

China's Drafting of a New Civil Code and the Untrodden Route: George Jamieson's Translation of Qing Family Law

Rui Liu

Nanjing University of Posts and Telecommunications

Abstract

In the translation history of the Qing Code, George Jamieson used his translation to map a reform route that was neglected in Chinese legal history. Based on first-hand archival material, this article reconstructs the untrodden route by recovering Jamieson's vision on the value of Qing family law in the new era. Having outlined the legal and social conditions that boosted his assurance, it proceeds to analyze the message he hoped to convey to Chinese lawmakers by probing his opposition to drastic changes and advocacy for gradual reform. In the face of an imminent legal reform, Jamieson attached importance to "selecting" and "adapting" those parts of foreign law that could accommodate native institutions. His dialogue with modern English law in translating Qing marriage law set a model in this regard.

Keywords

George Jamieson, *Chinese Family and Commercial Law*, *Daqing lüli*, family law, civil code, Republican China