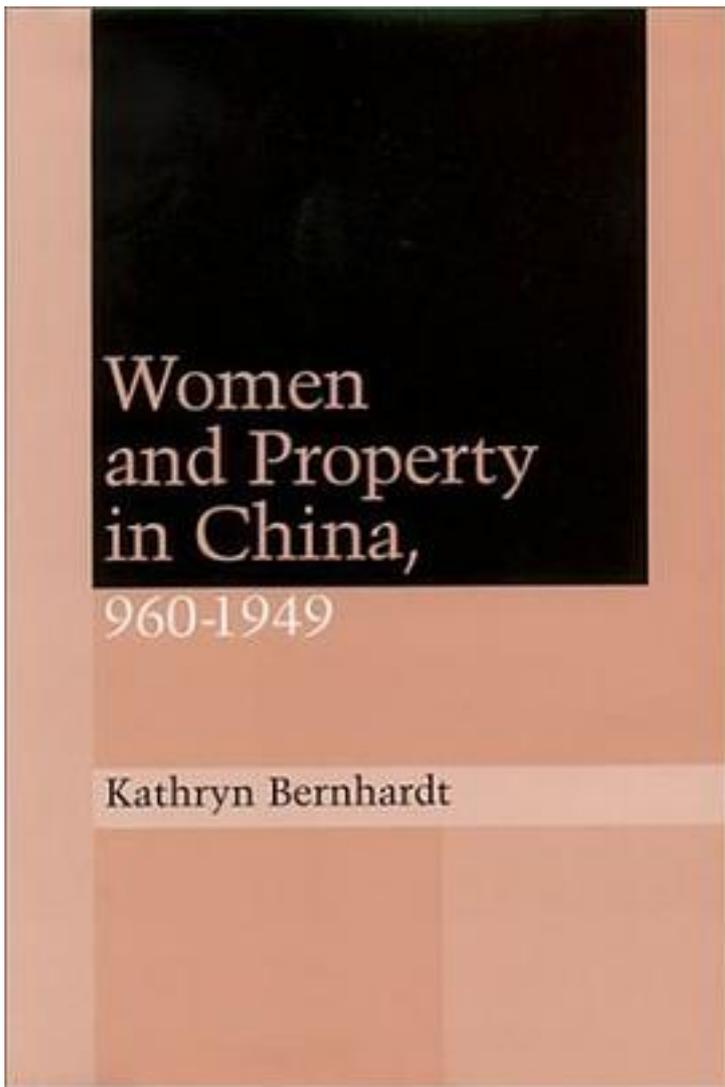


Women and Property in China, 960-1949



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出版者:Stanford University Press

出版时间:1999-11-1

装帧:Hardcover

isbn:9780804735261

Previous scholarship has presented a static picture of property inheritance in China, mainly because it has focused primarily on men, whose rights changed little throughout the Imperial and Republican periods. However, when our focus shifts to women, a very different and dynamic picture emerges.

Drawing on newly available archival case records, this book demonstrates that women's rights to property changed substantially from the Song through the Qing dynasties, and even more dramatically under the Republican Civil Code of 1929-30. The consolidation in law of patrilineal succession in the Ming and Qing dynasties curtailed women's claims, but the adoption of the Civil Code and the gradual dismantling of patrilineal succession in the twentieth century greatly strengthened women's rights to inherit property.

Through an examination of the changes in women's claims, the author argues that we can discern larger changes in property rights in general. Previous scholarship assumed that patrilineal succession and household division were but different sides of the same coin—sons divided their father's property equally as his patrilineal heirs. The focus on women, however, reveals that patrilineal succession and household division were, in fact, two separate processual and conceptual complexes with their own distinct histories. While household division changed little, patrilineal succession changed greatly. Imperial and Republican laws of inheritance, finally, were based on two radically different property logics, the full implications of which cannot be truly appreciated unless the two are examined in tandem.

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标签

女性

法律

继承

民国

女性主义

历史

英文

清朝

评论

虽然作者是写女性自宋至民国在继承中的权利，但是实质是对家庭关系和财产分配的探讨。在我看来，这段长时间有两个关键的转变，其一是明代法律规定需要给无子的家庭指定一继子，这就强化了父系家庭财产的传递，同时赋予了妇女财产的监管权，其二是西方法律概念中财产权的个人化和对家庭定义的转变对民国社会的冲击。在作者看来，在男女平等的理念下，财产分割和继承在法律上的实践不利于妇女，妇女失去了指定父系家庭继承人的权力，因为继承成为了父亲自己的事情，而不是父系家庭的事务；而且父亲也可以通过生前赠与来规避男女不平等的继承。我一直觉得白凯和黄的学术一直充满着对共同体的向往，对西方理念个体化后的排斥，结论稍有些悲观。事实上，妇女虽然失去指定继承人的权力，但也列入了继承顺序中。

Patrilineal Succession VS Household Division; Common Property VS Private Property和BETTINE BIRGE加JOSEPH MCDERMOTT一起读，贞洁崇拜可以和THEISS、LU WEIJING一起读

结构清晰，论点鲜明，论证女性财产在帝制时代的三大变迁，和民国时期的两大变化。

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书评

宗族、女性、財產
本書探討的是女性的財產繼承權從宋至民國的變遷。與此前對這一領域的研究（仁井田陞、滋賀秀三）不同，本書不再將“分家”和“承祧”（household division and

patrilineal
succession) 等同看待，不再采用靜止的視角，而是指出分家對婦女的財產繼承沒有大。
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