

Panel Abstract:

The papers in this panel will explore the way in which the law has constructed and influenced the identity of different ethnic and religious groups in Myanmar, and the challenges this raises for practical and political matters, such as citizenship. Myanmar is home to a diverse range of religious and ethnic groups, and they have been subject to varying levels of regulation and intervention by the state. This panel seeks to explore the way that the legal system in Myanmar shapes and informs understandings of different ethnic and religious communities, as well as the way in which these communities respond and react to regulation by the state.

This raises key themes about the extent to which law informs a sense of belonging and identity, as well as the way legal categories and restrictions may be ignored, subverted or challenged by those who disagree. In the current transition period, and particularly in light of the March 2014 census, the notion of legal identity and the importance of state recognition of certain groups has taken on renewed significance and meaning. The papers in this panel seek to contribute to our understanding of how legal reforms, and the potential for future reforms, cast a particular vision and picture of the place and position of religious and ethnic communities within the Union of Myanmar.

1. **Personal Law Past and Present: Islam and the State in Myanmar** - Melissa Crouch, Research Fellow, Centre for Asian Legal Studies, Law Faculty, National University of Singapore

Abstract: Recent violence against Muslims in Myanmar has thrust the Muslim community into the spotlight and, among other things, highlighted the lack of informed scholarly analysis on the practise of Islam in Myanmar. One key area that the state has influenced and regulated is the practise of Islam in matters of personal law, a legacy of the colonial era. Cases of marriage, inheritance, divorce, *wakf* and *zakat* can be brought before the secular courts and decided according to Islamic law. This paper will examine how the courts have recognised and decided cases concerning Islamic law, and how this has contributed to the construction of a particular Muslim identity in Myanmar. In order to do this, the paper takes a socio-legal approach that combines a close reading of the *Burma Law Reports* on cases of Islamic law, with an analysis of Islamic *fatwa* and empirical research of the contemporary context that includes in-depth, open-ended interviews with a wide range of Muslim leaders, community organisations, lawyers and politicians in Myanmar about their interaction with 'law' as mediated by the state and by religious authorities. Given that court cases on Islamic personal law in Myanmar have not yet been the subject of scholarly analysis, this paper will provide an original contribution to the way in which Muslim communities are regulated and how courts have determined the limits of Islamic personal law.

2. **Navigating racialized citizenship spaces in Myanmar: The role of law and spatial strategies by the Burmese-Chinese** – Elaine Lynn-Ee Ho, Assistant Professor, Geography Department, National University of Singapore

Abstract: As Myanmar undergoes political and societal transition, observers are asking urgent questions about citizenship, identity and rights there. Drawing on interviews and

ethnographic observations, this paper considers how law shapes racialized citizenship spaces and further analyzes the spatial strategies deployed to navigate oppressive laws. How does one think about citizenship and people's negotiations with law in political-legal regimes that do not subscribe to liberal democratic norms? The ostensible absence of legal resistance amongst the Burmese-Chinese suggests the need for a more nuanced vocabulary to capture how marginalized groups in fact engage with the law in subtler ways than by invoking civil rights norms as their Chinese counterparts in liberal democracies have done. Nonetheless, we also observe that cross-border connections with China and scalar geopolitical considerations limit their willingness and ability to mobilize collectively to expand their citizenship spaces. The situation of the Burmese-Chinese directs us towards an analysis attentive to how socially situated legal consciousness affects responses towards unjust laws in citizenship spaces. However, marginalized groups find spatial strategies to circumvent and subvert such laws thus showing that oppressive conditions resulting from the socio-spatial constitution of law are neither impregnable nor absolute.

3. Narratives of victimisation: Muslim minorities and a Buddhist nation, under threat – Matt Schissler, Advisor, Paung Ku, Yangon

Abstract: Religious violence in Myanmar has prompted a steady stream of coverage by international English-language media and regular, if muted, statements by a handful of UN bodies and foreign governments. Much of this coverage has surrounded Muslims in northern Rakhine State, who identify as Rohingya and are called as such by external observers – but who are, in the dominant discourse in Myanmar, 'Bengali,' illegal immigrants and outsiders, invaders. The disconnect between international and local discourses on this issue has triggered angry and defensive responses from Buddhists in Myanmar. Such responses have been, in turn, perplexing for outside observers, particularly when they have come from those previously championed as staunch defenders of human rights and democracy, such as 88 generation leader U Ko Ko Gyi and Nobel laureate Aung San Suu Kyi. "Fear is not just on the side of the Muslims, but on the side of the Buddhists as well. There's a perception that Muslim power, global Muslim power, is very great," the latter told the BBC in October 2013.¹ She was roundly condemned for her failure to more strongly condemn violence against Muslims. "Deeply disturbing," said the *Daily Telegraph*.² What the *Daily Telegraph* and others have failed to recognize, however, is that the Lady is correct: popular discourse in Myanmar makes clear that Buddhists feel that their religion qua nation faces extinction. Yet, how can a majority feel threatened by a small and marginalized minority? In order to help answer this question, this paper analyses popular discourses surrounding threats to Buddhism in Myanmar, and highlights its relation to everyday dynamics that enable it to seem reasonable and persuasive. Recognizing the intersection between popular discourse and everyday dynamics is important, first, because it may shed light on areas where practical

¹ BBC, "Suu Kyi blames Burma violence on 'climate of fear'," October 24th 2013.

² David Blair, "How can Aung San Suu Kyi – a Nobel Peace Prize winner – fail to condemn anti-Muslim violence?" *Daily Telegraph*, October 24th 2013

engagement between communities may contribute to reconciliation. And second, because it highlights the need for international discourses to move beyond narratives of Muslim victimization, and replace this with more nuanced representations of religious conflict in Myanmar.