

Roman Law in Late Qing and Early Republican Chinese Sources: A Founding Element of the Mediterranean and Western Civilisation

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Abstract: One aspect still scarcely investigated in the literature on the reception of Roman law in China is the image of the Romanist legal tradition emerging from Chinese sources during the late Qing and early Republican Era. This was a fundamental phase in China's decision to draw inspiration from the continental system for legal reform. A significant element, still under-examined, is the perception of the role exerted by Roman law well beyond the Italic territory, primarily within the vast cultural area of the Mediterranean. This chapter, therefore, aims to highlight how Roman law is presented in Chinese sources of the aforementioned period not only as an element connected with Rome and the Italic peninsula, but as a transnational element that transcends Italic borders, influencing the entire Western and Mediterranean culture.

Keywords: Roman Law; Reception of the Romanist Legal Tradition in China; Roman Law in Chinese Sources; The Mediterranean in Chinese Sources; Roman Law and the Mediterranean

1. Introduction

The reception of Roman law in China is a complex process rooted in more remote periods, manifesting itself concretely during the second half of the 19th century. Despite a handful of interesting isolated studies (for example, Wang 2002), it remains overall little known.

One aspect still scarcely investigated is the image of the Romanist legal tradition emerging from Chinese sources during the late Qing and early Republican Era. This was a fundamental phase in China's decision to adhere to the continental system, or to draw inspiration from it in its implementation of national legal reform. In this sense, a significant yet under-examined element is the perception of the role of Roman law exerted well beyond the Italic territory, primarily within the vast cultural area of the Mediterranean. This concept, in fact, has long been known and self-evident in the Western world, but it begins to become clear in China between the end of the 19th and the beginning of the 20th century, by being included in a small but increasing number of valuable sources.

This chapter aims to highlight how Roman law is presented in Chinese sources of the aforementioned period. More specifically, it examines how Roman law

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is presented not only as an element strictly connected to the city of Rome and the Italian peninsula, but also as a transnational¹ element that transcends Italic borders, influencing Western and Mediterranean non-material culture.

2. The Expansion of Rome and Roman Law in the Mediterranean

In this introductory paragraph, I will present contents that are well-known in scholarly literature but necessary to fully understanding the following paragraph which is specifically related to the primary Chinese sources analysed and therefore constitutes the core of this study. Starting from general considerations on various intrinsic characteristics of the Mediterranean reality and the Romanist legal experience, I will try to outline a synoptic picture of the primarily political, but also social and cultural role of Rome. This therefore will lead to an outline of Roman law in the Mediterranean, ranging from shortly after the unification of the Italic peninsula (3rd century BCE) to the first phase of the Eastern Roman Empire. During this period, Rome and its legal tradition developed a relationship with the Mediterranean, a vast aquatic (but not only) entity that witnessed the birth or blossoming of multiple civilisations. The Mediterranean, as pointed out by Norwich (2016, 37–38), “is a miracle. [...] Something utterly unique, a body of water that might have been deliberately designed, like no other on the surface of the globe, as a cradle of cultures. [...] It links three of the world’s six continents; its climate for much of the year is among the most benevolent to be found anywhere. Small wonder, then, that the Middle Sea [...] nurtured three of the most dazzling civilisations of antiquity”. In this sense, it is easy to understand how the Mediterranean has been the subject of numerous academic investigations, especially in the West. Starting with Braudel, several scholars have dedicated their research to the Mediterranean (to mention a few: Braudel 1985; 1986; 1998; Abulafia 2011; Horden-Purcell 2006; Matvejević 2006; Norwich 2006). Due to obvious spacial limitations, a full review of these studies is beyond the scope of this essay. Instead, what is most relevant is one distinctive feature of the “Liquid Continent,”² an element on which most scholars substantially agree, regardless of the variety of analytical perspectives adopted. Specifically, it is the intrinsically unitary character of the vast Mediterranean cultural area: the Mediterranean is a conglomeration and amalgamation of peoples, customs, and cultural traditions; it is a hybrid and, in some respects, fragmented³ space in which different national identities and boundaries tend to blur.

¹ In this chapter, the term ‘transnational’ is used broadly, not only referring to the current nations that occupy the Mediterranean area and, generally speaking, Europe and the Western world. It also refers to the various countries (regions, territories) that were formerly independent and were subsequently conquered and incorporated into the Roman Empire.

² For this definition of the Mediterranean, see Abulafia 2011, xxiii.

³ On the presumably fragmentary nature of Mediterranean civilisation(s), see Abulafia (2011), whose perspective is generally in antithesis with that of Braudel.

At the same time, another nearly universally acknowledged characteristic is the long-duration of the Mediterranean's history, originally highlighted by Braudel. In his renowned answer to the question "What is the Mediterranean?", cited countless (therefore not quoted here fully), he defines the "sea between lands"⁴ as "non pas une civilisation, mais des civilisations entassées les unes sur les autres" (1985, 8) and subsequently specifies that "les civilisations [...] traversent le temps, elles triomphent de la durée. [...] elles restent maîtresses de leur espace, car le territoire qu'elles occupent peut varier à ses marges, mais au cœur, dans la zone centrale, leur domaine, leur logement restent les mêmes. [...] et cette longue durée s'incorpore forcément à leur nature" (1985, 160). Later studies, specifically archaeological ones, have pointed out the vastness of the Mediterranean's phenomenological landscape, leading us to avoid generalisations that do not fit well with the richness and diversity of what can be physically contained in the Mediterranean area (Tusa 2014, 100). However, the concept of long duration remains applicable to the Mediterranean reality, as "les civilisations ne sont pas mortelles [...]. Elles survivent aux avatars, aux catastrophes. Le cas échéant, elles renaissent de leurs cendres" (Braudel 1985, 160). In this sense, the history of the Mediterranean and its varied yet unitary civilisation shows a remarkable analogy with the dimension of law, primarily of Roman law. In fact, the latter has remained grounded in the fundamental principle of the long, or even eternal, duration of law despite constantly evolving over the centuries. The eternity of law was transmitted from the archaic ages up to Emperor Justinian I (527–65). It is he who in the constitution *Dedoken*,⁵ opposing the absolute perfection of divine things to the condition of human law, affirmed the latter *in infinitum decurrit*. This concept was contested in more modern centuries, yet without shaking the multi-millennial idea that the authority of law lies in its long duration. In fact, after the French Revolution, the jurists of the *Code Napoléon* (1804) once again justified the force of codified law as founded on the eternal laws of nature (Casavola 2004).

With these preliminary remarks, I will now try to recall the main stages in the history of Rome and Roman law in the Mediterranean, necessarily synthesising them in an extremely schematic manner. Following Abulafia (2011, xvii), I will expound "the process by which the Mediterranean became in varying degrees integrated into a single commercial, cultural and (under the Romans) political zone". As is well known, the prominence of Rome in the Italic peninsula by 300 BCE was the result of land-based wars. At that time, Rome had no aspirations of becoming a naval power, nor did this change until the Punic Wars. Their significance extended far beyond the western and central Mediterranean. With the fall of Carthage, Rome consolidated its control over Greece, opening up the possibility of intense competition with the rulers of Egypt and Syria for

⁴ Meaning suggested by the etymology of the Latin name *Mēditerrāneus*.

⁵ Bilingual (Latin-Greek) constitution, issued by Justinian in 533 and introductory to the *Digest*.

mastery over the eastern Mediterranean (Abulafia 2011, 189). From the fall of Carthage to Egypt's conquest, the Romans extended their control over the entire Mediterranean, which then became their "Mare Nostrum" (Our Sea), constituting a vast area characterised by political, economic, and cultural unity. By the reign of Emperor Hadrian (117–138 CE), "the outline of the Empire represented an immense ellipse around the Mediterranean, [...] with the sea providing the basic shape: essentially the Roman Empire was the land surrounding the *Mare Nostrum*" (Braudel 2002, 632). Single rule over the "Mare Nostrum" and the resulting so-called *pax romana* ensured freedom of movement and cultural mixing in the Mediterranean on an unprecedented scale. This political and economic unity began to weaken around the 5th century, with a gradual detachment of the western Mediterranean from the eastern Mediterranean. By the 6th century, the unity of the Mediterranean had been shattered politically and commercially (Abulafia 2011, 241). However, the cultural unity developed in previous centuries continued to endure in a number of ways. As previously mentioned in scholarly literature (Ivetic 2022), a truly integrated world was created, one that wasn't undone by later divisions in the Mediterranean. Romanisation was not a unidirectional process: on one hand, the vast area of the Mediterranean conquered by Rome had absorbed its cultural and social elements; on the other hand, Roman culture itself had become Mediterraneanised, in the sense of adapting to the political and economic circumstances of the Mediterranean, even before the unity of Roman Italy (Augustus' Italy) was achieved. In this sense, Roman law is one of the primary manifestations of this shared cultural substrate. Particularly, the *ius gentium*, beyond constituting a sector of Roman private law, acted as transnational law by regulating relations between individuals of different nationalities and served to facilitate commercial exchanges in the Mediterranean. After the First Punic War, it was increasingly understood and accepted as the law of the Mediterranean world, often applied standardly at the provincial level in relations between foreigners or between foreigners and Romans (Giliberti 2015, 5–7). As previously pointed out by Braudel (2001, 312), Rome "could not maintain contact with its Empire – the rest of Italy, the provinces, the cities – without the legal regulations essentials to the maintenance of political, social and economic order", and Roman law, extending to the conquered territories, was a key element in maintaining the unity of the empire. It continues to impress with its "extraordinary success story [...] which has remained in evidence to the present day". Today, the crucial role of the Romanist legal tradition is not only recognised from a strictly political and institutional point of view by legal literature. It is also acknowledged from a broader cultural perspective by scholars of Mediterranean Studies. For example, Matvejevic includes Roman law among the main components of the "Mediterranean mosaic" (2006, 18). Braudel not only underlines its importance in the Imperial Era, but also highlights its imperishable character as a legal tradition that outlasted the fall of the empire and became the foundation of Western law and, in several aspects, of Western civilisation (2001, 312). This concept, as we will see, is frequently mentioned in late Qing Chinese sources and this is presumably one of

the main factors that led the Chinese intelligentsia and government to opt for a Romanist-style legal reform in the beginning of the 20th century.

3. Roman Law in Late Qing and Early Republican Chinese Sources: A Constitutive and Transnational Element of the Mediterranean and Western Civilisation

As is well known, the history of Roman law did not end with the fall of the empire. After a period of stagnation in the evolution of the Romanist science, a revival of Romanist studies occurred with the Bolognese School of Glossators (11th–13th centuries) and with the Commentators (14th century), reaching the era of the great codifications in the 19th century. It is therefore undoubtedly true that Roman law has constituted the foundation of all Western law (partially influencing the countries of the Common Law as well). Similarly, it is well known that in modern times, extra-European countries, including China, reformed their national legal system inspired by the Romanist one. This occurred for a series of reasons that cannot be completely summarised here. However, the primary reason was the systematic and universalistic character of Roman law.

As has been mentioned, the reception of Roman law in China began towards the end of the 19th century. Regarding Chinese sources, there are three main phases that characterise this process: 1) the appearance of the earliest references to Roman law in works translated (or, rarely, composed) by Western missionaries; 2) the inclusion of references to Roman law in documents directly composed by Chinese authors; 3) the writing of the earliest Roman law manuals translated or composed in Chinese. Of this vast quantity of documents, this paper limits itself to analysing some of the works aligning closely with the subject of investigation (i.e., those that describe Roman law as a transnational element in relation to the Mediterranean civilisation) and provides a specific example for each of the three types of sources.⁶

As for the first type of sources analysed, one of the main works containing relevant references for the present study is *Luoma zhilüe* 羅馬誌略 (Brief History of Rome, 1886) which is the translation of M. Creighton's *History of Rome* (1879) by the English missionary J. Edkins. This volume is rich in references to specific laws and institutions of ancient Rome. Above all, it highlights how Roman law constituted an indispensable cultural heritage on which the law of the European nations (and more specifically, the peoples of the Mediterranean) was based. In the first pages of the volume, it is clearly illustrated how Roman law was extended to the areas of the Mediterranean conquered by Rome and inhabited by peoples defined as “civilised” precisely because of this law:

The people of Rome first of all overcame all the other people of Italy and then went on to overcome all the nations that lived round the Mediterranean Sea. Also, besides conquering these nations, they governed them, and gave them their

⁶ This study will not investigate the first mentions of the Mediterranean which appeared in much earlier sources, starting from the Han period, 202 BCE–220 CE (Yu 2013). For further details on these aspects, readers may refer to Chapters 1 and 8.2 of this volume.

own laws, and made them all like themselves in some degree or another. Now, these nations who lived round the Mediterranean Sea were the only people who lived in cities, and made themselves laws, and wrote books, and were what we in these times call *civilised*. [...] Rome was a great link in the history of the world, for all the nations of old times were conquered by Rome, and so came under Rome's power, while all the European nations of our own days were formed out of Rome's overthrow and learnt a great deal from her (Creighton 1879, 5–6).⁷

In the following pages, the history of Roman expansion is narrated in detail. Therefore, it is reinforced how Rome, starting from the Punic Wars, conquered the entire Mediterranean area, placing itself at the head of the “civilised” world:

Thus, you see that in the year 133 <BCE> Rome, besides ruling Italy, was ruler also of Macedonia, Greece, Asia, Spain and Africa, in fact all the countries round the Mediterranean Sea, which thus became a Roman lake. Also, these were all the countries which at that time were civilised, that is, had made themselves into regular states, whose citizens lived together for their common good, and built cities, and made and obeyed laws. You see, then, how important was the position of Rome after these wars: she was the head of the civilised world. (Creighton 1879, 51).⁸

The use of the expression “Roman lake” to refer to the Mediterranean is quite widespread in Western historiography (Abulafia 2011, 199; Norwich 2006, 143; etc.). Although in this specific case, the Chinese translation (“是瀕地中海之諸國，幾盡服屬羅馬矣” or “all of the countries around the Mediterranean Sea were subject and belonged to Rome”) is not literal, the meaning is faithfully conveyed by the translator and highlights the extent of Roman dominion over all of the countries of the Mediterranean area. This unity was not only political but also cultural, as “the Mediterranean had become *Mare Nostrum*, ‘our sea’, but the ‘our’ referred to a much larger idea of Rome than the Senate and People of Rome itself, *Senatus Populusque Romanus*. Roman citizens, freedmen, slaves and allies swarmed across the Mediterranean: traders, soldiers and captives criss-crossed the sea. They carried with them a predominantly Hellenistic

⁷ The Chinese translation of Creighton's work is faithful to the original. Therefore, for this quote and the subsequent quoted passages, I directly provide the text of *History of Rome*, including the corresponding passages of the Chinese version by Edkins (for which the 2014 edition was used) in the footnote: 閱乎此書，則知羅馬先如何據有意大利諸他國地，繼如何評定瀕臨地中海之四周諸國。不惟有是，並能分設方伯，治理諸地頒予羅馬律例，教導多人，使與羅馬人有多寡不等之相似，而瀕地中海之諸國，與未經王化者不同，俱旅居城內。自訂有條例，書籍成卷帙，且禮儀制度，文雅有序，益可顯羅馬之聲威矣。[...] 羅馬國實為歐洲古今數代之樞紐也。往古歐洲諸國，舉經羅馬征服。邇時諸國，當羅馬衰落時，乘勢自強興。於其往昔之條教號令，決有心得耳。(Creighton 2014, 195–96).

⁸ 觀上所載，是於漢武帝即位八年時，羅馬已得有意大利、馬其頓、希臘、小亞洲、西班牙、亞非利加，是瀕地中海之諸國，幾盡服屬羅馬矣。希臘人、西米族人均彬彬而遵國制王化。且諸國盡城居，制有律例，為久有風化者，益可昭明羅馬威權之大。(Creighton 2014, 241–42).

culture, which had penetrated deeply into Rome itself” (Abulafia 2011, 199). In particular, the Greek influence on Roman culture, by way of “Mediterranean” syncretism, also emerges from Creighton’s work, thus reaching the Chinese readership of the late Qing period:

Of course, when the Romans conquered Greece and the East, they saw a great many things which they had never seen before [...]; all the best books and statues and pictures of the old world had been made by the Greek writers and artists. So, the Romans not only learned many new things from the Greeks, but gave up a great many of their own early beliefs (Creighton 1879, 52).⁹

Subsequently, following the foundation of the Empire, a crucial step in its consolidation was the extension of Roman citizenship to all free men of the provinces, an aspect clearly illustrated in Creighton’s volume (and in its Chinese translation):

One good thing, however, came out of this; Caracalla gave the rights of Roman citizenship¹⁰ to all the provinces, so that all who were governed by Rome called themselves Romans alike. Italy and the provinces were now equal, and there were no differences between one free man and another. [...] It drew the Empire much more together, and made it entirely one. Roman ideas had long been spreading among the people of the provinces, but now everyone was in name, as well as in thought, a Roman (Creighton 1879, 105–6).¹¹

In this sense, it is worth recalling that granting of Roman citizenship to all free men of the provinces, as sanctioned by the *Constitutio Antoniniana* (212 CE), was the “solution to strengthen the unity of the empire, centred, as is known, on the Mediterranean part” (Ivetic 2022).

As for the second type of analysed sources, I focus on *Bali fu youren shu* 巴黎復友人書 (Letter from Paris to a Friend), a document written by Ma Jianzhong 馬建忠 (1845–1900) in 1878 and included in the anthology *Shike zhai jiyang* 適可齋記言 (Annotations from the Shike Study), vol. 2, published in 1896. It is significantly relevant regarding the universalistic character of Roman law as well as its pan-Mediterranean and transnational value. In this work, after underlining how Greek and Roman cultures are the cradle of Western civilisation,

⁹ 羅馬人於平服希臘亞洲地時，素未經見之事。[...] 羅馬人多加之意。[...] 彼時極善之書籍，多為希人著作，雕鏤、繪畫等工，亦擅長著名。羅馬人步趨追隨希人之習俗時，將夙昔信守之條道，棄置多端 (Creighton 2014, 143).

¹⁰ The translation of the expression ‘rights of Roman citizenship’ is not perfectly faithful to the original (羅馬民所有之利益, ‘all of the advantages of Roman citizens’). However, immediately afterwards, it is clearly indicated how the inhabitants of the provinces could now define themselves as full-fledged citizens of Rome, being in an equal position with them.

¹¹ 時帝政於極虐中，而得有一至善者，即以羅馬民所有之利益全賜與諸省民人。俾諸省人，除奴隸外，皆與意大利人平等，咸可自稱為羅馬民之一事也。[...] 按噶喇此命，實可使天下人合而不散，前此羅馬風教，皆由漸而遍傳行於諸省內。茲諸省人，既皆同於羅馬，則不能與羅馬殊 (Creighton 2014, 300).

Ma Jianzhong briefly summarises the history of Rome.¹² On one hand, it is first illustrated how Roman dominion gradually extended beyond the city of Rome by conquering Greece and the entire Mediterranean area.¹³ On the other hand, it is correctly stated that, in ancient times, the original nucleus of Roman law (*ius civile*) and the rights provided for therein applied exclusively to Roman citizens (while foreigners were excluded).¹⁴

Afterwards, Ma Jianzhong continues to briefly narrate the history of Rome until the reign of “Justinian, emperor of the Eastern Roman Empire, who fixed the laws”.¹⁵ In this regard, to properly understand the importance of this reference for this study, one should recall the relevance of the role of Justinian in the legal field, as well as in the broader cultural field. His role was so crucial that it is the subject of great attention beyond legal literature, also in Mediterranean studies. For example, Norwich describes Justinian’s complete recodification of Roman law as astonishing, as he removed all contradictions, substituting clarity and conciseness for confusion and chaos (Norwich 2006, 190). Similarly, Braudel underlines the essential function of Roman law for the maintenance of social order and communications between the centre and the periphery of the empire (Braudel 2001, 311). Therefore, even though concise, this reference by Ma Jianzhong to the Byzantine emperor and his monumental codification work is both precious and accurate.

Finally, Ma Jianzhong’s work is noteworthy for yet another reference to the role exerted by Roman law in the West (and thus in the Mediterranean area, although the Mediterranean Sea is not directly mentioned). It is contained in *Ni she fanyi shuyuan yi* 擬設翻譯書院議 (“Proposal on Establishing a Translation Academy”), written by Ma in 1894 and included in the aforementioned *Shike zhai ji yan* (vol. 4). This document describes the laws of Rome as the foundation of the laws of all countries (“羅馬律要為諸國定律之祖”). The concept of Rome as “the place of origin of the laws of all countries” had already been illustrated in earlier volumes translated into Chinese, but this is one of the earliest references of this kind that can be found in a document composed by a Chinese intellectual. It illustrates how the process of reception of Roman law had progressed further.¹⁶

¹² Ma Jianzhong was one of the first Chinese students sent by the Qing government to study abroad. He studied law in Paris (1877–1880) where he had the chance to acquire a relatively deep knowledge of Roman history and law. For further information on his study experience in France, see: Colangelo 2022.

¹³ 羅馬創始之初，地廣人稀，[...] 遂奄有地中海周圍諸國 (Ma 1896).

¹⁴ 然後閉門謝使，禁絕外人，即有至者，不得與本國人民同享權利 (Ma 1896). In a later phase, following the intensification of trade relations with foreign people, the need to regulate business relationships between Roman citizens and *peregrini* led to the formation of the *ius gentium*, a normative system subsequent to the original core of the *ius civile* and intended to provide legal protection to foreigners in Rome (see, for instance: Talamanca 1989, 153–64).

¹⁵ 東羅馬瑪至儒斯定王大修律例 (Ma 1896).

¹⁶ For a more in-depth overview of Chinese sources containing similar references, see: Colangelo 2015.

Lastly, a specific reference to the Romanist legal tradition as typical of the Mediterranean area (but not only) appears again in a more recent work which belongs to the third type of sources analysed. It is the third edition (1930) of the Roman law manual composed by Huang Youchang 黃右昌.¹⁷ In this volume, the author presents Constantinople as the place where Emperor Justinian had the *Corpus Iuris Civilis* (534 CE) compiled (“優帝編纂法典之地，在東羅馬君士但丁堡”), describing the city as a majestic urban centre, located on the western shore of the Bosphorus strait (“該城地勢居博斯破魯斯 [Bosphorus] 海峽西岸，雄壯秀麗”). From here, one could observe the strategic junction of the Mediterranean and the Black Sea (“其險要扼地中海黑海之咽喉”). As a central place of connection between Europe and Asia, Constantinople is portrayed as a crossroads of cultures where the customs and traditions of the East and the West meet (Huang 1930, 18–19). The crucial role of Constantinople in the Mediterranean area and its cultural and political significance is an objective fact, repeatedly highlighted in Mediterranean Studies. As pointed out by Norwich (2006, 28), the city itself perhaps commanded only the Bosphorus and the Sea of Marmara, but the two successive empires of which it was the capital (the Byzantine and the Ottoman) occupied well over half the shoreline of the Mediterranean at various times. Similarly, Abulafia (2011, xxiii) includes this city inside the boundaries of the “Liquid Continent”, because it functioned as a bridge between the Black Sea and the White Sea.¹⁸ At the same time, the importance of Constantinople from a specifically legal point of view is also emphasised, not only in legal literature but also in the field of Mediterranean studies. For example, Braudel underlines that law schools in Rome, Constantinople and Beirut in the late Empire¹⁹ “played a leading role in the fifth century” and they “would preserve Roman law, enabling the renaissance under Justinian to take place” (Braudel 2001, 312). Therefore, the description of Constantinople and its cultural and legal value as presented by Huang, being one of the earliest of this kind included in Chinese sources, is particularly valuable.

4. Conclusions

As we have seen, the Chinese sources analysed clearly illustrate the process of Rome’s expansion throughout the entire Mediterranean area. At the same time, they also emphasise how Roman law was used throughout this vast ter-

¹⁷ The volume by Huang (first edition: 1915) dates back to the early republican era. For information on earlier Roman law manuals written in Chinese in the late Qing period, see: Colangelo 2015; Colangelo 2020.

¹⁸ “White Sea” is the name by which the Turks used to call the Mediterranean.

¹⁹ Justinian decreed that no other law school except Beirut and the ones of Rome and Constantinople shall be recognised by the imperial authorities. In this sense, it should be kept in mind that the city of Beirut, in the heart of the Mediterranean area, also greatly contributed to the development of the Romanistic legal tradition and was therefore given by the emperor the title *Berytus Nutrix Legum* (“Beirut, Mother of Laws”).

ritory, characterised by legal unity and (more generally) cultural syncretism. From this analysis emerges a perception of the Romanist legal tradition as a pillar and common denominator of Western and Mediterranean legal science in a transcultural sense. One can understand it as an element that is not only Italic, but instead of a Western (and specifically Mediterranean) civilisation that transcends regional and national boundaries. As has been said, this concept has long been well known in the Western world, but it was undoubtedly not so obvious in late Qing and early Republican China.

As mentioned, the image of Roman law emerging from the sources is firstly that of an essential tool for guaranteeing the cohesion and management of a vast empire and, subsequently, that of the foundation of all Western law. In other words, it is described as the indispensable political and legal basis of the “Western powers” that appeared to late Qing intellectuals as strong and “civilised”. This image therefore not only contributed to increasing knowledge of the external world in China, but it very likely oriented, to some extent, the Chinese government towards the adoption of the civil law system within the national legal reform’s implementation.²⁰ In this sense, the information provided in the primary sources examined can be considered even more valuable.

References

- Abulafia, David. 2011. *The Great Sea: A Human History of the Mediterranean*. Oxford: Oxford University Press.
- Braudel, Fernand. 1985. *La Méditerranée. L’Espace et l’Histoire*. Paris: Flammarion.
- Braudel, Fernand. 1986. *La Méditerranée. Les Hommes et l’Héritage*. Paris: Flammarion.
- Braudel, Fernand. 1998. *Les Mémoires de la Méditerranée*. Paris: De Fallois.
- Braudel, Fernand. 2001. *Memory and the Mediterranean*. New York: Knopf Doubleday Publishing Group.
- Casavola, Franco. 2004. “Il tempo del diritto”. *Studium* 100, 4–5: 687–92.
- Colangelo, Lara. 2015. “L’introduzione del diritto romano in Cina: evoluzione storica e recenti sviluppi relativi alla traduzione e produzione di testi e all’insegnamento”. *Roma e America. Diritto romano comune*, 36: 175–210.
- Colangelo, Lara. 2020. “Ershi shiji chuqi Zhongguo dui Luoma fa tixi de jishou: zui zao yong zhongwen xiezuo de Luoma fa jiaokeshu yiji Zhongguo de fadianhua guocheng 二十世纪初期中国对罗马法体系的继受: 最早用中文写作的罗马法教科书以

²⁰ At the beginning of the 20th century, the Chinese government specifically sent a delegation (1905) to various Western countries in order to observe their legal and institutional systems and to identify the model that best suited the reform of the national legal system. China at that time was therefore undoubtedly aware of the existence of the Common Law system, but chose to refer to the Romanist tradition for various reasons that, as mentioned, cannot be illustrated in this brief essay (for further information see: Colangelo 2015). A concrete first step in this direction was the draft Civil Code (*Da Qing Min li cao’an* 大清民律草案, 1911). Although the document never came into force, due to the collapse of the empire in the same year, China confirmed, in the following decades, its willingness to reform the national legal system drawing inspiration from the Romanist legal tradition. For further information on this process, see: Colangelo 2015.

- 及中国的法典化过程”。In *Luoma fa, Zhongguo fa yu minfa fadianhua (wenxuan)*. *Ershiyi shiji minfa dian de kexue tixi* 罗马法、中国法与民法法典化(文选)——二十一世纪民法典的科学体系, edited by Fei Anling 费安玲 and Sandro Schipani, 76–87. Pechino: Zhongguo Zhengfa Daxue chubanshe.
- Colangelo, Lara. 2022. “La recezione della tradizione giuridica romanistica in Cina: il diritto romano negli scritti dei letterati di epoca tardo Qing”. In *Verbis. Lingue, letterature, culture*, 12 (1): 117–130.
- Creighton, Mandell. 1879. *History of Rome*. London: MacMillan and co.
- Creighton, Mandell [克赖顿]. 2014 (first ed.: 1886). ‘*Xila zhilüe*’ ‘*Luoma zhilüe*’ *jiaozhu* 《希臘誌略》《羅馬誌略》校注. Translated by Joseph Edkins. Beijing: The Commercial Press.
- Horden, Peregrine and Purcell, Nicholas. 2006. “The Mediterranean and ‘the New Thalassology’.” *The American Historical Review* 111 (3): 722–40.
- Giliberti, Giuseppe. 2015. “L’ius gentium romano come ordinamento transnazionale”. *Cultura giuridica e diritto vivente*, 2: 1–14.
- Huang, Youchang 黄右昌. 2006 (first ed. 1930). *Luoma fa yu xiandai* 罗马法与现代. Beijing: Zhongguo fangzheng chubanshe.
- Ivetic, Egidido. 2022. *Il Mediterraneo e l’Italia*. Catanzaro: Rubettino editore.
- Ma Jianzhong 馬建忠. 1896. *Shike zhai ji yan*. Accessed August 30, 2024. <https://www.zhonghuadiancang.com/leishuwen-ji/8246/166875.html>.
- Matvejević, Predrag. 2006. *Breviario mediterraneo*. Milano: Garzanti.
- Norwich, John. 2006. *The Middle Sea: A History of the Mediterranean*. New York: Doubleday.
- Talamanca, Mario. 1989. “Editto del pretore, ius honorarium e ius civile”, in *Lineamenti di storia del diritto romano*, edited by Mario Talamanca, 171–82. Milano: Giuffrè editore.
- Tusa, Sebastiano. 2014. “Attualità del Mediterraneo di Braudel.” In *Ricordando Braudel. Mediterraneo, un mare condiviso*, edited by Angela Accardi, 96–105. Palermo: Regione siciliana, Assessorato dei beni culturali e dell’identità siciliana, Dipartimento dei beni culturali e dell’identità siciliana.
- Wang, Jian 王健. 2002. “Luoma fa chuanbo zhongguo wenxian jikao 罗马法传播中国文献稽考”. In *Luoma fa yu xiandai minfa* 罗马法与现代民法, edited by Xu Guodong 徐国栋, 59–98. Beijing: Zhongguo fazhi chubanshe.
- Yu, Taishan. 2013. *China and the Ancient Mediterranean World: A Survey of Ancient Chinese Sources. Sino-Platonic Papers 242*. Philadelphia: Department of Asian and Middle Eastern Studies, University of Pennsylvania.