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MARRIAGE IN ANCIENT CHINA

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Family solidarity is the cornerstone of Chinese culture. For many centuries the family pattern has so dominated every phase of social organization—government, labor, religion, education—that an adequate treatment of Chinese family life would call for a study of the whole social order. Manifestly, one short article cannot cover such a scope. However, the social *regulations* that grow up about the family institution are a fairly clear reflection of the family *ideal* that is fixed in the minds of the people. Therefore, these regulations should reveal, to a considerable extent, the broader family pattern, even though some factors must be omitted from the picture and the interpretation of others kept to the barest minimum. The great sweep of time which Chinese history covers, and the differences in customs to be found in a country so vast, make it necessary to use only data which have applied to a considerable area and for a considerable period of time.

MARRIAGE PROHIBITIONS

One of the earliest marriage prohibitions, and one surviving to this day, was that forbidding persons of the same surname to marry. An imperial decree of 484 A.D. states that this rule was promulgated far back in the Chou dynasty, which was from 122 to 255 B.C.¹ Any one marrying within his clan received sixty blows, and the marriage was declared null and void. It was feared that such mating would produce weak offspring, in spite of the fact that the bearing of the same name often did not afford the slightest presumption of a common ancestor.² In early times

¹ E. T. C. Werner, *Descriptive Sociology of the Chinese*, compiled and abstracted on the plan organized by Herbert Spencer (London: Williams and Norgate, 1910), p. 24.

² Christopher Gardner, "Chinese Laws and Customs," *Journal of the Royal Asiatic Society of Great Britain and Ireland*, n.s., 15:221-236, 1883.

there was an effort to prevent interclass marriage. Particularly were officials forbidden to marry actresses or singing girls. But these prohibitions were nowhere strictly observed, and no caste system resulted therefrom. Officials and nobles heeded them least of all. Said Marco Polo, speaking of Kansu Province, "No matter how base a woman's descent may be, if she have beauty, she may find a husband among the greatest men of the land, the man paying the girl's father and mother a great sum of money, according to the bargain that may be made."³

A man could not marry his sister's or brother's daughter, on pain of severe punishment. In fact, marrying within the prohibited degree of relationship might bring the death penalty; decapitation was the fate of the man who ventured to marry any of the father's or grandfather's former wives. Marriage was prohibited during legal mourning time, but this was often disregarded except when mourning for a father or mother.

Five types of women were considered unfit for marriage: "the daughter of a rebellious house; the daughter of a disorderly house; the daughter of a house that has produced criminals for more than one generation; the daughter of a leprous house; and the daughter who has lost her father and elder brother."⁴

CELIBACY

The proper age for marriage, in the later feudal period (122-221 B.C.), was fifteen for the girl and twenty for the young man. Celibacy was severely frowned upon, and in some sections not permitted, for it reflected on the rule of the local officials. Werner tells us how Emperor Cheng Kuan (A.D. 627) effectively disposed of the leftovers in the matrimonial market. He issued a decree that if a young man over twenty and a girl over fifteen were single, the local magistrate should marry them with due ceremony. If they were poor, rich neighbors or relatives were

³ Henry Yule, *The Book of Ser Marco Polo* (London: Murray, 1875), 2d ed., i. 267.

⁴ J. Legge, *The Chinese Classics* (London: Trübner, 1861-1872), I, Prol. p. 105.

obligated to present them with enough money to get them started. Simcox cites an interesting custom showing how severely celibacy was discountenanced. It appears that one method of avoiding the odium of singleness (albeit a method of doubtful satisfaction) was to remove the bodies of those who had died unmarried to fresh tombs where, by a sort of posthumous marriage, they were united to girls who had died before attaining the marriageable age. But even this loophole was stopped up, according to a passage in the *Chow Li* (I. p. 308), and the only remaining honorable way to avoid marriage was to enter the priesthood.⁵

BETROTHAL AND MARRIAGE

Marriage was not a personal matter but the fulfillment of one's duty in preserving the family line. Said the old *Book of Rites*: "Marriage is to make a union between two persons of different families, the object of which is to serve, on the one hand, the ancestors in the temple, on the other hand, the coming generation . . ."⁶ It was a great disgrace for any family name to die out, and this was prevented, when necessary, by adoption, even posthumous adoption being possible. A man took great care that his name and those of his children were entered in the *chia pu* (family register) which was kept by the head of the great-family. If a man became a Buddhist priest he gave up both surname and secular name and received in their place a holy name. With his surname he gave up all his rights and duties in the clan. Many Buddhist priests were criminals, due to the desire of the family to protect its good name. If the family council expelled a member for crime it was a stain on the family name, hence such a black sheep was permitted to "resign" and enter the priesthood. Thus "face" was saved all round. As a Buddhist priest was not allowed to marry, the family was permanently relieved of the unworthy offshoot.

⁵ E. J. Simcox, *Primitive Civilisations* (London: Sonnenschein, 1897), 2d V., p. 70.

⁶ Legge's translation, quoted in Y. K. Leong and L. K. Tao, *Village and Town Life in China* (London: Allen and Unwin, 1924), p. 106.

Children were usually married off according to seniority. While marriage took place quite early, there was no child marriage such as in India. Girls very seldom married before fifteen, but betrothal usually took place a number of years before marriage. The betrothal of unborn children was forbidden, but between families of long established friendship the custom was quite common. The usual age for affiancing children was between seven and fourteen. The selection was made chiefly by the grandparents, if living, or by the parents, aided by a go-between.

The match-maker's profession was honorable, and called for much discretion. He was charged by the parents to look for a girl more remarkable for virtue than for beauty, or in the case of a man, one more renowned for wisdom than for wealth, but he knew that a match of economic advantage would seldom be rejected. The negotiations were frequently carried on in the ancestral temple, which lent a religious sanction to the marriage. Heredity was not neglected. The *san-tai*, an account of one's people back three generations, was first exchanged, and if the families were not well acquainted each would send a confidential agent to verify the *san-tai* of the other.⁷ Also the day of birth was important, for each day represented some animal, and if the boy happened to have been born on the day of the fox, and the girl on the day of the goose, they could not marry, for the fox was sure to devour the goose. But if no trouble was encountered on birthdays, the horoscopes were consulted to see if all was propitious. Preliminary presents were then exchanged, the most suitable gift being a wild goose. Wild geese represented a good match for they were always in pairs, and living in the North in summer and the South in winter they had acquired the harmonizing power of the male and female principle.⁸

To be valid the marriage required the consent of the parents on both sides, written into the contract. Also the bride's parents

⁷ Leong and Tao, *op. cit.*, p. 5.

⁸ Werner, *op. cit.*, p. 24.

must have accepted the regular marriage present from the groom (really from his family) to somewhat repay them for their trouble in raising the girl. Likewise the groom's parents must have agreed to the amount of the dowry offered with the bride. The contract made the whole affair binding as soon as signed, but the exchange of gifts seems to have been the essential element. Once these had been accepted there was no turning back. After betrothal either party could sue for a conclusion of the marriage, and the party refusing was punished with fifty blows, after which the marriage was enforced.⁹ If, after the contract was signed but before marriage, it was discovered that the bride's father had practised deceit, he was punished with eighty blows, the contract was voided, and the presents returned. If the groom's father was guilty of such misstatement the punishment was even more severe, and the bride kept her presents. If fraud was discovered *after* marriage it constituted grounds for divorce.

The marriage day was fixed by the bride's parents, and between betrothal and marriage there must elapse for the emperor one year, for great vassals six months, and for the common people one month. If the bride's family delayed unduly after the wedding date agreed upon, the groom had the right to kidnap her with the help of friends. This was occasionally permitted in poor families in order to avoid the expense of an elaborate wedding. But forcible abduction of the bride *before* the set wedding day was a punishable offense.¹⁰ Betrothal was considered almost as binding as marriage, and if a betrothed girl died, mourning could be performed as for a married woman.

The observance of certain formalities in marriage was early made mandatory. One of the Odes speaks of King Wu and his brother, the Duke of Chou, instituting the sanctity of marriage by

⁹ P. G. von Möllendorff, "The Family Life of the Chinese," *Journal of the Royal Asiatic Society of Great Britain and Ireland*, North China Branch, n.s., v. 13, 1879.

¹⁰ Justus Doolittle, *Social Life of the Chinese* (London: S. Low, son and Marston, 1868), pp. 104-105.

the observance of special regulations, and unions not conforming to them were declared illegitimate and the offenders punished. Whatever these earliest ceremonies may have been, Chinese marriage in general came to be accompanied by such elaborate rites that usually only the wealthy classes observed all of them. The ceremonies lasted for several days, and families of small resources were sometimes bankrupt when the wedding was over.

For the young man marriage was the "completing of this house" (*ch'eng chia*); for the girl it was a "going out of the door" (*ch'u men*), that is, leaving the household of her parents to enter that of her parents-in-law. During the ceremony the couple knelt together before the ancestral shrine of the groom, the bride thus signifying her allegiance to his household and his family line. All of the other ceremonies being finished the bride and groom ate together of the same food, to show that they were now one body. Passing from the house the husband preceded the wife, establishing at the beginning the right relationship.

COMPARATIVE STATUS OF WIFE, CONCUBINE, AND MISTRESS

In the later feudal period (1122-221 B.C.) when the Emperor married he was to marry nine women at once—one wife and eight concubines or secondary wives. During the Absolute Monarchy (221 B.C.-221 A.D.) the number of wives the Emperor should marry was increased to twelve, one for each of the twelve months of Heaven, but all must be married at once "to avoid lewdness." It appears, however, that this legal number was often exceeded, for in the Han dynasty even a prince was permitted forty concubines. Lesser persons were strictly limited. A great minister could have a wife and two concubines, a scholar one wife and one concubine. As such rules might indicate, there were two kinds of marriage, very similar to the Romans' *con-farreatio* and *coemptio*. The legal wife (*chi*) became a member of her husband's clan and worshipped his ancestors. She brought with her a portion from her family, over which (in many cases)

she retained control. In case of widowhood she became the natural administrator of her husband's individual estate, with certain rights in the clan property should his estate be insignificant. She was mistress of the household and held sway over the concubines, or secondary wives. Among the noble and official classes she shared her husband's honors and even wore his uniform, sometimes helping him in the performance of his official duties. No noble, no official, and no person with a literary degree could give his daughter in marriage except with the status of a *chi*, nor could he raise a wife who was the daughter of a slave or a disenfranchised class to the status of *chi*.¹¹

The secondary wife (*chieh*), corresponding to the Roman wife by *coemptio*, was of distinctly lower status than the *chi*. She was frankly purchased, and the contract, which had to be in writing, was called "an agreement for selling a person." The price was always stated, though often it was nominal. No marriage ceremony was necessary, the marriage being consummated by the residence of the *chieh* in her husband's household. She was subordinate to the *chi*, but superior to a third type of consort, the *piao*, or mistress, with whom the husband might live temporarily outside the household. The *piao* was sometimes accorded the social courtesy of a *chieh*, who in turn might receive the social courtesy of a *chi*, but in reality there was a great difference between them. The *chieh* worshipped her husband's ancestors, while the *piao* did not; her children were legitimate, but those of the *piao* were illegitimate. The *chi*, with highest rank of all, could not be degraded to the rank of *chieh*, nor could the *chieh* be raised to the rank of the *chi* during the lifetime of the latter. One fly in the *chi*'s ointment was that her husband had not personally chosen her, but had chosen his concubines. However, such a plurality of wives, concubines, and mistresses applied only to the wealthy, the majority of the population practising monogamy.

¹¹ Christopher Gardner, *op. cit.*, pp. 228 ff.

DOUBLE STANDARD

The double standard was fully recognized, and practically never questioned by wives. The principle is clearly set forth in a passage from one of the Odes:

Ah; Thou young lady
 Seek no licentious pleasure with a gentleman.
 When a gentleman indulges in such a pleasure,
 Something may still be said for him;
 When a lady does so
 Nothing can be said for her.¹²

The wife could not leave the house without the husband's permission. He could beat her if she displeased him, but not severely enough to injure her. In case of adultery the husband could kill both his wife and her paramour, if caught in the very act, and for thus maintaining the purity of the family he was invariably rewarded by the local official and praised by the people.¹³ He merely appeared before the magistrate and explained why he had killed the guilty parties. He then received a nominal punishment of twenty blows, and a present of a roll of red cloth, and 20,000 *cash* (equal to 20 Chinese dollars). But the irate husband could have no help in the double slaying, for any one helping him was guilty of murder. Neither could he do any half-way job, for if he killed only one of the guilty pair he himself was guilty of murder!¹⁴ The husband's right to destroy the guilty pair had to be exercised at once in order to be valid; otherwise the offenders were brought before the court and bamboosed but not put to death. The wife could then be sold into slavery to recover her dowry. In any case the husband was required to divorce her, and in no case could she marry her seducer.

¹² Odes I, V, IV, 3, quoted in H. F. Rudd, *Chinese Social Origins* (Chicago: The University of Chicago Press, 1928), p. 164.

¹³ Möllendorff, *op. cit.*, p. 33.

¹⁴ J. H. Gray, *China; A History of the Laws, Manners and Customs of the People* (London: The Macmillan Company, 1878), 2d v., pp. 224-226.

CONDUCT OF WIDOWS

Widows could remarry (after three years of mourning), but it was considered such a disgrace that only the very poor with whom necessity overrode convention dared to disregard the moral law which bound the loyal wife to her husband even in death. If the widow returned to her own parents she lost all her rights in her husband's property, including what she brought with her. She usually took over the management of his estate, or, if his parents were living, remained with them as their daughter. It was a great honor to a family to have a widowed daughter-in-law who steadily refused to remarry, and conversely it brought great dishonor to the family if she married. If a wife became a widow after thirty years of age, and remained one for thirty years, her virtue was so great that she was eligible for an imperial reward in the form of an arched gateway, erected where she lived. After receiving such a reward she could not change her mind and marry! Such arches were numerous in some parts of China.

DIVORCE

It is not known when divorce was first legalized in China, but it was in existence when the Code was promulgated in 253 B.C. Confucius is said to have divorced his legal wife, his son and grandson following his example, though some writers deny this. There were at least ten grounds on which a man could divorce his wife: (1) fraud in the marriage contract; (2) adultery or dissolute conduct; (3) disobedience or unfilial conduct towards the husband's parents; (4) barrenness; (5) jealousy; (6) incurable disease [leprosy?]; (7) talkativeness; (8) theft; (9) leaving the house against the will of the husband; (10) desertion. Legge's translation of the Chinese classics shows that most of these reasons for divorce might be overruled in court by any one of the following considerations: (1) if the woman had been taken from a home but now had no home to return to; (2) if she

had passed with her husband through the three years of mourning for her parents; (3) if the husband had become rich after being poor. Furthermore, too frequent divorce was frowned upon. Kuan Tzu wrote that a scholar who had divorced three wives should be expelled from the district.

There is evidence that in the very early times (later feudal period, 1122-221 B.C.) divorce for trivial offenses was common, and might even be commendable. Cheng Tzu, explaining the *Chou Rites*, declared that the ancients were so honest and chivalrous that a man of honor would not divorce his wife for serious cause lest it ruin her life, but only for slight cause, in accordance with the old proverb: "In divorcing a wife one should make her marriageable." Divorced women usually were permitted to go back to their parents, but the above proverb would indicate that remarriage was common in that early day. It appears that divorced concubines at first were not allowed to remarry, for in the next period (Absolute Monarchy, 221 B.C.-221 A.D.) a decree was issued giving them the right of remarriage.

But the wife also had some rights of divorce, though they were limited. She could divorce her husband: (1) if he became a leper; (2) if he deserted her, remaining away three years, and if meanwhile none of his relatives had offered her any support.¹⁵ To these two commonly accepted grounds, Möllendorff adds three other causes for which the wife could *sue* for divorce, but with no assurance that it would be granted: (a) if she had been deceived by false statements in the marriage contract; (b) if her husband had beaten her cruelly; (c) if her husband was willing to divorce her at her own request. In support of the last named cause, Werner tells of a woman who wanted to divorce her husband because he had become very poor. He consented, and wrote her an ode which she took to the magistrate. The divorce was granted—after she had received twenty strokes of the bamboo.

¹⁵ Gray, *op. cit.*