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## **WOMENS IN THE TRADITIONAL CHINESE CLERK FAMILY OF THE SONG DYNASTY ERA (960–1279): GENDER RELATIONS AND LEGAL STATUS**

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Based on the analysis of written sources – narrative and legislative acts of the Song dynasty era analyses the legal status and gender relationship in a traditional family of Chinese clerk family. Highlights the features of the relations between a man and a woman through the prism of gender stereotypes based on the collation of the information from the sources of the legal narrative and characters. The Chinese medieval family, as the main cell of the contemporary society, was part of the great patriarchal family / clan (tsuntsu) – a group of related families with a common ancestor in the masculine line, a certain economic unity and a unique surname. In the period under review, women, along with men, owned and enjoyed the right to divorce and the right to conclude a second marriage, as opposed to existing perceptions of legislative prohibitions and the existence of severe public condemnation.

*Key words:* history of China, Song era, gender, family, Chinese clerk.

The study of the legal status of women's place in a family and the social hierarchy is necessary for a complete understanding of many problems of any national culture. But due to some reasons, the situation of women in the Chinese history, especially in the medieval period, long remained on the periphery of historical science. Firstly, the significant obstacle in the study of the subject are difficulties in adequate understanding of the realities of the period, based on the available resources. Secondly, the major obstacle was and still remains a steady domination of the stereotype that characterizes the condition of women in the medieval China, and it is full of injustice, endless suffering from men's oppression, humble humility, and finally, lack of proper attention of society. Thirdly, the researchers underestimated (and some are still underestimating) the importance of the women's roles in the China cultural traditions, as a wife, a housewife and a mother<sup>1</sup>.

But if you look wider, it appears that this is a global problem. The European historiography has similar problems as well. Until recently, all the researchers who study the history of the situation of women in the European medieval society, pointed to the negative attitude to them throughout the Middle Ages. Feminist historians

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<sup>1</sup> 谢尔盖. 唐朝(618\_907年) 中国文人家族的法律地位和性别关系, 青年汉学家研修计划论文集: 上海社会科学院. (上海, 2016): 531–537页.

studied the history of brutal discrimination and slow emancipation when entering into the era of modern times. Authors of another direction came from deep relationship stereotypes as biologically defined and therefore immutable.

Chinese medieval family, as the basic cell of a society, then was a part of the great patriarchal family/clan (氏族/*chzunczu*) a group of related families had a common ancestor in the male line, a certain economic unity and a single family name. A man could only have one primary wife, the others were either minor spouses (in the narrative sources are often referred to in the order of their occurrence in the family: the second wife, the third...), or housemates. This family tied in the form of kinship ties of the ritual character (the common ancestor cult), economic (financial aid for the clan member in the case of need, the search for the heirs of the dead in the absence of their children) and legal (the ban to enter into marriage with a person who had the same family name, the execution of native offender in especially severe cases)<sup>2</sup>. Belonging to the family and to the clan was defined by the figure of its father. A wife left her family nest and became a member of her husband's family. Thus, she gave the reverence to the ancestors of her husband, even if she kept its own patronymic throughout life<sup>3</sup>.

Within this context, reference to this issue is important and relevant in modern sinology. Unfortunately, domestic sinology still underestimates the significance and prospects of studying the history of the women position. Lagging domestic science in this area, no special studies on various aspects of gender and social status of women in China's long history also determine the relevance of this research.

Traditionally, in the domestic or foreign historiography a number of gender stereotypes in the views of researchers on the issue of relations between man and woman (women) and their role in Chinese society of that period have developed. Based on the sources of the legal nature, the researchers came to the conclusions about completely illegal woman status in the Chinese family, in the Song era<sup>4</sup>.

However, a detailed study of the law and narrative works form that period give grounds for findings that refute a number of previous claims. The purpose of the proposed research is to establish a correspondence between the data of the legal sources (which legally regulate the situation of women) and the narrative sources which provide a more comprehensive picture of gender relations in the family of that period. The object of the research is the legal woman status in the clerk's family and the society in the Song era. The subject of the research serves a set of Tan and later Sun code's articles, the regulations of several Imperial edicts of the Tan era, which deal with the woman status and are regulated by its basic rights: the right to

<sup>2</sup> Brian E. McKnight, *Law and Order in Sung China*. (Cambridge : Cambridge University Press, 1992), 557.

<sup>3</sup> Robert M. Hartwell, "Demographic, Political, and Social Transformations of China, 750–1550," *Harvard Journal of Asiatic Studies* 42, no. 2 (1982): 367.

<sup>4</sup> 谢尔盖. 唐朝(618-907年) 中国文人家族的法律地位和性别关系, 青年汉学家研修计划论文集, 上海社会科学院. (上海, 2016): 531页.

marriage, the right to divorce and the remarriage, the right to inheritance of property, the right to a penalty reduction, the right to noble title obtaining etc.

The main chronological framework of the study is the reign of the Song Dynasty (970–1279). Given timeframe selection are determined by the history of Chinese law: all legislative initiatives of the Tang Dynasty were inherited and continued by the Sung rulers. The Chinese law system was formed during the Tan era and it lasted until the beginning of the 20<sup>th</sup> century, which was embodied in the “Tang shui Lu” – the first Code fully remained until nowadays and it is the most representative source for the history of the Chinese law<sup>5</sup>. The Song dynasty became the recipient of the Tan law. The Song Code regulations largely copied the Tang set of laws “Tan lushui”, although the legal framework was often supplemented and corrected with new laws and imperial decrees.

The methodological basis of the research is a complex of scientific methods as a concrete historical approach, system analysis method, logical methods - analysis and synthesis. When analyzing and evaluating the legal materials, studying the special literature, general scientific methods were combined with legal science methods: historical and legal method with comparative legal research method. The author was also guided by the importance of critical thinking of origins and predecessors’ research materials, in order to verify whether the screen view of the status of women in the Chinese society in the 10–13<sup>th</sup> century.

Traditionally, this problem researchers settled the legal status of the Chinese woman in the family to this, which, on the one hand, was determined by the system of the family-marriage relationships, that in its turn was based on the authoritarian power of the family head and the predominance of the older generation representatives, on the other hand, the moral-ethical norms and legislation<sup>6</sup>. Due to certain reasons, the question of the situation of women in the history of China, particularly in the medieval period, for a long time remained on the periphery of the historical Science<sup>7</sup>. Firstly, a significant barrier in the study of this theme is the difficulty of adequate understanding of the realities of that time, according to origins. Secondly, a serious obstacle was and remains the dominance of steady stereotype, characterizing the situation of women in the medieval China, namely her complete disempowerment, endless suffering as a result of oppression on the part of men,

<sup>5</sup> *Уголовные установления Тан с разъяснениями (Тан люй шу и)*. Цзюани 18, введ., пер. с кит. и коммент. В. М. Рыбакова. (Санкт-Петербург: Петербургское Востоковедение, 2005) 112.

<sup>6</sup> Юлия Мьльникова, *Правовое положение женщины в истории средневекового Китая: династии Тан-Сун*, канд. дис., (Санкт-Петербургский государственный университет, 2012), 10.

<sup>7</sup> *Guide to Women’s Studies in China*, (eds. Hershatter, Gail; Honig, Emily; Mann, Susan; Rofel, Lisa.) “China Research Monograph”, 50. (Berkeley: University of California, Institute of East Asian Studies, 1998), 211; Edwin George Pulleyblank, *The Consonantal System of the Old Chinese*. (London: Asia Major, 1962), 265; Sima Guang, “Precepts for Family Life (jiafan),” *Images of women in Chinese thought and culture: writings from the pre-Qin period through the Song dynasty*, ed. by Robin R. Wang. (Indianapolis: Hackett Pub. Co., 2003), 414–418; K. A. Willfogel., Feng Hsia-shen, *History of Chinese Society Liao (907–1125)*. (Philadelphia, New York: American Philosophical Society, distributed by the Macmillan Company, 1949), 752.

her submissive humility, and, finally, the lack of proper attention to her of society<sup>8</sup>. Thirdly, the researchers of the underestimated (and some continue to underestimate) the significance of these gender roles of women in cultural traditions of China, as a wife, a housewife and a mother, however, different social roles played by a woman at that time, are not taken into account

Gender structure of a Chinese family had the following look:

a) A main wife (奶奶/nǎinai) enjoyed important prerogatives: the only true mistress of the house, she was the legal mother to all the children of the family. Divorces were possible, but however, they were strictly regulated. They were carried out according to the rules of court procedure (the condemnation of one of the spouses gave another a chance to a divorce) or in case of evident betrayal of a woman. However, the divorces were not frequent, as marriage, besides other things, was understood as an union between families, the destruction of which was a delicate matter<sup>9</sup>. Breaking the bounds of marriage in some cases led to reimbursement, for example, the return of the dowry.

b) Secondary wives (二奶/èrnǎi) who were under the authority of the main wife, were included in the family through marriage. Their children, according to the ritual rules, were considered to be the children of the owner of the House and the main wife. The family, which was on a lower social level than the clan of the alleged future husband, considered for the honor, if one of its daughters was accepted into this family as a secondary wife<sup>10</sup>.

c) concubines (妾/qiè), who had almost no legal rights. Their social and gender status was closer to domestic helpers, they could be dismissed or resold. Their children could be recognized and officially accepted in the host family or spouse could stay on the position of a maid in the House.

The traditional model of the family-marriage relationships (according to the legislative sources of that time) caused inequality of men and women, but its degree was in all respects other than commonly presented by some modern researchers. The highest legal status among the women in the family belonged to a mother. The high legal and social status of a mother since the Tang era and later in the Soong era was defined by the decrees of extending the period of mourning for a mother, the influence of some Buddhist representations, changes in the political culture that influenced the emergence of new duties to the mother – direct participation in preparing sons to state examinations, etc. After reviewing a number of narratives of this era, the author came to a conclusion that in the considered period, women equally with men owned and enjoyed the right to divorce and the right to enter into

<sup>8</sup> Роберт ван Гулик, *Сексуальная жизнь в древнем Китае*. (Санкт-Петербург: Петербургское Востоковедение, 2004), 401; *Танские новеллы*. (Москва: Гослитиздат, 1960), 247.

<sup>9</sup> Robert M. Hartwell, "Demographic, Political, and Social Transformations of China, 750–1550," *Harvard Journal of Asiatic Studies* 42, no. 2 (1982): 366.

<sup>10</sup> Robert P. Hymes, *Statesmen and Gentlemen: The Elite of Fu-Chou, Chiang-Hsi, in Northern and Southern Sung*. (Cambridge: Cambridge University Press, 1986) 26.

re-marriage, as opposed to the existing representation of the legislative ban and the existence of cruel public condemnation<sup>11</sup>. The implemented analysis indicates that women had five forms of inheritance of family property. They could inherit property, as in their native house and at the home of husband after dividing family property<sup>12</sup>. The following conclusion refutes the idea that the proprietary rights of women were limited to only receiving a dowry at the time of marriage.

Personally-free woman of the period appears to investigators represented as an unmarried daughter, a wife or a concubine, a mother or a stepmother, a chaste widow or a remarried woman, a Buddhist or Taoist nun. The study shows that at each stage of her life, the specific woman rights, its position and status were not the same.

1. The legal status of unmarried daughters. The status of children in the family was determined not only by gender, but also by the order of birth. The specific installation codes indicate that from a legal standpoint the status of elder brother and elder sister were equal, and the legal status of older siblings was higher than the younger ones. In determining the punishment measure the Tan legislation stemmed from the fact which position a woman took in allfamily age hierarchy. The legal status of daughters was not defined by gender traditional concept of “respect for a man and contempt for a woman”, but depended on seniority, that is on the order of birth<sup>13</sup>.

In addition, the legislation reflected dividing children into those born by his wife and legitimate children born by concubines, significantly fewer rights had illegitimate children. A father had the duty to educate the child born from extramarital affairs. During the Southern Song Dynasty woman could remain a child if she wished to educate him herself<sup>14</sup>. For personally dependent women’s children, there were a general slavery rule “offspring follows the mother”.

2. The legal status of women. The status of women changed after her marriage and moving to the husband’s family. The marriage in imperial China was a private matter of two families, which was a necessary part of the religious institute and the state intervene only in case of law violations. The marriage was monogamous, patrilocal, had to be concluded between people of equal social status. Women, like men, had no right to choose their own partner. The consent of parents and matchmakers indispen-

<sup>11</sup> Peter Golas, “Rural China in the Song,” *The Journal of Asian Studies* 39, no. 2 (1980): 293.

<sup>12</sup> *Хрестоматія по історії середніх віків*, под ред. акад. С. Д. Сказкина. (Москва: Соцэґиз, 1961), т. 1, Раннее средневековье, 688; *Уголовные установления Тан с разъяснениями (Тан люй шу и)*. Цзюани I, введ., пер. с кит. и коммент. В. М. Рыбакова. (Санкт-Петербург: Петербургское Востоковедение, 2005) 384.

<sup>13</sup> Сергій Козловський, “Чиновницький апарат середньовічного Китаю епохи династії Тан (618–907 рр.): формування та кількісний склад,” *XXII східознавчі читання ім. А. Кримського. Тези доповідей міжнародної наукової конференції. До 100-річчя Національної академії наук України*. (Київ: Інститут східознавства ім. А. Ю. Кримського НАН України, 2018), 27–29.

<sup>14</sup> *Guide to Women’s Studies in China*. (eds. Hershatter, Gail; Honig, Emily; Mann, Susan; Rofel, Lisa.). China Research Monograph, 50. (Berkeley: University of California, Institute of East Asian Studies, 1998), 211.

sable part was necessary for marriage<sup>15</sup>. However, there was a caveat in the codes: if a younger relative, being away from home for personal affairs, got married, then this marriage was recognized as legal. A veiled freedom in choosing a life partner is seen in this setting. Given the fact that there was a practice of sending state officials to serve in other parts of the country, it is not difficult to imagine the situation.

3. The legal status of mothers. The status of a married woman was defined by the fact whether she had children or not, and her son's birth significantly strengthened her position in the family<sup>16</sup>. When a woman became a mother, her legal status and gender role was significantly changed. A special treatment to the mother is reflected in the Confucian system of principles of conduct and ethical qualities of the "three foundations and five permanences", which is referred to a mother who must be guided by mercy. During the Song epoch, the status of the mother within the family and its social status increased. This was due to a decree of Empress Tang Tse-tien to extend the observance of mourning for a mother to three years and weakening the role of Confucian principle of "after her husband's death to obey a son. Since the end of 7<sup>th</sup> – early 8<sup>th</sup> century and later in the Song era in the scope of duties of a mother is a direct part in preparing children to state examinations<sup>17</sup>. This was influenced by very different political cultures of the status and responsibilities of mothers. This is very important: as, in order to supervise the preparation of the sons, most mothers had to know themselves what was it about. In other words, a mother had to be literate and, anyway, to understand the content of the Confucian canons. If a father dies, the family property passed to the widow, and with further distribution of assets, sons received their share off the hands of the widowed mother. In addition, during the Song period, the mother's honoring increased under the influence of some Buddhist concepts<sup>18</sup>.

4. The legal status of a stepmother. Stepmothers belonged to the category of women, which were married to after the death or a divorce with his wife. On the legal point of view, the status of a stepmother in the Song era was higher than earlier or later, because marrying a divorced man or a widower, a stepmother acquired the status of a legitimate wife. In previous periods, she could be only a concubine. Song Code established that the son of the main wife had to mourn for the members of his stepmother's family, in case the father divorced with his natural mother. Thus, the status of a stepmother was equaled to his own mother. If a mother died, the child had to mourn for the people of his native mother<sup>19</sup>. Later, in the Song era,

<sup>15</sup> Sima Guang, "Precepts for Family Life (jiafan)," 414–418.

<sup>16</sup> 谢尔盖·唐朝(618–907年) 中国文人家族的法律地位和性别关系, 青年汉学家研修计划论文集, 上海: 上海社会科学院. (上海, 2016): 531页.

<sup>17</sup> Сергій Козловський, "Система шкіл та державних екзаменів у середньовічному Китаї епохи династії Тан," *Китаєзнавчі дослідження. Збірник наукових праць* 1 (2015): 225–232.

<sup>18</sup> Barbara Hendrischke, "Ordering the World: Approaches to State and Society in Song Dynasty China. The Inner Quarters: Marriage and the Lives of Chinese Women in the Song Period," *Journal of Contemporary Asia* 26, no. 1 (1996): 127.

<sup>19</sup> Jacques Gernet, *Daily Life in China on the Eve of the Mongol Invasion, 1250–1276*, translated by H. M. Wright. (Stanford: Stanford University Press), 34

such a high position of a stepmother was shaken in comparison with concubines, social and family status of which was always marginal, because it often happened that concubines were elevated to the status of the wives<sup>20</sup>. In the Ming and Qing dynasties this phenomenon became widespread.

5. The legal status of concubines. The very model of family relations in imperial China led to unequal position of men and women, which was consolidated in law. The law recognized monogamy, but actually, only for women, because a man could marry the unlimited number of concubines and freely enter into intimate relationships with singers, prostitutes or maid slaves. In the Legislative Body of two eras the legal status and position in the family of each of the women who entered into a relationship with the owner was defined<sup>21</sup>.

The status of a legitimate wife was the highest. The status of a concubine was significantly lower than this of a wife. The interfamily hierarchy among these women was clearly reflected in the penalties for crimes committed against them. More severe punishment for adultery was predicted for married women. Concubine had some legal status that stood out as the status of a wife, and the position of the maid slaves. Only a personally free woman could become a concubine. Most concubines came from impoverished families commoners who sold their daughters as concubines. Chinese law shared concubines into two groups, “et al.” And “is” not due to their origin, but only due to the social position of her husband. The legal status of concubines “in” was above others<sup>22</sup>.

Because of the prevalence of marriages with concubines in Song society era, there were made public and clear legal rules and regulations on the status of concubines and their relationships that remained unchanged at Sun. This was done to avoid potential conflicts and allow the established family practice exist without a hitch, without undermining public order. The system of concubinage in China spawned a separate category of wives, so-called “Du Fu” – jealous wife. Many Chinese scholars agree that jealousy is a form of passive resistance to polygamy<sup>23</sup>.

When trying to assess the situation and importance of women in Chinese society in the 10–13<sup>th</sup> century, it is worth paying attention to the fact that men are also unlikely to be seen as free and independent people. A wife was increasingly involved in family hierarchy, a husband – in social, and in family hierarchy. A man, even more than a woman superimposed huge amount of moral obligations, the major of which was the principle of filial piety, to ensure male offspring that were possible

<sup>20</sup> Yoshirō Takahashi, “Orphaned daughters: on the so-called property rights of daughters in the southern Song period,” *International Journal of Asian Studies* 12, no 2 (2015): 131–165.

<sup>21</sup> 谢尔盖. 唐朝(618-907年) 中国文人家族的法律地位和性别关系, 青年汉学家研修计划论文集, 上海: 上海社会科学院. (上海, 2016) 535页.

<sup>22</sup> Gernet, *Daily Life in China on the Eve of the Mongol Invasion, 1250–1276*, 37

<sup>23</sup> 谢尔盖. 唐朝(618-907年) 中国文人家族的法律地位和性别关系, 青年汉学家研修计划论文集, 上海: 上海社会科学院. (上海, 2016): 531–537页.

without interruptions send the cult of ancestors<sup>24</sup>. Men and women can be seen as partners within the family, but not in the modern sense of equality, and building on the principle of complementarity<sup>25</sup>. In China, the role functions of family members (husband, wife, sons, daughters, concubines, servants) were very precisely determined within the household, and, ultimately, in society in general. The positions of men and women, opportunities for social growth and professional development depended on the social, legal, property status of a family.

Overall, according to the results of the research, the author formulated the following key conclusions:

1. The research shows that the Song Dynasty (10–13<sup>th</sup> c.) is a unique period in the whole history of the traditional Chinese law and, in particular, in the gender and legal status of women. The paper has consistently prevailing model of deeply discriminatory status of women at that time, which, however, does not correspond to the historical reality. The traditional model of family relations caused inequality between men and women, but its extent in all parameters was different than usually presented by some modern researchers.

2. A mother had the highest legal status among women in the family. High legal and gender status of a mother since the reign of Empress In-Hou (late. 7 – beg. 8<sup>th</sup> cent.) and later in the era of Sung, set orders to extend the mourning for a mother, the effect of some Buddhist representations, changes in the political culture that influenced the emergence of new mother's obligations – direct involvement in preparing children for state exams, participating in family activities and more.

3. The author concluded that in the given period, women equally with men had and enjoyed the right to divorce and the right to conclude the second marriage, in contrast to existing perceptions of legislative bans and hard public censure. The conducted analysis shows that women had five forms of inheritance of family property. They could inherit property, as in their parents' house and in the house of their husband after the division of family property. This conclusion refutes the idea that the property rights of women were limited to receiving dowry at the time of marriage.

4. Under the influence of Confucian ethical norms, the family law was aimed at maintaining the integrity of the family, the proper functioning of family life, order and prosperity throughout the patronymic structure. The whole block of specific set of codes, where a woman appears as the subject of liability indicates the desire of the authorities to control the relationship between articles within patronymy, to ensure the existence of smooth family life, to maintain order throughout society.

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<sup>24</sup> Kathryn Bernhardt, “The Inheritance Rights of Daughters: The Song Anomaly?” *Modern China* 21:3 (1995): 271.

<sup>25</sup> Kathryn Bernhardt, “Chūgokushijō no joshizaisanken: sōdaihōwa ‘reigai’ ka?” 中国史上の女子財産権—宋代法は「例外」か [Daughters' property rights in Chinese history: was Song Dynasty law an “exception”?], trans. Sawazaki Kyōko 沢崎京子. *Chūgoku: shakai to bunka* 中国：社会と文化 [China: Society and Culture] 12 (1997): 233.



5. The study confirms the exclusivity of the Tan period historical place in the evolution of the legal status of women. Due to some peculiarities of ethnic and cultural development, the 10–13<sup>th</sup> century period was relatively liberal. The latitude of legal rights granted to women in the Song era is unprecedented in the history of imperial China. Changes in legislation in the next era, the imposing authority of patriarchal Confucian ideals negatively affected the situation of women. Specific legal establishment significantly cut the property rights of women, and actively promoted the image of the newconfucian chaste widow imposed moral restrictions on remarriage among women in the Ming and Qing dynasties.

Thus, clan, as a community of people who are from other places and wear the same family names, at the end of the 20<sup>th</sup> century, after several decades of hiatus, again took over the same role (which turns out to be, for example, by means of investment capital from abroad in the family residence of the clan), which he already played in the life of China in the era of the Song dynasty (960–1279). Part of the clan was a traditional patriarchal family, with rather complicated gender roles, but their study provides the key to understanding the ordinary Chinese society. The head of the family usually was the oldest man in the family (in the peasant families under one roof, usually with four generations of relatives), and his sons were in direct dependence on him<sup>26</sup>. Based on the detailed study of the narratives, it is obvious that the position of women in society in medieval China and its legal status is impossible to describe coming from such a seemingly universal, but extremely stereotypical notion of 男尊女卑 (nánzūnnǚbēi) is “respect for the man and contempt for women”<sup>27</sup>. The notion of 男尊女卑, really, was the norm in traditional Chinese culture, but the gender of the subordination of women and her children to the head of the family, a little different level and regalement of the existing legislation and the logic of the Confucian’s canons.

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<sup>26</sup> Елена Синецкая, “Феминизм в Китае (ньюсинчжуи),” *Духовная культура Китая: энциклопедия в 6 т., т. 4. Историческая мысль. Политическая и правовая культура* (Москва, Москва: Издательство “Восточная литература”, 2009): 665–667; Елена Синецкая, “О национальных особенностях китайского феминизма,” *XXXVII научная конференция ОГК*. (Москва, 2007): 335–353.

<sup>27</sup> Kathryn Bernhardt, *Women and Property in China, 960–1949*. (Stanford, CA: Stanford University Press, 1999): 66.

## ЖІНКИ У ТРАДИЦІЙНІЙ КИТАЙСЬКІЙ СІМ'Ї ЧИНОВНИКА ЕПОХИ ДИНАСТІЇ СУН (960–1279 РР.): ГЕНДЕРНІ ВІДНОСИНИ І ПРАВОВИЙ СТАТУС

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Китайська середньовічна сім'я, як основний осередок тогочасного соціуму, була складовою частиною великої патріархальної родини/клану (цзунцзу) – групи споріднених сімей, що мали спільного предка по чоловічій лінії, певну господарську єдність і єдине прізвище. Чиновник (мандарин) міг мати лише одну головну дружину, інші ж – залежно від займаного ним рангу у строго регламентованій бюрократичній ієрархії, були або другорядним подружжям (у тогочасних нарративах їх часто позначають по черговості їх входження в сім'ю: друга дружина, третя...), або співмешканками (конкубінати). Гендерна структура тогочасної китайської сім'ї чиновника виглядала наступним чином:

а) головна дружина (*най-най*) користувалася важливими прерогативами: єдина справжня господиня будинку, вона була законною матір'ю і визнавалася в такій якості усіма дітьми родини. Розлучення були можливі, але разом з тим суворо регламентувалися. Вони здійснювалися за правилами судового порядку (засудження одного з подружжя давало іншому можливість розлучитися) або у разі явної зради з боку жінки;

б) другорядні дружини (*ер-най*), що знаходилися під владою головної дружини, входили в сім'ю через укладання шлюбу. Їх діти, згідно ритуальних правил, вважалися дітьми господаря будинку і головної дружини;

в) співмешканки (*ціє*), які не мали майже ніяких юридичних прав. Їх соціальний і гендерний статус наближався до прислуги, вони могли бути прогнані або перепродані. Їх діти, могли бути визнані й офіційно прийняті в сім'ю подружжям господарів або ж могли залишитися на становищі прислуги в будинку.

Проаналізувавши ряд нарративів цієї епохи, автор прийшов до висновку, що у розглянутий період жінки нарівні з чоловіками володіли і користувалися правом на розлучення і правом на укладення повторного шлюбу, на противагу існуючим уявленням про законодавчі заборони і про існування жорсткого громадського осуду. Проведений у роботі аналіз свідчить, що жінки володіли п'ятьма формами спадкування сімейної власності. Вони могли успадковувати майно, як у рідному домі, так і в будинку чоловіка при поділі сімейної власності. Даний висновок спростовує думку про те, що майнові права жінок обмежувалися лише отриманням приданого на момент заміжжя.

*Ключові слова:* історія Китаю, гендер, династія Сун, сім'я, китайський чиновник.

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