

清代軍政規範之研究－以武職仕進、所得、議敘及懲罰為中心

摘要

本論文係以清代軍政規範做為研究主軸，而所探討之主題依序分別為武職「仕進」、「俸餉」、「養廉銀」、「議敘及賞卹」、及「軍律」等五項。所依據之史料主要為《欽定武場條例》、《欽定戶部則例》、《欽定兵部處分則例》、《清朝文獻通考》、以及《大清律例》等。

對於仕進部分，本研究依據《欽定武場條例》發現清代武鄉試之錄取率不到4%，而為籌措財源而增廣學額與中額後，除江西、浙江、順天三個省域不升反降外，其餘各省域之錄取率多數皆增加，這應是清政府經過細算過的結果，但對踴躍捐輸之江西實有規範上的不公。此外，從管轄幅度而言，綠營武職之管轄幅度較八旗軍為高，因此其所承受之管理壓力自然也就較大，然而綠營之戰力並不因此而相對有所提升！至於武職之品級制度，雖已依乾隆之要求，照文職而改為九品十八階，但綠營仍有部分品級未見職銜。

有關武職之薪俸部分，因軍種區分為八旗與綠營兩類，透過解析《欽定戶部則例》之內容，可以發現此兩類軍種，其將弁兵丁之所得項目有所不同，致使無法直接進行比較，而須經過仔細換算方能瞭解兩者之差異。此外，就多數之地域而言，八旗兵丁之所得高於綠營兵丁，這也應是清政府刻意之做法，以模糊獨厚旗人的事實。而武職養廉，起源於親丁名糧制度，幾經調整後至乾隆四十六年底方定名為武職養廉，但此一舉措雖使武職職官有了合法且固定性之額外收入，但也使清政府之軍需費用因乾隆挑補實兵而大幅增加，進而致使日後不得不予以裁減以節約開支。武職養廉定案後，曾以「議罰養廉」以做為官員之行政懲處，以及以「停廉充餉」之行政做為，縮減開支以挹注困窘之國家財政。

就議敘及賞卹而言，清政府對於立有戰功之將士，給予不同軍功及功牌之肯定，並對兵丁賞予一定之經濟性鼓勵，而其規範俱載於《欽定兵部處分則例》之內。武職將兵若因公而致傷殘亡時，清政府亦訂有撫卹制度，以使將弁兵丁勇於報效國家而無後顧之憂。其中戰功議敘主要係針對前進、水戰、執纛、攻城四類而設，而賞卹則隨身體之傷、殘、亡情況，給予不同之撫卹，甚至直接於《大清律例》中明訂「優卹軍屬」之律文。

最後就清代之軍律而言，主要規範於《大清律例》以及《欽定兵部處分則例》之內。《大清律例》軍政門共計二十一條律文及四十二條條例，其律文因仍自《大

明律》，小註則於順治三年為有效解讀《大明律》而進行增註，其後軍政門各條例續有添加，至同治九年方不再修正。前述《大清律例》、《欽定兵部處分則例》可視為法典式之軍律規範，而其他口語式或是條列式之軍令，如雍正之《上諭軍令條約》及乾隆之《行軍簡明紀律》，則可視為非法典式之軍律規範。因《大清律例》與《兵部處分則例》之條文呈現大量互補之型態，因此兩者需於互相參看後，方能確定實際之懲處規定。

要言之，本研究所探討之五項與武職相關之軍政議題，每一項議題清政府都有相應之法規範進行處理。而清政府之主要法規範即為《大清律例》，以及各部會所刊行之則例，其中各則例應時而修，而《大清律例》則於乾隆五年後僅修條例。隨環境之變遷，除與刑律相關者外，在有例不用律之原則下，主要之依據均宜以具備功能性之則例為主。

關鍵字：武職、仕進、俸餉、養廉銀、議敘、賞卹、軍律、《欽定武場條例》、《欽定戶部則例》、《欽定兵部處分則例》、《清朝文獻通考》、《大清律例》

The Study of Military Legal Norms in Qing Dynasty – Focus on the Military Personnel’s Enrollment, Earnings, Merit and Military Act

Abstract

This study tries to explore the following five military legal norms: enrollment, earnings, merits, awards and military act in Qing Dynasty. The major references are Regulations of Military Testing (Wǔchǎng tiáoli), Regulations of Population (Hù bù zé lì), Regulations of Ministry of Military Affairs (Bīngbù chūfèn zé lì), The Textual Research of General History in Qing Dynasty (Wénxiàn tōng kǎo), and Legal Codes of Qing Dynasty (Dà qīng lǜ lì).

After reviewing the military county test as coded in Regulations of Military Testing, the admission rate is less than 4% and there are three provinces (i.e., Jiangxi, Zhèjiāng. Shùntiān) that donate huge amount of money to gain more headcounts allowed for being admitted. Among them, the Jiangxi province donates most but the overall admission rate goes downwards instead of upwards; hence, it is obviously unfair to the Jiangxi province even the whole system is articulated planned. In addition, the controlling span for military officers of Green Banners (Lùyíng) is much larger than the Eight Banners (Bāqí); therefore, the management pressure for Green Banners’ officers is also higher. Nevertheless, the military capability for Green Banners’ officers is not enhanced even they have more soldiers under their supervision. As for the military ranking system, Qing government follows Qiánlóng’s direction and makes it identical to the administrative ranking system with nine grades and eighteen layers. Examining in details, some grades and layers for Green Banners are not actually filled with military positions.

For the compensation packages of military personnel, there are certain discrepancies between Lùyíng and Bāqí according to the information recorded in the Regulations of Populations. As it is difficult to directly compare the compensation packages by items between Lùyíng and Bāqí; consequently, it is necessary to convert the data into uniform standards before the comparison of two kinds of military units can be made and it is believed that such difficulties are intentionally created by the Qing Dynasty. As the data shows, for most of the areas located with military forces, soldiers of Bāqí get higher compensation than the Lùyíng. For the nourishing honesty silver (Yāngliányīn) offered to the military officers, its name was firstly coined as compensation for accompany soldiers of military officers and finally fixed by Qianlong after a long period of evolution. After Yāngliányīn is institutionalized,

the military officers are entitled to a fixed amount of compensation but such offer also raises the military expenses for the Qing Dynasty and plants the seed for military headcounts cut in the later years. In the meantime, the government is wised enough to cut the Yanglianyin when the officers fail to perform their duties or to cut a certain percentage of the Yanglianyin in order that Qing Dynasty can fight against with the rebels with saved expenses. Either way has helped the Qing Dynasty to better manage its difficult financial situation.

For the merits and awards issues, Qing government sets up rules to give credits, honor and even financial bonus to those military personnel in recognition of their remarkable achievements. The rules are coded in the Regulations of Ministry of Military Affairs. In case the military personnel is wounded, crippled, or deceased, the Qing government also has well planned consolation payment system to support those soldiers in order to encourage them to move forward in the battle field without fear of losing their lives. The merit system is majorly focused on the advance merit, water battle merit, carrying flag merit, and charging wall merit. The consolation payment system will also take place when the military personnel is injured, crippled or even deceased. The Legal Codes of Qing Dynasty also has article aims at giving better support to those who lost their family members in the military units.

The military act is primarily coded in the Legal Codes of Qing Dynasty and Regulations of Ministry of Military Affairs. The military governance section of the Legal Codes of Qing Dynasty has twenty-one articles and forty-two ordinances. As the law is transplanted from the Ming Dynasty, all the small notes added by the Shùnzhi, in his 3rd year, is to help the Qing officers to better understand and execute the Legal Codes of Qing Dynasty. Further enhancement was made still to the Legal Codes of Qing Dynasty till the 9th year of Tóngzhì. The Legal Codes of Qing Dynasty and Regulations of Ministry of Military Affairs in this study are regarded as the Codified Code and other oral disciplines or military orders given before the battle are regarded as the non- Codified Code. As the Legal Codes of Qing Dynasty and Regulations of Ministry of Military Affairs are mutually complementary, it is necessary to make cross reference of these two rules before making the final judgement.

Overall speaking, this study explores five themes of the military legal norms related to military officers. All of them are equipped with proper legal regulations to deal with concerned issues. The major legal codes are the Legal Codes of Qing Dynasty and the Regulations of each ministries. However, the Regulation will be

revised on regularly basis but the Legal Codes of Qing Dynasty can only be attached with additional ordinances. As the Regulations have gain more prestigious position over the Legal Codes of Qing Dynasty, it is better to make judgements according to the Regulations unless the cases are more related to the criminal penalties.

Keywords: Military Personnel, Enrollment, Earnings, Merits, Awards and Penalty, Nourishing Honesty Silver (Yanglianyin), Regulations of Military Testing (Wǔchǎng tiáolì), Regulations of Population (Hù bù zé lì), Regulations of Ministry of Military Affairs (Bīngbù chūfèn zé lì), The Textual Research of General History in Qing Dynasty (Wénxiàn tōng kǎo), and Legal Codes of Qing Dynasty (Dà qīng lǜ lì)