

Making Hong Kong Law for China - Colonial Laws during the Interwar and Cold War Periods

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Drawing upon archival documents stored in Hong Kong and London, this paper investigates the legal history of colonial Hong Kong against the broader historical context connecting China, Britain, the United States, Japan and Hong Kong during the interwar and Cold War periods. It examines how the law in colonial Hong Kong was made to tackle political challenges from and in China, and geopolitical risks arising from global powers' relationship with China. Using laws and practices of colonial Hong Kong government to control the press and educators as examples, this paper argues that China factors, be they factors related to China under Nationalist or Communist Party rule, were crucial in manufacturing the colonial version of "the rule of law" in Hong Kong. Such version featured and perpetuated the much forgotten gelded freedom of expression during most of Hong Kong's colonial era, thanks to the collaborative efforts of executive, legislative, and judicial branches.

The Emperor's New Clothes: An International Legal Reflection upon Racialised Colonialism, Antiques of Violence and Post-Colonial Tremors

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The colonial endeavour was motivated by the assumption that colonialism is based on cultural, social and racial superiority.¹ The European colonisers held that the colonised were primitive, subhuman, and racially inferior. In consequence, they pushed people into forced labor and took their property.² The colonial state pretended to be the protector and the indigenous was its protege - the power of the protector nourished itself from right to protect.³ To this end, Kris Manjapra writes that it was colonial capitalism which had started to mastermind and fortify the foundations of its conquest: land was pillaged, wealth stolen, the sea was subjected to commodity while moving populations from one stolen land to the other in order to extract as much wealth as possible.³ Makau Mutua asserts that 'In international law, I see a system of ordering and understanding the world, a system and normative edifice that makes me accurately aware of my subordinate and marginal place in it as an "other."⁴ The colonial violence legitimised by International law for the purpose of the civilising mission did not migrate, it did not metamorphose. Rather, it transgressed into a post-colonial ruler, who replaced the violent hegemony of the coloniser. As it is written elsewhere: 'To speak as the colonized is therefore to participate in one's own oppression and to reflect the very structures of your alienation in everything from vocabulary to syntax to intonation.'

This paper, therefore, will stipulate that the colonial violence and ordering laid the groundwork and architecture for the post-colonial violence in post-coloniality. The legal tools from colonialism opened the pandora's box to: alienate, disenfranchise and scapegoat minorities. To this end, this paper will posit following question: did colonial violence truly end, or did it take form and shape through a mimicking agent who ponders on racism to further imperial hegemony?

¹ Lisa Monchalin, *The Colonial Problem*, University of Toronto Press, 2016, p. 61

² Sharona Hoffman, *Is There A Place for Race As a Legal Concept*, *Arizona State Law Journal*, Vol. 36, p. 1095 ³ Achille Mbembe, p. 95

³ Kris Manjapra, *Colonialism in Global Perspective*, Cambridge, 2020, p. 21 .

⁴ Makau Mutua, *Critical Race Theory and International Law: The View of an Insider-Outsider*, 45 *Vill. L. Rev.* (2000), p. 846.

Metropolitan Law Versus Colonial Law in Governance: Based on Japan and its Colonies in Korea, Taiwan, and Pseudo-Manchukuo

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The purpose of this paper is to examine Japanese colonial Law in North Korea, Taiwan, and Pseudo-Manchukuo in the first half of the twentieth century, using the law of domination as a starting point, to investigate the legal system of the domestic administration of the Japanese colonial sovereign in the same period, and to explore the deep connection between domestic law and colonial law through a comparative analysis of the legal systems of the four colonies. As the only colonial power in Asia other than the Western countries, Japan acquired Taiwan through the Treaty of Shimonoseki with China in the Sino-Japanese War of 1894-1895; after the Russo-Japanese War of 1904-1905, Russia withdrew from the Korean Peninsula and Japan forced the Joseon Dynasty to sign the Treaty of Merger of Japan and Korea, which opened the way for the Japanese occupation of North Korea. Pseudo-Manchukuo was a puppet government established by Japan in northeastern China. Because of Japan's special status and irreplaceability in Asian colonial legal history, it is of considerable significance to examine the administrative and legal systems of Japan's colonial law and the administrative and legal systems of its colonies horizontally. This paper is intended to fill this gap in the aspect and to improve the study of colonial legal history in this period.

Impact of French Law on Vietnamese Law: Post-Colonial Theory Perspective

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Vietnam underwent a period of history within near the century with the French Colonial Rule. Ideology and theories of French law have the most impact on the formation and development of Vietnamese law in the legal formulation period of the Democratic Republic of Vietnam and the current law-making stage.

The assessment of the impact of the French law on Vietnamese law in historical and present periods in terms of the perspective of Post-colonial theory is very significant in the modern legal research of Vietnam today (marked from 1945 to the present).

The article aims to clarify the theory of post-colonialism and its role in the study of Vietnamese legal history; influences of the French law on Vietnamese law from the perspective of post-colonialism theory. To achieve this goal, the article aims to answer the following research questions: What is the post-colonial theory? What is the role of this theory in the study of historical jurisprudence? How does French law affect the law of Vietnam from the perspective of post-colonialism?