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研究課題名(和文) Legal Practices, Colonial Rivalry, and Identity in China's Borderlands, 1880-1940

研究課題名(英文) Legal Practices, Colonial Rivalry, and Identity in China's Borderlands, 1880-1940

研究代表者

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交付決定額(研究期間全体)：(直接経費) 1,400,000円

研究成果の概要(和文)：This research has examined the relationship between pluralistic legal practices, state-building, and the formation of identities along China's border regions with Burma and Russia. I have presented the results at conferences and written three journal articles and a book manuscript.

研究成果の学術的意義や社会的意義

This project is the first book-length study on legal practices in the Sino-Burmese borderlands that draws on untapped archival sources in various languages. It provides new insights on the role of legal practices in the creation of new discourses on ethnic identity and national belonging.

研究成果の概要(英文)：I have examined the relationship between pluralistic legal practices, state-building, and the formation of identities along China's border regions with Burma and Russia from the 1880s until the 1940s. The analytical framework of this research project has provided a deeper understanding of the role of legal institutions in state-building practices along China's multiethnic borderlands. The results have been presented at conferences in Japan, Europe, and North America. Drawing on previously untapped archival sources that I collected from various countries, I have submitted three journal articles currently under review. I am also in the process of completing a book manuscript on legal practices along the Sino-Burmese borderlands. The manuscript discusses the implications, relevance, and legacy of these legal practices in the conceptualization of the Chinese nation-state and the development of national and ethnic identities among border populations.

研究分野：History

キーワード：Sino-Burmese borderlands Legal Pluralism Border Disputes Ethnic Identity State-building Colonialism

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## 1. 研究開始当初の背景 [Background at the beginning of the study]

This project examines the pluralistic legal institutions along China's border regions from the late nineteenth century until the early 1940s. The origins of these institutions can be traced to the years following the demarcation of China's northwest border regions with Russia in 1881 and southwest boundary with British Burma and French Indochina in the 1880s and 90s. These years witnessed rising tensions between local ethnic groups and a spike in cross-border crime, in particular theft, opium smuggling, kidnapping, and murder. Concerns over the growing instability in these regions led the European colonial agents and Chinese officials to hold periodical meetings to jointly adjudicate disputes among the border communities by drawing on local customs and rules. During the second decade of the twentieth century, these meetings gradually mutated into multicentric legal institutions in which the Chinese and the Europeans were forced to negotiate shared legal concepts and practices. Their implementation, however, proved problematic, as the Chinese and Europeans did not always share the same understanding of how they should function. This situation led to intentional and unintentional misunderstandings that provide insights on the relationships and alliances between the Europeans, Chinese, and border populations. Despite such problems, these legal institutions survived the fall of the Qing dynasty in 1911 and persisted until the early 1940s.

Studies on legal institutions along China's borderlands have been examined in the context of the pluralistic nature of the Qing empire during the seventeenth and eighteenth centuries. While scholars have discussed the existence of multiple localized legal orders along the empire within the first two centuries of Qing rule, research on Chinese legal practices after the Opium War (1839-42) tends to focus on the application of Western law and practices in treaty ports along China's eastern coastline. These scholars point out that the successive rebellions during the mid-nineteenth century led the imperial court to eradicate the pluralistic legal and political practices by replacing them with institutions of China proper. By examining pluralistic legal institutions along China's borderlands during the late nineteenth and early twentieth centuries, this project challenges this prevailing view. In this regard, this proposal shifts the geographical and temporal scope of the topic and sheds new light on the relationship between legal practices, imperialism, and the formation of identities along China's multiethnic borderlands during the country's transition from empire to modern nation-state.

## 2. 研究の目的 [Purpose/objectives of the study]

This research has two main purposes. First, it seeks to gain a deeper understanding of the impact of pluralistic legal practices in colonial expansion and state-building efforts along China's multiethnic border regions that, for centuries, had been governed through the practice of indirect rule. By characterizing China's borderlands as a space of interaction between various centers of power (Europe, China, local chieftains), this project further advances the discussion on legal pluralism. In China, unlike in other parts of its colonial empires, European powers such as Great Britain, France, and Russia had to negotiate a legal order based on customary law with a nascent nation-state (China) that at times defined sovereignty and other legal concepts in distinct terms. They also had to deal with fluid populations that did not understand the concept of border and had enjoyed relative autonomy from state power until the mid-nineteenth century. Therefore, this project contributes to theoretical and methodological discussions regarding the interaction of local populations with colonial courts. Second, this project centers on issues of ethnicity, multiculturalism, empire, and colonial strategies. I draw on Critical Race Theory to discuss the relationship between the formation of ethnic and national identities among the border inhabitants. I analyze how these legal pluralistic practices enabled state agents and the border populations to formulate new discourses of ethnic identity that promoted national belonging and facilitated the articulation of ethnic discourses.

## 3. 研究の方法 [Research Methods]

This research project has focused on the collection and the careful examination of two types of sources: legal cases jointly adjudicated by European colonial officials and local Chinese state agents; and correspondence and reports penned by state officials and colonial agents discussing the implementation of these pluralistic practices. These sources (some recently

declassified) are housed in the following archives: British Archives (UK), National Archives of Myanmar (Myanmar), State Archives of the Russian Federation (Russia), Central State Archives (Kazakhstan), Yunnan Provincial Archives (China), and Academia Historica (Taiwan). A critical investigation of these pluralistic legal practices along the China's border with British Burma, and Russia offers new readings on the efforts of the Chinese government in promoting state-building along its borderlands as it transitioned from an empire to a modern nation-state. This project also investigates the implications, relevance, and legacy of these legal systems in the conceptualization of the Chinese nation-state, the development of national and ethnic identities among border populations, and its place in Chinese legal history.

#### 4. 研究成果 [Research Findings]

The research findings provide new insights on three issues. First, the analysis of legal cases has shown how mixed courts along the Sino-Burmese borderlands promoted the development of ethnic identity and national belonging among the local population and state agents. This process did not merely add to already existing notions but created new categories of identity during the first half of the twentieth century. Second, local populations learned how to manipulate the legal process to advance their economic interests and reshape transnational alliances. Third, the legacy of the pluralistic legal practices had a profound impact on the demarcation of the Sino-Burmese border in the late 1950s.

5. 主な発表論文等

〔雑誌論文〕 計0件

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1. 発表者名 Eric Vanden Bussche
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3. 学会等名 European Association for Chinese Studies (国際学会)
4. 発表年 2021年

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4. 発表年 2021年

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4. 発表年 2020年

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3. 学会等名 Asian Studies Conference Japan (国際学会)
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〔図書〕 計0件

〔産業財産権〕

〔その他〕

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6. 研究組織

	氏名 (ローマ字氏名) (研究者番号)	所属研究機関・部局・職 (機関番号)	備考
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7. 科研費を使用して開催した国際研究集会

〔国際研究集会〕 計0件

8. 本研究に関連して実施した国際共同研究の実施状況

共同研究相手国	相手方研究機関
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