海峽華人：連接兩個法律世界的橋樑

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中間人的社群

新加坡的華人並非全都是新近移民。早期商人精英中有相當一部分來自馬六甲，當地的華人家族已在那裏生活了幾代，並發展出獨特的文化。這些土生華人（Peranakan），又稱海峽華人或峇峇（Baba），是最早一批移居東南亞海上港口的華南移民的後裔。許多人在幾個世紀間與當地家族通婚，說峇峇馬來語。這是一種與馬來語相近、夾雜大量福建話詞彙的克里奧爾語。[1]陳篤生的母親是土生華人，他本人亦屬於這個圈子；許多隨Farquhar從馬六甲來到新殖民地的華商亦然。

海峽華人在商業和法律秩序中佔有特殊位置。他們在英國殖民地出生，是英國臣民。許多人把西方教育視為經濟上進的途徑，到了二十世紀，大多數人都接受英文教育。他們通曉英語、馬來語和華人世界，因而成為殖民當局與華人社會之間不可或缺的中間人。[2]在商業上，他們擔任歐洲商行的擔保人、經紀和合夥人，亦擔任律師和文員，後來更創辦銀行和保險公司。

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兩個法律世界

海峽華人的地位說明了殖民地新加坡兩個法律世界並存的情況。一方是法院所適用的英國法律，包括合約、信託和公司。另一方是華人社群的習慣秩序，包括會館、誓言、仲裁和聲譽。海峽華人在兩者之間穿梭。他們的家庭事務受第III章所述經修訂的英國法律規管，該法律在婚姻和繼承問題上考慮到華人習俗。他們的商業事務則同時倚靠正式合約和非正式信任。

這種雙重能力帶來商業優勢，亦預示了現代金融中心的一個特點。今天在新加坡經營國際業務，有賴既了解國際法律與監管的正式規則、又明白亞洲家族企業非正式期望的人。能夠在這兩個世界之間架起橋樑的律師、銀行家和顧問，所發揮的作用與十九世紀海峽華人的作用相同。本書J部分探討獨立後語言和法律教育如何塑造這種橋樑角色。

註釋

1. Wikipedia, “Peranakan Chinese”（2026年9月瀏覽）：最早一批移居東南亞海上地區的華南移民的後裔所形成的族群，尤其源於馬六甲；他們說峇峇馬來語，“related to the Malay language, which contains many Hokkien words”。 ↩
2. Wikipedia, “Peranakan Chinese”（2026年9月瀏覽）：到二十世紀，“most Peranakan were English or Dutch-educated”；他們“readily embraced Western culture and education as a means to advance economically”，並成為英國當局與華人社會之間的中間人。 ↩

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