
RELATIONSHIP BETWEEN MENTAL COGNITION AND MARRIAGE LAW FROM THE PERSPECTIVE OF GENDER

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Abstract

The existing legal system of marriage and family in China lacks gender awareness. Therefore, this paper aims to introduce gender equality and justice into the legal system. Firstly, the gender construction of marriage and family was discussed, and the three major revisions in China's marriage and family policies were reviewed. Next, a survey was conducted to evaluate the recognition of marriage law among Chinese citizens. The authors also compared the housework and employment conditions between males and females. Through the analysis, it is suggested that marriage and family legislation should advocate equality between men and women, and women should be given more respect and provided with more opportunities for personal development. The research findings shed new light on gender mainstreaming in marriage and family.

Key words: Gender Theory, Gender Equality Marriage and Family, Social Policy.

Received: 03-02-19 | Accepted: 29-06-19

INTRODUCTION

The survival and development of women reflect the changes of the times. As the basic unit of society, marriage and family (Pennington, Patton, Ray, et al., 2017; Boord, 2017; Gutierrez, 2018) provide the most direct emotional and material support for women. Without a fair and reasonable distribution of rights, the equal rights in other fields will also be ignored. Therefore, women's rights and interests in marriage and family are very important. On the one hand, since the founding of the People's Republic of China, with the development of women's liberation movement and the improvement of women's social status, women's survival rights and development interests in marriage and family have been paid much attention. The Constitution emphasizes that women enjoy equal status and rights with men in marriage and family; the Fourth World Conference on Women was held in Beijing in 1995, followed by the

implementation of the "Outline for the Development of Chinese Women", which sets the goals for women's development. Women's status and rights in marriage and family have been further protected, creating a new situation for safeguarding women's rights in China. It reflects the great concern of society and government for women's development. On the other hand, in the field of marriage and family, which is the basic unit of society, the equal status and rights of men and women are extremely important for women's survival and development. It has also heard about gender equality and the protection of women's rights in marriage and family. The promulgation of "Interpretation 3 of Marriage Law" in 2011 is a rock that stirs up waves and spreads gender equality issues in marriage and family to the public again. Women's status and rights in marriage and family have once again become the focus of social attention.

Despite the progress of civilization in China, the marriage and family policy began to pay attention to women's right to survival and development, and the policy of protecting women's rights and interests has also been

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improved, and women's rights and interests have achieved certain results. However, compared with men, women's disadvantaged position in marriage and family is still obvious. This reality has been neglected by current social policies.

First of all, influenced by traditional culture and ideology (Beals, 2018), in current China, the construction of women's role in society makes women bear more labor in the family, and pay more energy and effort to take care of the family. On the one hand, it affects the development of women's academic and career abilities and their economic interests and social status; on the other hand, it makes women more dependent on marriage and family than men, so once marriage is in crisis. Once the family breaks down, women's social support will face a test, both emotionally and economically disadvantaged, and the right to survival and development will face challenges. Especially in the vast rural society, marriage and family as rural women's life attribution, marriage and family problems directly bring women's survival test. Secondly, due to the difference of physiological sex, women's ability of self-protection in personal safety is much worse than men's, which makes the risk of personal injury to women in marriage and family far greater than men. In the phenomena of family violence and marital rape, women often become victims. However, due to the limitations of relief methods and the influence of the traditional concept of "family ugliness is not publicized", the right to health, personality and sexual autonomy has been seriously damaged, but they have not been able to get effective relief.

Gender theory has been the main banner of feminist movement since the 1960s. Gayle Rubin, who first used the concept of "sex/gender system", is engaged in women's trading: "Preliminary Study of Sexual Political Economics" (1975), pointing out that the kinship system creates a sex/gender system through the exchange of women. And in this set of organizational arrangements to be satisfied. Gender refers to social and social relations based on physiological differences between men and women (de Munck & Dapkunaite, 2017; Ponnert, 2017).

Compared with the principle of equality between men and women in China's current legal system, the gender theory is not exactly the same. Although gender equality is divided into

equal equality and equality, it does not take into account the different social needs formed by the different social experiences and experiences of the two from the perspective of social development. The concept of equality between men and women is based on physical gender. Therefore, gender theory is more pertinent than gender equality in guiding marriage and family legislation. This paper introduces the gender theory and discusses the legislative concept of marriage and family law. The relationship between gender and marriage and family law is very close. Gender theory has its own unique analysis method, which can bring new perspectives and inspiration to the study of marriage and family legislation. The combination of gender theory and the concept of marriage and family legislation have a certain degree of inevitability in a sense (Shim, Kochin, & Galvani, 2009; Alsos & Ljunggren, 2017).

The purpose of this paper is to deeply implement the concept of gender equality and justice in the legal system of marriage and break the influence of traditional ideas on the legal system of marriage and family. Examine China's relevant legal system and point out that it lacks gender awareness. Focusing on the legal system of marriage and family, legislative framework, legislative strategy and the spirit of basic principles, we will re-recognize the concept of marriage and family legislation. We should promote the development of the legal system of marriage and family in an all-round way, and promote the construction of a harmonious society and a harmonious family. Research methods include gender analysis method, comparative research method, historical research method, hermeneutic research method and sociological research method. The main research methods are literature research, including the collection and collation of Chinese materials, as well as the collection and translation of English materials. At the same time, we have actively participated in various gender seminars, listened to the opinions of experts and scholars and exchanged gender academic issues with experts and teachers, gained inspiration in discussions, and constantly revised opinions and understandings.

GENDER FOUNDATION OF LEGISLATIVE CONCEPTS OF MARRIAGE AND FAMILY

An overview of gender construction

Social construction is a series of activities composed of people, and the products formed have social factors (Stabile, 2016). According to the Cambridge Philosophy Dictionary, the theory of social construction is called social constructivism. "Social constructivism has different forms, but a common view is that knowledge in certain fields is the product of our social practice and social system, or the interaction and negotiation results of relevant social groups. Some British scholars have elaborated on these common characteristics: the key position of customary knowledge emphasizes the particularity of history and culture. From this we can see that social construction is always associated with criticism of certain understandings. It is emphasized that the formation of phenomena is not a natural process, but constructed under the influence of social system, interpersonal relationship and social activities. It itself can be corrected and changed. Human beings are the social constructors of the human life world. "Society is the product of man, society is the objective reality, and man is the product of society." This is a program of social construction, and the driving mechanism of social construction is a kind of social interests or the interests of some people. As a conflict and divergence of people's interests in social relations, if the total amount of interests is fixed, the solution to the problem is that one party's interests are paramount and the other party's interests are sacrificed. Or different stakeholders understand and adapt to each other in order to achieve relative balance.

The consistent critical attitude of social constructivism to reality caters to feminists' opposition to the unequal social system between men and women. Gender issues belong to the category of social construction, thus forming the relevant theory of "gender construction". Social factors and gender (gender) and new words, the combination of gender and gender refers to the physiological differences between men and women, and gender refers to the understanding of the differences between men and women formed by social culture. The characteristics and behaviors of men and women formed in social culture. Gender is based on rules, resources, responsibilities and the distribution of rights and obligations between men and women, as well as so-called social rules or social norms. That is to say, after a period of time, codes of conduct are formed and repeated operations on economic

basis are legalized. Among them, the identification of social identity and role is entangled. Gender construction is mainly composed of four systems: family, market, community and country, and constantly strengthens their practice and social awareness. In social life, individuals learn and imitate the behavior of their predecessors, and use their own way of life to examine social expectations and obtain social recognition. Although individual abilities, sexual orientation, identity, personality, interest, communication style and social experience are different, these do not hinder the formation of the two sexes. That is to say, regardless of the actual situation of men and women, men and women in the social structure do not care whether they do the same thing. The social mechanism of gender insists that men and women do things in different ways. Social rules eventually led to patriarchy in all fields of politics, economy, culture and family life. Other categories are considered inferior, men are in an advantageous position, and men are considered to have legal advantages in the country and class. The unequal distribution of rights and responsibilities between men and women has become an irrefutable fact. That is to say, in traditional gender culture, the allocation of social resources is directed to male citizens, and the role of women as human beings is subordinate. The distribution of women's interests is equivalent to charity under patriarchal patriotism.

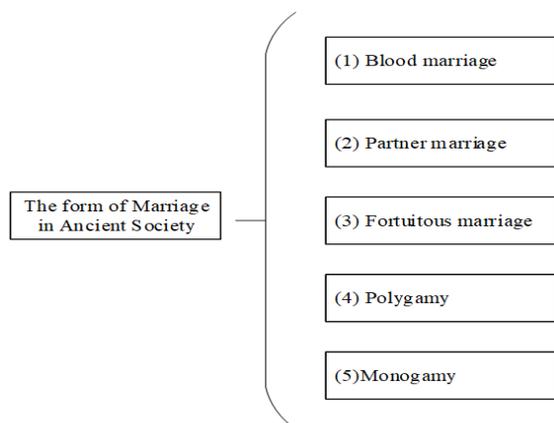
Gender construction of marriage

Sexual life is only considered legal for a long time and has been recognized by society. Therefore, marriage affirms some sexual relationships and excludes others. Marriage is not entirely natural from the beginning. Of course, the connotation of marriage is not limited to sex. However, with the change of society, marital rights between husband and wife have changed.

Ancient forms of human marriage went through five stages: blood marriage, partnership marriage, spouse marriage, polygamy and monogamy and so on. In these five stages, the role of men and women in marriage is deepening, and the unequal status of men and women is gradually formed. In the age of blood marriage, Gang marriage and spouse marriage, men and women worked according to their blood relatives or clans. Women's advantage in

human resources acquired by childbirth is more conducive to organizing community activities. The system of consanguinity marriage, marriage system and even marriage system can only be regarded as the embryonic form of marriage relationship. In the age of marriage, women with children and men eating out have the same social value, and men and women enjoy the same status in marriage. The transition from equality to male superiority requires a long process and a new patriarchal system that repeats and strengthens. When the marriage system moves towards polygamy, marriage becomes a relatively stable form, and the division of labor between men and women in the family becomes more and more role-oriented. Polygamy follows the mother's habit of raising children. The social system negates the labor value of women who have children. The overall power of men in property has evolved into parental power, further restricting women's access to other social labor for wealth until they remain at home and become unconditional slaves to fulfill their obligations (See figure 1).

Figure 1. Marriage forms in ancient society



There was a high social status between wives and wives in ancient China, but the status of wives came from part of the power of their husbands and did not have independent academic qualifications. If polygamy is the concentrated expression of gender conflict, monogamy is the result of conflict. The main reason is that women's participation in social work gradually affects the status of men and women in marriage. The huge clan family structure has been unable to adapt to the development of society. The rights and

obligations of men and women in monogamous marriages derive from women's complete slavery to equality between men and women. At present, women's role in marriage is no longer satisfied with the reproductive machinery and housework. Women can also freely claim the right to participate in social activities, and women can obtain means of livelihood through social work. Therefore, it is necessary to have the same property management and control rights. But in order to achieve comprehensive gender equality, we must also jointly establish a social system inside and outside marriage.

In the long history of marriage, due to the constant conflict and reconciliation between interest groups, the factors affecting the form of marriage and the rights and obligations of men and women are diverse. The social contract and the refusal of the political state to women, family concept and property inheritance, women's housework and women's shackles to foreigners in various social strata failed to form an interest alliance. As mentioned above, maintenance and privatization of property are reasonable in explaining the gender structure of marriage, but they are all one-sided. Social construction is a complex whole. For example, in order to build a society, the society we live in educates us about the morality of raising children, so it is difficult to deprive children of their hearts and protect their hearts from the interests of men and women. Establishing fair gender awareness and improving the status of gender marriage can easily become indispensable. Therefore, we only need to understand the source of the current marriage system according to the concepts of human rights, fairness, justice and equality. Where to go, the former is the expected goal of our reform, while the latter is the force of reform.

Family gender construction

Traditional families consist of members who live together, have marriage, kinship and adoptive relationships, and have mutual rights and obligations. The process of family development is basically synchronized with the development of the aforementioned marriage. Some scholars believe that the family originated from marriage. Marriage can be said to be the key factor for the continued development of the family. Marriage consists of gender.

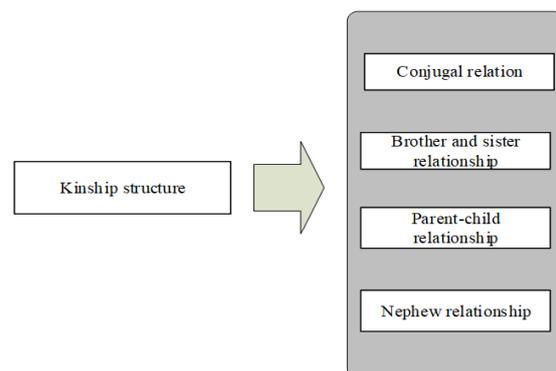
In traditional family structure, family members are relatives. Family structure can be

divided into four categories: husband-wife relationship, sibling relationship, parent-child relationship and kinship. In order to ensure the reproduction of blood relationship and the continuation of society, it is necessary to find a social basis to maintain the continuous reproduction of blood relationship beyond blood relationship. That is to say, finding a representative of a social group that can provide a new generation of women for generations, that is, the shackles of family and tribe, is a social group that continues to provide a new generation of women for a new generation of men. The mechanism of maintaining this social relationship is a taboo of incest. This theory of kinship structure basically clarifies the basic relationship between families and how to ensure the sustainable development of society. On this basis, Gail Rubin put forward the famous feminine trading theory. Men who give and receive women are interrelated. Women are a catheter, not a partner in a relationship. Women's trade is not only the product of patriarchal society, but also derived from consanguineous marriage system. However, the combination of consanguineous marriage system does not result in unfair results for men and women. However, due to polygamy, marriage has gradually become a tool for families to consolidate their status, and the interests of marriage have gradually fallen into the pockets of men. Women can't benefit from their own circulation, and women gradually become subordinates of the family. Women's transactions shape the roles of wives and daughters in the family. It is difficult for a woman who enters another family through a transaction to share her husband's property and power. On the one hand, the wife is the husband's personal belongings, has no right to divorce, undertakes the housework in the marital relationship, and provides various services for the husband. On the other hand, the wife is also a public slave of the family, serving the elderly, raising children and cooking everything in the family. The daughter's main role is that the father proposes to sell in the back garden (See figure 2).

According to the three promulgation and revision of Marriage Law, which is the most representative of the Marriage and Family Policy of New China, and the changes of Chinese society behind the promulgation of the Marriage and Family Policy, China's Marriage and Family Policy has gone through three main stages since

the founding of the People's Republic of China. The following are the three major changes in the evolution of marriage and family policy in New China: the abolition of the old and the establishment of the new from the early days of the founding of the People's Republic to the 1980s, the opening development from the 1980s to the twenty-first century, and the changes and transformation after the twenty-first century.

Figure 2. Relative structure



GENDER PERSPECTIVE ON THE EVOLUTION OF MARRIAGE AND FAMILY POLICY IN NEW CHINA

Marriage and family policy in the early period of the founding of the people's republic of China

The policy background is the abolition of the old and the establishment of the new China in 1949, which changed the face of the old society in China, and announced that the abolition of the old legal system and the establishment of a new social policy and system became a major melody at the beginning of the founding of the People's Republic. Along with women's liberation movement in politics and economy, the feudal traditional system of male superiority and female inferiority has been constantly disintegrated. On the one hand, the social policy in the field of marriage and family inherits the legislative tradition of the revolutionary base period; On the other hand, the purpose of the new democratic marriage and family system has been inherited and developed. On the one hand, at the beginning of the founding of the People's Republic, women were liberated politically and economically. Women urgently needed to get rid of the fetters and oppressions of the feudal

family system, change the advantages of men and women in marriage and family, and realize equality between men and women. At the same time, before the founding of the People's Republic of China, revolutionary base areas and peasant power successively promulgated a series of issues, such as freedom of marriage, prohibition of arrangements, coercion, sale of marriage, monogamy and other principles and systems, which created mature conditions for the abolition of the old and the establishment of the new and the promulgation of the policy of pursuing equality between men and women. It is imperative that the marriage and family policy guided by gender equality be promulgated on a sound basis. On the other hand, the products of the traditional feudal marriage system - bigamy, beggars, raising children, interfering in widows' remarriage, and borrowing money to acquire property, still seriously hamper women's freedom, equality and happiness. Especially in the vast rural areas, such as "parents' life, matchmaker's words", "women's marriage, end at one end" and other feudal vices threaten women's freedom. Therefore, the marriage and family policy promulgated in the early days of the founding of the People's Republic of China urgently needs to solve the legacy of feudal traditional system and feudal ideology, morality and culture, and further clarify the equal status of men and women in marriage and family.

Marriage and family policy in the 1980s

The policy background is reform and opening up. During this period, the chaotic acts of lawlessness broke the brand-new marriage and family order just established at the beginning of the founding of the People's Republic of China. Meanwhile, with the vigorous development of the Great Leap Forward movement and the continuation of the "Cultural Revolution", the social situation changed dramatically, and the issue of gender equality moved to another one. On the one hand, the slogans of "equality between men and women" and "women can hold up half the sky" are in full swing, and the awareness of equality between men and women in society is constantly improving, and women's self-awareness is constantly awakening; on the other hand, under the influence of the demand for mass production and the simple concept of equality between men and women, society encourages and permits women to participate in labor production and society. In economic

construction, the state's overall employment policy has broken the gender restrictions in the industry, allowing women to participate in many male-dominated production areas, making the "Iron Girls" flourish everywhere, but ignoring the physiological differences between the sexes.

The male standard requires women to participate in social labor production. Although it improves women's economic status, it is extremely harmful to women's physical and mental health. In addition, the "labor liberation" liberates women from their families, but it does not "rescue" them. Women are required to take social and economic responsibilities by the state policy while undertaking family services, while men still do not share the family responsibilities of traditional women. Finally, under the influence of the "Cultural Revolution", the concept of class division of marriage and excessive class struggle weakened the anti-feudal struggle in the field of marriage and family, and the traditional feudal marriage concept in the vast rural areas still damaged women's survival and development rights.

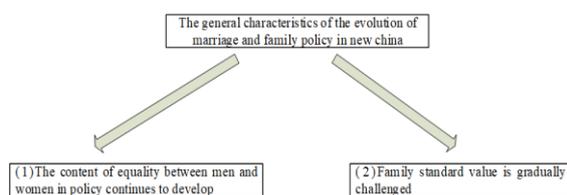
Marriage and family policy in the 21st century

The policy background is change and development. The adoption of the Beijing Declaration and Platform for Action identified 12 critical areas of concern for the advancement of women and explicitly recommended the integration of a gender perspective into all areas of social development. Since then, the continuous implementation of the "China Women's Development Plan" has set goals, plans and action programs for women's development. The society and government have paid unprecedented attention to the protection and development of women's rights and interests.

At the same time, since the reform and opening up, with the transformation of planned economy system to socialist market economy system, Chinese society has been continuously opening up and developing, and cultural forms and values have undergone tremendous changes. The concepts of equality and freedom have gradually penetrated into people's minds. New problems have arisen in human rights, marriage and family. First, the divorce rate is rising. In the early 1980s, the divorce issue has been paid attention to and the "junior three" problem has gradually increased. However, due to the influence of the long-term political

concept of "this is the corruption of bourgeois ideology", marriage and family policies adopt a more cautious attitude towards divorce. At the beginning of the 21st century, the divorce rate increased further. In 1980, there were about 180,000. By 1999, the number had reached about 477,000. The stability of marriage was facing a test. Secondly, the problem of domestic violence was concerned and the problem of domestic violence became increasingly prominent. Only in the 21st century, when the concepts of freedom, equality and human rights are deeply rooted in people's hearts, people begin to pay attention to them. In addition, the new economic and social development has produced many groups such as "laid-off women workers" and "left-behind women in rural areas". Their weak economic status and new social problems have aggravated their marriage crisis. Thirdly, the continuous development of market economy and the implementation of family planning policy have led to the gradual transformation of the traditional "big family" life mode into "small family" life. In addition, the trend of "working in cities and working in cities" continues to prevail, and "buying houses" and "property rights distribution" have become a major problem in marriage, and property ownership is also a problem. It has attracted much attention. Finally, with the re-clarification of guardianship obligations and the refinement of marital property, in the era of rising divorce rate and domestic violence, marital and family disputes become more and more complex. (See figure 3)

Figure 3. Evolution characteristics of marriage and family policy in new China



RE-UNDERSTANDING THE CONCEPT OF MARRIAGE AND FAMILY LEGISLATION IN CHINA FROM THE PERSPECTIVE OF GENDER

New understanding of legislative concepts of marriage and family in China from the perspective of gender

As far as gender legislation is concerned, the principle of equality between men and women was established as early as the founding of the state, but it is more difficult to achieve substantive equality between men and women. Substantive equality is a dynamic process of change. In the age of marriage law in 1980, the emphasis on women's disadvantaged status was inconsistent with the actual development of society. Therefore, some scholars believe that "China is in the transition period from gender equality to substantive equality." The formulation is not exact. Establishing formal equality is often once and for all. Substantive equality requires legislators to conduct social investigation and re-recognition.

Adhere to the individual's position in the concept of marriage and family legislation, (1) personal freedom. Individual freedom is the premise of personal development and maximization of personal interests. The concept of safeguarding individual freedom of marriage and family legislation is not only to guarantee the free exercise of rights by men and women, but also to protect the rights of marriage and family, such as the right to freedom of marriage and the right to disposition. In addition, we must give full consideration to whether the legal system imposes unnecessary restrictions on individual development and whether it indirectly restricts individual freedom. (2) Individual rights. Right is the core issue of legal philosophy. The realization of interests and freedom must be transformed into legitimate rights. Marriage and family law must be based on individual rights and define and protect individual basic rights.

Re-positioning of China's marriage and family law from the perspective of gender

Marriage and family, as the basic unit of people's life, are related to everyone's vital interests. Marriage and Family Law stipulates people's family life, and its responsibility can be said to be important. It is necessary to re-define marriage and family law by introducing gender theory to examine current marriage and family law. (1) The Marriage and Family Law should be the basic law to regulate the marriage and family life of all people. It is unfair for this part of the population to adjust the relationship between husband and wife, as well as the limited relationship between relatives. Other family models and family relationships are not considered. This is not conducive to the

establishment of gender-biased interpersonal relationships. Although the law is not a panacea, because of the arduous task, the law can't give up the interests of certain groups. (2) Marriage and Family Law should be guided by the basic spirit of civil law. From the draft of the Civil Code, it is certain that the future Civil Code will apply the content of "Marriage and Family Law". In addition, the amendment of "Marriage Law" in 2001 introduced some concepts of the Civil Law in order to lay a foundation for entering the "Civil Code" system.

Marriage and family law should play an important role in the establishment of gender awareness legal system

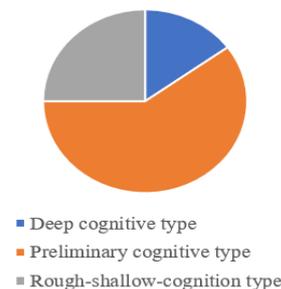
Traditional marriage and family law are the main tool for men to rule out all women's activities in the public sphere, thus further establishing the gender roles of men and women. Marriage and family law, as an important foundation of gender construction, is not only in ancient times, but also in today's legal system. From a gender perspective, the development of marriage and family law is from identity legislation at the gender level to gender equality legislation, from legislation that strictly differentiates gender roles to legislation that weakens gender division of labor. With the increasing awareness of gender mainstreaming, various legal departments have begun to consider gender factors, but the family law has the most direct and direct provisions on the rights and obligations of men and women.

EXPERIMENTS

The campaign to promote marriage law ended at the end of the year and the end of the month. In-depth understanding: cadres have defined the boundaries between the old and new marriage systems, and can deal with people's marriage problems according to the marriage law: 80 to 90 adults among the people are educated: freedom of marriage, equality between men and women, family democracy and spirit have begun to be established. Preliminary epistemology: Most cadres divide the old and new marriage laws; adults aged 60 to 70 are educated and old marriage habits are diluted. The new marriage system has been implemented, but some of them doubt the freedom of marriage, equality between men and women, and the initial improvement of the

relationship between husband and wife and mother-in-law. But there are still cases of abuse of women. Shallow epistemology: cadres and people have a shallow understanding of marriage law. According to the survey statistics, the proportion of the three types of areas classified according to the understanding degree of marriage law as shown in figure 4:

Figure 4. National classification of the recognition level of learning marriage law

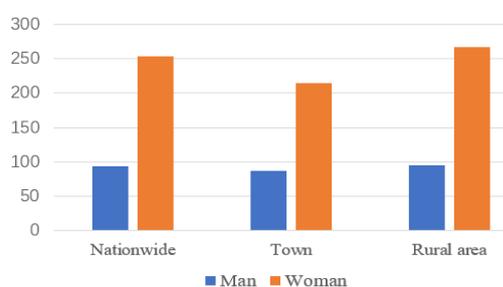


After the promotion of the marriage law movement, the areas with profound understanding of the marriage law accounted for about 15% of the whole country, and the protection of women's rights was better. In most areas, with a preliminary understanding of the marriage law, women's rights initially improved. There are also about 25 areas where women's rights are seriously violated. Marriage laws in more than 75 countries in the country have been well implemented, and the promotion of marriage law movement has opened a good beginning for the protection of women's rights in the future.

At the end of 2010, the second phase of the survey conducted by the All-China Women's Federation and the National Bureau of Statistics on the social status of Chinese women showed that there were still great differences in gender commitment. The wife mainly undertakes more than 85 kinds of household daily necessities, such as cooking, dishwashing, washing and cleaning. On average, women spend 4 hours and 14 minutes a day doing housework, 2 hours and 41 minutes more than men (See figure 5). The difference between men and women in housework is only one minute shorter than a year. As shown in Figure 6, the average daily working hours of urban women are 2 hours, 54 minutes and 1 hour, 39 minutes more than those of men.

Table 1. Employment of women in major industries (10,000 people) in 2015-2017

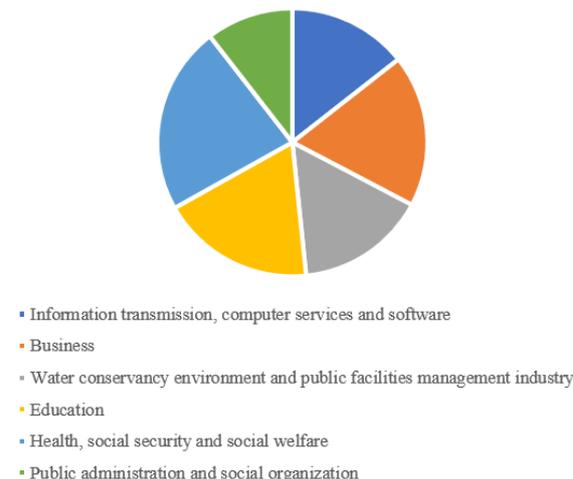
Sub-industry	2015			2017		
	Whole	Female	Proportion (%)	Whole	Female	Proportion (%)
Information transmission, computer services and software industry	116.8	42.1	36	130.1	48.7	37.4
Finance	353.3	164.5	46.6	359.3	171.9	47.8
Water Conservancy Environment and Public Facilities Management Industry	172.5	68.8	39.9	180.4	73.5	40.7
Education	1442.8	672.8	46.6	1483.2	713.2	48.1
Health, Social Security and Social Welfare	485.8	284.5	58.6	508.9	300.9	59.1
Public administration and social organizations	1171	308.1	26.3	1240.8	336.9	27.2

Figure 5. Comparisons of housework time per day between men and women (unit: minutes)**Figure 6. The proportion of female employment in major industries in 2015**

Although women spend the same amount of time in labor production and management activities as men, 38.2% of their daily working time is unpaid family work, which has unrecognized value.

In terms of the proportion of women's employment rights, Chinese women are no longer imprisoned in the family. They can enter society, participate in social activities, and enjoy equal status with men in law. In addition, the

employment level of women has changed from low level in the early stage to high level. At the beginning of the founding of the country, due to the low level of women's education and the relatively low quality of technology, most of them concentrated in some traditional female occupations and occupations transformed from family work. Since the reform and opening up, the employment level of most women has gradually shifted from the primary industry to the secondary and tertiary industries, and then to the social management departments (See table 1 and figure 7).

Figure 7. The proportion of female employment in major industries in 2015

CONCLUSIONS

Based on gender theory, this paper briefly expounds the concept of marriage and family legislation. Gender is a construction process. It is society that has accumulated social forms over a

long period of time and quietly instilled them into the current people's thoughts. The change of gender roles in marriage depends on different factors, such as gender conflicts of interest, social division of labor and political power, and depends on the requirements of different periods. The gender construction of the family benefits from the long-lasting popularity of female trading rules, and women are not born, but cultivated. Traditional marriage and family laws often discriminate against women and protect men's privileges, thus consolidating the inherent order of marriage and family. We should pay attention to the protection of personal rights and interests in marriage and family, realize gender justice in marriage and family, and fully understand the relationship between men and women. Marriage and family law, as an integral part of the superstructure, responds to and resists the current situation of gender, while modern marriage and family law advocates equality between men and women. Emphasizing women's liberation, social practice provides women with more and more opportunities for respect and personal development.

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