

THE *TI-PAO* AS BOTTOM-LEVEL BUREAUCRAT: EVIDENCE FROM LOCAL CRIMINAL CASES IN SOUTH CHINA, 1860-1877

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Misgovernment by local officials is frequently spotlighted in accounts of the general socio-political malaise which affected the last century of the Ch'ing dynasty. More specifically, the myriad county functionaries—those “sub-bureaucrats” who bridged the administrative chasm between the magistrate and the common people—are blamed for general abuse of power and corruption of every imaginable form.⁽¹⁾ A breeding ground for popular discontent and finally rebellion was thereby created. In response to countless uprisings and general warfare society became “militarized.” *T'uan-lien* (local militia corps) were organized and led by local notables who sought to protect their own property, and, incidentally, to preserve the political status quo. The self-defense orientation of *t'uan-lien* soon led to involvement in “police” activities.⁽²⁾ Funding for these activities required the levying of new fees and taxes which is believed to have disrupted the normal Ch'ing fiscal and administrative system.

These mid-nineteenth century events have been viewed in terms of a local power shift. Mary Wright concluded from her study of the T'ung-chih Restoration that high officials and statecraft theorists recognized that “the greatest danger to effective Confucian government in China was the powerful position of yamen clerks.”⁽³⁾ By filling officialdom with “men of talent,” however, this

* Currently, as a doctoral candidate in history at UCD, I am completing a larger study of local government and society entitled: “Bureaucracy and Gentry in Rural China: Evidence from ‘Sectarian Cases (*Chiao-an*)’ in Kiangsi, 1861-1895.”

- (1) Kung-chuan Hsiao, *Rural China: Imperial Control in the Nineteenth Century* (Seattle: University of Washington Press, 1960). This is a point Hsiao makes repeatedly, for example, pp. 8, 95-98, 103-124, 162-163, and 256-258.
- (2) Philip A. Kuhn, *Rebellion and Its Enemies in Late Imperial China: Militarization and Social Structure, 1796-1864* (Cambridge, Mass.: Harvard University Press, 1970), pp. 211-215.
- (3) Mary C. Wright, *The Last Stand of Chinese Conservatism: The T'ung-chih Restoration, 1862-1874* (Stanford: Stanford University Press, 1957; reprinted, New York: Atheneum, 1969), p. 93.

danger could be averted. Yet the rulers of China were wrestling with a problem as old as the civil service examination system. How could moral and literary training be of practical administrative value? One solution, as Philip Kuhn contends for the post-Taiping period, was to allow a shift of local power from the "relatively uncontrollable and dangerous group (the clerks and runners) to a relatively sympathetic and predictable group (the gentry)....."⁽⁴⁾

To be sure, imperial blessing was given to the formation of *t'uan-lien* and acquiescence to gentry control of two basic administrative functions, local security and revenue collection. Yet, since the imperially appointed magistrate presumably still lacked operational control over the sub-bureaucratic machinery, would the Manchus, in the long run, really be inclined to tolerate inclusive dominance by the gentry any more than by clerks and runners? At the provincial level, once most of the Taipings were defeated, Peking ordered the disbandment of local armies, and the *likin* tax stations which had supported them were either closed or put under tight provincial management.

At the county and community level the record is hazy. Only by pursuing data which reveal the daily operation of the Ch'ing bureaucracy at its lower reaches can some of the major issues presented by previous scholars be evaluated and additional important questions posed. What were the respective roles of county officials, *yamen* functionaries or "sub-bureaucrats," and the local elite in the government at the community level? Did the local elite relinquish their supposed monopoly of "police" and fiscal matters? Through an examination of local legal cases, many of which were disputes of a type to attract a wide-range of sub-county personnel, much can be learned, especially about "policing."

South China provinces are of special concern, because in this region one rebellious group after another was spawned. There, too, were the cohesive lineage groups which facilitated militia formation. No doubt the local power shift discussed above would be most visible in the areas where the fighting and "militarization" were most intense. Kiangsi was one province deeply scarred. Fukien, while not a major battleground, was subject to much the same impact. The post-bellum local power situation of these two provinces will be viewed by focusing on the role of certain county functionaries in local disputes.

(4) Kuhn, p. 214.

COMMUNITY SECURITY AND LOCAL CONTROL ADJUSTMENTS

The *pao-chia* (community security system) has deep roots in Chinese history. Although Shang Yang of the state of Ch'in instituted a mutual spying network, it was really a Sung reformer, Wang An-shih, who made the discovery of criminal activity the primary interest of specified family groupings and their headmen. During the Ming, Wang Yang-ming while serving as an official in Kiangsi, 1517-1521, refined the *pao-chia* system further. For the purpose of countering marauding bandits a basic ten household unit was used to list all membership by name on a form. With communities artificially divided into units of ten and statically constituted, Wang required all residents to report the arrival of non-registered outsiders or any suspicious activity. The entire group was punished for dereliction.⁽⁵⁾

In the same year that the Ch'ing dynasty was founded in Peking, 1644, the *pao-chia* was instituted. Unlike Wang Yang-ming's locally based program the Manchus constructed an empire-wide institution of local control. One contemporary scholar has labelled the *pao-chia* "the most significant of the rural control institutions" for the last dynasty.⁽⁶⁾ Structurally, the *pao-chia* was nailed together with decimal-sized components. Ten households formed one *p'ai*, ten *p'ai* made one *chia*, and ten *chia* created the largest unit, called a *pao*. At each level there was a headman (i. e., *p'ai-t'ou*, *chia-t'ou*, *pao-chang*), in charge of all members of his grouping. There was some overlap with the similarly built *li-chia* tax system. However, the tax and "police" systems were initially separate organs with different administrative responsibilities. This duality was deliberate because the Ch'ing designed the two systems probably in order to prevent any one organ from assuming too much importance.⁽⁷⁾

Theoretically, the *pao-chia* was to keep careful track of the movement of people and households through a thorough registration procedure. Each household was issued a form upon which was recorded the names of all adult male family members. In some provinces the names of women and children were listed, too. Any change in the composition of the household was to be duly entered

(5) Kung-chuan Hsiao, pp. 27-28.

(6) John R. Watt, *The District Magistrate in Late Imperial China* (New York: Columbia University Press, 1972), p. 185.

(7) Kung-chuan Hsiao, pp. 33-36.

on the placard form. An innovation of the Ch'ing was the use of *men-p'ai*, gate cards, which listed family members, relationship to the head of the household, age, sex, occupation, and even punishable offenses, depending on the locality.⁽⁸⁾ Likewise, local temples and hostels maintained logs of long and short-term visitors.

All subjects, from imperial clan and banner individuals, scholars and officials, to the lowliest of commoners were eventually required to be registered with a *pao-chia* unit. Some unusual types of common people were formed into separate *pao-chia* groups of their own: boat people beginning in 1729, shed people in 1739. Ethnic minorities also formed *pao-chia* groups. All of this occurred where local conditions permitted.⁽⁹⁾ Although Christians, according to the Tsungli Yamen in 1862, were subject to *pao-chia* registration, local exceptions were made.⁽¹⁰⁾ In other words, from the beginning to the end, considerable local flexibility was allowed in the control system.

Registration was not simply for enumeration sake. Rather, it was for control. With a carefully compiled and up-to-date record of residents the movement of people in and out of the *pao-chia's* jurisdiction could be verified, the presence of strangers and possibly fugitives noted, and the principal function of the system entertained. The persons registered and those in charge of registration were essentially made to serve the role of a community constabulary watchful for illegal actions which would then be reported to the county yamen. The Ch'ing rationale was that local inhabitants had the familiarity with the area and the populace so as to make practical the use of such an organization. An outside agent sent to perform surveillance would, on the other hand, be impractical both in terms of knowledge of the locality and expense. Again,

(8) Robert Lee, "The Pao-chia System," *Papers on China*, III (May, 1949), p. 204.

(9) Kung-chuan Hsiao, p. 48. However, it does seem that imperial policy was inconsistent on the registration of certain groups. Ping-ti Ho, *Studies on the Population of China, 1368-1953* (Cambridge, Mass.: Harvard University Press, 1959), p. 51.

(10) *Chiao-wu chiao-an tang* ([The Tsungli Yamen] Archives on Christian affairs and on cases and disputes involving missionaries and converts), (Taipei: Institute of Modern History, Academia Sinica, 1974-1976). Series I, volume 2, document no. 795, 5 January 1862, the Tsungli Yamen to the French [minister], pp. 720-721. Hereafter cited as *CWCAT*, series no./volume no./document no. It should be noted that the date given for each document is the day on which it was either received by or dispatched by the Tsungli Yamen. See note 55 for additional information on this archival collection. It was decided in 1873 to allow Christians in Ch'iu-ch'i-hsü, Ch'ung-jen County, Kiangsi, to disregard *Pao-chia* registration if they so wished. *CWCAT*, III/2/578, 4 May 1873, the superintendent of trade for the southern ports, Li Tsung-hsi, to the Tsungli Yamen, pp. 661-662.

theoretically, the *pao-chia* was a separate sub-bureaucratic institution serving the state as a sort of counterweight to the potentially dangerous and powerful interest groups of the rural areas.⁽¹¹⁾

With this principle in mind Peking included the gentry and scholars and their families within the realm of *pao-chia* administration and surveillance but prohibited their exercise of leadership positions as headmen. However, concessions were made in certain regions, especially in south and central China, where the prevalence and strength of clan or kinship organizations was often evident in the creation of single-lineage communities. There the transmutation of these "natural" units into ancillary components of the *pao-chia* was attempted. The *tsu-cheng* or clan chief was in certain instances the *pao-chia* agent as well.⁽¹²⁾ The Ch'ing recognized the difficulty of incorporating locally powerful and influential members of a community into an organization which barred them from exercise of their social station by exclusion from leadership ranks. Not surprisingly, local notables could easily obstruct the operation of a group led by less powerful neighbors. All in all, however, the local gentry did not paralyze the *pao-chia*.⁽¹³⁾

On the other hand, the *pao-chia* never operated efficiently. The *pao-chia* alone could not extirpate criminals from society. Nevertheless, "the usefulness of the *pao-chia* as an instrument of control lay as much in its deterrent effects on the people as in whatever actual assistance it might render the government in suppression of crimes."⁽¹⁴⁾ This was justification enough for the effort officials high and low alike put into improving it.

Over and over again various emperors made moves to improve the *pao-chia*'s effectiveness. For example, the K'ang-hsi emperor directed two of his sixteen maxims for social behavior at aiding the *pao-chia* through *hsiang-yüeh* pronouncement and the Ch'ien-lung emperor ordered the *pao-chia* used to combat "heretical doctrines" /and secret sects.⁽¹⁵⁾ In 1757 emperor entertained recommendations from high provincial authorities on specific changes needed. After consideration of many proposals the Board of Revenue called for: *pao-chia* headmen selected from "honest, literate, and propertied persons;" and

(11) Kung-chuan Hsiao, pp. 31 and 45-46.

(12) *Ibid.*, p. 47.

(13) *Ibid.*, pp. 67-72.

(14) *Ibid.*, pp. 46 and 74.

(15) *Ibid.*, pp. 49 and 187-188.

exclusion of headmen from pressing tax payments or apprehending criminals.⁽¹⁶⁾ Likewise, the Chia-ch'ing emperor tried to enhance the usefulness of the *pao-chia* by ordering its operational guidelines to be simple and direct. In addition, honest headmen were to be found and yamen runners excluded from these posts and registration work in general. Local officials were supposed to inspect the *pao-chia* registers annually for accuracy, and, finally, *pao-chia* personnel were to be relieved from all duties not directly connected with "police" work.⁽¹⁷⁾

Several important trends and their effects on the *pao-chia* can be noted by the end of the Chia-ch'ing reign. *Pao-chia* headmen of integrity were not easy to find. Although commoners were to manage the *pao-chia* divisions, most were unqualified for the job, educationally and otherwise. Titled scholars were exempted because *pao-chia* service was a type of corvée for which they were not liable.⁽¹⁸⁾ And, in normal times, degree holders were not interested anyway. To be sure, the Ch'ing rulers did not want scholars in "official" positions of local influence.

The leadership vacuum led the Ch'ien-lung emperor to hedge the imperial position. With his 1757 approval of *pao-chia* headmen who were honest, literate, or of property the emperor opened up the *p'ai-t'ou*, *chia-t'ou*, and *pao-chang* positions to land-holding local scholars without degree title, i. e., borderline notables.⁽¹⁹⁾ Keep in mind that in some areas of south and central China the concession had already been made to permit clan heads to serve as *pao-chia* directors, even though it was recognized that major clan heads tended to be men of property and often degree status.

"Even before the end of the eighteenth century the feeling had prevailed in local officialdom that the gentry must be induced to help run *pao-chia* system. That feeling spread in the next century and, reinforced by the gentry's wish to defend their own interests readily translated itself into action."⁽²⁰⁾ When and where law and order disappeared this was especially the case. For in times of social disorder and banditry the *pao-chia* could be transformed into a self-defense force for gentry protection of their own property. Gentry invasion of this realm caused another shift in the Peking-hoped for balance of

(16) *Ibid.*, p. 49.

(17) *Ibid.*, pp. 50 and 53.

(18) *Ibid.*, p. 86.

(19) *Ibid.*, p. 80.

(20) *Ibid.*, pp. 69-70.

local power—one which weighed against both the common people and county authorities. Ironically, in the short run, it was one means to stabilize the status quo as desired by the Manchus.

Local elite domination of the *pao-chia* was of even more significance because of its earlier assumption of fiscal functions from the *li-chia*. In 1713 the K'ang-hsi emperor simplified tax registration work, in turn removing the necessity for quinquennially compiled *li-chia* "yellow registers." The compilation of *ting* figures by the *li-chia* was no longer needed and was stopped in 1740. The *pao-chia* had duplicated this work all along, but, it was discontinued in 1772 also.⁽²¹⁾ Concomitantly, the tax collection function of the *li-chia* was slipping into *pao-chia* hands. Imperial action was partly responsible, yet no more so than local initiative. It had been a short step from dependence on *pao-chia* personnel for fiscal data to actual involvement in prompting and collecting taxes. With the pattern established from 1740 (if not earlier) to 1772, this is exactly what happened for it was a development of administrative convenience. Thus when the local gentry took over the *pao-chia* for defense reasons it found a system with fiscal functions—monetary transfusions for local militia was available.

In terms of local power equations what choices did the magistrate have? Instead of allowing greater intrusion of the local elite into sub-county government administration the county magistrate could have given his men, the yamen functionaries, freer rein or just given tacit approval to action already taken by them. It is explicit enough in Chia-ch'ing's actions cited above to see that yamen underlings had infected the *pao-chia* body. It was not only yamen runners, but also undesirable local characters that sought to become, for pecuniary reasons, *pao-chia* headmen.⁽²²⁾ These men, if not from the same mold as yamen runners, probably were eager to collaborate in shakedown schemes with them. What difference then was there between the two types?

Though not necessarily in the same places where the *pao-chia* had been affected, an analogous development transformed the *li-chia*. When the *li-chia* tax records lost significance "local revenue collection often depended on the transcribed records privately made and possessed by yamen clerks."⁽²³⁾ Where runners were not used in substitute for *li-chia* headmen in the prompting phase

(21) *Ibid.*, pp. 61-62.

(22) *Ibid.*, pp. 82 and 583, n. 172.

(23) *Ibid.*, p. 94.

of collection it was not unusual to find "rascally elements" mercilessly capitalizing on others. In fact, *li-chia* offices were so lucrative to be bought and sold (just like runner positions, it might be added).⁽²⁴⁾ Whether or not the use of runners in *pao-chia* or *li-chia* positions made a real difference to the magistrate's power is a moot point because the possibility that runners were colluding with unscrupulous local notables is just as likely. In either case, it was the common people who bore the burden of the resultant corruption.

The other major option, certainly one not mutually exclusive from the first, was for local officials to utilize another local control organ, one which might provide the magistrate with more community leverage. Such was the usefulness of the *ti-pao* or *ti-fang* system which may extend back into the Ming dynasty.⁽²⁵⁾ Its existence was certainly recognized very early in the life of the Ch'ing reign. In Fukien's Taiwan prefecture the *ti-pao* has been spotted at work as early as the 1680's;⁽²⁶⁾ he was probably working in other areas of China as well. By the mid-eighteenth century the *ti-pao* had become a commonplace community figure. Institutional momentum came, it seems, with the decay of the *li-chia* and the alleged assumption of its duties by the *pao-chia*. Acquisition of local governmental tasks once delegated elsewhere reflects the adjustment of sub-county institutions of control to administrative and power realities in the communities of China. Mirroring already existing conditions found in some localities, the Board of Revenue in 1757 proposed, on the

(24) *Ibid.*, pp. 97-98 and 105.

(25) The terms *ti-pao* and *ti-fang* probably refer to the same position. Both Hsiao and Ch'ü imply this. However, Hsiao (pp. 63 and 66) indicates that confusion does exist making the exact meaning of each term dependent upon the details of individual cases. *Ti-pao* may have been an abbreviation from the phrase *ti-lin pao-chia*, "neighbors in the locality and the pao-chia heads," Hsiao, p. 65. In the case studies presented in this paper the *ti-pao* was also, on rare occasion, referred to as *ti-lin* and *pao-lin*, and in Taiwan *ti-chia* was sometimes used—all combinations from *ti-lin pao-chia*. In any case, a functional definition is best and discernible only from cases in which the *ti-pao* was actively involved. This writer uses the term *ti-pao* unless otherwise specified by the source consulted. Regarding the possible Ming origins of the *ti-pao* system my thanks are extended to William T. Rowe. I have not yet been able to consult his main source of information and rely instead on his summation. See his "A Note on Ti-pao," *Ch'ing-shih wen-t'i: Journal of the Society for Ch'ing Studies*, III, No. 8 (December, 1977), p. 81.

(26) Yen-hui Tai, "Local Government Organizations in Taiwan During the Ch'ing Period, and Their Actual Operations" (University of Washington, 1968-1969), p. 85. This is part one of a three part manuscript some six hundred pages in total length. To my knowledge only several copies were originally made—I am using a xerox of one of those copies. For general information regarding the Tanshui-Hsinchu archives, see David C. Buxbaum, "Some Aspects of Civil Procedure and Practice at the Trial Level in Tanshui and Hsinchu from 1789 to 1895," *Journal of Asian Studies*, XX, No. 2 (February, 1971), pp. 255-279.

recommendation of high provincial counsel, the use of *ti-fang* to handle *pao-chia* administrative services which were being performed without imperial sanction.⁽²⁷⁾ This new arrangement was reaffirmed by the Chia-ch'ing emperor in 1814. In response to a request from Fukien officials for a clear injunction reducing the *pao-chia*'s duties, the emperor decreed "that the duties of arresting criminals wanted by the government and of urging and collecting money and grain taxes shall no longer be imposed upon [the *pao-chia*]."⁽²⁸⁾

It was difficult, nevertheless, to keep *ti-pao* and *pao-chia* functions clearly separate. In some localities the two systems existed side by side, yet here and there the *ti-pao* supplemented the *pao-chia*, while in other places it virtually replaced the *pao-chia*. John Watt writes that *ti-pao* "were appointed in conjunction with the *pao-chia* system but assigned to natural villages, city blocks, and suburban quarters."⁽²⁹⁾ Taiwan data corroborates this view, too.⁽³⁰⁾ Any confusion can probably be explained thus: two separate, yet similar, systems existed because jurisdictions were different but overlapping. For the *pao-chia* the administrative realm was based on decimal-sized components which sometimes were coterminous with "natural" community divisions. However, for the *ti-pao* it was usually a territorial jurisdiction. Solo or dual operation was therefore possible since the two systems were neither mutually dependent or mutually exclusive.

Nonetheless, an unclear situation was often complicated by the seemingly indiscriminate use of sub-bureaucratic titles. By the middle of the nineteenth century both Chinese and Westerners sometimes referred to the *pao-chia* headman as *ti-fang*, a usage carried over into modern scholarship. Drawing mostly from the observations of foreigners in China, Sybille van der Sprenkel places both the *ti-pao* and *ti-fang* at the top of the *pao-chia* groupings.⁽³¹⁾ But the *pao-chia* headman (the *pao-chang* or *pao-cheng*) should not be confused with

(27) Kung-chuan Hsiao, pp. 49 and 63. The following discussion of the *ti-pao* is adapted, for the most part, from an earlier article on the subject. Since then, however, additional evidence has been found which supplements and strengthens my basic argument as well as providing new points for consideration. See, Alan Richard Sweeten, "The *Ti-pao*'s Role in Local Government as Seen in Fukien Christian 'Cases,' 1863-1869," *Ch'ing-shih wen-t'i: Journal of the Society for Ch'ing Studies*, III, No. 6 (December, 1976), pp. 1-27.

(28) Kung-chuan Hsiao, pp. 50-51.

(29) John R. Watt, "The Yamen and Urban Administration" *The City in Late Imperial China*, ed. G. William Skinner (Stanford: Stanford University Press, 1977), p. 387.

(30) Yen-hui Tai, pp. 86-87.

(31) Sybille van der Sprenkel, *Legal Institutions in Manchu China: A Sociological Analysis* (London: The Athlone Press, 1966), pp. 46-47 and 49.

the *ti-pao*, although the latter was called the *pao-chang* in some areas.⁽³²⁾ Tai Yen-hui has found the same nomenclatural confusion for Taiwan. His hard evidence, drawn from numerous cases in the only extant and accessible Ch'ing county yamen archive, reveals that the *ti-pao* was on occasion known as *pao-chang*, even though he was not the *pao-chia* director. Appellational interchange was frequent because of the large amount of functional similarity between the two positions. But the common people more closely associated *pao-chia* directors with themselves, whereas *ti-pao* were linked with county government in the image of yamen runners.⁽³³⁾

Where the *ti-pao* was the administrative successor to both the *li-chia* and *pao-chia*, he represented one of the county government's few remaining instruments of local control. A mid-Ch'ing compendium states that "the service performed by the *ti-fang* is most important."⁽³⁴⁾ Both in China proper and in Taiwan the *ti-pao* was generally responsible to the magistrate for reporting homicides, robberies, salt smuggling, fires, magical practices, disputes over property, and other serious occurrences or suspicious activities. He provided witnesses for inquests, furnished materials for government construction projects, oversaw corvée laborers, and validated property-title transfers.⁽³⁵⁾ Moreover, he was often engaged in urging the payment of taxes and in collecting them, as well as in the registration of households.⁽³⁶⁾ Wang Hui-tsu wrote that only

(32) T'ung-tsu Ch'ü, *Local Government in China Under the Ch'ing* (Cambridge, Mass.: Harvard University Press, 1962), p. 300, n. 10.

(33) Yen-hui Tai, p. 87.

(34) *Ch'ing-ch'ao wen-hsien t'ung-k'ao*, cited by Kung-chuan Hsiao, p. 63.

(35) Functionally, the Taiwan *ti-pao* is indistinguishable from his mainland colleagues. For example, in Taiwan the *ti-pao*'s general administrative functions included: (1) recommendation of other rural functionaries, such as, *pao-chia* headmen; (2) conciliation of minor disputes; (3) assistance in village association management; (4) posting of government orders; (5) registration of population and surveillance activity; (6) supply of labor services for government purposes; and (7) miscellaneous work like the monitoring of granary stock. The *ti-pao* performed the following "police" services: (1) acceptance of various complaints; (2) aided runners in summoning litigants or witnesses for trial; (3) arrest of criminals or offenders and transfer to the county yamen; (4) temporary custody of offenders of minor crimes and suspects awaiting trial; (5) recovery and return of property or release of detained individuals; (6) cessation of violent disputes; (7) investigation and verification of theft or injury; (8) assistance in the preparation and examination of corpses by coroners; (9) patrol for security reasons; (10) supervision of punishments or related work and supervision of the settlement of disputes; and (11) responsibility for surveillance and control of criminals on "probation." Yen-hui Tai, pp. 92-106.

(36) Kung-chuan Hsiao, p. 63; T'ung-tsu Ch'ü, pp. 4 and 152; van der Sprenkel, pp. 46-47 and 72. In one Chihli village during 1881 a *ti-pao* (also called *ti-fang*) was clearly collecting corvée fees for the magistrate. For a summation of this case see, *CWCAT*, IV/1/200, 25 August 1882, the superintendent of trade for the northern ports, Chang Shu-sheng, to the Tsungli Yamen, pp. 200-207. Thanks go to Charles Litzinger for this and other Chihli references.

the *ti-pao* was a reliable "census" source for the names of village residents, while his own experience in local government for over twenty years showed that the *pao-chia* system itself was of little value in every aspect.⁽³⁷⁾

The *ti-pao* may thus be said to have been responsible for the community's compliance to almost all orders from the county yamen. In some instances the magistrate designated a registrational group separate from the *pao-chia* division for ex-convicts, prostitutes, and other disreputable residents and put them under the superintendence of the *ti-pao*.⁽³⁸⁾ However, although the *ti-pao* was associated with a wide-range of local governmental problems, the magistrate was not authorized to permit this functionary to investigate or to settle the really serious cases of crime or dispute.⁽³⁹⁾

The intermediary between the magistrate and the common people was frequently the *ti-pao* who thus became a familiar figure throughout the Ch'ing empire. A late eighteenth-century gazetteer for Yung-ch'ing County, Chihli, specifies a *ti-pao* for almost every village, two for the county seat, and one for each suburban zone, jurisdictions which clearly did not conform to *pao-chia* grouping in decimal fashion.⁽⁴⁰⁾ In Kwangtung the magistrate attempted to control local lineage *sha-so* ("sand offices") with "officially appointed *ti-pao*."⁽⁴¹⁾ When the British leased the New Territories of Hong Kong they found that

(37) Wang Hui-tsu, *Hsüeh-chih i-shuo* (preface 1793; 1883 edition reprinted in Chang T'ing-hsiang, *Ju-mu hsü-chih wu-chung*, 1892), 31b-33. Wang's governmental career stretched across the last half of the eighteenth century. He began secretarial service in 1752, involved mainly in judicial affairs. In this capacity, at various places in Kiangsu and Chekiang, Wang worked for over thirty years under sixteen different officials. While still close to local governmental concerns Wang drafted his *Hsüeh-chih i-shuo*, which soon became an indispensable guide for local administrators. One other handbook and a supplement were also written. Retirement came in 1793 after short service in Hunan as an acting magistrate. Arthur W. Hummel (ed.), *Eminent Chinese of the Ch'ing Period* (Washington: Government Printing Office, 1943), pp. 824-826.

(38) T'ung-tsu Ch'ü, p. 300, n. 14; Fu-mei Chang Chen, "Local Control of Convicted Thieves in Eighteenth-Century China," *Conflict and Control in Late Imperial China*, eds. Frederic Wakeman, Jr. and Carolyn Grant (Berkeley: University of California Press, 1975), pp. 133-134. One Chihli village of three hundred plus households, for example, had its fifty odd Christian households under the supervision of one *ti-fang* while the remaining residents were under the watch of a second *ti-fang*. *CWCAT*. 1/2/660, 3 June 1866, the governor-general of Chihli, Liu Ch'ang-yu, to the Tsungli Yamen, p. 598.

(39) T'ung-tsu Ch'ü, p. 203, n. 14.

(40) *Ibid.*, pp. 202-203, n. 13; and Watt, "The Yamen and Urban Administration," pp. 731-732, n. 63.

(41) Frederic Wakeman, Jr., *Strangers at the Gate: Social Disorder in South China, 1839-1851* (Berkeley: University of California Press, 1966) pp. 153-154.

there was a *ti-pao*, sometimes several, in every village.⁽⁴²⁾

We may observe that it was precisely because the *pao-chia* was not functioning properly that *ti-pao* filled an administrative vacuum. As a mere individual the *ti-pao* very likely created less tension and antagonism in the community than did local control systems which involved more headmen and more regulations. According to Watt, the *ti-pao* was "not drawn from any obligatory roster or supposed to meet any general standards of character and means" but was formally designated by the magistrate and above all responsible to him, doing the dirty work necessary for the flow of taxes and the maintenance of public order.⁽⁴³⁾ In the *ti-pao*, generally a man of low social status, the magistrate found an agent who could be manipulated according to the situation. However, because of his low status and because of his need for maintaining the community rapport required for performing his charge, the *ti-pao* may have been reluctant to exercise fully his duty of reporting on criminal or unlawful activities when these were committed by the local elite. The degree to which the *ti-pao* could be influenced by the local elite depended upon the amount of power held by the latter in comparison to that of the county yamen.

Another view of the *ti-pao* is also plausible. Tseng Kuo-fan realized that some considered it debasing to be known as *ti-pao*, and Feng Kuei-fen believed the *ti-pao* was simply a man rendering "humble services" and beneath even the common people in local stature.⁽⁴⁴⁾ "Sectarian case" (*chiao-an*) material for one locality in Chihli confirms this scholar-official view. Members of a village listed themselves hierarchically in a petition: degree holders, elders, common men, and the *ti-fang*, followed only by common women.⁽⁴⁵⁾

Most descriptions of *ti-pao* would have fit yamen runners, also. The study of Taiwan by Tai Yen-hui makes it clear that runners and *ti-pao* were but two types of the same kind of personnel.⁽⁴⁶⁾ Both were classified as "mean people" (*chien-min*) and denied opportunity for advancement through regular channels into officialdom.⁽⁴⁷⁾ Like the nominally paid runner, the unsalaried *ti-pao*

(42) Maurice Freedman, *Lineage Organization in Southeastern China* (London: The Athlone Press, 1965), p. 66, n. 1; Maurice Freedman, *Chinese Lineage and Society: Fukien and Kwangtung* (London: The Athlone Press, 1971), p. 79.

(43) Watt, *The District Magistrate*, pp. 190-191.

(44) Kung-chuan Hsiao, p. 204; T'ung-tsu Ch'ü, p. 203, n. 16.

(45) *CWCAT*, I/1/563, 11 June 1864, the governor-general of Chihli, Liu Ch'ang-yu, to the Tsungli Yamen, p. 435.

(46) Yen-hui Tai, pp. 3, 86, and 94.

(47) *Ibid.*, 82 and 102; T'ung-tsu Ch'ü, p. 62.

scrambled for remunerative opportunities. Together with yamen clerks and runners, *ti-pao* are known to have practiced extortion in connection with the various taxes and fees and even blackmailed opium users.⁽⁴⁸⁾ Common practice imposed a surcharge on those who availed themselves of such *ti-pao*'s services as the payment of a fee for affixing an official seal to deeds.⁽⁴⁹⁾

The development and imperial sanction of the *ti-pao* as an institution attest to the sub-bureaucratic system's adjustment to the realities of local life: official recognition had to be accorded an arrangement that could produce results. The deviation from the original norms decreed by Peking may be one indicator of the power of the local elite as it influenced the day-to-day operations of the control organs as well as the power of the county magistrate. It is Kuhn's thesis that the civil disorder endemic to nineteenth-century China altered the equilibrium of local society as *t'uan-lien*, with its ad hoc imposts and its military clout undermined both the fiscal foundation and the peace-keeping ability of the county (imperial) government.⁽⁵⁰⁾ Certainly for the duration of a locality's crisis and the militia's existence, the local elite could assume "police responsibilities" and other tasks of government. Perhaps analogous to the militia, the locally devised *ti-pao* institution was absorbed and legitimized by the imperial authorities as another instrument of rural control. However, whether the result of the *ti-pao*'s emergence in the local scene represented a shift in power in favor of the local elite is still debatable.

The nomination and appointment procedure for this functionary may provide some clues to the above problem. It is Watt's view that the *ti-pao* was an important sub-county "agent" appointed by and responsible to the magistrate.⁽⁵¹⁾ T'ung-tsu Ch'ü, too, believes that it was the magistrate who made the *ti-pao* or *ti-fang* appointments, although Ch'ü has not determined the exact method of the selection or the tenure of and qualifications for the appointment.⁽⁵²⁾ Kung-chuan Hsiao adduces evidence from Kiangsu during the mid-nineteenth century to the effect that "the *ti-pao* shall be publicly nominated by the scholars and common people.....and the nominees shall report to the local government for

(48) Jonathan Spence, "Opium Smoking in Ch'ing China," *Conflict and Control in Late Imperial China*, pp. 160 and 164.

(49) van der Sprenkel, p. 47.

(50) Kuhn, pp. 104 and 212-213.

(51) Watt, *The District Magistrate*, p. 190.

(52) T'ung-tsu Ch'ü, pp. 3-4.

appointment.”⁽⁵³⁾ In the nineteenth century Taiwan candidates for the *ti-pao* position were generally recommended by local gentry, elders, and the head runners whose own jurisdictional zone included that of the prospective *ti-pao*. Sometimes, however, county authorities made the appointment without local recommendation. In either instance, the *ti-pao*'s qualifications were to include: an honest and cautious character, familiarity with public affairs, and conjugal status. Upon appointment he received a commission and seal from the magistrate.⁽⁵⁴⁾

However the *ti-pao* was selected and appointed, the manner in which he actually exercised his manifold responsibilities needs to be ascertained. We may perhaps assume the *ti-pao* enjoyed the backing of the magistrate through the yamen underlings who dealt with them. But how did the *ti-pao* stand in relation to the major interest groups in his own community, especially the so-called gentry or local notables? That is, in what way did the *ti-pao* fit into the local ecology of power and interests? Whom did he really represent—the bureaucracy or the community? These are questions that existing works on Ch'ing local government have not yet begun to ask, questions which are nevertheless of great importance, since the *ti-pao* was actually the bottom-level bureaucrat.

The recently published Tsungli Yamen archives on Christian affairs provide data of great value for the study of late Ch'ing social and institutional history.⁽⁵⁵⁾ Imperial authorities considered sectarian, including Christian, activities to be dangerous. Full attention was therefore given to the investigation and settlement of such cases by county officials. It is the perceived dual challenge to political authority and social mores which makes the *chiao-an* material so uniquely valuable. For in such a situation definition and delimitation are clearly given to that which was challenged. Within the documentation of local cases and disputes one is often able to gain a glimpse of the control system in action.

(53) Kung-chuan Hsiao' p. 99. A correction should be noted for this passage: Li Hsing-yüan's order was promulgated in 1846 not in 1820.

(54) Yen-hui Tai, pp. 89-90.

(55) *Chiao-wu chiao-an tang* ([The Tsungli Yamen] Archives on Christian affairs and on cases and disputes involving missionaries and converts), Series I, 1860-1866, 3 vols.; Series II, 1867-1870, 3 vols.; Series III, 1871-1878, 3 vols.; Series IV, 1879-1886, 3 vols. (Taipei: Institute of Modern History, Academia Sinica, 1974-1976). For a brief description of these archives see, Charles A. Litzinger, "Bibliographical and Research Note," *Ch'ing-shih wen-t'i: Journal of the Society for Ch'ing Studies*, III, No. 1 (November, 1974), pp. 95-99.

TI-PAO—THE BOTTOM-LEVEL BUREAUCRAT

This writer has elsewhere pointed out in detail the functions of *ti-pao* as documented in four Fukien case studies for the 1860's.⁽⁵⁶⁾ The main points may be reiterated here. First, the *ti-pao*, despite his supposed lowly status presented himself to be of larger administrative importance locally than any single yamen runner. *Ti-pao* have a wide-range of bureaucratic responsibilities: in addition to detective work, information gathering, and "police" functions, in Foochow (a city filled with numerous government yamens) it was a *ti-pao* who was responsible for the use of an official seal required to validate land transactions, a formal administrative duty which entailed the collection of fees as agent of the magistrate. Second, county and provincial officials in their investigatory reports distinguish the *ti-pao* from other sub-county functionaries. It is not unusual to see the *ti-pao* mentioned by name (for example, the Lo-yüan case) while the opposite is true regarding runners. Moreover, officials had no qualms about forwarding to Peking information gathered by the *ti-pao*, and so labelled, while giving it a prominent place in the official report itself.

Though these Fukien disputes related to circumstances in which one would expect to see involvement of *pao-chia* headmen, actually none of the latter was evident. Absence of evidence is, of course, not evidence of absence. Yet the presence of someone in charge of "police" matters, the *ti-pao*, indicates that he was now of greater significance to sub-county government in this type of dispute than *pao-chia* personnel were, if in fact they were available. The use of certain capable subordinates, the *ti-pao* included, may have forestalled the shift of some administrative prerogatives, to local notables. Or, if the magistrate had indeed lost these prerogatives, perhaps certain functionaries found it in their interest to prevent further erosion of magisterial authority. In either case, somewhere in between the community and the magistrate stood the *ti-pao*. No matter how strong the *ti-pao's* ties were to the county yamen he still was subject to influence by local notables when and where it was not convenient for them to intervene in governmental affairs at a higher level. Events in the Foochow case reveal such a mediatory role.

Kiangsi, during the 1860's and 1870's provides further data which confirms this view of the *ti-pao* as an important local bureaucrat within and without

(56) Sweeten, pp. 8-21.

the city walls of the provincial capital *ti-pao* are at work. After the 1862 destruction of Catholic property in the Nanchang area a *ti-pao* reported to officials on the events surrounding the loss of a church in his jurisdiction. Significantly, when a secret inquiry into the general anti-Christian atmosphere was directed by city officials another *ti-pao* furnished a report—one particularly noteworthy for its attention to important precipitate events.⁽⁵⁷⁾ Similarly, in Chi-an City during 1869 a Catholic church is destroyed, but this time by prefectural examination candidates. Apparently it was the influence and connection of these scholars to the informal power structure of the area which made investigation difficult and settlement slow. A deputy was dispatched from Nanchang to assist the prefect and magistrate. Action by the deputy was quick, but the results were no different. Although the deputy immediately inspected the church site and summoned the neighborhood *ti-pao*, still the *ti-pao* either could not or would not divulge any new information.⁽⁵⁸⁾ The potential usefulness of *ti-pao* in investigations, even very serious ones, is underscored here by an “outside” official. *Ti-pao* were to be found in many, if not all, parts of the province: a fact known by the deputy in the Chi-an case.

Besides being a reportorial agent on call at the community level, the *ti-pao* actually fulfilled a number of administrative functions. In some areas, Nanchang, for one, the *ti-pao*'s importance was perhaps enhanced because the turmoil of civil war had contributed to further *pao-chia* obsolescence. And, in regards to the control of Catholics, in the capital area, over a decade's time, 1861-1872, the provincial government did not once mention the use of *t'uan-lien* or its leaders to help deal with the crisis in the aftermath of the Nanchang anti-Christian incident, or in the face of aggressive Catholic priests and French diplomats. In situations of this sort, whether in Nanchang or elsewhere, Kiangsi officials soon enlisted the assistance of runners and Green Standard soldiers

(57) *CWCAT*, I/2/983, 14 April 1862, the governor of Kiangsi, Shen Pao-chen, to the Tsungli Yamen, p. 916; I/2/994, 6 June 1862, the governor of Kiangsi, Shen Pao-chen, to the Tsungli Yamen, p. 923. Nanchang officials proposed that Catholics be registered at “public offices” either inside or outside the city where “waist badges” would be issued for use in identification at the city gates. This particular registration technique would be unnecessary for monitoring the movement of people if the *pao-chia* was operating efficiently. Moreover, Nanchang *ti-pao* do not appear to be linked to any *pao-chia* network. *CWCAT*, I/2/982, 3 April 1862, the Grand Council forwards the communication of the acting governor of Kiangsi, Li Huan, to the Tsungli Yamen, p. 914.

(58) *CWCAT*, II/2/712, 12 September 1869, the governor of Kiangsi, Liu K'un-i, to the Tsungli Yamen, pp. 901-902.

to conduct inquiries and to make arrests.⁽⁵⁹⁾

Additional information regarding the role of *ti-pao* in investigatory and "police" work is best presented in more complete context. Three case studies follow, each from the 1870's, which show not only the *ti-pao* in action, but also a close-up look at some interesting aspects of community life. Social commentary, however, is reluctantly withheld at this point, except where it has direct bearing on our interest in sub-county administration.

The Hu Pa-i Homicide Case: Fu-liang County, 1872-1876

The world-famous kilns of Ching-te-chen, located near the county seat of Fu-liang, once produced porcelain used by the emperor himself. This area was also an old site of Catholic missionary activity dating back to the Ming dynasty. Many churches and chapels were constructed in the county, including one in Hu-chai-ts'un not far from Ching-te. This village, as the name might imply, was not a single-lineage community. The Hu lineage was the dominant cognate group even though the process of segmentation, as defined by Maurice Freedman,⁽⁶⁰⁾ can be seen at work. Property was still held in common by branches of the Hu clan, but, one Hu Pa-i, an influential convert leader of one branch, decided to sell his share of property (probably once used as the lineage hall) to members of another branch in July 1872.⁽⁶¹⁾ The purchasers later sold the property to Hu Wen-p'in, a *chien-sheng*, of their branch. Early in February 1873 Hu Wen-p'in removed from his newly purchased building a votive tablet placed there by a distant ancestor, an ancestor now important to Hu Pa-i.⁽⁶²⁾ When Hu Pa-i learned of this action he was furious and demanded recompense of one hundred strings of cash for the arbitrary and insulting act committed by Hu Wen-p'in. The two men argued, however, for over a month without resolution. Finally, Hu Pa-i and five other convert friends brought the matter to a head. They cajoled and pressured Hu Wen-p'in continuously for

(59) This was true for trouble which occurred in Hsü-chia-chuang, Nanchang County, *CWCAT*, II/2/694, 17 May 1867, the governor of Kiangsi, Lin K'un-i, to the Tsungli Yamen, p. 870; Chi-an City, II/2/725, 7 January 1870, the Liang-kiang governor-general, Ma Hsin-i, to the Tsungli Yamen, p. 929; and Wu-ch'eng-chen, Hsin-chien County, II/2/777, 2 January 1871, the governor of Kiangsi, Liu K'un-i, to the Tsungli Yamen, p. 993.

(60) Freedman, *Chinese Lineage and Society*, p. 37.

(61) *CWCAT*, III/2/615, 2 March 1876, the governor of Kiangsi, Liu Ping-chang, to the Tsungli Yamen, p. 744.

(62) *Ibid.*, p. 754

consecutive days until he agreed to pay a "fine" of three hundred odd strings of cash. ⁽⁶³⁾

Several weeks later Hu Pa-i accidentally encountered Hu Wen-p'in on the street. The former angrily accused the latter of wanting magisterial intervention and prosecution. Hu Pa-i grasped his kinsman's arm and sought to drag him to the church, there to punish him. Hu Wen-p'in pulled free and fled with Hu Pa-i in hot pursuit. Hu Wen-p'in was soon caught and in a second scuffle suffered a knife wound. Even though Hu once again escaped, by the time he scurried home he was absolutely livid. ⁽⁶⁴⁾

Later, Hu Wen-p'in, together with a nephew, trailed Hu Pa-i back to his home. Outside the house gate Hu Wen-p'in screamed insults and curses until Hu Pa-i rushed from the house palming a knife. The weapon was wrestled away, but during the cat-and-dog fight Hu Pa-i was repeatedly stabbed with his own knife by Hu Wen-p'in. A bystander stopped the fight too late, for Hu Pa-i succumbed to his fatal wounds. ⁽⁶⁵⁾ The date was 20 April 1873.

Cousins of Hu Pa-i quickly found the village *ti-pao*, Hu Yüan-chi (no relationship to either disputant indicated), who verified that the corpse was covered with knife wounds. ⁽⁶⁶⁾ While on the way to report the homicide to the magistrate the *ti-pao* and Hu's cousins were stopped on the road by convert Huang Wan-ch'ing, Hu Pa-i's former medicinal herbs instructor. Huang demanded hush money from Hu Wen-p'in instead of prosecution or local converts would converge on the home of any informer and create a ruckus to be long remembered. ⁽⁶⁷⁾ The *ti-pao* and company reluctantly agree. Through the mediation of two local notables, one hundred and thirty strings of cash were given to Huang and a promissory note for three hundred and eighty more was signed. In addition, Hu Wen-p'in agreed to pay a sum as Hu Pa-i's patrimony. ⁽⁶⁸⁾

There the matter rested. Unknown to all, local convert Ho P'eng-fei, a participant and witness to the above events, went to Kiukiang. Catholic priest Li Yü-ch'ing was informed and together with two "church managers" (*hui-chang*) from the Ching-te Catholic church, Ho, and several others, went to Hu-

(63) *Ibid.*, pp. 744 and 754.

(64) *Ibid.*, pp. 744 and 755.

(65) *Ibid.*, pp. 749-750 and 751.

(66) *Ibid.*, pp. 743 and 744.

(67) *Ibid.*, p. 743.

(68) *Ibid.*, pp. 743 and 746.

chai-ts'un to look into the matter. They arrived on 15 May.⁽⁶⁹⁾ On that same day, according to the deposition of *Ti-pao* Hu Yuan-chi, Priest Li summoned him, a cousin of Hu Pa-i, and the *chien-sheng* degree holders Hu Wang-Kuo and Li Wei-hsien—the earlier mediators. They were told that Huang Wan-ch'ing was totally without authority in demanding hush money. Huang also agreed to return both the unspent money and the promissory note.⁽⁷⁰⁾ Now Li Yü-ch'ing insisted that hush money, in the sum of three hundred taels of silver, be paid by Hu Wen-p'in directly to him. After bargaining, the amount of two hundred taels was proposed. However, the previously agreed-upon patrimony for the deceased was not altered and Hu Wen-p'in was instructed to furnish the village chapel with an annuity.⁽⁷¹⁾

Among the hundred-odd Chinese pages of official reports and depositions it is not disclosed how this matter finally came to the attention of local officials. Since the French were unusually tight-lipped about the affair there is probably only one likely source: Hu Wen-p'in. Regardless, the Fu-liang magistrate, several deputies, the Jao-chou prefect, and officials in Nanchang all examined this case, one after another. The investigation, from beginning to end, was efficient and thorough. By October 1873 almost all the actors in the Hu-chai drama had been arrested by runners, save for the priest, Li Yü-ch'ing, and several minor characters. Depositions were taken by the county magistrate from Hu Wen-p'in, Huang Wan-ch'ing, two *chien-sheng*, a *chih-yuan*, and others. However, in the report submitted to Governor Liu Ping-chang by the acting judicial commissioner and based on the magistrate's report, it was the deposition-report of the *ti-pao* which was given before all others.⁽⁷²⁾ Fifty-one year old Hu Yüan-chi was, according to officials, responsible for reporting the murder of Hu Pa-i, since it occurred within his jurisdiction (*ti-chieh*). But because the *ti-pao* (here called *ti-lin*) had not fulfilled his duty he was therefore sentenced to eighty blows with the bamboo.⁽⁷³⁾ The extenuating circumstances mentioned in detail by the *ti-pao* and the fact that he did not live in Hu-chai-ts'un, but a good distance away, made no difference whatsoever.⁽⁷⁴⁾

The significant function of the *ti-pao* of Fu-liang County in this instance

(69) *Ibid.*, pp. 751-752.

(70) *Ibid.*, pp. 752 and 753.

(71) *Ibid.*, p. 743.

(72) *Ibid.*, pp. 742-743.

(73) *Ibid.*, p. 762.

(74) *Ibid.*, p. 743.

is indicated in several ways. First, it was the *ti-pao* that Hu Pa-i's cousins instantly sought out for verification of the deceased's wounds, a function sometimes fulfilled by either the coroner or even the magistrate himself. Had the *ti-pao* not been coerced by the convert, Huang Wan-ch'ing, the magistrate would have been promptly informed. Yet Huang had successfully obstructed the *ti-pao* with the threat of more trouble. The risk of discovery for administrative negligence by the magistrate was less than the danger of the disturbance of local peace and what that meant to the *ti-pao*. No other local control apparatus was ever mentioned, and the *ti-pao* did not fear that someone else would report the homicide. This makes it very likely that the *ti-pao* was the magistrate's sole reportorial agent in Hu-chai-ts'un. The chance of disclosure of the coverup was thus slim and everyone went along.

The weight of the responsibility that provincial authorities attached to the action, or inaction, of the *ti-pao* is readily apparent in the punishments actually inflicted. In spite of Hu Wen-p'in's death sentence he was eventually released because of the issuance of two empire-wide imperial pardons.⁽⁷⁵⁾ The *ti-pao* was also exempted from his physical punishment, but it was still deemed necessary to have him "dismissed from service" (*ko-i*).⁽⁷⁶⁾ The credibility of this particular *ti-pao* had been destroyed: a better reportorial agent for the village had to be found. Given that Hu Yüan-chi had not been a resident of that village in the first place, the bureaucratization of the position is more evident. Even someone from another village could be appointed which probably remained true when the case was closed in March 1876.

Adultery and Homicide: P'eng-tse County, 1872-1877

In P'eng-tse County's twenty-fifth *tu* a murder was committed on the evening of 15 October 1876.⁽⁷⁷⁾ Within a fortnight the county magistrate had ordered runners to investigate and to make arrests. Ten days after the murder a report was received from Ti-pao Kao Hsien-hsi who outlined the important facts of the case. His information came mostly from the discover of the homicide, the victim's brother.⁽⁷⁸⁾ Based on this crucial report, which included

(75) *Ibid.*, pp. 761 and 762.

(76) *Ibid.*, pp. 762 and 763.

(77) *CWCAT*, III/2/620, 2 May 1878, the governor of Kiangsi, Liu Ping-chang, to the Tsungli Yamen, pp. 828-829.

(78) *Ibid.*, p. 828.

all the names of those involved, arrests were made and a trial held. The testimony of five people allows the retelling of a virtual rustic soap opera, one with an intimate glimpse of daily life in the countryside and a hint at the attitudes of rural folk regarding sub-county administration and traditional values.

During 1872 the convert Chang Ch'un-hsing, a forty-three year old laborer with a violent temper, was hired by the widow Wu née Lo to help her and her only son, Wu Lei-hsia, do farm work. Formality and distinction were not the rule of thumb in this household: employer and employee ate at one table and addressed one another in familiar terms. After the occasion of a local operatic performance in September 1872, widow Wu and Chang made love.⁽⁷⁹⁾ Thereafter, they conveniently cohabited. However, the affair was complicated by Wu Lei-hsia and his wife's discovery of the intimate nature of the relationship between mother and workman. The lovers then forced the son and spouse to move off to a mat-shed hovel and to work elsewhere for a living. Wu Lei-hsia testified that he was terrified of Chang's violent nature and formidable strength.⁽⁸⁰⁾ Wu thus dared not to oppose or to obstruct Chang in any way. The main reason that Wu Lei-hsia did not seek county yamen intervention though was the fear of tarnishing his widowed mother's moral reputation.⁽⁸¹⁾

It is supposed that in the compact agricultural communities of China few actions went unnoticed by one's neighbors. By March 1873 word had circulated among local residents about the harsh treatment of Wu Lei-hsia by his mother. Sensitive to local gossip, Chang, according to his brother, soon became concerned that the village *ti-pao* (once called *pao-lin*) would get wind of the illicit love affair and expel him from the village.⁽⁸²⁾ The clever Chang quickly found a solution: he blackmailed widow Wu with the face-damaging threat of disclosure of the sexual affair in order to wring a marriage invitation from her. The widow felt that she had no choice but to consent. Chang formally hired a go-between to make the nuptial arrangements and became her husband.

Wu née Lo's peace of mind was now gone forever. Chang Ch'un-hsing forcibly took charge of the house and all the fields. Wu Lei-hsia remained helpless to contest it. In an emotion-laden deposition by Wu née Lo she cried out that she could no longer stand the beatings and curses of her new husband.

(79) *Ibid.*, p. 831.

(80) *Ibid.*, p. 833.

(81) *Ibid.*

(82) *Ibid.*, p. 828.

She was desperate to protect the Wu family property from Chang who now desired to sell it and to take his bride back to his native Anhwei. Surreptitiously, but tearfully, the property deeds were passed from mother to son for safekeeping. ⁽⁸³⁾

A sort of checkmate existed until 15 October 1876. Then Chang finally forced his wife to disclose the whereabouts of the property deeds. Chang grabbed a metal rake and rushed to Wu Lei-hsia's hovel. Angrily he demanded the deeds while hammering with the rake, first on the cooking stove then on Wu's wife; Wu Lei-hsia scrambled outside and ran to find friends to help him. In an instant he and three others armed with knives and sticks returned. The table was turned, Chang tried to flee but instead was beaten severely. Chang was stunned and weakened when Wu Lei-hsia launched a savage knife attack. With numerous wounds about the neck and face Chang collapsed in a heap and died. ⁽⁸⁴⁾

Realization that a serious crime had been committed immediately seized the four men. There was only one thing that could be done, reasoned Wu Lei-hsia: hide the body. ⁽⁸⁵⁾ Late that same night, the four men carried the corpse to a small hillside cave behind the village, there it was unceremoniously buried. Each of the men, of course, swore to be silent about the incident. The sole witness, a laborer who worked for Wu née Lo, feared implication in the murder and promised to keep quiet, too.

Chang Ch'un-hsing's obvious absence was noted by his brother who vainly searched for nine days before locating the body. He had been tipped off by someone, for the Chang brother also located the one witness. The witness squealed on the four assailants, and with the information obtained, the Chang brother notified Ti-pao Kao Hsien-hsi. ⁽⁸⁶⁾ The *ti-pao* in turn reported it to the P'eng-tse County magistrate, who accompanied by a coroner, came to the scene of the crime and burial. ⁽⁸⁷⁾ It was possible to determine from the badly decomposed body only that it was covered with knife wounds.

The leading characters in this rural episode were all brought to court, save for the marriage go-between and one of the four assailants of Chang. The case was tried by the P'eng-tse magistrate, the Nanchang prefect, and

(83) *Ibid.*, pp. 831-832.

(84) *Ibid.*, pp. 831 and 832-833

(85) *Ibid.*, pp. 833-834.

(86) *Ibid.*, p. 828.

(87) *Ibid.*, p. 829.

the judicial commissioner, in succession. The facts presented here were substantiated by each of the three investigations. In September 1877 Wu Lei-hsia died of an illness while under runner escort to yet another trial. Wu's crime in modern parlance was homicide in self defense: his punishment was one hundred blows with the bamboo and three years banishment.⁽⁸⁸⁾ The extenuating circumstances had been tacitly recognized. Wu née Lo was judged an adulteress and for illicit intercourse with Chang Ch'un-hsing she was sentenced to one hundred blows with the bamboo and to wear the cangue for one month, the latter punishment was transmutable to a cash payment, however.⁽⁸⁹⁾

The role of the *ti-pao* in a significant matter of community affairs normally thought to be principally under the purview of lineage or village elders is revealed in this case.⁽⁹⁰⁾ The *ti-pao* was apparently a man of some village authority and concerned with "moral" matters as well as purely legal matters. Violent Chang Ch'un-hsing, the intimidator of many others, feared expulsion from the village should the *ti-pao* learn of his love affair with a widow. It is likely that strong ties with the county yamen had reinforced the *ti-pao's* position. Certainly Chang went to a great deal of trouble to legitimize his situation in the Wu household solely because of the village *ti-pao*. An institution of local control had exercised restraint, of a sort, on one resident. The *ti-pao* was definitely a man of some importance to the magistrate. Information from the *ti-pao* was given citational prominence at the beginning of the magistrate's dispatch to the provincial judicial commissioner and in the latter's communication to the governor, which was forwarded to the Tsungli Yamen. When Chang's brother finally discovered the murder it was the *ti-pao* who was first notified and who passed the information on to the magistrate. The next day a complete report is submitted to the county yamen. The *ti-pao's* dual importance to the magistrate and to the rural community is particularly highlighted in this case.

Extortion: Chin-ch'i County, 1874

In Chin-ch'i County on 17 July 1874 eight men who identified themselves as "militia bureau troops" (*chü-yung*) from An-jen, a county to the north,

(88) *Ibid.*, p. 837.

(89) *Ibid.*

(90) T'ung-tsu Ch'ü, *Law and Society in Traditional China* (Paris: Mouton, 1961), pp. 20-41; and Kung-chuan Hsiao, pp. 184-205.

went to convert Fu Chia-lao's home. They accused Fu of using his religion earlier to extort money from other commoners; now he was to be arrested and taken to a militia bureau for punishment. Fu was frightened and through appeal to local Ti-pao Fu Tso-jan (no relationship indicated) a settlement was advised. It was decided for the convert to give the "militiamen" three strings of cash, but, since he had no ready money, one long cloth gown and some small jewelry were handed over instead. The "troops" spent the night at the covert's place yet never gave a hint as to their real identity. The next morning they departed never to be seen again in that village.⁽⁹¹⁾

Fu Chiao-lao later decided to press charges against the extortionists directly with the county magistrate.⁽⁹²⁾ The magistrate then ordered the *ti-pao* to ascertain the names of the men so warrants could be issued for their arrest and prosecution. The undisguised threat of severe punishment for failure motivated the *ti-pao* into action.

Ti-pao Fu Tso-jan, according to the official report sent to the Tsungli Yamen, feared that the magistrate would summon him to court because he had not determined the names of the "militiamen." Eight names were desperately needed by the *ti-pao*. Fu had evidently heard that converts in Teng-chia-pu, An-jen County, had recently lodged a complaint in which five men were implicated. Therefore, in his own report he used the names of these five, plus three others; the eight men were falsely accused by the *ti-pao* of the extortion of Fu Chiao-lao's valuables.⁽⁹³⁾

The Chin-ch'i magistrate checked with his counterpart in An-jen County and learned that one of the men named by Ti-pao Fu had previously been sent to Nanchang for trial. In other words, it was impossible for that man to have been involved in the Chin-ch'i case. Similarly, the other seven men were cleared of blame. Furthermore, it was disclosed by the An-jen magistrate that there were no militia bureaus in operation there.⁽⁹⁴⁾ The Chin-ch'i extortionists were impersonators from a non-existent local militia.

Because the *ti-pao* was guilty of tampering with evidence and the law he was summoned to court for punishment. The judicial commissioner reviewed

(91) CWCAT, III/2/612, 25 May 1875, the governor of Kiangsi, Liu Ping-chang, to the Tsungli Yamen, p. 730.

(92) *Ibid.*, p. 731.

(93) *Ibid.*

(94) *Ibid.*

the case and recommended, according to the statutes on major wrongful acts, that the *ti-pao* be sentenced to eighty blows with the bamboo and to wear the cangue for one month. Although an imperial rescript of late December 1874 provided clemency for many criminals throughout the empire, still the *ti-pao* was to be "dismissed from service"⁽⁹⁵⁾

In this particular case the *ti-pao* is revealed to be the untrustworthy character described by some writers.⁽⁹⁶⁾ On the fringe between law abiders and law breakers, the *ti-pao* undoubtedly could be compromised by the latter. Fu Chiao-lao when confronted with the eight extortionists appealed to the *ti-pao* for aid. Instead of arresting the men, which might have been physically unrealistic, the *ti-pao* helped arrange a peaceful settlement. It is not unlikely that he received some sort of kickback, though this was never stated. And note, too, that the complaint lodged by the convert did not include mention of the *ti-pao*. Nor did the magistrate at once bring the *ti-pao* to task for negligence. Complications for the *ti-pao* come from another area. It was crucial for the magistrate to have an honest and reliable informational agent at the local scene. Only then could investigations precede properly and without undue waste of time and energy. That the magistrate considered this extremely important was indicated by the *ti-pao's* anxiety about his failure to determine the extortionists' identity before they left for parts unknown. Quickly and cleverly *Ti-pao* Fu falsely substituted the names of men involved in a separate litigation with converts. It was logical to use the names of An-jen people since the extortionists claimed to be part of a militia organization in that county. Yet it is somewhat surprising that the supposedly lowly, even ignorant and isolated *ti-pao* was, in addition, to knowing about the distant Teng-chia-pu case, also privy to the names of the An-jen defendants. The *ti-pao* was not without channels of information, channels that led to the county yamen and from there to the higher echelons.

Law and order was tenuous in many parts of the province of Kiangsi. The band of men who hit the convert in Chin-ch'i County likely struck elsewhere as well. Their claim of connection with a militia bureau was probably given credence by appropriate costume or even weaponry: certainly they were a formidable group. It was their alleged connection with a militia bureau,

(95) *Ibid.*

(96) Spence, pp. 160 and 164.

however, which was their basis for authority; a scam which hoodwinked both the convert and the *ti-pao*. It was later discovered that actually there were no existent militia bureaus in An-jen County. If the same was the case for Chin-ch'i County, then peace-keeping responsibilities were totally back in the hands of the magistrate and his community agents. However, the *ti-pao* had failed in his primary task and never arrested the eight extortionists in this case. The best the magistrate could hope for was the severe punishment of the faulty *ti-pao* as an example to others. Though clemency saved the *ti-pao's* skin nevertheless, his dismissal from service was carried out. Unreliable "sub-bureaucrats" could not be tolerated: in this way the power of the magistrate was strengthened.

CONCLUSIONS

Case studies, like the ones presented above, provide yet more pieces for the historical reconstruction of the local governmental structure. Mounting evidence points to the *ti-pao* as a key "sub-bureaucrat," one involved in investigating both major and minor incidents. Although, technically speaking, the magistrate was not permitted to have the *ti-pao* investigate really serious matters such as homicides,⁽⁹⁷⁾ this was not true for the murder of convert Chang Ch'un-hsing in P'eng-tse County. A detailed report on the murder was provided by Ti-pao Kao Hsien-hsi to the magistrate. In Nanchang *ti-pao* are seen inquiring into the events surrounding the destruction of Catholic property and the same is true for all kinds of matters elsewhere in the province. In some, probably many, communities the *ti-pao* was the "eyes and ears" of the magistrate. Similarity to the Taiwan situation described by Tai Yen-hui should not be surprising.

Certainly the quality of *ti-pao* personnel and the reliability of their work was crucial to county government. With the closing of absence of *t'uan-lien* organizations, once involved in "police" work, the importance of the *ti-pao* to the magistrate may have increased accordingly. Reliable and detailed information regarding local problems was demanded by the magistrate for adjudication. When the *ti-pao* in Hu-chai-ts'un, Fu-liang County, was obstructed in his reportorial work and failed to report a murder, the magistrate considered this to be negligence of the worst type. A *ti-pao* in Chin-ch'i County is found

(97) T'ung-tsu Ch'ü, p. 203, n. 14.

administratively deficient also. Both men are ordered *ko-i* or "dismissed from service." In the contexts in which I have seen this term used, I believe it actually implies dismissal from runner service. Albeit the word *i* also means *corvée*, release from an onerous labor obligation would hardly be a punishment.

Directly related to this point is the question: to what degree was the *ti-pao* part of the county yamen staff? Tai Yen-hui's solid conclusion for Taiwan aside, so far only scattered data has been located for Kiangsi. The *ti-pao* in Fu-liang County had a territorial jurisdiction and his position appeared somewhat routinized. This *ti-pao* did not live in the village for which he was administratively responsible, but, in fact, lived a good distance away. The presence of a "sub-bureaucrat" from outside the village makes it less likely that he was selected by the residents of that village and more likely that he was selected by others, maybe runners, and then "appointed" by the magistrate. Certainly the resulting relationship which would have existed if the *ti-pao* was tied closely to the county yamen can be inferred from the actions of *Ti-pao* Fu Tso-jan in Chin-ch'i County. He had access to names of converts implicated in another incident in An-jen County some distance away. I would venture that his information came from a Chin-ch'i yamen contact who was in a position to have received information from *ti-pao* in other localities. In general, it may be said that the *ti-pao* was allied to the county governmental system which was being revived in the post-Taiping era.

A wide-range of bureaucratic activities has been indicated for *ti-pao*, yet one "new" duty can be noted in a locality of P'eng-tse County where the *ti-pao* is seen as an upholder of "morality." A man fears discovery and expulsion from the village because of his illicit relationship with a widow. It is the *ti-pao* who is the subject of concern, not village elders, or clan leaders, if present. Whether or not the *ti-pao* saw himself in the same light is unimportant, because it is the perceived role of the *ti-pao*, in the community by the residents themselves which counts. Here the lowly *ti-pao*, a "mean person," was ironically enforcing an ideal of the scholar-official tradition, a task of the imperial bureaucracy.

(98) Herbert A. Giles, *A Chinese-English Dictionary*, 2d ed. (Shanghai, 1912; reprinted, Taipei: Ch'eng-wen Publishing Company, 1972), states that *ko-i* means "to discharge a yamen runner," p. 758. It might be argued that although the *ti-pao* had certain self-interests to preserve in local disputes, nevertheless, his position vis-à-vis the magistrate was very tenuous. Rowe's stimulating opinion on this point (p. 84) deserves further consideration, too.

GLOSSARY

- An-jen 安仁
 Chang Ch'un-hsing 張春憲
 Chang Shu-sheng 張樹聲
 Chang T'ing-hsiang 張廷驥
 Chi-an 吉安
 chia 甲
 chia-t'ou 甲頭
 chiao-an 教案
Chiao-wu chiao-an tang
 教務教案檔
 chien-min 賤民
 chien-sheng 監生
 chih-yüan 職員
 Chin-ch'i 金溪
 Ching-te-chen 景德鎮
Ch'ing-ch'ao wen-hsien t'ung-kao
 清朝文獻通考
 Ch'iu-ch'i-hsü 秋溪墟
 chü-yung 局勇
 Ch'ung-jen 崇仁
 Feng Kuei-fen 馮桂芬
 Foochow 福州
 Fu Chiao-lao 傅假老
 Fu-liang 浮梁
 Fu Tso-jan 傅作然
 Ho P'eng-fei 何鵬飛
 hsiang-yüeh 鄉約
 Hsin-chien 新建
 Hsü-chia-chuang 徐家莊
Hsüeh-chih i-shuo 學治臆說
 Hu-chai-ts'un 胡宅村
 Hu Pa-i 胡拔一
 Hu Wang-kuo 胡旺果
 Hu Wen-p'in 胡汶蘋
 Hu Yüan-chi 胡沅估
 Huang Wang-ch'ing 黃萬青
 hui-chang 會長
Ju-mu hsü-chih wu-chung
 入幕須知五種
 Kao Hsien-hsi 高咸熙
 ko-i 革役
 li-chia 里甲
 Li Huan 李桓
 Li Tsung-hsi 李宗羲
 Li wei-hsien 李惟灝
 Li Yü-ch'ing 李郁青
 Liang-kiang 兩江
 Liu Ch'ang-yu 劉長佑
 Liu K'un-i 劉坤一
 Liu Ping-chang 劉秉璋
 Lo-yüan 羅源
 Ma Hsin-i 馬新貽
 men-p'ai 門牌
 Nanchang 南昌
 p'ai 牌
 P'ai-t'ou 牌頭
 pao 保
 pao-chang 保長
 pao-cheng 保正
 pao-chia 保甲
 pao-lin 保隣
 P'eng-tse 彭澤
 sha-so 沙所
 Shen Pao-chen 沈葆楨

Teng-chia-pu 鄧家埠

ti-chia 地甲

ti-chieh 地界

ti-fang 地方

ti-lin 地隣

ti-lin pao-chia 地隣保甲

ti-pao 地保

ting 丁

Tseng Kuo-fan 曾國藩

tsu-cheng 族正

tu 都

t'uan-lien 團練

Wang Hui-tsu 汪輝祖

Wu-ch'eng-chen 吳城鎮

Wu Lei-hsia 吳蕾夏

Wu née Lo 吳駱氏

Yung-ch'ing 永清

地保與晚清基層行政系統

摘 要

晚清基層行政制度近來中外學人發表專刊論著者頗多。一般興趣集中於州縣衙門自縣令以下之衙門書吏差役及地方紳士之權力。論者每強調太平天國戰爭期間清方官紳建立團練一事之重要。美國名學者 kuhn 先生認為咸豐朝以後，地方紳士權力提高為紳士倡辦團練之結果。紳士既經團練武力取得警權，嗣乃藉警權而奪取書吏差役控制稅收之權。

本文根據江西福建之教案資料，專論同治中興期中“地保”之功能，藉以探問與地保有密切聯繫之衙門書吏差役是否因太平天國戰事期中之臨時措施而喪失權力。此問題為中國社會史相當重要之問題，蓋官紳權力之消長，牽涉及地方政府之實質也。江西福建皆紳衿宗族強盛之區，太平天國戰爭期中亦皆有團練之組織，江西尤多。

地保之重要，蕭公權先生英文著作中國鄉村一書中，最先指出。清代之里甲保甲制度至晚清已名存實亡。里甲之廢最早。保甲雖理論上兼負治安與催稅之責，而事實上僅保長一人負此雙重責任，而由地方自推之保長每無力為之。地保制度於是應運而生。蓋地保雖理論上亦由地方推舉，而事實上乃由書役遴選，並由知縣或知州任命也。

著者根據福建省之基層社會史材料，斷定在同治中興期中，地保之社會地位雖低，而其重要性與功能皆超越居於州縣衙門之差役。地保負責地方基層警務，每遇刑獄案件，收集證據，探聽案情真象皆由其負責。此外福州城內，房產契據交易，須由地保蓋章，方能生效。地保加此戳記時，並代縣衙門收費。總理衙門教務教案檔中，處理民教衝突案件，亦多以地方官職呈之地保呈文為依據，詳列地保之姓名，儼然以官員視之。

江西省之材料亦證明地保之地位，雖經太平天國戰役團練一度興起，而實仍重要。同治元年南昌區域有二教堂被毀，其先後案情乃由地保收集呈報。蓋團練於戰

事過後亦名存實亡，團練之借保甲爲名者亦然；保甲制度絕未恢復。同治八年吉安府縣有重大教案，委員來勘察，事實上仍倚賴地保調查案情。同治末年光緒初年另有江西省教案三件，亦皆由地保負責報告。

吾人可試問：當時保甲制度如果存在，則基層地方官呈報之文件中，何以從來不提保甲二字？反之，何以府縣官員每遇重要案件皆責成地保擔負警務之工作？本文所舉證據雖乃從側面推敲，然亦可見地保一職之已成爲地方行政系統之一部份，即窮鄉僻壤亦有衙門勢力之存在。至於地保是否同時亦與地方紳士合作，則大致因時因地不同。惟地保之負責警務，可證警務之非由紳士主持之團練負責也。