

## **Reconsideration of Sons and Daughters Dividing the Property in the Southern Sung**

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### **Abstract**

In the Southern Sung, Liu Ke-zhuang 劉克莊 in his legal precedent cited, “According to the law, when the mother and father have died the sons and daughters divide the property, and a daughter gets half as much as a son.” So far as we have known by analyzing legal precedents of the Southern Sung which ever cited or applied to this article, I think this law required the following conditions: when the mother and father have died the sons and daughters divided the property, a daughter inherited half as much as a son only if the sons were all nonages.

The purpose of this law is: leaving a portion of property to the sisters (even they were married) could protect the lives and property of underage sons from being harmed by others (“others” including the sisters). On the other hand, if the adult sisters were unmarried or sisters were also underage, this law not only guaranteed the sons’ property but also the sisters’ expenses and dowries.

No matter under what situation, this article was primarily established to protect the lives and property of nonage sons; after the needs of sons were fulfilled, the law sought financial supports for sisters. In my opinion, instead of ensuring a certain scale of inheritance for sisters, demanding a property for sisters was only a strategy to realize the design of dynastic society. If the guardian or legal proxy were parents or adult men who could control and conduct family property, then this law wouldn’t be effective. In

other words, this law was exactly set for family constituted by underage sons and sisters.

Keywords: Liu Ke-zhuang 劉克莊, the rule of daughters inheriting portions (nüzi fenfa 女子分法), the sons and daughters divide the property (ernü fenchan 兒女分產), social policy