"Contesting the Liberal State in Southeast Asia"

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Empirical research case studies results (WP4: The State)

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The State: Contesting the Liberal State
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INTRODUDUCTION

WP4 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. Yet the "fates of political liberalism" (Halliday, Karpik, Feeley, eds, 2012) in Southeast Asia have been far less well studied, understood, and theorized than many other processes of political change, such as democratization and de-democratization. Seeking to partially redress this imbalance, the research conducted within this WP has therefore chosen "the liberal state and its discontents in Southeast Asia" as its overarching thematic focus. The central question that WP4 team members seek to address in their individual research projects is as follows: How is the character and legitimacy of the Southeast Asian state contested, and with what consequences? The conceptual and analytical framework guiding the research endeavours has been outlined in a previous CRISEA working paper (WP4 Team Members 2018). For our purposes here it may be sufficient to recall that the liberal state in institutional terms is generally conceived as one which guarantees basic legal freedoms (which include juridical and political rights, but exclude voting and property rights), is characterized by checks and balances between executive, legislative, and judicial powers, and respects civil society as a legitimate and autonomous sphere (Halliday, Karpik & Feeley 2007: 10-11).

The purpose of this paper is to provide an outline and summary of the findings from the empirical case studies undertaken by WP4 team members. The paper mainly draws on the first drafts of research papers presented at WP4's Second Research Workshop, held in Cambridge 16-18 April 2019, papers presented at a CRISEA WP4 panel at the EuroSEAS conference in Berlin 13 September 2019, as well as on additional input by team members in August-October 2019. The findings and conclusions reported here are necessarily tentative. Many team members have undertaken or are planning to undertake additional field and archival research that will add further to our existing knowledge and understanding.

The paper is structured as follows. It first presents the empirical findings from case study research undertaken within the scope of WP4's four research modules. It then discusses some of the more prominent patterns of interaction that these case studies have illuminated. The paper then briefly addresses some of the issues and concerns that inform the CRISEA project as a whole. This includes a discussion of the three transversal themes that cut across the different CRISEA work

packages (migration, security, gender), as well as potential implications for regional integration in Southeast Asia.

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

The first research module in WP4 explores how particular conceptions of "the people" are contested in Southeast Asia, and with what consequences. A number of WP4 researchers have explored the ways in which "populist" challenges to liberal conceptions of the state are reshaping Southeast Asia's political landscape. In the case of Indonesia, Andreas Ufen's research shows that it is not the legitimacy of the state as such that is questioned, but rather the character of certain of its liberal and democratic institutions. In Indonesia, Prabowo Subianto for weeks claimed victory in the aftermath of the presidential elections in 2014 and 2019. He did so even when confronted with highly reliable quick count results by serious pollsters showing that he had indeed lost by a huge margin. During the campaigns Prabowo, a former general who is allegedly responsible for serious human rights violations and who has never distanced himself from the harsh authoritarianism of New Order Indonesia (1966-98) under his father-in-law Suharto, spoke in favor of scrapping direct local elections and by returning to the Constitution of 1945 that provides fewer checks on the power of the President. He repeatedly expressed his skepticism towards a supposedly Western-style, "liberal" form of democracy, asserting that it is not in accordance with Indonesian culture. An indirect result of his populist assault on Indonesia's young democracy has been the deep polarization of society.

However, Ufen's research also reveals that Indonesian populism may be a fading force. Specifically, a particularly Islamic strand of Indonesian populism that had risen to prominence in recent years and which was strongly politicized in the 2014 elections, played a much less central role in the 2019 presidential elections. In part, this is because President Joko Widodo in the run-up to the election succeeded in co-opting parts of the Islamic populist movement while deploying coercive instruments, such as the 2017 presidential decree on mass organizations, against other Islamist groups.

In Southeast Asian countries where "populists" have succeeded in winning elections, newly-empowered charismatic leaders with authoritarian leanings have sought to unravel systems of checks and balances designed to constrain the exercise of executive power. They have therefore sought to undermine ostensibly liberal institutions such as Constitutional Courts, Human Rights Commissions, parliaments, the press, etc. The clearest illustration of this trend can be found in the Philippines. Rodrigo Duterte, president of the Philippines since 2016, has attacked the legislature and legislators, the judiciary, the press, and he has declared martial law in parts of the country and threatened to apply it nationwide. Duterte has also compared -- in positive terms -- his own "war on drugs" to the holocaust, happily stating that he wants to massacre millions of drug users and

drug dealers. He has expressed his adoration for Ferdinand Marcos, the right-wing dictator from 1972-86, and has given him a hero's funeral.

In his research on Duterte's challenge to the liberal democratic order of the Philippine State, Lisandro Claudio assigns great importance to such rhetorical excesses and the coarsening of political discourse. Situating these recent developments in a longer historical perspective, Claudio's research points to a sudden and dramatic change in the dominant political culture. He contends that the Philippines, both as state and nation, was originally imagined as a bastion of liberal democracy and human rights in Asia. This vision was evident in the early writings of nationalist *ilustrados* (Enlightened ones) like Jose Rizal, and it became the central vision of post-independence state builders in the twentieth century. The only interruption to this heritage of liberal democratic rhetoric was the Marcos dictatorship. Even after Marcos's implementation of martial law, however, some commentators still viewed the strongman as a "crypto-democrat"—a dictator who nonetheless paid obeisance to his country's liberal democratic heritage. The same cannot be said of Rodrigo Duterte, who has reveled in killing thousands of drug addicts, imprisoning critics, and intimidating the media, without needing to justify his actions through peons to democratic norms. As Duterte himself says, if it concerns human rights, he does not "give a shit."

The "contested state" in the Philippines is one where activists and political actors loyal to the liberal-democratic vision for the Philippines resist the onslaught of "Dutertismo." Thus far, Duterte and his populist constituency have been winning. Passed the midpoint of Duterte's presidency, he remains the most popular post-Marcos president. Moreover, his brutal war on drugs has an approval rate of 92 percent. It is clear that a new form of illiberal politics has solidified itself within the ostensibly liberal state. Duterte shows that one can not only get elected because of illiberal authoritarian rhetoric but also stay in power and remain popular turning the violent rhetoric into political practice. To contest Duterte's vision of what Mark Thompson (2016) calls a "bloody democracy," Claudio argues that the Philippines requires a new opposition that can compete with Duterte's charisma. Much of the present-day opposition remains wedded to the tropes of the anti-Marcos opposition, which cannot match the humor, bravado, and violence of Duterte's rhetoric. At the same time, Claudio also points to the ways in which anti-Chinese chauvinistic sentiments have been instrumentalized in order to undermine the Duterte government, which suggest that regime illiberalism has triggered similarly illiberal responses. The Philippine state, Claudio contends, has likely been forever changed as a consequence of Dutertismo.

At the heart of populism as an ideology lies a particular conception of "the people" — and an anti-pluralist vision of who should be regarded as belonging to the "real" people. While populist politicians contest liberal and democratic conceptions of political community in the electoral arena, research by WP4 researchers also shed new light on how similar questions of belonging are negotiated in other contexts.

Such is the case with Vatthana Pholsena's research on the politics of citizenship in Sekong Province, Laos. Her research takes as a starting point the fact that membership of and a sense of belonging to a national community are not only legally defined in terms of rights and obligations, but are often also legitimized by exclusionary cultural markers, e.g. languages, religions, accents, tastes, and everyday habitus. Post-independence rulers in Cambodia, Laos and Thailand, as well as Myanmar and Vietnam, have relied on and culturally favored a specific ethnic group – Khmer, Lao, (Central) Thai, Bamar, or Kinh, respectively – in their pursuit of national homogeneity, thus labelling other linguistic, ethnic, or religious groups as "minorities." In other words, these governments have attempted to transform historically multi-ethnic societies into mono-cultural nation-states. Pholsena argues in her research that ways of dealing with what she categorizes as illiberal cultural citizenship -- i.e. illiberal states' approach to nation-building -- should be understood in the context of coexisting, if not necessarily competing, forms and practices of citizenship. In Laos, where half of the population (distributed across dozens of ethnic groups) does not belong to the ethnic Lao majority, one such form, *revolutionary civic citizenship*, predates State-sanctioned cultural citizenship. Revolutionary civic citizenship arose from specific historical, spatial, and ideological processes, namely, the Vietnam War and the Communist Revolution in the uplands of Laos. A new class of political citizens emerged from the new relationship that evolved between the State and society. Pholsena explores the tensions between these rival conceptions of citizenship through a study of a particular kind of "identity politics" in the multi-ethnic town of Lamam in south-eastern Laos, where individuals of non-ethnic Lao origin constitute the majority of the population. While all inhabitants of Lamam encounter the illiberal cultural version of citizenship in their social life, she contends that for some of them the revolutionary civic version of citizenship is not about membership in a nation-state. Class, rather than ethnicity or nationality, draws the boundaries of their conception of citizenship. As far as they are concerned, being (mildly) culturally competent is a social necessity; they apply the regime's cultural version of citizenship to a minimal extent in order to navigate the Buddhist-dominated Lao social world when needed. For them, citizenship has less to do with ethnicity or culture than with (revolutionary) political action. The significance of this is that the temporal and spatial dimensions of different conception of citizenship must be stressed, in order for us to better understand how different forms of citizenship have emerged and declined beneath the territorial nation-state, in cities and rural towns alike. Even in a tiny town such as Lamam – albeit historically and ethnically embedded in a much larger region (i.e. the south-eastern uplands bordering Vietnam) -- there exists a different version of citizenship, that is to say, a different notion of belonging and participation, legitimacy and status, that defies State-sanctioned citizenship.

Pholsena's research raises important questions concerning the limitations of these strategies of negotiating Lao cultural citizenship. Do the strategies that work in Laman also work elsewhere, such as in the capital Vientiane? Are they equally available to minority groups in Sekong Province who have embraced other religious faiths (such as Christianity)? It also raises a question about this particular conception of political/civic citizenship. Is it not just as exclusionary (and illiberal) as

state practices based on Lao ethno-religious cultural citizenship? What options are available for members of minority groups in Laos who can claim neither cultural citizenship nor revolutionary biographies?

Rachel Leow shifts the focus of attention to questions of belonging that arose in an earlier period of history. Her research on colonial Southeast Asia provides an original analysis of the development of legal and administrative procedures for the deportation and extradition of politically "undesirable" -- and often ethnically Chinese -- subjects. The research identifies an important tension inherent in a liberal colonialism which sought to adhere to a civilizing mission and which championed ideas of political freedoms and the rule of law both at home and in the international system, while colonial administrators insisted on their right to dispense with undesirables as they saw fit. A Southeast Asian *deportation regime* emerged as a result of negotiations between different colonial states, and between colonial states and the "undesirables" themselves, not least in the form of legal and other challenges to the emerging deportation regime. Leow's research raises a number of important questions for future research. How did "undesirable" subjects make claims on their rights in relation to colonial states? On what basis were such claims accepted or rejected by the authorities? What kinds of debates did these practices trigger within and between colonial states? And what legacies, if any, did the pre-World War II deportation regime bequeath to the post-World War II order in Southeast Asia?

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

The second research module in WP4 seeks to shed new light on how state actors manage religious demands and religious challenges to their authority and legitimacy.

Rémy Madinier's research provides an in-depth analysis of societal challenges to the Indonesian state's historic settlement with regard to state-religion relations. The legitimacy of *Pancasila* (the official doctrine of the Indonesian state) which has provided the basis for a pluriconfessional polity unique in the Muslim world has been directly challenged by extremist jihadist movements across the country. Until the 2000s, most of these movements claimed to be the heirs of the rebellion of Darul Islam, which as early as 1949 proclaimed an Indonesian Islamic State before embarking on a guerrilla war that lasted until 1963. After the emergence of international jihadism, linked to the spread of the Afghan conflict in the late 1990s, supporters of an Islamic state in Indonesia have formed links with movements such as Al-Qaedah and Daesh (also known as the Islamic State). In the period 2002 to 2010, this resulted in a spectacular wave of attacks on Indonesian targets (as well as the sending of Indonesian fighters to Syria, the Philippines, and other overseas battlefields). The Indonesian state has, however, managed to repress and control this mode of direct challenge to the legitimacy of the Pancasila state. The main threat to the state-religion settlement in Indonesia today is therefore not a direct challenge to Pancasila, argues Madinier, but rather its reinterpretation

in the direction of Islamic rigorism. The fall of the Suharto regime, in 1998, and the advent of a more liberal-democratic political landscape has created the conditions where proponents of more intolerant interpretations of Islam have been able to gain ground. With the opportunity of political openness, an holier-than-thou one-upmanship was frequently adopted by political actors. This has led, in part, to the adoption of policies that restrict or violate tenets of religious freedom, such as the adoption of Sharia law by local governments. However, there are also "liberalizing" forces at work in contemporary Indonesia. The evolution of the anti-blasphemy law in Indonesia provides a good illustration. Adopted in 1965 to fight against the profanations of the Koran, it was then used to force followers of the mystical currents (*aliran kepercayaan*) to join one of the six recognized religions. In recent decades this legislation has also served as an instrument, particularly within the Muslim community, to condemn currents considered deviant by Sunni orthodoxy (such as Ahmadiya). A number of faith-based and non-denominational organizations as well as part of the state apparatus are now engaged in a struggle to reverse this trend and expand religious freedom. The recent decision of the Supreme Court (2017) allowing members of *aliran kepercayaan* to put their belief on their identity card in place of one of the six officially recognized religions is a case in point.

Tomas Larsson's research on religious "purification" and royal succession offers a study of the increased salience of Buddhism as a source of state legitimacy in contemporary Thailand. His research describes how King Vajiralongkorn's succession to the throne has been followed by an amplification of "neotraditionalist" elements of state ideology and practice. Traditional motifs of Buddhist kingship and statecraft ("ancient royal traditions") have been given an even more prominent position than they had during King Bhumibol's long reign. Larsson's research focuses attention on one dimension of that: a concerted effort to "purify" Buddhism and the sangha (the monastic community) in the period leading up to the coronation ceremony in May 2019. While it is difficult to assess whether this religious legitimation strategy actually generates legitimacy for the new king (and for the Thai state more broadly), Larsson is able to identify a number of important consequences of the religious purification efforts. In comparison with the situation that prevailed prior to the royal succession, Buddhist monks in recent years have become much less willing to speak out on political affairs or to otherwise act in ways that may be deemed politically partisan. While this may be viewed as a restriction on the freedom of expression and assembly, the shrinking of political space for members of monastic community also means that religious figures who propagate inflammatory Islamophobic sentiments have been silenced. An important question that Larsson's research raises is whether and to what extent this resurgent religious-royalist mode of political legitimation is compatible with liberal-democratic modes of political legitimation within the Thai polity.

Vanina Bouté's research offers a study of local elites and the accommodation of religion in Laos. Here, certain forms of religious expression have been perceived as posing serious threats to the legitimacy of the Party-State. Historically, territorial spirit cults and millenarian movements have

frequently served as focal points for popular mobilization that challenge the legitimacy of the central state. In contemporary Laos, religion is identified as a potential source of what the Lao state elites understand as two "evils": superstition and division of the nation. Although it is a Communist state, Laos has not established atheism as an absolute principle. In contrast to China and Cambodia, where religion was rejected, the Pathet Lao leadership after 1975 quickly gave up on rejecting religion and instead integrated Buddhism into its Marxist discourse for development and as a means of cultural unification of an ethnically diverse population. While officially promoting the diversity of the country's different ethnic groups, the place given to the religions and supernatural beliefs of these populations has been limited and subsumed under the categories of *satsana phi* (spirit cults) and, more recently, *satsana hitkong* (traditional religion). While desiring to celebrate, in a folkloristic manner, the country's ethnic diversity, the Lao state has simultaneously sought to empty *satsana phi* of aspects formerly attached to local and collective identities. In addition to *satsana phi* practices, transnational religions such as Islam and Christianity are regarded as threats -- in this case "foreign" threats -- to the hegemonic position of Buddhism and by extension to the Lao state itself. Religious conversion therefore functions as a "soft" means of contesting the legitimacy of the Lao state and its ideology. This is a strategy adopted by growing numbers of ethnic Mon-Khmer groups, who have converted from *satsana phi* to Protestantism. In a somewhat similar vein, the ethnic Ho have sought integration into a transnational "great religion" in the form of Chinese folk rituals. These serve as means by which the Ho can register opposition to the Lao state's efforts to establish Lao Buddhism as the religio-cultural basis of the nation.

Iza Hussin's research focuses on what for lack of a better term may be referred to as the "supernatural" in relation to the politics of Malaysia, Singapore, and Indonesia. Her research is premised on the observation that popular political culture and discourse is replete with references to supernatural phenomena -- ghosts, magic, etc. -- and that this poses particular challenges to the state in practical terms as well as in terms of state claims to legitimacy. For example, the then Indonesian president Susilo Bambant Yudhoyono in a 2014 book claimed that he and his family nearly had fallen victim to witchcraft. Following the tragic disappearance of Malaysian Airlines flight MH370 in 2014, "bomoh" (shamans) appeared at the international airport, where they deployed magical rituals to aid the state-directed international effort to search for the missing. Drawing on examples such as these, Hussin explores the terrain of contestation in the overlap and lack of demarcation between the realm of the legible and the declarative, on the one side, and that of the illegible, the unexplained, and the unspoken, on another. She argues that, at times, the supernatural and the unexplained - be they in the form of political rumours and suppositions or mysterious events - buttress political power and provide legitimacy and authority from sources beyond electoral and legislative institutions and processes. In other circumstances, these very same sources undermine the stability of political institutions and their actors, allowing actors from beyond the formal state sector to break into political topics, to question state declarations, and to suggest the limitations of state control. What she finds particularly provocative is that these

overlaps and ambiguities work differently, and occupy different terrain, in different Southeast Asian states, and in ways that cannot be easily attributed to regime type, institutional or colonial history, or religious and cultural factors alone.

MODULE 3: REGIMES AND CHALLENGES TO THE LIBERAL STATE IN SOUTHEAST ASIA

Our third research module explores the dynamics of political contestation in a diverse range of regime contexts, ranging from consolidated authoritarian to democratic regimes. A central concern has been to shed light on the differences (if any) that regimes make by shaping the political arena in particular ways, and how non-state actors in Southeast Asia have responded to such efforts, and with what effects.

The research undertaken by Kristian Stokke and Soe Myint Aung sheds new light on contemporary politics in Myanmar. Here, the question of state form and governance has been the pivot of contentious politics and armed conflicts continuously since independence in 1948. Contentions over state form has especially pitted ethnic nationalities' demands for self-determination within a federal union against the agenda of building a centralized unitary state pursued by civilian governments in the early postcolonial period and by the military rulers from 1962 to 2011. In parallel and with close links to the issue of state form, questions of military vs. democratic rule has counterposed demands for democratization by mass movements, political parties and international democracy promoters against the military rulers. The Myanmar military (*tatmadaw*) has captured state power and built a praetorian state under the pretext of building sovereignty, security and stability of the unitary state. As such, questions of state form and form of rule have been quintessential to Myanmar's postcolonial political history. Contemporary Myanmar has since 2010 been marked by a democratic opening after five decades of military rule and associated peace initiatives aimed at ending an even longer history of armed intrastate conflicts between the tatmadaw and diverse ethnic armed organizations. This political opening raises critical questions about the drivers, dynamics and direction of political change, and especially the form and substance of democracy and peace on the outcome side.

Stokke and Soe Myint Aung's research has examined, first, Myanmar's mode of transition from military rule and its outcomes in terms of democracy or hybrid rule, and in terms of peace or hybrid peace. Their conclusion is that Myanmar's political trajectory, at least for the time being, should be categorized not as a country that is in transition to democracy but rather as a relatively stable hybrid regime. Second, it has also analysed selected key actors and strategies involved in transformative democratic politics. The primary focus has been on the spaces and capacities of political parties, especially ethnic parties engaging in elections and parliamentary politics at State and Union levels. In this regard Stokke's research has identified a number of distinct strategies that ethnic political parties in Myanmar have adopted in order to build greater institutional

capacity. The most prominent of these is party mergers. This strategy represents an effort to overcome the problem posed by the fact that most of the major ethnic groups were represented by competing political parties in the 2015 election -- thus splitting the ethnic vote. Future research will develop in-depth case studies of transformative ethnic politics in the leadup to the 2020 election. Particular attention will be paid to the Shan Nationalities League for Democracy (the largest ethnic party in Myanmar) and its pursuit of a "policy-based" strategy rather than one of ethnic identity politics, and to the Kachin Independence Organization and the politics of war/peace that is the centre of contentious interactions in Kachin State. The outcome of such transformative ethnic politics will play an important role in determining the weight liberal ideas, institutions, and practices acquire within Myanmar's hybridized politics.

Jerôme Tadié's research has analysed the dynamics of NGO-led resistance to government-enforced eviction of poor "squatters" from urban land in Indonesia. For the most part, these NGOs have adopted practices that operate within the bounds of legitimate action established by the liberal-democratic Indonesian state: pursuing court cases, lobbying officials, networking with civil society, academics, and mass media, engaging in electoral politics, etc. But such "normal" transactional forms of politics have their limitations, and illiberal strategies have at least occasionally been adopted by some NGOs, as was arguably the case when religiously intolerant sentiments were mobilized against the Jakarta governor who was accused of blasphemy, but whose real sin, for many of those who joined the demonstrations, was that he had played a leading role in the enforcement of evictions.

The research by Jörg Wischermann and his colleagues George Sirait and Dang Viet Phuong explores the dynamics of protests and state responses in Vietnam and Indonesia. Adopting a quantitative approach based on data collected from newspapers, their research has revealed some notable differences and similarities in the two national contexts. The fundamental similarity, they argue, is that it is not the "Southeast Asian state" as such, which is contested, rather it is the "state in the capitalist society" (Jessop 2015) in Indonesia and Vietnam which all kinds of protesters confront with their demands. And it is the respective Indonesian and Vietnamese "state in a capitalist society" which (re-)acts to such conflictual forms of articulation of interests in various ways, with an observable determination and discernible aims. Whereas newspaper reports from 2016 and 2017 indicate that the Indonesian state is confronted with protest in six policy fields (infrastructure, working world, democracy/authoritarianism, political system/politicians, economy, ecology), the Vietnamese state encounters protest in just four policy fields (infrastructure, ecology, social affairs, economy). At first sight, the (re-)action of the respective states are remarkably different: Whereas the Indonesian state representatives typically promise to take up protesters' demands in formal meetings, meet protesters, or ignore the protest, Vietnamese authorities meet the protesters' demands, meet protesters and, much less than in Indonesia, ignore the protest. Thus, the authoritarian Vietnamese state seems to be much more responsive and outperforming their counterparts in electoral-democratic Indonesia in many respects. Even so,

statistical analysis reveals that such significant differences exist only on two policy fields (infrastructure, ecology) and possibly only during those two years, which were unusually tumultuous in Vietnam. Whereas the differences in those two policy fields and potential similarities cannot easily be explained by references to varying regime types, Wischermann and his colleagues argue that a "focused theory frame" provides a more satisfactory explanation. Based on observation of patterns of protests and state responses, they contend that these are capitalist states whose aim when they deal with protesters is to preserve the existing patterns of domination. In other words, they want to preserve a post-socialist order (in Vietnam) and the oligarchic state (in Indonesia). As such, these states are biased against the interests of peasants, workers, etc. and they clearly seek to protect the interests of State-owned Enterprises, big privately-owned firms, but also Medium and Smaller-sized Enterprises. Protesters in Vietnam and Indonesia are not seeking to attack the legitimacy of the respective state. Rather protesters ask for revisions of decisions made by various, more often than not, state actors from lower levels of the political-administrative system (Vietnam) and for decisions to be made by the state which they accuse of being inactive, negligent or even ignorant for too long (Indonesia). This is the case at least in two policy fields (infrastructure, ecology). In discussing these findings, it is important to keep in mind that Wischermann and his colleagues have not included data on all forms of protests in Vietnam and Indonesia. Most notably, their research project does not analyse data on "religious" protests in Indonesia, such as protests against Christians or Christian state representatives.

Last but not least, Pham Quynh Phuong's research offers an in-depth case study of the LGBT movement in Vietnam. Her findings have highlighted the relative and in part surprising successes this movement has had in changing the Vietnamese party-state's attitude as well as broader societal attitudes towards LGBT persons in the direction of greater acceptance and toleration. The reason this may seem surprising is that these advances have been made in a climate of growing official hostility towards "civil society," with the consequence that the space for civil society activism has been contracting. An important question that this research raises is whether the relative success of LGBT activism provides any lessons for activists working on other issues. Are the strategies, approaches, and frames adopted by the LGBT movement available also to activists working on other causes and issues? The answer to that question will, in part, determine whether the case of LGBT rights should be regarded as an exception or as an early indication of a broader liberalizing trend.

MODULE 4: INSTITUTIONS AND LIBERAL CHALLENGES TO THE LIBERAL STATE IN SOUTHEAST ASIA

The fourth and final research module in WP4 focuses analytical attention on formal political institutions, and in particular on the legal and quasi-legal institutions that routinely have been associated with the rule of law and individual rights and freedoms.

Eugénie Mérieau has developed an analysis of the autocratization of Southeast Asian politics through the diffusion and local adaptation of an ostensibly liberal institution: judicial review. In liberal political theory, courts with the power of judicial review (usually constitutional courts and supreme courts) are expected and intended to play an essential checking and balancing (i.e., counter-majoritarian) function within a liberal-democratic political order. In Southeast Asia, Mérieau demonstrates, the process of judicial review, which in historical terms is a recent arrival to the region, has come to play a very different role, namely, to advance and protect autocracy. She argues that only the Indonesian Constitutional Court can be said to have played a positive role in the twin processes of democratization and liberalization, as liberal political theory would expect. In other countries in the region, most notably Thailand, the constitutional court and the process of judicial review have been turned into instruments of autocratization. While Mérieau emphasises that Southeast Asia has a long history of tutelary democracy, she contends that heavy reliance on contemporary techniques associated with "constitutionalism" represents an entirely novel phenomenon. Yet, there is great variation within Southeast Asia with regard to the degree to which this mechanism for the consolidation of power has been adopted, and one of the challenges for the comparative study of judicial politics is to explain such variation.

Marco Bünte's research similarly focuses on an ostensibly liberal institution: national human rights commissions. His comparative study is concerned with the causes and consequences of the diffusion of national human rights institutions (NHRI) in ASEAN member states. Preliminary findings suggest that their impact on human rights compliance is negligible, but that they may play a significant role in human rights socialization. The regional pattern is that the more authoritarian states (Vietnam, Laos, Thailand, Myanmar) have either not established a human rights commission or have established a body that does not meet international standards. The more democratic states in the region have, on the other hand, found ways to reduce the effectiveness of human rights bodies. Even democratically elected leaders of government put immense political pressure that incapacitates the national human rights body. Although the Philippine National Human Rights Commission looks strong on paper – constitutional foundation, independent selection of commissioners, and a broad mandate – its effectiveness and impact are limited. Despite its already limited efficacy in protecting human rights, the human rights commission has nevertheless become a target of the government of President Rodrigo Duterte, who not only has threatened to kill human rights activists and ordered the police to shoot those who obstruct justice, but also threatened to shut down the Human Rights Commission. The government drastically cut back the Commission's budget in 2018. While often severely constrained, Bünte argues that these institutions nevertheless can play an important role in human rights socialization. This is particularly the case in Southeast Asian countries, where the human rights discourse is still in its infancy. Following its creation by President Suharto in 1993, the Indonesian Human Rights Commission made an important contribution to the socialization of human rights. The Commission was particularly effective in educational activities providing human rights training for members of the army, the police, civil society, and the press. In Malaysia the human rights commission has affirmed the legitimacy of

human-rights concerns as an integral part of the political discourse. The importance of this should not be ignored in states where the idea of human rights has been delegitimized by projecting it as an alien, imperialistic discourse.

Finally, David Camroux's research has focused on the nature of the relationship between the regional organization ASEAN and the process of democratization in Southeast Asia. Based on case studies of three seminal moments in the history of ASEAN -- its foundation in 1967; its enlargement between 1995 and 1998; and its acquiring a legal personality with the negotiations and coming into force of the ASEAN Charter in 2008 -- Camroux argues that the intergovernmental regional experience comforts illiberal democracy as the de facto regime norm in Southeast Asia. ASEAN's practice of consensus around the lowest common denominator has made the illiberal state the *de facto* regime norm in the region.

PATTERNS OF INTERACTION

WP4 researchers bring a diversity of disciplinary perspectives to their exploration of an even more diverse range of political contexts. One important dimension along which individual WP4 research projects differ is in the degree to which the analysis is centered on the state or on society. Among the more state-centric approaches we find those that explicitly focus on state institutions, and the actors who control these (Bünte on national human rights institutions; Mérieau on constitutional courts; Larsson on the Thai monarchy). At the other end of the spectrum we find more society-centered approaches which pay less attention to those who wield state power than to those who in some way challenge state power (examples include but are not limited to Pholsena on alternative forms of citizenship, Wischermann on protest movements, Tadié on NGOs, Pham Quynh Phuong on the LGBT movement). While there are differences in emphasis, the different research projects provide us with a rich set of illustrations of how state and non-state actors interact in ways that have important implications for the evolving character of the state in Southeast Asia. From these case studies it is possible to distill a number of distinct patterns of such interactions. For heuristic purposes it is helpful to organize the material along two dichotomies: 1) state policy and practice vs. societal responses and challenges, and 2) the liberal (or liberalizing) vs. illiberal character of those policies, practices, responses and challenges. That gives us four possible configurations (see Table 1).

The first pattern constitutes a liberalizing feedback loop. WP4 research that highlights this pattern of interaction include the diffusion of NHRIs across Southeast Asia and their role in socialization of human rights norms (Bünte), the adoption of tolerant policies towards LGBT persons in response to mobilization by the LGBT movement in Vietnam (Pham Quynh Phuong), the dynamics of popular protests in Indonesia (Tadié, Wischermann), the political opening and transformation of armed ethnic groups into political parties in Myanmar (Stokke); and expansion of the scope for religious pluralism in Laos and Indonesia, especially as pertains to public

recognition of "folk" forms of religiosity (Bouté, Madinier). This pattern of interaction may serve to consolidate and entrench liberal norms, institutions, and practices in state and society.

The second pattern of interaction constitutes an illiberal feedback loop. WP4 research that provide examples of this type of interaction include the use of repressive instruments against religious nationalist and chauvinist social movements in Indonesia (Ufen) and Thailand (Larsson). Also belonging to this category is the anti-Chinese chauvinism that has emerged in the Philippines as a way to counter Dutertismo (Claudio); and the articulation of rival notions of citizenship in Laos (Pholsena). This pattern of interaction tends to consolidate and entrench illiberal norms, institutions, and practices in state and society.

As examples of a third pattern of interaction, WP4 research has highlighted a number of instances where essentially liberal state norms and institutions experience an illiberal backlash, most prominently in the form of populist political movements in the Philippines (Claudio) and Indonesia (Ufen).

A fourth and final pattern of interaction is one where illiberal state policies and practices interact with liberal societal challenges. WP4 research that illuminates this dynamic includes the "weaponization" of judicial review against democratic challenges to illiberal political orders in Southeast Asia (Mérieau). Also belonging in this category are central aspects of the politics of religion in Laos and Indonesia, in particular grassroots demands for greater official recognition of and respect for religious pluralism (Bouté, Madinier).

These examples are intended as illustrations of these patterns of interaction that can be discovered in a range of WP4 case studies. They do not constitute an exhaustive inventory of such interactions.

Table 1. Patterns of interaction between state and non-state actors

		Character of state policies/practices	
		Liberal	Illiberal
Societal challenges to the state	Liberal	*Liberal feedback loop* LGBT rights in Vietnam (Pham Quynh); adoption of NHRI (Bünte); popular protests (Tadié, Wischermann); ethnic political parties (Stokke)	Autocratization through judicial review (Mérieau); respect for religious pluralism (Bouté, Madinier)

			Illliberal feedback loop Repression of Islamic populism (Ufen); Buddhist purification (Larsson); revolutionary civic citizenship (Pholsena)
	Illiberal	Dutertismo (Claudio); Islamic populism (Ufen)	

TRANSVERSAL THEMES

WP4 researchers have in their work also sought to address the transversal themes that cut across all of CRISEA's work packages and research modules.

Migration has in many contexts caused anxieties that have fueled populist movements. While populisms of various kinds have also made an appearance in Southeast Asian, WP4 research indicates that migrants play a much less important role in the populist political imaginary than they do in Europe or North America. While this holds generally true, there are of course counterexamples to be found. The Indonesian presidential candidate Prabowo, for example, has questioned the impact of Chinese laborers and thus incited simmering anti-Chinese sentiments. There is also a tentative connection between migration and religion. For example, Vanina Bouté's research highlights how the "relative autonomy" of local political elites which has allowed them to reposition themselves in relation to religion is in large part predicated on their location in a geographic area, the Lao-China borderlands, which in the past 20 years or so has experienced a rapid expansion of cross-border migration and integration into transnational networks. In a similar vein, Iza Hussin's research suggests that mobility across borders is a particularly productive source of anxiety about the supernatural.

Security plays a prominent role in Southeast Asian political imaginaries, but security is of course an essentially contested concept, and as such open to a very wide range of interpretations. Among Southeast Asia's populist strongmen, bloody wars on drugs in both Thailand and the Philippines were fueled by fears that the nation was being corrupted and endangered by rampant drug dealing and consumption — and as such warranting exceptional treatment as matters of security. The Thai monarchy's purification of religion, meanwhile, is linked to the security of the Thai monarchy in the wake of the passing of King Bhumibol. It is also designed to calm anxieties of an ontological character that have been triggered by the perceived "corruption" of institutional Buddhism in Thailand. Based on a more conventional conception of security, Remy Madinier's research highlights how the Indonesian state has managed to combat religiously inspired terrorism. Questions of security plays a central role in Eugénie Mérieau's analysis of emergency provisions

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and constitutional review in Southeast Asian constitutions. Such emergency provisions are typically designed to enable the state to respond to grave security threats. "Security" thus serves to legitimate the autocratization of political life in Southeast Asia.

Gender is a theme that is relevant to all research projects in WP4, but it stands out most prominently in Pham Quynh Phuong's study of the LGTB movement and the renegotiation of gender in Vietnam. There is also an important gendered dimension to Vatthana Pholsena's study of revolutionary civic citizenship. As she notes, the genesis of the Lao regime was forged on the battlefields during the wars in Indochina; it was also achieved through the production of "new men and women" whose purpose, as claimed by the Lao communist leaders, was to serve the regime and "the people." As guerrilla agents, minority women became emancipated: they studied (to some extent), held political positions, and were active far beyond the confines of their childhood village. Some of these women remain active citizens today. Vanina Bouté's study of local political and religious elites — predominantly men — in another part of rural Laos provides a telling contrast. Here women are regarded as "naturally" lacking the qualities necessary for leadership – authority, strongness, solidity. Women are therefore generally excluded from prestigious positions within the ruling party as well as in relation to religious rituals and ceremonies. However, while women are excluded from the highest levels of political and religious power, they have, on the other hand, become heavily involved in cross-border trade and in the development of small businesses. The region's populist strongmen have a similarly complicated and ambivalent relationship to matters of gender. It is well known that President Duterte has cultivated a notoriously sexist persona. Yet, he has adopted progressive policies with regard to access to contraceptives and with regard to LGBT rights. In Indonesia, Prabowo and the Gerindra party which he leads have adopted comparatively liberal conceptions of women's rights, to the frustration of some of their Islamist backers.

IMPLICATIONS FOR REGIONAL INTEGRATION IN SOUTHEAST ASIA

The findings of WP4 researchers have implications for our understanding of processes of regional integration within and beyond the framework of ASEAN.

One of the more prominent themes that emerges out of the first two WP4 research modules is the increasingly important role that the assertion of nationalist and localist "neotraditionalisms" of various kinds have come to play in political life in Southeast Asia. This appears to be one of the main strategies by which illiberal popular/populist challenges are being countered by the region's political elites. Prominent examples include the recourse to NU-style Islam (Ufen) and to "ancient royal traditions" (Larsson). These responses appear to have defanged intolerant forms of religious populism and nationalism which otherwise, potentially, could undermine regional cooperation by exacerbating the main religious divide within ASEAN: that between a Buddhist mainland and a Muslim archipelago.

In contrast with religious nationalism, populist strongmen who frame their politics in predominantly secular terms do not appear to have as much potential for undermining regional integration. Though the nationalist-populist discourse of President Duterte often takes explicit aim at supranational organizations, such as the Catholic Church, the United Nations, and the International Criminal Court, such apparent aversion towards international institutions has not resulted, as one might have expected, in a similarly antagonistic position vis-a-vis ASEAN or regional integration in Asia more broadly.

Neotraditionalism of different kinds are also being asserted by politically marginalized groups in efforts to renegotiate their relationship with the state apparatus. Examples include but are not limited to the valorization of folk religion (Bouté, Madinier) and of revolutionary credentials (Pholsena).

Our research on popular, populist, and religious challenges to the liberal state is perhaps unintentionally revealing. As far as we can tell, cosmopolitan conceptions of Southeast Asian identities do not appear particularly politically salient, and therefore neither championed nor opposed by the political and social actors with which our research has been predominantly concerned. Amidst fragmenting citizenship within nation-states, the dream of a Southeast Asian citizenship with a set of equal rights across the region is a distant one indeed.

Our research on regimes and institutions also speaks to questions of regional integration. Jörg Wischermann and his colleagues' research on the similarity of Vietnamese and Indonesian state reactions to protests bodes well, at least in a limited sense, for regional integration in Southeast Asia. A nominally socialist regime (Vietnam) and an electoral-democratic state (Indonesia) alike help maintain existing forms of political, economic and socio-cultural domination and they resist further democratisation processes. Precisely because these states have similar (rather than shared) goals, they are able to cooperate closely. Pham Quynh Phuong's research on the LGBT movement in Vietnam illustrates a more "grassroots" and bottom-up process of regional and wider international integration. LGBT movement activists in Vietnam have developed significant international connections. Particularly salient in this context is the ASEAN SOGIE Caucus (ASC), which seeks to lobby ASEAN governments to guarantee the protection of the human rights of all persons, regardless of their sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). ASC aims to promote a vision of "A SOGIESC-inclusive ASEAN community."

CONCLUSION

WP4 researchers have made significant progress on their individual research projects. The draft papers on which this paper is based will however be further refined and developed in the lead up to CRISEA's Third Research Workshop, to be held in Chiang Mai, Thailand, in early February

2020, and with an eye towards future publications. Immediately following the Chiang Mai workshop WP4's research findings and conclusions will be presented to wider audiences at a dissemination workshop to be held at Mandalay University and at a policy briefing in Yangon.

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