



INTER-ASIAN LEGALITIES

This workshop is jointly organized by the Inter-Asia Engagements and the Asian Urbanisms Clusters at the Asia Research Institute (ARI), National University of Singapore (NUS); with funding sponsorship from the InterAsia Partnership (Arab Council for the Social Sciences, Secretariat), and ARI.

This workshop will consider the contemporary realities and historical foundations that legal systems and cultures are built upon in Asia. It responds to a conundrum that entails the reconceptualization of Asia as a set of interconnected processes: as borders are being crossed more easily than ever before, abetted by technological advancements in digital infrastructure, local legal regimes and actors continue to maintain their socio-political and territorial resonance. We time this workshop at the moment when the globe is bouncing back from a health pandemic and restrictions on travel have shaken the assumptions of a globalized world. It is thus a useful juncture to pause and reflect upon transnational legalities and governance structures, which have been disrupted, but remain in effect across the Asian region (see, for example, Ho, 2017; Kingsley, 2021).

The workshop contributes to social-legal studies, area studies and urban studies by foregrounding “Inter-Asia” as a mode of interdisciplinary work that privileges mobility, relationality and porosity (Chua, Ken, Ho, Ho, Rigg & Yeoh, 2019). First, it highlights how transnational legalities operating at different scales across Asia are underpinned by a fabric of governance that weaves state *and non-state* actors. Both state and non-state actors work through different institutions and regulatory frameworks that challenge traditional notions of jurisdiction and applicable substantive law while illuminating existing schisms (Kingsley, 2018). Recognizing the heterogeneous nature of governance is critical as there has been an acceleration of infrastructures – physical, digital and social – of multi-scalar connections over the last two decades (for a discussion of social infrastructures, see Elyachar, 2010). The sphere and construction of law is being redrawn, blending non-state local rules, domestic state laws, international law, and privatised transnational law (based on contractual relationships). By showing how such processes are often carried out in plural legal environments, we identify and analyze the necessary work carried out by *legal intermediaries* (von Benda-Beckman, 2021). It is these legal intermediaries that create new, and heterogeneous, fabrics of governance.

Second, the workshop brings history to bear on the present. The fabric of governance that has emerged today has deep historical roots (Duara, 2010; Hussin, 2002). For sure, businesses – engaged in both legal and illegal activities – are being transformed and the challenges from climate change to pandemics require new kinds of legal response and modes of practice. However, to interpret contemporary Asian circumstances we need to recognise our legal realities are built on historical foundations and long-standing ideational, and systemic, foundations (Laffan, 2011; Yahaya, 2020). Acknowledging these historical foundations reorient the frames of reference that are often taken for granted (such as Western models of liberal jurisprudence) as well as brings to surface the geographies of development that appear to have faded away in the present. For example, maritime trade networks from the Arabian Gulf through the Bay of Bengal to the great ports of Southeast Asia and beyond, have created a sea of documented, and relational, legal connections, and these are replicated on the maritime and inland trade routes today (Bishara, 2017). Colonial law and juridical principles continue to haunt the contemporary, revealing the uneven trajectories and strategic use of law in different Asian polities.

Finally, the workshop recognises that the infrastructures of legal connectivity end up in urban centres that connect and disconnect different parts of the world. As scholars of global cities (Appadurai, 1990; Sassen, 2001) have shown, the international division of labour and the concentration of global corporate power has produced urban centres where the actual work of globalization is done. The fabric of governance that involve state and non-state actors as described above find specific expression in these centres – headquarters of international organizations and law firms, meeting grounds for legal mediation and networking, and “liveable” cities for the social reproduction of global elites. Yet, at the same time, global cities are not totally disembedded from local jurisdictions, which have strong territorial fixity and whose specific laws may or may not conform with what these experts prescribe for others.

It is into this porous socio-political and governance environment that we have today's grand challenges, whether they be environmental, health or mercantile. Asia's legal and governance interconnections are, therefore, pragmatic and unavoidable. They are at the heart of Inter-Asian connections and legalities.

Consequently, this workshop will consider four questions:

1. How should we define Inter-Asian legalities? What activities, ideas and histories give meaning to this concept?
2. What state and non-state actors, institutions and rules create the strands of the fabric of governance weaving its way across Asia?
3. How do our disciplinary orientations colour the way we interpret the modes of connectivity and the actors who participate in Inter-Asian legalities?
4. In an interconnected Asia, how does the built environment, spatial factors and geographic parameters effect law, governance and social order?

WORKSHOP CONVENORS

A/P Maitrii Aung-Thwin | Asia Research Institute, National University of Singapore

A/P Lee Kah-Wee | Department of Architecture, National University of Singapore

Dr Jeremy J. Kingsley | Swinburne Law School, Swinburne University of Technology, Australia

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PROGRAM AT-A-GLANCE

DATE	TIME (SG)	PANEL SESSION
12 January 2023 (Thu)	09:15 – 09:30	WELCOME & INTRODUCTORY REMARKS
	09:30 – 11:00	PANEL 1
	11:30 – 13:00	PANEL 2
	14:00 – 15:30	PANEL 3
	16:00 – 17:30	PANEL 4
	18:00 – 20:00	WELCOME DINNER
13 January 2023 (Fri)	10:30 – 12:00	PANEL 5
	13:00 – 15:00	PANEL 6
	15:30 – 17:00	PANEL 7
	17:05 – 17:45	CONCLUDING REMARKS

PRESENTATION FORMAT

- 30 min SUMMARY & COMMENTS BY DISCUSSANT
- Commentary by the discussant (10 min)
 - Response from the author
 - General discussion about the paper
- 30 min Q&A SESSION (COLLECTIVE)

12 JANUARY 2023 • THURSDAY

09:15 – 09:30	WELCOME AND INTRODUCTORY REMARKS
	<p>Maitrii Aung-Thwin <i>National University of Singapore</i></p> <p>Jeremy J. Kingsley <i>Swinburne University of Technology, Australia</i></p> <p>Lee Kah-Wee <i>National University of Singapore</i></p>
09:30 – 11:00	PANEL 1 – FABRIC OF GOVERNANCE
<i>Discussant</i>	Maitrii Aung-Thwin <i>National University of Singapore</i>
09:30	<p>Global Legal Platforms: Privatising InterAsian Legalities</p> <p>Jeremy J. Kingsley <i>Swinburne University of Technology, Australia</i></p>
10:00	<p>Market Associations in Asia: Meso-Level Governance between State Laws and Non-State Rules</p> <p>Nafay Choudhury <i>University of Oxford, UK</i></p>
10:30	QUESTIONS & ANSWERS
11:00 – 11:30	TEA BREAK
11:30 – 13:00	PANEL 2 – TRANSNATIONAL MORALITIES
<i>Discussant</i>	Jeremy J. Kingsley <i>Swinburne University of Technology, Australia</i>
11:30	<p>Inter-Asian Practices of Governing Bioinformation: Beyond Open Science and Data Sovereignty</p> <p>Sonja van Wichelen <i>University of Sydney, Australia</i></p>
12:00	<p>The Legalities of Disaster Victim Identification in Southeast Asia: A Comparative Study of the Philippines and Vietnam</p> <p>Huong Thu Nguyen <i>Vietnam National University of Hanoi</i></p>
12:30	QUESTIONS & ANSWERS
13:00 – 14:00	LUNCH BREAK

14:00 – 15:30	PANEL 3 – BUILT ENVIRONMENTS
<i>Discussant</i>	Lee Kah-Wee <i>National University of Singapore</i>
14:00	Price in Relationality: Revisiting the Making of Urban Land Rent Mechanism in China's 1980s Economic Reform Li Qi <i>National Yang Ming Chiao Tung University, Taiwan</i>
14:30	The Toutveillance of the Inter-Asian Ghetto: Spatio-legal Regulation and Resistance in Chungking Mansions, Hong Kong Dhiraj Nainani <i>Nanyang Technological University, Singapore</i>
15:00	QUESTIONS & ANSWERS
15:30 – 16:00	TEA BREAK
16:00 – 17:30	PANEL 4 – STATES AND IDEOLOGY
<i>Discussant</i>	Sonja van Wichelen <i>University of Sydney, Australia</i>
16:00	Moral Economies and Inter-Asian Legalities Johan Fischer <i>Roskilde University, Denmark</i>
16:30	Standardising Islamic Law? The Global <i>Halal</i> Industry in Malaysia and Indonesia Eva F. Nisa <i>Australian National University</i>
17:00	QUESTIONS & ANSWERS
17:30	END OF DAY 1
18:00 – 20:00	WORKSHOP DINNER

13 JANUARY 2023 • FRIDAY

10:30 – 12:00	PANEL 5 – SOCIO-CULTURAL HISTORY
<i>Discussant</i>	Nafay Choudhury <i>University of Oxford, UK</i>
10:30 (<i>online</i>)	The Return of Mi Shwe Tin? Native Litigation, Oil Boom, and the Articulation of “Buddhist Law” in Colonial Burma Ren Chao <i>University of Michigan, USA</i>
11:00	Cognitive Frameworks on International Society: Case-Study of Japan in 1920s Hisashi Harata <i>University of Tokyo, Japan</i>
11:30	QUESTIONS & ANSWERS
12:00 – 13:00	LUNCH BREAK
13:00 – 15:00	PANEL 6 – FRICTIONS AND FLUIDITY
<i>Discussant</i>	Anoma Pieris <i>University of Melbourne, Australia</i>
13:00	The Polymorphic Influence of Catholicism within the Legal Making of Contemporary Asia Michel Chambon <i>National University of Singapore</i>
13:30	Pawns in a Geopolitical Chess Game: The HFCA as Financial Lawfare in U.S.-China Rivalry Tamar Groswald Ozery <i>Hebrew University of Jerusalem</i>
14:00	Considering Culture in Competition Law and Policy: The Cause and the Solution for Transnational Frictions Sven Gallasch <i>Deakin University, Australia</i>
14:30	QUESTIONS & ANSWERS
15:00 – 15:30	TEA BREAK
15:30 – 17:00	PANEL 7 – TRANSNATIONAL PLACES
<i>Discussant</i>	Lee Kah-Wee <i>National University of Singapore</i>
15:30	“By the Sea Set on Fire!”: Arbitrage and Value across the Persian Gulf Nidhi Mahajan <i>University of California – Santa Cruz, USA</i>
16:00	Intertemporal Heritage: War Graves Architectures in the Asia Pacific Anoma Pieris <i>University of Melbourne, Australia</i>
16:30	QUESTIONS & ANSWERS
17:00 – 17:05	BREAK
17:05 – 17:45	SUMMARY & CONCLUDING REMARKS
	Jeremy J. Kingsley <i>Swinburne University of Technology, Australia</i> Lee Kah-Wee <i>National University of Singapore</i> Maitrii Aung-Thwin <i>National University of Singapore</i>
17:45	END OF DAY 2

Global Legal Platforms: Privatising InterAsian Legalities

Jeremy J. Kingsley

Swinburne Law School, Swinburne University of Technology, Australia
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Over the last fifty years, Asian businesses, and the trade networks that they link into, have actively participated in global business interactions. Transnational lawyers, and the global law firms they work for, have facilitated these cross-border transactions (Dezalay and Garth, 1996). To enable these commercial relationships, and resolve the disputes that emerge from them, there has been the emergence of global legal platforms, sites that provide for a contemporary formation of fluid jurisdictions (Yahaya, 2022). These platforms are the “legal infrastructure that tries to facilitate a transsystemic, or multi-layered, legal order” (Kingsley and Heap, 2019). These platforms have allowed for the emergence of extra-territorial internationalised legal spaces facilitating InterAsian legal connections, such as the Dubai International Financial Centre and the Singapore International Arbitration Centre (SIAC). This legal infrastructure facilitates major cross-border transactions and the development of commercial and tourism infrastructure zones, such as the Hamad International Airport (Qatar), the resort island of Sentosa (Singapore), the Mandalika resort complex (Indonesia) and the Port of Surabaya (Indonesia).

Jeremy J. Kingsley is a Senior Lecturer at Swinburne Law School, and in early February 2023, he will become an Associate Professor at Western Sydney University Law School. He is a transnational law scholar and anthropologist. His academic work is published in both public affairs and academic journals. His book, *Religious Authority and Local Governance in Eastern Indonesia*, was published by Melbourne University Press. Currently, he is working on a research project on ‘Inter-Asian Legalities’. This research has been funded by the Social Science Research Council (US). Additionally, Jeremy is a Chief Investigator on an Australian Research Council Discovery Project on contract enforcement in Indonesia. He is the foundation editor of the *Asia Law and Society Series*, Melbourne University Press (MUP). He is also a member of the InterAsia Partnership (Arab Council for the Social Sciences, Secretariat) through an affiliation with the University of Melbourne.

Market Associations in Asia: Meso-Level Governance between State Laws and Non-State Rules

Nafay Choudhury

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Markets in Asia are not only sites of intense economic innovation but also arenas of institutional and regulatory pluralism. Many such markets host market associations – communities of merchants tied together by a common interest or purpose. Market associations help bring to the fore the plural and multiscalar nature of governance that exists within and across commodity markets in Asia. Market associations, themselves heterogenous and institutionally diverse, help to provide various commodity markets with order through an assemblage of state laws and nonstate rules. The non-state actors who serve as the driving force of these associations rely on a combination of market power, social legitimacy, and strategic bargaining to create and sustain legal order within their environment. Importantly, associations challenge the conventional notion of legal order depending on the state by creating meso-level jurisdictional spaces between markets actors and the state that eludes categories such as domestic or international. This study uses examples of markets associations in Afghanistan to track the microdynamics of their governance capabilities. By drawing out the entanglements of state laws and non-state rules, the study reveals how market associations embed themselves within their environment and in the process create new jurisdictional spaces that simultaneously elude and reaffirm state authority.

Nafay Choudhury is a Junior Research Fellow at St. Catharine's. His work sits at the intersection of socio-legal studies, legal pluralism, economic development, and the rule of law. His research explores the fragmented and plural forms of order that exist within the state, alongside the state, and beyond the state. Nafay completed his PhD at King's College London where he undertook an ethnographic study of Afghanistan's money exchangers to understand the interaction of state and nonstate legal systems in the production of legal order. His current research looks at the role of market associations in providing normative order in fragile settings.

Inter-Asian Practices of Governing Bioinformation: Beyond Open Science and Data Sovereignty

Sonja van Wichelen

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The global Covid-19 pandemic has ushered in a new era of rapid sharing of bioinformation, such as Genetic Sequence Data (GSD). Increasingly, the transfer of tangible biological material is becoming obsolete. This situation poses new challenges to scientific exchange everywhere but has particularly profound implications for developing countries such as those in Southeast Asia where there is limited access to these high technologies. As data takes on significant social, economic, and political power, Southeast Asian countries are voicing their concerns over the extraction of GSDs without benefit to their states or economies. My paper examines these recent debates in the context of Southeast Asia, with particular focus on Indonesia. Prompting fresh debates about “data sovereignty,” Southeast Asian countries demand a seat at the global governance table, pushing for genetic sequence data to be bound by the same international treaties that govern biological specimens. I place the debate on sovereignty within the broader global push to Open Science and argue that the shift from tangible to intangible matter further complicates the governance of bioscience that is increasingly depended on platform economies. My analysis of data sharing practices amongst Asian bioscientists indicates, however, that there are epistemic and ethical practices of sharing beyond sovereignty and Open Science. It is in the liminal spaces of law—the interstices of governance—that these cosmopolitical practices occur. While lacking authority in formal spaces of law and governance, they might prove potent in reshaping governance to address postcolonial inequalities.

Sonja van Wichelen is Professor of Anthropology and Sociology with the School for Social and Political Sciences at the University of Sydney. She received her PhD in Sociology and Anthropology at the University of Amsterdam (2007) and held positions at Yale, Brown, UC-Berkeley, and the IAS in Princeton. Her research takes place on the cross-disciplinary node of law, life, and science in a globalizing world. She is the author of *Legitimizing Life* (RUP, 2019) and *Religion, Gender and Politics in Indonesia* (Routledge, 2010), co-editor of the Palgrave Biolegalities Book Series, and editorial board member of *Science, Technology & Human Values*, *Catalyst*, and *The Sociological Review*.

The Legalities of Disaster Victim Identification in Southeast Asia: A Comparative Study of the Philippines and Vietnam

Huong Thu Nguyen

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The legal system of the Philippines is a mixture of Roman (civil law) and Anglo-American (common law) systems, customary usage, and Islamic law, while Viet Nam has an inquisitorial tradition with strong influences from its communist roots. This current paper attempts to provide a comparative glance of the legal processes in place and how these processes may contribute to or reduce the legalities of disaster victim identification. Inspired by the interdisciplinary crisis approach, this paper looks into how the techno-scientific practice of forensic DNA identification is understood and expected by the victims' families and friends, and other state actors involved in disaster response efforts against the backdrop of pervasive catastrophic events such as the 2013 Super Typhoon Haiyan in the Philippines and the 2020 Central Vietnam Floods. Based on preliminary findings of an ongoing study, the paper shows that colonial law and juridical principles continue to be reflected in the uneven trajectories and strategic application of law in different Southeast Asian countries.

Hương Thu Nguyễn is Associate Professor in the Department of Anthropology, Vietnam National University of Hanoi. Her research interests lie at the intersection of gendered violence, climate catastrophes, criminal justice, LGBTQI+, and other human security issues in Vietnam and the Philippines. She has published numerous peer-reviewed and accredited articles in leading journals such as *Violence against Women; Culture, Health and Sexuality; American Anthropologist; NORMA*. She has also been involved in development work for various international organizations in Vietnam and Myanmar.

**Price in Relationality:
Revisiting the Making of Urban Land Rent Mechanism in
China's 1980s Economic Reform**

Li Qi

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In 1986, the People's Congress of China implemented the amendment of National Land Management Law that legalized the transaction of urban land usage right. The dichotomy of land property-nationalized ownership and privatized usage right -constitutes the institutional foundation of China's governmental land banking system, which facilitated the sustainable accumulation of state capital while lying uncertainties and ambiguities of property rights in the growing real estate market.

The land lease system, a modern land administration that was adopted during the British rule of India and Hong Kong, was first translated and introduced to the Shenzhen Special Economic Zone (SEZ) in the late 1970s. As the colonial land rule legacy located in the post-socialist context, practical problems arose in parallel with ideological disputes: how to make land price in a free land system? How did Hong Kong investors, middlemen, and local communist cadres negotiate urban planning schemes and profit-sharing of buildings? How did different actors assess profits and risks under incomplete and informal land regulation? By analyzing multiple price-making strategies in cross-border land investments from 1978 to 1988, this article looks at the linkage of land markets (land, real estate, construction industry) between Hong Kong and Shenzhen. Archives indicate that the unstable rent rate of Shenzhen SEZ in the 1980s had a close relationship with the fluctuating economic-political environment of Hong Kong.

Li Qi is a PhD student in Institute of Social Research and Cultural Studies, National Yang Ming Chiao Tung University, Taiwan. Her research interests include zone studies, urbanization, and land institutional changes in post-Cold War Asia. She is the editor of the book *Where the people are? People's Theater in Inter-Asian Societies* (forthcoming in 2022), eds. LI, Q., Rahman Z., LIU C.H., National Yang Ming Chiao Tung University Press. She was a programme researcher of "New Urban Migrants' Housing Security Research Team (2017-2018)", Department of Sociology, Hong Kong University.

The Toutveillance of the Inter-Asian Ghetto: Spatio-legal Regulation and Resistance in Chungking Mansions, Hong Kong

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This paper explores how the built environment and urban spatiality both influences and is influenced by the normative materiality of the law by studying Chungking Mansions, a building complex located in Hong Kong. Here, thousands belonging to Hong Kong's minority South Asian population live and work (possibly informally or illegally) in a place dubbed the city's 'last ghetto', which stands in contrast to its affluent, sanitised, and hyper-modern surroundings.

Using an approach that combines critical legal geography scholarship and ethnographic fieldwork, I analyse Chungking Mansions through the contestations that inevitably arise between the regulation of 'local' space and the 'others' inhabiting it. I specifically focus on the young South Asian men that work as touts outside Chungking Mansions, and whose bodily practices of *toutveillance* lead to spatio-legal encounters and contestations that reveal the latent logics of Foucauldian securitisation that are embedded in the legal ordering of urban space. Resistance to these logics are also uncovered.

Studying toutveillance offers an invitation into framing 'subaltern' inter-Asian legality as a new way of seeing the law: one that reveals its spatial, material, and normative aspects, as well as the parallel forms of globalisation and historical forms of governance that continue to shape it.

Dhiraj Nainani is currently a Research Fellow at the Singapore Centre for Environmental Life Sciences Engineering at Nanyang Technological University. He completed his LLB and LLM at the London School of Economics before earning his doctorate in law at the University of Hong Kong, where he was a Postgraduate Scholarship recipient and nominee for the Li Ka Shing Prize and Outstanding Research Postgraduate Student award. Dhiraj's current research focuses on the spatio-legality of public health surveillance, with a focus on wastewater surveillance. He is also interested in ethnic enclaves (or 'subaltern' spatio-legal urban assemblages) like Chungking Mansions in Hong Kong.

Moral Economies and Inter-Asian Legalities

Johan Fischer

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This paper explores two moral economies that regulate the production and circulation of things and economic transactions across Asia and beyond: halal (an Arabic word that literally means 'permissible' or 'lawful') and Indian vegetarianism. These moral economies have been shaped by new forms of Inter-Asian legalities. In Malaysia and Singapore state bodies regulate halal and in India the same is the case with vegetarianism. Businesses active in the three countries must comply with the legalities of moral economies. Drawing on my work among state bodies (the Islamic Development Department of Malaysia (JAKIM); the Islamic Religious Council of Singapore (MUIS); Food Safety and Standards Authority of India (FSSAI)) and businesses in Malaysia, Singapore and India, I argue that these moral economies are conditioned by particular kinds of Inter-Asian legalities. This exploration includes contemporary realities and historical foundations of urban legal cultures and their consequences in state bodies and businesses. This paper is based empirical material from fieldwork among state institutions and businesses, namely participant observation and interviewing.

Johan Fischer is Associate Professor in the Department of Social Sciences and Business, Roskilde University, Denmark. His work focuses on human values and markets. More specifically, he explores the interfaces between class, consumption, market relations, religion and the state in a globalized world. A central focus in this research is the theoretical and empirical focus on the globalization of moral economies. He is Editor of the Routledge book series *Material Religion and Spirituality* and on the Editorial Boards of *International Journal of Asia Pacific Studies* as well as *Research in Globalization*. Currently, he works on a research project on vegetarianism and meat-eating in a global perspective.

Standardising Islamic Law? The Global *Halal* Industry in Malaysia and Indonesia

Eva F. Nisa

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The *halal* (permissible according to Islamic law) industry has gained traction in both Muslim majority and minority contexts. A resurgence of piety, with considerable support among the new middle classes, is one of the factors that accelerates the growth of the *halal* industry. Malaysia is currently the global leader in the *halal* industry, with neighbouring country, Indonesia, also vying for the title. Drawing on ethnographic research from 2021 to 2022 in Malaysia (Kuala Lumpur, Selangor and Penang) and Indonesia (Jakarta), this paper focuses on issues pertaining to *halal* standardisation, and how Islamic legal understandings of *halal* products and the *halal* industry in one country can (and/or cannot) travel to other countries. *Halal* is about interpretations of Islamic law by Muslim scholars trying to adapt and reinterpret Islamic teachings to modern circumstances, situations and conditions. At the same time, *halal* business actors need standards to measure their products in relation to *halal* governance and in preparation for auditing by external *halal* agencies. This study highlights how establishing an internationally recognised *halal* standard, and accreditation remains problematic. This is evident from the absence of a holistic *halal* culture in one locality in this study. This study argues that the more we unpack the Islamic legal diversity that surrounds *halal* governance, the more we understand that the presence of *halal* standardisation and *halal* diversity are interrelated.

Eva Nisa is a senior lecturer in Anthropology in the College of Asia and the Pacific at The Australian National University. She currently holds an Australian Research Council Discovery Early Career Researcher Award (DECRA). Her DECRA project, *Standardising Halal: interpreting the tension between global and local*, aims to advance understanding of how *halal* standardisation has been reimagined in the context of global Muslim cultural diversity. Her research and publications focus on the intersections between religious, cultural, political, economic, legal, social, and philosophical aspects of peoples' lives. She is interested in global currents of Islam reshaping the lives of Muslims.

The Return of Mi Shwe Tin? Native Litigation, Oil Boom, and the Articulation of “Buddhist Law” in Colonial Burma

Ren Chao

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Around the turn of the twentieth century, the town of Yenangyaung in colonial Burma emerged as a major center of global petroleum industry. The dramatic growth of this nascent oil industry created expansive economic prospects as well as substantial social ruptures in this recently annexed colonial frontier. This paper examines this unusual moment when an emerging oil industry and a nascent colonial legal regime converged in native litigations over oil-wells. Situating these intra-family lawsuits in the context of the Burmese oil boom, this paper argues that the expansion of the capitalist oil industry nurtured a certain vision of economic future among the Burmese litigants, whose active participation in the colonial legal system inadvertently contributed to the articulation of the colonial category of “Buddhist law” in colonial Burma. Taking a micro-historical approach that weaves together individual lives of Burmese women, Indian lawyers, and Scottish judges, this paper brings environmental history and the history of capitalism together to illustrate on-ground legal practices in the oil frontier of colonial Burma, which was in itself an emerging plural society and an inter-Asian arena. It challenges the long-standing culturalist trope that the Burmese have little interest in wealth accumulation due to Buddhist economic practices.

Ren Chao is a PhD Candidate in the Department of History at the University of Michigan, Ann Arbor. His research interest includes the environmental history, legal history, and the history of capitalism in colonial South and Southeast Asia. His dissertation research has been supported by the Social Science Research Council, American Society for Legal History, Harvard Business School, and the Rackham Graduate School at the University of Michigan.

Cognitive Frameworks on International Society: Case-Study of Japan in 1920s

Hisashi Harata

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With globalization reaching Asia, cross-border finance as well as entrepreneurial activities can seriously affect its future. Nevertheless, we are yet to establish a peaceful and stable structure of international economy. What are the causes of this unsuccess?

A fundamental one regards our predominant cognitive framework regarding the international society, established in the first decades of the 20th century. This paper points out the characteristics and the deficits of that framework, by studying Japan in 1920s and focusing on divergent understandings of the national/international economy and society.

The understanding of the national/international economy was not homogeneous. The gold standard was one of the topics causing heated discussion in terms of cooperation for international finance in inter-war period. It shows the divergence of understanding of the national/international economy and the international cooperation. The most prominent version closely relates to the concept of the Territorial-sovereign Nation State as the substantive socio-economic unit, represented not only by militarism and economic nationalism but also by those who apparently stand for international cooperation. However, there was another cognitive version shared among international bankers. Mr Junnosuke Inouye is one of them, being the most prominent promotor for adhesion thereto in Japan. The former version can easily slip toward imperialism and simultaneously provoke the similar reaction on the side of counter-party countries, invoking military conflict and occupation. This paper clarifies this cognitive dichotomy, focusing on Mr Inouye's diagnostic analysis on Japan's society, and suggests the implication and potential of the latter un-bloomed cognitive framework for our globalized society.

Hisashi Harata is a Professor at Faculty of Law, The University of Tokyo. He teaches Private International Law. His main areas of specialization also include Comparative Law and Legal History. His research focuses on reconstructing a framework of private international law as part of international law, for tackling current issues implicating the Multinational Enterprise Groups, accompanied with historical research including the international history of 1920s.

The Polymorphic Influence of Catholicism within the Legal Making of Contemporary Asia

Michel Chambon

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This paper explores how Catholicism has a long-term, multifaceted, and cross-regional impact on the legalities and governance structures of Asia. Either through Papal engagement, charitable work, or transnational religious orders, Catholicism has constantly renewed its ways to contribute to the structuration of local societies and carefully engage their political order. To highlight the polymorphic and changing nature of this Catholic influence that excels what is usually defined as religious and combines features of state and non-state actors, this paper revisits three facets of Asian Catholicism. First, I look at how Catholic schools that have flourished across the continent have contributed to the modern making of Asian polities. Second, Catholic communities often being a religious minority of their home country, I look at the means through which Catholicism is advocating for the legal recognition and protection of religious diversity across the continent. Finally, I revisit some of the diplomatic and legal agreements that the Holy See has built with a growing number of Asian states over the past 700 years. Holding these legal attestations, modes of governance, and civic engagements together, I argue that Catholicism displays a polymorphic influence over Asian legalities.

Michel Chambon is a French Catholic theologian and a cultural anthropologist interested in Christianity in Asia. Studying various Catholic and Protestant communities based in China, Taiwan and Hong Kong, he has published research on the agency of Christian buildings, Chinese Pentecostalism, and Chinese Catholic nuns. His most recent book, *Actor-Network Theory and the Anthropology of Christianity*, examines the five Christian denominations of Nanping (Fujian Province) to question the ways social science theorizes the unity and diversity of Christianity. He is coordinating the *Initiative for the Study of Asian Catholics* (ISAC), and his current research projects examine the expansion of the Sovereign Military Order of Malta across the Asia Pacific region, as well as the materialization of Christianity within Chinese households.

Pawns in a Geopolitical Chess Game: The HFCA as Financial Lawfare in U.S.-China Rivalry

Tamar Groswald Ozery

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On December 18, 2020, the U.S. Congress enacted the Holding Foreign Companies Accountable Act (HFCA Act), which subjects certain China-based listed firms to potential desilting and requires them to submit documentation and make certain disclosures related to their ties with the Chinese government and the Chinese Communist Party (together, the Party-state).

Based on an analysis of the structure and governance of Chinese offshore listed firms, contrasted with the provisions of the HFCA Act its implementation rules, and its geopolitical backdrop, I argue that the Act does not seek to advance its stated goals of protecting investors. Instead, the Act is a strategic attempt by U.S. Congress to mobilize private market participants, Chinese firms, auditing firms, institutional investors, index companies, and the American public in pursuit of a geopolitical agenda. Through the HFCA, U.S. policymakers hope to narrow down the sources of capital that fund China's rise. The Act thus paves way for financial disintegration, under the guise of investor protection. Private market participants are being used as pawns on a geopolitical chessboard with losers in both markets and winners in none. In furthering the Act along with additional recent policies, the U.S. administration has taken a far-reaching step in expanding its tools of financial lawfare beyond what has so far been largely considered a legitimate application of national security and emergency powers.

Such efforts have backfired. Examining recent changes in Chinese law, the paper shows that the HFCA Act was answered by the Chinese Party-state's de-facto establishing an extraterritorial regulatory authority over the worldwide affiliates of China-based firms. In doing so, the HFCA Act has furthered the control of the Chinese Party-state over China's off-shore listed firms (in contrast to investors' interests). Furthermore, the recent steps taken to limit external financial flows to Chinese firms ended up invigorating the Chinese Party-state's efforts to gradually divert its capital-raising activities to Asia, and thereby will likely reduce its dependencies on U.S. capital and contribute to a strengthened, more connected, Asian sphere of influence. The Act, therefore, led China to play a Queen's Gambit.

Tamar Groswald Ozery, SJD is a legal sinologist, an Assistant Professor at the Department of Asian Studies at the Hebrew University of Jerusalem, Israel. She is a scholar of both law and contemporary China, her broad interest lies in the intersection of Chinese law and political economy. Her research and teaching focus on the legal and political elements that shape the development of the Chinese market, with particular interest in enterprise organization, capital market formation and China's integration in the global economy. In the past, she had testified in a Hearing before the [U.S.-China Securities and Review Commission](#) and was cited in its [annual report](#) to Congress. She earned her doctoral degree in Law from the University of Michigan. Thereafter spent three years at Harvard Law School as a Research & Teaching Fellow, where she was also the editor of the [Harvard Law Forum](#) on Corporate Governance and an affiliated scholar with HLS East Asian Legal Studies program. Before joining academia, she spearheaded the China department of a leading Israeli law firm.

Considering Culture in Competition Law and Policy: The Cause and the Solution for Transnational Frictions

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Competition law causes frictions in the world of transnational commerce. These frictions are felt tangibly across Asia. At a time when commercial transactions seamlessly crisscross borders relying on a mix of principles, rules, concepts and local customs, disregarding the notion of jurisdictional boundaries, competition law seems to be a legal irritant. Despite its importance for trade and commerce, the creation of substantive transnational competition law has failed leaving behind a patchwork of over 130 domestic competition laws across the globe. This article argues that the root cause for this conundrum is the very nature of competition law. It is a social construct that is influenced by societal, political and economic values while being deeply rooted in domestic jurisdictions.

The endeavour to find a common ground on a transnational level, requires us first to understand the inner workings of competition law. How and why is competition law applied in a domestic context and how does it differ across countries? These questions cannot be answered by comparing the substantive laws. We need to ask the deeper question. How do the actors in the field of competition law understand the law, its purpose, and what do they want to achieve? This brings us full circle to the nature of competition law itself – the social construct. It is argued that competition law in a transnational context can only be rationalised when considering its reception by and impact on local (legal) culture and society. In order to examine these issues, I will consider how competition law authorities across Asia facilitate and cause frictions to inter-Asian legal connections.

Sven Gallasch is a Lecturer in Law at Deakin Law School. His main area of research continues to be comparative competition law and especially its intersection with IP in the pharmaceutical sector. He frequently publishes in this area and engages with policy makers and other stakeholders at an international level including the United Nation Conference for Trade and Development as well as domestic competition authorities such as the Japan Fair Trade Commission. Currently, he is working on a research project on 'Inter-Asian Legalities' with a focus on informal information sharing between competition authorities.

“By the Sea Set on Fire!”: Arbitrage and Value across the Persian Gulf

Nidhi Mahajan

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Wooden sailing vessels or dhows have long traversed the Indian Ocean making it what some scholars have called, “the cradle of globalization.” Today, dhows or vahans from Kachchh in western India continue to traverse old Indian Ocean routes, functioning as an economy of arbitrage, becoming crucial intermediaries in global shipping. This talk focuses on arbitrage, long a strategy used by Indian Ocean merchants to circumvent state regulations and produce value. Tracing the movement of one dhow across the Indian Ocean during the COVID-19 pandemic, I argue that sanctions regimes in Iran, free trade zones in the UAE, and broader questions of jurisdiction at sea in the Persian Gulf have created a geopolitical climate in which value is produced at multiple scales through the intersection of these logics. Focusing especially on the trade in diesel (in contravention of sanctions), I argue that diesel becomes a form of currency that is an interface between local and transregional markets. Yet value is produced in this trade by the labor of sailors who smuggle goods across the Persian Gulf, the body of the sailor becoming the site for capturing value and crafting sovereignty at sea through both legal and illegal circulations.

Nidhi Mahajan's research focuses on the intersection between political economy, sovereignty, and mobility in the Indian Ocean. She is an Assistant Professor of Anthropology at the University of California-Santa Cruz. She is also an artist and has developed multi-media exhibitions in Kenya, India, and the UAE. Her work has been funded by the Wenner-Gren, SSRC, ACLS/Mellon, and a fellowship at The Africa Institute, Sharjah. Publications include work in journals such as *Comparative Studies of South Asia, Africa, and the Middle East*; *Island Studies Journal*, and edited volumes such as *Reimagining Indian Ocean Worlds* and *World on the Horizon*.

Intertemporal Heritage: War Graves Architectures in the Asia Pacific

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World War II, war graves cemetery sites across the Asia Pacific are managed externally by the British Commonwealth War Graves Commission, or in the case of some sites like the military cemetery at Hodogaya, Yokohama, by the Australian War Graves Service. Pristine and uniform colonial landscapes, the final footprints of a long dismantled empire, they contain the remains of those who died defending imperial values. The paper focuses on three interconnected legal processes: the war crimes trials; changes in the 1949 Geneva Convention and inter-temporal legalities, all of which intersect in efforts at creating and sustaining such sites in Asia, alongside the political transformation of their host nations through decolonisation and the Cold War. In doing so, this paper explores the inclusions and omissions and the continuing diplomatic utility of the war's moral messages and commemorative practices long term.

These war graves sites remain anomalies, spatially and aesthetically distinct from culturally inscribed cemetery designs in many Asian societies; in part because of their projection of Judeo-Christian values of sacrality, but also due to their regimentation and uniformity. Hierarchies of value and citizenship operative in colonial societies are homogenised in their universal templates. The paper explores three themes of bodies, space and time as they manifest in the creation of the CWGC cemetery sites.

Anoma Pieris is a Professor of Architecture at the Melbourne School of Design. Her most recent publications include the anthology *Architecture on the Borderline: Boundary Politics and Built Space* (2019) and *The Architecture of Confinement: Incarceration Camps of the Pacific War* (2022), co-authored with Lynne Horuchi. Anoma was guest curator with Martino Stierli, Sean Anderson and Evangelos Kotsioris of the 2022 MOMA exhibition, *The Project of Independence: Architectures of Decolonization in South Asia, 1947-1985*.

ABOUT THE ORGANISERS & CHAIRPERSONS

Jeremy J. Kingsley is a Senior Lecturer at Swinburne Law School, and in early February 2023, he will become an Associate Professor at Western Sydney University Law School. He is a transnational law scholar and anthropologist. His academic work is published in both public affairs and academic journals. His book, *Religious Authority and Local Governance in Eastern Indonesia*, was published by Melbourne University Press. Currently, he is working on a research project on 'Inter-Asian Legalities'. This research has been funded by the Social Science Research Council (US). Additionally, Jeremy is a Chief Investigator on an Australian Research Council Discovery Project on contract enforcement in Indonesia. He is the foundation editor of the Asia Law and Society Series, Melbourne University Press (MUP).

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Kah-Wee Lee is Deputy Programme Director of the Master of Urban Planning programme at the National University of Singapore where he teaches history and theory of planning and qualitative methods. He works on the relationships between space and power, particularly through the lenses of modern expertise such as architecture, urban planning, law and public administration. His current project, "Casino Urbanism", examines the expansion of the casino industry across Singapore, Manila and Macau and asks how licit and illicit channels of capital flow are transforming these cities. Lee's research has been published in the *International Journal of Urban and Regional Research*, *Environment and Planning A and C*, *Geoforum*, and local professional journals. He is the author of *Las Vegas in Singapore: Violence, Progress and the Crisis of Nationalist Modernity* (2018).

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Maitrii Aung-Thwin is Associate Professor of Myanmar/Southeast Asian history and Convener of the Comparative Asian Studies PhD Program at the National University of Singapore (NUS). He is also concurrently Deputy Director at the Asia Research Institute at NUS. His current research is concerned with nation-building, identity, public history, infrastructure, and Buddhist networks in South and Southeast Asia. His publications include: *A History of Myanmar since Ancient Times: Traditions and Transformations* (2013), *The Return of the Galon King: History, Law, and Rebellion in Colonial Burma* (2011) and *A New History of Southeast Asia* (2010). Assoc Prof Aung-Thwin served on the Association of Asian Studies Board of Directors (USA) and he is currently a trustee of the Burma Studies Foundation (USA), and editor of the *Journal of Southeast Asian Studies*.

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