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# Charting Socio-Legal Scholarship on Southeast Asia: Key Themes and Future Directions

**Abstract:** This article discusses the state of socio-legal scholarship on Southeast Asia and situates the special journal issue in relation to its key patterns, emerging trends, and future directions. Southeast Asian literature in leading socio-legal journals exhibits an imbalanced geographical coverage and tends to cluster around research on state law's intersection with Islamic and/or customary norms, women's equality and legal status, and land and the natural environment. These prevailing patterns lead to uneven attention paid to Southeast Asia. However, growing bodies of work along the major themes of legal pluralism, law and development, and dispute processing show the potential of Southeast Asian research to advance important debates and sub-fields in the scholarship at large. Proposals from a December 2012 workshop initiative further identified research directions that could enrich this field of study as well as understandings of law-society relations in Southeast Asia.

**Keywords:** socio-legal, law and society, Southeast Asia

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## I. INTRODUCTION

Comprising more than 600 million people<sup>1</sup> made up of diverse ethnicities who claim indigenous and immigrant roots, multiple native and transplanted belief systems and practices, and 11 nation states<sup>2</sup> with intertwining histories and

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<sup>1</sup> United Nations ESCAP, *Fact Sheet* (Bangkok: United Nations Economic & Social Commission for Asia & the Pacific, 2006).

<sup>2</sup> They are Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand, Timor-Leste (East Timor), and Vietnam. I associate Southeast Asia with the territories of these 11 states while bearing in the mind that state borders and States are socially constructed and that they are resisted and contested by the people they claim to govern.

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competing geopolitical interests, Southeast Asia is rife with research potential for socio-legal studies.<sup>3</sup> For an interdisciplinary field that is interested in the study of law – both state law and non-state normative orders<sup>4</sup> – as social

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See, e.g. James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven, CT: Yale University Press, 2010). All of the 11 states are members of the Association of Southeast Asian Nations (ASEAN), with the exception of Timor-Leste, which is seeking to become a member.

**3** Terms such as “socio-legal studies,” “sociology of law,” and “law and society” may carry different connotations for different scholars, depending on their backgrounds. David Nelken, *Beyond Law in Context: Developing a Sociological Understanding of Law* (Burlington, VT: Ashgate, 2009). In this article and the Southeast Asian project described herein, “socio-legal studies” and “law and society” are used interchangeably. As explained in the main text, I take the position that while socio-legal research should exclude studies that focus on doctrinal analyses or leading appellate cases, it should embrace diverse methods and methodologies, both qualitative and quantitative, as well as scholars from a wide range of backgrounds and training.

**4** In this article, I use “law” to refer to formal rules enacted by the State, that is, state or official law, and “other normative orderings,” “alternative norms” or like phrases to refer to non-state rules that also have the effect of regulating and organising social life and human relations. Examples include religious norms, customs, community practices, and unwritten, implicit conventions that govern political behaviour. Nonetheless, I recognise and accept that socio-legal scholars have different views about the definition of “law.” Some scholars believe that “law” should encompass non-state or unofficial law; others reserve the term exclusively for state-enacted rules. Sally E. Merry, “Legal Pluralism” (1988) 22 *Law & Society Review* 869–896; Brian Z. Tamanaha, “Understanding Legal Pluralism: Past to Present, Local to Global” (2008) 30 *Sydney Law Review* 375–411. The debate overlaps with contentions over the meaning of “legal pluralism.” In the social science sense, “legal pluralism” refers to an empirical reality of multiple normative orders, meaning that legal pluralism is a universal feature of social organisation in any society (John Griffiths, “What is Legal Pluralism?” (1986) 24 *Journal of Legal Pluralism & Unofficial Law* 1–55.), where law is the self-regulation of a semi-autonomous field porous and susceptible to influences by rules and elements external to that field. Sally Falk Moore, “Law and Social Change: The Semi-autonomous Social Field as an Appropriate Subject of Study” (1973) 7 *Law & Soc’ Rev.* 719–746; Franz von Benda-Beckmann, “Comment on Merry” (1988) 22 *Law & Soc’y Rev.* 897902. This conceptualisation of “law” is broader than the juristic sense (Griffiths, *ibid.*) that delineates the different bodies of *state* law enacted to govern different population groups. See, e.g. M. B. Hooker, *Legal Pluralism: An Introduction to Colonial and Neo-colonial Laws* (Oxford: Clarendon Press, 1975). According to the first view, excluding unofficial normative orderings from “law” privileges the centralism of state law in the study of legal pluralism; however, critics find the formulation too elastic (see, e.g. Tamanaha, *ibid.*) or worry that it de-centres attention on the coercive power of States and its monopoly over symbolic power wielded through its laws (Merry, *ibid.*). One way to navigate this tension is to regard the plurality of normative orders as a point of departure for empirical research (Benda-Beckmann, F., *ibid.*) rather than a source of contention, and be clear about one’s chosen approach and level of analysis. Franz von Benda-Beckmann, “Who’s Afraid of Legal Pluralism?” (2002) 47 *Journal of Legal Pluralism & Unofficial Law* 37–82.

phenomena, the plurality of Southeast Asia opens up rich possibilities for analysing the processes and institutions of law and how they shape social relations and conflicts. Southeast Asia's "nomic din"<sup>5</sup> generates provocative questions that can be informed by a variety of socio-legal fieldwork methods, such as ethnographic interviews, surveys, and historical and archival research.

Yet, socio-legal scholars have paid inconsistent attention to the region. Furthermore, unlike other regions that have formed scholarly associations to bring together socio-legal scholars for exchange of ideas and collaboration, Southeast Asia lacks any such informal network or formal organisation.<sup>6</sup> Certainly, scholars from a broad range of disciplinary backgrounds do conduct research on Southeast Asia that takes into consideration the relationship between law and various aspects of social life and do so by going beyond formal legal institutions, actors, and texts; for example, sociologists, political scientists, anthropologists, and others have examined dispute resolution in state courts and non-state fora, as well as law and law-like behaviour and norms and their relationships with family, land and property, gender and sexuality, urban planning, rural and agricultural communities, workplaces, corporations, religious groups, and migrant populations. However, they usually do not explicitly associate their work with socio-legal studies. Conversely, much of the Southeast Asian scholarship by the legal academy falls outside the field, as it tends to focus on doctrinal analyses of state law or leading appellate cases.<sup>7</sup> The majority of these scholars, who make up this journal's readership, seldom recognise the relevance of socio-legal scholarship to their study of law, much less carry out its research.

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5 Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983) cited in Andrew J. Harding, "Comparative Law and Legal Transplantation in South East Asia: Making Sense of the 'Nomic Din'" in D. Nelken & J. Feest, eds., *Adapting Legal Cultures* (Oxford: Hart Publishing, 2001).

6 The Law & Society Association has a vibrant "East Asian Law & Society" research network that holds a separate, biannual regional conference with the same name. It is predominantly made up of scholars who research Northeast Asian countries such as China, Japan, and Korea. In recent years, however, their leaders have made effort to reach out to Southeast Asian-oriented colleagues. Partly due to their outreach and partly due to initiatives such as the one related to this special issue, Southeast Asia is gaining more visibility within this larger East Asian community, including the new *Asian Journal of Law & Society* launched in January 2014. For more about the new journal's coverage on Southeast Asia, see note 40.

7 Nelken, *supra* note 3.

Together, the potential of Southeast Asia for socio-legal studies and the absence of a visible scholarly community formed the impetus for the 10–11 December 2012 workshop, *Socio-legal Research on Southeast Asia: Themes, Directions, and Challenges*, held at the Centre for Asian Legal Studies, National University of Singapore.<sup>8</sup> In response to one of the workshop's aims of articulating a research agenda, I examine in this article the state of socio-legal scholarship on Southeast Asia and situate the five other articles of this special issue<sup>9</sup> in relation to the scholarship's key patterns, emerging trends, and future directions: First, I consider the region's significance to the field of socio-legal studies at large. Next, I draw from selections in existing scholarship to discuss key patterns. Weaving in discussion on the five contributions, I then elaborate on emerging trends and future directions.

## II. THE SIGNIFICANCE OF SOUTHEAST ASIA TO SOCIO-LEGAL SCHOLARSHIP

The strength of Southeast Asia for socio-legal research lies with its diversity of ethnicities, languages, belief systems, and practices, to which this article's opening sentences referred. The diversity complicates past and present attempts to impose a particular body of state law or normative ordering on any social group or society. These complicated interactions give rise to social relations, individual and collective experiences, conflicts, and resolutions that compose a social phenomenon of legal pluralism, in both the juristic and social scientific senses of the term.<sup>10</sup> A central concern of socio-legal scholarship, legal pluralism manifests in Southeast Asia in such forms as the co-existence of syariah and civil law in formal state institutions, the interrelationships between state law and local practices, and the negotiations and struggles between informal social norms and unspoken political conventions on the one hand, and formal legal rules and restrictions on the other.

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<sup>8</sup> Also see the Preface in this special issue.

<sup>9</sup> Frank Munger, "Revolution Imagined: Cause Advocacy, Consumer Rights, and the Evolving Role of NGOs in Thailand (2014); John Gillespie, "New Transnational Governance and the Changing Composition of Regulatory Pluralism in Southeast Asia (2013); Helena Whalen-Bridge, "Conceptualisation of Pro Bono in Singapore" (2014); Agung Wardana, "Alliances and Contestation in the Legal Production of Space: The Case of Bali" (2014); Stacia Haynie & Tao L. Dumas, "The Philippine Supreme Court and Regime Response" (2014).

<sup>10</sup> See note 4.

The diversity that contributes to Southeast Asia's legal pluralism is also fluid and ever changing. New dimensions of state law and alternative norms continue to emerge, as local, regional, and transnational processes pluralise or depluralise the region<sup>11</sup> and actors respond with contestations<sup>12</sup> or adoption and adaptation of external norms and ideas into local practice.<sup>13</sup> The following are some of the processes that problematise Southeast Asia for socio-legal research<sup>14</sup>:

- (i) historical and continuous migration from outside the region and intra-regional migration, bringing with it new cultures, religions, and ways of governance that exert varying degrees of influence on different parts of the region and interact with local practices;
- (ii) colonisation by Western powers<sup>15</sup> – the Portuguese, Dutch, British, French, Spanish, and Americans – that injected further outside influences into the region, including the areas of governance, economic development, and belief systems;
- (iii) the displacement of Western colonisers by the Japanese occupation of World War II, followed by its defeat, struggles for independence from colonisers, American interventions in Indochina, ethnic conflicts, and political repression by post-colonial governments;
- (iv) the economic growth of Southeast Asian states since the 1980s, their turn to state law for economic development, the flourishing of regional and international commercial relationships despite differences in political ideologies, and accompanying issues such as environmental protection and conservation, the dislocations of agrarian and indigenous peoples, and increasing income gaps;

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**11** Franz von Benda-Beckman & Keebet von Benda-Beckmann, "The Dynamics of Change and Continuity in Plural Legal Orders" (2006b) 53–54 *Journal of Legal Pluralism & Unofficial Law* 1–44.

**12** Terence Halliday & Bruce Carruthers, *Bankrupt: Global Lawmaking and Systemic Financial Crisis* (Stanford, CA: Stanford University Press, 2009).

**13** Sally E. Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006).

**14** The introduction by Collier *et al.* (1994) to the 1994 *Law & Society Review*, the journal's only special issue on Southeast Asia, elucidates some of these pluralistic characteristics. Jane Collier *et al.*, "Editors' Introduction" (1994) 28 *Law & Soc'y Rev.* 417–428.

**15** Only Thailand, or Siam at the time, avoided becoming formally colonised by Western powers. However, it faced constant threats from the British to its west, and the French to its east, and tried to construct Western-style political and legal institutions over existing ones. *Ibid.*

- (v) Changes in population demographics, including the phenomena of youth “bulge”<sup>16</sup> and shifts from multi-generational households toward nuclear families, thus increasing the number of old, dependent persons who live alone, and raising questions about old-age security<sup>17</sup>;
- (vi) Political changes, such as Vietnam’s Renovation since the late 1980s, Indonesia’s post-Suharto reforms since 1998, and Myanmar’s recent transition into civilian rule;
- (vii) Collective actions that range from the progressive to the conservative, such as the mass mobilisations for political accountability in Thailand, the Philippines, and Malaysia, the campaigns for sexual minority rights in Vietnam and Singapore, and the rise of conservative movements among adherents of Christianity, Islam, and Buddhism.

Given such diversity and complex manifestations of legal pluralism, research on the region infuses socio-legal scholarship with “new perspectives, new research issues, and new voices.”<sup>18</sup> It takes on the challenge posed two decades ago by the editors of the one and only special issue on Southeast Asia in *Law & Society Review*, the leading journal in socio-legal studies. For a field that remains dominated by scholars focused on North American and other Western liberal capitalist democracies, it answers calls to be more comparative and global in outlook.<sup>19</sup>

Ethnographic fieldwork based on Southeast Asian contexts has already made important contributions to socio-legal studies, bringing new understanding to human agency and power, the relationship among law, social change, and globalisation, and the dynamics involving multiple normative orders. For example, the concept of “everyday resistance” in Scott’s ethnography of Malay peasants<sup>20</sup> has influenced how socio-legal scholars locate the ways in which less

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**16** That is, 20 per cent or more of a national population are aged 15–24, and the cohort of working-age adults are growing relative to the dependent population. United Nations ESCAP, *supra* note 1.

**17** United Nations ESCAP, *ibid.*

**18** Collier *et al.*, *supra* note 14 at 417.

**19** Rita J. Simon & James P. Luch, “The Sociology of Law: Where We Have Been and Where We Might Be Going” (1989) 23 *Law & Soc’y Rev.* 825–848; Lynn Mather, “Reflections on the Reach of Law (and Society) Post 9/11: An American Superhero?” (2003) 37 *Law & Soc’y Rev.* 263–282; Calvin Morrill, “Opening Remarks” presented at The Center for the Study of Law & Society’s 50th Anniversary Conference: The Future of Law & Society (California, Berkeley, 3 Nov 2011).

**20** James C. Scott, *Weapons of the Weak: Everyday Forms of Resistance* (New Haven, CT: Yale University Press, 1985).

powerful individuals or social groups challenge authority<sup>21</sup>; thus, Ewick and Silbey,<sup>22</sup> Gilliom,<sup>23</sup> and Nielsen<sup>24</sup> examine covert forms of legal resistance as alternatives to open and public forms of confrontation.<sup>25</sup> In Engel and Engel,<sup>26</sup> contrary to predictions that transnational processes will lead to greater inter-legality<sup>27</sup> between state law and non-state normative orders, the authors offer a counter-intuitive argument that globalisation and economic development can lead to the diminishment of interlegality. In Indonesia, the von Benda-Beckmanns' extensive research on the Minangkabau of West Sumatra illuminates the struggles between state law and religion and *adat*<sup>28</sup> and serves as

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21 Sally E. Merry, "Resistance and the Cultural Power of Law" (1995) 29 *Law & Soc'y Rev.* 11–26.

22 Patricia Ewick & Susan S. Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press, 1998).

23 John Gilliom, *Overseers of the Poor: Surveillance, Resistance, and the Limits of Privacy* (Chicago: University of Chicago Press, 2001).

24 Laura Beth Nielsen, *License to Harass: Law, Hierarchy, and Offensive Public Speech* (Princeton, NJ: Princeton University Press, 2004).

25 To be clear, Scott, *supra* note 20, does not speak of everyday resistance specifically in relation to state law. He differentiates between personal rule (e.g. landlord-tenant relationships) and impersonal rule (e.g. scientific technologies, bureaucratic rules, state regulations, and other modern forms of social control), but points out that a mediating element of personal rule also exists in the impersonal rule of modern social control that Michel Foucault had in mind. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1990). Ewick and Silbey, *supra* note 22, adopt the approach that "law" and "legality" encompass state law and non-state normative orders, such as community practices, whereas Gilliom, *supra* note 23, and Nielsen, *supra* note 24, appear to denote "law" more clearly as being that of official law.

26 David M. Engel & Jaruwan S. Engel, *Tort, Custom and Karma: Globalization and Legal Consciousness in Thailand* (Palo Alto, CA: Stanford University Press, 2010).

27 Boaventura de Sousa Santos, *Toward a New Common Sense: Law, Science and Politics in the Paradigmatic Transition* (New York: Routledge, 1995).

28 See, e.g. Franz von Benda-Beckmann & Keebet von Benda-Beckmann, *Political Transformations of an Indonesian Polity: The Nagari from Colonisation to Decentralisation* (Cambridge: Cambridge University Press, 2013); Keebet von Benda-Beckmann, "Forum Shopping and Shopping Forums: Dispute Processing in a Minangkabau Village in West Sumatra" (1981) 19 *Journal of Legal Pluralism & Unofficial Law* 117–159; Keebet von Benda-Beckmann, "The Social Significance of Minangkabau State Court Decisions" (1985) 23 *Journal of Legal Pluralism & Unofficial Law* 1–68; Keebet von Benda-Beckmann, "Development, Law and Gender-skewig" (1990–91) 30&31 *Journal of Legal Pluralism & Unofficial Law* 87–120; Franz von Benda-Beckmann & Keebet von Benda-Beckmann, "Property Politics, and Conflict: Ambon and Minangkabau Compared" (1994) 28 *Law & Soc'y Rev.* 589–608; Franz von Benda-Beckmann & Keebet von Benda-Beckmann, "Changing One Is Changing All: Dynamics in the Adat-Islam-State Triangle" (2006a) 53–54 *Journal of Legal Pluralism & Unofficial Law* 239–270.

reminders that state law persists as a site of constant contestation<sup>29</sup> in post-colonial Southeast Asia. In Singapore, where communitarianism is explicitly adopted as national ideology and embedded in social life,<sup>30</sup> the role of civil-political rights may differ from findings in socio-legal research based on Western liberal democracies<sup>31</sup>; hence, studies from this region suggest paradigm shifts in understanding the relationship between rights and social change.<sup>32</sup>

Furthermore, socio-legal research attentive to the plurality of Southeast Asia and the social processes that continuously reshape it can illuminate understandings of societies beyond the region. For instance, the economic reformation of socialist Vietnam offers insights into the development of China.<sup>33</sup> It also informs a newer wave of law-and-development studies in Asia,<sup>34</sup> especially as governments turn not only to societies and lawyers traditionally associated with the importation of Western liberalism, but also the Southeast Asian trade partner of Singapore,<sup>35</sup> which is known for its use of law to engineer economic success while controlling political dissent.<sup>36</sup> In addition, studies on the social processes involving both local and colonial elites in the codification of Islamic law in Malaysia<sup>37</sup> and the relationship between law and Islam in Indonesia, the world's most populous Muslim country, can ameliorate an "Arabist bias"<sup>38</sup> in understandings about Muslim societies.

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**29** Sally E. Merry, "Law and Colonialism" (1991) 25 *Law & Soc'y Rev.* 889–922.

**30** Chua Beng Huat, *Communitarian Politics in Asia* (London: Routledge Curzon, 2004).

**31** See, e.g. Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: University of Chicago Press, 1994); Stuart A. Scheingold, *The Politics of Rights: Lawyers, Public Policy, and Political Change*, 2nd ed. (Ann Arbor, MI: University of Michigan Press, 2004).

**32** See, e.g. Lynette J. Chua, *Mobilizing Gay Singapore: Rights and Resistance in an Authoritarian State* (Philadelphia, PA: Temple University Press, 2014).

**33** Mark Sidel, *Law & Society in Vietnam: The Transition from Socialism in Comparative Perspective* (New York: Cambridge University Press, 2008).

**34** Harding, *supra* note 5.

**35** Carol V. Rose, "The "New" Law and Development Movement in the Post-Cold War Era: A Vietnam Case Study" (1998) 32 *Law & Soc'y Rev.* 93–140.

**36** Jothie Rajah, "Punishing Bodies, Securing the Nation: How Rule of Law Can Legitimate the Urbane Authoritarian State" (2011) 36 *Law & Soc. Inquiry* 945–970.

**37** See, e.g. Iza Hussin, "The Pursuit of the Perak Regalia: Islam, Law, and the Politics of Authority in the Colonial State" (2007) 32 *Law & Soc. Inquiry* 759–788.

**38** Michael R. Feener, "Introduction: Issues and Ideologies in the Study of Regional Muslim Cultures" in Michael R. Feener & Terenjit Sevea, eds., *Islamic Connections: Muslim Societies in South and Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 2009) at xiii.

### III. KEY PATTERNS, EMERGING TRENDS, AND NEW DIRECTIONS

Nevertheless, Southeast Asia's contributions and promise have translated at best into uneven attention from socio-legal scholars.<sup>39</sup> It is reflected in key patterns that cluster around certain geographical areas and research interests and broader themes in the scholarship. While the patterns further reveal the region's potential, they also demonstrate the limited focus thus far and the need to expand research lenses to a wider variety of issues, geographical areas, and social groups within the region.

To draw out these longstanding patterns as well as articulate emerging trends and future directions, I searched for original articles in key socio-legal studies journals, *Law & Society Review* and *Law & Social Inquiry* published in the United States, and *Journal of Law & Society* and *Journal of Legal Pluralism and Unofficial Law* (known as *African Law Studies* up to its 18th issue) based in Europe, from their first issues in 1966, 1976, 1974, and 1969 respectively, up to 2013. I included articles that focus substantially on at least one empirical context within the region,<sup>40</sup> and excluded book reviews, review essays, and commentaries to articles. I also supplemented the survey with select books and articles in other journals.

Of course, the analysis that follows by no means suggests that my survey represents an exhaustive body of socio-legal scholarship on Southeast Asia. It provides merely a gauge of patterns and areas of growth. In particular, I notice that Southeast Asian-related research is often published as edited book volumes, which are not easily accessible compared to journal publications. Socio-legal scholars sometimes also publish their work in other types of journals, such as area studies or specialist law journals (which also cover doctrinal research). Furthermore, as pointed out in the Introduction, scholars from a variety of

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<sup>39</sup> Even in the area of comparative law within the legal academy, scholars have taken little account of this region. "Scholars in the field of law in South East Asia have therefore trodden a somewhat lonely path". Harding, *supra* note 5 at 199.

<sup>40</sup> My search included the *Canadian Journal of Law & Society*, but it did not produce any relevant result. The newly launched *Asian Journal of Law & Society* (also see note 6) was excluded from the search; however, in its first and only issue so far, four out of the 10 articles are Southeast Asian. They are Leah M. Trzcinski and Frank K. Upham, "Creating Law from the Ground Up: Land Law in Post-Conflict Cambodia" (2014) 1 *Asian Journal of Law & Society* 55–77; Lucia Pellegrina *et al.*, "Measuring Judicial Ideal Points in New Democracies" (2014) 1 *Asian Journal of Law & Society* 125–164; Thomas H. Stanton, "Law and Economic Development: The Cautionary Tale of Colonial Burma" (2014) 1 *Asian Journal of Law & Society* 165–181; Lynette J. Chua, "Rights Mobilization and the Campaign to Decriminalize Homosexuality in Singapore" (2014) 1 *Asian Journal of Law & Society* 205–228.

disciplines may be conducting research that resonates with socio-legal scholarship, but they do not associate their work with it and thus do not publish in related periodicals.<sup>41</sup>

## A. Key patterns

Based on the survey, socio-legal scholarship on Southeast Asia displays a clear geographical bias, resulting in imbalanced coverage of the region. As set out in Table 1, the majority of Southeast Asian articles in leading socio-legal journals from their first issues up to 2013 featured Indonesia, which took up 40% of the coverage. It is followed by Thailand, the Philippines, and Malaysia. The remaining seven states received little attention to none.

**Table 1:** Southeast Asian articles in leading socio-legal journals

	Law & Society Review	Law & Social Inquiry	Journal of Legal Pluralism and Unofficial Law	Journal of Law & Society	Total
Brunei	0	0	0	0	0
Cambodia	0	0	0	0	0
Indonesia	9	0	15	0	24
Laos	0	0	0	0	0
Malaysia	3	2	2	0	7
Myanmar (Burma)	1	2	0	0	3
The Philippines	7	0	1	0	8
Singapore	2	2	0 <sup>42</sup>	1	5
Thailand	9	1	0	0	10
Timor-Leste (East Timor)	2	0	0	0	2
Vietnam	2	1	2	0	5
<b>Total</b>					<b>64</b>

<sup>41</sup> In fact, in response to this phenomenon, David Engel and I are collecting and examining publications outside of socio-legal journals to understand how Southeast Asian-oriented scholars understand and characterise “law” in their work.

<sup>42</sup> This count excludes Ann Black, “Replicating ‘A Model of Mutual Respect’: Could Singapore’s Legal Pluralism Work in Australia?” (2012) 44 *Journal of Legal Pluralism and Unofficial Law* 65–102, as it focuses on Australia and discusses whether certain features of legal pluralism in Singapore could be applied to the former.

Second, the literature is clustered around the following topics,<sup>43</sup> indicating the potential and need for socio-legal studies to expand the range and volume of research in other areas. One concentration of the literature is secular law's intersection with Islamic law and/or *adat* or customary norms. For example, Salim<sup>44</sup> examines the increasing jurisdiction of syariah courts and the declining authority of civil courts in Aceh, Indonesia; Moustafa<sup>45</sup> argues that the contestation between Islamic law and liberal rights in Malaysia emerges not from intrinsic tension between the two but rather from institutional design and political struggles. This concentration partially overlaps with the second, which is the equality and legal status of women. The overlap is most noticeable among the prolific research of anthropologists on Indonesia's personal laws concerning marriage, family, and inheritance, such as the von Benda-Beckmanns' work (see Table 2 in the Appendix). A third concentration is land and the natural environment, often involving indigenous or agrarian populations. For instance, Prill-Brett<sup>46</sup> traces how the indigenous people of the Philippine Cordillera region invoke customary laws, national and international law, as well as human rights principles to assert their ancestral claims over lands threatened by development; Zerner<sup>47</sup> analyses the shifting interpretations of Moluccan customary practices by Dutch colonial officials, Indonesian bureaucrats, and environmental groups in response to changing institutional interests.

## B. Emerging trends

In addition, extant socio-legal studies on Southeast Asia connect to broad themes of the field – legal pluralism, law and development, and dispute processing. By organising the literature in this manner, emerging trends become noticeable. Among them, two articles in this special issue by Gillespie<sup>48</sup> and Wardana<sup>49</sup> can be situated.

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<sup>43</sup> Also see Collier *et al.*, *supra* note 14.

<sup>44</sup> Arskal Salim, "Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in Contemporary Aceh" (2010) 61 *Journal of Legal Pluralism & Unofficial Law* 1–30.

<sup>45</sup> Tamir Moustafa, "Liberal Rights versus Islamic Law? The Construction of a Binary in Malaysian Politics" (2013b) 47 *Law & Soc'y Rev.* 771–802.

<sup>46</sup> June Prill-Brett, "Indigenous Land Rights and Legal Pluralism among Philippines Highlanders" (1994) 28 *Law & Soc'y Rev.* 687–698.

<sup>47</sup> Charles Zerner, "Through a Green Lens: The Construction of Customary Environmental Law and Community in Indonesia's Maluku Islands" (1994) 28 *Law & Soc'y Rev.* 1079–1122.

<sup>48</sup> Gillespie, *supra* note 9.

<sup>49</sup> Wardana, *supra* note 9.

## 1. Legal pluralism<sup>50</sup>

Recent Southeast Asian-based scholarship raises questions about the implicit divide between “classic” and “new” legal pluralism. In a region with significant histories of Western colonialism, legal pluralism is traditionally associated with “classic legal pluralism,” which focuses on the interactions between European-imposed and indigenous law, and is distinguished from “new legal pluralism,”<sup>51</sup> which is interested in the interrelationships between state law and alternative norms or private ordering in industrialised and Western liberal capitalist societies.<sup>52</sup> However, while local actors in Southeast Asia continue to respond to interactions between state law and indigenous norms, contemporary processes of industrialisation, urbanisation, and globalisation are entering and further complicating the dynamics.<sup>53</sup>

Current socio-legal research on Southeast Asia, thus, increasingly echoes the core concerns of scholarship in “new legal pluralism” sites, even though the specific experiences that they examine may be regionally distinctive<sup>54</sup> or their specific subject matters differ from those of socio-legal studies empirically based on American or other Western liberal capitalist democracies.<sup>55</sup> Consistent with these developments, Gillespie’s<sup>56</sup> ethnographic study of Vietnamese firms in this special issue reveals a different type of legal pluralism: As local actors respond in a variety of ways to transnational industrial regulatory regimes, they generate a “regulatory pluralism” that leads to the uneven application and bypassing of

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**50** That is, legal pluralism in the broader social science sense. See note 4.

**51** Merry, *supra* note 4.

**52** See, e.g. Stewart Macaulay, “Non-contractual Relations in Business: A Preliminary Study” (1963) 28 *American Sociological Review* 55–67; Catherine R. Albiston, *Institutional Inequality and the Mobilization of the Family and Medical Leave Act: Rights on Leave* (New York: Cambridge University Press, 2010). Or, as von Benda-Beckmann (1988), *supra* note 4, puts it, scholars have come to realise that the latter also has legal pluralism; moreover, these latter sites also experience constant migration, and the imposition of state law on alternative normative orders: Benda-Beckmann & Benda-Beckmann, *supra* note 11.

**53** Collier *et al.*, *supra* note 14.

**54** See, e.g. David M. Engel, “Landscapes of the Law: Injury, Remedy, and Social Change in Thailand” (2009) 43 *Law & Soc’y Rev.* 61–95; Lynette J. Chua, “Pragmatic Resistance, Law, and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore” (2012) 46 *Law & Soc’y Rev.* 713–748.

**55** See, e.g. June Prill-Brett, “Contested Domains: The Indigenous Peoples Rights Act (IPRA) and Legal Pluralism in the Northern Philippines” (2007) 55 *Journal of Legal Pluralism & Unofficial Law* 11–36; Hussin, *supra* note 37.

**56** Gillespie, *supra* note 9.

state commercial laws. Meanwhile, in Wardana,<sup>57</sup> the controversy over spatial planning regulation highlights the role of both state law and customary rules in navigating the tensions between urbanisation and protection of Bali's environment and culture.

## 2. Law and development

Recent work on Southeast Asia also speaks to a resurgent line of law and development studies that is more critical than the failed project of the 1960s–1970s.<sup>58</sup> Begun in the mid-twentieth century, the earlier project referred to both development programs that were motivated by legal liberalism to transform the legal institutions of developing countries and academic research that aligned with those ideals.<sup>59</sup> Although the newer version shares the older project's belief that legal knowledge, institutions, and actors, can enable developing countries to achieve economic and political progress, it is more sensitive to and reflective of criticisms such as ethnocentrism and naïveté.<sup>60</sup> Hence, in Southeast Asia, Rose<sup>61</sup> finds that the United States is no longer the dominant player in foreign legal assistance but competes with donors from distinctively different political and legal constitutions for influence over the Vietnamese government. This means that the state can and does reject foreign influence in the areas of political reform and human rights, thus enabling economic liberalisation while maintaining authoritarianism.<sup>62</sup> Along a similar vein, Gillespie<sup>63</sup> in this issue argues that Southeast Asian firms more frequently adopt the rules and practices of intra-Asian industrial regulatory regimes rather than Euro-American ones, which are more likely than the former to incorporate labour, environment, and fair trade standards found in their home jurisdictions.

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57 Wardana, *supra* note 9.

58 Bryant G. Garth, "Law and Society as Law and Development" (2003) 37 *Law & Soc'y Rev.* 305–314.

59 David Trubek & Marc Galanter, "Scholars in Self-estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States" (1974) 4 *Wis. L. Rev.* 1062–1103.

60 *Ibid.* See also Y. Dezalay & B. Garth, *Global Prescriptions: The Production, Exportation and Importation of a New Legal Orthodoxy* (Ann Arbor, Michigan: University of Michigan Press, 2002); D. M. Trubek & A. Santos, *The New Law and Economic Development: A Critical Appraisal* (New York: Cambridge University Press, 2006); K. Davis & M. Trebilcock, "The Relationship Between Law and Development: Optimists versus Skeptics" (2008) 56:4 *Am. J. Comp. L.* 895–946.

61 Rose, *supra* note 35.

62 Sidel, *supra* note 33.

63 Gillespie, *supra* note 9.

### 3. Dispute processing

Rather than focus on indigenous processes without engaging explicitly with state institutions,<sup>64</sup> research on dispute processing in Southeast Asia increasingly centres the relationship between state law and non-state normative orders. Whereas some studies examine the responses and choices of state courts in face of conflicting norms,<sup>65</sup> others regard state courts as one among many dispute resolution fora.<sup>66</sup> The latter, therefore, take on the important approach in socio-legal studies that regards the transformation of disputes into legal cases as socially constructed processes.<sup>67</sup> These developments arguably blur a line within the dispute processing literature – that is, between the anthropological work on European colonies and post-colonies that emphasises indigenous dispute processes and studies on dispute transformation in industrialised, Western liberal capitalist societies, or the locales of “new legal pluralism.”<sup>68</sup>

### C. Future directions

The prevailing patterns and emerging trends lead to questions about future directions for socio-legal studies on Southeast Asia. To address such questions, participants of the December 2012 workshop discussed and set out the following, among which the remaining contributions to this special issue can be situated. Of course, the workshop’s articulations are not exhaustive and do not suggest that the proposed directions are new or unexplored. They are intended simply as starting points to focus and grow a socio-legal research agenda on the region.

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<sup>64</sup> Benda-Beckmann & Benda-Beckmann (2006b), *supra* note 11.

<sup>65</sup> See, e.g. Joseph J. Burns, “Civil Courts and the Development of Commercial Relations: The Case of North Sumatra” (1980–1981) 15 *Law & Soc’y Rev.* 347–368; Sidney G. Silliman, “A Political Analysis of the Philippines’ Katarungang Pambarangay System of Informal Justice through Mediation” (1985) 19 *Law & Soc’y Rev.* 279–302; John R. Bowen, “Consensus and Suspicion: Judicial Reasoning and Social Change in an Indonesian Society, 1960–1994” (2000) 34 *Law & Soc’y Rev.* 97–127.

<sup>66</sup> See, e.g. David M. Engel, “Litigation across Space and Time: Courts, Conflicts, and Social Change” (1990) 24 *Law & Soc’y Rev.* 333–344; David M. Engel, “Globalization and the Decline of Legal Consciousness: Torts, Ghosts and Karma in Thailand” (2005) 30 *Law & Society Inquiry* 469–514; Engel, *supra* note 54.

<sup>67</sup> William L. F. Felstiner *et al.*, “The Emergence and Transformation of Disputes: Naming, Blaming, Claiming...” (1981) 15 *Law & Soc’y Rev.* 631–654; Richard E. Millar & Austin Sarat, “Grievances, Claims and Disputes: Assessing the Adversary Culture” (1981) 15 *Law & Soc’y Rev.* 525–66.

<sup>68</sup> Merry, *supra* note 4.

## 1. Legal consciousness

Even though this broad concept lacks any uniform definition, it is essentially “the dynamic process through which actors draw on legal discourse to construct their understanding of and relation to the social world” and the location of that process “within a social context already structured in part by law itself.”<sup>69</sup> With their emphasis on human agency, studies of legal consciousness shed light on how individuals and social groups experience the law and take action (or not). In Southeast Asia, socio-legal scholars have considered the legal consciousness of everyday people on issues of religion<sup>70</sup> and conservation,<sup>71</sup> as well as activists who fight for sexual minority rights.<sup>72</sup> Though not characterised explicitly as a study of legal consciousness, Munger<sup>73</sup> in this special issue explores how local political developments and rights culture influenced the founder of a consumer protection organisation to carry out a “Thai-style” of legal advocacy.<sup>74</sup>

## 2. Social justice and equality

Another broad theme in socio-legal studies, *social justice and equality* covers a wide range of issues, including punishment, social control, access to justice, legal mobilisation, and the relationship of rights and social change. Taking into consideration recent developments in Southeast Asia, participants of the

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**69** Catherine R. Albiston, “Legal Consciousness and Workplace Rights” in B. Steiner & L. B. Nielsen, eds., *New Civil Rights Research: A Constitutive Approach* (Dartmouth, UK: Ashgate Press, 2006) at 56.

**70** Tamir Moustafa, “Islamic Law, Women’s Rights and Popular Legal Consciousness in Malaysia” (2013a) 38 *Law & Soc. Inquiry* 168–188.

**71** Nuthamon Kongcharoen, “Community Forest Management in Northern Thailand: Perspectives on Thai Legal Culture” (PhD Diss., University of Victoria, Faculty of Law, 2012).

**72** Chua, *supra* note 32.

**73** Munger, *supra* note 9.

**74** Recognising the importance of legal consciousness to understanding Southeast Asia’s complicated plurality, Andrew Harding and I, together with David Engel, responded to the December 2012 recommendations by organising a conference entitled *Researching State and Personhood: Law and Society in Southeast Asia*. Planned for December 2014, the follow-up conference solicits papers that draw on original fieldwork to interrogate the relationship between the state and social actors, particularly the ways in which individuals or local communities experience, resist, or otherwise navigate state law (possibly in interaction with other social norms and practices). A special issue of select papers from that upcoming conference is also planned for a different journal to reach out to the wider socio-legal studies community, the second identified target audience. Also see the Preface of this special issue.

December 2012 workshop highlighted the following areas – the processes through which the legal profession and other institutions influence access to justice; dispute processing in alternative, non-state fora; the interactions between transnational and local actors and institutions that affect the redress of local grievances and rights mobilization; and, the complex role of law in facilitating social control and reinforcing unequal power relations on the one hand and empowering collective action and effecting social transformation on the other.

While these areas remain vastly understudied by socio-legal scholars researching Southeast Asia, recent work is beginning to make inroads. For instance, Whiting<sup>75</sup> examines how Malaysian legal professionals understand “secularism” and “Islamic state” and leverage on their status as elite actors to shape public discourse on legal reform, while Chua’s<sup>76</sup> ethnographic study of Singapore’s gay and lesbian movement draws out the multi-faceted roles of law and polyvocal meanings of rights. In this special issue, Whalen-Bridge<sup>77</sup> uses archival research to trace shifts in public discourse about the role that lawyers should play in representing indigent persons in Singapore; and, Munger<sup>78</sup> examines the political constraints and opportunities that Thai consumer protection activists negotiate when deploying litigation strategies.

### 3. Law and religion

As discussed in the earlier section, socio-legal literature on Southeast Asia has concentrated on secular law’s intersection with Islamic law and/or *adat* or customary norms. Indeed, Islam may compete or align with state law to exert authority and legitimacy over the ordering and organisation of social life and relations; in Feener,<sup>79</sup> for example, local legislators of Aceh engaged in dialogue with non-governmental organisations and the Ulama Council to construct criminal legislation that was responsive to Islam. Yet, Islam is but one of numerous belief systems in the region. Therefore, the December 2012 workshop recommended not only continuing to examine the relationship between state law and

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<sup>75</sup> Amanda J. Whiting, “Secularism, the Islamic State and the Malaysian Legal Profession” (2010) 5 *As. J.C.L.* 1–34.

<sup>76</sup> Chua, *supra* note 32.

<sup>77</sup> Whalen-Bridge, *supra* note 9.

<sup>78</sup> Munger, *supra* note 9.

<sup>79</sup> Michael R. Feener, *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013).

Islam, but also paying greater attention to the religions of Christianity and Buddhism.

In addition, anthropologists at the workshop emphasised the importance of studying norms and practices that are indigenous to Southeast Asia (thus embracing a broad conceptualisation of “religion”). Existing work includes the extensive ethnographic studies on customary norms in Indonesia,<sup>80</sup> and that of the Engels<sup>81</sup> and their peers at Chiang Mai University<sup>82</sup> on the effects of northern Thai beliefs on the mobilisation of state law.<sup>83</sup> In this special issue, Wardana<sup>84</sup> also takes into account customary Balinese concepts of sacred space in contemporary controversies over urban planning.

#### 4. Formal legal institutions and actors

Although socio-legal scholars, especially since the scholarship’s cultural turn,<sup>85</sup> have expanded research to non-elite actors and bottom-up, mutually constitutive processes of law and society,<sup>86</sup> the study of formal legal institutions and actors remains vibrant and important.<sup>87</sup> In Southeast Asia, despite ongoing

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**80** See, e.g. Benda-Beckmann & Benda-Beckmann (2006a), *supra* note 28; Benda-Beckmann & Benda-Beckmann (1994), *supra* note 28; Sulistyowati Irianto, “Competition and Interaction between State Law and Customary Law in the Court Room: A Study of Inheritance Cases in Indonesia” (2004) 49 *Journal of Legal Pluralism & Unofficial Law* 91–112.

**81** Engel & Engel, *supra* note 26.

**82** See, e.g. Kongcharoen, *supra* note 71.

**83** My collaborator for the December 2012 workshop, Andrew Harding, has since organised a separate workshop to begin charting research strategies on law and religion in Asia more generally.

**84** Wardana, *supra* note 9.

**85** Carroll Seron & Susan Silbey, “Profession, Science and Culture: An Emergent Canon of Law and Society Research” in Sarat Austin, ed., *Blackwell Companion to Law and Society* (Oxford: Blackwell Publishing, 2004).

**86** See, e.g. Sally E. Merry, *Getting Justice and Getting Even: Legal Consciousness among Working-class Americans* (Chicago: University of Chicago Press, 1990); Carol J. Greenhouse *et al.*, *Law and Community in Three American Towns* (Ithaca, NY: Cornell University Press, 1994); Ewick & Silbey, *supra* note 22; David M. Engel & Frank W. Munger, *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities* (Chicago: University of Chicago Press, 2003).

**87** See, e.g. Gerald Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* 2nd ed. (Chicago: University of Chicago Press, 2008); Tamir Moustafa, “Law versus the State: The Judicialization of Politics in Egypt” (2003) 28:4 *Law & Soc. Inquiry* 883–930; Paul Brace & Melinda Gann Hall, “‘Haves’ versus ‘Have Nots’ in State Supreme Courts: Allocating Docket Space and Wins in Power Asymmetric Cases” (2001) 35 *Law & Soc’y Rev.* 393–418;

contestations over the reach and authority of state law, the shadow of the state looms large over the populations it purports to govern. Cheesman,<sup>88</sup> for example, documents how Myanmar's military rulers enacted special courts to erode judicial independence and subjugate it to executive control. In this special issue, Haynie and Dumas<sup>89</sup> conduct quantitative analysis of Philippine Supreme Court cases to evaluate the government's winning ability against individuals and businesses as the power, popularity and tenure of the presidency waxes and wanes over time. Building on the seminal work of Galanter<sup>90</sup> that hypothesises the substantial advantage of government and other repeat litigants over their courtroom opponents, the authors bring insight to the impact of politics and political ideologies on judicial decision-making in a Southeast Asian state that has undergone tumultuous presidential rule.<sup>91</sup>

## 5. Law and markets

This theme emerged from debates at the December 2012 workshop over the appropriate term to capture participants' call for more socio-legal analysis of Southeast Asia's interactions with the global marketplace. Some participants hesitated to use "law and development" because of its possible association with the much-maligned project of the 1960s–1970s. Nonetheless, as discussed earlier, recent law and development studies on Southeast Asia have shifted away from a focus on the imposition of Western legal liberalism. Empirical realities, such as those in Gillespie<sup>92</sup> of this special issue, show that the influence of foreign law on Southeast Asia is no longer confined to that of Western States; instead, it is extended to Asian neighbours who champion economic liberalisation without necessarily embracing political liberalism or who favour informal dispute resolution over state-sponsored legal solutions. Socio-legal studies

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Donald J. Farole Jr., "Reexamining Litigant Success in State Supreme Courts" (1999) 33 *Law & Soc'y Rev.* 1043–1058.

**88** Nick Cheesman, "How an Authoritarian Regime in Burma Used Special Courts to Defeat Judicial Independence" (2011) 45 *Law & Soc'y Rev.* 801–830.

**89** Haynie & Dumas, *supra* note 9.

**90** Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change" (1974) 9 *Law & Soc'y Rev.* 95–160.

**91** See also Neal Tate & Stacia L. Haynie, "Authoritarianism and the Functions of Courts: A Time Series Analysis of the Philippine Supreme Court, 1961-87" (1993) 27 *Law & Soc'y Rev.* 707–740; Stacia Haynie, "Politicization of the Judiciary: The Philippines Supreme Court and the Post Marcos Era" (1998) 22 *Asian Studies Review* 459–473.

**92** Gillespie, *supra* note 9.

of *law and markets* in Southeast Asia can respond to calls for more empirically informed research on “law and development”<sup>93</sup> and refine understandings of the dynamics between economic growth and political liberalism, and between state law and other normative orderings.

## IV. CONCLUSION

In this article, I discussed the state of socio-legal scholarship on Southeast Asia and situated the other five articles of this special journal issue in relation to its key patterns, emerging trends, and future directions. Southeast Asian literature in leading socio-legal journals exhibits an imbalanced geographical coverage and tends to cluster around research on state law’s intersection with Islamic and/or customary norms, women’s equality and legal status, and land and the natural environment. These prevailing patterns lead to uneven attention paid to Southeast Asia. However, growing bodies of work along the major themes of legal pluralism, law and development, and dispute processing show the potential of Southeast Asian research to advance important debates and sub-fields in the scholarship at large. Proposals from the December 2012 workshop further identified research directions that could enrich this field of study as well as understandings of law-society relations in Southeast Asia.

With this article and special journal issue, I hope to have highlighted socio-legal scholarship to legal academy colleagues attentive to the region but who may not be familiar with or interested in this interdisciplinary field. I also hope that these initial efforts will help my collaborators and me take the first step toward realising the goals of developing Southeast Asian socio-legal scholarship and an accompanying community of peers. More steps lie ahead, as we organise conferences in response to the recommendations of December 2012 and plan research projects and publications to turn around and engage the wider community of socio-legal scholars.

At the heart of these goals and endeavours lies the challenge of whether and how regionally grounded studies can retain the specificities of “local knowledge,”<sup>94</sup> yet engage a discipline’s major concerns. Certainly, Southeast Asia constructed as a geographically bound region suggests distinct features around

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<sup>93</sup> David Trubek, “Law and Development 50 Years on” *International Encyclopedia of Social and Behavioral Science* (forthcoming). Electronic copy is available at <http://ssrn.com/abstract=2161899> (last accessed 17 September 2014).

<sup>94</sup> Geertz, *supra* note 5.

which a separate cognate community could form.<sup>95</sup> Taking on the challenge in this article, however, entails regarding Southeast Asian socio-legal scholarship not as bound together by the geographical proximity of research sites, and hence the “other,” curious and interesting comparative case that nevertheless is seen as offering little lesson for sites constructed as dominant producers of disciplinary knowledge.<sup>96</sup> Rather, the challenge entails drawing from the empirical richness and legal plurality of Southeast Asia to produce and sustain voices that help to shape the field of socio-legal scholarship over time.

**Acknowledgments:** I am grateful to Andrew Harding, David Engel, Melissa Crouch, and the anonymous reviewers for their insightful comments and Janelle Lau and Khine Khine Zin for their research assistance.

## Appendix

Invited participants of the 10–11 December 2012 workshop, *Socio-legal Research on Southeast Asia: Themes, Directions, and Challenges*, at the Centre for Asian Legal Studies, National University of Singapore.

Melissa Crouch, *University of New South Wales*<sup>97</sup>  
 David Engel, *State University of New York, Buffalo*  
 Michael Feener, *National University of Singapore*  
 John Gillespie, *Monash University*  
 Terence Halliday, *American Bar Foundation*  
 Stacia Haynie, *Louisiana State University*  
 Michael Hor, *University of Hong Kong*  
 Sulistyowati Irianto, *University of Indonesia*  
 Laurence Leong Wai Teng, *National University of Singapore*  
 Michael McCann, *University of Washington*  
 Maznah Mohamad, *National University of Singapore*  
 Frank Munger, *New York Law School*  
 Jothie Rajah, *American Bar Foundation*  
 Victor Ramraj, *University of Victoria*  
 Mark Sidel, *University of Wisconsin, Madison*

<sup>95</sup> I thank one of the anonymous reviewers for pointing this out.

<sup>96</sup> Chen Kuan-Hsing & Beng Huat Chua, “Introduction: The Inter-Asia Cultural Studies: Movements Project” in K. Chen & B. H. Chua, eds., *The Inter-Asia Cultural Studies Reader* (New York: Routledge, 2007).

<sup>97</sup> Institutional affiliations as known at press time.

tan beng hui, *University of Malaya*  
Eugene Tan, *Singapore Management University*

Absent with apologies:

Keebet von Benda-Beckmann, *Max Planck Institute for Social Anthropology*

David Nelken, *King's College*

Amanda Whiting, *University of Melbourne*

**Table 2:** Full reference list of Southeast Asian articles in leading socio-legal journals

Indonesia	<p>Benda-Beckmann &amp; Benda-Beckman (1994), note 33; Benda-Beckmann &amp; Benda-Beckman (2006a), note 33; Keebet von Benda-Beckmann (1981), note 33; Keebet von Benda-Beckmann (1985), note 33; Keebet von Benda-Beckmann (1990–1991), note 33; Bowen, note 70; Birgit Bräuchler, “The Revival Dilemma: Reflections on Human Rights, Self-determination and Legal Pluralism in Eastern Indonesia” (2010) 62 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 1–42; Burns, note 70; Peter Burns, “The Myth of Adat” (1989) 28 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 1–127; Omas T. Ihromi, “Inheritance and Equal Rights for Toba Batak Daughters” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 525–538; Irianto, note 85; Daniel S. Lev, “Judicial Authority and the Struggle for an Indonesian Rechtsstaat” (1978) 13 <i>Law &amp; Soc’y Rev.</i> 37–71; Ratno Lukito, “The Enigma of National Law in Indonesia: The Supreme Court’s Decisions on Gender-Neutral Inheritance” (2006) 52 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 147–167; John McCarthy, “Shifting Resource Entitlements and Governance Reform during the Agrarian Transition in Sumatra, Indonesia” (2007) 55 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 95–121; Leopold Pospisil, “Modern and Traditional Administration of Justice in New Guinea” (1981) 19 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 93–116; Satjipto Rahardjo, “Between Two Worlds: Modern State and Traditional Society in Indonesia” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 493–502; Erman Rajagukguk, “Law, Land, and the Natural Environment in the Kedungombo Greenbelt Area at the Central Javanese Village of Giliredjo” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 623–630; Salim, note 49; Yonariza Shivakoti &amp; Ganesh P. Shivakoti, “Decentralization and Co-management of Protected Areas in Indonesia” (2008) 57 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 141–165; Rikardo Simarmata, “Legal Complexity in Natural Resource Management in the Frontier Mahakam Delta of East Kalimantan, Indonesia” (2010) 62 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 109–144; Herman Slaats &amp; Karen Portier, “The Implementation of State Law through Folk Law: Karo Batak Village Elections” (1985) 23 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 153–176; Geert van der Steenhoven, “Musjawarah in Karo-land” (1973) 7 <i>Law &amp; Soc’y Rev.</i> 693–718; Zerner, note 52.</p>
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(continued)

Table 2 (Continued)

Malaysia	Hussin, note 42; Hunud Abia Kadouf, “Aspects of Terminological Problems in Describing Proprietary Relations under Malaysian Land Law” (1998) 41 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 37–63; K. Kuperan & Jon G. Sutinen, “Blue Water Crime: Deterrence Legitimacy, and Compliance in Fisheries” (1998) 32 <i>Law &amp; Soc’y Rev.</i> 309–338; Moustafa, note 75; Moustafa, note 50; Sangeeta Sharmin, “Plural Legal Systems in Malaysia” (2012) 44 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 49–78; Mehrun Siraj, “Women and the Law: Significant Developments in Malaysia” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 561–572.
Burma (Myanmar)	Cheesman, note 93; Andrew Huxley, “Positivists and Buddhists: The Rise and Fall of Anglo-Burmese Ecclesiastical Law” (2001) 26 <i>Law &amp; Soc. Inquiry</i> 113–142; Diana Kim, “The Story of the Tattooed Lady: Scandal and the Colonial State in British Burma” (2012) 37 <i>Law &amp; Soc. Inquiry</i> 969–990.
The Philippines	Albert S. Bacdayan, “Peace Pact Celebrations: The Revitalization of Kalinga Intervillage Law” (1969) 4 <i>Law &amp; Soc’y Rev.</i> 61–78; Myrna S. Feliciano, “Law, Gender and the Family in the Philippines” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 547–560; Michael O. Mastura, “Legal Pluralism in the Philippines” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 461–476; Prill-Brett, note 51; Prill-Brett, note 60; Sidney G. Silliman, “Dispute Processing by the Philippine Agrarian Court” (1981–1982) 16 <i>Law &amp; Soc’y Rev.</i> 89–114; Silliman, note 70; Tate & Haynie, note 96.
Singapore	Chen Jianlin, “Singapore’s Culture War Over Section 377A: Through the Lens of Public Choice and Multilingual Research” (2013) 38 <i>Law &amp; Soc. Inquiry</i> 106–137; Chua, note 43; Gloria Count-Van Manen, “A Deviant Case of Deviance: Singapore” (1971) 5 <i>Law &amp; Soc’y Rev.</i> 389–406; Rajah, note 41; Ross Worthington, “Between Hermes and Themis: An Empirical Study of the Contemporary Judiciary in Singapore” (2001) 28 <i>J.L. &amp; Soc’y</i> 490–519.
Thailand	Scott R. Christensen & Akin Rabibhadana, “Exit, Voice and the Depletion of Open Access Resources: The Political Bases of Property Rights in Thailand” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 639–656; Engel (1990), note 71; Engel (2005), note 71; Engel, note 59; Anan Ganjanapan, “The Northern Thai Land Tenure System: Local Customs versus National Laws” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 609–622; Yoneo Ishii, “Thai Muslims and the Royal Patronage of Religion” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 453–460; Chupinit Kesmanee, “Dubious Development Concepts in the Thai Highlands: The Chao Khao in Transition” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 673–686; Ronald D. Renard, “The Monk, the Hmong, the Forest, the Cabbage, Fire and Water: Incongruities in Northern Thailand Opium Replacement” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 657–664; Frank E. Reynolds, “Dhamma in Dispute: The Interactions of Religion and law in Thailand” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 433–452; Juree Vichit-Vadakan, “Women and the Family in Thailand in the Midst of Social Change” (1994) 28 <i>Law &amp; Soc’y Rev.</i> 515–524.

(continued)

**Table 2** (Continued)

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Timor-Leste (East Timor)	Daniel Fitzpatrick & Andrew McWilliam, “Bright-Line Fever: Simple Legal Rules and Complex Property Customs among the Fataluku of East Timor” (2013) 47 <i>Law &amp; Soc’y Rev.</i> 311–343; Daniel Fitzpatrick & Susana Barnes, “The Relative Resilience of Property: First Possession and Order without Law in East Timor” (2010) 44 <i>Law &amp; Soc’y Rev.</i> 205–238.
Vietnam	John Gillespie, “Localizing Global Rules: Public Participation in Lawmaking in Vietnam” (2008) 33 <i>Law &amp; Soc. Inquiry</i> 673–707; John Gillespie, “Exploring the Limits of the Judicialization of Urban Land Disputes in Vietnam” (2011) 45 <i>Law &amp; Soc’y Rev.</i> 241–276; To Xuan Phuc, “Fuzzy Property Relations in the Vietnamese Uplands: Ethnography of Forest Access and Control” (2007) 55 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 73–94; Hoang Huy Tuan, “Decentralization and Local Politics of Forest Management in Vietnam: A Case Study of Co Tu Ethnic Community” (2006) 52 <i>Journal of Legal Pluralism &amp; Unofficial Law</i> 169–206; Rose 1998, note 40.

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**Note:** An earlier draft of this article served as the background paper for the December 2012 workshop.