the male-female relationship is natural? Simply by noting that the male's body has a projection, while the female's body has an indentation. How was this kind of structure created? The male and female embody the forms given by heaven and earth; that which is in abundance supplements that which is lacking. When this supplementation reaches just the right point, then pleasure automatically results. How could this sort of process be forced? After intercourse the male's semen and the female's blood congeal together to form the fetus. After a full ten months a boy or girl is born. How could such a result be by chance? It is simply one of the conditions of acting in accordance with the intercourse of yin and yang, modeled on the cover and support of ch'ien and k'un. It resembles the moulding of creation; it is natural and so can be taken for

granted. Though this is all better left unmentioned, it is no threat to li. Though just dalliance, it is beneficial to propriety.

As for homosexuality, in form there is no distinction between surfeit and lack. In emotions there is no aspect of mutual pleasure and enjoyment. In the result, there is no childbirth function. I don't know where it gets its interest. Since its origin it has caused suffering to people, and has brought no benefit. Of what use is it? . . . .

It might be that an older widower, poor and unable to marry another wife, would use this as an outlet for sexual desire. A young and handsome boy might, because of poverty and hunger, use this as a means to make a living. These cases are understandable. But nowadays there are actually well-off youths who also like it. This is much less understandable.

This practice is fashionable everywhere, but it is nowhere more flourishing than in Fukien. Even Chien-ning and Shao-wu north, prefecture by prefecture, and county by county, it is more and more common. Not only people follow this practice. Non-sentient beings like shrubs and trees, influenced by the practice, do as well. Deep in the mountains there is a kind of banyan tree, also called a Nan-feng tree (M. nan-feng, the "southern custom," means homosexuality). In each case there is a small tree which grows in front of the banyan tree. The banyan tree eventually leans its trunk forward, making improper advances towards the small tree. After a while, the advances are successful, and a branch tightly wraps around the trunk of the small tree. It also slowly enters into the banyan's embrace, and the two trees become one, so that it is impossible to separate them, even with axe or saw. Thus it is called the Nan-feng tree (Li 1969: 349-54).

Li mentions in the beginning that there is another side to all this, and has his hero, Wei Chi-fang, make the argument. After describing Wei's intelligence and beauty, he goes on:

There was just one thing. The women looked at him with burning interest, while he looked at them with cold indifference. Why was this? Just because his nature was ruled by the South, and was the enemy of the North. He would often say to others that there were seven things about women that he detested. When asked about these, he would clearly list them.

"With makeup and powder they falsify reality. That's one. Binding the feet and piercing the ears, they alter their physical nature. That's two.

Their breasts jut out, are appendages like drooping tumours. That's three.

One can't get away from them; they're like clinging vines. That's four.

One is tied down by women and children, and has no freedom.  
That's five.

After menstruation the bed is wet and clothes dirtied.  
That's six.

In childbirth they get stretched without limit. That's seven.  
How can this be compared with the attractions of a handsome man? For better or for worse there is absolutely no artificiality. From head to toe he is completely natural. I can go anywhere with him, and we don't arouse suspicion or run into difficulties. How nice it is, forming a clean 'husband and wife' pair (M. tso i-tui chieh-ch'ing fu-ch'i)."

His listener, agreeing with everything else, fears that in that word "clean" (M. chieh-ch'ing) he has gone too far.

The response is that those who do not like it, think that it is unclean. For those who do like it, in the contemplation and in the experience of it, there is a different feeling entirely. This argument is easily made for those who have experienced it, but it is difficult to explain to the uninitiated.

The listener, not wishing to get into a heated argument, just let it go at that (Li 1969: 357-59).

Jui-lang and Wei met at a Matsu festival that was held annually, at which the homosexuals gathered, to look over the year's new "crop" of young boys; they even wrote up a catalogue of the names, addresses, and descriptions of likely candidates, and selected the most attractive. Jui-lang of course came out well in this contest. His father, however, had been reluctant to let him go to the festival, but finally did so on the understanding that he should be accompanied by some neighbor boys, and that he should not go off to any secluded place to chat with any man.

Why was this? One must understand that with Fukien homosexuals, as with women in general, first marriages are distinguished from later ones. For a virgin, men are prepared to pay a much higher brideprice (M. p'in), and to carry out a complete and proper wedding ceremony. If, then, one is not strict in controlling young boys, and they are seduced by someone, then they are called "fallen" (M. pai-liu ts'an-hua). They do not then become completely worthless, but a buyer (M. shu-chu) will generally be interested only in a casual and temporary relationship, and will not enter into a permanent marriage relationship (M. ch'üeh-p'ing), and he will not select the boy to come to live with him. Thus Jui-lang's father could

not relax his guard; he intended to raise Jui-lang for future sale.

Moreover, since the publication of the "catalogue of young boys" (M. mei-t'ung k'ao-an), everyone knew that Jui-lang was selected as the winner; all of his schoolmates, except for the really poor ones, couldn't help but fantasize about him, and the others, who were fairly well-off, all drooled over him. Friends had long since made this all known to Jui-lang's father, and he said to his closest friends, "It was very unlucky that the boy was born in this evil place; I don't suppose that one can avoid the influences of customs. I will just have to swallow my pride, and will have to put up with this barbaric custom of marrying for money. I am burdened with a debt of three hundred taels, funeral expenses of one hundred taels, and I need one hundred to prepare for my own funeral expenses. If anyone can afford a brideprice of five hundred taels, tell him to come along. If he can't afford that, tell him to forget it."

From this time on, he increased his control over Jui-lang, not only forbidding him to leave the house, but also forbidding anyone from coming to see him.

In Fukien it happens that homosexuals pay a brideprice, but usually it's no more than symbolic; several tens of taels at most, but as little as several taels. It is a symbol of entreaty (M. hsiang-ch'iu). How could one be willing to pay five hundred taels' brideprice for a boy? Everyone looked on this as being real greed, and they all talked about it. Those without many means said "Does he think that boy's ass is inlaid with gold and plated with silver? Why doesn't he just marry a good and virtuous wife and forget this boy? He's of no use." Those of means said "The boy is not yet sixteen years old. It's better to wait a few years until he gets even poorer; the price will naturally go down then."

So Jui-lang's wedding date was delayed a while, during which time he could only think of Wei, but could not see him (Li 1969: 374-77).

Eventually, however, Wei was able to sell some land and houses, and so come up with the money. He paid it over to Jui-lang's father, who was then able to settle his debt, meet the funeral expenses, and still put away an amount for his old age and own funeral expenses. This was all said to be illustrative of the old saying "with a son all things are complete" (M. yu tzu, wan shih tsu).

Wei then selected an auspicious day, and on that day Jui-lang was taken into his household (M. kuo-men). The form of the

wedding-night ceremonies was said to be nothing out of the ordinary for contemporaneous marriages, and three wedding verses (M. ch'e-chang shih) are quoted as illustration; they are full of double-entendre, and more-or-less veiled references to the postures to be used that night by the couple, and so on (Li 1969: 384-86).

The term sometimes used by Li in this story to mean homosexuals is M. lung-yang. Van Gulik, in Sexual Life in Ancient China, has the following to say about the term:

Some profligate princes . . . kept young boys as catamites (M. l'uan-t'ung), or had homosexual relations with adult men. Sources of the Han period and later aver that a number of ministers designated as pi, "favorites," had homosexual relations with the ruler. However, the term pi has the general meaning of "a man--or woman--who obtained the master's favor by fawning upon him and by encouraging him in his vices"; whether, in the case of a man this implied a homosexual relation is difficult to ascertain, since the ancient texts are so terse as to leave room for widely varying interpretations. An exception is the case of a certain Lung-yang-chün, who in the fourth century B.C. served as minister of the prince of Wei; a passage in the Chan-kuo-ts'e, a source of the third century B.C., proves that he had indeed homosexual relations with his master. Lung-yang-chün has become so notorious in Chinese history that lung-yang is used as a common literary term for male homosexuality (Van Gulik 1961: 28).

What is of most importance is the degree of institutionalization and permanence that these relationships had. Homosexuality in and of itself is of no sociological interest; the social relationships that it creates or affects are. Leaving aside all the data on such things as the role of male actors (who were traditionally expected to be homosexual) and male prostitution (see Wang 1934), there is information that supports Li's claim that there were institutionalized, marriage-like, homosexual unions in China. The evidence is fragmentary, but significant. It might be argued that some

of the later references were actually based on a reading of Li's work. Many of the later references, however, use additional terms not used by Li:

The term "little brothers" (M. hsiung-ti erh) is the same as the Fukienese M. ch'i-ti ("bond younger brother"). . . . Homosexuals raise them like younger brothers. . . . Fukienese homosexuals consider themselves as brothers (Yao 1940: 154).

This term M. ch'i shows up in many different contexts (see Chapter IV on adoption); the term M. ch'i-ti ("bond younger brother") is common in Cantonese (C. kai-dai) and is used as invective, meaning "homosexual," in Hong Kong today. Hsü K'o says that in Cantonese it means a male prostitute (Hsü 1920: XVI, 43,2).

It seems fairly clear to me, then, that there were in late Ming and Ch'ing China institutionalized relationships between males, in Fukien at least, and that these relationships were often expressed in terms of marriage, and were carried out in some of the social forms connected with marriage. It is notable that in this story of Li Yü's, it is taken for granted that there is a clear status and role difference between the partners in these unions. Intercourse is assumed always to be anal, and in the physical act one party is consistently active and one passive. Sociologically, as well, one of the couple clearly plays the male role, and one the female. The discussion of the nature of homosexuality is carried out in terms that suggest that it is seen as a particular interplay of maleness and femaleness, not something different from either of these two. This brings to mind such general philosophical concepts as the one discussed by Van Gulik in these words:



I believe that at an early date already the Chinese had realized . . . that every man has a more or less strongly pronounced feminine element in him, and every woman in her a more or lesser developed masculine element. And that it was because of their recognizing this psychological truth that the Chinese when choosing images that would express as accurately as possible the male and female nature, preferred more complicated and wavering symbols to the simplistic, definite older ones such as heaven and earth, sun and moon, etc. Hence they chose the "lesser Yang" Green Dragon and the "lesser Yin" White Tiger, rather than "Yang" Red Bird and the "Yin" Dark Warrior (1961: 42).

## CHAPTER IV

### FORMS OF ADOPTION

A means of recruitment to the family, in addition to marriage, that was evidently always widespread and common in Chinese society, and most certainly was in Taiwanese society, is that of adoption. There is some problem in terminology here. In English there is the problem of whether the forms under discussion should be labeled "adoption" or "fosterage." "Adoption" usually refers to transactions in which rights over a child are completely and irrevocably (except, in principle, in the case that there is another adoption transaction) transferred from one person to another.

"Fosterage" tends to refer to those cases in which the transaction transfers only part of the rights, or cases in which all the rights over the child are transferred, but are done so only temporarily.

In some cases, as will be seen, it is clear that a particular form is "adoption," or is "fosterage." In many other cases, however, it is not at all clear which term should be used, and instead of getting involved in a terminological dispute with myself, I have generally just used the term "adoption" in its most general sense, specifying the nature of the transferral of rights where appropriate. In any case, as a study of land and other rights in traditional Chinese society will show, the distinction between

long-term "temporary" rights and permanent rights is sometimes a very fine one.

There is also the problem of the comparability of the English "adoption" and the various Chinese terms that are used. The most common one, M. yang, means, according to its entry in Mathews' Chinese-English Dictionary, "To nourish; to rear; to bring up; to care for. To bear children. To support; to maintain. Oxygen" (all these when read in the third tone). Read in the fourth, falling, tone, it means "To support, as scholars, superiors, etc. To care for, as one's parents." Again read in the third tone, it also has the (rare) meaning, "distressed," and finally in the third tone it can be used for M. yang (different character), meaning "to itch."

The meaning of the term M. yang is much wider in scope than is the English "adopt," even if we restrict ourselves to the usages involving children and other persons: yang in many cases is best translated as the English "support" or "to raise." Yang is freely and commonly used in this sense to refer to one's own (biological) children, a usage which is not common to the English "adopt." Thus the phrase M. yang tzu, written in characters in isolation, can mean either "to bear or bring up a son," or "an adopted son" (Mathews).

In many cases, then, when we automatically translate M. yang as "adopt" or "adopted," we may be reading more into the situation than is warranted. When we say that a child is "adopted" in the United States, certain information is communicated about the social and legal status of that child in the adoptive family.

It is a big mistake to read anything like the same set of rights, or the same status, into the situation in Chinese society when a child enters into a yang relationship. In some cases the rights, duties, and even the conventional views of the nature of the change in the child's "substance" are quite similar in the two situations, and in many cases they are not at all similar.

"Supporting" or "raising" a child did entitle that child to claim certain rights in the household, but these were quite variable. The English "adoption" implies, or connotes, something like "making one's own," as in the phrase "I have adopted the structuralist approach in this analysis." An "adopted child," to English-speakers, is in principle the same (whether or not in fact) as one's biological child. This is what I mean by "change of substance."

Though a child, in Chinese society, had certain rights by virtue of having been "supported" or "raised," this might or might not have involved a change in substance. In some cases the rights of a family servant might in fact approach those of some of these children, though in the case of the servant there was no question of transformation of substance.

This is part of the reason why Chinese adoption sometimes seems so strange to Western eyes. We have certain expectations about "adopted" children, and are then shocked, for example, to see "adopted" daughters sold into prostitution. This is not an apologia: there were indeed many cruel and inhumane practices associated with certain forms of "adoption." To understand what happened, and

happens, we need to be aware that our adoption is not necessarily their adoption.

I will begin this section, as I have other such sections, with a survey of some of the forms of adoption found in Chinese society generally, before going on to discuss Taiwan as a particular case. Since my main interest is customary law in this context, I will again rely mainly on the compilation of customary law made in the first decades of this century, the Chung-kuo Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu (abbreviated MSS).

#### Kuo-Fang Adoption in Chinese Society

The first kind of adoption I want to discuss is the form most approved by the elite and canonized in the written legal codes: M. kuo-fang adoption, or "transferring (a son) to another branch (of the family, lineage, etc.)." In parts of Honan this was called M. ta-fan ("wielding the funeral banner"):

When a parent dies, it is usually his son who carries the funeral banner at the head of the procession. Thus, if someone dies without a son, and without having designated an heir, usually one of his nephews will carry the flag to the cemetery. If later there are legal proceedings, this is taken as evidence of having entered into the line of succession (MSS: 1382).

Though this is, in effect, a posthumous M. kuo-fang adoption, it raises no particular problems in customary law. In Anhwei there was a further elaboration of this form. If one branch of a family died out and there were two or more remaining branches, the remaining branches would compete to nominate one of their sons to act as heir to the discontinued branch. In a compromise situation, each branch

would nominate one of its sons to participate in a joint succession (called M. kuan-chi. MSS: 1497).

As the saying, "those of the same surname do not marry, those of different surnames do not adopt" indicates, adoption, according to the elite norm, should only have been M. kuo-fang adoption. In Hu-nan:

If one without sons institutes an heir, then of course he must select the closest relative, within the agnatic kin group, of the proper M. chao-mu generation classification. In the customs of I-Yang Hsien, if someone wishes to institute as heir a more distant relative who is particularly virtuous, or is particularly liked by him, then he must turn part of his estate over to whatever closer relatives there are. This is called M. kuo-fang li, the kuo-fang present, and is to secure the concurrence of the branch being passed over. The abuse may arise, however, that the closer relatives insist on an absolute right to this "present," and this is easily and often a source of contention. This custom is not limited to I-yang, but is also found in Ning-hsiang and Hsiang-t'an (MSS: 1693-94).

This sort of M. kuo-fang adoption is well known and unexceptionable, so I will not give any more illustrations of it. In its typical form a nephew is "adopted" to his uncle. He then becomes the heir of that uncle, and when he marries and has children, the children are deemed to be continuing the uncle's kinship line. There are illustrations of this sort of adoption in the Liao lineage from T'ien-sung-p'i and the Ch'iu lineage. Though M. kuo-fang adoptions are usually of males, there is no logical or legal problem in adopting females in the same way.

There are, however, a number of variations on this theme. The "adopter," for example, need not be alive. As there is a "spirit marriage" in which one of the partners is deceased, so there also is "spirit adoption." This makes sense both religiously and

economically. The kinship line of the dead man certainly needs someone to continue it if his spirit is to have sacrifices and so not become a dangerous force, and there may be an estate of some sort which can be kept within the larger kin group if a related heir is instituted.

It would seem that such spirit adoption was and is very common, but it does not "get into print" as often as some other forms because often it is for religious succession as a goal, and if there is no estate over which to contend, such an adoption would have little or no effect outside the family religious observances.

In parts of Shensi,

One who died with no heirs, and without designating an heir, had no one to act as the master of the funeral ceremony. The kinsmen would discuss this, and then select someone of the proper M. chao-mu generation classification to succeed him and to "take over the brazier." At the time of the burial, he smashes the brazier, and accompanies the coffin to the cemetery. The kinsmen then all recognize him as the successor to the dead man. All property left by the dead man reverts to his possession, and no third party can contest this. This is called "taking over the brazier" or "taking possession of the family's share" (MSS: 1722).

We have seen that several nephews, or other relatives, can be adopted simultaneously as M. kuo-fang sons to jointly succeed to a branch of a family, and it was conversely possible for two or more branches, or M. fang, to be jointly continued by a single male.

The simplest of these forms was that which consisted of one male continuing two lines, most typically that of his father and that of his uncle. This was referred to by a number of names, most commonly M. shuang-t'iao or M. ch'eng-t'iao, the former meaning

"to continue two ancestral halls, or lines," the latter "to succeed to (another) ancestral hall, or line."

It is in this context that we find the one exception to the rule that Chinese society, as far as the jural rules were concerned, was monogamous. The wife was always carefully distinguished from the concubine (or, to put it another way, the primary wife was always distinguished from the secondary wife). To marry more than one primary wife was to commit bigamy, and my impression is that such bigamy was no more common in the traditional society than in, say, the contemporary United States.

There was an exception, however. If a man died before having fathered a son, it was permitted that his nephew, or some other agnatic relative of the proper generation, marry two wives (primary wives) if he was, through M. kuo-fang adoption, instituted as heir to his uncle. His children by one wife would then follow his father's kin line, and his children by the other would follow the dead uncle's kin line.

Strictly speaking, this was not M. kuo-fang adoption, as the latter involved the total transfer of a child from one branch of a family or lineage to another branch, while the M. shuang-t'iao son simultaneously continued both lines. The distinction is not, however, of great moment here.

This concept of "double inheritance and succession" could also be generalized. In parts of Shensi:



If there are nine brothers or agnatically related cousins, but among these nine eight lack descendants, then though there is only one person, with only one son, and if the eight others wish to choose this one child to succeed them, and there are not enough males of the right generation in the kin group to go around, or if there are, but their parents do not wish to part with them, etc., that one child can be instituted as heir to the nine kin lines. This is called "one branch having a son, nine will not die out" (M. i men yu tzu, chiu men pu chüeh. MSS: 1722-23).

The same thing is reported for another part of Shensi, where the number is ten instead of nine (MSS: 1749).

Thus far the discussion has concerned adoption within the agnatic kin group. It was also possible to go beyond the agnatic kin group proper to find an heir:

In various Hsiens of Chiang-hsi, it is customary among the masses that those without sons or grandsons, who wish to institute an heir, can do so by inviting (M. chao) a sister's son (M. wai-sheng) to continue the kinship line of his mother's brother. He obtains, moreover, the estate left by his uncle, and changes his surname to that of the uncle. The kinsmen cannot interfere in this. Since it is a blood relationship, it is, for those who are particular about such things, different from the case involving a child of a different surname (sic; M. i-hsing chih tzu). This kind of extraordinary arrangement is therefore recognized by the members of the kin group (MSS: 1499-1500).

In Feng-hsiang Hsien, Shensi,

One without sons can, with the agreement of his relatives, have his sister's son succeed him. After he has done so, however, if a son is then born to the man, then the instituted heir cannot enjoy equal rights in the division of the estate with the son (MSS: 1763).

Something similar is reported for all of Kansu; "If the household is dying out, then the son of one's own daughter can inherit the rights in the estate" (MSS: 1768). This last is very similar to the custom often called "borrowing the child and returning

the grandchild." In various Hsien in the Pao-ting area of the present Hopei,

The system of "borrowing the son and returning the grandson" (M. chieh tzu, huan sun) is followed when a person has already undertaken to continue another line, and then the original line finds itself lacking heirs; if that other line has sons, one of them is returned to the original line to continue it (MSS: 1299).

This was a very widespread custom, and was well represented (as we shall see) in Taiwan. Sometimes it went by different names, and had somewhat different forms. In Chilin (Kirin) generally, it was quite common:

If we look into the custom of designating a grandson as heir when a son is lacking, we find that it is basically not permitted in law. In the whole Province of Kirin, however, it is very common, and the relatives regard it as quite natural, and raise no objections to it (MSS: 1312).

In Hei-lung-chiang it was said that this was permitted only in the case where one had a son, but he died; then his son, one's grandson, could become heir. If one had never had a son, and this was done through institution, then it had no legal effect unless a majority of the kinsmen agreed to it (MSS: 1323, 1338, 1352). In other areas such a proviso did not apply (MSS: 1348). These arrangements caused trouble because they were thought to confuse the distinction of generations within a kin grouping. Since such a distinction was very important for various aspects of kinship organization, it was quite serious.

It has been noted above that females as well as males could be adopted within a kin group (M. kuo-fang), and in the section on uxori-local marriage it is pointed out that it was very common to

adopt a daughter with the idea of then inviting in an uxori-local husband for her. In Kan-su, we find the logical combination of these:

. . . Those who are aged and without sons may invite in an uxori-local husband for a daughter, and make him heir. If there is no daughter, and there is no one among the kinsmen who can succeed to the line, then one can adopt in a niece to continue the line . . . and invite in an uxori-local husband for her (MSS: 1783-84).

All of these different forms of adoption have concerned males and females related to the adopter in one way or another. Except for the cases involving females, this was generally the jurally standard form of adoption in the traditional society.

The adoption, however, of unrelated, different-surname, males and females was very common. In Hsüan-en Hsien of Hupei,

. . . The customs of succession treat kinship with great importance, and give little weight (to the rights of) those of different surnames. If one has no sons, then one must first go to one's closest kin to find a male to adopt (M. kuo-chi). If they have no sons that can do so, then one must go to more distant kin to find one. If they also have none, only then can one institute as heir a male of a different surname. When one adopts such a child, one must first get the permission of the kinsmen, and only then will he have rights in the estate. If the agreement of the kinsmen has not been obtained, then though he has been (formally) instituted as heir, still he will have no rights in the estate (MSS: 1672-73).

We find, however, that there is great variation in this, and the customary arrangements in some cases scarcely sound like descriptions of Chinese society at all; in various places in Hunan.

Succession is not limited to those of the same agnatic kin group (M. t'ung-tsung); one's sisters' sons, one's daughters, and the sons of one's wife's sisters or brothers, though they are of different surnames from one's self, all can succeed, become heirs, and be entered into the genealogy. Except for the closest of them the relatives cannot object. This is, just because of their blood relationship with the husband or

the wife, to bring other surnames, and thus confusion, to the kin groups; it is forbidden by the current code (MSS: 1680).

There are other reports of different-surname adoption from parts of Shensi (MSS: 1706, 1721, 1724, 1729, 1748, 1761, 1764, 1765), Kansu (1768, 1777-78), and what is now Hopei (1805, 1809, 1810, 1816, 1819, 1821). I think it safe to say that it was common throughout China, and perhaps more widespread than the more "standard" M. kuo-fang variety.

#### The "Adopted Daughter-in-Law"

The T. simpua, or M. t'ung-yang-hsi, is a woman who is "adopted" into a family with the idea in mind of later marrying her to one's son (who in turn may also be adopted). This was a very widespread custom in Chinese society, and was found in many geographical areas. It is sometimes said to be a peculiarity, or to be peculiarly well developed, in Taiwan (see Taiwan Szu-fa II, 188), but the Chung-kuo Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lu says that about 80 to 90 percent of households in Shun-ch'ang Hsien of Fukien province had a simpua (MSS: 1578), and goes on to report it for the following areas:

Chih-li, various hsien	p. 1293
Ho-nan	
Yü-nan I-tao	p. 1377
Sung Hsien	p. 1385
Shan-tung	
Li-ch'eng	p. 1390
Tung-a	"
Te-p'ing	"
Shan-hsi	
Wu-hsiang Hsien	p. 1437
Kao-p'ing Hsien	p. 1453

An-huei	
Wu-wei Hsien	p. 1475-76
Ho-fei Hsien	"
T'ai-hu Hsien	p. 1480-81
Kuang-te Hsien	p. 1491
Ch'iu-p'u Hsien	p. 1495
Chiang-hsi, various Hsien	p. 1501-4
Nan-ch'ang Hsien	p. 1506
Hsin-chien Hsien	"
Che-chiang, various Hsien	p. 1525
T'ai-shun	p. 1560
Chu-yüan Hsien	p. 1568
Fu-chien	
Chang-p'u Hsien	p. 1571, 1583
Lung-hsi Hsien	"
Cheng-ho Hsien	"
P'u-t'ien Hsien	p. 1576
Shun-ch'ang Hsien	p. 1578, 1579
Ch'ang-lo Hsien	p. 1591
Ch'ung-an Hsien	p. 1505
Hu'pei	
Han-yang Hsien	p. 1619
Chu-ch'i Hsien	" , 1628
Ma-ch'eng Hsien	"
Yüan Hsien	"
Ku-ch'eng Hsien	p. 1639
Chu-shan Hsien	" , 1642
T'ung-shan Hsien	" , "
Ch'ien-chiang Hsien	"
Pa-tung Hsien	"
Kuang-ch'i Hsien	" , "
Hu-nan	
Lin-feng Hsien	p. 1688
Shensi	
Ch'ang-an Hsien	p. 1700
Fu-feng Hsien	"
Ch'i-shan Hsien	"
Hsing-p'ing Hsien	"
Wu-kung Hsien	"
Tso-shui Hsien	p. 1712
Lo-nan Hsien	"
Ho-yang Hsien	"
Kan-su, whole province	p. 1772, 1775
Je-ho, whole province	p. 1805

A more complete and detailed survey could be prepared if there were any reason to do so, but the simple point that I want to make with this list is that this custom is far from being peculiar

to Taiwan, but was found throughout China. Some of the accounts of this custom recorded in the Min-Shang Shih (MSS) are of considerable interest.

In various parts of the present Ho-pei the adopting family did not call her "daughter-in-law," but M. ya-t'ou ("slave girl") because when she was very young, they didn't know whether or not she would actually become a daughter-in-law. After she actually married a son of the family then they called her M. t'ung-yang-hsi (MSS: 1293). In rural areas of Ho-nan, among poor people, daughters could be sent in adoption to other families after a go-between had arranged the exchange of marriage contracts between the two families. Later, when the two had reached adulthood, the two families decided on an auspicious time to carry out a regular marriage ceremony, with invited guests, etc. (MSS: 1377).

In parts of Ho-nan it was noted that it was important to have a written contract for such transactions, in case disputes later developed (MSS: 1384). In areas of Shan-tung, it was recorded, poor families, to save on wedding expenses, sent their young daughters to the husband's family to be raised to adulthood, then married (M. ch'eng-hun, or "complete the marriage"). At this time she would sometimes return to the natal home, and an auspicious day would be selected for her to be formally taken to the man's family (M. ying-ch'ü). This, it was noted, was called M. t'ung-yang-hsi, "daughter-in-law raised from youth," but another name was M. t'uan-yüan hsi-fu, "incorporated daughter-in-law" (MSS: 1390-91).

Poor families in certain parts of Shan-hsi, with an eye to the gifts and money to be obtained, would betroth daughters to other families, but because of the young age of the girls, they didn't formally take her to the man's family (M. ying-ch'ü), but they would exchange the marriage contracts, and then send her to the man's house to be raised. When she was of age, then they would perform another wedding ceremony. This was called M. t'ung-yang hsi, "daughter-in-law raised from youth," and was often the cause of lawsuits over the gifts and money, or some other reason (MSS: 1453).

In Chiang-su the M. t'ung-yang hsi was called M. miao-hsi, "infant daughter-in-law." The marriage relationship was created by the exchange between the two sides of the marriage contract, and if either side should later regret its action, it was difficult to get out of the agreement (MSS: 1459-60).

In An-huei, all that was needed for adopting a girl as future daughter-in-law was to have the girl's parents draft a horoscope (M. pa-tzu, "eight [horoscope] characters") for the girl and send it to the adopting family. There was no regular marriage contract, whether or not the adopting family later married her to their son or an adopted son (MSS: 1476). The report for Ta-hu Hsien in An-huei says:

There is a definite time for marriage for all men and women. Though the Code prohibited "prenatal marriages" (marriages by "pointing at the belly" and "cutting the garment"), in Ta-hu it is very common for those without sons to adopt and raise a daughter-in-law. It is said that if it is difficult to give birth to a son, then adopting a daughter-in-law will make it easier. Thus she is called M. wang-lang hsi, or M. teng hsi (a daughter-in-law waiting for a husband). If later a son is born and married to the girl, then no marriage contracts

and no go-between are used, and the two sides seldom dispute. Sometimes the son may be born late. If the girl is already eight or nine years old before he is born, then it is impossible to avoid a great age discrepancy. If she reaches marriageable age and a son has still not been born, then her status can be changed to that of an adopted girl (M. yi-nü), and she can be married out. Her natal family, however, will then want to arrange the marriage, and this causes many law-suits (MSS: 1480-81).

For Kuang-te Hsien (also in An-huei) it is recorded that the M. t'ung-yang hsi was sometimes adopted to the man's family after she was old enough to do manual or household work, and sometimes, because of poverty, she was sent when only a few months old. In neither case were marriage documents or a go-between used, and "therefore disputes and regrets are seldom seen" (MSS: 1491).

There are a number of interesting and revealing accounts from Chiang-hsi, free translations of which follow:

Those who adopt daughters-in-law to avoid expenses are about 50 to 60 percent. Apart from the M. t'ung-yang hsi there is also the M. hua-teng nü (this is a daughter-in-law adopted to wait for the birth of a son of the family to be her husband, and the term is based on the saying "transplanting a flower, and waiting for a son," M. ch'a to hua-erh tai erh sheng; sometimes called M. hua-tun nü, where M. tun is another character for M. teng, "wait"). This kind of adopted girl is also called M. wang-lang hsi. This kind of custom is found in every area, but is particularly flourishing in Chiang-hsi. If after adopting her there is no son or instituted heir to marry her to, then the adopting family may select a husband to marry her out to. If the husband is not suitable, or if they propose to marry her to their adopted son, then her natal family will certainly intervene, and the majority of the wedding gifts will go to them. . . . This form is rarer than the M. t'ung-yang hsi, but still amounts to 30 percent or 40 percent; "regular" marriages, apart from those among wealthy families, account for no more than 10 or 20 percent (MSS: 1501-1502).

In Chiang-hsi there are two types of marriage, minor and major, so the associated marriage documents differ. The minor marriages are M. t'ung-yang hsi marriages and M. hua-teng nü (the latter is an adopted-in daughter-in-law waiting for the birth of a son to the family to be her family). Once the



go-between has achieved an agreement then the man's family adopts the girl, so in the marriage contract (M. keng shu) there is written only the girl's horoscopic characters. In major marriage, the two sides should discuss the time of marriage and the girl's family should send her "eight characters" to the man's family. This is colloquially called the "draft eight characters." If the marriage negotiations are unsuccessful, this must be returned. If successful, then it is evidence of agreement to marry. When it comes time for the formal welcoming of the bride (M. ying-ch'U), then a few days before, the man's family writes his "eight characters" on the side of the marriage contract and sends it via the go-between to the girl's family. Her family then writes her "eight characters" on it. Only then is it completed. This is traditional, but there is no fixed form. . . .

On investigation in Chiang-hsi, it is found that the marriage gifts in regular, major, marriage are very expensive, so apart from among the very wealthy families, major marriages account for no more than 10 percent or 20 percent, and minor marriages 80 percent to 90 percent. Also, in major marriages conflicts and disputes over the incompleteness of the marriage contract are common. As for remarriage out, the marriage contract given to the man's family in the first marriage is used as evidence. The form and contents or its articles are no different from those in a contract of sale (MSS: 1502-1503).

The pairing of yin and yang is the constant principle of heaven, and the proper timing of marriage was important in the old rites, but in Chiang-hsi, because of poverty and the difficulty of making a living, there is the custom of taking a woman in preparation for her later becoming a daughter-in-law. This is called M. hua-tun nü, where M. tun means to graft or transplant branches. This kind of custom is a very common cause of lawsuits; it is an evil, male-chauvinistic custom. Poor families with a daughter cannot take on the duty of supporting and rearing her to adulthood, and after a few days or few months of suckling, look for a woman with milk to take the girl as a M. hua-tun nü. The girl's family first prepares a marriage contract, called the "eight characters," and asks a go-between to transmit it to the adopting family. They then send a few eggs and some wine. This is all there is to it. . . .

The motive for adopting such a girl may be because one's child has died young, or because one's own daughter has already been adopted to someone else. The goals are several. One is the hope that she can be married to a son of the family when they are old enough; the two sides agree, and simple gifts are sent to her natal family as betrothal gifts, and the years of supporting her are treated as equivalent to the expense and trouble of a regular marriage. A second goal is "planting jade"; to protect the continuity of a line. This happens when no son is born, she remains single, grows old, and there is not much of an estate.

Luckily one still can adopt an unmarried son of a relative as son. Usually her family's agreement is sought, and in accordance with rural custom a simple marriage ceremony is carried out, and the two can then support each other. This second situation arises when there are too many corrupt practices in the family or because the son was born too late and the age discrepancy between the two is too great, or one's heir has died and the family is poor, and there is no relative with a son to be instituted as heir to continue the line. If the girl is not willing to spend the rest of her life thus, then one can re-marry her out to try and profit from the wedding presents, hoping for lots of money, and selecting a son-in-law without regard for his quality of character. The goal of sending a dowry is to get wealth in return to support one in old age.

It turns out that the girl's parents or other kinsmen may struggle hard for the right to select her husband, and this often results in lawsuits. Her parents will say "the ceremony is not complete; the marriage contract is not clear. Though you supported her, she is still our daughter, and you must attend to our right to select her husband." The adoptive family will say "We worked hard and so have been compensated for our poor fate in having no son. How dare you interfere in our affairs? We cannot allow you to determine who she marries." In this situation, with respect to li she is still an unmarried daughter. According to sentiment, though, how can hard work not be recompensed? . . . This often comes up in lawsuits, and custom has decided that the natal family should present twenty-four or thirty-two foreign dollars to the adoptive family as "milk money," and then the right to manage her marriage reverts to them. In the Chiang-hsi area there is little female infanticide, but many lawsuits over M. hua-tun nü. A serious problem is not easily solved. This is the woman supporting the man's family (M. lang-men nü t'un); problems apart from that of the adopted daughter-in-law must also be attended to (MSS: 1503-1505).

A commentary to this goes on to say that according to the custom in Chiang-hsi, the cost of gifts for a major marriage is over 100 chin, so those who can afford it, and so have such a marriage, amount to only 10 percent to 20 percent, and that one shouldn't be surprised, then, when ordinary people, to save on such expenses, adopted girls as daughters-in-law even before they had sons, and this became customary.

For another area of Chiang-hsi, it is recorded that the services of a go-between may be used, or the two families may exchange

marriage contracts, but in either case the betrothal takes effect after she has been adopted into the man's family (M. kuo-men, "pass through the door"), which ceremony consists only of worshipping the ancestors (MSS: 1506).

Che-chiang had a custom called "grafting a flower" (M. ch'a hua) that was different from the one mentioned above for Chiang-hsi. If a family had adopted in a girl to be later married to a son, then the kinship relation was held to already exist before they actually married, and she was regarded as the "wife-to-be" of the son (M. wei-hun ch'i). If, during the period after she was adopted in, and before the marriage to the son, the clan genealogy happened to be revised and updated, then she would be entered as the son's wife. If her intended husband were to die before they could be married, then with her parents' consent, she could be married to his brother instead. In the custom, "grafting a flower," a new marriage contract was not needed, the other clan members had nothing to say about it, and when the genealogy was later re-edited, it would have to be acknowledged.

A lengthy commentary to this report claims that this custom was found in lower classes (M. chung-teng i-hsie chih she-hui), because the parents were afraid that in the future their children might not have the means to arrange a marriage, and so, planning ahead, adopted a girl to be daughter-in-law. The attitude of the adoptive parents toward the girl was usually the same as if she had been their own child, and her attitude toward them was also the same as if they had been her own parents; the relationships were very

affectionate and close. If the intended son happened to die, neither the girl nor the parents would want her to marry out of the family, so if their second son was not too different in age from the girl, they might marry her to him. At the same time, if the relations between the affinal families are good, then it will not only be hard for daughter-in-law and mother-in-law to part, but it will be difficult to break off relations between the two families. Moreover, if they marry her out to someone else, the commentator argues, and so the son has to find some other wife, the economic consequences for a poor family could be very great. "There is no one who does not take for granted that clan relatives should show pity and compassion, and so accordingly this kind of precedent grew up; though on the surface it smacks of an incestuous relationship (M. tu-lun chih hsien), in fact there is no confusion of blood lines. Thus one can see it from one point of view as the annulment of the old marriage contract, and from the other point, the establishment of a new contract" (MSS: 1524-25).

For another area of Che-chiang, the custom of adopting in a daughter-in-law is attributed to the lower classes specifically, and then is also said to be due to an attitude which values male children but not female. Families which either can't support their daughters, or just don't care to keep them, would adopt them out to others, even though they would get only a few yuan from doing so. The commentary to the account blames excessive parsimony (MSS: 1525-26).

It is also related for Che-chiang that this custom finds its origin in the inability of the natal family to support the girl, and the desire to save on wedding expenses. The girls that are so

adopted, it is said, were often around ten years old, in which case the boy's family would pay out ten or twenty yuan as a gift. If the girls were only a few months old, then the girl's family would have to "sweeten the pot" (M. chin-t'ieh) with three or four yuan (MSS: 1568).

The section of the Min Shang Shih Hsi-kuan Tiao-ch'a Pao-kao Lũ on customs of Fukien Province is, of course, particularly important because the majority of the Taiwanese came from there, bringing many practices with them. The report for Chang-p'u, Lung-hsi, and Cheng-ho Hsiens says:

Families in Chang-p'u without sons will adopt in a girl (M. miao-hsi) to later marry a son, an instituted heir, or an adopted son of that family. If there is later no son for marriage, then they must invite in a son-in-law (M. chao-chui) for her, to carry on the ancestral worship. This is true to the point that it is very rare to see a family with such a girl who has not been so married.

Long-hsi even has the custom of buying boys to act as heirs, and people go to the foundling hospital (M. yü-ying t'ang) to adopt girls as miao-hsi so that they can raise them up and then invite in a son-in-law, to act as son. To invite in another husband, because of the death of the first, is also not prohibited.

In Cheng-ho, poor families, apart from their usual practice of marriage by purchase (M. mai-mai hun-yin), also like to adopt a young girl as M. miao-hsi, and raise her up to become wife to the son. A go-between is not used, nor is there any marriage contract. After the marriage is concluded (M. ch'eng-hun), an affinal relation between families is recognized as being created, though in some cases the affinal relation is created by the adoption (MSS: 1571-72).

The account for P'u-t'ien is particularly detailed:

In P'u-t'ien 70 to 80 percent of the lawsuits arise from adopting daughters, adopting daughters-in-law, or inviting in sons-in-law. Among the people, whether or not one has sons or daughters, most like to buy (M. chia-mai) a young girl of the same or different surname as adopted daughter (M. yang-nü) or adopted daughter-in-law (M. yang-hsi), and then wait until they are of marriageable age. If it is a case of an adopted daughter, then

the adoptive parents will select a man of the same or different surname (depending on whether they have a son of their own or not) to invite in as an uxorilocal son-in-law, or as an instituted heir (M. chi-tzu; if the adoptive parents already have a son, then they will invite in a different-surnamed man as uxorilocal son-in-law. If not, then they will invite in a same-surnamed man, who can at the same time act as son). If it is a case of an adopted daughter-in-law, then she is of course married to the son specified in the contract drawn up at the time of the adoption. If there was no contract written up, but just a verbal agreement, and at the time of marriage [completion of marriage, M. ch'eng-hun], the specified son is already dead, then they can at their pleasure marry her to another son. As for the case in which the son, or an uxorilocal husband, dies after the marriage has been completed, then they can invite in another husband for her.

Because of this, questions about the right to arrange the marriage (M. chu-hun) are constantly arising. The right to arrange the marriage of an adopted daughter of course resides with the adoptive parents. Whether the right to arrange a remarriage when the first uxorilocal husband dies and the woman wishes to invite another in resides with the dead first husband's family and kin, or still is in the hands of the adoptive family, is settled in the customs of P'u-t'ien by saying that the mother's family (M. mu chia) arranges the remarriage, and the husband's family hasn't a leg to stand on. As for a widowed adopted daughter-in-law, the right to arrange an uxorilocal remarriage for her also remains with her adoptive parents and their kinsmen. For instance if A has a widowed adopted daughter-in-law, then he has the right to invite in a uxorilocal husband for her. If this husband also dies, then he has also the right to invite in yet another. Any children born to the uxorilocal husband cannot be disposed of in marriage by the husband or his family. If they attempt to arrange such a marriage, and try to get the wedding presents, then the mother's family must, according to custom, intervene and stop them. In P'u-t'ien these have already become crucial matters, and so this special account is given here.

The husband invited in to live uxorilocally, no matter whether he is an only son or not, must, if his elder kinsmen have given their permission and allowed him to marry thus, submit to the direction and supervision of the woman's family, has the duty of permanently residing with and supporting that family, and has no right to interfere with the management of the family or its estate. Nowadays this custom is found not only in rural areas, but also in the towns and cities. . . (MSS: 1576-77).

In Sun-ch'ang, it is said that 80 percent to 90 percent of the families practice this custom, called locally M. yüan-fang,

"completing the branch" (MSS: 1578). It is specified, for the same area, that this custom is found mainly among the lower classes (MSS: 1579).

For Ch'ang-p'u it is said that there were three kinds of women who could invite in uxori-local husbands. One was a "virgin" (a young unmarried girl), another an adopted daughter-in-law, and the third a widow. It was most common for a widow to do so, and less common for an adopted daughter-in-law. It was more common for this latter than for an unmarried girl, however. In uxori-local marriage, the report continues, it is usually specified in the contract whether the man simply becomes a son-in-law or becomes an instituted heir and at the same time supports the parents. In the case of a widow marrying in a husband, it was usually just to be a husband. In the case of an adopted daughter-in-law, then even a lineal relative of the mother could be married in. This was sometimes true of widows as well (MSS: 1582).

In Ch'ang-lo poor families adopted young girls with, it is said, the goal of saving on wedding expenses. The term used here was M. miao-hsi, "infant daughter-in-law." The two sides needed only agree to the match, and then some meat, noodles, and a few gifts were sufficient as betrothal money. Later, when they were of age, a lucky day was selected for the consummation of the marriage (m. ho-chin). In very poor families the last day of the year was selected for this (MSS: 1591).

In Hsia-p'u there was a custom of pawning six- or seven-year-old girls to others to work as servants (M. pei-nü). A contract was

written up which clearly indicated the time period, perhaps eight or ten years. The price was not fixed, but might have been four or five to ten yuan. When the period had expired, then she could be redeemed for the original price. If she died during this period, then if it was because of illness, no more was said. If it was because of maltreatment, though, the pawner had to be compensated (MSS: 1604).

A notice for Hu-pei (Han-yang, Chu-ch'i, Ma-ch'eng, Yuan, We-feng, and Hsing-shan Hsiens) describes the ceremony used in adopting a daughter-in-law:

The ceremony for adopting a daughter-in-law in Han-yang Hsien is as follows. If the girl is under ten years of age, then she just worships the ancestors alone. If she is above ten, but still not of marriageable age, then she and the husband-to-be do so together. Later, the time of consummating the union (M. yüan-fang) is not fixed, but is at the latest at twenty years of age. The ceremony consists of sending the girl back to her natal home, and then at the appointed time carrying her in a sedan chair to the man's home. Then in the evening she is taken before the ancestral tablets, and the two of them worship. Finally, she is taken into the bedroom for the ceremony of drinking the nuptial cup (M. ho-chin).

In Wu-feng Hsien those who become adopted daughters-in-law are for the most part daughters of poor families. The families send their daughters to the man's family to grow to adulthood, and then consummate the marriage. Before the time for the consummation has been set, it is necessary to send a go-between to the girl's family to settle this. After it has been agreed to, then the man's family must prepare articles such as tea, fruit, wine, meat, and so on. A card is also written up and sent to the girl's family, notifying them of the time that has been selected. The man's family then arranges for sedan carriers and horses to go to the girl's family to escort her. Her escorts may be one or two persons of each sex, called M. shang-ch'in. The girl's family also sends along some bedclothes, chests, and other kinds of articles used by women as her trousseau.

In Yüan Hsien, there is no set ceremony for adopting a daughter-in-law. The age of consummating the marriage (M. yüan-fang) is no later than eighteen or twenty years. The girl's family prepares a trousseau and the man's family prepares musicians,



wine, and a feast for the wedding ceremony. This is a proper ceremony. Very poor families, who cannot afford to do this, need not.

In Hsing-shan Hsien when a family adopts in a daughter-in-law, they must employ a go-between, throw a feast for the relatives, have the pair worship the ancestors, and drink the nuptial cup, but they need not go through the ceremony of welcoming the bride (M. ying-ch'in). Later, at the consummation (M. yüan-fang) they once again throw a feast for the relatives, worship the ancestors, but there is no set time for this ceremony.

In Chu-ch'i Hsien, the ceremony for adopting such a girl is no different from that of marriage between two adults. There is no set time for the later ceremony of consummation (M. yüan-fang).

In Ma-ch'eng Hsien there is no set form for the ceremony of adoption. The ceremony of consummation is not set at a particular time, but depends on when they reach adulthood (MSS: 1620-21).

Much the same is reported for other areas of Hu-pei, except that it is noted that in Ku-ch'eng Hsien, when the girl is adopted in, she is just treated as an adopted daughter, and there is no ceremony until she has come of age; and then the consummation ceremony is carried out. This ceremony, though, was for the most part quite simple. In Chu-shan Hsien, however, sometimes a regular ceremony of welcoming a bride and taking her into the family (M. ying-chieh kuo-men) was carried out when she was adopted. Again, however, in Pa-tung Hsien the ceremony was exceedingly simple, and really amounted to little more than the girl and her husband paying a visit to her natal home one month or three days after the consummation. This was called M. hui-men, "going home." In Ch'ien-chiang Hsien, all that was necessary was for the family to invite friends and relatives to a feast, and then announce that "this is our son's wife." Later, when they were of age, the marriage was consummated. In most of these cases, however, it is specified that they do worship the ancestors (often expressed as M. miao-chien, "introduced to the ancestral tablets").

Thus, in sum, the M. t'ung-yang-hsi (or M. miao-hsi, M. wang-lang-hsi, M. hua-tun-hsi, etc.) was, and is, a young girl who has been "adopted" into a family with the intent (usually, but not always) of later marrying her to a son (or an instituted heir, or an adopted son, or an uxori-local husband). The motives for entering into such a relationship are various. From the point of view of the man's family, they save expenses, gain a source of labor, and make sure that she becomes early and well adjusted to the family. From the point of view of the girl's family, it is because they cannot support her, or they want to get a good price for her.

Tai Yen-hui argues that legally the t'ung-yang-hsi should be recognized as a "coresident betrothed daughter-in-law-to-be" (M. t'ung-chü ting-hun hsi. Tai 1966: 248). Her status was sometimes changed, however, into that of an adopted daughter (M. yang-nü, or M. i-nü) because the intended husband had died, or the two were not willing to marry. In these cases, then, the institution has been explained as adoption with marriage as the goal, and attainment of the goal then taken as grounds for the dissolution of the adoption relationship. If it has for one reason or another been decided that the goal will not be attained, then the effect of the adoption continues to exist (TMS: 125).

#### Adoption in Taiwan

There is much more material on adoption in Taiwan than there is for the mainland of China. This is in part because of the records kept by the Japanese Colonial Government, but also because, of course, it has long been open, as the mainland has not, to field

research of various kinds. I will turn my attention to the various forms of adoption in Taiwanese Chinese society.

As we have seen, the goal of adoption in China was usually said to be the continuation of the worship of the ancestors. It was necessary to make sure that the sacrifices were not cut off, and the sacrifices are the duty of the sons. Even if they may not actually carry them out themselves, but rather let their wives do it, it is done in their name. There were, of course, other reasons for the practice-- economic, social/political, charitable, and so on. It was still the religious goal that was emphasized in the traditional society.

The collection of Taiwanese customary law titled Taiwan Min-shih Hsi-kuan Tiao-ch'a Pao-kao (abbreviated TMS) says that the practice was generally for the same motives in Taiwan as the rest of China, and says that it was very prevalent in the Ch'ing Dynasty.

During the first period of opening up an area, there is a great need for large family and kin groups, whether or not they were related, and so many persons adopted children to increase their labor power. The motive of continuing the kinship line was not, of course, entirely dropped in these cases (TMS: 151).

The same source then goes on to discuss another motive for adoption: that it will promote the birth of a child of one's own. Adopted daughters were often given names like T. chio-ti, "inviting a younger brother," or T. chio-ti (different characters from the first), "inviting regulation, direction." The second character of the second name, T. ti, has the same pronunciation (including tone) as T. ti, "brother." Other such names are T. oat-ti, and T. io-ti. The two characters T. oat, and T. io are said to be vulgar characters for T. iong, "to rear, to adopt, to give birth to." In all cases the

meaning is the same; the expression of hope that the adopted child, so named, will bring a little brother to the family. In not all cases is the girl with a name like these adopted; one may be given to one's own biological daughter as well if sons are lacking in the family.

Adoption for these reasons continued during the Japanese period, but an added factor was the custom, as mentioned in the section on the T. simpua, of adopting girls who were in fact household slaves or servants.

In the present day,

According to the investigation conducted for this report, Taiwanese adoption, whether among Hakka or Min-nan speakers, is mainly for the purpose of continuing the kin line and continuing the sacrifices to the ancestors. Apart from this, there are also those who adopt to have an heir for the family property, for support in old age, to help in earning a livelihood, for superstitious reasons, etc., and not only because one has no children of one's own; often those with their own, or with other adopted children also adopt more children (TMS: 151).

The four main types of adoption proper in Taiwan that I will discuss are what I will call M. kuo-fang adoption (T. koe-pang, "to transfer to another branch"; I will use Kuo-yu [Mandarin] pronunciations for these terms, as they are not peculiar to Taiwan), M. ming-ling adoption (T. beng-leng), posthumous adoption ("spirit adoption," or institution of an heir), and the adoption of girls (the first forms referring almost exclusively to male children).

There is a certain amount of confusion in the use of these terms, and the distinctions between them seem to have blurred a good deal during the Japanese and the Nationalist periods. A M. kuo-fang adoption is, strictly speaking, the adoption of a child from within

one's own kin group--a nephew in a classificatory sense. Colloquially however, in Taiwan and the mainland, M. kuo-fang seems usually to have been opposed to the adoption of a different-surname child. This makes terminologically ambiguous the adoption of a child of one's own surname but not of one's own kin group. Generally, but not always, the term M. kuo-fang has then come to mean same-surname adoption, on the implicit theory that those of the same surname are ultimately, if distantly, related. The adoption of a child of another surname then was often glossed as M. ming-ling adoption. This term is interesting and, perhaps, revealing. It is based on a passage in the Shih-ching, the Book of Odes (sometimes the Classic of Poetry): "When the ming-ling caterpillar has offspring, they are entrusted to the solitary wasp." The M. ming-ling is a sort of caterpillar, the larvae of which are sometimes imprisoned by the M. kuo-lo, solitary wasp, to provide food for its young.

A further complication in all of this is that in Taiwanese customary law, at least, adopted children were divided into two categories based on the degree of the completeness of the transferral of the rights over them. Those who were entirely and irrevocably transferred, cutting off all ties with their natal family, were called by various terms all signifying outright sale, or translative acquisition. Since M. kuo-fang adoption, presumed to be between relatives, does not, in principle, completely sever such relationships, M. ming-ling adoption, meaning adoption of (or the purchase of) a child of another surname, came to have the meaning of "translative acquisition," or "irrevocable transfer."

As if this were not enough, it seems that in Taiwan the M. ming-ling-tzu (the child adopted in M. ming-ling adoption) sometimes had the status of a male T. simpua, being first adopted and then later married to a woman within the family. One form involves the marriage of a M. ming-ling-tzu to the widowed daughter-in-law of the family (a form which involves elements of M. ming-ling adoption, "male T. simpua adoption and marriage"), uxori-local marriage (the second type, involving the remarriage of the woman), and the levirate (TMS: 153, 272 n177).

During the Japanese period, the term M. ming-ling continued to be used, and indeed is commonly found in the household registry material of the times. The Japanese government, however, regarded the custom of the trans-lative acquisition of rights in children, phrased in terms of buying and selling, as against public morals, and so it was not permitted in law, and the legal status of the M. ming-ling-tzu and the M. kuo-fang-tzu became technically the same (TMS: 153).

Posthumous adoption has to be divided into that intended to have religious effect only and that intended to have legal and economic effect. Traditionally it was quite possible for a widow, or other relative, to establish an heir (M. li-szu) after the death of a man, though usually the deceased had to have been of a reasonable age; it was not done for infants. During the Japanese time as well, this was possible. The police who were in charge of the household registration did permit the registration of posthumous adoption. After the Japanese period,

. . . The establishment of heirs (M. li-szu) quickly became quite rare, and moreover it is not recognized in the current law. But the so-called "designated heir" (M. chih-ting chi-ch'eng) that is to bequeath to an adopted child, still preserves a part of the meaning of M. li-szu. After the death of the husband, the wife can of course adopt, and if both are dead, custom still permits family members to institute an heir for them, though this is quite rare. Moreover, in this situation the person instituted is just entered into the ancestral tablets as a M. kuo-fang-tzu. There are only mourning and ritual duties with respect to the deceased, and no valid kinship relationship in law has been created between the two. To institute an heir after death is in Taiwanese custom called T. chiap to-pang, "to continue a branch which has (otherwise) died out" (TMS: 155-56).

The adoption of girls is also a very complicated affair. It shades off into marriage in one direction (the T. simpua) and into slavery in another (the T. cha-bo-kan). The T. simpua will be treated separately, and here I will confine myself to other forms of the adoption of daughters.

The Taiwan Min-shih Hsi-kuan Tiao-ch'a Pao-kao (TMS) says of the adoption of daughters in the Ch'ing that:

The flourishing custom of adopting daughters in Taiwan, apart from the so-called T. chio-ti (an adoption intended to stimulate the birth of a child), was because one could take advantage of their labor. If a family had no children, they could adopt a daughter; if they already had a daughter, they could adopt another, and even if they already had an adopted daughter, they could adopt yet another one. If there was no male among the relatives who could be adopted as M. kuo-fang, a girl could be, and could be made to inherit.

Taiwan also had the system of the adopted daughter-in-law, colloquially called T. simpua. The adopted daughter and the adopted daughter-in-law were different as far as the motivation for the adoption was concerned. The latter was a young girl of another surname adopted with the intention of later making her one's daughter-in-law. It did not matter whether or not it was yet determined to whom she should be married; she added the adoptive family's surname to her own just the same as if she had already married in, and a "quasi-affinal relationship" was created between her and the relatives of the adoptive family.

The adopted daughter was different from this. The motivation for adoption was not the same as the above, she took the

adoptive family's surname as her own, and a kinship relation with the relatives of the adoptive family was created, just as if she were born to that family.

However, in the northern part of Taiwan, the people usually mixed up the two terminologically, calling both T. simpua (TMS: 154).

I found this latter to be true. In T'ien-sung-p'i, where I did field research, the term T. simpua tended to be a general term perhaps best just rendered as "adopted daughter." Certainly in a situation in which one could adopt in a "daughter-in-law" even though one had no son yet to marry her to, there was often little difference between the two.

There were a number of conditions of various kinds affecting adoption, conditions actually followed to a greater or lesser degree. Traditionally, for example, the adopter was supposed to be male. Though a widow could institute a posthumous heir for her late husband, this was done in his name, and she was not acting for herself. This was true in Taiwan until the mid 1920s, when single women were allowed to adopt (TMS: 156). Under the current law a married person must jointly adopt with the spouse, but a single adult of either sex may adopt.

The adopting person did not traditionally have to be of a specific age, but the age differential between the one adopting and the one adopted had to be approximately that between parent and child. In the Nationalist Code, under article 1073, the age difference must be at least twenty years.

In the Ch'ing Code the lack of sons was a condition for adoption; "in fact this was not followed by the people" (TMS: 157),



and it was not even a formal condition during the Japanese period. Neither could the adopted child be an only child, according to the Ch'ing Code, but this also was not actually enforced (TMS: 158).

Customarily, money was and is paid to the natal family in most cases of adoption. We have seen that this was sometimes regarded as a price for the child, in outright purchase. At times, however, it was phrased as money in compensation for the raising of the child, and was called "milk money" (T. leng-po'-gin). The amount was not fixed, but was and is dependent on the status of the families, their relationship, and so on.

Formally, the child sometimes paid homage to the ancestors of the family into which he or she was being adopted, but this was not considered a necessary condition of the adoption. In the present "this custom still exists, but among the lower classes there is no ceremony whatsoever; they just hand over the child and exchange the 'milk money' or the price, and that is all" (TMS: 161).

A contract of adoption was usually written up, but this was and is not a necessary condition (TMS: 161), and neither was the participation of a go-between.

#### The "Adopted Daughter-in-Law" in Taiwan

The category of adopted-daughter-in-law is being treated separately from other forms of adopted daughters since it is most relevant to the argument being presented on the distinction between marriage and adoption in Taiwanese and Chinese society.

In Taiwan an M. t'ung-yang-hsi was called a T. simpua, but the two terms do not strictly correspond to one another. The

M. t'ung-yang hsi was a female adopted with the intention of marrying her to one's son. An adoption without this intention was a "simple" adoption. A source of confusion is that in Taiwan, and especially in Northern Taiwan, both kinds of adopted girls were often colloquially called T. simpua. When one also realizes that it was neither uncommon nor improper for a family to adopt in a daughter-in-law even though there was no son for her to marry and then to wait for the birth, adoption, or marriage in of a son or son-in-law, the situation becomes even more complex. If a girl is termed a T. simpua, then, she could be an adopted daughter, with a position in the family essentially similar to that of a biological daughter; she could be an adopted daughter whom the family intends to marry to a specific, living, son (in which case it is obvious that she is better termed a "daughter-in-law," the marriage relationship having already been established, if not completed); she could be an adopted daughter whom the family intends to marry to a son who will be adopted into the family; she could be intended for a husband who will be married in to live uxorilocally; she could be intended for a son it is hoped will be born later; she could be intended to be held "in reserve," to be dealt with in one of the above ways depending on future events; she could actually be little more than a slave, working as a household servant; or she could be destined to be sold or pawned into prostitution.

In Taiwanese customary law, the T. simpua is divided into two main types:

1. Those adopted with the intention of marrying her to a specific son of the family. This type is known as T. u-thau-tui, "paired."
2. Those adopted without any definite spouse in mind. This is known as T. bo-thau-tui, "unpaired" (Ikeda 1944: 195; TMS: 126).

In the customary law an important condition was that the girl be sent to live with the adopting family. There were no restrictions on age, but in practice the age difference between the adopters and the adopted usually corresponded to that between parents and children. Most of those adopted were twelve or thirteen years of age, but they also could be two or three years, or even two or three months. If they were as old as seventeen or eighteen, then they were simply married in (TMS: 127). One important condition, a condition that can in some cases help to distinguish the different types of T. simpua, is that if it is intended to marry her to a son of the family, then the rule of surname exogamy means that she must be of a different surname than is the family. If she is of the same surname, then she is a "real" adopted daughter, and cannot marry a son of the family.

Traditionally there was no fixed form to such an adoption, apart from writing up a contract, but sometimes marriage documents were exchanged. Usually an auspicious day was selected, though, and friends and relatives invited to a feast which marked the public proclamation of the establishment of the relationship. One source says that the amount of the "brideprice" (M. p'in-chin) depended

on the beauty of the girl, but that when she later grew up and married, the adopting family needed pay no more (TMS: 127). Usually she took the adoptive family's surname and added it in front of her natal surname, just as if she were already married. This was different from the case with an adopted daughter (T. iong-lu); the latter replaced her natal surname with that of the adoptive family, and her kinship relationships with relatives of the adopting family were the same as those of the family's own children. Thus the legal status of the two types of adopted girls was completely different, but the T. simpua, "adopted daughter-in-law," could be changed into a T. iong-lu, "adopted daughter" (TMS: 128). The reverse change was obviously not as easy to make: if her status in the family were already that of (adopted) daughter-in-law, she was defined as eligible to marry within the family and hence there was no logical problem to her marrying outside the family, just as a widow might remarry out.

But if her status were that of (adopted) daughter, she was then defined as eligible only to marry outside the family, and it would be very difficult to change that status, to permit marriage within the family. Thus though there was much confusion between the two kinds of "adoption," and one could not always tell what any particular case represented, the two forms were not interchangeable; a T. simpua might "really" be a T. iong-lu, but a T. iong-lu could not "really" be a T. simpua (cf. TMS: 129 n91).

There are a number of reasons for arguing that a T. simpua should be regarded as "married" when she is "adopted." She added,

as has been noted, the new surname to her original one, and her mourning grades with respect to the members of the family were the same as those of a "regular" wife. If she had illicit relations with someone other than her intended, then whether this should be regarded as adultery or as fornication was not consistently ruled by the courts at the time (TMS: 128). If after the death of the husband-to-be (and before the marriage), however, she remained a widow in the adoptive family, she could inherit the management of the husband's property, and could institute a posthumous heir. Furthermore, sexual relations between the T. simpua and her husband/fiancé were not regarded as illicit, but were rather punished under the provisions for disobedience (Hoang 1915: 77n; TMS: 128). After entering the new family, the T. simpua's kinship relationships in the family were the same as those of a wife, her relations with her natal family were the same as if she had married out in a regular way, and the kinship relationships between members of her natal family and the members of her new family were the same as if she had married in an ordinary way. Furthermore, she used a wife's kinship terminology with her affinal relatives.

Thus in Taiwanese customary law the kinship relations created by T. simpua adoption were affinal relations, and not consanguineal or "quasi-consanguineal," and this was reaffirmed by a court decision of 1922 (TMS: 129). Just as did a "regular" wife, the T. simpua entered the man's family as a dependent, and so had to obey the family elders. Relations with her natal family, except for the natural relations of parent-child, were terminated (TMS: 129).

The M. t'ung-yang-hsi relationship is for the most part similar to that of regular marriage. Termination may occur through death, abandonment, or mutual agreement. If the relationship was dissolved before marriage to the son of the family (the latter was called M. yüan-fang, M. ho-fang, M. shang-fa, M. shang-t'ou, etc., and in Taiwanese sang-tsoe-tui), the girl was not supposed then to marry anyone of the intended husband's line (TMS: 130).

The report on Taiwanese customary law, however, says that there were some special grounds for dissolution of this relationship not shared with regular marriage. If the husband-to-be married someone else, this was grounds for dissolution. If a T. bo-thau-tui, (unpaired; with no fixed husband-to-be), simpua had reached marriageable age, but the adoptive family delayed an unreasonable length of time in the selection of a husband for her, she could request dissolution. Legally, it was determined by court decree that a T. simpua was a girl who had been adopted by contract with the intention of marrying her to a specific son of the family or one to be selected later, and who moves in with the adoptive family. The son so selected had something of a duty to marry her, but he could not be forced to do so by law. If he refused, then the main goal of the adoption was lost, and if he married someone else, then this was grounds for dissolution of the marriage/adoption (TMS: 130).

During the Japanese period in Taiwan, there were no great differences in this custom, and it was not declared contrary to good morals and public order. Japanese law did, however, prohibit the custom of selling slaves (T. tsa-bo-kan), and in response, people

got around the prohibition by calling the slaves adopted daughters or daughters-in-law. This terminology also worked as a screen to hide the practice of adopting girls for the purpose of selling them into prostitution.

Later, in the Nationalist period, the custom was not permitted to continue unchecked, and, in fact, it is rather rare now. Article 972 of the Code bases marriage and the marriage contract on the principle of free agreement of male and female. The socio-political forces that spelled the end of arranged marriages worked with particular effectiveness on this, an arranged marriage par excellence. Such T. simpua adoptions as did take place after the implementation of the Nationalist Code (the custom did not, of course, end all at once) were disguised as "regular" adoptions. In many cases, of course, especially with the many social and economic changes that have taken place in the last twenty-five years, the goal of marrying the girl to one's son is not carried through. Thus in the household records, for instance, many household members listed simply as "adopted daughters" were really intended to be T. simpua. If this plan was indeed given up, then there is no way to distinguish them from "real" adopted daughters. If the parents do manage to be successful in their desires, and the two do marry, then it is usually easy to determine this from the household registry, as the adoption is first dissolved, and then the marriage is completed.

One of the reasons I was given for the decline of the custom in the village in which I lived and did research was that an

adopted girl, on the least pretext, could go to the Women's Association and file accusations of maltreatment, accusations which, I was told, would be very difficult to disprove. The Women's Association tends to side with the girl in such cases, and the trouble and expense that can arise from this, and the fact that the girl can "just run away if she feels like it, and then get the Association to back her up" means that adopting a girl is seen as more trouble than it is worth.

One of the reasons for the vigilance of the Women's Association is that it is fact that in the past "adopted daughters" and "adopted daughters-in-law" were often associated with prostitution. Barclay (1923) lists as the meaning of T. iong-lu "an adopted daughter; term for concubine or inmate of house of ill-fame in relation to owner." This is somewhat similar to the custom in Chinan, Shan-tung, of calling rural prostitutes "little daughter-in-law (M. hsi-fu-erh. Hu 1936: II, 2,12).

Wu, in Taiwan Min-su, says that the custom in Taiwan was limited by surname exogamy, so the parties to the "adoption" transaction were always of different surnames, and that the age of adoption of the girl was from birth to around two or three years (Wu 1969: 106). According to statistics taken from the household registration for each hsien, there were on January 31, 1960, 93,550 unmarried adopted girls (M. yang-nü; including T. simpua) still living with their adoptive parents (though this figure also includes those who had actually already become prostitutes). The vast majority of them (74,066) had been adopted under the age of five



(Liu 1969: 60-63). Though this includes two different types of "adopted girls," it is evidence that there was a tendency to adopt such girls at a rather young age.

The goal, according to Wu, and often heard, was to save on future marriage expenses and bride-price. He also says, and this is heard less often, that at the same time raising such a girl from an early age could increase the closeness of relationships, adding the affinal relationship to the parent-child relationship, and so helping smooth family affairs. Thus this method of adoption/marriage "kills two birds with one stone" (Wu 1969: 106). Counter to Wolf's arguments for the incestuous tinge to such marriages, and their general unsuccessfulness, there is the proverb T. tang-tng leng-thau kau tang-sim, "those who suckle at the same nipple are more of the same mind," indicating that a son and a T. simpua who share the same woman's milk will be able to have an even closer relationship. Furthermore, there is the belief that after adopting a T. simpua it will be easy to get grandsons. This is called T. teh-chhi\* (Wu 1969: 106), "to plant a slip, or seedling," and seems to be similar to the custom of T. chio-ti, T. chio sio-ti, or T. chio-ti-ti, whereby an adopted child is thought to "call," or "invite" another, biological, child. (Adopting a child can also be called T. teh-chhi\*; see Barclay 1923.)

The method of adoption, according to Wu and various informants, was variable, and could include the inspection of the girl's "eight characters" (her "fate"), a "betrothal" (T. sang-tia\*, "to send earnest-money"), which was to hang some money tied around her

neck with a red thread (called T. koa\* am-chi\*), sending some money, and some presents. This is all not necessary, however, and in fact sometimes not only is it eliminated, but the girl's natal family may even send along some additional clothing for the girl (Wu 1969: 106).

If there is indeed a son in the family for her to marry (there wasn't always), and if she indeed marries him (she didn't always), then the marriage is called "marriage within the household" (T. ho· lai hun-in, a term that no doubt arose during the Japanese period, after the system of household registration was put into effect). The "marriage," or "consummation of the marriage," was itself called T. thui tsoe-tui, "to push together into a heap," or T. tsoe tao-lang, "to become adult," or "to become married." The first term is interesting because it is translated by Douglas as also meaning "to begin to cohabit, as betrothed persons with the regular ceremonies" (Douglas 1873: 531; see Wu 1969: 107).

The circumstances in which she found herself after she was taken into the adoptive family varied a good deal, all the way from those similar to the circumstances of a biological child of the family to those of a female slave, or T. tso-bo'-kan. This depended in part on the fortunes of family subsequent to the transaction. If all things seemed to be going well, then she was judged to have a "good fate," or "good luck" (T. ka chiah-ui ho, a term that, according to Barclay [1923: 20], was used for a bride), and so would meet with the family's approval. If, however, the family fortunes took a turn for the worse, she might well be judged as having "bad

luck" (T. phai\* ka-chiah-ui), and in such circumstances could easily become the focus of the family's resentment. Generally, however, she seems often to have had a difficult life, a circumstance summed up in the term "simpua's fate" (T. sim-pu-a cheng, T. sim-pu-a the, sim-pu-a tsai, etc., terms with decidedly negative connotations, Wu 1969: 107; Wu seems to have taken much of this material from Toshio Ikeda, A Survey of Taiwanese Family Life, 1944, though he does not cite this work. See particularly pp. 194-203 in Ikeda).

That there may at times have been more positive aspects of her position in the new family is indicated by the saying, "Rear a daughter and she becomes someone else's; rear a T. simpua, and she is your own" (T. chhi tsa-bo' kia\* pát lang-e, chhi sim-pu-a tsoe khien ka [Wu 1969: 107], or sim-pu-a ka-ti e, tsa-bo'-kia\* pát-lang-e [Ikeda 1944: 267]). These sayings also illustrate another point, to be returned to later--that a T. simpua was in many ways more "valuable," or "useful," to a family than their own, biological, daughter might be.

## CHAPTER V

### MARRIAGE AND ADOPTION IN A TAIWANESE VILLAGE

In my discussion of marriage, adoption, and related forms so far, I have drawn on material from various parts of China, with particular emphasis on Chinese society as found in Taiwan. My interest in this topic began, however, with field research in one particular village in one particular area of rural Taiwan. I have tried to establish in previous chapters the various forms of marriage and adoption that existed in traditional Chinese society, in order to give some indication of their variety, historical depth, and geographical spread.

In the present chapter I want to discuss more specific data, data from that one specific village where I did research. I will examine patterns of adoption and marriage as they occurred through the Japanese period and up to the present. To do so I will give a brief description of the research site--its setting, history, and population. I will then select a number of case studies, to be summarized in this chapter and presented in more detail in Appendix B.

#### A Brief Description of T'ien-sung-p'i

The first research on which this dissertation is partly based was carried out in T'ien-sung-p'i, I-lan Hsien, from August

1971 to August 1972. The village of T'ien-sung-p'i is a large one by rural Taiwanese standards, and lies at the head of the triangular plain in northeastern Taiwan that occupies much of I-lan Hsien or county. It contained, at the end of June 1971, about 575 households, and over 3,500 persons. Administratively, T'ien-sung-p'i has no independent existence. This was the name of the settlement in the Japanese era and before, but after the Japanese left Taiwan, the Nationalists divided it into two administrative villages, ts'un. Sociologically, however, it remains one settlement, one unit, and there are no significant differences between the two administrative units; the division was carried out simply because of a general policy that ts'un should be of approximately similar sizes. The division resulted in T'ien-shan Ts'un, the southern part of the village, with a population in June 1971 of 1,617, in 263 households, and T'ien-fu Ts'un, in the northern part, with 1,967 persons, and 312 households (the figures are from the San-hsing Hsiang or township government, of which T'ien-sung-p'i is a part).

The main economic activity of the population is wet rice agriculture, and the most important secondary economic activities are also connected with agriculture; these all have to do with products grown in the adjacent mountain areas, primarily fruit. Located at the apex of the I-lan (or Lan-yang) Plain, it is quite near the foothills in the southwestern part of the county. It is surrounded by rice fields, and in fact a good proportion of the population (but by no means the majority) actually resides in small

hamlets or isolated residences scattered throughout the fields around the demographic center of the village.

T'ien-sung-p'i is the last stop on the bus line from Lo-tung, a commercial center on the I-lan rail line, which connects with Taipei. This means that the village is something of a market center for the upriver areas; though there are roads which lead farther up than T'ien-sung-p'i, they are quite primitive and unpaved, and are easily cut off by heavy rain and slides. The convenience of the bus ride on to San-hsing, the township seat about three kilometers away, or Lo-tung, however, also acted to undercut the village as a trading center. After coming down from high in the mountains, few found anything of interest in T'ien-sung-p'i, and continued on to San-hsing or to Lo-tung.

In the 1920s the Japanese built a narrow-gauge railway from Lo-tung which passes through T'ien-sung-p'i and continues far up into the mountains. In those days it was used to bring down camphor and lumber. The trade in camphor has died down, but lumber still comes down to Lo-tung in large quantities, both by this railway and by large lumber trucks.

After the Nationalists received Taiwan from the Japanese at the end of World War II, some of the mountain areas above the I-lan Plain were opened up to fruit orchards, developed as part of the government's plan to provide jobs for retired servicemen.

All of these things--the need for mountain road expansion and maintenance, the lumber industry, and fruit orchards of various

kinds--mean that there are a good number of laborer's jobs available relatively nearby.

In the village of T'ien-sung-p'i younger men, whose education took place after the Japanese period (thus equipping them to speak Kuo-yü, or Mandarin), tend to go to Taipei when looking for work. Older men, whose education, if there was any at all, took place during the Japanese period (and who thus have difficulty in speaking or understanding Kuo-yü), tend to go into the mountains to work.

It was said that at Li-shan, a center of fruit-growing in the mountains, almost all of the work crews contained at least one T'ien-sung-p'i man. The village is close enough to the mountains that a man can go to work there without cutting himself off entirely from friends and home. (This is a more important consideration for the older men, who are more bound by family responsibilities.) There is usually some other fellow villager working nearby, and it is not difficult to return to the village every month or so, or on short notice, either by the railway, bus, or on one of the trucks which are constantly going back and forth between the mountains and Lo-tung (where there are some of the largest lumber mills in East Asia).

Thus a substantial number of the households in T'ien-sung-p'i are households which combine agricultural work with mountain laboring jobs for the men (and to a lesser degree for the women, as cooks and washers). This enables them to remain resident in the village,

so its population is no doubt a good deal greater than it would have been otherwise.

This is particularly true in recent years, as the profitability of wet rice agriculture has declined. Such mountain products as a variety of citrus fruits, tea, ginger, Liu-ch'iu pine, and many more are grown either on the foothills or higher in the mountains, and have been taking on increasing economic importance. Some latecomers to the area, who were denied access to low-lying land suitable for wet-rice agriculture, were forced to turn to the mountains, specializing in other crops. Initially at a disadvantage vis-à-vis the wet rice cultivators, some of them are very well-off now, as other forms of agriculture become more profitable than growing rice.

The village is also a collection and distribution center for the surrounding area on the plain, and for a number of settlements further up the river in the mountains. Rice is brought into the village to be milled, and there is a citrus-fruit packing station which is used each year when the fruit is harvested to collect, grade, and pack fruit from the surrounding orchards.

T'ien-sung-p'i is something of a small market center, and is large enough to be called a "small town" (see Ch'en Ch'eng-hsiang (1959-1961). It has a market population of over 2,500 and has a "shop index" of over 50 percent. (The "shop index" is the percentage of shops along 100 meters of the main street.) Not much fresh produce is traded locally; most people raise most of what they eat, shopping only for small quantities of certain



vegetables, for small quantities of pork at one or the other of the two butcher shops, or for such things as bean curd or for fish, which was occasionally brought in from outside on a small truck. One of the reasons that it has not specialized further as a collection and distribution center for agricultural produce and manufactured goods is that only about three kilometers away (only about five or ten minutes on the bus) is the town of San-hsing, which has a public market for foodstuffs and many more specialized stores. Even Lo-tung, one of the largest towns on the I-lan Plain, is only about one-half hour away by frequent bus.

The stores in the village are almost all operated as additions to farming or some other economic activity; few of them are the sole source of income for the families concerned. Most of them are simply retail outlets, selling such things as canned goods, candy, cigarettes, eggs, soy sauce (though many preferred to make their own), wine, mock money for ritual purposes, salt, batteries, light-bulbs, and so on. While I was resident there, the only product produced entirely in the village was a sort of large knife or machete which was fashioned by the single blacksmith (one of the families said to be of non-Chinese, Aborigine, descent, but reluctant to be reminded of the fact), and is used by those working in the mountains. When I made a brief return visit in 1974, however, a new industry had been started with capital from Taipei. The hsiang, or township, government had built a structure which had been intended to be a public market for the village. After it was opened, few showed any interest in taking up a stall there (which was not

surprising; all of the stores were also residences for the owners' families and so, in a sense, were rent free), and so it was rented out to a businessman who is using it to house a small factory which processes the wood from a kind of large fern tree, cutting it into slabs which can be used to grow orchids; the product is exported to Korea and Japan. This is the first new source of wage labor to be developed in the village for a long time; about twenty persons are employed, either part or full time.

The only other major source of wage labor in the village is a hydroelectric power station, which employs perhaps thirty of the villagers for guard duty, maintenance work, and so on. The technicians who operate the power station itself are for the most part from outside the village, live together in a compound nearby, and are not really part of the social life of the village.

The original population of the Taiwanese Chinese has always been divided, roughly, into three groups: the Hakkas (mostly originally from Kuangtung Province), those (originally) from Chang-chou, and those (originally) from Ch'uan-chou. (Both of these latter are areas not very far apart from each other in southern Fukien Province.) The history of Taiwan has been characterized by disputes and struggles among these three groups, in varying combinations (and this apart from their united struggle against the mountain Aborigines). I-lan Hsien has been known, from its early days, as an area of particular concentration of Chang-chou speakers. Those from Chang-chou and those from Ch'uan-chou both speak dialects of Hokkien

or Min-nan; though the languages are mutually intelligible to their respective speakers, there are clear differences in pronunciation.

Ethnically, however, the village of T'ien-sung-p'i is atypical of I-lan, and is in many ways more representative of the ethnic groupings as they are found in Taiwan as a whole. The distinction between Chang-chou speakers and Ch'uan-chou speakers has been on the decline since, I would speculate, the beginning of the Japanese period. Linguistically, for instance, a Taiwanese language is developing which is not clearly either Chang-chou or Ch'uan-chou. This is happening in I-lan generally, as in the greater part of the rest of Taiwan, but is perhaps more advanced in T'ien-sung-p'i than in the rest of the hsien.

A comparable but separate development has been the assimilation of other ethnic groups to this Chang-chou/Ch'uan-chou composite Taiwanese majority. Thus it is clear in T'ien-sung-p'i, for instance, that there is emerging a sort of "pan-Taiwanese" linguistic and ethnic standard. This makes a precise delineation of contemporary ethnic divisions difficult.

The earliest settlers in the T'ien-sung-p'i area were evidently Sinicized Aborigines, quickly followed by (mainly) Chang-chou Han Chinese, from other parts of I-lan. Then there seems to have been an influx of Ch'uan-chou speakers, and Hakkas, the latter mostly from the Hsin-chu and T'ao-yuan areas on the other side of the island. The precise relative percentages of the descendants of these groups in the present-day village of T'ien-sung-p'i would be difficult to arrive at. My own research, and investigation into

the household records of the Japanese and Nationalist periods, lead me to confirm what I was told by the inhabitants themselves-- that about 30 percent of the population are (or were) Hakka. About 10 percent are or were Sinicized Aborigines, and the remainder are composite Chang-chou/Ch'uan-chou, with the predominant element being Chang-chou.

The figures cannot be much more precise than that since the categories used are of very uncertain validity. A casual visitor could spend much time in the village without suspecting that the inhabitants were anything but Chang-chou/Ch'uan-chou Han Chinese. Only if one is sensitive to the ethnic implications of certain surnames (both Hakka and Aborigine), or if one asks the outright question of ethnic make-up, would the heterogeneity of the population become clear.

I knew only one person, for example, who could speak any of the Aborigine language, and he could not remember more than a few score words. By the same token very seldom did I hear Hakka being spoken, and when I started asking about this, I was told that a substantial and increasing number of young "Hakka" people do not know how to speak the language. This is important, because it is one of the local definitions of ethnic-group affiliation. When I tried to get more precise information on the numbers of Hakka, for example, it quickly became obvious that the criterion of definition was the ability to speak Hakka.

Not only is there this kind of confusion, there has been a good deal of intermarriage as well. This is hard to quantify, but

in the Japanese-era records, for example, where a sort of ethnic identification of individuals is made (I say "sort of" because the identification is not really ethnic, but place of origin of one's ancestors for the Han Chinese; Kuangtung origin generally means Hakka, but some Hakka did move to Taiwan from Fukien), there is no lack of Han inter-group marriages or Han-Aborigine marriages. One would expect, also, that social, political, and economic changes since the end of the Japanese period would only have increased the numbers of such marriages.

I was told by a local writer of marriage and other contracts that there is some feeling that Hakka, Holo (Hokkien-speaking Han Chinese), and Sinicized Aborigines should all marry within their own groups, but that this feeling was not strong. A stronger rule applied only to Han Chinese-Sinicized Aborigine marriages--that males from the former group may marry into the latter group but it is less common and less acceptable for the females to do so.

The picture, then, is one of a village which is ethnically diverse, but the ethnic divisions do not at present account for much. The people are mainly engaged in agriculture, but a large proportion of households, perhaps a majority, are involved in some sort of supplementary work for wages.

The unusual size of Tien-sung-p'i and its ethnic heterogeneity are a result of both its history and geographic location.

The history of conflict with Taiwanese Aborigines in the area, as well as some other factors, is of special importance. As late as 1910, Aborigines attacked a nearby police post, killing over ten

policemen, and the history of the settlement largely reflects the continued presence of hostile Aborigine groups.

The original settlement in the area of T'ien-sung-p'i was a small hamlet near what is now the power station. Before 1920, when the power station was built, there was an irrigation pond (M. p'i, T. pi) from which the village gets its name. The literal translation of T'ien-sung-p'i is "irrigation pond sent from heaven," but it is also said that "T'ien-sung" is really the name of one of the early landlords of the area and thus the name of the village should not be translated literally.

The original settlement was walled for protection from the Aborigines by intertwined wood, bamboo, and thorn plants. The area of the original hamlet is still called T. Sia\*-te (M. ch'eng-ti), literally "the walled place." The original compactness of the settlement can be explained in terms of the defense it offered the settlers from Aborigine attacks. (North Taiwan is more generally characterized instead by dispersed settlement patterns. See Ch'en: 1959-61.) When the threat from Aborigines had abated by about 1920, scattered, dispersed settlements began to appear on the Plain around the village, but the foundations had already been laid for the nucleated settlement that is seen today.

Land was a valuable commodity in developing Taiwan. The only thing which kept the T'ien-sung-p'i area from being opened up and settled far earlier than it was, was the danger from the Aborigines. This began to change when Liu Ming-ch'uan became Governor, toward the end of Ch'ing rule of Taiwan. Under his

leadership, development plans were laid out for the pacification and opening up of the frontier areas. The Japanese also, not much later, set up development bureaus, the goals of which were to pacify and control the Aborigines, to open up new lands, and generally to promote and secure production in agriculture and such things as exploitation of forest products and mining.

The Japanese also set up, again following the lead of the previous Ch'ing government, a system of guard lines to contain the mountain Aborigines and protect the lowland settlers. Around the turn of the century around the fringes of the I-lan Plain (and including T'ien-sung-p'i) were 140 guards stationed for the protection of villages along the borders with the Aborigine areas. There were also ninety guards whose job it was to protect the areas of camphor-wood production in the mountains (Wen 1957: 699). Some of these guards are included in the earliest household registration records for Tien-sung-p'i, and I interviewed one, a Sinicized Aborigine, who was still alive in 1972.

All of this meant the possibility for further development of the village of T'ien-sung-p'i. It became the center for some of the administrative connections that the Japanese Colonial government had with the aborigines, and its economic position was no doubt improved when it was made one of only two areas in I-lan where trade with the Aborigines was permitted. Japanese government policies worked to improve security, which meant that there were substantial areas of land opened up for settlement--and the Japanese were interested in developing.

The government household records at my disposal show that the earliest population in the village was for the most part Sinicized Aborigine. Later Holo families from other parts of I-lan began to move in. Later, as security improved and there was increased land available, groups of people and families began to move in from further afield. Three Hakka lineages, the Liaos, Ch'ius, and Sung, all came in from the other side of the island, from the Hsin-chu/T'ao-yuan area, around the turn of the century.

Evidently the "private-enterprise," or entrepreneur, system of land development was in use, and the first of the Hakka groups were attracted to the area by the prospect of acquiring agricultural land. They supplied the manpower and management, and in turn got a portion of the land (though it is still unclear whether they got this land "free and clear," or rather acquired rights of "permanent tenancy"). Just what combination of events and factors led to the arrival of the three Hakka groups from a relatively small area on the other side of the island at about the same time, I do not yet know. In many ways more is known about I-lan in the Ch'ing Dynasty (through the Komalan T'ing-chih and other writings) than about I-lan in the Japanese period, particularly its earlier years.

Thus T'ien-sung-p'i is known as the area in I-lan with the greatest concentration of Hakkas (Liao Han-ch'en, ILHC II, 3,19), and the San-hsing Hsiang area, the larger administrative unit in which the village is located, is known as having the greatest concentration of Sinicized Aborigines (Mao I-po, LIHC II, 2,50-53; Yü 1951; Juan 1968).



Households in T'ien-sung-p'i range in size from one person to twenty-two persons, with the distribution as follows:

<u>Size of Households</u>	<u>Number of Households</u>
1	44
2	34
3	41
4	58
5	77
6	82
7	81
8	71
9	48
10	27
11	13
12	10
13	8
14	8
15	3
16	5
17	4
18	1
22	1

The average size is six persons per household, and the median is the same. ("Household" here is simply that defined by the household registration office; this usually corresponded to sociological units which were actually economically independent to some degree, but the degree, in particular cases, was quite variable.) Conjugal families accounted for 55 percent of families, stem for 31 percent, joint families for 8 percent, and others, those which did not easily fit into the other categories, accounted for 6 percent of the

population. The same structural patterns can be expressed simply in terms of generation depth; 10.2 percent of the families are of only one generation, 54.4 percent are two generations in depth, 32.4 percent three generations, and 3.1 percent were four generations in depth.

A good index of the heterogeneity of the population of T'ien-sung-p'i is the number of surnames represented. There are a total of seventy-one surnames among all the heads of households, a sobering number to an anthropologist used to reading about single-surname villages. Twenty-two of these surnames, however, are represented by one household only. Eight of the surnames account for over one-half of all the households. These are Huang (T. Ng), with fifty-one; Sung (T. Song), Lin (T. Lim), and Ch'iu (T. Khu), with forty-six each; Ch'en (T. Tan), with thirty-five; Li (T. Li), with thirty-four; Liao (T. Liao), with thirty-three; and Chang (T. Tiu\*), with twenty-seven.

#### Irregular Forms of Marriage and Adoption

The precise numbers and percentages are not of crucial importance, and given the large size of the village population difficult to compute, but I do have some rough figures for the incidence of some irregular forms of marriage and adoption. These figures are taken from the current household registration data for 1972, and do not include any information from the Japanese-period records.

	<u>Individuals</u>	<u>Households</u>	<u>% of Households</u>
Uxorilocal marriage	90	83	13
Suspected uxorilocal marriage	45	32	5
<u>Simpua</u>	50	48	8
Adopted daughters	206	180	29
Suspected adopted daughters	74	71	10

The "suspected" uxorilocal husbands and adopted daughters above are those cases in which there is reason to believe that one or the other of the relationships holds, but the evidence is insufficient to conclusively prove it. In the case of a suspected uxorilocal husband, for example, the suspicion may be based on the fact that the children are listed as taking the mother's surname. In such cases, when it was not explicitly stated that he was an uxorilocal husband, I have simply categorized it as "suspected."

It is possible in most of these cases to prove the suspicion one way or the other by having recourse to the Japanese-era records. In almost every case in which I have done this, my suspicions have been borne out. Thus I think that it is safe to say that well over 15 percent of the households have participated in one way or another in uxorilocal marriage within the last thirty or forty years.

Since it is often difficult to distinguish T. simpua from adopted daughters proper, and because the "suspected" cases, as in "suspected" uxorilocal marriage, almost always do turn out to be cases of adoption of one form or another, we can say that perhaps

45 percent or more of the households have participated in one way or another in one or more forms of the adoption of young girls over the last forty or fifty years.

The qualification "in one way or another" is inserted because a household was counted when one of the household members was identified in the records as having been, say, adopted. Thus a household may not have actually adopted a daughter itself, but the wife of the head of the household may have been married in from her adoptive family; since she had been an adopted daughter, that household was counted. Such cases were relatively few, though, and the great majority of the above cases involve households directly involved in the transaction.

Obviously this means that a particular adoption may be counted twice if both of the families which were parties to the transaction were from T'ien-sung-p'i. A large number of such adoptions or uxori-local marriages, however, were contracted with families outside the village. Still, what is of most interest is the frequency with which households engage in such transactions (whether it is, for example, to bring a girl into the household in adoption or to get "rid" of one that way).

The information contained in the current household registration is about the living members of the household only (with the minor exception of those who have died so recently that their entries have not yet been removed). Since few of the persons counted in the cases above would be older than about sixty years of age, and any earlier household members who might have been involved

in such transactions can be assumed to be deceased and their records removed from the current registry, this means that their marriages would most likely have taken place between thirty and forty years ago, and any adoptions would have taken place earlier than that, say forty or fifty years ago. I am using these figures as a rough measure of the time-span being considered. In fact, it is an outside limit for the time-span: in practice, little information from the Japanese period is carried over into the Nationalist household records other than the names and birthdates of persons. Often there is no information about the circumstances of marriages, for instance, in the current records if they took place during the Japanese era, and this is so even if both of the parties are still alive. The effective time-span covered by the current records (for the sorts of information that we are interested in here, at least) is in most cases no more than about twenty-five years. Since the death or change of the household head and a number of other factors may lead to the retirement of the old forms, and the transferral of some (but not all) of the information onto new forms for the current records, this means that in a substantial percentage of the cases the records cover much less than twenty-five years.

For these reasons, I suspect that there is substantial underreporting of these and other transactions--underreporting in the sense that over the last twenty-five years or so there must have been many more adoptions and more uxorilocal marriages than the above figures suggest. Just how many more is impossible to say.

### Case Studies

To illustrate the kinds of social transactions which caught my eye in T'ien-sung-p'i, and to give more detailed illustration of the social and economic background of the village in general and the transactions in particular, I have chosen a number of case studies. The information contained in these case studies comes from interviewing people in the village and from the household registration data of the Japanese and Nationalist periods.

I attempted to copy all of the available records for the entire village, and came very close to doing so; all that is missing is a small amount of information on "temporary residents" in the Japanese period. Considering the size of the village, and the length of time covered, it should be no surprise that there are many pages of records. Some of the material I was able to photocopy, using the machine belonging to the San-hsing Hsiang Kung-so, the township government office, but all of the Japanese-era material had to be hand-copied.

I originally wanted to go through all of the household data in order to plot marriages and adoptions of various types over time. Because of the way the records were organized, however, this proved very difficult in practice. When the head of a household died, or some other change took place which could not easily be incorporated into the current form, a whole new form was written up for that household, and the old one removed and filed by year of removal. (The earliest year of removal in our records was 1910.) Thus the body of the registration material consists of the current, running,

record, and the yearly removals since 1910. (Some of these are missing for the early years.)

Thus, the set of records removed in 1927, for example, might, depending on the history of the particular family, contain information dating from the 1840s and 1850s, or it might date from 1926 only. More likely, the information will span those dates. To total all of the simpua adoptions, say, that took place in 1927, one would have to go through all of the material (including the current records) except, of course, those forms removed prior to 1927. While this kind of reconstruction of data is perfectly possible in principle, it would be extremely tedious and time-consuming in practice.

I have therefore chosen an alternative method of using the material for case studies. I have selected seven surname groups and then have followed each and every member, past and present, tracing each marriage and adoption. As I have mentioned, some of the records are missing. In some instances it simply wasn't known what had happened to the removals for particular years, and in others it was known that typhoon damage was responsible. In general the coverage is very good, though, and in only a few cases (noted in the genealogies) were the data on individuals incomplete.

The seven groups that I have selected are surnamed P'an (T. Phoa\*; two groups), Wu (T. Go), Yeh (T. Iap), Ch'iu (T. Khu; two groups), and Liao (T. Liao). The selection of these groups is by no means random. I have tried to select from different socio-economic categories and ethnic groupings. I have not, however,

selected any of the groups to illustrate any particular marriage or adoption form and I can think of no particular reason why these groups should not be considered representative of the village as a whole.

Case I: Phoa\*

The founders of the group selected as case one were Phoa\* Lim Iam-bun and Phoa\* A-hoan, both Sinicized Aborigines. (I will use Taiwanese Romanization here, as the Aborigine given names are Taiwanese transliterations of the original, and thus represent Taiwanese, not Kuo-yü, sounds.) All of the members of this family were Sinicized Aborigines, except for some of the members who were married or adopted in. I will indicate those members who were not Aborigine.

The main occupation listed for this household was day-laboring. They moved into the village from T'ou-wei, the present T'ou-ch'eng Chen in the extreme northeast of the I-lan Plain, in 1908. Phoa\* A-hoan, the male ancestor of the family, was born in 1871. He married Lim Iam-bun, also from T'ou-wei, in 1892, when he was twenty-one and she fifteen. Their marriage was evidently a "regular" one. Her father was surnamed Lim, and her mother surnamed Phoa\*. There is no particular reason, however, to suspect any sort of preferential marriage system; Phoa\* is the most common surname among Sinicized Aborigines. It was "sold" to the Aborigines by the Chinese in the Ch'ing Dynasty on the basis that when the character is analyzed into parts, it yielded M. shui ("water"), M. mi ("rice"),



and M. t'ien (paddy field). It is no accident that it also yields M. fan, "barbarian, Aborigine" (Wen 1957: 563).

Phoa\* and Lim then had four children--three sons and a daughter. The oldest son was Phoa\* Bu-li, who was born in 1898, six years after the parents' marriage. (One would strongly suspect that there were other, unrecorded, children who died in infancy: the infant mortality rate was evidently quite high in the Ch'ing, and the rate among Sinicized Aborigines has always been higher than among the Han Chinese.) In 1906 a one-year-old girl, Phoa\* Tan A-Liang, was adopted in from a different place in T'ou-wei. As her name indicates, she was surnamed Tan originally, and then took the surname Phoa\* as a prefix. This indicates that she most probably was intended to be a T. simpua. (This is one case in which the records are insufficient, and I have been unable to find what happened to her.)

In 1910 a second son was born, and died soon after birth. The next year a third son also died soon after birth. Finally the last child, a daughter, A-eng, was born in 1912. She evidently became the main hope of the family for the production of descendants; in 1930 she married in Khu Tiong-chin as her uxori-local husband. Khu (M. Ch'iu) was from T'ien-sung-p'i (see the "Ch'iu B" case), and was not an Aborigine, but a Hakka. He did not change his surname, or add his wife's to his own, but their two children both took the surname Phoa\*. Both of these were girls, and one died at infancy, in 1934. In the same year A-eng and Khu divorced, and he left the household. Two years later an illegitimate son was born to A-eng, a

son who took the surname Phoa\*. Then in 1938 she married in a second uxori-local husband (thus an "uxori-local husband" as opposed to Khu, who was an "uxori-local son-in-law"). This man was named Liau Boa\*-hong, another Han Chinese (though it is not clear whether Hakka or Holo) from outside the I-lan area. He did not change his name, and all of the children (up to 1945 there were two boys and two girls) took his surname.

Meanwhile, the son of the family, Phoa\* Bu-li, had adopted in a daughter (her status was M. yang-nü, "adopted daughter") from Chuang-wei (in I-lan) in 1931. Her name was A-iu, and her ancestral place of origin was listed as Fukien. She took the surname Phoa\* when she was adopted (at age twelve), and her illegitimate child, It-long (a Japanese name; Ichiro), who was born in 1939, also took the surname Phoa\*.

Phoa\* Bu-li married out uxori-locally to Phoa\* O-be, thus violating surname exogamy, but divorced her in 1934. Finally he married out uxori-locally again in 1938 to I-lan city, a woman named Te\* (M. Cheng).

At some time in the 1940s the family moved out of the village, which is one of the reasons that there are gaps in the records.

In this case, a family followed over four generations, there is only one "regular" marriage, but four uxori-local marriages, two in and two out. There were two daughters adopted in, one evidently a simpua, the other an "ordinary" adopted daughter, and there were two illegitimate children.

Case II: P'an

This group of relatives is also surnamed T. Phoa\* (M. P'an), but they say that they are not Aborigines, but completely Han Chinese, so I will use the Mandarin romanization "P'an." The data that I have, as far as they go, bear this out.

The founders of the local branch of the group were two brothers, P'an T'ien-mu and P'an Shih-ying, who arrived in the village together in 1924 from Yuan-shan (in I-lan). The older brother (1871-1938) was the head of the household, which included his younger brother and the children of both of them. The older brother's wife, however, died before they moved to T'ien-sung-p'i, and so there is little information on her. The second brother's wife, Yu Fen, was born in 1880, and was adopted into the P'an family when she was three years old. She was married to the second son of the family in 1897, when she was seventeen and he twenty-four.

The older brother and his wife had four children of their own, three males and a female. The senior male of this generation, P'an A-ts'ai, married a woman surnamed Yu, but she died before they moved to the village, so information is lacking on her status. The wife of Wan-ch'uan, the second son, was a simpua. She was adopted in from Yuan-shan in 1906, at the age of one year. They married in 1924, when she was nineteen and he twenty-one. He lived only six more years, though, dying in 1930. Three years later an uxori-local husband was married in for her, a man named Kao Niang-huo. Ten years after that, in 1943, they divided from the estate and moved elsewhere in T'ien-sung-p'i.

The T. simpua, Lin A-yeh, had three children by the P'an son, and another son later. This later son, P'an Hsi-shui, was born eleven months after Wan-ch'uan's death, and so was classed as illegitimate. In later records, however, his father is listed as Wan-ch'uan. In 1935 a two-year-old T. simpua, named Ch'en Hung-ts'ao was adopted in from A-li-shih (in I-lan, between the village of T'ien-sung-p'i and Lo-tung), and she and Hsi-shui were married in 1952 when she was nineteen and he twenty-one. This couple has had four children, the first born in 1954.

The uxori-local husband, Kao Niang-huo, adopted in a girl surnamed Li in 1955, and she changed her surname to Kao. She then married out (within the village) in 1962, when she was twenty.

The third brother of this generation of siblings, the brother to P'an A-ts'ai and P'an Wan-ch'uan, was named Chin-ch'ien. He lived from 1908 to 1960. He and his wife, who was married in normally, had a large family. Though two children, both sons, died when young, they still had eight remaining children. In 1950, when they had three living children, two of them male, they adopted in a T. simpua named Lan Hsiu-mei, who was then one year of age. In 1966, when she was seventeen and her intended, the third son, Tsai-sheng, was twenty-seven, they were married. They have had three children so far, born in 1966, 1969, and 1971.

This is an interesting case, as the age difference between the two (ten years) is greater than usual. This means that when she was adopted in, he was already ten years old. There cannot be much of an argument in this case for sibling socialization. They

were married November 10 (the date in the household records), and their first child was born December 11, 1966, just a month later.

To follow up the rest of the family, we must go back to the two brothers who arrived in T'ien-sung-p'i in 1924. The younger brother's wife, as has been noted, was a T. simpua. They had two children, a son and a daughter. The son, Wan-tzu, was born in 1905. He and his two sons and their wives and children were my neighbors and friends when I lived in T'ien-sung-p'i. He died in 1974, about a year and a half after I left the village.

His wife also was a T. simpua. She had been adopted in in 1920 (when she was thirteen years old), before they moved to T'ien-sung-p'i. The two of them married five years later. They had two sons, the first born in 1930, five years after their marriage. His name is Jui-mao. The second son, Ch'uian-ch'in, divided from the rest of the family in 1971, but remained in the house; he and his family ate separately after the split, and operate in most ways as an independent economic unit. The grandfather, as he was called (T. A-kong), was still listed in the records as the head of the household that contains the older son, and he took turns eating with the families of the two sons.

One day in 1972 my assistant and I accompanied the wife (Liu Mei-yun) of the younger brother, her two children, and another neighbor to a female spirit medium in a hamlet not far from T'ien-sung-p'i. The older girl, Wen-li, had been ill for several days and had a fever. In a "trance" (this was one of the few times that I saw a medium who appeared to be "faking" the whole performance;

usually one can be easily persuaded that the medium is actually in an altered mental and physical state for perhaps thirty seconds or a minute), the medium first said that there was something wrong with the child's fate, and that a ceremony called "settling the horoscope" (T. an peh-ji) was needed. She then said that a girl of the father's generation, who had died early, was causing trouble. The girl's mother said that she knew nothing about it. The spirit medium became impatient, and said, "A female. A female of the father's generation. You go home and ask him about it. There are already two reasons why the child is sick, and furthermore this is the child's bad year. She had better watch out for water--all kinds of water, hot water, ditch water, and so on--and traffic. If she walks on the street or crosses the road, she'd better be careful."

She then prepared four written charms (T. hu) and a packet of "fairy pills" (T. sian-tan). One charm was to be burned before the gods of the bed (T. chhng-kong and chhng-bo), one was to be burned in front of the house for the wandering spirits, one was to be burned and mixed with water to bathe the child, and the last was to be burned in front of the ancestors' tablets while the female of the father's generation was prayed to to protect the child. The pills were to be put in water for her to drink.

It was then the second child's turn. The medium said that the child had a cold, and then asked whether or not the mother had taken her to a fortune teller. The mother said no. The medium laughed, and said, "Well! She has a simpua's fate (T. sim-pu-a mia\*) and if you don't give her away to someone else, then at least you

should give her in 'pro-forma' adoption (T. khe chhui-bi). The mother said nothing, and the medium repeated this several times. Then she said, "There is a woman of the child's mother's generation. . . ." The mother, seemingly embarrassed, admitted that yes, there was an older sister. "Right!" said the medium. "That sister of yours wants to share your husband. You had better choose a day, and then at midnight welcome your sister to your home. Do you understand?" The mother was silent. The medium then continued, saying that the child also had fright, a common folk illness. She prepared four charms similar to those for the first child, except that one of them was to be taken and burned at the mother's home in I-lan City while a "ghost marriage" was concluded between the mother's husband and her dead sister.

There were two further clients at this session, and both of them were advised by the medium that part, at least, of their troubles was due to female relatives. In one case it was a woman's daughter who had died young (the woman was past middle-age), and in the other some unnamed woman of a man's father's generation (the client was an adult male).

Later, when we had returned to the village, this suggestion of the ghost marriage was put to the father of the children, P'an Ch'uan-ch'in. He simply snorted and refused to have anything to do with such an affair. This caused an argument between him and his wife, which was joined by his sister-in-law. As far as I know, the marriage never did take place.

This case is interesting in a number of ways. There are twelve marriages about which enough is known to assign them to particular types. Of these twelve, five are T. simpua marriages, and one is uxorilocal. There is furthermore an adopted daughter, and at least two daughters of the last generation who have been adopted out.

The T. simpua wife of P'an Wan-tzu, Lai Ying, was adopted in when thirteen years old. This seems a case near the borderline between adoption and marriage. In the household records for the Japanese era, at least, there is evidence for girls being married as young as fourteen. It seems obvious that just a few years made the difference between her being brought into the household as a T. simpua and as an "ordinary" wife.

One of the other cases of simpua marriage, that between P'an Tsai-sheng and Lan Hsiu-mei, lies toward the other extreme. Since he was ten years old when she was born, he was almost as close, in age, to being a parent as he was to being a sibling; it was thought that the age difference between the adopter and the child being adopted should be about twenty years.

### Case III: M. Wu; T. Go

This family has a very complicated history, which involves many surnames. It is perhaps best to start with a woman named Li Wei, who was born in 1874 and died in 1925. She married three times at least, and possibly a fourth. She may have earlier married a man surnamed Lin, but in the earliest records she was then married



to Wu Lao-hsia. When he died or they divorced (I have not been able to determine this), she married, in 1914, a man named Ch'en Shan-chih. Two years before their marriage, he had recognized as his child an illegitimate daughter of hers who was born in 1911. Long before this, in 1893, she (the woman Li Wei) had given birth to a son, Wu Chin-sheng, fathered by Wu Lao-hsia. It is to this son that she and her daughter, Ch'en A-mei, went in 1918, after her husband Ch'en Shan-chih had died in 1917.

Then in 1919 Li remarried again, this time to Huang A-tsung. At the same time he adopted, as simpua, Li's daughter; when Li married in, bringing her daughter, it was what is called in Kuo-yü M. szu-tai; the daughter's connections with her natal kinship line were severed, and she became a Huang. This family then was composed of Huang, Li, the daughter of the latter, now surnamed Huang, and an adopted son, Huang A-ch'eng. He was the son of a Sinicized Aborigine named Ch'en, who was married to another Aborigine, surnamed Hsü, and had first been adopted to another Hsü (who may well have been a relative of the mother). In 1913, when he was two years old, he was adopted (M. ming-ling-tzu) to Huang A-tsung. In 1931, when he was twenty, he married out uxorilocally to the adopted daughter of another man surnamed Huang, in Wu-chieh (in I-lan). His occupation was listed as manual laborer.

Meanwhile, Li's daughter, who had been adopted in by Huang, was married in 1927 to an uxorilocal husband named Chang Lien-mao. They had two children, and then, with the children, moved out, back

to Chang's original home in Erh-wan-wu (in San-hsing). This is what is called M. ch'u-she, "leaving the (uxorilocal) household."

To return to Li Wei's first (or second) marriage, to Wu Lao-hsia, she had by him a son named Wu Chin-sheng (she and her illegitimate daughter had resided with the son for a while after the death of Li's second husband). Chin-sheng was born in 1893, and in 1914, when he was twenty-one, he married uxorilocally into a family surnamed Tai.

This Tai family had, in a sense, started out surnamed Huang. Huang T'ien-szu had been the head of the household until his death in 1905. He was married to a woman with the name Tai Lin A-lou. There is no conclusive evidence, but it seems probable that Huang was an uxorilocal second husband to Lin A-lou, who had first been married to a man surnamed Tai. At any rate they had a daughter in 1880, Huang Chiu-mu. In 1901, when she was twenty-one, Tai A-shih was simultaneously adopted in and married uxorilocally to Chiu-mu. She did nine years later, and in 1912 he married a second time, to Lin Yü. (This marriage was an ordinary one.) Tai had three children by his first wife, but two years before their marriage he had adopted in a T. simpua; she was intended to marry a son of his later, and so kept her original surname--Liao A-yü. Subsequently, however, plans changed, and she took the surname Tai and her status was changed from that of T. simpua to that of adopted daughter. Then, as adopted daughter, she married in an uxorilocal husband, Wu Chin-sheng, in 1914. Four years later, in 1918, they left the Tai family (M. ch'u-she).

Wu Chin-sheng died only seven years later, in 1921. By that time, however, he and Liao (now Tai) A-yü had produced three sons. After his death, she adopted in three daughters and married in an uxori-local husband for one of them. The first such daughter was adopted in 1922, when she was not yet one year old, from Yüeh-mei (the present San-hsing). Ten years later, for reasons unknown to me, her adoption relationship was ended, and she was returned to her natal home.

The second daughter was adopted in in 1930, from T'ien-sung-p'i, when she was two years old. Her surname had been Shen, but was changed to Wu, so her status was that of adopted daughter, not adopted daughter-in-law. Thirteen years later, in 1943, she was married to an uxori-local husband, Chu Wan-chin, a Sinicized Aborigine from Yüeh-mei. (The rest of the family is Holo.) Wan-chin's brother, Chu A-huo, by a strange coincidence, is mentioned in an article by Juan Ch'ang-jui on the Sinicized Kavalan Aborigines in the I-lan area (Juan 1968: 6). The fact that A-huo's affinal connections extend from T'ien-sung-p'i to Wu-chieh (in I-lan) is used as part of an argument by Juan that the Sinicized Aborigines have a wider area of marriage ties than do the Han Chinese.

Chu Wan-chin remained in the Wu household for four years, after which he and the Wu's adopted daughter moved out with their daughter, who had been born in the same year. The daughter took the Chu surname, not Wu.

In 1946 a ten-year-old girl surnamed Liao was adopted in (changing her surname to Wu). She stayed only five years, however, and then married out in 1951.

The oldest son of Wu Chin-sheng is Wu A-shu. He was one of our neighbors when we lived in T'ien-sung-p'i. His mother, Tai A-yü, is still alive at age seventy-seven, and in good health. A-shu married a woman surnamed Ch'iu, by whom he had two sons. She died in 1948, and shortly thereafter he married a woman named Chuang A-hsiang, by whom he had one daughter, born in 1956.

The household as presently constituted includes four generations: Tai-A-yü, her son Wu A-shu, his son and his wife, and four of their children. A-shu's second wife, A-hsiang, lives in Taipei and works as a cook. She maintains economic ties with the family, however, and returns once or twice each year to the village.

The family is quite poor. It owns five fēn of rice land, which it farms itself, but its main source of income is manual labor. Both A-shu and his son work, usually in the mountains on construction jobs. They would not be in such a difficult situation if A-shu's second wife had not gone bankrupt trying to run a drygoods store. They had to go into debt to pay the creditors, and still have five or six years to go before the debt is paid off.

The daughter of A-shu and Chuang A-hsiang became pregnant by her lover in 1972. They have not even had the M. ting-hun (betrothal) because A-hsiang disapproves of him. This is regarded as unfortunate, but it is said that they can just go and live together as man and wife anyway.

A-shu's second son, Shu-sung, was married not long before his accidental death while working in the mountains in 1967. (Such deaths are not uncommon, and have dissuaded some from taking such jobs.) His wife gave birth to a son, but after a dispute with A-hsiang, she was driven out of the household, taking the child with her. The brideprice (NT\$38,000) was not yet all paid to her family, so the son was used as a pawn in the bargaining. The wife's family said that only if the brideprice were fully paid would the child be surnamed Wu, and follow that kin line. A-hsiang refused to allow the money to be paid, and so the child took the mother's surname and not the surname Wu.

Shu-sung thus had a son but no descendants, and so in 1972 one of his older brother's sons, Wu Chang-hsün, was posthumously adopted to his uncle, to continue that line and the sacrifices. The contract of that adoption was written up by the village Taoist priest, Yeh Liang-ch'uan (see the Yeh case) on red cloth, and it was presented to Shu-sung's soul tablet, along with incense and sacrifices. A copy and translation of the document can be found in Appendix B.

A few words should be said about the Chuang family, from which came Wu A-shu's second wife, Chuang A-hsiang. Her father, Chuang A-k'o, had at one time been a temple keeper, and was evidently a builder of sorts; around 1920 he built a number of houses on the main street of the village. He died in 1952, and ownership of the houses passed to his oldest daughter, since his only son had died two years before.

By this time A-hsiang, the second daughter, had already married Wu A-shu (the second marriage for both of them), and he bought one of the houses from his sister-in-law (at a good price, it was said, since they were related). She kept one of the houses, the one next door, and so she and her husband were our landlords, and the Wu family our neighbors.

Case IV: M. Yeh, T. Iáp

This family is that of the village Taoist priest (T. sai-kong) and his son, an apprentice Taoist priest. They used to be resident in Wu-chieh (in I-lan), and moved to T'ien-sung-p'i in 1923. The head of the household then was Yeh A-li. He was born in 1868, and had become head of the household when he was nine years old, when his father died. He married in 1886, when he was eighteen and his wife fifteen. They had one son, then adopted two girls in. One was adopted in as a T. simpua (keeping her natal surname) at the age of seven, in 1900. Nine years later, at the age of sixteen, she married the Yeh son, who was then twenty.

The second girl was brought in as an adopted daughter, and so changed her original surname (Chiang) to Yeh. She was adopted at age two in 1906. She later married out, to a man surnamed Lin, in the village of T'ien-sung-p'i.

The son, Yeh Ch'eng-t'ung, and his T. simpua wife Wei A-chü, then had a large number of children--two sons and at least six daughters. Two of the daughters are listed in the household records as first daughter, and two are listed as fifth daughter; I have not been able to clear up this confusion in birth order.

One of the daughters married in an uxori-local husband, and one of the sons (the second) married out uxori-locally. Two daughters were married out in the regular way, and another was adopted out as a simpua. Her adoptive relationship was ended, though, when she returned to the family, and then married out in the ordinary way. One daughter remained unmarried, and one was adopted when she was fifteen (a very advanced age for adoption).

The chronologically oldest daughter was married to an uxori-local husband, Lin Ch'ing, in 1925, when she was fifteen and he eighteen. They remained in her natal home for eleven years, and also had a large family; though three of their children died in infancy, seven survived. The oldest son married out uxori-locally in 1954 (when he was twenty-seven), to an adopted daughter of a man in Keelung, the port on the northeast coast. One daughter married out when she was seventeen to a man who lived in Taipei. The third daughter was adopted to the man who later became the mayor of one of the administrative villages that make up T'ien-sung-p'i, and later married out to Lo-tung. The fourth daughter was adopted out as a simpua to Ch'iu Wang-chih (see the Ch'iu case) when she was nine years old. In 1958, however, when she was twenty-one, the relationship was dissolved, and she returned to her natal home. The rest of the children followed the parents when they moved to Taipei in 1957. None of the children took the surname Yeh.

The oldest son, Yeh Liang-ch'uan, born in 1919, became T'ien-sung-p'i's Taoist priest. In 1943 he married a woman who had been surnamed Lü, but had been adopted out, and so changed her name

to Chuang; when she married him she took his name, and so changed again, to Yeh. They then had six children, four of whom survived, and adopted one girl. This adoption is puzzling; she was eighteen years old when adopted, and stayed with the Yeh family for only four years, marrying out to Tung-shan (in I-lan).

Yeh Liang-ch'uan, the Taoist priest, is the head of the household. Also resident (officially) is his brother Yeh K-un-sung and his family (see further on in this case). Resident unofficially is the head's "common-law" wife, Ch'iu P'an Chin-kuei. This woman is the widow of one of the Ch'iu surname group members. Her husband died in 1961, leaving five children ranging in age from new-born to eleven. Just when her relationship with Yeh Liang-ch'uan started, I am not sure. A daughter born to her in 1963, and listed as illegitimate, is widely accepted, however, as Yeh's child. In 1970-71 she, her father-in-law, and all of her children were officially coresident with Yeh. Then they set up a new household. Though she is officially registered there, she in fact lives with Yeh. Though their relationship is not formally marriage, it is treated by others in the village as equivalent to marriage in most respects. When she fights with Yeh and the fights become common knowledge (a very common occurrence in a rural village, of course), she is sometimes berated by her father-in-law and others of the Ch'iu group for complaining. Though Yeh has not married her, they say, he is better than many husbands; he provides for her, he does not beat her, and he does not waste money on drinking and such things. She retorts that he is always away nights (the implication seemingly



being that he is seeing other women), and their counter-argument is that that is just part of the job of being a Taoist priest; one has to make night "house-calls."

Yeh Liang-ch'uan's son is following in his footsteps, and is training to be a Taoist priest. In 1970 he married a woman from within the village--eighteen-year-old Lin Mei-ling. She was originally surnamed Chang, but had been adopted out to a Lin family.

The younger brother of Yeh Liang-ch'uan, Yeh K'un-sung, married out uxorilocally to a woman surnamed Weng in T'ao-yüan, on the other side of the island. Two years later, they divorced, and he returned to this household. In 1952 he remarried, and has had four children by his second wife (this marriage is virilocal). He is a laborer, and works in the mountains (forestry).

#### Case V: M. Ch'iu, T. Khu

This family should probably be included in the other Ch'iu case, but since I cannot prove without a doubt that they are related, I will treat them separately.

The family moved from Wu-chieh in 1924. The head of the family at that time was Ch'iu Ch'i-yuan, who lived from 1861 to 1933. He and his descendants are listed as having Fukien as their place of ancestral origin, but they are southern Fukien Hakka speakers.

Ch'i-yuan married Huang Huan in 1885, when he was twenty-four and she sixteen; it was an ordinary virilocal marriage. They had three sons, born in 1888, 1901, and 1909, and adopted in three girls as T. simpuas for the sons. The first of these T. simpuas,

Lu Wen, was identified as a Holo, of Fukien origin, but her name (Wen, which has many variant characters, often meaning "lips," "to kiss") is usually a Sinicized Aborigine name. She was adopted in from Erh-chieh (in I-lan) in 1901 when she was ten years old, and five years later she married the oldest son of the family.

The second T. simpua was Yang A-ts'ung. She was originally surnamed Lin, and evidently was earlier adopted to someone named Yang (no further information on this). She was adopted in by the Ch'iu family in 1922 when she was fourteen. Two years later, when she was sixteen, she married Ch'iu Chung-sung, the second son. They then had ten children--seven boys and three girls. The oldest daughter married out, and the second one was adopted out in 1936 when she was five years old. The oldest son married in 1954, when he was twenty-seven, to a girl from T'ien-sung-p'i, and the second son married in 1960, when he also was twenty-seven. When his wife married in, however, she brought with her two daughters, one born in 1956 and one born in 1958. He recognized the younger one at the same time as the marriage, and her name was changed to Ch'iu. He did not, however, recognize the first daughter, and she retained the surname Yeh. In 1960 Ch'iu Chung-sung and all of his family moved out to Su-ao Chen.

A third son (Ch'iu Chung-chin; he is listed as the sixth son, but this seems to be an error--there is no evidence of any other sons) married out uxorilocally to P'an A-ying (see the P'an case), later divorcing her and moving elsewhere. A T. simpua was adopted in, evidently for him, in 1912 when she was two years

old. (This is Lin A-fen.) This marriage, however, did not work out; in 1930 she had an illegitimate daughter, in 1931 her status was changed from that of T. simpua to adopted daughter, and one month after that she was married out to Taipei.

The oldest son, meanwhile, Ch'iu Chung-chien, and his simpua wife Lu Wen, had three of their own children, and adopted in a fourth. Their oldest son was Ch'iu A-pai, who was born in 1913. In 1923 a simpua, Lin A-wei, aged four, was adopted in for him from Wu-chieh. In 1938, when she was nineteen and he twenty-one, they were married. This couple then produced five children of their own, and adopted in a T. simpua for the oldest son. This girl was adopted in from T'ien-sung-p'i in 1948, when she was three years old, taking the surname Ch'iu. In 1960, when she was fifteen, the adoption relationship was dissolved, and she reverted to her original surname, Liao. At the same time she married the oldest son of the family. They have so far produced six children; the sixth and last was born after I left T'ien-sung-p'i, in 1973.

This household now includes the T. simpua wife (Lin A-wei) of Ch'iu A-pai (he died in 1958), her oldest son, Ch'iu Shun-t'ien, and his simpua wife, Ch'iu Yü-lan (and their children), and Shun-t'ien's brother, Ch'iu T'ien-lai. The mother, A-wei, is the head of the household. The family owns about 400 tangerine trees in the foothills of the mountains, and so is fairly well-off (solidly in the middle class of a three-class system). Ch'iu Shun-t'ien is an employee of the Taiwan Electric Company, T'ien-sung-p'i Hydro-electric Station. When I visited T'ien-sung-p'i last, in 1974, he

was away in Taipei for close to a year's advanced technical training for the Electric Company. He is the graduate of a Keelung technical school.

This family is more wealthy than most, is better educated than most, dresses better than most, and presented the image of being more "modern," sophisticated, and upwardly mobile than most, all characteristics which contradict most of the commonly held stereotypes about those who indulge in T. simpua adoption and marriage. This after three generations of successive T. simpua marriages.

Of Ch'iu A-pai's other children, the second child, a daughter, was married out in 1964 and the second daughter was adopted out to a Lin family in Wu-chieh in 1961, when she was twelve years old.

Out of eleven marriages contracted by members of this family for which we have sufficient evidence for classification, four of them were simpua marriages, and one was uxori-local. There was one unconsummated simpua marriage, and two girls were adopted out.

#### Case VI: M. Liao, T. Liao

This and the preceding case are different from the previous ones in that they are really a large number of cases interrelated by kinship; the overall unit is a lineage.

I selected the Liao group because they are very important in the history of the village of T'ien-sung-p'i as well as in its present. It is also a large, prolific group, which has been in the village for close to seventy-five years, and so there is a good deal of information on the members.

The ancestors of the Liao lineage in its local version were Liao Cheng-ch'ing and his brother Liao Cheng-fa. They arrived in the village from the other side of the island around the turn of the century. This was around the time that the Japanese Colonial government began to gain greater control over the Mountain Aborigines, and was able to increase security in the area. This opened up a good deal of land. A man named Ch'en Shan-chu from I-lan City got control of the land, and recruited a number of Sinicized Aborigines to open it up and begin to develop it. Later, I was told by some informants, he sold much of the land that was thus prepared for agriculture to the Hakkas, particularly the Ch'ius and the Liaos.

The Liaos themselves, on the other hand, say that they were poor and landless tenants in those days, and the ancestors came to the I-lan area searching for land of their own. They had first gone to P'u-li, in the center of the island, but the older brother got sick on the bananas there. They took this as an ill omen, and moved on.

They heard that there was good land available in the I-lan area, and came to look around. The Liaos joke today that the brothers decided to settle in the village through a misunderstanding. The two had arrived shortly after the New Year, and noted piles of rice still standing in front of the houses. Their conclusion was that it must be a rich land to have so much rice left so late in the year. The joke, of course, is that the I-lan Plain is known as one of the wettest areas in Taiwan, and getting the rice dry before

it is damaged by mildew or fungus attacks is still a big problem for farmers today, one that has an influence on overall production statistics.

However it happened, the Liaos managed to obtain large areas of land near what was then the irrigation pond. In the early days they maintained an ancestral temple there, but later, as the lineage grew and its organization weakened, one of the branches gained control over the land on which the temple stood, and converted it into an ordinary house.

Apart from this temple, they did not own any land or other property in common. They were poor, they say, when they arrived, and what land they had was divided among the sons, and there was none in common. The lineage seems to have suffered its greatest segmentation in the eighteenth generation; the temple stood on about five fēn of land. Today two members of the nineteenth generation own the land.

Around 1910 the Liaos built the first rice-mill in the village. It was part of a general store, selling rice, meat, wine, and articles of daily use. The mill was at first man-powered, then powered by a water-wheel, and last by electricity; in the 1920s the Japanese finished the hydroelectric station. Thus the Liaos were "in on the ground floor," and were in a position to profit from the boost given to business when the many laborers and others moved in to build the power station and the narrow-gauge railway system.

From those early days, the Liaos have been one of the dominant groups economically. They may have been poor when they arrived, but

they quickly became one of the richer groups in the area. They are always owner-cultivators, never tenants, they have extensive business interests in the village and elsewhere, and their sons and daughters have a consistently higher level of education than do most of the others in the village. The dominant branch still operates the rice mill, they live in the biggest and one of the newest houses in the village, and they have recently purchased a new truck, their second, for hauling rice and fertilizer, costing NT\$30,000.

There are, generally, two different kinds of Liaos. One kind, the type of which this lineage belongs, is called "split" or "portmanteau" Liao (M. shuang-Liao, T. siang-Liau). The other kind is called "single," or "simple" Liao (M. tan-Liao, T. sien-Liau). The former become Chang (T. Tiu\*) at death; that name is inscribed on the tomb, and sacrifices are offered to the ancestors in the name of Chang. The second kind, the tan-Liaos, are Liao in death as well as in life. The former group, the "split Liaos," cannot marry those surnamed Chang, Chien (T. Kan), or, of course, other Liaos. Their relationship with the Chien surname is different from that with Chang; there are no Liaos who become Chien at death. It was admitted that "times have changed" and that there was little that one could do if such forbidden marriages were actually proposed. Still, it is considered wrong.

The explanation for all of this, according to the Liaos themselves, traces back to events on the mainland of China several hundred years ago. They were originally surnamed Chang, but one of their ancestors, forgotten now, married uxoriously into the Liao

surname group, and they took that surname. They remain Chang, however, "in the bones," and so identify themselves as Chang to the gods when they T. pai-pai ("worship") and have Chang inscribed on the ancestral tablets. This was called "eating their surname" (T. chiáh i-e si\*); taking on the surname of a group in order to gain protection or other benefits from that group.

All of the Liaos in this lineage are "split" Liaos; there are other, "single" Liaos in the area, though. In P'o-pu-wu, the settlement a kilometer or so the east of the village, there are "chicken-head," "single," Liaos, whose male members cannot eat the heads of chickens, but must give them to the women of the group to eat.

For whatever reason, the Liaos of this lineage (there are other, unrelated Liaos living in the village) seem not to have attempted to convert their economic standing into one of political power or influence. They are in no sense community leaders, and are the focus of a good deal of what class conflict might be said to exist in T'ien-sung-p'i. They interact very little in the social life of the village. They seldom participate in T. pai-pais, religious festivals, and in fact Liao Ta-chu, the head of the economically dominant branch in the nineteenth generation, the group which now runs the rice-mill, is a nominal Catholic.

There are only about thirty Catholics in the village. They are clearly from the lower socioeconomic class in the village, and are seen as socially marginal in local terms. At times, in fact, they are seen as troublesome because of their refusal to participate



in various religious observances, a refusal which is seen as possibly having adverse effects on the village as a whole.

Why the Liaos have chosen to alienate themselves from the social life of the village is not clear. Liao Ta-chu's Catholicism is nominal in the sense that he is not a regularly practicing and active Catholic, but seems rather to bring up this identification to define himself in opposition to the majority of the other villagers. This feeling is reciprocated.

We were told by the present mayor (M. ts'un-chang) of T'ien-shan Ts'un, who is Liao's brother's son-in-law, that Liao Huo, the father of Liao Ta-chu and his brothers, and who ran, with his brothers, the store and rice mill in the earlier generation, was dishonest and cheated the people by falsifying their accounts with him. He was so notorious at this, and so hated, that when he died, in 1965, no one was willing to act as pallbearer. This caused great scandal and embarrassment, and the Liaos finally approached the mayor and appealed for his intercession. He was able to get a sufficient number by arguing that this was all making the village lose face, and by trading on his own personal standing, asking people to do it as a personal favor to him, not the Liaos.

It may be that the Liaos are upwardly mobile enough that they now identify with classes in the cities, outside T'ien-sung-p'i, where they do have economic interests. There are indications that they do see themselves as in some sense superior to most of their fellow villagers, and they may remain there simply because of their holdings in land, the rice mill, and the store.

However one might define rural social classes, and draw the lines between them, it is clear that the Liao lineage as a group, and indeed most of the individual families, are in the "rich" category. Those who are not are clearly in the middle category of a three-class system, and usually in the upper part of that. None are "poor." It is thus interesting, for comparative purposes, to examine the types of marriage and adoption practiced by the Liaos during their residency in T'ien-sung-p'i. A summary of this information, taken from the appended genealogy, is as follows: Of a total of seventy-five marriages, twenty-three were marriages of women out, and the remaining fifty-two resulted in the couple's residence, for a longer or shorter period of time, in the Liao group. Of the fifty-two, thirty-two were "regular" marriages, fifteen were T. simpua marriages, and five were uxori-local marriages. Thus marriages into the group can be distinguished as "regular" and "irregular" types; there were thirty-two and twenty, respectively. If, however, we widen the scope of interest to "persons recruited through a social transaction involving rights, duties, control over reproductive powers, etc.," the picture changes a bit.

Fifteen children were adopted into the group (not counting those adoptions which resulted in marriage; those have been classed as "T. simpua marriages" and not "adoptions"). If these are then added to the "irregular" category, the result is that the "irregular" forms are about equivalent in number of the "regular" forms. In fact, of the adopted children, ten were female. As has been noted in the sections on adoption and T. simpua marriage, it is very

hard in many cases to distinguish "true" adopted daughters from T. simpua adopted girls. (In some cases the adopters themselves are not sure what will eventuate.) Of the ten adopted girls, at least three are explicitly mentioned in the records as having been intended as T. simpua, but later having been changed in status to "adopted daughter" to be married to someone else.

There were also adoptions out--fourteen, all females. Of the fourteen, four were specified to be adoptions out as T. simpua, and of course a good proportion of the rest must also have become T. simpua. Taking marriages and adoptions together, one can get an idea of the expansion of the Liao lineage; thirty-seven persons left the group, either through adoption or marriage, all of them females. Sixty-seven persons, however, entered the group, ten of them males (five in uxrilocal marriage and five adopted) and fifty-seven of them females (thirty-two in regular marriage, fifteen in T. simpua marriage, and ten in adoption).

The Liao group is too large to permit a systematic description here, but a few particularly interesting aspects can be pointed out. On page one, for instance, of the genealogy, the case of the T. simpua Wu Shuang is a good illustration of the degree to which such an adopted girl is incorporated into the adopting group. She was adopted into the Liao family in 1900, when she was one year old. (The adopter, Liao Cheng-fa, was one of the two brothers who established the T'ien-sung-p'i Liao lineage.) In 1918, when she was nineteen years old, her status was changed from that of T. simpua to "adopted daughter," and the next year she was married out, in

regular fashion. Then in 1925 she divorced that husband, and returned, to marry a second time in 1926. It is significant here that after her divorce, she returned to the Liao family and not her natal family. Thus her status in the Liao family was essentially different from the affinal relation created by marriage. A woman who was married into the family would never lose her ties with her own natal family, which means that the husband's family's rights over her and her reproductive powers were curtailed to some degree. The transference of rights in T. simpua adoption, however, was much more complete. It sometimes happened that such an adoption was dissolved, and the girl returned to her natal family, but it was much more common for her, if she did not marry a son of the family, to be transformed from a "daughter-in-law" to a "daughter," so that the family still retained rights in her and her sexuality (the right to arrange and conclude a marriage for her).

There is also a very complicated set of M. kuo-fang adoptions. The older of the founding brothers, Liao Cheng-ch'ing, had three sons. The youngest of these, Liao Ch'ing, did not have any sons until late in life (when he had two), and so he adopted in two sons of his oldest brother, Liao Shan (who had six sons). These adoptions, in various records, were termed both M. kuo-fang and M. ming-ling-tzu. One of these M. kuo-fang adopted sons, Liao Ta-wan, then married and had three sons of his own. One of these he then adopted back to his original branch, to one of his brothers, Liao Shan's second son, Liao Ta-ang. The latter had married twice, but still had no sons, so he adopted a different-surname child

(termed a M. ming-ling-tzu, and who had been the illegitimate child of a woman surnamed Yu). Two years later, at age three, the boy died. The M. kuo-fang adopted son "saved the game," however, producing two sons. This is called "borrowing the son and returning the grandson" (M. chieh tzu, huan sun), though this phrase is more often used in non-kuo-fang adoptions (see Chapter IV).

Case VII: Ch'iu, T. Khu

This case, like the Liao case, is really a series of cases connected by kinship. The Ch'ius arrived in T'ien-sung-p'i perhaps ten years after the Liaos did. The records state that they arrived in 1915, but informants indicate that the actual date was somewhat earlier, and 1915 is the date of the official transferral of the household registration. The head of the lineage then was Ch'iu A-ch'uan, also known as Ch'iu Ch'üan-liu. The former version is from the household records, and the latter from a genealogy loaned to me by the Ch'iu group. There are a number of such name differences. Unfortunately I was not aware of this when I was still in T'ien-sung-p'i. Only when I left the field and was able to finish the index of my household registry data, and so could compile all of the information on the Ch'ius, did the discrepancies appear. There are a number of possible explanations for this situation.

One is that genealogies, as ritual, retrospective documents, seem to be more organized and complete with respect to generational names than are the names actually used. Either this is because

these are "ritual" names, used in complete form only for genealogical and other uses, or there is in fact a good deal of falsification of names after the deaths of individuals, to bring them into line with the generational pattern. This is linked to the difference between the formal, full, name and its informal version with the T. A prefix.

Another explanation, of course, and one that was obviously operative to some degree, is marginal literacy and "misspellings." Thus there may be two versions of certain names, but versions the pronunciation of which are identical. Thus there are two versions of Ch'iu Yu-sheng (Appendix B, p. 365). A reading pronunciation of "to have" in Taiwanese, iu, is identical to the pronunciation of the other character used in the other version, T. iu, "friend."

A third explanation is that some of the members of the lineage are not actually related at all, and that there has been large-scale falsification of the genealogy to attempt to reflect or affect contemporaneous socio-political realities.

Since I have not been able to interview the people involved, or look further into historical sources, I cannot conclusively solve this problem. On the basis of the evidence at hand, though, I tend to support the first and second explanations in combination; I have no reason to believe that any "creative" use has been made of the genealogy in the sense of altering it to incorporate unrelated groups or individuals.

The Ch'iu lineage differs from the Liao lineage in that they are considerably less well-off than the Liaos are. Though the constituent families are seldom "poor," they are what might be called "lower-middle class" in a social-class system. Where the Liaos are landowners, the Ch'ius are tenants; where the Liaos are businessmen, the Ch'ius are laborers.

Out of 116 marriages for which there is enough information to identify the type of marriage, twenty-eight were marriages of women out to another family or surname group in the regular manner, and forty were marriages in the regular manner. Twelve were uxori-local marriages, eight in and four out of the surname group. Thirty-six were T. simpua marriages. Thus sixty-eight of the marriages were "regular," and forty-eight "irregular."

Once again, however, as with the Liao case, it is instructive to analyze the adoptions as well. Eighteen children were adopted in. (When it is specified that the status of a girl is T. simpua, this is counted in the category "T. simpua adoptions.") Sixteen of them were female, and two male. Seventeen children were adopted out, fifteen females and two males. Forty-five girls were adopted in as T. simpua. Since thirty-six of them were then actually married to a son of the family, this leaves nine who were converted into "adopted daughters" and married out, or were simply sent back to their natal homes or adopted out.

Thus the sixty-eight "regular" transactions involving the exchange of rights over persons must be weighed against ninety-two "irregular" transactions (marriages and adoptions).

Once again, as in the Liao case, I cannot go into a detailed account of marriages and adoptions for the entire lineage, but I can isolate out a number of interesting cases.

Page 366 of Appendix B, for example, illustrates how one can create a family when one lacks sons. Yu A-"ban" (the last character in the name is a Taiwanese dialect character meaning "last child") was married to Hsüeh A-chi, but lacked sons or daughters. When he and his family moved into T'ien-sung-p'i in 1951, he already had adopted in a daughter, Yu Yü-lan, who had originally been surnamed Ch'en, and had then married in an uxorilocal husband, Chien Chao-tsan, for her. Two years before they moved into the village, he had also adopted in another daughter, this time a T'ien-sung-p'i girl surnamed Ch'en (Ch'en Yüeh-o). In T'ien-sung-p'i, in 1953, he then married in another uxorilocal husband for the second adopted daughter, Chu Ch'in-chang, from the village. While the family was in the village, the first adopted daughter died, and in 1953 her widowed uxorilocal husband married a woman who had been a married T. simpua in the Ch'iu lineage, but had divorced her husband the year before. They then remained in the village when Yu A-"ban," his wife, the second adopted daughter, and her uxorilocal husband all left for Lo-tung in 1953.

There is another example of the same sort of thing in which one of the members of the Ch'iu lineage married out uxorilocally. Lin A-fu, who lived from 1898 to 1965, was married to Liu A-shou, born in 1903 and still alive. Having no sons, they adopted in two daughters. In 1951 Ch'iu Mu-ch'eng married in uxorilocally, and is



still there. His wife was originally surnamed Cheng, and changed that to Lin when she was adopted in. Then when Ch'iu married in, he prefixed Lin to his own surname. Six children have been born to them, four surviving.

The other adopted daughter, Lin Feng A-yü, had an illegitimate daughter in 1959, named Lin Mei-hui. Since it was an illegitimate birth, and the father officially unknown, the child took the surname Lin. Because her father was an uxori-local husband, two of the other adopted daughter's children also took the Lin surname. It is interesting that whether surnamed Ch'iu or Lin, and whether male or female, the children were given the same generation names--Lien- for the males, and Mei- for the females.

In the Ch'iu lineage also occurs one of the few instances of concubinage that I found in the history of T'ien-sung-p'i. In 1918 (the official date of change of registration) Ch'iu Yu-sheng, the ancestor of what I have labeled branches ten, eleven, and twelve, moved into the village from T'ao-yüan with two of his three sons (Ch'iu Chieh-hsing and Ch'iu Shih-shui). The first son brought his second wife, and the third son his concubine. She had been married into the family in 1902, when she was twenty-four. This was in the same month as the marriage of Ch'iu Shih-shui's primary wife. The latter, however, moved back to her natal family in 1905. There is no record of divorce.

The primary wife had no children, so Ch'iu Shih-shui's line has been perpetuated by the secondary wife, or concubine's, sons. They produced six children--four daughters and two sons. The oldest

daughter (as the children of a secondary wife, they have no birth order in the earliest records, just the word M. shu-tzu, "child of a concubine") was married out, and the remaining three daughters were all adopted out within the first few years of birth. Two T. simpuas, however, were then adopted in for the two brothers. The T. simpua intended for the older son did not marry him, however, and she was married out after her status was changed to that of "adopted daughter."

The proportions of nonstandard marriage forms and adoptions become quite high in some branches of the Ch'iu family. Ch'iu A-tung, the ancestor of what I have numbered branch twenty-three, had a T. simpua wife, and they produced four sons. His oldest son was also married to a T. simpua, and they had two sons, each of whom was married to a T. simpua wife. The oldest of these sons had one son who survived, and he was married to a T. simpua.

Ch'iu A-tung's second son did not marry at all, so he first adopted in a daughter, who later married out, and then adopted in a T. simpua and a M. kuo-fang son from his brother in 1928, and married the two to each other in 1936.

The third son of Ch'iu A-tung married in the ordinary, "standard" fashion, and had four sons. One of them has disappeared from view, but the other three all married T. simpua wives (one of the sons is the one adopted to A-tung's second son, above); the oldest of these then married his first son to a T. simpua.

The fourth son of Ch'iu A-tung married a T. simpua as well, and married both of his sons to T. simpuas. That is twelve T. simpua marriages, and there were only fifteen "regular" marriages.

The chart of the following page is a summary of marriage and adoption forms in the seven cases. The figures generally bear out my intuitive feeling about the relative proportions of marriage and adoption forms, but they do force some modifications in that original guess. If we total regular marriages in and out, uxori-local marriages in and out, and T. simpua marriages, we get 249 "marriages" represented in the case materials. Of these 249 marriages, thirty, or 12 percent, are uxori-local.

If we then take the remaining 219 marriages (having removed the thirty uxori-local marriages), we find that sixty-four, or almost 29 percent, were T. simpua marriages. This figure of 219, however, includes sixty marriages out, to other families and surname groups; "T. simpua marriages" here, of course, include only marriages into the group (or marriages within the group; in either phrasing, the couple remains in the surname group or family after marriage). A more proper comparison, then, would be with regular marriages in. If we compute this, we find that of 159 marriages of women into the groups in the cases, 40 percent were T. simpua marriages.

A puzzling aspect of these figures is that there are a total of ninety-five marriages in, and sixty marriages out. One would expect, of course, a much more balanced set of figures. Here we are talking about group recruitment, and at first I thought that these figures were thrown out of balance by the large and expanding

Marriage and Adoption Types	Number of Marriage and Adoption Types by Case							
	IV:Yeh	II:P'an	I:P'oa*	III:Wu	VII:Ch'iu	V:Ch'iu	VI:Liao	Total
Regular marriages in	4	7	1	8	40	3	32	95
Regular marriages out	3	1	0	2	28	3	23	60
Uxorilocal marriages in	1	1	2	4	8	0	5	21
Uxorilocal marriages out	2	0	2	0	4	1	0	9
<u>Simpua</u> marriages	1	5	0	3	36	4	15	64
<u>Simpua</u> adoptions in	1	5	1	3	45	5	18	78
Other adoptions in	2	1	0	4	18	0	15	40
Other adoptions out	4	2	0	1	17	2	10	36
<u>Kuo-fang</u> adoptions	0	0	0	1	4	0	5	10

lineage, which was "using up" women. This imbalance, however, is not reversed in any of the cases studied; large or small, each group (with one exception, Chi'iu Case IV), took in more women than it sent out.

The figures of ninety-five marriages in and sixty marriages out refer only to regular marriages, and it must be suggested that this imbalance is being made up for elsewhere in the system. To get an overall view, then, we must include T. simpua marriages as well. This, then, implies that we must widen our definition, so as to include adoptions generally, since adopted daughters are usually potentially, at least, T. simpua adopted daughters, and hence "potential spouses."

These computations do not, however, clear up the confusion; if we total all individuals entering the groups studied, whether through "marriage" or "adoption," we get a figure of 234. Those leaving the group in marriage or adoption, 114. The figures are even more imbalanced, and it is clear that a major source of the imbalance is adoption; 118 individuals were adopted in, the majority of them explicitly intended as simpuas (seventy-eight), but only thirty-six adopted out. Thus there is a net gain of eighty-two individuals, a total which goes a long way toward explaining the imbalance of figures above. What remains to be explained, of course, is the imbalance in adoptions.

The explanation for this imbalance, I think, lies in the historical and environmental situation. An imbalance in the recruitment and loss figures is puzzling only under the assumption of a

static population; only then must one look somewhere else in the local system for "compensating factors." In a dynamic and expanding population, however, there is no need to (and indeed, it is a mistake to) look for homeostatic mechanisms; there is no homeostasis.

The village of T'ien-sung-p'i is a young one, even by Taiwanese standards (when compared to areas of the mainland, for example). All of its development must have taken place within the last 150 years, and most of it within the present century. The information contained in the case studies effectively brackets the period of greatest expansion of the area of arable land and population. If homeostatic mechanisms are to be looked for, it is in terms of a much larger system than the local one in the village itself.

What seems to have been the case is that the influx of persons into the village was made possible by the local development of land, and the improvement in security, which took place beginning not long after the Japanese took over Taiwan. The influx of persons, as sources of labor, of course, in turn made that development possible. Here my unit of reference has shifted from the groups appearing in the case studies to the village population as a whole. Some of the adoptions and marriages in the above cases, of course, took place within the village as a unit, but the majority of them were extra-village transactions. The preponderance of movement in over movement out in the case materials corresponded to an actual preponderance of movement of people into the village.

People from areas of greater population density, and greater pressure on the land, moved into the expanding and developing frontier areas. This is exactly what I was told by the Liaos about the motivations of their ancestors Liao Cheng-ch'ing and Liao Cheng-fa; that they had come to the I-lan area looking for land because their home area in Hsinchu had no land available. Those areas gave up the people that T'ien-sung-p'i gained.

A larger proportion of the people so gained were recruited through adoption of females. Given the cultural values which gave females much less importance than males, and a system of customary law which offered many alternative forms of transaction of rights over persons, females could be much more flexibly "used" than males in this situation. A female was cheaper to raise than was a male, since her intrinsic value was seen as lower, and she could very early begin to contribute labor to the household. Even today, in my experience, the females of families, whether adopted or not, begin to work much earlier for the family than do male children. Girls of nine or ten can and do contribute much valuable labor in looking after younger siblings, preparing food, cleaning up the house, and so on, usually while their older brothers are out playing.

Thus one can get eight or ten years of increasingly productive labor out of a girl before she is of an age to marry. If she is own's own daughter, then she will marry out, and be lost to the family (unless, of course, an uxorilocal husband is married in for her; as is shown in the section on uxorilocal marriage, however, one must "sweeten the pot" to get such a man). One will, of course,

get the brideprice in return, but the alternatives available in the "disposal" of a daughter are not as many as in the case of an adopted daughter. One can get just as much labor out of her, and more; it is commonly felt that since such a girl is not one's own, it is easier to work her hard, and spend less on her. When she is of marriageable age, one is not restricted to arranging a marriage out or uxorilocal marriage in, but might also marry her to one's son (or adopted son). An added bonus, which has been mentioned by Arthur Wolf, is that she has been socialized in the family, and so can be expected to be less disruptive and more docile than a "stranger" who is married in (Gallin 1966: 163-66). This phrasing is in terms of socialization, but one can also put it in terms of customary law; such an adopted daughter has been more fully incorporated into the family. There has been a more total transferral of rights, and thus the adopting family has greater powers over her than it would over a woman who had married in. (Her natal family still has some rights over her, and she can return to them in extreme situations.)

A Taiwanese folk-song puts it well:

Bring a basket of rice to feed the chicken;  
 If you raise a chicken, it can crow the time.  
 If you raise a dog, it can bark at ghosts.  
 If you raise a pig, you can butcher it.  
 If you raise a sister's son, it's all expense, and no return.  
 If you raise a daughter-in-law, she'll support the husband's  
     family.  
 If you raise a daughter, she becomes someone else's.  
 (Li 1936: 240).

We can see from the figures that in fact the alternative of marrying such a girl to one's son was the most popular; of 118 girls adopted in, sixty-four, or 54 percent, did marry this way. The



remainder were dealt with in a variety of ways, but figures on the relative numbers are simply unavailable. Some were sold or pawned as prostitutes, some remained in the adoptive households as servants, or T. cha-bo'-kan, some were re-adopted out, some were married out, and some were simply returned to their natal families.

The only serious drawback to such T. simpua marriage was that it restricted affinal ties. When the adopting family acquired relatively complete rights over the girl, it at the same time, and to the same degree, reduced its future powers to activate affinal ties for social or economic reasons. Though the personal ties between such a girl and her natal family will not have completely disappeared, they will have weakened considerably after ten or twenty-years' residence in the adoptive family, and as the natal family has few rights over the girl after her adoption, they also have correspondingly few duties toward her, and by extension, the family to which she belongs.

## CHAPTER VI

### ANALYSIS AND CONCLUSIONS

A basic argument of this dissertation is that "marriage" and "adoption" are inappropriate categories for the analysis of social transactions in traditional Chinese society, and that attention should instead be paid to a spectrum of social forms, a spectrum which contains a wide variety of types of transactions. What is common to all of these types of transactions is that they are forms of recruitment; recruitment to family and household groups. Any further analysis, then, requires that we look into the nature and role of these family and household groups.

I have found it useful in this analysis to view the family as a type of informal interest group, one which makes use of various kinship, ritual, and other forms of symbolic patterns and activities to protect or develop power (in the broadest sense) for its members. This view requires that the general political and economic context must be taken into account. To quote Abner Cohen, "The anthropologist must deliberately formulate his problems in such a way as to make reference to the state a necessary part of his analysis" (1974: 128-29).

When we come to see the family as a corporate interest group, we must, particularly for an agrarian society like that of traditional China, consider the features of the family farm that are said to

characterize peasant societies. In this context I have found the theories of A. V. Chayanov to be most fruitful. One of Chayanov's central ideas, seen by some as the central concept for analyzing family economics and the key to his arguments (Thorner 1966: xv), was that of the labor-consumer balance between the satisfaction of family needs and the drudgery (or irksomeness) of labor. His argument was that capitalist economic theory could not be indiscriminately applied to any society whatever, that it really worked only in capitalist economic systems. Furthermore,

The economic theory of modern capitalist society is a complicated system of economic categories inseparably connected with one another--price, capital, wages, interest, rent, which determine one another and are functionally interdependent. If one brick drops out of this system, the whole building collapses. In the absence of any one of these economic categories, all the others lose their specific character and conceptual content, and cannot even be defined quantitatively (Chayanov 1966: 4).

This seems obvious if one takes, for instance, the category of price. Chayanov argues, however, that it is no less true of the category of wages, the one of most interest to us here because it bears on the nature of the family farm labor force.

Even if out of all the possible economic systems lacking this category we choose one in which exchange and credit (and thus the categories of price and capital) are present (for example, the system of peasant and artisan family labor units held together economically by monetary and exchange processes), we shall still find that the structure of such an economy lies outside the conceptual systems of an economics adapted to capitalist society.

On the family labor farm, the family, equipped with means of production, uses its labor power to cultivate the soil and receives as the result of a year's work a certain amount of goods. A single glance at the inner structure of the family labor unit is enough to realize that it is impossible without the category of wages to impose on this structure net profit, rent, and interest on capital as real economic categories in the capitalist meaning of the word.

Indeed, the peasant or artisan running his own business without paid labor receives as the result of a year's work an amount of produce which, after being exchanged on the market, forms the gross product of his economic unit. From this gross product we must deduct a sum for material expenditure required during the course of the year; we are then left with the increase in value of material goods which the family has acquired by its work during the year, or, to put it differently, their labor product. This family labor product is the only possible category of income for a peasant or artisan labor family unit, for there is no way of decomposing it analytically or objectively. Since there is no social phenomenon of wages, the social phenomenon of net profit is also absent. Thus, it is impossible to apply the capitalist profit calculation. . . .

The amount of the labor product is mainly determined by the size and composition of the working family, the number of its members capable of work, then by the productivity of the labor unit, and--this is especially important--by the degree of labor effort--the degree of self-exploitation through which the working members effect a certain quantity of labor units in the course of the year.

Thorough empirical studies of the peasant farms in Russia and other countries have enabled us to substantiate the following thesis: the degree of self-exploitation is determined by a peculiar equilibrium between family demand satisfaction and the drudgery of labor itself (Chayanov 1966: 5-6).

This latter point is elaborated as follows: each increment of the family labor product must be seen from two standpoints: first, from the importance it has with respect to the satisfaction of family needs, and second from the viewpoint of the drudgery that is involved. With each additional increment, the importance of that movement for the satisfaction of the needs of the family decreases. The drudgery, however, will increase continuously and at an accererating rate. There must be a point, then, where these two curves, falling importance and increasing drudgery, intersect. This point of equilibrium is Chayanov's labor-consumer balance. Before it is reached, as long, that is, as the unsatisfied needs are perceived as more important than the irksomeness of the work involved, there is motivation for more and more labor output by the family members.

When the equilibrium point is reached, however, the anticipated benefit of the increments no longer outweighs that irksomeness, and further labor is pointless.

Chayanov holds that his work, and that of a number of others, has shown that

. . . This moment of equilibrium is very changeable. It is reached as follows: on the one hand, through the actual specific conditions of the unit's production, its market situation, and through the unit's location in relation to markets (these determine the degree of drudgery); on the other hand, by family size and composition and the urgency of its demands, which determine the consumption evaluation. Thus, for example, each increase in labor productivity results in gain of the same quantity of products with less labor. This allows the economic unit to increase its output and to satisfy family demands in full. On the other hand, the significance of each ruble of gross income for consumption is increased in a household burdened with members incapable of work. This makes for increased self-exploitation of family labor power, so that the family's standard of living, threatened by increased demand, can be kept up in some way.

Starting with the nature of the basic consideration described above, the family labor farm has to make use of the market situation and natural conditions in a way that enables it to provide an internal equilibrium for the family, together with the highest possible standard of well-being. This is achieved by introducing into the farm's organizational plan such labor investment as promises the highest possible labor payment per labor unit (1966: 6-7).

Both Basile Kerblay (1971: 159) and Daniel Thorner (1966: xxi) have pointed out that Chayanov's theory

. . . worked better for thinly populated countries than for densely populated ones. It also worked better in countries where the agrarian structure had been shaken up (as in Russia after the emancipation of the serfs in 1861) than in countries with a more rigid agrarian structure. Where the peasants could not readily buy or take in more land, his theory would have to be seriously modified.

Since Chayanov did not work out these modifications, he did not elaborate a full-blown theory of peasant family farming for any country other than Russia. Nonetheless, he indicated that he thought one single universal theory of the peasant family farm at the micro level could be devised. In his view, the

Russian case, which he developed so fully, was only an illustration of this larger theory (Thorner 1966: xxi).

As pointed out in a footnote to this passage, however, Chayanov himself recognized this fact and made a few suggestions as to the proper direction of analysis. He pointed out that "the peasant farm tends, by means of renting land, to bring the area it is exploiting agriculturally into optimal relationship with family size" (1966: 111). He then acknowledges "that in cases where the land regime is not very flexible the relationship between land and family is regulated by a change in the amount of labor hired or hired out" (1966: 112).

He further argues that a peasant family without sufficient land and means of production can put the surplus labor force that is thereby created into another form of economic activity, such as crafts and trading. The scope of these activities, however, may be limited, and income low.

In this case, it is sometimes advantageous for the peasant farm to violate the optimal combination of production elements for its activity and to force its labor intensity far beyond the optimal limits. Inevitably losing on unit labor payment, it nevertheless considerably expands the gross income of its agricultural undertaking and reaches a basic equilibrium between the drudgery of labor and consumption--within the limits of agricultural activity, of course--at a level of well-being lower than would occur given a farm optimal in size and proportions.

This forcing up of labor intensity, buying increased annual agricultural income at the price of reducing labor unit payment, is achieved either by an intensification of work methods or by using more labor-intensive crops and jobs (Chayanov 1966: 113).

Chayanov's mode of analysis is, furthermore, useful because it can help to re-orient the anthropologist's examination of peasant families in rural, agrarian societies.

Peasant societies are sometimes described, and indeed defined, as being composed of "relatively" autonomous units, such as family households and villages. That is, households, and villages, are often thought of as being "reasonably" self-sufficient. Some authors tend to take this literally, and assume that such peasant households are in reality quite autonomous, little involved with affairs and events of larger order than their day-to-day and season-to-season agricultural pursuits. Others seem to take it as a sort of "ideal type," a type they acknowledge didn't "really" exist, but one which nonetheless furnishes the model for analysis. Even when it is made explicit that peasants usually exist in larger-scale social, economic, and political units such as states, there is still a tendency to assume that their contacts with representatives of those units are limited and unidirectional, and that they are contacts in which the peasant is passive.

Chayanov's model of peasant economy does not restrict us to such a view. He recognizes two varieties of family economy. One was the "natural economy," which resembles the picture of the autonomous, self-sufficient units described above. The other he called the "commodity economy." It differed from the first mainly in that it was influenced more by commercialization. It differed, for example, in that it possessed the economic categories of commodity price, interest on capital in the form of rentier's income, differential rent, and land price. The presence of these economic categories is sufficient to distinguish commodity economy from natural economy, but they are both still systems of family economy, and in Chayanov's

argument are to be distinguished from other types of economy. The important factor is not how "isolated" or self-sufficient families are, but what sort of labor force they employ--one made up of the family members, variously defined, or of a hired labor force.

These considerations bring us close to the conditions that obtained in the traditional Chinese economy, and even closer to those of Ch'ing Taiwan. This "forcing up of labor intensity" should also ring a bell for those familiar with Clifford Geertz's work on sawah, or wet-rice cultivation (Geertz 1968).

I want to turn now to a consideration of the implications of Chayanov's approach for analyzing Chinese peasant family structure in general, and adoption and marriage in particular.

In the Chinese case, I think that there is no question but that rural economy has long been a "commodity economy," a subdivision of Chayanov's family economy. This is true, of course, in varying degrees for different parts of China and for different periods of Chinese history. It seems to be particularly so for southeastern China, the area of greatest interest to us, and particularly so for the Ming Dynasty and later. E. S. Rawski has shown in some detail how in parts of sixteenth-century Fukien and eighteenth-century Hunan provinces

. . . and in other areas, commercial developments had an impact which extended beyond urban artisan and mercantile worlds, into the rural household economy. This effect is illustrated in Fukien, where the expansion of foreign trade in the sixteenth century brought identifiable changes to both the urban and rural economy. . . . Because the historical materials on Chinese commerce are scanty and provide little basis for evaluating changes in either the quantity or quality of trade, study of Chinese agriculture can provide a useful measuring stick against which



the largely descriptive evidence of markets can be judged. In comparison with commerce, materials on farming are rich, and it is possible to examine developments in agriculture in some detail. One paradoxical conclusion of this study is that significant changes in commerce can be best studied indirectly, by tracing their effect on agriculture. The interaction of trading and agricultural activity provides a focus of interest. . . (Rawski 1972: 2).

This close, inextricable involvement of commerce in agriculture must also have characterized the history of the Chinese settlement of Taiwan. In fact, such involvement must have been in many ways even further-reaching than on the mainland. The very beginnings of effective Chinese settlement of the island were tied up with the course of international trade within East Asia and the international trade between East Asia and Europe. The very early (beginning with the Dutch occupation) and heavy involvement with the cultivation of sugarcane, as a cash-crop for export is evidence of the effect of this on the development of agriculture in Taiwan. Another index of this effect is the diversity of the types of rice grown in Taiwan during Ch'ing rule. Lien Heng, in his Taiwan T'ung-shih, lists forty two different strains of rice that were available (fifty-six strains if subvarieties are counted) in Taiwan, a greater variety than was available on the mainland (according to Chou 1957: 25; Rawski, however, says that "Ming gazeteers for Fukien list more than 150 different seeds, more than two thirds of which are to be found in only one part of the province" [1972: 40]). The range of coinage in use in Taiwan toward the end of Ch'ing rule also reflects the extent of monetization of the economy and involvement with world trade. The foreign silver coinage included Mexican, Hong Kong, Spanish, American trade, Annamese trade, Japanese, Japanese trade, Peruvian, Indian,

Portuguese, and Siamese dollars (though the last four were comparatively rare; Chou 1957: 112).

The issue, then, is not the extent of isolation of individual households, their self-sufficiency, or market orientation. The Shih Ch'a Lu records that in Taiwan "the inhabitants truly know how to pursue profit. They go off in boats or shouldering their goods, trading without stop. This is also why fresh grain is hoarded." The Komalan T'ing-chih, which quotes this passage, says that in Komalan, now I-lan, it was the same, and that less well-off families sold their rice and other crops while they were still on the stalk, accepting a lower price to do so. Even so, it is claimed, they managed to end up with a surplus (5A; 364). The same gazeteer records that double cropping was prevalent, and that the land was quite rich, so that only when two good harvests were achieved in a year was it said to be a good year. There was a surplus, then, over and above what was needed in Komalan, and this surplus was sent to the granaries at Chen-hai and Cha-p'u in Chekinag, Shanghai, Chang-chou, and Ch'üan-chou (Komalan T'ing-chih: 363).

The crucial issue for the applicability of Chayanov's model is the extent of use of hired agricultural labor. On this point, Yhi-min Ho says that for the period 1901-1960 in Taiwan, "farm hired labor accounted only for a small share in the total agricultural employment, and its share remained extremely stable in the range from 3.3 to 4.3 percent of the total agricultural employment" (1966: 42). He arrives at these figures by comparing the agricultural population as recorded in the household registration records with that in the

census enumerations. The numbers of agriculturally employed consistently differ in these two sources, and Ho argues that this is because the agricultural hired laborers were not included in the category of agricultural population as used in the household records, which included only three subgroupings--owner-cultivators, part-owners, and tenants. If the household figures are compared with the census figures for the census years 1905, 1915, and 1920, the ratios of farm hired to total population amount to 4.27, 3.34, and 4.67 percent, respectively. Official data on hired agricultural labor are then available for the period 1947 to 1960, and the ratio for 1947 is found to be 3.40 percent. This gives strong support to his argument about the overall numbers of hired laborers throughout the Japanese period. If we accept these figures, it seems to be that there is no reason to think that conditions in this respect were significantly different during the Ch'ing period.

Some comparative figures from other countries will show that this is quite a low percentage of hired farm workers; the figures were 35 percent for England in 1911, 36 percent for Germany in 1920, 25 percent for the United States in 1920, and 32 percent for France in 1911 (Sun 1938: 69).

It seems, then, that in China hired farm labor was never as important as it was and is in other countries, that this generalization is even more true of the wet-rice areas of the Yangtse Valley and further south (Sun 1938: 69), and that Taiwan has until recently been characterized by quite low rates of hired farm labor use. This means that Taiwanese and most other Chinese farms on the mainland

were peasant family farms in Chayanov's sense, that they practiced a "domestic mode of production," and thus that his concept of "self-exploitation" is applicable.

Chayanov's view is strikingly echoed by Feng Ho-fa in his massive compilation of materials on Chinese peasant economy published in 1933:

The Chinese family system causes a situation in which the relatives of many of the peasants help them in the management of the fields, and receive in return food, lodging, and a certain amount of cash. If one has more relatives, then one has more help. Thus it is not easy to compute the costs of cultivation. The labor of the women and children of the family can also reduce expenditure on hired labor. The amount paid for such help is then used within the family and kin group, so just who receives the benefit is hard to determine. But if we want to know, for comparative purposes, the amount expended for the management of each plot, we must know the value of the unpaid labor, and this must be added to those expenses. Thus this kind of help, computed at the current labor wage, and including food and lodging, is reckoned at ten yuan per year for a male, two thirds of that for a female, and one third of that for a child (Feng 1933: 846-47).

These latter figures are clearly very arbitrary and rule-of-thumb, and illustrate the difficulty that Chayanov has discussed of using capitalist economic categories in what he argues is an essentially noncapitalist economic system.

Thus, in the traditional system, there were large numbers of "interest groups," in Abner Cohen's use of the phrase, that were involved as units in agriculture. It is in this context, among others, that we must view such transactions as adoption and marriage, since they function in part as methods of group recruitment. "Self-exploitation" means not only that the head of the family worked, and often worked harder than if he had been hired by someone else, but also that the other members of the family worked as well.

Ho points out the extent of family labor on farms in Taiwan:

The rate of participation of the agricultural labor force is calculated for the six census years, 1905, 1915, 1920, 1930, 1940, and 1956 based on the census's agricultural employment data. To define labor force in the conventional Western sense, i.e., population over 14 years of age and under 65, is not appropriate in Taiwan. The rate of participation so obtained is persistently over 100 percent. The agricultural labor force defined in the Western conventional manner underestimates the actual size of the labor force. It is not uncommon in rural Taiwan, as well as in other underdeveloped countries, for children under 14 and adults over 65 to be actively engaged in agricultural production. Therefore, the portion of agricultural population with age over 12 is defined here as agricultural labor force. Admittedly, this definition tends to overestimate by including people over 65 in the labor force, but, in the meantime, it excludes those child laborers under the age of 12, which makes the size of the labor force estimated here smaller than the actual size of the labor force in agriculture. The agricultural labor force so defined and the series so obtained can be regarded as reasonably satisfactory. . . .

Women laborers also occupy a large share in the total agricultural labor force and contribute importantly to agricultural production; they should not be excluded from the category of agricultural labor force (Ho 1966: 40-41).

While I am not arguing that the need for agricultural labor is the single "cause" of the various forms of adoption and marriage discussed here, the character of the agricultural economy is crucial for the understanding of those forms. Lin Heng-tao, in an article on the Ch'ing development of Taiwan, discusses some of the customs and usages in contemporary Taiwan that can be traced back to the pioneer era. The prohibition during the Yung-cheng era (1723-1736) upon the families of immigrants accompanying them to Taiwan, he argues, led to the custom in Taiwan of adoption of children of different surnames. These adoptions, which ran counter to the Ch'ing Code (which restricted adoptions for the most part to same-surname adoptions), were, he says, for the purpose of ensuring against poverty and for providing care in old age. The practice was then

continued for a long enough time that it became customary, and even families with many of their own children would adopt (Lin 1968: 59).

I would not agree that such adoptions were continued through inertia, as it were, or with the implication that they were a peculiar development of conditions in Taiwan. There is much evidence, as I have shown, that such adoptions and other "irregular" forms were widespread wherever there were Chinese populations. Lin has, however, put his finger on a very important aspect of the practice. People without them could make use of a variety of transactional forms to create families or "pseudo-families." Moreover, it was necessary to do so in many cases for survival because there were few opportunities or places for single individuals in the traditional politico-economic structure.

The phenomenon of self-exploitation noted by Chayanov meant that the peasant family farm was agriculturally quite productive. It is no accident that the family, and the cultural values that help to support it, were endorsed and promulgated by the Imperial state. Agricultural productivity meant increased revenues for the state, since the majority of such revenues came from land taxes and other imposts connected with agriculture and the peasantry. At the same time that productivity was increased (not everywhere and in all situations, but generally) because of self-exploitation internal to the family, socio-political stability was increased, because the state was in effect operating a system of indirect "colonial" rule, co-opting and delegating authority to the head of the family. The head then found himself working for his own personal good (and, given

the socio-political situation, for the good of the other members of the family) by serving the good of the state. The legal, and to a great degree the customary, powers of the head vis-à-vis the other family members were quite far-reaching. At the same time, however, he was also hostage to the state for the good behavior of the other members. Thus, to the degree that he pursued his own interests and the family's interests, he was also benefiting the state by ensuring revenues, through productivity, and ensuring social order by controlling, with his great powers, the other members of the family.

We have noted that in Chayanov's model of self-exploitation, a family faced with insufficient land and insufficient availability of alternatives to agricultural labor may force its labor intensity far beyond "optimal" limits. By so doing, it loses on unit labor payment, but increases the gross income of its agricultural activities. That is, the overall income for the family is increased, but at the cost of greatly increased drudgery of labor, an increase that might not be borne by a hired laborer. This forcing-up of labor intensity was done in the Chinese case, as Chayanov suggests for the general case, "either by an intensification of work methods or by using more labor-intensive crops and jobs" (1966: 113).

It is in the context of the insufficient availability of alternatives to agricultural labor mentioned above that another argument becomes interesting: that the elite in the traditional Chinese bipolar class structure monopolized, or perhaps a better word is co-opted, the economic alternatives to agricultural work.

It is clear . . . that successful mobility is measured by power, and that power in turn is conditional upon holding political status, either as a ranking or retired bureaucrat in government or as a titled candidate. Power is given by association with government, and wealth follows power. Inlaid chopsticks and porcelain cups come after the fact. Wealth has neither prestige nor security without power. Upward mobility is achieved only when the motivated social climber comes to stand among the rulers or among those eligible to rule. Arrival is marked by holding one or more examination degrees, won or purchased from the state or conferred by the state. "Only the scholar stands high."

Elites, therefore, are first of all power persons. Power, in the name of empire, enables them to draw income from land, service, business, or office; to find security of property; and to enjoy prestige and well-being of person. Rank, not wealth, is the social measure of elite status. Rank is formalized in terms of academic degrees and official titles, for which paper diplomas and certificates (displayed in the ancestral temple) and different costumes (worn on public occasions) are the visible evidence. . . .

Strictly speaking, the elite are not merely one socio-economic class within Chinese civilization. They are, in their own view, the very carriers of civilization; the peasants are just so many energy slaves. . . .

Gentry families necessarily live off the peasant landscape in their own localities. But the power to do so is gained on a translocal basis. Each family centers in a tissue of influential connections. Reaching out from home base, the approach to power is personal. . . (Stover 1974: 118-19).

Thus wealth could be safeguarded from the exactions of officials only through political connections and power, and from theft, loss, or destruction only through putting it in land, a form of investment with quite a low rate of return, but with high security. The goal of government was to ensure domestic tranquility and protect sources of state revenue and the sources of state and elite power. In such a situation family and kinship ties could come to be just as important to a family group as the provision of laborers for the agricultural enterprise.



Abner Cohen discusses how ethnicity is "used" by Hausa communities in Yoruba towns in connection with long-distance trade between the savannah and the forest belt:

Under the pre-industrial conditions prevailing in Nigeria, long-distance trade is attended by a number of technical problems which can be effectively overcome when men from one ethnic group, speaking the same language and observing the same code of conduct, control all or most of the stages of the trade in specific commodities. Such an ethnic control, or monopoly, can usually be achieved only in the course of continual and bitter rivalry with competitors from other tribes. In the process, the monopolising ethnic community is forced to organize for political action in order to deal effectively with increasing external pressure, to co-ordinate the co-operation of its members in the common cause, and to mobilise the support of communities from the same ethnic stock in neighboring towns (1974: 95).

This is a very interesting passage for a number of reasons. First of all, it brings to mind the trading firms, or "guilds" of trading firms, that monopolized the trade between Taiwan and the China mainland during the Ch'ing period, guilds made up of persons of Ch'üan-chou origin. When one thinks of the endemic inter-ethnic rivalry and fighting that took place in Taiwan at the time, and of Lin Heng-tao's argument that in Taiwan, and especially in the north of Taiwan, villages composed of persons from the same areas of the mainland took the structural place of the single-surname, clan-organized villages of Fukien and Kuangtung, Cohen's discussion is quite apt.

Second, and more to the point, the passage brings to mind the situation with respect to banking in traditional China, particularly during the last half of the nineteenth century. King points out that indigenous Chinese banking (the so-called "native banks") was to a certain degree monopolized by Shan-hsi "ethnic" groups, and

that the managers of the branch offices were adopted into the families of the head managers (King 1965: 94). Under the pre-industrial conditions prevailing in China, there was little in the way of politico-legal mechanisms for the support and protection of banking and other financial affairs, so that such activities had to be carried out in a context of other personal ties, in a context of "multiplex" relationships.

The question of the nature of these personal ties and how they are able to serve such functions must be considered here. Since many such ties were founded in the context of family and kinship, attention is drawn to Meyer Fortes' ideas about the nature of kinship, ideas that have sometimes been expressed in such terms as the "morality" of kinship, the "irreducibility" of kinship, "prescriptive altruism," and "amity" (see Bloch 1973: 75-89; Pitt Rivers 1973; 89-105). Fortes has held that kinship is different from all other social relationships in that it is characterized by a moral force, such that individuals are motivated by the common good, and not by their own self-interest. There are, of course, opposing views among anthropologists, some of whom choose to ignore or minimize "morality" as a motivating force (Bloch 1973: 75).

For Fortes, the essence of kinship morality consisted in sharing without reckoning, a relationship Marshall Sahlins characterizes as "generalized reciprocity" (Sahlins 1965: 147). The implication seems to be that balance is not sought in the short term because the relationship is presumed to endure. Another way to look at it, of course, is that the goal, the motive, in the relationship is

morality, not reciprocity. An imbalanced relationship is tolerated because of considerations of morality. Fortes adopts this view and singles out kinship relationships as basically different from other social ties because of their moral content--a moral content which cannot be reduced to economic or political reward (Fortes 1969: 238).

. . . In following Fortes and stressing the significance of "moral" relationships and their irreducibility to perceived economic or political reward . . . I am not in such complete agreement with him that there are not certain qualifications which are necessary to make here. First, for Fortes the moral character of kinship is unique and marks off kinship relations from all others. By contrast I am quite prepared to believe that in some societies other types of relationships seem to have equal if not more "moral" commitment than kinship. When I stress the significance of the morality of kinship for political and economic organization it is because kinship is, very often, the best type of long-term moral relationship. I would not prejudge the issue whether it is the moral relationship par excellence although I am prepared to accept that this might indeed be so. The second point which should be stressed is that even if kinship is the most "moral" social relationship there are many kinds of kinship, some implying shorter term commitment, some longer term commitment. Fortes' own distinction for the Tallensi between descent ties and ties of affinity is an example. Finally, the third qualification follows from the other two. If the effect of morality is the existence of long term commitments then there is no sharp break between kinship and other commitments but rather we should regard kinship as the end of a continuum consisting of commitments of different terms (Bloch 1973: 76-77; emphasis supplied).

Whatever the precise "nature" of kinship, or that of the "morality" mentioned above, it seems clear that the Chinese family was and is characterized by relationships of generalized reciprocity, reinforced, it should always be remembered, by hierarchical relationships of an authoritarian nature, the latter in turn reinforced, in traditional times, by the state political order. This is one of the reasons that families and households were able to function as

domestic units of production; mechanisms of authority and compliance were built into the structure and were supported and sanctioned by the wider social and political realm.

Recruitment to the family and/or household was accomplished in part through the wide variety of social transactional forms discussed earlier in this dissertation. The question now arises, what emerges from an analysis and comparison of these various forms of marriage and adoption?

Before turning to a consideration of specific forms, we must once again discuss some of the logical and conceptual problems inherent in the situation. Rodney Needham has discussed, in the context of kinship, marriage, and other topics of concern to social anthropologists, the implications of some of the arguments of Wittgenstein, particularly those outlined in the Blue Book (1958).

Needham points out, and this has been implicit in most of the general arguments in this dissertation, that anthropological research has been misguided in even the supposedly basic topics of kinship and marriage by certain conceptual failings (Needham 1971: 2).

The most important failing here is an inappropriate conception of the nature and definition of a "class." This is that a class, in the logical sense, has been always assumed to have definite and specific criteria of membership. This is, in a sense, a very mechanical and atomistic view of logic and reality, and might best be seen as an inheritance from the Judaeo-Christian tradition in the West, and not as an eternal given truth. Reality is seen

in this view as divided up into neatly discrete categories, the items within each category being "the same."

Wittgenstein argues that this is a mistaken, or misguided, view. Whereas we tend to think of classes being defined or characterized by at least one specific attribute which controls membership in that class and represents the "essence" of the class, Wittgenstein argues that the members of a class may in fact be related to each other in many different ways; that there may not be any specific attribute common to all members.

Thus, usually unconsciously,

We are inclined to think that there must be something in common to all games, say, and that this common property is the justification for applying the general term "game" to the various games; whereas games form a family the members of which have family likenesses. Some of them have the same nose, others the same eyebrows and others again the same way of walking; and these likenesses overlap (Wittgenstein 1958: 17; cited in Needham 1971: 30 and Needham 1974: 69).

If we use the metaphor of family resemblance, then classes become much less discrete and relationships more complex and criss-crossing, both within and between classes.

There need not be, accordingly, any one thing that the phenomena of "kinship" have in common, or that the phenomena of "marriage," "descent," "relationship terminology," or "incest" respectively have in common. Under each general term the instances may be classed together, instead, as in spinning a thread we twist fibre on fibre: "And the strength of the thread does not reside in the fact that some one fibre runs through its whole length, but in the overlapping of many fibres" (Needham 1971: 30; 1974: 69; Wittgenstein 1953: sec. 67).

As Needham points out, we "are inclined by our conceptual habits to assume that there must be something in common to all the phenomena that we class together as 'kinship' and the rest, and it

is this unanalysed premise that leads us into theoretical difficulty" (1971: 31; 1974: 69).

What must be done, in specific cases, is to investigate the possibility of commonalities among items habitually classed together, not to assume that they exist. One should then be prepared for the situation in which there are no specific common features at all, or that those which do exist are so general as to make propositions about the class itself difficult.

This problem is a very general one, common to many of the sciences, but perhaps an occupational hazard to anthropologists because of the nature of their discipline. It amounts to faulty abstraction and the faulty handling of abstractions. What Wittgenstein attacks as a problem is similar in many respects to the general problem of cross-cultural comparison and research, and is also similar to lines of thought in rather different disciplines such as, for example, "general semantics," from Alfred Korzybski to S. I. Hayakawa.

We abstract from reality, forming general classes along lines of interest to us for various reasons. We then label these classes with general names, and then proceed to think in terms of, use, and react to the names labelling the general classes, instead of the reality behind them. This is, of course, necessary for thought, is thought. We fail to notice that the reality has changed, or the classification, in some unconscious way, has changed, and so there is no longer a good fit between the abstraction and reality. We

go on assuming, however, that there is still such a fit. This leads us into difficulties.

When we react to the label of a class, and not to its members themselves, and the label is one which has been translated or transferred from another culture or subculture, we have problems of cross-cultural comparison, cultural relativity, and ethnocentrism. When we react to the label of a class, react to the words themselves instead of their referents, then semantic and logical problems can arise such as the ones studied by the "general semanticists." In the examples given by Wittgenstein, labels have been given to classes, and it has been assumed that the classes are of a certain kind, with certain definitions and logical characteristics. The problem arises in that this has been done erroneously; the classes simply lack those characteristics.

This kind of logical problem exists always and everywhere; it is the anthropologist, often attempting to describe and explain one culture in terms and concepts derived from another culture, who meets it head on, in its most visible and unavoidable form. This dissertation explores a minor example of the general problem--that of the description, analysis, and definition of "marriage," "adoption," and related institutions in Chinese society. Error and confusion can come about in at least two ways: the faulty equation of labels of classes (equating the English term "marriage" with one or another Chinese-labelled class), and a faulty understanding of the nature of the classes (the assumption, for instance, that there

exists at least one common attribute defining membership in the class, when this is not, in fact, the case).

Thus, with respect to the second error, Needham says that

What is common to descent systems may be only that they variously exploit certain logical possibilities in a sexually defined transmission of rights from one generation to the next. What is common to the myriad forms of marriage may be only the contractual union of sexual statuses. What is common to relationship terminologies is the exploitation of certain formal possibilities in the classification of sexual statuses. What is common to incest prohibitions is merely the fact of prohibition. There may thus be something in common, under each general term, but not necessarily a definite set of characteristic, specific, or essential features. The common feature of prohibition, for example, does not entail that the incest regulations of different societies shall in any specific respect be at all comparable. . . .

This does not mean, though, that comparative studies are unfeasible or should be put at a discount. On the contrary, if we give up the reificatory typologies that are usual in social anthropology we shall actually be in a better position to compare, for we shall at least see the social facts in a less distorted way. More positively still, we can carry out comparisons by reference to logical features, and also by the formulation of more suitable abstractions than have been customary (1971: 31; 1974: 70).

Needham's suggested commonality for all forms of marriage, "the contractual union of sexual statuses," gives us a good start on the job of dealing with the myriad forms of Chinese marriage. We have noted that such classes may share a family resemblance only, which is why his suggested commonality is at such a high level of generality. This also implies that some of the characteristics of the "family members" may be found to apply to those outside the "family circle" proper; we should not be alarmed at crossing class boundaries.

If we try to characterize marriage in traditional Chinese society as a contractual union of sexual statuses, we run into the



problem of adoption. It has been pointed out how marriage blends into adoption, through the institution of T. simpua adoption, or the "adopted daughter-in-law." This would cause no problems to the above characterization as long as the adopted daughter-in-law was then clearly distinguishable from other adopted children; these are just variant forms of contractual union of sexual statuses.

These two forms of adoption are not always distinguishable, however, and we have to say that marriage blends, step by step, into "regular" adoption of females. This is true for males as well; there was a continuum leading from "regular" adoption of young boys through "adopted sons-in-law" (TMS: 272 n177, 153) to uxori-local marriage.

One can argue, then, that "regular" marriage is structurally identical to "regular" adoption. In the former case the union is of different sexual statuses, whereas in the latter case the union is of different generational statuses. It should be implicitly understood in this formulation that the contracting parties are the heads of households or families (males, in the Chinese case), and not the individuals themselves. General formulations or definitions of marriage which tend to assume that the parties to the contract are the marrying couple themselves are inadequate cross-culturally, and certainly would not fit the characteristics of the traditional Chinese marriage system.

The postulation of the structural similarity between marriage and adoption is exciting because it offers a more satisfying solution to the "confusion" of the categories of marriage and

adoption; they are seen to be the same structural form, in which a change of the characteristics of the elements of the structure leads to an alteration in the "surface," or observed forms.

The objection can be anticipated that this structural similarity is at such a level of generality that almost any social transaction involving two (or more) persons can be subsumed under it.

There are several answers to this objection. First, the arguments cited from Needham and Wittgenstein above show that we cannot expect much more than very general, nonspecific, characterizations of even more delimited classes such as "marriage." If we operate as though we can be more precise at this level, then we are deluding ourselves, and are headed for logical and conceptual trouble.

Second, of course, the postulation of this structural similarity is justified by the empirical fact that marriage and adoption are often difficult, even in specific cases, to distinguish from each other. If two phenomena are very difficult to distinguish, then they are in some sense the same.

Third, there is every reason, in terms of the indigenous Chinese systems of logic and world view, to make an equation between relative sex statuses and relative generational statuses. The statuses themselves are, of course, defined and characterized differently, but the relations between the statuses in each sphere (the relations between the statuses of male and female, and the relations between the statuses of generational elder and junior) are structurally the same.

This line of reasoning brings us squarely into the realm of symbolic variables mentioned by Cohen, and a brief excursion must be made into Chinese traditional systems of thought, to see how the society conceptualized the nature of the categories with which we are dealing and the nature of their relationships.

This is a sticky area for the anthropologist because China is a literate society with a long tradition of religious, philosophical, and socio-political writing. The relationship of these writings to Chinese society and culture is, of course, dialectical: they both affect and reflect socio-cultural reality. It places a great burden on the anthropologist interested in Chinese society that there is a vast amount of such writing, that it is obviously so important to a thorough understanding of Chinese society as a whole and of any particular part, and that it is written in a variety of classical Chinese styles. The ability to read such material, to understand it, and to put it in proper socio-cultural and political perspective is a specialized study in and of itself.

The anthropologist must rely upon specialists from other disciplines to tell him what he wants to know about these writings. Often, however, these specialists do not know, or do not even want to know, about the sorts of things of interest to anthropology or sociology.

If the anthropologist does not use what he can from the written tradition, he can be accused of naïveté, of having treated China as a vast, nonliterate, "primitive" society with nothing but local oral traditions. If he does use such material, he runs the risk

of being accused of a kind of elitism--of relying on material written by the elite for the elite, material with little relevance, if any, for the life and thought of the vast majority, the peasants.

The varieties of marriage and adoption, and the characteristics of each, seem remarkably constant and consistent over vast geographical areas in China. Some of the more exotic forms, such as those involving homosexual, or same-sex, "marriage," are known only from circumscribed geographical areas, but the other forms seem to be found just about everywhere. It has also been seen that some of these forms have been known for 2,000 years or more.

All of these varieties of marriage and adoption have grown up and have developed in a certain ideological environment; one which seems to have spread to wherever there were Chinese populations. This ideological environment is what anthropologists have called the "world view"; it contains ideas about the cosmology generally, and man's place in it. It also contains certain characteristic modes of thought and analysis. It is these latter, in particular, that seem to be useful in explaining phenomena in the elite world and peasant world alike.

I will explore some of these modes of thought as analytic tools; I do not claim that this is the way people actually think, in each and every case (it is difficult, in any case, to specify "what goes on in people's minds"), just that it is a useful and productive mode of analysis. In this, I will often have to rely upon the analyses of other specialists, and will use a number of the "elitist" writings referred to above.

The traditional modes of analysis and exposition exhibited what has been called a "coordinate framework" and a kind of dialectical method. The dialectic, of course, was most frequently expressed in terms of M. yin and M. yang. In most instances these are defined as the "female principle" and the "male principle," respectively. A kind of dialectical dualism, however, seems to be the important thing in the dichotomy; references to "male" and "female" are only one manifestation of a structural relationship which can be phrased in any of a large number of ways.

Yin stands for, or is, the moon, earth, night, water, cold, dampness, darkness, the hidden aspect of things. Yang partakes of the sun, heaven, day, fire, heat, dryness, light, the open and visible aspect of things, and so on. There are a vast number of these categories which are opposed as yin and yang, categories which bear little or no relationship to either "male" or "female."

This is clearly a case in which Wittgenstein's concept of "family resemblance" is applicable. There is no single attribute which can define a human family resemblance in most cases; it is rather a topological arrangement of certain of the physical features of the person, a certain relationship of the features to one another. In a similar way there is no single attribute which can serve to identify, or define, M. yin or M. yang; rather it is the relationship between the two which is of importance.

Yin and yang are complementary. They imply the existence of each other, they define each other; neither has any meaning apart

from that given it, in a very Hegelian way, by its "opposite." It is the relational structure which has meaning.

In this kind of dialectical relationship the two are opposites and are complementary. They are never in the balanced and complete confrontation we are used to in the West in the fight between light and dark, goodness and evil. One is always the ascendant, although since each contains the seeds of the other, there is always the implication, at least, that this is in the process of changing. This is well summed up in the common symbol of yin, yang, and their interaction, a symbol which is perhaps most familiar to Americans as the logo for one of the major railways.

Yin tends to flow downwards, to contract. It is soft, passive, and submissive. Yang tends to expand, to flow upwards, and outwards. It is hard, active, and controlling. As heaven, yang fertilizes the earth, which is yin. It is the interaction of yin and yang which produces all things. In some texts the sexual interpretation is made more explicit; it said that it is the intercourse of heaven and earth which produces the myriad things and beings of the universe, and that in sexual intercourse man and woman re-enact, or more accurately, participate in, the universal interaction of yin and yang.

This persuasive, dialectical, dualism is obviously of importance in understanding such things as male/female relationships, marriage, and human interactions in general. As an analytic device, for explanation and exposition, it becomes more powerful when tied up with the coordinate framework mentioned earlier.

Chinese cosmology might well have been authored by a strict functionalist anthropologist with a decided bent toward animism, or animatism. All things were seen as interconnected in a vast system that is usually called, in more religious or philosophical writings, the M. tao, usually (and inadequately) translated "the way." This interconnectedness of aspects of the universe is raised to the level of explicit discussion and becomes, as a concept, the object of speculation itself in these elitist philosophical and religious writings. It seems to be there, however, in peasant world-views as well, though perhaps in less explicit, and certainly in less abstracted, form.

The qualities of things in this coordinate framework are to be found from their positions in the structure of the system, while at the same time their position in the structure is "because of" their qualities. The causality we are used to in the Judaeo-Christian world (discrete, mechanical, uni-directional and perhaps to be sought ultimately in the idea of a single creator-god) does not have a clear role here.

A change in one area, or part, of the great system will bring about, or be correlated with (since causality is unclear), change in another part of the system.

Joseph Needham says

A number of modern students--H. Wilhelm, Eberhard, Jablonski, and above all Granet--have named the kind of thinking with which we have here to do, "coordinative thinking" or "associative thinking." This intuitive-associative system has its own causality and logic. It is not either superstition or primitive superstition, but a characteristic thought-form of its own. H. Wilhelm contrasts it with the "subordinative" thinking characteristic of European science, which laid such emphasis on external causation. In coordinative thinking, conceptions are

not subsumed under one another, but placed side by side in a pattern, and things influence one another not by acts of mechanical causation, but by a kind of "inductance". . . . The key word in Chinese thought is Order and above all Pattern. . . . The symbolic correlations or correspondences all formed part of one colossal pattern. Things behaved in particular ways not necessarily because of prior actions or impulses of other things, but because their position in the ever-moving cyclical universe was such that they were endowed with intrinsic natures which made that behavior inevitable for them. If they did not behave in those particular ways they would lose their relational positions in the whole (which made them what they were), and turn into something other than themselves. They were thus parts in existential dependence upon the whole world-organism. And they reacted upon one another not so much by mechanical impulsion or causation as by a kind of mysterious resonance (Needham 1956: II, 280).

Thus the dynastic histories and other works had sections recording strange, unusual events of various kinds as indications and portents of trouble or change in the system. The Sou-shen Chi (Record of Investigations Into the Supernatural) has several such entries referring specifically to male/female role relations:

In the latter part of the seventh year of the Chien-an reign period of the Emperor Hsien Ti [of the Later Han; 202 A.D.], in Sui [an ancient district in Szuchuan], a male changed into a female. Chou chün submitted a memorial, saying that "in the time of Ai Ti [of the Han; reigned 6 B.C. to A.D. 1] there was also this kind of change. There will be a change in affairs of state in the future." In the 25th year [A.D. 200] Shan Yang Kung was enfeoffed (Sou-shen Chi VI, 11a).

In the time of Ai Ti's Chien-p'ing reign period [6 B.C. to 2 B.C.], in Kiangsi, a man changed into a woman, married out as wife, and gave birth to a son. In Ch'ang-an Ch'en Feng became general, and then lost all his descendants. Viewing this as the appearance of mutual production [which implies mutual destruction in the coordinate five-"element" system], some said that he who had become a wife and had given birth to a son would have his line eradicated in the next generation. Thus later Ai Ti died, P'ing-Ti was lost, and Wang Mang took this as an opportunity to plot [for power] (Sou-shen Chi VI: 7b).

In the time of Hui Ti [of the Western Tsin; reigned A.D. 290-307], in Lo-yang, there was a person with the physical



characteristics of both male and female, who moreover could act the part of either sex, and what is more, was extremely licentious. The wars and disorders of the empire arise from the monstrous shapes which are created by the chaotic and improper [mingling of] male and female essences (Sou-shen Chi VII: 3a).

The general system which is the universe has as its motivating force the interaction of M. yin and M. yang. It has been noted that the interaction of M. yin and M. yang was sometimes phrased in terms of sexual intercourse. It is no surprise, then, to find that sexual intercourse, conceptions, and birth are all explained (in these literary works at least) in terms of M. yin, M. yang, and M. ch'i (the "breath" or essence of things), and the five elements, or processes.

The Fu-jen Liang-fang (Tried and True Prescriptions for Women), by Ch'en Tzu-ming, of the Sung, says that

The intercourse of man and woman is the intermingling of their two essences. If yin blood arrives first, and later the yang semen attacks, the blood opens and envelops; the semen enters to form bones, and a male form is created. If the yang semen enters first, and the yin blood then admixed, the semen will open, and envelop the blood. The blood enters to form the base, and a female is formed. The yang essence collects on the ventral aspect. Thus males are heavier ventrally, and the corpses of drowning victims will always lie prone in the water. The yin essence collects dorsally, so women are heavier dorsally, and drowning victims will die supine in the water. When animals die of drowning, they also will be supine or prone in this way.

If the yin and yang arrive together, then the form is neither male nor female. If the semen and blood separate, then Siamese twins result. Indications for judging the nature of the fetus are as follows: If the husband is young, the wife older, and a daughter is born, she will be thin, haggard. If the mother is strong and the father declining, and a son is born, then he will be weak. The old prescriptions first noted this (KCTSCC v. 56: 640).

The Wan-ch'uan Kuang-ssu Chi'yao (The Complete Essential Guide for Increasing Progeny) has a similar injunction:

The male's semen abounds in thinking of his wife. The woman's blood abounds in pregnancy. Male and female unite in order to multiply descendants and to continue the obligations of morality. The consequences are no light matter, so one cannot but speak of the method of seeking a son. In this the male is ruled by semen and the female by blood. If the yang semen is copious and not exhausted, and if the yin blood flows in a timely manner and is not prolonged, if yin and yang are freely intermingled, and semen and blood combine, then a fetus will form, and children will multiply.

If the yang is weak, and cannot descend to meet the yin, if the yin is deficient and cannot rise to follow the yang, then yin and yang are opposed, and semen and blood will deviate from their proper paths. This is why there are no children.

The ignorant in the past did not know this, and opposed natural law, mistakenly promulgating the art of seeking the inner breath, extending the production-destruction relationships from the five-elements theory, seeking nourishment in pills, making falseness equal to truth, and trying to make the works of man to surpass those of nature. Though they had children, many did not give birth, and many could not rear their children (KCTSCC v. 56: 642).

These last mutterings about the "inner breath," the five-elements theory, and pills are a reference to a kind of indigenous tantrism advocated by some Taoist writers. These sexual techniques were only one kind of a number of different sets of techniques for attempting to achieve material immortality. The search for this immortality was constant among certain strains of Taoism and led, according to Joseph Needham, to a considerable amount of scientific or proto-scientific thinking, observation, and experimentation.

#### The sexual techniques

Owing to Confucian and Buddhist antagonism . . . have remained much the most recondite, yet they have considerable physiological interest. It was quite natural, in view of the general acceptance of the Yin-Yang theories, to think of human sexual relations against a cosmic background, and indeed as having intimate connections with the mechanism of the whole universe. The Taoists considered that sex, far from being an obstacle to the attainment of hsien-ship (the "immortality" referred to above), could be made to aid it in important ways. Techniques practiced in private were called "the method of

nourishing the life by means of the Yin and the Yang" (Yin Yang yang sheng chih tao), and their basic aim was to conserve as much as possible of the seminal essence (ching) and the divine element (shen), especially by "causing the ching to return" (huan ching). At the same time, the two great forces, as incarnated in separate human individuals, were to act as indispensable nourishment the one for the other. . . (Needham 1956: 146-47).

These techniques, which viewed sex as a sort of alchemy, could not be sharply distinguished from more ordinary sexual techniques "of the lay bedchamber" (Needham 1956: 147).

A number of books advocating and describing sexual practices have survived Confucian and Buddhist censorship but are quite rare. Thus it might be thought that they and their ideas had little currency among the majority of the people. Still, Needham says that

Popular versions of some of these still circulate (or did so until recently) in the lending-libraries of pedlars in China, and others are also passed privately from hand to hand. I always remember the reply given to me by one of the deepest students of Taoism at Chheng-tu when I asked him how many people followed these precepts: "Probably more than half the ladies and gentlemen of Szechuan" (Needham 1956: 147n).

Chinese society, if I can anthropomorphize this way, has opted for the M. yang, or male, principle as the dominant one for the ordering of social life. This could hardly be otherwise, since the M. yang principle is the active, controlling one, although some Taoists have at times advocated a kind of nonaction, passive, M. yin approach to social organization and government.

A social order based on, or associated with, M. yang, however, necessarily implies one based on M. yin. This logical fact has been recognized by Chinese thinkers, and such a social order, matrilineal

and matriarchal, has been attributed to their own proto-human ancestors of the mythological past, to animals, or to foreigners. However, one can argue that analytically such an order does exist as the M. yin, or hidden, aspect of Chinese society.

Although M. yang is the active, hard, controlling element, and M. yin the passive, soft, submissive one, this does not mean that the former is necessarily the more "powerful" of the two. In some theories about pregnancy there are indications that a fetus is "basically" or "naturally" female, and that the male's M. yang-essence, or semen, must be strong to overcome this basic tendency if a male child is to result; certainly conception is usually phrased in terms of some sort of contest between the M. yang and M. yin forces, the outcome of which determines the sex of the child.

In some of the Taoist techniques mentioned above, a male should have intercourse, without ejaculation, with nine or eleven different women (odd numbers being M. yang) before having intercourse, with ejaculation, with his wife. In this way his M. yang essence would be strengthened, and the child would be sure to be male. As Needham puts it:

The purpose of the Taoist techniques was to increase the amount of life-giving M. ching ("essence") as much as possible by sexual stimulus, but at the same time to avoid as far as possible the loss of it. Moreover, if the Yang force in man were continually fed by the Yin force, it would not only conduce to his health and longevity, but its intense maleness would ensue that when emission did take place, the sex of the resulting child would be male (Needham 1956: 149).

Some of the manuals of sex techniques mentioned earlier advocate a kind of "sexual vampirism"--methods of strengthening oneself at the expense of women. (This critical view was that of

R. H. van Gulik. He later adopted a more positive view of Taoist sex practices in general, but for this argument, I think that his earlier judgment must remain [Needham 1956: 146n].)

In the manual called Yü Fang Pi Chüeh (Secret Instructions Concerning the Jade Chamber), it is explicitly advised that no one practicing these methods should let women know anything at all about them. Not only would the arts be of no use in the nourishment of M. yang, but harm and illness could result for him because this would be giving the woman a weapon that she could use against him. One woman, Hsi Wang Mu, a sort of personification of M. yin, is mentioned as skilled in these arts. She is described as practicing her sexual vampirism on young boys.

The nourishment of M. yang on the part of the male continues, in a sense, after death. The soul, as might be expected, is also analyzable in terms of M. yin and M. yang. The theories of the soul are complex and varied, but usually they agree in dividing the soul essence into two aspects, a M. yang aspect, the M. shen, and the M. yin aspect, the M. kuei. At death the M. shen goes upwards, the natural M. yang direction, to heaven, and the M. kuei goes downwards, the natural M. yin direction, to the underworld. The M. shen becomes a benign spirit, which requires continuing nourishment from this world, and the M. kuei becomes an unfriendly spirit, which can be placated by those in this world. The picture is much more complex than this in part because a M. shen can become a M. kuei if there is no one to sacrifice to it, and, as has been pointed out by Chiao

Chien, "Chinese thinking on the supernatural is not categorical but rather dialectical" (Chiao 1975: 393).

The argument that I am making is that it would be possible, and might be very valuable, to analyze Chinese society using the tools given in the traditional modes of thought, dividing the society into M. yang and M. yin aspects, related in the characteristic M. yin/yang dialectic.

The patrilineal, Confucian, "standard" aspects of the society can be seen as M. yang, but a M. yin aspect is also present. This seems to accord well with Marjorie Wolf's findings in Women and the Family in Rural Taiwan (1972) that a look at patrilineal Taiwanese society from the point of view of the women reveals the importance of a "hidden" social structure of linked, woman-centered uterine families. She says that these uterine families are in conflict with, but also mesh at certain points with, the patrilineal social structure. She further states that this "woman's subculture," as she calls it, is below the level of consciousness, and that it has no ideology, but "appears almost as a response to the traditional family organized in terms of a male ideology."

One can argue, however, that there is, in a sense, an ideology, and that the uterine family arises as a response to the male ideology but also as a logical requirement of the dialectic. The uterine family is part of the M. yin aspect of social organization, as are many of the other types of forms mentioned here, and the M. yin/yang dualism provides the structure and outline of its ideology. Both aspects of the social structure are necessary for

the working of the entire system, of which they are complementary parts.

Using this kind of analysis, one can say that the kinds of contractual unions discussed here are, at the most general level, transactions between two statuses which stand in a certain relationship to each other. This relationship is never one of equality, but is one of complementary inequality: a M. yin/yang relationship.

At this level of generality, the statuses and associated roles are not male/female, but superiority/inferiority or, perhaps better in some situations, activity/passivity. One actor is always clearly in the M. yang role, and one quite clearly in the M. yin role. In marriage proper, this is manifested as male/female. In adoption proper, as senior/junior. In uxori-local marriage the structure remains the same; it is just that it is the biologically male actor who takes the M. yin role, and the biologically female actor who takes the M. yang role. At the level of ideology this is one of the reasons that the union is negatively valued by the male: the structure of the union is disharmonious with respect to the structure of the society generally. In same-sex unions, though there is very little information on them, it seems that again there is always a clear differentiation of roles: one partner always plays the M. yang role and one the M. yin.

These sorts of transactions involve the transferral of certain rights and duties over the persons concerned. These are expressed ideologically as a kind of transformation of "substance" or "nature." This "substance" or "nature" can be identified with

the M. yang aspect of the individual, or the individual's soul. The soul tablet of a woman, for example, remains on her husband's family's altar after her death, and not on her natal family's altar. This is true in most forms of adoption as well. In the section on biographies of meritorious women of the Taiwan T'ung-shih (The General History of Taiwan), this is well described in the case of an "unmarried" T. simpua whose husband-to-be had died:

Shih Chin-niang was from [a certain named place] in Chang-hua. When she was 14 years old, she was made a T. simpua of Wu Mao-shui. She was very docile and agreeable in nature, and was filial to her parents-in-law, who loved her. They waited until she was of marriageable age, and then divined for a lucky day, whereupon Wu Mao-shui (her husband-to-be) suddenly died. She was then just 16. She was grief-stricken, and did not want to live. Her parents-in-law exhorted her, compelling her to attend the funeral rites. She weiled day and night, so pitifully that it brought tears to the eyes of those who heard. One day she returned to her natal home, and her mother, thinking of her daughter's youth, wanted her to remarry. Chin-niang nobly said "In life I am a person of the Wu family; in death I will be a spirit (M. kuei) of the Wu family. How could I remarry?", whereupon she returned, without taking leave of her mother (1918?: 1128).

This transformation of substance was not always complete, symbolizing the less than complete transferral of rights from one family to another, and it could be treated "creatively" to justify, or make possible, certain lines of action.

I have described in Chapter V how the Liao lineage in T'ien-sung-p'i was what is called "split Liao"; they had originally been surnamed Chang, but an ancestor had married uxorilocally into the Liao surname group, whereupon they took that surname for most purposes in this world, retaining Chang for their dealing with the other world (or worlds). This means that they are not supposed to



marry into the Chang surname; this would be, in effect, a violation of surname exogamy.

I knew, however, that one of my neighbors, surnamed Chang, had married a Liao woman. The latter is Liao Yüeh-o; she married a man named Chang Cheng-ming. When I asked informants from the Liao surname group about this, they said that this was different because "her bones aren't Liao, only her skin is," and so the prohibition did not apply to her. This was because her father, originally surnamed Wang, had married uxorilocally into the Liao family (simultaneously being adopted as a Liao as well). Thus, uxorilocal marriage, adoption, change of surname, and the fact that all of his children then became Liaos did nothing to change his basic "Wang-ness" (if that became important or useful, of course). He and his children have Liao skins but Wang bones.

This interpretation is reinforced by the description of one kind of M. ting-hun, or "betrothal" ceremony given me by another informant, not a Liao. In this ceremony, an open, or "public" ceremony, the go-between comes to the bride's home with six men (though children can be counted among the six), three chickens, two pieces of pork, three M. o'-a-hi (a fish like a trout), the betrothal money, and so on.

The chickens are boned. This is explained as having the meaning, in Taiwanese, bah beh hong chiäh, kut bo ai hong khe ("We give the flesh to eat, but not the bones to gnaw.") Douglas (1923) has T. bah ho-lang chiäh, kut m'chia\* no-lang khoe, "Let people eat

the flesh but not gnaw on the bones, to allow our friends to be somewhat injured or reviled, but will not let it go too far" (sic).

In terms of rights over the bride, this can be interpreted as meaning something like "Now she is part of your family and you can treat her as you see fit, but if it goes too far, and she is treated too badly, it will reflect discredit on our family, and we will have to do something about it."

In terms of the ideological system, it can also be interpreted (and these are not mutually exclusive interpretations) as a symbolic statement that in this transaction the "substance" of the bride is in part transformed to that of the groom's family, but not all of it; she remains in part still identified with her natal family.

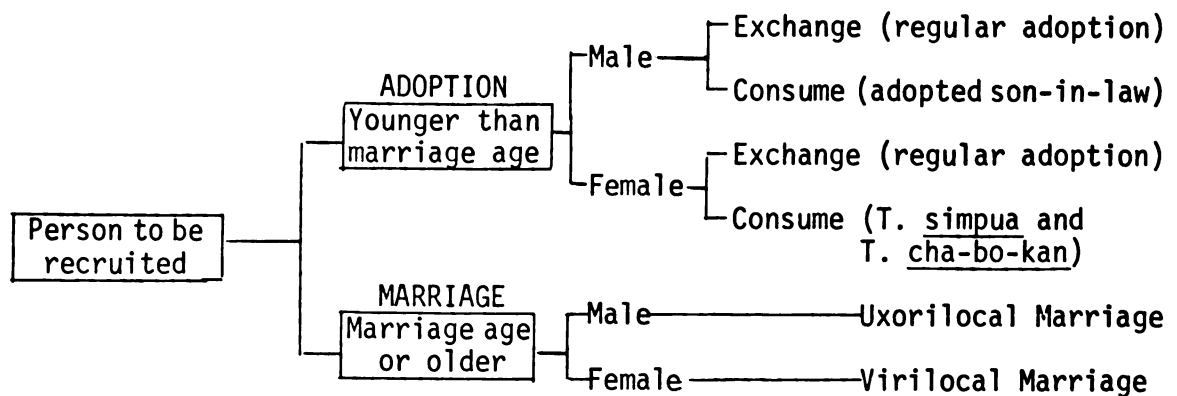
To return to the analytic mode, the general form of such contractual unions is one of a joining together in a particular kind of relationship two different, if complementary, statuses. The general characterization of this union is conveniently expressed in terms of M. yin and M. yang. (This is my analysis, and I am not suggesting thereby that this is the conscious categorization in the minds of any particular people.) In the case of adoption proper, the structure is manifested in terms of generation differences (and not just age). In the case of marriage proper, it is manifested in terms of male/female differences.

In both cases, in adoption and in marriage, there is a transformation or transferral of, in the ideological system, "substance," which I have identified with some sort of M. yang essence. In terms of rights and duties, this is expressed as a transferral of rights

in the monopoly control, the disposal of, sexuality and reproductive powers; these things are transferred in marriage and in adoption.

In this analysis T. simpua adoption poses no problems; a female has been transferred physically from one household to another, and at the same time control over her sexuality has been transferred as well. From the point of view of the head of a household, in the case of either adoption proper or marriage proper (of one of his sons), he has brought into the household and the family a female of junior status, over whose sexuality and reproductive powers he has control. He can choose to transfer these rights to another family, marrying her out, or adopting her out, in which case, if she is below a certain age, it is a case of "regular adoption." On the other hand, he may wish to himself exercise these rights (through his son), in which case it is T. simpua adoption/marriage. If the female is already of marriageable age when she is brought into the family, then it is marriage proper.

The vast majority of the transactional forms, including all of the common ones, can then be "generated" by a small number of binary variables. These are sex, age relative to the culturally defined age of marriage, and whether the disposal of sexual and reproductive powers is internal (consume) or external (exchange) to the family. This can be shown in a simple diagram:



Rights other than just those pertaining to control of, or the disposal of, sexual activity and reproductive powers are transferred in these transactions, but they are not necessary variables in the generation of the above forms.

Not all of the forms are accounted for, nor are all of the subvarieties of the ones in the diagram accounted for; to do so in the latter case would simply make the diagram, which is intended simply as a heuristic device, too complicated. In the former case, we must keep in mind Wittgenstein's "family resemblance." Some of the types of "marriage" and "adoption" that have been considered simply do not fit in with the above variables; their resemblance to the "ordinary" forms lies elsewhere.

The types of marriage listed in the diagram, for instance, are all implicitly arranged marriages; in a transaction between two parties, rights over a third party are being transferred. In the little information we have on same-sex "marriages," it is so only for the case of males (and this is very shaky information); in the female case it seems always to have been a union entered into by

two individuals. Even so, in that case, as we have seen, one partner seems to have taken the dominant, male role, and the other the female, submissive role (I do not mean physically, in intercourse, but socially, in terms of status and role), so the structural pattern is one of virilocal marriage.

If we return to the particular transactional forms listed in the diagram, we can see that the various types of uxori-local marriage are not included. In principle further variables can be entered here to account for these varieties. These, however, become more and more specific to particular cases and have no applicability to the other contractual unions in the diagram.

For instance, the difference between the uxori-local son-in-law and the uxori-local husband is dependent on whether the family has a daughter or a daughter-in-law to marry. If it is a daughter-in-law, then the presence or absence of children, their ages, the economic standing of the family, the amount of property in the family estate, and so on will combine and interact in order to produce the "property-managing" uxori-local husband, the uxori-local husband for support of the children, the uxori-local husband for production of children, or even the polyandrous uxori-local husband ("uxori-local husband for support of the [first] husband").

The conclusion that adoption and marriage are at one level the same is not just an analytic suggestion. Arthur Wolf relates a curious incident in his dissertation (Wolf 1964: 78), one which he presents without comment. The incident concerned a prostitute who adopted a baby girl. After a prostitute has been in the business

for a number of years, her chances of marriage are rather slim, and she starts thinking of alternative plans for the future. At this point, if it's evident that she is never going to get out of her calling, and if she has no children of her own, there is a good chance that she will adopt a baby girl to follow in her footsteps. It is often said that in the traditional Chinese society, a woman could have descendants only through a man. The custom of spirit marriage shows that this was in part so. When it was difficult to find any man, however, even that rule could be ignored, and a single prostitute, or, as we have seen, women united in homosexual marriage, could adopt children to provide descendants for themselves.

In Wolf's incident, the adopting mother paid a price for the child, a price called a brideprice. She dressed the child in red, the traditional color of marriage, when she took it home, and three days later she brought the child back to its natal home for a visit, to "play the role of guest." This latter is exactly what a new bride does three days after the wedding. The expression "play the role of guest" indicates that after marriage she is a guest in her own natal home, the same as any other stranger. Her substance has been altered through marriage.

The adoptive mother in this case was saying in symbols what I have argued in this dissertation. She was both adopting and marrying the child. It may have been that she chose to use the symbols of marriage instead of the simpler procedure of "ordinary" adoption because she intended to "use" the reproductive powers of

the child herself; the child was being adopted in as a T. simpua, would stay in the woman's household to provide descendants and support in old age, and would not be married out.

For Chinese society, the implications of this approach are various. First, more heterogeneity and variability must be expected than has usually been the case. In both China and the West, ideas and expectations about the traditional family structure and the forms and incidences of marriage and adoption were heavily influenced and biased by the Chinese elite ideology. More explicit reference must be made to the role of socioeconomic class differences, and this in turn means an increased emphasis on the political economy of the traditional society.

Abner Cohen has suggested that the anthropologist should deliberately formulate problems so that they make explicit reference to the state. Perhaps those interested in various forms of social organization should also deliberately formulate their problems so as to make explicit reference to irregular and nonstandard forms. Information on such irregularities is sometimes hard to find in the case of Chinese society, but, as I have tried to show in this dissertation, a careful search of sometimes unorthodox sources may be surprisingly productive.

This leads to another generalization: that anthropologists and others interested in the analysis and description of Chinese society should make more use of the vast amount of written material that has been produced by the Chinese themselves. It is obvious that

an understanding of the Chinese peasantry is crucial to an understanding of modern, if not all of, Chinese history. The anthropologist, armed with the basic sinological tools, an orientation toward long-term participant-observation fieldwork, and a comparative perspective of peasant societies the world over, stands in a good position to make important contributions in this area.

As far as marriage and adoption are concerned, it is a mistake to focus upon isolated forms as unitary objects of study. What should be the object of study is the spectrum of such forms, their relations one to the other, and the relationships of all of them to the politico-economic setting.



## APPENDICES

**APPENDIX A**

**SELECTED CONTRACTS**

## APPENDIX A

### SELECTED CONTRACTS

The following is a free translation of the contract of "spirit kuo-fang adoption" of Wu Chang-hsün.

#### A Contract of Kuo-fang Adoption.

The executor of this contract, and his wife Ch'en Su-lien, are the parents of a third son, named Wu Chang-hsün, now two years of age, born Min-kuo 60 [1971], eighth lunar month, 19th day, hsu hour [7-9 p.m.]. Since the executor's younger brother, Wu Shu-sung died young, without having raised sons or daughters to continue the line of sacrifices, Wu Shu-huang and his wife agree, out of the sentiment proper between brothers, to adopt their son Wu Chang-hsün to the other branch of the family. His entire person will be transferred to the late Wu Shu-sung so that the smoke of incense and sacrifices will be plentiful and will continue forever. There will be no later regrets, and the contract will not be violated, but it is feared that there is no evidence of the spoken word, so on this day, the 15th day of the second lunar month of the 61st year of the Republic, one copy of this contract is drawn up, with the offering of incense, and it is presented before the brazier as evidence. The late uncle Wu Shu-sung shall protect and care for the kuo-fang child Wu Chang-hsün, and will ensure that he will grow to adulthood, marry, find a good position, have many sons, and have a happy and wealthy life.

Concluded this day Jen-tzu, 61st year of the Republic, 2nd lunar month, 15th day.

A TRUE DOCUMENT

Executor	Wu Shu-huang (his seal)
Witness	Ch'en Su-lien (her seal)
Guarantor	Wu A-shu (his seal)
Scrivener	Yeh Liang-ch'uan (his seal)

## Uxorilocal Marriage Contract #1

The executor of this contract, Ma Chi-te, because his younger brother, Ma Ts'ung-te, died of illness, leaving a wife surnamed Chang, who has no one to look after her and her children, has, through a go-between, invited Ho Chiang-lien to move in as uxorial husband, in order to facilitate their agricultural livelihood and provide food and clothing. Ho Chiang-lien shall not be permitted to be lazy or profligate. Should anyone in the Ma household raise any troubles about this marriage, Ma Chi-te guarantees that none of this shall affect the position of Ho Chiang-lien.

Fearing that there is no evidence of the spoken word, this marriage contract is written up as proof.

Go-between Hsieh Ch'eng-yüan

Drawn up for the executor Ma Chi-te on the 25th day of the 9th month, 1916.

Shensi Province (MSS: 1703-1704).

## Uxorilocal Marriage Contract #1

立主婚招夫文約人馬繼德因弟馬宗德病故遺妻張氏子愚無靠憑媒招何江連進門爲夫以便  
務農生理供給馬氏母子衣食何江連不得懶惰浪蕩倘馬姓戶內有人言說事端者有繼德承當  
不與江連相干恐口無憑立婚書爲據

媒證謝成元押

中華民國五年九月二十五日立婚書人馬繼德押

Uxorilocal Marriage Contract #2, Part 1

The executor of this contract, Li Shih-hsing, is now approaching thirty years of age, but has not yet married because his family is poor. Now the oldest son of Liu K'ai-en has died, leaving a wife surnamed Wu. She finds it difficult to endure the loneliness, and is unwilling to marry out, so a go-between has been asked to approach the Liu family to arrange an uxorilocal marriage, to the woman Wu, creating everlasting marriage ties.

Liu has agreed and has selected an auspicious day for the uxorilocal marriage (M. shang-men), and has met and discussed this with the kinsmen.

From this time on, Li will serve and support the older generation, and will see to their funeral arrangements. He will also maintain harmony with the younger generation, work diligently in the fields, labor hard, and not shirk the difficulties even of night work. Should, in the future, new land and property be acquired, it will be divided into three shares, and shared equally, with no disputes. Li shall not idle away his time, or waste money on prostitutes, or go into debt. If he does not obey, then he shall be turned from the family, alone. Should the man and wife both become alienated and both wish to leave the parents-in-law [of the woman] then they [the man and woman] shall provide a string of 100 cash as a present to the Liu family. The land shall all remain with the Liu family. As long as the woman Wu maintains her resolve to remain and work to raise the descendants, the Liu family shall not take away

the land and cut off their sustenance. Li shall not later malign the Liu family, nor shall he form liaisons elsewhere.

Husband and wife; older brother and younger; united in a harmonious group, how beautiful!

After this uxori-local marriage, both parties shall be content, and never shall there be regrets or recriminations. Fearing that there is no evidence of the spoken word, this contract is written up as eternal proof. May their offspring multiply over the generations.

Go-betweens Wang Yung-chih  
Mrs. Li, nee Liu

Older Brother Li Shih-lin

Elders Liu K'ai-mou  
Liu Sheng-lan  
Liu Teng-ch'eng

Scrivener Wu Shou-shan

Written up this 6th day, 10th month, 1919, for Li Shih-hsing.



Uxorilocal Marriage Contract #2, Part 1

立招書字人李仕興年近三十家貧未娶今有劉翁字開恩之長子身故遺媳吳氏苦守冰霜不

出嫁央請媒妁至劉姓家說合招配吳氏足下爲婚永結絲蘿劉翁認諾擇吉日上門同親族人等  
集議從此以後上奉二老養生葬死下睦兄弟勤耕苦力不憚（原文作亂）披星戴月之艱日後  
新置地土餘財以作三股均分不能爭論不得閑遊嫖浪拘羈私積倘若不遵獨身同歸夫婦同生  
異心撒却二老願出財禮錢一百串文定將劉姓給付地土原歸劉姓吳氏不生異心撫養子過日  
劉姓不得奪地絕糧以後李姓不得邪言妄狡劉姓不能節外生枝夫婦弟兄無怨無嫌一團和氣  
豈不美歟招贅以後二比甘願永無反悔異言恐口無憑立出招書永遠瓜瓞綿綿爲據

憑媒證

王永智  
李劉氏押

憑長兄

李仕林押

憑親長

劉開茂押  
劉勝蘭押  
劉登成押

代筆人

吳壽山押

中華民國八年十月初六日李仕興詣筆面立

Uxorilocal Marriage Contract #2, Part 2

The executor of this contract of uxorilocal marriage to a daughter-in-law to continue the kinship line, Liu Ka'i-en, because his oldest son Sai-lan died leaving a wife surnamed Wu, but no offspring, and because she finds it difficult to endure the loneliness of the many years to come, without a husband and family, and after discussion, an uxorilocal husband is being married in.

If the second son, Yu-lan, or the third son, Chang-lan, have extra sons, one will be instituted as heir to the line of the oldest son; how could it be permitted that his line be extinguished?

The various kinsmen are agreeable to presenting one portion of land, at Ta-wang Ch'ang-kou, local name Schoolhouse Hill, including one house, one pig sty, and a vegetable garden, along with the rental contracts, to Wu. Also included are three persimmon trees, and at Hua-chia, land (sufficient to require one tan two tou of seed rice to plant), two parcels of land in all. This property is to be used in the future as capital by Wu to support herself and her children, to support those of the older generation, and pay for their burial expenses, and to raise up the heirs in the younger generation to continue the oldest son's line and the sacrifices thereto.

She cannot abandon the parents-in-law, and cannot later change her mind about this. As long as she uses the land and property given to her to act filially, and works hard to support the heirs, to care for the elderly and arrange for their funerals, the land shall not be taken from her, and her income will not thus be cut off.

Fearing that there is no evidence of the spoken word, this contract of succession to the kin line is given to Wu to act as proof of her possession of the landlord rights.

This contract is to be kept under the protection of the kinsman Wang Yung-ch'ang.

Witnesses    Liu K'ai-mao  
                 Liu Sheng-lan  
                 Wang Yung-chih  
                 Mrs. Li née Liu  
                 Li Shih-li

Scrivener    Wu Ch'i-hsiu

Written up this 6th day, 10th month, 1919 for Liu K'ai-en and wife in their presence.

Shen-hsi Province (MSS: 1718-20).

Uxorilocal Marriage Contract #2, Part 2

立出留媳招贅承接宗祧字人劉開恩緣因長子賽蘭身故遺媳吳氏身下無嗣苦守冰霜數載只得夫婦合家商議留媳招贅或次子有蘭三子章蘭添子與長子立繼以接宗祧豈忍就傳同親族人等願將大王長溝土名學房山地一分房屋豬圈菜園四界俱照原佃買契給付內提柿子樹三根品搭老莊又給付華家地畝一石二斗二處地土批明共給付長媳吳氏管以作日後撫繼子勤勞用度生養死葬之資上奉翁姑下撫繼子以接長門宗祧禮祀不得拋撇二老另生異心劉吳氏恩取之給付地土姑慈媳孝難捨離分地土付媳撫繼子勤勞之苦生養死葬度用之資劉姓不得奪地絕糧恐口無憑立出承宗接祧付約吳氏媳業守管佃一紙爲據此字據付存親長王永長掌管

憑親族

劉開茂  
劉勝蘭

王永智

李劉氏

李仕林

吳啓秀

代筆

中華民國八年十月初六日劉開恩夫婦請筆面立

Uxorilocal Marriage Contract #3

The executors of this contract are Wu Shih-tou and Chang Chin-hsien. The wife, Li Yao-niang, age 36, of the grandson of Wu has not yet given birth to any children, but she has adopted a young girl, Wang Chin-liang, aged 16, who is now of marriageable age, but does not yet have a mate. Wu and Li have discussed this, and now agree to invite in an uxorilocal husband for the girl Wang, to support the older generation and provide heirs.

At the same time, Chang Ts'ung-liu, aged 25, nephew of Chang Chin-hsien, also desired to be married, and so the two families have discussed marriage plans through a mediator. They have agreed, and have selected an auspicious day for the two to be married.

If the couple later give birth to sons or daughters, it is stipulated that they will divide the surnames Wu and Chang between them evenly. If there is only one son, then he shall worship both lines.

Li shall be supported through the end of her life, and through good and bad each side shall fulfill its duty. It is stipulated that when a grandson reaches 16, the Wu family shall be permitted to call him back to be reunited with the ancestral tablets. This has all been clearly stipulated by the go-between, and both sides are willing.

May their children be numerous and luck with them. Because proof is desired, both sides jointly draw up this document, two copies, and each will keep one copy as evidence.

It is again clearly stipulated that Li will be supported by Chin-liang the rest of her life, that each will carry out his or her duty, and not change in intention, and that at age 16, a grandson shall be allowed to return to the Wu family. If they live together for a long time and amass great wealth, then it shall be divided equally between the Wu and the Chang brothers.

T'ung-chih 11 (1872), 12th month.

Scrivener	Chang Nai-shih
Go-between	Cheng San-yuan
Witness	Wu Shih-wei
Arranger	Mrs. Li
Executors	Wu Shih-tou
	Chang Chin-hsien

Taiwan, Taiwan Szu-fa, pp. 412-13.

Uxorilocal Marriage Contract #3

同立招婚合約字人吳土豆、張金賢等，豆因孫婦李氏名腰娘，年三十六歲，未有男女，僅抱幼婦王氏名進涼，十六歲，時嘗及笄，未有婚配，豆與李氏相議，願將進涼招婚養老，以傳後世。時有張金賢侄聰流，年貳拾伍歲，亦欲議姻，爰是兩家憑媒說合招婚美事，俱各喜悅，遂將進涼擇吉招與聰流成爲夫婦。如鼓瑟琴，後日若生男女，約張

、吳對半平分；倘月中丹桂，亦該兩祀。李氏流當奉養終身，隨家豐儉，各盡其道，約男孫十六歲長成之日，聽吳家並神主領回歸宗。此係同媒明約，二比甘願，冀來日孫斯衍慶，麟趾呈祥，因欲有憑，同立招婚合約字一樣貳紙，各執壹紙存照。

再批明：李氏隨進涼，流當奉養終身，各盡其道，不敢改移，俟男孫十六歲並神主，聽吳家領回歸宗。若永久同居，積置家財，皆作張、吳兄弟平分，批照。

同治拾壹年拾貳月 日

代筆人 張乃貴

爲媒人 鄭三元

知見人 吳士昧

主婚人 姑李氏

同立招婚合約字人

吳土豆  
張金賢

Uxorilocal marriage contract #4

Just as the flowers bloom, and the moon is full, it is natural to find a mate.

Now two surnames are uniting in marriage, and establishing an uxorilocal marriage. The two sides are in accord on the following clauses:

1. That the uxorilocal husband shall not take the wife's surname, but shall retain his own.
2. That he shall provide and care for his wife's father, and shall heed the father-in-law's instructions.
3. That of the children born to the two, apart from the second son and the first daughter, who shall follow the mother's surname, all shall follow the father's surname.

May all the five generations be prosperous, and may they live long lives. This document is written up in two copies, for each to have proof.

Husband   xxx  
 Wife       xxx  
 Agreeing to the contract   xxx  
 Witnesses xxx  
              xxx

Taiwan, sample form from Tai-shu Su-chuang Ta-ch'üan (The Scrivener's Complete Handbook of Legal Forms) 1970: 113.



Uxorilocal Marriage Contract #4

花好月圓佳侶天成，茲兩姓締姻嗣贅，互惠條件如左：

一、贅夫○○○仍依本姓，不冠妻姓。

一、○○○對於妻父應盡侍養，服從教訓。

一、兩造所生子女，次男、長女應依母姓外，其餘均依父姓。  
五世其昌，百年偕老，本約暨二份分執為憑。

中華民國

年

月

日

夫  
妻  
同  
意  
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人

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○○○○○

④ ④ ④ ④ ④

Uxorilocal Marriage Contract #5

The executors of this contract are xxx (hereafter referred to as party A) and xxx (hereafter referred to as party B).

The two parties agree to the following conditions in uxori-local marriage:

1. Party B willingly enters into uxorilocal marriage with party A.
2. Neither party shall take the other's surname.
3. Party B will take as his own place of residence, the place of residence of party A.
4. The children born after this marriage, except for the second son, who shall take the surname of party B and will continue that kin line, will all take the surname of party A, and continue that line.
5. Party B has the duties of supporting the parents of party A, and of maintaining the family's economy.
6. This agreement shall have effect as soon as it is signed.

Executors of the contract:

Party A, the invitor           xxx  
 Pary B, uxorilocal husband   xxx

Agreeing to the contract; the father and mother of the invitor:

Father   xxx  
 Mother   xxx

Witnesses   xxx  
                  xxx

Year of the Republic, XX, X month, X day.

Taiwan, from Hsü 1971: 78-79.

○ ○ 母 父 ○ ○  
○○  
○ ○ ○ ○ ○ ○  
○ ○ ○  
○ ○ ○ ○ ○ ○  
印 印 印 印 印 印

Uxorilocal Marriage Contract #6

The executors of this uxorilocal marriage contract, Mrs. Ch'u of the Hung family, and Chang Tsai-sheng, venture to hold that a man who has grown to adulthood shall marry and a woman who has reached maturity should have a mate. Hung, née Ch'u, has a daughter, 18 years old, named Lien-liang, who has not yet married. Thus through a go-between, they have invited Chin-lan, brother of Tsai-sheng, to marry in uxorilocally, to go through the ceremonies and become man and wife. On this day, in consort with the go-between, a price of 124 large "dragon dollars" has been fixed. On this day 24 dollars shall be paid over to Hung, and the remainder, 100 dollars, shall be deferred until Lien-liang's mother, Mrs. Lin, returns to Taiwan, when the account shall be settled, and no other arguments shall be entertained.

If Mrs. Lin decides that she does not wish to receive the money, but would rather be supported and cared for by her daughter, then this too shall be permitted. Thus she shall receive either the money or support, but not both, as one should reasonably expect. May their children and grandchildren be as numerous as grasshoppers, and may their fame become widespread.

This is willingly agreed to by both sides, and neither will have regrets or recriminations.

Fearing that there is no evidence of the spoken word, two copies of this contract are drawn up, each side to keep as proof.

Hung, nee Sh'u, has this day received, through the go-between, the full sum of 24 "dragon Buddha dollars."



It is again stipulated, that should Lien-liang's mother wish to reside with her daughter, and be supported by her, she shall be cared for, clothed, and fed in life, until her death, and that then Chin-lan shall take full responsibility for her funeral expenses, and her soul tablet shall go to the Hung family. This is clearly stipulated.

It is again stipulated that should Lien-liang's mother not return to Taiwan, after many years, it is humbly requested that it would be fitting that the child born to Chin-lan and Lien-liang be equally divided between the two sides, and that if there should be only one son, he shall take on the sacrifices of both family lines. Moreover, it is agreed, with the go-between, that a grandson should then be returned [literally "married back"] to the Hung family, in order to continue their posterity, and it is repeated that there shall be no second thoughts about this later.

It is again stipulated that after Chin-lan has married into the family, he shall pay over six silver dollars per month to cover the daily expenses of himself and his wife.

It is further stipulated that the Hung family's buildings, property, and household goods all belong to them, and have nothing to do with the Chang family.

28th year, 8th month, of Kuang-hsü (1901)

Scrivener	Kao Jui-ch'ing
Go-between	Mrs. Hsieh née Lin
Witnesses	Uncle, Chang Shih-miao
	Uncle, Hung Wang-sheng
Executors	Chang Tsai-sheng
	Mrs. Hung, nee Ch'u

Taiwan, Taiwan Szu-fa: III, 415-17.

## Uxorilocal Marriage Contract #6

同立招婚合約字人洪門楮氏、張再生等，竊謂男大當婚，女長當配，亦世之常也。緣洪楮氏有孫女，年登一十八歲，名喚蓮涼，尚未配偶，於是憑媒說合，向招與再生胞弟名喚金龍招入，洞房花燭，結爲夫婦，當日同媒三面議定，聘金龍銀壹佰貳拾肆大圓正。其銀即日同媒洪楮氏先收貳拾肆大圓正，其餘銀壹佰圓正，待來日蓮涼母親林氏有回臺，付親收足訖，不得異言；若是林氏不要收聘銀，而要隨女子同食奉養，亦當受也。此或收銀、或同食，其二有一，其一無二，理之然，無斯衍慶，咏蘭桂之森榮也。此係二比甘願，各無反悔，口恐無憑，同立招婚合約字貳紙壹樣，各執壹紙存照。

即日洪楮氏同媒親收過字內聘金龍佛銀貳拾肆大圓正足訖，再照。

再批明：蓮涼母親或有隨與女子同食者，生衣食奉養，至於大故之日，殯費係金龍一力抵擋辦理，其神主洪家歸同，聲明照。

再批明：蓮涼母親若是延年不回臺，伏願金龍夫妻有生男女之喜，宜對半分；若單生一子，双承兩家禮祀，而孫同媒面約，撫養長大成人，付洪家娶回，承接後裔，不得異言，批明照。

再批明：金龍從此入門以後，每月須備銀陸大圓正付媽親收訖，以爲金龍夫妻伙食之資，批明照。

再批明：洪家厝宅、業產、家器，係是洪家之業，與張家無干，批明照。

光緒二十七年舊曆八月 日

代筆人 高瑞青  
爲媒人 謝門林氏  
在場知見人 胞叔 張士貓  
胞叔 洪萬生

同立招婚合約字人 張再生  
洪門楮氏

Contract for Pawning a Girl

The executor, Ch'en Chao née Chang, of Tainan . . . has a daughter of her own, the second, aged 14. Because of lack of money she now wishes to pawn this girl, and so, through a go-between, has agreed with Huang Chien-chih, of Tainan, on a price of 30 silver dollars of 7.3 weight, without interest. He, Huang, shall be permitted to teach the girl how to sing, and how to dress and make herself up, to be a sing-song girl or prostitute. Huang shall pay Ch'en five tales per month out of the girl's profits.

The girl shall be pawned for a period of four years; within that period she cannot be redeemed, but after four years Ch'en shall be permitted to redeem the contract for 30 silver dollars, and the girl shall be restored to her parents.

Should anything untoward happen, this shall be considered an act of heaven, and no affair of the pawn-holder.

The two sides willingly enter into this agreement, and neither shall have any regrets or recriminations. Fearing that there is no proof of the spoken word, and in the desire for proof, a pawn contract is written up to serve as permanent evidence.

On this day received: the sum of 30 dollars, 7.3 weight.  
Twenty-eighth year of Kuang-hsü (1902), 2nd month and 13th day of the lunar calendar.

Middleman	Lin Lien-hua
Witness	The girl, Ch'en Mei
Executor	Ch'en Chao (née Chang)
Scrivener	Weng Chin-yun



Contract for Pawning a Girl

立胎借銀單字人，燕南大西門外佛頭港街四十四番戶陳張氏招官，有親生次女陳妹，年十四歲。今因乏銀費用，愿將次女陳妹爲胎，托中向與同城外打棕街六十一番戶黃建置借出七三銀叁拾元，逐月無利息，聽置請先生教曲，給鑼札爲藝妓或娼妓。得利者，招官由建置每月支出金五員。其陳妹限至四年爲滿；如四年內不能取贖，或四年外聽招備銀叁拾元取贖原單字，及次女歸家配親。倘若風水不虞，係是天數，與銀主無干。此事二比兩愿，各無反悔，口恐無憑，今欲有憑，合立胎借銀單字壹紙，付執爲炤。即日同中見收過七三銀叁拾員完足，再炤。

光緒二十八年舊曆二月十三日

爲中人 林蓮花  
知見人 女陳妹

立胎借銀單字人 張招官  
代書人 翁進運

Contract for Pawning an Adopted Daughter

The executor, Shih Lin Shun, of Tainan T'ing . . . has an adopted daughter named Chiu-chih, 12 years old. Her father-in-law is ill, and she has no money to pay a doctor to cure him, so she has asked a middleman to help her pawn out the girl. Huang Tsa-bo, of Ma-tsu Kang, has agreed to loan her 60 big "dragon dollars," and has paid out 30 dollars in advance. The remainder, 30 dollars, is to be put in escrow with the pawn-holder, to be retained until Mrs. Shih's death, when it shall be used to cover the funeral expenses. The 30 dollars has been received in full, through the middleman; the girl is turned over to the pawn-holder for his management. If she does not obey his orders, he is permitted to chastise her.

The girl shall be pawned out from the fourth lunar month of the twenty-eighth year of Kuang-hsü [1902] to the fourth month of the thirty-sixth year of Kuang-hsü [the reign title "Kuang-hsü" did not last that long, but the year indicated was 1910]. After this period, interest of five fen per dollar per month shall be paid. The usual fee of three dollars per month for teaching her to sing need not be paid.

When the capital, 60 dollars, is returned, then the pawn-holder shall not dare to make any trouble over it, and shall allow the girl to be restored to Mrs. Shih. If it is desired to redeem her before the expiration of the contract, then if the money, the interest, and the presents given by Huang are all given back, she shall be permitted to be redeemed.

If something untoward should happen, then both sides shall consider it an act of the creator, and no affair of the pawn-holder.

Both sides enter willingly into the agreement, and neither shall have any regrets or recriminations. Fearing that there is no proof of the spoken word, and desiring such proof, this contract is drawn up, and sent with the money to the pawn-holder for later evidence.

It is stipulated that: The girl can be redeemed during the time-period, and she cannot be sold to work as a prostitute for anyone else.

It is stipulated that: If she is able to work as a wine-house girl, her mother shall be paid three dollars per month; if she is able to work as a prostitute, the mother shall be given three more dollars per month, six dollars in all.

Middleman	Hung Chu
Witness	Shih Tan
Executor	The mother, Lin Shun
Scrivener	Wu Mei-ching

Twenty-eighth year of Kuang-hsü (1902), fourth month, twentieth day of the lunar month.

Taiwan, Taiwan Szu-fa: 181-83.

Contract for Pawning an Adopted Daughter

立胎借銀字人，蔡南縣城外第五區媽祖樓街第二十八番戶林施氏順官，有養女壹口，名喚啓治，年登拾貳歲。今因內公施贈病氣沉重，無項請醫調治，致將此女托中向媽祖港第拾八番戶內黃查啟胎借出龍銀陸拾大員；先支龍銀叁拾大員，其餘叁拾銀暫寄銀主留存，候後日內公施贈去世，以爲喪費之資。其銀同中先支叁拾銀收訖；其女交付銀主前去掌管；若不守規則，聽銀主督責。其女而限光緒二十八年舊曆四月起至光緒三十六年四月爲滿，限外其利息銀每月每員五分正。請先生敦曲，每月叁員，其項可以消免。將母銀陸拾員送還，銀主斷不敢刁難，其女聽林氏贖回配親。若限內要贖回配親，將利息以及先生禮一概算明備齊，方許贖回配親。若風水不虞之事，乃是二比造化，與銀主無干。此係二比甘愿，各無反悔，口恐無憑，今欲有憑，合立胎借銀字壹紙，送與銀主爲後日之證據。

一、批明：若期限滿，可贖回配親，不可別移他處賣淫，此炤。

一、批明：其女若能侍酒，其母林氏逐月應領叁銀；若能接客者，逐月加領叁銀，計六銀也，此炤。

爲中人 洪 珠  
知見人 內公施贈

光緒二十八年舊曆四月二十日

立胎借銀字 母施林氏順官  
代書人 吳梅卿

Contract for Pawning a Simpua

The executor of this contract is Ts'ai Niu-kang, nephew of Ts'ai Tsung, whose ancestors came from Chang-chou, Chang-p'u.

The grandfather moved to Komalan, and had no business or profession, and Ts'ai wishes, with the permission of his uncle, to pawn the uncle's simpua, aged 13 years, born in the eighth month, 13th day, at the shen hour [which is the time-period 3-5 p.m.], because they lack money.

He wishes to pawn the simpua to the brothers Hu Lien and Hu Chu, to be an actress. The time-period shall be six years. The three parties agree to a price of three silver dollars per year. The money has this day been paid over, and the simpua shall now follow the orders of the Hu brothers.

No hidden conditions shall be added; should complications arise, they shall be the responsibility of Ts'ai, and not of the pawn-holders. Fearing that there is no proof of the spoken word, one copy of this contract is drawn up to serve as evidence.

It is stipulated: That in the intercalary eighth month Ts'ai was paid four foreign dollars.

First year of T'ung-chih (1862), eighth month, twenty-eighth day.

Scrivener	Lin I
Middleman	
Witness	Huang Li
Executor	Ts'ai Niu-kang

Taiwan, Taiwan Szu-fa: 191.

Contract for Pawning a Simpua

立贖字人蔡榮觀、蔡牛港叔姪，祖居漳州府漳浦縣，因祖父移居瑪蘭，並無生理頭路，與胞叔蔡相議，將同弟蔡媳婦仔，年中十三歲，生於八月十三日申時建生；此媳婦仔係是同叔蔡榮觀抱養之子，因家中欠乏銀用，將媳婦仔贖與胡達觀、胡菊觀兄弟為七子班，而限六年為滿，三面言約每年身金銀三大員正。銀即日同中交足，媳婦仔聽菊、達兄弟教管。並無交加不明；如有不明等情，牛港支擋，不干贖主之事。口恐無憑，立贖字一紙，付執為照。

批明：閏八月蔡牛港先去佛銀四大員。

同治元年八月二十八日

代筆 林義觀  
為中 黃禮觀  
知見 蔡牛港  
立贖字人

Contract of Re-sale of a Female Slave

The executor of this contract, the Ch'en family of Mao-kang-wei . . . openly bought one female slave from the Yen family, aged nine years. Because of incompatibility, they wish to re-sell this female slave, and through a go-between found the Kuo family . . . to buy her. The three sides have agreed on a price of 60 large silver dollars of 6.8 weight. The amount was handed over this day, and the female slave is hereby turned over to the buyer to be their slave, and to be renamed by them. If there is any incompatibility, they are allowed to resell her. If anything untoward should happen, it shall be considered an act of heaven, and no affair of the buyer.

Both parties are in willing agreement, and neither shall have any regrets. Fearing that there is no proof of the spoken word, and desirous of such proof, one copy of this contract, and two copies of palm-prints, three copies in all, are prepared as evidence.

Again it is stipulated that the complete sum of 60 large silver dollars, 6.8 weight, has been received.

Fifteenth year of Kuang-hsü (1889), third month.

Go-between	Mrs. Chang
Executor	The Ch'en family
Scrivener	Tseng Yun-chih

Taiwan, Taiwan Szu-fa: 170-71.

Contract of Re-sale of a Female Slave

立賣女婢字人，茅港尾西保下營莊陳宅，有明買過顏宅女婢一口，年登九歲。因不合用，願將此女婢轉賣，憑媒引就與蔬豆社郭宅沼舍出首承買，三面言議身價六八銀陸拾大員正。其銀即日同媒交訖明白；其女婢隨即交付銀主掌管為婢，任從改名使喚；若不合用，聽其別賣。倘風水不虞，是天數，不干銀主之事。此係兩愿，各無反悔，口恐

無憑，今欲有憑，合立賣女婢字一紙，並上字一紙，合共貳紙，付執為照。

即日同婢收過六八銀陸拾大員完足，再照。

光緒十五年三月 日

為媒人 張氏

立賣女婢字人 陳宅

代筆人 曾允直



Contract of Sale of a Girl to Be a Slave

The executor of this contract, Wu Pen, of Tainan, Feng-shan T'ing . . . has a second daughter, named Ch'ien, aged five years, born on the fifth day of the second month, at the mao hour [5-7 a.m.].

Now, because the family is poor, and it is difficult to get daily meals, and the debtors are pressing, they wish to sell her, through a go-between, to be female slave to Hsüeh Wang of Tainan City. . . . The three sides have agreed on a price, and it has been paid this day, through the go-between, and the girl is turned over to the buyer for his use. If there is any incompatibility, he can re-sell her.

Should someone kidnap her, the executor shall file a complaint with the court; if he does not, then he shall pay back the money that he has received, in compensation.

If something untoward should happen, it shall be considered predestined. Moreover, this is the executor's own daughter, and there will be no trouble about frauduently dealing with stolen property.

Both sides willingly agree, and neither shall have any regrets or recriminations. Fearing that there is no proof of the spoken word, and wishing to have such proof, one copy of this contract is written up to serve as evidence.

It is stipulated: That the executor this day received,  
through the go-between, 38 large silver dollars, of 7.3 weight.

Twenty-eighth year of Kuang-hsü (1902), eleventh month.

Go-between	Ts'ai Nien
Witness	Wife, née Lin
Executor	Wu Pen
Scrivener	Ts'ai Ts'ai

Taiwan, Taiwan Szu-fa: 171-72.

Contract of Sale of a Girl to Be a Slave

立賣女婢甘愿字人，臺南鳳山縣文賢里園仔內莊四十五番戶吳笨，有自己親生之女子第二胎，名鉗，年五歲，二月初五日卯時生。今因家寒無力，日食難度，債主迫討難寬，將此女子托媒引就賣與臺南市第二區梭仔林街五十四番戶薛網官爲婢，三面議定，即日同媒收訖。其女子鉗交付買主掌管使用；如不合用，聽其別賣他處。若有他人拐帶，笨出來控告；若是不來控告，銀項對笨支取，自出頭抵擋，不干買主之事。倘有風水不虞，係是天數。果係笨親生之女子，竝無拐騙他人財物爲碍。此係二比甘愿，各無反悔異言滋事，口恐無憑，今欲有憑，合立賣女婢甘愿字一紙，付執爲照。

即日同中收過身價七三銀叁拾捌大員，炤。

光緒二十八年十一月 日

爲媒人 蔡念官  
知見人 妻吳林氏  
立賣女婢甘愿字人 吳 笨  
代書人 蔡 才

Contract for Selling a Wife

The executor of this contract, Yang P'ien, of Hsieh-lung Pao, Fan-a-liao Village, bought, by open transaction, the wife of the brother of Huang Ch'uan-hsien of Hsüeh-chia Pao, Chung-chiu Village, and brought her in as wife. After entering the household, she refused intimate relations with him. He could not endure the circumstances so he has asked a go-between to introduce someone else, and has contracted to sell the woman, Tseng Tuan, to Yang Pin, of Pai-t'ou Village.

The three parties have agreed on a price of 68 dollars; the money has been paid, and the woman has been turned over, to be a concubine. She shall not obstruct the transaction, and shall not make any trouble.

It is guaranteed that this woman, Tuan, was bought by P'ien in an open transaction, and has no connection with others which could cause hidden obstructions; if there are any hidden circumstances, P'ien will take the consequences, and the other party shall not be liable.

This is agreed to by both parties, and neither shall go back on their promises. There is no proof of the spoken word, and as proof is desired, this document is drawn up in one copy, and a prologue, one copy, two copies in all, to furnish evidence.

Thirtieth year of Kuang-hsü (1904), second month.

Go-between	Yang Sheng
Witness	Mrs. Hsieh
Executor	Yang P'ien
Scrivener	Yang Hsin-sheng

Taiwan, Taiwan Szu-fa: 406.

Contract for Selling a Wife

立賣甘願字人蕭壩堡番仔蔡莊楊片，自置明買過學甲堡中洲莊過港黃金先之弟婦承來爲親，入內不受，難親不恁，片一切無奈，將於事情無奈，憑媒引就，願曾氏名綴娘一人買與本堡北頭莊楊品出首承買，三面言議着身價銀六拾八大圓正；共銀即日同中交訖，其人綴娘隨付銀主娶過，前去掌管爲妾，不敢阻擋，亦不敢異言生端滋事。保此綴果係片明買之人，與他人無干，以及交加不明爲礙；如有不明等情，片自出頭抵擋，不干銀主之事。此係二比甘願，各無反悔，口恐無憑，今欲有憑，立賣甘願字一紙，並上手字一紙，共二紙，付執爲照。

即日同中收過似身七四銀六拾八大圓定足，再昭。

光緒三十年十二月 日

爲媒人 楊生  
知見人 謝氏

立賣甘願字人 楊片  
代書人 楊心生

Contract for Pawning a Girl

The executor of this contract, Cheng Szu-yung, of I-jen Li, Chung-chou village, because of family poverty, wishes to pawn his daughter, Yen, to Cheng Tan-chi to be a slave for 20 silver dollars.

It is guaranteed that this Yen is the daughter of Szu-yung, and that she is 14 years old. The relatives were approached first, but were not willing to receive her, and so she is pawned to Cheng Tan-chi for 20 silver dollars, for a period of six years. She shall be returned to Yung upon full repayment of the money, and Tan-chi shall not be obstructive.

Fearing that there is no proof of the spoken word, this document, in one copy, is drawn up to serve as evidence.

On this day received the full sum of 20 dollars of 7.3 weight.

Twenty-seventh year of Kuang-hsü (1901), first month.

Go-between	Sin Te-chi
Executor	Cheng Szu-yung
Scrivener	Lin Ch'eng-chi

Taiwan, Taiwan Szu-fa: 357.

Contract for Pawning a Girl

## 典女之例

立典女子字人依仁里中洲莊周鄭氏名四雍，因爲家貧難度，將此親生女兒名燕，與大潭莊鄭蟬記爲幼婢，身價銀貳拾大圓。保此燕係是四雍親生女兒，年有十四歲。先問親人等不肯承接，不得已向鄭蟬記典出七三銀貳拾大圓，限陸年終爲滿，聽雍備銀討回，蟬記不得刁難。口恐無憑，立字壹紙，付執爲炤。

即日同中收過七三銀貳拾大圓足，再炤。

光緒二十七年正月 日

爲媒人 林得記

立典女子字人 鄭四雍

代書人 林成記

**APPENDIX B**

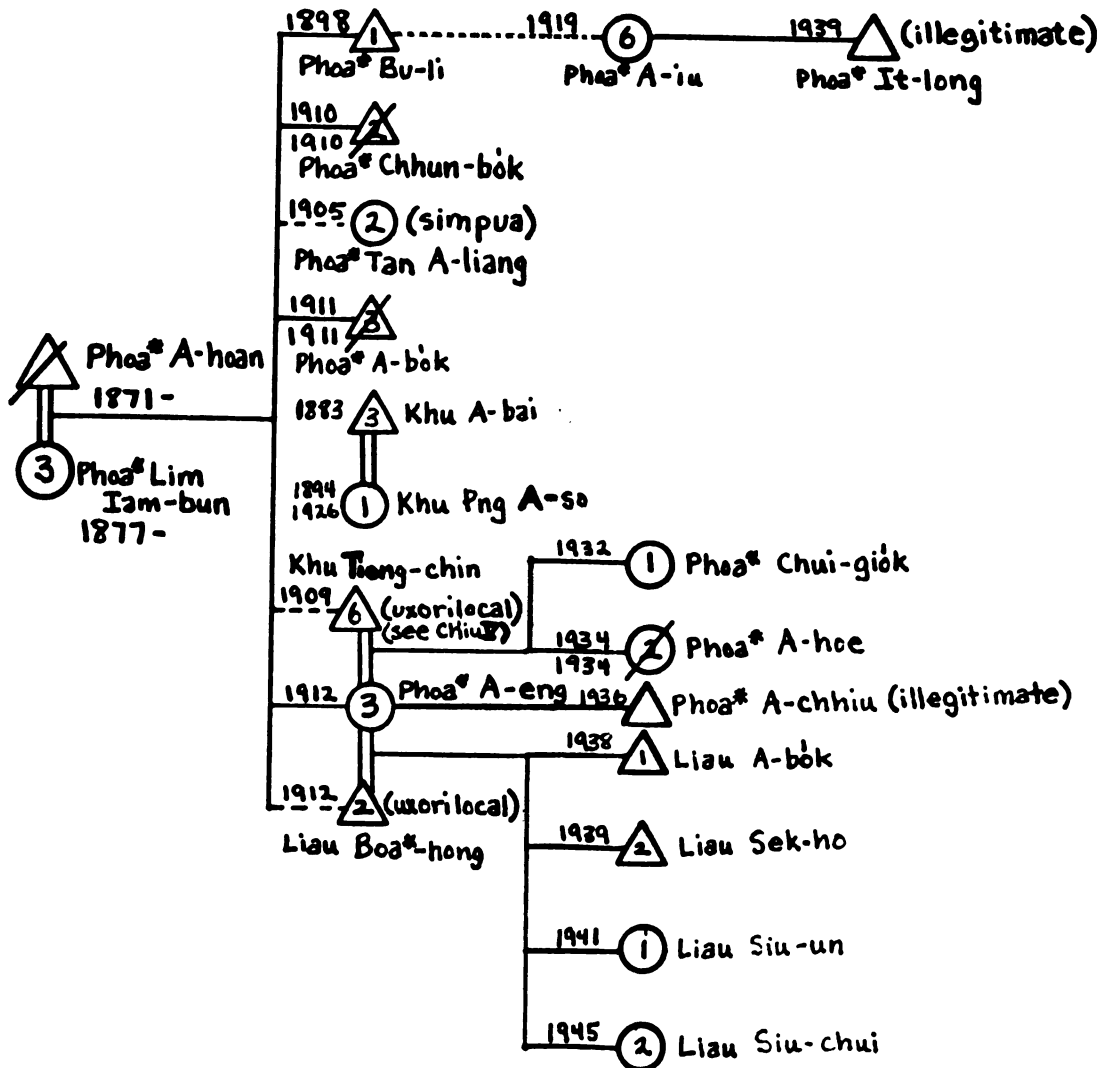
**CASE STUDIES**



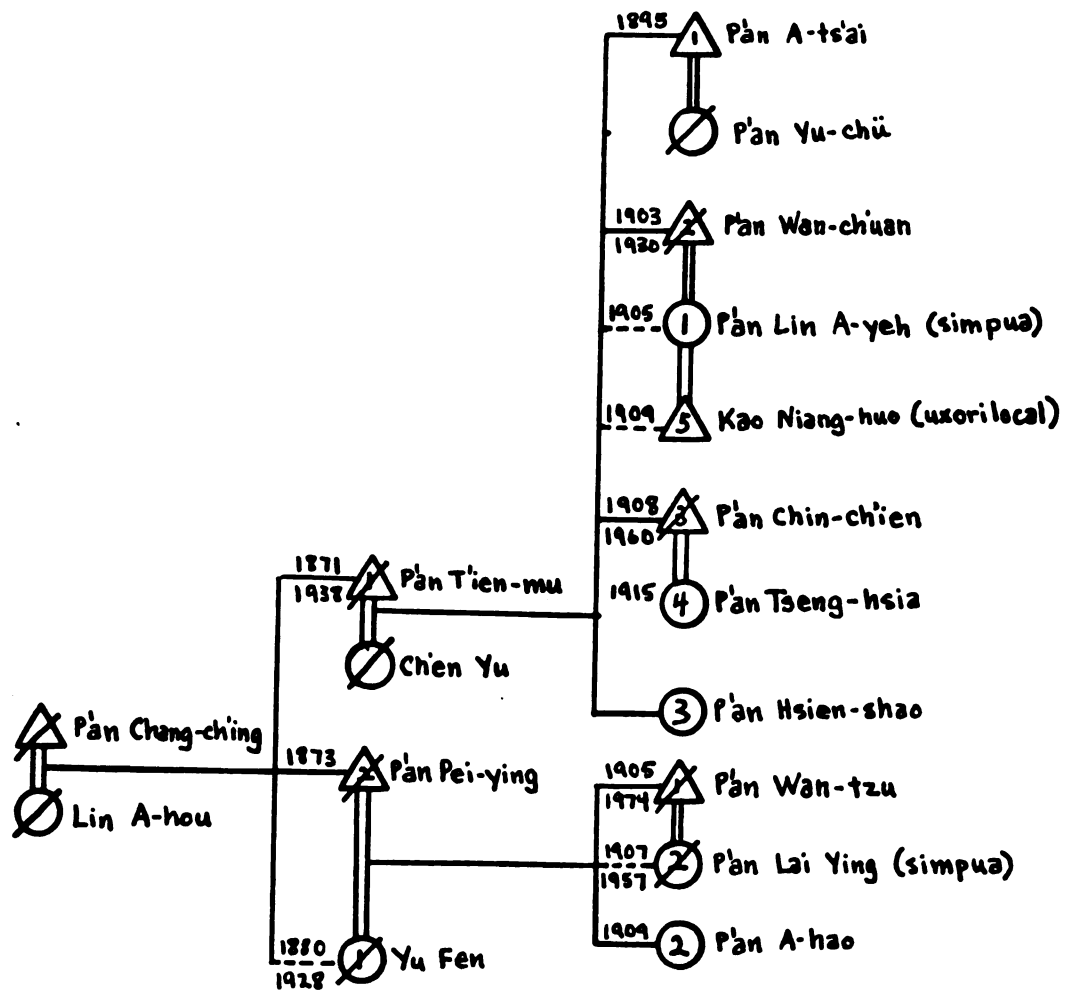
# APPENDIX B

## CASE STUDIES

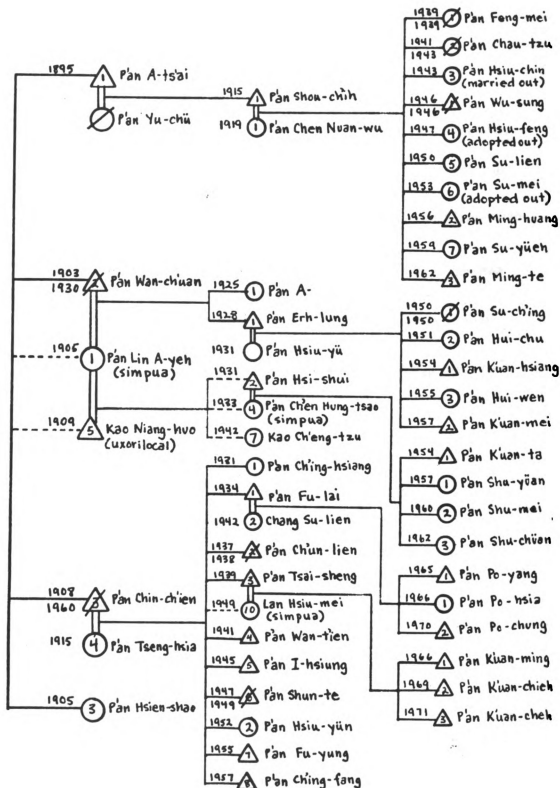
### Poa\* Case I (1)



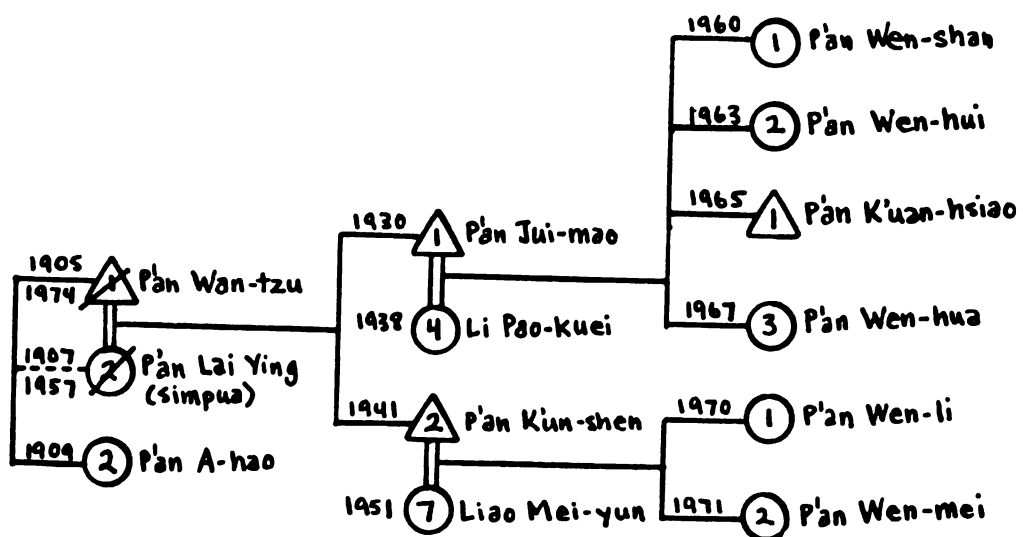
## Pan Case II (1)



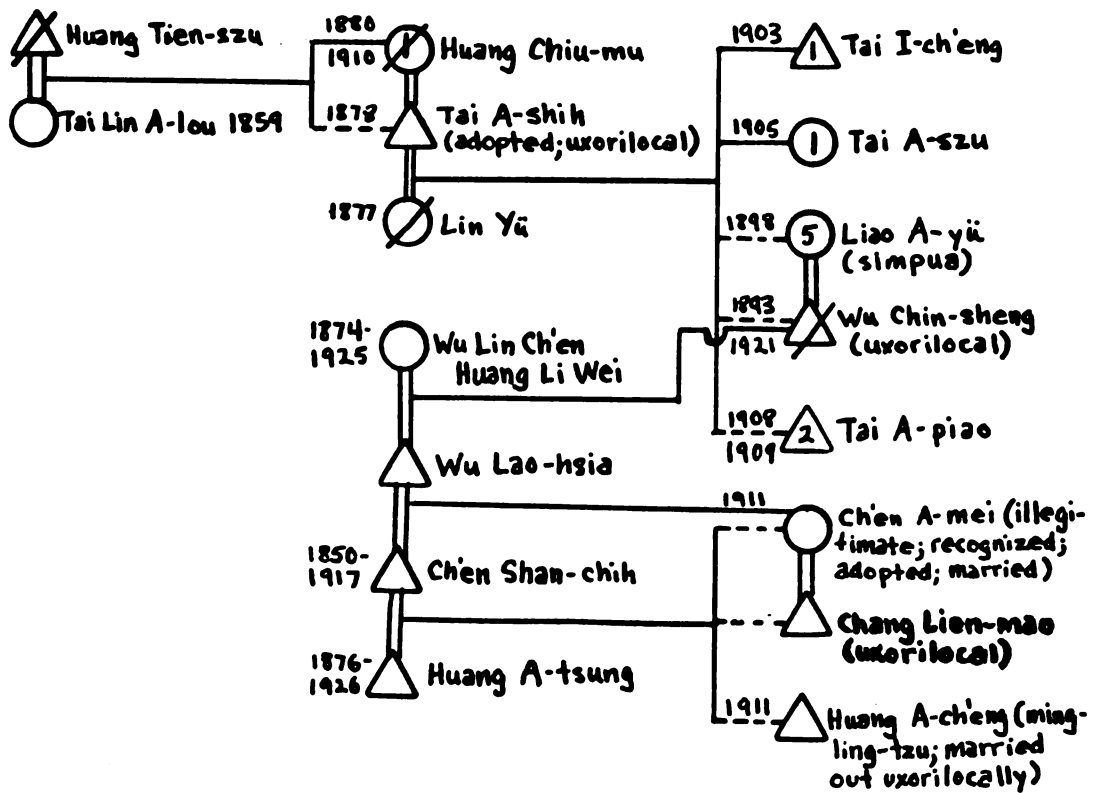
## Pan Case II (2)



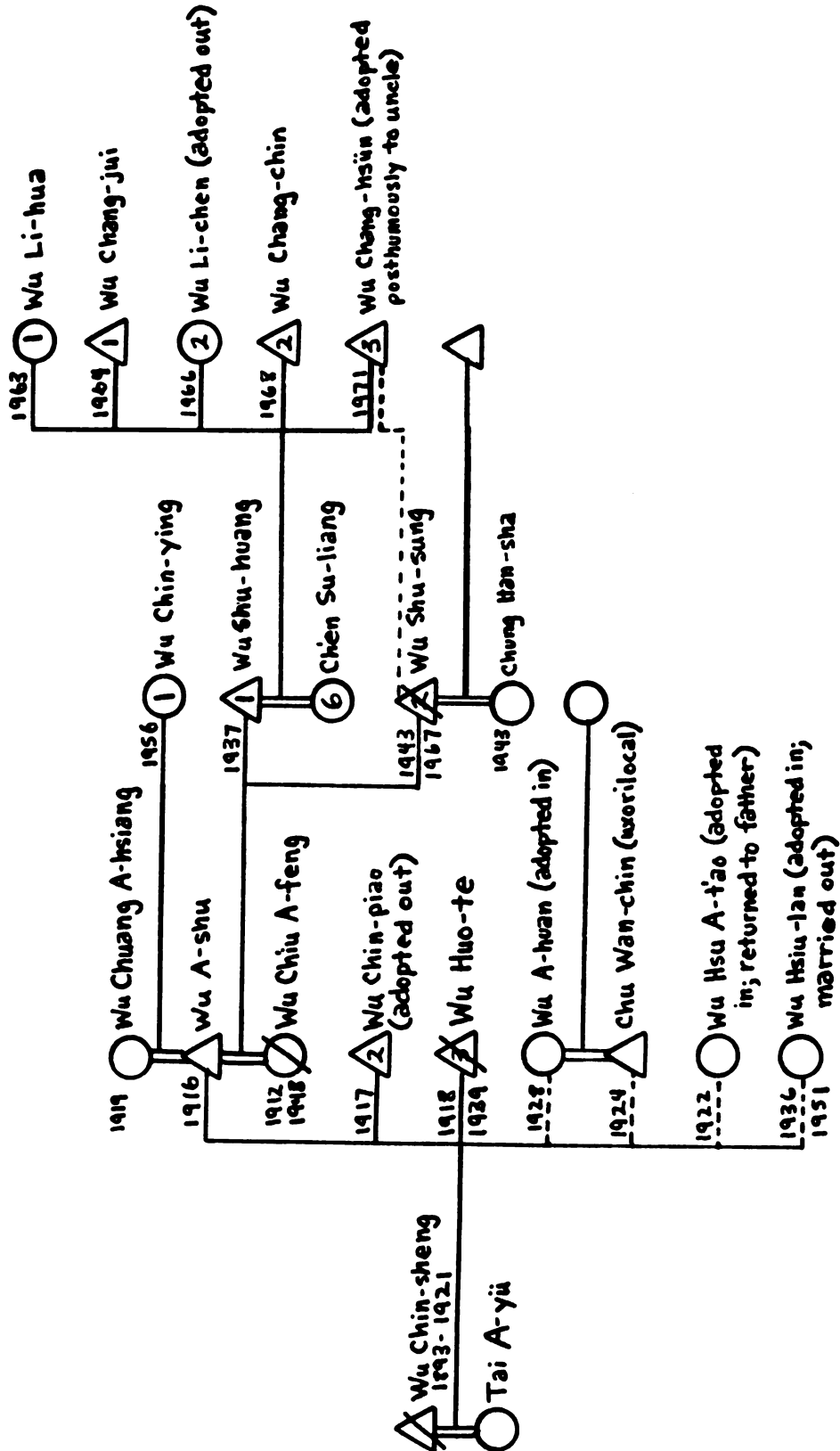
## Pan Case II (3)



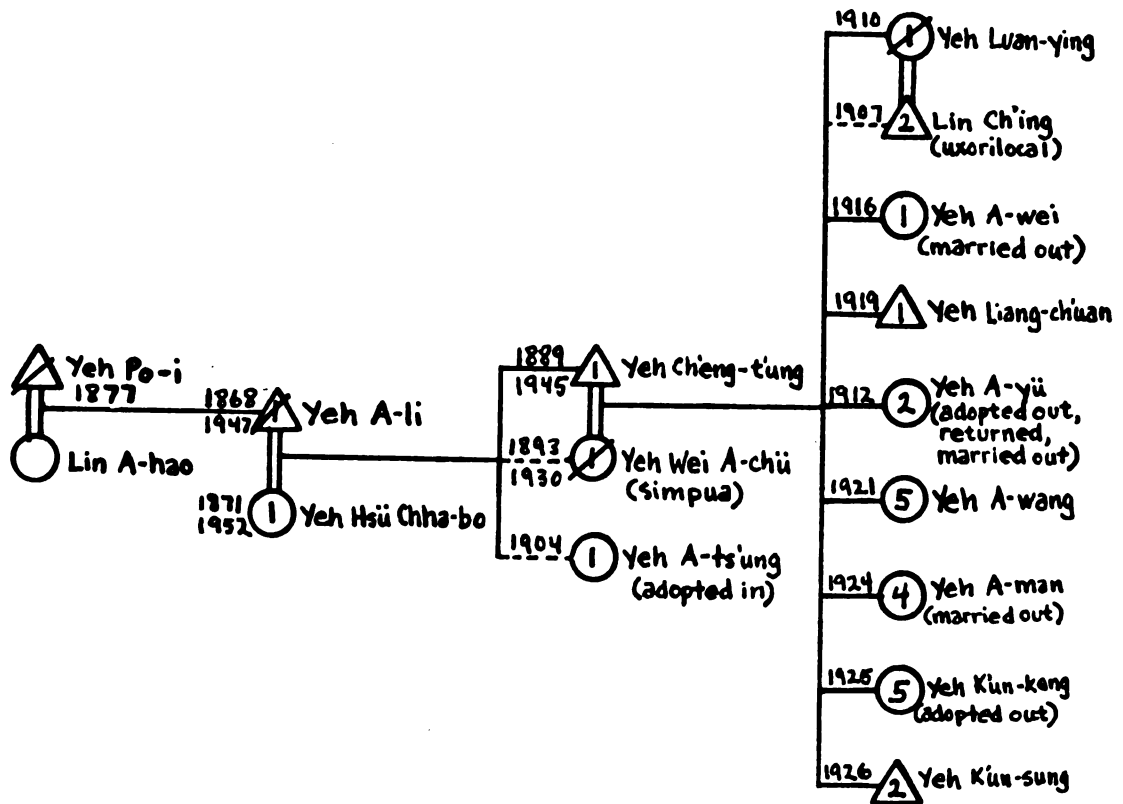
## Wu Case III (1)



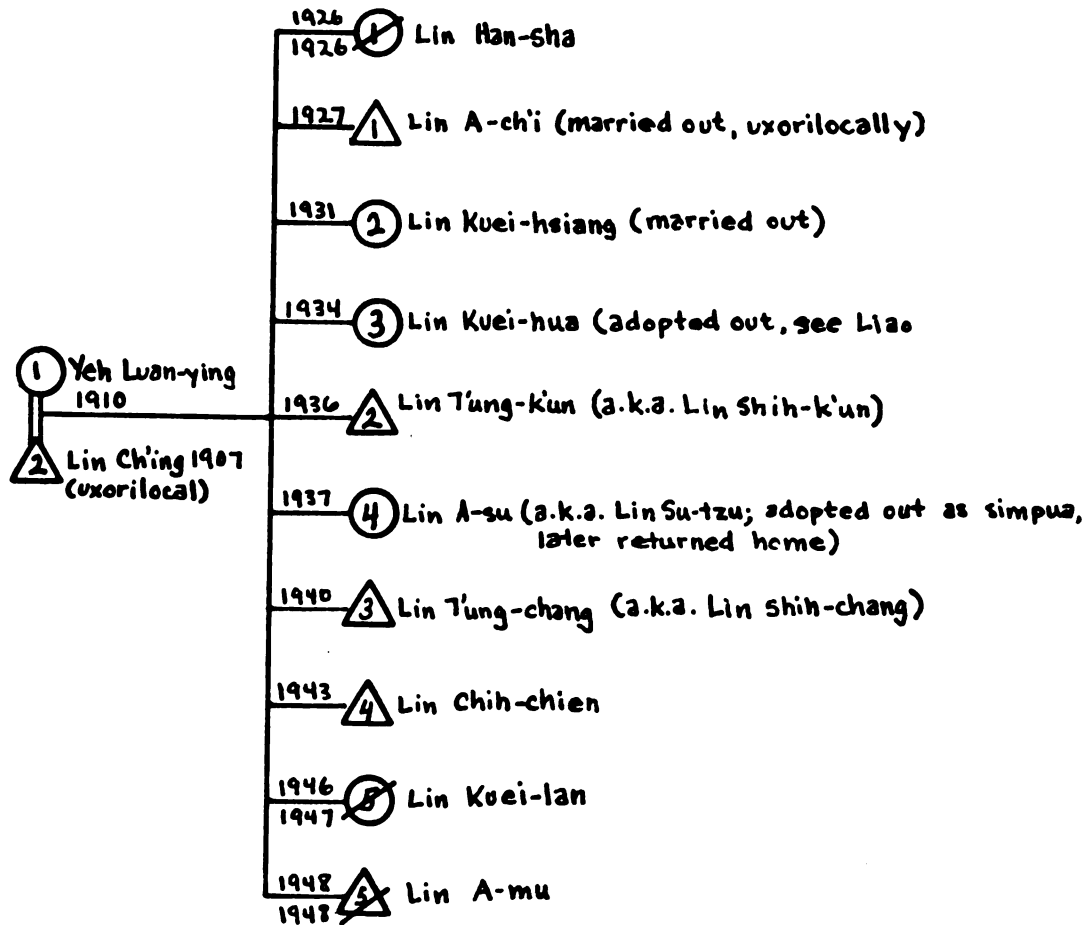
## Wu Case III (2)



## Yeh Case IV (1)

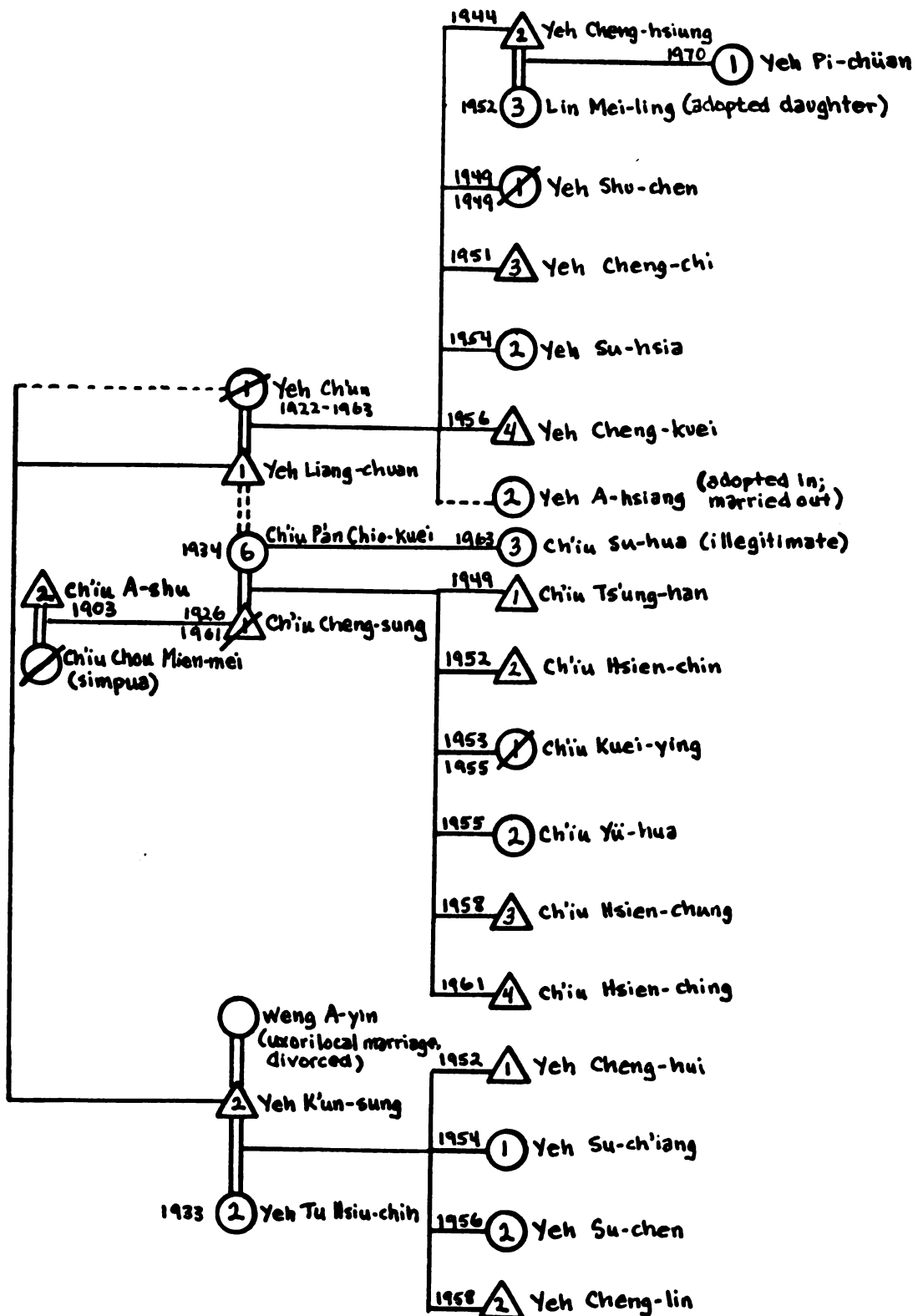


## Yeh Case IV (2)

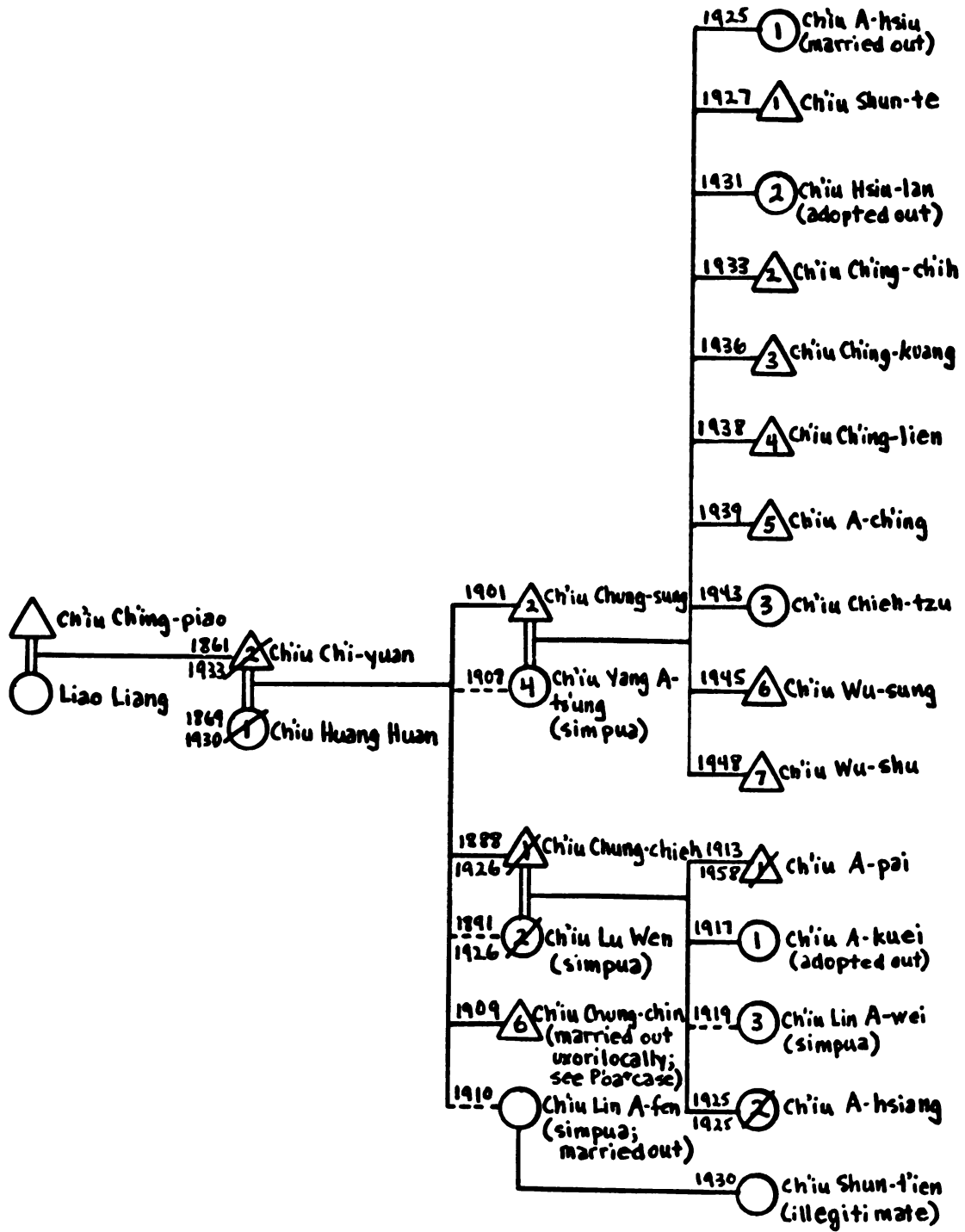




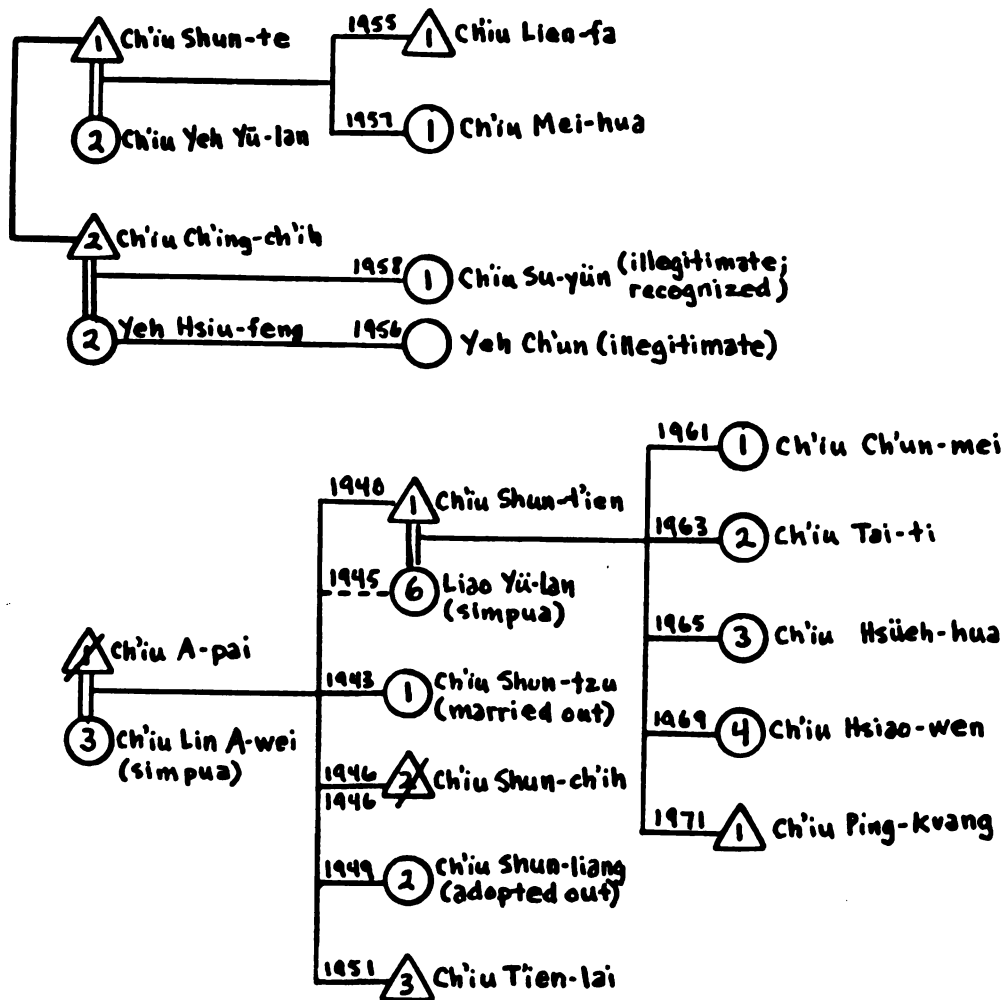
## Yeh Case IV (3)



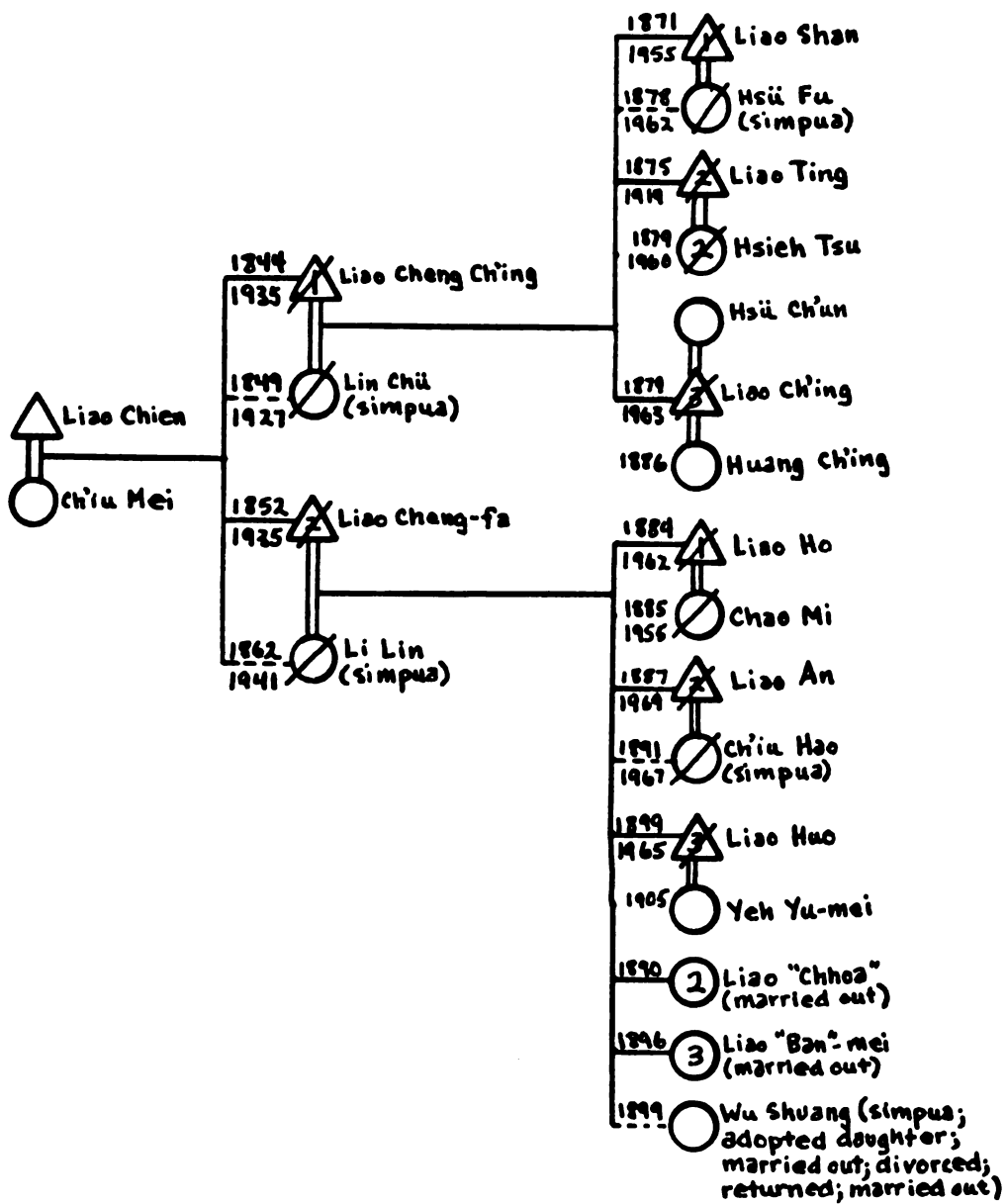
## Ch'iu Case V (1)



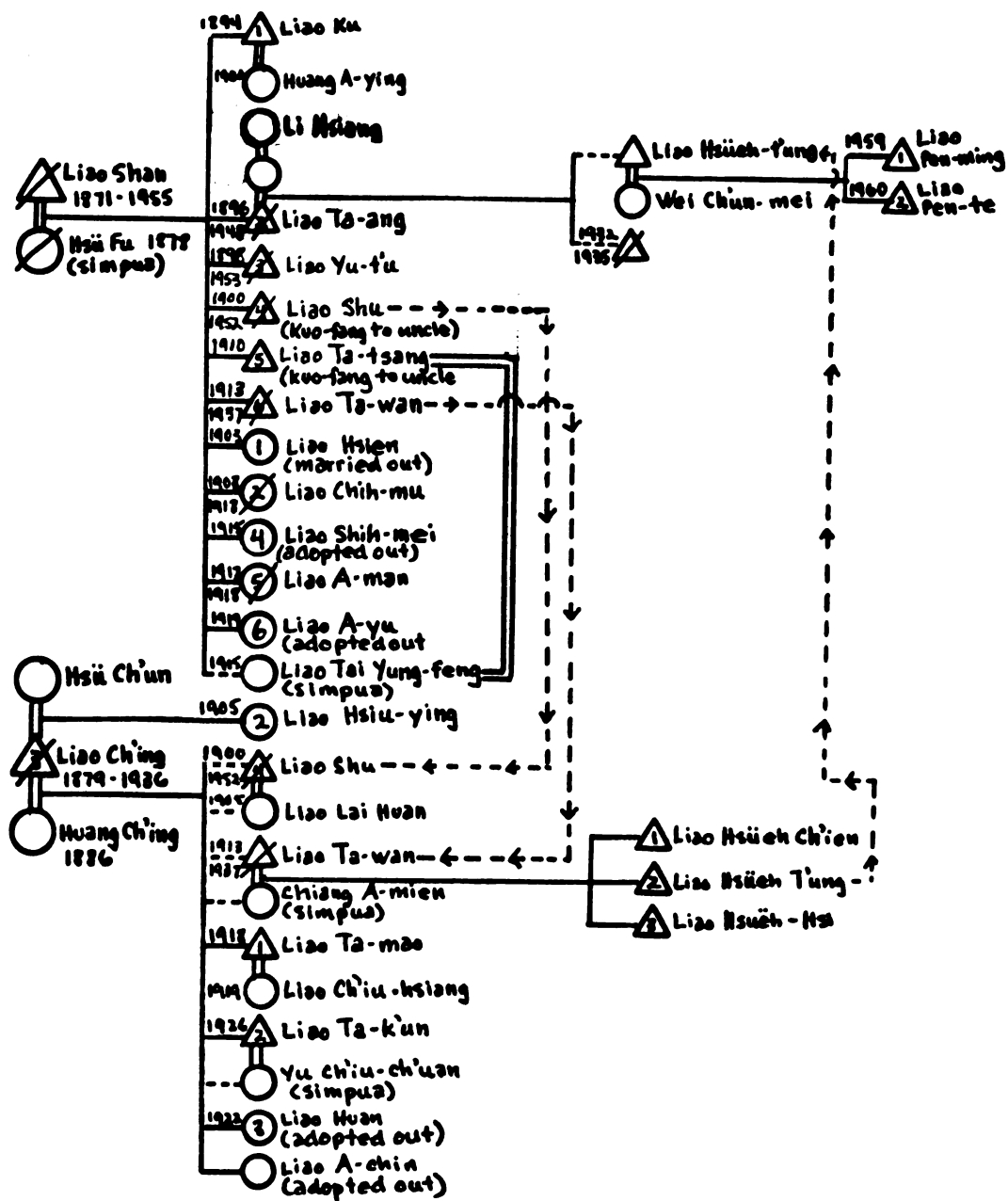
## Ch'iu Case V (2)



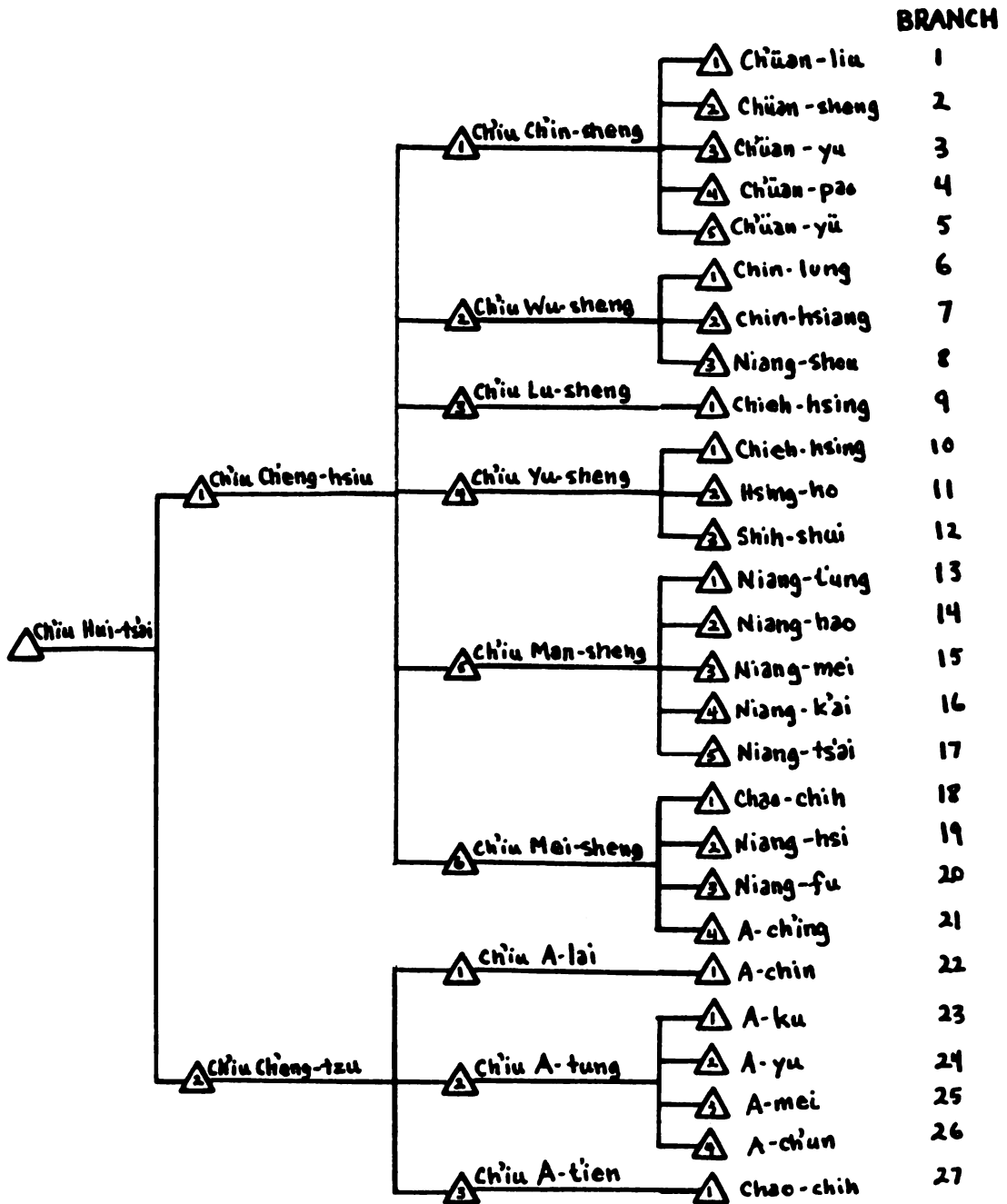
## Liao Case VI (1)



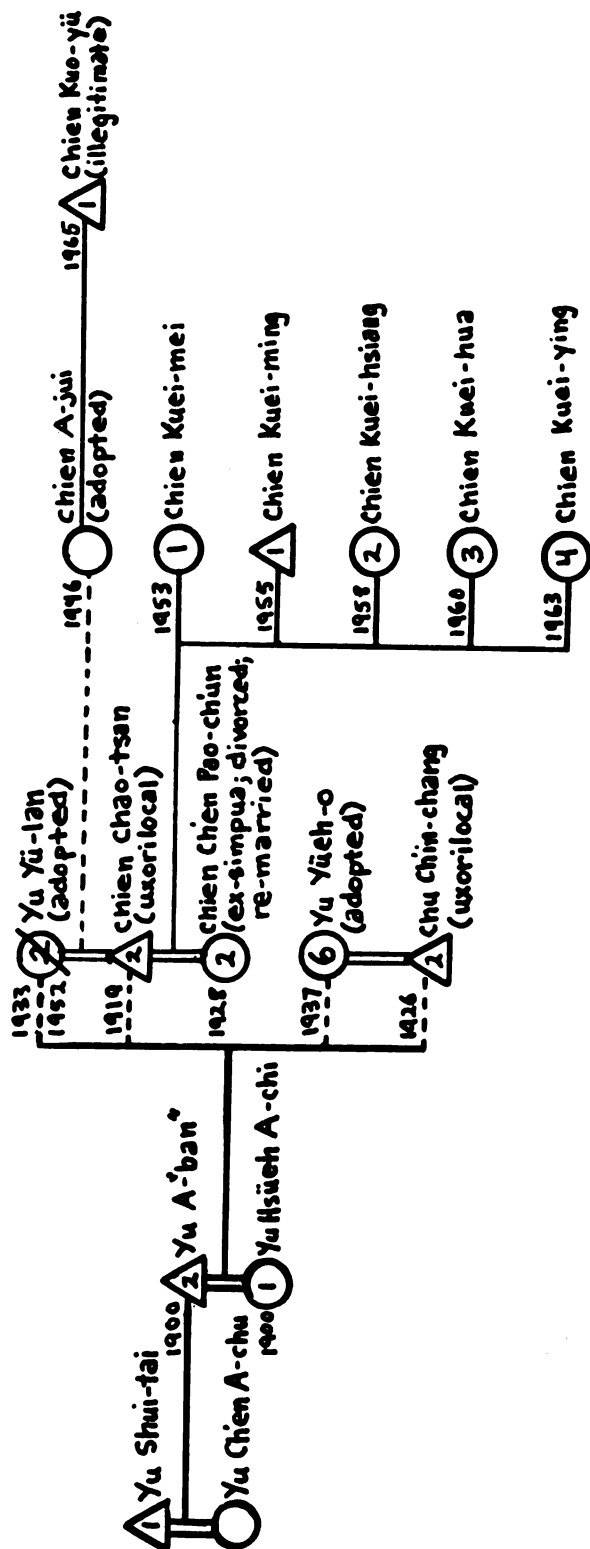
**Liao Case VI (2)**



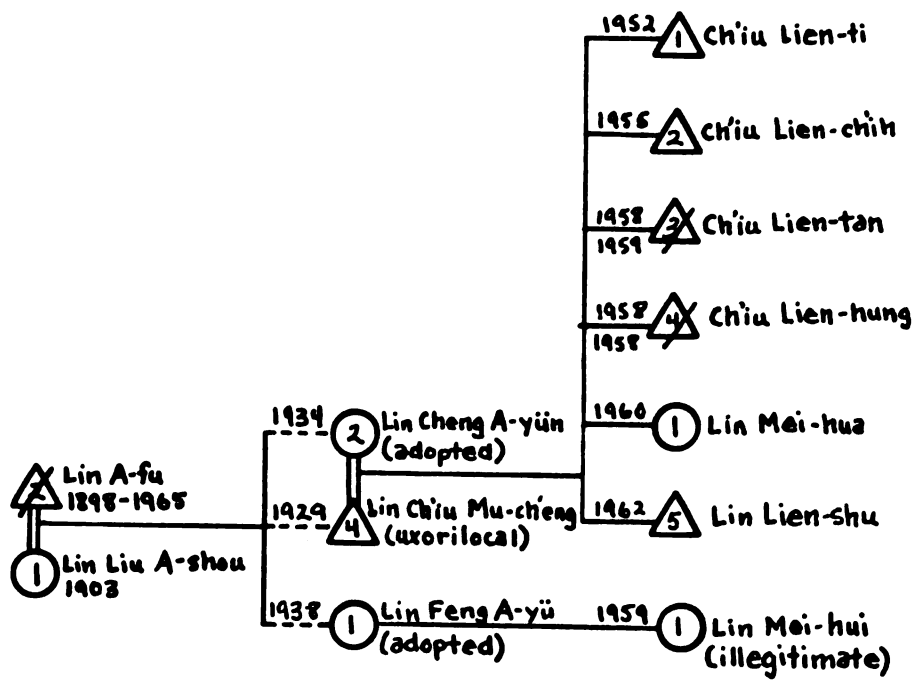
## Ch'iu Case VII (1)



## Ch'iu Case VII (2)

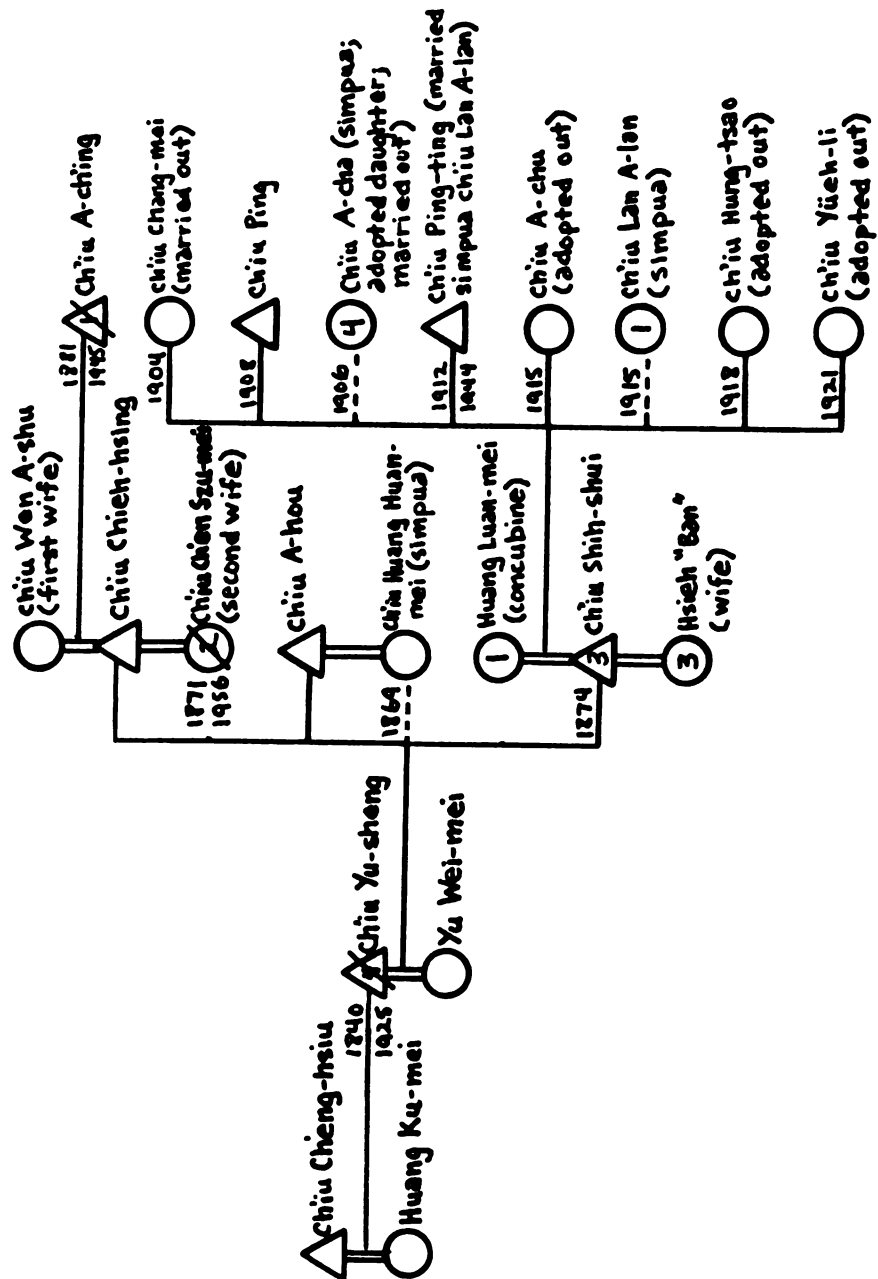


## Ch'iu Case VII (3)

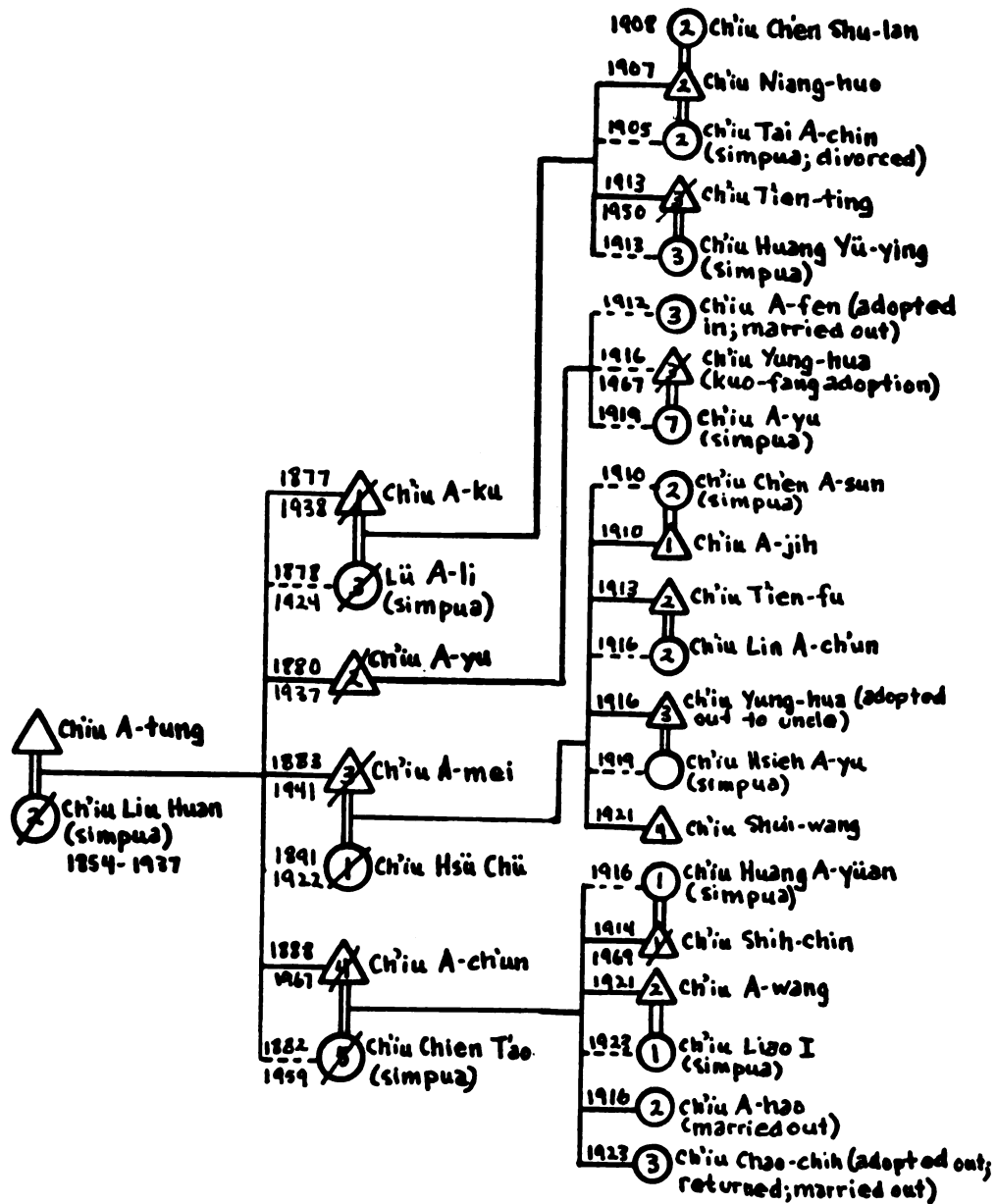




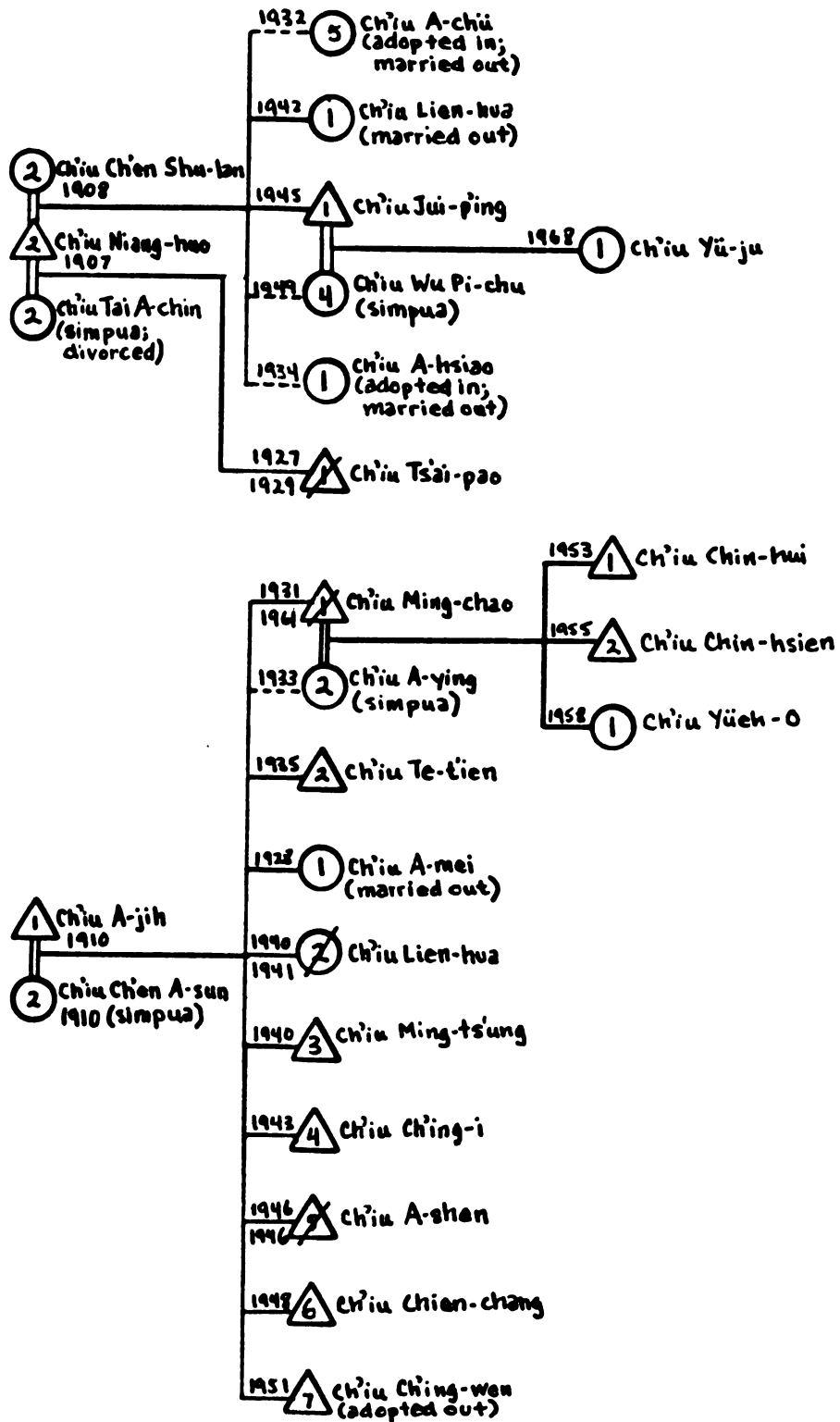
## Ch'iu Case VII (4)



## Ch'iu Case VII (5)



## Ch'iu Case VII (6)



## **APPENDIX C**

### **GLOSSARY**



# APPENDIX C

## GLOSSARY

- T. a 阿
- T. an peh-ji 安八字
- T. bah beh hong chiáh, kut bo ai hong khe 肉人食骨無愛口嚙
- T. bah ho lang chiáh, kut m-chia\* ho lang khoe 肉喫人食骨不喫人食
- T. beng-leng ji 螟蛉子
- T. bo thau-tui sim-pu-a 無頭對娘婢仔
- M. cha 軋
- T. cha-bo-kan 查某嬖
- M. cha p'ing-t'ou 軋餅頭
- T. ch'a hua 插花
- M. ch'a to hua-erh tai erh sheng 插桑花兒待兒生
- M. Chang 張
- M. Chang Hsin-t'ai 張心泰
- M. Ch'ang-an Hsien 長安縣
- M. Chang Chou 漳卅
- M. Chang-p'u Hsien 漳浦縣
- M. chao 招
- M. Chao-an 詔安
- M. Ch'ao-chou 潮卅
- M. chao-chui 招贅
- M. chao-fu 招夫
- M. chao-fu sheng-tzu 招夫生子
- M. chao-fu yang-fu 招夫養夫
- M. chao-fu yang-lao 招夫養老
- M. chao-fu yang-tzu 招夫養子
- M. chao-hun tzu 招婚字
- M. chao-hsü 招婿
- M. chao-hsü yang-lao 招婿養老
- M. chao-mu 昭穆
- M. ch'e-chang shih 撒帳詩

- M. che-ku 拆股  
 M. che p'ing-t'ou 拆妹頭  
 T. che-soa\* chio-hu 坐山招夫  
 T. cheh 贊  
 M. Ch'en 陳  
 M. cheng-ch'i 正妻  
 M. ch'eng-hun 成婚  
 M. Ch'eng-ku Hsien 城固縣  
 M. Ch'eng-ti 城地  
 M. ch'eng-t'iao 承挑  
 M. ch'eng yin-ch'in 成陰親  
 T. chhi cha-bo-kia\* pát-lang-e,  
 chhi sim-pu-a tsoe khian ka  
 T. chhia\* chhut-tia\* 請出庭  
 T. chhng-bo 床母  
 T. chhng-kong 床公  
 T. chhut-sia 出舍  
 T. chhut-thia\* 出庭  
 M. ch'i 氣  
 M. ch'i 妻  
 M. ch'i-ch'in 期親  
 M. ch'i chia-lao 契家老  
 M. ch'i chia p'lo 契家婆  
 M. chi-fu 繼父  
 M. chi-pen ch'eng yüan 基本成員  
 M. chi-shu 繼書  
 M. chi-szu 繼嗣  
 M. ch'i-ti 契弟  
 M. chi-tzu 繼子  
 M. chia 家  
 M. chia-ch'an 家產  
 M. chia-chang ch'üan 家長權  
 M. chia-fu 家父  
 M. chia-huo 家伙  
 M. Chia I 賈誼
- 飼 查某園別人的  
 飼 媳婦仔做乾家

- M. chia-mai 價賣  
 M. chia-tsu 家祖  
 M. Chiang-ling Hsien 江陵縣  
 M. chiao 角  
 M. chiao-chia hsiung-ti 交夾兄弟  
 T. chiap to-pang 接倒房  
 M. chieh 借  
 M. ch'ieh 妾  
 M. chieh-ch'ing 潔淨  
 M. chieh-hsü hun 接續婚  
 M. chieh tzu, huan sun 借子還孫  
 M. chien 姦  
 M. ch'ien 乾  
 M. Ch'ien-chiang Hsien 潛江縣  
 M. chien-mei 奸媒  
 M. Chien-ning 建寧  
 M. chien-sheng 姦生  
 M. chih 質  
 M. chih-ch'in 至親  
 M. chih-nü sui ku 姪女隨姑  
 M. chih-ting chi-ch'eng 指定繼承  
 M. chin 金  
 M. Chin-chiang Hsien 晉江縣  
 M. chin-ch'in 近親  
 M. ch'in-ch'üan 親權  
 M. chin-lan hui 金蘭會  
 M. ch'in-shang chia ch'in 親上加親  
 M. chin-shen hsien-sheng 縉紳先生  
 M. chin-t'ieh 津貼  
 T. chin-tsoe 進贅  
 M. ch'in ying 親迎  
 M. ch'ing ch'i 請期  
 M. Ching-ning Hsien 景甯縣  
 M. Ching-shan Hsien 京山縣  
 T. chio 招



- T. chio-hu che-soa\* 招夫坐座  
 T. chio-hu iong-lo 招夫養老  
 T. chio-hu iong-tsu 招夫養子  
 T. chio-hu si\*-tsu 招夫生子  
 T. chio-hun ji 招婚字  
 T. chio sio-ti 招小弟  
 T. chio-ti 招着  
 T. Chio-ti 招治  
 T. chio ti-ti 招着弟  
 M. Ch'iu 邱  
 M. chiu-hun 就婚  
 M. Cho-shui Hsi 濁水溪  
 M. chu 住  
 M. chü 居  
 M. ch'ü-ch'i 娶妻  
 M. chü chü tse pai fei chieh sheng, 俱居則百費皆省  
     hsi chü tse ko yu fei 杜居則各有費  
 M. ch'u-hai 出海  
 M. ch'u-hsi 除夕  
 M. Chu-hsi Hsien 竹溪縣  
 M. chu-hun 主婚  
 M. chü-jen 舉人  
 M. ch'ü kuei-ch'i 娶鬼妻  
 M. ch'u-li k'un-ch'i 出立姻契  
 M. Chu-shan Hsien 竹山縣  
 M. ch'u-she 出舍  
 M. ch'ü shen-chu 娶神主

M. Chü-yung Hsien	句容縣	
M. chuan-ch'e chu	轉車軸	
M. chuan-ch'in	轉親	
M. Ch'üan Chou	泉州	
M. chuan-fang	轉房	
M. chuan-hun	轉婚	
M. ch'üeh-p'ing	雀屏	
M. chui	贊	
M. chui-fu	贊夫	
M. chiu-hun	歙婚	
M. chui hsü	贊婿	
M. chui-shu	贊書	
M. chui tzu	贊子	
M. chung	衆	
M. Chung-hsiang Hsien	鍾祥縣	
M. chung-hu	中戶	
M. chung-teng i-hsia chih she-hui	中等以下之社會	
M. en-i ming-fen	恩義名份	
M. fan	番	
M. fang	房	
M. fen	分	
M. fen-hsi	分析	
M. fen-hsi chia-ts'ai t'ien-ch'an	分析家財田產	
M. fen-i ts'ai-ch'an	分異財產	
M. fen-pieh kung-yu	分別共有	
M. Feng-hsiang Hsien	鳳翔縣	
M. Feng-hua Hsien	奉化縣	
M. Feng-t'ien	奉天	
M. Fu-an Hsien	福安縣	
M. Fu-feng Hsien	扶風縣	
M. fu-hsü ch'eng yüan	附屬成員	
M. Fu-ting Hsien	福鼎縣	
T. Go	吳	
M. Han-chung	漢中	

- M. ho-chin 合登  
 M. ho-fang 合房  
 T. ho-lai hun-in 戶內婚姻  
 T. hoan-sun 還孫  
 M. hsi 析  
 M. hsi-fu-erh 媳婦兒  
 M. hsi-ma 細麻  
 M. Hsi-pei Hsiang 西北鄉  
 M. hsi-t'ieh 喜帖  
 M. hsia-hu 下戶  
 M. Hsia-p'u Hsien 霞浦縣  
 M. hsiang 鄉  
 M. hsiang-ch'iu 相求  
 M. hsiao-kung 小功  
 M. hsien 縣  
 M. Hsin-chu Hsien 新竹縣  
 M. Hsin-wen Pao 新聞報  
 M. Hsing-hua Fu 興化府  
 M. Hsing-shan Hsien 興山縣  
 M. hsiung-mei hun 兄妹婚  
 M. hsiung-ti erh 兄弟兒  
 M. hsü-ch'in 續親  
 M. hsü-ho 虛合  
 M. hsü-hsüan 續絃  
 M. Hsüan-en Hsien 宣恩縣  
 T. hu 符  
 T. hu 戶  
 M. Hua Chi 滑稽  
 M. Hua-lien Hsien 花蓮縣  
 M. hua-teng nü 花等女  
 M. hua-tun nü 花不女  
 M. huan-ch'in 換親  
 M. huan-sun 還孫  
 M. Huang 黃  
 M. Hui-an Hsien 惠安縣  
 M. hui-men 回門

- M., T. hun 婚  
 T. hun-su 婚書  
 M. huo 火  
 M. huo-tai 過帶  
 M. i 異  
 M. i-hsing chih tzu 異姓之子  
 M. i hun 議婚  
 M. I-lan Hsien 宜蘭縣  
 M. I-lan Shih 宜蘭市  
 M. i men yu tzu, chiu men pu chüeh 一門有子九門不絕  
 M. i-nü 義女  
 M. i-sun 義孫  
 M. i-tzu 義子  
 T. Iáp 葉  
 T. io-ti 腰治  
 T. iong 養  
 T. iong-lu 養女  
 M. jen-shih 人市  
 T. jit-thau-a 日頭仔  
 M. Jou P'u-t'uan 肉蒲團  
 C. jyu-tsai 豬仔  
 T. ka chiah-ui ho 加脊位好  
 C. kai-dai 契弟  
 C. kai ga-louh 契家老  
 C. kai ga-poh 契家婆  
 M. Kan Hsien 贛縣  
 T. ke-hu 繼父  
 M. ke-shan hsiung-ti chieh-mei 隔山兄弟姐妹  
 T. ke-tsu 繼子  
 M. keng shu 庚書  
 T. khan-chhiu 牽手  
 T. khe chhui-bi 契水米  
 T. Khu 邱  
 T. kiu-kiong 九芎  
 T. ko-liang 孤娘

- M. Ko-ma-lan 噶瑪蘭  
 T. koa\*-am chi\* 揸額錢  
 T. koe-pang 過房  
 J. koshu 戶主  
 M. Ku-ch'eng Hsien 穀城縣  
 M. ku-jou huan-hsiang 骨肉還鄉  
 M. ku-jou huan-hsiang, chia pai jen wang 骨肉還鄉家敗人亡  
 M. Ku-t'ien Hsien 古田縣  
 M. kua-chang 掛帳  
 M. k'ua-hsiang chih 誇相知  
 M. kuan-chi 關繼  
 M. Kuang-tse Hsien 光澤縣  
 M. Kuang-yun 廣韻  
 M. kuei 鬼  
 M. kuei nan, tuan nü, kuei nü tuan nan 歸男斷女歸女斷男  
 M. kuei-ch'i 鬼妻  
 M. k'un 坤  
 M. k'un 捆, 棚  
 M. k'un chi 棚妓  
 M. k'un-shen 捆身  
 M. kung 共  
 M. Kung-an 公安  
 M. kung-yu 共有  
 M. kuo-chi 過繼  
 M. kuo-fang 過房  
 M. kuo-fang li 過房禮  
 M. kuo-lo 螺贏  
 M. kuo-men 過門  
 M. kuo-yü 國語  
 M. Lan-yang 蘭陽  
 M. lang-men nü t'un 郎門女屯  
 M. lao-pan 老板  
 M. lao-ch'i 老妻  
 T. le pia\* 禮餅  
 T. leng-po-gin 乳哺銀

- M., T. Li 李  
 M. li 禮  
 M. li-chiao 禮教  
 M. li-szu 立嗣  
 M. Li Yü 李漁  
 M. liang-jen 良人  
 M. Liao 廖  
 T. Liao 廖  
 T. Lim 林  
 M. Lin 林  
 M. Lin-hai Hsien 臨海縣  
 M. Lin Han-sheng 林漢生  
 M. ling-shan hsiu-tsai 康膳秀才  
 M. liu-li 大禮  
 T. lo-kong 老公  
 M. Lo-tung 羅東  
 M. lu-shui fu-fu 露水夫婦  
 M. Luan-p'ing Hsien 濼平縣  
 M. lüan-t'ung 變童  
 M. lun-hun 倫婚, 輪婚  
 M. lung-yang 龍陽  
 M. Ma-ch'eng 麻城  
 C. ma-je 媽姐  
 C. ma-je mui 媽姐妹  
 M. mai 買  
 M. mai 賣  
 M. mai-hun shu 賣婚書  
 M. mai-mai hun-yin 買賣婚姻  
 M. mai-ti an 埋屍案  
 M. mai-tuan 賣斷  
 M. mai tzu 賣子  
 M. mai tzu, wu chiao ming, mai t'ien 賣子無叫名  
 wu yu t'ien-t'ou hang 賣田無由田頭行  
 M. mai-yang 買養  
 M. mei-kuan 媒官

- M. mei-t'ung k'ao-an 美童考案  
 M. mi 米  
 M. miao-chien 廟見  
 M. miao-hsi 苗媳  
 M. Mien Hsien 西縣  
 M. Min-ch'ing Hsien 閩清縣  
 M. ming-fen 名分  
 M. ming-hun 冥婚  
 M. ming-ling-tzu 螟蛉子  
 M. mu-chia 母家  
 C. mui-tsai 妹仔  
 M. na-ch'ieh 納妾  
 M. na pi 納幣  
 M. na t'sai 納財  
 M. Nan-an Hsien 南安縣  
 M. nan-ch'ieh 男旦  
 M. nan-feng 男風  
 M. Nan meng mu chiao ho san ch'ien 男孟母教合三遷  
 T. Ng 黃  
 M. niang-tzu chün 娘子君  
 M. nü-hu 女戶  
 T. o'-a-hi 烏仔魚  
 T. Oat-ti 悅治  
 M. Pa-li-sha-nan 叭哩沙南  
 M. Pa-tung Hsien 巴東縣  
 M. pa-tzu 八字  
 M. pai-hsiang chih 拜相知  
 M. pai-hsing 百姓  
 M. pai-hua 白話  
 M. pai-kua 白瓜  
 M. pai-liu ts'an-hua 敗柳殘花  
 T. pai-pai 拜拜  
 M. pai pi-t'ou 白鼻頭  
 M. pai-te 敗德  
 T. pak 貝, 撲, 稜

- T. pāk chhe 穠妻  
 T. pāk-sin ho-lang 貝羹身喫人  
 M. P'an 潘  
 M. pan-lao 伴老  
 M. pan-tzu pan-hsü 半子羊婿  
 M. P'an-yü 番禺  
 T. pang chhiu 放手  
 M. pang-t'ui 幫腿  
 M. pao-chia 保甲  
 M. Pao-k'ang 保康  
 M. Pao-ting 保定  
 M. pei 婢  
 M. p'ei-erh 賠兒  
 M. p'ei-ku 配骨  
 M. pei-nü 婢女  
 M. pei-sheng 婢生  
 M. p'ei-szu hun 配死婚  
 T. phai\* ka-chiah-ui 歹加脊位  
 T. Pho-po-o 破布島  
 T. Phoa\* 潘  
 M. pi 壁  
 M. p'i 埤  
 M. pieh 別  
 M. p'in 聘  
 M. p'in-ch'i 聘妻  
 M. p'in-chin 聘金  
 M. p'ing 姘  
 M. P'ing-ch'uan Hsien 平泉縣  
 M. p'ing-fu 姘夫  
 M. p'ing-fu 姘婦  
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 M. P'ing-nan Hsien 屏南縣  
 M. p'ing-t'ou 姘頭  
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 M. P'o-pu-wu 破布島



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 M. pu t'ung-fang chü-chu 不同房居住  
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 T. sai-kong 師公  
 M. San-hsing 三星  
 M. San-tiao 三貂  
 M. San-tiao Ling 三貂嶺  
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 T. sang-tia\* 送定  
 T. sang-tsoe-tui 送做堆  
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 M. Shan Hsien 陝縣  
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 M. shang-fa 上髮  
 M. shang-men 上門  
 M. shang-men han 上門漢  
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 M. shih p'eng-yu 識朋友  
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 M. shu-sao chien-mien 叔嫂接面  
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 M. shuang-Liao 雙廖

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 T. siang-Liau 雙廖  
 T. sien-Liau 單廖  
 T. simpua 媳婦仔  
 T. simpua cheng 媳婦仔精  
 T. simpua ka-kie, tsa-bo'-kia\* pát-lange 媳婦仔自己的  
 T. simpua mia\* 媳婦仔命 查某國別人的  
 T. simpua the 媳婦仔體  
 T. simpua-chai 媳婦仔裁  
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