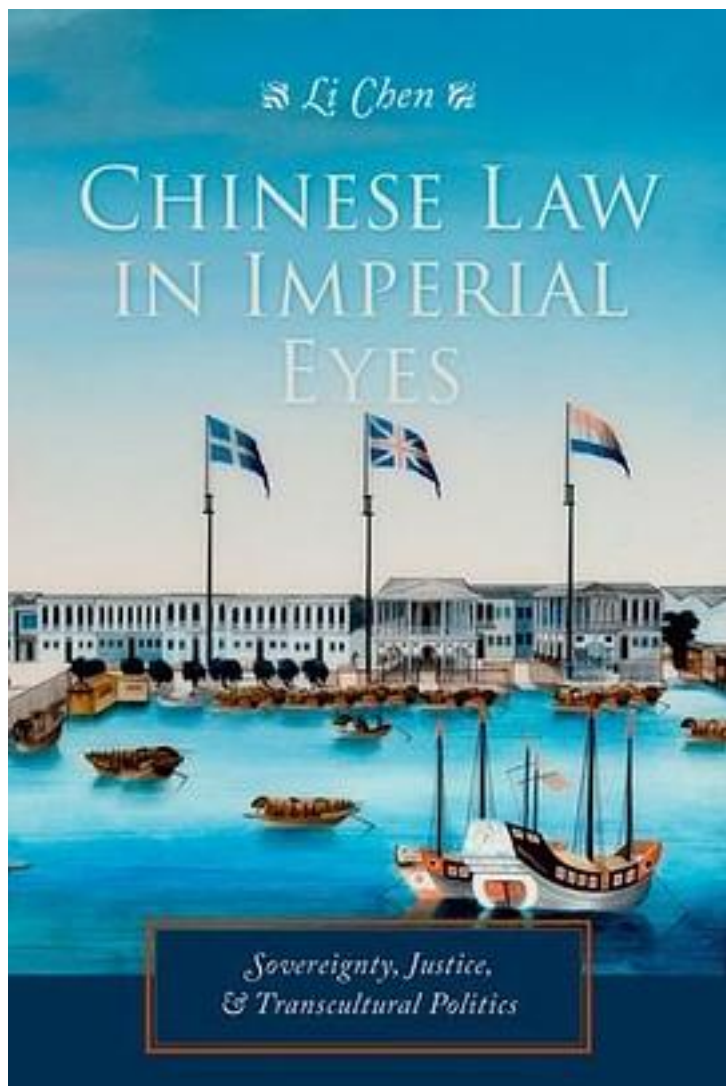


# Chinese Law in Imperial Eyes



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著者:Li Chen

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How did American schoolchildren, French philosophers, Russian Sinologists, Dutch merchants, and British lawyers imagine China and Chinese law? What happened when agents of presumably dominant Western empires had to endure the humiliations and anxieties of maintaining a profitable but precarious relationship with China? In *Chinese Law in Imperial Eyes*, Li Chen provides a richly textured analysis of these related issues and their intersection with law, culture, and politics in the eighteenth and nineteenth centuries.

Using a wide array of sources, Chen's study focuses on the power dynamics of Sino-Western relations during the formative century before the First Opium War (1839-1842). He highlights the centrality of law to modern imperial ideology and politics and brings new insight to the origins of comparative Chinese law in the West, the First Opium War, and foreign extraterritoriality in China. The shifting balance of economic and political power formed and transformed knowledge of China and Chinese law in different contact zones. Chen argues that recovering the variegated and contradictory roles of Chinese law in Western "modernization" helps provincialize the subsequent Euro-Americentric discourse of global modernity.

Chen draws attention to important yet underanalyzed sites in which imperial sovereignty, national identity, cultural tradition, or international law and order were defined and restructured. His valuable case studies show how constructed differences between societies were hardened into cultural or racial boundaries and then politicized to rationalize international conflicts and hierarchy.

#### 作者介绍:

Li Chen is associate professor at the University of Toronto and founding president of the International Society for Chinese Law and History. He has published on late imperial and modern Chinese law and society, Sino-Western encounters, and international law and empire, including a volume coedited with Madeleine Zelin called *Chinese Law: Knowledge, Practice and Transformation, 1530s–1950s*.

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## 标签

法律史

明清史

法律史与法律文化

历史

法律社会学

陈利

英语学术类书籍

legal

## 评论

新的列文森奖得主，法史学界的“当红炸子鸡”。其实平心而论，方法论并不算新鲜，而更像是融西方后殖民理论（最主要是Pratt的《帝国之眼》）于一炉。核心很明确：作为oriental的中国与作为orientalist的西方如何在法律的contact zone里相互塑造。具体到每一章的内容（斯当东、西方知识界的中国想象、刑罚与sentimental liberalism）其实也都有前人做过（尤其是后两者），但作者确实做得更扎实、理论融入更细密。

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非常精美的后殖民主义中国近代史研究，但是这种范式在此也就到头了

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目前对中西早期法律冲突的最全面的讨论，史料丰富，对案例、法律思想史、媒体形象进行了系统梳理，截至鸦片战争。作者另有一些新作探讨19世纪下半叶的中西法律交流和清末修律问题。比较重要的概念有sentimental imperialism / affective sovereignty

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Emotional community at "contact zone"

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只读了Intro，但是里面提出的力量不均衡的contact zone特别有道理。

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非常出色的法律和历史类作品 作者对法律史和后殖民研究的很多概念有着恰当的运用  
同时史料的解读和搜罗又避免了这类研究被人诟病之处  
可以看得出来作者不光熟悉清朝 也能运用一手资料研究英国法律史  
第一章中作者运用新的英方史料还原了第一场中英法律冲突（已经独立发表了）  
第三章讲大清律译本在欧洲的流传是如何助力当时欧洲的法律改革  
尽管中国法律在其中起的作用究竟有多大还值得探讨  
但是作者这个观点确实是让人耳目一新 第五章讲得是鸦片战争的法律起源  
突出了法律的话语（discourse of law）在促成议会出兵中的决定性作用

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新的列文森奖得主，法史学界的“当红炸子鸡”。其实平心而论，方法论并不算新鲜，  
而更像是融西方后殖民理论（最主要是Pratt的《帝国之眼》）于一炉。核心很明确：  
作为oriental的中国与作为orientalist的西方如何在法律的contact  
zone里相互塑造。具体到每一章的内容（斯当东、西方知识界的中国想象、刑罚与sent  
imental  
liberalism）其实也都有前人做过（尤其是后两者），但作者确实做得更扎实、理论融  
入更细密。

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Sentimental  
liberism对于解释为何欧洲在仍保留酷刑的前提下仍然将中国建构为残忍形象非常有帮  
助，而且材料及论证也很充分。正在用它提到的理论来为一张照片解释新的意义。

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理论最完整的今年法律史著作之一，英国方面的文献挖掘也见功力。

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GREAT.  
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## 书评

[访谈 | 陈利：帝国和东方主义话语的内部矛盾]

一部中国法制史的专著先后获得美国法律史学会2017年度彼得·斯坦因（Peter  
Gonville

Stein）最佳著作荣誉提名和亚洲研究协会2018年度列文森奖。此书就是《帝国眼中的  
中国法律：主权、正义与跨文化政治》（Chinese Law in Imperia...

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