

**Marriage Prohibition between Banner People
and People out of the Eight Banners?
——The Legal Norm, Legal Practice and Legal
Consciousness of Intermarriage among Ethnic
Groups in Qing Dynasty**

Qiu Tang*

Abstract

Manchu rulers separate people no matter they are Han, Manchu or Mongolia into banner people and people out of the Eight Banner long-term in Qing Dynasty. Therefore, the situation of intermarriage between people of different ethnic groups is very significant to the understanding of the Marriage Law and the whole civil law system in Qing Dynasty. What's more, it is also a side view of the Manchu rulers' ruling thought, ethnic policy and the ordinary people's response in social practice and legal consciousness. When discussing the intermarriage issue in Qing Dynasty, the habitual answer is "banner people do not marry people out of the Eight Banner." However, when investigating "Qing Code", "Statutes of Hubu" and even imperial edicts, it is difficult to say there is a universal intermarriage ban on the level of legal norms among different ethnic groups in Qing Dynasty. The legal norms should be responded by the legal practice, and there are legal consciousness and legal thought behind legal practice. Reviewing the history, from the emperors to the lower class in Qing Dynasty, most of them were actively practicing intermarriage among different ethnic groups. What's more, the literary works in Qing Dynasty

* Ph. D. Student, National Chengchi University.

also reflected peoples' understanding and sympathy to the intermarriage issue. To sum up, via presenting the legal provisions, historical records and literary records, it appears that, the intermarriage between banner people and people out of the Eight Banners is not an absolute prohibition in Qing Dynasty. It is even allowed or encouraged in some ways, which is different from the traditional narration.

Keywords: Intermarriage between Banner People and People out of the Eight Banners, Qing Code, Statutes of Hubu, The Veritable Records of Qing, Manchu Literary and Artistic Work