Record Nr. UNINA9910786965803321 Autore Ruskola Teemu Titolo Legal orientalism [[electronic resource]]: China, the United States, and modern law / / Teemu Ruskola Cambridge;; London,: Harvard University Press, 2013 Pubbl/distr/stampa **ISBN** 0-674-07578-1 0-674-07576-5 Descrizione fisica 1 online resource (352 p.) Disciplina 340/.11 Soggetti Law - China - Philosophy - History Rule of law - China - History Law - United States - Philosophy - History Rule of law - United States - History China Foreign public opinion, Western Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Includes bibliographical references and index. Nota di bibliografia Nota di contenuto Front matter -- Contents -- CHAPTER ONE: Introduction: Legal Orientalism -- CHAPTER TWO: Making Legal and Unlegal Subjects in History -- CHAPTER THREE: Telling Stories about Corporations and Kinship -- CHAPTER FOUR: Canton Is Not Boston -- CHAPTER FIVE: The District of China Is Not the District of Columbia -- CHAPTER SIX: Epilogue: Colonialism without Colonizers -- Notes -- Comment on Chinese Sources -- Acknowledgments -- Index Since the Cold War ended, China has become a global symbol of Sommario/riassunto disregard for human rights, while the United States has positioned itself as the world's chief exporter of the rule of law. How did lawlessness become an axiom about Chineseness rather than a fact needing to be verified empirically, and how did the United States assume the mantle

of law's universal appeal? In a series of wide-ranging inquiries, Teemu Ruskola investigates the history of "legal Orientalism": a set of globally circulating narratives about what law is and who has it. For example, why is China said not to have a history of corporate law, as a way of explaining its "failure" to develop capitalism on its own? Ruskola shows how a European tradition of philosophical prejudices about Chinese law

developed into a distinctively American ideology of empire, influential to this day. The first Sino-U.S. treaty in 1844 authorized the extraterritorial application of American law in a putatively lawless China. A kind of legal imperialism, this practice long predated U.S. territorial colonialism after the Spanish-American War in 1898, and found its fullest expression in an American district court's jurisdiction over the "District of China." With urgent contemporary implications, legal Orientalism lives on in the enduring damage wrought on the U.S. Constitution by late nineteenth-century anti-Chinese immigration laws, and in the self-Orientalizing reforms of Chinese law today. In the global politics of trade and human rights, legal Orientalism continues to shape modern subjectivities, institutions, and geopolitics in powerful and unacknowledged ways.