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Federal Bartholomew Conference Room, Federal Portico, NUS (BTC)

Blood Curse and Rule of Law in Thailand: Legal Consciousness and the Paradox of Empowerment

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ABSTRACT

Legal rights and access to justice can be a two-edged sword, simultaneously empowering and disempowering their intended beneficiaries. Consequently, socially marginalized people may come to view the law as alien, hostile, and threatening to basic cultural values. Such was the case among injury victims in Northern Thailand interviewed in a study of legal consciousness among ordinary people who suffered disability, misfortune, and injustice. A similar strong ambivalence toward the law is evident among the “red shirt” political faction at the national level in Thailand, a large populist group based primarily in the northern and northeastern regions. At both the local and national levels, these citizens of Lanna and Isaan retain strong attachments to a traditional legal culture that was forcibly displaced when Bangkok imposed its European-style legal system a century ago. These two competing concepts of justice remain unresolved—to embrace one is to reject the other. This paper draws parallels between research on legal consciousness at the individual level and the dilemma of law and empowerment now playing out on the national stage in Thailand.

ABOUT THE SPEAKER



David M. Engel’s research deals with law, culture, and society in American communities and in Thailand, where he has lived, worked, and taught for many years. His most recent book, *Tort, Custom, and Karma: Globalization and Legal Consciousness in Thailand*, examines the effects of global transformations on the legal culture of northern Thailand.

Engel has served as President of the Law & Society Association and is currently an Editor-in-Chief of the new *Asian Journal of Law and Society*. He has received the Law & Society Association’s Jacob Book Prize on one occasion and honorable mention on two other occasions, and was also recipient of the LSA Article Prize. In January 2011, he received an Honorary Doctorate of Laws degree from Chiang Mai University, conferred by Her Royal Highness the Crown Princess of Thailand.

Engel teaches courses on law and society, tort law, and legal ethnographic research.