CHAPTER 2

Rethinking Vietnamese Women’s Property Rights and the Role of Ancestor Worship in Premodern Society: Beyond the Dichotomies

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Introduction

In this chapter, I focus on women’s property rights and the role of ancestor worship in premodern Vietnam. Vietnam has traditionally been an agricultural country; thus land has been an important resource, even for women. Women have had property rights, including land rights, since at least the fifteenth century. There is much historical evidence attesting to this, such as inscriptions (Tran 2008, 63; Momoki 2011, 112). Vietnamese women could become landlords (Ngô Kim Chung & Nguyên Đức Nghinh 1987, 197–8), and they donated their lands to pagodas (Trương Hữu Quýnh 1983, 143; Tran 2008, 63–6). Women’s property rights and the role of ancestor worship are closely related to state law, local customs, and the family. Women made good of these rights in seeking their own survival in the family, the household, and society. In this respect, it is crucial to investigate women’s property rights and the role of ancestor worship in order to examine women’s agency in the private and public spheres.

Studies on Vietnamese women’s property rights were numerous in the colonial period. The French colonial government carried out research on popular customs in relation to family, succession, and property for ancestor worship in Tonkin (the northern part of Vietnam) at the end of the 1920s to codify civil law. This research was done by conducting interviews with several French juridical specialists, Vietnamese senior officials, and intellectuals, but not by documental or fieldwork research.¹ Although their information is useful, its credibility is limited. Nevertheless, many scholars wrote theses based on this study without conducting their own documental or field surveys in rural areas (see, for example, Lustéguy 1949 [1935]; Pompeï 1951; Lingat 1952). There were studies on Vietnamese women’s property rights in the precolonial period based on historical documents (Deloustal 1911; Makino 1980 [1934]; Niida 1954;

¹ The results of this research were published in 1930 (Protectorat du Tonkin 1930).
Nguyễn & Tạ 1987; Yu 1990; Tran 2006; Tran 2008), but most of them depended on codified laws. Among them, only Nhụng Tuyệt Trấn examines historical documents written by Vietnamese people in the premodern era. However, Trấn’s study also has its limitations: her study only examines a quantity of land owned by men and women, and discusses the inequality of property rights between them. In this chapter, I will examine instead both women’s property rights and the role of ancestor worship in order to gain a better understanding of women’s status.

Before beginning my discussion, I explain the long-term changes in social structures that occurred in East Asia from the tenth century onwards, when neo-Confucianism became the ruling principle of the state, society, and family in this region. With the increase in population and the disappearance of non-cultivated land in East Asia (China, Korea, and Japan), agriculture became labor-intensive between the tenth and eighteenth centuries. Throughout this process, an East Asian peasant society was established in which families cultivated small plots of land. To adapt to this change, East Asian countries adopted neo-Confucianism. In China, patrilineal lineage had solidified since the time of the Sung Dynasty (Miyajima 1994a, 92–3). In Korea, the names of daughters disappeared from genealogical accounts; at the same time, eldest sons were given priority over daughters’ inheritance (Miyajima 1994b, 147–150, 161).

A similar transformation happened in Vietnam (Momoki 1997). The Lê Dynasty (1428–1789) and the Nguyễn Dynasty (1802–1945) recognized neo-Confucianism as the principle of the state and strengthened it to establish their regimes (Nguyễn Tài Thu 2006, 165–9, 223–4). However, in contrast to Korea, daughters’ names were not excluded from genealogy; more importantly, equal inheritance rights between men and women were preserved in Vietnam. A bilateral character was also preserved, in that daughters were kept as representatives of the family in ancestral worship as well as in branches of patrilineal lineage after marriage. Although the structural changes in Asian societies occurred simultaneously beyond national borders, these changes differed between societies. ²

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