

**中国法律与历史国际研讨会**  
**International Conference on Chinese Law and History**  
**Shanghai (July 10-11, 2015)**

会议时间 **Time:** 2015 年 7 月 10 日—7 月 11 日

**Shanghai, July 10-11, 2015**

地点 **Location:** 复旦大学法学院(复旦新江湾校区)

**Fudan University Law School (Fudan Jiangwan Campus)**

复旦大学法学院主办 **Sponsored by Fudan University**

中国法律与历史国际学会 提供学术支持 **With Academic Support of the ISCLH**

**7 月 10 日议程 The First Day**

**8:00-9:00: 早餐 Breakfast**

**9:00: 从复宣酒店乘坐班车 (Board shuttle at the hotel to the conference site. Please be on time!)**

**9:30-10:00: 开幕式 Opening Remarks (模拟法庭 Moot Court)**

复旦大学法学院院长 孙笑侠 (Sun Xiaoxia) 致辞

中国法律与历史国际学会主席、多伦多大学 陈利 (Chen Li) 致辞

**10-11:30: 回顾与展望中国法律历史研究 Plenary Session (模拟法庭 Moot Court)**

发言人 **Speakers:** 曾小萍 (Madeleine Zelin), 苏成捷 (Matthew Sommer),

步德茂 (Thomas Buoye), 王志强 (Wang Zhiqiang)

**11:30-40: 茶歇 Break and Tea**

**11:40-1:10: 第一组专题讨论 Panel Series 1**

**专题一 Panel 1.1: 边疆法制 Law on the Imperial Frontiers (模拟法庭 Moot Court)**

Alexis Siemon: 《因“彝”量刑: 清代南方边疆少数民族习惯及刑事裁判研究》

Alexis Siemon, "Because We Are Yi": Minority Custom and Criminal Adjudication on the Qing's Southern Frontiers

杜乐: 《十八世纪蒙古地区的司法: 性别, 种族, 及满蒙联姻中的政治》

Du Yue, Legal Justice in Eighteenth-Century Mongolia: Gender, Ethnicity, Rank and Politics in the Manchu-Mongol Marriage Alliance

田欢: 《变通: 清代新疆地区法律政策之灵活性考察》

Tian Huan, Biantong: the "Flexibility" of Legal Policies in Qing Xinjiang

主持及评议人 **Chair/Discussant:** 陈爽 (Chen Shuang)

## **专题二 Panel 1.2: 法律知识 Legal Knowledge (Room 102)**

陈骁:《案例官方汇编的商业出版及其对法律知识传播的作用》

Chen Xiao, Commercial Publication of Official Casebooks and Its Role in  
Disseminating Legal Knowledge

白阳:《讼师秘本成为清代诉状蓝本之原因探析》

Bai Yang, Why Did Pettifoggers' Secret Handbooks Become the Guide of Petitions in  
the Qing?

黄心瑜:《嘉庆年间广州府知县的法律知识》

Huang Xinyu, Legal Knowledge of Qing Magistrates: Focus on the Magistrates in  
Guangzhou Prefectures in the Jiaqing Period

主持及评议人 Chair/Discussant: 陈利 (Chen Li)

### **1:10-2:40: 午餐 Lunch**

### **2:40-4:10: 第一组圆桌讨论 Roundtable Discussion 1 (模拟法庭 Moot Court)**

主题: 法律史比较研究之反思

#### **Reflections on the Study of Comparative Legal History**

发言人 Speakers: 松原健太郎 (Kentaro Matsubara), 张泰苏 (Zhang Taisu),  
戴史翠 (Maura Dykstra), 吴海杰 (Michael Ng)

### **4:10-4:30: 茶歇 Break and Tea**

### **4:30-6:00: 第二组专题讨论 Panel Series 2**

#### **专题一 Panel 2.1: 跨域法律问题 Cross-Societal Legal Currents (模拟法庭 Moot Court)**

Idriss Fofana:《1885—1908 年间刚果的主权、权利及中国劳工问题》

Idriss Fofana, Sovereignty, Rights, and Chinese Laborers in the Congo Free State  
(1885-1908)

李洋:《美国涉华事务法院: 一种治外法权的变种》

Li Yang, United States Court for China: An Alternative Mode of Extraterritoriality

严新宇:《卢沟桥事变的合法性及东京审判的错误裁判》

Yan Xinyu, The Legitimacy of the Marco Polo Bridge Incident and the Misjudgment of  
the Tokyo Trial

吴海杰:《法律、债务与好商人: 英属香港早期的中国商业与英国破产法(1860s-  
1880s)》

Michael Ng, Law, Debt and Good Merchant: Chinese Business and English  
Bankruptcy Law in Early British Hong Kong (1860s-1880s)

评议人 Discussant: 戴史翠 (Maura Dykstra)

主持人 Chair: 曾小萍 (Madeleine Zelin)

**专题二 Panel 2.2: 法典及其注释者 Legal Codes and their Commentators (Room 102)**

梅凌寒:《〈唐明律合编〉中有关〈大清律例〉与唐律对于量刑差异的探讨及其对司法实践的影响》

Constant Frederic, Differences in the Determination of the Punishments between the Great Qing Code and the Tang Code as Discussed in Xue Yunsheng's Joint Edition of the Tang and Ming Codes and Their Influence on Judicial Practice

姜永琳、吴艳红:《法律知识的传递——以明清时期对〈大明律〉的使用为例》

Jiang Yonglin & Wu Yanhong, Translating Legal Knowledge: The Use of the Great Ming Code in Ming-Qing China

尤陈俊:《清代对讼师贪婪形象的建构与整体丑化机制》

You Chenjun, Construction of the Greedy Image and the Mechanism of Systematic Stigmatization of Litigation Masters in Qing China

杨晓宜:《唐代官员理想的司法形象——以〈折狱龟鉴〉的司法审判为中心》

Yang Hsiao-I, The Ideal Image of Judicial Officials in the Tang Dynasty: Using the Law Cases of Zhe Yu Gui Jian as an Example

主持人及评议人 Chair/Discussant: 陈惠馨 (Chen Hwei-syin)

**专题三 Panel 2.3: 中西知识分子的交流 Sino-Western Intellectual Cross-Currents (Room 104)**

杨凡:《传统中国社会中的“公共领域”与商谈——以哈贝马斯的商谈理论为视角》

Yang Fan, "Public Sphere" and Legal Discourses in Traditional Chinese Society: A Reference to Habermas' Discourse Theory of Law

陈丹丹:《政治理论与法学理论的博弈——以卡尔·施密特与张君勱为研究对象》

Chen Dandan, Theory of Politics vs. Theory of Law: Case Studies of Carl Schmitt and Zhang Junmai

屈文生:《早期中英条约的翻译与被遮蔽的西方法律概念》

Qu Wensheng, Translations of Early Sino-British Treaties and the Masked Western Legal Concepts

评议人 Discussant: 丛小萍 (Cong Xiaoping)

主持人 Chair: 赵立行 (Zhao Lixing)

**6:10 乘坐班车返回复宣酒店 (Take the shuttle back to the Fuxuan Hotel)**

**6:30-8:30: 晚宴—复宣酒店 (Dinner at the Fuxuan Hotel)**

## 7月11日议程 The Second Day

**7:30-8:30: 早餐 Breakfast**

**8:30: 从复宣酒店乘坐班车 (Board the shuttle from the hotel) (Please note that the departure time is half an hour earlier than yesterday 请注意登车时间提前了!)**

**9:00-10:30: 第三组专题讨论 Panel Series 3**

**专题一 Panel 3.1: 社会道德与法律 Social Morality and Law (模拟法庭 Moot Court)**

George Remisovsky: 《〈春秋〉与汉律: 对董仲舒春秋决狱的重新检视》

George Remisovsky, *The Spring and Autumn Annals and Han Law: Re-examining Dong Zhongshu's Chunqiu jueyu*

陈惠馨: 《法庭上的亲子关系—〈大清律例〉和1930年家庭法的比较研究》

Chen Hwei-syin, *Parent-child Relationship in Court—A Comparative Perspective on The Great Qing Code and the Family Law of 1930*

林曦、张杰: 《清代法律中的同性性行为入罪: 作为中国异性准则之基石的家族主义》

Lin Xi & Zhang Jie, *Criminalising Homosexuality in Qing Law: Familism as the Cornerstone of Chinese Norms on Heterosexuality*

评议人 Discussant: 张宁 (Laure Zhang)

主持人 Chair: Frederique Rueda-Despouey

**专题二 Panel 3.2: 中华帝国宪制与行政法的发展 Development of Constitutional and Administrative Law of Empire (Room 102)**

克礼: 《礼与十七世纪清朝行政秩序的建构》

Macabe Keliher, *Li and the Construction of Qing Administrative Order in Seventeenth Century China*

Nancy Park: 《清代的组织法: 〈大清会典〉的源起和发展》

Nancy Park, *Institutional Law of the Qing Dynasty: the Origins and Development of the Da-Qing Huidian*

王悠: 《嘉庆年间京控制度改革的再审视》

Wang You, *Reexamining the Jiaqing Reform on Capital Appeals*

Jason Buhi: 《中国边缘的城堡: 1622-1783 澳门的宪制发展》

Jason Buhi, *Citadel on the Edge of China: Constitutional Development in Macau between 1622 and 1783*

评议人 Discussant: 尤陈俊 (You Chenjun)

主持人 Chair: 姜永琳 (Jiang Yonglin)

**10:30-45: 茶歇 Break and Tea**

**10:45-12:15: 第二组圆桌讨论 Roundtable Discussion 2 (模拟法庭 Moot Court)**  
**主题: 对于国家、社会与法律知识作用的再思考**  
**Rethinking the Power Dynamics of State, Society, and Legal Knowledge**

发言人 Speakers: 周启荣(Chow Kai-wing), 屈文生 (Qu Wensheng), 陈利 (Chen Li), 吴艳红 (Wu Yanhong)

**12:15-1:30: 午餐 Lunch**

**1:30-3:00: 第四组专题讨论 Panel Series 4**

**专题一 Panel 4.1: 财产, 契约与地方政府 Property, Contract, and Local Governance (模拟法庭 Moot Court)**

松原健太郎: 《中国清代的财产制度和国家形成的动力》

Kentaro Matsubara, *The Property Regime and the Dynamics of State Formation in Qing China*

赵思渊: 《上海交通大学藏地方历史文献的收藏与研究》

Zhao Siyuan, *Digital Humanities and Research: The Local Historical Archives at the Shanghai Jiaotong University*

蔡博方: 《地方政府和宗教管理者的法律关系研究: 以庙产纠纷案件和平政院裁决为研究对象》

Tsai Po-fang, *The Legal Relationship between the Local Government and the Religious Administrators: A Study of Cases about the Temple Property Disputes and Decisions Made by the Ping-Zheng Yuan*

薛理禹: 《明代保甲制度的功能与弊病》

Xue Liyu, *Functions and Problems of the Bao-jia System in the Ming Dynasty*

评议人 Discussant: 张泰苏 (Zhang Taisu)

主持人 Chair: 王志强 (Wang Zhiqiang)

**专题二 Panel 4.2: 刑法与法律文化 Criminal Law and Legal Culture (Room 102)**

John Gregory: 《帝制晚期的法律文化及清代刑事司法的变化》

John Gregory, *Late Imperial Legal Culture and Changes in Qing Criminal Adjudication*

杨松涛: 《18 世纪中国清代巴县的激情杀人和刑事正义》

Yang Songtao, *Emotional Homicides and Criminal Justice in Eighteenth Century Ba County of Qing China*

冯贤亮: 《清代江南命案尸场勘验的整顿与社会变迁》

Feng Xianliang, *Reforming the Investigation of Homicide Cases and Social Changes in Jiangnan during the Qing*

赵晶: 《20 世纪〈刑法志〉研究的回顾》

Zhao Jing, *Reflections on Scholarship on the Xingfa Zhi (Records of Law and Punishments) during the 20th Century*

评议人 Discussant: Nancy Park

主持人 Chair: 步德茂(Thomas Buoye)

**3:00-20: 茶歇 Break and Tea**

**3:20-4:50: 第五组专题讨论 Panel Series 5**

**专题一 Panel 5.1: 中华民国时期的法律变化与社会 Legal Change and Society in Republican China (模拟法庭 Moot Court)**

丛小萍:《司法体系的变革: 1940年代陕甘宁边区的法律程序和方法的创新》

Cong Xiaoping, Revolutionizing the Judicial System: the Innovation of the Legal Procedures and Techniques in the 1940s' Shaan-Gan-Ning Border Region

宋雪:《法制肇建时代的新闻追踪与社会观察——民初陈绳被害案背后的文化心态》

Song Xue, News Reports and Social Observations during the Law Making Period: Cultural Attitudes towards the Murder of Chen Sheng in Early Republican Beijing

江照信:《法律民族化运动: 以民族主义解读民国司法史》

Jiang Zhaoxin, The Legal Nationalism Movement: A Perspective on Republican Judicial History

张璟:《对诽谤指控的抗辩: 以1934年〈民生报〉案为研究对象》

Zhang Jing, Defending against a Libel Charge: A Study of the *Minsheng Bao* Case in 1934

评议人 Discussant: Jennifer Altehenger

主持人 Chair: Helene Piquet

**专题二 Panel 5.2: 中国的法律与仪式: 天命, 尊君和恩赐 Chinese Law and Ritual: The Mandate of Heaven, Homage to the King, and Gift-giving (Room 102)**

乔飞:《天命和灾异: 引经决狱和限制政府并行的比较研究》

Qiao Fei, The Mandate of Heaven and Calamity Warnings: A Comparison with the Parallel Development of Biblical Judgment and Restrictions on Government

张铮:《东晋时期关于僧侣不拜君王的儒佛之争》

Zhang Zheng, Commentaries on the Debate between the Confucians and Buddhists Regarding the Monks' Exemption from Homage to the King in the East Jin Dynasty

司徒蔼美:《〈礼记〉中的恩赐和管理与清代的实践》

Mary Szto, Chinese Gift-Giving and Governance in the Book of Rites and Qing Magistrate Practices

评议人 Discussant: 高道蕴 (Karen Turner)

主持人 Chair: 司徒蔼美 (Mary Szto)

**专题三 Panel 5.3: 法律的构想 Legal Imaginations (Room 104)**

赵梦蝶:《中华帝国晚期法律案件中的男性嫉妒》

Zhao Mengdie, Male Jealousy in Legal Cases in Late Imperial China

周文霏:《地方官的“手册”: 法官, 历史学家和王氏之死的“真实”故事》

Zhou Wenfei, The Magistrate's Handbook: The Judge, the Historian, and the "True" Story Concerning the Death of Woman Wang

田源：《州县的纠纷解决：以四川反传教士暴乱为例（1860-1911）》

Tian Yuan, Settling Disputes in the Local Court: the Anti-missionary Riots in Sichuan (1860-1911)

评议人 Discussant: 陈丹丹 (Chen Dandan)

主持人 Chair: 苏成捷 (Matthew Sommer)

5:00-6:30: 全体会议

General Meeting of ISCLH Members. Non-members are welcome to attend (模拟法庭 Moot Court).

7:00-9:00: 参会者自行安排 7 月 11 日的晚餐 (Participants make their own arrangements for dinner on July 11).