

The Role of Ta-Li-Yuan's Judicial Practice in the Early Republic of China from the Perspective of Women's Rights Protection

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Abstract Benefiting from the influence of Western legal principles and the emerging women's rights movement, marriage relationships in early Republican China gradually shifted from male superiority to gender equality. To strengthen the implementation of principles of equality and justice in legislation, the highest judicial authority at the time, the Ta-Li-Yuan, established universally guiding precedents and interpretations to promote the protection of women's rights. Based on this, this paper examines the adjustments and enhancements to the legal system through specific divorce cases in the early Republic period, focusing on the judicial practice of the Ta-Li-Yuan, and explores its role in advancing the protection of women's rights.

Keywords Early Republican Period. Ta-Li-Yuan. Divorce Judicial Practice. Precedents. Interpretations. Women's Rights.

Summary 1 Introduction. – 2 Focus of Early Republican Judicial Practice from the Perspective of Women's Rights Protection. – 2.1 Protecting Women's Personal Rights. – 2.2 Protecting Women's Property Rights. – 3 Functional Forms of Early Republican Judicial Practice from the Perspective of Women's Rights Protection. – 3.1 Providing Direct Reference for Similar Cases. – 3.2 Promoting the Spread of Equality Ideals in Traditional China. – 4 Value Orientation of Early Republican Judicial Practice from the Perspective of Women's Rights Protection. – 4.1 Compromise and Retention of Traditional Confucian Values. – 4.2 Expansion and Interpretation of Equality Concepts. – 5 Conclusion.



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1 Introduction

Since the introduction of Western learning into the East, China began transitioning from a traditional society to a modern one. The traditional family-state relationship started to transform under the impact of Western individualism, leading to the breakdown of China's 'differentiated order' political system. This shift was also reflected in changes to the kinship system, especially in the development of women's rights and status. In ancient China, natural differences in gender and age were used to establish internal class divisions among people, creating a hierarchical gender relationship that persisted for millennia within the framework of Confucian ethics. The introduction of Western thought challenged the traditional order of Confucian ethics, leading to a response in society to the call for 'gender equality'. A group of visionary and aspiring individuals took the lead in voicing their support in the community, for example, Kang Youwei advocated that men and women should enjoy equal rights within marriage and family (Kang 2002, 253), Liang Qichao proposed the ideas of "banning foot-binding and promoting women's education" (Liang 1902, 23), Hu Shi's *Marriage Chapter* (*Hunyin pian*, 婚姻篇) and Chen Duxiu's *Evil Customs Chapter* (*Esu pian*, 恶俗篇), among other writings, also expressed views on gender equality from the perspective of traditional Chinese marriage (Zheng 2015, 58), demonstrating popular support for Western ideas of equality. This trend is also reflected in the legislative provisions concerning marriage in the early Republican period. Not only did these regulations provide protections for women's rights in areas such as family life and social welfare, but they also granted women the rights to education and political participation (Zhang 2021, 10), thereby promoting the development of gender equality in China from a legislative perspective.

However, in China during the legislative 'transition period', the new legal rules were incomplete and unable to support the normal operation of society. The entirely new legislation based on Western thought clashed with traditional Chinese concepts, resulting in certain confusion in the application of the law. There was an urgent need for external intervention and coordination. In this context, judicial practice became crucial. The Ta-Li-Yuan judicial practices, in the form of precedents and interpretations, aimed to ease the conflict between traditional legal systems and societal needs, assisting in the implementation of equality ideologies. This approach became a solution for addressing conflict issues during the early Republic,

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thus protecting women's rights. Additionally, the spread of gender equality ideas during the early Republic had a direct impact on the development of marriage relationships. The awakening of female consciousness led women to seek protection in marital relationships ahead of men. Based on this, this paper focuses on marital divorce disputes, selecting cases from the *Ta-Li-Yuan Precedents Collection* (*Ta-Li-Yuan panjueli quanshu*, 大理院判决例全书) (Guo 2013) and the *Collection of Ta-Li-Yuan Interpretations of the Republic of China* (*Minguo Ta-Li-Yuan jieshili quanwen*, 民国大理院解释例全文) (Guo 2014), and analyses the functional role of judicial practice in promoting the protection of women's rights and delves into the regulatory mechanisms involved.

2 Focus of Early Republican Judicial Practice from the Perspective of Women's Rights Protection

In the early Republic of China, the introduction of gender equality ideals provided theoretical support for the country's social development and directed the evolution of legislation in the marriage and family sphere. New laws continuously emerged, yet the deep-rooted traditional ethical notions that upheld "male superiority and female inferiority" created conflicts between old and new laws, affecting social stability. Given this situation, relying solely on Western-inspired new laws was insufficient; judicial practice had to play a buffering role. The early Republic of China's Supreme Court, the Ta-Li-Yuan, was tasked not only with executing existing judicial powers but also with aligning with legislative trends. Through precedents and interpretations, the court aimed to guide society through a smooth transition and promote the modernization of traditional legal systems (Zhang 2021, 113). In pursuit of this goal, the judicial practice of the Ta-Li-Yuan in the early Republic of China focused on safeguarding women's rights, addressing this directive by implementing protections for both personal rights and property interests.

2.1 Protecting Women's Personal Rights

Throughout the development of ancient Chinese law, women were consistently in a subordinate position within society, characterized by the principle of male superiority. Under the *Three Obediences and Four Virtues* (*Sancong side*, 三从四德) doctrine, women were dependent on men from birth to death. They were under the authority of their fathers as children and subject to their husbands upon marriage (Ch'ü 2010, 119-21). This situation persisted in traditional Chinese legal systems until the era of Western influence. During the early years

of the Republic of China, the patriarchal clan ethics clashed not only with the global judicial principles of the time but also with the domestic constitutional democratic system and the women's movement (Xu 2008). In response to this predicament, the early Ta-Li-Yuan was influenced by Western ideas of 'natural rights', demonstrating a trend towards recognizing women's personal independence.

Firstly, respecting women's subjective will. Traditionally, the reasons for divorce were family-centered, and the conditions for divorce, known as the *Seven Outs* (Qichu, 七出) rules, were closely tied to family interests. Aside from theft, which was considered a personal moral failing, other conditions were related to family matters (Ch'ü 2010, 146-7). This often led to women being dismissed from their marital homes due to minor disputes or objections from family members, thereby neglecting the personal will of women as key participants in the marriage. However, in the early Republic of China, the Ta-Li-Yuan judicial practice, while still influenced by traditional moral values, began to diminish the emphasis on objective actions within marriage. This shift reflected a growing societal trend towards recognizing women's subjective will in marital decisions.

The Ta-Li-Yuan clarified the scope of the *Seven Outs* rules through both precedents and interpretations. For example, in *Ta-Li-Yuan Precedent from the Sixth Year of the Republic (1917), Case No. 497* (*Minguo liunian (1917 nian) shangzi di 497 hao panli*, 民国六年(1917年)上字第497号判例) (Guo 2013, 410), the Ta-Li-Yuan defined the situation regarding 'serving in-laws' that impacts marriage. Additionally, in *Ta-Li-Yuan Interpretation from the Eighth Year of the Republic (1919), Case No. 1134* (*Minguo banian (1919 nian) tongzi di 1134 hao jieshi*, 民国八年(1919年)统字第1134号解释) (Guo 2014, 644-5), the interpretation affirmed the circumstances leading to divorce. Both the precedent and interpretation narrowed the previous judicial practices regarding divorce, no longer treating minor disputes between spouses, which led to women returning to their parental homes, as acts of disrespect towards in-laws. This adjustment reflected a growing respect for women's subjective will in marital matters.

Additionally, the protection of women's rights during divorce is also reflected in efforts to enhance the status of spouses as individuals within the marriage. For instance, in the *Ta-Li-Yuan Precedent from the Third Year of the Republic (1914), Case No. 223* (*Minguo sannian (1914 nian) shangzi di 223 hao panli*, 民国三年(1914年)上字第223号判例) (Guo 2013, 405), the court took a contrary approach by emphasizing that divorce must involve the parties directly affected by the marriage, thereby reinforcing the respect for personal will and indirectly affirming women's status as individuals. Similarly, the *Ta-Li-Yuan Precedent from the Fourth Year of the Republic (1915), Case No. 213* (*Minguo sinian (1915 nian) shangzi di 213 hao panli*, 民国四年(1915年)上字第213号判例) (Guo 2013, 406) further emphasized the respect for

women's personal status by stipulating that women's remarriage after divorce should not be interfered with by others, especially by the former husband's family. This measure aimed to safeguard women's personal autonomy and uphold their dignity.

Second, establishing women's rights and capacity. In the early Republic of China, judicial precedents not only demonstrated respect for women's personal will but also embodied the empowerment of women with legal capacity. On one hand, Ta-Li-Yuan judgments and interpretations expanded the grounds on which women could initiate divorce. In traditional Chinese society, a wife's ability to request a divorce was limited to cases where the husband inflicted severe injury, such as fractures, blindness, or broken teeth, and even then, the decision to divorce often depended on the husband's consent (Zhang 2021, 121). However, in the *Ta-Li-Yuan Precedents from the Fifth Year of the Republic (1916)*, *Case No. 1073 (Minguo wunian (1916 nian) shangzi di 1073 hao panli, 民国五年(1916年)上字第1073号判例)* (Guo 2013, 409) and *Case No. 1457 (Minguo wunian (1916 nian) shangzi di 1457 hao panli, 民国五年(1916年)上字第1457号判例)* (Guo 2013, 409), these conditions were overturned and redefined. The judgments eliminated the requirement for the husband's consent and broadened the scope of grounds for a wife to file for divorce, including less severe conditions. Additionally, the Ta-Li-Yuan explicitly stated that "the wife's request should be supported", which enhanced women's autonomy within marital relationships and their choice regarding the continuation of the marriage. This legal development significantly reinforced the support and protection of women's rights in judicial practice.

On the other hand, Ta-Li-Yuan's judicial practice, to a certain extent, recognized women's complete legal capacity independently from their husbands in specific areas. For example, the *Ta-Li-Yuan Precedent from the Seventh Year of the Republic (1918)*, *Case No. 1308 (Minguo qinian (1918 nian) shangzi di 1308 hao panli, 民国七年(1918年)上字第1308号判例)* (Guo 2013, 188) emphasized women's freedom of religious belief. Based on the *Provisional Constitution of the Republic of China (Zhonghua minguo yuefa, 中华民国约法)*, Ta-Li-Yuan affirmed women's right to religious freedom, thereby relaxing some restrictions on women's legal capacity in certain domains. This reflected an acknowledgment of women's personal status (Zhang 2021, 120-1) and elevated their legal standing.

Thus, although the phenomenon of male superiority had not been completely rectified at the time, the judicial practices mentioned above indicate that women's personal status was increasingly influenced by Western ideas. Although the overall societal structure still reflected traditional Chinese ethical thoughts, with clear distinctions in gender roles, there was a noticeable trend towards greater flexibility internally. Ta-Li-Yuan's precedents showed a growing respect for women's personal status. Western concepts were subtly bridging

the legal gender gap during this transitional period in China, transforming women from a subordinate, objectified position into one where they held the right to make choices and assert their status as subjects.

2.2 Protecting Women's Property Rights

Before the early Republican period, a husband viewed his wife as his property. Therefore, issues of divorce were akin to disposing of or selling property (such as when a wife was cast off or sold). As a result, there was no consideration of alimony or support obligations (Zhao 1994, 60). Indeed, in traditional Chinese society, women's low status limited their benefits. Despite the influx of Western ideas and the gradual awakening of national consciousness, traditional customs remained deeply entrenched. Women continued to be disadvantaged in marital relationships. Even though laws and judicial practices began to provide personal rights protection for divorced women, economic factors – especially the widespread poverty in Chinese society at the time – meant that many women, lacking financial independence, were unable to break free from reliance on their husbands. Furthermore, with much of China still in rural settings, the ideas of gender equality primarily spread in large cities and had limited impact on most women in early Republican China (Zhao 2021, 144).

Given this situation, there was increasing attention in the legal field on how to promote progressive ideas and ensure the livelihood of divorced women. Since the establishment of the fault-based divorce compensation system in Article 369 of the *Draft Civil Code of the Qing Dynasty* (*Daqing minlü caoan*, 大清民律草案) (Yang 2002, 175), the Ta-Li-Yuan has gradually confirmed this economic system through judicial practice. This not only aimed to protect women's property rights but also served to disseminate the idea of gender equality. The *Ta-Li-Yuan Precedent from the Third Year of the Republic* (1914), *Case No. 420* (*Minguo sannian* (1914 nian) *shangzi di 420 hao panli*, 民国三年(1914年)上字第420号判例) was the first to clearly define the scope of women's claims for property rights protection. Specifically, it established that in cases where the husband was at fault, women could request a divorce on that basis and could also claim economic compensation from the husband for support and maintenance (Wang, Xu 2014, 121-2). The *Ta-Li-Yuan Precedents from the Third Year of the Republic* (1914), *Case No. 1085* (*Minguo sannian* (1914 nian) *shangzi di 1085 hao panli*, 民国三年(1914年)上字第1085号判例) (Guo 2013, 406), and *The Fourth Year of the Republic* (1915), *Case No. 1407* (*Minguo sinian* (1915 nian) *shangzi di 1407 hao panli*, 民国四年(1915年)上字第1407号判例) (Guo 2013, 407) further established that the party causing harm should compensate the other party for damages. These

rulings not only permeated gender equality ideas by differentiating between genders but also reflected support for women's claims to property rights in divorce. They ensured that women could obtain basic economic support after divorce, thereby safeguarding their rightful interests and providing them with essential financial security. Additionally, the *Ta-Li-Yuan Interpretation from the Eighth Year of the Republic (1920)*, Case No. 1203 (*Minguo jiunian (1920 nian) tongzidi 1203 hao jieshi*, 民国九年(1920年)统字第1203号解释) (Guo 2014, 930-1) further confirmed that women should receive financial support for their livelihood after divorce, establishing it as a customary practice in divorce proceedings.

It is evident that the judicial practices of the Ta-Li-Yuan during the early Republic of China played a proactive role in advancing women's rights protection. Not only did it further confirm the regulations safeguarding women's property rights, but it also expanded the grounds on which women could file for divorce, thereby ensuring an important position for women within marital relationships.

3 Functional Forms of Early Republican Judicial Practice from the Perspective of Women's Rights Protection

As a supplementary legal source, the judicial practices of the Ta-Li-Yuan during the early Republic of China also played a role in governing and creating law in the resolution of divorce conflicts (Zhang 2021, 105). On this basis, the Ta-Li-Yuan's divorce precedents not only established guiding cases to affirm the laws of the late Qing and early Republic periods, providing reference strategies for similar cases and exercising its guiding function, but also indirectly promoted the development of gender equality ideas in early Republican China, showcasing its positive role in protecting women's rights.

3.1 Providing Direct Reference for Similar Cases

Despite the establishment of many new laws in the early Republic of China, these new legal provisions had a limited impact on women's lives (Zhao 2021, 144). The extent of understanding and implementation of these reforms was actually constrained by regional and economic conditions. According to the *Reports on Investigation of Civil and Commercial Customs* (*Minshangshi xiguan diaocha baogaolu*, 民商事习惯调查报告录) from the Nanjing Nationalist Government during the 1920s and 1930s, in handling disputes related to kinship, marriage, inheritance, and other matters, local customs and clan laws were often directly applied. These were sometimes heavily influenced by patriarchal and ritualistic norms. In contrast, the role

of national legislation was minimal (Zheng 2015, 196) and could not effectively integrate the principles of gender equality into the protection of women's rights.

Given this social background, the precedents and interpretations of the Ta-Li-Yuan had inherent advantages in serving as a reference for local judicial organs in handling similar cases. Not only did they facilitate the dissemination of legal solutions across different regions, but they also helped local jurisdictions understand and adopt methods for resolving divorce disputes. Additionally, these precedents provided a benchmark for handling divorce cases in various areas. On one hand, the guiding nature of Ta-Li-Yuan's judicial practice helped promote the implementation of new legal provisions and advance methods for resolving divorce disputes. The introduction of new laws was often hindered by the traditional ethical and moral values that shaped old laws and societal customs. In the early years of the Republic of China, this made the advancement of new laws challenging. However, the judicial practices of Ta-Li-Yuan, with their authoritative guidance, were widely followed by various levels of the judiciary. When Ta-Li-Yuan adopted new legal approaches to resolve divorce disputes, these methods were often emulated across different regions, thereby facilitating the implementation of new laws and accelerating the realization of women's rights protection in China. On the other hand, the flexibility of Ta-Li-Yuan's judicial practice helped coordinate the complexities arising from multiple legal sources during the transitional period, ensuring consistency in the application of law. The clash between tradition and reform during the late Qing and early Republic periods created a chaotic state in the resolution of legal disputes, with local judicial organs often showing variability in the application of law and divorce rulings. This situation could undermine or completely overlook the protection of women's rights. Given the influence of regional and personnel mobility on divorce cases, a fair adjudication environment is crucial. Thus, Ta-Li-Yuan's judicial practices provided guidance for handling divorce disputes at various levels of the judiciary, indirectly achieving uniformity in legal dispute resolution methods and standards across China. This, in turn, ensured a consistent level of protection for women's rights throughout the country.

Therefore, Ta-Li-Yuan's judicial practice in the early Republic of China initially fulfilled its primary function of providing guidance for resolving divorce disputes. In this process, it reflected the support for protecting women's rights through external means. Based on new laws, Ta-Li-Yuan directly intervened in dispute resolution methods, gradually moving away from the influence of old laws and social customs on marital disputes. This practice was then promoted throughout China, allowing local judicial organs to adopt Ta-Li-Yuan's approach. This approach effectively weakened the role of traditional ethical norms in divorce disputes, utilizing strong measures to achieve the protection of women's rights.

3.2 Promoting the Spread of Equality Ideals in Traditional China

The first half of the twentieth century was a period marked by ideological liberation and the surge of new trends, which provided a relaxed and free social environment and cultural atmosphere for the transformation of traditional Chinese marriage and family culture. The changes in gender roles at the late Qing and the early Republic of China were both a result of the interaction between Chinese and Western cultures and a continuation of long-standing traditional marriage practices. This period thus exhibited a comprehensive characteristic of inheritance and development, and the conflict between the new and the old, ultimately leading from the old towards the new (Zheng 2015, 201). Therefore, in the context of simultaneous conflict and innovation, the judicial precedents of the Ta-Li-Yuan not only played a role in externally mediating between tradition and practice but also facilitated the widespread dissemination of egalitarian ideas within Chinese society during the early Republic of China.

During this stage, amidst rapid social transformation, the protection of women's rights required not only the dissemination of new laws but also the gradual adjustment of outdated social customs through the infiltration of legal philosophies. This was essential to embrace new ideas aligned with the development of early Republican China. The Ta-Li-Yuan's judicial practice, by setting benchmarks for dispute resolution mechanisms, aptly aligned with the need for spreading egalitarian ideas in China. It provided a pathway for the dissemination of underlying philosophies, thus aiding the influence of legal thought on the development of Chinese society.

Firstly, the application of judicial practice serves as a channel for the dissemination of legal thought. As an implicit ideology, the spread of egalitarian ideas depends on their integration into the legal system. In the early Republican period, the promotion of this ideology was closely linked to the establishment of Ta-Li-Yuan judicial practices. The adherence of local judicial organs to Ta-Li-Yuan precedents and interpretations not only represented recognition and adoption of new laws but also signified the absorption of the underlying egalitarian ideas. Consequently, this process facilitated the dissemination of egalitarian thought in early Republican China, underpinning the protection of women's rights.

Secondly, the adoption of judicial practice is a means by which legal thought influences society. The application of Ta-Li-Yuan judicial practices in divorce disputes across various regions serves to propagate legal ideas among the public. The active use of these practices by local judicial organs also impacts people's everyday behaviors and attitudes, especially in the realm of marriage. As people become aware of the outcomes of divorce proceedings, they are likely to spread the legal principles, acknowledge, and adhere to the law. Over time, this

process helps to subtly integrate the egalitarian ideas underlying the law – particularly those related to women's rights – into everyday behaviour and societal norms. Thus, the functionality of Ta-Li-Yuan judicial practices plays a crucial role in shaping the influence of women's rights protection within early Republican Chinese society.

Indeed, the coordination of divorce dispute resolution by various judicial organs through Ta-Li-Yuan judicial practices reflects the dissemination of egalitarian ideas. The widespread application of these practices helps to advance the ideas of gender equality subtly and gradually as part of the dispute resolution mechanisms. This approach aids in deepening the understanding of gender equality among the people of early Republican China and fosters gradual support for women's rights protection across different regions.

4 Value Orientation of Early Republican Judicial Practice from the Perspective of Women's Rights Protection

Based on the above content, it is evident that the progress of protecting women's rights through the Ta-Li-Yuan judicial practices not only reflects an assimilation of traditional Confucian ethics but also demonstrates an interpretation of Western equality ideals. Furthermore, it shows how these two major ideologies were harmonized and integrated against the backdrop of the turbulent Chinese society of that time.

4.1 Compromise and Retention of Traditional Confucian Values

Faced with the need to balance traditional divorce laws with new social demands, the Ta-Li-Yuan in the early Republic of China did not completely discard traditional Confucian values. Instead, it sought to reconcile these values. In a country's legal system, the legislation in the field of marriage and family best reflects the social customs and practices (Zhang 2021, 116). For China, marital and family relationships cannot exist apart from their religious and ethical foundations. The development of China's marriage and family laws continues to be built on the Confucian ideological foundation, which is an inseparable thread in the concept of 'family' in Chinese society. Additionally, a 'one-size-fits-all' approach could exacerbate the turmoil in the early Republic of China, failing to achieve the fundamental goal of protecting women's rights. Therefore, while the Ta-Li-Yuan's judicial practice in handling divorce disputes reflected the ideas of freedom and equality, it largely could not escape the maintenance of traditional ritual norms.

On one hand, in affirming women's status as individuals, the Ta-Li-Yuan's judicial practices did not grant women full individual

status. Instead, within the overarching context of male superiority, women's personality rights were recognized to a certain extent, and they were given limited ability to express their personal will in divorce disputes. For instance, decisions regarding divorce were still largely made unilaterally by the husband, and rules such as *Seven Outs* were retained, which also reflected in the Ta-Li-Yuan's judicial practices. On the other hand, the advancement of women's rights protection was not an immediate process but required a long period of evolution. Rushing the process could be counterproductive. Thus, the Ta-Li-Yuan's judicial practices needed to provide gradual guidance over time, achieving the goal of protecting women's interests while maintaining social stability.

Thus, it is evident that the Ta-Li-Yuan's judicial practices in divorce cases appeared to be a compromise and accommodation to traditional Confucian values. In reality, they were a means of gradually advancing the protection of women's rights while maintaining stability. Although the early Republican government was keen to promote equality and strengthen national stability through the protection of women's rights, the marriage and family system based on traditional ethics could not be entirely discarded. Instead, a balance was sought between old customs and new laws that would reasonably coexist with contemporary needs. Therefore, the development of Ta-Li-Yuan's judicial practices in divorce disputes was aimed at preserving respect for traditional ethical values while achieving the goal of protecting women's rights. This approach involved maintaining the normal functioning of society and, through the guidance and flexibility of precedents and interpretations, progressively advancing the protection of women's rights.

4.2 Expansion and Interpretation of Equality Concepts

Based on the Ta-Li-Yuan's divorce judicial practices, the protection of women's rights was essentially a breakthrough of traditional concepts under the influence of liberal and egalitarian ideals. In the early Republican period, safeguarding women's rights necessitated the introduction of Western ideas of equality. The infusion of Western values of liberty and equality prompted China to focus on human rights protection, with individual will gradually replacing traditional Confucian norms as a core value. Among these, the protection of women's rights became a crucial aspect of China's development alongside the rise of the women's rights movement. As individuals are the basic units of a nation, protecting individual rights contributes to maintaining societal stability. The protection of women's rights is integral to this, as individual interests are foundational to national order and stability. Ensuring these rights through legal norms and safeguarding private interests provides a solid foundation for the nation's strength and prosperity (Liu 2023).

The Ta-Li-Yuan's divorce judicial practices were designed to coordinate the development of egalitarian principles at the legal level. In embracing these principles, Ta-Li-Yuan's practices not only expanded the grounds on which women could file for divorce, reasonably applying modern Western concepts of equality in law to broaden the interpretation of divorce reasons but also strengthened the protection of women's property rights. Through its precedents and interpretations, Ta-Li-Yuan established clear provisions for divorce compensation, preventing unlawful losses for divorced women and providing essential support for their post-divorce lives.

Therefore, it is evident that the establishment of Ta-Li-Yuan's divorce judicial practices also highlights an expansion and interpretation of egalitarian principles. By using precedents and interpretations to reconcile gender hierarchies, Ta-Li-Yuan's practices explore the balance between the 'family-centered' and 'individual status' perspectives during the transitional period of old and new legal systems, thus advancing the concept of gender equality.

5 Conclusion

The judicial practices of Ta-Li-Yuan were a necessary choice for reconciling traditional legal ethics with Western ideals, reflecting their historical relevance. During the early Republic period, Ta-Li-Yuan's practices, due to their flexibility and adaptability, played a crucial role in maintaining social balance and safeguarding women's rights.

On one hand, the flexibility of Ta-Li-Yuan's judicial practices facilitated the balance between traditional legal ethics and Western ideals. Ta-Li-Yuan's rulings served as guiding precedents, helping bridge the gap where national laws fell short in enforcing gender equality principles. These precedents provided a unified standard for lower judicial bodies, ensuring consistent protection of women's rights across different regions. On the other hand, Ta-Li-Yuan's judicial practices demonstrated adaptability, meeting the evolving needs of society. By introducing new rulings, these practices enabled the rapid and widespread adoption of new rules, supporting the ongoing advancement of women's rights protection.

Therefore, although the traditional male-dominant customs of the early Republican era were difficult to fully eradicate and the impact of the traditional marriage system's gender inequality could not be entirely eliminated at once, the development of Ta-Li-Yuan's judicial practices during this period demonstrates that the concept of gender equality gradually began to influence Chinese society. The judicial practices of Ta-Li-Yuan, in the realm of women's rights protection, were reasonable and exhibited a positive role in advancing this principle.

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