

Foreword

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The articles collected in this special issue focus on “legal consciousness” as it is found in people’s everyday practice. Although the anthropological and sociological study of law in Asia, led by Western scholars, originally focused on the structure of indigenous legal and social norms, and subsequently on the process of local dispute resolution, the papers here reflect a growing interest in the field of legal consciousness. They examine discourse, narrative, everyday behaviour, and iconography concerning law in people’s life worlds.

Qian Liu’s article, “Legal Consciousness of the Leftover Woman: Law and *Qing* in Chinese Family Relations,” examines the Putianese local traditional norms of *lianggu*, the duty of married couples to take care of both sides’ parents, and *qing*, human relations and human nature, under China’s one-child policy. Her analysis shows the importance of such local norms to understanding legal consciousness in Chinese society. It also tells us how each policy or legal norm is reconstructed in people’s consciousness under the influence of local culture.

Tu Phuong Nguyen’s “Labour Law and (In)justice in Workers’ Letters in Vietnam,” a close analysis of factory workers’ grievance letters in Vietnam, shows that workers refer much more often to local moral values and reciprocity norms than to legalistic concepts and expressions. But she also offers a crucial insight—that local values and law are not mutually exclusive. Because the boundary between them is fluid, workers’ mobilization of local norms often amplifies their legal rights as well. This type of interactive relationship between legal language and local values is not confined to Vietnam, but exists in other societies as well—a crucially important point that becomes particularly evident in research focusing on people’s legal consciousness.

In “Practising on the Moon: Globalization and Legal Consciousness of Foreign Corporate Lawyers in Myanmar,” Arm Tungnirun examines narratives of foreign corporate lawyers in Myanmar, where modern business law systems are being introduced and established under conditions of globalization. He finds that foreigners who are relative newcomers describe their role as importers of international business law, but “old hands” think of their role as translators of local law and business practices. From Tungnirun, we learn about not only the factors contributing to the construction of local people’s legal consciousness, but also that of foreign actors who reside in the society during a time of social and economic transition.

In “Resistance and Evasion in the Shadow of the State: Legal Consciousness of Intellectual Property Laws in Two Chinese Markets,” Lillian Hsu analyzes the divergent reactions of business owners to the enforcement of intellectual property law in two Chinese leather goods

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markets. She finds that smaller business owners adopt a strategy of open resistance, whereas stronger business owners deploy tactics of evasion; and she argues that the law's uneven application resulted in exacerbating inequality among them. By examining a social context and a set of laws not usually studied by law and society scholars, Su advances an important lesson of the field—that the actual effects and meanings of law are determined by the complicated structure of everyday norms combined with different configurations of power among the actors.

Kitpatchara Somanawat's article, "Constructing the Identity of the Thai Judge: Virtue, Status, and Power," analyzes the idealized characteristics of Thai judges and their connection with power, using as his primary data source the cremation volumes that are published and distributed at funerals of prominent judges. He articulates four specific qualities Thai judges believe they should possess: legal knowledge, a polite personality, adherence to Buddhist ideas, and a strong personal loyalty to the king. Thus, the reproduction of legal consciousness concerning the Thai judge's identity also reconstructs and reinforces political power relationships. Here we learn that even the image of a judge may be distinctive in each society and may also contain strong social and political influences on the reproduction of power in that society.

Rahela Khorakiwala also takes an unusual approach to the study of legal consciousness in "Legal Consciousness as Viewed through the Judicial Iconography of the Madras High Court." Her ethnographic analysis is not limited to observations and interviews, but also relies on a systematic exploration and mapping of the courthouse's physical space. Khorakiwala documents how judicial iconography and images of justice become representations of the legal consciousness of court personnel. She shows that renowned architecture can also reconstruct power and authority rooted in local history, as it constitutes, preserves, and reinforces the legal consciousness of those who created, occupy, and visit the space.

The writings of these six young scholars demonstrate persuasively the promising future of Asian law and society scholarship. Each article examines a different topic, a different society, and a different aspect of legal consciousness, but they all support the insight that human interactions, practices, and social influences take place through people's legal consciousness. If, as I believe, examining legal consciousness has become an essential part of Asian law and society studies, the wonderful work of these six young scholars points to a promising future for our field.