

## 刑人於市：明代棄市刑探析

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古代於市集執行死刑，將屍體棄置示眾，稱為「棄市」。明代死刑執行方式，以斬刑、絞刑和凌遲為主，棄市雖未具文於律法之中，卻沿襲此一古老刑罰，它成為明朝皇帝打擊臣民的重要手段。各級官員中，如兵部尚書于謙、內閣首輔夏言與遼東經略熊廷弼等人均遭棄市而亡。這種當眾污辱遺體的行刑方法，在明代十分盛行，是僅次於凌遲的刑度，目的在讓萬民引以為鑑，不可重蹈覆轍。本文藉以耙梳史料、彙整史例，除探討帝王使用棄市刑罰的原因、官民觸犯的死罪條例以及其存在的時代意義外，同時也針對棄市行刑的時地、用刑不當的彌補方法與臣僚是否支持使用棄市等加以剖析。未在《明律》規定的棄市刑法，適用於各種犯罪類型，反映出絕對的君臣關係，是明代皇權政治的高度體現。

關鍵詞：棄市、死刑、明代、西四牌樓

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## Public Execution at the Market: An Exploration and Analysis of *qishi* in the Ming Dynasty

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In the old days, executions were conducted at markets, with the corpses abandoned and shown publicly. This method of execution was known as *qishi* 棄市. In the Ming dynasty, executions were carried out mostly by beheading, hanging and slow slicing. Although *qishi* was not included in any written legal codes, it continued to be used as a matter of custom. For the Ming emperors, *qishi* was an important means to oppress their subjects. Minister of War Yu Qian, Senior Grand Secretary Xia Yan, and Military Delegate to Liaodong Xiong Tingbi were all executed by *qishi*. This humiliating execution was an extremely prevalent punishment in the Ming Dynasty. Second only to slow slicing in terms of severity, the purpose of conducting *qishi* was to set an example for the people, to teach them a lesson and warn them not to make the same mistake. This article collects and organizes historical cases of *qishi*. It examines the reasons why emperors carried out *qishi*, as well as the specific criminal laws violated by the condemned. It also discusses the context in which *qishi* was conducted, the compensation when the punishment was wrongly applied or misused, and officials' positive and negative views of the practice. Although not recorded in the Great Ming Code, *qishi* nevertheless was applied to a wide range of criminal cases. As a punishment, *qishi* reflected an absolutist emperor-minister relationship, and demonstrates the nature of imperial politics in the Ming dynasty.

**Keywords:** *Qishi*, death penalty, Ming Dynasty, West Four Archway, Xia Yan

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