

Preface to Special Issue State and Personhood in Southeast Asia

This special issue originated in the conference “Researching State and Personhood: Law and Society in Southeast Asia,” hosted by the Centre for Asian Legal Studies (CALs) on 15–16 December 2014 and funded by the Faculty of Law, National University of Singapore (NUS Law). Co-organized with one of the editors-in-chief of the *Asian Journal of Law and Society*, David M. Engel, the conference solicited proposals and accepted 17 papers, seven of which appear in this issue. The conference and the articles published in this special issue are the first products of an initiative launched in 2012 at NUS Law to advance socio-legal research on Southeast Asia. Motivated by the lack of attention to Southeast Asia in law and society scholarship, the initiative aimed to develop new research directions and foster an academic community.¹

Participants in the 2012 discussions agreed that one of the most salient characteristics of Southeast Asian societies from a law and society perspective was the prevalence of multiple, overlapping schemas of legal ordering and legal consciousness. Pluralism thus became a focus for the 2014 conference and for this special issue. The phrase “state and personhood,” which appears in the title of both the conference and the special issue, captures the distinctive quality of legal consciousness in Southeast Asia and its significance for those who study law and society. The first article in this issue, “State and Personhood in Southeast Asia: The Promise and Potential for Law and Society Research” by Lynette J. Chua and David M. Engel, explains why the relationship between state and personhood—which the authors describe as the social, legal or political conditions that determine the quality of being a person within a situated context—is such a fruitful topic for research in Southeast Asia. Law and society scholars have studied for a long time the processes through which individuals and social groups interact with the state and other normative orders. In doing so, they explore the limits and power of the state and its legal institutions in shaping personhood, as well as examining how they, too, could be influenced by other normative orders and different understandings of personhood. In Southeast Asia, individuals and social groups continually deal with different systems of meaning, belief, and practice in their daily lives. Thus, Southeast Asian research related to “state and personhood” inevitably encounters the region’s plural and extraordinarily diverse forms of legal consciousness, raising questions of great importance for the field of law and society.

In their study, Chua and Engel selected nine articles by Southeast Asian scholars who examine personhood as a multidimensional, ongoing construction and analyze its unstable, contingent relationship with the state. None of the nine authors identifies themselves as law and society scholars, yet all of them address state and personhood from a pluralistic perspective typical of law and society research. The selected studies demonstrate

1. Both the 2012 workshop and the 2014 conference were funded by a grant from the National University of Singapore (Grant No. R-241-000-105-112).

how different Southeast Asian states interact with normative systems that are rooted in locality, in distinctive social arrangements, in religion, and in community and family, and they show how these interactions result in contestations over personhood. Grounded in rich empirical findings, the selected articles illustrate the broad implications that Southeast Asia has for law and society's central concerns with "law in context."

The remaining six articles in this special issue further illustrate the complex relationship of state and personhood, and support Chua and Engel's call for a more systematic and far-reaching engagement between Southeast Asian studies and law and society research. The authors come from different academic backgrounds—law, politics, sociology, and anthropology. Their articles cover diverse subjects, time periods, and parts of Southeast Asia—British colonial regulation of ethnicities in Malaysia and Singapore, Burmese migrants in Thailand, deportation laws of migrant workers in Singapore, the poor in urban Indonesia, cause lawyers in Thailand, and the pressing issue of social security in Southeast Asian societies. Nevertheless, the authors share one thing in common: all of them have conducted original fieldwork on Southeast Asia for extended periods of time. In short, all are drawn to the challenges and rewards of empirical research in this region.

The second article in this issue, "Plural Society and the Colonial State: Constituting Crown Colonies in the Changing British Empire" by Jack Jin Gary Lee, takes readers back to the era of European colonialism, a period in Southeast Asian history that dramatically shaped the region's legal pluralism. In his article, Lee focuses on a particular moment in that history: the British colonial empire's reconstitution of the Straits Settlements—Singapore, and Penang and Malacca in today's Malaysia—into a Crown Colony in 1867. Based on his careful analysis of archival documents, Lee argues that the reconstitution rested on the precarity of colonial domination and negative images of native populations. These understandings justified a despotic form of government that circumscribed the basic rights of individuals, who are treated according to prescribed racial categories, thus reinforcing an inferior and fixed definition of race and culture.

In the third article, "Identity Paper/Work/s and the Unmaking of Legal Status in Mae Sot, Thailand," Malavika Reddy turns readers' attention to the contemporary issue of legal identity among Burmese people in the Thai border town of Mae Sot. Based on participant observation and close analysis of documents, Reddy studies how these migrants use a variety of "paper proofs," such as work permits, passports, day passes, doctors' notes, identity cards, receipts, residency cards, and letters to convince Thai authorities about who they are—that is, about their personhood. She finds two "modes of documentary practice" that increasingly individuate Burmese people in Mae Sot as being part of a group for whom legal status is irrelevant and legal indistinctiveness is the norm.

In "Dealing with Deportability: Deportation Law and the Political Personhood of Temporary Migrant Workers in Singapore," Charanpal S. Bal examines another contemporary issue of migration and personhood. Using interviews, participant observation at a construction firm, and government, industry, media and nonprofit organizations' reports, Bal examines how Bangladeshi migrant construction workers in Singapore employ tactics of accommodation, confrontation, and desertion in response to their "deportable" legal status and the threats and practices of deportation. These tactics, he argues, have significant consequences for the ways in which civil society groups and state actors reshape the political personhood of temporary migrant workers.

Lilis Mulyani focuses on another social group who also migrate in search of better economic prospects—people who move from rural areas into the city. In “Gambling with the State: Land Titles and Personhood Rights among the Urban Poor in Indonesia,” Mulyani combines normative evaluation with qualitative fieldwork to understand the impact of an agrarian reform programme on the urban poor in Surakarta, Indonesia. She argues that such programmes, contrary to criticisms in the scholarship, can bring positive changes, not only by securing land rights for those living in informal settlements, but also by removing barriers to health care and other socioeconomic rights.

The sixth article, “Thailand’s Cause Lawyers and 21st Century Military Coups: Nation, Identity and Conflicting Visions of the Rule of Law” by Frank Munger, offers a different perspective on state and personhood by centering the question on a group of legal professionals who try to bring about social change. Drawing on interviews and observations, Munger examines the influence of past history and personal experience on present understandings of “rule of law” among Thailand’s cause lawyers. He finds that continuing relationships in overlapping networks of families, mentors, communities of practice, and like-minded lawyers have a significant impact on their interpretations of “rule of law” and thus their professional identities.

Keebet von Benda-Beckmann’s “Social Security as a Lens for Understanding a Relational Perspective on the Concept of Personhood and the State” rounds off the issue by exploring the important question of social security. Although von Benda-Beckmann draws from ethnographic research in the Moluccas of East Indonesia and among Moluccan migrants in the Netherlands, her thesis has a wider resonance as Southeast Asia’s populations grow and age. In some ways, most of the preceding articles alluded to, or explicitly highlighted, an underlying concern with social security among their research subjects, be they migrants seeking a better life or activists working for their visions of social good. Benda-Beckmann defines social security broadly to include all mechanisms by which a society intends to ensure that people who cannot take care of themselves can have an appropriate standard of living rather than limit it to provisions by the state. She explains how social security shapes personhood in situations in which the state is only a minor provider of social security and people depend on other mechanisms, such as kinship, for support and care.

I hope that this collection of the articles will help law and society scholars further appreciate the contributions of Southeast Asian-based research and inspire others to take on the challenges of doing research in this part of the world. As guest editor, I am grateful to David M. Engel, an Editor-in-Chief of this Journal, for his support and advice. I also thank the anonymous reviewers of the articles, Charlotte Kelly for her excellent editorial assistance, and Andrew Harding and his CALS staff, Regana Zara Mydin and Haikel Rino Selamat.

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ASEAN countries and East Timor