

## **A study on marital beating in legal provision of Qing Dynasty**

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### **Abstract**

The paper confirms Shen Jiaben's view by analyzing the legal provision on marital beating since Han Dynasty to Qing Dynasty. Shen Jiaben thought that the punishment about marital beating in Ming and Qing Dynasty was lighter to husband and heavier to wife compared to that in Tang Dynasty. An analysis of the Qing criminal case reports found that husbands frequently beat wives for family dispute in Qing lower-middle-class family, which caused a lot of uxoricide case. The paper tends to conclude that same crime with different punishment between husband and wife mainly caused the consequence. The legal provisions were finally abolished in late Qing Dynasty, although it fit in with the social ideas of husband's superiority. The abolished reason is the western law's introduction, and man of late Qing also had realized and wanted to correct it.

Keywords: the legal provision of Qing Dynasty on marital beating, conjugal relation, debate of Law and Rite