提要

中國歷代政府均視地方治安為重要的政治議題，治安議題也就成為治史者理解古代中國政治運作的一門路徑。過去有關「明清基層社會與治安」的研究，向為中外學者頗感興趣的課題。

本文的重點是討論明清之際基層社會的治安管理情況，為此提出了四個既是獨立但又環環相扣的問題。有別於以往的研究，本文將以捕役這類普遍存在於明清基層社會，而又備受現今學者忽略的基層公務員為切入點，首先重新梳理他們在明清之際出現的原因以及演變過程，解釋他們在明中後期才成為專門的治安人員，並釐清包括捕役在內的應捕人專責維持社會秩序。其次，闡述捕役在基層社會中的職能，指出他們擁有較大的治安和司法權力。接著討論捕役機制存在待遇低劣以及人手編排不足等制度性問題，因而促使捕役濫用職權，從而達到經濟和治安目的。至於捕役犯罪情節的內容和影響，本文摒棄傳統以小說內容入手的做法，改以多部判牘內有關捕役犯罪的真實個案着手，得出「誣良為盜」和「屈打成招」是他們最常見的犯罪行為的結論。這些罪行對基層社會的治安和司法運作造成重大問題。最後把焦點從治安人員轉移到管理這些群體的地方官員上，透過地方官員對待捕役的態度，反映官員在治安管理上的困難和理解。他們一方面面對統治者的治安要求，另一方面又受制度上及資源上的限制，所以只能以加重懲罰的高壓方法來提高捕役完成治安任務的可能和減低他們犯罪的機會。這種態度表層意義反映他們只視捕役為「治安工具」，更深層意義是揭示地方官員對治安管理的終極理解——完成治安任務。

要言之，本文透過捕役以及管理這些治安人員的地方官員，帶出地方治安管理的政策和問題，以另一個角度，瞭解明清之際基層社會的治安情況和特色。
ABSTRACT

This study focuses on the social public order and management of the local society during the Ming-Qing transition. Four independent but related questions are raised for discussions to achieve such aims. First of all, this thesis focuses on the buyi (捕役, literally local constables). They were a type of grass-root civil servant which permeates the local society of the Ming-Qing period, but long been ignored by the modern historians. In order to understand how they became indispensable public security staffs and to clarify their responsibilities, their roles and deeds in the transition period between Ming and Qing, as well as their transformation process in the due course are discussed. Secondly, the functions of buyi in the local society are explored to point out the great power on security and judicial aspect they had seized. After that the institutional issues including a lack of manpower and low remuneration level are discussed, as such issues had pushed the buyi to misuse their power to seek for their own benefits. The third question related to the criminal committed by the buyi. In this chapter the crimes of the buyi are reconstructed from judicial casebooks rather than the late Ming novels. From such cases the most common crimes of those buyi are fallen into the categories of “Accused on innocent person” and “Tortured for confessions”. Such crimes were serious problem to the local judiciary as well as the social order. At last our focus is shifted from those local security staff to those local officials. In order to reveal the difficulties and understanding on maintaining local social order from the viewpoint of officials, how they treated those buyi is thoroughly discussed. On one hand the officials had to obey the nationwide policies imposed to them by the imperial authority, on the other hand they were restricted by the local institutions and resources, therefore the officials could only raise the level of penalties so as to lower the possibility of those buyi to commit crimes, and also to improve their willingness to fulfil their duty. Such difficulties of the officials made them to treat the buyi as “tools for social order maintenance”. Incidentally, it revealed that the ultimate understanding of Ming-Qing local officials on social order maintenance was to accomplish on surface their missions of social order issued from their seniors, other than establish solutions to uproot sources of crimes or to build an effective and uncorrupted force of local constables.

To conclude, this thesis asks us to pay attention to the policies and issues on local social order of late imperial China by exploring the buyi and the local officials whom managing them.
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