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### Abstract

#### “The Influence of Gender on the Adjudication of Yuan Marriage Disputes”

This paper looks at the question of how gender influenced adjudication in the Yuan dynasty. It explores whether the courts gave preferential treatment to men versus women or agnates versus affines in marriage disputes, and if one group had greater access to the courts than the other. Using a statistical analysis, it examines how the gender of participants influenced the administration of justice within the context of a patriarchal society and a legal tradition that purported to uphold Confucian principles of gender inequality. It asks whether men were more or less likely than women to bring cases to court, or if the groom’s side of a marriage was more likely to file a lawsuit than the bride’s, and which side was more likely to win its case.

Briefly, the analysis reveals that the groom’s family and the bride’s family were equally likely to bring a lawsuit against the other. Exactly half of the suits recorded in the documents were brought by the groom’s family and half by the bride’s. Nevertheless, on both the agnatic and affinal side, twice as many plaintiffs were male as were female. These figures tell us that agnates and affines were equally likely to avail themselves of the courts, but that men were twice as likely as women to be the plaintiff of record. It seems that the Confucian idea that women should not appear in public had some influence, but only to the extent that it reduced women’s participation in the judicial system by half and did not by any means eliminate it. The paper further examines whether male or female plaintiffs, or agnates or affines, were more likely to win their lawsuits, and it parses some of the cases to understand what kinds of issues and legal trends the verdicts represent.

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