

風俗與法律

——以清朝之「安科禮」為討論中心*

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乾隆五十二年（1787）十一月間，清高宗下令將「風俗」一詞之滿文，自 *an kooli*（安科禮）改為 *geren i tacin*（格掄尼塔親），從此「風俗」概念之滿文意涵，可說是自「恆常之例」轉變為「眾人之習」。由於與之相關的史料記載甚少，清高宗何以於此時決定調整「風俗」概念之滿文對譯詞，對於研究者而言確實不易釐清。此舉一方面應與乾隆朝之滿、漢文對譯日益「規範化」有關，另一方面似乎亦反映 *an kooli* 於清帝國「法律」體系中的特殊定位。本文主要運用官方檔案與官書典籍，分析不同時期 *an kooli* 之意義，並且進一步探討「風俗」概念滿文翻譯之演變。本文旨在說明「風俗」的主要滿文對譯詞曾歷經幾階段變化，藉此或許不僅能體會清朝皇帝如何看待與理解「風俗」，亦有助於反思清帝國中「風俗」、「禮教」與「法律」三者間的微妙關係。

關鍵詞：風俗、法律、滿文、清帝國、法律多元論

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Custom and Law: A Study of “An Kooli” in the Qing Empire

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In November 1787, the Qianlong emperor announced an edict on changing the word for “custom” in the Manchu language from “an kooli” to “geren i tacin.” The replacement of the word also altered the concept of custom in Manchu from an “ordinary norm” to the “practice of a large group of people.” However, since records relating to this event are rare, it is hard for researchers to demonstrate why the Qianlong emperor decided to do this. This event was probably related to the standardization of translation between the Manchu and Chinese languages during the Qianlong period; additionally, it also reflected the relationship between “law” and “custom” in the Qing empire. This article principally examines the official archives and publications of the Qing dynasty in order to analyze the meaning of “an kooli” at different times, and discusses further the changing translation of “custom” in the Manchu language. As will be shown, the translation of “custom” in the Manchu language went through different phases of change. Comprehending this process of change not only helps researchers understand better how the Qing emperors interpreted “custom”, but also to reflect on the subtle interactions among “custom,” “Confucian rites,” and “law” in the Qing empire.

Keywords: Custom, law, Manchu language, Qing empire, legal pluralism

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