Co-organized by:



Centre for Comparative and Transnational Law Transnational Legal History Group



## Asian Legal History Conference 24 – 25 July 2021 Programme

Day 1: 24 July 2021 (8:45 am - 7:30 pm ICT; 9:45 am - 8:30 pm HKT)

[Meeting Link P – Plenary Sessions]: <u>https://cuhk.zoom.us/j/92894098523</u> (Meeting ID: 928 9409 8523) [Meeting Link 1A]: <u>https://cuhk.zoom.us/j/92778318139</u> (Meeting ID: 927 7831 8139) [Meeting Link 1B]: <u>https://cuhk.zoom.us/j/92858662452</u> (Meeting ID: 928 5866 2452) [Meeting Link 1C]: <u>https://cuhk.zoom.us/j/97672275891</u> (Meeting ID: 976 7227 5891) [Meeting Link 1D]: <u>https://cuhk.zoom.us/j/98700060174</u> (Meeting ID: 987 0006 0174)

8:45 - 9:00 am ICT (9:45 - 10:00 am H	Christopher Roberts, Assistant Profes	ssor, Faculty of Law, The Chinese Univers ctor of the University of Law, Hue Univer	
9:00 - 9:45 am ICT (10:00 - 10:45 am H	<b>IKT) Keynote I:</b> Legal History and Compara. Prof. Lutz-Christian Wolff, Wei Lun		of Law, The Chinese University of Hong Kong
9:45 - 10:00 am ICT (10:45 - 11:00 am	HKT) Break		
10:00 - 11:30 am ICT (11:00 am - 12:30	pm HKT) Parallel sessions I		
1.1 Historical Foundations of Legal Institutions and Constitution Making in India [Link 1A]	1.2 Histories of Dispute Resolution [Link 1B]	1.3 Vietnamese Legal History 1 [Link 1C]	1.4 Histories of Choice and Conflict of Laws [Link 1D]
*Cynthia Farid, University of Wisconsin Law School	*Rebecca Khan, De La Salle University	*Phuong Ha Thi Lan, Hanoi Law University	*Le Thi Thao, University of Law, Hue University
Imperial Constitutionalism: Judicial Politics and Separation of Powers in Colonial India (1861- 1935)	Multilateral and Multilayered: The Development of Investment Treaty-Making in ASEAN and its Implications for the Future of Investor-State Dispute Settlement in Asia	Feudal Procedural Law of Vietnam from the 15 <sup>th</sup> to 19 <sup>th</sup> Century	Conflicts of Laws on the Representative of Corporate Legal Entity in Establishment and Implementation of Trade Contracts – Theoretical and Practical Issues

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Maryam S. Khan, University of Wisconsin Law School	Yuan Peihao, The Chinese University of Hong Kong	Thiên Tứ Huỳnh, University of Economics, Ho Chi Minh City	Zhang Chenxi, Sapienza University of Rome
Constitution-Making in the Era of Decolonization: The Case of Pakistan	Med-Arb Development: the Impacts of China's Practice upon Other Jurisdictions	Personal Reputation under Later-Lê Dynasty Law	Conflict of Laws of Song Dynasty
Uponita Mukherjee, Columbia University	Lixin Chen & Nguyen Sinh Vuong, Singapore Management University	Tung Xuan Le, Institute of Legal Science, Ministry of Justice Viet Nam	Thao Anh Hoang, University of Law, Hue University
Recording Evidence: Police 'Case Diaries' and Legal Inquiry in Nineteenth Century British India	Rising Giants: Charting the Growth of Arbitration in Vietnam and China"?	"Quoc Trieu Hinh Luat" and its Impact on the Codification of Law in Viet Nam	Legal Pluralism and Jurisdictional Clashes in Early French Colonized Vietnam: Harmonization or Discrimination?
Summaiya Zaidi, Osgoode Hall Law School	Dan Xie, UNSW LAW	Thuy Khanh Le, Transnational Law and Business University, Seoul	
A Privileged Practice: Study of the Legal Profession in Pakistan	New Developments of One-Stop Commercial Dispute Resolution Mechanism in China: China's Interaction with Transnational Standards	Public Servant Selection System in Feudalist Vietnamese Administrative Law	
	Huong Vu Thi, University of Law, Hue University	Khanh Linh Le, Hue University of Law	
	History and Development of the Law on Dispute Resolution Mechanisms in Vietnam's International Judiciary	The Death Penalty in the Vietnam's Code of Le Dynasty	
11:30 - 11:45 am ICT (12:30 - 12:45 pm	HKT) Break	I	I





2.1 Legal Pluralism in Colonial and Pre-	2.2 Legal Transfers in the Asian	2.3 Vietnamese Legal History 2	
colonial South Asia [Link 1A]	Territories of the British Empire Link 1B	[ <u>Link 1C]</u>	
<sup>k</sup> Aparna Balachandran, University of Delhi	*Assaf Likhovski, Tel Aviv University	*Bui Ngoc Son, University of Oxford	
Catholics and Others: Religion and Legal Pluralism in Early Colonial Madras	Jurisprudence in the British Empire: India, Egypt and Palestine Compared		
Rachna Singh, University of Delhi	Ron Harris, Tel Aviv University	Đoàn Thị Cảnh, Vietnam Sub-Institute of Culture and Arts Studies in HCMC	
Universal Templates, Local Renditions: Feeding Prisoners in the Colonial Jails of the 1840s	The First Globalization, the Expansion of Company Law to the British Empire, and the Emergence of the Multinational Corporation	The Issues of Management of the Overseas Chinese by the Chinese Guilds in South Vietnam (Cocochina) (Period 1862 – 1945)	
Anubhuti Maurya, Shiv Nadar University	Binyamin Blum, UC Hastings School of Law		
The Curious Incident of Yusuf Aindar: Contesting Orders of Justice and Politics in Early Modern Kashmir	Forensic Science in the British Empire: 1900- 1950		





3.1 Constitutional History in Greater China 1 [Link 1A]	3.2 Constitutional History of Greater China 2 <u>Link 1B</u>	3.3. Histories of Constitutional Law [Link 1C]	3.4 Histories of Private Law [Link 1D]
*Pui Yin Lo, The University of Hong Kong	*Egas Moniz Bandeira, Max Planck Institute for Legal History and Legal Theory	*Donal Coffey, National University of Ireland, Maynooth	*Stefan Vogenauer, Max Planck Institute for Lega History and Legal Theory
Involving and Integrating "Capitalist" Special Administrative Regions in the "Socialist" National Development of China: Squaring the Circle of "Two Systems" in "One Country"	The Late Qing Constitutional Movement in the Global Constitutional Moment of the 1900s	The Drafting of the Constitution of the Union of Burma 1947	Policing of Unfair Terms in the History of Asian Contrac Laws
ason Buhi, Barry University	Ryan Mitchell, The Chinese University of Hong Kong	Rawin Leelapatana, Chulalongkorn University	Hai Thanh Doan & Diep Thi Phuong Doan, University of Economics and Law, VNU HCMC
Designing Macau's Future: A Brief History of the Drafting and Early Implementation of the Macau Basic Law	Constitutional Projects in Modern Chinese History	A Quest for Nirvana of Vicious Constitutional Cycle' in Post-1997 Thai Legal History: The Roles of Legality Reconsidered	The Reciprocal Interaction between French Colonial Civil Law and Ex-Ante and Ex-Post Vietnamese Law Concerning Guarantee of Real Property
Zhaoxin Jiang, Shandong University; Hong Kong Institute of Asia-Pacific Studies, CUHK	Bui Ngoc Son, University of Oxford	Jong-Chol An, Ca' Foscari University of Venice	Nguyen Thi Thanh Tu, Hanoi Law University & Lien Dang Phuoc Hai, University of Economics and Law, Vietnam National University Ho Chi Minh City
China's Constitutional Court vs Taiwan's Constitutional Court: A Holistic View of the Council of Grand Justices (1948-2007)		Transnational Labor Issues in Korea: Weimar Constitution (1919) and the Codification of Labor Law in Korean Constitution (1948)	The Value of Vietnamese Ancient Law and Foreign Laws in Perfecting the Legal Framework for Guaranties in Vietnam
			Giulia Aurora Radice, Università degli Studi di Milano
			The Two-Way Connection: A Comparative Historical Analysis of Civil Law's Evolution in China and Japan





4.1 Chinese Legal Histories [Link 1A]	4.2 Histories of International Law [Link 1B]	4.3 Histories of Private Law, between the Ancient and the New Link 1C	4.4 Histories of Gender and Juvenile Justice [Link 1D]
*Steven Gallagher, The Chinese University of Hong Kong	*Monika Negi, National Law University, Delhi, India	*Benjamin Pissler, Max Planck Institute for Comparative and International Private Law	*Yen-Chi Liu, Fu Jen Catholic University
"China's Spoiled Children!" Why and How Chinese Customary Trusts Became Law in the New Territories of Hong Kong	Asian Historiography and International Law: Uniformity or Unity in Diversity?	Confucian Tradition, Civil Law Elements or Socialist Legacy: What is Chinese About Chinese Civil Law?	The Making of Juvenile Justice in Postwar Taiwan: Looking for Legacies of Republican China's Criminal Policies
Samuli Seppanen, The Chinese University of Hong Kong	Aman Kumar, IFIM Law School	Andrea Colorio, Academy of the Agiati of Rovereto	Ting-Wei Zhang, National Taiwan University
Ideology and the Historiographic License in Chinese Legal Scholarship	Turn towards History of India and International Law	The Development of Chinese Law and the Study of Ancient Greek Law	Dilemma of "Innocent But Mad" and "Sane But Guilty". A Legal History Study of Criminal Trial and Female Offenders Through Legal Feminism Perspective
Holly Snape, University of Glasgow & Weinan Wang, Beijing Normal University	Aristyo Rizka Darmawan, Universitas Indonesia	Cristina Montes, Parlade Hildawa & Eco Law Offices; University of Asia and the Pacific Institute of Law; San Beda University Graduate School of Law	Nga Le Thi, University of Law, Hue University
Party Rules and State Law in the People's Republic of China: A Relationship Realigned?	Indonesia and the New Legal Order for the Oceans: A Third World Agenda	The Interplay Between Ius and Lex in the Development of Philippine Law on Quasi- Contracts: From Roman Law to the Philippine Civil Code	Confucianism Influence over the Legal Status of Women in the Law of Nguyen Dynasty
Zhuo Zenghua, Tsinghua University Law School			Hà Lệ Thủy, University of Law, Hue University
Adaptation, Appropriation and Retroaction – The Use of International Law in China Related to the Modification and Termination of Unequal Treaties in the Early 20 <sup>th</sup> Century			Protection of the Marriage Regime in Vietnam with Criminal Law – From History to Present

Conference programme in ICT-Indochina Time (GMT+7) and in HKT-Hong Kong Time (GMT+8) \*Panel chair





5:45 - 6:30 pm ICT (6:45 - 7:30 pm HKT) Keynote II: Asian Legal History as a Sub-Discipline: Why 'Asian'? Why 'Legal'? And Why 'History'? [Link P] Prof. Andrew Harding, Visiting Research Professor, Faculty of Law, National University of Singapore

6:30 - 7:30 pm ICT (7:30 - 8:30 pm HKT) Social Gathering [Link S]





## Day 2: 25 July 2021 (9:00 am - 6:45 pm ICT; 10:00 am - 7:45 pm HKT)

[Meeting Link P – Plenary Sessions]: <u>https://cuhk.zoom.us/j/92894098523</u> (Meeting ID: 928 9409 8523) [Meeting Link 2A]: <u>https://cuhk.zoom.us/j/94001350007</u> (Meeting ID: 940 0135 0007) [Meeting Link 2B]: <u>https://cuhk.zoom.us/j/94705590019</u> (Meeting ID: 947 0559 0019)

[Meeting Link 2C]: <u>https://cuhk.zoom.us/j/99087692931</u> (Meeting ID: 990 8769 2931)

[Meeting Link 2D]: https://cuhk.zoom.us/j/92630421376 (Meeting ID: 926 3042 1376)

9:00 - 9:45 am ICT (10:00 - 10:45 am HKT) Keynote III: Trans-national Penology and Vistas of Post-War Reconstruction, India 1919-21 [Link P] Prof. Radhika Singha, Professor of Modern Indian History, Jawaharlal Nehru University

9:45 - 10:00 am ICT (10:45 - 11:00 am HKT) Break

10:00 - 11:30 am ICT (11:00 am - 12:3	0 pm HKT) Parallel sessions V
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5.1 Comparative Legal History in East Asia [Link 2A]	5.2 The Colonial Legal Legacy [Link 2B]	5.3 Vietnamese Legal History 3 [Link 2C]	
*Bui Ngoc Son, University of Oxford	*Michael Ng, The University of Hong Kong	*Khoi Vo, University of Lincoln, UK	
The Gia Long Code in Comparative Codification	Making Hong Kong Law for China - Colonial Laws During the Interwar and Cold War Periods	History of Legal Provisions on Central-Local Relations in Vietnam	
Lai Junnan, Fudan University	Thamil Ananthavinayagan, University of Nottingham, UK	Hoang Thi Hai Yen & Nguyen Ngoc Huy, University of Law, Hue University	
Weberian Theory and Qing Law in Mutual Enlightenment	The Emperor's New Clothes: An International Legal Reflection upon Racialised Colonialism, Antiques of Violence and Post-Colonial Tremors	Provisions on Compensation in the Vietnamese Legal System in Terms of Historical Aspect	
Jungwon Kim, Columbia University	Jingyi Huang, Sapienza University of Rome	Thi Phuong Nguyen, City University of Hong Kong	
The Great Ming Code and Indigenizing the Chosŏn Penal Code	Metropolitan Law Versus Colonial Law in Governance: Based on Japan and its Colonies in Korea, Taiwan, and Pseudo-Manchukuo	The Use of Precedents in Vietnamese Legal History	

Conference programme in ICT-Indochina Time (GMT+7) and in HKT-Hong Kong Time (GMT+8) \*Panel chair





Kentaro Matsubara, University of Tokyo	Dang Viet Dat, Ho Chi Minh National Academy of Politics, Vietnam & Nguyen Dang Cam Nhung, Vinh University		
Property, Religion, and the Formation of the State in Comparative Perspective: Japan & China in the 18-19th Centuries	Impact of French Law on Vietnamese Law: Post- Colonial Theory Perspective		
11:30 - 11:45 am ICT (12:30 - 12:45 pm	HKT) Break	-	·
11:45 am - 1:15 pm ICT (12:45 - 2:15 p	m HKT) Parallel sessions VI		
6.1 Thai Legal History: Tradition and Modernity [Link 2A]	6.2 Vietnamese Legal History 4 [Link 2B]	6.3 Histories of Human (and other) Rights [Link 2C]	6.4 Histories of Family Law [Link 2D]
*Andrew Harding, National University of Singapore	*Ho Minh Thanh & Nguyen Thi Thuy Hang, Hue University of Law, Vietnam	*Nguyen Thi Lan Anh, University of Law, Hue University	*Anisur Rahman, Independent University, Bangladesh
	The Shift from Traditional Inquisitorial Justice Model: The Case of Vietnam	The Influence of Utilitarianism on Animal Welfare Legislation in Asia	Making Muslim Marriage and the Decline of Muslim Authority over the Interpretation of Islamic Law in Colonial South Asia
Munin Pongsapan, Thammasat University	Thi Lan Huong Phan, Hanoi Law University	Huu Khanh Linh Nguyen, University of Law, Hue University Vietnam	Weilin Xiao, Yale Law School
Lost in Translation: The Making of The Thai Civil and Commercial Code of 1925 through Translation	The Changes of Administrative Law in Vietnam from Central Planned to the Socialist Oriented Open Market Economy	The Formation and Development of the Principle of Rule of Law in International Law in Asia	Expansion and Restriction: A Comparative Study of Modernization of Family Laws in Japan and China
Khemthong Tonsakulrungruang, Chulalongkorn University	Ng <b>ọ</b> c Phú Lê & Le Thi Nga, University of Law, Hue University	Abhijeet Mishra, Hidayatullah National Law University, India & Anukriti Solanki, Kaushalendra Rao Law College, India	
Buddhist Law in Siam: Past and Present Implication	The Policy of Respecting for the Local Estate of Nguyen Dynasty and its Effect on the Modern State	Legal History of Right to Property "Journey from a Fundamental to a Constitutional Right"	
Kongsatja Suwanapech, Thammasat University			

Conference programme in ICT-Indochina Time (GMT+7) and in HKT-Hong Kong Time (GMT+8) \*Panel chair





In the Name of the Greatest Benefit of Siamese People: the Localisation of Utilitarianism and Legal Change in Siamese Absolutist State			
1:15 - 2:15 pm ICT (2:15 - 3:15 pm HI	(T) Break		
2:15 - 3:45 pm ICT (3:15 - 4:45 pm H	KT) Parallel sessions VII		
7.1 Histories of Labor, Mobility, Penality, Dispossession and Control [Link 2A]	7.2 LGBTI Histories [Link 2B]	7.3 Early Legal Histories [Link 2C]	7.4 Land Law Histories [Rearranged]
*Christopher Roberts, The Chinese University of Hong Kong Flexibility, Discretion and the Rule of Law: Vagrancy Laws in the British Empire, 1824- 1858	Anurag Ojha, The Supreme Court of India & Sumit Sonkar, The Chinese University of Hong Kong From Gopalan to Navtej Johar: The Constitutional Histrionics of Equality Rights in India	*Nizamuddin Alias, Sultan Idris University of Education <i>Kedah Laws: A Glimpse of the Working of a</i> <i>Malay Polity</i>	
Manav Kapur, Princeton University Satanic Ordinances, Fictitious Families, and Legal Dispossession: The Many Lives of the Subcontinental Evacuee Property Law	Debjyoti Ghosh, University of Pretoria Following the Rainbow the Legacy and Impact of Section 377 in India, Pakistan and Bangladesh	Kang Sun, School of law, Shandong University Discrimination and Correction of the Doctrine of "Confucianization of Law": A Concept-Based Review	
Stuart McManus, The Chinese University of Hong Kong Penal Slavery in Early Modern Eurasia	Abhiruchi Srivastava, University of Delhi & Abhinay Satya Prakash, Hidayatullah National Law University, India Decolonisation of the Indian Penal Code: Securing Rights of Homosexuals		
S M Masum Billah, Jagannath University, Dhaka			

Conference programme in ICT-Indochina Time (GMT+7) and in HKT-Hong Kong Time (GMT+8) \*Panel chair





From Cornwallis to Ripon: A Study of British Colonial Legal Interventions			
3:45 - 4:00 pm ICT (4:45 - 5:00 pm H)	KT) Break		
4:00 - 5:30 pm ICT (5:00 - 6:30 pm HI	<b>KT</b> ) Parallel sessions VIII		
8.1 Histories of Private International Law and Extraterritoriality [Link 2A]	8.2 Histories of International Criminal Law and Transitional Justice [Link 2B]	8.3 Histories of Intellectual Property Protection and Competition Law [Link 2C]	8.4 Histories of Tax, Anti-Corruption, Customs, and Social Credit Laws [Link 2D]
*Dicky Tsang, The Chinese University of Hong Kong	*Gregory Gordon, The Chinese University of Hong Kong	*Jyh-An Lee & Yangzi Li, The Chinese University of Hong Kong	*Nguyen Thi Thanh Tu, Hanoi Law University
National Interest in Private International Law: A Historical Perspective	International Criminal Law's 'Oriental Pre- Birth': The 1894-1900 Trials of the Siamese, Ottomans and Chinese	The Untold Story of the First Copyright Statute of China – Exploring The 1910 Copyright Code of the Great Qing Dynasty	History of Tax Law and Its Impact in Application and Implement Tax Policy Reform in Vietnam
Sai Ramani Garimella, South Asian University, New Delhi & Moses Raj G S, St. Joseph's College of Law	Harsh Mahaseth, O.P. Jindal Global University & Ayushi Bansal, NALSAR University of Law	Muhammad Zaheer Abbas, Queensland University of Technology, Australia	Le Thi Thao & Nguyen Thi Trien, University of Law, Hue University
India's Private International Law: The Saga of Persistence with the Colonial Instincts	Asia and the ICC: The Development of International Criminal Law in a World Changing Order	Revisiting the History of India's Patent Laws in the Context of Current Debates About Universal Access to COVID-19 Vaccines and Treatments	Justice in Building Tax Law from History to the Present, Taking Vietnam as a Case Study
Kevin Crow, Asia School of Business; MIT	Francesca Braga, Middlesex University London	Nguyen Duong Kim The & Mai Nguyễn Dũng LLM, University of Economics Ho Chi Minh City	Emmanuel Caliwan, PUP Faculty Circle
Bowring's Legacies	The Role of Post-Conflict Justice. The Case of the Extraordinary Chambers in the Courts of Cambodia	The Process of Transplanting Competition Law in Vietnam and Evaluating the Trends of Legal Transplant in the Digital Economy	The Development of Anti-Corruption Law in the Philippines – From Marcos to Duterte: A Socio- Historical-Legal Investigation
Aaron Walayat, Tucker Arensberg, P.C.		Do Thi Dien, University of Law, Hue University	Marianne von Blomberg, Cologne University, Zhejiang University & Adam Knight, Leiden University
China's Alaskan Jurisprudence		Historical Law for Intellectual Property Protection and the Experiences of Asian Developing Countries	Law in the Genealogy of Social Credit in China

Conference programme in ICT-Indochina Time (GMT+7) and in HKT-Hong Kong Time (GMT+8) \*Panel chair





5:30 - 5:45 pm ICT (6:30 - 6:45 pm HKT) Break	
5:45 - 6:30 pm ICT (6:45 - 7:30 pm HKT) Keynote IV: Vietnamese Lanyers: From Legal Cadre to Professional Lanyering in a Socialist State [Link P] Prof. Pip Nicholson, William Hearn Professor of Law and Dean, Melbourne Law School	
5:30 - 6:40 pm ICT (7:30 - 7:40 pm HKT) Welcome to the Next Conference in Thailand [Link P] Prof. Andrew Harding, Visiting Research Professor, Faculty of Law, National University of Singapore	
6:40 - 6:45 pm ICT (7:40 - 7:45 pm HKT) Closing Remark [Link P]	
Bui Ngoc Son, Associate Professor of Asian Law, University of Oxford Faculty of Law	

## Notes to Speaker:

Time limits per speaker are as below: 10-12 minutes per speaker for panels with five speakers; 12-15 minutes per speak for panels with four speakers; and 15-20 minutes per speaker for panels with three speakers.