

BOOK REVIEWS

Asia's Emerging Scholarship in Law and Society

The Asian Law & Society Reader. By Lynette J. Chua, David M. Engle & Sida Liu. Cambridge, UK: Cambridge University Press, 2023. 430 pp. Paperback \$35.50
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The Asian Law & Society Reader is a significant, timely, and long-overdue contribution to understanding socio-legal practices across a diverse set of legal systems in 20 countries that together comprise Asia—the biggest land and population region in the world. Moving beyond the current focus on China and geopolitical conventions that tend to separate research into the subregions of East Asia, South Asia, Southeast Asia, and Central Asia, the volume brings together a wide range of scholars from different career levels and intellectual trainings, and puts them in conversation with each other. The result is spectacular! Co-edited by leading figures in socio-legal scholarship, the volume highlights the extraordinary growth of research engaging legal practices across ethnically, religiously, and politically pluralist societies. Notably, these countries are all grappling to varying degrees with the enduring legacies of imposed legal norms under US/European imperialism and the neocolonial economic dominance of the Global North.

The Asian Law & Society Reader showcases innovative scholarship currently being produced by Asian-based law and society scholars. It speaks to the wave of scholars within Asia keen to engage with law and society research, and reflects flourishing new research published by the *Asian Journal of Law and Society* (est. 2014) and intellectual exchange within the highly successful Asian Law and Society Association (est. 2016). This flagship journal and professional association are joined by other Asia-focused journals and “dozens of centers, institutes and graduate programmes dedicated to the study of Asian law and society” (p. 6). Together, these activities underscore the rising interest in law and society research, design, and methods, and the appropriateness of the *Reader's* accessibility to a broad audience. As the editors note in the Introduction, the volume is designed for students and scholars, as well as “lawyers, judges, and policymakers, and for non-specialists who wish to learn more about the region as seen through the lens of law and society research” (p. 2).

Intentionally or not, the *Reader* decentres the intellectual focus and Eurocentrism of the US-based Law and Society Association (est. 1964) and the European-based Research Committee on the Sociology of Law (est. 1962). This is a welcome shift and somehow fitting, given that the very first socio-legal association was the Japanese Association of Sociology of Law (est. 1947). The *Reader* reflects today’s “social, economic, and political transformations underway throughout Asia” that includes an unsettling of the Washington Consensus and multi-polarity within the global political economy (p. 6). It also engages new lines of inquiry that foreground cultural, social, and religious forces informing legal pluralism, and new modes of legal consciousness, legal mobilization, and legal professionals in the Asian region.

In the Introduction, the editors give a brief history of the evolution of law and society scholarship in four Asian countries—Japan, Indonesia, China, and India. This fascinating account details very different trajectories that range from Japan’s reckoning with legal modernization in the post-World War II era, the Dutch colonial government’s interventions in Indonesia, the comparatively recent rise of socio-legal research in China from

the late 1980s, and British colonial legacies in India and the gradual rise of socio-legal scholarship post-independence despite founding law and society scholars coming from India or working within the Indian context. These histories paint a complex interwoven intellectual trajectory. The editors poetically write that Asian law and society should not be understood “as a wave of influence travelling from Global North to Global South but as a number of tributaries flowing from many Asian countries and from outside the region that have joined quite recently into a single broad river” (p. 7). In short, the *Reader* highlights that the Asia region has become an innovative hub of new research designs, methods, and theories from which every socio-legal scholar—wherever they work in the world—can learn a great deal that includes the value of comparative analysis.

The *Reader* is thoughtfully organized across nine chapters that explore (1) religion, (2) legal pluralism, (3) disputing, (4) legal consciousness, (5) legal mobilization, (6) legal professions, (7) courts, (8) crime and justice, and (9) practising law and society research in Asia. These nine chapters represent the predominant research focus of socio-legal scholars working in Asian countries, though of course they do not cover all research. Each chapter is concluded with a list of works cited and suggested further readings. Unlike most other edited volumes, here the editors write insightful introductions that give intellectual context to the chapters as well as present brief commentaries on each of the readings within the chapter. This is very helpful and enables the reader to get a better sense of the work from which the excerpt comes as well as the unique contributions of the research to the wider field. I have been an editor of several volumes—including co-editor of the *Routledge Handbook of Law and Society* (2021)—and I appreciate the enormous work and thoughtfulness that these commentaries involve. The *Reader* presents an ethics of editorship that is truly unique and one that I hope to emulate in the future. It reflects the editors’ deep commitment to building scholarly conversations and communities across geographical, political, and disciplinary divides, and underscores the value of communicating clearly to the reader why they should care.

The nine chapters are cross-cut by five interrelated meta-themes that intersect the chapters in various ways throughout the entire volume. The first meta-theme is *colonialism* by European and US powers and the long-term consequences of forcing Asian societies to conform to the legal system of their oppressors. Relatedly, colonialism brought the concept of modernity that was transposed onto societies that perceived it as “culturally alien” and yet were forced to engage in modernity that included Western law as a means to achieve justice and defend people’s rights. This transplantation through colonialism created “ambiguities and paradoxes surrounding the concept of modernity” and can be found across all of Asia including Thailand, which was never formally colonized (p. 10). The second meta-theme is *legal and political transformations*, which highlights the “radical, far-reaching, and frequent” political and economic changes across Asia and the complex relationship of societal transformations to law (p. 10). At times, law has been used to defend civil and political rights and foster progressive change, and at other times law has been used to enforce traditional social hierarchies and oppressive structural systems. The third meta-theme is *inequality*, and the significance of caste and social class in much socio-legal research, even within Asian countries that are technically democratic. The fourth meta-theme is *rights*, and their use by groups and individuals to demand legal recourse to address a range of issues and power dynamics. However, as in other non-Western regions of the world, the concept of rights is not always clear-cut or recognized as applicable in more traditional legal settings. To move past the rights/anti-rights binary that often permeates legal discourse, socio-legal scholars often ask people in Asian societies what they “think about the individual, the family, the social group, and the state, and how they choose to use or avoid the law when confronted with a situation they consider unjust” (p. 12). What scholars discover are that rights are used in often creative and unpredictable ways, sometimes stigmatizing those who evoke them, sometimes empowering others who had no other recourse to address injustice or

discrimination. Finally, the fifth mega-theme is that of *identities*. Identities inform the subjective positionality of legal actors and play out on a number of fronts including law and policies around sexuality, gender roles, urban/rural communities, and the construction of ethnic and racial characteristics. As noted by the editors, there is an implied (though not necessarily substantiated) bias within much law and society scholarship that rural communities represent a more traditional and authentic identity than people living in modern cities.

Each chapter is intellectually rich, provocative, and at times surprising. For instance, the chapter on legal pluralism breaks down the topic into three different approaches taken by scholars that have evolved over decades. The classic version of legal pluralism scholarship is concerned with the colonial state's imposition of its external legal system on the diverse ways in which laws operate within societies that include Indigenous peoples, rural communities, and customary laws and normative behaviours that may correlate with religious or ethnically diverse groups. A second group of scholars focus on national law in colonial and post-colonial contexts, and examine plural legal systems in relation to state formation. In some countries, legal pluralism is officially sanctioned by the state but this is a dynamic process, requiring constant negotiation by legal actors and claims for recognition of non-state legal practices. As the introductory comments state, “[i]ronically, perhaps, it is often the case that the power of the state is actually strengthened when it abandons efforts to impose uniform laws on all population groups and permits pluri-legal systems to flourish” (p. 83). A third group of law and society scholars explores bottom-up grass-roots plural legal orders to decentre the nation-state and reveal more complex and nuanced negotiations and relations within and between legally diverse groups that may in practice have little interaction with state law and legal institutions.

The final chapter on practising law and society scholarship in Asia returns to some of the authors from the earlier eight chapters to hear their stories about navigating some of the challenges of doing research in Asian contexts. This is a unique and refreshing chapter, allowing the reader to learn about the difficulties in accessing people's thoughts and attitudes toward law in all its variations. Research challenges include how scholars navigate their own identities in relation to the people they study, as well as how social media and communication technologies both enhance and change the kind of research that can be conducted. Issues of training assistants with translation, the difficulties of language acquisition, accessing local knowledge, complex and sometimes secret religious practices, and access to court documents and court hearings are just a few of the hurdles of doing socio-legal research. And, while these challenges are evident in other geographical regions, the extraordinary diversity within societies and the scale at which it is operating are perhaps unique to Asia.

The Asian Law & Society Reader is a groundbreaking achievement and a must-read for socio-legal scholars working in Asia and elsewhere around the world. It heralds a new phase in building a more inclusive global field of law and society, and hopefully encourages other scholars from across the Global South—Africa, Middle East, Americas—to build upon this pioneering contribution.

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