Putting “Commercial Law” into the Chinese Context：Legal Critique and Legal Reasoning in Seventeenth-Century China

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Abstract

Analyzing three kinds of legal texts, I delve into the interaction between economy and law in seventeenth-century China. Against kinds of cliché about how “commercial law” could not and will not emerge in traditional China, I argue that we should put the issue of “commercial law” into Chinese context. By means of scrutinizing the legal critique and legal reasoning existing in the texts from those of a legal treatise, a handbook of litigation master and extant records about cotton industry lawsuits, this article shed light on the reciprocity between economic-cum-social and political-cum-legal arena which concurred in Late Imperial China.

Keywords: legal critique, legal reasoning, commercial law, historical change, Late Imperial China