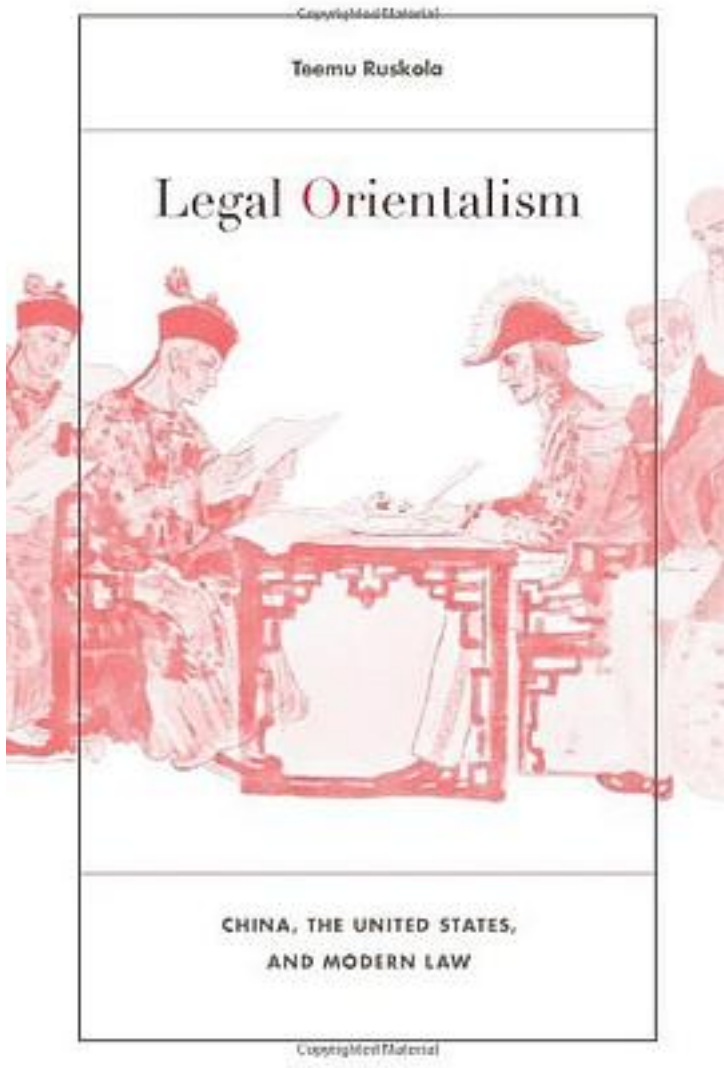


Legal Orientalism



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著者:Teemu Ruskola

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Since the Cold War ended, China has become a global symbol of disregard for human rights, while the United States has positioned itself as the world's chief exporter of the rule of law. How did lawlessness become an axiom about Chineseness rather than a fact needing to be verified empirically, and how did the United States assume the mantle of law's universal appeal? In a series of wide-ranging inquiries, Teemu Ruskola investigates the history of "legal Orientalism": a set of globally circulating narratives about what law is and who has it. For example, why is China said not to have a history of corporate law, as a way of explaining its "failure" to develop capitalism on its own? Ruskola shows how a European tradition of philosophical prejudices about Chinese law developed into a distinctively American ideology of empire, influential to this day. The first Sino-U.S. treaty in 1844 authorized the extraterritorial application of American law in a putatively lawless China. A kind of legal imperialism, this practice long predated U.S. territorial colonialism after the Spanish-American War in 1898, and found its fullest expression in an American district court's jurisdiction over the "District of China." With urgent contemporary implications, legal Orientalism lives on in the enduring damage wrought on the U.S. Constitution by late nineteenth-century anti-Chinese immigration laws, and in the self-Orientalizing reforms of Chinese law today. In the global politics of trade and human rights, legal Orientalism continues to shape modern subjectivities, institutions, and geopolitics in powerful and unacknowledged ways.

作者介绍:

Teemu Ruskola is Professor of Law at Emory University.

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标签

法律史

法学

海外中国研究

东方主义

法律史与法律文化

中国

英文原版

清代

评论

中国法律是txt而非exe，真是这样吗？举个栗子，和飞行员朋友聊天，问他们aviation law怎么来的，丫说直接照抄美加法律然后把相关数据中国特色一下，蛤蛤——作者问题意识不错，认知与阐释上还有待提高，跨专业这玩意要么极好要么特糟，不大会产生平庸的作品

顾盛在华期间和美国政府之间的通信比较有意思，加一星。总体而言，作者对中国史的了解非常有限，以至于提出了很多好问题，但是根本无力做出解释，很多结论过于想当然了；作者对领事法院和会审公廨的认知又很肤浅…总之，没有金刚钻就别揽这瓷器活

可能是我自己知识结构的关系，我觉得这个作者要是只写美国会好一些（当然这本书预设的读者群体可能不是这么想的），前三章太太太赶客了，饼画太大落实不了以及角度有点飘忽导致不得不一再声明自己的立场。。。

westernization=self-orientalization？

An ambitious yet incredibly illuminating book from a postcolonial legal perspective. Recommended to any foreigner who finds himself stuck in a stereotypical view of China and Chinese law.

属于志大才疏型：问题很大，立意很高，但是写起来隔靴搔痒，触不到点。说到底还是文献工作做得不够。

我真的看到第三章后半段才有些理解他想说什么-
-第三章的解读和他对functionalism的理解并不矛盾

a little bit American-centered! but still an impressive one!

第三章比较中国的宗族财产管理和美国公司法挺有意思的。其他内容感觉论述都不是很充足。但是全书总体来说还是非常ambitious and imaginative的，冲着立意加一星。

主要内容一百页就能写明白，有点啰嗦了，而且落不到实处。第三章其实该单独拿出来多写点，放在里面作为一章觉得有些奇怪。优点在于视角独特，写美国的法律东方主义和西方对中国法律的认识。以及中国作为"他者"对美国法律以及美国人身份起到塑造作用。这种认识往往出自于想象和偏见。

还是挺扯的啊，特别是关于公司法与家族比较那部分……给外国人看看好了何必再译成中文

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书评

How the West denied China's law Legal Orientalism: China, the US and Modern Law by Teemu Ruskola By Dinesh Sharma

<http://www.atimes.com/atimes/World/WOR-01-270913.html>

简单地说，所谓东方没有法律的说法是一种文化沙文和文化种族歧视。由于近代化对中国的影响...

爱德华·萨义德在《东方主义》的开篇中谈到，东方主义是“文化和政治的现实”，并且是一种被建构的现实，将西方人的想象投射到关于东方的话语之中。既然是话语，就有着一张普罗透斯的脸，文学的、历史的或是政治的，当然也可能是以法律的形式存在。美国埃默里大学的络德睦(T...

[Copyright 2016 mozartera. Please indicate the source when reposting.] "Legal Orientalism" is an ambitious legal and historic inquiry from the author Teemu Ruskola, who investigates the formation of Orientalism from a postcolonial legal perspective, i.e. ...

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