



**CRISEA**

COMPETING REGIONAL INTEGRATIONS  
IN SOUTHEAST ASIA

**Working Paper Series**  
**N° 3**

**State of the Art & Theoretical Framework**  
**WP3, The State**

**Contesting the Liberal State**  
**in Southeast Asia**

**WP3 Team Members**



This project has received funding from the European Union's Horizon  
2020 Research and Innovation Programme under grant agreement  
N°770562.

## I. INTRODUCTION

Southeast Asia's political history has been marked by the emergence of states characterized by a great diversity of regime forms, institutional capacities, and ideological orientations. This diversity is a product of the region's ethnic and religious heterogeneity, varied colonial experiences, the uneven impact of Cold War-era conflicts, and diverse patterns of economic development. As a result, much contemporary scholarship on Southeast Asian states has been driven by a desire to understand apparent theoretical anomalies emanating from these differing Southeast Asian experiences. Most prominent among them has been the fact that sustained rapid economic development has not, as many had expected, been followed by the triumph of liberal democracy. Southeast Asia has therefore often been perceived as an "anomalous" region in which the conventional wisdom does not apply. For instance, Southeast Asian middle classes have only rarely performed the expected role as vanguards of democratization that modernization theorists had assigned to them. Instead they have lent their support to authoritarian leaders who challenge the universality of liberal democratic norms by asserting an Asian particularity. While Southeast Asia has seen a number of democratic breakthroughs, these have often been followed by democratic backsliding. Indeed, in recent years the region has witnessed a return to forms of strongman politics that were, previously, common throughout the region in the 1960s, as exemplified nowadays by Hun Sen in Cambodia, Rodrigo Duterte in the Philippines, and Prayut Chan-ocha in Thailand. If Southeast Asia were once described as a region of "recalcitrant" democratizers and political liberalizers (Emmerson 1995), it might today be viewed as in the vanguard of a worldwide move towards illiberal and authoritarian forms of politics (Putzel 2018). However, one should be wary of broad generalizations about the direction of regional trajectories. The politics of Southeast Asia remains full of ambiguities, contradictions, and paradoxes. For instance, while President Duterte has attacked central pillars of the rule of law in the Philippines, he has also emerged as an unlikely ally of social activists championing gay marriage and free access to contraception which are controversial issues in this predominantly Catholic society.

WP3 takes as its starting point the fact that the liberal/illiberal character of the state has been, and remains, one central dimension of ideological and political contestation across Southeast Asia. It recognizes that liberalism and democracy are analytically distinct and that states are akin to mosaics, in that they combine liberal and illiberal and democratic and undemocratic elements in different, often unique, ways. Yet, in the existing literature on Southeast Asian politics, questions concerning democratization and de-democratization have been privileged, while the "fates of political liberalism" (Halliday, Karpik, Feeley, eds, 2012) have been far less well studied, understood, and theorized. Seeking to partially redress this imbalance, the research conducted within this WP therefore takes "the liberal state and its discontents in Southeast Asia" as its overarching thematic focus. We ask: How is the character and legitimacy of the Southeast Asian state contested, and with what consequences?

## 2. CONCEPTUAL CONTOURS

### *The state*

The character of the Southeast Asian state has been widely debated in the scholarly literature, with a focus on the region playing a prominent role in strands of theorizing that have challenged conventional (Western, Weberian) understandings of what the state is, what it does, and the historical dynamics that have shaped it. Prominent examples of novel conceptualizations of the state that are grounded, in whole or in part, in Southeast Asian experiences include the mandala state (Wolters 1999), the galactic polity (Tambiah 1976), the theatre state (Geertz 1980), the bureaucratic polity (Riggs 1966), and the developmental state (Doner *et al* 2005). These different conceptualizations reflect, in part, the fact that within Southeast Asia great variation in state forms across both time and space can be observed. The study of Southeast Asia has also played a central role in scholarly debates on the dynamics of popular resistance to pre-colonial, colonial, and post-colonial states (Scott 1976, 2009; Popkin 1979; Boudreau 2004; Slater 2009, 2010). Southeast Asia thus presents us with an unusually rich diversity of state forms, as well as a great variety of state-society relations. It has therefore been imperative to adopt, for the purposes of WP3, a correspondingly broad conceptualization of the state. To this end Tony Day's definition of the state can serve as a common point of departure:

*The state is a complex agent that acts through culturally constructed repertoires of potent, rational, authoritative, magical, symbolic, and illusory practices, institutions, and concepts. The state is distinct from yet interactive with societal forces, in ways that vary according to time and space. The state regulates power and morality and organizes space, time, and identity in the face of resistance to its authority to do so. (Day 2002: 34)*

WP3 researchers will, however, go beyond the state as an abstract notion by analysing the state through a focus on particular state and societal actors, and their interactions. Such actors include, but are not limited to, state authorities, political parties, religious movements, civil society organizations, transnational activist networks, business corporations, and individual citizens. It is through the study of such actors and their interactions that the Southeast Asian state comes into sharper focus.

### *Legitimacy*

Weber's oft-cited definition of the state—"a human community that (successfully) claims the monopoly of the **legitimate** use of physical use of force"—makes explicit reference to legitimacy. The question of state legitimacy is central also to WP3. How do Southeast Asian states legitimate their exercise of power? How is that legitimacy challenged? Legitimacy is

generally understood as referring to the “right to rule.” That “right” can in turn be approached in (at least) three different ways: normatively, legally, and empirically. We can thus address the question of whether an actor or institution is legitimate by considering it in light of 1) some set of normative principles, 2) the letter of existing law, and 3) “a given population’s sense of obligation or willingness to accept” their authority (Risse & Stollenwerk 2018, 404). In a pioneering study on political legitimacy in Southeast Asia, Alagappa (1995) made a helpful analytical distinction between the referent objects of legitimation (nation-state, regime, and government) and some of the possible bases of legitimacy (popular sovereignty, religion, and economic performance).

As this suggests, there are multiple potential sources of legitimacy, and states may rely on a combination of them. However, these different sources of legitimacy may also come into conflict. Contestation over state legitimacy involves actors making rival claims about whether normative principles, legal interpretations, and public attitudes do, indeed, grant actors and institutions the right to govern. It also involves popular mobilization in various forms (elections, demonstrations, etc) and everyday actions that explicitly, or implicitly, express acceptance, support, or opposition to the legitimacy claims of state actors and institutions. Moreover, different notions of legitimacy are closely related to distinct notions of political “accountability.” In modern Southeast Asia, democratic accountability (respect for the “will of the people”) and moral accountability (respect for moral principles and authorities) have generally played a more prominent role than liberal accountability, which emphasizes the imposition of legal and constitutional restraints on state actors, for which Rodan and Hughes (2014) argue that there has been limited social demand.

It is of course recognized that states and state actors seeking to perpetuate their rule rely not only on legitimation, but also on coercion. The “weight of coercion” by agents of the state (such as the military and police) in the governance of society may be thought of as inversely proportional to the degree of empirical legitimacy that the state enjoys (Alagappa 2001: 5). In practice the weight of state coercion is usually distributed unevenly across the population, as the application of coercive instruments is more or less carefully “calibrated” to target social groups and individuals who are perceived as challenging various state actors’ right to rule (George 2007).

As others have recognized, the formal and informal institutions and practices assembled within the state are often in tension with one another as well as with legitimating ideas, generating “frictions” that drive political change (Lieberman 2002). By mapping these assemblages and identifying the areas of friction, WP3 will advance our understanding of political change, not only at the macro level, but also in a variety of distinct institutions and policy areas. In their individual research projects, WP3 members will therefore pay close attention to tensions between different sources of legitimacy, and to the ways in which actors contest state legitimacy, namely discursively, legally, and through a wide variety of political and everyday practices.

## **The liberal state**

In light of these conceptualizations of the state and of legitimacy, we can now move on to consider what “the liberal state” that is found in the title of this work package refers to. In the interest of clarity it should be noted that there are many different conceptions of the liberal state. This being stated, the purpose of the following discussion is not to articulate some reified and essentialized notion of the idea. Rather WP3’s research is based on an assumption that questions of boundary demarcation (e.g. is state X liberal or not?) are less likely to generate valuable insights than research questions that guide researchers towards an analysis of relevant “liberal” concerns. Amongst the questions to be addressed is how do Southeast Asian political actors struggle to shape particular political institutions, policies, and practices? Furthermore, what are the direct or indirect implications for the character of the state that actors and observers alike will perceive as relevant in terms of “liberalism”?

## **Institutions of political liberalism**

The conventional understanding of the modern democratic state fuses, at the very least, two distinct elements that co-exist in a tense relationship: popular sovereignty, on the one hand, and the rule of law and individual civil and political rights, on the other. Sartori (1995) refers to the twin elements of liberal democracy as “demo-protection” (associated with liberal, i.e., limited, constitutional government) and “demo-power” or popular rule (i.e., democracy proper). Many quantitative measures of democracy reflect this dual character of (liberal) democracy. One of the more maximalist conceptions underpins the *Economist Intelligence Unit’s (EIU) Democracy Index*, which incorporates data on electoral processes, political pluralism, the functioning of government, political participation, civil liberties, and even political culture. Measures such as these allow us to rather crudely sort regimes into different conceptual categories (democracy, autocracy, etc). But they do not serve us well if we wish to better understand the historical and political dynamics that underpin different regimes. Crucially, aggregating a large number of variables into a single measure of “democracy” makes it analytically impossible to explore the relationship between the constituent elements. As a consequence of the conflation of democracy with political liberalism, studies of democratization and democratic consolidation have therefore tended to be “obscured by a conceptual fog” (Rhoden 2015: 560). In order to better understand the dynamics of political change in the past and present, it is therefore desirable to disentangle liberal from democratic elements of political practices and institutions.

At a minimum, a politically liberal state is one that guarantees basic legal freedoms.<sup>1</sup>; On the one hand, it is moderate, in the sense that executive power is checked and balanced by legislative and judicial power and, on the other it respects civil society as a legitimate and autonomous sphere (Halliday, Karpik & Feeley 2007: 10-11). Such a state is not necessarily

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<sup>1</sup> These include juridical and basic political rights, but exclude voting and property rights.

democratic. The emergence of “full democracies” (to use the EIU’s category) is the result of historical processes, political struggles and compromises that lead to a fusion of popular sovereignty with politically liberal state institutions. Although the outcomes may differ, the question of how to construct a state that balances both “demo-protection” and “demo-power” is, arguably, central also to understanding political dynamics in Southeast Asia.

In this regard, courts and related judicial institutions are institutional pillars of the rule of law. As is the case for democracy, the concept of the rule of law can also be disaggregated into component parts that co-exist in uneasy tension. The rule of law balances state-centric against citizen-centric notions of what it is that the law should protect. It has often been argued that the rule of law in the Asian context tends to be conceived in a more state-centric manner (i.e., rule by law) than the more citizen-centric conception that is associated with liberal democracies (Gilley 2013: 170-172). Furthermore, the liberal state is also conventionally understood as one that is secular, yet tolerant toward religion. Arguably, religious intolerance and bias—whether in the form of state repression or patronage of particular religious expressions and organizations—is more damaging to the liberal aspects of the state, than to its specifically democratic aspects.

Data from Southeast Asia underline the broader point that demo-power and demo-protection can be combined in a great variety of ways. As highlighted in Table 1, we find in contemporary Southeast Asia a handful of flawed democracies (but no “full” democracies), a hybrid regime, and a number of outright authoritarian regimes. Southeast Asian states also vary greatly in the extent to which they have developed institutions and policies for demo-protection. With regards to the rule of law, Singapore is regarded as one of the best performing countries in the world, ranking in the top decile, while, on the contrary, Cambodia as one of the worst, ranking in the eighth decile. A free press is one way in which a flourishing civil society is manifested, and it is, in liberal political theory, one of the principal means by which societies can ensure protection of individuals and vulnerable groups from state oppression. While some countries in Southeast Asia have historically been home to a relatively free and rambunctious press (for example, the Philippines and Thailand), press freedom in the region has deteriorated precipitously in recent years. All Southeast Asian countries can now be found in the bottom half of a global ranking of press freedom. This indicates that most Southeast Asian states are reluctant, and many increasingly so, to respect civil society as a legitimate and autonomous sphere. Even so, there is still considerable variation within Southeast Asia, with Timor-Leste found in the fifth decile globally, and, at the other end of the spectrum, Laos and Vietnam in the bottom decile.

In Southeast Asia we also find that there is great variation in state approaches to organized religion. Government restrictions on religious practices range from being practically absent, at the liberal end of the spectrum (Timor-Leste and Cambodia), to severe and widespread, at the illiberal end of the spectrum, in predominantly Muslim societies (Malaysia, Indonesia), Communist regimes (Vietnam, Laos), and in Buddhist-majority Myanmar. Finally, there is great variation within Southeast Asia in terms of the degree to which the state extends protection

to minorities. To take a sexual minority as an illustrative example, homosexual sex is criminalized in a number of countries in the region (Malaysia, Myanmar, Singapore, and in parts of Indonesia), while being legal elsewhere.

**Table I. The state in Southeast Asia**

Country	Regime type	Rule of law (rank out of 133 countries)	Press freedom (rank out of 180 countries)	Government restrictions on religious practices (2011)	LGBT rights (legality of same-sex sexual acts)
Cambodia	Authoritarian	112	142	Practically absent	Yes
Indonesia	Flawed democracy	63	124	Severe and widespread	Yes (except for Muslims in some provinces)
Laos	Authoritarian	-	170	Severe and widespread	Yes
Malaysia	Flawed democracy	53	145	Severe and widespread	No
Myanmar	Authoritarian	100	137	Severe and widespread	No (for men)
Philippines	Flawed democracy	88	133	Moderate	Yes
Singapore	Flawed democracy	13	151	Moderate	No (for men)
Thailand	Hybrid regime	71	140	Moderate	Yes
Timor-Leste	Flawed democracy	-	95	Practically absent	Yes
Vietnam	Authoritarian	74	175	Severe and widespread	Yes

Sources: Regime type: EIU Democracy Index 2017; rule of law: <http://data.worldjusticeproject.org/b51>; religion: CIRI Human Rights Data project, <http://www.humanrightsdata.com/p/data-documentation.html>; press freedom: World Press Freedom Index 2018 <https://rsf.org/en/ranking>; LGBT rights: [https://ilga.org/downloads/2017/ILGA\\_State\\_Sponsored\\_Homophobia\\_2017\\_WEB.pdf](https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf)

What the above table and our brief discussion highlight is that Southeast Asian states frequently combine liberal and illiberal elements in seemingly incongruous ways. Note, for instance, that while Singapore is a world leader in terms of the rule of law, yet it continues to criminalize male homosexuality. Note also, to take another example, that Cambodia, which has a rather dismal record in terms of democratic practice, the rule of law, and press freedom, appears to have taken a liberal approach towards religion and sexuality. In light of this it would

clearly be a mistake to approach the Southeast Asian state as if it were a monolith. The Southeast Asian state has “many hands” and as such it should be understood as “encompassing multiple institutions, varying forms of interpenetration with civil society, multiple scales of governance, and multiple and potentially contradictory logics” (Morgan & Orloff 2017, 3).

Finally, it is important to comment briefly on the relationship between economic and political liberalism. In recent decades it has often been assumed that liberal capitalism and liberal democracy go hand in hand. However, it is certainly possible to imagine, as many social theorists indeed have, that the relationship between liberal capitalism and liberalism/democracy is rather more problematical. (For an excellent overview of theorized relations between capitalism and democracy, see Kurki 2013.) Scholars of Asian politics have recently resurrected Poulantzas’ notion of “authoritarian statism” to illuminate the rise of conservative, authoritarian, and anti-pluralist political projects that have sought to restructure liberal-democratic states in order to curtail dissent and electoral competition, and to exclude ethnic and religious minorities from the political community (Chacko & Jayasuriya 2018). It is important to note here that the concept of “authoritarian statism” was developed in the context of Western liberal democracies and that it has been applied only to reasonably liberal democracies in Asia, including Indonesia (see Hadiz 2018). It is possible that different political logics are at work in illiberal and non-democratic settings. But even so we may ask whether and how illiberal and non-democratic states in Southeast Asia have avoided, or managed the challenges that have given rise, as some argue, to forms of “authoritarian statism” in liberal democracies.

The multifaceted liberal state should be viewed as a goal, one not fully realized anywhere in the world. Yet it is more than a Weberian ideal type, having achieved a hegemonic status as a political ideal in the West in the latter half of the 20th century. Subsequently, it has been a key point of reference for political actors around the world, including in Southeast Asia, where illiberal state actions have often been justified as temporary exceptions from a universal liberal ideal. In short, it is thus difficult to deny the centrality of the liberal state within modern “ideoscapes” (Appadurai 1990) a subject to which we shall now turn.

### ***Liberalism as ideology***

In many cases the liberal state will demonstrate some relationship to liberalism as a political ideology. Liberalism, in turn, is a rather elusive category, typically constituted through a commitment to some combination of the following values: liberty, rationality, individualism, equality, tolerance, emancipation, and progress (Bell 2014: 684). While recognizing the complicated character of liberalism as a political ideology, it may suffice for present practical purposes to posit that liberalism can be reduced to “a simple notion: it restricts abuses of power, and it advocates openness to different values and truths” (Claudio 2017: 2). Today, liberalism is often regarded—at least by its critics—as an inherently conservative ideology: “since liberalism is the default code of Western states, it is quickly equated with the global status quo” (Claudio 2017: 2). However, within the broad brush stroke of history, liberalism

must of course be considered a revolutionary ideology. Haas (2000: 16-17), for example, identifies two broad strands of revolutionary ideologies that have animated nationalism: the liberal and the integral. Each in turn can be subdivided into rival types, with liberalism split into Jacobin and Whig varieties, and integralism split into Leninist and racist (or Fascist) varieties. In addition, Haas identifies three varieties of syncretistic nationalist ideologies: reformist, traditional, and restorative. These ideologies provide distinctive answers to questions that are of central importance to the study of Southeast Asian states. Many of these questions are of direct relevance to WP3's exploration of the forces that seek to re-shape the Southeast Asian state and its bases of legitimacy. Amongst them are what are the proper institutional structures of the state? Who are "the people"? What is the nation's historical mission? How should the state relate to foreign models and cultures?

The dominant strands of Southeast Asian nationalist ideologies can in large part be understood as post-colonial reactions against economic and political forms of liberalism that became tainted by association with colonialism. Using Haas' categories leading Southeast Asian statesmen and intellectuals can be categorized either as Leninists (Ho Chi Minh, Kaysone Phomvihane, Pol Pot, Aung San) and "racist" integralists (Phibun Songkhram, Lee Kuan Yew); or as reformists (Sukarno, U Nu), traditionalists (Chulalongkorn, Tunku Abdul Rahman), and restorative (Kartosuwiryo, Phra Bodhirak) syncretists. While few would self-identify as "liberals," some might be considered representatives of the Whig liberal tradition (Carlos P Romulo, Wan Waithayakon). The Jacobin strand of liberalism, which in Asia is closely associated with Sun Yat Sen, influenced reformists like Sukarno and Pridi Phanomyong. Individuals such as these have played a central role in Southeast Asian politics by acting as ideological entrepreneurs. But we must also recognize that social movements, political parties, NGOs (domestic and transnational), etc., can also serve as carriers of ideological projects. From this perspective, Norén-Nilsson (2016), for example, has explored the rival nationalist ideologies of political parties in contemporary Cambodia. Tomsa (2016) has highlighted the limited success of a Southeast Asian network of "liberal" political parties in diffusing liberal democratic norms. This is the case not only within their own parties and even less the case if diffusing to a broader public. Yet, Claudio (2017) points to the Philippine bureaucracy as animated by a liberal political project. The paradoxical centrality of political liberalism as a reference point also for Southeast Asian elites engaged in anti-liberal political projects is underlined by the title to Chua Beng Huat's latest monograph on communitarianism and state capitalism in Singapore: *Liberalism disavowed* (2017). What can be seen here is the politics of "othering" liberalism.

While distinctive, Haas's varieties of nationalist ideologies nevertheless share three important commonalities:

*All are populist; they all derive their appeal from the claim that 'the people' of a certain territory (not a class or status group) have an innate right to self-determination. All are progressive because they reject all or some of the historical past; they believe in the efficacy of human intervention to change history for the better. And all are rational*

*because they diagnose a challenge and prescribe a response; they embody distinct notions of cause and effect, end and means; matching means to ends is not usually random, emotional, passionate, wilful, or romantic (Haas 2000: 15, emphasis added).*

One should not, however, confuse such ideological projections of self-image onto the modern state as an entirely accurate reflexion of underlying realities. States often incorporate elements that are potentially contradictory. Of particular salience in relation to dominant ideologies are therefore those aspects of state practice, and of political life more broadly, that challenge presumptions about political action as populist in orientation, progressive in intent, and rational in method. WP3 researchers will pay particular attention to such ideological tensions.

### ***Liberal and other governmentalities***

States are often thought of as grounded in ideological commitments, like those enumerated above. It is also possible, however, to view them as defined by something rather different, namely particular approaches to government. Here we may recall that Foucault conceived of the liberal state as one characterized by “governmentality,” i.e., a form of governmental management that has “the population as its target, political economy as its major form of knowledge and apparatuses of security as its essential technical instrument.” For Foucault, governmentality represents a particularly liberal form of power which emphasizes the internalization, by individuals, of forms of knowledge that enable them to regulate their behaviour. Government, in this view, is not the exclusive preserve of the state; rather, it extends to a wide array of strategies and technologies for “the conduct of conduct.” The liberal state, then, is characterized by its adoption of a particular “ethos of governing, one which seeks to avoid the twin dangers of governing too much, and thereby distorting or destroying the operation of the natural laws of those zones upon which good government depends—families, markets, society, personal autonomy and responsibility—and governing too little, and thus failing to establish the conditions of civility, order, productivity and national well-being which make limited government possible” (Rose 1999: 70). What ultimately makes the liberal state liberal is, as Rose suggests, the fact that individual freedom and liberty “have come to provide the grounds upon which government must enact its practices for the conduct of conduct.” In other words, the application of coercion and constraint on particular individuals or groups by the state can only be justified—legitimized—with reference to the individual freedom and liberty of the many (Rose 1999: 11). Such a liberal (or neoliberal) approach to governance has frequently been said to be hegemonic in the contemporary world. The rise of “authoritarian populism” in Europe and North America in recent years does, however, raise the possibility that we are witnessing the emergence of a new form of governmentality. Rose (2017) suggests that Trump, Wilders, Le Pen, etc, can be understood as a vanguard of a post-neoliberal political rationality. For these politicians the ends of government are “not formulated in terms

of freedom, or even prosperity, but in terms of greatness, pride, identity; of we, the people, a sense of our worth in the world, with many symbolic acts to mark that greatness—a greatness under threat, demeaned, disrespected, not just by our enemies but even by those who have governed us in the past, who have failed to give our identity its true name” (Rose 2017: 311). With “the people,” security, and control as key operative concepts, this new political rationality seeks to govern, not in the service of individual freedom, but rather in order to safeguard liberty.

From a Southeast Asian perspective this does not necessarily sound like any particularly novel political rationality. Since the Cold War era, “the people,” security, and control have loomed large in governing mentalities in Southeast Asia—and these preoccupations did not necessarily go away following the end of the Cold War, or even in the wake of the Asian financial crisis. Indeed, the rumours of the death of the historical alternatives to the “liberal art of government”—dominance, democracy, and discipline—have been greatly exaggerated (Esmark 2018). Rather than taking for granted that liberal governmentality (“neoliberalism”) is hegemonic, it is fruitful to approach the study of contemporary political systems by recognizing that they tend to embrace and mix different modes of governmental management, in shifting combinations.

In Southeast Asia, as elsewhere, much political contestation in the present centres on disagreement over the appropriate role and scope—the relative weight—of different approaches to governmental management, with their associated rationalities, programs, instruments, and identities. While dynastic sovereignty, for instance, harkens back to feudalism and absolute monarchy, its characteristic modalities of rule can nevertheless be found also in otherwise predominantly liberal and democratic societies. Switches from liberal to illiberal modes of rule within advanced liberal democracies are frequently triggered by a perception of existential threats (Opitz 2011). Recourse to non-liberal strategies within liberal polities are also often legitimated with reference to population groups who are deemed to lack the capabilities necessary for the exercise of freedom (autonomy, responsibility, rationality, etc). Of course, similar logics might also apply in illiberal contexts.

Nor should it be assumed that programs, instruments, and technologies frequently associated with liberal (limited) government are necessarily grounded in identical normative contexts. For example, in the wake of market reforms in China, a “hybrid socialist-neoliberal (or perhaps ‘neoleninist’) form of political rationality” has emerged (Sigley 2006), one that is rooted both in legacies from the Mao era and also ‘traditional’ Chinese concepts of self-reliance (Dutton and Hindess 2016). In Islamic contexts, we also find distinctly illiberal or hybrid forms of governmentality (Ismail 2006), including the notion of a *ulema* or scholar governmentality (Jan 2018). It also is worth indicating that in the wake of the Asian financial crisis, Thailand turned to a “sufficiency economy,” exhorting individuals, corporations, and the state to live within their respective means—a notion rooted in Thai Buddhist and royalist mythology and morality (Larsson 2016).

From an overall theoretical perspective, Mitchell Dean makes a useful distinction between three different kinds of “non-liberal forms of political rationality,” namely: “those non-

liberal forms of thought and practice that are a component of liberal rationalities; those non-liberal forms of thought that will gain a certain legitimacy within liberal democracy; and non-liberal forms of rule proper” (Dean 1999: 158-159). For him, the critical distinction between liberal and illiberal forms of rule is that the latter “do not accept a conception of limited government characterized by the rule of law that would secure the rights of individual citizens” (Dean 1999: 173).

The weight of “liberalism” in the governance mix is thus an empirical question. In addition to the institutional and ideological dimensions outlined above, Foucault’s work on governmentality can serve as a starting point for critical reflexion on the liberal state and its discontents in Southeast Asia. Scholars of Southeast Asia have, of course, drawn inspiration from and engaged with Foucauldian notions of governmentality. Much of this work has focused on questions relating to economic development policy (Ong 2006; Li 2007; Scott 1998), state formation (Scott 2009), and democratization (Connors 2003). For example, Aspinal (2013: 43) notes how “NGOs not only discipline the state (the conventional view in writing on Indonesian civil society), but also discipline citizens, especially subordinate groups, to accommodate themselves to the emerging democratic political system and liberal economic order.” While Breslin and Nesadurai (2017) contend that the traditional hostility of Southeast Asian states toward non-state actors has led to the proliferation of “governance gaps,” which are increasingly being filled, albeit imperfectly, by transnational governance schemes—residing above both nation-state and ASEAN—that seek to set and enforce standards of conduct. Building on this WP3 research will seek to throw new light on the development, diffusion, adoption, rejection, etc., of particular mentalities of government (liberal or otherwise) and their associated programs, instruments, and identities. While the state often plays an important role in such processes, it is certainly not alone in doing so. Religious organizations, universities, non-governmental organizations, corporations, and international organizations are also prominent agents of governmentality in this broader sense.

## **RESEARCH MODULES**

WP3’s research is organized into four interrelated research modules that explore different dimensions of the Southeast Asian political experience in line with the conceptual and analytical framework outlined above.

### **MODULE 1: POPULAR AND POPULIST CHALLENGES TO THE LIBERAL STATE IN SOUTHEAST ASIA**

The concept of “the people” is both ambiguous and also contested—yet it is an extremely powerful source of legitimacy for nation-states, regimes, and governments (Näsström

2007). One of the main challenges to the functioning of the liberal state in Southeast Asia is that modern modes of responsible self-government presuppose the existence of a “people” who can be represented in formal political institutions that interpret and implement their collective “will.” Southeast Asia’s extraordinary ethnic and religious heterogeneity and colonial histories of boundary-making had, however, given rise to “plural societies” in which widely shared notions of the people arguably had yet to emerge at the time of independence (Furnivall 1948). As a consequence, the legitimacy of rival conceptions of the people have been—and remain—the object of intense political contestation. How the people are conceived in turn has profound implications for the institutions, policies, and practices of the state. Two aspects of this are of particular concern to WP3 researchers. The first relates to the rise of populism, the second to imaginings of the people that transcend nation-state boundaries.

In recent years the world has witnessed the surprising rise of political leaders and movements that employ strategies that have widely been labelled as “populist.” These new forms of political mobilization are global phenomena, as indicated by the surge of Trumpism in the US and of nationalist populism in Europe, of leftist populism in Latin America, and of right-wing populism in Southeast Asia. In Southeast Asia, three prototypical “populists” have risen to prominence on the political stage in recent years: Thaksin Shinawatra in Thailand; Prabowo in Indonesia; and Rodrigo Duterte in the Philippines. The meaning of the term “populism” is disputed. However, Müller helpfully specifies populism as “... a particular moralistic imagination of politics, a way of perceiving the political world which places in opposition a morally pure and fully unified people against small minorities, elites in particular, who are placed outside the authentic people” (Müller 2015, 83). The populists feel they are “chosen” to authentically identify and represent the real people. They pretend to embody the wishes of the people and to know what the “common man” thinks. This results in principled anti-pluralism with populists viewing all opposition as illegitimate (Müller 2015, 85). The antagonism can only be overcome by a fundamental restructuring of society which may involve a wave of reforms or even a kind of war. All in all, populism is, in practice, accompanied by a polarization, dramatization, moralization and a personalization of politics. Indeed a major distinguishing feature of populism is the existence of an antagonistic relationship between “the people” and the “other”. The “other” may mean various things (Mudde 2004, 546) excluding those who are not embraced as the “true people”. The excluded could be the selfish, corrupt elite, but also drug addicts or immigrants. While having an element of exclusion, such populist ideologies are not necessarily undemocratic, in that they respect the notion of demo-power, but they are likely to be illiberal, in that they often attack and seek to dismantle state institutions designed for demo-protection.

Nevertheless, studies of populism generally posit ethnic minorities and immigrant groups as the significant “others” against which populists define their “true” political community. The rise of ethno-nationalist forms of populism has frequently been associated with the sudden influx of immigrant groups, or the perceived threat of such migration. Less well understood are the ways in which the process of migration affects the political subjectivity of members of such immigrant communities, who often are at the receiving end of populist “othering”

in host countries. Of particular interest, for the purposes of this research project, is to explore how international experiences give rise to alternative conceptualizations of “the people” that may fit uneasily within the parameters laid down by dominant ideologies and institutions, with potentially significant implications for state legitimacy.

Module I comprises the following individual research projects:

### ***“Populism in Southeast Asia,” by Andreas Ufen***

Southeast Asia is fertile ground for populism. Would-be populists in the region have the advantage that national oligarchies are more often than not extraordinarily corrupt; political parties are weak; personalization is strong and trust in public institutions and democracy is low. Furthermore, on the one hand, high crime rates raise the demand for strongmen politicians while, on the other, high poverty rates enhance the role of Robin Hood politicians. Moreover, the colonial past and global capitalism produce easy targets such as the Western powers, the UN, the EU and their collaborators within the country. Nevertheless, in contrast to many European countries, populists in Southeast Asia often have a problem in defining “the people”, especially in ethno-nationalist terms because of multicultural, multiethnic legacies and the existence of weak nation states.

This research project seeks to answer key questions about the forms of populism in Southeast Asia. Since the concept of populism has been developed in American and European contexts, do we need to adapt some of the main defining features of this concept if we are to “import” it to Southeast Asia? How, for example, are “the elite” and “the people” conceived of in Thailand, the Philippines, Indonesia and Malaysia against the background of specific traditions of nationalism and multi-ethnicity? What policies are typical for Southeast Asian populists? Does it make sense to differentiate between right-wing and left-wing populism? What role do political parties and institutions, such as electoral systems and governmental regimes play? What are the socio-economic and cultural causes of populism and who are the supporters of Southeast Asian populists? In order to answer these questions a hybrid research approach of campaign observation, interviews, and discourse and policy analysis will be employed.

### ***“The re-erosion of the Philippine liberal state?” by Lisandro Claudio***

Liberalism has played a central role in the formation of the modern Philippine state. Indeed, in the 19<sup>th</sup> century, liberalism was the language of nation-building, and in the 20<sup>th</sup> century it became the discourse of statecraft. Despite deep historical roots, political liberalism in the Philippines remains a fragile experiment. This research project will examine the two major challenges to Philippine liberalism in the past half century: the assault on liberal institutions by President Ferdinand Marcos in the 1970s and President Rodrigo Duterte’s in the present. It seeks to explain why the most liberal democratic state in Southeast Asia has twice undergone a kind of democratic crisis. It also compares and contrasts the differing approaches that Marcos and Duterte have taken as they challenge the Philippine liberal tradition. Marcos’s was a slow,

deliberate destruction and exploitation of the constitutional system, undertaken through legal tact and the systematic corruption of the military. Duterte, on the other hand, acts as a kind of political storm-trooper and a disruptor—a populist who thrives on unconventionality.

***“Transnational conceptions of ‘the people’ in early 20th century Southeast Asia,”***  
**by Rachel Leow**

This project undertakes a limited examination of three different transnational conceptual strands of ‘the people’ in early 20<sup>th</sup> century Southeast Asia, when national borders did not yet exist in the form they have taken today. The project also seeks to analyze how earlier constituencies of ‘peoples’ implied configurations of territory and space that were fundamentally different from those pertaining to the postcolonial nation-state. These three conceptual strands are: 1) The people as *huaqiao* (overseas Chinese), 2) the people as *ummah*, and 3) the people as ‘the masses’. The purpose will be to demonstrate some of the ambiguities in the concept of ‘the people’ by paying special attention to examples where they do not in any way conform to the territories of contemporary nation-states in Southeast Asia. The articulation of these three transnational conceptions of ‘the people’ will be approached through an in-depth study of a small number of writers and intellectuals who were active in Southeast Asia in the early 20<sup>th</sup> century. This study will involve highlighting the tensions in these three strands of ‘the people’ that emerge within their thought, politics, and bodies of writing. The focus will be on the elements of their thinking that pertain to people and place: in other words the alternative geographical boundaries that their conceptions of the people imply. These transnational conceptions will, finally, be contrasted with a fourth conception of “the people”, that of a “national” people, in the postcolonial state of Malaysia. It is in Malaysia, arguably, these different conceptions of political community meet most problematically and often acrimoniously in a history chequered by Islamic illiberalism, anti-Chinese discrimination, and virulent anti-communism. In this way this project intends to offer a novel account of some of the historical forces that have shaped one of the modern states in Southeast Asia, i.e. Malaysia, and which have contributed to some of the “discontents” vis-à-vis the legitimacy of the postcolonial state.

***“Citizenship, belonging, and urban diversity in Laos,”*** by Vattana Pholsena

A growing number of social scientists have recently focused on relations of coexistence and accommodation whereby ordinary people of diverse backgrounds manage differences and interact meaningfully in multicultural societies. While much of the recent work on coexistence and urban diversity has focused on self-proclaimed multicultural Western and Asian countries everyday interactions in nation-states that are as ethnically and culturally diverse - but where multiculturalism as ideology, policy, and practice is all but alien – have been neglected. Such a description pertains to the political life and social fabric of several Southeast Asian countries wherein the (mostly unofficial and unrecognized) politics of majority-minority rule is a dominant feature. Post-independence, rulers in Cambodia, Laos, Myanmar, Thailand

and Vietnam have politically relied upon and culturally favored a particular ethnic group – Khmer, Lao, Bamar, (Central) Thai, or Kinh, respectively – in their pursuit of national homogeneity, thus discriminating against and also labelling other linguistic, ethnic, or religious groups as ‘minorities’. In other words, these regimes have attempted to transform historically multi-ethnic societies into mono-cultural nation-states. The project will focus on Laos, where half of the population (encompassing dozens of ethnic groups), does not belong to the ethnic Lao majority. However, the ethnicity and cultural markers of the ethnic Lao have become ‘national’ since independence in 1975; those of non-ethnic Lao communities meanwhile have been confined outside the cultural mainstream. The latter are either to be gradually assimilated or turned into folkloric commodities as token representatives of the country’s ostensibly ‘multi-ethnic national community’.

From the perspective of WP3 researchers, membership of a nation-state is not only legally defined by rights and obligations, but is also legitimized by cultural markers, such as language, religion, everyday practices and habitus. In Southeast Asia, Thai citizens of Malay descent and Muslim faith, for instance, may not be considered as being fully Thai by Thai Buddhists, for “[b]eing Thai involves a willingness to subsume your ethnicity, language, and religious identity to a dominant discourse and mindset of Thai-ness” (McCargo, 2011: 845). The idea of citizenship therefore should be conceptualized as being both political-legal (conferring formal state membership with rights and duties) and also being socio-cultural (in terms of identity and belonging). This project aims to investigate familiarity and possible ways of creating a sense of belonging in multiethnic towns in Laos where the predominant state ideology in coping with cultural diversity has been one of assimilation. What kinds of convivial interactions, if any, can be produced in an environment where socially-accepted behavior favors a dominant group? How are tensions grappled with in a society where intercultural know-how is limited and practices of cultural accommodation are not institutionalized?

## **MODULE 2: RELIGIOUS CHALLENGES TO THE LIBERAL STATE IN SOUTHEAST ASIA**

Religion is, for the purposes of this research project, understood primarily as “a complex of culturally prescribed practices that are based on premises about the existence and nature of superhuman powers” (Smith 2017: 3). That is to say, the focus is less on what people believe, than on what they do, as it is the latter that lies at the heart of the religious challenge to the state in general and to political legitimacy in particular. As a consequence of the fundamental tension between religious and political sources of authority, modern states have frequently asserted themselves in relation to religion by seeking to define what is and is not “religion,” and by policing the boundaries that, not only, separate the religious from the secular but, also, the “church” from state. They also frequently seek to define and uphold what counts as “proper” religious doctrines, rituals, and identities for its citizens. In doing so they can garner vital political

support from religious elites, i.e., figures of authority who are regarded as having the ability to influence the relevant superhuman powers in ways that are beneficial for individuals, as well as for society at large.

Most conceptions of the liberal state are predicated on mutual toleration: citizens accepting that the state should not be subordinated to religious authority, and state actors accepting that religious citizens have the right to participate freely in civil society and political life (Stepan 2000). Neither of these “twin tolerations” can be taken for granted. Especially so in a region where economic and social development has not been followed by secularization, understood here as a decline in religious beliefs and practices. On the contrary, capitalist modernization in Southeast Asia has been accompanied by a religious resurgence, which is manifested, not least, in a variety of new religious movements and forms of expressions, some of which may be deemed, by others, as offensive and even heretical (Hefner 2010). The very dynamism of the religious landscape in Southeast Asia therefore places new and increasing demands for toleration on state actors and citizens alike. Whether such forbearance will be forthcoming is an open question. Given that religion remains an important source of worldviews and legitimating ideas, the limits of toleration are being tested in many Southeast Asian societies—sometimes with tragic consequences. The regularity with which periods of political liberalization in Southeast Asia have been followed by eruptions of communal violence is striking (Sidel 2006, Walton & Hayward 2014).

The dynamics of contestation over the public position of religion is deeply affected by the background conditions that prevail in different societies. The relationship between the state and religion in Southeast Asia has been profoundly shaped by the relationship between religion and nationalism (Grzymala-Busse & Slater 2018). In several countries in the region the religion of the majority and the nation have essentially been fused. This is the case for the Philippines, Thailand, and Myanmar. In other parts of Southeast Asia religiosity is a key component of official nationalism, but the state is not tied to any particular religion, as in Indonesia (Menchik 2015). Elsewhere, for example in Singapore, nationalism has been articulated in ways that seek to transcend religious boundaries. Finally, a number of countries with Communist legacies (Vietnam, Cambodia, and Laos) have, at various points in time – and to varying degrees – defined the nation in outright opposition to religious traditions (Harris 2012). One of the consequences of this is that a great variety of religion-state arrangements present in the region can be observed. The historical origins of such arrangements can generally be traced back to experiences of imperialism and colonialism (Dubois 2009; Hussin 2016).

In the context of the rise of the modern nation-state, religious authority figures and religiously animated social movements have had powerful incentives to try to shape state institutions, policies, and practices in accordance with their preferences. Their ability to do so has, however, varied greatly, not least because they have had to compete for political influence with proponents of alternative conceptions of what the state is and should do—not all of which are explicitly religious. Six (2017) has recently highlighted how, historically, non-state actors played a central role in the articulation of secularism as a political project in

Southeast Asia. Today, in the Southeast Asian region “religious” and “secularist” groups are battling for the commanding heights of societies. The latter are often at a considerable disadvantage because of the ease with which religious nationalists can label their position as “Western” and, as such, inherently illegitimate (Goh 2012). WP3 researchers in Module 2 will explore how state actors manage both religious demands – conceived in the broadest possible terms – and challenges to their authority and legitimacy. They will do so in the following individual research projects:

### **“Contesting the Pancasila state in Indonesia”, by Rémy Madinier**

Adopted in 1945, at the time of independence, the Indonesian official ideology enshrines as the first of its five principles (*Pancasila*) “the Belief in One Almighty God” (*Ketuhanan yang Maha Esa*) as the foundation of the Indonesian nation. This original formula, unprecedented in the history of religious management by a modern state, is based on spiritual inventiveness and great political pragmatism. Inspired by a plurality of spiritual references, *Pancasila* established a religious status quo still in force today: Indonesia which has the world’s largest Muslim population equally recognized six religions (Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism), despite large demographic differences in the number of adherents to these religious beliefs. As noted by Karel Steenbrink (2015), *Pancasila* is different from Japanese civil religion or Shinto, because it is a modern creation, and did not develop over centuries. Moreover it originated in the context of a clear pluriformity of religious convictions within the country and, thus, was placed alongside the existing religions. Like American civil religion, *Pancasila* is a mythical and ritual instrument to bind a diverse nation together. Nevertheless this original ideology, at the core of the Indonesia liberal state has from the outset been challenged by some of the representatives of political Islam. In minority, the latter have failed to challenge the *Pancasila* with an Islamic State.

With this historical background in mind, this research project explores contemporary dynamics of political contestation over religion-state relations in Indonesia. It focuses on recent developments that signal a defense of “traditional” understandings of *Pancasila*, as well as developments that suggest that the original model is being “liberalised.” As for the former, an important organization to promote *Pancasila* was recently launched on presidential instruction with the support of the army staff. And with regards to the latter, a governmental decree and then the Supreme Court allowed Indonesian citizens to have their “traditional beliefs” (*aliran kepercayaan*) mentioned on their identity cards in place of one of the six recognized religions. In the future, it has been suggested, Indonesian citizens may even be allowed to indicate no religious affiliation on their identity cards, breaking with an obligation in force since 1966. Taken together, these developments are a cause of great anxiety among proponents of conservative Islam—including but not limited to militant Islamist networks—because they could allow Indonesians to escape otherwise growing pressures towards orthopraxy within the Muslim community.

***“Royal succession and the politics of religious purification in contemporary Thailand,”***  
**by Tomas Larsson**

Since the 2014 military coup in Thailand, ruling political elites have been engaged in a variety of initiatives aimed at reforming the relationship between the Thai state and the Buddhist sangha. These efforts have been dramatically intensified in the wake of the passing of King Bhumiphon (Rama IX) in October 2016 and the subsequent ascension to the throne by his son, Vajiralongkorn (Rama X). Through a variety of means and in a number of different arenas, the military-dominated state—and the new king—have asserted their power and control over the ecclesiastical realm. The related developments may be viewed as part of a conservative backlash against more “liberal” approaches to religion-state relations that had been initiated in the 1990s. More specifically, they constitute attempts to generate religious legitimacy for the military junta and, more significantly, the new king by “purifying” religion in ways that re-enact pre-modern scripts of righteous Buddhist kingship. Paradoxically, this is done, in part, by seeking to introduce quintessentially modern standards of “good governance” and transparency into the administration of the Sangha and its (extensive) material assets. This research project seeks to assess whether the reform efforts of the new reign signify a more fundamental transformation of sangha-state relations, with implications for both religious and other liberties in Thailand.

***“Local power in Southeast Asia: Legitimation of new elites at the Lao borders,”***  
**by Vanina Bouté**

In the 1980s, particularly within the framework of the socialist regimes in Vietnam and Laos (although this was also true of Thailand), the advent of greater bureaucratic control of the full extent of national territories, including the most remote districts, has paved the way for the implementation of coercive rural development policies. Concomitantly there has been a conception of social engineering measures that aim at integrating ethnic minorities in the “national culture.” However, this ongoing drive for national integration is by no means close to achieving its overall objective, at a time when the centralizing process commanded by the state is faced with increasing competition. Two main factors are at play: the prospect of further regional integration in ASEAN and, also, the development of cross-border dynamics on a growing scale. The new towns that are emerging in northern Laos, as they are in most of the areas in continental Southeast Asia, particularly on the borders, are inhabited by a highly varied mix of populations: peoples from the plains and the hills, Buddhists and non-Buddhists, rice paddy cultivators and slash-and-burn farmers etc. These new urban centres, which have yet to be studied from a sociological standpoint, are the most visible sign of ongoing change. This new urban context, is both “decentred”, from a national point of view, and “multi-centred” from a regional standpoint, a fact highlighted by the emergence of new towns on borders with China. Furthermore, in the new situation the state is, not so much the embodiment of a centralizing power, but rather merely another actor, albeit one that obviously continues to play a crucial role. Nevertheless, a transnational framework has allowed for a widespread redeployment

of local initiatives and a resurgence of “local power.” Observing the emergence of local elites in these new spaces will enable an understanding of the networks of influence (economic, political, cultural) that are developing. This anthropological study will focus, in particular, on studying the forms of legitimization of these new elites through their use of ritual, notably the patronage of Buddhist ceremonies, creation of ethnic ceremonies, etc. The examination of these new rites and ceremonies, their aims, their officiants, and their audiences, offers a fertile field of analysis for the political and religious anthropology of this part of Southeast Asia. This research project seeks to shed new light on the sources of political legitimacy in contemporary Laos, and on the emergence of forms of power that potentially compete with those of ruling elites.

***“Reasons of state: Making sense of the supernatural in Singapore, Malaysia, and Indonesia,” by Iza Hussin***

This project explores the making of public reason and unreason in Singapore, Malaysia and Indonesia, through the study of state explanations of various phenomena. These include natural and political disasters, plane crashes, spectacular corruption, and national security catastrophes. Using political ethnography, media and communications analysis, and data mining of domestic and regional web material in multiple languages, this project asks: what varieties of explanation do state outlets deploy, and what kinds of reason and unreason do these explanations comprise, and what expectations of credulity and response do they contain? How do these reflect, feed or refract prevailing explanations in the public sphere? How do state discourses respond to public varieties of unreason, particularly where the supernatural is concerned? Fundamentally, this is a project aimed at exploring how Southeast Asian states make sense, without assuming either that they do or do not, or that they conform to a particular liberal and post-Enlightenment version of sense and rationality. Public reason and unreason provide a lens into exploring the rich and understudied worlds of logic, explanation, and credulity, and may help us understand the techniques and stakes of political communication. This is crucial at a time when incredulity seems the only rational response.

### **MODULE 3: REGIMES AND THE CHALLENGE TO THE LIBERAL STATE IN SOUTHEAST ASIA**

Contestation over state institutions, policies, and practices in Southeast Asia takes place in a diverse set of regime contexts and trajectories. These include both consolidated authoritarian and (more rarely) democratic regimes, periods of transition between authoritarian and democratic regime forms, and a variety of hybrid regime forms. Political regimes define the formal political spaces for participation and representation, and in doing so also empower and constrain different actors, and encourage and discourage different modes of political participation.

Periods of “regime opening” are generally associated with an expansion of the scope for political participation and representation; and periods of “regime closure” with containment of political participation. While scholarly debates about regime form is generally couched in terms of a dichotomy between democratic and authoritarian regimes, this binary may obscure as much as it illuminates. For example, labelling Vietnam as an authoritarian regime “says little about what actual influence and impact the machinery of governance has on people” and “even less about what the people are able to do in their responses towards authoritarianism” (Koh 2001: v). Garry Rodan (2018) has recently proposed that Southeast Asian political regimes might best be understood as constellations of “modes of participation” and that research can fruitfully be focused on how different ideologies and institutions determine *who* can participate, *how*, and with *what* consequences.

Of particular interest for our purposes, therefore, is to shed light on, first, the differences that regimes make by shaping the political arena in particular ways, and, second, how non-state actors in Southeast Asia have responded to such efforts, and with what effects. With regard to the latter, the concept of “negotiation” is a helpful metaphor with multiple meanings. People “negotiate” the obstacles and hazards put in place by political regimes in the form of rules, regulations, and policies. They also “negotiate” by “discuss[ing] and bargain[ing] over a matter, usually involving different and possibly contentious positions and interests, in order to reach an agreement” (Kervliet 2001: 182). The latter kind of negotiation with political power may find formal as well as informal expressions.

Furthermore, the negotiations referred to above are taking place in the context of trans-regional and transnational networks and flows of resources and ideas that can affect the bargaining positions of different actors, and, as a consequence, impact substantive outcomes. For instance, scholars of political and social liberalization in Myanmar have highlighted the pivotal role played by diaspora civil society groups in these processes (Duell 2014). However, for such transnational flows of ideas and strategies to have any real impact, they need to be translated and adapted to local conditions in such a way that they persuade others and facilitate collective action. The recent rise of the LGBT movement in Southeast Asia, and its successes in influencing public policy in a number of countries, provides a striking illustration of how seemingly foreign—and liberal—conceptions of human rights and gender identity can be successfully “vernacularized,” even in otherwise seemingly inhospitable social and political contexts (Offord 2011, Chua 2015). As this example suggests, contestation over the liberal state in contemporary Southeast Asia frequently pits governments that seek to legitimate themselves by appealing to “traditional” values and particularistic ideologies—as articulated, for example, by proponents of “Asian values”—against advocates of universal values, often expressed in the liberal language of individual rights and freedoms. Although focused on the individual, such rights talk is often central to the pursuit of demo-protection for ethnic, sexual, and other vulnerable minorities. In exploring a number of issues Module 3 is comprised of the following individual research projects:

### ***“Democratic transition or autocratic reforms? The character and outcome of the democratic opening in Burma/Myanmar,” by Kristian Stokke and Soe Myint Aung***

Following five decades of military dictatorship, Myanmar saw a democratic opening after the change of government in 2011. The government of President Thein Sein and the Union Solidarity and Development Party (USDP) initiated a series of reforms in favour of formal democracy, economic liberalization and ceasefire agreements. This created new political spaces and strategic dilemmas for political parties, ethnic organizations and civil society organizations. It also altered Myanmar's foreign relations, where Western states moved from economic and military sanctions towards normalized diplomatic and economic relations after 2011. These reforms created optimism about the prospects for democratization, peace and development, but there were also critical questions about the character and substance of the democratic opening. The USDP government and the military showed little willingness to move beyond limited reforms and to open up for constitutional changes in favour of democratic control over the military and substantive devolution of power within a federal state. By 2013 the reform process seemed to have stalled. The political parties and popular movements that had championed the causes of democracy and federalism in opposition to the military regime remained politically excluded, while the benefits of economic growth and the negative impacts of investment projects were geographically and socially uneven. The critical question that emerged in this situation was whether Myanmar's reforms constituted a democratic transition or rather a top-down process of concessions aimed at sustaining autocratic power with increased domestic and international legitimacy. If, as today seems likely, Myanmar can best be understood as a case of reforms instituted autocratically, what are the implications in terms of outcomes? What do autocratic reforms entail in terms of civil/military; central/local; and state/society-relations? What, more specifically, are the prospects for progress towards substantive democracy and communal peace? Will the reforming autocratic state be able to prevent the formation and mobilization of broad popular alliances?

### ***“Myanmar's Military: ‘Caretaking’ or ‘Murdering’ Democratisation?” Marco Bünte***

Since the retreat from direct military rule in 2011, Myanmar has seen a number of liberalising reforms in the political and economic spheres. These reforms culminated in the “free but not fair” legislative elections in November 2015. These brought into government – if not totally into power – the oppositional National League for Democracy (NLD) under the leadership of Aung San Suu Kyi. The reforms also led to a recalibration of foreign policy and an opening up to the West. Yet, despite the establishment of this form of “civil-military cohabitation,” assessment of the overall trajectory of Burmese political development remains contentious in scholarly circles. How can we characterise civil-military relations since 2011? Is the military a guardian, caretaker, or moderator? What roles does the military play in the current cohabitation with the civilian government? What is the impact of military involvement on democratisation? This research project attempts to answer these questions by examining

the role of the military with regard to three interlinked issue areas: civil liberties and political freedoms; the development of political parties and civil society; and, finally, peace-building and security.

***“Protest and state reaction: an intra-regional comparison (Vietnam, Indonesia),”  
by Jörg Wischermann***

This research project, which is a cooperation project with Dang Thi Viet Phuong (VASS/ Hanoi) and George Martin Sirait (Atma Jaya University, Jakarta), seeks to analyse in a comparative way various forms of protest in Vietnam and Indonesia in 2016 and 2017 and state responses to such protests in 2016 and 2017. The project has two main aims. First, to identify, through newspaper reports, any protest event where the protest targets the state/ government, and where such a protest involves more than three people. Second, to identify all forms of state reactions to such protests. The data set used is based on the results of the “Protest Event Analysis”, which enables the drawing of a comprehensive picture of protest as a form of (conflicting) interest articulation and subsequent state reactions to those forms of protest in both countries. This will allow the research project to address a number of theoretically significant questions. Are state reactions conditioned by their regime type? In other words, does an authoritarian one-party state (Vietnam) react differently to protests than an electoral democracy (Indonesia)? Or are state reactions primarily conditioned by the fact that both states are fundamentally capitalist states, that as such share particular in-built biases? This is a pilot project and the ambition for future research is to extend the dataset to cover a longer period of time.

***“Negotiating with the state: State-society relations and the rise of the LGBT movement in Vietnam,” by Pham Quynh Phuong***

Over the past decade, Vietnamese society has witnessed the emergence of a vibrant LGBT movement, which has been instrumental in changing social perceptions of sexual diversity, as well as in gaining official recognition of LGBT rights. For example, the Vietnamese state has lifted the ban on gay marriage and has allowed sex reassignment surgery. On the diplomatic front, the Vietnamese government in 2014 and 2016 voted in favor of UN resolutions on anti-discrimination against LGBT persons. The Communist party-state of Vietnam, which is often labeled as a serious human rights violator, has thus emerged as one of the most progressive countries in Southeast Asia on LGBT issues. This research project explores the underlying dynamics that caused this shift in official attitudes towards LGBT issues. In particular it highlights the central role played by Vietnamese LGBT activists, and offers an analysis of their strategies for both gaining access to and also to persuading state actors. It also seeks to understand the state’s responses to this social movement. This research project will shed important new light on the nature of state-society relations in Vietnam, and on the pragmatic nature of the

Vietnamese state as it negotiates new challenges to the legitimacy of its policies and practices in an increasingly 'glocalized' context.

***“Accessing the state? NGOs, civil society, and access to power in everyday Jakarta,”***  
**by Jérôme Tadié**

This research project focuses on three different NGOs that engage in advocacy for the urban poor in contemporary Jakarta. These NGOs have developed different types of strategies in order to achieve their goals, experiencing different degrees of success. One NGO uses both formal and informal relationships and has developed complex networks. Weaving ties with some of the governors of Jakarta, sometimes in opposition with them, it uses both academic networks, technical specialists, as well as informal ties within the city government. Another NGO was in constant opposition with the local government until its leader suddenly decided to participate in a government-led council. A third NGO pursued a more partisan approach, seeking to leverage its links to a major Islamist political party, in a more or less hidden way. These three different NGOs thus give different examples of how the urban poor—or their NGO representatives—seek to negotiate state power at the local level in Jakarta. It is in these types of negotiations in local contexts that the nature of state power in Indonesia is revealed, beyond the official image, highlighting the central role of political informality, in general, and interpersonal relationships in particular.

#### **MODULE 4: INSTITUTIONS AND THE CHALLENGE TO THE LIBERAL STATE IN SOUTHEAST ASIA**

This research module focuses analytical attention on formal political institutions. These institutions may, in turn, be conceived of as concrete manifestations of particular ideas and norms; as actors in their own right; and, also, as arenas where ideas and norms are contested by other actors. Particular attention is paid to legal and quasi-legal institutions associated with the rule of law and individual rights and freedoms. Among the more striking developments in recent decades has been the diffusion and adoption throughout Southeast Asia of formal institutional arrangements that are (ostensibly) designed to safeguard the rights and freedoms of citizens, including, but not limited to, constitutional courts and human rights commissions (Bünthe & Dressel 2017). These developments have been most prominent in the domestic politics of Southeast Asian nation states, but they are also evident at the regional level. ASEAN began to institutionalize its commitment to human rights in 2004, with the establishment of a Working Group for the Establishment of an ASEAN Human Rights Mechanism, and with the subsequent establishment of the ASEAN Intergovernmental Commission on Human Rights (Davies 2013). Whether at the domestic or the regional level, this trend has surprised

many observers, as it flies in the face of an earlier Southeast Asian refusal, in the name of “Asian values,” to accept the universality of human rights and the legitimacy of the international human rights institutions. A cynical interpretation of this is that while Southeast Asian countries may have adopted institutional forms traditionally associated with Western liberal ideals, they have not necessarily adopted their underlying function. A more generous interpretation is that while particular state agencies may be sincerely committed to serving liberal purposes, they nevertheless have to co-exist and contend with other parts of the state that are animated by very different—and often distinctly illiberal—concerns. Whatever the case may be, there is a pressing need to understand what role these institutions play in contemporary Southeast Asian politics. Researchers in Module 4 attempt to tease out these various roles in following individual research projects:

***“Dual states and constitutionalism: Theory from Southeast Asia,” by Eugénie Mérieau***

The objective of this research project is to develop new insights about the politics of the rule of law based on experiences of constitutionalization in Southeast Asia. Prominent scholars of law have highlighted the dualistic character of the state, contrasting the “normative” (rule of law) state with a “prerogative” (arbitrary) state (Fraenkel 1941), and the legal system that operates in “normal” circumstances versus the legal system that operates in times of “emergency” (Ferejohn & Pasquino 2004). In a similar vein, this research project will theorize the existence of a “deep constitution” embedded in the “visible” constitutional framework that regulates a “deep state” that is in permanent coexistence and competition with the “regular” state. In order to do so, it will undertake an in-depth case study of Thailand, currently the only full-fledged military dictatorship in the world, as its point of departure. The judicial and military dismissals of almost all elected leaders throughout Thailand’s political history has sparked debate about the existence of a “deep state”, one opposed to the rise of electoral politics, autonomous from the elected government, and endowed with veto powers over it. In contrast with conventional understandings of the deep state as a shadowy network of security agencies and their operatives, this project approaches the deep state as one that is grounded in law. In the Thai case, the deep state arguably developed out of provisions for martial law that were enacted in 1914, and which have subsequently been built into the modern constitutional order. In order to extend the research beyond Thailand, this project will analyze the emergency or “raison d’état” provisions found in other constitutional systems in Southeast Asia. The analytical implications of the project is that rather than focusing on whether states are liberal or non-liberal, democratic or authoritarian, this approach places states on a continuum, based on the potentialities offered by the emergency provisions found in different constitutional orders.

**“National Human Rights commissions in Southeast Asia: Origins, mandates and impacts,”  
by Marco Bünte**

Half of all Southeast Asian states have established national human rights commissions. These five countries are Indonesia, Malaysia, Myanmar, the Philippines and Thailand which have all at a certain point in their history established such bodies. This is remarkable, since most of these states are not liberal democracies, that is ones that would normally use these institutions to shield citizen rights from state intervention. Moreover, all these states have a more or less dismal human rights record. In such a context, the establishment of these institutions becomes even more perplexing. While National Human Rights Commissions are often described as a bridge between international human rights norms and local implementations, in practice they can evolve into domestic actors in their own right and influence state compliance on the protection of human rights. This research project explores the historical and political origins of national human rights commissions in Southeast Asia; the nature and scope of their mandates; their degree of independence; and, finally, their impact on political discourses and practices in the region. With regards to the latter, this project will develop a comparative framework to assess the effectiveness of Southeast Asia's national human rights commissions on a transnational basis.

**“Illiberal democracy in Southeast Asia and ASEAN's collective norms,” by David Camroux**

This research project seeks to reinterpret the ASEAN narrative and to determine to what extent the ASEAN praxis of consensus around the lowest common denominator has made the illiberal state the *de facto* regional norm in Southeast Asia. In the ASEAN Charter, which came into force in December 2008, the “strengthening of democracy” is listed 7<sup>th</sup> amongst 15 purposes and adherence to the principles of democracy is again listed 7<sup>th</sup> amongst 14 principles. This low priority would seem to reflect, not only the collective choice of the 10 ASEAN members, but also the reality in individual ASEAN member states. For its fifty years of existence the median regime type amongst the ten ASEAN members is that of a semi-democratic/hybrid/semi-authoritarian form. While correlation does not necessarily imply causation, this observation raises the question of whether there is a link between membership of ASEAN and regime type. Can the character of political regimes be explained with reference only to domestic dynamics in individual member states, or is the prevalence of illiberal democratic regimes in Southeast Asia linked to the nature of ASEAN as a regional organization and to its historical trajectory (including its relations with great powers)? If so, to what extent can the roots of ASEAN's political illiberalism be found in Southeast Asian forms of contemporary pan-Asianism?

## CONCLUSION

These individual research projects will contribute to workshops, working papers, policy briefings, and other publications by WP3 members. Two workshops are planned to discuss the implications of the research that will be conducted within the four different research modules. All of these will engage with the analytical framework for WP3 as elaborated in this paper.

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