

Response to Commentaries

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Conducting the research, finishing the final draft, and then reflecting on the research and writing processes, whether on a conference panel or in print, often feel like disjunctive exercises. By the time this series of commentaries is published, at least eight years would have passed since my first visit with LGBT rights activists of Myanmar. I have moved on to new projects and walked with other people in the field in other lands.

Despite the seemingly disjointed phases of research, publication, and reflection, the key word in the title of this book, “love,” threads all three together—my appreciation for everyone who gave me the privilege to know them a little in the course of fieldwork, and my love for what I do as a law-and-society scholar. Being fortunate enough to receive professional recognition for *The Politics of Love*, and having read the commentaries by David Engel, Amy Barrow, Hsiao-Tan Wang, and Nick Cheesman, I am moved by another kind of love: the warmth and endearment that fellow law-and-society scholars have expressed toward my labour for a good part of the past decade.

In response, I want to highlight two themes that either surface from or lie beneath their generous commentaries. The first theme is what I call ongoing-ness—the feeling of instability and ever-change in law-and-society questions of power, justice, and subjectivity. The second is authenticity—of the researcher, her work, the people in her work, and how they approach discourses such as human rights.

1. THE STRUGGLE IS THE PROCESS, THE PROCESS IS THE STRUGGLE

All four commentators picked up the theme of ongoing-ness. Engel, Barrow, and Wang discuss the processes of “human rights practice as a way of life,” adopted by the activists of Myanmar’s LGBT rights movement. This is unsurprising, given that *The Politics of Love* is about how emotions and relationships shape and put human rights into action.

Here, I want to emphasize the ongoing-ness of human rights processes that are perhaps implicit in the book. By ongoing-ness, I mean the open nature of the meaning of rights, subjectivities, and such related ideas as power, oppression, and social change. Cheesman wrote in his commentary: “Myanmar’s LGBT activists make both themselves and their struggle through that struggle.”¹ In that making, they become somebody dissimilar from

1. Cheesman, this issue, p. XX.

the past. Upon being transformed, these political, sexual, and gendered beings do not stand still. They keep on becoming someone varied from the present and past, through continuous, newly forged, and future relationships with other activists, family, friends, and opponents. They will not become entirely different, for they would still possess the old—ideas, habits, feelings, values, or beliefs—some of which would blend with the new. The permutations are possibly finite, though the finite number of possibilities could be a large one, and exactly what they might become is open.²

Hence, my position is much wider than Cheesman's observation that the imperative to build collective identity in Myanmar through struggle—in this case, human rights practice as a way of life—is unique to LGBT activists. I found love of the *achit* kind among LGBT activists³ and theorized about such findings because of my fieldwork on their movement. Affection and other emotions that cultivate *achit* could also exist among other political movements in Myanmar. Compared to the LGBT rights movement's affiliated identities of "LGBT" and *lein tu chit thu*, Cheesman points out, the "category" of peasant, woman, and Christian would be less likely to be challenged.⁴ However, I would go further to say that these "categories," too, remain contested.

All these other identities embody ongoing-ness, not merely because they are open to change, but also because they are being fashioned in and by the struggles against the powerful, to paraphrase my earlier quote of Cheesman's commentary. Sometimes I even wonder whether the use of nouns, such as "identity," would negate or numb the feeling. Perhaps the making of the identities of peasant, woman, or Christian is less visible in this political moment, whereas LGBT rights activists are making theirs right now, more urgently and more prominently. To achieve human rights, these activists first need queer Burmese to be recognized as people who deserve the right to have rights.⁵ But so do the peasant, woman, and religious minority. Who is a peasant? More specifically, who is a peasant entitled to rights? The landless, or only the capital-rich and landed? Which minorities enjoy the right to freedom of religion? Everyone, or a certain type of Christian or Muslim? Who counts as a woman? Can *apwint* or transgender women lay claim to womanhood and women's rights?⁶

Along with the continuous morphing of identities, the meanings of discourses, which the individual or group engages to (re)mould those very subjectivities, could also change. Wang writes in her commentary: "Justice is thereby a social process in which individuals search for their identity by developing their meaning of life through the law in their actions and relationships."⁷ In addition to capturing my depiction of the journeys of LGBT rights activists in Myanmar, Wang's statement speaks to the discussion of ongoing-ness here.

In *The Politics of Love*, LGBT rights activists adapted the meanings of human rights such that they contain three central ideas—dignity, social belonging, and self-responsibility

2. My ideas in this paragraph have been shaped by writings in philosophy, political theory, and anthropology about time, law, and politics. See Chua (2020).

3. Cheesman, *supra* note 1, p. XX.

4. Cheesman, *supra* note 1, p. XX.

5. Arendt (1994).

6. On the tenuous relationship between *apwint* and trans women and women's rights groups in Myanmar, see Chua (2019), pp. 125–6; Chua (2016).

7. Wang, this issue, p. XX.

(to achieve rights). As their movement expands, old leaders retire, and new ones step up, their comprehension of human rights could alter. If so, they might develop a different understanding of power, oppression, and even justice. They might even seek something other than justice, whatever they might define justice to be. If so, the social process described by Wang might not be one of justice, but something else, which remains to emerge and to be interpreted.

Some readers might despair that this kind of perspective does nothing more than march us down the dreaded path of relativism. On the contrary, I think the curious law-and-society scholar would be excited to find and explore possibilities of the yet-to-be-known. As David Engel wrote almost 30 years before penning his commentary for *The Politics of Love*:

That certain fundamental social concepts will be altered or transformed over time . . . should [be] a source of interest rather than despair. Such transformations are not barriers to analysis, nor are they mere static or noise; instead they are among the most important of the phenomena that we seek to explain.⁸

2. REALIZING THE REAL

If identities, concepts, beliefs, and emotions etc. are ongoing processes and struggles, how do we discern the authentic version? Both Barrow and Engel praise my treatment of emotions in *The Politics of Love*. Yet, by stressing how difficult it is to study emotions effectively, they hint at a common anxiety: that the ubiquitous experiences of feeling and emoting are daunting for scholarly study.

There are several reasons for this anxiety, such as the cultural specificities of emotions, as well as the dichotomy between cognition and emotion that relegates the latter to the irrational, which I have discussed in the book.⁹ In addition, Engel's commentary analogized the challenge of writing about law and emotions to that of studying humour and jokes. When done poorly, the writing could suck out the humanity of the very subject matter.¹⁰ How does the researcher get it right? How does she interpret emotions from the field and write about them authentically?

I had reflected on my initial worries and how I overcame them in the book.¹¹ Nevertheless, reading Engel's commentary, I realized for the first time that I had not reflected on the challenge of *writing* about law and emotions. In the hands of another scholar, the story of Myanmar's LGBT rights movement would probably read nothing like the tales of *The Politics of Love*. I could also have written a remarkably different story. But, once I let the data tell the story, they showed me the way, and the "theoretical scaffolding"¹² of human rights practice as a way of life flowed from the data as I persisted with writing one "shitty first draft"¹³ after the next. Maybe this is not the answer for everyone on how to write

8. Engel (1990), p. 336.

9. See Chua (2019), *supra* note 6, p. 146, on the cultural specificity of emotions, and pp. 18–9, on the discussion of cognition and emotion.

10. Engel, this issue, p. XX.

11. Chua (2019), *supra* note 6, p. 146.

12. Engel, *supra* note 10, p. XX.

13. Lamott (1994).

about law and emotions authentically. It is, however, my journey and the approach that rang true to me.

Allowing the data to guide the writing leads to Barrow's question about research assistants. She wanted to learn more about how I reached the decision not to feature research assistants Moora and Khine Khine more prominently in the main text, beyond acknowledging their contribution in the front matter and describing their roles in the appendix.¹⁴ Underlying Barrow's question is a concern about how scholars ensure an authentic relationship with the research and with readers—a challenge that “outsiders” to their research contexts often face.¹⁵

In the appendix to *The Politics of Love*, I contemplated what it meant to be outsiders and insiders. Moora and Khine Khine were not always insiders, nor was I always the outsider. All three of us were sometimes insiders, sometimes outsiders,¹⁶ consistently with the first theme in this commentary that subjectivities are fluid and socially contingent. From this perspective, if the motivation to integrate research assistants' experiences into the main storyline is premised on outsider/insider concerns, Barrow's question and the answers become messier.

Staying with the theme of authenticity, I would venture one particular response (among several possible answers). To shine a brighter spotlight on researchers, whether it was my assistants or me, in the main text would have felt contrived. By letting the data tell the story and building the theoretical scaffolding from the data, I found myself referring to researchers' roles and presence in the field only when those experiences best illustrated an important point in the data analysis.¹⁷ Of course, many ethnographies discuss fieldwork experiences extensively in the main text and do so effectively. This is a choice the researcher makes—whom the researcher is looking to be—what sort of scholar and writer I was hoping to be for *The Politics of Love*. This choice is shaped by her perspectives on insiders/outside, and thus her experiences with and interpretation of the worlds in which she lives, observes, and navigates. Another project, with its unique journeys through the field, and its own theoretical scaffolding and intellectual appeal, would probably inspire a different approach.

Giving human rights actors a voice and the spotlight in our ethnographic work evokes another concern along the theme of authenticity. On this final point, Wang and Cheesman offer inspiration in their commentaries. How does the researcher intuit and depict the impact of rights on the people whom we interview, observe, and study as accurately as possible?

Wang wondered if self-transformation among the activists in *The Politics of Love* was fundamental or merely altered the manner in which they approached the same situation. For Wang, “a more fundamental transformation of self would most likely entail a shift in their identity to one that is more *individualistic, separated from the group*, self-interested, and oriented towards a new connection with others.”¹⁸ However, I feel that Wang believes that only “individualistic” self-transformation, as the result of embracing and practising

14. Barrow, this issue, p. XX.

15. *Ibid.*

16. Chua (2019), *supra* note 6, p. 147.

17. For references to research assistants in the main text of Chua (2019), *supra* note 6, see p. 125 and 130.

18. Wang, *supra* note 7, p. XX (emphasis added).

human rights, qualifies as “fundamental,” because that is what rights are mythologized and criticized to do to previously uninitiated populations.

Cheesman’s eloquent description of my work implicitly fights against the dirty “i” word: individualistic. He alludes to criticisms against human rights, which I considered in *The Politics of Love*. The objections are familiar, including the hegemonic nature of human rights that arguably end up mainstreaming¹⁹ activist claims into status quo norms and practices, luring people away from communitarian or indigenous solutions, and harming home-grown identities with the importation of foreign ones, such as “LGBT.”²⁰ *The Politics of Love* responds to these objections by offering an empirically oriented, ethnographic approach based on emotions, relationships, and compassion for human agency, and Cheesman lends my book passionate reinforcement.

The concerns with “fundamental” self-transformation, and the negative effects of human rights and its affiliated identities, suggest that there is an authentic personhood—typically non-“individualistic” and untouched by human rights—against which we can ascertain their impact. Recently, I had the opportunity to write about similar issues in a legal anthropology paper²¹ and revived two paragraphs that I had eliminated from the final draft of *The Politics of Love*. Serendipitously, I now have the opportunity to return to those paragraphs one last time, for a commentary celebrating the very book from which they were left out:

Like many other societies, [Myanmar] is ridden with fissures, contestations, and layers upon layers of history. What was once foreign, with the sands of time, fickleness of memory, and annals of the victorious, could one day become synonymous with the place. Buddhism, so closely identified with Myanmar as we know it today, was once an outsider. It post-dated animistic worship, and in some instances eventually incorporated and subsumed such primordial practices. Moreover, for people who believe in the karmic cycle of birth and rebirth, and the transmigration of the soul, they would have had many lives before this one. Each life would have been shaped by the ones before.

Putting aside the spiritual and returning to the secular, the idea that there is an authentic self, true to one’s individual origins, is a rather peculiar notion that resonates very little in many parts of the world . . . In line with what anthropologists have learned about Myanmar and other Southeast Asian societies, multiple selves co-exist to be summoned and deployed according to place, time, and people. All of these selves would have been made and remade by social forces, before outside ideas about rights and identities reached their shores. Whether to the people who embody them or to us, scholars and observers, the task of discerning the real self may not be as simple as it seems.²²

Since the beginning of the law-and-society movement, scholars have investigated questions of power, oppression, and justice, and pondered over who we are and how we make kin and foe. Decades later, the quests continue. These questions and their answers do not keep still for any time, place, or people, the researcher’s tasks enmeshed in ongoing-ness. Perhaps my feelings about the future are profoundly unsettled, writing this commentary while under

19. Vaid (1995).

20. Chua (2019), *supra* note 6, pp. 13–4.

21. Chua (forthcoming).

22. *Ibid.*, p. XX (in-text citations omitted).

lockdown due to the COVID-19 pandemic,²³ unsure when life would resume “normalcy,” what would become of the “normal,” and when I can meet and walk again with strangers and friends in the field.

But I remain hopeful and live every day with anticipation. *The Politics of Love* gave me joy, sadness, and wonderment as I followed LGBT rights activists of Myanmar across time and space. I am honoured by and grateful for the love it has received in return. Long after this book has collected dust on the shelves and my love for the project, wooed, made, and delivered, what makes me feel alive will be the courage and desire it has instilled to pursue the ongoing and embrace the openness of the authentic in the next law-and-society inquiry.

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23. At the time of writing, I was in Singapore, where the government had imposed restrictions limiting the movement and activities of residents in attempts to curb the spread of COVID-19.