

林 浩 / 著

中国户籍制度变迁

——个人权利与社会控制

RESEARCHES ON THE CHANGE OF CHINA'S
HOUSEHOLD REGISTRATION INSTITUTIONS

云南财经大学前沿研究丛书



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——个人权利与社会控制

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摘 要

在中国，户籍制度不仅是一般意义上的人口信息制度，而且往往还是制士处民、征收贡赋、规定禄食、兴发力役、组织军旅的基本依据。仅就户籍本身来看，在各历史时期，虽然名称不完全一致，内容也不尽相同，但其基本规定性是连续的，主要包括：户籍都是由国家（统治者）制定，以户（包括一定的组织、家庭或个人）为基本单位，以户内人口或部分人口等为主要登载内容，一些时期还包括土地、财产、赋役，往往内含或隐藏着大量与人、户相关的其他意义和功能。

从制度经济学的角度看，中国的户籍制度不仅是“嵌在”制度结构中登记出生、死亡、婚姻等人口信息的制度安排，而且往往与土地制度、赋役制度、等级制度等相互结合，赋予特定户籍或户籍中的特定个人或群体特定权利和义务，实质是通过控制人及其权利（资源能力）进而控制其他资源的一类制度安排和结构。因此，户籍制度在很大程度上就成为个人权利和社会控制的节点，户籍制度的变迁也就在一定程度上反映了个人权利和社会控制演进的逻辑。

户籍制度在中国已有几千年的历史，时至今日，它仍在一定程度上影响着这片土地上每一个人的个人权利和日常生活。未来作为中国纵贯古今的重要制度之一，仍可能继续影响中国社会的发展进程。因此，不仅需要从理论上对户籍制度涉及的个人权利和社会控制做出解释，而且需要用这些理论指导个人、团体、国家在未来的行动。这样，对户籍制度及其变迁的研究不仅是回顾历史、考察现实的需要，而且是关注未来的需要。

本书以制度经济学作为基本理论工具，从个人权利与社会控制的角度，把户籍制度作为集团或国家通过控制人及其权利（资源能力）进而控制其他资源的制度纳入整个社会的制度框架中，以户籍制度及其历史变迁

为主线，从制度需求、制度供给、制度执行、制度成本及制度竞争等方面，着重考察和讨论制度框架中政治经济制度特别是土地、赋役、等级制度等与户籍制度的各自演进和交互作用及其对个人权利（资源能力）的影响，考察和讨论个人及由不尽相同的个人结成的团体的行动及其对制度框架特别是对户籍制度的影响，以期为未来我国户籍制度改革的取向及个人、团体、国家行动的选择和调整提供一定的参考。同时，通过对中国户籍制度变迁的解释，检验、修正制度经济学相关理论。

本书共七章，实际包括三部分，即理论（第一章）、历史（第二至六章）、结论与历史（第七章）。各章的主要观点和内容如下：

第一章，导论。陈述了本书选题背景和研究意义、理论工具和研究方法，相关概念、理论和研究综述以及研究思路、框架、创新和不足。

第二章，户籍制度的起源。在理性经济人和稀缺框架内，探讨了“一人世界”的利益分歧、交易、产权（权利）和制度。探讨了合作和团体的产生、社会分化和社会结构的形成。从制度的“非中性”、人的差异和偏好出发，探讨了控制产生的根源。从早期人类集团之间身份识别和集团内部资源分配两个方面，探讨了人类早期集团对人的控制制度。

第三章，集团控制。考察和讨论了中国以集团为控制单位模式的产生、集团之间和集团内部控制方式的差异；考察和讨论了夏、商和西周以集团为控制单位模式的不断突破、个体家庭的成长，直至以集团为单位控制模式的终结。

第四章，春秋到唐前期以田制为中心的户籍控制。考察和讨论了春秋时期在土地制度变革和竞争推动下，户籍制度的产生和与之相关的赋役制度、社会组织的变化及影响；战国时期在竞争压力下，各国（特别是秦国）对制度体系的调整和完善；西汉对秦制的继承和修正。考察和讨论了东汉到南朝在豪族分割、军阀割据、国家竞争条件下户籍制度体系的变迁，十六国和北朝少数民族政权胡汉分治的制度体系及与中原制度体系的融合。考察和讨论了隋至唐前期户籍制度与土地制度的最后结合。

第五章，唐后期到清前期以役法为中心的户籍控制。考察和讨论了唐后期户籍制度与田制的脱钩及影响，五代到宋以役户为主的户籍制度的发展。考察和讨论了辽、金、元时期按民族和社会经济形态设定的制度框架和户籍制度体系的发展和变迁。考察和讨论了明朝户籍制度与赋役制度的再结合，以及户籍制度与役法的脱钩。考察和讨论了清前期按民族设定的

制度框架和户籍制度体系，户籍制度与赋役脱钩的完成及影响。

第六章，户籍制度向个体控制的发展。考察和讨论了清末中国传统社会经济结构和户籍制度体系的崩溃，个人作为控制单位开始被纳入控制制度体系。考察和讨论了民国时期处于分割状态下的户籍制度，各政权特别是共产党与国民党之间的制度竞争，及控制单位在家庭和个人之间的摇摆。考察和讨论了新中国对传统制度体系的调整，户籍制度特别是城乡分割的户籍制度的形成；改革开放后对“左”的制度体系的调整，对城乡分割的户籍制度的改革。

第七章，结论与启示。总结了我国户籍制度变迁的特征、趋势和启示。从制度变迁的动力、制度环境因素、方式、社会力量以及成本和竞争方面总结了我国户籍制度变迁的特征，提出我国户籍制度变迁呈现了控制单位逐渐缩小，控制更加深入；控制内容逐渐放松，出现个人权利平等趋势；户籍制度与其他制度的联系逐渐减弱，户籍功能呈现单一化的趋势；但也显示了极强的路径依赖和路径反复。因此，户籍制度改革应顺应社会发展的趋势，回答如何推进户籍制度的现代化，如何在更“国际化”的平台上参与世界范围的竞争，如何适应人类社会步伐的问题；应着重于让更多的个体特别是社会下层通过自身的努力从制度中获取收益，形成稳定的中产阶级和社会的制约；应关注制度成本上升的趋势以及制度的结构关系，在增进社会收益的基础上，推进整个制度框架和结构的改革；要克服路径依赖，根本在于推进工业化和城市化进程，但即使是不得不“照顾”某些落后的实际制度，也应包含激励人们向先进方向努力的机制。

本书创新之处在于：（1）以制度经济学作为基本理论工具，从个人权利与社会控制的角度，把户籍制度作为集团或国家通过控制人及其权利（资源能力）进而控制其他资源的制度，纳入整个社会的制度框架中，考察制度环境演进与户籍制度变迁的交互作用，及对制度框架和个人权利（资源能力）的影响，个人行动及其交互作用对制度框架特别是户籍制度的影响。把户籍制度的变迁概括为起源、集团控制、户籍控制和个体控制四个阶段，而把户籍控制视为从集团控制向个体控制演化过程的环节，为户籍制度变迁提供了一种可能的研究思路。（2）尝试通过对户籍制度历史变迁中个人权利与社会控制本原、发展和变迁的考察，为未来我国户籍制度改革的取向以及个人、团体、国家行动的选择和调整提供一定的参考，包括：户籍制度改革应顺应社会发展的趋势，应着重于让更多的个体特别

是社会下层通过自身的努力从制度中获取收益，应在增进社会收益的基础上，推进整个制度框架和结构的改革，户籍制度改革的根本在于推进工业化和城市化进程等。(3) 通过对中国户籍制度变迁的解释和检验，对制度经济学相关理论提出了一些修正，包括：在理性经济人和稀缺框架内，探讨了“一人世界”的利益分歧、交易、权利和制度，将理性经济人和制度研究推进到“鲁宾孙·克鲁索的一人世界”；在稀缺、竞争和技术约束下，论证了人类早期集团的排他性公有产权属性、增加人口和扩大狩猎采集范围的巨大成本是团体人口增长的限制因素；人口增殖是既定资源条件改变的结果而非原因；在路径依赖的基础上提出了路径反复学说等。

不足之处主要有：(1) 由于理论功底的不足，研究中“史”的成分仍然较重，理论探讨还不够深入，理论的抽象和总结也还不足；(2) 研究局限于中国户籍制度变迁本身，而未涉及户籍制度及个人权利和社会控制变迁的国际比较和借鉴；(3) 由于中国户籍制度变迁本身的复杂性和篇幅的限制，论文最后只保留了“孤证”，可能在一定程度上影响到论文的说服力。

关键词：户籍制度 社会控制 个人权利 制度变迁

ABSTRACT

In China, household registration institutions are not merely sources of information about population; they provide the fundamental means for administrating the state and people, taxes and labor service levying, setting government – official pay scales. Although household registration has changed its name and content on a number of occasions in some period of history, there is an underlying continuity in respect to its basic rules: government sets the household registration, household (provided information about organization, family or individual) forms the basic unit of population and administration, registration contents mainly include all or part of household population, and in some periods of history, it has been the main source of information in respect to land, property, taxes and labor service levying with them, as well as other functions relating to people and households.

In the point of view of institutional economics, the China's household registration institutions is not only a class of demographic institutions in the institutional structure with recording birth, death, marriage, and so on. It always acted with land, taxes and labor service levying, and hierarchy institutions, and conferred special rights and obligations to some individual or group via the household registration institutions; essentially, it can be seen as a kind of institutions arrangement and structure controlling other resources, which via its control to individual and individual's rights (resources capability). Therefore, the household registration institutions are of key points in respect to individual rights and social control, thus also the household registration institutions change can to some extent be seen as reflecting the logic evolution of

individual's rights and social control.

For more than thousands of years, the household registration institutions have been influencing individual's rights and daily life. However, as important and unique institutions, in future generations they will no doubts continue to act in influence China's social change. Thus, the household registration institutions involved individual rights and social control should be explained theoretically, which would guide actions of individuals, groups and countries in the future. Therefore, researches on the change of household registration institutions are absolutely necessary when we review and take lessons from historical experience, solve practical problems now and choose direction for the future.

This paper has made use of institutional economics as the basic theoretical tool, in the perspectives of individual rights and social control, it has taken the household registration institutions as a means of control of individuals and personal rights (resources capacity) have been used to influence and control other more resources into the whole framework of the society institution. The main line of this paper is household registration institutions and its historical changes. In the aspects of institutional requirements, supplies, implementation, costs, and competition etc., the paper has mainly studied and discussed the changes seen in the fields of political and economic institutions, which is in the institutional framework, on land, taxes and labor service levying, hierarchy institutions, and their changes and interactions with the household registration institutions, as well as these influences to individual rights (resources capacity). Furthermore, its study and discussion include how the actions taken by individual and groups (formed by different individuals) influenced to the institutional framework, especially to the household registration institutions. This study is aimed at enabling better choices of directions in respect to formulating reforms of China's household registration institutions, and as a reference point in helping individuals and the government to make better choices. At meanwhile, by the means of explaining the change of China's household registration institutions, this paper has tested and refined the related theories of institutional economics.

This paper consists of a total of seven chapters, which formed by three parts: theory (Chapter I), history (Chapter II to VI), theory and history

(Chapter VII), and what follows is a detailed description of each of these chapters.

Chapter I. Introduction. This chapter discusses the background and significance of the research, the theoretical tool made use of, research methods, related concepts and theories, literary reviews, study concept, frame and new innovative approaches.

Chapter II. The origins of household registration institutions. This chapter discusses the divergences of interests, trading, rights and institutions in a Robinson Crusoe (one-man) economy, based on the rational economic man and scarcity of resources; second, it discusses the processes of cooperation and groups, social differentiating, and social structure forming. It also discusses the roots of control base on institutional non-neutral, individual differences and preference; third, It discusses the control institutions of that early humans group control of its members.

Chapter III. The mode of group controlling. This chapter studies and discusses the start of China used groups as the mode of controlling unit, the differences between different groups in respect to methods of internal control, as well as a series of breakthroughs made in respect to means of group controlling, individual family growth, and finally the end of group controlling mode in the Xia, Shang, and Zhou dynasties.

Chapter IV. The household registration institutions coupling of the institutions of land. First, it studies and discusses the household registration institutions was created to fit in the land system reform and competition between kingdoms in Spring and Autumn period, and the effects on tax, labor service levying institutions and social organization that these changes brought about. It also studies and discusses the kingdoms (especially Qin Dynasty) adjusted and improved the institutions under the pressure of competition, and the Western Han Dynasty inherited and revised the Qin's institutions. The household registration institutions was torn by powerful family, warlords, and separatist regimes from the Eastern Han Dynasty to the Southern Dynasty. The different minority regimes according to different standards divided the institutions between Hu and Han in the Northern Dynasty. The household registration institutions last

combined with the land system during Sui and the early Tang periods.

Chapter V. The household registration institutions coupling of the labor service levying institutions. First, it studies and discusses the decoupling and impact brought about by the household registration institutions and the institutions of land in the late Tang Dynasty, as well as the labor service levying household based development of the household registration institutions during the period of the Five Dynasties and Ten Kingdoms ending in the Song Dynasty; second, it studies and discusses the institutions framework under the nationalities and socioeconomic configuration, as well as the development and change of the household Registration institutional in the Liao, Jin and Yuan dynasties; third, it also studies and discusses the household registration institutions coupling again and decoupling of tax and labor service levying institutions in the Ming Dynasty; forth, it studies and discusses the institutional framework under the nationalities and socioeconomic configuration, and the decoupling and impact brought about by the household registration institutions and labor service levying institutions in early Qing Dynasty.

Chapter VI. The way towards to be individual control. First, it studies and discusses the collapse process of Chinese traditional social economy structure and the household registration institutions in the late Qing Dynasty, individual as the control unit began to be incorporated into the control institutions; second, it studies and discusses the household registration institutional was torn by different regimes in the period of the Republic of China, the choice of control unit was in the uncertain between individual and family, and the institutional competitions existed among the Communist Party, the National Party, and other regimes; third, it studies and discusses the traditional institutions were reformed in Republic of China, and the household registration institutions were divided into separate rural and urban institutions, the changes made to left institutions after the reform and the reforms of the urban and rural household registration institutions.

Chapter VII. Conclusions and implications. This chapter provides a summary of the feature, trends and implications about the change of household registration institutions.

The innovations of this paper are: 1. This paper analyses the household

registration institutions change using the theory and methods of institutional economics, and selected the research perspective of individual rights and social control. The household registration institutions change in china can be summarized in four stages: origin, group control, household registration control and individual control. Those will provide an idea for the household registration institutions change research; 2. This paper is aimed at enabling better choices of directions in respect to formulating reforms of China's household registration institutions, and as a reference point in helping individuals and the government to make better choices, through the investigation of principle, development and change of individual rights and social control in the household registration institutions; 3. This paper were explained the China's household registration institutions changes using the relevant theories of system economics, and tested these theories, on this basis, this paper presents some theoretical correction aiming at the existing problems of the part of these theories.

The deficiencies of the paper are: 1. Because of a lack of greater academic knowledge, too much emphasis is placed on historical processes, the theoretical discussion was not sufficient, as well as abstract and summary; 2. The research was confined to China, without international comparisons about the household registration institutions, individual rights and societal controls; 3. Because of the complexity of China's household registration institutions and the length limitation of this paper, some discussion to retain the single evidence, and in this way loose some of its persuasive power.

Keywords: the Household Registration Institutions; Individual Rights ; Social Control ; Intuitional Change

目 录

1 导 论	1
1.1 选题的由来和意义	1
1.1.1 选题的由来	1
1.1.2 研究的意义	2
1.2 理论工具和研究方法	3
1.2.1 理论工具	3
1.2.2 研究方法	4
1.3 相关概念、理论和研究综述	5
1.3.1 相关概念和理论	5
1.3.2 相关研究综述	29
1.4 研究思路、框架、创新和不足	39
1.4.1 研究思路和框架	39
1.4.2 研究创新和不足	42
2 户籍制度的起源	44
2.1 “一人世界”的交易、产权和制度	44
2.2 多人世界中的竞争与合作	51
2.3 对人的控制的根源	58
2.4 人类早期集团对人的控制制度	61
2.5 小结	65
3 集团控制	67
3.1 部落（联盟）时期集团控制的出现	67

3.2	夏的集团控制	70
3.3	商的集团控制	72
3.4	西周集团控制的终结	78
3.5	小结	85
4	户籍制度(以田制为中心)	87
4.1	春秋到西汉:户籍制度的出现和发展	87
4.1.1	春秋的户籍制度	87
4.1.2	战国和秦的户籍制度	94
4.1.3	西汉的户籍制度	104
4.2	东汉到南北朝:分割状态下的户籍制度	116
4.2.1	东汉到南朝的户籍制度	116
4.2.2	十六国和北朝的户籍制度	135
4.3	隋到唐前期:户籍制度与土地制度的最后结合	148
4.3.1	隋的户籍制度	148
4.3.2	唐前期户籍制度	152
4.4	小结	163
5	户籍制度(以役法为中心)	166
5.1	唐后期到宋:以役户为主的户籍制度	166
5.1.1	唐后期的户籍制度	166
5.1.2	五代、宋的户籍制度	172
5.2	辽、金、元:依民族和社会经济形态的户籍制度	185
5.2.1	辽、金的户籍制度	185
5.2.2	元的户籍制度	197
5.3	明到清前期:户籍制度与赋役的脱钩	216
5.3.1	明:户籍制度与力役的脱钩	216
5.3.2	清前期:户籍制度与赋役脱钩的完成	240
5.4	小结	259
6	向个体控制的发展	262
6.1	清后期:从户籍制度向个体控制的转向	262

6.1.1 清后期传统户籍制度的崩溃	262
6.1.2 清末现代户籍制度的引入	268
6.2 民国：分割状态下的户籍制度	274
6.2.1 北洋政府时期的户籍制度	274
6.2.2 南京国民政府时期的户籍制度	278
6.2.3 抗战时期的户籍制度	283
6.2.4 解放战争时期的户籍制度	289
6.3 新中国：传统户籍制度的回归与调整	296
6.3.1 改革开放前的户籍制度	296
6.3.2 改革开放后的户籍制度	313
6.4 小结	332
7 结论与启示	335
7.1 户籍制度变迁的特征	335
7.2 户籍制度变迁的趋势	338
7.3 户籍制度变迁的启示	341
主要参考文献	345
后 记	363

CONTENTS

1	Introduction	1
1.1	Background and significance of the research	1
1.1.1	Background of the research	1
1.1.2	Significance of the research	2
1.2	Theoretical tool and research methods	3
1.2.1	Theoretical tool	3
1.2.2	Research methods	4
1.3	Related concepts, theories and literary reviews	5
1.3.1	Related concepts and theories	5
1.3.2	Literary reviews	29
1.4	Concepts, frames, innovations and deficiencies of the research	39
1.4.1	Concepts and frames of the research	39
1.4.2	Innovations and deficiencies of the research	42
2	The origins of the household registration institutions	44
2.1	The trading, property rights and institutions in a one - man economy	44
2.2	The competition and cooperation in a real world economy	51
2.3	The roots of controlling human	58
2.4	The controlling human institutions in early human groups	61
2.5	Summary	65
3	Group controlling	67
3.1	The starts of group controlling during tribal (alliance) period	67

3.2	The group controlling in xia dynasty	70
3.3	The group controlling in shang dynasty	72
3.4	The end of group controlling in xizhou dynasty	78
3.5	Summary	85
4	The household registration institutions (coupling of the institutions of land)	87
4.1	From spring and autumn period to the western han dynasty; created and improved	87
4.1.1	Spring and autumn period	87
4.1.2	The warring states period and qin dynasty	94
4.1.3	The western han dynasty	104
4.2	From the eastern han dynasty to the southern and northern dynasty; in the fragmentation state	116
4.2.1	From the eastern han dynasty to the southern dynasty	116
4.2.2	The sixteen states and northern dynasty	135
4.3	From sui to the early tang dynasty: last combined with the institutions of land	148
4.3.1	Sui dynasty	148
4.3.2	The early tang dynasty	152
4.4	Summary	163
5	The household registration institutions (the labor service levying institutions – centered)	166
5.1	From the late tang to the song dynasty: the labor service levying to be served as the center of the household registration institutions	166
5.1.1	The late tang dynasty	166
5.1.2	The five dynasties and song dynasty	172
5.2	Liao, jin and yuan dynasties: under the nationalities and socio – economic configuration	185
5.2.1	Liao and jin dynasties	185
5.2.2	Yuan dynasty	197