海峡华人：沟通两个法律世界的桥梁

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一个中间人群体

新加坡的华人并非都是新近到来的移民。早期商界精英中有相当一部分来自马六甲，那里的华人家族已世代定居，形成了独特的文化。这些土生华人（Peranakan），又称海峡华人或峇峇（Baba），是最早几批前往东南亚海洋地区各港口定居的华南移民的后裔。数百年间，许多人与当地家庭通婚，他们讲峇峇马来语，这是一种与马来语相近、夹杂大量福建话词汇的克里奥尔语。[1] 陈笃生的母亲是土生华人，他本人就属于这一群体；许多随法夸尔（Farquhar）从马六甲来到这个新殖民地的华人商人也是如此。

海峡华人在商业和法律秩序中处于特殊地位。他们生于英国殖民地，是英国臣民。许多人把西式教育视为经济上进的途径，到20世纪时，大多数人接受的是英文教育。他们通晓英语、马来语和华人世界，因而成为殖民当局与华人居民之间不可或缺的中间人。[2] 在商业领域，他们担任欧洲商行的担保人、经纪人和合伙人，担任律师和文员，后来又创办银行和保险公司。

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两个法律世界

海峡华人的地位，体现了殖民地新加坡两个法律世界的并存。一边是法院适用的英国法，有合同、信托和公司。另一边是华人社群的习惯秩序，有会馆、誓言、仲裁和声誉。海峡华人往来于两者之间。他们的家庭事务受第III章所述经过修订的英国法管辖，该法在婚姻和继承问题上考虑了华人习俗。他们的商业事务则既依靠正式合同，也依靠非正式的信任。

这种双重能力赋予他们商业优势，也预示了现代金融中心的一个特征。今天新加坡的国际业务，依赖于既懂得国际法律和监管的正式规则、又了解亚洲家族企业非正式期待的人。能够沟通这两个世界的律师、银行家和顾问，发挥着海峡华人在19世纪所发挥的同样作用。本书J部分将探讨独立后语言和法律教育如何塑造了这种桥梁作用。

注释

1. Wikipedia, “Peranakan Chinese”（2026年9月访问）：最早几批前往东南亚海洋地区的华南移民的后裔所形成的族群，尤其起源于马六甲；他们讲峇峇马来语，“related to the Malay language, which contains many Hokkien words”。 ↩
2. Wikipedia, “Peranakan Chinese”（2026年9月访问）：到20世纪，“most Peranakan were English or Dutch-educated”；他们“readily embraced Western culture and education as a means to advance economically”，并成为英国当局与华人居民之间的中间人。 ↩

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