

Property Inheritance and Old-Age Support in Peasant Families with Only Daughters in Rural North China, 1949–2014

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华北乡村有女儿无儿子家庭的财产继承和赡养, 1949–2014

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Abstract

Based on the civil judicial archives of Changli county, Hebei, from 1949 to 1976, the judicial archives of the town of Li (Lizhen), Changli county, from 1992 to 2014, and seven re-investigations of Houjiaying village, which had been surveyed by Japanese Mantetsu researchers in the 1930s and 1940s, this article examines the changing patterns of property inheritance and old-age support of peasant families with only daughters in rural North China from 1949 to 2014, focusing on how the practice of inheritance rights for daughters was gradually formed by the rigid enforcement of the one-child policy and the promulgation of the 1985 Law of Succession. The proportion of peasant families with only daughters has rapidly risen from 15 percent to 20–30 percent due to the enforcement of one-child policy in the 1980s, which led to the abolishing of the old adoption (of a son) system and uxori-local marriage, both of which had been practiced in the Mao era.

Property inheritance in peasant families with only daughters also experienced a huge change from the Mao era to the Reform era. During the Maoist era, parents of peasant families with only daughters always adopted a son or took a son-in-law into their family to inherit their property and support them in their old age. They did so because of the subsistence pressure in families without enough adult male labor to earn sufficient workpoints. During the Reform era, parents of families with only daughters leave their village to live with their daughters in one or another of two patterns. In the first, the parents live with one daughter for the rest of their lives and the daughter who supports them inherits their property. In the second, all the daughters take turns providing support and all eventually inherit equally. This trend shows that because daughters are involved in supporting the parents in old age, the tightly intertwined relationship between property inheritance and old-age support remains unaltered in peasant families with only daughters.

Keywords

daughter's inheritance, families with only daughters, property and old-age support, rural North China

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摘要

本文使用了河北省昌黎县法院1949–1976年间的民事档案、昌黎县李镇1992年至2014年间的司法所档案，及对李镇侯家营村——满铁重点调查的六个村庄之一——的七次田野调查，探讨了1949年至今华北乡村有女儿无儿子家庭财产继承和赡养的演变。在比例上，因为计划生育政策的严格推行，华北乡村有女儿无儿子家庭从民国时期的15%增加到了当代的20–30%。

从集体化时期到改革开放时期，在财产继承模式上，华北乡村有女儿无儿子家庭的财产继承也经历了巨大的转变，在集体化时期，此类家庭中父母普遍同时采用招赘女婿和过继两种形式，让女婿或继子继承财产。在改革开放时期，在有女儿无儿子家庭中形成了所有女儿均分继承或由一个女儿继承所有财产。在赡养模式上，集体化时期由于以工分为核心的分配体制，使得家庭劳动力特别重要，招赘女婿和过继在社会后果上都增加家庭的男性劳动力，因而可以说是应对生存压力的重要途径，所以集体化时期流行的是赘婿或继子赡养；而改革开放时期华北乡村有女儿无儿子家庭则普遍由所有女儿均承担赡养义务或由一个女儿赡养，父母选择何种方式则和财产继承模式相关。

关键词

女儿继承权、有女儿无儿子家庭、财产-赡养、华北乡村

The golden month of October is, or ought to be, harvesttime in rural North China. But in October 2012, heavy downpours flooded the farmland of Houjiaying village, in eastern Hebei. The flood idled most peasants in what would normally be the busy harvesttime. Taking this opportunity, Chen Guoli, in his 60s and one of the richest peasants in Houjiaying, informally employed a dozen male villagers to build a new house in the “Beijing flat” 北京平 style, popular in contemporary rural North China.¹ Normally, peasant families only build new houses for their soon-to-be married sons. But Chen Guoli has no sons, only two already-married daughters. One married into an urban family in the Changli county seat and the other into a peasant family in the suburbs of Changli.

Chen Guoli's unconventional action immediately sparked talk in the village and aroused the jealousy of other villagers. For instance, Chen Weiguo, the Communist Party secretary of Houjiaying village, sarcastically commented, “Without a son, what sense does it make to build a new house?”

During our investigations, we found out that the majority of villagers thought that Chen, who got rich by selling cloth, meant to show off his money as well as cover up his lamentable lack of sons. Most of them also alleged that Chen's later life will surely be full of tears and sorrow. The subtle relationship between poor peasants and rich peasants in Houjiaying village is consistent with what James Scott wrote about village life in Southeast Asia, where the poor developed a unique way to put pressure on the rich by spreading gossip, tales, slander, and ridicule (Scott, 1985: 26).

On the night of October 2, 2012, Chen opened his heart to us, and frankly shared his life experiences, including how he had climbed out of poverty by his own efforts and his difficult choice between his father's wish for a grandson and the

^① The names of individuals have been changed to protect their privacy.

local government's rigid implementation of the one-child policy. Chen got married in the mid-1970s. Like most newly wed peasants in North China, a year later, the wife gave birth to a child—a girl. Three years later, the one-child policy was implemented throughout the country. It remained flexible in rural areas, and a peasant family whose first child was a daughter was allowed to have another child after six years. In spite of the revolutionary propaganda about gender equity in the Mao era, Chen and his parents still wanted a son. Unfortunately, Chen's hopes appeared likely to be dashed with the birth of his second child, also a daughter. Chen's brother was in a similar situation since he also had two daughters.

In this village, it is not rare for a peasant family to have only daughters and no son. Even though Chen's father very much wanted a grandson, no one dared to violate the one-child policy by having more children.

China's reform and opening up created opportunities for peasants in North China by reviving rural markets and town enterprises. Chen started to learn the business of selling cloth in the 1980s from his father, who worked for the supply and marketing cooperative in the town of Li (Lizhen) during the Maoist era, and over the next twenty years Chen built up considerable wealth.

As Chen got older, it became time for him to dispose of his own property. He recalled that he gave 30,000 yuan to each of his daughters when they had a child, and 100,000 yuan to his eldest daughter when she bought a house in Changli. The house he now is building in Houjiaying is for his second daughter and is expected to cost 250,000 yuan.

As for what he will do with the rest of his savings, Chen frankly stated that the decision will be based on his daughters' filial piety: the one who provides more support for him and his wife in their old age will inherit more property. In Chen's view, for a daughter to inherit her parents' property is no longer a problem in contemporary rural North China. Other peasant families that only have daughters share Chen's views, indicating that the status distinction between sons and daughters on issues of property inheritance and old-age support is fading.

The literature, however, has for the most part not recognized this. One survey conducted in rural Hubei emphasizes the still-vital role of patriarchy in shaping the pattern of property inheritance in contemporary rural China, and that daughters inheriting property in peasant families without sons is practiced as a last resort because adoption is no longer allowed. The survey paradoxically concluded that daughters inheriting property do not challenge male inheritance in the patriarchal system. That conclusion, however, conflicts with the empirical evidence used by the author (Tian, 2005).

The conclusion, on the other hand, does reflect the common understanding of the pattern of daughter's inheritance in contemporary rural China. Some of these studies focus on the continuity of patriarchy in rural areas that puts daughters in a weak position in inheriting parents' property. In her influential book, *Women in Hou Village*, Li Yinhe, a prominent sociologist, argues that even though the 1985 Law of Succession stipulates women's equal right to inherit property, in practice

daughters have no real inheritance rights because peasant families without sons tend to adopt a son as heir. Li points out that only 19 percent of peasants accept the idea that daughters and sons have equal rights to inherit the parents' property, a conclusion based on fieldwork and questionnaire surveys carried out in Hou village, Hebei. Li argues that the patriarchal system prevailing in rural areas restricts daughters' rights to inherit parents' property as well as reduces their obligation to support the parents in their old age (Li Yinhe, 2009: 60–73). By depicting the miserable fate of women under the oppression of the patriarchal system in rural areas, Li's study clearly aims to criticize Chinese patriarchy.

While the above studies overemphasize the interaction between patriarchy and daughter's inheritance, Kwok-shing Chan's latest study, based on ethnographic surveys of women's property rights in a Chinese lineage village in Hong Kong, reveals the tensions between what property law states and the actual practice of women's property inheritance. It further notes the significant role that a clan's traditions play in property inheritance in practice. As Chan points out, before 1994, even though the male-only inheritance custom was deeply rooted in villages, in practice female family members were actually consistently able to inherit property. However, while the property that women could inherit included cash and land, the village house was excluded, the latter being associated with a sense of identity and the person's role in the village. In 1994 the government enacted a new law that ensured women's equal inheritance rights, but this failed to bring about any genuine change in practice in the following two decades. Up till 2012, there were no cases where women actively used the legislation passed in 1994 to fight for their right to inherit village houses (Chan, 2013).

The Origin of the Issue: Property Inheritance in Peasant Families with Only Daughters

The Evolving Proportion of Peasant Families with Only Daughters

In rural North China in the Qing and Republican eras, families with only daughters were known as *juehuoqi* 绝火气. The phrase comes from the idea of lineage inheritance through biological reproduction, where it literally means “the blood lineage of a peasant family has ended.” At that time, the *juehuoqi* families' only means of acquiring a heir was by adopting a son (YL-2015-2-22; HZC-2012-2-21).²

As we will show in this article, in contemporary China the proportion of families with only daughters has risen greatly because of the one-child policy. The government terms families that produce only one or two daughters “purely girls families” 纯女户 (Liang, 2014). This article examines the property inheritance of peasant

² Li Xiangning, Xu Shuming, and I conducted interviews in Houjiaying in July and August 2009, February and March 2010, August 2010, January and February 2012, May and June 2012, September and October 2012, and February 2015. The interviews are cited by the interviewees' initials and the date of the interview (e.g., HLG-2012-10-2).

families with only daughters in rural North China from 1949 to 2014. The number of daughters in these families ranges from two to six. In the following, we will use the phrase “families with only daughters” or “peasant families with only daughters” to refer to this type of family.

Roughly a fifth of families in the Qing dynasty did not have a son who lived to adulthood. Of these families, about 6 to 12 percent had only daughters (Bernhardt, 1999: 2–3). Coincidentally, a fifth of families in early modern England produced only daughters (Erickson, 1995: 5).³

Data from Dabeiguan village in northern China show that 13.7 percent of peasant families in the late Qing and Republican periods (1900–1950) did not have an adult son (Zhou, 2000: 81). According to Arthur Wolf’s research, in later times families with only daughters in some rural areas of Jiangsu and Taiwan tended to choose a son-in-law to live with them, often through uxori-local marriage, to support them in their old age and inherit their property. Wolf synthesized past studies conducted in the area of Lake Tai and Suzhou and found that uxori-local marriage accounted for 10 to 15 percent of all marriages (Wolf and Huang, 1980: 13). Wolf’s fieldwork in the rural area of Haishan, Taipei, shows the proportion of uxori-local marriage holding constant (Wolf and Huang, 1980: 124–25).⁴ As uxori-local marriage occurred in nearly all families with only daughters in Qing and Republican China, we may reasonably assume that around 10 to 15 percent of peasant families in southern China likewise produced daughters only.

From 1949 to 1979, the declining child mortality rate brought changes to the proportion of families with only daughters, but the research on this period has failed to provide us with accurate numbers.

In contemporary rural China, the rigid enforcement of the one-child policy by all levels of government has greatly changed the family structure and resulted in significant increases in the proportion of peasant families with only daughters. As stipulated, peasant families are allowed to have a second child six years after the birth of the first child if that child is a girl.⁵ By genetic chance alone (and assuming for simplicity’s sake a sex ratio of 100), families have an even chance of producing a boy or a girl. If all the peasant families with a firstborn daughter choose to give birth to a second child, 25 percent of peasant families would be families with only daughters.

Obviously, the reality is more complex than the scientific hypothesis. A recent study, based on data on the fertility and sex ratio at birth taken from the fifth census, published in 2000, demonstrates that families in Shandong (excluding its

³ Wrigley, 1978, concluded that nearly 20 percent of married families in sixteenth- and seventeenth-century England never produced a son.

⁴ Anthropologist Zhuang Yingzhang pointed out that the proportion of uxori-local marriage was 7.6 percent in Kanding village and 8 percent in Liujia village, both located in northern Taiwan (see Zhuang, 1994: 213–14, 219–20).

⁵ Liang Zhongtang, a demographer, analyzed how China’s central government gradually dropped the extreme “one-child” policy implemented in the 1980s and in the 1990s adopted the “daughter-only” policy (Liang, 2014).

southwestern area) and Hebei (excluding its southern area), had a relatively weak preference for boys. The proportion of families with only daughters ranged between 19 percent and 30 percent (Gong, 2013). Another study, in 2008, done at a more local level based on questionnaire investigations in three villages of Hebei, indicates that about 11.67 percent of the 977 couples surveyed, ranging in age from 20 to 60, had not produced a son. In the age group of 30–60 years, the proportion of families with only daughters was higher, ranging from 13 percent to 27 percent (Wang Yuesheng, 2013).

In our ethnographic fieldwork in Houjiaying village we made significance use of the household registration records of the public security bureau, which keeps track of the basic information of each family. Unavoidably, the frequent movement of people makes the sampling frame based on household registration problematic; for instance, the records of the younger generation who moved to the city or went to college or daughters who married out would be simply cleared out of the household records. To make up for the weakness of the household registration records, we also conducted household surveys. By combining these two materials, we concluded that 21.9 percent of peasants older than 50 in Houjiaying village produced only daughters (see Table 1).

The proportion in Table 1 is consistent with the estimates of local villagers, viz., that about 20 to 30 percent of families in the age group of over 50 only have daughters. More notably, the proportion of families with only daughters reaches 30 to 35 percent in the age group of 40 to 50 (LZF-2015-2-19; HZC-2015-2-21).

In conclusion, it is clear that the proportion of peasant families with only daughters has experienced an increase of about 20 to 30 percent in contemporary rural North China. To better understand the relationship between social change, legal practice, and property inheritance in peasant families from 1949 to 2014, it is necessary to study specific families with only daughters.

Table 1. Proportion of Families with Only Daughters in Houjiaying Village

Age group	Year	Number of families with only daughters	Total number of families	Families with only daughters as % of total
51–60	1955–1964	17	79	21.5
61–70	1945–1954	22	88	25
Over 70	1945–1953	9	52	17.3
Total		48	219	21.9

Notes: 1. The number of peasant families with only daughters comes from our household surveys in Houjiaying. The number of total families comes from the household registration records.

2. In the age group of over 70, the total of families may be less accurate, since deaths usually peak for people aged 70 and over and the household records only take into account individuals who are still alive.

Adoption and Uxorilocal Marriage in Qing and Republican China

Research on the patterns of daughters' property inheritance in late imperial China has largely focused on whether daughters were entitled to inherit parents' property and the nature of family property ownership, exploring the concepts "common living, common budget" 同居共財 or the "father-son unit" 父子一体. Legal historian Niida Noboru contends that daughters were a co-owner of family property along with sons and had the right to inherit property by virtue of this co-ownership (Niida, 1962). Shiga Shūzō, also a legal historian, offers an opposite view. Emphasizing the "father-son unit," he points out that daughters' inheritance rights are in conflict with this principle, and when daughter's inheritance in the Southern Song did occur, it was an aberration (Shiga, 2003: 361-66). Although Shiga's concept of the "father-son unit" provides a strong explanation of property inheritance in late imperial China, his focus on general principles led him to overlook the practice of daughters' inheritance in the Southern Song.

By putting daughters' inheritance in the historical context of the hereditary system and state policy in the Song dynasty, Bernhardt points out that daughters in extinct households 绝户 enjoyed the right to inherit their parents' property. Yet, while the daughter was able to inherit, unlike a son she did not inherit in full since the Song dynasty government confiscated varying amounts of extinct household property to meet the increasing cost of years of war. In addition, adoptions were not yet widely accepted by peasants, leaving them with few choices for passing on their property. By the time of the Ming and Qing dynasties, however, a daughter's inheritance rights became increasingly limited along with the establishment and development of an adoption system in rural society (Bernhardt, 1999: 12-46).

In terms of codified law, the Qing Code explicitly prescribed that the choice of an "ought-to-be [or, required] heir" 应继 should be in accordance with rites and law. In practice, peasants preferred an "affectionate [or, preferred] heir" 爱继 who did not necessarily have to be a patrilineal nephew but could be a matrilineal nephew or a son-in-law. This arose partly from the increasingly important role that widows without sons played in choosing adopted sons in order to secure the family property after their husband's death. The chastity and virtue of widows and their related actions were unprecedentedly extolled in the Qing dynasty (Zhang, 2002). Despite the widespread tensions between choosing an "ought-to-be heir" or an "affectionate heir," allowing widows to adopt one of her sons-in-law was a feasible way for peasant families to resolve in one stroke the problems of old-age support, property inheritance, and sacrifices to the ancestors.

Because of the vast territory of the Qing dynasty and the Republic of China, the practice of adopting a son or a son-in-law differed from place to place (Shiga, 2003: 495). Even within Henan, there were two opposite patterns, one accepting uxorilocal marriage and the other rejecting it completely (MS, 2005: 648-50). At the same time, peasants in Hebei were inclined to adopt a son from within their clan. In the 1940s, peasants interviewed by Japanese researchers said that uxorilocal marriage was popular in Manchuria, but was rare in their village (KC, 1981: 4.82, 5.61). The

sociologist Li Jinghan provided another example: in his investigation of sixty-two villages in Hebei, he found that only one peasant family out of 515 chose to adopt a son-in-law (Li Jinghan, 2005 [1933]: 151–52). As a result of the combination of the pressure of subsistence and the property inheritance system in rural North China during the Qing and Republican periods, the adoption system was strictly applied and peasant families often chose to adopt a brother's son.

Interestingly, uxori-local marriage was widely accepted in Fujian and Taiwan, according to Wolf's classic study. There were two types of such marriages: in the first, the son-in-law lives with his parents-in-law and takes responsibility for supporting them in their old age, and the father-in-law additionally passes his surname on to one or all the grandchildren. In the second, the parents-in-law make a contract with their son-in-law, in which the length of time the son-in-law works for them and the period of time that he can bring his wife and children back to his parents' home are clearly stated. This obviously appeared to be a way of coping with a lack of adult labor (Wolf and Huang, 1980: 13). In fact, most uxori-local marriages lay somewhere between these two types. In its combination of the marriage pattern and property inheritance, the first pattern, where the son-in-law inherits the property and supports his parents-in-law in their old age, is similar to the "affectionate heir" pattern.

As Bernhardt demonstrates, Republican China's civil law prescribed that daughters enjoy an equal right to inherit the parents' property, while in practice, the legal provisions concerning gender equality, which were in accordance with the Western idea of individualism, fundamentally conflicted with the patterns of property inheritance in Chinese rural society as dictated by the hegemonic patrilineal social order (Bernhardt, 1999: chap. 6). According to Fei Xiaotong's survey of Kaixiangong village, Jiangsu, the adoption system there continued to play the same important role as it once did (Fei, 2001: 81–83). In short, daughters' right to inherit in rural areas remained circumscribed in practice.

Compared to the interpretative historical work on daughter's inheritance discussed above, the picture of daughters' inheritance right in contemporary China (since 1949) in practice is ambiguous. This article tries to answer the following questions: How has the pattern of property inheritance in families with only daughters changed since the abolition of the patrilineal succession system? What socioeconomic factors triggered this change? Finally, under the influence of social change, what strategies have been taken by peasant families with only daughters to deal with old-age support?

In addition, it should be noted that "combined succession" 兼祧继承 was rapidly abolished with the promulgation of the 1950 Marriage Law, in which legal marriage is restricted to the union of husband and wife, and wherein concubines are accorded no legal status. As the peasants recalled in our interviews, in the official propaganda in 1950s, polygamy was regarded as a remnant of feudalism (LZF-2012-9-30; HYS-2015-2-19). Interestingly, in the modern legal discourse during the Mao era the adoption system was upheld in the name of "raising children" 领养,

and this played a key role in supporting peasants in their old age and allowing adoptive parents' property to be passed down.

The Source Materials

The interaction between traditional rural social customs and government policy, including the enforcement of the one-child policy and gender equality, gave rise to daughter's property inheritance in contemporary peasant families with only daughters. However, this new socio-legal phenomenon, to a large extent, has been neglected by official propaganda as well as recent literature.

This article is based on three sorts of materials: the civil judicial archives from the People's Court of Changli County, Hebei, from 1949 to 1976 (hereinafter referred to as "CLCA" and cited by the file number), judicial archives of Lizhen, Changli county, from 1992 to 2014 (hereinafter referred to as "LTJA" and cited by the file number), and seven ethnographic investigations of Houjiaying village, Changli county (Yang, 2012, 2013, 2014).

This study makes significant use of the judicial archives of inheritance disputes from the People's Court of Changli County. The inheritance archives consist of hundreds of files from 1949 to 1976, primarily comprising two kinds of property dispute cases: inheritance disputes and all other property disputes. If the dispute occurred with the inheritance process ongoing, the judge would place the case into the former category; if the dispute happened after the inheritance process, the case would be seen as a regular property dispute. One civil file might include one to two cases, ranging from 15 or so pages to more than 100 pages. Usually, case records document the plaintiff's petition, a village committee's letter of introduction, interviews with the parties and witnesses, and the records and judgments from both the poor peasant and village committee cadres forum and the mediation processes.

The judicial archives from Lizhen provide detailed evidence on inheritance among peasants in contemporary North China. Most of these archives consist of the records of judicial officers' investigations, questions-and-answers from interviews, and records and legal instruments.

These records on file make it possible for us to construct a clear picture of the rise, evolution, and settlement of inheritance disputes. Unavoidably, the official material under the hegemonic discourse to some extent obscures the reality of peasants' everyday lives and their customs and practices. As James Scott's points out in his classic study of rural Southeast Asia, written records frequently seek to stigmatize the life of the common people and their mental world (Scott, 1992; 2010).

Undeniably, the files that record these cases, where peasant families with only daughters opened a case in the county court and requested mediation in the town judicial bureau, present an incomplete picture of daughter's inheritance in rural North China. Therefore, ethnographic investigations and surveys are indispensable for making up for the weakness of judicial archives. Fieldwork in

Houjiaying village, one of the six villages that the Japanese Mantetsu researchers studied in the 1930s and 1940s, helps us build a basic understanding of the cultural environment and interpersonal relationships in rural society from 1949 to the present.

Additionally, judicial archives and ethnographic materials come from the same county, which enables us to clarify the logic of each inheritance dispute and reconstruct a complete picture of property inheritance within peasant families with only daughters in North China from 1949 to 2014.

Property Inheritance in Families with Only Daughters during the Maoist Era

Soon after the Chinese Communist Party established its formal regime in rural North China in 1948, land reform came into full swing. The most important change introduced by land reform regarding women was that they were considered independent individuals. The land reform policy stipulated women's equal rights to redistributed land along with men, and in divorce, women could claim their own land instead of leaving it to male family members (CLCA, 1949-1;1950-1).

China had no legislation on inheritance before the promulgation of the Law on Succession in 1985. Before then, in inheritance disputes, the courts would support the inheritance rights of both parties by flexibly interpreting the relevant provisions of 1950 Marriage Law and 1954 Constitution. According to the 1950 Marriage Law, "Husband and wife shall have the right to inherit each other's property" (Article 12) and "Parents and children shall have the right to inherit each other's property" (Article 14). Similar but more general provisions can be seen in the 1954 Constitution: "The state according to law protects the right of citizens to inherit private property" (Article 12) and "Women in the People's Republic of China enjoy equal rights with men in all spheres of political, economic, cultural, social and family life" (Article 96).

These general principles on inheritance worked in two distinct ways. First, in the village committee's letter of introduction to the court, village cadres cited the relevant provisions of the 1954 Constitution to substantiate that villagers had a right to private property. Second, these provisions were often cited in the judicial records on mediation and adjudication. For instance, in 1970 the Changli County Court adjudicated an inheritance dispute in which three sisters sued their adopted brother for ownership of their parents' house. The court, after a long period of investigation, ruled that the adopted son and daughters were entitled to equal shares of the inheritance, in accordance with the principle of gender equity in the 1950 Marriage Law and the 1954 Constitution. Thus, the adopted son was awarded two and a half "principal rooms" 正房 and each of the three sisters received one "wing room" 厢房, because the former had carried out his duty to support the parents in their old age (CLCA, 1970-2: 48).

Inevitably, severe tensions persisted between the new legal principle of gender equality in law and the patrilineal system. Although official propaganda

encouraged women to use the law to fight for their right to inherit, in practice parents still preferred to leave their houses to their sons rather than their daughters, who were “married out” 出嫁, since in this collective period, sons could support their parents in their old age by carrying out the parents’ share of the work (Yang, 2012; LDA-2012-6-2; HDY-2012-10-4; HZC-2010-2-28). Faced with such disputes, local judges learned to strike a balance between protecting inheritance rights and stressing the obligation of parental care (CLCA, 1967-1A; CLCA, 1967-13).

During the Maoist era, choosing a son-in-law and adopting a son became two main ways for peasant families to tackle property inheritance and old-age support. Usually, peasants who had neither a son nor a daughter would tend to adopt a son. There were two peasant families that chose to do so in Houjiaying—one adopted a matrilineal nephew and the other a patrilineal nephew (HZC-2015-2-21).

The only exception in Houjiaying was Chen Xingshan’s family, which produced only one child, a daughter, in the 1920s. The daughter, Chen Xiaolan, married into a family in Tianjin in 1940s. After her father, Xingshan, died in the 1950s, Xiaolan chose to sell her parents’ house and bring her mother to live with her family in the city. This case reveals a fundamental change in the range of acceptable property inheritance practices from the Republican period to the Maoist era.

Data from Houjiaying show that in the collective period most peasant families with only daughters chose uxorilocal marriage rather than adopting a son. In ten cases in our survey, six families chose to take a son-in-law into their household through uxorilocal marriage. In these cases, the man had rights with respect to his parents-in-law’s property. Only three families adopted sons. The last of the ten families had a difficult life, first adopting a patrilineal nephew and subsequently taking a son-in-law, who lived with them. In this instance, Chen Dawu, a rich peasant in the Republican period with four daughters but no adult sons, adopted his brother’s son as his heir. However, the adopted son went to Manchuria to do business, as did many other young men of Houjiaying, and the family completely lost touch with him. After years of waiting, Chen made new arrangements. He promised his sons-in-law that they would inherit his property if they would support him and his wife in their old age. Shortly afterward, his second daughter and her husband came back to Houjiaying to live with them (HZC-2015-2-18; HYS-2015-2-19).

In the collective period, the idea that property inheritance and old-age support were closely linked was still strong. The emergence and rise of uxorilocal marriage appears to have been an alternative method borne from traditional concerns.

Inheritance through Uxorilocal Marriage

The practice of peasant families with only daughters taking a son-in-law as their heir became widespread in North China in the 1950s. There are two primary sources for this. First were sweeping structural changes, including the abolition of the patrilineal succession system and the social custom of “virilocal residence” 从夫居 as well as the new principle of gender equity. Second, individual perceptions were also

a significant factor, as parents prioritized their emotional relationship with their daughters and then used marriage to deepen this relationship.

Patterns of uxori-local marriage in rural North China were relatively simple. Most peasant families were inclined to require the sons-in-law to live in the parents-in-law's village in order to provide old-age support and inherit the family's property.

For instance, Chen Xingbang produced six daughters but no sons. In the 1950s, he and his wife persuaded his fourth daughter to live with together with them and then they chose a certain Jin Yuanjie as her husband. Before the marriage, Chen made an informal agreement with his son-in-law that Jin could inherit all of Chen's property after he died, including one-and-a-half "principal rooms," three "wing-rooms," and the furniture and savings, on the condition that Jin would shoulder the responsibility of supporting Chen and his wife in their old age. Additionally, despite the other five daughters having been married into families in nearby villages and towns, all of them kept in touch with their parents and provided supplies and occasional small sums of cash.

Q: Were there any objections from other family members to Chen Xingbang's decision to choose a son-in-law to inherit his property?

A: Obviously, Chen's uncle and brother on his father's side were unhappy about his decision. They felt that Chen was going to give the property to an outsider. The ownership of houses is so important. If it were in Republican China, they could even sue Chen. In the Mao era, in view of the gender equity background, they had no right to get involved in Chen's family affairs.

Q: Were Chen's daughters opposed?

A: No daughters raised any objections. All of them were married out and there had to be someone who would support the elderly parents. Were there any other options?

Q: Who inherited Chen's property after his death? Were there any disputes over the property?

A: Jin Yuanjie, Chen's son-in-law, inherited the property. Jin supported his parents-in-law very well and took care of Chen's funeral ritual exactly as a filial son would have done. Chen's daughters didn't fight over the inheritance afterward, unlike sons who are always eager to do battle. (HZC-2015-2-21)

Chen Xingbang's story reveals a picture of a common inheritance pattern in peasant families with only daughters in Houjiaying in Maoist China. Chen's case and the five other cases collected in our ethnographic survey have two features in common: first, sons-in-law supported their elderly parents-in-law and eventually inherited their property. Second, other married-out daughters gave up their right to inherit their parents' property.

During the Mao era, there were three core elements of uxori-local marriage in rural North China: old-age support, property inheritance, and "uxori-local residence" 从妻居. In peasants' minds, sons-in-law automatically earned the right to inherit property after promising to live with their parents-in-law in their village. In other words, not only married-out daughter(s), but also daughters living with the parents, did not have the right to inherit. Thus, uxori-local marriage can be regarded

as an alternative method of adoption, rather than as a manifestation of gender equality promoted during the Mao era. The key defining trait of uxori-local marriage in property inheritance is that sons-in-law are entitled to dispose of the property, and the daughter still lacks an equal right to inherit. Still, undeniably, uxori-local marriage, to some extent, gave daughter(s) a right of possession to the parents' property. This can be more clearly seen in the case of divorce. In uxori-local marriage, the daughter continues to live with her parents after divorce, which puts her ex-husband in a disadvantageous position when it comes to the distribution of the family property, especially the parents-in-law's house (LXS-2015-2-20).

There is another noteworthy aspect of Chen's case: the son-in-law Jin Yuanjie had three brothers. During the Mao era, the more adult sons a household had, the more workpoints it earned. Despite this great advantages in having more sons, a peasant family with four or more sons conversely had a great disadvantage in the marriage market. Generally, in rural North China, to get married, a single man had to have one-and-a-half "principal rooms," a requirement that peasant families with four or more sons found very hard meet because of the great cost involved. Thus, uxori-local marriage became an option beneficial to both sides within the marriage.

Adopted Sons and Inheritance

The patrilineal succession system experienced great changes in the range of heirs from the Qing and Republican to the Maoist eras. Peasant families with only daughters in Qing and Republican China normally chose a nephew as the patrilineal heir. During the Maoist era, in view of practical considerations, the adoption system evolved into a way that tackled the problem of old-age support and property inheritance, and became less concerned with the lineage inheritance. Therefore, both patrilineal nephews and matrilineal nephews could be potential candidates for adoption (CLCA, 1967-13; HZC-2015-2-21). The following three peasant families with only daughters in Houjiaying, for different reasons, all decided to adopt sons.

In 1960s, with his three daughters all married-out, Chen Xingru, who was then nearly fifty years old, finally decided to adopt a matrilineal nephew because his wife liked the nephew and her brother had four sons. In going through the legal process of adoption, Chen changed the adopted son's name and transferred his *hukou* (household registration) from his biological parents' village to Houjiaying in the name of "raising children."

Today, Chen Xingru, in his 90s, is amazingly still capable of managing the family property. Chen lives in a new house (a "Beijing flat") built by his adopted son, whom the villagers generally consider a model of filial piety. The pattern of property inheritance in Chen's family is very similar to that of single-son families, where the family property is not divided up and the heir will inherit the property right after the death of his parents (Yang, 2013: 60–61).

Disputes frequently occurred between daughters and the adopted son during the Mao era. Daughters used to have great difficulties in supporting their parents

under the tradition of patrilineal succession and virilocal residence. As the Chinese revolution grew deeper, daughters started playing a significant role in supporting their parents. In a 1967 case from Huangdianzhuang Commune in Changli county, a sister sued her adoptive brother for seizing three principal rooms of her deceased parents. According to the judge's investigation, Song Dahe, the father, had only one daughter, Song Yufen. And the mother, Zhang Mingfang, took her brother's son as the heir after her husband's death in 1950s and lived with the heir until her death in 1965. From the mid-1950s to 1965, Song's daughter had contributed to the support of her mother by giving some grain and pork during festivals and Chinese New Year and because of this support she argued that she had a right to inherit. With further investigation in Huangdianzhuang in 1967, a new problem arose. The father's brother, Song Mingxuan, asserted that the legal heir should be his grandson, Song Xiaoliang, who played the son's role, "holding the banner" 打幡 (*dafan*), in Zhang's funeral over ten years earlier (CLCA, 1967-13: 22).⁶ This was once convincing evidence of the right to inherit property during the Qing and Republican periods because holding the banner (*dafan*) was the key ritual in Chinese funerals and the eldest son's duty. And if there was no male heir in a peasant family, a male relative would be chosen as the "person holding the banner" 打幡人 and was entitled to inherit the deceased's property (MS, 2005: 611, 626, 651).

In this case, the judge was much less concerned about funeral rites and instead turned to inquire about who had supported the elderly mother. The answer was clear: both Zhang's adopted son and her daughter had made a contribution. Finally, through court mediation, Zhang's adopted son received 60 percent of the property and her daughter got the other 40 percent.

This case shows the continuity and changes in the adoption system during the Mao era. In terms of continuity, the old principles and social practices of the Republican period were still carried out, especially the link between property inheritance and the obligation to support the parents in their old age. The changes were brought about by daughters who started getting involved in supporting their elderly parents and were entitled to inherit property, and even in some cases, sued their adoptive brother in court to secure their right to the parents' property.

The adoption system among peasant families with only daughters in rural North China was completely changed in the 1980s. The most direct reason for this was related to the enforcement of the one-child policy. Peasant families were strictly forbidden to have a second child if their firstborn was a son. However, this meant that if peasant families with only daughters planned to adopt a son-in-law, they found that there were no boys to adopt in either the patrilineal or matrilineal side under the one-child policy.

⁶ According to a book edited by the Supreme People's Court, in a typical case during the Mao era, clan members insisted on "mandatory nephew succession" by controlling the ritual of holding the banner. In court mediation and adjudication, the judge ignored issue of the funeral ritual and instead emphasized the obligation to provide old-age support and the order of succession stipulated in the 1950 Marriage Law (Contemporary China Editorial Official, 1993: 108).

Inheriting property and supporting the parents in their old age remained the prerequisites in both uxori-local marriage and regular adoption of a son during the Maoist era. Why was it that peasant parents did not live with and rely on their married-out daughter(s) in the daughter's village? The answer provided by past scholarship is that support of the parents in their old age was intimately connected with their family house since the house was the crucial item of private property in the Mao era. Furthermore, parents had to stay in their villages in order to get grain and meat by earning workpoints in the collective period (Huang, 2010: 235). In other words, they would lose their source of income if they left their village. That was why parents resorted to uxori-local marriage and adoptions in the Mao era.

Inheritance of Property in Families with Only Daughters in Contemporary North China

In the 1980s it was still common for peasant families with only daughters to take in a son-in-law to live with the elderly parents-in-law. Most individuals born in the 1960s and 1970s, before the enforcement of one-child policy, were expected to get married in the 1980s and 1990s. Thus, some peasant families with only daughters still had the option of uxori-local marriage in this period. A study conducted in suburban Tianshui by Chen Xu (1987), a former deputy party secretary of Gansu, noted that uxori-local marriage was widely accepted in the 1980s, and it played the same role in property inheritance and old-age support in all of the twelve cases in this village, just as it did before the Reform period.

In *The Ordinary World* 《平凡的世界》, a novel by Lu Yao, a brilliant writer hugely popular in the 1990s, the protagonist Sun Shaoping, who grew up poor in the countryside in an unnamed province in Northeast China, was a role model of an entire generation in the Reform period for his unyielding spirit of seeking self-improvement. Interestingly, uxori-local marriage appears in the narrative. Lu Yao writes that because of Sun's outstanding qualities, he nearly became the son-in-law of a village Communist Party secretary who had two daughters but no sons and who wanted to take in a son-in-law to support the parents in their old age (Lu, 1986: 737-39).

There were two similar examples in Houjiaying. One involved a peasant family that produced two daughters and persuaded the second daughter and her husband to live with them in the 1980s. The other was Chen Bingxing, who produced two sons before the introduction of one-child policy and agreed to let his second son, Chen Quan, "marry into" and live with Chen Quan's parents-in-law in a village near Qinghuangdao in the late 1980s or early 1990s (HXZ-2015-2-20). These cases show that in the 1980s marrying into a wealthy peasant family with only daughters was appealing to sons from ordinary peasant families.

Uxori-local marriage came to an end in the mid-1990s. According to a statistical study conducted in the 1990s in Sanyuan county, Lueyang, Shaanxi, and in Songzi county, Hubei, with the transition of the family demographic structure, uxori-local marriage had less attraction for adult males and their families from the mid-1990s onward (Li and Jin, 2006).

The patterns of property inheritance and old-age support in peasant families with only daughters vary from region to region in rural of China. Fieldwork conducted in Shanxi, Hunan, and Anhui demonstrate that a number of peasant families with only daughters gradually accepted an alternative method of inheritance, where their one daughter and her husband took turns caring for the parents of both of the couple 两头住. In other words, the son-in-law takes turns living in his own parents' home and his parents-in-law's home, and supports all four of the parents (Li, Jin, and Feldman, 2006; Wei and Liu, 2014; Wang, 2014).

For peasant families with more than one daughter and no sons, there have been two patterns of property inheritance from the mid-1990s to the present. In the first, property is to be divided equally, with all the daughters required to take turns supporting their elderly parents. The second has one daughter support her parents alone, and in turn she will inherit all her parents' property. Both patterns are a good merger of property inheritance with the concern for supporting the elderly. In the first pattern, parents live with their daughters or receive living expenses equally contributed by the daughters in turn. In the second pattern, parents live with one daughter and are fully supported by her, and they turn their property over to her.

We divided the ethnographic material on families with only daughters collected in Houjiaying into two age cohorts. In the 61–70 age group, peasant families generally had two daughters. Three peasant families had three daughters, two families had only one daughter, and one family adopted a daughter. It should be emphasized that peasant families with only one daughter tended to leave the village to live with their only daughter and allow her to inherit their property (CBL-2010-10-6).

In the 71–80 age group, there are eight peasant families with two or more daughters and no sons. Among these families, six elderly parents relied on one daughter and gave the family property to her. The remaining two families decided that all daughters would take turns in supporting them in their old age (see Table 2).

Therefore, this section of the article will focus on old-age support and property inheritance in peasant families with two or three daughters.

Equal Division of Property among Daughters

In contemporary rural North China, in peasant families with more than one son it is common for the sons to take turns supporting their elderly parents (Guo, 2001; Wang, 2006: 382–83; Wang, 2013). However, taking turns in providing support in peasant families with only daughters has attracted less attention from scholars.

There is a detailed example from Houjiaying. Chen Yongxiang, who is in his 80s and whose wife died several years ago, has three daughters, two working in Shijiazhuang, the capital of Hebei, and one in Beijing, the capital of China. Chen lives alone for half the year from the planting season to the harvesting season, and then lives with his three daughters in turn during the other half of the year, the slack season.

Table 2. Patterns of Property Inheritance among Peasant Families in Houjiaying Village with Only Daughters

Age cohort	Equal division	One-daughter inheritance	Total number of families
61–70	3	19	22
71–80	2	6	8
Total	5	25	30

Note: The “Total number of families” column refers to peasant families with more than one daughter.

Besides receiving living expenses from his daughters, Chen has his own property (including three one-story houses) and some cash earned through cultivating around 10 *mu* of land. According to Chen’s plan, after his death, all the cash, including that which he has saved and that which will come from selling the three houses, will be equally divided among his three daughters.

The other case is different in its details. Tian Qingli, in his 70s, lives with his wife in Houjiaying, has two daughters, one working in Tangshan and the other in Shijiazhuang. Tian’s living expenses came from two sources. His two daughters give him some money, and he also earns income from his land as well as some carpentry he does for other peasant households. Except for important events and during the Chinese spring festival, Tian and his wife live in Houjiaying most of the time.

Although he does not reside with his daughters, Tian favors the equal division of his property among his daughters after his death. He believes the division of his property must be fair, and so the three houses are to be equally distributed to his two daughters and they can dispose of them themselves.

The above cases show a common trend in the combination of old-age support and property inheritance in peasant families with only daughters. In the age cohort of 60 to 70 in Houjiaying, peasants widely agree with the idea that after the enforcement of the one-child policy and the penetration of the new principle of gender equity into the countryside, peasant families with only daughters seriously take a daughter’s property inheritance into consideration.

An interview with a peasant who has two daughters and no son highlights the logic in the connection between old-age support and inheritance.

Q: Do you have any arrangements for your life when you become elderly?

A: I’ll treat my two daughters equally. In turn, they’ll treat me fairly. The one who has more money can give more money, and the one who has more time can spend more time with us.

Q: Do you have a plan for disposing of your property?

A: My property, including the houses and cash, will be equally divided between my two daughters because both of them are filial.

Q: Have you made any other arrangements for your property?

A: There's no other choice now. In the past, it is common to adopt a nephew. But that's not possible now, because most families have only one son, which makes it hard for us to adopt one. What's more, an adopted son who was not brought up by us from childhood wouldn't treat us well like our own daughters. (CGL-2015-2-20)

The inner logic of the connection of property inheritance with old-age support is the same both in peasant families with more than one son and in those with more than one daughter. There are two reasons that lead to the rise of equal division among daughters in families with only daughters in contemporary rural North China: in the first place, parents are entitled to dispose of their property freely in the Reform period; and in the second place, the growing intimacy between parents and daughters makes it easy for parents to live with their daughters and reach an agreement on the distribution of the family property.

Inheritance by One Daughter

Before the 1980s, few parents left their village to live with one of their married-out daughters. By common reckoning, the late life of parents in families with only daughters was doomed to be lonely and miserable.

The phenomenon of the daughter supporting her parents and inheriting their property appeared in the 1990s and has become mainstream since the 2000s. The ethnographic materials collected in Houjiaying village show that in peasant families with only daughters, some parents are willing to live with their daughter if they have good relations with her, and then give their house to the daughter and her husband. In the process, they would like to make an oral or informal agreement with all their daughters that the one who supports them in their declining years will inherit their house after their death.

The following two cases from Houjiaying are illustrative. In the first case, Chen Yuansheng, in his 70s, had two daughters who were married out. As he became too old to cultivate the land by himself, Chen gave three houses to his eldest daughter and her husband and moved to their village two or three years ago. Shortly thereafter, his eldest daughter and son-in-law sold the houses in Houjiaying as they had no intention of returning to the village. In the second case, Chen Yuanli, also in his 70s, made an agreement several years earlier with his two daughters, who were married out, that if his second daughter and son-in-law supported him until his death, they would have the right to inherit his property, including three one-story houses in Houjiaying, and all his money.

In addition, with the rapid urbanization since the 1980s, many of the young generation from peasant families have since become urban residents by pursuing higher education and accumulating personal wealth. This has brought about great changes in peasant parents' choices regarding property inheritance and old-age support. For example, Jin Baoshan, in his 70s, had three daughters who are all working in the cities. He sold his three one-story houses after losing his ability to

cultivate the land and subsequently moved to the city where his eldest daughter and son-in-law lived.

Very unexpectedly, there are no records on property disputes in peasant families with only daughters in Houjiaying village in the judicial archives from Lizhen in the last twenty years (LZF-2015-2-19; HLG-2015-2-20; WD-2015-2-17). According to an experienced judicial official from Lizhen, property disputes are very common in families with more than one son for the reason that parents and their daughters-in-law lived together for a long time, and when dividing property among the sons, numerous conflicts from living together on a daily basis can easily be reignited. In contrast, daughters who were married-out have not lived with their parents for decades, and this makes it easier for the family to reach an agreement on property inheritance.

A daughter's right to inherit was first realized in families with only daughters in rural North China. This involved two features. First, selecting one daughter as the heir means that the disposal of family property ceased to be bound up with the father-son relationship. Furthermore, it led to a daughter's inheritance right in practice rather than putting the property in the name of her husband, which is completely different from the pattern of inheritance in uxori-local marriage.

Property Inheritance and Old-Age Support in Families with Only Daughters

This section further analyzes the mechanism of the transformation of property inheritance and old-age support in peasant families with only daughters.

The Evolution of Property Inheritance in Peasant Families with Only Daughters

In the Mao era, a daughter's right to inherit property was severely limited by two core institutional factors: the continued acceptance of the adoption system and the rise of uxori-local marriage. This can be seen as a response to the persistent subsistence pressure in the collective period. The distribution of income among peasant households was determined by a demographic differentiation whereby "the economic well-being of a peasant household varies with the household's life cycle and changing laborer-to-consumer ratio" (Huang, 1990: 237-38). In Li Huaiyin's study of the relationship between the family cycle and income disparity (2008: 226-27), the economic conditions of rural households were found to be closely related to their size and laborer-to-dependent ratio. Peasants in their later years were heavily dependent on workpoint subsidies from their married son(s) who had already started their own family. Without this, they would have to borrow grain from the production team (Yang, 2012).

Obviously, uxori-local marriage was a solution for both families involved, i.e., households with more than one son and households with only daughters. Although the more sons a household had, the more workpoints it earned, the income of

these households may still have been insufficient to build or buy a new house for the sons when they got married. In this situation, a viable solution was for one or two sons to marry into and live with their brides' families. Similarly, peasant families with only daughters had to find a solution, whether it was adopting a son or bringing in a son-in-law, to add adult labor in response to the problem of old-age support under the persistent subsistence pressures in the Mao era.

The gradual rise of daughters' right to inherit in contemporary rural China is the result of the interaction of four factors, rather than a consequence of the sweeping political changes since 1950s. First, the enforcement of the one-child policy greatly changed the demographic structure in rural areas, leading to a decline of both the adoption system and uxori-local marriage. Second, peasants' right to dispose of their property freely was no longer limited by the father-son relationship. Third, parents started paying more attention to their emotional intimacy with their daughters (Yan, 2003).⁷ Finally, daughter(s) who were involved in supporting the parents in their old age were given the right to inherit their parents' property, both in law and custom.

First, the rigid enforcement of the one-child policy since the 1980s has played a key role in promoting the rise of daughters' inheritance rights. Peasant families have been forbidden a second child if the firstborn is a boy, and consequently they would not agree to their only son being adopted by another family or to living with his wife's family. In other words, for the nearly 20 to 30 percent of peasant families with only daughters in rural areas, it became increasingly difficult to attract males to be a son-in-law who lived with them, unless the son-in-law's family was too poor to pay for the wedding.

Second, in Republican China, a daughter's inheritance right under the Guomindang's Civil Code was largely challenged by rural traditions. Peasant families depended on their natural son or adopted son to support them in their old age, which gave daughters little chance to actually inherit no matter what the law said. On the other hand, while this situation was similar in urban families, there were occasionally exceptions whereby under certain conditions daughters might be able to inherit their parents' property (Bernhardt, 1999: 159–60).

During the Maoist era, even though the 1950 Marriage Law and the 1954 Constitution stipulated gender equity both in family and public life, peasant families, under the persistent pressure of subsistence, were still inclined to adopt a son or take a son-in-law into the family to provide support in the parents' old age and to inherit their property. In the collective era, adopting a son was in line with the traditional patrilineal succession system, but with a difference: adopted sons supported the parents in their old age by transferring their workpoints to them. Taking

© In Qing and Republican China, the emphasis on filial piety affected two aspects of family relations. First, a filial son's relationship with his parents took precedence over all his other family relationships. Second, it was expected that a son would restrain his feelings for his wife, children, and grandchildren while lavishing love on his parents (Harrison, 2005: 53–60).

a son-in-law into the family, on the other hand, was a special form of single-son's right to inherit (Wolf and Huang, 1980).

In rural areas in Qing and Republican China, inheriting the father's lineage, conducting his funeral in accordance with the proper rites, and inheriting property were three interconnected responsibilities and rights of a filial son (Li Yih-yuan, 1986; Nie, 1993: 104–5). Only rarely did daughters inherit property for the simple reason that it was hard for them to inherit the father's lineage and play a son's role in the parents' funeral. However, in the collective period, when official propaganda condemned lineage inheritance and death rituals as “feudal behavior” 封建行为, the nature of property inheritance changed.

Uxorilocal marriage thus became an alternative to adoption and led to daughters enjoying limited inheritance rights in practice. The wide gap between a daughter's inheritance right in law and in practice reveals that peasants placed a much higher priority on ensuring subsistence than on actualizing the gender equality mandated by the new legal principles.

However, the enforcement of the one-child policy directly triggered the rise of a new form of property inheritance in peasant families with only daughters. Faced with the changing demographic structure, peasant parents became more open-minded about the options of dividing property equally among daughters or having one daughter inherit. In conversations with villagers who only had daughters, we learned that many parents took advantage of right to dispose of family property to build a stronger intimacy with their daughters (HZC-2015-2-18). In these cases, the father-son relationship in peasant families with only daughters was completely set aside.

The legal acceptance of the parents' right to dispose of family property is illustrated by a case from the judicial archives of Lizhen. In 2010, eighty-year-old retiree Liang Yanwu, who had worked in a large state-owned steel enterprise, filed a complaint that his single son, Changjian, was forcibly holding his hukou booklet 户口簿, which he needed to withdraw his monthly retirement payment of about 2,100 yuan. Changjian took his parents' hukou booklet away in 2009 out of fear that his mother might be too generous in helping the poor, and at the same time promised that the retirement money would be used to provide for his parents in their retirement. After a detailed investigation, the judicial official demanded that Changjian return Liang's hukou booklet within a month, for the reason that parents had the legal right to dispose of their own property (LTJA, 2010-8).

Finally, the growing intimacy in peasant families in rural North China played an important role in motivating daughters to support their parents in their old age and also promoted daughters' right to inherit. According to an elderly peasant, affection between parents and sons may fray after sons' wives begin living with them. However, parents without sons always maintain a close relationship with their daughters. It is easier for parents with only daughters to live with daughter(s) (THM-2015-2-17).

In addition, the growing intimacy between family members has led to different patterns of property inheritance in peasant families with only daughters. In

peasant families with more than one son, parents always live with all the sons in turn instead of with one son only. However, it is not rare for parents with only daughters to choose to live with one daughter and select her as the sole heir.

The confluence of the four factors mentioned above ultimately led to the rise of daughters' inheritance of property in practice in peasant families with only daughters, and the decline of both the patrilineal succession system, which damaged the foundations of social order, and the father-son relationship characteristic of traditional rural society. Naturally, we cannot simply say that daughters have been entitled to the same right to inherit property in families with both son(s) and daughter(s), because when son(s) insist on supporting their parents, it is difficult for daughter(s) to realize their right to the parents' property.

The Combination of Old-age Support and Property Inheritance

Past scholarships has pointed out that after the Chinese Communist revolution women were not completely emancipated from the patriarchal system nor did they gain their promised rights (Johnson, 1983; Wolf, 1985). Following this approach, a study of rural contemporary Zhejiang has contended that while daughters have started playing a more important role in supporting their elderly parents in families with more than one son, daughters' inheritance rights are still limited by the persistence of the patriarchal system (Tang et al., 2009). Another study, influenced by a misunderstanding of Confucian orthodoxy, reaches the conclusion that daughter(s) who were married-out would support their elderly parents under the notion that they are engaging in charity (Yang, 2010).

The question remains open if it is possible to understand the changing patterns of old-age support in peasant families with only daughters in practice based solely on peasants' unsubstantiated statements and not actions. According to a joint investigation conducted by the All-China Women's Federation and the State Statistics Bureau in 2001, 25.6 percent of respondents supported equal rights to property inheritance for both daughters who are married out and sons (Second Phase, 2001). The 2011 data from the same organization showed 76.3 percent of respondents agreeing that "a daughter should have the same right to inherit the parents' property as the son after meeting her obligation to support the parents in their old age" (Third Phase, 2011). Although these investigations were begun with the politically correct bias that the new principle of gender equality was flourishing, they still reveal that the intertwined relationship between old-age support and property inheritance has been widely accepted.

In fact, we see that since the early 1980s, when daughters become involved in supporting their elderly parents, the intertwined relationship between old-age support and property inheritance in peasant families with more than one son has been replicated in families with only daughters. The only difference is that this is not based on traditional notions of the father-son relationship. A case from Lizhen clarifies this. In 2012, sixty-seven-year-old Zhao Yingfang and her son and two daughters went to the Lizhen judicial office together and, under the guidance and

supervision of the judicial officials, entered into a formal agreement on her old-age support. The main points were:

1. From the date of the signing of this agreement, Chang Chunnian [Zhao's only son] will be charged with supporting [Zhao], and no other person will have any responsibility for her maintenance, whether she is ill or not.
2. The supporter, Chang Chunnian, will inherit the houses and land of [Zhao Yingfang] . . . after fulfilling his responsibility of taking care of her in her old age.
3. From the date of the signing this agreement, Chang Chunnian will take possession of 62,000 yuan in cash and valid certificates of deposit of [Zhao's] as well as receive a subsistence allowance and will be responsible for the endowment insurance under the name of the supported, which must be used to support [Zhao] in her old age and to pay for her health care. (LTJA, 2012-3: 9)

In the above case, judicial officials held that it was legal for Chang Chunnian, Zhao's only son, to acknowledge that his two sisters do not need to be responsible for supporting their elderly mother and at the same time have his sisters give up the right to inherit the parents' property. Both son and daughters were aware of the intertwined relationship between old-age support and property inheritance. Therefore, in order to avoid the sister(s) battling for part of the property after the parents' death, sons usually negotiate with their sisters and formally relieve them of responsibility for their parents' old-age support. If subsequently a dispute arises between the son(s) and the daughter(s), whether the case is mediated by judicial officials or adjudicated by a judge, the division of the family will be in favor of the son(s) (WD-2015-2-17).

Two other civil cases clearly show this new trend in peasant families with multiple children, in these cases specifically, one son and at least one daughter. First, in a case in Wuxi, Jiangsu, from 2010, two sisters, Su Lin and Sun Ping, sued their brother, Sun Jia, for their parents' 160 sq. m. apartment in Wuxi. The case was kept open for four years. All of them argued that they had taken responsibility for supporting their parents. Finally, the court explicitly took their support of their parents into consideration and judged that Sun Jia should receive a forty percent ownership interest in the apartment and his two sisters should each have half of the rest (Zhuang, 2010).

In another case, in 2013, from Cangzhou, Hebei, Wang Qiu brought a suit against her brother for the six houses and 80,000 yuan in cash of her parents. Wang Qiu had supported their elderly parents in their late years, and her brother now refused to recognize that his sister had a right to inherit. The court ruled that the plaintiff had the right to inherit based on the 1985 Law of Succession, which stipulates both sons and daughters have the first legal right to inherit and links inheritance rights to maintenance obligations (Liu, 2013).

The above cases show that if a daughter assumes responsibility for supporting her elderly parents, she, just like sons, can be entitled to inherit their property,

even in families with sons. However, in Houjiaying, parents with sons still prefer to depend on them rather than daughters. An elderly peasant who was supported by both daughters and sons said that, in general, if the daughter and son-in-law were fairly rich, they would be willing to support their parents without requiring that they inherit the property (WQH-2015-2-21).

Let us turn to the continuity and changes of the intertwined relationship between old-age support and property inheritance from the Qing-Republic down through the collective and Reform era. In his study of legal practices in Qing and Republican China, Huang (2001: 136–54) points out that in response to persistent subsistence pressures, the sons' inheritance right to the father's land and houses began to be accompanied by an obligation to support the parents in their old age. Huang's study captures the substance of the actual changes and continuities from the Qing to the Guomindang periods by analyzing the three-way relationship between custom, code, and legal practice. In another, later study, Huang demonstrates that during the Mao era and the Reform period, the courts have consistently linked inheritance rights with the obligation to provide old-age support (Huang, 2010: 166). Furthermore, the 1985 Law of Succession made this link official (Huang, 2010: 167, 233–36). Although these studies by Huang focused on peasant families with more than one son, the framework is useful for analyzing changes in inheritance practices in peasant families with only daughters.

Based on the empirical study on peasant families with only daughters, this article finds that old-age support and property inheritance are closely connected in contemporary rural North China. Yet, there have two changes that should be noted. One is that daughter's inheritance reveals the parents' right to dispose of their property. Parents can determine who can inherit their property free of the constraints of the patrilineal system. The other change is that filial piety, which could only be practiced by male family members before 1949, has now become the duty of both sons and daughters.

In addition, as historian Yang Lien-sheng noted, the idea of reciprocity, *bao* 报, forms the foundation of Chinese social relations. According to this principle, children should reciprocate the care their elderly parents provided when they were children (Yang, 2008). In other words, the core logic of old-age support in families with more than one son and families with only daughters is the same.

In the end, the intertwined relationship between old-age support and property inheritance has been extended from families with more than one son to those with only daughters. At the same time, daughters have become entitled to the right to inherit property when they take on the responsibility of supporting their elderly parents. This result can also be seen as the confluence of the three-way relationship between law, socioeconomic change, and the transformation of the demographic structure of China's population.

Conclusion

This article reveals the changing patterns of property inheritance and old-age support in peasant families with only daughters in rural North China from 1949 to 2014.

During the Mao era, most parents who only had daughter(s) preferred to take a son-in-law to live with them. The logic of doing so is clear. In the collective period, under persistent subsistence pressures, peasants would benefit from adding adult male labor to their family unit since the additional men would earn workpoints for the family. This gave rise to the flourishing of uxori-local marriage and the adoption system. At that time, it remained true that property inheritance in peasant families with only daughters was largely confined to males, with the daughters in practice having no right to inherit.

During the Reform era, due to the rigid enforcement of the one-child policy, which caused a significant decline in the numbers of peasant families with more than one son, daughter(s) at last have a real opportunity to exercise their inheritance right in families without sons. Two main patterns of property inheritance in such families have emerged. In the first, the only daughter supports her parents in their old-age and inherits their property. In the second, all daughters take turns supporting their elderly parents according to the principle of equal division among the daughters. These changes are the unintended consequence of the interaction between the changing family structure and the need for old-age support.

The gradual realization of daughters' right to inherit in peasant families with only daughters demonstrates that it is necessary to go beyond ideological positions and value systems in analyzing the changing patterns of China's property inheritance system. Furthermore, we should not criticize the patriarchal system based on selective empirical materials from contemporary rural China. To capture the key changes in property inheritance, it is critical to combine the two sorts of sources—historical materials and ethnographic surveys—rather than focusing on peasants' words, which are full of vague memories or inaccurate conclusions made under the influence of traditional customs and the Chinese Communist Party's propaganda.

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References

- Bernhardt, Kathryn (1999) *Women and Property in China, 960–1949*. Stanford, CA: Stanford Univ. Press.
- Chan, Kwok-shing (2013) "Women's property rights in a Chinese lineage village." *Modern China* 39, 1 (Jan.): 101–28.
- Chen Xu 陈煦 (1987) "由女儿传宗接代和继承财产的调查研究" (An investigation of continuing the family line and inheriting property by daughters). *西北人口* 4: 18–23.
- Constitution of the People's Republic of China 中华人民共和国宪法 (1954).
- Contemporary China Editorial Office 《当代中国》丛书编辑部(1993) *当代中国的审判工作* (Judicial work in contemporary China), vol. 2. 北京: 当代中国出版社.

- Erickson, Amy L. **Erickson** (1995) *Women and Property in Early Modern England*. London: Routledge.
- Fei Xiaotong [Fei Hsiao-tung] 费孝通 (2001) *江村经济——中国农民的生活 (Peasant life in China: a field study of country life in the Yangtze valley)*. 北京: 商务印书馆.
- Gong Weigang 龚为纲 (2013) “男孩偏好的区域差异与中国农村生育转变” (Regional variation in the preference for boys and the fertility transition in China). *中国人口科学* 1: 66-76.
- Guo Yuhua 郭于华 (2001) “代际关系中的公平逻辑及其变迁——对河北农村养老事件的分析” (The logic of fairness and its change within relations between the generations: a case study of old-age support in rural Hebei). *中国学术* 4: 221-54.
- Harrison, Henrietta (2005) *The Man Awakened from Dreams: One Man's Life in a North China Village, 1857-1942*. Stanford, CA: Stanford Univ. Press.
- Huang, Philip C. C. (1990) *The Peasant Family and Rural Development in the Yangzi Delta*. Stanford, CA: Stanford Univ. Press.
- (2001) *Code, Custom, and Legal Practice in China: The Qing and the Republic compared*. Stanford, CA: Stanford Univ. Press.
- (2010) *Chinese Civil Justice, Past and Present*. Lanham, MD: Rowman & Littlefield.
- Johnson, Kay Ann (1983) *Women, the Family and Peasant Revolution in China*. Chicago: Univ. of Chicago Press.
- KC 中國農村慣行調查刊行會 [Society for the Publication of Investigations of Customary Practices in Rural China] [ed.] (1981) *中國農村慣行調查 (An investigation of customary practices in rural China)*. Vols. 4, 5. Reprint. 東京: 岩波書店.
- Li, Huaiyin (2008) *Village China under Socialism and Reform: A Micro History*. Stanford, CA: Stanford Univ. Press.
- Li Jinghan 李景汉 (2005 [1933]) *定县社会概况调查 (Dingxian: a social survey)*. 上海: 上海人民出版社.
- Li Shuzhuo 李树茁 and Jin Xiaoyi 靳小怡 (2006) *当代中国农村的招赘婚姻 (Uxorilocal marriage in contemporary rural China)*. 北京: 社会科学文献出版社.
- Li Shuzhuo 李树茁, Jin Xiaoyi 靳小怡, and Marcus W. Feldman 费尔德曼 (2006) “当代中国农村的招赘婚姻及其人口与社会后果” (Uxorilocal marriage and its demographic and social consequence in contemporary rural China). *西安交通大学学报 (社会科学版)* 5: 51-64.
- Li Yih-yuan 李亦园 (1986) “中國家族與其儀式: 若干觀念的檢討” (Rethinking some theories on Chinese lineages and rituals). *中央研究院民族學研究所集刊* 59: 47-61.
- Li Yinhe 李银河 (2009) *后村的女人们——农村性别权力关系 (Women of Hou village: a case study of gender relationship in contemporary rural China)*. 呼和浩特: 内蒙古大学出版社.
- Liang Zhongtang 梁中堂 (2014) “艰难的历程: 从‘一胎化’到‘女儿户’” (A difficult and tortuous process: from the ‘one-child’ policy to the ‘daughter-only’ policy). *开放时代* 3: 11-44.
- Liu Liming 刘黎明 (2013) “浅谈出嫁女的财产继承权问题” (A report on the issue of property inheritance of married-out daughters). <http://court.gmw.cn/html/article/201312/09/145357.shtml>.
- Lu Yao 路遥 (1986) *平凡的世界 (The ordinary world)*. 北京: 中国文联出版公司.
- Marriage Law of the People's Republic of China 中华人民共和国婚姻法 (1950).
- MS [前南京国民政府司法行政部 Judicial Administration Department of the Republic of China] [ed.] (2005) *民事习惯调查报告录 (A survey report on civil customary practices)*. 北京: 中国政法大学出版社.
- Nie Lili 聂莉莉 (1993) *劉堡: 中国東北地方之宗族とその変容 (Liu Bao: a northeast China lineage village and its vicissitudes)*. 東京: 東京大学出版会.
- Niida Noboru 仁井田陞 (1962) *中国法制史: 奴隶農奴法・家族村落法 (Chinese legal history: slave law, family law)*. 東京: 東京大学出版会.
- Registration form for the resident population of Lizhen, Changli county, Hebei province (Houjiaying Village) 河北省昌黎县李镇常驻人口登记表 (侯家营村) (2010).

- Scott, James (1985) *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven, CT: Yale Univ. Press.
- (1992) *Domination and the Art of Resistance: Hidden Transcripts*. New Haven, CT: Yale Univ. Press.
- (2010b) *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven, CT: Yale Univ. Press.
- Second Phase of the Research Group on the Social Status of Chinese Women 第二期中国妇女社会地位调查课题组 (2001) “第二期中国妇女社会地位抽样调查主要数据报告” (A report of the second phase of sample surveys on the social status of Chinese women). *妇女研究论丛* 6: 4-12.
- Shiga Shūzō 滋贺秀三 (2003) 中国家族法原理 (The principles of family law in China). Zhang Jianguo 张建国 and Li Li 李力, trans. 北京: 法律出版社.
- Tang Can 唐灿, Ma Chunhua 马春华, and Shi Jinqun 石金群 (2009) “女儿赡养的伦理与公平——浙东农村家庭代际关系的性别考察” (Ethics and fairness of daughters supporting their parents family: a gender study of intergenerational family relations in rural eastern Zhejiang). *社会学研究* 6: 18-36.
- Third Phase Research Group on the Social Status of Chinese Women 第三期中国妇女社会地位调查课题组 (2011) “第三期中国妇女社会地位抽样调查主要数据报告” (A report on the third phase of sample surveys on the social status of Chinese women). *妇女研究论丛* 6: 5-15.
- Tian Yujie 田雨杰 (2005) “父权制下农村独女户状况研究——以湖北省红安县、浠水县为例” (Research on daughter-only peasant families from the perspective of patriarchy: a case study in Hong'an and Xishui counties, Hubei province). Master's thesis, Huazhong Univ. of Science and Technology.
- Wang Yanyu 汪艳瑜 (2014) “两边蹲” 婚姻形式与家庭内部性别关系研究——以皖南Y村为例” (Taking turns supporting elderly parents and gender relations within families: a case study in Y village). Master's thesis, Anhui University.
- Wang Yuesheng 王跃生 (2006) 社会变革与婚姻家庭变动: 20世纪30—90年代的冀南农村 (Social change and the transformations of marriage and family: a case study based on southern Hebei province from the 1930s to the 1990s). 北京: 生活·读书·新知三联书店.
- (2013) “北方农村老年人的‘轮养’方式研究——基于河北调查数据” (Taking turns supporting elderly parents: statistics from a field study in Hebei). *Rural China* 10, 2: 311-41.
- Wei Chenglin 魏程琳 and Liu Yanwu 刘燕舞 (2014) “从招郎到‘两头住’: 招赘婚姻变迁研究” (From taking a son-in-law to living with both sides: a study of the changes in uxorialocal marriage). *南方人口* 1: 59-68.
- Wolf, Arthur, and Chieh-shan Huang (1980) *Marriage and Adoption in China, 1845-1945*. Stanford, CA: Stanford Univ. Press.
- Wolf, Margery (1985) *Revolution Postponed: Women in Contemporary China*. Stanford, CA: Stanford Univ. Press.
- Wrigley, E. A. (1978) “Fertility strategy for the individual and the group.” Pp. 135-54 in Charles Tilly (ed.), *Historical Studies of Changing Fertility*. Princeton, NJ: Princeton Univ. Press.
- Yan Yunxiang (2003) *Private Life under Socialism: Love, Intimacy, and Family Change in a Chinese Village, 1949-1999*. Stanford, CA: Stanford Univ. Press.
- Yang Hua 杨华 (2010) “传宗接代: 农民生活意义的一项基本命题——以湘南宗族性村落‘纯女户’为表述对象” (Continuing the paternal line by giving birth to a son: a study of “chun nü hu” in a patriarchal village in Hunan). *古今农业* 2: 10-20.
- Yang Lien-sheng 杨联陞 (2008) “‘报’作为中国社会关系基础的思想” (The concept of “bao” as a basis for social relations in China). In 费正清 (John K. Fairbank) (ed.), *中国的思想与制度 (Chinese thought and institutions)*. 北京: 世界知识出版社.
- Yang Long 杨龙 (2012) “承续与断裂: 分家单里外的养老” (Continuity and rupture: old-age support inside and outside the household division document—from the perspective of the interaction between concept and conduct). *Rural China* 9: 83-111.
- (2013) “独子家庭的财产继承——清代至今家产制的形态及其变迁” (Inheritance in “single son” families: patterns and changes of family property from the Qing dynasty to the present). *法律和社会科学* 11: 1-68.

- (2014) “遗嘱与当代华北乡村家产制的变迁——财产自由处分和赡养的再结合” (Testaments and changes of family property in contemporary rural North China: a recombination of the freedom to dispose of property and the requirement for old-age support). *Rural China* 11, 1: 156–87.
- Zhang Xiaoye 张小也 (2002) “从分家继产之讼看清代的法律与社会” (Rethinking law and society in the Qing dynasty from the viewpoint of household division and property inheritance). *清史研究* 3: 36–47.
- Zhou Qiren 周其仁 (2000) “Population pressure on land in China: the origin at the village and household level, 1900–1950.” PhD diss., Univ. of California, Los Angeles.
- Zhuang Liqin 庄丽琴 (2010) “出嫁女要求继承财产 法院依法判决有份继承” (Married-out daughters' claim right to parents' property, court ruled according to the law). <http://wzy.chinacourt.org/public/detail.php?id=1149>.
- Zhuang Yingzhang 庄英章 (1994) 家族与婚姻：台湾北部两个闽客村落之研究 (Family and marriage: a case study based on two Fujian Hakka villages in northern Taiwan). 台北：中央研究院民族學研究所。