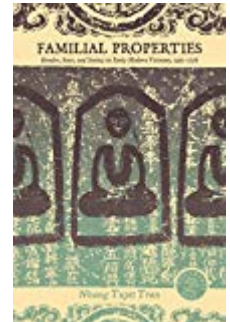


Nhung Tuyet Tran. *Familial Properties: Gender, State, and Society in Early Modern Vietnam, 1463–1778.* Honolulu: University of Hawaii Press, 2018. 280 pp. \$68.00, cloth, ISBN 978-0-8248-7482-7.



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Published on H-Asia (June, 2020)

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In *Familial Properties*, Nhung Tuyet Tran presents us with the story of gender relations in early modern Vietnam during the Lê, Mạc, and Trịnh/Nguyễn periods (1428-1789). Tran is particularly interested in revising the notion that Vietnamese laws afforded women greater status than other East Asian societies. In her book, Tran tries to recover the agency of local women through an examination of marriage customs, lineage, and inheritance. She argues, most centrally, that the state attempted to impose neo-Confucian orthodoxy through law in order to protect individual patri-lines and maintain political order. Therefore, law codes in early modern Vietnam were not egalitarian, and women were able to claim rights in spite of, rather than because of, the dictates of Vietnamese property law. This view significantly revises the standard view of women's property rights, found in the work of scholars such as Tạ Văn Tài and Insun Yu, who have argued that the Lê code was a manifestation and expression of primordial tendencies in Vietnamese culture toward women's equality.

Tran demonstrates these claims through an examination of dynastic histories, legal sources such as the Lê Code and the Mạc era compilation of judicial precedents, which she translates as the *Book of Good Government*, and lexical sources such as the *Chỉ Nam* dictionary. She uses these sources to establish and articulate a “gender system” that she says the state was attempting to produce and impose. She then examines popular folklore, stele inscriptions, and reports from foreign and indigenous witnesses to demonstrate how women—who were increasingly responsible for the economic functioning of local communities in the seventeenth and eighteenth centuries due to men's being conscripted for war or forced to do *corvée* labor—used informal mechanisms in their communities to secure their own property and ensure their spirits and those of their ancestors would continue to be venerated after their deaths. It is this fascinating investigation into local practices, through the use of diverse sources in a number of different languages, that is the most valuable part of this book.

After a brief introduction that lays out her arguments and provides a basic framework for the political events of the sixteenth through eighteenth centuries, Tran proceeds to a description of the “gender system” in chapter 1. This chapter recounts the morality manuals that described how women could make themselves dutiful, industrious, chaste, and subservient, as well as the historical circumstances under which, in the sixteenth and seventeenth centuries, women were often forced to face “the triple burden of agricultural labor, household maintenance, and marketing alone” (p. 36). In chapter 2, Tran focuses on marriage, explaining the function of marriage in sustaining the patriline. Two particularly interesting elements of this chapter are its description of uxorilocal marriage customs, in which a marriage is carried on for a trial period, and its analysis of all-female Catholic religious houses as a means to avoid marriage. Chapter 3 focuses on sexual activity and the maintenance of social order. Tran points out that the overarching concern of laws about sex was the maintenance of a clear patriline. Because of this, the infidelity of married women was subject to strict punishment, while in general unfaithful men were treated more leniently.

Chapter 4 is perhaps the most significant of the book, as it presents the cornerstone of Tran’s arguments on property rights and inheritance. Challenging the notion that “daughters enjoyed the same rights as sons in the inheritance of property” under the Lê code (p. 136), she demonstrates that the situation was in fact far less clear. In both *de jure* and *de facto* senses, women inherited property under exceptional rather than normal circumstances, and usually they did so through their own efforts, in spite of rather than because of the law. As Tran’s view of property rights is this book’s most notable deviation from prevailing interpretations, it has generated the most controversy, with Insun Yu, Sun Laichen, and Miyazawa Chihiro all arguing that Tran reads some sources incorrectly or neglects additional sources that would at least qualify her view if not contradict it outright.

[1] As someone not specifically familiar with the primary sources being debated, I do not feel qualified to evaluate this debate—though I do agree with Insun Yu that Tran seems to translate certain terms (such as those specified in the five relationships) as specifically referring to men when they could be seen as gender-neutral. What is clear is that the debate over women’s legal and economic power in early modern Vietnam is an important one that touches on some of the most significant discussions in Vietnamese historiography, such as the relative influence of Chinese and Southeast Asian culture on Vietnam. Tran’s book has spurred this important debate, and for that she should be given a great deal of credit.

Inheritance was significant to ensure not only the patriline and thus the stability of the state, but also that one would be remembered and venerated by future generations. In chapter 5, Tran uses hundreds of local stele inscriptions to show that women without male heirs often donated money to local communities in exchange for an assurance that their spirits, or those of their parents and ancestors, would be honored and recognized on local holidays. In this way, women could circumvent existing laws to make sure that the duties of carrying on ancestral rights were still performed. This suggests that these laws were fungible at the local level, and that particular women had the necessary agency in the village to carry out these agreements that would secure their futures. In chapter 6 and her brief conclusion, Tran returns to the major themes of the book, examining the role of women in modern and contemporary historiography and her revision of those views, and articulating some limitations of her study, such as the relative lack of sources from the south and the perils of attempting to read agency and motive into women’s acts of donating to the village community.

While it is an important study, Tran’s book is not without some shortcomings. For example, there seems to be a contradiction between her initial definition of Confucianism and the way she ac-

tually describes Confucianism in practice. In her introduction, Tran defines Confucianism not as “a delineated set of values” but rather as “a constantly changing system signifying beliefs and practices that educated Vietnamese convinced themselves that they were maintaining, even as they shaped it to fit the needs of their time” (p. 5). She goes on to say that what was most important in building a stable early modern state was the implementation of neo-Confucian ideology, which she identifies in the Vietnamese context almost exclusively with Zhu Xi. She then concentrates on an interpretation of Vietnamese neo-Confucianism focused on “morality texts” that “teach the population how to behave” (p. 5).

This view is problematic for two reasons. First, Alexander Woodside has convincingly shown that despite paying lip service to Zhu Xi, in practice regimes were much more ideologically devoted to the classical texts than the neo-Confucian commentaries, and much more concerned with the practical application of policy than with morality texts.[2] Second, references to Confucianism in this book seem to describe a “gender system” of laws and morals that are very much static and one-dimensional, in opposition to her original, much more flexible definition. Tran tells us repeatedly that the “neo-Confucian morality of the state” (p. 27) exists for the purpose of “establishing order under heaven” through “regulating the family system” (p. 52), and that there is “a clear link between the state, social order, and the maintenance of the family system” (p. 54). She also conflates classical Confucianism and neo-Confucianism, arguing in a somewhat odd passage that “the neo-Confucius [sic] philosopher Mencius” articulates the family system in a way that “echoes the central features of neo-Confucian thought” (p. 55). I would not deny that both Mencius and Zhu Xi discuss the maintenance of proper relationships within the family, but Tran’s use of these ideas in practice seems to oversimplify the role of Confucian thought in Vietnam. There is a difference between Ngô Sĩ Liên’s adherence to the Mencian conception of “the way

of the King” at the beginning of Tran’s “early modern” time period, and Lê Quý Đôn’s extensive comments on Zhu Xi’s metaphysics at the end of that time period.[3] Tran’s relatively simplistic narrative of the state’s efforts to impose a family system to protect patriline significantly underplays the complexity and historical contingency of Vietnamese notions of Confucianism in the early modern period, and contradicts her earlier (correct) acknowledgement that Confucianism refers to a malleable set of practices that cannot be easily defined outside of the particular contexts of their implementation.

Similarly, Tran’s book presents an overly static view of how the state makes and enforces laws, a view that is insufficiently sensitive to the different political circumstances of the Lê, Mạc, Trịnh, and Nguyễn states. Though to her credit Tran does make occasional reference to the war between the Mạc and Lê forces (1533-92), to the fifty-year war between the Trịnh and Nguyễn clans (1627-72), to the introduction of Christianity, to the militarism of early Nguyễn governance, and to the economic privations of the eighteenth century, there are portions of the book in which the details of time period, regime, and region seem to fade. For example, in the discussion of “the exchange of women’s bodies,” Tran states that “state law permitted parents to sell their children into servitude,” without specifying either in the text or in a footnote which regime’s state law, or which specific law, did so (p. 111). In the following pages, Tran jumps from an official annal’s account of the fate of Lê Sát’s wives and concubines in 1437 to English Captain William Dampier’s 1688 account of women being offered to foreigners for temporary marriages to a 1714 judicial manual’s advice on punishing the sale of women. While the variety of source material that Tran uses is to be appreciated, it would have been beneficial for her to attend more closely to the fact that the political circumstances and conditions of production of these texts, and therefore the motivations for their accounts, are very different.

That being said, Tran's book is a significant accomplishment. It is one of a very small set of studies examining gender relations in precolonial Vietnam, and that is a major contribution in itself. Moreover, this book has already spurred a productive debate about the extent of women's property rights and women's equality and autonomy in Vietnam. This debate, which touches on many of the issues most critical in Vietnamese historiography, is worth having. Because Tran's book is the catalyst for that debate, it is therefore indispensable reading for those with an interest in law and gender in early modern Vietnamese history.

Notes

[1]. Insun Yu, "The Equal Division of Inheritance Among Sons and Daughters in Lê Society: A Revisit," *VNU Journal of Social Sciences and Humanities* 5, no. 5 (2019): 531-38; Miyazawa Chihiro, "Re-Thinking Vietnamese Women's Property Rights and the Role of Ancestor Worship in Pre-Modern Society: Beyond Dichotomies of Equality versus Non-Equality and Bilateral and Non-Bilateral," in *Weaving Women's Spheres in Vietnam: The Agency of Women in Family, Religion, and Community*, ed. Atsufumi Kato and Kristen W. Endres (Leiden: Brill, 2016): 57-80; Miyazawa Chihiro, review of *Familial Properties* by Nhung Tuyet Tran, *Southeast Asian Studies* 8, no. 3 (December 2019): 448-53; and Sun Laichen, review of *Familial Properties* by Nhung Tuyet Tran, *Sojourn: Journal of Social Issues in Southeast Asia* 34, no. 33 (November 2019): 622-27.

[2]. Alexander Woodside, "Classical Primordialism and the Historical Agendas of Vietnamese Confucianism," in *Rethinking Confucianism: Past and Present in China, Japan, Korea, and Vietnam*, ed. Benjamin Elman et al. (Los Angeles: UCLA Asian Pacific Monograph Series, 2002), 116-43.

[3]. O. W. Wolters, "What Else May Ngo Si Lien Mean? A Matter of Distinctions in the Fifteenth Century," in *Sojourners and Settlers: Histories of Southeast Asia and the Chinese*, ed. Anthony Reid (Honolulu: University of Hawaii Press, 2001), 95-96;

and Yueh-hui Lin, "Lê Quý Đôn's Theory of Li-qi," *Asian Studies* 8, no. 2 (2020): 51-77.

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Citation: Wynn Gadkar-Wilcox. Review of Tran, Nhung Tuyet. *Familial Properties: Gender, State, and Society in Early Modern Vietnam, 1463–1778*. H-Asia, H-Net Reviews. June, 2020.

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