

Original Paper

The Contrast between the Same System of Marriage in the Tang Dynasty and Japan

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Abstract

Tang dynasty unprecedented development of China's legal system, especially the tang law of discussion on adjacent to all countries have a profound influence, the marriage system of the tang dynasty scattered in the tang law of discussion, the provisions of the marriage system is distinctive, the tang law of discussion on the construction of the relevant legal system has a profound influence, many laws can see the law of tang. The rules of the Japanese marriage system have both references and their own unique features. The marriage system can reflect the social reality at that time, and can more intuitively reflect the importance of the feudal society to the family inheritance. This paper will briefly introduce an overview of the marriage system in the Tang Dynasty and contemporary Japan, make a comparative study on the principles of the establishment of marriage, marriage, and analyze the influence of Tang law on the Japanese system of marriage. This paper discusses the reasons for the similarities and differences in the marriage systems and forms of the two countries, conducts a comparative study, comprehensively understands the whole picture of the ancient marriage system of the Tang and Japanese, and deeply analyzes the influence of the Tang law on the marriage system of Japan.

Keywords

Marriage system of Tang Dynasty, Tang Law, Marriage system of ancient Japan

1. Introduction

1.1 An Overview of the Marriage System in the Tang Dynasty

The Tang Dynasty was one of the most prosperous periods in the feudal society, and in this historical period, the society was relatively open. Was also more open in the marriage system than in other feudal societies, Under the essence of marriage that strengthened the feudal patriarchal system and consolidated the male status, Compared to the historical period before the Tang Dynasty, It can be seen from the fact that the husband and wife can divorce and the absence of "seven" and "no" dead and the

punishment of the husband proposes divorce in the law of Tang, Women have increased their status, besides, The law also no longer restricts women's remarriage and their remarriage, You can see that the marriage was more open, At that time, women were also of a relatively high status, Marriage is also relatively free. The establishment of the marriage in the Tang Dynasty emphasized that "the orders of the parents, A promise.", The Tang Dynasty believed that marriage bears "on the temple, Following the role of the later generations", Unlike the modern emphasis that marriage is between men and women, Ancient considered marriage as a union between two families, The younger marriage needs to listen to the arrangement of the elders, Zun Chang plays a leading role in the younger marriage, next, The establishment of marriage in the Tang Dynasty had relatively strict rules on etiquette and customs, Need to go through the mining, name, nano, recruitment, please period, welcome the "six gifts" procedures, Marriage letters and employment assets are the essential elements of marriage, If the woman has accepted the marriage, she will be punished, besides, In order to order within the clan, the same surname is not married, Good and cheap, not marriage, etc. Because the relationship between etiquette and law is the most important relationship in the law of Tang Dynasty, the law of Tang Dynasty "is accurate on etiquette, but wins the ancient and modern times". The combination of etiquette and law is particularly prominent in the marriage system of Tang Dynasty. The conclusion, dissolution and punishment of marriage have relevant legal provisions, which permeate the factors of etiquette and reflect the spirit of etiquette. The marriage system of the Tang Dynasty deeply embodies the legal culture of the combination of etiquette and law in the Tang Dynasty.

1.2 An Overview of the Japanese Marriage System

1. The formation of the Japanese marriage system originated from the establishment of the ancient Japanese law and order system. In the process of establishing the law and order system, Japan absorbed a lot of contents of Chinese laws and order codes. The Japanese marriage system was officially regulated by law after Japan entered the law and order system country. Japan had been a clan society before the 7th century. After the completion of the new reform movement, Japan entered the feudal society. In order to meet the needs of the development of the feudal society, the primitive and original wife marriage was gradually replaced by the son-in-law marriage, which gradually established and developed. The son-to-law marriage, and different from the woman into the door of the marriage, the marriage is the man to the woman's home life. In the process of great reform, Japan successively promulgated the Dabao Law Order and the Pension Law Order, and the promulgation of the two laws and codes marked the maturity of the Japanese law and order system. The Japanese regulations on marriage system are basically included in these two laws. Japan also formulated the Law of Household Marriage. Most of the Japanese Law of Household Marriage copied the Law of Household Marriage in the Tang Dynasty, while the Japanese Law of The Law of Household Marriage not only imitated the Law of the Tang Dynasty in the structure of the provisions, but also copied the content. In addition, Japan is also deeply influenced by Confucian culture, incorporating a large number of ethical and cultural ideas into its marriage system. Japan's reference to the Tang law makes the ancient Japanese

marriage system more fully established in the form of provisions.

2. Comparison of the Principles of the Chinese and Japanese Marriage System during the Tang Dynasty

2.1 The Japanese "close marriage" and the Tang Dynasty "the same surname is unmarried"

A marriage of consanguinity is a marriage related by blood. In Japan, in close marriages, half-brothers and siblings can be married, but marriage between siblings is prohibited. The marriage law of the Tang Dynasty prohibited marriage of the same family and the same surname, and prohibited marriage between relatives of honor and inferiority, but the difference between superior and inferiority could marry between relatives of the same family. The same surname is not married in the Western Zhou Dynasty has existed, the same surname is not married in the Western Zhou Dynasty, in the Tang Dynasty officially written into the "Tang law discussion", "Tang law discussion family marriage" provisions "the same surname is marriage, each for two years; Si ma above, to rape." The Tang Dynasty directly prohibited marriage between the same family name, mainly for two purposes. One is for the health of future generations, the ancients very early found that "men and women have the same surname, their birth is not Tibetan." Have aware that couples who are too close have an increased chance of unhealthy offspring. Secondly, in order to maintain the norms of religious rites and law, ancient times attached great importance to the distinction between dignity and inferiority, and the name should not be disorderly. Not marriage with the same surname can better maintain the relationship of the clan, in addition, it can better realize the union between the family, so as to maintain the unity and expansion of the family. For the understanding of "the same surname", the Tang Dynasty was different from that of the same surname in modern society. Usually, people with the same surname and the same surname cannot get married, but the Tang Dynasty also prohibited the marriage between different families and the same surname. In the Law of the Tang Dynasty, Volume 14, the Law of Marriage, the scope of the same surname, including the same surname, and the same family includes different surnames, but the same ancestor is the same family. For some reasons, the ancestral surname is not used, but as long as the genealogy records the same marriage. In addition, the surname sounds the same word also belongs to the same surname, also by the same surname not marriage restrictions. The ban on not marrying with the same surname also applies to taking concubines. In addition, the Tang Dynasty also stipulated that relatives were not marry, and the same surname and family were mainly judged on the basis of patriarchal surname and blood relationship. Relatives do not marry in order to restrict marriages with different surnames but relatives. According to the law of the Tang Dynasty, those who marry with their grandparents, uncle, aunt or wife parents, or take their daughter, or marry with their parents' aunt, uncle, niece, son-in-law and sisters, will be punished. From the provisions of the Tang Law, we can see that the scope of relatives not married is very wide. It basically covers all the cases of marriage, and it can be known that the main function of the regulation is to prohibit marriage between relatives of respect and inferiority. But it does not prohibit marriage between peer relatives. "Tang Law

discussion" also has a clear provision: "although its external marriage has been served, not inferior people for marriage, can not help." This regulation reflects that the ruler is very important to the elders and other human relations order.

However, in the Tang Dynasty, inrelative marriage was the norm, and the aristocracy highly respected the marriage. Marriage between half-brothers and sisters in Japan is very common in Japan. The aristocracy pays attention to equal status and does not exclude sister marriages. Why Japan appear such rules, mainly due to Japan in the seventh century to the thirteenth century AD basic has been marriage as the main form of marriage, his wife has been living in his home, the husband to short-term living parents, children with his father's surname but mainly raised by mothers, Japan established the law system, the original visit wife marriage gradually replaced by husband marriage, but to visit wife marriage is still the mainstream, it also led to the Japanese understanding of the family is different from China. Because Japan has been to visit his wife marriage, led to the Japanese society for the concept of blood relationship is completely different from Chinese society, they are more emphasis on "home", the understanding of the home here is not like China for family understanding more emphasis on blood connection, Japan think home more emphasis on cooperation, coordination, not to blood for connection, and pay more attention to the continuation of the family name and family business, the concept of inheritance. In other words, even if they do not belong to the same sex, they can become the leader of a family. Japan's concept of family leads to the weak blood relationship and the very loose connection between the same family. The concept of Japanese family is matriarchal, and the blood relationship is centered on mother rather than father. Therefore, Japan believes that as long as it does not belong to the same maternal family, it is outside the clan, it belongs to the clan marriage. Although marriage between half-brothers and sisters is also common, it is extremely rare. In ancient times, children often raised by the mother family, between half-brothers and sisters often grew up in different families, rarely live together between the two sides, is no blood stranger, in this case, the conclusion of the marriage will not produce too strong resistance, and both sides will have normal physiological impulse, but if the two sides belong to the same family, grew up together, in this case, even if no blood relationship is difficult to produce physiological impulse. However, China is a paternal family, and the descendants of the blood relationship are also raised by the husband's family. In addition, in order to better expand the family, each family is more inclined to marry with other foreigners.

2.2 Polygamy in Japan and monogamy in the Tang Dynasty

Japan is different from China, Japan has always been a clan marriage before the reform, which adopted the visiting marriage system. At this time, it was mainly in the form of polygamous marriage. The husband lived in every wife's family, and there was no dominant wife. In the Japanese polygamy system, the status of wives is equal, different from the Tang Dynasty wives and concubines, only the status of Japanese polywives are equal. Since ancient times, China has held that marriage is for family events is the union between families rather than the voluntary combination of two people, "Shangthe Temple, The next generation" is the fundamental purpose of marriage, Monogamy in the Tang Dynasty,

The so-called monwife, It means that there is only one legitimate wife, besides, You can have multiple concubines, Can better guarantee the continuation of the family, But the family should not be disorderly, In order to maintain the patriarchal system, Ancient society emphasized the concubine, Otherwise the inheritance and succession would not be orderly, Leading to the patriarchal clan confusion, "Tang Law Shu Yi" volume 13 "Household Marriage Law" to already have a wife after remarrying a wife situation will be given criminal punishment. At that time, the society allowed many concubines but only admitted that one person was his spouse, namely the wife, and legally only recognized the original wife. Taking a wife after a wife was not allowed in the Tang Law. Do cannot marry again unless the wife dies or they fall together. The wife is the head of the mother status and the concubine room has a world of difference, concubine room status is low, there is a strict hierarchy between the concubines, concubine room wants to become a wife is basically impossible. The monogamy and multiconcubine system in the Tang Dynasty not only emphasized the order of honor and inferiority, but also made a great contribution to the continuation of the family. The degree of polygamy in Japan is mainly due to the form of marriage in Japan is completely different from that of the Tang Dynasty. Men and women are relatively equal, and the status of women is higher than that of Chinese women in the same period of the Tang Dynasty.

After the completion of the reform of the law system in Japan, the marriage of son-in-law gradually replaced the visiting wife marriage, and the clan marriage entered the era of "monogamy" dual marriage, but the dual marriage in Japan was still very different from the "monogamy" in the contemporary Tang Dynasty. After Japan completed the grand reform and entered the feudal era, it adopted the system of recruiting a son-in-law, that is, the husband joined the woman's family and lived with the woman's family, but the children's surname followed the man. During the Tang Dynasty, China adopted the marriage system. It was normal for women to marry into the husband's family, who paid attention to getting married, and men were in a dominant position in the marriage relationship. In this period, the status of Japanese women was still in a high position, and they could own their own estates, servants and property.

3. The Comparison of the Establishment and Dissolution of Marriage in China and Japan in the Tang Dynasty

3.1 The Comparison of Tang Ri Marriage

Tang dynasty period of marriage, parents, matchmaker, the establishment of the marriage needs to have parents' permission, and need to hire a matchmaker, the door, centered, marriage is legal, the tang law discussion door marriage regulation "for marriage, there must be media", parents of marriage, the matchmaker, until the tang dynasty, the requirement of the marriage etiquette written into the written law, arranged by law to the life of the parents, matchmaker for confirmation and specification. In addition, the matchmaker is also one of the signs to judge whether the marriage is legal. Matchmaker in the time of marriage work is very important, the ancient concluded marriage pay attention to "male not

kiss" "female not kiss", the matchmaker is the task, passed to both sides to get to marriage between men and women, tang law also stipulated when the matchmaker is not in accordance with the law of marriage system of punishment. The legislation on matchmaking in the Tang Dynasty was very complete.

In addition, the Tang Dynasty had already stipulated the marriage age for men and women. In the early Tang Dynasty, Emperor Taizong of the Tang Dynasty issued an edict stipulating that men 20 and women 15 could talk about marriage, which made mandatory requirements for marriage. In the middle of the Tang Dynasty, Emperor Xuanzong issued an edict to advance the marriage age to 15 for men and 13 for women. This rule advances the marriage age but is not mandatory for marriage. Since ancient times, China has respected the etiquette of marriage. After the marriage age, the men and women arrange the match on the basis of the six rituals of marriage, namely, marriage, name, Naji, recruitment, period, marriage, the marriage is completed. The Tang Dynasty not only continued the six rites system since the Western Zhou Dynasty, but also provided the necessary legal guarantee by setting up that it would be punished for violating the marriage system.

Japan "household marriage order" provisions, men 15, women 13, can get married. The "Household Marriage Order" in the "Dabao Law Order" and the "Pension Marriage Law Order" determine the legal marriage age as "male 15 and female 13". It can be seen that the provisions of the marriage age follow the provisions of the law of the Tang Dynasty.

In addition, the Japanese "Dabao law" and "pension law" in the 25, also follow the provisions of the Tang Dynasty according to the blood relationship of marriage, the establishment of marriage needs the promise of parents. It can be seen that there is only a marriage person system in Japan. But with the law of the marriage of some different, Japan will be the grandparents marriage rules directly in the law, due to the tang dynasty China for the paternal feudal society, more emphasis on the paternal family elders for the decision of the younger marriage, in contrast, Japan, before this period has been to visit marriage system, belongs to the matriarchal clan life, therefore, after the reform, for the marriage, the concept of the family still exists, mother for the junior marriage still has a lot of power. In addition, Japan also gave women the right to choose the officiant when they had no respectful relatives, which showed that women had certain autonomy in marriage at that time. However, in the Tang Dynasty, it was strictly implemented that marriage should be held by respect relatives, and when the father did not respect relatives, by other relatives.

3.2 The Dissolution of the Tang Ri Marriage Contrast

In the Tang Dynasty, there were three main ways to dissolve marriage: seven, righteous and harmony. Seven out is the most traditional form of divorce, in which a husband can legally divorce his wife in seven circumstances. As long as it meets the situation in the seven provisions, the man can abandon his wife aboveboard, seven is a heavy shackles for women, is the intuitive embodiment of the patriarchal society. Although in order to limit the seven Tang law also stipulated three no to go, but three no to go to the protection of the legitimate rights and interests of women have little effect.

It is the first compulsory divorce system stipulated by the Law of the Tang Dynasty. "Tang Law discussion family marriage" explained: "husband and wife justice, righteousness," righteousness absolutely refers to the husband and wife, mainly refers to the husband and wife to a certain range of relatives fight, scold, killing, injury, rape and other acts. Regardless of whether both parties agree or not, the government forced divorce. If not, one year in prison.

And leave refers to the agreement divorce, is a relatively gentle way of divorce, "Tang law" volume 14 "marriage law" provisions stipulates that the relationship between the husband and wife is not harmonious, can voluntarily choose and leave. This regulation can minimize the harm to both husband and wife, more conducive to the harmony of both families.

Japan in the endowment to the order also follow the tang rules "seven", just different specific provisions of the situation and tang law, Japan's "seven" no evil this, Japan by following the law of tang seven give men more rights, make more bondage to women, want to build and Chinese patriarchal feudal society, to consolidate the rule of the country. Japan also follow the law of tang, stipulates the mandatory divorce system, for both sides beat the other relatives rules for the right, but for the wife if with her husband Si hemp relatives of adultery should have no reference, tang dynasty attaches great importance to etiquette, and Japan no Confucian culture concept, and is not against close marriage or marriage, so the law of tang in this one is not consistent with the reality of Japan. In addition, there is no direct provisions of Japanese law and from the system, but in fact the common way of divorce husband and wife is in fact and from, when the aristocratic visit wife marriage is still very common, for this kind of marriage form of divorce, is often the husband long wife, never night visit, two marriage is ended, this way too follow, between both sides of husband and wife for love, love disappeared and separated each other, although the law does not stipulate this way of divorce effect but in real life, play with tang law and from the role of the system. It is a more accepted way of divorce.

By comprehensive comparison, the provisions of the marriage system in Japan and the provisions of the marriage system in China can be found that the Japanese laws on marriage greatly follow the provisions of the Tang Dynasty, including the logic and specific content of the provisions. It can be found that the laws of the Tang Dynasty at that time had a profound influence on the surrounding countries, which also benefited from the success of China's legal system. By comparing the marriage system of the two countries in Tang Dynasty, this paper can see the advanced nature of Tang law at that time from the differences and identical provisions of the marriage law closely related to life.

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