

SOUTHEAST ASIAN STUDIES

Vol. 3, No. 3

December 2014

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Are We Them?

Textual and Literary Representations of the Chinese in Twentieth-Century Thailand

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King Vajiravudh famously published an essay titled *Jews of the Orient* in 1914 demonizing the Chinese in Siam as ingrates and parasites. The local Chinese became the “Other Within” in the Thai nation that the king was trying to establish. Whether his reaction to the local Chinese was fueled by ire over the recent strike by the Chinese which paralyzed Bangkok, or a reflection of his English education and exposure to European anti-Semitism, is not the focus of my concern. My interest for this exercise is to study how the Chinese in Siam/Thailand are portrayed in Thai language texts, that is, prose fiction and non-fiction produced in the twentieth century (I will not include related areas such as movies, television drama, music, and cartoons). This study does not involve an exhaustive review of all texts but will focus on a few well-known and popular ones. I would like to know whether King Vajiravudh’s portrayal of the Chinese is reflected in subsequent literary production or muted by other realities that existed in Thai society, and how the production of texts on the local Chinese changed over time. More importantly, I am very curious to know how this issue is played out in neighboring countries, especially the Philippines, Indonesia, Malaysia, Burma, Laos, and Cambodia, countries where the “assimilation” of the Chinese into the majority culture happens in varying degrees.

Keywords: Thai literature, Sino-Thai, identity representations, assimilation

Preamble

When I first arrived on the campus of the University of the Philippines in 1962, I was struck by the unexpected question that cropped up regularly in class and in conversations with my Filipino friends. They would ask, “Who are the Filipinos?” My Thai friends and I felt rather smug about knowing who we “Thai” were and somewhat sorry for the Filipinos. To the Thai students, Filipinos had ambiguous identities—they had Spanish/

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Mexican names, spoke English with a peculiar accent, served a cuisine that was a mix of Spanish, native Filipino, Chinese, and American dishes, and spoke different tongues even though there was one “national” language. Classes in the university were in English, and students used English to speak to each other.

Those of us from Thailand knew that we were “Thai” because we all spoke the same language, practiced the same religion, and loved the same king. When King Bhumibol visited Manila in 1963, all of us went to pay our respects and show our loyalty to the monarchy by having group pictures taken with the king and the queen.

Looking back, it did not occur to any of us that we had “Thai” classmates who spoke Thai with a heavy Chinese accent and many of them still called each other by their old Chinese names while fooling around even though they all had Thai names. The fact that my best friend in college was a second-generation Sino-Thai who still spoke Thai with a Chinese accent did not make me think of him as non-Thai. It did not seem important for me to dwell on the truth that my own father was perhaps half or a quarter Chinese, or that my mother had both a Thai and a Chinese name. None of these facts ever made me feel that I was not 100 percent Thai, even though my father’s great-grandfather was Chinese, and his mother’s ancestors came from a line of Hokkien Chinese shipbuilders. But after four generations of living in Thailand, my father, aunts, and uncles had complete amnesia as far as their ancestral race was concerned. My mother conveniently explained that many in Chantaburi province had Chinese names as well as Thai names. She said that because the Chinese in her home province were rich and successful, Thai families gave Chinese names to their children so they could become prosperous like the Chinese. I will never know whether this is true or not, but should it matter? I suspect that after several generations of becoming Thai, my own family had fallen prey to self-denial and self-lobotomy about its past and had subconsciously severed all ties with and discarded all memories of its Chineseness.¹⁾

1) Besides their Thai names, my mother and her three sisters also had Chinese names—Kim An, Kim U, Kim Eng, and Kim Yiam. A famous Thai who also had a Chinese name (Kim Liang) is Luang Wichit Wathakan, the ideologue of modern Thai nationalism. Luang Wichit also denied his Chinese roots. See Thak Chaloehtiarana (2003, 145–146). The classic study of the Chinese in Thailand is G. William Skinner (1957). Also see Akira Suehiro (1989; especially Ch. 3). For a study of major non-Thai influential families during the Ayutthaya period, see David Wyatt (1994, 97–130). An innovative study of the Chinese in Thailand is Nidhi Eoseewong (2005; especially pp. 57–114). Nidhi, who admits that he is *Jek*, says: “*Jek* is a Thai word meaning those with Chinese heritage in Thailand. . . . To consider oneself *Jek* only means that one acknowledges birthplace and certain practices and traditions that are related to the culture of the people of China, but it is not to say that they are imitations of Chinese culture. . . . *Jek* customs and tastes are a stable culture in Thai society.” Quoted in Phimpraphai Phisarnbut (2001, n.p.). Translation is mine. In the foreword of the same book, Sulak Siwarak, one of Thailand’s best-known public intellectuals, writes: “From the start, I ↗

In this essay, I use Thailand to designate both the historical Siam and the current Thailand. Prior to 1939, the country was usually referred to as Siam. The name change was the result of Premier Phibunsongkhram's extreme nationalism. The name reverted briefly to Siam at the end of the World War II. I also use "Sino-Thai" loosely to describe the Thai with Chinese ancestry. Sino-Thai is a slippery concept because there is no clear definition of when an individual is no longer considered Sino-Thai following generations of intermarriage with the local population. In the past, first- and second-generation Chinese have been essentialized as *Jiin Sayam* or *Jek*—neutral descriptive designations of the Chinese in Siam. Over time, the Sino-Thai rejected *Jek* because it had acquired derogatory and pejorative connotations. More common today is for a Thai to admit that he or she *mi chuesai Jiin* or has Chinese blood, which is different from the previous designation of *luk Jek* (children of the *Jek*) or *luk Jiin* (children of the Chinese), suggesting a second- or third-generation Sino-Thai.

Texts, Literature, and the Study of Twentieth-Century Thai History and Culture

At the March 2010 Association for Asian Studies conference, Michael Montesano organized the panel "Bringing Literature into the Study of Twentieth-Century Thai History" with intentions to offer an early preview of how literature, especially fiction, can complement historical sources and how it can produce new perspectives. I was the discussant of the five excellent papers that suggested directions research can take, and what kinds of methodological conundrums are involved in using literature as historical data.

For the purposes of this essay, I will not go into the details of the five papers but

↘ am always agreeable to calling myself *Jek* because ancestors from both my father and my mother's sides were from mainland China. . . . But the word *Jek* is no longer a word preferred by the offspring of the Chinese even though *Jek* is not derogatory but a word that people use to call the overseas Chinese in Thailand" (*ibid.* n.p.). The largest influx of the Chinese to Thailand took place from 1918 to 1931, when Chinese laborers were needed for modernization projects in Bangkok. The behavior of the lower-class Chinese coolies contrasted with the Thai norm of proper behavior. The culture clash between what the Thai considered refined etiquette and the unrefined behavior of Chinese laborers from rural China resulted in unflattering essentialization of Chinese behavior as "*Jek soom saam*," meaning the "uncouth/blundering Chinese." See Krit Sombatsiri (1986, 22). A more recent study that compares the Chinese in Southeast Asia to the Jews of Europe is Daniel Chirot and Anthony Reid (1997). A more recent study of the Chinese in Thailand is Tong Chee Kiong and Chan Kwok Bun (2001). The editors argue that assimilation is not a one-way process and not necessarily dominated by the host culture, and that Chinese cultural tenacity should also be accounted for.

will address some general observations about the relevance of literature in the study of history and as artifacts of changing social values.

Benedict Anderson and Ruchira Mendiones' *In the Mirror* (1985) uses short stories to illuminate the history and politics of the late 1960s and early 1970s in Thailand.²⁾ And to the surprise and delight of Anderson, a third of the chapters in his festschrift, *Southeast Asia over Three Generations* (Siegel and Kahin 2003), focus on the importance of fiction in Southeast Asian studies. Four chapters in that volume are specifically about how literature informs historical and political knowledge. Webb Keane (2005), who reviewed the book, remarks that "everyone was reading fiction." In 1982, Nidhi Eoseewong examined classical Thai literature to substantiate the rise of the bourgeoisie in Bangkok.³⁾

The intersection between fiction and history is not new. Umberto Eco writes in *The Name of the Rose* (1983) that there are three ways to narrate the past: the romance, using the past as scenery, pretext, or fairy tale; the cloak-and-dagger mystery, using real and recognizable pasts and characters; and the historical novel, which creates characters and situations that make historical events and complicated ideas easier to understand. Herbert Butterfield explains in *The Historical Novel* that literary authors could describe in human terms the historical period in which they live and their writings could be mined for historical facts. Butterfield goes on to say:

It is not exactly that history and fiction should dovetail into one another to produce a coherent whole . . . but it is rather that in the historical novel, history and fiction can enrich and amplify one another, and interpenetrate. They can grow into one another, each making the other more powerful. And they can make a special kind of appeal to the reader. (1924, 7)

More recently, Oliver Wolters' last book manuscript, available online at the Cornell University library, experiments with Mikhail Bakhtin's (1981) "polyphony of dialogic exchange," which proposes the intertextuality of exchanges between literature and history. Wolters constructed fictitious conversations among groups of Vietnamese elites in the fourteenth to sixteenth centuries to show what the Tran dynasty meant to the various groups within those elites. He also wanted to show how the Le dynasty planned to erase those meanings in subsequent generations. Wolters' novel-history is an attempt to illustrate that the Buddhist Tran dynasty was more Southeast Asian than the Confucian Le dynasty, suggesting that Vietnam is intrinsically more Southeast Asian than Sinitic. Perhaps the historian can become the amateur novelist in much the same way that the novelist can also become the amateur historian. Of course the intersection or the blur-

2) Also see Suvanna Kriengkraipetch and Larry E. Smith (1992).

3) The English version of "Bourgeois Culture and Early Bangkok Literature" (Nidhi 1982) appeared in 2005 in the compilation *Pen and Sail: Literature and History in Early Bangkok* (Nidhi 2005).

ring of boundaries between history and literature is proposed by Hayden White (1973), who points out that historians skew their analysis by using literary tropes and emplotments.⁴⁾

Linking literature to its contextual site, Stephen Greenblatt's New Historicism advocates the centrality of historical texts to provide deeper meaning to literary criticism and vice versa. To Greenblatt, literature as culture acts as constraints that enforce cultural boundaries through praise and blame. To do this, authors expressed their beliefs, values, and criticisms of the society in which they write. Debunking elitist views, Greenblatt also suggests that we look more seriously and systematically at obscure or minor texts left behind by ordinary people to fully understand history and literature (1995, 226).

In a similar vein, the anthropologist Herbert Phillips (1987, 3–4) uses literature to study culture. He argues that Thai writers can be “the most sensitive, reflective, articulate . . . members of Thai society. . . . The writing of literature is integral to the social process, as both historical precipitant and product.” To Phillips, vernacular literature could be considered a “noetic expression of a social and cultural milieu,” and it is possible to treat “literary works as embodiments of culture.” He argues further that because Thai writers write for fellow Thai, the communication is “intracultural and reflects the native point of view, making literature a valuable corpus of knowledge for anthropological inquiry.”

This essay will use literary texts and other selected texts to animate how the Chinese in Thai society are viewed and how they see themselves in the last 100 years. By assessing textual evidence, I will explore the evolving nuances of demonization, rejection, acceptance, assimilation, and accommodation of the Sino-Thai in the Thai cultural imaginary. I argue that texts can be good sources to reflect social and cultural values when they are readily consumed and embraced by the general public. Large sales figures, multiple editions, and persistence over time indicate acceptance or acquiescence of the portrayals of society, and the representation of characters within those texts.

The Problematic Chinese: The Other Within

Although the Chinese had been living in Ayutthaya/Siam/Thailand for centuries without much controversy or severe discrimination, they were suddenly identified as being non-Thai by King Vajiravudh when he penned *Yiw haeng Buraphathit* (Jews of the Orient)

4) White argues that historians and novelists use the same method to explain the story or reality. He identifies four modes of emplotment—romance, tragedy, comedy, and satire.

in 1914 (Asvabahu 1914).⁵⁾ That short essay, published both in Thai and English, made clear that the Thai and Chinese were separate “races” and that the Chinese, very much like the Jews in Europe, exploited the country where they resided to amass wealth, yet remained separate, aloof, and ungrateful—never to become good citizens. In that article, the king demonized the Thai Chinese for their relentless avarice, their willingness to do anything for money, their insistence on Chinese cultural superiority, and their attempts to raise their children, even those by Thai wives, as Chinese.

The king accused the Chinese of being parasites on the Thai economy.⁶⁾ His outburst and indictment seemed rather strange given the history of Thai–Chinese relations, where the Chinese had for centuries played a vital role in the Siamese trade with the outside world. Many Chinese families had become prominent members of the Thai aristocracy and been given royal appointments and *sakdina* (noble titles). Historical data tells us that the Chinese had intermarried with the Thai and, importantly, sired many important Thai noble families. In fact, according to historians, the founder of Ayutthaya

5) Copy used is the cremation volume for Rear Admiral M. R. Kraithawat Sithawat, Wat Mongkutsasat, Bangkok, January 7, 1985. This nostalgic republication seems anachronistic. I suspect that Vajiravudh vilified low-class Chinese who flooded Thailand during his father’s reign. Earlier, Chinese merchants were accepted as members of the Thai elite, intermarried with the kings, princes, and aristocracy. The Taechiu Chinese during the early Bangkok period were a privileged group known as *Jiin Luang*, or the King’s Chinese. They worked for King Taksin and lived in the vicinity of the current grand palace until they were moved to Sampheng by Rama I. These upper-class Chinese, especially those who selected a career path in the bureaucracy, quickly acquired Thai culture and values and were generally accepted as Thai. As a group, the old power elite accepted Chinese values and customs. For example, Chinese religious customs have been practiced by the Thai court since the reign of Rama III (1824–51), when worship tables in Thai temples were Chinese. The worship table in front of the Siam Devathirat (divine figure created by Rama IV to protect the country) and worship rituals are fashioned after Chinese customs. See Crown Property Bureau (2012, 63–67). The Thai court continues to celebrate Chinese New Year with Chinese rituals, and Chinese funeral rites (*Kong Tek*—incineration of paper replicas of worldly goods such as money, houses, and cars to be used by the deceased in the afterlife) first performed during Rama IV’s reign were later adopted as a royal ceremony by Rama V for the funeral of his queen who drowned in 1880. This Chinese funeral tradition still takes place during the cremation of important members of the royal family—most lately, the cremations of Queen Rambhai, the queen mother, and Princess Kalayani. See Kiti Lohpetcharat (2011, Ch. 2). Kiti also details important royal family members who are descendants of the Chinese. For example, M. R. Seni and Kukrit Pramote’s great-grandmother (consort of Rama II) was born in China. Queen Sirikit’s great-grandmother was also Sino-Thai, the daughter of a titled Chinese merchant. Rama V saw her peeking at him from a window while he was traveling by boat. Rama VII had no problem admitting publicly that he had Chinese blood in a speech during a visit to Chinese schools in 1927 (*ibid.*, 141).

6) Prior to Vajiravudh’s outburst, European advisers had warned the Thai authorities about the Chinese and their potential monopoly of the Thai economy. For example, H. Warington Smyth, the British director of the Royal Department of Mines, wrote a report in 1898 referring to the Chinese as “Jews of Siam”; see Skinner (1957, 160–165).

was not a Thai but a successful Chinese merchant; the hero Taksin, who liberated Siam from Burma, had a Chinese father; and the mother of the founder of the present Chakkri dynasty was Chinese. Additionally, by the mid-1800s, most of the governors of the southern provinces, such as Ranong, Songkhla, Nakhon Sithammarat, Pattani, Trang, Phuket, and Chanthaburi, were Chinese merchants who had been given noble titles by the king.

From the Taksin to the early Bangkok period (up to Rama V), Siam maintained close trade relationships with China. The Thai kings represented themselves in documents using Chinese names beginning with Taksin's Chinese clan name, Tae, such as Tae Jiew, Tae Hua, Tae Hok, Tae Huk, Tae Meng, and Tae Jia (Phimpraphai 2001, 190). Trade and foreign relations before the administrative reforms of Rama V were split between two senior titled bureaucrats who were in charge of the Port Authority. The official responsible for dealing with traders from the East was typically the richest Chinese merchant, who held the title "Phraya Chodukratchasetthi." Many were tax farmers and the founders of some of the best-known families in Thailand today, to wit, Krairerk, Chotikapukkana, Chotiksawat, and Laohasetthi.⁷ The daughters of senior Chinese officials were also taken as concubines by Thai kings to sire princes and princesses with family ties to the Chinese. For example, M. R. Kukrit Pramote, the famous author, critic, newspaperman, and one-time prime minister, publicly acknowledged that his grandmother was Chinese, and while he was alive, he never failed to conduct rituals during important Chinese holy days.

One of the tasks of this essay is to assess whether the king's demonization resulted in severe discrimination or lasting demonization of the Sino-Thai, especially in Thai literary texts. Prior to the publication of *Jews of the Orient*, the Thai monarchy was not antagonistic towards the local Chinese. Vajiravudh's own father, King Chulalongkorn, emphasized in numerous speeches that the Thai and Chinese were like close relatives. In fact, several of his concubines were Chinese. Under Chulalongkorn, the Thai state had maintained an open immigration policy to attract more Chinese labor. And instead of corvee labor, the Chinese paid a very low triennial head tax to the Crown. This goodwill towards the immigrant Chinese was echoed in a speech by King Vajiravudh himself during the cremation rites for his father in December 1910. The king said:

7) Many of the richest Chinese families were founded by tax farmers and merchants engaged in the junk trade with China. They made money by winning bids to collect taxes for the Thai king from people and businesses. They were also allowed to operate gambling dens and lotteries, to produce and sell liquor, and to buy and sell opium. For details on tax farming, see Suehiro (1989, 72–83) and Skinner (1957, 118–125).

The Chinese people and our own people have long been of one heart; the Chinese have acted like people of the same race as our people from ancient times to the present day. I am resolved, therefore, always to assist and protect all the Chinese who come to live in this country. (Vella 1978, 191)

A few years later, however, the policy of “protecting” the Chinese took a turn for the worse as the exigencies of world politics and new fears of rising republicanism became acute. To strengthen the position of the monarchy, Vajiravudh instituted a nationalistic campaign as a strategy to galvanize the people of Siam to resist the spread of republican ideology, the handmaiden of incipient Han Chinese nationalism. The demise of the Manchu dynasty in China in 1911 to a republican Kuomintang made Vajiravudh worry that the security of his own position as absolute monarch was in jeopardy. He also resented Sun Yat-sen’s visit to Thailand to raise money from the local Chinese.⁸⁾

Two other local incidents may have also contributed to the king’s ire. The first was the three-day strike of June 1910, just before the death of King Chulalongkorn and a few months before the coronation of Vajiravudh. Chinese workers went on a general strike to protest the increase in the head tax to match the amount levied against the general population following the abolition of corvée labor. The strike paralyzed Bangkok, a palpable indication of the potential power of the local Chinese. The second event was an attempted coup by young military officers in 1912. Among its leaders, several were Sino-Thai officers who protested the unfair increase of the Chinese annual head tax and the privileging of the Wild Tigers Corps over the regular army, and advocated the need for political freedom and the rejection of one-man rule.⁹⁾ The Thai monarch undoubtedly viewed these developments with alarm. To shore up his position, and influenced by his educational experience in England, Vajiravudh coined and promoted the concept “Nation, Religion, and King” as the main pillars of Thai nationalism. European anti-Semitism and the Anglophone “God, King, and Country” seemed to have inspired Vajiravudh’s Thai nationalism. In this official nationalism, a good Thai is one who loves the nation, is a good

8) Rising Han Chinese nationalism and Sun Yat-sen’s promotion of republican political ideology greatly alarmed the Thai monarchy. Sun Yat-sen visited Bangkok in 1908 and on three other occasions to recruit followers. He believed that the overseas Chinese would be the “mother of the revolution” and the vanguard of modernization. Another leading nationalist, Kang Youwei, was appalled by the rate of assimilation of the Chinese into their host countries. The Chinese paper *Chinosayamwarasap* also appeared in 1907, and its editor openly debated Vajiravudh on sensitive subjects such as the loyalty of the Chinese. See Phenphisut Intharaphirom (2004). These factors may have led to the establishment of Chinese schools in Thailand. By the time Vajiravudh became king, four Chinese language schools, a Chinese library, and a lecture hall were already established. See Wassana Wongsurawat (2008, 164–165).

9) An excellent study of the 1912 coup is Atcharaporn Komutphisamai (1997).

Buddhist, and loves the king.

Vajiravudh's articulation of official Thai nationalism contrasted the Thai people/race against a selected Internal Other, namely, the Chinese. In short, the Thai were defined by who they were not, that is, they were *not* like the Chinese. It should be kept in mind that Vajiravudh only targeted the recent arrivals from China who were mostly poor laborers from rural villages, ignoring the Chinese who had been absorbed into the bureaucracy and old merchant families that had close business and personal ties to the monarchy. Thus, the official construction of the Chinese Other in Vajiravudh's nationalism defined the Chinese as poor and desolate peasants who had come to Thailand with just "a straw mat and a pillow (*sua pheun mon bai*)" to "seek the protection of the king's righteous generosity (*phrung phraboromaphothisomphan*)."

Although Vajiravudh racialized the concept of the Thai nation, he only targeted the Chinese, ignoring the other races within Siam. It is a known fact that Siam was not populated by only Thai people, but by Malays, Lao, Mon, Shan, Yuan, Indians, Europeans, and many others. But these other races seemed harmless to the Thai state. The Chinese, on the other hand, represented an imminent threat because of their growing numbers, especially in urban centers, their control of business and rising wealth, and their propagation of subversive ideologies arising from China itself.

The nationalism initiated by Vajiravudh, and later to be enhanced by the Phibun regime in the late 1930s and early 1940s, facilitated or forced the assimilation of the Chinese into Thai society. The decree of 1913 urging the Thai to adopt family names (in contrast to Chinese clan names) spilled over into the local Chinese population because some also adopted Thai surnames. In that same year, the nationality law was ameliorated to allow local-born Chinese to have Thai nationality. Paradoxically, the raising of the head tax to the level of all other citizens took away the distinction between the Chinese and the Thai, and the fall of the Manchu dynasty also led to the shearing off of Chinese pigtaileds to allow Chinese men to look similar to Thai men. By the 1920s, city dwellers found Western clothing and haircuts and women's hairstyles fashionable. These new developments, among others, in effect made differentiating the Chinese from the Thai more difficult.

Assimilation was intensified during the Phibun regime's nationalistic campaign from 1939 to 1942. Sino-Thai serving in the bureaucracy and the military were urged to discard their Chinese surnames and to replace them with invented Thai ones (Vella 1978, 128–136).¹⁰ In addition, new laws that required all private schools to register with the government placed Chinese schools under the control of the state. All schools were also

10) For the development of hypernationalism, see Scot Barne (1993, Ch. 6).

required to teach the Thai language (reducing Chinese language instruction to one hour each day) as well as history, geography, and culture (leaving no time for Chinese subjects). In 1939, Phibun closed Chinese schools but at the same time made naturalization even easier for the Chinese. That same year, Chinese papers were banned, so news about China was filtered through the Thai language press.

By the end of World War II, Chinese language schools were weakened, harassed, and demoralized. Eventually, Chinese education in Thailand ended, and the Sino-Thai lost the ability to read, write, and speak Chinese. This meant that they were cut off from their own culture and could only learn about it through the Thai language. By 1949, immigration of Chinese into Thailand was limited to only 200 per annum, further cutting off the supply of new Chinese to help sustain Chinese culture and language. In addition, the separate dialect groups, whose members do not necessarily speak Mandarin as a lingua franca, were soon using the Thai language to converse, which indirectly forged new common grounds based on a newly shared language. Therefore, those who remained in Thailand attended Thai schools, took on Thai names, were exposed more to Thai culture and less to Chinese culture, found jobs in the bureaucracy and the military, and diversified traditional employment in the family business into new fields.¹¹⁾ In short, Vajiravudh's railing against the Chinese did not result in a purge or genocide (as suffered by the Jews in Europe) but led to political policies that began the process of forcing the Chinese to assimilate into Thai society.

Now I shall turn to discuss whether sentiments expressed in *Jews of the Orient* affected or infected how the Chinese were represented in Thai literature and other selected texts that followed. By reviewing textual representations of the Chinese by Thai and Sino-Thai authors, I will demonstrate how the Thai and the Sino-Thai negotiate identity issues, and how this process not only destabilized Chinese identity but also Thai identity in twentieth-century Thailand.

Early Thai Prose Fiction, Literary Texts, and the Sino-Thai (1900–World War II)

The introduction of prose fiction to Thailand occurred in the early twentieth century. Students sent to Europe to study were exposed to the novel and to short stories that were different from traditional Thai literature, which relied heavily on formulaic plots and magical characters but lacked realism. The first novel to be published in the Thai

11) For details, see Wassana (2008).

language appeared in 1902. It was a translation of Marie Corelli's *Vendetta*.¹² Thirteen years later, a novel written by a Thai author appeared in 1915. It was a parody of *Vendetta*, using the title *Khwam mai phayabat* (Non-vendetta).¹³ This first Thai novel appeared the year after King Vajiravudh's *Jews of the Orient*, but the Chinese were not featured in the novel even though it was about the modern tastes of the middle class in Bangkok. Other early novels—including the three published in 1929 that Thai literary critics have canonized as the first real Thai novels, namely, *Luk phuchai* (The real man), *Lakhon haeng chiwit* (Circus of life), and *Sattru khong jao lon* (Her enemy)—also failed to mention tensions between the Thai and the local Chinese (Thak, 2009b). Thus, it appears that King Vajiravudh's complaint against the local Chinese was not a major social issue among early literary authors.

Interestingly, a few years after penning *Jews of the Orient*, Vajiravudh composed and published a collection of letters written by a young man returning to Thailand from England. The letters appeared around 1917 under the title *Huajai chainum* (A young man's heart) in the *Dusit Samit* magazine, edited by the king himself. The letters are between two friends, Praphan (Author—which suggests a reference to Vajiravudh, who is known as the "Great Writer") and Prasert (Noble—which refers to the ideal of the noble Thai), with only Praphan's letters appearing in print. Because only Praphan's thoughts are revealed to the readers, *Huajai chainum* could be interpreted as Vajiravudh speaking his mind—a soliloquy of sorts—about what kind of person he thinks the good Chinese should be.

In the first letter, Praphan tells his friend how he misses England, his English girl-friend, and life in civilized Europe. He is compelled to return home because of his love for Thailand and the Thai people. His second letter is written from Singapore. He complains that he has been refused a room at the hotel because of his looks. It is only after he has pointed out to the clerk that he is Thai and not Chinese that he is given a room. Praphan tells his friend that the *Jek* are everywhere and are looked down upon by the English and Europeans. He confides that being in Singapore and getting used to the *Jek* again is good preparation for his reintroduction to Siam. It is only when he complains that his own father has refused to give up the ways of the Chinese that we learn that Praphan is also a *Jek* or *luk Jek* (child of the *Jek*). In subsequent letters, Praphan tells his friend about the Chinese girl his parents have picked for him. Fortunately, she marries someone else, a Thai who holds the bureaucratic title "Luang." Praphan eventually mar-

12) The standard texts for the genesis of the Thai novel are Suphanni Warathorn (1976) and Wibha Senanan (1975).

13) Misunderstandings about the novel as fiction and not reality stunted the growth of this form of writing. See Thak Chaloeontiarana (2009a, n29).

ries an upper-class Thai woman but soon after she runs off with another man. Praphan wants badly to become a *kharatchakan* (civil servant/servant of the king) and is eventually accepted into the Thai titled bureaucracy. He is also allowed to join the king's exclusive and controversial Wild Tigers Corps, a paramilitary group loyal only to the king (Ram Chitti [1917?]).

From what is said in the 18 published letters, we could easily surmise that even Vajiravudh himself, like most Thai of that period, still considered the Chinese and their descendants as different but yet an integral part of Thai society. Praphan himself denies his Chinese heritage by making sarcastic remarks about the *Jek* and by telling the hotel clerk in Singapore that he is Thai. By writing Praphan into the Thai bureaucracy and into the Wild Tigers Corps, Vajiravudh had no trouble accepting Praphan as Thai—a *Jek* who loved Siam, the Thai people, and the king. It appears that his demonization of the Chinese in his 1914 *Jews of the Orient* only singled out the “bad” Chinese who refused to become Thai, rejecting the Thai language, the culture, and service to the king.

Although we learn that Praphan is Sino-Thai and that his father is rich, we know little about him and his family. Praphan's background appears irrelevant and unimportant. It is as if he has vaulted from the condition of being part of a Chinese family to becoming Thai and being accepted as Thai.

Vajiravudh was not the only person to express anxiety about the ambiguous identity of the Thai and the Sino-Thai. Contemporary with the publication of *Huajai chainum*, another Thai author, Nai But, published the poem *Nirat chom Talat Sampheng* (A trip to Sampheng Market) ([1920s?]), describing what goes on in the Chinese district of Bangkok. Aside from his colorful description of the hustle and bustle of the place, he has written the following:

Small road is crowded by *Jek* (Chinese) and Thai,
 Unavoidably mingling, clashing with one another.
Jek mix with Thai beyond recognition,
 Who is who?
 One can't help but wonder.
 Modern times deviantly mess up the place.
Jin (Chinese) cut off their pigtails and become Thai undetectably.
 What an unconventional abnormality,
 People surprisingly reverse their ethnicity.¹⁴⁾

14) Translated and quoted in Supang Chantavanich (1997, 256). This poem is also found in Sujit Wongthes (2002, 263–296). Kasian Tejapira has also written about the slippery identification of who is Chinese and who is Thai just by looking at how the men wear their hair (1992).

Although written in 1957, another popular novel, Kulap Saipradit's *Lae pai khangna* (Gazing at the future), gives readers a sense of the changing values that undermined absolute monarchy in the late 1920s. In that novel, Kulap writes about social disparities present in an elite school in Bangkok, a school similar to the one that he had attended. Students in the school come from many backgrounds—the children of princes, scions of wealthy families, a few provincial students on scholarships, and even Sino-Thai students. The story is told from the viewpoint of Chantha, a poor provincial student who marvels at what he sees happening at his school. The two smartest students are an outspoken Thai student, Nithat, and a humble Sino-Thai student, Seng. Seng is liked and accepted by his classmates because he is generous with his time, helping to tutor those who need it. During an incident when a student with royal background boasts about the achievements of his ancestors, Nithat reminds his classmates that Thai history should also include peasants like the ancestors of Chantha and the Chinese like Seng. He says that Isan peasants and the Chinese also helped to free Siam from the Burmese (Siburapha [1957] 1974, 182–242). Kulap's Sino-Thai character is kind, smart, loyal, Christian, and broad-minded. I suspect that Kulap and other progressives like him saw the need to reconfigure Thai identity to include non-elites who have made major contributions to the Thai state. To them, Thai historiography should also make space for the Sino-Thai.¹⁵⁾

I shall turn next to a highly influential novel series in which one of its three main characters, and perhaps the most endearing, is a Sino-Thai by the name of Kim Nguan. P. Intharapalit's *Phon Nikon Kim Nguan* is a serial that first appeared in 1939 and ran continuously for over 30 years.

The series of comedic novels features the antics of three wealthy playboy adventurers. Not only are the stories funny and entertaining, they also highlight the important issues of the time. Taken together, the series provides a good historical record of what was happening in Siam from 1939 to 1968. Most Thai readers are familiar with *Phon Nikon Kim Nguan*. All in all, nearly 1,000 episodes were published (Wichitwong 2001–02,

15) Seng is also berated by the aristocratic headmaster when he catches Seng urinating against the school fence. Seng was tutoring another student and had no time to go to the toilet when the bell rang for the next class. After the headmaster learns the truth, he asks Seng to forgive him. Unfortunately, Seng has to leave school after his father dies. Even though he is accepted by his classmates, Seng still feels like an outsider. He tells Chantha that it is because his father is Chinese and not Thai, and that although his mother was born in Thailand, she is Sino-Thai. After leaving school, Seng becomes a journalist, perhaps an unusual profession for a Sino-Thai. Although written in 1953, Kukrit Pramote's *Sii phaendin* (Four reigns) makes the distinction between the good and bad Sino-Thai. Prem, who marries the heroine, Ploy, is the son of a rich Chinese. He becomes a bureaucrat and an officer in the Wild Tigers Corps, much the same as the good Chinese in Vajiravudh's *Huajai chainum*. Their daughter unfortunately marries a "bad Chinese" who does not treat his wife's family generously. See Saichon Satayanurak (2006, 170–172).

Vol. 1, 49).¹⁶⁾ Because examining all these episodes is beyond the scope of this essay, I will focus only on the significance of one of the main characters, namely, the rich Sino-Thai Kim Nguan.

Similar to Praphan in Vajiravudh's short story, we know very little about Kim Nguan's background or his family. We learn that he was born in Sampheng, the Chinese district in Bangkok, that his father is the billionaire Kim Bae, and that his grandfather is the rich businessman Kim Sai. And although his father and grandfather spoke Thai with a heavy Chinese accent, Kim Nguan is a native speaker of Thai who also knows Chinese because he studied at a local Chinese school before attending the prestigious Assumption College where instruction is in Thai. We also know that he has been sent abroad to observe how business is conducted before returning to become manager of his father's department store, aptly named Siwilai Phanich or Civilized Commerce (ref. Thongchai [2000]).

To stop readers from focusing too much attention on Kim Nguan's background (in fact, we never learn his Chinese family name), P. Intharapalit tells the reader that the billionaire Kim Bae passes away at the age of 80, soon after Kim Nguan's character is introduced. We know that his mother is Thai, but she and Kim Nguan's Thai relatives are never brought into the narrative. We know that Kim Nguan is a rich *Jek* who has inherited 10.5 million baht deposited in three different banks, another 60,000 baht buried in tin cans at home, 10 rice mills, 10 sawmills, 10 cargo ships, a bus company, and scores of rental properties. In fact, in the *Thayaat khun tia* (Father's offspring) episode, which appeared in December 1939, Kim Nguan's daily income from his business is more than 5,000 baht a day, in a time when servants made 10 baht a month.

Kim Nguan acknowledges his Chinese ethnicity, but he usually makes lighthearted jokes about his family. When two privileged Thai girls first meet Kim Nguan, they ask him who he is and what he does. Kim Nguan replies: "Who, me? I am *Jek*, a *luk Jiin* (child of the Chinese) born in Thailand. My mother is Thai, her sister is Thai, but my father's elder and younger brothers are *Jek*. But the Chinese and Thai are not that different; we are relatives."

In pushing further, the girls ask him about his profession (*ah cheep*). Kim Nguan

16) When the novel first appeared in 1939, demand was so high that 30,000 copies were printed, compared to about 2,000 copies for other publications. To illustrate the reach and popularity of *Phon Nikon Kim Nguan*, considering that 25 episodes were published in 1939, this would mean that about 750,000 copies of the novel were read that year alone. If we were to add up all the episodes in this long series, the number would be staggering. P. Intharapalit's father taught Thai in the military preparatory school. The author was also a classmate of Prince Chulachakrabongse and eventual Prime Minister Sarit Thanarat.

deflects the question by choosing to interpret *ah cheep* as “Uncle Cheep” instead. He responds, “I do not have an uncle named Cheep (a Thai name), but I have one named Kim Lee (a Chinese name).”

Exasperated, the girls say that they already know he is *Jek* but want to know what he does for a living, which in Thai translates as “what do you cook to eat (*tham aray kin*)?” Kim Nguan replies that he does nothing because it is the duty of the cook (quoted in Wichitwong 2001–02, Vol. 1, 215; translation is mine). In his own mind, Kim Nguan is unequivocal about his own identity. In this case, he selects the bilateral kinship system of the Thai, siding with his Thai mother, and not the Chinese paternal kinship system on his father’s side.

In the episode *Ratthaniyom* (State mandates)—which appeared in December 1940 and is set in the period when the Phibun government campaigned to promote nationalism in order to unify and galvanize the Thai people against foreign enemies—the lead characters decide to form a sympathetic Ratthaniyom Club in response to the government’s call to resist foreign domination of the Thai economy. Thai citizens have been urged to fire foreign employees and hire Thai workers instead. Before agreeing to join this club, Kim Nguan asks for an exception. He says that there is only one Thai in his company, he himself, and all his workers are *tueng nang* (newly arrived Chinese). He says that if he fired them, then it would bankrupt his company. In describing the single Thai in his company, Kim Nguan uses the Chinese term for one person, *jek kai*, which suggests that he can claim Thai identity even if he still retains aspects of Chinese culture and language. His Thai companions and readers of that episode also understand the meaning of *jek kai*.

When P. Intharapalit introduces Kim Nguan, he does not have a family name. This situation changes during the Ratthaniyom period when all Thai people are urged to take on Thai family names. Thus, Kim Nguan becomes Kim Nguan Thaithae. The word *Thaithae* means authentic Thai. This wordplay has a deeper significance than just being funny. The construction of this new name once again destabilizes the notion of “Thainess” by allowing a person with a Chinese name the option of becoming an authentic Thai. To complicate matters, Kim Nguan switches names on several occasions. At one point, he goes by Sanguan Thaithiem instead of Kim Nguan Thaithae.

By proposing these two versions of the character’s name, P. Intharapalit illustrates the complexities of identity construction, especially when it is applied to the *Jek*. The couplet Sanguan Thaithiem could be translated as “to keep safe the imitation Thai,” or “to preserve the imitation Thai.” The name uses all Thai words to proclaim that the person is a fake Thai. On the other hand, Kim Nguan Thaithae combines his given Chinese name with a Thai family name which declares that he is *Thaithae* or an authentic Thai. In this case, Kim Nguan defiantly claims that the *Jek* is also an authentic Thai. Who,

one may ask, is more trustworthy in these two cases.¹⁷⁾ Interestingly, the cartoon drawings on the cover of the novels always show Kim Nguan wearing dark glasses. We could think of this as a way to hide his “Chinese” facial features, especially his eyes, so he could look “Thai,” or metaphorically, he was a Chinese looking at the world through “Thai-tinted” glasses.

Kasian Tejapira, one of Thailand’s leading scholars on the Sino-Thai, has also written about Kim Nguan’s ethnicity and his business background. He analyzes the episode where Kim Nguan attempts to sell his autobiography, *Kerd Sampheng* (Born in Sampheng). Kim Nguan is convinced that because he is revealing secrets to his success, his autobiography will become a sure best-seller. The elaborate and beautifully printed book is to be priced at 20 baht a copy with a targeted sales figure of at least 50,000 copies. But unlike the market today where Chinese and Sino-Thai business manuals sell easily, no one back then seems interested in the autobiography. The few who buy the book curse the author and return their purchases. To sell his books, Kim Nguan resorts to inserting a 100-baht note into each copy, which still costs only 20 baht. This marketing scheme allows him to sell all the books, but at a huge loss.

Although it is unclear when this episode was written, it was probably in 1950, the same year that Prince Chulachakrabongse published *Kerd Wang Parut* (Born in Parut Palace) (1958), chronicling his life as a young boy growing up in the palace of his grandmother, the dowager queen. Perhaps P. Intharapalit was poking fun at his former military preparatory school classmate. *Born in Sampheng* makes the statement that a Sino-Thai born in Chinatown should be considered Thai if Prince Chulachakrabongse, whose mother is Russian, can be considered a Thai prince (Kasian 1994, 69).

P. Intharapalit has also made Kim Nguan more nationalistic than even his two Thai buddies. Kim Nguan is always the first to show vehement anger towards the enemies of Thailand, especially the French, who had forced King Chulalongkorn to cede territories east of the Mekong to France in 1893. When the Siamese-Franco war in Indochina breaks out during World War II, Kim Nguan and his two Thai buddies immediately volunteer to fight the French. They enlist in the army as foot soldiers and later as fighter pilots. The three friends also receive battlefield commissions, and by the end of the Indochina con-

17) Kasian’s interpretation of the naming issue is slightly different from mine. He asserts that the name Sanguan Thaithiem says this person is a phony and deceitful. Kim Nguan Thaithae, on the other hand, suggests that Kim Nguan feels a sense of guilt that he was not born a full Thai and has an inferiority complex. Kasian also critiques the misrepresentation of Chinese names by P. Intharapalit, which shows that the Thai author is unfamiliar with Chinese culture. Kasian points out that sharing the first part of a Chinese name such as Kim can only apply to those of the same generation. Therefore, Kim Bae’s son cannot be named Kim Nguan, nor could Kim Sai’s son be named Kim Bae (1994, 65–75).

flict, Kim Nguan rises to the rank of lieutenant general. In sum, P. Intharapalit wanted to show that in spite of his given name, Kim Nguan is indeed Thai, and that the Sino-Thai have reason to act more Thai than even the Thai and, as a corollary, could be trusted and promoted to senior military positions.

It is during Phibun's ultra-nationalistic campaign (1939–42) that the Chinese came under great pressure to assimilate. His economic nationalism also deprived the Chinese of participation in several business areas such as petroleum products, taxi driving, and trade in bird's nests. Many Sino-Thai also joined the Seri Thai movement as nationalists. An example is Puey Ungphakorn, later to become governor of the Bank of Thailand and rector of Thammasat University. Puey experienced discrimination at school because both parents were Chinese and he had a Chinese name. He said that if the Thai could understand that the Sino-Thai had to face pressure from both the Chinese and Thai communities, they would be more accepting of the plight of the Sino-Thai. But his mother always told him that he was born in Thailand, is Thai, and must be loyal to Thailand (1973, 7–8).¹⁸⁾

The next novel that I will examine is *Lep khрут* (The garuda's talons), written during the early Cold War years.

The External Chinese Other: *Lep Khрут* (The Garuda's Talons), 1956

The mid-1950s to the mid-1960s was a turbulent time for Southeast Asia. France was fighting a losing war in Vietnam, Indonesia was facing internal political problems, the Hukbalahap rebellion was still unsettled in the Philippines, and Malaya was reeling from the struggle for independence. Coming off its participation in the Korean War, the Thai

18) Many of the most ardent anti-Chinese officials in the 1930s and 1940s who pushed for more Thai control of the economy were themselves Sino-Thai—Luang Pradit Manutham and Luang Wichit Wathakarn, for example. It should be pointed out here that most local-born Chinese had been assimilated into Thai society by the 1940s. Many joined government service and were given Thai noble titles, which made them part of the elite. Other local Chinese who were in the private sector soon realized that their future was primarily in Thailand and, therefore, to attain more prestige, status, and power, they had no choice but to identify with the Thai elite, many of whom were Sino-Thai. This identification with the ruling elite may also explain why most Sino-Thai businessmen are ardent royalists, who rely on the monarchy to give them the stamp of elite status through large and frequent personal donations to the king's charitable projects. In return, the monarch gives the Sino-Thai prestige by sponsoring the weddings of their children, and by sponsoring or presiding over the funerals of prominent Sino-Thai businessmen. To be cremated by a flame that comes from the palace is highly prestigious. It is only reserved for high officials and those who have been benefactors to the country. The rich Sino-Thai have been beneficiaries of such a royal boon.

government was feeling its way towards becoming a member of the “free world” in its struggle against Communism. The early 1950s was the dawn of Thailand’s Cold War period. By the early 1960s, the United States was becoming more involved in Vietnam, and China under Mao was beginning to flex its muscles by supporting overseas Maoist parties. Communism and especially Communists were demonized in the press and government pronouncements. There was also a fear that the local Chinese would become Communists.

How to deal with the local Chinese was spelled out in a recently declassified secret government policy targeting the local Chinese and their descendants, formulated by the National Security Council (1965) with detailed steps to be taken by the various government ministries and departments.¹⁹⁾ This document is the first I have seen that spelled out the full range of goals and policies to reinvigorate the assimilation process begun by King Vajiravudh. The document warned against using repressive measures against the local Chinese, noting that the implementation of extreme nationalism intended to eliminate Chinese influence in commerce and politics, the closing of Chinese schools, the formation of Chinese living zones, and the elimination of Chinese associations and newspapers would only lead to unrest, resentment, and eventual friction within the country. All government agencies were urged to find ways to help make the local Chinese loyal Thai citizens. These new guidelines would prevent the spread of Communism among the Chinese community by creating security for both the Thai and Chinese.

The government should also provide just treatment for all Chinese who are loyal to Thailand; severely punish those who undermine national security; reduce drastically the number of Chinese immigrants; make sure that those who become naturalized citizens must give up their former citizenship; praise the Chinese and their descendants who have done good deeds for Thai society; encourage the Chinese to change their names to Thai; provide equal rights to naturalized Chinese; and be more strict with the Chinese who retain their alien resident status. The overarching guideline is to use gentle and subtle policies to assimilate the Chinese by replacing Chinese benevolent societies with state organizations, quietly encouraging more mixed marriages, considering policies that would lower Chinese birth rates, preventing Chinese government representatives or the embassy from having influence, exerting more control over Chinese schools—their curriculum, funding, and influence from abroad—and providing adequate Thai schools for new citizens and their children.

Reflecting the heightened threat of a potential spread of the political influence of

19) This document, circulated in 1965, summarizes systematically past, present, and future assimilation policies that would turn the local Chinese into Thai citizens.

Maoist China, the novel *Lep khрут* was published in 1956 by Phanom Thian ([1956] 1970), the pseudonym of Chatchai Wisetsuwannaphum, to exploit or to respond to the public's paranoia of the external (Chinese) Communist threat. The novel was serialized in *Ploenchit Weekly Magazine* and ran for 14 months. And even though the finished novel was over 3,000 pages long, the first printing run was 100,000 copies, which at that time (and even today) was the top figure for published novels. Parenthetically, this novel has also been reprinted numerous times. While there has been other published crime fiction, *Lep khрут* was the first of that genre circulated in huge numbers. The novel has also been made into a very successful movie.

Lep khрут involves the attempt of the Thai secret service and police to infiltrate and destroy a Chinese secret society that is extorting money from local Sino-Thai businessmen. This secret society, known as Sing Eng (The Eagle) in the Taechiu dialect, has set up cells in Bangkok to illegally import weapons to support the fight for independence in Malaya. As we know, the struggle for Malayan independence began soon after the defeat of Japan and the return of the British, leading to the start of the Malayan Emergency in 1948. The armed insurrection was led by the Communist Party of Malaya under the leadership of Chin Peng, a Chinese born in Malaya. The Malayan People's Anti-Japanese Army was transformed into the Malayan Races Liberation Army (MRLA) to fight the return of the British. Although most of its members were Chinese, there were also some Malays, Indonesians, and Indians. In the novel, Sing Eng, which the Thai authorities have relabeled Lep Khрут, join forces with the Malayan Communists to help procure weapons for the MRLA. Sing Eng assassins begin murdering prominent Sino-Thai businessmen to intimidate others into contributing to its coffers. The assassins use a large garuda or eagle's talon to kill their victims.

The Thai authorities investigating Lep Khрут are led by several young and daring police captains and detectives. Their secret weapon is a James Bond-ian figure, the army lieutenant Khom Sorakupt. Lieutenant Khom, who has seen combat in Korea, speaks English, French, and several Chinese dialects fluently. In addition, he is a sharpshooter and an expert in hand-to-hand combat. He is also a well-known ladies' man, a rascal, and a rogue. Lieutenant Khom assumes the character of a recently deceased criminal named Cheep Choochai, whom he resembles. As the notorious criminal Cheep Choochai, he is soon hired by Lep Khрут to help recover the pieces of an eagle sculpture that contains a secret formula it needs in its quest to dominate the world.

The novel opens with a group of "Thai" policemen discussing the recent murder of a well-known Sino-Thai businessman. The Thai police officers make disparaging remarks about the recently assassinated man by inferring that he was not really Thai because he had just changed his name from Chinese to Thai. They also discuss the task

of protecting another businessman named Wikun. Even though Wikun speaks perfect Thai and acts no different from any other Thai, the policemen still jokingly refer to him as Ma Yu Lung in Mandarin, and Bae Yu Lung in Taechiu. They also poke fun at the Chinese by speaking Thai with a Chinese accent and using common Chinese words such as *haw* to say “yes” during their conversation. Even though Wikun refuses police protection, the authorities are compelled to protect all Thai citizens, including the Sino-Thai.

It is clear to the reader that the heroes and heroines in this novel are Thai who are tasked with protecting the local (good) Sino-Thai from bad outsiders. The villains in the novel are foreigners, mostly Chinese from Hong Kong, Singapore, Malaya, and mainland China. They have names such as Peter Wong, Tunku Gustafa, Dr. Hang Lee, Dr. Fung Tian, and Ignitius Sung. The female villains are Chinese, Ceylonese, and Malay, with exotic names like Feuy Aian, Kinaree, Euphrasia Rose, and Pridahanam. The foot soldiers guarding the Lep Khrut headquarters are Chinese fighters from Hainan. Although one of the assassins is a Thai-born Chinese, he has never registered himself as a citizen, which makes him, too, an alien outsider.

The phony Cheep Choochai works to find the pieces of the eagle sculpture, made of white gold and smuggled into Thailand. Secret agents from all over the world also descend upon Bangkok to look for these pieces but, miraculously, Cheep is the one who finds them. In doing this, he has to evade both the Thai police and crooks, kills many protagonists, and seduces numerous women along the way.

Lep Khrut also establishes cells in Thailand to coordinate its weapon-smuggling operations. Heading up these cells are Chinese scientists who secretly enter Thailand—one to operate a foundry and another as chief priest of a Chinese temple. With the help of the police, Cheep destroys these Lep Khrut centers and kills the two leaders. The supreme leader of the group, on the other hand, is much craftier and more lethal than the two that Cheep eliminates.

This shadowy figure goes by the name Chang Su Liang. He is the Thai equivalent of the dreaded Dr. Fu Manchu, created by the imaginative Sax Rohmer (1917). Dr. Fu Manchu achieved international notoriety when he became a cinematic character responsible for linking “evil” with “Chinese” permanently.²⁰ The description of Chang Su Liang in the novel and as a film persona is a classic imitation of Dr. Fu Manchu. Both are described as a slender and tall Chinese man with a thin face, slit eyes, and a mouth framed

20) Thai readers are familiar with Sax Rohmer because King Vajiravudh translated *The Golden Scorpion* into Thai. See Ram Chitti (2004). Elaine Kim (1982, 4) asserts that the cinematic character of the sinister Fu Manchu has created the stereotypical evil Chinese man.

by a long moustache and a long wispy beard. In effect, the Thai Chang Su Liang reinforces the European Fu Manchu so much so that the two names have become synonymous, striking fear in the hearts of many Thai children and adults alike.

Chang Su Liang has larger intentions than merely supplying smuggled weapons to the Malayan freedom fighters. He is intent upon ruling the world and resurrecting China as a great power. Chang is obsessed with finding the eagle sculpture because underneath the white gold veneer is the secret formula for a weapon even more powerful than the recently exploded hydrogen or atomic bombs. The weapon is a cosmic ray that can destroy anything it is aimed at. A German Jewish scientist had invented that death ray after being abducted and taken to Russia. After the death of Stalin, the formula had been inscribed onto the eagle before it was broken up into six pieces and smuggled out, first to Hong Kong, and later to Thailand.

As dangerous outsiders, Chang Su Liang and his henchmen are able to operate freely in Thailand because they can become invisible in the large Chinese community, especially in Sampheng. The novel paints a picture of Sampheng/Yaowarat as a foreign site where even the Thai police have a hard time patrolling and controlling crime. In effect, Sampheng/Yaowarat is an alien space where the police and Chinese gangsters are engaged in fierce fights and gun battles.

To the Thai policemen, entering Chinatown is akin to entering a foreign world of restaurants, night clubs, gambling dens, and bars that cater exclusively to the Chinese. In that world, Chinese is the lingua franca. The police have to disguise themselves to pass off as Chinese to operate there. Even the hoodlums and crooks in Chinatown are mostly Chinese whom the police describe disparagingly as “fighters from the saliva-spitting nation (*nak buu chat khak thui*),” alluding to the Chinese penchant for spitting in public.²¹ And because the police treat Chinatown as an alien site, its denizens are also the dangerous Other Within, who can be dispatched without any legal constraints. In one incident, police captain Krit Kamchorn, one of the leading characters in the novel, summarily hangs a Chinese gangster. In another, he also executes Peter Wong, a Lep Khrut assassin, after the latter murders a female police informant.

In the end, police brutality and the use of extrajudicial executions of external Chinese enemies allow the authorities to stamp out the threat of Chang Su Liang, his secret society, and his world-conquering weapon. Chang’s treachery against the Malayan free-

21) Perhaps emulating the distaste of Europeans for public spitting, especially by low-class Chinese, the Thai had also latched onto this stereotyping of the Chinese. For example, to put a stop to the Chinese penchant for public spitting, there were signs posted by the English authorities at the Hong Kong Botanical Gardens that prohibited spitting. I was surprised to see such signs also displayed on the grounds of my Anglican secondary school in Hong Kong when I visited recently.

dom fighters is eventually revealed before he is dispatched. The demonization of the external foreign Chinese is sufficient justification for the Thai police to use force without having to worry about legal procedures or consequences. Although we still do not learn much about the personal lives of the Sino-Thai in *Lep khрут*, the readers are exposed to Sampheng, Bangkok's Chinatown, as a community. Paradoxically, even though the Chinatown in this novel comes across as familiar, it is depicted as a zone of difference and rather foreign—a dangerous place even for the Thai police and secret service. The Chinese characters in the novel are spies, professional killers, hooligans, secret-society members, multi-national businessmen, informants for the police, and other villainous characters. The Chinese once again become a danger to Thai society. However, the threat is from the External Chinese Other.²²⁾

As Thai authors, both P. Intharapalit and Phanom Thian had little familiarity with the lives and struggles of the Chinese. They had no sense of the challenges faced by the generations of Chinese who grew up in Thailand. Like most Thai, they knew many Sino-Thai and accepted them as friends, but as Thai authors they were not able to write about the Chinese *qua* Chinese. This condition would be rectified when the Sino-Thai began to find their voice and to feel secure enough to write about their own history as residents and citizens of Thailand. The yoke of otherness was finally shaken off after decades of silence.

Echoing Official Interpellation of Chineseness: *Jotmai jaak Muang Thai* (Letters from Thailand), 1970; *Yu kap Kong* (Life with Grandfather), 1976

By the end of the 1960s, the Sarit-Thanom-Praphat dictatorial regime had lost its firm grip on Thai society. The war economy of the Vietnam era had brought wealth, new infrastructure, and better tertiary education that helped to expand the ranks of the urban

22) We should note that soon after this novel was published, Malaya gained its independence from Great Britain on August 31, 1957. The Malayan Races Liberation Army surrendered the following year. And, ironically, Chin Peng led his forces to hide near the Thai border, and they continued fighting from 1967 until 1989, while he was based largely in Beijing from the early 1960s. From 1989, he lived in southern Thailand till his death in September 2013. The deployment of repressive police tactics in *Lep khрут* reminds us of the recent elimination of drug dealers and the harsh treatment of Muslims in southern Thailand under Prime Minister Thaksin Shinawat. As a parallel, the south of Thailand today is usually depicted as an alien site and its Malay population still considered *khaek* (guests), and not Thai. In both cases—the External Chinese Other and the Malay Other—the use of extrajudicial force has been justified on the grounds that it occurred in alien spaces and against foreign elements.

middle class.²³ One group which had gained much from that situation was the Sino-Thai community. It got richer and became better educated. Increasingly, the presence of the descendants of the Chinese pervaded not only business and banking but also higher education, government, the military, and politics. As a community, it became part of the new educated middle class and even members of the power elite poised to take over from the old bureaucrat-dominated elite, and as such, there was new-found self-confidence, self-assurance together with the desire to tell the story of their successes. This new generation of educated Sino-Thai was no longer cowed or intimidated by the negative image painted by King Vajiravudh.

A major worry for the Thai state during the early 1970s was the impending withdrawal of the United States from Vietnam and the possible spread of Communism into Thailand. Already, the Communist Party of Thailand (CPT) was operating internally, albeit in peripheral areas in the north, northeast, and south. The Thai authorities were worried about the CPT, its Maoist philosophy, and its Sino-Thai leadership. This new threat, no different from the threat King Vajiravudh felt regarding the spread of Chinese republican ideology, was centered on the loyalty of the local Chinese. The Thai state needed a way to reassure both the Thai and Sino-Thai that they were fellow citizens who should be loyal to their country.

If the novel *Lep khрут* tells us anything, it is that many Thai were anxious about the loyalty of the Sino-Thai. One strategy, as we have seen in that novel, was to clearly differentiate the external (bad) Chinese from the internal (good) Chinese. The next two novels are the first major works to focus attention on the lives, struggles, and successes of the internal Chinese, the good Sino-Thai. They were quickly embraced by the Thai authorities and used as a way to educate both the Thai and the Sino-Thai to live together in peace and harmony. These two novels—narrated from the viewpoint of the immigrant Chinese who had found peace and prosperity in Thailand—were awarded prestigious literature prizes. Subsequently, they were selected as reading assignments for Thai secondary-school students. The Thai authorities wanted to neutralize possible Sino-phobia and reassure the general population that the Sino-Thai were also Thai, and at the same time, remind the Sino-Thai that they also had a stake in Thailand's security and prosperity.

Jotmai jaak Muang Thai (Letters from Thailand) appeared in 1970 and immediately became a best-seller.²⁴ The novel was also awarded the SEATO prize in literature in 1970. It should be noted that SEATO, the Southeast Asia Treaty Organization,

23) This argument is proposed by Benedict Anderson (1998).

24) For this essay, I am using Susan Fulop's translation (Botan 1982).

was established in 1954 as a regional anti-Communist organization to support the legitimacy of South Vietnam and to reassure US allies such as Thailand and the Philippines that in case they were attacked by a foreign enemy, the United States would come to their rescue.²⁵⁾ *Letters from Thailand* was written by Botan, the pen name of Supha Sirisingh. Unlike the authors of the works examined earlier, who are Thai, Supha is Sino-Thai. Her father, Tian Sae Li, and her mother, Ngaw Sae Tang, were Taechiu Chinese who grew betel leaves and pomelos for sale. Supha was an excellent student who placed 13th in the national university entrance examination. She went on to study at the prestigious Faculty of Arts at Chulalongkorn University, the bastion of Thai royalist conservatism.

Notably, *Letters from Thailand* has been translated into Japanese, Chinese, Dutch, French, English, Tagalog, Polish, German, and Hebrew. In 1975, which coincided with the end of the Vietnam War, the Thai Ministry of Education chose this novel for teaching social studies in all Thai schools. The stated purpose was to make sure that all Thai citizens acquired a deep appreciation and understanding of the important contributions made by the Sino-Thai to Thailand's prosperity. In contrast to Vajiravudh's *Jews of the Orient*, *Letters from Thailand* showed empathy for the struggles and hardships Chinese immigrants endured to succeed in Thailand. Perhaps the Chinese family in *Letters from Thailand* represented the type of Chinese that King Vajiravudh would have approved of, whose offspring by the second or third generation had become like Praphan, the Sino-Thai who rejected his parents' Chinese culture in the king's *Huajai chainum*. To reiterate, Vajiravudh's and the popularly sanctioned interpellation of the Chinese in Thailand was that they came to Thailand with *sua pheun mon bai ma phueng phraboromaphothisomphan*, that is, with only a straw mat and a pillow to seek the protection of the king's righteous generosity. And as long as the Sino-Thai adhere to this accepted characterization of their place in Thai society, they could be considered good and contributing members of Thai society.

Letters from Thailand opens with a foreword by the fictitious police general Sala Sintutawat of the Thai National Police Department. General Sala reveals that in arresting a Chinese Communist who had defected from (bad) China to seek asylum in (good) Thailand, the police found a bundle of letters written by the prominent Chinese businessman Tan Suang U to his mother in China. The defector, a postal worker, never delivered the letters but pocketed the money Suang U had sent to his mother with those letters. Inexplicably, the man had kept the letters and brought them with him to Thailand. The suspicious-looking letters were confiscated and subsequently translated into Thai by the

25) On SEATO, see George McT. Kahin (1986, 71–75).

police. The first letter was written in 1945, when Suang U arrived in Thailand as a young boy. The last letter was written in 1967. All in all, 96 letters were sent to his mother. When asked by the Thai police, Suang U readily agreed to have his letters published even though some contained unflattering remarks about Thai culture and Thai society. He only regrets that his mother never had the chance to read his letters, and that he has never received any word back from her.

General Sala explains his motives as follows:

I am well aware that the letters are often offensive, occasionally foolish, and certain to make Thai people angry. It is even possible that they may harm the cause of Chinese integration in our society, a process which in its continuing success has marked us favorably among the nations of Southeast Asia. Nevertheless, I am convinced that our people will profit by reading them and that making them public is not only a service but a responsibility which I must not shirk. . . . I am a Thai, a patriot, and a man concerned with the honor of the Thai people, as you surely are yourself. But I recommend that you read his letters with an open mind, and think fairly about what he has to say. (Botan 1982, 7)

The novel chronicles in detail (albeit fictionally) the daily life of a young immigrant, his acquaintances, his work, his love life, his business dealings, his thoughts about home and his new surroundings, and, just as importantly, how he feels about Thai values and behavior, both good and bad. The novel is a mirror reflecting both the images of the Chinese living and working in Thailand and also how the Thai are perceived by the Chinese. Thus the readers, both Thai and Chinese, could learn about each other and the shared society in which they live.

In his letters, Suang U describes his arrival in Siam by boat in 1945, accompanied by two other young men from his village. We learn from the letters how he is first hired as a bookkeeper because he has math and writing skills that his mother has taught him. Suang U remarks that unlike the Thai, who prefer diplomas over knowledge, the Chinese value instead substantive knowledge and real skills. He concludes that Thai children go to prestigious schools hoping to land cushy jobs afterwards, but they are not trained to work hard (*ibid.*, Letter 1). Suang U complains to his mother that a Thai works only half time and uses only 50 percent of his ability. A Chinese, on the other hand, exerts himself 100 percent in whatever he does (Letter 15).

Because he is recognized as a learned man, Suang U is asked to teach his employer's two daughters. Eventually, he marries the elder daughter. After saving enough capital, Suang U starts his own business by exporting and importing goods. Soon after, he opens a bakery and becomes rich. His friend Gim, who works in Suang U's business, eventually marries Chaba, a Thai woman. Chaba's mother does not mind her daughter marrying a Chinese. She says being married to a Chinese means that they all "could eat pork every

day” (Letter 26).²⁶⁾

Not long after they are married, Chaba’s drunken father falls into the *klong* (canal) and drowns. Suang U and Gim are surprised that guests at the funeral drank, gambled, and quarreled (Letter 28). The Thai seem to know how to live well, how to have fun, and how to live the easy life. But to the Chinese, such behavior only means that they are lazy and irresponsible. The Thai are constantly smiling, but most of the time they drink whiskey until they become intoxicated. The Chinese are amazed that not only do the Thai like fighting with each other, they also love fighting of all sorts—fish-fighting, cock-fighting, and even bull-fighting (Letter 33).

While King Vajiravudh accused the Chinese of being obsessed with money to the point that they would do anything to accumulate wealth, the Chinese in this novel see the Thai as overly lazy, working just enough so they can enjoy life. Suang U writes to his mother that the Thai and the Chinese have different work ethics—“The Thai could certainly work as hard as we do, but there is not anything that they want bad enough to ‘work like a *Jek*’” (Letter 19).

Suang U explains to his mother why he does not like Thai officials. In one letter, he tells her that the clerks just lounge around reading the newspapers, waiting to be bribed. He laments that the district officer is never there on time because he likes to sleep late. When he appears, he always acts superior to the Chinese, and takes at least two hours off for lunch. Suang U says that he does not mind paying taxes or even bribes, but he bristles at the time wasted waiting for Thai officials.

Stereotypical jokes about the Chinese also annoy Suang U. For example, a common joke is that the Chinese were so poor and stingy that they would suspend a salted fish above the dinner table while eating porridge. The funny part to the Thai is when the Chinese mother warned the children not to stare so hard at the salted fish or else they

26) The practice of Sino-Thai marrying Thai continues to this day. The poignant story of the incarceration and death of Amphon Tangnophakun, known as Ah Kong (Grandfather in the Chinese Taechiu dialect), written by Roslin, his Thai wife, is a case in point. Ah Kong was imprisoned, accused of the crime of *lèse majesté* for allegedly sending inflammatory remarks about the queen to a government official. He was sentenced to 20 years in prison and died soon after he was incarcerated. Up to the time of his death, Ah Kong maintained that he was innocent because he loved the monarchy and did not know how to send a text message. Even though Amphon and his father were born and raised in Thailand, they still spoke Thai with a strong Chinese accent. That did not prevent Amphon from marrying a Thai woman from Isan. His wife called him Ah Poh, which is his Chinese name, and when speaking to each other, they used Chinese pronouns. Even after he was arrested, he was not accused of being the ungrateful Chinese, but treated the same way as other (Thai) prisoners whose crime was disrespect for the monarchy. See Ida Aroonwong and Phiengkham Pradapkhwan (2012). The book was given to people who attended Amphon’s cremation and later reprinted and sold to the public. Proceeds were given to the relatives of prisoners incarcerated under Article 112 of the Thai penal code, known as the *lèse majesté* law.

would become very thirsty when they slept that night. In reverse mockery of the Thai, after buying a radio in 1947, Suang U wonders why there are no programs in Chinese. “Don’t they realize those who can afford a radio are Chinese?” he asks (Letter 29).

According to Chinese custom, Suang U is determined to have a son to carry on the family name, and to lead his funeral procession. His firstborn is indeed a boy, whom he names Weng Kim. Weng Kim grows up speaking Thai at school, but his father forces him to speak only Chinese at home. Even though Weng Kim is a Thai citizen by birth, his father wants him to retain his Chinese culture and heritage. Suang U also insists that the family use chopsticks during meals and that only drinking water is allowed. He tells his children that the Thai only drink soft drinks to show others that they are not poor.

Weng Kim is pulled out of school after Grade Four to start work as an apprentice in his father’s shop. In contrast to the Thai, who want their children to attend school so they can find a prestigious career, the Chinese usually have already predetermined what each child would do to help extend the family fortune. Weng Kim wants to become a teacher and resents his father’s wishes for him to become a businessman (Letters 54; 58).

After living in Thailand for 16 years, Suang U realizes that his Chinese identity and those of his children are slipping away. Firstly, his only son, Weng Kim, rebels and runs off with an older Thai prostitute. Secondly, his youngest daughter attends a Thai school and graduates from a Thai university. She meets her husband, Winyu, a Thai, while she is at the university. To his surprise, Suang U later realizes that he actually likes his Thai son-in-law, and that his negative view of Thai culture and Thai people has been based on contact with his workers. Thirdly, as a respected businessman, he is eventually asked to be a director of the Chinese Chamber of Commerce. As a director, Suang U knows he has to use his Thai name for official purposes even though he still feels that he is Chinese (Letter 61). The formality of his family’s assimilation into Thai society took place in 1961 when the family goes to the District Office to change their names to Thai ones. The district officer selects Thaiyunyong (Forever Thai) as their new family name. Suang U believes that the district officer has done it to mock the Chinese. His four children also change their names to Withya, Duen-Penh, Maliwan, and Ploy-jarat, names that he finds dreadful (Letter 68).

Soon after, tragedy strikes when his wife is killed in a car crash and a fire destroys their bakery. After the fire, Suang U goes to live with his youngest daughter and her Thai husband. When she was growing up, Suang U had ignored this daughter because he had hopes for another son. This neglect has allowed her to adjust to Thai culture and society unimpeded by her Chinese family. After living with his Thai son-in-law and his mother, Surang, Suang U comes to realize that the two work as hard as the Chinese. Suang U’s new-found respect for the common Thai person comes about when he

addresses his son-in-law's mother as Khun Surang, using the honorific "Khun" even though she is only a woman who made and sold candy on the streets. Khun Surang is very kind to Suang U. She also gives him insight into the Thai belief that it is possible to be happy without having much money. In the end, not only do he and his family change their names, Suang U's impression of the Thai and Thai culture also changes. Becoming more "Thai," he decides to divide up his wealth among his children so he could live a simple life not driven by the need to acquire more and more money (Letter 95).

Letters from Thailand is thus the rags-to-riches story of a Chinese immigrant. The novel represents a textual instrument for the Chinese to gaze back at the Thai to highlight what they perceive as weaknesses and flaws, in much the same way that Vajiravudh had done with the Chinese in *Jews of the Orient*. The novel is significant because it reveals in a serious way what Chinese immigrants have to cope with to become successful in their new home. It is not just leaving their homeland that is at stake, but they also are in danger of losing their culture and identity. This particular narrative not only reinforces the stereotypical Chinese "straw mat and one pillow" immigrant story but is one of the first to provide a more detailed account of the life of one family. The fact that this fictitious family becomes assimilated within two generations must have been attractive to the Thai state authorities.

Unsurprisingly, *Letters from Thailand* was selected by the Ministry of Education for all secondary-school students to read in their social studies classes. The novel allows young Thai to appreciate the struggles of the Chinese and their contributions to Thai society. And, perhaps just as important, it reminds the descendants of the Chinese attending Thai schools that it is all right to become Thai. The novel also contains constructive criticism of Thai culture and behavior, chastising Thai bureaucrats, especially district officers, and reminding them not to be lazy and not to discriminate against the Chinese. The reconciliation of cultural differences and the recognition of what is good and bad in both cultures are good messages to pass on to the younger generation. Not only have the Chinese submitted to the majority culture, the Thai majority in turn also has to learn about hard work and sacrifice and to accept the local Chinese and especially their offspring as fellow Thai.

A year after the selection of *Letters from Thailand* as an official school text, another novel about the Chinese immigrant appeared. Written in 1976, *Yu kap Kong* (Life with Grandfather) is the work of Chalerm Rodplin, who used the pseudonym Yok Burapha (Jade of the Orient).²⁷ It is interesting to note that the author chose Jade of the Orient to

27) The author also tested the waters for interest in how to become successful businessmen using Chinese trade secrets. He also wrote *Kha baeb Jiin* (Business the Chinese way) (1980), which ↗

write a novel about the Chinese in Thailand. The name reminds us of King Vajiravudh's *Yiw haeng Buraphathit* (Jews of the Orient). Yok Burapha's name is a play on "Jews of the Orient." "Jew" becomes "Jew-el," that is "Jade"—turning a slight into something valuable—indicating that the Chinese are not social and economic parasites, but a precious jewel to be cherished.

While not openly admitting that he is Sino-Thai, there are hints that the author has Chinese origins. Yok Burapha's family owned a rice mill (a business mostly owned by the Chinese), and when growing up, he lived with relatives in Bangkok's Chinese district. The author graduated from Thammasat University and pursued a career as a professional writer. He has published numerous novels, including several that focus on the Sino-Thai. Most importantly, *Yu kap Kong*, his first book about the Chinese, was awarded the prestigious National Committee to Develop Publications book prize in 1976. And similar to *Letters from Thailand*, it was also selected as supplementary reading for Thai literature classes by the Ministry of Education. The novel has been made into a movie (1979) and a television series (1993), and also published as comic books (2005) and as a collection of wise sayings (2005). This novel, perhaps even more than *Letters from Thailand*, has been used by the state to reinforce the notion of the Chinese as a "model minority" grateful to have come to live and die in Thailand.

In this novel, the author-narrator assumes the part of Yok, the grandson of Ah Kong, a first-generation Chinese immigrant. Yok Burapha's intentions are quite clear from the beginning when he writes:

I am confident that all Chinese in Thailand love this land, and they understand their debt and loyalty to the shade (of the king's protection) that has given them immense happiness and freedom. I can fully say that there is no other place where the Chinese are happy besides living in Thailand.

At certain times there have been disturbing problems and events caused by the Chinese or their descendants that have annoyed the owners of this country, but please understand that the disturbances were caused by a small minority.

Thailand and the Thai people have never faulted the upright and trustworthy Chinese, which is a truth that is firmly stamped in the minds of the Chinese who have come to seek the righteous protection of a magnanimous king. And because of this deep and unshakeable gratefulness, the Chinese like Grandfather are plentiful.²⁸⁾

↘ contains advice from ordinary Chinese merchants about how to make it from rags to riches in Thailand.

28) Introduction in *Yu kap Kong*, quoted in Natthanai Prasannam (2007). Translation is mine. Natthanai's excellent paper uses the Gramscian notion of hegemony and Althusser's concept of interpellation as analytical tools to study Yok Burapha's *Yu kap Kong*. Natthanai cites several MA theses that focus on the Chinese in Thai literature, to wit, Jatuphorn Mahaphrom (1994), Nittha Chanthapanyasilp (1998), and Phatcharee Warasai (1993). I thank Chairat Polmuk for bringing Natthanai's paper to my attention.

Similar to Botan's novel, *Life with Grandfather* valorizes the life of a first-generation immigrant, his struggle with life, with work, with family, and with the clash of cultures. What is different from *Letters from Thailand* is that the principal voice, Ah Kong, does his best to say good things about his new home and the Thai people. He always reminds Yok that love for Thailand is a paramount value to be cherished. Ah Kong becomes the model Other Within who chastises other Chinese when they criticize Thailand and Thai culture.

Addressing the concern raised in *Jews of the Orient* that the Chinese always feel superior and do not want to mix with the locals, Yok Burapha uses Ah Kong to scold the Chinese for looking down on the Thai people. Instead of maintaining racial purity, Ah Kong openly encourages Chinese men to marry Thai women. He tells the Chinese who complain about Thailand that they should go back to China. To Ah Kong, the Thai people may not be good at business but they work hard at other jobs. He says that the Thai work hard, just as hard as the Chinese, to plant rice to feed the nation, echoing official propaganda that Thai farmers are the "backbone of the nation."

Although he cannot read or understand Thai well, at one point Ah Kong asks his grandson to translate the Thai national anthem into Chinese. He does not seem bothered by the opening sentence, which declares that Thailand is the land of the Thai race. In fact, he readily admits that the Chinese are guests and should always be grateful that they live in Thailand (Yok Burapha 1976, 104). When Yok asks his grandfather about his love for Thailand, Ah Kong does not answer immediately but waits until the end of the last stanza of the national anthem playing in the background before saying, "Kong will die here" (*ibid.*, 142).

Writing the Chinese Back into Thai Historiography: Nidhi Eoseewong and Sujit Wongthet

In the 1980s, the prominent historian Nidhi Eoseewong and the provocative author Sujit Wongthet published several books that shook the core of official Thai historiography, which had downplayed the contributions of non-Thai actors. Taken as a whole, these radical books give the Chinese in particular a more prominent place and role in shaping Thai history. I would like to believe that these publications and the ideas they put forth lured Sino-Thai writers out of hiding to tell stories that are closer to the truth. This intellectual shift plus the growing influence of the Sino-Thai families in business and politics no doubt contributed to the production of new, bold, and realistic texts about the Chinese in Thailand.

Nidhi published “Watthanatham kadumphi kap wannakam ton Rattanakosin” (Bourgeois culture and early Bangkok literature) in 1982 as a long research paper to commemorate the bi-centennial of the founding of the Rattanakosin dynasty. The paper is a serious piece of research about the rise of bourgeois culture using literature as data to argue that it had already appeared before the signing of the Bowring Treaty in 1855—a date which historians have used to mark the beginning of modern Siam. The Bowring Treaty opened Siam to free trade and the imposition of extra-territoriality, which compromised Siamese sovereignty. Nidhi convincingly argues that the appearance of an indigenous bourgeoisie predated free trade. In Nidhi’s formulation, the nascent bourgeoisie was a combination of the Crown and his family, the nobles, and the rich Chinese families who had been co-opted into the king’s service. This notion treats the old Chinese elite families as an “indigenous” entity that helped form a nascent bourgeoisie (2005).

A few years later, Nidhi dropped another bombshell by publishing *Kanmuang samai phrachao krung Thonburi* (Politics during the Thonburi period), which questions the conventional version of the heroic life and tragic death of King Taksin of the Thonburi period (1986). In the Thai chronicles, King Taksin was supposedly raised as nobility because his mother was from a noble family. Nidhi’s research contradicts the official record. He argues that Taksin’s mother was forced to marry a rich merchant from Swatow and that far from being a Thai noble woman she was in fact Chinese, thereby making Taksin a full-blooded Chinese. Nidhi makes a distinction between the Chinese (*Jiin*) and the local Sino-Thai (*Jek*). A *Jek* is someone brought up in a mixed culture—Thai and Chinese. It was Taksin’s ethnicity as *Jek* that allowed him to rally the support of the *Jek* community, first in Chanthaburi and later Thonburi, to fund his fight with the Burmese and to free Siam. Even after he became king, Taksin would use his father’s clan name, Sae Tae or Tia, to conduct diplomatic relations with China. Nidhi argued that Taksin’s fall from grace was not because of his religious hallucinations but that he was deposed in a coup d’etat by his general Chaophraya Chakkri. That general later became King Rama I, who established the current Chakkri dynasty. Scholars have also noted that Rama I’s mother was also Chinese, thus reminding the Thai they owe a debt of gratitude to these two kings who were in fact *Jek*.

Perhaps more effective in decentering the ethnic Thai from their own history was the slim volume published by Sujit in 1987 under the cheeky title *Jek pon Lao* (*Jek* mixed with Lao).²⁹⁾ Sujit had just come back from visiting Laos and was inspired to write about the two minority groups in Thailand, which had been targets of prejudice and discrimina-

29) Parenthetically, a Cambodian acquaintance described the Thai as someone who looks Chinese, wears Western clothing, and speaks bad Khmer.

tion. In that popular book, Sujit claims that the Thai of today are really Chinese mixed with Lao. He insinuates that the Thai are no longer a well-defined race but an ethnicity composed of many races and cultures. Furthermore, the various races in Thailand have also made major contributions to the modern state. If the Thai are nothing but *Jek* mixed with Lao, then there should not be any guilty feeling about one's family background. And even if one's family has come from China, there is no longer the need to kowtow to the officially sanctioned version of the grateful and obedient Chinese. Thailand belongs as much to the *Jek* as to the Lao, the Indian, the Khmer, the Thai, and others. In this reconceptualization of race and history, the culture of the *Jek* and the story of their lives in Thailand become integral to Thai culture and history.

The Subaltern Writes Back: *Lod Lai Mangkorn* (Through the Dragon Design), 1990; *Sing Tueng* (Newly Arrived Chinese), 1996

If we are to subscribe to the notion that the Sino-Thai were singled out as the dangerous Other Within—the foreign element in Thai society that helped defined the Thai, or the minority group that was forced to accept the role of supplicant to the generous Thai king and people—then it is possible to call the Sino-Thai subalterns in mainstream Thai society. The literature that we have reviewed thus far depicts the Sino-Thai as suppressed voices. Even the last two novels, although written by Sino-Thai authors, have also accepted the Chinese inferiority enforced by the official state interpellation of Chineseness. The next two novels selected for this study reject the existing stereotype of the meek and marginalized Chinese.

By the 1990s, Thai society had seen more than a decade of double-digit economic growth. The middle class had grown rapidly following the era of Sarit's *phatthana* (development and structural change) policy that fueled the economic and educational boom during and immediately following the Vietnam War. More and more young people were entering universities, and many of these students were Sino-Thai. Because government service, which used to be the standard career of university graduates, was unable to absorb the large influx of graduates, they found jobs in the private sector, jobs that paid better. The emerging well-educated Sino-Thai middle class both in the capital and provincial cities became more self-assured and began to question received truths about the place and social station of the Sino-Thai in Thai society and culture. The global economy penetrating into Thailand also benefited large business families active in banking, low-level manufacturing, import-and-export business, retail sales, and hotels and resorts. Most of these business families happened to be Sino-Thai families. These socio-economic

changes also had an effect on the production of texts about the Chinese in Thailand.

The author of the next two novels, Praphatsorn Sewikun, tells us that he is Thai, but we also know that he has Chinese relatives. He says that his family was the only “Thai” family living among the Chinese in the Sao Chingcha district of Bangkok (Phib 2002).³⁰ He tells us that he grew up in the midst of the Chinese, which explains why he could write about their lives with great insight. He also says that he read Chinese novels to his maternal grandmother, and as a youth enjoyed studying the Thai version of *Romance of the Three Kingdoms*. Therefore, it is very likely that Praphatsorn represents many modern Thai with Chinese ancestry who no longer admit to being or to feeling Sino-Thai.

The first novel which we will examine, *Lod lai mangkorn* (Through the dragon design), was written while Praphatsorn was serving in the Thai embassy in Turkey and published in 1990.³¹ That novel won a Merit Prize at the 1990 National Book Fair. Because of its popularity, this novel, like the two examined earlier, was also made into a television drama series, thereby reaching a far greater audience compared to readers of the novel itself. The television series, however, was embraced by its Sino-Thai audience as a more realistic portrayal of the lives of their own families. They were pleased that the novel and television drama highlighted the good values of Chinese culture, and showed how the Sino-Thai lived honorable lives different from the one insinuated in Vajiravudh’s *Jews of the Orient* (Kasian 1994).

This novel is not your typical rags-to-riches story as narrated in *Letters from Thailand* and *Life with Grandfather*. Unlike those two novels, where the narrator and main character are immigrants, *Through the Dragon Design* is written from the viewpoint of a third-generation Sino-Thai, perhaps very much like the book’s author, someone who has grown up more steeped in Thai culture than Chinese, and is culturally Thai. It is also a novel about the contemporary. We only learn about the past from what the patriarch of the family tells his children and grandchildren. Only the patriarch and his first two wives and the children born outside Thailand have Chinese or Anglicized names. The rest have Thai names. Conceding to the family’s Chinese roots, those with Thai names do not have

30) When he was young, his father taught him to compose Thai classical poetry and encouraged him to write. Praphatsorn joined the Ministry of Foreign Affairs and was posted abroad to places like Laos, Turkey, Germany, and New Zealand. He attended several universities in between assignments abroad and finally completed a bachelor’s degree. Even while working as a diplomat, Praphatsorn continued to write novels and short stories. All in all, he published more than 60 works of fiction. His success as an author was recognized when his fellow writers elected him president of the Thai Writers Association.

31) Praphatsorn also wrote another novel about a family who had to face bankruptcy after the 1997 Asian Contagion. That novel, *Samphao thong* (The golden junk) (1998), was written while he was serving in New Zealand. That year alone, he wrote eight novels.

nicknames. The lead character in the novel is referred to as “Grandfather” using the Thai *Poo* and not the Chinese *Kong*, the honorific used in *Life with Grandfather*. The narrator is the child of the patriarch’s eldest son by his second wife; we never hear the name or gender of the narrator, who comes across as a neutral observer, but sounding very Thai.

The novel is about the various members of the Suephanich clan. We are told that Liang Suephanich comes as a young man to Siam in the 1920s, either during the end of the Sixth Reign or the beginning of the Seventh. He was married in China and had two sons there; they, too, are brought to Thailand after the Communist victory in China. Subsequently, the China-born sons are sent to Hong Kong to study. Liang’s second wife is Sino-Thai and he has three sons and two daughters with her. Later in life, he marries a young Thai woman from the north and they have a son and a daughter. The novel paints in detail intrigues, fights, tragedies, successes, and lessons about how to conduct business involving the Suephanich clan—all three generations, most of whom live in the same compound.

Starting from work as a coolie, Liang eventually saves enough to open a small import business. He is successful enough to later build a textile factory using outdated machinery from Japan to mill cotton cloth for the Thai market. The Japanese have moved on to manufacturing synthetic fabrics, leaving a gap that Liang’s cotton cloth fills (the Thai are partial to cotton cloth, which is also less expensive than nylon or rayon). From manufacturing, Liang expands into finance, founding several financial and investment firms in Hong Kong and in Bangkok. Most of his children work in the family factory and various financial enterprises. The second- and third-generation Suephanich family members are sent to study in Thai schools and universities, and several are sent abroad to Hong Kong and to the United States. One son even completes a doctorate in business administration from America. We know that Liang is rich because the amounts cited in the novel concerning investments, losses, and profits are in the hundreds of millions of baht.

The novel is appealing to the Thai reader because it is well written and accessible. It is especially appealing to the Sino-Thai because it portrays realistically the life history of one family, a history about the Chinese in Thailand that is not constrained by previous political or social concerns. Kasian Tejapira, the most astute scholar of Sino-Thai studies, finds this novel, and especially its television adaptation, touching in many ways. Firstly, he feels that the opening episode about Liang’s impending bankruptcy more indicative of Chinese values than the stereotype established by Vajiravudh. Liang’s first business involves importing instant coffee and tea from abroad. At one point he loses the major part of a shipment because of a storm. Liang, however, is determined to meet his obligations. He first delivers what he has recovered to his closest customers; he then borrows

money to buy back his goods from them so he could supply the rest of his customers. Because of his honesty, his customers appreciate what he has done and become very loyal to him. Eventually, his European suppliers pay him insurance money to cover his losses.

Kasian admits that as a Sino-Thai he had forgotten about the good Chinese values that his parents had taught him—to be *lao sik* (honest), *khiam siep* (thrifty), *nu li* (diligent), and *yeun nai* (persevering). These honorable Chinese values are represented in the novel by a large painting of an ant that is displayed prominently in the entrance hallway of the Suephanich mansion. Under the painted ant is the Chinese word *ngee*, written with a brush in gold on red paper. *Ngee* means “good values,” values that the ant epitomizes, namely, diligence, perseverance, tirelessness, and the ability to struggle against all odds without admitting defeat. Every day, members of the Suephanich family have to pass by this painting and are reminded about *ngee* (Kasian 1994, 43).

Secondly, to Kasian the novel and television drama are a revolt against the “tradition of representation” of the Chinese, especially in the popular media, as unsavory merchants using their influence and money to cheat the public and the Thai nation. The portrayal of the Chinese in literature and the media is usually as lower-class traders selling coffee, unscrupulous money-hungry businessmen, or comedians in television variety shows who cannot speak proper Thai. In this novel, the main character and hero is an old Chinese who, in spite of his accented Thai, is able to convey important cultural lessons to his “Thai-ified” children and grandchildren on how to live and how to operate an honest business. The hero is no longer an upper-class Thai male “who gets the girl,” but a Chinese man from China who wins the hand of the beautiful Khun Niam (his second wife) over Sangiam, her upper-class Thai suitor. Kasian quotes the heated exchange between the two suitors:

Liang (speaking in accented Thai): *Every penny you have you get from your parents. How dare you come courting a woman?*

Sangiam: *You are here as a guest of Thailand. How dare you insult a Thai like me?*

Liang: *That is right. I have come to live in Thailand, but I do not depend on you to make a living. I am ready to kowtow to Thai people who work hard in this land, but I do not respect someone like you. (ibid., 16–17; translation is mine)*

Kasian remarks that the exchange, where the subaltern bourgeois Chinese talks back to his elite Thai tormentor, is revolutionary in Thai entertainment culture. Although it is unclear whether Liang speaks with a thick Chinese accent or not in the novel, he does so on television. Kasian reminds us that whether Liang speaks perfect Thai or imperfect Thai is unimportant. What is important is the fact that contemporary Thai capitalists,

even those who speak perfect Thai or are portrayed as “Thai,” have historical precedents that are Chinese.

If the dynamics of Thai modernity and change rested with bourgeois and middle-class action, then the local Chinese, including those who did not “speak perfect Thai,” played an essential role in that process. The bourgeoisie that Anderson wrote about and the one identified by Kasian both had mastered and conquered the Thai capitalist market and were soon to become major players in the new global economy. The next logical step for them was to enter politics to contest the allocation of values that were still in the hands of the military and their bureaucratic and political allies. No longer were the Sino-Thai content to be supplicants of the ruling elite; they wanted to be major players in national politics.

At this point, I want to focus briefly on another novel by Praphatsorn (2001) titled *Sing tueng* (Newly arrived Chinese), which was first serialized in 1996–97 in *Sri Sayam* magazine. This unusual novel is about Jia, a young Sino-Thai from the provinces who comes to Bangkok to search for his Thai mother. She has run away from home to escape her husband’s murderer, who was harassing her. Jia learns that she is working as a masseuse somewhere in Yaowarat, the Chinatown of Bangkok. In his search, he is given shelter by an elderly blind Chinese woman who sells lottery tickets. Soon after his arrival, Jia falls in with a group of Thai and Chinese gangsters who work for a boss called San Pao Kung, the name synonymous with the famous Muslim eunuch Admiral Cheng Ho.

Jia, who is quite a fearless fighter, is an expert in hand-to-hand combat and the use of all types of weapons. More importantly, he soon gains the respect of the local Thai hoodlums. He is accepted into the brotherhood of gangsters because, like them, he is *nakleng*. The *nakleng* code transcends class, profession, and in this case ethnicity to reflect the ideal type of manliness in Thai culture. The *nakleng* is a man who is not afraid to take risks, a person who likes to live dangerously. He is also a man who is loyal to his friends but cruel to his enemies, a compassionate man, a gambler, a heavy drinker and smoker, and a lady-killer.³²⁾

32) Phaithun Khruakaew (1970, 84–103) identifies *nakleng* as one of nine qualities valued by the Thai—wealth, power, seniority, *nakleng* mentality, status, charity, gratitude, wisdom, and propriety in etiquette. He identifies three aspects of *nakleng* as sportsmanship, manliness, and benevolence. I have also used this term to describe Sarit Thanarat in Thak Chaloemtiarana (2007, 225). This concept has lost a lot of purchase in present-day Thai understanding. *Nakleng* can be both good and bad. Today it refers generally to someone with the heart of the *nakleng*—ready for a good fight and never backing down. Chalong Soontravanich says that during the Sarit regime, many of the *nakleng* hired to protect illegal activities were Sino-Thai. These *nakleng* gave a bad connotation to the epithet. Interestingly, Sarit made a distinction of this group as being both *nakleng* and *anthaphan*. The latter means hooligans and hoodlums (2013, 197–199).

Although I will not go into the details of the novel, what is significant is this portrayal of a young Chinese from the provinces as *nakleng*. Sharing a common Thai cultural trait allowed the Chinese to become easily a part of Thai society. This depiction of Jia as a Thai *nakleng* and the epitome of Thai manliness can be seen as a subversion of the traditional concept of *luk phuchai*, or manliness, in canonical Thai prose fiction.

One of the three texts that have achieved canonical status as the first real Thai novels is Kulap Saipradit's *Luk phuchai* (The real man), published in 1929. The real man in that novel is a man from a working-class family who does well enough in school to win a government scholarship to study abroad. But before he leaves for Europe to study, he gives up courting a beautiful and idealistic upper-class woman so his best friend can marry her. After his return as a *nakrian nok* (person who has studied abroad), he becomes an official in the Thai bureaucracy. This narrative helps establish the ideal of the desirable modern Thai man—someone who is a good student, foreign-educated, a senior titled bureaucrat, rich and respected. At the end of that novel, his best friend and his friend's wife become aware of the sacrifice he has made. The story ends with “the real man” getting the girl after all, except that she is the beautiful daughter of his friend and his first love.

In *Sing teung*, the hero is a Sino-Thai from a lower-class background, a *nakleng* and not a *nakrian nok*, a gangster and not a bureaucrat. His prize is a poor but good-hearted Sino-Thai girl from Chinatown whose father is a gambler and a drunk, and not the well-heeled daughter of a Thai aristocrat. The acceptance of the Sino-Thai as the epitome of the Thai *nakleng* and the embodiment of Thai manliness (not an aberration or alternative model) is confirmed by the fact that the novel is made into a television drama series and consumed by the Thai public of all races, ethnicities, and backgrounds. Therefore, in both *Through the Dragon Design* and *Newly Arrived Chinese*, the heroes in these very Thai stories are Chinese. Their ethnicity no longer seems problematic in the discourse of Thai-ness in literature or on television.

In addition, the Yaowarat in *Sing teung* is no longer a foreign site; it has become a more familiar one.³³ Chinatown in this novel is treated as an integral part of Thai society,

33) Scholarly interest in Sampheng resulted in the publication of Supang Chanthavanich (2006). The book is a collection of studies on specific places in Sampheng and substantive articles on the history of the arrival of the Chinese in Bangkok, roads and canals, the evolution of trade from junks to steamships, commercial and entertainment centers, and the relationship between Sampheng and the Thai monarchy. In the chapter on the monarchy, there are two pictures of Rama IV and Rama V dressed as Chinese emperors (*ibid.*, 131). One can argue that Sampheng is the ghettoizing of the Chinese community. But one can also posit that Sampheng is the first modern trading center of Bangkok, where one can find gold shops, fine restaurants, the first high-rise (nine stories), and wholesale markets. This is perhaps no different than present-day Silom. Although Sampheng is mainly Chinese, it is not solely Chinese. It is frequented by Thai and tourists from around the world.

where both Thai and Chinese do business, shop, gamble, find entertainment, and dine. Chinatown is no longer treated as foreign and dangerous, the way it was portrayed in *Lep khрут*, where even the police were threatened and had to appear in disguise to blend into that alien site.

Excavation and Recovery of Lost Identities: Family Histories, Biographies, Autobiographies, Handbooks, and Guidebooks

Although this section of my essay deviates from the analysis of fiction and turns to texts written by the Sino-Thai about themselves, their business advice, and their lost culture, taken as a whole, they tell us about the mindset of contemporary Sino-Thai who now consider themselves part and parcel of Thai society. The Sino-Thai have become comfortable with their place in and contribution to Thailand and are ready to reclaim their Chinese heritage within the context of modern Thai culture.

The blurring of lines between what is Thai and what is Sino-Thai, and the significance or the necessity of the dichotomy are now less critical to understanding the dynamics of culture, politics, and even the economy of contemporary Thailand. For example, when *Forbes* magazine listed Thai billionaires like the owner and founder of the Red Bull energy drink or the chairman of the Charoen Phokaphan international conglomerate, the magazine did not indicate that these men are Sino-Thai. Furthermore, recent Thai prime ministers such as Thanin Kraiwixien (1976) and Banharn Silapa-acha (1995) had Chinese parents, but that did not prevent them from taking on the top political position in Thailand. If the racial background of these two men has proved unproblematic in politics, then one is hard-pressed to equate Chineseness with the likes of prime ministers Chuan Leekphai, Thaksin Shinawat, or Yingluck Shinawat.³⁴⁾

34) Thanin Kraiwixien's tenure lasted only a year. After his removal by a military junta, he was appointed by the king as a privy councilor. For a detailed study of Banharn's career, see Yoshinori Nishizaki (2011). Two other illustrative cases come to mind. During the siege of Thammasat University on October 6, 1976, several students tried to escape but were captured by the police and armed goons. Before they were killed, their captors remarked that the students had "pale" faces. But instead of relating the pale faces to Sino-Thai students, the murderers said that they were Vietnamese infiltrators. The other case is the attack on Thaksin for trying to usurp or undermine the king's moral authority. His accusers never said that Thaksin was behaving like an upstart Sino-Thai. Unlike politics in the United States today, where race is still central because political parties continue to target Hispanics, African Americans, and Asian Americans to solicit their support, such is not the case in Thai politics. See Thongchai Winichakul (2002). One should note that at least 12 Thai prime ministers have Chinese ancestry—Seni and Kukrit Pramote, Pridi Phanomyong, Admiral Luang Thamrongnawasawat, Pote Sarasin, Thanin Kraiwixien, Chuan Leekphai, Banharn Silapa-acha, Thaksin and Yingluck Shinawat, Samak Suntornvej, and Abhisit Vejjajiva.

The recent production of texts about the Chinese in Thailand indicates that the Sino-Thai have shrugged off their cultural amnesia and have recovered their self-confidence to publish an endless string of books about their own history, their struggles, and their successes. These authors see themselves as Thai, descendants of Chinese immigrants interested in their historical roots. Although some may exploit their connections to their Chinese origins as “flexible citizens” in certain situations, the Sino-Thai know of no other home but Thailand.³⁵ They are no longer sojourners. They may visit and write about their ancestral home but only as curious tourists and as amateur historians piecing together family histories.

Although a lot can be said about the recent inundation of texts about the Sino-Thai, for the purposes of this essay, it should suffice to highlight just a few examples.

One of the most read and talked about books about a major Chinese family history is Chamnongsi Hanchenluck's *Dut nawa klang mahasamut* (Like a ship in the middle of the great ocean) (2000). The book developed from the cremation volume for prominent businessman Suwit Wanglee (1995). It was first serialized in the *Sayam Araya* magazine in 1996 and published as a book in 1998. The book is about the contributions of the Wanglee-Lamsam families to the development of Thai capitalism, from trading in rice to the opening of banks. The book also chronicles Chamnongsi's visit to the family's ancestral home in China. Just as revealing are charts showing how intermarriage and family alliances among the Sino-Thai have created a network of relations that facilitated and enhanced major business ventures. This special ability to close ranks and to pool resources allowed the Sino-Thai business families to displace foreign competitors, especially in the banking and financial service sectors, following the conclusion of World War II. And although the book is about the Sino-Thai network established by her family and its centrality to the development of Thai capitalism, the author identifies herself as a “Thai” author. The book also features an acknowledgement from Crown Princess Sirindhorn and an introduction by Nidhi Eoseewong.

The princess endorses the notion that the Wanglee-Lamsam clan has played a pivotal role in the establishment of Thai capitalism. She agrees that the new Sino-Thai capitalists have already displaced the old Sino-Thai families absorbed into the official class

35) The term “flexible citizenship” was first coined by Aihwa Ong (1999). Efforts to compile a recent biographical dictionary of personalities of Chinese descent in Southeast Asia revealed difficulty in dealing with the Thai case. Singapore's ambassador-at-large, Tommy Koh, described talking to a Sino-Thai friend about inclusion in that book: “But he and his family are so well assimilated into mainstream Thai society that when I asked him if they could be included in the dictionary, he said no, because he felt he has lost his Chinese heritage and could no longer read and write Chinese” (*The Straits Times*, November 2, 2012). The dictionary (Leo Suryadinata 2012) includes 608 names from 10 countries.

under absolute monarchy. She calls that latter group the old “bureaucratic capitalist” circle, referring to Nidhi’s analysis of the birth of the bourgeoisie in the early Bangkok period. Nidhi’s own introduction praises the book for succinctly telling the story of a Sino-Thai family and its 100-year history, a history that resonates with other successful Sino-Thai families. He asserts that the book allows the Chinese in Thailand, who at one time were considered outsiders, to rightfully claim that a major part of their heritage is firmly embedded in Thai society. According to Nidhi, the book encourages the descendants of the Chinese to consciously accept their rightful place in Thai society; at the same time, non-Chinese readers would be forced to consciously accept the important place the Sino-Thai have and the critical role they played in Thai history and culture.

To provide more detail about the relationship between the new Sino-Thai capitalists and the old Chinese “bureaucratic capitalists,” Phimraphai Phisarnbut, a cousin of Chamnongsi, published *Samphao Sayam* (Siamese junk) in 2001 and *Nai mae* (Mistress mother) in 2003. These books are about historical Chinese families who served as royal officials dating back to the Ayutthaya and early Rattanakosin periods.³⁶ In these books, Phimraphai writes about the ancestry of some of Thailand’s most prominent aristocratic families, relating them back to their Chinese roots. Phimraphai’s books remind readers that wealthy Chinese merchants were appointed as court officials holding positions equivalent to cabinet ministers today. *Samphao Sayam* in particular traces the history of Chinese families that held the title “Phraya Choduk Ratchasetthi,” the title conferred by the king to the minister of the Port Authority, responsible for trade and foreign relations with the East. Phimraphai illustrates how the relationship between the Crown and the elite Chinese families was strengthened through marriage. Thai kings frequently took the daughters of rich Chinese families as wives and concubines. Most of these families have been fully assimilated and are now an integral part of the Thai power elite.

In awakening from the long slumber and self-induced amnesia about their own cultural heritage, the Sino-Thai eagerly bought books such as Chitra Kohnanthakiat’s *Tung nang kia* (Children of the Chinese).³⁷ The 1999 edition that I have in my personal library

36) A few years after these books appeared, Charoen Tanmahaphran published *Waichao taam roythao tia* (Father’s way of worshipping) (2009). Charoen’s book traces the support of kings during the Ayutthaya and early Bangkok periods for Chinese Buddhist temples and Chinese shrines. The book is also a guide for both Sino-Thai and Thai worshippers at Chinese shrines about the history, meaning, and importance of those shrines.

37) Other books by this author covering similar subjects include Chitra (1993; 1998; 2003; 2010). To help the Sino-Thai excavate/recover their clan names, Chitra also published books about the origins of Chinese names and their transformation into Thai variations (2007). All of these books are so popular that they have undergone numerous printings. Caroline S. Hau (2013) argues that Chitra ↗

is the book's 19th printing. Chitra has written at least four other books that focus on Sino-Thai culture. And even though the books are about Chinese culture, they have received awards from national book organizations. Most of Chitra's books are full of important information about Chinese culture, the meaning of Chinese words, celebrations, rituals, opera, food, religious events, and much more. They are guidebooks about how to become culturally Chinese again. Paradoxically, the books are written in Thai to explain Chinese culture to the Sino-Thai, who must now read about their ancestral culture in an adopted mother tongue whose transliteration of Chinese words is not always accurate. It is as if the Sino-Thai now speak and think Chinese with a Thai accent, unlike their ancestors who did the opposite. In addition, the wide popularity of the books indicates that Sino-Thai culture has also been embraced by the larger Thai public.

In the past decade or so, numerous biographies of Thai billionaires have also appeared in bookstores. Increased interest in the lives of the Sino-Thai encouraged others to write about themselves or to translate stories of their ancestors written in Chinese.³⁸ Many books about the top richest families in Thailand have been published to satisfy the curiosity of the public. Because members of this exclusive club are mostly Sino-Thai, some these books use *Chao Sua*, the Chinese term for very rich people, in their titles. Translated texts on business practices and theories, which used to be of influential American and European authors, bankers, and industrialists, have been recently replaced by business advice from prominent Sino-Thai businessmen. Instead of books revealing the secrets of an MBA, we now have books about how *Romance of the*

↘ is no different from Amy Chua, known for promoting the idea of the Tiger Mom, who uses strict Chinese child-rearing practices to ensure the success of her children. She has also interviewed Chitra, who claims that she has sold over 600,000 copies of her books. Hau contends that such authors (including Malaysia's Lillian Too) capitalize on claims of "Chineseness" to access local, regional, and family-mediated notions of Chineseness to exploit and profit from "national and cultural differences within nations as well as among Southeast Asia, the U.S., and China in order to promote particular forms of hybridized (trans)national identities while eschewing the idea of mainland China as the ultimate cultural arbiter of Chineseness." In addition, many guidebooks and manuals about worship at Chinese temples and shrines have been published, for example, Khon Yaowarat (2007) and Bunchai Jaiyen (2009). A pioneering study of the legal status of Chinese temples and shrines, especially in Phuket, is Tatsuki Kataoka (2012).

38) Examples are Bunchai Jaiyen (2003) and Vikrom Kromadit (2004). I would like to mention two biographies of Sino-Thai doctors from southern Thailand: Bancherd Tantiwit (2006) and Moh Chin Waen (1998). Bancherd's autobiography is about being a Baba, a designation used to describe the *peranakan* (locally born Chinese) in Malaysia. The Baba Chinese still maintain a cemetery on Silom Road in Bangkok, not far from the Hokkian cemetery. The second autobiography was written in Chinese and translated by Moh's children and grandchildren into Thai. For a recent study of Sino-Thai capital accumulation in southern Thailand and the Chinese community there, see Phuwadon Songprasert (2003).

Three Kingdoms and Sun Tzu's *The Art of War* can be adapted for business, how to pay attention to *Tia* (Father) and *Kong* (Grandfather), whose business advice is more appropriate to the Thai situation.

Craig Reynolds' (2006, 214) analysis of the importance of manuals in Thai society argues that manuals are systematic archiving of knowledge which is a "form of cultural capital, a resource that enables people in a society to make sense of the world and to live safely, in good health, and with dignity." Therefore, one can argue that the proliferation of Sino-Thai guidebooks and manuals about rituals, practices, Chinese wisdom, business strategies, medicine, cuisine, worship, etc., written in the Thai language for consumption by the public is a clear indication that Sino-Thai culture is part and parcel of Thai cultural capital.³⁹⁾

Ironically, the change in focus from American and European business practices to practical Chinese business (and warfare) strategies has restored the Thai appreciation of the Chinese and Chinese culture as the fountain of wisdom. Since late Ayutthaya and early Bangkok, the Thai elite have relied upon lessons imbedded in *Sam Kok*, the Thai version of *Romance of the Three Kingdoms*, to guide their actions. In fact, literate Thai know *Sam Kok* quite well because it was required reading in school. It should be noted here that in most of the novels about the Chinese, *Sam Kok* is frequently invoked.⁴⁰⁾

39) Examples are Thot Khanaphorn (2004), Thongthaem Natchamnong (1988), and Ah Koo Khon Sae Chang (2004a; 2004b).

40) *Romance of the Three Kingdoms (Sam Kok)* was translated into Thai during the reign of Rama I. It was one of the first books to be printed by Dr. Dan Bradley's press. Craig Reynolds has written extensively about the importance of *Sam Kok* in Thai history (1996). The best analysis of the importance of *Sam Kok* in Thai history, politics, and culture is Sombat Chantornwong (2006, 451–550). Even today, there are numerous websites in the Thai language dedicated to this epic. Kiarti Srifuengfung's mausoleum near Phatthaya pays homage to *Sam Kok* with a gallery of ceramic tiles chronicling important episodes. For the story of Kiarti, see Arunee Sopotpongstorn (1991). Perhaps conditioned by their familiarity with *Sam Kok*, Chinese literature, especially novels about Chinese martial arts, continued to be popular among the reading public. By the 1960s, most young Sino-Thai could no longer read these novels in the Chinese language. To bridge the gap, many Chinese martial arts novels were translated into Thai. One of the most prolific translators was Chin Bamrunghong, who used the pseudonym W. na Muang Lung. The name is derived from the initial of his first girlfriend and the place they met—Phatthalung. Chin was educated in both Chinese and Thai schools and was bilingual. He was able to translate and publish over 100 Chinese *kung fu* novels from 1963 to 1988. His prolific production was achieved by verbalizing his translation directly into a tape recorder, which allowed him to translate 30 to 40 pages of text each day. I suspect that the eager readers of his novels were both Thai and Sino-Thai. See Pratheep Muennin (1999, 88–90). A recently published book by Sitthithep Eksithiphong argues that the Phlaphachai incident in 1974, where the Chinese attacked a police station in Sampheng, was a symptom of Sino-Thai frustration with the state. The author also argues quite convincingly that the popularity of Chinese martial arts novels, albeit written in Thai, was a sign of the resistance of Sino-Thai males against the oppression of the state and the depiction of them as merely weak and obedient citizens (2012, 166–174).

I would like to end my textual analysis by highlighting two texts that prepared the way for two Sino-Thai businessmen to participate in national politics. These texts are the autobiographies of Thaksin Shinawatt, *Ta du dao thao tid din* (Eyes on the stars, feet on the ground) (Wallaya 1999), and Sonthi Limthongkul, *Tong phae kon thi chana* (One must lose before winning) (2005). Autobiographies highlight what the authors want others to know about them and what they consider important. In these two cases, they tell us about their family roots that can be traced back to Chinese immigrants. Both became rich through the mastery of telecommunications and the media in the new global economy.

In preparing for his run in politics, Thaksin published a life story portraying himself not as a Bangkok insider but as really a boy with Chinese roots from Chiangmai. He tells readers that his ancestors were Hakka who had come to Thailand from China probably in the 1860s. His great-grandfather, like many Chinese businessmen, became a tax farmer.⁴¹ He also married a Thai woman and moved to settle in Chiangmai. There, the family opened a modest coffee shop, became involved in the production and sale of silk, ran movie theatres, and even operated a car dealership. Thaksin's father later ran for political office and was elected to represent Chiangmai in Parliament.

Thaksin's great-grandfather, grandfather, and father married Thai women, which makes him more Thai than Chinese. Yet he openly acknowledges his Chinese ancestry, perhaps to show that he came by his entrepreneurial talents honestly. Even though he followed a preferred Thai career path of attending the military preparatory school and the Police Academy, and eventually being commissioned as a police officer, Thaksin always operated a business on the side. When he eventually resigned his commission, he used his government connections to obtain concessions to supply the police department with computers. He later formed a company that sold beepers and mobile phones. Thaksin hints that because of his Chinese business background, he was able to tolerate risks and large debts and eventually turn his enterprises into successful entities. The autobiography emphasizes his upbringing as a normal Thai whose father was a Member of Parliament, whose uncle and cousins were senior military officers, and whose father-in-law was a police general. For all purposes, in spite of his Chinese ancestry, it is hard

41) As far as I can tell, no one has written a novel about the lives of tax farmers. This lacuna could perhaps be explained by the fact that the most lucrative businesses for tax farmers involved selling opium, controlling gambling dens, distributing liquor, and other activities considered unsavory by today's standards. A glimpse of the dangers involved in tax collection is the revelation that Thaksin's grandmother was shot during one of her tax-collecting forays. In addition, the experiences of radical Sino-Thai students who joined the Communist Party of Thailand after the October 6, 1976, event have yet to produce fictionalized accounts of their struggle with the Communist old guard and with the Thai armed forces.

to consider Thaksin a Sino-Thai.⁴²⁾

Sonthi Limthongkul's autobiography begins with his grandfather, who came from Hainan to settle in Sukhothai. Sonthi's father was sent to China to study and eventually became an officer in Chiang Kai-shek's army, fighting the Japanese until he was summoned back to Thailand by the family. After returning from China, Sonthi's father worked for a Chinese newspaper and later opened a lumber mill. Sonthi's mother is also from Hainan; she was disowned by her family for marrying a half Thai-half Chinese man. Therefore, Sonthi admits that he is three-quarters Chinese, but he is unable to read or write Chinese. He studied at the Assumption School in Bangkok before going to the National University of Taiwan for a year. After Taiwan, he attended the University of California, Los Angeles, and the University of Oregon, studying history.

Although he says that he liked his one year in Taiwan more than his eight in the United States, Sonthi's intellectual leanings were formed during the anti-war hippie period of the late 1960s and early 1970s. He returned to Thailand an idealist ready to change the world and to rid Asia of Western domination. The traumatic experience of October 6, 1976, where left-leaning students were massacred and driven to join the CPT in the countryside, convinced Sonthi that he should focus on political change in Thailand first. He began work at *Prachathipatai* (Democracy), a progressive paper which was eventually closed by the reactionary Thanin government.

By the 1980s, Sonthi started his own newspaper *Phuchatkan* (The Manager), aiming to make it the Thai equivalent of *The Wall Street Journal*. He soon expanded his business into a media publishing group, eventually owning 12 newspapers and several magazines in Asia and the United States. Sonthi also was a television talk-show host who supported Thaksin until a business disagreement led to their falling out. Sonthi then used his talk show to attack Thaksin at first but later took his show on the road. He helped form the People's Alliance for Democracy (the Yellow Shirts) to oppose Thaksin. Although he has been referred to as "Jek Lim," or "Lim, the Chink," his ethnicity as three-quarters Chinese has not been central to his identity. He is still considered a Thai royalist and conservative, a very strange trajectory for someone who was once active in the anti-war movement in the United States and who supported the cause of leftist students in the mid-1970s.

42) For additional information about Thaksin's family background, see Pasuk Phongpaichit and Chris Baker (2004). The offspring of immigrant Chinese families had two main career paths to choose from—business or government service. Those choosing government service were the first to be assimilated into Thai society, discarding or cutting ties with their Chinese past. Those in business held on to their Chinese culture and connections outside of Thailand for a longer period before fully assimilating into Thai society.

We Are Them, and “Them” Are Us

From this short and discursive study of the production of Thai language texts about the Chinese, I can conclude that targeting the local Chinese as the dangerous Other Within by King Vajiravudh had some effect on how the Sino-Thai were perceived, but not as much as one would have thought. It seems that the king was only using his admonition to remind the Chinese to be grateful and to assimilate into Thai society. We have seen how his policies and those of following governments facilitated the assimilation process.

Although Vajiravudh’s nationalism predicated on race problematized Chineseness in Thai culture and society, the vilification of the local Chinese as the dangerous Other Within did not have lasting effect on the general Thai psyche. I have shown that there is minimal anti-Chinese sentiment in Thai literature and texts. If texts and literature are contextual representations of social values or reflect social perceptions, then they tell us that the Sino-Thai are seen as natural and integral to Thai society. We have witnessed how major Thai authors write about the Sino-Thai. And though he demonized the Chinese at first in *Jews of the Orient*, Vajiravudh soon ameliorated his position in *Huajai chainum*. In his wildly popular and enduring *Phon Nikon Kim Nguan* series, P. Intharapalit’s writing about the *Jek* clearly accepted and promoted Kim Nguan as Thai. And in the case of Phanom Thian, who demonized the Chinese as enemies of the Thai state, he identified the villains as the external Chinese and foreign secret-society members. In *Lep khрут*, the police and Thai state authorities were obligated to protect Sino-Thai businessmen. Nevertheless, these Thai authors knew little and said little about the real-life stories of the Chinese.

Not until the appearance of Sino-Thai authors like Botan and Yok Burapha were fictionalized but realistic accounts of the Chinese experience revealed to the public. Their pioneering novels about the Chinese still seemed rather tentative in claiming a rightful space in the conscious construction of Thai history, culture, and society. In fact, the two novels, *Letters from Thailand* and *Life with Grandfather*, continued to pay lip service to the official interpellation of the Sino-Thai as grateful, humble, and subservient immigrants in a generous new country.

By the 1990s, however, the Sino-Thai and their offspring had become better educated and wealthier. With wealth and education came the need to exercise their right to speak out on issues important to their lives. The rise of the modern Thai middle class in the last decades of the twentieth century was closely linked to the prosperity of the Sino-Thai. It was only then that the hitherto subaltern Chinese began speaking out as members of the power elite. Not only have the descendants of the Sino-Thai become prime ministers but they have also penetrated the upper echelons of the military and

civilian bureaucracies, university faculties, and the banking and manufacturing sectors, and are among the wealthiest families in Thailand today. Ironically, members of the Sino-Thai middle class, like their Thai counterparts, have had very little contact with the majority of Thai, who exist in an agrarian society. It is no wonder that this middle class is a conservative one that continues to rely on the monarchy to put an official imprimatur on its status.⁴³⁾ Even today, the close relationship between rich Sino-Thai families and the Thai court is strengthened by profitable business dealings, donations to the Crown, and other royally sponsored rituals like weddings and cremations.

The production of texts written by Sino-Thai authors about themselves, their struggles, and their successes are now consumed by all Thai readers, and more than likely embraced as a natural part of Thai social and cultural history. Compared to the literature produced by other diaspora communities such as Asian Americans, the literature written by the Sino-Thai lack the edgy resentment found in early Chinese American novels and the feeling that it is somehow inferior. Furthermore, Sino-Thai literature is void of the Filipino American lament of exile and non-acceptance by the host community.⁴⁴⁾

I have made the case that the exigencies and changing conditions of both local and world politics and economy, and changing social conditions have affected the representation of the Sino-Thai in textual production over the last century. The Sino-Thai are no longer considered the dangerous Other Within, and even when they were portrayed as such, that condition was short-lived. From a dangerous Other Within forced to become a meek and grateful subaltern, the Sino-Thai eventually found their voices when, as a community, they became better educated and wealthier. Assimilation helped to parry discrimination based on race to allow the Sino-Thai to easily become Thai. Thai and Sino-Thai have ceased to be critical analytical categories in contemporary Thai studies.

Before closing, we should review once again the question “What, then, is Thai identity?” Since Vajiravudh’s time, Thai identity has been defined by the people’s love of “Nation, Religion, and King.” Nation is defined by the geo-body that is Thailand, with a shared common language; religion is the tacit state religion—Buddhism; and the king

43) Sulak Sivarak, one of Thailand’s leading public intellectuals, admits that although his family has Chinese origins, they were royalists and politically conservative. Members of his family had prospered under absolute monarchy and did not support parliamentary democracy. In his mind, they, like other elite Sino-Thai, believed that they were smarter and better than the rest of the public. This opinion shifted after the October 14, 1973, and October 6, 1976, events (1983, 55–79).

44) Although this paper does not delve into comparative issues, it should suffice to point out that, unlike Asian American literature, Sino-Thai literature is not considered literature of the minority. See Elaine Kim (1982). Furthermore, Sino-Thai literature does not suffer from what Shirley Geok-lin Lim identifies as the tokenism of Asian American literature in mainstream American literature (1992, 13–32).

is the embodiment of the glorious historical precedent, the moral present, and the enduring future of the nation.

Thai assimilation policies also forced the Chinese and their offspring to become Thai by giving them Thai first names and changing or masking their clan names with Thai surnames. The closing or control of Chinese schools eventually obliterated instruction of the Chinese language, history, and culture in favor of state-sanctioned Thai language and Thai classes. The various Chinese dialect groups soon spoke the new common language that is Thai, and their Chinese writing system was replaced by Thai script. The closing of open immigration eventually isolated and distanced the Sino-Thai from their ancestral home and culture. In addition, the granting of citizenship gave native-born Sino-Thai equal political rights, benefits which prompted even those born in China to become naturalized. We have already seen the success of official nationalism, which reminded the Chinese to be grateful and loyal to the king, and other reasons why the rich and successful Sino-Thai have become ardent royalists.

Furthermore, Chinese identity based on patrilineal lineage and ancestry quickly broke down because of intermarriage with the Thai, who practice a bilateral kinship system. Hence, it became easy over time for the children of the Chinese to select their Thai mother's ethnicity as their own identity. Such was the case illustrated by Kim Nguan. In terms of religion as an obstacle to assimilation, even early European travelers have noted that when the Chinese arrived in Thailand, most adapted easily to Thai Buddhism, Thai animistic beliefs, and other cultural practices similar to Chinese ones.⁴⁵⁾

In short, the assimilation of the Chinese was a process in which the Sino-Thai became Thai citizens, assumed Thai names, spoke and wrote Thai, practiced Buddhism or rituals associated with it, and professed a love for the Thai monarch and nation. We have also seen through the evidence of literature and other textual production that the ethnic Thai were at the same time educated through novels, texts, guidebooks, and manuals to appreciate Chinese hard work, business acumen, and contributions to Thai national prosperity. The consumption of texts about Chinese practices, shrines, and

45) Quoting John Crawford and Karl Gutzlaff, Skinner documents how immigrant Chinese became Buddhists, visited Thai temples, gave alms to monks, and readily conformed to the religious rites of the Thai. The Chinese also venerate Wat Phanangcherng in Ayutthaya, dedicated to the great Ming admiral Cheng Ho (even though he was Muslim). Cheng Ho is known in Thailand by the name San Pao Kung, and there are shrines dedicated to him as a deity and patron saint of the Chinese in Thailand. However, instead of writing his name using the correct orthography, which means "Three Protections," the characters have been changed to "Three Treasures" to make the shrine resonate with Buddhism's "Triple Gems"—the Buddha, the Dharma, and the Sangha (1957, 129). Popular Chinese beliefs have also been embraced by the Thai. For example, many Thai have now given up eating beef in deference to the belief of devotees of the Chinese goddess Kuan Im.

temples indicates that the Thai have also embraced Chinese religious practices and worship at Chinese temples. And far from being treated as alien space, Sampheng is now part and parcel of Thai society, an important commercial center and promoted as a tourist attraction.

My necessarily brief analysis suggests that accepting Sino-Thai as an aspect of Thai national identity does not diminish that identity, nor does accepting a Thai identity diminish the pride in ancestral cultural ties of the Sino-Thai. Perhaps it is this mutual consciousness that undergirds the assimilation of the Chinese into Thai society.⁴⁶⁾ Modern Thai identity is one shared by both Thai and Sino-Thai because the category “Thai” no longer signifies a single race but an ethnicity that gives emphasis to shared cultural and historical characteristics. Today, the idea that “we” the Thai are gazing (down) at the Sino-Thai “them” has been subverted to the point where the critical distinctions between the two categories are no longer clear.

The fact is, to most Thai today, we (Thai) are them (Sino-Thai), and “them” are us.

Postscript

I hope that my initial foray into the subject of literary and textual representations of Chineseness would lead other colleagues to conduct similar exercises. In particular, I am interested to know how the Chinese have been represented in fiction and non-fictional texts in neighboring countries, especially the Philippines, Indonesia, Burma, Laos, and Cambodia, where the assimilation of the Chinese has also occurred.⁴⁷⁾ Today the inter-

46) In his study of assimilation, the sociologist Bunsanong Punyodhyana asserts that the process of Chinese-Thai social assimilation is a co-operative “two-way process which in the long run will leave Thai with something Chinese and Chinese with something Thai” (1971, 1).

47) Leo Suryadinata (1997) contains articles about how the various Chinese communities in Southeast Asia negotiate issues of identity. The articles cover Indonesia, Malaysia, Burma, Thailand, Singapore, the Philippines, and Vietnam. However, the articles do not touch upon identity issues as reflected in novels and texts. Recently, Soledad S. Reyes acknowledges that although the Chinese have been present in the Philippines for centuries and Filipino culture is influenced by Chinese culture, there has not been significant study of Chinese Filipino literature. She cites the emergence of Chinese Filipino fiction writers during the last two decades who write about the experiences of their community, rejecting the stereotyping of the “Chinese as peddlers of bottles and newspapers, with their pigtail, funny accent and costumes” (2012, 238). The only citation she provides on the subject is an undergraduate thesis: Richard C. Uysiuseng (1985). Caroline S. Hau informs me that the situation is not as dire as depicted by Reyes. For example, one of the first studies of how the Chinese are portrayed in vernacular Filipino literature is Jaouin Sy (1979). More recent are Lily Rose Tope (1993) and Shirley O. Lua (2001). Hau’s *The Chinese Question: Ethnicity, Nation, and Region in and beyond the Philippines* (2014), analyzes a number of Chinese Filipino novels and short stories in English and Chinese, which I am sure will generate more scholarly interest in this subject.

pellation of “*Jek*” and its implied discrimination has abated in Thailand; at the same time, there has been a de-emphasis on defining “Thai” as a race. I wonder what has happened in neighboring countries where the distinction between the native son—*pribumi* or *bumiputera*—and the locally born Chinese—*peranakan*—still exists. As the dichotomy between the Thai and the Sino-Thai has become less distinct as inflected in textual production, will or can the *peranakan* ever become *pribumi* or *bumiputera* in Indonesia and Malaysia? Are the Philippines, Laos, Cambodia, and Burma cases similar to the Thai example or are they different?

I also recognize that there are methodological issues, especially authorship and ethnic identification; debates about Chinatown as racial ghetto, privilege space, or contact zone; the use of literature to illuminate social reality and values; and the linearity of my narrative that smoothes over resistance and bumps along the way. How to determine who is Thai and who is Sino-Thai can also be problematic—When does a person relinquish or stop being Sino-Thai? My own designation is somewhat arbitrary (if not heuristic), based on some knowledge of their ancestral background, what they say about their familiarity with Chinese culture, and self-identification.

Accepted: July 23, 2013

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Contesting Law and Order: Legal and Judicial Reform in Southern Thailand in the Late Nineteenth to Early Twentieth Century

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This paper examines legal and judicial reform in Thailand (then Siam) imposed in the southern Malay provinces, once a sultanate kingdom of Pattani, in the 1890s and 1910s. Legal and judicial reform was one of the three main reforms Siam imposed countrywide at the end of the nineteenth century as an attempt to modernize the country and defend it against Western colonial powers. However, Siam's rule and reform in the Malay region, especially during the reign of King Chulalongkorn, is viewed by recent studies as colonial modernity in itself. These measures included the appointment of a Siamese commissioner in the Malay region, the enforcement of Thai law, and Siam's endeavor to preserve local practices such as Islamic family law and courts, which resembled those of the British and Dutch East Indies. While the notion of Siam's inner colonialism is not entirely wrong, this paper argues that there is also another side of the coin that should be considered especially when looking from legal and judicial perspective. Right after a new regulation was imposed in 1901, it was clear that local people were ready to make use of the new judicial system. This is partly because the new system, regardless of its shortcomings, gave local people, including Malay ruling elites, opportunities to file cases against their enemies or demand justice.

Keywords: Pattani, Siam, Malay, Islamic law, *Tok Kali*, judicial order, colonization

I Introduction

The nineteenth century was a period of transition in most parts of the world in a move from the traditional state to a modern nation-state under a clearly defined territory. Thailand, then Siam,¹ was no exception. Throughout the nineteenth and early twentieth

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1) The terms "Thailand" or "Thai" are used as the country name or when referring to geographical setting, language, and current politics. "Siam" (and "Siamese"), as the former name of Thailand, is used mainly in a historical context.

century, especially the “long decade of the 1890s,” Siam had experienced a series of political reforms and modernization as an attempt to resist the European colonialism that was sweeping across Southeast Asia. This also brought about tremendous changes to Siam’s southernmost region where the majority of the people were Malay-speaking Muslims.

Situated in the south of Thailand and northeast of the Malay Peninsula, Pattani, or Patani in Malay spelling, has long been an area bridging the Buddhist-nominated Thai and Malay-dominated Muslim worlds. It was once an autonomous sultanate state, prospering from maritime trade in the sixteenth and seventeenth centuries, until it was incorporated into Siam in the early twentieth century. The kingdom covered the area of three of the southernmost provinces of present-day Thailand: Pattani, Yala, and Narathiwat, where violence by Muslim insurgents has escalated since 2004.

Historically, Pattani and nearby Malay states such as Kedah and Kelantan were in a loose suzerain relationship with Siam since around the sixteenth century, symbolized by a triennial tribute of the *bunga mas* or ornamental tree and flower made of gold and silver.²⁾ When Siam’s power was contested, these vassal states often revolted and asserted their independence from Siam. After a series of rebellions by Malay rulers near the turn of the nineteenth century, Pattani was defeated by a resurgent Siamese state and in 1810 was subdivided into seven provinces. It was renamed “the seven Malay provinces” (hereafter “the seven provinces”), comprising of Tani (capital of the former Pattani kingdom) as the headquarters, and Nong Chik, Saiburi, Yaring, Yala, Raman, and Ra-Ngae (Phan-ngam 1976; Koch 1977, 70) (see Map 1). Each province had its own ruler who was allowed to exercise his authority under the supervision of Siam.³⁾ Siam, however, asserted indirect control through the recognition and sometimes appointment of local rulers; this area was also placed under the supervision of Songkla, a provincial headquarters of Siamese government in the south.

The political situation in and around the seven provinces became more intense when the British expanded their influence over the Malay Peninsula in the late nineteenth century. As part of a provincial administrative reform initiated nationwide in 1892, Siam

2) Expenses for making *bunga mas* were covered by levying taxes on the Malay people in the seven provinces twice every five years. This was called the *bunga mas* tax. The money was supposed to be spent on making ornamental flowers but it is reported that sometimes the raja took a large part of it for his own use (Phan-ngam 1976, 59).

3) Most of the rulers in the seven provinces were of Malay origins. However, resistance from Malay rulers was intense in the first three decades of the nineteenth century, and those who revolted against Siam were replaced by pro-Siam officials. After a revolt in 1830, Malay rulers of Pattani and Yala were temporarily replaced by an ethnic Chinese from Songkla, whose family had ruled over another Malay province called Yaring since the 1790s (Phan-ngam 1976, 30–33).



Map 1 The Seven Provinces (Former Pattani Kingdom)

Source: Kobkua (1988, 160).

saw the need to impose reforms in the Malay region as well. In 1901, the seven provinces were regrouped into one administrative unit called the “Area of Seven Provinces” and placed under the control of an Area Commissioner who resided in Tani and who came under the supervision of the Superintendent-Commissioner of Nakornsrihammarat (see Fig. 1).

In the same year, Siam issued a set of “Regulations concerning the Administration of the Area of Seven Provinces,” which aimed at increasing centralized Siamese control over the region. Judges (who were mostly Siamese), deputy governors, and revenue officers were appointed to assist local rulers. Treasuries of the Area were handled by the Revenue Department in the same way as the rest of Siam. As compensation, the rulers and Malay nobilities were given fixed but adequate pensions (Nantawan 1976, 201–203). Needless to say, Siamese reform bred resentment and resistance among the Malay rulers.

In 1906, the position of sultan was abolished and the seven states were reorganized as Monthon Pattani (Pattani Circle). Triennial tribute to Bangkok being abolished, the seven provinces were amalgamated into four provinces: Pattani, Yala, Ra-Ngae, and

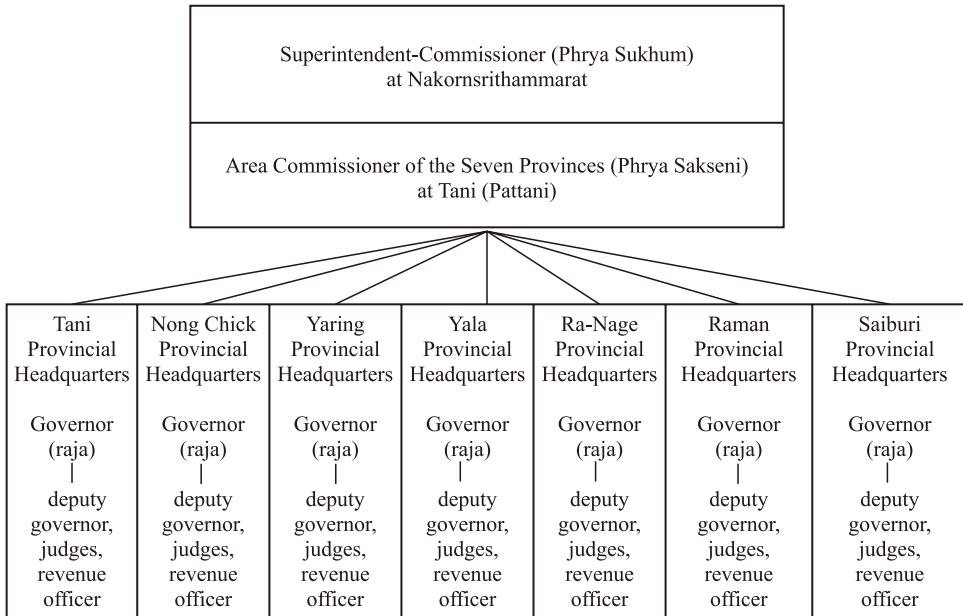


Fig. 1 New Administrative Structure in the Siamese Malay Provinces, 1896–1906

Source: Adapted from Phan-ngam (1976, 216).

Saiburi, each with its own commissioner instead of an imposed sultan. This reorganization finally put an end to the position of Pattani as a sultanate state, marking the beginning of the integration of the Malay states into Siam. Not long after, in 1909, the Anglo-Siamese treaty was signed. As a result, Siam had to relinquish Kedah, Perlis, Kelantan, and Trengganu to British Malaya in order to keep the newly created Monthon Pattani under Siamese territory (*ibid.*, 203–204). The splitting of the Pattani kingdom and the assertion of Siamese control over the area in the nineteenth century is said to be the root of Malay nationalism and political conflict between the Thai government and the Malay south, which in the past decades has turned into an ethno-religious cleavage between Buddhist Thai and Malay Muslims (Harish 2006; Thanet 2008).

Consequently, studies on Thai-Malay relations have so far focused on political tensions between the two parties. Pattani nationalists often stressed the suppression of Thai authority and the struggle of the Malays for justice.⁴⁾ Historically, Siam’s expansion

4) For example, Ibrahim Syukri, the author of *History of the Malay Kingdom of Patani* (2005 [1985]), who greatly influenced later Malay scholars in producing works of a similar discourse (such as Bang-nara 1976 [2008]; Arifin *et al.* 2000). This discourse has been seized upon by Malay-Muslim nationalists and separatists from the 1950s onwards in their drive to gain autonomy for Pattani. On ↗

of its southern periphery, which intensified in the reign of King Chulalongkorn, is seen as a pursuit of imperial expansion rather than as a measure to assure Siam's independence or survival from colonial threat (Koch 1977, 70–71; Loos 2004–05, 7–8; 2006, 70–88). Loos (2006, 88) argues that the enforcement of Thai law and the establishment of an Islamic family court in Greater Pattani in the early twentieth century, modelled after the British, were the most important displays of Siamese colonial modernity.

While the notion of Siam as a colonial aggressor is not entirely wrong, there are other elements that should be examined more closely with regards to Thai-Malay relations and to the history of Pattani *per se*. This paper focuses on the legal and judicial reform Siam imposed in the southern Malay region between 1896 and 1906. This period was probably the most crucial period for both Siam and Malay ruling elites in the political sense, especially with the growing influence of the British in the Malay Peninsula. It examines political structures and judicial practice in the seven Malay provinces prior to the Siamese reform, and how these changed after the legal reform of 1901.

Historical sources regarding law and jurisdiction in the seven provinces are mainly composed of Thai documents since indigenous data on this subject, especially in the period studied, hardly exists. Most of these documents are official reports sent by Siamese local officials to the Ministry of the Interior (Prince Damrong) and King Chulalongkorn, who sometimes sent back comments and suggestions. Siamese officials during the era of modernization often viewed the peripheral region with bias, revealing their imperial perspective. However, among the Thai archives are documents on court cases, letters, and petitions from local elites, translated from Malay to Thai, which shed light on some aspects of Malay society and local politics. This paper will make use of these documents to examine the first 10 years of the reform.⁵⁾

II Law and Society in the Siamese Malay States in the Pre-reform Period

In order to understand the Siamese rationale for reform, we need to understand the political structure of the Malay provinces, how traditional law and jurisdiction functioned in the society, and why the Siamese found it problematic.

↘ the other hand, from the Thai perspective, Pattani has long been seen as part of Siam, and direct control of Siam through political and economic reform as a successful endeavor by Siam to build a unified nation and save her territory from foreign expansion (Phan-ngam 1976; Somchot 1978). The role of royal elites like Prince Damrong Rachanuphab and Phrya Yommarat in incorporating and modernizing the south is highly recognized by conventional Thai scholars (see Maneeratana 1977).

5) Documents concerning Pattani and other southern provinces in this period are not available for public access. Special permission was given to the author to use these materials.

Political Structure and Administrative Practice

Political and social structure in the traditional Malay states is probably the least studied subject in Malay studies. This is worse for Pattani, which fell out of the orbit of concern of British colonial officers; data are scattered and we only have very rough knowledge about it. What we do know is that the sultan or raja, like in the other states in traditional Southeast Asia, occupied the highest position. A British personnel wrote in his 1895 report of the raja of Ra-Ngae, the biggest province close to Kelantan, that he is “supreme in his state, and his word is law.”⁶⁾

The raja supervised an administrative department called *krom-karnmuang*, staffed by several high-ranking officials called *Sri tawan kromakarn*.⁷⁾ The highest official in the *krom-karnmuang* was the deputy governor, who assisted the raja and replaced him when he was absent, followed by the *datok*, who acted as judge in civil and criminal cases in the city. The *datok* also supervised district headmen called *mae kong* or *tok kwaeng*. Apart from the *datok* who exercised jurisdiction duty, there were also *tok kali* in charge of religion and Islamic law, deputy *tok kali* called *tok kiri*, as well as revenue officers and officers taking care of *bunga mas*, or tribute-sending, to Bangkok. The hierarchical relations of these officials are far from clear.

At the district and village level, the *mae kong* or district headman was entrusted with important duties ranging from assuring social order in his village, dealing with conflicts in small cases to collecting *suai* tax, or tax in kind. Below the *mae kong* was the *penghulu*, a Malay term for village headman, who was the *mae kong*'s assistant. In big villages there could be more than one *penghulu*. There were also revenue officers called *kwaeng*, who collected land taxes and dealt with land disputes; *jaa* or *tokjo*, policeman answerable to the *mae kong*; and *nai-dan* or custom officer in charge of collecting duties to be sent to the raja (Phan-ngam 1976, 49–52; Somchot 1978, 72–75) (see Fig. 2).

It is not clear whether this administrative structure was applied in the same manner in all the seven provinces. In Ra-Ngae, for example, the raja had five deputies: *mekong* Sulong who held the highest position next to the raja, *datok* Basong, *mekong* Betong, Hadji Kuchang, and Pah Chu Bujal. There was another important official called “Captain China”—Lim Keo Min, who owned all the farms in the country and collected all kinds of taxes and revenue in Ra-Ngae. Lim reportedly paid the raja \$1,260 a year.⁸⁾

6) “Reports and Particulars of the Legeh Concession” by A. D. Machado in 1895 (with Forward by Mr. J. B. M. Leech, Managing Director of Liang Exploration Company, Limited and government officer in charge of the Kinta district of Perak in the Malay States). British National Archives, F.O 69/276.

7) Literally “department of politics” in Thai.

8) “Reports and Particulars of the Legeh Concession” by A. D. Machado in 1895 (with Forward by Mr. J. B. M. Leech, Managing Director of Liang Exploration Company, Limited and government officer in charge of the Kinta district of Perak in the Malay States). British National Archives, F.O 69/276.

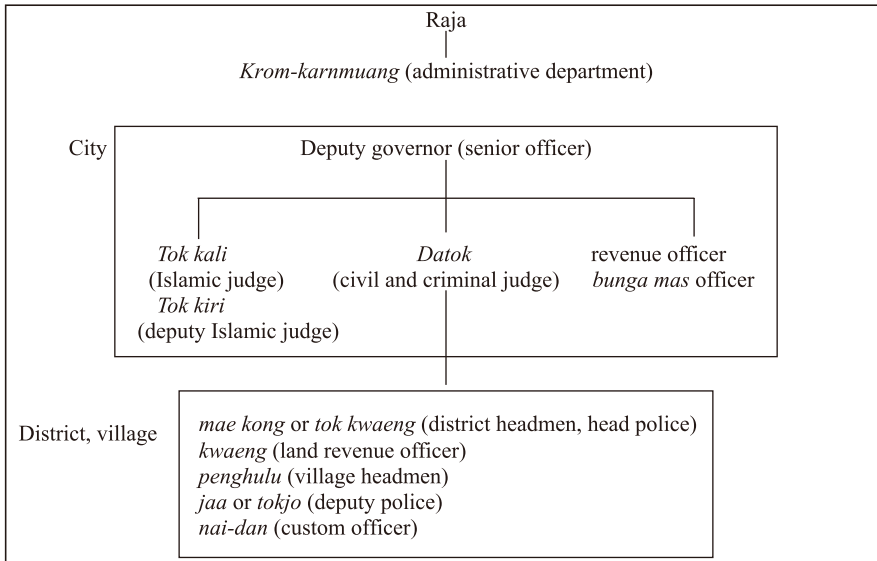


Fig. 2 Political Structure in Pattani before the 1901 Reform

Source: Adapted from Somchot (1978, 72–75).

Somchot has pointed out some problems in the political structure of the seven provinces. First, the duty of these officials often overlapped as there was no functional division of labor (Somchot 1978, 74). *Tok kali*, *datok*, and *kwaeng* all had the juridical authority to hear cases, and both *datok* and district headmen (*mae kong*) could collect taxes as land revenue officers (*kwaeng*). Second, and more importantly, the appointment and dismissal of these officials was decided by the raja alone, which gave him supreme power over all matters, often resulting in despotic rule (*ibid.*, 75). It might, however, be premature to pinpoint the problems from the fragmented data we possess. Duties may seem overlapping, but it might have been a division of labor between the city and outlying districts.

Legal and Judicial Practice

What kind of law was applied in the seven provinces before the reform, how disputes were settled, and how crimes were punished are questions difficult to answer since we only have scattered information. First, regarding law and punishment, it seems that Islamic law was originally applied in the seven provinces. Then in the early nineteenth century, when the Siamese expanded their control in the southern Malay provinces, Siamese law was introduced. Later on, when the Chinese population increased in the region, Chinese law was also applied for the Chinese (Phan-ngam 1976, 52–53). In some

provinces where Siamese influence was strong, for example Nong Chick, only Siamese law was applied, while in other provinces such as Pattani, Raman, and Ra-Ngae, both Siamese and Islamic law were applied, and there were *kali* or Islamic courts in most of the provinces (Somchot 1978, 131). According to Engel (1978, 19–20), it should be noted that even though Siamese law was promulgated by early Siamese kings, it was not strictly observed in the provincial areas since there were traditional ways of handling conflicts, such as ordeal and oath, witchcraft proceedings, mediation by elders or people of high status, and formal judicial proceedings conducted by local rulers. Regarding Malay customary law or *adat*, while other Malay states such as Malacca, Kedah, and Pahang had their own texts, Pattani did not seem to have one. According to Hooker (1972, 76–81), there are some references to laws in Pattani in the Malacca Maritime Laws, which concern rules and punishment on ships and other miscellaneous laws.⁹⁾

When Phrya Sukhumnawinit (or Phrya Yommarat), Superintendent Commissioner of Nakornsriathammarat, visited Pattani in 1896 in preparation for administrative reform, he made some observations about law and jurisdiction there. According to his report to Bangkok, first, two courts existed in this big province—the Commissioner Court and the Governor (raja) Court—but there was no regulation on which cases should be sent to which court, causing overlapping in judicial procedure. In outlying provinces such as Raman and Ra-Ngae, there were no courts or trials being held at all. Second, there were no regulations on when Thai or Islamic law should be applied. In some cases, Siamese law was applied while in other cases, “religious and customary law” of the *khaek*¹⁰⁾ was applied, causing difficulties for judges and litigants. He added, “If it is a dispute between the Thais and the Chinese, Siamese law was usually applied. If it is a dispute among *khaek*, sometimes Siamese law was applied, sometimes *khaek* law was applied.¹¹⁾ Those who applied Siamese law usually lived in or near the city, while those in rural areas normally applied *khaek* law, which means that they don’t bother to appeal. So it means they can choose the law that suits them.”¹²⁾

9) *Adat*, according to Hooker, in its wider sense means Malay tradition, while also meaning law. With the arrival of Islamic influence in the Malay region, *adat* law was adjusted to the new situation and incorporated basic Islamic teaching. The penetration of Islamic law varied from district to district. *Adat* law mainly functioned as a code of conduct and was often called on in land disputes. Unlike in other Malay states, it is far from clear to what extent *adat* law was applied in Pattani. For more on *adat* law, see Hooker (1972; 1986).

10) *Khaek* is a Thai word generally referring to people from India, the Middle East, and the Indonesian archipelago. Here it refers to Malay people in southern Thailand.

11) *Khaek* law here means Islamic law.

12) Explanation from Phrya Sukhumnawinit to Prince Damrong Rachanuphab regarding court regulations in the Malay provinces, February 6, R.S 116 (1898). Bangkok National Archives, Rama 5 Mahathai (hereafter abbreviated as N.A., R 5 M), 43/16.

Like elsewhere in traditional Southeast Asia, there was no professional judge of a Western standard. Disputes at village level were usually first settled by mediation or negotiation. If agreement could not be reached, or in cases of crime, the village headmen such as *mae kong* or *penghulu* of each community would act as a judge. Appeals to the raja of each province could be made, but this would have been rare due to the inconvenience of traveling in those days. As for the Islamic judges or *tok kali* (or *kadi*, *kathi*), traditionally the raja of each province appointed two to four *tok kali*, who heard cases and delivered verdicts. However, Phrya Sukhum observed that since there was no written penal code of Islamic law, *kali* judges in each province tended to have different stances and decisions were totally arbitrary (Phan-ngam 1976, 299). According to the report of a Siamese official in 1902, a similar case was decided differently according to different judges. As a result, some litigants asked the judge to apply Siamese law.¹³⁾

Another concern for the Siamese was the fact that raja had absolute power in jurisdiction and often judged in an arbitrary manner.¹⁴⁾ If it was a case that directly concerned the raja, such as an affair of adultery involving his wife, the raja would order the suspect to be killed without investigation, as in the case of the raja of Saiburi province, who killed his minor wife and her lover, or the son of the raja of Yala, who killed his wife and her lover. Siam opposed this practice and ordered Phrya Sukhum to judge these special cases, as we will see below (*ibid.*, 301–303). Besides, because of their absolute power, local rulers often usurped jurisdiction over any profitable case of inheritance and marriage that should have fallen within the purview of Islamic judges (Somchot 1978, 169; Loos 2006, 91). For example, court fees paid by litigants meant to be sent to Mecca as a donation often ended up in the pockets of the rajas (Phan-ngam 1976, 300).

From the observation of Phrya Sukhum above, it is obvious that the Siamese viewed legal and judicial matters in the seven provinces as confusing and lacking in clear regulations, all of which called for “reform.” This perspective was not so different from the imperialist view of British officials towards other Malay states.¹⁵⁾ The biggest concern for Siam, however, was probably the juridical power of local rulers to execute their sub-

13) Report from Prince Damrong Rachanuphab to King Chulalongkorn, December 3, R.S 121 (1902). N.A., R 5 M, 49/05.

14) Report from Prince Damrong Rachanuphab to King Chulalongkorn, August 9, R.S 123 (1904). N.A., R 5 M, 49/5.

15) For example, William Skeat visited Kelantan in 1899 and observed the juridical practice in Kota Bharu that “there was no code of laws in use in this state. The Malay magistrate claimed to be able to decide all the cases ‘by the light of nature’” (Skeat 1953, 113). Graham also noted that “Malay custom” practiced there, especially that concerning the punishment of crime, was in many ways problematic and should be got rid of (“General report of Affairs in the State of Kelantan for the Year Aug. 1903–Aug. 1904 by W. G. Graham.” British Archives, Foreign Office, 69/265, p. 294).

jects. Phrya Sukhum might have felt that a death sentence for the crime of adultery was too severe, but as Loos points out, Siam's concern was that local rulers should not have that kind of power since it infringed on and challenged the authority of the Siamese king who alone had legitimate control over the life and death of his subjects (Loos 2006, 91).

It can be noted too that the problems faced by the seven provinces in legal and judicial matters were actually not much different from the legal problems the Siamese encountered at that time. Siam at the end of the nineteenth century was also trying to improve its law and jurisdiction: judges were often biased and did not apply the law, cases were often heard at the homes of judges since they received no salary, legal experts were lacking, etc. (Thailand, Ministry of Justice 1992, 23–24).

III New Rules and Regulations

For Siamese bureaucrats at that time, the modernization of legal and judicial matters was one of the most urgent tasks in their attempt to eliminate extra-territorial rights treaties with foreigners. Foreign legal experts were hired to set up legal systems, amend old laws, and institute new ones, and the Ministry of Justice was established in 1892. Civil and criminal courts in Bangkok were put under the jurisdiction of the Ministry of Justice, while provincial courts in the rest of the country remained under the Ministry of the Interior (Thailand, Ministry of Justice 1992, 26–28).

Legal reform in the southern Malay provinces took place not long after it was embarked upon in the rest of the country. The process started with the dispatching of Phrya Sukhum to observe legal practice in the seven provinces and his subsequent proposals of a number of new rules in 1897. The motives behind legal reform have been subject to various interpretations. While most conventional Thai scholars (such as Phan-ngam 1976; Somchot 1978) saw it as a way to “improve” local society by abolishing the bad habits of local rulers and introducing a better modernized system, a recent study by Loos views Siam's legal reform in the south as imperial expansion (Loos 2006; 2010).

Phrya Sukhum might have observed the local jurisprudence in the Malay provinces through the distorting prism of modernity that motivated colonial-style reforms, as Loos (2006, 90–91) points out, but the detail of his proposals is worth paying attention to. Following the Decree of Provincial Court R.S 114 promulgated in 1896, Phrya Sukhum first ordered that the Area Commissioner Court be abolished in order to avoid double filing of cases. A provincial court (*saan muang*) was to be established in each of the seven provinces, and larger provinces could have additional district courts (*saan amphoe*) for

convenience's sake. The highest court, the Area Court (*saan boriwane*), was to be set up in Pattani. Nonetheless, in the early days of the reform, not all provinces had their own provincial court, for example, Nong Chik and Yaring.¹⁶⁾ Court hearing outside the courthouse was no longer permitted except with special permission.¹⁷⁾ Phrya Sukhum also set up a temporary court in Pattani in 1897, open to the public during trials. It was probably the first public court established in the Malay region, consisting of three judges, two of whom were appointed by the raja of Pattani and one by the (Area) Commissioner.¹⁸⁾

Second, regarding the judge, traditionally up to five or six judges were appointed in each province. The new rule reduced the number of judges to three, one of whom must be Siamese. They were also to be appointed by the Area Commissioner and the raja. Verdicts had to be delivered by at least two of the judges, and appeals could be conducted in the Monthon court in Songkla. The number of judges in the seven provinces varied. A relatively big province like Pattani seemed to have had more judges than the other areas. In 1899, for instance, there were four judges there—three Malays and one Siamese. Only two judges were appointed in smaller provinces like Nong Chik and Yala. In Nong Chik, both judges were Siamese while in Yala, one was Malay and the other was Siamese (Skeat 1953, 49–50). District courts in Raman and Ra-Ngae had no judges, so the head of the district often acted as a judge (Somchot 1978, 173).

How to train professional judges was one of the biggest challenges for the Siamese authority. In the early stages of legal reform, it was hard to find legal experts in the capital, let alone in provincial areas. Thus the Area Commissioner of the Malay provinces was given considerable power to oversee the jurisdiction. Apart from appointing Islamic judges, the Area Commissioner was required to give legal and judicial advice to judges and observe their court hearings from time to time. In cases concerning Islamic matters, Islamic law was applied, but the judgment had to be ratified by the Area Commissioner before the final verdict was given, except for petty cases where two out of three judges were allowed to deliver verdicts.¹⁹⁾ That the Area Commissioner was given so much power was a concern for King Chulalongkorn, who warned Phrya Sukhum to choose the

16) Report from Prince Damrong Rachanuphab to the royal secretary of King Chulalongkorn, Prince Sommut Amornphan, regarding the establishment of *kali* court in the seven Malay provinces, August 9, R.S 123 (1904). N.A., R 5 M, 49/5.

17) Report from Prince Damrong Rachanuphab to the royal secretary of King Chulalongkorn, Prince Sommut Amornphan, regarding the establishment of *kali* court in the seven Malay provinces, August 9, R.S 123 (1904). N.A., R 5 M, 49/5.

18) Report from an official to the royal secretary of King Chulalongkorn, Prince Sommut Amornphan, regarding the report from Phrya Sukhumnawinit, May 6, R.S 117 (1898). N.A., R 5 M, 49/28.

19) Rules and regulations regarding courts in the seven Malay provinces drafted by Phrya Sukhumnawinit, February 6, R.S 116 (1898). N.A., R 5 M, 43/16.

appointee carefully.²⁰⁾ Phrya Sakseni, or Naa Bunnag, was appointed to the position at the time of the reform.²¹⁾ Since the appointment of the Area Commissioner greatly reduced the power of the Malay rajas, his authority was often challenged (Phan-ngam 1976).

Another significant change was the law itself. New rules ordered that Siamese law be applied to all criminal and civil cases among people in the seven provinces regardless of their ethnicity or religion. Family disputes among Muslims or with Muslims as defendants would be heard at an Islamic family or *kali* court. Other minor rules called for the building of a prison in each province, and that court fees in both civil or religious courts be collected according to the Thai decree of 1896.²²⁾

After some years of observation and discussion with local judges, a new legal system was formally promulgated in the “Regulations concerning the Administration of the Area of the Seven Provinces R.S 120” in December 1901. This regulation, however, provided only the outline of a new jurisdiction; additional regulations were made later on.

The newly introduced system faced teething troubles, especially in the area of procedures in Islamic courts. As such, Siamese officials often had to hold ad hoc meetings with Islamic judges. Besides, apart from the lack of magistrates as mentioned above, one of the problems that the Siamese authority faced was cases where defendants were relatives or subordinates of indigenous rulers. Since they were influential people, witnesses were often too intimidated to show up at court to testify against these defendants. Siam solved the problem by imposing Siamese law in 1904, which made testifying in court compulsory. If witnesses failed to turn up without a valid reason, they would be detained in jail. When the Siamese implemented this measure, people reportedly started to appear in court as they were more afraid of the law than the influence of the governor.²³⁾

Kali Courts in the Seven Provinces

The most remarkable change following legal reform in the south is probably the establishment and systemization of Islamic family courts called *kali* courts in the seven provinces. *Kali* courts dealt with family affairs such as marital (mostly divorce and adultery) and inheritance cases among the Muslims or cases involving Muslim defendants. *Kali* courts

20) King Chulalongkorn’s reply to Prince Damrong Rachanuphab regarding new court rules in the Malay provinces, February 23, R.S 116 (1898). N.A., R 5 M, 43/16.

21) Phrya Sakseni was previously a High Commissioner in Lampang in northern Thailand and probably had no knowledge about Malay culture; it is doubtful that he performed his duty well.

22) Rules and regulations regarding courts in the seven Malay provinces drafted by Phrya Sukhumnawinit, February 6, R.S 116 (1898). N.A., R 5 M, 43/16.

23) Description of court case by Luang Borirakphubon, submitted to Phrya Sukhumnawinit, R.S 123 (1904). N.A., R 5 M, 49/5.



Fig. 3 Courthouse in Monthon Pattani in the Early Twentieth Century

Source: Bangkok National Archives.

probably existed before the reform, but they were systemized and put under Siamese supervision after the reform. It has been pointed out that, along with state courts, the Islamic family court system in the Malay south is the invention of the modern Siamese state (Loos 2006, 88). We should, however, also take into consideration the details of the new system and ask who benefited from it.

The strongest incentive for the Siamese to incorporate Islamic courts was, as stated above, probably to remove the raja's juridical power and shift it to appointed Islamic judges or *tok kali*. However, it should be noted that Islamic judges did not have sole authority to judge cases; they had to hand their verdict to secular judges to co-sign.

What were the new rules in the Islamic courts? First, before the reform, *tok kali* often acted as judges, ruling over cases themselves. Litigants who were not satisfied with the verdict often appealed to the Siamese commissioner or the raja. Under the new system, a case must be heard by more than one *tok kali*, who acted more like the jury rather than the judge. The plaintiff and defendant were given a chance to choose the most appropriate *tok kali* to handle their case. If all the *tok kali* delivered the same verdict, their judgment was final and no appeal would be allowed; if the verdict among the

kali varied, they had to designate one person as head of the jury and decide by vote.²⁴⁾ In principle, cases in the *kali* court could not be appealed, but if the verdict of the secular judge contradicted with the original verdict of the *tok kali*, the plaintiff or defendant could appeal to a higher court in Nakornsrihammarat (Somchot 1978, 169–172).²⁵⁾

The first trial in a *kali* court post-reform was held in Pattani in 1902. The litigants were a pair of brothers who disputed over the inheritance of some land left to them by their father, with the younger brother accusing his older brother of taking away a piece of land that he claimed was rightfully his. Eight *kali* were appointed and the plaintiff and defendant were each required to choose the *kali* they trusted from among the eight. Seven were thus selected, with two of them, chosen by both parties, acting as juries. After calling for witness and interrogation, the court found that the land had been given to the youngest son, so the two *kali* delivered a similar verdict, ordering the older brother to return the land to his younger brother and both of them to share the court fee. According to Phrya Sukhum, the litigants seemed to be satisfied with the fact that they could choose the *tok kali*. The *tok kali* who were requested to try the case complained about the work, but after Phrya Sukhum promised to reward them adequately, they agreed to do so.²⁶⁾

Other new rules ordered that court fees for Islamic courts be charged in the same way as civil and criminal courts. Instead of handing the fees to the raja as before, they would be allotted to *kali* judges as a reward. Phrya Sukhum further proposed that, just like in secular courts, money be given to witnesses who came forward to give their testimony—a move accepted by Islamic scholars (Phan-ngam 1976, 300; Somchot 1978, 169).²⁷⁾ The validity of cases regarding inheritance was also standardized among the provinces. It was agreed by the *tok kali* and *imam* in the seven provinces in 1905 that, to avoid double standards, inheritance cases would be valid for up to one year after the death of the proprietor.²⁸⁾

24) Rules and regulations concerning the establishment of Islamic court, sent from the royal secretary of King Chulalongkorn to Phrya Sukhumnawinit, date not clear, R.S 121 (1902). N.A., R 5 M, 49/5.

25) However, during the reign of King Vajiravuth and beyond, the authority of the *kali* was reduced to the role of religious advisor to the Thai judge, who sometimes ignored the *kali*'s opinion. Thus, unlike during the period of King Chulalongkorn, people relied less on the Islamic family court (Somchot 1978, 214–215).

26) Report from Phrya Sukhumnawinit to Prince Damrong Rachanuphab, November 9, R.S 121 (1902). N.A., R 5 M, 49/5.

27) Report from Phrya Sukhumnawinit to Prince Damrong Rachanuphab, November 11, R.S 121 (1902). N.A., R 5 M, 49/5.

28) Draft of a regulation about inheritance case in Islamic court, R.S 124. N.A., R 5 M, 49/5; Letter of Prince Damrong Rachanuphab to King Chulalongkorn asking for permission to promulgate Inheritance Law in Islamic court, April 20, R.S 124 (1905). N.A., R 5 M, 49/5.

IV Imposition of the Legal and Judicial System

It is hard to evaluate to what extent the new system worked, since we do not have data before the reform to compare with.²⁹⁾ However, some court cases reveal how local people responded to and made use of the new judicial system. Here two court cases will be raised as case studies: a dispute between a Malay man called Nikuan and the raja of Yaring, and an adultery case concerning the wife of the raja of Raman.

Case 1: Nikuan versus the Raja of Yaring

According to a report by the head judge Luang Borirakphuben in 1902, a total of 451 cases were filed in civil courts in the seven provinces (see Table 1), but this number fell to 370 in the following year.

The head judge explained that there were so many cases in 1902 because in that year alone, up to 100 cases were filed by a man called Nikuan and his men in Yaring province against the raja of Yaring.³⁰⁾ The dispute between Nikuan and the raja of Yaring actually started 10 years earlier. In 1893, Nikuan, an apparently wealthy Malay man in Yaring who owned many rice fields, made a petition to the governor of Songkla, Phrya Wichiankiri, who was the head of the seven provinces at that time, that the raja of Yaring had killed his family and servants and had taken away his property. The raja of Yaring counter claimed that Nikuan's servants had trespassed on other people's rice fields and killed his lawyer in a big fight in Yaring city. The governor of Songkla decided to investigate this case and asked Nikuan and the raja to come to Songkla for a trial. Nikuan appeared but the raja of Yaring refused to comply, informing the governor that "[the

Table 1 Number of Cases Filed in Criminal Courts and Civil Courts in the Seven Provinces (1902–04)

Year	Criminal Court	Civil Court	<i>Kali</i> Court	Total	Source
1902	191	451	91	733	1
1903	256	370*	124	750	2
1904	n.a	n.a	171	n.a	2

Sources: 1) Report of court cases from Prince Damrong to King Chulalongkorn, May 27, R.S 122. N.A., R 5 M, 49/5.

2) Description of court cases by Luang Borirakphuben in the Rattanakosin era 121–123. N.A., R 5 M, 49/5.

Note: *In the table of court cases summarized by Luang Borirakphuben in R.S 122 (1903), the number is 369.

29) For example, reports from the head judge of the seven provinces stated that after the systemization of the Islamic courts, there was a rapid increase in the number of cases filed, showing that people preferred the new system to the old one (Report of court cases by Judge Luang Borirakphuben, R.S 121–123 [1902–04]. N.A., R 5 M, 49/5).

30) Description of court case by Luang Borirakphuben, R.S 122 (1903), p. 4. N.A., R 5 M, 49/5.

dispute] between Nikuan and me cannot be solved even if one dies.” From documents about this case, it seems that the raja of Yaring was not on good terms with the governor of Songkla; instead he had connections with a royal family member in Bangkok from whom he probably sought help. Since the raja refused to go to Songkla, the matter was never investigated.³¹⁾

Ten years after this dispute, a civil court was established in the seven provinces. This seemed to have allowed Nikuan to file cases against the raja—which explains the surprising number of cases in 1902. It is not known how the case between Nikuan and the raja was finally settled, or who was in the wrong since both parties seemed equally vindictive. It can be pointed out, however, that in the event of conflicts among Malay elites, a third party like Siam was required to step in to settle disputes, and that those involved in conflicts made use of the new judicial system in order to express their anger or to seek justice.

Case 2: Sadloh versus the Raja of Raman

This case happened in 1904, when the raja of Raman province, Phrya Rattanapakdi (hereafter Phrya Rattana), sued a Malay man called Sedloh whom he suspected of having an affair with his wife. He filed the case in the *kali* court in Raman province. The *tok kali*, consisting of six juries, called for witnesses, all of whom claimed to have no familial relations with either the plaintiff or the defendant. All testified that they saw Sedloh spending nights with Phrya Rattana’s wife on many occasions but did not see them having sexual intercourse. Sedloh, the defendant, denied the accusation, protesting that Phrya Rattana had made a false accusation against him in order to get him into trouble.³²⁾ According to Islamic law, since the two suspects were not caught in the act, they were exempted from the death sentence.³³⁾ The *tok kali*, referring to an Islamic text called *Kitab Kunwa*,³⁴⁾ held that if a man and a married woman were seen sleeping together, punishment would be meted out only to the man. According to the *kitab*, many kinds of

31) Letters and reports about Phrya Yaring and his men robbing Nikuan’s house in Songkla, R.S 112 (1893). N.A., R 5 M, 49/58.

32) Copy of the court case regarding the infidelity of the wife of Raja Ratthanapakdi, no. 188/1947. N.A., R 5 M, 49/81.

33) Siamese and Malay judges who objected to the idea of an execution reached an agreement anyway that adultery cases would be regarded as civil cases, and that the convicted would be punished according to Siamese law, that is, by paying fines only (letter of Prince Damrong Rachanuphab to King Chulalongkorn, August 28, R.S 122. N.A., R 5 M, 49/5). The fine was reportedly two catties (1 catty=596 grams) (report concerning *tok kali* court by Luang Borirakphuben, April 11, 1904. N.A., R 5 M, 49/5).

34) ทศบัญญัติ

punishment could be carried out, such as detention, whipping, or shaming in public, and it was up to the head of the state to decide. The six *tok kali* found Sedloh guilty and ordered him to be detained. They asked Phrya Sukhum to decide on the length of his detention.³⁵⁾ Phrya Sukhum initially planned to move Sedloh to Nakornsrihammarat and detain him there for two years, as he had done with convicts in previous cases involving Malay rulers.³⁶⁾ However, King Chulalongkorn suggested that, in order for the raja to “maintain his dignity and not to lose his authority,” the wrongdoer should not only be put in jail but also punished in some ways.³⁷⁾

Before imprisoning Sedloh, Phrya Sukhum received a royal order to investigate this matter carefully since it concerned the raja and could jeopardize his status. Thus he went to Raman and talked to those involved in the disputes. He discovered that Sedloh, who was charged with preparing opium for the raja’s wife daily, had actually been plotted against by the raja’s wife because Sedloh had left her for another woman, the daughter of a Malay noble. The raja’s wife wanted to take revenge by making her husband sue Sedloh. In spite of this knowledge, Phrya Sukhum could do nothing more than imprison Sedloh and act as a mediator among those involved in this conflict.³⁸⁾

This case has been highlighted because it is very revealing. It demonstrates not only judicial procedure in the Islamic courts immediately after the reform, but also the inside story of Malay ruling elites not easily available elsewhere. This case can be interpreted in many ways. Seen in a colonial context, the formalization of Islamic courts might be interpreted as an intervention of Siam in Islamic family matters. But in this case, it was the Malay ruler who manipulated the newly established court as a way to punish the wrongdoer. Whatever the result was, it is clear that Sedloh was actually the victim of a jealous woman. The real winner in this case was probably the wife of the raja who successfully managed to “punish” Sedloh through the legal process.³⁹⁾

35) Report of *tok kali* court in Raman to Phrya Sukhumnawinit, June 17, R.S 123 (1904). N.A., R 5 M, 49/81.

36) Letter from Prince Damrong Rachanuphab to King Chulalongkorn, no date. N.A., R 5 M, 49/81.

37) Letters from King Chulalongkorn to Prince Damrong Rachanuphab concerning the punishment of Sedloh who committed adultery with the wife of Raja Rattanapakdi, May 1, R.S 123, and May 27, R.S 123 (1904). N.A., R 5 M, 49/81.

38) “Records concerning the wife of Raja Rattanapakdi committing adultery” by Phrya Sukhumnawinit, June 22, R.S 123 (1904). N.A., R 5 M, 49/81. The daughter of a nobleman, the raja’s wife reportedly sold all her belongings in order to live with Sedloh and refused to go back home to her father. Phrya Sukhumnawinit had to persuade her to do so.

39) According to Phrya Sukhum, it appears that the wife of the raja of Raman did not want Sedloh to be executed. She reportedly visited Sedloh after he was jailed, proposing to him that if he went back to her, she would help him out of jail (“Records concerning the wife of Raja Rattanapakdi committing adultery” by Phrya Sukhumnawinit, June 22 R.S 123 [1904]. N.A., R 5 M, 49/81).

Concluding Remarks

Studies on Thai-Malay historical relations have been controversial since it very much depends on which angle one takes—the Siamese authorities who saw the need to reform and modernize, or the Malay rulers who viewed Siam as a colonial aggressor. These differences will probably never end as long as different historical perceptions between Thais and Malays remain and continue to be dominated by political and ethno-religious cleavages between the two parties. But at the same time, we cannot neglect the essence of the reforms and changes brought about by the Siamese authorities, as well as the socio-political circumstances in Malay society at that time.

Legal reform Siam imposed on the seven Malay states might be seen as a colonial modernity, but if we look in detail at court cases, at least those conducted immediately after the reform, it can be argued that the changes in judicial procedures benefitted, to some extent, those involved, such as Islamic judges and litigants, since it reduced the judicial power of local rulers and prevented them from abusing their power, whether intentionally or not. Moreover, if we take into consideration local politics within Malay society, as demonstrated by the case studies above, it is notable that when conflicts occurred among Malay elites, the intervention of a third party like Siam was needed. Likewise, when civil and criminal courts were set up, it gave people recourse to the judicial system; they were ready to make use of the new judicial system to confront their enemies or to demand for justice. Therefore when discussing Thai-Malay or Thai-Pattani historical relations, the notion of inner colonialism alone might not be enough; local politics and the conflict of interest among ruling elites within Malay society should be taken into consideration as well.

Accepted: September 6, 2013

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Extending the Hydraulic Paradigm: Reunification, State Consolidation, and Water Control in the Vietnamese Mekong Delta after 1975

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As vividly depicted by James Scott (1998), environmental transformation and the utilization of natural resources for development have, in modern human history, often been driven by the high-modernist world views of (authoritarian) governments. In this context, environmental historians ascribe a powerful role to (hydraulic) engineers as agents of ecological and social transformation. With their epistemic power arising from their association with rational-modern science and technology development, engineers emerged as protagonists of large-scale landscape engineering and water control ventures coordinated by the nation state in the light of modernization. Against this historical background, this paper traces the post-reunification hydraulic mission in the Mekong Delta (1975–90) and highlights the strategic role that state-led water control efforts guided by hydraulic engineers have played in economic recovery, nation building, and state consolidation under socialism. It is argued that water resources development in the Mekong Delta is deeply embedded in the country's historical trajectory, which is framed by national division, the struggle for independence, and the subsequent reunification under the Vietnam Communist Party's leadership. The socialist hydraulic bureaucracy, which arose in the 1950s in North Vietnam, capitalized on the opportune moment of reunification of North and South and systematically expanded its control over the southern water-scape. In this context, the paper presents a historical perspective on how water development strategies and institutional arrangements evolved when North Vietnamese engineers took over water resources management in the Mekong Delta. These past developments still have far-reaching implications for present-day water management dynamics in Vietnam's largest river estuary.

Keywords: Mekong Delta, Vietnam, water resources development, modernization, hydraulic mission, state engineers, water bureaucracy

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I Introduction

Surrounded by the sea to the east and south, and topographically shaped by the interplay of mighty rivers, mountains, deltas, and coastal plains, water is omnipresent in Vietnam. From ancient times, the economic basis of Vietnam's civilization was grounded in intensive irrigated rice production, an activity that requires sophisticated knowledge, skills, and technology in water control. The Vietnamese people can look back at a long history and grand tradition of managing water flows. The origin and cradle of Vietnamese civilization is in the Red River basin where floods, typhoons, and droughts occur frequently and in disastrous magnitude. Ensuring survival in this harsh and unpredictable environment has always required collective efforts in developing flood protection infrastructure and managing irrigation. Unsurprisingly, hydraulic management emerged as important function of the royal state administration in pre-colonial Vietnam. Protecting the nation and people from natural disasters was politically critical, since peasant rebellions and social unrests often arose in the aftermath of famines brought on by severe flooding and droughts (Smith 2002, 77; Tessier 2010, 264). Etymologically, the Vietnamese word *thủy lợi*,¹⁾ a term of Chinese origin and best understood as *hydraulics* in the sense of water control and the utilization of nature by human, comprises connotations of water management that traditionally derive from the above mentioned utilitarian and technical orientation of human-nature relation.

Compared to the Red River Delta, where human settlement and hydraulic interventions into the deltaic landscape go back as far as the beginning of the Christian era²⁾ (Tessier 2010, 264; Tuan Pham Anh and Shannon n.d., 2), the making of the modern Mekong Delta, Vietnam's largest river estuary located in the Southwest of the country, commenced far later, but has been similarly bound up in the idea of humans striving for dominion over the natural world. Structural interventions imposed on the deltaic ecology, and the resulting environmental change, have been among the major contributors to the profound transformation of the Mekong Delta in modern history. In essence, the Delta's history can be divided into two epochs characterized by divergent human-society relations: first, people's adaptation to the Delta's complex hydro-ecology; second, people's efforts to tame and control the Delta's natural forces with the use of rational science and modern technology. The latter feature has prevailed over the past 200 years, as comprehensively traced by Biggs (2010). Particularly in the past 30 years, the need for

1) While *thủy* means water, *lợi* means beneficial or useful.

2) Due to early population pressure in the Red River Delta, the royal court was forced to continuously develop new technological innovations in hydraulic engineering for land reclamation, flood protection, and increased agricultural productivity.

regulating water flows in the light of flooding, salinity, and droughts, has modified profoundly the Delta's physical shape. Hydraulic engineers and planners played a critical role in this socio-ecological transformation of the modern Delta, where water management nowadays, is performed at a large scale through a dense system of water control infrastructure consisting of dikes, embankments, sluices, and partly pumping stations (Evers and Benedikter 2009a). With reference to Wittfogel's (1957) concept of *hydraulic society*, the delta's march toward total hydro-management has transformed the delta society from a traditional *river-water civilization*,³⁾ which used to live in tune with nature, into a *modern hydraulic society*⁴⁾ which strives to exert control over the natural environment in which it is embedded (Evers and Benedikter 2009b).

Along the path to total hydro-management, various intersections of water control, politics, and nation building were at the heart of the Delta's modern transformation. Similar to Swyngedouw's (1999; 2007) portrayal of Spain's departure from feudalism to modernity, a process driven by technological progress in water control, the Mekong Delta's changing socio-nature and transformation into a predominately human-made landscape can best be understood as part of *hydro-social modernization*.⁵⁾ In this, technological progress in water control is given a critical role in the process of transforming a once sparsely populated and human-hostile waterscape into a highly regulated, standardized, manageable, and productive economic and social space (Käkönen 2008; Biggs *et al.* 2009). Irrespective of the political regimes that ruled over the Delta in different epochs, water control was the key paradigm referenced in exploiting the Delta's abundant land and water resources, and mitigating negative impacts caused by nature. Related to what Scott (1998) conceptualized as *high-modernism*, it was the boundless faith in modern science, technology and the firm belief in state management capacity that triggered consecutive hydraulic engineering ventures to tame the Delta's complex hydro-ecology. Covering the period from the end of Vietnam War (1975) to the promulgation of what became known as Renovation policy (1986), or *Đổi mới* in Vietnamese, this paper follows on the hydraulic history of Mekong Delta by Biggs (2010), which ends in 1975, and traces the *hydraulic mission*⁶⁾ subsequently launched by the socialist regime.

Based on exhaustive literature review, archival work, and empirical research con-

3) Văn minh sông nước

4) Xã hội thủy lợi hiện đại

5) According to Swyngedouw, hydro-social modernization defines social, political, and economic transformation on the basis of state-directed water control. It highlights the importance of water engineering and waterscape modification as the key factor for modernization and changing socio-nature.

6) The term hydraulic mission refers to top-down, state-directed, and state-monopolized development of water resources and water infrastructure for the promotion of growth, modernization, and prosperity (Molle *et al.* 2009; Treffner *et al.* 2010, 253).

ducted in Vietnam from 2008 to 2011 in context of an international research project,⁷⁾ this paper explores water resources development over the past 40 years. Landscape engineering, water control, and environmental change are viewed as part of a historical process embedded in Vietnam's national reunification and state building efforts guided by the socialist government. Against this background, the paper traces the conquest of the Mekong Delta by Vietnam's national hydraulic bureaucracy and how this process has shaped institutional arrangements, power structures, and ideologies associated with water resources management in past and present. Particular attention is devoted to the corps of state engineers, their role in hydro-social modernization, and how they benefited from this process.

II The Hydraulic Paradigm and the Global Rise of Engineers

Before turning our attention to Vietnam, a brief journey through modern water history and its protagonists, namely the guild of hydraulic engineers and bureaucrats, provides the conceptual gateway into this paper. Water control and landscape engineering have been crucial ingredients of modernization and development over the past centuries of human history. Modern water sciences, hydrology, and engineering technologies have facilitated large-scale structural interventions that have made possible the regulation of water flows and the modification of waterscapes over large parcels of geographical land. As emphasized by Molle (2006, 4), harnessing water through complex hydraulic installations became a crucial precondition for the Industrial Revolution, modern irrigated agriculture, or energy production through hydropower.

The implementation of large-scale water control efforts required heavy investment, and the scale and technological complexity of many hydraulic installations, such as hydropower, irrigation, or flood control schemes, needed centralized coordination and management. This cohesion has created firm state monopolies in water resources development and management, and in the related activities of planning, design, construction, and rehabilitation of water infrastructure. The monopolization of water control under the state favored the rise of powerful *hydraulic bureaucracies* (*hydrocracies*) around the world (Molle *et al.* 2009; Treffner *et al.* 2010, 254). This somehow mirrors pre-modern types of state coordination of water management referred to in Wittfogel's (1957) conceptualization of *hydraulic society*, namely: ancient polities that rose from state-coordinated col-

7) "Water-related Information System for the Sustainable Development of the Mekong Delta, Vietnam" (2007–13) funded by the Federal German Ministry of Education and Research (BMBF) and the Vietnamese Ministry of Science and Technology (MoST).

lective efforts in water control and hydraulic agriculture. However, in fact, it was only in the nineteenth century with the rise of modern sciences that large-scale water control technology advanced fundamentally. Molle (2006) points to the importance of advanced knowledge in physics, topography, geology, and hydrology that provided the basis for an improved description of the water cycle, the marshalling of the hydraulic power of rivers for industrial development and modern irrigated agriculture.

In a broader sense captured in political ecology, the paradigm of human mastery over nature became a driver of modernity and nation building, manifesting in regional water control plans and ambitious landscape engineering ventures. Hydraulic works, such as huge dams, reservoirs, and irrigation grids emerged as icons of modernity created by ultimate state power (Molle *et al.* 2009, 334). These projects did not only transform natural features such as river valleys, marshlands, or coastlines, but also rearranged human habitats such as settlement structures, the organization of land use, and access to natural resources in specific parcels of geographical space (Blackbourn 2006, 5). Rational-scientific planning and technological progress entails the involvement of specialized knowledge. The triumphal march of engineer-biased water science laid the foundation for a new and powerful professional group to emerge as protagonist of the great work of nation building and social transformation: the guild of engineers. Their modern science-based epistemic monopoly on hydrology, geology, geography, cartography, and other related disciplines legitimized their avant-garde role in society (Scott 1998, 96; Blackbourn 2006, 7).

The vital role that hydraulic engineers played for such ambitious ventures is documented by environmental historians such as Worster (1985), who highlighted the role played by engineers in the colonization of California and the grand mission of damming and diverting rivers to irrigate the arid land of the American West. Another example is Blackbourn's (2006) work about the making of modern Germany as being a conquest over nature, whereby state engineers drained marshes, modified coastlines, and straightened rivers such as in the Upper Rhine Valley. The hydraulic paradigm of water control did not only stand for modernization and prosperity. In a wider sense, national hydraulic efforts became means to achieve political ends such as nation and state building. Development through large-scale water control projects unified countries and legitimated political regimes, as vividly described by Wester *et al.* (2009) on Mexico's *revolutionary irrigation* movement, or by Swyngedouw (2007) for the case of Franco's *hydro-social dream* of harvesting every drop of surface water flowing across Spain's waterscape.

In the early twentieth century, in many parts of the world, development of centralized water infrastructure at basin, regional, and national scale called for the creation of professional and central state agencies to plan, construct, and manage water infrastruc-

ture on behalf of the nation state. The need for centralized coordination of water control efforts resulted in the emergence of powerful water bureaucracies embedded in the modern state machinery (Molle *et al.* 2009). The establishment of the Confederaciones Sindicales Hidrográficas in Spain in 1879 (Swyngedouw 1999, 459), the Department of Canals in Thailand (Siam) in 1902 (Riggs 1966, 125), and the Comisión Nacional de Irrigación in Mexico in 1926 (Wester *et al.* 2009, 397) are a few manifestations of the global rise of powerful hydrocracies consisting of technical and economics-oriented engineers. In this, one observes how the guild of hydraulic engineers endowed itself with bureaucratic and even political power, thereby becoming part of political elite. From the post-enlightenment period in Europe, the hydraulic paradigm spread around the world as a scientific-technocratic engineering mission, including in the colonies, where “subduing nature and marshalling water became part of the mission of Western countries” of bringing civilization to the world (Molle 2006, 4). The Vietnamese Mekong Delta is a classical illustration of such, whereby large-scale interventions initiated by the colonial regime were perpetuated by post-colonial regimes.

III The Vietnamese Mekong Delta: A Hydraulic Engineering Laboratory

The Deltaic Landscape: Hydro-Ecological Complexities

After a 4,800 km-long journey from the Tibetan Plateau in China through Myanmar, Laos, Thailand, and Cambodia, the Mekong River reaches its estuary located at the southern tip of Vietnam, where the river empties into the South China Sea. The deltaic topography is characterized by the extreme flatness of a vast plain (with an average elevation of 0.5 to 1.2 meters), where paddy fields, fruit orchards, and villages are arranged along countless courses of rivers, canals, and creeks branching out into open space. Blessed with fruitful alluvial soils and abundant water resources, the Mekong Delta is one of the most agriculturally productive areas in the world. Not less than 40 percent of the national food output of Vietnam originates from there, most notably export items such as rice, aquaculture, and fruits (Käkönen 2008). The dense network of over 30,000 km of waterways crosscutting the waterscape is the fundamental characteristic of the delta region, acting as the lifeline and infrastructural backbone of the Delta’s agro-economy.

Unsurprisingly, the region is characterized by an extremely complex hydro-ecology. Physically, the Mekong Delta has been formed by the interplay of powerful natural forces. Over thousands of years, gigantic amounts of suspended sediments,⁸⁾ traveling in the

8) The sediment load of the Mekong Delta is estimated at 160 million tons per year (Hashimoto 2001, 20).

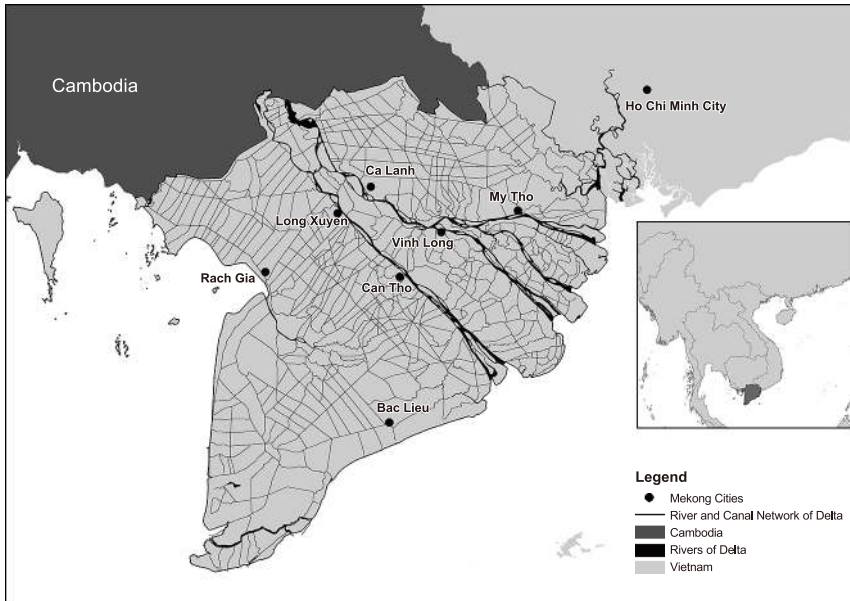


Fig. 1 Map of the Mekong Delta River and Canal Network

Source: Amir Hosseinpour (ZEF).

Mekong River, have been deposited in the estuary and then redistributed by waves, tides, and currents according to the rhythm of seasonal flooding and the daily ebb and flow. Located in the humid tropics of Southeast Asia, the Delta's hydrological cycle is shaped by the monsoon. Saline intrusion is most intensive during the dry season in April, when the river discharge is low and the tidal fluctuation is strong. Consequently, seasonal droughts and water scarcity constrain agricultural production in the coastal belt. The flood season coincides with the wet season, reaching its peak in November. During this period, the overflow from the major distributaries and the influx of floodwater from Cambodia merge. Unlike the other river basins in Vietnam, like the Red River Delta, where floods can appear suddenly and with destructive power, the Mekong Delta's flood regime is calm and prolonged. Inundation levels rise and withdraw very slowly over several weeks. The highest flood levels and duration occur in flood plains in the upstream delta to about three meters, and in extreme flood seasons up to five meters (Hashimoto 2001, 6–20; Vo Khac Tri 2012, 51–62).

Pre-socialist Hydraulic Efforts and the Making of the Modern Mekong Delta

Since ancient times, the complex hydro-ecology was considered a potential resource for agriculture, but also a major obstacle to development and economic growth. This view-

point emerged as the driving force in human efforts to modify the deltaic landscape in order to optimize the use of water and land resources, and curb negative impacts caused by nature. When modern hydraulic technology reached the Delta at the end of the nineteenth century, it became a laboratory for ambitious hydraulic engineering projects and technical interventions coordinated within the frame of modern state structures.

Landscape engineering and water management, to a limited extent, had already commenced in the early Funan period of the mid-third century, when the precursors of what would later become the powerful Khmer empire excavated an artificial water grid around the ancient capital of Oc Eo (Bourdonneau 2013). Much later, throughout Vietnamese colonization beginning in the seventeenth century, a number of new canal projects were carried out under the Nguyễn administration. Canal projects, such as the Vĩnh Tế Canal, which nowadays demarcates a boundary between Vietnam and Cambodia, were strategically critical infrastructure for improving logistics and communication across the new frontier land of the Vietnamese empire in the deep Southwest, and for protecting it from Siamese and Khmer invasion (Biggs 2010, 65). Thereafter, the French conquest and annexation of Cochinchina,⁹⁾ which commenced in 1860, led to a rapid intensification of technical interventions and modifications of the deltaic landscape. French colonial planners and engineers brought along modern knowledge, technology, and heavy equipment from Europe which permitted them to carry out large-scale infrastructural interventions. Beginning in the late 1880s, the colonial administration systematically opened up the Delta by crafting a canal grid on its surface which served as the main communication and transportation network, and along which the colonial state reclaimed land for colonization and the establishments of large-scale rice estates. Much of the rice land was owned by big landlords who demised small plots of their land to tenant farmers for cultivation. As in other parts of the colonial world, water control drove the Delta's transformation into an export-oriented plantation economy based on capitalist principles for rural production (Brocheux 1995, 17–40; Biggs 2010, 34–51). This artificial water grid was the precondition for the Delta's colonization and became the hallmark of its settlement structure, determining people's access to land and water. The early man-made canal and river network constituted the first layer of high-modernist space upon which ensuing regimes built.

As vividly shown by Biggs (2010), although infrastructural interventions have helped to convert wild swamps into manageable and productive land, in a wider context of environmental change, these man-made manipulations have resulted in unanticipated hydro-

9) Refers to the southern part of Vietnam, which encompasses the Mekong Delta and Southeast Vietnam.

ecological problems. As in an infinite loop, the unpredictable and often destructive side effects of technical progress have required ever expanding engineering and structural solutions. The sheer size of the Delta, its complexity, ecological dynamics, and growing human interference have made it almost impossible to predict how nature will respond to any modification of the landscape. Trial and error, therefore, emerged as the modus operandi of colonial engineers on the waterscape. Canal dredging works planned by French engineers did not only transform the waterscape, but represented feats of social engineering. With each newly dredged canal, new settlers, plantation owners, and the colonial administration moved deeper into formerly isolated areas. Landscape engineering was pushed forward by the shared interests of a powerful coalition comprising colonial administrators, landlords, public-works engineers, and dredging enterprises (*ibid.*, 47). Embedded in the colonial Department of Public Works, French hydraulic engineers emerged as protagonists in the making of the modern delta.

After the communist victory over the French at Điện Biên Phủ in 1954, Vietnam was divided into two different political regimes. The subsequent French withdrawal from Indochina was followed by the American military engagement, which lasted until the mid-1970s. Apart from sending soldiers and military advisers, the Americans launched aid programs, which were meant to drive back the communist insurgency in the Mekong Delta. In the 1960s, modeled after the Tennessee Valley Scheme, the Americans initiated delta-wide water resources development plans as part of a political mission to pacify the Delta by boosting rural development and starting a Green Revolution to improve socio-economic conditions (Miller 2003, 184–188). A coalition of US-American advisers, engineers, and hydraulic construction companies seamlessly replaced the French Department of Public Works. Beyond the strategic goals of geopolitics, money making interest sustained and fueled the cycle of hydraulic planning, investment, and construction from which they collectively gained (Biggs *et al.* 2009, 214–215, 221). The escalating conflict, however, thwarted these ambitious water resources and infrastructure plans. Ultimately, landscaping engineering efforts petered out in the wake of the US-American withdrawal from South Vietnam after the Paris Peace Accords in 1973 and the Vietnamization of the conflict.

IV The Modern Hydraulic State: Bureaucratic Rule over Land, Water, and People

North-South Antagonism and the Quest for National Unity

When in 1975 the Vietnam War came to an end, and the victorious socialist government

seized power in the South, the leadership of the Vietnamese Communist Party in Hà Nội faced the immense problem of economic recovery in the context of North-South reunification. One of the most urgent challenges was to overcome disquiet and resentment that had grown between the two sides after 30 years of national division. The other was about how to consolidate socialism across the southern territories and integrate the South into the socialist state and the command economy model that had been in place in North Vietnam since 1954. With peasants making up the majority of South Vietnam's population, and an abundance of potential for agricultural development, agrarian modernization was considered critical for stimulating economic growth in the South. In essence, the development and modernization of rural areas, from where the revolutionary struggle for independence and unification received most of its backing, became a key part of efforts in state consolidation and nation building in the South (Miller 2003, 189).

While Hà Nội and the Southern resistance movement were unified in the struggle for national independence, disharmony emerged over the question of precisely how to reunite the country, the pace of reunification and which economic system and policy the country exactly should follow. Moreover, tensions emerged due to Northern domination and Hà Nội's posturing about being in the position to bring up and educate the liberated South (Porter 1993, 28–30; Vasavakul 1995, 272). The North considered itself victor over imperialism and as the cradle of socialist modernity and traditional Vietnamese nationalism. After decades of national division into contrary ideological regimes, the North regarded the South as poisoned by Western capitalist values. Putting the South back on the right course justified Northern claims to leadership within the unified Vietnamese nation:

During the war, the party had vehemently denied the Republic of Vietnam (RVN) regime's seizure of the mantle of Vietnamese modernity. After unification, the locus for the articulation of Vietnamese identity for Vietnamese south of the 17th parallel shifted dramatically northwards to the new national capital, Hanoi. The former Democratic Republic of Vietnam (DRV) became the template for the reforms prosecuted in the South in the post-war years. (Taylor 2001, 26)

North and South officially reunified in 1976 when the Socialist Republic of Vietnam was proclaimed with Hà Nội as its capital. In the following years, it became crucial for the national leadership to yield quick socioeconomic success to consolidate its political control and legitimacy in the South.

The Mekong Delta's Strategic Role in National Reunification and State Consolidation

In the early years following reunification, economic policies focused on rural areas and agriculture development, as emphasized by the General Party Secretary Lê Duẩn in his

1976 speech at the National Assembly (Turley 1977, 46). The fertile land and abundant water resources of the Mekong Delta became strategically important in this context (To Trung Nghia 2001, 101). Referring to earlier water resource plans compiled by the US-Americans, the new regime identified the Mekong Delta as most promising for agrarian modernization and achieving national food security as precondition for political stability and growth. Developing the Mekong Delta's water resources thus emerged as a strategic goal that served higher political ends and, after years of stagnation, triggered a new hydraulic mission in South Vietnam.

Indeed, in the Mekong Delta, the development of water resources slowed down and even came to a complete stop with the escalation of the military conflict in the late 1960s and 1970s (Biggs 2010, 203). This gave the Northern government an opportunity to point to the failures of the French administration and the coalition of the United States and Saigon Regime in water control and agrarian modernization prior to national reunification under socialism. In a commemorative publication celebrating the 30th anniversary of the Hồ Chí Minh City Association of Water Resources, North Vietnamese state engineers assessed the effectiveness of water control and utilization in the Mekong Delta prior to 1975 as obsolete:

Thinking back to the first days after liberation of the South, this was a time when the North already undergone 20 years of building up of socialism (including 10 years of national struggle against the aggressive and destructive United States) and was able to keep up pace in the development of water resources at a level equal to other countries in the region. The South, in contrast, had been lagging behind since 1945. . . . Each time the Mekong Delta is discussed, much attention is paid to the great efforts made by the French in excavating new canals. However, in reality, water allocation in those days was sluggish and the bulk of agricultural land remained with only one harvest on average, not exceeding 1.5 tons per hectare per year. (Association of Water Resources of Hồ Chí Minh City 2006, 7)¹⁰⁾

The Ministry of Water in Hà Nội diagnosed the South as having a deficit of modern scientific knowledge and expertise (To Trung Nghia 2001, 101). They viewed the adaptive nature of water-society relations and agriculture production in the South as outdated. In response, modernizing water resources utilization was formulated a priority goal for the South:

Local people in the Delta had no awareness of the role of water resources for development. Thus, the development of water resources in South Vietnam was among the most urgent priorities defined by the party and the state [after reunification]. (Association of Water Resources of Hồ Chí Minh City 2006, 7)¹¹⁾

10) Translation by the author

11) Translation by the author

Reunification and the Political Economy of Water Control and Agrarian Modernization

A brief review of the historical events illustrates the different trajectories of development that took place in North and South prior to national reunification, spelling out why engineers from North Vietnam labeled water management in South as backward. After the Geneva Peace Agreement (1954) and the subsequent national division of Vietnam, the Democratic Republic in the North, with the goal of agrarian modernization, made significant efforts to regulate and harness water flows in the Red River basin. Being cut off from Southern rice surpluses produced in the Mekong Delta, the Northern government declared the development of water resources for a Green Revolution a national affair of the highest priority. In the late 1950s, the Northern government established the Ministry of Water.¹²⁾ Embedded in the socialist state machinery, the water management bureaucracy comprised water-related state agencies and state-owned engineering companies at every administrative level to ensure systematic top-down operations. The socialist state mobilized masses of manual labor to dig canals and upgrade dikes as part of public irrigation campaigns. Advisers from the People's Republic of China and the Soviet Union provided funds and technical advice on how to expand and modernize the hydraulic infrastructure. Moreover, water resources management became centralized under the planned economy and was implemented as an integrated part of agrarian collectivization, as explicitly shown by Smith (2002, 195–280). After 1975, to catch up with the North, the political leadership in Hà Nội emphasized the need for a comparable policy in the Mekong Delta:

. . . without timely cooperativization it is impossible to develop irrigation, impossible to dig the network of canals and ditches such as we now have in the North. Without irrigation double cropping in rice is impossible, development of production is impossible. . . Irrigation works cannot be performed by individual families on individual plots of land. They must be carried out in each region of the entire delta of the southern region where cooperativization has been completed. (Hoang Tung, a secretary to the Central Committee, in 1978; quoted in Ngo Vinh Long 1988, 163)

Such views reveal the synergies the party state believed to have found in the nexus of water control and the creation of new rural (socialist) institutions, in particular agrarian collectivization. In a speech delivered to young cadres during political training, the party secretary of Hậu Giang Province, one of the Mekong Delta provinces in those days, emphatically pointed out the vital role water resources development was assigned in this process:

The development of hydraulic infrastructure and progress in rural development must go hand in

12) Bộ Thủy lợi

hand. On the one hand, water resources must serve cropping, while agriculture at the same time must foster the development of collective groups, collective production units, agricultural cooperatives, and state farms. On the other hand, we have to rely on these organizations to develop our water resources for increased productivity, and this will automatically foster and consolidate all state-run and collective organizations. (*Hầu Giang Newspaper*, February 10, 1982)¹³⁾

In this sense, it was not only water management that came under state control, but also agricultural land and, consequently, the land use planning. Private property was largely prohibited under the new regime. Farmers in the Mekong Delta were requested to join collectively organized and state-run production units. Due to fierce peasant resistance, however, agrarian collectivization in form of *agricultural cooperatives*¹⁴⁾ (as implemented in the North after 1954) fell short of expectations in the South. By 1986, only 6 percent of the Delta's farmers were organized in forms of collective production (Vo Tong Xuan 1995, 187).

Nevertheless, despite its failure in the South, agrarian collectivization had profound impacts on the Mekong Delta and its population. Having recognized that rigid *cooperativization*,¹⁵⁾ as enforced in the North 20 years earlier, was politically unfeasible in the South, the regime opted for a less invasive version that encouraged the Delta's peasantry to get organized in so-called *solidarity production groups*¹⁶⁾ or *production collectives*.¹⁷⁾ By integrating farming households in these relatively loosely structured organizations, the new regime hoped to quickly integrate the Delta farmers into the central planning economy (Ngo Vinh Long 1988, 164). Consequently, the situation in the South evolved differently than in the North, such that farmers in the South remained the primary managers of their land, but had to produce according to central directives. Also new in the South were communal efforts in land preparation, irrigation, and threshing, which arose because the individual ownership of the scarce tractors, rototillers, threshers, and irrigation pumps was largely abolished under the new regime.¹⁸⁾ Such devices, required in modern agriculture, were only available through state-run distribution systems. The same applied to agro-chemicals, specifically pesticides and artificial fertilizers (Vo Tong Xuan 1995, 187–188). In addition, a strict rice collection policy obliged farmers to sell rice surpluses to government agents at fixed prices (Kono 2001, 77). Growing state inter-

13) Translation by the author

14) Hợp tác xã

15) Hợp tác hóa

16) Tổ đoàn kết sản xuất

17) Tập đoàn sản xuất

18) Modern irrigation and agriculture equipment already appeared in the 1950s under the French, and then expanded in the 1960s and 1970s, partly distributed through American aid programs (Biggs 2010, 153–226).

ventionism into rural production shifted key aspects of decision making from on-farm (individual) levels to the commune and district level. This also holds true for water management, which increasingly shifted away from the individual household scale toward more collective modes of regulating water flows (Miller 2003, 189). This was facilitated by increasing physical changes imposed on the waterscape and water control infrastructure (Nguyen Duy Can *et al.* 2007, 77).

Water Control Efforts and the Mobilizing State

Although the policy of collectivization largely deviated from its strictest form, collective efforts and mass mobilization in the style of *state corporatism* or *mobilizational authoritarianism*¹⁹ (as denoted by Kerkvliet) was a central feature of state-society relations in those days (2003, 30), and also played a vital role in the development of water infrastructure, particularly in the years immediately after reunification. Indeed, as financial resources and technical equipment were too scarce to fully mechanize interventions in response, accomplishing the state-directed hydraulic mission inevitably had to rely on intensive labor input similar to what was practiced in the early years of French colonial rule from 1860 until the end of the nineteenth century (Biggs 2010, 23–34).

During three decades of military conflict and insurgency in the Mekong Delta (1945–75), hydraulic infrastructure development gradually dwindled and canal maintenance was neglected. As a result, nature took back what humans once created over decades. Many canals were silted to such an extent that water levels were too shallow to perform proper irrigation and drainage functions and could no longer be navigated by boat (*ibid.*, 203; Kono 2001, 78). Canal dredging was therefore urgently needed to restore irrigation and drainage capacity. Furthermore, there was an urgent need to enlarge the canal grid for new land reclamation projects and to expand irrigated land with a concurrent shift towards high yielding rice varieties, which required intensive water regulation and input of agrochemicals (Nguyen Duy Can *et al.* 2007, 77; Käkönen 2008, 206–208). Across the entire Delta, thus, thousands of farmers, soldiers and cadres were mobilized to manually dig and construct hydraulic works under the supervision of local state agencies (Fig. 2).

In theory, every healthy male between the age of 18 and 45 and every woman between 18 and 30 was requested to contribute 30 days of public labor²⁰ per year for canal digging/dredging (Le Meur *et al.* 2005, 32). One of the first public irrigation campaigns

19) Kerkvliet distinguishes between three different concepts that are commonly used to describe state-society relations in Vietnam. One of these is *state corporatism* or *mobilizational authoritarianism*, which refers to the party-state organization's ability to mobilize the masses to support certain programs and policies (Kerkvliet 2003, 30–31).

20) Lao động công ích



Fig. 2 Irrigation Campaign: Digging a New Canal under the Red Banner and Yellow Star
Source: *Hậu Giang Newspaper*, April 27, 1977.

undertaken by the new regime commenced in 1976 in Long Phú district,²¹ where more than 450,000 laborers, including 115,000 women, were mobilized to dig canals and ditches for washing out acidic soil, draining saline waters and provide fresh water for irrigation (*Hậu Giang Newspaper*, April 19, 1978).

Public irrigation campaigns intensified in the wake of the Rice Everywhere Campaign for the Mekong Delta, which required infrastructural support to enlarge the area under multiple cropping (Biggs *et al.* 2009, 210). Expanding the secondary and tertiary canal grid and the dike systems became an infrastructural necessity for promoting agrarian modernization (Käkönen 2008, 206). In Cần Thơ Province, for instance, a great deal of the secondary and tertiary canal network, and a number of primary canals, were excavated after reunification in the 1980s and the early 1990s (Kono 2001, 78; SIWRP 2007, 32). Apart from improved irrigation and drainage infrastructure, the construction of earth dikes along canal banks was meant to either protect fields from flood waters or to prevent saline intrusion.

21) The district currently belongs to Sóc Trăng Province.

V The Irrigation Front: Revolutionary Rhetoric, Water Control, and State Consolidation

While state engineers designed water control infrastructure, local dwellers were mobilized to build it, and, finally, the socialist state used it as icon of modernity and progress to legitimate its claim to rule. The newly established mass organizations took over the role of mobilizing the rural population for collective efforts in public irrigation campaigns. It was in particular the Youth Union²²⁾ that became active in this field, but also the Farmer's Associations²³⁾ and Women's Union.²⁴⁾ Under a system referred to as *mono-organizational socialism* by Thayer (1995), in which civil society was integrated into the one-party state system, the socialist regime hoped to mobilize all parts of the local population, whether female or male, young or old, peasant or soldier, Buddhist or Catholic, Khmer or Kinh²⁵⁾ for collective efforts in water control and agrarian modernization.

In the early years after reunification, progress in hydraulic engineering and the development of water resources made weekly appearances in local newspapers. These front-page headlines enthusiastically glorified the achievements made in water control that socialism had enabled. The nexus of technological modernization, economic development, and the guiding role of the new regime were systematically reproduced by the state-controlled mass media. The communist party-state praised itself as the tamer of nature and the modernizer of society, bringing prosperity to the Delta's population:

Long Phú is a coastal district with lots of potential for agriculture and aquaculture. Prior to liberation [of the South], however, there were no irrigation works, and the bulk of land was exposed to salinity and acidic water. . . . After reunification, agriculture moved forward and the first task to be accomplished was to develop water resources and build hydraulic infrastructure. The Long Phú Party Committee facilitated the compilation of a plan for controlling salinity, increasing the availability of freshwater, and providing irrigation and drainage for the entire region. (*Hậu Giang Newspaper*, March 19, 1980)²⁶⁾

The hydraulic mission turned into a mission of state and nation building, supplying political legitimacy and facilitating state consolidation in an authoritarian context of governance. In socialist Vietnam, this phenomenon occurred under the state credo *state of the*

22) Đoàn Thanh niên

23) Hội Nông dân

24) Hội Phụ nữ

25) The three largest ethnic groups in the Delta are the Vietnamese (Kinh), the Chinese (Hoa), and the Khmer. For a rich illustration of their relationships, which are traditionally fraught with tension, see Brocheux (1995).

26) Translation by the author



Fig. 3 Banner Inscription: “The Women of Thoi An Commune Dug an Irrigation Canal to Accompany the Second Party Congress of the Province”

Source: *Hậu Giang Newspaper*, April 6, 1977.

*people, by the people, and for the people.*²⁷⁾ The media praised the state-run public irrigation campaign as an effort of *great unity of the entire people*²⁸⁾ and the Party (*Hậu Giang Newspaper*, March 16, 1977).

The type of language exploited by the state to spread this propaganda and mobilize society was embedded with metaphors that had been used during the war years. It made use of rhetorical devices that invoked martial symbols seamlessly transferred from an era of armed struggle to one of economic recovery, where it lived on in mass mobilization campaigns. The state appealed to the people’s revolutionary spirit to serve the nation at the *irrigation front*.²⁹⁾ During the war, the enemy was embodied in imperialistic forces, whereas after liberation and reunification, the Delta’s challenging waterscape and hydroecology emerged as the new frontline along which the party and the people jointly fought against floods, salinity, and socioeconomic backwardness:

The impression we get from today’s irrigation project sites [collective digging] reminds us of those army brigades that marched forward to liberate our fatherland some years ago, but nowadays they

27) According to the Constitution of the Socialist Republic of Vietnam, there is a “state of the people, by the people, for the people. All State power belongs to the people . . .” (Article 2, Constitution of Vietnam, 1992).

28) Đại đoàn kết nhân dân

29) Mặt trận thủy lợi

liberate the land from salinity and free people from poverty. (*Hậu Giang Newspaper*, March 22, 1977)³⁰⁾

Those who engaged in digging and dredging were celebrated as the new *irrigation heroes*³¹⁾ and *irrigation veterans*.³²⁾ The state-controlled mass media helped to glorify water control in order to create the myth of the revolutionary *irrigation movement*,³³⁾ which served to bring the revolutionary spirit to the fields to boost rural production (*Hậu Giang Newspaper*, April 19, 1978).

Each digging campaign and each completed irrigation scheme in the various districts was celebrated in the manner of military victories. New canals were named after important revolutionary events such as the Liberation Day of Saigon³⁴⁾ or the founding date of the Vietnamese Communist Party.³⁵⁾ Likewise, inaugurations of newly built hydraulic works were scheduled for specific occasions that were meaningful in terms of the revolution and struggle for independence. The opening ceremony of Hậu Giang's first electric pumping station, for example, which coincided with Uncle Ho's birthday (Fig. 4), nicely shows to which extent the socialist state tried to harness progress in water control for political ends such as national building:

In these days, when the entire nation competes for the most impressive present one can devote to Hồ Chí Minh on occasion of his 88th birthday, this morning (May 19, 1978) the Hậu Giang Department of Water inaugurated the first electric pumping station in the province. . . . Among the distinguished guests were comrade Lê Phước Thọ, member of the Central Party Committee and General Secretary of Hậu Giang Province, comrade Lê Tinh, Deputy Minister of Water. . . . (*Hậu Giang Newspaper*, May 24, 1978)³⁶⁾

VI Northern Domination: Crafting a Hydraulic Bureaucracy for South Vietnam

Bureaucratizing and Centralizing Water Resources Management

As described above, during the 1950s and 1960s, the socialist regime poured all of its energy into developing water resources and agriculture in the Red River Delta (Smith

30) Translation by the author

31) Anh hùng thủy lợi

32) Kiến tượng thủy lợi

33) Phong trào thủy lợi

34) The Second Vietnam War ended on April 30, 1975 with the liberation of Saigon. Since then this day has been celebrated as a public holiday.

35) The Communist Party of Vietnam was formally established on February 3, 1930, in Hong Kong.

36) Translation by the author

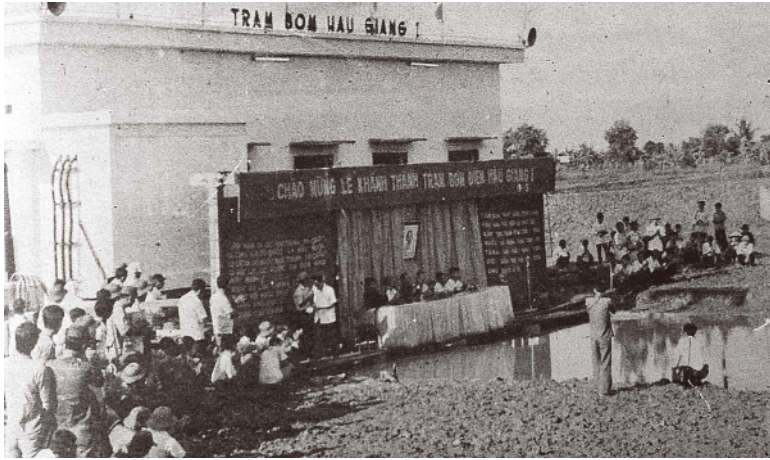


Fig. 4 Inauguration of the First Electric Pumping Station at Hậu Giang Province
Source: *Hậu Giang Newspaper*, May 24, 1978.

2002, 195–280). After reunification, the hydraulic mission was gradually shifted southwards into the Mekong Delta, the new agricultural frontier of Vietnam, as Nguyễn Cảnh Dinh, the former Minister of Water recapped 30 years later:

... The Ministry of Water changed the direction of the entire sector towards a focus on the development of water resources in the South, specifically the Mekong Delta. (Nguyễn Cảnh Dinh³⁷ 2006, 22)³⁸

The hydraulic bureaucracy of the socialist North identified the Mekong Delta as a new physical space for expanding its power over regional water resources planning, infrastructure development, and the corresponding investment decisions. In order to modernize water management in the South, it understood as necessary to transfer to the South all the knowledge and experiences, as well as the technology developed over two decades of developing water resources in the North:

Making use of the excellent experience that all our organisations in the hydraulic management apparatus had gained in the North over many years was a useful asset for developing water resources in the Mekong Delta quickly, solidly, and in a tightly coordinated manner—without wasting opportunities and resources. (*ibid.*)

Historically, therefore, the socialist hydraulic mission in the Mekong Delta has its origin

37) Apart from his function as Minister of Water, Nguyễn Cảnh Dinh was a member of the Central Committee of the Vietnamese Communist Party in the 1980s and 1990s.

38) Translation by the author

in the North. What had been rapidly achieved in the Red River Delta 15 years earlier in terms of water control and agriculture modernization was intended to be replicated in the South.³⁹⁾ Hence, immediately after the war had ended the Ministry of Water began moving south:

With regard to the establishment of organisational structures, the ministry [Ministry of Water] took immediate action and set up a representative office in Hồ Chí Minh City. Comrades Lê Tinh, Vũ Khắc Mẫn, Đinh Gia Khánh, Nguyễn Giới, and leading officials of the ministry regularly were present in the South, particularly the Mekong Delta. (*ibid.*)

The office functioned as a satellite of the Ministry of Water in Hà Nội and was assigned to facilitate the creation of state management structures in the Southern territories. The rescaling of water management and infrastructure development along parameters of central planning led to coordination with a hierarchical architecture. Financial and administrative authority over the management of water resources, including the planning and construction of infrastructure, became highly centralized following a Leninist fashion. As hydraulic technicians and their expertise were short in the South, the majority of the human resources simply were transferred from the North:

The prompt foundation of agencies for planning, surveying, engineering, dredging, and construction under the ministry followed demand in the Mekong Delta. The Ministry [of Water] focused on its guiding role by coordinating with the Northern provinces for the provision of forces to train, educate, and promote local cadres, so as to set up and consolidate the hydraulic-bureaucratic apparatus in all provinces and districts of the Mekong Delta. (*ibid.*)

Thus, it was the hydraulic engineers from the Northern part of Vietnam who planned and implemented the post-reunification hydraulic mission in the South. Many of them were trained at the Water Resources University in Hà Nội at a time Vietnam was divided into two regimes and due to this gained their technical knowledge and practical experiences from the river basins of North and North Central Vietnam, in particular the Red River Delta. Immediately after the war ended, hundreds of hydraulic experts, planners, and bureaucrats made their way to the South, and together with them came the knowledge and technology from the North (Nguyễn Ân Niên and Lê Sâm 2006, 32). Apart from transferring knowledge and technology, sending state engineers from the North allowed

39) The big leap forward in water control in the North was achieved from 1961–65, the period in which the socialist state channeled massive investment into hydraulic infrastructure to modernize agriculture (To Trung Nghia 2001, 100). In the 1960s, more than 80 percent of state direct investments were dedicated to water control, in particular the construction of dike polders and large-scale pumping stations to regulate water outflow and intake (Tuan Pham Anh and Shannon n.d., 8).

the central government to fill strategically important leadership positions in the Southern water administration with loyal Northerners, rather than having to rely on untested candidates from the South. Relocated into a new and strange environment, Northern engineers were meant to act as nodes for sustaining relationships with Hà Nội, consolidating both political control, and ensuring strict enforcement of the national policies formulated in the capital.

In this connection, the Ministry of Water began establishing a range of special regional agencies. These agencies were also meant to represent the will of the ministry in the Southern localities and to become reliable enclaves of Northern engineers. Even nowadays, more than 30 years after their establishment, engineers from the North with educational backgrounds from the Water Resources University are predominant in all central water management agencies in the South of Vietnam (Benedikter 2014). With the founding of the Hydraulic Construction Project Management Board No. 10⁴⁰⁾ in Cần Thơ in 1976, the first of these regional bodies took shape as a central-level project management board directly subordinated to the ministry, and charged with the coordination of infrastructure construction. One year later, in 1977, the ministry established the Sub-Institute of Water Resources Planning⁴¹⁾ in Hồ Chí Minh City, which was mandated to plan and develop water resources at the regional (basin level) scale, including hydraulic infrastructure for the entire South. An interview with a senior staff member is suggestive of the hegemony of Northern Vietnamese engineers in this and other central water organizations:

After the war, one-third of our staff was sent to the South to remain there indefinitely for the development of water resources activities, and only returned to the North after 1985. Others stayed with the Southern Sub-Institute of Water Resources Planning in Hồ Chí Minh City. I myself spent several years in Cần Thơ. (interview, Hà Nội, April 14, 2009)

To strengthen research capacity, generate new knowledge on the Delta's peculiar water-ecology and to develop tailor-made hydro-management solutions, in 1978, the Southern Sub-Institute of Water Resources Research was set up in Hồ Chí Minh City as a branch of the National Institute of Water Resources Research⁴²⁾ headquartered in Hà Nội. This was followed by the Southeast Vietnam Survey Association and the Southern Hydraulic

40) Ban Quản lý Dự án Đầu tư và Xây dựng Thủy lợi số 10

41) Phân Viện Khảo sát Thủy lợi Miền Nam: Today the institute is called the Southern Institute of Water Resources Planning (SIWRP) and still represents the principal planning institute under the central government for the Southern region, including the Mekong Delta.

42) Today it is known as the Vietnamese Academy of Water Resources (Viện Khoa học Thủy lợi Việt Nam).

Design Association. Both of these had been operational in the South since 1975, staffed with a few hundred engineers who were sent by the ministry. In 1983 they were merged into a single institute: the Southern Sub-Institute for Water Resources Survey and Design,⁴³⁾ with its head office in Hồ Chí Minh City. All of these central organizations have played, and are still currently playing, a prominent role in the development of water resources in the Mekong Delta and the South in general.

To ensure effectiveness in implementing the hydraulic mission in the South, there was a need to build up a system of local satellites in the Southern provinces apart from the central agencies mentioned above. Integrated in the centralized state administration, specialized local state agencies were established in each locality to connect the central part of the apparatus with the grassroots level. Structurally, the local hydraulic-bureaucratic apparatus followed the overall administrative system as it had been organized in the North since 1954. Accordingly, Departments of Water⁴⁴⁾ were established in each province of the Mekong Delta. These departments were subordinated to their respective local People's Committees but were also governed directly by the Ministry of Water in Hà Nội. Subordinated to these provincial departments were district Offices of Water,⁴⁵⁾ which instructed irrigation cadres in each commune. While district and commune personnel were locally recruited, leadership positions in the newly established provincial Departments of Water were largely staffed with engineers sent from the North. During an interview (June 12, 2009),⁴⁶⁾ hydraulic bureaucrats from Cà Mau Province spoke representatively for most other provinces of the Mekong Delta when they said that previously the composition of the Department of Water was almost entirely engineers from the North.

Re-mechanization and the Rise of State-Owned Engineering Companies

Due to the empty state coffers, the mobilization of manual labor to dig and dredge was crucial in the early years of the hydraulic mission from 1975. At the same time, the new regime also made initial attempts to re-mechanize water control. Soon after liberation, specialized state-owned and military-owned hydraulic engineering and construction companies equipped with dredges, barges, and other heavy equipment cropped up in different localities of the Delta and Hồ Chí Minh City. Following the rationale of a socialist planned

43) In 1993, the institute was converted into a state-owned engineering and consultancy company called Hydraulic Engineering Consultants Corporation II (HEC II).

44) In the beginning, these departments were called Ty Thủy lợi. Later on, they were renamed Sở Thủy lợi and retained this name until 1996, when they were merged into the Department of Agriculture and Rural Development (DARD).

45) Phòng Thủy lợi

46) For further empirical evidence also see Benedikter (2014).

economy, these engineering companies were integrated into the hydraulic state apparatus. They existed either as centrally-controlled business units under the Ministry of Water or as local state companies under the Department of Water in each province.

One of the first centrally-managed hydraulic engineering and construction companies established by the ministry in the South was Construction Company No. 10 (ICCO 40).⁴⁷⁾ It was established in 1975 with the head office in Hậu Giang Province, right in the heart of the Delta and in proximity to the Investment and Hydraulic Construction Project Management Board No. 10. One year later, the ministry established the Hydraulic Engineering, Investment and Construction Company⁴⁸⁾ (DRECO II) in Hồ Chí Minh City. In 1979, the Ministry of Agriculture founded the Agriculture Engineering and Construction Company, which in 1984 was renamed Company 622⁴⁹⁾ and has since remained under the control of the Ministry of Defence. Situated in Cần Thơ City, Company 622 was involved in almost all large-scale dredging ventures carried out in Military Zone No. 9,⁵⁰⁾ which administratively encompasses all of the Mekong Delta provinces (People's Army of Vietnam 2004, 545–549). Furthermore, the Ministry of Transport set up two other large state firms in Cần Thơ that became involved in canal construction and dredging. Apart from construction works, the hydraulic mission urgently required heavy machinery and equipment, such as engines and technical devices to build up pumping stations and sluices. In 1976, the Ministry of Water therefore set up the Hydraulic Mechanical Engineering Company 276⁵¹⁾ in Hồ Chí Minh City, which was assigned to develop and manufacture heavy water control equipment and technical systems, including pumps, weirs, and sluices (interviews with companies, 2009; Trần Tuấn Bửu 2006, 40).

In parallel, the provincial governments established local water engineering and dredging companies that came under the auspices of the newly established provincial Departments of Water in Minh Hải⁵²⁾ (1977), Đồng Tháp (1978), Hậu Giang⁵³⁾ (1979), and Tiền Giang⁵⁴⁾ provinces (1981) (interviews with companies, 2009). Similar to the central and provincial state agencies, hydraulic construction companies were dominated by North Vietnamese engineers who moved to the South after reunification:

47) Công ty Xây dựng số 10 was later renamed Construction Company No. 40 (Công ty Xây dựng số 40).

48) Công ty Thi công Cơ giới Công Thủy—Đầu tư và Xây dựng later on was renamed Công ty ty Cổ phần Tàu Cuốc số 2 (Dredging Company No. 2).

49) Công ty 622

50) Khu Quân sự số 9

51) Công ty Cơ khí Công trình Thủy 276

52) Present-day Bạc Liêu and Cà Mau

53) Present-day Cần Thơ City, Hậu Giang and Sóc Trăng

54) This refers to the Tiền Giang Hydraulic Construction Company (TICCO), which today is one of the most powerful hydraulic engineering companies in the Mekong Delta.

Many other engineer colleagues and I were sent to the South immediately after reunification in 1976 to take up positions in the newly established local administration of water management in the Mekong Delta. Many of those who came with me had studied at the Hà Nội Water Resources University. (interviews with company director, Cần Thơ City, 2008)

This type of career path, as well as others captured in interviews, point to a tight interlocking between state management agencies, planning units, and state-owned businesses. Together they represented Vietnam's hydraulic bureaucracy in the South. State enterprises and state agencies were not only bound together in the sense that they were unified under the Ministry of Water but also in terms of personalized connections. Especially those in leadership positions shared features of an elite group with a strong collective identity based on a common background in terms of education, career, and regional provenance. Many had studied together at the Water Resources University in Hà Nội, the most elite educational facility in water management, before starting a career with the Ministry of Water in either a state agency or state-owned engineering company. Since each university class was small in those days and access to the university limited to the political elite, students could easily form groups, networks, and a strong *esprit de corps*. Because bureaucracy and business were unified within the socialist state system and central planning, cadres in state agencies and state companies frequently exchanged their positions by moving seamlessly between state management and state business. Hundreds of state engineers moved from the North to the South, thereby contributing to the expansion of tight networks of North Vietnamese engineers in the South. As state engineers and cadres they greatly benefited from predictable and stable careers, modest but regular incomes, coupled with privileged access to health services, housing, and education for their families (Porter 1993, 62). Young graduates from the Water Resources University in Hà Nội particularly gained from the organizational expansion into the South, where water engineers were in great demand to fill vacancies. In line with this, student enrolment at the Water Resources University increased by 70 percent in the years following reunification (1975–1978).⁵⁵⁾

55) According to data of the student secretary, Water Resources University; personally received in 2009, Hà Nội.

VII Modernization with Side-Effects: Northern Blueprints and Technology Transfer

Ignoring the Local Conditions: Technology Transfer under Central Planning

The hegemony of Northern engineers had far-reaching consequences with regard to the development of hydraulic infrastructure in the Mekong Delta. After a century of foreign domination by French colonial engineers and American advisers, the Mekong Delta again came under the tutelage of a non-local power when the Northern engineers took over responsibility for planning and developing water resources in the South. As with their predecessors in colonial times and during the war, water engineers from the North brought along hydrological knowledge and technical blueprints from their native regions. At the same time, due to the long period of national division, engineers from the North lacked local knowledge and experiences about the South's distinctive hydro-ecological conditions.

In each region of Vietnam, topographies and climatic conditions have very distinctive characteristics. Accordingly, water regimes in the sub-tropical North and the tropical South differ fundamentally from each other. This has profoundly shaped people's relation to, and notions of how, to manage water in North and South. In contrast to the Mekong Delta's hydrology, which is characterized by the flatness of the land and a rather calm and predictable water flow regime, the Red River basin's hydrology is largely determined by the interplay of mountains and plains. Hence, in the valleys and plains of North and North-central Vietnam, sudden floods pose the greatest threat to the people's life and assets. During typhoons and prolonged downpours, water levels in the Northern river basins can rise suddenly from one to four meters within only a few hours. Masses of water then often cascade from higher terrain through river valleys into the plains in the form of flash floods, destroying settlements and damaging harvests (Tuan Pham Anh and Shannon n.d., 2; Pruszek *et al.* 2005, 373).

Regionally different water regimes have shaped different perceptions towards water, particularly with regard to flooding. Whereas people in the North traditionally associate flooding with disaster, local dwellers in the Mekong Delta consider the flood waters of the Mekong River an essential development resource. Every year the flood seasons brings along fertile alluvial soils to spread over the fields as well as aquatic products that are critical for local livelihoods. These divergent perceptions manifest in different terms used to denote flooding. *Lũ* stands for *flood* in the North and refers to the destructive force of water. *Mùa nước nổi*, which means *water-moving season*, is the term prevalent in the Mekong Delta, referring to the naturally calm nature of the local flood regime. As perceptions of water management differ significantly in North and South, infrastructural

interventions and technology would also involve different objectives. Water control infrastructure in the North predominantly aims at protecting settlements and fields from sudden and extreme flooding. Dike polders equipped with irrigation and drainage canals and massive pumping systems, some of which are being combined with multi-purpose reservoirs to bridge dry periods, constitute a great deal of what characterizes water control infrastructure in North Vietnam. In the Mekong Delta, in contrast, water management used to be performed more flexibly in adaption to the rhythm of the seasons. Flood waters, for instance, are only temporarily kept away from fields until harvest. Then earth dikes are consciously opened to inundate rice fields to benefit from fertile alluvial sediments and collect aquatic products carried in by the flood during the flood season (Ehlert 2012, 35–73).

Moreover, as mentioned earlier, the military conflict in the South thwarted the implementation of large-scale infrastructure development in the Mekong Delta for a long time and people thus lived adapted to the natural ecology. Therefore, when North Vietnamese engineers arrived in the South in 1975 they found themselves in a deltaic environment that was largely unregulated (Miller 2003, 189–216), because infrastructure such as dikes, sluices, or pumping stations existed only in isolated pilot sites. To them, these conditions were backward and underdeveloped and suggested immediate action to improve hydro-management, similar as in the highly regulated Red River Delta.

Large-scale pumping stations were installed in the Red River Delta⁵⁶⁾ during the 1950s and 1960s when hydraulic engineering efforts reached an apogee in the socialist North (Smith 2002, 195–280). There, pumping stations well served their purpose of irrigation and drainage management in a physical setting characterized by massive dike polders for flood protection (Fontenelle 2001, 11–17). In contrast, irrigation and drainage based on large polder equipped with large-scale pumping stations as commonly found in the Red River Delta did not exist in the Mekong Delta in those days, which was appraised technologically ineffective by engineers sent from the North. What functioned in the northern delta could not be bad for the southern delta, they reasoned. Consequently, as mentioned earlier, it was in the late 1970s and early 1980s that the Ministry of Water initiated an investment program to build a network of electric pumping stations across the Mekong Delta based on blueprints transferred from the Red River Delta. Ultimately, however, the pumping station program turned out to be a misguided undertaking and failed. This is captured in an interview with local irrigation cadres from a district in Cà

56) In 2011, the Mekong Delta had 1,151 pumping stations, while the total number of irrigation and drainage pumping stations in the Red River Delta was more than 3,700 (Vo Khac Tri 2012, 78; Nguyen Van Diep *et al.* 2007, 2).

Tho, who, in recollecting on the centrally-mandated hydraulic mission, suggest that water engineering programs derived from Northern schemes and state engineers more or less blindly followed trial and error approaches as colonial engineers⁵⁷⁾ had earlier done:

In 1979, there were official guidelines [by the central government] for building large-scale pumping stations commanding dyke-protected land with the objective to foster agricultural production and control flood waters. The Department of Water invested in the construction and delegated the management responsibility to the districts until 1985. The pumping scheme had the capacity to irrigate 2,500 ha and drain 600 ha of agricultural land. However, the pumping station failed for several reasons. One problem was that the command area was too large for proper management and operation. Related to this, the uneven ground did not allow for even water level management. When water was pumped into the scheme, lower areas were inundated, while in upper areas the water level remained shallow. (interview, October 27, 2008)

The failure and the subsequent closure of the pumping station in Vĩnh Thạnh (Fig. 4) was not an exception, but representative more broadly the failure of centralized water management approaches that ignored the local conditions, as national hydrocrats admitted retrospectively more than 20 years later:

In the beginning [after 1975], the use of hydraulic engineering technologies that were successfully applied in the North . . . made evident deficiencies and required further research to develop more adequate technical solutions suitable for the southern rivers. Hence, the 100 medium and large-scale irrigation pumping stations did not succeed. The pumping stations turned out to be ineffective and thus were shut down again. . . . (Nguyễn Ân Niên and Lê Sâm 2006, 32)⁵⁸⁾

Apparently, the deltaic environment of the South was alien to Northern state engineers, who had problems reading the local conditions. After 25 years of national division, they found themselves for the first time operating in the South—a place they were not familiar with. In response to the failure, new hydraulic plans for the Delta temporarily relinquished the use of large-scale pumping station,⁵⁹⁾ but increasingly relied on sluices instead.

Large-Scale Operations

Over the years of growing hydraulic efforts, water resources planning⁶⁰⁾ became more

57) Biggs (2010, 37–38, 84)

58) Translation by the author

59) It was only in 2008 that the government approved a new investment program for pumping station development in the Mekong Delta, but this time under different considerations and with a more decentralized and adaptive approach, in which responsibility has been delegated to the provincial authorities (Prime Minister 2009).

60) Quy hoạch thủy lợi

systematic under the Ministry of Water. Based on new knowledge of local hydrological cycles, soil quality, and local flood and salinity regimes generated by the ministerial research institutes, it was in the late 1970s that the Sub-Institute of Water Resources Planning in Hồ Chí Minh City began to outline the hydraulic planning regions for the Mekong Delta. In principle, as shown in Fig. 5, four major planning regions were identified, namely: the Long Xuyên Quadrangle,⁶¹⁾ the Plain of Reeds,⁶²⁾ the area between Bassac (Hậu River) and the Trans-Bassac (Tiền River),⁶³⁾ and the Cà Mau Peninsular.⁶⁴⁾ Simultaneously, for more systematic and standardized planning of space, land and water resources, each of the four water resources regions was subdivided into smaller *water resources areas*,⁶⁵⁾ which were then further subdivided into even smaller units called *water resources zones*⁶⁶⁾ (Vũ Văn Vĩnh 2006, 54). Based on these units, national-level engineers and planners decomposed the southern waterscape into singular fragments in order to reconstruct it on the drawing board as a fully human-regulated and manageable landscape. The generation of new knowledge on the Delta was facilitated also because the socialist party state rapidly expanded its physical presence and control throughout the Delta. Rigid top-down command and bottom-up reporting mechanisms provided the organizational infrastructure to systematically conduct surveys and collect all kinds of data required to plan large-scale water resources development in the context of centralized state planning. As a result, this inevitably induced an administrative rescaling of water management, lifting water resources planning from the local to the regional level and even the national level, where the spatial control over water flows became increasingly centralized in the hands of hydraulic bureaucrats and engineers.

Based on these plans, state-owned engineering and construction companies carried out the first large-scale engineering operations using heavy equipment such as dredges, sluices, and partly large-scale pumping equipment. Despite of numerous setbacks as described for the pumping-station program, the number of large-scale infrastructure projects has steadily increased. The influx of capital investment gained further momentum after Đổi mới (1986), when government revenues began to recover and increase as a result of economic liberalization and international integration. Renovation policy stimulated growth and convinced the Western donor community to resume its financial assistance to Vietnam after years of absence. Finally, renovation policy opened up new finan-

61) Tứ Giác Long Xuyên

62) Đồng Tháp Mười

63) Vùng giữa Sông Tiền và Sông Hậu

64) Bán đảo Cà Mau

65) Vùng thủy lợi

66) Khu thủy lợi

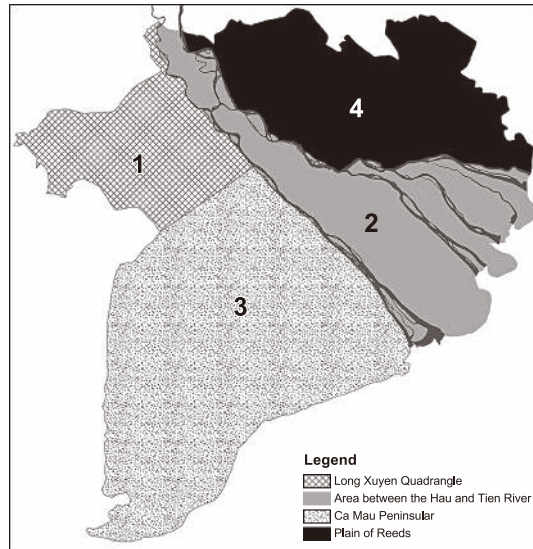


Fig. 5 Water Resources Planning Regions of the Mekong Delta
Source: Amir Hosseinpour (ZEF).

cial resources for large-scale infrastructure development (Ministry of Water 1994, 68–71; Biggs *et al.* 2009, 210).

The initial post-1975 infrastructural interventions were primarily concentrated in the Long Xuyên Quadrangle and the Plain of Reeds, where water resources and agricultural development were less intensive during the French rule and, subsequently, during the Southern Republic period (1954–75). The complex natural conditions in this area, a combination of acidic sulphate soils and extreme flooding, coupled to some extent with saline intrusion, made water resources development a difficult and costly venture. Challenging in terms of its particular natural conditions and sparsely populated, yet characterized by a strong revolutionary past, the socialist regime identified the potential of this region as the new agricultural frontier for land reclamation, resettlement, and rural development (Nguyen Van Sanh *et al.* 1998, 34; Miller 2003, 399). The absence of major canals was regarded as a major obstacle to water conservancy development, particularly in places situated far from the big rivers and natural creeks. Expanding the canal grid for improved irrigation, draining floodwaters more effectively, and washing out acidic soils were considered the major targets in the development of the Plain of Reeds and other flood-prone areas in the upper Delta. At the same time, *sweetening*⁶⁷⁾ programs were

67) Ngọt hóa

Table 1 Hydraulic Work Projects in the Mekong Delta from the National Budget (1976–90)

Year	Name of Project	Location	Duration (Years)	Objective	Constructor
1977	Hồng Ngự Canal	Đồng Tháp	10	Water conservancy	DRECO II, ICCO 40
1979	Hòa Bình Canal	Minh Hải	10	Water conservancy	ICCO 40
1982	Vĩnh Tế Canal	Kiên Giang	8	Dredging	DRECO II
1983	Sa Rài Canal	Đồng Tháp	3	Water conservancy	DRECO II
1984	Cái Xe Sluice	Hậu Giang	2	Water conservancy	Hau Giang Hydraulic Construction Company
	Cái Oanh Sluice	Hậu Giang	2	Water conservancy	Hau Giang Hydraulic Construction Company
	Tám Phương Scheme	Cửu Long	3	Irrigation	ICCO 40, DRECO II
1985	Tri Yên Sluice	Long An	2	Drainage	ICCO 40
	Canal KH5	Kiên Giang	5	Water conservancy	ICCO 40
1986	Canal No. 28	Long An	4	Water conservancy	DRECO II
	Cái Bát Canal	Long An	3	Water conservancy	DRECO II
	Gò Công Sluice	Tiền Giang	3	Salinity control	TICCO
1987	Đa Lộc Sluice	Cửu Long	2	Salinity control	ICCO 40
	Thanh An Pumping Station	Hậu Giang	1	Irrigation	Hau Giang Hydraulic Construction Company
1988	Long ũng Sluice	Tiền Giang	2	Salinity control	TICCO
	Hiệp Hòa Sluice	Cửu Long	2	Salinity control	ICCO 40
	Tân Thành-Lò Gạch Canal	Đồng Tháp	2	Water conservancy	DRECO II
1989	Bắc Phên Sluice	Cửu Long	2	Salinity control	ICCO 40

Sources: Table by the author, data from the Ministry of Water (1994, 68–71) and interviews conducted with engineering companies in 2009.

initiated in downstream coastal areas to improve salinity control and channel freshwater into dike-protected areas (SIWRP 2011, 7).

Public labor campaigns and manual digging lost intensity in the late 1980s, and then almost vanished in the mid-1990s, as infrastructure development became increasingly mechanized in the transition to large-scale engineering projects. Table 1 provides an overview of the large-scale projects financed by the central government that stood out most prominently in the first 20 years after reunification. Most of these projects ran for several years and provided a stable income for engineering companies and their staff. Centrally-managed companies under the direct subordination of the ministry, such as ICCO 40, DRECO II, or the military-owned Company 622, were involved in almost all larger hydraulic infrastructure projects implemented across the delta region. These included canal excavation and dredging works in the upper delta, most notably the Hồng Ngự Canal Project in the Plain of Reeds (1977–87), which still is considered a milestone

by Vietnam's national hydrocrats (Cao Đức Phát⁶⁸ 2006, 15). The post-reunification hydraulic mission in the South did not only spur mechanization but also nurtured a domestic water engineering industry embedded in the command economy, alongside of which the corps of state engineers could further expand its influence (interviews with state agencies and engineering companies, 2009; *Hậu Giang Newspaper*, May 29, 1985).

The question of how to operate and financially maintain a steadily growing array of infrastructure became pressing in the late 1980s. In response, a second wave of water control mechanization followed, which centralized the power over water management in the hands of state engineers. Based on the nascent ideas about water pricing and service fees arising in tandem with economic liberalization, the first irrigation and drainage management companies (IDMC)⁶⁹ were set up by the mid-1980s at the local level. They were assigned to operate and maintain main canals and headworks such as irrigation and drainage sluices, as well as larger dikes (Barker *et al.* 2004, 27). Established as financially self-sufficient public utility providers, the IDMCs were entitled to collect irrigation service fees⁷⁰ from farmers. The revenue generated from this levy was used to cover the overheads of IDMCs (e.g. salaries and equipment), with the rest being reinvested in infrastructure maintenance to ensure the performance of hydraulic works (interviews, 2008/09). As in the state-owned engineering companies, IDMCs provided employment and career opportunities for engineers. And in general, this second wave of mechanization expanded the socialist hydrocracy's power in terms of the scope of its mandate, and through the accumulation of financial resources and personnel.

As a result of the hydraulic mission, agricultural land in the Mekong Delta expanded by 20 percent from 1975 to the 1990s, in particular irrigated paddy land (Le Anh Tuan *et al.* 2007, 22). Nevertheless, as illustrated in Fig. 6, due to the lack of economic incentives under state-imposed agrarian collectivization and the failures of central planning rice output fell far short of expectations in the beginning (Nguyen Van Sanh *et al.* 1998, 47). From 1976 to 1979, paddy output even declined. It was only in the mid-1980s, when de-collectivization fully re-established household-based production and economic liberalization under *Đổi mới* unleashed market forces, that the water regulation infrastructure laid earlier yielded rapidly growing output (Vo Tong Xuan 1995, 188). Whereas water control technology and technical know-how traveled from the North to the South after 1975, the shift from central planning to a market-based economy originated in the South, most notably in the Mekong Delta. Early attempts at deviating from the planned economy

68) Incumbent Minister of Agriculture and Rural Development

69) In Vietnam, these companies are called *công ty quản lý và khai thác công trình thủy lợi*.

70) *Thù lợi phí*

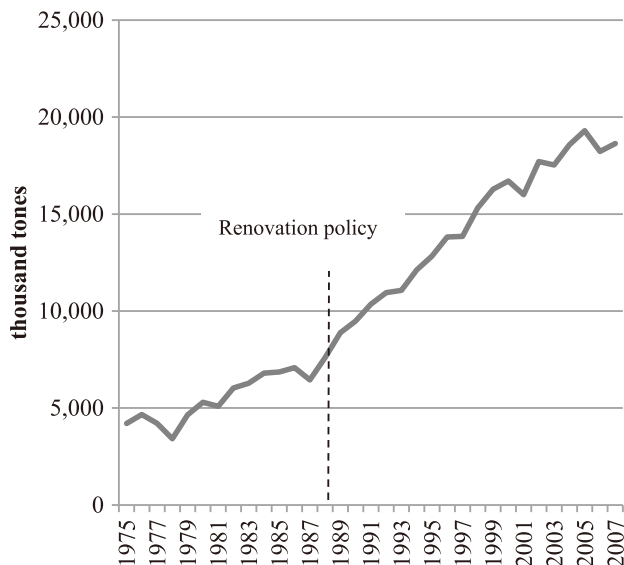


Fig. 6 Annual Rice Output in the Mekong Delta (1975–2007)

Source: Figure by the author, data from the General Statistic Office of Vietnam (GSO).

commenced already by the end of the 1970s, famously becoming known as fence-breaking (Porter 1993, 118–127).⁷¹ In the context of *Đổi mới*, the hydraulic paradigm from the North combined with economic liberalization in the late 1980s in the South to produce an agro-economic upswing in the Mekong Delta.

VIII Recent Developments towards Total Hydro-Management

The actual boom gained pace in the 1990s, when the central government and the international donor community revisited older plans for Delta-wide water resources development aimed at rural development and poverty reduction. Funded by the United Nations Development Programme (UNDP) and the World Bank, Vietnamese and foreign engineers and planners under the overall coordination of NEDECO,⁷² a Dutch water engi-

71) This refers to the national food supply crises in the 1970s and the first rice trade experiments in the Mekong Delta. These informal experiments became possible with the backing of prominent party cadres, such as Võ Văn Kiệt, the party secretary of Hồ Chí Minh City (1975–88) and later Prime Minister of Vietnam (1991–97), as well as provincial leaders from Long An and An Giang province (Rama 2008, 9–27).

72) Netherlands Engineering Consultants

Table 2 Large-Scale Water Control Systems Developed in the Mekong Delta from 1995 to 2010

Name of Water Control Scheme	Location	Service Area (ha)
Quản Lộ-Phụng Hiệp*	Bạc Liêu, Sóc Trăng	178,000
Nam Măng Thít*	Trà Vinh, Vĩnh Long	225,000
Ô Môn-Xà No*	Cần Thơ, Hậu Giang, Kiên Giang	45,000
Tiếp Nhật*	Sóc Trăng	53,000
Cần Thơ-Long Mỹ	Cần Thơ, Hậu Giang	50,000
Cái Sắn-Thốt Nốt	Cần Thơ, Kiên Giang	58,000
Ba Lai	Bến Tre	50,000
Bắc Vàm Nao**	An Giang	31,000
Ba Rinh-Tà Liêm*	Sóc Trăng	30,000

Source: Vo Khắc Tri (2012, 76) (modified by the author).

Notes: * World Bank funded water control schemes.

** AusAid (Australian Agency for International Development) funded water control schemes.

neering consultancy group, developed the NEDECO Mekong Delta Master Plan in 1993. As summarized in Table 2, by proposing large-scale, multi-purpose water control schemes, including flood management measures, salinity control, irrigation, and drainage functions, the Master Plan heralded a new era of hydraulic engineering and water control in the Mekong Delta. Based on results of more than 50 different scientific consultancy reports, this particular plan is considered the first multi-purpose and multi-sector planning document for the delta, though the focus clearly remained on water and agriculture (Waibel *et al.* 2012, 169). Subsequently, huge investment was channeled into large-scale water control and irrigation scheme development from the mid-1990s to promote agrarian modernization, rural development, and poverty reduction.

There is little doubt that these technically complex interventions have indeed boosted growth, modernized agriculture, and improved livelihoods in the Mekong Delta, but they have also spawned unintended side-effects for nature and society. As it has occurred so often as part of large-scale interventions into nature, the recent expansion of water control barriers and other regulatory infrastructure significantly changed the natural water regime. As a result, water quality depreciation within closed and fully flood-protected irrigation and drainage schemes increased, biodiversity and aquatic resources diminished, flood waters shifted to formerly flood-free areas, river bank erosion intensified, and canal silting accelerated, just to mention some of the impacts (Le Thi Viet Hoa *et al.*, 2007; 2008; Hashimoto 2001). Even so, water resources management continues to adhere to utilitarian notions inherent in *thủy lợi*, which is entrenched in rigid top-down and centralized management regimes. Critical (local) voices pointing to the social and environmental impacts resulting from large-scale engineering projects implemented by the central government and often based on inappropriate technologies and

designs have largely fallen on deaf ears. Seeing themselves being largely excluded from decision-making and planning processes of large-scale water control structures, and pointing to the failure of national level planners, local officials and experts cynically refer to them as Red River Delta design projects. This view manifests mounting tension between central-state hydraulic engineers and local communities, which increasingly have contested central state interventions (Benedikter 2014).

Thirty years after reunification and 25 years after the promulgation of Renovation (Đổi mới), engineers from North Vietnam still dominate Vietnam's national hydraulic bureaucracy. They are most powerful because they still enjoy unlimited control over central-level state agencies, planning institutes, and the above mentioned engineering companies, most of which have been (semi-)privatized in the wake of state-owned enterprise reforms. Their elite networks, which are typically based on cronyism, kinship, and patronage—many of which still stem from the Hà Nội Water Resources University—have persisted to the present day. These networks began strategically capturing the hydraulic engineering industry that has become increasingly deregulated in light of Đổi mới over the past 20 years (Evers and Benedikter 2009a). The self-serving interests inherent in these resources networks, coupled with a strong adherence to state-planning and notions of a developmental state, still prevail as critical factors shaping water resources development in the Mekong Delta. Despite ongoing administrative and fiscal decentralization, large-scale water control efforts initiated after 1995, the majority of which involve significant amounts of donor money and funds from the state coffers, remain centrally managed by the ministry in Hà Nội, its satellites in Hồ Chí Minh City, and formerly state-owned engineering companies (Benedikter 2014).

Embedded in these power structures and their underlying vested interests, the water resources and infrastructure development initiatives have consistently failed to provide space for local communities in the Mekong Delta to participate in spatial planning and water management at large scale. North Vietnamese engineers and their networks within the Ministry of Agriculture and Rural Development (MARD), which replaced the former Ministry of Water in 1996 in the light of administration reforms, dominate planning procedures. Off the record, local state agencies in the Delta blame the ministry in Hà Nội for neglecting the local conditions and perceptions, while carrying out central-state operations from afar (interviews, 2009). Meanwhile, the role of local state agencies and communities is restricted to providing funding for operation and maintenance. The Water Resources Development Project for the Mekong Delta (1999–2009),⁷³⁾ based on the NEDECO Master Plan funded by the World Bank and implemented by MARD, exempli-

73) See Table 2: World Bank-funded projects are highlighted by an asterisk.

fies how the interests of national hydrocrats and their networks dominate and co-opt water management approaches, thereby preventing participatory, decentralized, integrative, and polycentric water management reforms from unfolding their effects in real life (Benedikter 2014). Just like in former times, also nowadays in the era of renovation, technocratic and centralized birds-eye planning coupled with a trial-and-error orientation remain the guiding principles of waterscape engineering as part of the Mekong Delta's path towards total hydro-management.

IX Conclusion

To sum up, this paper illuminated the vital role water control and hydraulic engineers have played for the modernization and development of the Mekong Delta subsequent to reunification of North and South. Subduing the Delta's hydro-ecology and exploiting its maximum potential of land and water resources was not only critical in terms of economic growth and modernization. Dominion over the waterscape was also symbolically important for the socialist regime to serve political ends such as nation building, state consolidation, and bolstering of its political legitimacy in the South. Environmental and social transformation after 1975 was akin to what Scott defines as high-modernism, which manifests in "self-confidence about scientific and technical progress, the expansion of production, the growing satisfaction of human needs, the mastery of nature . . ." (1998, 4).

The state-directed mission of development planned in Hà Nội sought to bring socialist modernity to the Southern population, freeing the delta from its backward mode of water management and rural production, which would ensure the nation's food security. Authoritarian one-party rule, economic nationalization, and the incapacitation of civil society under mono-organizational socialism leveled the social terrain for an exclusively state-directed and top-down technocratic hydro-social modernization process. Spatially the socialist hydraulic mission followed the closing off plans conceived by American advisers and engineering companies in the 1960s (Käkönen 2008, 206; Miller 2003, 182–225), while technologically it drew on the water control models that had been implemented in the Red River Delta and other places in the North a decade earlier by the socialist state and its hydraulic bureaucracy.

The Democratic Republic of Vietnam, in general, functioned as development template for the South. In this context, the desire to modernize water utilization and agricultural production in the South, paved the way for a replication of the hydraulic efforts made one decades earlier in the North. The new regime's diagnosis that knowledge, technology, and expertise was lacking in the South opened up opportunities for hydrau-

lic engineers and planners from the North to dominate water resources planning and development in the Southern region. Water resources development was rescaled as a central state mission directed from Hà Nội and implemented in a rigid top-down manner through a hierarchical apparatus. Under Soviet-style central planning and the corresponding political economy, state management and engineering businesses functioned as an inseparable unit integrated in the Ministry of Water. Hydraulic engineers and bureaucrats from the North took the place of US-American advisers and engineers. They appeared to be the new designers and implementers of the hydraulic mission and, thus, acted as the vehicle along which the hydraulic paradigm traveled from the North to the South. National reunification under Northern guidance in tandem with the hydraulic mission provided spatial and institutional space for the socialist hydraulic bureaucracy to expand southwards, its power and sphere of influence based on enlarged organizational structures, numbers of followers, control over physical space and the flows of water, and access to financial resources devoted to capital-intensive structural interventions. Subsequently, in the wake of gradual mechanization and the growing complexity of water control infrastructure, state engineers and hydraulic bureaucrats were able to further strengthen their power base in the Mekong Delta.

The specific trajectory shaped by the historical events, from which the hydraulic mission evolved after 1975 in the South, has far-reaching implications for present water resources management dynamics in the Mekong Delta. With the hydraulic mission in the Mekong Delta receiving its direction from distant Hà Nội, the development of water resources and infrastructure again was, and still is, dominated by external ideas rather than local notions. The peculiar power structures that emerged after 1975 in the South continue to have an effect on contemporary water management dynamics in the Mekong Delta. What has changed in comparison to the post-unification years, however, is that against the background of administrative decentralization and other reforms, central state projects more often than in the past are subject to contestation arising from the local community's discontent regarding the social and ecological costs of such projects, but so far only with moderate success. The strategic coalition of water bureaucracy and hydraulic business, in which North Vietnamese engineers are most powerful, remains the dominant discourse elite, pushing forward its own agenda and interests.

In essence, as indicative in recent large-scale hydraulic landscaping projects, more than 30 years after national reunification, and 20 years after the promulgation of Renovation Policy (Đổi mới), a high-modernist worldview prevails. This comes along with three major issues: the problems for hydrocrats in Hà Nội to read the local conditions; second, the defectiveness of centralized water resources planning because of its inflexibility to adjust policies and technologies to the peculiar local conditions; and third, that policy

formulation in hydraulic management and infrastructure development has often been derived from the North's hydro-ecological and infrastructural conditions, whereas the local conditions in the Mekong Delta have been largely ignored. As the national corps of engineers remains overly powerful and local stakeholder involvement is insufficiently considered in decision and planning procedures, trial and error prevails as the principle *modus operandi* along which Vietnam's hydrocracy is developing water resources in the Mekong Delta in a technocratic manner.

Accepted: March 7, 2014

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Trade Union Organizing Free from Employers' Interference: Evidence from Vietnam

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In recent years, Vietnamese trade unions have made considerable strides in trade union organizing. However, studies show that workplace trade unions are generally dominated and controlled by employers. Increasing labor unrest, particularly in the private sector, reveals the failure of trade union organizing and operation in Vietnam. This article aims to provide a picture of trade union organizing as conducted by the communist Vietnamese trade union system in the private sector, particularly trade union organizing that is free from employers' interference. It also examines whether the new legal framework may contribute to this form of trade union organizing in the near future.

Keywords: Party-led trade unions, trade union organizing, employers' interference, anti-unionism, Vietnam

Introduction

The reforms (*doi moi*) initiated in 1986 by the Communist Party of Vietnam (CPV) to transform a centrally planned economy to a socialist market economy has created significant changes in the Vietnamese labor market. Before the innovation most people of working age were employed in state agencies or state-owned enterprises. Today, the majority of the employed population works for the private sector (approximately 41 million persons are employed in local enterprises and approximately 1.6 million persons are employed in foreign-invested enterprises) (Vietnam, General Statistics Office [GSO] 2010). Vietnam still has a socialist political system and trade union policy: the Vietnam General Confederation of Labour (VGCL) is the only trade union. Workplace trade unions (công đoàn cơ sở), immediate upper-level trade unions (công đoàn cấp trên trực tiếp cơ sở), and other trade unions of different levels must follow the Statute of VGCL. Workers from different sectors have the right to voluntarily form, join, or participate in trade

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unions in accordance with the law. The trade unions are open to Vietnamese salaried workers and self-employed Vietnamese,¹⁾ irrespective of their occupation, gender, or religious belief. However, they are only entitled to form, join, or participate in trade unions affiliated with the VGCL²⁾ since independent trade unions operating outside the umbrella of the VGCL are not legally recognized.³⁾ The change in labor structure has led to a shift in the VGCL's focus regarding union organizing in the private sector, dominated (97 percent) by small and medium enterprises (Tự Cường 2012). In 2003, the VGCL set a target to gain 1 million new trade union members in the period 2003–08 and 1.5 million new trade union members in the period 2008–13. Accordingly, by the end of 2013, workplace trade unions should be established in 70 percent of the eligible enterprises under the provisions of the VGCL Statute, gathering at least 60 percent of the workers (Nguyễn Duy Vũ 2012). By the end of 2011, the number of new trade union members had increased by over 1.3 million. This brought the total number of trade union members in the whole country to over 7.5 million, scattered over 111,319 workplace trade unions, of which the private sector accounts for 74.2 percent (*ibid.*).

Despite the sharp rise in trade union memberships and trade union organizing, there has been a constant increase in wildcat strikes⁴⁾ since the enforcement of the first Labour Code of 1994, which came into effect on January 1, 1995.⁵⁾ According to VGCL's statistics, in the period 1995–2010, there were 3,402 wildcat strikes (Vietnam, VGCL 2011b, 32). The global economic recession led to thousands of workers losing their jobs in 2011. The number of wildcat strikes that year (978 cases) was double that of 2010, concentrated in foreign-invested enterprises in the key economic provinces and cities in the south (Quang Chính and Việt Lâm 2012). The percentage of wildcat strikes occurring in organized enterprises is high, for example, 70.99 percent in 2010 (*ibid.*, 36). Current practices of trade union organizing is one of the major causes of wildcat strikes. Despite the increase of workplace trade unions over the years, several established workplace trade unions are

1) During the revision process of the Trade Union Law of 1990, a proposal was submitted to enable foreign workers working in Vietnam to join trade unions affiliated to the VGCL, as mentioned in Article 5 of the latest draft 10 of the Trade Union Law proposal of April 30, 2012. However, this proposal was not accepted and the Trade Union Law of 2012 still excludes the right to trade unions of foreign workers in Vietnam.

2) Article 5 of the Trade Union Law of 2012 and Article 1 of the VGCL Statute amended in 2013.

3) Article 4, Section 1, Section 2; and Article 7 of the Trade Union Law of 2012, approved by the National Assembly on June 20, 2012 and effective from January 1, 2013, replacing the Trade Union Law of 1990.

4) This refers to strikes that are not organized and led by workplace trade unions and which are carried out without respecting legal procedures.

5) The Labour Code of 1994 has been replaced by the Labour Code of 2012, which was approved by the National Assembly on June 18, 2012 and took effect from May 1, 2013.

in fact “yellow unions,” formed and influenced by the management of the enterprises in order to serve the employers’ interests (see the following sections for more details). In the face of increasing wildcat strikes, the VGCL has attempted to conduct trade union organizing free from employers’ interference in the private sector. This effort, which is seen as a pilot initiative, has been carried out in a small number of targeted private-sector enterprises in Hai Phong city, Binh Duong province and Ho Chi Minh City since 2011.⁶⁾ These are representative localities in terms of a high concentration of private-sector enterprises, a large workforce, and a high percentage of wildcat strikes. The aim of this effort is to establish trade unions with democratic participation of workers, based on a bottom-up principle of organizing and minimal influence of employers in the process.

On the one hand, from a structural perspective, the VGCL faces the challenge of reforming its organizational structure in order to gain greater operating independence and better adapt to the global situation of trade unions and the trade union movement. During the revision process of the Trade Union Law of 1990, initiated since 2009, it was proposed that the Communist Party’s leadership in the trade union movement be removed, as clearly mentioned in draft 10 of the proposal of April 30, 2012. However, Article 1 of the current Trade Union Law of 2012 reaffirms the leadership of the Communist Party over Vietnamese trade unions. On the other hand, Vietnamese trade unions have gained more benefits from the Trade Union Law of 2012, for example: legal protection for trade union officers; intervention of immediate upper-level trade unions in non-unionized enterprises; increase of trade union contributions from employers, etc. (see *infra*).

This article explores how the VGCL conducts trade union organizing in the contemporary Vietnamese industrial context. It explains how employers are able to influence trade union organizing and operations at the workplace level, and outlines the organizational challenges faced by trade unions in implementing reform. Using the example of a few cases where trade union organizing is free from employers’ interference, the difficulties of operating such trade unions is discussed. The article also reflects the changes and potential impact of the new Labour Code of 2012 and the Trade Union Law of 2012

6) This initiative was regulated by Decision No.953/QĐ, dated July 20, 2010 of the Presidium of VGCL on the creation of pilot working groups to innovate trade union organizing and the establishment of trade unions, and to improve the linkage between upper-level trade unions and workplace trade unions and workers; comprehensive Plan No.2202/KH-TLD, dated December 27, 2010 of the Vietnam General Confederation of Labour on the implementation of the pilot program to innovate trade union organizing and improve the linkage between upper-level trade unions and workplace trade unions. This initiative was implemented in Binh Duong province on December 31, 2012, as mentioned in Plan No. 13/KH-TLD, June 22, 2012 of the Vietnam General Confederation of Labour.

on trade union organizing.

This article is derived from the personal observations of the author garnered after years of involvement in the operation of the VGCL and its initiatives in independent trade union organizing, as well as participation in different seminars and group discussions among trade unions of different levels and other stakeholders such as the Ministry of Labour, Invalids and Social Affairs (MOLISA), the Vietnam Chamber of Commerce and Industry (VCCI), etc. The article also draws on documentation on relevant policies and legal acts.

Current Trade Union Organizing Practices

Traditional Practices of Trade Union Organizing

It is immediate upper-level trade unions instead of rank-and-file workers that take the initiative in establishing workplace trade unions. According to a survey conducted by the VGCL, more than 99 percent of workplace trade unions are established by upper-level trade unions (Vietnam, VGCL and International Labour Organization [ILO] Industrial Relations Project 2012, 16). This usually takes one to three months (45.5 percent) or three to six months (32.7 percent) (*ibid.*, 13).

The immediate upper-level trade union first conducts surveys on the situation of enterprises and workers in the target areas in order to identify enterprises suitable for union organizing. These surveys are conducted in coordination with the relevant authorities: planning and investment departments, labor departments, invalids and social affairs departments, tax departments, management committees of industrial zones, etc. (*ibid.*, 25). As soon as the surveys are completed, the immediate upper-level trade union contacts the employers in writing to propose a meeting. If the enterprises do not respond, the union sends another letter or tries to make direct contact (*ibid.*). If the union's proposal is not accepted by the employers, trade union officers cannot access the enterprises and workers cannot leave the production site to meet them (Nguyễn Ngọc Trung 2012). If the enterprises agree with the proposal, an official response is sent and a meeting is arranged at the companies' premises (*ibid.*, 16).

During the meeting, trade union officers meet the workers and expound the necessity and benefits of joining trade unions. They instruct the workers on how to apply for membership and nominate members of the temporary executive committees of the workplace trade unions after discussion with the enterprise's directors. Next the enterprise management, together with the upper-level trade union and the temporary executive committee, prepares and organizes a ceremony for member admission and creation of

the trade union (*ibid.*, 25–26). The decision on forming a workplace trade union and the nomination of its temporary executive committee, issued by the upper-level trade union, is based on the employer's recommendation (Nguyễn Văn Bình 2011, 13).

How Employers Interfere in Trade Union Organizing

As analyzed above, upper-level trade unions are too dependent on the goodwill of employers in the organization of workplace trade unions. If employers deny the upper-level trade unions access to their premises to conduct a campaign for their workers, the trade union organizing is considered a failure. Moreover, there has been a misinterpretation for many years now of the VGCL's procedure concerning the application dossiers for starting workplace trade unions. The VGCL does not require the employers' signature in the application dossier submitted to the immediate upper-level trade unions. In practice, however, the unions often request the enterprises and workers to provide the employer's signature in the application letter, which includes the recommended list of the temporary executive committees of the workplace trade unions.⁷ This signature is taken as proof of the employers' commitment to create favorable conditions for the operation of trade unions in their enterprises (Nguyễn Văn Bình 2011, 15).

Trade union activity is still heavily influenced by the centrally planned economy period where there was no conflict of interests between the employers and workers in state-owned enterprises. The VGCL does not prohibit the management of a company from joining its trade union or from holding leadership positions in the union, for example, as president or members of the executive committee. The VGCL has taken measures to correct this anomaly. On May 6, 2009, the Presidium of VGCL promulgated Guidance No. 703/HD-TLD, Item 1.2, Chapter I, banning the owner(s), president, and/or deputy president of the governing board; general director and/or deputy general director; directors and/or deputy directors of a private-sector enterprise from joining its trade union. However, this ban does not apply to other persons from the management, notably, heads and/or deputy heads of functional departments and production workshops, etc. Indeed, a survey shows that 60–70 percent of workplace trade union presidents hold managerial positions within the company (*ibid.*).

7) See the instructions (in Vietnamese) of immediate upper-level trade unions, e.g., Federation of Labour of District 1, Ho Chi Minh City: <http://www.ldldq1hcm.gov.vn/thutucthanhlapcongdoan.aspx> (accessed October 3, 2013); Federation of Labour of Binh Tan District, Ho Chi Minh City: http://ldldbinhtanhcm.gov.vn/vn/default.aspx?cat_id=806 (accessed October 3, 2013); Trade Union of the Industrial Zones of Ha Nam province: <http://hanam.gov.vn/vi-vn/bqlckcn/Pages/Article.aspx?ChannelId=39&articleID=60> (accessed October 3, 2013), etc. for more details of the procedures for establishing workplace trade unions.

Members of the management who became trade union members before the promulgation of Guidance No. 703/HD-TLD automatically lose their trade union membership status, but the VGCL has no regulation preventing them from becoming honorary trade union members and participating in trade union activities.⁸⁾ Consequently, this allows employers to continue participating in trade union activities and monitoring and influencing its operation. Moreover, employers are statutorily required to make a financial contribution to the trade union on a monthly basis. This requirement was equal to 2 percent of the workers' salary fund, which is used as the basis for social insurance contribution, and was applied in both state-owned and in private-sector enterprises. In foreign-invested enterprises, this amount was equivalent to 1 percent of the total wage budget.⁹⁾ Since January 1, 2013 this amount has been amended to 2 percent of the total workers' salary fund for all organizations and enterprises of both the public and private sector.¹⁰⁾ This legal provision formally creates room for the employers to dominate and control workplace trade unions, which is inconsistent with Article 2 of the ILO Convention No. 98, to which Vietnam is not a signatory.

Before the formulation of the Labour Code of 2012 and the Trade Union Law of 2012, the Vietnamese government carried out a study on the compatibility of Vietnamese laws with Convention No. 98 on the Right to Organize and Collective Bargaining of the International Labour Organization. The study showed that parts of Vietnamese laws were incompatible with the Convention, particularly provisions on the independence of trade unions (Vietnam, MOLISA 2012, 48). With the promulgation of the Trade Union Law of 2012, which restricts the independence of trade unions, the possibility of joining Convention No. 98 is vague in the near future.

Another reason the trade union system facilitates employers' interference in trade union organizing arises from the VGCL's target of developing trade union membership. There have been numerous cases where the principle of voluntary participation of workers has been ignored during the process of workplace trade union establishment, as acknowledged by VGCL (Vietnam, VGCL 2010, 16). Moreover, due to the shortage of upper-level trade union officers with experience in leading the organizing process in private-sector enterprises, the process does not always match the enterprises' needs, and the methods and contents of the campaigns do not leave the workers convinced.¹¹⁾

8) Items 1.3 and 1.4 of Guidance No. 703/HD-TLD prohibit honorary trade union members from voting in meetings and congresses or from holding leadership positions at any level.

9) Article 2b of Circular No. 76/1999/TTLT/BTC-TLDDVN and Section 3a of Circular No. 17/2009/TT-BTC.

10) Article 26, Section 2 of the Trade Union Law of 2012.

11) Section 1, Resolution No. 07/NQ-TLD, dated July 18, 2008 on development and strengthening the capacity of trade unions in small and medium enterprises.

Trade Union Organizing Free from Employers' Interference

Since 2011 the VGCL has initiated innovative ways of organizing trade unions in the private sector in the localities mentioned above. What is new is that the trade union organizing is conducted by the immediate upper-level trade unions outside the enterprises' premises and outside working hours. Officers of immediate upper-level trade unions approach workers of targeted enterprises in order to learn about their working conditions (the total number of workers, wages, issues with management, etc.). The officers try at the same time to select focal workers who can influence the other workers to join the trade unions.¹²⁾ Leaflets about trade unions and the rights and obligations of trade union members are distributed to the workers. Other services such as legal aid, sports and entertainment activities, etc. are organized to improve the relations between immediate upper-level trade unions and the workers (Vietnam, VGCL and ILO Industrial Relations Project 2012, 8).

Once it receives the application letters of at least five workers, the immediate upper-level trade union issues a decision to admit the workers into the trade union. Members of the temporary executive committee for the new trade union are voted in directly by the trade union members and officers help to organize meetings for members on trade union operation. Only after all this has been put in place are the employers informed (*ibid.*, 9, 10).

Trade Union Responses to Employers' Interference

Case 1: Company K (Vietnam, VGCL and ILO Industrial Relations Project 2012, 21–22)¹³⁾

In 2007, Ms L, a staff of the human resources department was elected as the union president. The management asked her not to approach workers at the workplace; instead, they suggested that the workers go and see her at the human resource department if needed. Ms L did not agree and continued meeting workers at their workplace when necessary. In early 2011, as the trade union was preparing for its congress in the new term, the management opposed Ms L's occupation of the position of trade union president and prepared a list nominating members of the executive committee—excluding Ms L. She was then forced by the management to put the stamp of the executive committee on this document. When the upper-level union learnt about this case, it issued a decision to cancel the congress and reorganize another one.

12) This is a summary of the innovative organizing approach implemented by trade unions in the economic zones of Hai Phong city; the industrial zones and processing zones of Binh Duong province, and the Federation of Labour of District 12, Ho Chi Minh City in 2011. The author has participated in these activities alongside the trade unions.

13) Summarized by the author.

Case 2: Dong A Vina Company (Đức Minh 2012)¹⁴

Dong A Vina is a 100 percent foreign-invested company in Binh Duong industrial zone, Di An, Binh Duong province, employing 530 workers. Mr Tran Van Sy, head of the production section, was elected as a member of the company trade union's executive committee at the trade union congress.

After his election, Mr Sy went on leave. When he came back to work, the human resource department launched a procedure to dismiss him on the grounds that he had returned to work a few days late without a valid reason. To protest against this unjust decision, 512 workers of the company went on strike on July 12, 2012, demanding that Mr Sy be reinstated and that the officers of the human resource department responsible for this decision be dismissed instead.

Representatives of the trade union of Binh Duong industrial zones and the management board of Binh Duong industrial zone (the local authority) came to the company to try to resolve the dispute. On July 23–24, 2012, approximately 30 representatives of the workers, including the executive committees of the workplace trade unions and heads of the production groups and production lines, were invited to attend a conciliation meeting with the company management. The company agreed to pay Mr Sy benefits if his dismissal was found to be illegal. The workers' demands that the staff of the human resources department involved be dismissed and that the strikers be paid 70 percent of their wages for the days they did not work were denied by the company.

At the end of the meeting, the representative of the workplace trade union promised to encourage the workers to come back to work on July 25, 2012. However, the workers refused and stuck by their earlier demands. The company then dismissed all 512 workers on the grounds that they had been absent from work for over five days without valid reasons.

The above examples show a commitment from certain immediate upper-level trade unions to prevent employers' interference in the organizing of non-“yellow” trade unions in the workplace. It demonstrates that not all workplace trade unions in the private sector are “yellow unions” and that not all upper-level trade unions ignore the problems faced by workplace trade unions. It also shows that effective linkage and communication between the upper-level and workplace trade unions can be effective in limiting employers' interference.

At the central level, in order to counter anti-unionism by employers, the VGCL has implemented some measures, including the establishment of a fund to support workplace

14) Summarized by the author.

trade union delegates (presidents, deputy presidents, executive committee members) who are victims of anti-union actions by their employers. This applies to delegates who have been illegally dismissed or transferred to a position that does not meet their skill level or one that pays 30 percent less than their current salary. Concretely, this support entails the following:¹⁵⁾

- Financial support, equal to the minimum wage, for two months immediately after the termination of the labor contract.
- Monthly support, equivalent to the minimum wage, for 1.5 months during the period of unemployment, not exceeding 6 months.
- When a labor dispute between a trade union delegate and the enterprise's management is brought to court, the fund will cover 50–100 percent of the delegate's court fees, to be determined on a case-by-case basis.

Key Challenges for Trade Union Organizing Free from Employers' Interference

Challenges within the Trade Union System

The traditional method of union organizing, whereby workplace trade unions are dependent on employers, has been carried out for years. This has become ingrained in upper-level union officers and is hard to change (Vietnam, VGCL and ILO Industrial Relations Project 2012, 33).

In addition, trade union organizing free from employers' interference requires considerable effort in terms of policy commitment, time, human resources, and finance. The first challenge for upper-level trade unions is the imbalance in staff and workload. As communist trade unions, the VGCL and its affiliated trade unions are tasked with many jobs that are not directly related to the function of trade unions, as compared with conventional trade unions in other countries. These include involvement in politics and the organization of socio-cultural, humanitarian, sports, and recreational activities. Yet they face a shortage of officers, particularly qualified officers, because they do not have a free hand in deciding the number of trade union officers (see *infra*).

On average, immediate upper-level trade unions comprise two or three full-time trade union officers. Trade unions in industrial zones generally comprise four full-time trade union officers (*ibid.*, 1, 3). The number may increase for some trade unions in the

15) Article 7, Article 8, and Article 19 of Decision No. 1521/QĐ-TLĐ, dated September 29, 2006 of the VGCL Presidium, regulating the establishment, organization, and operation management of the workplace trade union delegate support fund.

industrial zones of key economic localities. Table 1 shows the number of trade union officers in three economic hubs in South Vietnam: Binh Duong, Dong Nai, and Ho Chi Minh City (ILO 2012, 14).

Table 1 reveals the disproportionate division of work between the technical officers, who are directly responsible for trade union organizing, and the administrative officers. For example, there are 3 technical officers versus 6 administrative staff in the trade union of the industrial zones of Binh Duong; 12 technical officers versus 6 administrative staff for Ho Chi Minh City; and 5 technical officers versus 7 administrative staff for Dong Nai province.

Table 1 also shows the huge workload shouldered by the technical officers, given the big number of enterprises, workplace trade unions, and trade union members under their charge. Furthermore, it also shows up the imbalance in workload among the technical officers of the three localities. In Binh Duong, there are only three officers for 490 enterprises, 318 workplace trade unions, and 120,000 trade union members (this equates to one officer taking charge of 163 enterprises, 106 workplace trade unions, and 40,000 trade union members). Meanwhile, in Ho Chi Minh City, 12 officers are responsible for 800 enterprises, 724 workplace trade unions, and 179,000 trade union members (or one officer for 66 enterprises, 60 workplace trade unions, and 14,916 trade union members). In Dong Nai province, five officers are allocated for 369 enterprises, 350 workplace trade unions, and 130,000 trade union members (that is, one officer for 74 enterprises, 70 workplace trade unions, and 26,000 trade union members).

As mentioned above, the tasks of these trade union officers include many non-traditional activities. This work accounts for 14.18 percent of their workload (Vietnam, VGCL and ILO Industrial Relations Project 2012, 14). This is in addition to participation in political affairs not directly related to trade union activities, for example, with the Party, state authorities (People's Councils and People's Committees), Women's Union,

Table 1 The Number of Trade Union Officers in Three Economic Hubs in South Vietnam

		Binh Duong Industrial Zones Trade Union	Dong Nai Industrial Zones Trade Union	Ho Chi Minh City Industrial Zones Trade Union
No. of full-time officers	Technical officers	3	5	12
	Administrative staff	6	7	6
	Total	9	12	18
No. of enterprises		490	369	800
No. of workplace trade unions		318	350	724
No. of workers		140,000	160,000	273,000
No. of union members		120,000	130,000	179,000

Source: ILO (2012, 14).

Veterans' Union, the Ho Chi Minh Communist Youth Union, which account for 14.74 percent of their workload, according to a survey conducted by the VGCL (*ibid.*, 10, 14).

As shown in the case studies above, there is evidence of anti-unionism committed by employers against workplace trade union delegates. However, a survey by the VGCL (*ibid.*, 13) shows that this is not taken into serious consideration by upper-level trade union officers. This exposes the weakness of the trade union system in protecting their union officers. In the case of the Dong A Vina Company above, no systematic measures were put in place by the trade union of Binh Duong industrial zones to protect the workplace trade union officer. The company very clearly interfered in the operations of the trade union by victimizing the trade union officer. Yet his dismissal was not handled any differently than an ordinary case of dismissal and no special measure was taken to counter these acts of discrimination. Moreover, all the workers who went on strike to show their support for Mr Sy and their dissatisfaction with the company were "persuaded" by the company to sign an agreement terminating their contracts. This constituted a major anti-union act targeting the trade union members, yet the trade union of Binh Duong industrial zones did not put up any opposition.

Challenges from the Workers' Side

Reports show that young workers account for the majority of the private-sector workforce. Most of them are unskilled workers, with unskilled workers who have not received any vocational training accounting for 83.54 percent (Ban Mai 2013). A large number are also migrant workers who work for enterprises in industrial zones and processing zones, for example, 30 percent of the workforce in Ho Chi Minh City, one of the biggest industrial hubs in Vietnam with approximately eight million inhabitants, is made up of migrants from other provinces and cities (Vietnam, Centre for Industrial Relations Development [CIRD] 2012, 3).

A survey by the Binh Duong trade union of 38 enterprises in industrial zones shows that workers' wages are often too low: 76.8 percent has a monthly income of VND 2,000,000–3,000,000 (equivalent to EUR 66–100 or USD 94–142), which is insufficient for a living; and 76.6 percent of workers has no savings at all (91.7 percent of them cannot afford a house and must rent an apartment). A large number of workers must work overtime¹⁶—up to 50 hours/month (66 percent) or 50–100 hours (31 percent) (Lê Nho

16) Article 106, Section 2b of the Labour Code of 2012 provides that supplementary working hours of the workers shall not exceed 50 percent of the normal working hours in a day. Regulation for weekly work provides that the sum of normal working hours and overtime working hours shall not exceed 12 hours per day, and the sum of overtime working hours shall not exceed 30 hours per month and 200 hours per year. In special cases, this can be extended to but not exceed 300 hours per year.

Lượng 2011).¹⁷⁾

The situation is similar in Hanoi city. Most workers in the Hanoi industrial zones have to work overtime because of low wages (Phong Cầm 2011). As such, they do not have much time for trade union organizing. Some are also reluctant to join for fear of being discriminated against by their employers. Yet others do not join because they constantly change work in search of higher salaries and better working conditions (*ibid.*, 18).

Challenges from the Employers' Side

Case 1: Yoneda Vietnam Company (Phong Cầm 2011, 3–6)¹⁸⁾

Yoneda Vietnam is a Japanese company producing stationery products in Hai Phong city. It employs 225 workers. In 2007 an unlawful trade union was formed by the employer in the name of the workers and “trade union dues” were deducted from the workers’ wages. This came to an end in November 2010, after intervention by the trade union of Hai Phong Economic Zones.

The trade union of Hai Phong Economic Zones approached the workers outside the company’s premises, and four core workers’ groups based on common interests were formed: sports, home fellows, age, and living quarters. Trade union activities were gradually introduced to the meetings of these groups.

Currently, some 243–277 workers have applied to join the trade union and 5 workers have been selected for the temporary executive committee. To prepare for the establishment of the grassroots trade union, the trade union of Hai Phong Economic Zones attempted to approach the company director but was turned down. The company director tried instead to divide the workers, instigating them not to join the trade union and putting pressure on influential workers. The contracts of a few of the workers who are members of the core workers’ groups have not been renewed upon expiry.

17) Workers may enter into employment contracts with multiple employers as prescribed in Article 30, Section 3 of the Labour Code of 1994 amended and supplemented. However, this issue was regulated in neither the Labour Code of 1994 amended and supplemented nor in Decree No. 44/2003/ND-CP, dated May 9, 2003, detailing and guiding the implementation of a number of articles of the Labour Code on employment contracts. Things have changed with the promulgation of the Labour Code of 2012. The Vietnamese government has promulgated Decree No. 44/2013/ND-CP of the Government dated May 10, 2013, which has taken effect since July 1, 2013. This decree specifies the employees’ participation in social insurance and health insurance, and occupational health and safety issues when entering into employment contracts with multiple employers as prescribed in Article 4 and Article 5. It is hoped that the new legal framework will create more opportunities for workers to work at different jobs at the same time in order to improve their income situation.

18) Summarized by the author.

Case 2: Sonics Company (*ibid.*, 9–10)¹⁹⁾

Sonics International Limited Liability is a Taiwanese company producing bicycle parts in Binh Duong province. It employs 120 workers.

After the launch of a new initiative on trade union organizing, the trade union of Binh Duong industrial zones approached workers outside the company's premises to obtain more information on the company's situation. A core workers' group was then formed, which included three influential workers from the company selected by the trade union. The workers' group is headed by an officer of the trade union. Members received training on trade union organization, labor law, trade union law, occupational safety, health, etc. This group is responsible for encouraging other workers in the company to join the trade union.

In March 2011, a trade union recruitment ceremony was conducted and 70 workers were recruited. The company director has, however, repeatedly opposed the formation of the trade union. A few months later, in July, the trade union of Binh Duong industrial zones issued a decision declaring the establishment of the trade union of Sonics International Limited Liability. Four members of the formal trade union executive committee were also elected.

The company trade union has been hampered in its operations by the uncooperativeness of the company director, despite numerous meetings arranged by the trade union of Binh Duong industrial zones. On September 15, 2011, the trade union of Binh Duong industrial zones wrote to the management board regarding 11 cases of labor law violations committed by the company and requested an inspection of the company. On October 13 an inspection team led by the management board of the industrial zones made its way to the company. The trade union of Binh Duong industrial zones nominated its officer to join the inspection team. Via this inspection, the trade union of Binh Duong industrial zones formally notified the company of the establishment of the enterprise trade union and asked for its cooperation.

However, until now no effort has been made by the company to comply with labor law. No improvement has been made with regards to the trade union activities. The trade union is facing even greater difficulties in running its activities. Trade union meetings have been forbidden within the company's premises, including meetings outside working hours. The number of members has been reduced by 42 because some workers have left the company, while others have withdrawn their membership because of the pressure exerted by the company. The executive committee of the trade union has been similarly affected—three members have left, including one who resigned due to the

19) Summarized by the author.

opposition by the company. The executive committee has managed to keep up with its regular meetings; however, other activities, such as recruitment of new members, have been neglected.

Case 3: S. C. Johnson & Son Company (*ibid.*, 7–8)²⁰⁾

A producer of cosmetics, shower gels, etc., S. C. Johnson & Son Company operates in Song Than I industrial zone, Binh Duong province and currently employs 300 workers. Johnson Mutual Benefit Association (JMBA) was formed by the company to promote the welfare of the workers as well as strengthen industrial relations in the company, in keeping with regulations of S. C. Johnson & Son Corporation. The company has therefore rejected the formation of a company trade union. It has even issued a rule that JMBA will provide monthly financial support for each worker—on the condition that he/she does not join the trade union. Those who wish to join the trade union will lose access to different benefits by the company. As a result, workers in the company do not want to join the trade union. Another obstacle is that the workers are members of other labor-leasing companies. Meanwhile, many of the workers in the company are office workers who live in Ho Chi Minh City and travel to work by company transport. This has made it impossible for the trade union of Binh Duong industrial zones to approach the workers in S. C. Johnson & Son Company.

Case 4: F.C. Company (*ibid.*, 20–21)

Ms TT. Ch. was elected in October 2008 as president of the workplace union in F.C. Company (a foreign-invested company). The company director threatened that she would not receive her monthly responsibility allowance as a production group leader, amounting to VND 150,000 (equivalent to around EUR 5.8/USD 7), unless she resigned from her position as president of the trade union. According to the director, Ms TT. Ch. could not fulfil her production group leader duties if she were to undertake the trade union activities; therefore she was not entitled to her allowance.

Ms Ch. was forced to comply and held her union position from October 2008 to the end of April 2009. During this period, the company management kept an eye on her and threatened her with disciplinary action should she be found lacking in her duties.

In May 2009, Ms Ch. resigned from her union position. Only then was she able to recover her responsibility allowance and only then did the monitoring and threats of sanctioning end.

20) Summarized by the author.

Case 5: Company F (*ibid.*, 24)

Mr NN. H, who worked as a warehouse assistant, was elected as the president of his company union in March 2007. Mr H organized trade union activities well, winning members' trust. However, due to active trade union activities, he was discriminated against by the management. In 2009, he lost his position as warehouse assistant and was transferred to a rank-and-file worker position.

The above examples illustrate the general behavior of employers towards independent trade unions. These employers attempt to control the trade unions through ploys such as promising workplace trade union officers financial benefits and promotions; exerting pressure on part-time trade union officers in their normal work; transferring these officers to lower-grade and/or lower-pay positions; excluding trade union members from certain benefits enjoyed by non-unionized workers in the company, etc.

Enactment of the New Legal Framework: Light at the End of the Tunnel?

The fact that no labor case related to the right to organize, join, and participate in trade union activities has ever been settled by the competent courts (Vietnam, VGCL 2011b, 8), speaks volumes of the authorities' failure to deal with anti-unionism. Moreover, workplace trade unions established and operating outside companies' premises are not regulated by the Trade Union Statute or any other relevant regulation,²¹⁾ leading to the denial of their legal status by relevant stakeholders, including the authorities. This issue remains unresolved by the new Trade Union Law of 2012 or the Labour Code of 2012.

As for staffing, there has been no change between the old Trade Union Law and the Trade Union Law of 2012. Full-time trade union officers who work at upper-level trade unions are still public cadres and civil servants.²²⁾ The VGCL does not have full autonomy in deciding the number and positions of trade union officers. While it may develop the organizational structure of the trade union and positions within, this is still submitted to the competent authority,²³⁾ which has the ultimate say on the positions and workload of

21) This is the case of a workplace trade union with 27 members drawn from different small enterprises in Tan Thoi Nhat ward, formed by the Federation of Labour of district 12, Ho Chi Minh City in 2011. It operates under the direct management of the Federation of Labour of district 12, Ho Chi Minh City.

22) Article 4, Section 1, Section 2; and Article 70, Section 2 Law on public cadres and civil servants.

23) The competent authority here refers to the CPV as mentioned in Article 66, Section 6 of the Law on public cadres and civil servants approved by the National Assembly, dated November 13, 2008 and taking effect from January 1, 2010.

full-time trade union officers.²⁴⁾ As a result, the disproportionate distribution of workload among full-time trade union officers in upper-level trade unions remains unresolved.

Nonetheless, there are some positive changes in the new legal framework concerning trade union organizing. In order to prevent anti-union practices among employers, the Trade Union Law of 2012 prohibits the use of economic measures and other methods to interfere in the establishment and operation of trade unions. The Trade Union Law of 2012 also reaffirms the former Trade Union Law of 1990 in prohibiting acts that prevent or cause difficulties to the establishment and operation of trade unions, and which discriminate against or disadvantage workers in the establishing or joining of trade unions or the undertaking of trade union activities.²⁵⁾ The new Decree No. 95/2013/ND-CP imposes stricter sanctions against anti-unionism acts. The fine for employers who prevent or hamper employees from forming or joining trade unions, or carrying out trade union activities, has been increased from VND 10,000,000 to 15,000,000 (EUR 350–524 or USD 473–710).²⁶⁾ A fine of VND 5,000,000–10,000,000 (around EUR 175–349 or USD 237–473) is also imposed on other types of discriminatory acts in the form of working hours, wages, etc.²⁷⁾

The new legal framework reaffirms the role of immediate upper-level trade unions in trade union organizing,²⁸⁾ but acknowledges for the first time their rights and responsibilities to approach workers in enterprises.²⁹⁾ This legal acknowledgment was necessitated by cases in the past years of employers preventing upper-level trade union officers from accessing their premises, as we have seen above. Henceforth the act of preventing trade union officers from entering company premises is liable to a fine ranging from VND 5,000,000–10,000,000 (around EUR 175–349 or USD 237–473).³⁰⁾

There is another encouraging change in the VGCL's policy, reflecting signs of decentralization in union organizing. In addition to the role of the immediate upper-level trade unions as mentioned above, the amended VGCL Statute also recognizes the role of rank-and-file workers in trade union organizing. Accordingly, workers may establish an orga-

24) Article 23, Section 2 and 3 of the Trade Union Law of 2012.

25) Article 9, Section 1, 2 and 3 of the Trade Union Law of 2012.

26) Article 24, Section 3 of Decree No. 95/2013/ND-CP of the government, dated August 22, 2013, on administrative sanctioning in the field of labor, social insurance, and sending Vietnamese workers abroad to perform work under the contracts. This has been in effect since October 10, 2013 and replaced Decree No. 47/2010/ND-CP dated May 6, 2010, Decree No. 86/2010/ND-CP dated August 13, 2010 and Decree No. 144/2007/ND-CP dated September 10, 2007.

27) Article 24, Section 2c of Decree No. 95/2013/ND-CP.

28) Article 16, Section 1 of the Trade Union Law of 2012, and Article 189, Section 2 of the Labour Code of 2012.

29) Article 16, Section 2 of the Trade Union Law of 2012.

30) Article 24, Section 2dd of Decree No. 95/2013/ND-CP.

nizing committee at the workplace, responsible for conducting campaigns, receiving workers' application letters to join the trade union, and preparing for the congress for the establishment of the trade union when a sufficient number of members, as prescribed by the VGCL's Statute, has been reached. Nonetheless, the establishment and operation of the workplace trade union still requires the acknowledgment of the immediate upper-level trade union in order to be considered lawful.³¹⁾

The new law also entitles immediate upper-level trade unions to represent and protect the legitimate rights and interests of workers in non-unionized enterprises at the workers' request.³²⁾ The Vietnamese government has promulgated a new decree in this regard. Accordingly, the role of immediate upper-level trade unions in representing and protecting the rights and interests of workers in non-unionized enterprises includes: consulting workers on employment contracts; representing the workers' collective to implement collective bargaining and monitoring the implementation of concluded collective bargaining agreements; partnering enterprises to develop and monitor the implementation of wage scales, wage tables, labor norms, wage payment regulations, bonus payment regulations, and work regulations; conducting dialogues with enterprises to settle issues concerning the lawful rights and interests of the workers; working with relevant organizations to guarantee labor dispute settlements in accordance with law; requesting settlement by the competent authority when the lawful rights and interests of the workers/workers' collective are violated; representing the workers/workers' collective to request for a settlement in court when these rights and interests are violated; representing the workers' collective in legal proceedings in labor, administrative and/or bankruptcy cases; and organizing and leading strikes.³³⁾ Part-time trade union officers are granted minimum working hours for performing trade union activities. Presidents and/or vice-presidents of workplace unions are entitled to at least 24 working hours per month; part-time trade union representatives who are members of workplace unions' executive committees, heads, and deputy heads of trade union groups in charge of trade union activities are entitled to at least 12 working hours/month.³⁴⁾

In addition, the act of preventing part-time trade union officers from using their working hours to undertake trade union activities; not paying them for the time they

31) Article 2, Section 1b and Article 17, Section 1a, b, and dd of the amended VGCL's Statute of 2013; and Article 5, Section 2 of the Trade Union Law of 2012.

32) Article 17 of the Trade Union Law of 2012.

33) Article 13, Section 1 of Decree No. 43/2013/ND-CP dated May 10, 2013, in effect since July 1, 2013, spelling out Article 10 of the Trade Union Law on rights and responsibilities of trade unions in representing and protecting the lawful and legitimate rights and interests of workers.

34) Article 24, Section 2 of the Trade Union Law of 2012.

spend on trade union activities; and excluding full-time trade union officers from benefits enjoyed by other workers, is now liable to a fine ranging from VND 5,000,000–10,000,000 (around EUR 175–349 or USD 237–473).³⁵⁾ The new law also provides a better protection mechanism for workers who are working as part-time workplace trade union officers. In the event that a part-time trade union officer's employment contract expires while he/she is still serving the trade union term, the officer is entitled to prolong his/her contract until the end of the trade union term.³⁶⁾ And for the first time, employers will be fined VND 10,000,000–15,000,000 (around EUR 350–524 or USD 473–710) for not extending the expired employment contracts in such an event.³⁷⁾ Finally, if part-time trade union officers are illegally dismissed, trade unions can request for intervention by competent authorities, taking the case to court if necessary. In the meantime, the unlawfully dismissed officers will be supported by the trade unions in their search for new jobs and will be provided with allowances.³⁸⁾

Concluding Remarks

Despite high trade union density in Vietnam, the formalistic operations of workplace trade unions are one of the main causes of increased labor unrest in recent years. Trade union organizing free from employers' interference is the decisive factor in enabling workplace trade unions to function effectively. Recently, the VGCL implemented initiatives in this direction, which served as input for revising the Trade Union Law of 2012 and the Labour Code of 2012. The new legal framework will create more opportunities for immediate upper-level trade unions in dealing with enterprises.

However, there are challenges ahead, one of which is the heavy workload of full-time trade union officers. Not only are they burdened by tasks irrelevant to trade union operations, as a consequence of the VGCL being an affiliated organization to the CPV, there is also a severe imbalance in the number of full-time trade union officers compared with the number of enterprises, workplace trade unions, and trade union members.

The new legal framework imposes stricter sanctions against anti-unionism acts

35) Article 24, Section 2a, 2b and 2d of Decree No. 95/2013/ND-CP.

36) Article 25, Section 1 of the Trade Union Law of 2012.

37) Article 24, Section 3d of Decree No. 95/2013/ND-CP.

38) Article 25, Section 3 of the Trade Union Law of 2012. This regulation refers to Decision No. 1521/QĐ-TLD dated September 29, 2006 of the VGCL Presidium, mentioned above, which provides a regulation on the establishment, organization, and operation of the fund for workplace trade union delegate support.

committed by the employers and regulates the protection of part-time trade union officers at the workplace. However, whether the new legal provisions will be strictly enforced in practice very much depends on the commitment of relevant authorities—the VGCL and its immediate upper-level trade unions—in identifying anti-unionism acts committed by the employers.

Another challenge lies within the VGCL itself. A synchronous understanding and coherent interpretation of the VGCL's policies among the upper-level trade unions is necessary if the involvement of employers in the establishment of the workplace trade unions is to be avoided. Officers of the VGCL and its trade unions also need to be more open and ready to apply different, innovative ways of trade union organizing.

Accepted: May 27, 2013

Acknowledgments

The author would like to express her gratitude to the autonomous referees for their valuable comments in the previous draft of the article. My thanks also go to Ms Narumi Shitara for her effective facilitation and instruction, and to Ms Wee Wong for her editorial assistance. I wish too to thank my colleagues Thu Huong and Van Binh at the Industrial Relations Project, ILO office in Hanoi for their support in documentation and material-gathering. Any errors contained herein are mine.

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RESEARCH REPORT

Islamic Theological Texts and Contexts in Banjarese Society: An Overview of the Existing Studies*

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This article will describe and analyze the continuities and changes of Islam in Banjarese society, Indonesia, by looking at the existing studies of theological texts produced and transmitted by the Banjarese ulama since the eighteenth century up to the early twenty-first century. There is a scholarly controversy on the authorship of *Tuhfat al-Râghibîn*, but there is strong evidence that it was written by Muhammad Arsyad al-Banjari in the eighteenth century. In this theological text, the author proposes a wider view of Sunnism, and at the same time attacks some local religious rituals considered opposed to Islamic monotheism. From the eighteenth to nineteenth century, the theological texts were written in Jawi. By the twentieth century, the ulama had also produced theological texts in Indonesian language, but the use and production of Arabic and Jawi texts still continued. From the early twentieth century, the Sanusi's conception of Sunni theology has become the dominant among the Banjarese. However, since the 1920s, this dominant theology has been challenged by Salafism introduced by the reformist Muslim group, the Muhammadiyah. By the 1990s, some of the ulama had proposed the theology of God's Beautiful Names as an alternative to the Sanusi's conception. All of these theological conceptions, however, seem to pay too little attention to the challenges of the increasing religious plurality of Banjarese society.

Keywords: Islam, theology, Banjarese, Indonesia

According to the statistics compiled for the year 2000 on ethnic identities, the Banjarese ranked 10th among the largest ethnic groups in Indonesia (Suryadinata *et al.* 2003,

* I would like to thank Martin van Bruinessen for his valuable comments on the earlier draft. I also thank Syuan-Yuan Chiou for sending me some materials for this article. The first draft of this article was presented at the Fourth al-Jami'ah International Conference, State Islamic University, Yogyakarta, 14-16 December 2012.

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31–68).¹⁾ Most Banjarese live in South Kalimantan, and many of them live in Central and East Kalimantan, as well as in Sumatra, especially in Bangka Belitung, Riau, Jambi, and North Sumatra.²⁾ The Banjarese are generally identified as Muslims. Starting around the sixteenth century, the Banjarese Kingdom was converted to Islam by the Javanese Sultanate, Demak, as a compensation for the latter's military aid.³⁾ The process of Islamization apparently became more intense by the eighteenth century after the return of Muhammad Arsyad al-Banjari from his study in the Muslim holy cities of Mecca and Medina. During the Banjar war (1859–1905), and the revolutionary war in the first half of the twentieth century, the Islamic leaders and organizations also played an important role. Presently, Muslims constitute 97.3% in South Kalimantan.

Islamization is a continuing process, and probably would never end. One of the ways to see the development and dynamics of Islam among the Banjarese is to study Islamic theological texts written and taught by the ulama in the region. During the last three decades, there has been a number of studies on the subject, undertaken by Banjarese scholars, and most of whom are of the State Institute of Islamic Studies (IAIN), Antasari, Banjarmasin. Given the fact that most of these studies are largely unknown, unpublished, and simply sitting on the library shelves gathering dust, I am interested in investigating these texts, hoping that, through my own interpretation and analysis, we can find a general picture of change and continuity in Islamic theological thought in Banjarese society.

Muhammad Arsyad al-Banjari's Theological Text and Context

There is no doubt that Muhammad Arsyad al-Banjari (1710–1812) is a very important

1) The 10 largest ethnic groups in Indonesia are: Javanese (41.65%); Sundanese (15.41%); Malay (3.45%); Madurese (3.37%); Batak (3.02%); Minang (2.72%), Betawi (2.51%); Buginese (2.49%); Bantene (2.05%); Banjarese (1.74%).

2) Alfani Daud maintains that, given the vast similarities between Malay and Banjarese language, the ancestors of the Banjarese probably came from Sumatra (Alfani Daud 1997, 1–4). In contrast, Noerid Haloei Radam (1995) argues for two possible hypotheses. The first is that the Banjarese were a hybrid of various ethnic groups who came to South Kalimantan. The second is that the Banjarese were the Dayak people who assimilated with the migrants, thereby cultivating their own unique culture. Moreover, Mary Hawkins argues that the Banjarese were not identified as an independent ethnic entity until the coming of the Dutch and later, the emergence of the Indonesian state (Hawkins 2000, 24–36). While these theories can be justified in one way or another, there is one important element of the Banjarese ethnicity that is very obvious, namely the Banjarese language. It is true that there are several words which are uniquely used by people of Banjar Hulu as opposed to Banjar Kuala, but both groups generally can understand each other.

3) The myth of the conversion is found in Ras (1968). For an analysis of the conversion myths to Islam in the archipelago, see Russell Jones (1979, 129–158).

figure in the Islamization of Banjarese society. At the age of 30, he was sent to Mecca by Sultan Tamjidillah (1734–59) to perform hajj and to study all branches of Islamic knowledge with the prominent ulama in Mecca and then Madina. After more than 30 years of study, he came back home, and then became the advisor to the Banjarese sultanate.⁴⁾

As an Islamic scholar, Arsyad al-Banjari wrote a number of works on Islamic teachings, including Islamic theology.⁵⁾ There are at least two works of al-Banjari discussing the Islamic theological doctrines, namely *al-Qawl al-Mukhtasar fî 'alâmât al-Imâm al-Mahdi al-Muntazhar* (A short explanation on the signs of the expected Imam al-Mahdi), and *Tuhfat al-Râghibîn fî Bayâni Haqîqat Îmân al-Mu'minîn wa Mâ Yufsiduh min Riddat al-Murtaddîn* (A gift to the seekers, explaining the essence of faith of the believers and its damages due to the apostasy of the apostates). The former is academically less studied than the latter.⁶⁾ It is probably because *al-Qawl al-Mukhtasar* is only concerned with eschatological doctrines, while *Tuhfat al-Râghibîn*, besides describing basic Islamic theological doctrines, also attacks certain existing traditional rituals. In addition, its authorship also triggers a scholarly controversy.

Therefore, this section will only analyze the studies of the *Tuhfat al-Râghibîn*. The treatise was written in 1774, two years after al-Banjari's return to the Banjarese Sultanate (1772). Like most works of the ulama of the archipelago in that period, this work by al-Banjari was written in the Malay language using Arabic script or the so-called Jawi script. The earliest print edition known to a researcher is the one published in 1887 by al-Mathba'ah al-Haj Muharram Affandi, Istanbul (Hasan 2007, 71). The transliteration of the book into Latin script was carried out by Abu Daudi (2000) and M. Asywadie Syukur (2009). The existing research on this treatise raises the following questions: Is *Tuhfat al-Râghibîn* the work of al-Palimbani or al-Banjari? What are the theological views presented in the work? What are the possible sources of al-Banjari's theological views? Are these theological views relevant to our times? What influence does it have on Banjarese society?

4) For the studies of al-Banjari's life, see Jusuf Halidi (1968), Zafri Zamzam (1979), and Abu Daudi (1980).

5) There are some terms used to refer to Islamic theology, such as *'ilm al-tawhîd*, *'ilm al-kalâm*, or *'ilm al-'aqidah*. The main issues discussed in Islamic theology are the conception of monotheism, the prophethood, and life after death.

6) There are a few scholarly studies on *al-Qawl al-Mukhtasar*, two of them deserve to be mentioned, namely a small part of Chapter III of the research report by Tim IAIN Antasari (1989) and Khairil Anwar (2009, Ch.V). The last work is originally a PhD thesis at the State Islamic University (UIN) Syarif Hidayatullah, Jakarta, in 2007.

The Author of *Tuhfat al-Râghibîn*: al-Palimbani or al-Banjari?

It seems that the question of whether *Tuhfat al-Râghibîn* is the work of Abd al-Shamad al-Palimbani or Muhammad Arsyad al-Banjari had emerged, particularly among the Banjarese intellectuals, after the publication of M. Chatib Quzwain's dissertation in 1985. In his dissertation, with reference to two Dutch Scholars, P. Voorhoeve and Drewes, Chatib Quzwain argues that *Tuhfat al-Râghibîn* is the work of al-Palimbani (Chatib Quzwain 1985, 14–25). This issue gave rise to serious discussion during the seminar on the research report on Muhammad Arsyad al-Banjari, held at the IAIN Antasari on November 17, 1988, and another discussion attended by Banjarese intellectuals on December 25, 1988 (Analiansyah 1990). The question of the authorship of *Tuhfat al-Râghibîn* is also analyzed in an undergraduate thesis written in the same year by a student of the Ushuluddin Faculty at IAIN Antasari (Yusran 1988). M. Asywadie Syukur, a professor of Dakwah Faculty at IAIN Antasari also wrote a research report on the same controversy in 1990 (Asywadie Syukur 1990). Finally, 17 years later, it was to be discussed again by Noorhaidi Hasan, a Banjarese by origin and a lecturer at the State Islamic University (UIN) Sunan Kalijaga, Yogyakarta (Hasan 2007).

All of the researchers agree that *Tuhfat al-Râghibîn* is the work of al-Banjari, not al-Palimbani. Yusran, without any mention of the opposing view, proposes some arguments to prove that al-Banjari is the author of the treatise. First, Yusran indicates that there is a clear similar diction of the introduction, particularly the doxology, of *Tuhfat al-Râghibîn* with that of *Sabîl al-Muhtadîn*, another and most famous work of al-Banjari. Second, there are several Banjarese words found in the text. Third, the text mentions two Banjarese traditional rituals, namely *manyanggar* and *mambuang pasilih*. Fourth, some authoritative books on Arsyad al-Banjari's biography also mention that *Tuhfat al-Râghibîn* is one of his works. Fifth, some prominent Banjarese ulama and descendants of Arsyad al-Banjari also affirm that it is the work of al-Banjari.

Moreover, M. Asywadie Syukur, besides mentioning similar arguments, attempts to extend these arguments by examining the text in more detail, comparing it with the works of al-Palimbani and, refuting the arguments of Voorhoeve and Drewes (Asywadie Syukur 1990, 18–32). First, Asywadie Syukur does not only show the same dictions of the doxology between *Tuhfat al-Râghibîn* and *Sabîl al-Muhtadîn*, but also indicates their differences from that of the works of al-Palimbani. He also finds that al-Banjari usually uses the personal pronoun of “aku” or “daku” (means “I”), while al-Palimbani uses “hamba” (which means “slave”). Likewise, to begin each chapter, and to indicate the year of writing of their respective works, al-Banjari and al-Palimbani use different phrases and style. Finally, unlike al-Palimbani, al-Banjari never mentions the place where his

work was written.

Second, Asywadie Syukur also finds a number of Banjarese words in *Tuhfat al-Râghibîn*. While Yusran draws attention to only two words, *kasarungan* (possessed by spirit) and *manyarung* (possessing), Asywadie Syukur adds the following words: *simpun* (concise), *pataruhan* (treasure), *manyaru* (to call), *lamuhur* (ancestor), *disambur* (being sprayed by water through mouth), *mahangusakan* (to burn), and *lanjuran* (trap). Asywadie Syukur particularly finds that al-Banjari also uses the word *simpun* in his two other works, namely *Luqaṭ al-'Ajlân* and *al-Qawl al-Mukhtaṣar*.

Third, like Yusran, Asywadie Syukur argues that the rituals called *manyanggar* and *mambuang pasilih* mentioned in the *Tuhfat al-Râghibîn* are Banjarese traditional rituals. For Asywadie Syukur, *manyanggar* is a ritual in which people give certain offerings to evil spirits to appease them and to avoid their bad influences. The ritual is usually held when people suffer from natural disaster or moral troubles such as adultery and quarrel. In contrast, *mambuang pasilih* is a ritual held for a family who is believed to have a hidden brother or sister. It is believed that, the hidden person will do harm to the family if the ritual is not carried out. Like *manyanggar*, in *mambuang pasilih*, the family also gives certain offerings to the hidden brother/sister.

Moreover, in 1987, Asywadie Syukur observed the *manyanggar* ritual being held in Barikin village of Central Hulu Sungai District, South Kalimantan.⁷ He also found the *mambuang pasilih* ritual held in Banjarmasin and Barito Kuala of South Kalimantan. The evidence, argues Asywadie Syukur, indicates that Drewes' assumption that the rituals are found in the hinterland of Palembang is weak. Moreover, Drewes only mentions the *manyanggar* ritual, not *mambuang pasilih*. The latter is clearly a Banjarese ritual because it is based on the local belief in the existence of hidden people (*urang gaib*), which nowadays can still be found in Banjarese society. In addition, the discussion on rituals in *Tuhfat al-Râghibîn* is quite detailed. The author describes a dialogue (real or imagined) between himself and the participants of the rituals. This is certainly difficult to do for al-Palimbani who already left Palembang as a teenager, and never came back.

Fourth, in his introduction to Asywadie Syukur's research report, Analiansyah cites a number of books which confirm that *Tuhfat al-Râghibîn* is the work of al-Banjari. Most of the books are also mentioned by Yusran in his undergraduate thesis. Asywadie Syukur,

7) In addition to the *manyanggar* ritual, Asywadie Syukur also refers to a research report published in 1978 by the Provincial Government of South Kalimantan, regarding the *mambuang pasilih* ritual which took place in Candi Agung, a Hindu temple, in Amuntai. The actors were the descendants of an aristocratic family of the Banjarese court. The influence of Javanese culture in this ritual is obvious because it uses the Javanese traditional music, *gamelan* and *gong* (Asywadie Syukur 2009, 10–16).

however, makes no mention of them, but refers to another evidence, namely the second printing of the book, published by al-Ihsan Surabaya in 1929 based on the request of Abdurrahman Shiddiq (1857–1939), a Muslim scholar and a descendant of Arsyad al-Banjari. This edition clearly puts al-Banjari as the author of the *Tuhfat al-Râghibîn*. In contrast, the Voorhoeve manuscript, which is believed to be the work of al-Palimbani, does not mention the name of the author.

Fifth, Asywadie Syukur also refutes the arguments made by Voorhoeve and Drewes. Voorhoeve manuscript is a gift from Braginsky. It is written on the manuscript “Van Doorninck 1876,” the name of a Dutch official who worked in Palembang in 1873–75. It was, argues Voorhoeve, the period when Abd al-Shamad al-Palimbani produced a lot of writings. Moreover, this manuscript is also accompanied by a treatise on *jihâd* (holy war), which is, according to Voorhoeve, a special expertise of al-Palimbani. Drewes speculates that the work was written in Mecca based on the request of Sultan Najmuddin or Bahauddin, and was brought to Palembang by returning pilgrims. For Asywadie Syukur, all of these arguments are weak. The fact that Van Doorninck worked in Palembang does not necessarily mean that the manuscript is the work of al-Palimbani. Moreover, in that period, the Banjarese Sultanate was already abolished by the Dutch. It was not surprising, therefore, if many Dutch people came and forth to Banjarese region at that time. Regarding the treatise on *jihâd*, for Asywadie Syukur it is clearly another independent work, not part of *Tuhfat al-Râghibîn*, because at the end of the manuscript, we find that it is closed by prayer which indicates that the work is already finished. In addition, the manuscript of *Tuhfat al-Râghibîn* and the treatise on *jihâd* are written in different fonts. Finally, like al-Palimbani, al-Banjari was also prolific in this period.

Sixth, Drewes argues that *Tuhfat al-Râghibîn* rejects the Sufi doctrine called *wujûdiyyah* which may indicate that this Sufi doctrine was found in Palembang, as it was also criticized by al-Raniri in seventeenth century Aceh. This argument, for Asywadie Syukur is not strong enough to support that *Tuhfat al-Râghibîn* is the work of al-Palimbani because in *Sair al-Sâlikîn*, he accepts *wujûdiyyah* as the peak spiritual achievement. On the other hand, for Asywadie Syukur, al-Banjari opposes *wujûdiyya* doctrine and even gave a fatwa of capital punishment for Abdul Hamid Abulung, a Banjarese Sufi believed to embrace the *wujûdiyyah* doctrine. Asywadie Syukur assumes that the fatwa is expressed in the statement of *Tuhfat al-Râghibîn*: “. . . tiada syak pada wajib membunuh dia karena murtadnya, dan membunuh seumpama orang itu terlebih baik daripada seratus kafir yang asli” (there is no doubt about the necessity to kill him because of his apostasy, and killing such a person is better than killing a hundred of genuine unbelievers).

Those are the arguments put forward by Asywadie Syukur to affirm that *Tuhfat al-Râghibîn* is truly the work of al-Banjari rather than al-Palimbani. It is noteworthy that

almost all of the arguments analyzed in Noorhaidi Hasan's work are the same as those in Asywadie Syukur's work. It seems that the only new argument from Hasan is that, a Malaysian scholar, Wan Mohd. Shaghir Abdullah wrote that Dawud al-Patani (1740–1847) mentioned *Tuhfat al-Râghibîn* as the work of al-Banjari. If this information is true, argues Hasan, then it is an early piece of evidence that the author of the work is al-Banjari because Dawud al-Patani was al-Banjari's friend when both studied at Mecca (Hasan 2007, 71–72).⁸⁾ Moreover, in his article Hasan directly refers to the existing manuscripts, and the fact that he had communicated with V. I. Braginsky who gave the manuscript to Voorhoeve. Last but not least, Hasan successfully put the issue for the international scholarship, because his work was published in *Bijdragen tot de Taal-, Land- en Volkenkunde (BKI)*.

All of the arguments proposed by the above researchers are apparently convincing, except Asywadie Syukur's view that the execution of Abdul Hamid Abulung was based on al-Banjari's fatwa in *Tuhfat al-Râghibîn*. Did that truly happen? As far as I know, historical evidence for Abulung's life is very scarce.⁹⁾ Steenbrink maintains that Abulung's story is very similar to that of Siti Jenar in Java. Since Banjar has close relationships with Java, it is possible that Abulung is a Banjarese version of Siti Jenar, and Siti Jenar is a Javanese version of al-Hallaj (Steenbrink 1984, 96). Moreover, Feener argues that, although Siti Jenar's narrative (and Abulung) are similar to that of al-Hallaj, it does not mean that the teachings of al-Hallaj were already introduced to Southeast Asia. The narrative, he said, "may in fact be a reflection of an earlier indigenous or Hindu-Javanese motif recast in a Javanese Muslim setting" (Feener 1998, 578).

In addition, Asywadie Syukur's quotation from the *Tuhfat al-Râghibîn* regarding the death penalty is not specifically related to Hallajian teachings, or to *wujudiyah* as he claims, but to a false saint claiming to be beyond the shari'a law.

Kata Imam Ghazali, jikalau menyangka seorang wali akan bahwasanya ada antaranya dan antara Allah ta'ala martabat, dan hal yang menggugurkan wajib sembahyang, dan menghalalkan minum arak seperti disangka oleh kaum yang bersufi-sufi dirinya, maka tiadalah syak pada wajib membunuh dia karena murtadnya dan membunuh seumpama orang itu terlebih baik daripada membunuh seratus kafir asli. (Arsyad al-Banjari 1983, 32)

8) Hasan refers to Wan Mohd. Shaghir Abdullah (1982, 106). In fact, this information is not found there but in the revised edition of the same work (Abdullah 1990, 106). As we can see in the latter, it was Abdurrahman, a Banjarese intellectual and currently a Supreme Judge, who suggests Wan Mohd. Shaghir Abdullah to investigate the issue. In a letter sent to M. Chatib Quzwain, dated January 13, 1986, Abdurrahman argues that most Arsyad al-Banjari's biographers say that the treatise is his work. Abdurrahman then sent a copy of the letter to Abdullah.

9) A recent research indicates the scarcity of such evidence, apart from the myth regarding the relocation of his grave (Mufidatun Nisa 2009).

[Imam Ghazali said, if a saint assumes that there is a position between him and God that abolishes the obligation to perform daily prayers, and allows him to drink alcohol as it is believed by pretending Sufis, then there is no doubt about the necessity to kill him because of his apostacy, and killing such a person is better than killing a hundred of genuine unbelievers.]

In fact, only after those sentences al-Banjari starts describing the *wujûdiyyah*. In his description, he does not say that the followers of *wujûdiyyah* should be punished with the death penalty. He only said that the *wujûdiyyah mulhid* is one form of *kâfir zindîq* (true unbeliever), without mentioning any punishment for the followers of this doctrine. Moreover, in *Tuhfat al-Râghibîn*, al-Banjari said that there are two kinds of *wujûdiyyah*, *mulhid* and *muwahhid*. He only opposes the former, not the latter. In his explanation, the former seems to be the view that the entire universe, including human beings are God. However, he does not explain what *wujûdiyyah muwahhid* is. Probably, for him, the *wujûdiyyah muwahhid* is the teachings of Ibn al-'Arabi and his students, which strike a balance between God's immanency and transcendency. In fact, this is also the position of 'Abd al-Shamad al-Palimbani which is probably shared by al-Banjari. Moreover, one of the important works of Banjarese ulama of the eighteenth century, *al-Durr al-Nafîs* by Muhammad Nafis al-Banjari, apparently follows the same line (Muthalib 1995). It seems, for Arsyad al-Banjari, al-Palimbani and Nafis al-Banjari, the works of al-Ghazali do not contradict those of Ibn 'Arabi and the like because they are aimed at different audiences. The works of al-Ghazali are for elementary and intermediate levels (*mubtadi'* and *mutawassit*), while those of Ibn 'Arabi are for the *muntahi*, the advanced level.¹⁰

The *Tuhfat al-Râghibîn*, Its Teachings, Relevance, and Influences

What are the theological teachings presented in the *Tuhfat al-Râghibîn*? If we compare this work with other popular Islamic theological texts in South Kalimantan or even in the archipelago, the structure of this work is obviously unique. The contents of the work are divided into three parts: on the essence of faith, on the things endangering faith, and finally on repentance. All researchers find that the work follows the line of Sunni theological thought of Ash'ariyyah and Maturidiyyah. In addition, the research team at the IAIN Antasari has discovered that the description in *Tuhfat al-Râghibîn* on deviant sects (based on the hadith which predicts that Muslims will be divided into 73 groups), is

10) This classification is found in al-Palimbani's work, *Sair al-Sâlikîn* (Palimbani n.d., 176–187). However, the fact that Arsyad al-Banjari and Nafis al-Banjari had the same line of masters, it could be safe to argue that they have the same position as that of al-Palimbani.

similar to that of *al-Mīlal wa al-Nihāl* by al-Shahrastani, although the latter describes them in more detail.¹¹ In contrast, after careful investigation, Khairil Anwar finds that the names and classification of the deviant sects in the *Tuḥfat al-Râghibîn* are not similar to those of *al-Mīlal wa al-Nihāl*, but to another theological book, namely *Uṣūl al-Dīn* by al-Bazdawī (d. 1100) (Khairil Anwar 2009, 69–70).

As a follower of the Sunni theological school, al-Banjari explains in the first part of the *Tuḥfat al-Râghibîn* that the essence of faith is believing with one's heart (*taṣḍīq*), while the oral confirmation (*iqrâr*) and its actualization through action (*'amal*) are not the essence but the perfection of faith (*kamâl al-îmân*). Al-Banjari, however, also quotes Abû Hanîfah and some Ash'arite figures, who argue that faith includes both believing and oral confirmation. The latter's view, for al-Banjari, is also found in Sunnism, but it is not sanctioned (*ghair mu'tamad*). Moreover, to support his criticisms of those sects considered deviant, al-Banjari refers to al-Ghazali (an Ash'arite figure), 'Umar al-Nasafi (a Maturidite figure), and Ahmad Ibn Hanbal (a Salafi figure).

Scholars have different views of the relevance of the *Tuḥfat al-Râghibîn*'s theological viewpoints. Khairil Anwar, for instance, indicates that some ulama do not accept the authenticity of the hadith mentioned in the treatise, which predicts that the Muslim community will be divided into 73 groups, but only one will gain salvation.¹² Khairil Anwar even notices another hadith with the opposite meaning quoted by the ulama, namely that 72 groups will go to heaven, and only one will go to hell. He argues that the prominent Indonesian Muslim scholars such as Quraish Shihab, M. Thalhah Hasan, and Nurcholish Madjid, prefer this hadith, because it is more inclusive and relevant to the present plurality of Muslim groups. Shihab and Thalhah Hasan quote 'Abd al-Halim Mahmud's *al-Taḥkîr al-Falsafî fi al-Islâm* in which the author said that the hadith is *sahîh* according to al-Hâkim, while Nurcholish Madjid refers to al-Ghazali's *Faishal al-Tafriqah* which quotes the same hadith (*ibid.*, 70–71).¹³

11) The research team formally consists of 10 persons, but the theological section was probably written by M. Zurkani Jahja (d. 2004). See also Zurkani Jahja (2005, 157–158).

12) The authenticity of this hadith is controversial. Ibn Hibbân, al-Hâkim, and Ibn Taimiyah believe that the hadith is *sahîh li ghairih* (authentic based on various similar reports), but Ibn Hajar and Tirmidzi consider it *hasan* (literally “good,” which is below the *sahîh*), while Ibn Ḥazm and two modern Muslim scholars, Yusuf al-Qaradawi and 'Abd al-Rahmân Badawi put it as *dha'îf* (literally “weak”) (Khairil Anwar 2009, 90, 182). Another modern Muslim scholar, Fazlur Rahman, sets up a general principle to reject similar kinds of hadith. He says, “a Hadith which involves a prediction, directly or indirectly, cannot, on strict historical grounds, be accepted as genuinely emanating from the Prophet and must be referred to the relevant period of later history” (Rahman 1995, 46). Italics is original.

13) It is interesting that al-Ghazâlî tries to synchronize the two opposite hadiths. For al-Ghazâlî, the statement of the hadith that only one group will go to heaven refers to those Muslims who enter ↗

On the other hand, as has been mentioned earlier, al-Banjari believes that the essence of faith is believing with one's heart, while oral confirmation and its implementation are only the perfection of faith. This minimalist view of the essence of faith, according to the research team at the IAIN Antasari, is relevant to the present plurality of Muslim people. This view would enhance religious tolerance and inclusiveness because if the essence of faith is believing with one's heart, then no one knows the quality of a person's faith except God, and that a believer whose conducts do not accord to the teachings of Islam does not necessarily become an infidel. Moreover, the fact that al-Banjari refers to different figures of Sunni theological schools, namely of Ash'arite, Maturidite, and Salafi, indicates that he has a wider conception of Sunnism (Tim IAIN Antasari 1989, 49–50; Khairil Anwar 2009, 95). Al-Banjari's view is actually wider than that of the Indonesian Muslim traditionalist organization, the Nahdlatul Ulama (NU), which in theory follows the Ash'arite and the Maturidite, but in reality, only follows the Ash'arite. Similarly, as we shall see, the later dominant theological views in Banjarese society only follow the line of Ash'arite formulated by al-Sanusi.

Moreover, the research team at IAIN Antasari points out that, although al-Banjari has a minimalist view of the essence of faith and a wider view of Sunnism, he does not neglect the importance of making one's faith functional in daily life. This is indicated by the fact that al-Banjari explains various beliefs and actions that may endanger one's faith, and therefore, should be avoided. As has been alluded, al-Banjari also criticizes the traditional rituals called *manyanggar* and *mambuang pasilih*. For him, these rituals may lead to polytheism because they are based on beliefs that there are other unseen forces, rather than God alone, who have power over human life. In this regard, al-Banjari's theological assessment is based on Ash'arite view regarding cause and effect relationship. He said, if the actors believe that the ritual itself can protect them from harm, then the actors are infidels. If the actors believe that only God, not the rituals, who can protect them from harm, then their action is heterodox innovation (*bid'ah dhalalah*). Moreover, in the rituals, various cakes are given as offerings to the hidden people, and this for al-Banjari, represents a waste of food (*tabdzîr*), which is religiously forbidden (*harâm*). For the team at IAIN Antasari, al-Banjari's criticisms of the traditional rituals, are still relevant today because some pre-Islamic rituals have been revived and supported by the government, partly for tourism (Tim IAIN Antasari 1989, 37–38, 41–44).

↘ paradise without the process of interrogation (*hisâb*), while the only one group who will go to hell mentioned in the second version of the hadith refers to the *zindîq* (the unbelievers). So, for al-Ghazâlî, most Muslims will go to heaven, but some of them should pass through the interrogation, and some of them even should stay for a certain period of time (in accordance with their respective sins) in the hell (Mujiburrahman 2008, 358).

In contrast, in his MA thesis, M. Rusydi, an alumni of the Postgraduate Program of the State Islamic University, Yogyakarta, has more critical views of the *Tuhfat al-Râghibîn* (Rusydi 2005, 93-133). With reference to the Egyptian philosopher, Hassan Hanafi, Rusydi argues that al-Banjari's theology is based on faith and defense method. This type of theology is characterized by theocentric views, which glorifies God, while the position of human being is neglected. In the political realm, this type of theology tends to defend, and subject to, the rulers. For Rusydi, this is clearly indicated by the opening remarks of *Tuhfat al-Râghibîn* in which al-Banjari says that he was asked to write the treatise by the Sultan (namely, Sultan Tahmidillah). Likewise, the execution of Abdul Hamid Abulung who was considered heretic based on al-Banjari's fatwa mentioned in this work, argues Rusydi, is another indication of how this theology operated through political power.

Moreover, for Rusydi, al-Banjari actually could not escape from the theological debates inherited from Muslims of the Middle Ages, and therefore, he was trapped in a defense of the Sunni views against other theological views. This becomes more obvious, says Rusydi, when al-Banjari strongly attacks the traditional rituals of *mambuang pasilih* and *manyanggar*. Al-Banjari's attack on traditional rituals, is actually an attempt to defend the purity of Muslim beliefs. Thus, for Rusydi, al-Banjari's minimalist view of the essence of faith, and his wider conception of Sunnism, did not lead him to be tolerant towards other theologies.

For Rusydi, therefore, al-Banjari's theological views are not something to be maintained for the present society. This type of theology belongs in the past, not the present, nor the future. In other words, it is irrelevant to the problems of the twenty-first century. For Rusydi, in order to be relevant, Islamic theology, especially for the Banjarese people, should think of current problems of environmental destruction such as deforestation, excessive exploitation of natural resources, and the pollution of rivers. These problems, he said, are real problems for the Banjarese people in particular, and the people in Kalimantan in general.

The above conflicting views of the relevance of al-Banjari's theology demonstrate the dynamics of Islamic theological thought among the Banjarese Muslim scholars. In this regard, I would like to make some comments. *First*, it is important that we do not view the past through the lens of contemporary beliefs and values, because if we do this, we may come to two extreme conclusions: we will either glorify the past, or condemn it as decadent and backward. Therefore, it is important for contemporary scholars who study history, including history of ideas, to depict the past in an objective historical and social context. This certainly demands us to find a relatively complete description of the past in question. In the case of al-Banjari's *Tuhfat al-Râghibîn*, so far we have very scarce historical sources, and therefore, our description of the past is far from satisfying. For

instance, is it historically true that al-Banjari wrote this treatise because the Sultan asked him to issue a fatwa for Abdul Hamid Abulung as a Sufi heretic? On the other hand, did al-Banjari's minimalist view of the essence of faith, and his wider conception of Sunnism lead him to be tolerant towards theological differences? Honestly, if we rely on the available historical evidence, we cannot convincingly answer these questions.

Second, for believers, a religious tradition, including theological views contained in the works of the ulama in the past, is something that defines their lives at the present, and at the same time connects them with the past and the future (Asad 1986). In this regard, the Moroccan scholar, Muhammad 'Abid al-Jâbirî said that there are three approaches to studying religious tradition. First, reading the tradition within the framework of the tradition itself. This kind of study is usually ahistorical and simply intended to preserve the tradition. Second, reading the tradition as something of the past without any relevance to the present day. This is exemplified by the works of the orientalis. Third, reading the tradition with critical historical analysis, and at the same time, trying to find its relevance to the present and the future (Jâbirî 1986, 1–23). If we look at the contesting views of the researchers of al-Banjari's theological heritage from al-Jâbirî's framework, then we may say that the Muslim scholars actually try to do their best to find the relevance and irrelevance of the tradition for their present and future. Their studies, therefore, are engaged scholarships. The only problem for them, as has been said, is the limited historical evidence to support their respective views. Apart from this problem, the controversy indicates that theological studies at the IAIN are not very dogmatic, and therefore, even a young scholar like Rusydi has the courage to propose strong criticisms of the views of highly respected figure like al-Banjari.

Apart from the debates on the relevance and irrelevance of *Tuhfat al-Râghibîn*, it is important to know whether the Banjarese society at large know and study this treatise. In 1988, Yusran interviewed a number of prominent ulama, and found that only 10 of them knew that the *Tuhfat al-Râghibîn* was one of the works of Arsyad al-Banjari (Yusran 1988, 62-63). Around the same period, the research team at IAIN Antasari interviewed 23 prominent ulama in six cities of South Kalimantan (Marabahan, Banjarmasin, Martapura, Kandangan, Negara, and Amuntai), and found some interesting facts. The interviewees generally knew of Arsyad al-Banjari not as a writer of religious texts, but as a saint imbued with the power to perform miracles, and whose tomb was frequently visited by pilgrims. Only a few of the ulama, most of whom were descendents of al-Banjari, used the *Tuhfat al-Râghibîn* for teaching Islamic theology. Most of the ulama did not know about al-Banjari's theological views in the treatise either, including the fatwa on the heresy of the *wujûdiyyah mulhidah*. On the other hand, they knew that al-Banjari opposes the traditional rituals of *manyanggar* and *mambuang pasilih*. The majority of the ulama also take

the same stance as al-Banjari, in opposing any traditional rituals which may lead to polytheism, but they do not always succeed in stopping them. It is said that a strong attack is not effective, but a persuasive propagation is slow in achieving the goal. Some of the ulama tolerate certain traditional rituals because they have been Islamized, while others say that syncretism cannot be tolerated because it pollutes the purity of the Islamic faith (Tim IAIN Antasari 1989, 101–102).

These findings are very similar to those of the previous and subsequent studies. In the early 1980s, Alfani Daud found in the field that *manyanggar* ritual was not practiced anymore, but other rituals accompanying the passages of life, from birth to death, were still practiced by many. Alfani Daud, however, also found that the contents of the rituals have been Islamized (Alfani Daud 2000). Likewise, in 1985, the research team of the Ushuluddin Faculty at IAIN Antasari, found that many Banjarese Muslims in Martapura and Amuntai (both are known as the cities of ulama) still believe in certain taboos, and practice traditional rituals like *tapung tawar*,¹⁴ shower ritual for pregnant women or for bride and bridegroom. However, most of the Muslims no longer adhere to the beliefs underlying the ritual anymore. They perform these rituals simply to pay respect to the tradition of their elders (Tim Fakultas Ushuluddin 1985). Another source of empirical evidence is found in the undergraduate theses of the students of the Ushuluddin Faculty from 1995 to 1999. The theses show that Banjarese Muslims believe in sacred places, times, goods, and symbols, and some of them are of pre-Islamic origins. Similarly, the Banjarese Muslims still practice certain traditional rituals in which pre-Islamic and Islamic elements are mixed.

The above empirical evidence indicates that the influence of Islamic theological views on traditional rituals has become increasingly stronger in society, and perhaps, this is partly because of al-Banjari's attack on these rituals in *Tuhfat al-Râghibîn*. On the other hand, one may ask, why many Banjarese ulama interviewed by the researchers in the late 1980s did not know about the *Tuhfat al-Râghibîn*? The research team at IAIN Antasari try to answer this question. First, the works of al-Banjari are written in Jawi which is difficult for younger generation to understand. Second, the economic malaise during the Japanese occupation forced people into a struggle for economic survival, which left them little time and energy for learning religious texts. In contrast, during the period of Dutch colonial rule, al-Banjari's works were read in many religious gatherings by the ulama. This explains why the ulama who were familiar with al-Banjari's works were at

14) *Tapung tawar* is a ritual for making peace between two conflicting parties. In the ritual, coconut oil mixed with fragrant spices smeared on the heads of both persons in conflict. Sometimes, *bapalas bidan* ritual, which is believed to be a way to free a new born baby from magical power of the midwife, is also called *tapung tawar* (Alfani Daud 1997, 472–473).

the age of 50 or older in 1988. Third, after independence (1945), formal education at schools was open for all the people, including religious education. In this educational system, texts used in religion classes are mostly in the Indonesian language, which is easier to understand for the younger generation. On the other hand, the students of Islamic boarding schools who are specialized in Islamic studies, would prefer Arabic to Jawi texts (Tim IAIN Antasari 1989, 98–105).

Islamic Theological Texts Taught in Banjarese Society

It would be naive to say that the development of Islam in the region, including the Banjarese Muslims' theological views, simply depends on Arsyad al-Banjari's influences. The social, political, and cultural changes from the nineteenth century to the early twenty-first century, undoubtedly exerted a great influence on their Islamic theological views. In this regard, there has been a number of studies carried out by the scholars of the Ushuluddin Faculty at IAIN Antasari, which provide empirical evidence of the development of Banjarese Muslim theological views following Muhammad Arsyad al-Banjari's period to the present. These studies explore various research questions, namely: What are the theological texts taught in Islamic study gatherings (*pengajian*)¹⁵ in South Kalimantan? What are the theological texts written by Banjarese ulama? What are the theological texts taught in Islamic boarding schools (*pesantren*) in South Kalimantan? What are the theological schools represented by the texts? What are the philosophical elements contained in the texts? What are their possible influences on Muslim daily life?

The Theological Texts Taught and Written by Banjarese Ulama

In 1982, a team of students of the Ushuluddin Faculty at IAIN Antasari were assigned to study the theological texts taught in various *pengajians* in South Kalimantan. The scope of the research is quite impressive. The students investigate 109 *pengajians* in three districts, namely 51 *pengajians* in Hulu Sungai Utara district, 29 *pengajians* in Banjar district, and 29 *pengajians* in Banjarmasin City (Tim Fakultas Ushuluddin 1982).

The findings of the research indicate that there are 24 titles of theological texts used in the *pengajian*, and *Tuhfat al-Râghibîn* is not one of them. Many of the *pengajians* use more than one theological texts, even though they are taught by the same ulama. However, most of the texts follow the Ash'arite school formulated by 'Abdullâh al-Sanûsi

15) *Pengajian* is an Islamic study gathering with regular meetings. It can be at the mosque, *majelis taklim* (a special place used for religious teaching and gathering), or a spacious home of an ulama or a rich person.

(d. 1490). The most widely used text is *Kifāyat al-'Awām*, the work of Muhammad Syāfi'i al-Fudhālī (d. 1821), which is used in 47 *pengajians*. It is followed by *Hāshiyah 'ala Matn al-Sanūsiyyah* by Ibrāhīm al-Bājūrī (d. 1861) used in 37 *pengajians*, and *Hāshiyah al-Hudhudī 'alā Umm al-Barāhīn* by Abdullāh al-Sharqāwī (d. 1812), used in 29 *pengajians*. The work of al-Sanūsi, *Umm al-Barāhīn* is only used in 12 *pengajians*. This is probably because, al-Sanūsi's work is very concise and difficult to understand. Therefore, the texts used are mostly commentaries on this work. Interestingly, the work of the founder of the Ash'arite school, Abu al-Ḥasan al-Asy'arī (d. 935), *al-Ibānah 'an Uṣūl al-Diyānah* is only used in one *pengajian* in Banjarmasin. The text is taught by Gusti H. Abdul Muis (d. 1992), a prominent Muhammadiyah ulama.

Besides the Arabic texts, there are also nine texts in Jawi. If we look at the names of the authors and the publishers of the Jawi texts provided in the research report, we

Table 1 Theological Texts Used in Religious Gatherings (*Pengajian*)

No.	Theological Texts	Usages in <i>Pengajian</i>	Author
1.	<i>Kifāyat al-'Awām</i>	47	Muhammad Syāfi'i al-Fudhālī
2.	<i>Hāshiyah 'ala Matn al-Sanūsiyyah</i>	37	Ibrāhīm al-Bājūrī
3.	<i>Hāshiyah al-Hudhudī 'alā Umm al-Barāhīn</i>	29	Abdullāh al-Sharqāwī
4.	<i>Sirāj al-Hudā*</i>	18	Muhammad Zainuddin Ibn M. Badawi al-Sumbawi
5.	<i>'Aqīdat al-Nājin*</i>	17	Zain al-'Ābidīn Ibn Muhammad al-Pattāni
6.	<i>Sharah Umm al-Barāhīn al-Dasūqī</i>	17	Muhammad al-Dasūqī
7.	<i>Kifāyat al-Mubtadi'in*</i>	16	Abdurrahman Ibn M. Ali Sungai Banar
8.	<i>Sirāj al-Mubtadi'in*</i>	16	Asy'ari Ibn Sulaiman
9.	<i>Matn Umm al-Barāhīn</i>	12	Muhammad Yūsuf al-Sanūsi
10.	<i>Sharah Jawharat al-Tawhīd</i>	7	Ibrāhīm al-Bājūrī
11.	<i>Fath al-Majīd fī Sharh al-Durr al-Farīd</i>	6	Muhammad Nawawi al-Bantani
12.	<i>Miftāh al-Jannah*</i>	6	Muhammad Thaib Mas'ud al-Banjari
13.	<i>Sharah Tijān al-Durari</i>	4	Muhammad Nawawi al-Bantani
14.	<i>Tuhfat al-Ikhwān*</i>	4	Muhammad Sarni Ibn Jarman
15.	<i>Kitab Sifat Dua Puluh*</i>	4	Usman Ibn Abdillāh
16.	<i>Fath al-Majīd Sharh Kitāb al-Tawhīd**</i>	3	Abdurrahman Ibn Hasan al-Wahhābi
17.	<i>Al-'Aqīdah al-Islāmiyyah**</i>	3	Sayyid Sābiq
18.	<i>Risālah al-Khulāṣah*</i>	3	Sabran Ibn Kaderi al-Alabī
19.	<i>Nūr al-Zhalām</i>	2	Muhammad Nawawi al-Bantani
20.	<i>Al-Ḥuṣūn al-Ḥamīdiyyah**</i>	2	Sayyid Ḥusein Affandi al-Ṭarablusi
21.	<i>Hāshiyah 'alā Kifāyat al-'Awām</i>	2	Muhammad Fadhhdhālī
22.	<i>Ibtidā' al-Tawhīd*</i>	2	Abdul Kadir Nur Ibn Bawasin
23.	<i>Al-'Aqīdah al-Islāmiyyah**</i>	2	Baṣri Ibn H. Marghubi
24.	<i>Al-Ibānah 'an Uṣūl al-Diyānah</i>	1	Abu al-Ḥasan al-Ash'arī

Source: This is based on table 1 and appendix 1–3 of Tim Fakultas Ushuluddin (1982, 12–13, 31–33).

Notes: As noted earlier, one *pengajian* may use more than one text. In an “extreme” case, one ulama uses eight texts. Perhaps, he uses one after finishing another.

* The text is written in Jawi, mostly by Banjarese ulama.

** Modern or salafi texts

may conclude that they are mostly written by Banjarese ulama except the *'Aqîdat al-Nâjîn* by Zain al-'Âbidîn Ibn Muhammad al-Pattâni, and the *Sirâj al-Hudâ* by Muhammad Zainuddin from Sumba. As we can see from Table 1, a significant number of Jawi texts are used. The use of *Sirâj al-Hudâ* is 18, *'Aqîdat al-Nâjîn* is 17, *Kifâyat al-Mubtadi'in* and *Sirâj al-Mubtadi'in*, each of them is 16. In total, the use of the Jawi texts reaches 86. This is much lower than the use of the Arabic texts which reaches 170, but it is still a significant number. In other words, following the example of Muhammad Arsyad al-Banjari, the Banjarese ulama of the twentieth century also wrote theological texts in Jawi, in order to help ordinary people to learn Islam.

The table clearly shows that some texts do not follow Sanusi's Ash'arism, and some of them are written by modern ulama. The texts include *Fath al-Majîd Sharh Kitâb al-Tawhîd* by Abdurrahman Ibn Hasan, a commentary on the work of Muhammad Ibn 'Abd al-Wahhâb (the founder of Wahhabism), *Al-'Aqîdah al-Islâmiyyah* by Sayyid Sâbiq (d. 2000), *Al-Huṣûn al-Hamîdiyyah* by Sayyid Husein Affandi al-Ṭarablusi (d. 1909), and *Al-'Aqîdah al-Islâmiyyah* by Baṣri Ibn H. Marghubi. It is not surprising that these texts are mostly used by ulama in Banjarmasin, the capital city of the province, and in Amuntai where the theological contest between the reformist Muhammadiyah and the traditionalist Nahdlatul Ulama was strong.

In another research conducted in 1994, the team of the Ushuluddin Faculty at IAIN Antasari found almost the same theological texts used in different *pengajians* in Banjarmasin and Hulu Sungai Utara. However, there are a few new titles found in the *pengajians*, namely *Aqâid al-îmân* by Abdurrahman Siddiq (d. 1939), *Hidâyat al-Mubtadi'in* by Muhammad Sarni, and *Risâlah 'Ilm Tawhîd* by Ja'far Sabran, all of which are written in Jawi (Tim Fakultas Ushuluddin 1995). There are other Banjarese ulama who wrote Islamic theological texts in Jawi, Indonesian, and even Arabic (Tim Fakultas Ushuluddin 2008). Among these texts are *Risâlat al-Tawhîd* by Muhammad Kasyful Anwar (d. 1940), written in Arabic; *Ibtidâ' al-Tawhîd* by Abdul Qadir Noor (d. 1940), written in Jawi. Other texts are written in Indonesian, namely *Sendi Iman*, *Risalah Ushuluddin*, *Ilmu Tauhid* and *Pengetahuan Agama Islam* by Abdul Muthallib Muhyiddin (d. 1974); *Iman dan Bahagia* and *Akidah dan Perkembangan Ilmu Kalam* by Gusti Abdul Muis; and *Pelajaran Ringkas Agama Islam*, *Majmu'ah Shuhuf Pelajaran Agama Islam*, *Simpanan yang Berguna*, and *Ilmu Ketuhanan dan Kenabian* by Darkasi (d. 2003).¹⁶⁾

16) Of course, there are other theological texts written by Banjarese ulama which are not analyzed in the research. In the last notes of the 2008 research above, there are two other works which are not mentioned, namely *Risalah Pengajian Ilmu Tauhid* (in Indonesian) by Jafri bin Utuh and *al-Durr al-Farîd fi Sharh Jawharat al-Tawhîd* by Muhammad Kasyful Anwar (in Arabic). See Tim Fakultas Ushuluddin (2008, 135).

In 2004 and 2005, a research team of the Ushuluddin Faculty, tried to find out the theological texts taught in traditional and modern Islamic boarding schools (*pesantren*) in South Kalimantan (Tim Fakultas Ushuluddin 2004b; 2005). The traditional *pesantrens* include Darussalam in Martapura (founded in 1914), Ibn al-Amin in Pamangkih (founded in 1958), Darussalam in Muara Tapus (founded in 1967), and Arraudhah in Amuntai (founded in 1992). Although these four cannot represent all traditional *pesantrens* in the region, which number more than 200, they probably can give us a more general picture, particularly because, other traditional *pesantrens* follow the curriculum of Darussalam in Martapura, the oldest *pesantren*.¹⁷⁾

If we look at the findings of the research, we can see that only three theological texts are taught in *pesantren* but not in *pengajian*, namely the *Sharah Tījân al-Durari* by Nawawi al-Bantani (d. 1897), the *Kashf al-Asrâr* by Abd al-Mu'ti Ibn Salim Ibn Umar al-Shibli, and the *Tuhfat al-Murîd 'alâ Jawharat al-Tawhîd* by Ibrâhîm al-Bâjûri. The texts found in the research are also in line with Martin van Bruinessen's list of popular theological texts among Indonesian Islamic boarding schools. However, in the South Kalimantan case, Bruinessen does not include the *Tījân al-Durari* (perhaps because in this region, the text used is its commentary), while the *Kashf al-Asrâr* is not mentioned by him at all (Bruinessen 2012, 175).

On the other hand, the modern *pesantrens*—mostly founded by the alumni of modern *Pesantren* Darussalam, Gontor, East Java—use different theological texts. There are four modern *pesantrens* studied in this research, namely Darul Hijrah (founded in 1986), Ibnu Mas'ud (founded in 1990), Darul Istiqamah (founded in 1990), and Darul Inabah (founded in 1995). All of these *pesantrens* use the theological texts taught in *Pesantren* Darussalam, Gontor, namely *Uşûl al-Dîn* by Imam Zarkasyi, and *Kitâb al-Sa'âdah* by Abd al-Rahîm Manâf. In addition, *Pesantren* Darul Istiqamah and Ibnu Mas'ud also use a text produced by the Ministry of Religious Affairs, namely *al-'Aqîdah wa al-Akhlâq*. The modern *pesantrens* also use theological texts of Salafi-Wahhabi leanings. For instance, Ibnu Mas'ud uses a text called *al-Tawhîd* published by Yayasan al-Shofwa, Jakarta; Darul Inabah uses *al-Ma'lûmât lâ Ya'lamuhâ Katsîr min al-Nâs* by Muhammad Ibn Jamil; and Darul Hijrah uses *al-'Aqîdah al-Wâsithiyyah* by Ibnu Taimiyyah (d. 1328), and *Ta'liqât al-Mukhtaşar al-Mufîd* by Şalih Ibn Fauzân, a commentary on *Kitâb al-Tawhîd* by Muhammad Ibn 'Abd al-Wahhâb (d. 1792), the founder of Wahhabism.

The findings of the studies described above, highlight certain features of the develop-

17) The official statistics of the Ministry of Religious Affairs of South Kalimantan indicate that the number of *pesantrens* in this region reaches 300, and certainly most of them of traditionalist type. However, one must also realize that many of the *pesantrens* are very small (Kementerian Agama 2011).

ment of Islam, especially in terms of theology, in Banjarese society. *First*, the studies conducted in the early 1980s and 1990s show us that the theological texts used in most *pengajian* follow the Ash'arite school conceptualized by 'Abdullâh al-Sanûsi. The same case is also found in traditional *pesantrens*, even up to the present time. On the other hand, certain *pengajian* use different kinds of theological text, either modern or classic, that do not follow the conception of al-Sanûsi. In the modern *pesantrens*, we find the theological texts with Salafi-Wahhabi leanings. Thus, we can see that the production of Islamic theological knowledge in Banjarese society has eventually become fragmented, and the dominant school of Sanusi-Ash'arism has been contested by Salafism/Wahhabism. This does not mean, however, that Salafism had only started developing by the late 1980s, because the reformist organization, Muhammadiyah, whose theology mostly follow the Salafi school, was already established in 1925 in this region.¹⁸⁾ Apparently, what happened was that, previously the Salafi theological texts were only taught in various *pengajians* and schools of Muhammadiyah, but since the second half of the 1980s, they have been taught in modern *pesantrens* as well. It is noteworthy that, unlike religious education in *pengajian* and schools, religious teaching in *pesantrens* is given to students who are prepared to become ulama. Thus, we may say that the Salafi theological school has been strengthened in Banjarese society since the late 1980s.

Second, we can see from the findings of the above studies that the Islamic theological texts written by Banjarese ulama since the eighteenth century have been in Jawi or Arabic, but since the early 1970s, some Banjarese ulama have also published theological texts in the Indonesian language. The use of Indonesian is no doubt, due to educational developments. After the independence, the younger generation had more opportunities to study at schools where Indonesian language is used. Thus, the new generation of ulama and their students are more familiar with Indonesian texts. Moreover, if we look closely at the use of the texts in terms of their language, we find that Jawi texts is mostly used in *pengajian*, while the Arabic texts are mostly taught in *pesantren* and some in *pengajian*. *Pesantren* apparently prefers Arabic texts because they are intended for students who specialized in Islamic studies.¹⁹⁾ On the other hand, at schools, including the state Islamic schools (*madrasah negeri*), the texts used in religious instruction are mostly in Indonesian.

18) For a study of conflict between the traditionalists (NU) and the reformists (Muhammadiyah) in Banjarese society, see Achmad Fedyani Saifuddin (1986), and for a current and small case, see Ahmad Muhajir (2010).

19) In his careful research on "books in Arabic script" used in the *pesantren* mileu, Martin van Bruinessen calculates that around 55 percent of the books are in Arabic, and 22 percent are in Malay (Bruinessen 2012, 151).

The Contents and Relevance of the Theological Texts

As has been mentioned earlier, in 1982 the research team of students of the Ushuluddin Faculty found that the dominant school represented by the theological texts taught in *pengajian* was Ash'arism conceptualized by al-Sanusi, or we may call it, "Sanusi-Ash'arism." The research team arrived at this conclusion by analyzing the contents of the texts, particularly those on major theological issues such as the relation between reason and revelation, and the attributes of God. These texts follow the Ash'arite's view that reason is totally dependent on revelation for knowledge of the attributes of God, good and evil, and God's commands and prohibitions. Likewise, following Ash'arism, the texts explain that God has certain attributes. The attributes are different from, but inherent in, God's substance (*dzât*).

However, unlike the founder of Ash'arism, Abu al-Hasan al-Ash'ari, 'Abdullâh al-Sanûsi classifies God's attributes into three ontological categories, the necessity (*wâjib*), the impossible (*mustahîl*), and the possible (*jâ'iz*). In al-Sanûsi's classification, God has 20 necessary attributes, and 20 impossible attributes (as the opposite of the necessary attributes), and 1 possible attribute. The 20 necessary attributes (and automatically the impossible attributes as their opposites) are then classified into four: (1) the selfness (*nafsiyyah*), namely the attribute of being and existence (*wujûd*); (2) the negative (*salabiyyah*) which includes: without beginning (*qidam*), without end (*baqâ'*), the opposite of temporary beings (*mukhâlafatuh li al-hawâdith*), standing on Himself (*qiyâmuh binafsih*) and oneness (*wahdaniyyah*); (3) the potential attributes (*ma'ânî*) which include power (*qudrah*), will (*irâdah*), knowledge ('*ilm*), life (*hayâh*), hearing (*sama'*), seeing (*başar*), speaking (*kalâm*); and (4) the actualization of the potential attributes (*ma'nawiyah*). Finally, the possible attribute of God is doing and not doing the possible. In the same line of reasoning, al-Sanûsi also classifies the attributes of God's messenger (*rasûl*) into four necessary attributes, namely honest (*şidq*), trustworthy (*amânah*), delivering God's messages (*tablîgh*), and intelligent (*faţanah*), and four impossible attributes as their opposites. Moreover, a messenger has one possible attribute, namely possible weakness as a human being. In short, the total of God and His messenger's attributes are 50, and these represent the Muslim confession: There is no god but God, and Muhammad is His messenger.

The Sanusi's conception known as "Sifat 20," is actually very philosophical, but why is it very popular? Perhaps, there are at least two reasons for this. First, many ulama of the archipelago learned this conception of Islamic theology, particularly from the nineteenth century commentaries on al-Sanûsi's treatise, with their masters in the Middle East, so when they returned home, they transferred it to the Muslims in the archipelago.

The Jawi text called *'Aqîdat al-Nâjîn* by Zain al-'Abidîn Ibn Muhammad al-Patani, which contains the Sanusi's conception, was completed in 1308 H or 1891 CE (Patani no date, 139).²⁰ Second, apart from its philosophical arguments, this conception is simple in terms of the number of God's and His messenger's attributes, 20 and 4 respectively. So, they can be easily memorized by ordinary people, including the illiterates. In fact, most teachers in *pengajian* encourage their audiences to memorize them.

On the other hand, the popularity of al-Sanûsi's conception drew critical responses from the ulama, especially the Muslim scholars at IAIN Antasari. Many of them say that, because of this conception, people have had only a narrow understanding of Sunni theology, which is limited only to al-Sanusi. In fact, Sunni theology includes many important figures such as al-Ash'ari, al-Mâturidi, al-Ghazâli, al-Juwaini, al-Bâqillâni, and even Salafi figures like Ahmad Ibn Hanbal. As has been mentioned earlier, Muhammad Arsyad al-Banjari has this wider conception of Sunni theology, and does not refer to al-Sanûsi at all. Thus, from this perspective, the popularity of al-Sanûsi's conception is somehow a regression (Tim Fakultas Ushuluddin 1982, 25).

The Muslim scholars of the Ushuluddin Faculty also observed that because the philosophical arguments are not easily grasped by ordinary people, the teaching of Islamic theology eventually becomes very formal, i.e., memorizing doctrines without clearly understanding them. Therefore, it is difficult to expect that people can internalize Islamic values through learning this conception of theology (Tim Fakultas Ushuluddin 1995, 100). Moreover, because the arguments are mostly rational, the experiential and spiritual dimensions of faith tend to be neglected. The scholars also observed that, in a number of *pesantrens*, the method of teaching is apparently ineffective because the teacher explains the meaning of the Arabic text without trying to find its relevance to daily life. Consequently, it would separate the discourse of theology from ethics (Tim Fakultas Ushuluddin 2004b, 104–107).

On the other hand, there are some studies undertaken by scholars who try to explore and appreciate the philosophical contents of the texts. In 1993, a lecturer of the Ushuluddin Faculty at IAIN Antasari, Bahran Noor Haira, attempted to understand the idea of *ta'alluq* (relation) developed in al-Sanûsi's conception. For Bahran Noor Haira, this idea is apparently related to the Ash'arite's view that God has eternal attributes different from, but inherent in His substance. The differentiation of God's substance from His attributes, is important partly in explaining the relationship between the eternal and the temporal, the creator and creature. In other words, God's attributes become the medium between the

20) Zain al-'Abidin Ibn Muhammad is "one of the four great Patani ulama in Mecca in the 19th century, the others being Shaykh Daud, Shayk Ahmad . . . and Muhammad bin Daud" (Matheson and Hooker 1988, 34).

eternal and the temporal. For instance, God has the attributes of power (*qudrah*) and will (*irâdah*), and these attributes are related (*ta'alluq*) to the possible things. So, the eternal God creates the temporal world through the "mediation" of His will and power. This view is obviously conceptualized to oppose Mu'tazilite, who maintains that God, as a perfect being, has no attributes, and that God's substance and attributes cannot be differentiated (Bahran Noor Haira 1993).

Besides Bahran Noor Haira's explanation above, there is also another important reason behind the idea of *ta'alluq*. If we look at al-Sanûsi's arguments, it is clear that this idea is related to his basic three ontological categories, namely the necessary, the impossible, and the possible. The idea of *ta'alluq* is set up in order that we will not fall into an inconsistent logic which may lead to confusion. For instance, God's attribute of knowledge is related (*ta'alluq*) to the necessary, the impossible and the possible, but why God's attribute of power is only related to the possible? This is set up to avoid inconsistent logic, like someone asking you: Can God by His power create another God? This question is absurd because it confuses the impossible with the possible. To avoid this, al-Sanûsi makes the idea of *ta'alluq*, namely that the relation of God's power is only to the possible, not to the necessary or the impossible.

Another interesting research is by a professor of Islamic theology of the Ushuluddin Faculty at IAIN Antasari, M. Zurkani Jahja. He undertook a study of a theological text written in Jawi by a Banjarese ulama, Asy'ari Sulaiman (d. 1981) entitled *Sirâj al-Mubtadi'in* (Zurkani Jahja 1995). Zurkani Jahja concentrates on finding the philosophical elements contained in the text. Because this text is based on al-Sanûsi's conception, it is actually a sample which represents a wide range of popular texts of the same line. In this study, he shows that al-Sanûsi's conception is full of philosophical elements, drawn from Greek and Islamic philosophy, both in terms of material, as well as method of arguments.

Zurkani Jahja observes that *Sirâj al-Mubtadi'in* uses several philosophical terminologies such as *şifah*, *dzât*, *jirm*, *jawhar*, *jins*, *nau'*, and *gerak*. For him, *dzât* is actually an Arabic translation of substance and *şifah* of accident, originally from Aristotle. A substance is something whose existence is independent from something else, while accident is something whose existence is dependent on substance. If we look at a red hat, then the hat is substance, while red is accident. For Zurkani Jahja, the use of these philosophical terms was also found among Muslim theologians in the Middle Ages. Likewise, the term *jirm* was used by Muslim philosophers to refer to celestial bodies, *jawhar* to substance, *jins* to genus, and *nau'* to species. The origin of these terms can also be traced back to Greek philosophy.

However, Zurkani Jahja finds that the meaning of the term *gerak* (*harakah/movement*)

in Islamic theological texts, including the *Sirâj al-Mubtadi'în*, is different from that of Aristotle. In Islamic theology, according to Zurkani Jahja, the term *harakah* was initially introduced by Abu Hudzail al-Allâf (d. 784), and subsequently by other theologians. For them, *gerak* or movement simply means spatial change, as opposed to *diam* (*sukûn/calm*), while for Aristotle, movement means the change of potentiality into actuality. The wood has the potential to become a chair, so when it becomes a chair, there is a movement. On the other hand, the Muslim theologians, including Asy'ari Sulaiman in his *Sirâj al-Mubtadi'în*, follow Aristotelian cosmological argument that the movement is finally moved by the unmovable mover that is God. To support this argument, they reject the idea of infinite chain of causes (*tasalsul*) and infinite rotation of causes (*dawr*).

Another important philosophical issue discussed in *Sirâj al-Mubtadi'în* is causality. Zurkani Jahja explains that, according to Aristotle, knowledge is to know the causes behind an object. This idea leads to Aristotelian beliefs in the necessity of cause-effect relationships. In this regard, Muslim philosophers such as al-Kindi, al-Fârabi, and Ibn Sînâ follow Aristotle. However, the Ash'arite theologian, al-Ghazâlî (d. 1111), disagrees with them. For al-Ghazâlî, the relationship between cause and effect is not necessary. It is simply God's custom to act in this world. In other words, the cause-effect relationship totally depends on the will and power of God. According to Zurkani Jahja, the Muslim theologians before al-Ghazâlî like al-Juwainî and al-Bâqillânî actually had a similar idea, but it was al-Ghazâlî who introduced it in more detailed manner. Again, *Sirâj al-Mubtadi'în* simply follows it.

In addition to the issue of causality, *Sirâj al-Mubtadi'în* also touches upon the problem of human freedom in the face of God's absolute power, or the issue of determinism versus indeterminism. For Zurkani Jahja, Aristotle apparently was not interested in discussing this issue because for him, God as the unmovable mover is far away from events in this world. In contrast, following Ash'arism, *Sirâj al-Mubtadi'în* argues that a person does not create his/her own acts, but God creates them. This view, according to Zurkani Jahja, is in line with that of the Christian theologian, Augustine (d. 430). In this context, it is curious why Zurkani Jahja does not discuss the idea of *kasb* developed by Ash'arism, which explains that a person acquires his/her act when God agrees with his/her will.

In terms of method, Zurkani Jahja also finds some philosophical elements in this treatise. When the author of *Sirâj al-Mubtadi'în* starts introducing Islamic theology as a discipline, he follows what is called *mabâdi' 'asharah* (10 foundations). The 10 foundations include its definition (*hadduh*), its object (*maudhû'h*), its founder (*wâdhi'h*), its name (*ismuh*), its value (*fadhluh*), its religiously legal consequence (*hukmuh*), its fruit (*tramaratuh*), its sources (*istimdâduh*), its affiliation (*nisbatuh*), and its issues (*masâiluh*).

For Zurkani Jahja, at least the idea of definition comes from Aristotle, while the 10 foundations as a whole apparently come from Muslim scholars. In this case, the author of *Sirâj al-Mubtadi'în* refers to a scholar named Ahmad Ibn Suhaimi who is quoted to say that the 10 foundations are necessary to identify a certain discipline. Zurkani Jahja argues that if we look at the common identification of three aspects of a discipline in modern philosophy of science, i.e., ontology, epistemology, and axiology, then we may say that the idea of 10 foundations is more comprehensive.

In addition, as one may rightly expect, like other Sanusi-Ash'arism texts, the *Sirâj al-Mubtadi'în* also bases its reasoning on three ontological categories called *hukm al-'aql* (which literally means rule of reason), namely the necessary (*wâjib*), the impossible (*mustahîl*), and the possible (*jâ'iz*). Each of the three is then divided into *dharûrî* (axiomatic), and *nazharî* (theoretical). According to Zurkani Jahja, the three ontological categories were created by the Muslim philosopher, Ibn Sînâ. The difference is only in the names, not in their meanings. Ibn Sînâ calls the impossible *mumtani'* instead of *mustahîl*, and the possible *mumkin* instead of *jâ'iz*.

Zurkani Jahja also explores the way in which the author of *Sirâj al-Mubtadi'în* presents rational arguments. It is obvious, argues Zurkani Jahja, that this treatise follows the reasoning structure devised by Aristotle called syllogism. A simple syllogism starts with a general proposition, then followed by a specific case, and finally it comes to a conclusion. For instance, it is argued in this treatise that anything that changes is temporal, and the world is changing, then it is temporal. Aristotelian syllogism is known among the Muslim scholars since the Middle Ages, when the Aristotle Logic was translated into Arabic as *Mantiq*. Thus, like other philosophical elements mentioned earlier, *Sirâj al-Mubtadi'în* and similar texts of Sanûsi-Ash'arism simply follow this classical Muslim heritage.

Having analyzed the philosophical elements in *Sirâj al-Mubtadi'în*, Zurkani Jahja poses this important question: What can we learn from this, to develop material and method of Islamic theology today? M. Zurkani Jahja then answers that, if the classical Muslim Scholars were able to keep an open mind towards Greek philosophy, and to use some of its elements in their explanation of Islamic theological doctrines, then we should adopt a similar attitude towards modern philosophy and scientific findings. By keeping an open mind, modern Muslim scholars can make Islamic theological terms and arguments familiar with, and relevant to, the contemporary society and culture.

Besides analyzing the texts of Sanûsi-Ash'arism, researchers also look at other texts of Salafi orientation as well as texts written in Indonesian language. The findings of their research indicate that the theological texts written in Indonesian apparently try to explain Islamic theological doctrines in terms familiar with, and relevant to, daily life. These texts generally do not use the intricate philosophical arguments, nor restrict themselves

to explain the attributes of God and His messengers, but move on to the whole six pillars of the Muslim faith (the other four pillars are belief in angels, holy books, day of judgment, and God's determinism). There is even a theological book in Indonesian entitled *Iman dan Bahagia* which explains how Islamic faith will bring happiness to people. This text is written by a Banjarese Muhammadiyah leader, Gusti Abdul Muis (1979). In addition, the theological texts with Salafi leanings taught in modern *pesantren* are generally written in a language easy to understand, and most of their arguments are taken directly from the Qur'an and the Hadith. Moreover, many of the Salafi theological texts are written by modern scholars. Because the impetus of the Salafi theology is the purification of the Muslim faith from allegedly un-Islamic elements, this type of theological texts are easily perceived as relevant to people's daily life (Tim Fakultas Ushuluddin 2004b, 104–107).

The analysis of the contents and relevance of the theological texts by the researchers above may give us a picture of the development of theological thought in Banjarese society. In general, the researchers question the relevance of the outdated and complex philosophical arguments of the Sanusi-Ash'arism. However, there are still weaknesses in this criticism. First, the criticism is generally only based on textual evidence rather than direct experiences of the actual learning and teaching process in *pengajian* or *pesantren*. In fact, it is very possible that a good teacher will not only read the text to his students, but also explains the relevance of the text to daily life.²¹⁾ At present, Guru Zuhdiannor is one of a few Banjarese ulama, who teaches a similar Sanusi-Ash'arism text in his *pengajian*, and with extraordinary skill explains the relevance of the text to Muslim ethics. This is why his *pengajians* are held regularly in two big mosques in Banjarmasin, and are usually attended by thousands of people. Besides, one must remember that in traditional Islam, the oral tradition is very important to understand the classical texts (Nasr 1992). Second, to say that the Sanusi-Ash'arism's texts neglect the spiritual dimension of faith is not completely true. For instance, at the end of a commentary on *Umm al-Barâhîn* by al-Sanûsî himself, he introduces a Sufi model of invocation (*dzikr*) or remembrance of God, to internalize the Islamic theological values. In the same text, one finds an explanation of the Islamic Sufi ethics such as *tawakkul* (sincere trust to God), *zuhd* (ascetism), *hayâ'* (shameness before God), *faqr* (spiritual poverty), and so on (Sanûsî n.d., 226–237).²²⁾ Third, sometimes, a Muslim scholar who teaches in *pengajian*, uses not only a theological text, but also a Sufi text. Therefore, it is very possible, in this

21) Similarly, there is a significant difference between the written text and oral presentation in the reading ritual of Sufi anecdotes (Millie 2008).

22) It is noteworthy that the Muslim Banjarese traditional gathering for reciting *Lâilâha illallâh* (there is no god but God) 70,000 times called "*dzikir tujuh laksa*," which is believed can save the dead person from hell, is probably based on this Sanûsî's work as well. It is still practiced up to now.

case that the teacher would explain the relationships between theology and Islamic spirituality.

In any case, some scholars of the Ushuluddin Faculty at IAIN Antasari, have tried to offer an alternative in terms of material and method of Islamic theology. One of them is M. Zurkani Jahja. He wrote a dissertation on al-Ghazali's methodology in theology, supervised by the two prominent Indonesian Muslim theologians, Harun Nasution and Nurcholish Madjid.²³⁾ From September 1998 to October 2000, Zurkani Jahja regularly wrote a column in the local weekly tabloid called *Serambi Ummah*. The column is concentrated on explaining the meaning of each of the 99 names of God (*al-Asmâ' al-Husna*). For Zurkani Jahja, the theology of 99 names of God is a good alternative in terms of materials to Sanusi's 20 attributes of God because it is relatively easier to understand, and it is easily related to Muslim daily life in terms of its ethical and spiritual implications. The weekly columns were then compiled and published in two volumes in 2000 by a local publisher, Grafika Wangi Kalimantan. In 2010, the book was republished in one volume by Pustaka Pesantren, Yogyakarta (a branch of LKiS publisher), and became widely distributed all over Indonesia (Zurkani Jahja 2002; 2010).²⁴⁾

Certainly, a book on 99 names of God is not new at all, even in traditional Banjarese society. However, as Nurcholish Madjid wrote, the names were studied mostly not as materials of theology but as sources of "magical" power (Nurcholish Madjid 2012, 53–54). A Banjarese ulama, Husen Qadri (d. 1967), also wrote a short explanation on the 99 names of God in his *Sanjata Mukmin* (A believer's weapon), a work written in Jawi. This work mostly concentrates on the spiritual power of each name that could be gained by any Muslim who recites it (Husin Qadri 1971). Zurkani Jahja's work, however, is different. It is an attempt to explain Muslim understanding of God through His Names, and how they relate to Islamic ethics and spirituality. He also tries to use some western modern philosophical arguments to support his ideas, but at the same time, he still adheres to Sunni-Ash'arite theological views.

Another alternative theological material produced by a team of lecturers of the Ushuluddin Faculty at IAIN Antasari is a book entitled *Kitâb Uşûl al-Dîn* (Tim Fakultas Ushuluddin 2004a). The book was distributed in some *pengajians* and sold in the market.

23) The dissertation was defended in 1987 at IAIN (now UIN) Syarif Hidayatullah Jakarta. It was published in 1996, and reprinted in 2009 (Zurkani Jahja 2009). Unlike most scholarly works on al-Ghazali, both in the Middle East and the West, Zurkani Jahja convincingly argues that there is no contradiction among al-Ghazali's works written before and after he became a Sufi. They are simply different methods for different levels of theological views.

24) I edited both editions, and I wrote a preface to introduce Zurkani Jahja's theological views. As his student, I was quite influenced by his ideas, so I wrote my undergraduate thesis in 1994 on the same subject (Mujiburrahman 2005).

It was not accidental that the book is written in Jawi. For traditionalist Muslims, especially in Banjarese society, the Arabic script is considered sacred. Thus, the ulama usually reads a text in *pengajian* if it is written in Jawi or Arabic, not in Indonesian. The contents of the book still discuss Sanusi's formula of 20 attributes, but at the same time, it includes other pillars of faith such as the beliefs in angels, the day of judgment, and so on. The book has been used in some *pengajians*, but it probably will not replace the other popular texts.

Conclusion

We can see from the previous discussion that the existing studies on Islamic theological texts in Banjarese society may give us a clearer picture of the development of Islamic theological thought in that society. There have been continuities and changes in terms of texts, issues, and languages. The early theological text analyzed by researchers is the work of Muhammad Arsyad al-Banjari in the eighteenth century, *Tuhfat al-Râghibîn*. In 1988, there was a controversy over the authorship of this work. Some scholars debated whether it was the work of Asryad al-Banjari or of Abd al-Samad al-Palimbani. However, based on strong textual evidence, some scholars have convincingly argued that the *Tuhfat al-Râghibîn* is the work of al-Banjari. In addition to the controversy, this theological text illustrates the strong influence of Sunni-Ash'arism and its application in Banjarese socio-cultural contexts. Al-Banjari's opposition to some pre-Islamic traditional rituals can be seen as his efforts to intensely Islamize his society. Al-Banjari's antagonistic attitude is also evidence that the assumption that traditional Islam in Indonesia is always accommodative to local beliefs and rituals, is contentious (Feillard 2011).

By the early twentieth century, the most popular theological texts are those which follow the Sanusi-Ash'arism. This means that al-Banjari's earlier text has a wider perspective of Sunnism than those written in the later period which limit themselves to the Sanusi conception. Moreover, due to the fact that the Sanusi theological conception is strongly based on rational philosophical arguments, researchers often assume that it is not easily understood and internalized by ordinary people. Partly because of this difficulty, since the early 1970s, some Banjarese ulama have begun writing Islamic theological texts in the Indonesian language, as well as developing more comprehensive materials and familiar arguments. Moreover, a few other Banjarese ulama, following Muhammad Arsyad al-Banjari, also wrote theological texts in Jawi. Given the Banjarese Muslim perception of Arabic script as sacred, even a team of the Ushuluddin Faculty produced a similar Jawi text in 2004. On the other hand, there was also an effort in using

the 99 Names of God as materials for learning Islamic theology. This was partly as a response to the inadequacy of the Sanusi conception, and an attempt to relate Islamic theological values to Islamic ethics and spirituality. Since the 1980s, some modern *pesantrens* have introduced Salafi theology which is simpler in terms of its arguments, and is clearly oriented toward purifying Muslim faith from pre-Islamic beliefs. This development is obviously a challenge to the dominant Ash'arism among the Banjarese. Unlike in the 1920s when the reformist Muhammadiyah—whose theology is a kind of Salafism—started its influence among the Banjarese mostly through *pengajian* and modern schools, since the 1980s, the salafi theology has been taught to students who are expected to become ulama.

With this development, one may ask if the traditional Sanusi-Ash'arism will soon decline? This question could be better answered by looking at the power behind the contesting theologies. To my observation, the production and transmission of traditional religious knowledge through *pesantren* and *pengajian* in Banjarese society remain strong. Most Banjarese Muslims, especially from the lower class, in terms of religious matters, still depend on what the traditionalist ulama say. This is very different from their attitudes towards Muslim intellectuals at the IAIN, even though some of them also become highly respected ulama. The influences of the intellectuals at the IAIN are apparently limited to the middle and educated class. On the other hand, Islamic sects such as Islam Jamaah and Ahmadiyah whose theologies are partly but significantly different from that of the Sunni majority, have also entered South Kalimantan, at least since 1990s. Moreover, since the Reformation Era (1998 onwards), the political theology of radical Islam, especially that of Hizbut Tahrir, has been strongly influential among university students, particularly at the secular university of Lambung Mangkurat. Daily reports on corruption, violence, sexual promiscuity, and so on, apparently make the younger generation dissatisfied with the traditionalist theology, and therefore, they become attracted to a religious utopian ideology offered by new movements like Hizbut Tahrir. Last but not least, the Banjarese society has become religiously more and more plural, both internally and externally (Mujiburrahman *et al.* 2011; Mujiburrahman 2012), and this certainly poses new important theological questions which probably cannot be answered by the classical theology of Sanusi-Asy'arism.

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Bibliographical Notes

“Tim Fakultas Ushuluddin” means a team of researchers of the Faculty of Ushuluddin of the State Institute of Islamic Studies (IAIN), Antasari, Banjarmasin, while “Tim IAIN Antasari” means a team of researchers from different faculties of the Institute. Therefore, there are several names written in the bracket, following the Tim Fakultas Ushuluddin and the Tim IAIN Antasari as the authors. The first name mentioned in the bracket is the coordinator of the research.

RESERCH REPORT

Reduced Emissions from Deforestation and Forest Degradation (REDD) and Access and Exclusion: Obstacles and Opportunities in Cambodia and Laos

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Recently concerns have been raised regarding the potential for the Reduced Emissions from Deforestation and Forest Degradation (REDD) framework to recentralize forests, potentially setting back efforts to institute localized and decentralized forms of natural resource management. Here, I apply a political ecology approach to consider *access* and *exclusion* to land and natural resources in the contexts of three emerging REDD projects in Cambodia and Laos. I argue that each represents either a partial, incomplete, or so far unfulfilled—but nevertheless useful—example of efforts to use REDD to strengthen local resource tenure. Thus, it is possible to envision how REDD could be utilized to leverage decentralized forest tenure, even if such a reality seems far away at present.

Keywords: land tenure, common property, land-use management, carbon, forestry, ecosystem services

Introduction

The Reduced Emissions from Deforestation and Forest Degradation (REDD) framework is being developed to reduce carbon emissions into the atmosphere due to deforestation and forest degradation. Phelps *et al.* (2010) have, however, raised concerns that REDD could cause the recentralization of forest lands in so-called “developing countries,” through providing central governments and international players with increased control over forests, thus potentially seriously setting back efforts to institute more locally sensitive decentralized models of forest management. They argue that over the last quarter century many non-industrialized countries have adopted more decentralized forms of

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resource management, hard fought reforms that have given many local forest users increased rights and responsibilities, at least over forests of lower economic value.

While the extent to which locals have been allocated rights and responsibilities in association with forest management varies considerably (see Hall *et al.* 2011; Ribot 1999; 2004; McCarthy 2001; Badola 1998; Fisher 1998; Vandergeest 1996), at least the rhetoric of the desirability to substantially increase the participation of local users in forest management has advanced considerably in recent decades. This has frequently translated into more agency for local people, although there are often important trade-offs between sustainability and local benefits when decentralization occurs (Jagger *et al.* 2005). In addition, devolving control in cases when local elites are able to capture benefits at the expense of other local resource users can be counter-productive (Barr *et al.* 2006; McCarthy 2001; 2004; Hutchcroft 2001), thus necessitating careful consideration of the circumstances surrounding particular cases. Still, overall efforts to devolve power to local resource users have resulted in better forest protection and increased benefits for local people (Persha *et al.* 2011; Agrawal and Ostrom 2008; Agrawal and Gibson 1999; Ribot 1999).

Crucially, the shift to increasing local forest management rights and responsibilities has largely been driven by two main arguments. The first is ethical, or rights-based, and is founded on the recognition that local people have often been severely and unfairly disenfranchised by governments, and that locals therefore deserve to gain significant rights and responsibilities over the lands and forests that they have long depended on for their livelihoods. This position asserts that governments and others have a moral obligation to rectify the serious wrongs that have been imposed on local and especially indigenous forest users, and that empowering people is the only ethically appropriate thing to do, regardless of whether such changes lead to improved forest management or not.¹⁾

The second argument is fundamentally pragmatic, and is grounded on the fact that past efforts by distant actors, both governmental and private, to effectively manage forest resources have often failed to ensure sustainable management and protection (Ribot 1999; Agrawal and Ostrom 2008). Many have argued that decentralizing management and empowering local users to significantly benefit from forest resources is often the most efficient and cost-effective way to manage forests. Being participatory and transparent is particularly crucial (Cortula and Mayers 2009; Somanathan *et al.* 2009). Those taking this position frequently point out that central governments, especially in poorer countries, rarely have the resources or convictions to effectively protect forests from

1) I do, however, recognize that rights-based approaches do have potential pitfalls (see, for example, Li 2002).

various threats (Ribot 1999; 2004; Ostrom 1990), although government recognition and support for local people in gaining rights to use and manage natural resources frequently remains critical, as without it limiting or excluding users may not be feasible (Ostrom 1990; Baird and Flaherty 2005).

At present the increased global focus on utilizing REDD (including REDD+) to fund forest protection represents a potential threat to the trend in forest management decentralization, as argued by Phelps *et al.* (2010). REDD is leading many in central level ministries and forestry departments—along with other global players—to view forests as important, not just for gaining revenue from logging operations, or as sources of raw materials or tourism revenues for fueling “development”—as in the past—but as potentially crucial sources of income derived from those willing to pay for ecosystem services. In particular, the idea is to ensure that forests are maintained and rejuvenated so as to facilitate the storage of carbon, and to decrease carbon releases into the atmosphere. Illustrative of how central governments are attempting to gain more control over forests, the Norwegian government has negotiated a US\$1 billion agreement with the government of Indonesia regarding REDD (Lang 2010). These were central government to central government-level discussions, and there is no evidence that they included consultations with local people.

Those willing to pay for the ecosystem services associated with storing carbon stocks certainly desire that their investments lead to promised results; that is, they want forests to be protected so as to either reduce the impacts of climate change on their countries or business interests, or to justify their own continued production of greenhouse gases by claiming that their investments in forest protection have been successful in mitigating or off-setting their carbon releases. Oddly enough, however, this desire has considerable potential to lead to the increased centralization of forest resources by governments trying to capture as much revenue as possible, as argued by Phelps *et al.* (2010). Ensuring that investors and others do not blame them for forest destruction in the international arena is another reason that central governments may become more involved in forest management. This can be seen as potentially positive, in that there is increased interest in forest protection, but it is also encouraging governments to increase their control over forest resources, and their focus on dealing with the concerns of the international community in relation to forests could lead them to neglect the welfare of those whose livelihoods are directly dependent on forests. In other words, forests are becoming more of a concern for national governments and regional players, potentially at the expense of local forest users. This can be seen in the two countries that are the focus of this study, Cambodia and Laos, although unevenly.

The purpose of this article is to consider the concerns about REDD leading to the

centralization of forest resources raised by Phelps *et al.* (*ibid.*) in the specific context of Cambodia and Laos, as well as to assess possibilities for utilizing REDD or related payment for ecosystem services systems to empower locals through strengthening tenure over forest lands. I will do this by utilizing a political ecology approach centered on the concepts of “access” and “exclusion” from land and resources. Through examining three emerging REDD projects, I consider how these projects fare in relation to ensuring access to resources, and ultimately how realigned systems of REDD focused on achieving secure long-term land and resource tenure might work, and what elements of existing REDD projects could be utilized to develop locally-tenure friendly REDD. This makes sense considering the recognition of the importance of tenure issues in relation to the official REDD development process (COP 16 2010).

When writing of “securing long-term tenure” over natural resources for local people, I do not mean simply privatizing common resources and dividing them up between local resource users, as doing so would remove the types of checks and balances that are frequently crucial for successful common property systems (Ostrom 1990; Steins *et al.* 2000). Instead, what I mean by long-term secure tenure is providing groups of resource users with secure access to resources along with a substantial say in decision-making processes regarding resource use and management.

I lay out the “access” and “exclusion” to land and resources conceptual framework for considering REDD in light of tenure issues in Cambodia and Laos. I then provide specific background information about REDD (and REDD+) and describe the development of REDD in Laos and Cambodia. I present three examples of REDD-related projects in Cambodia and Laos, and assess their potential implications in relation to resource access. I then discuss ways in which REDD could be reframed and reconceptualized in order to put land and resource tenure on the forefront of the agenda to leverage secure long-term tenure arrangements for local people. While I am so far unaware of any projects in mainland Southeast Asia that have successfully used REDD to truly empower local people in relation to land and forest resources,²⁾ such approaches could be developed, provided that the donors of REDD projects, implementing agencies, and governments can be persuaded to more fully buy into systems of secure forest tenure for local people.

2) There are some better examples of this in Latin America (see, for example, Lastarria-Cornhiel *et al.* 2012).

Political Ecology and “Access” and “Exclusion”

Political ecology encompasses a wide range of approaches and theoretical perspectives (Peet and Watts 2004; Escobar 1999; Zimmerer and Bassett 2003; Forsyth 2003; Robbins 2004). One of the early contributions of political ecology involved the development of the “access to resources” approach to examining the decision-making processes of small-scale natural resource users (Blaikie 1985; Blaikie and Brookfield 1987). This framework was later adapted and applied in other contexts (see, for example, Ribot and Peluso 2003; Turner *et al.* 2011). Fundamentally, “access” refers to the ability of local resource-users to effectively make use of natural resources to sustain their livelihoods. A wide array of factors can affect access, including resource use by others, government policy-frameworks, social shifts, market influences, and bio-physical changes (Ribot and Peluso 2003). Most recently, Derek Hall, Philip Hirsch, and Tania Li (2011), in their ground-breaking book, *Powers of Exclusion*, have contributed to the literature by building on the concept of *access* by focusing on *exclusion*. While *access* is frequently seen as something that is positive and inclusive, Hall *et al.* (2011) do not see *exclusion* as necessarily bad. Rather, they view exclusion as a necessary part of tenure relations. For example, farmers need to exclude others from harvesting their crops. Otherwise, why would they farm in the first place? Still, exclusion is not seen as universally positive. Instead, exclusion is simply seen as variously important for land tenure security. Crucially, both *access* and *exclusion* are conceptualized as important elements of land tenure, and thus both potentially have important implications in relation to REDD.

Here I am interested in the implications of REDD for *access* and *exclusion* to land in Cambodia and Laos. Through assessing the particular circumstances in these two countries, I both consider the present circumstances and possible ways that REDD could be used to strengthen resource tenure.

Methods

The research for this article began in 2009 when I was contracted by the Minneapolis-based McKnight Foundation to conduct an overview study of REDD-related issues in Cambodia, Laos, and Vietnam, countries where the McKnight Foundation supports various programs and projects associated with natural resource management. The objective of that research was to consider all aspects of REDD+, in order to inform the donor of future opportunities and constraints to funding initiatives in this region in relation to REDD. This involved a literature review and over 20 semi-structured interviews with

key informants involved with REDD in Laos and Cambodia. Later, however, I decided to specifically consider REDD+ in relation to land and forest tenure, since it seems like such an important issue, even though ultimately the full spectrum of challenges associated with REDD need to be carefully considered when deciding if and how to move ahead. Therefore, I drew on the parts of my original literature review and interviews. In June and July of 2011 I also conducted additional interviews in Laos and Cambodia to update and supplement the original research, and to specifically address my focus on REDD+ and land tenure issues. Those interviewed were mainly expatriates and Lao and Cambodian people working on various types of REDD+ projects. I was particularly interested in interviewing people with specific knowledge of the relationships between REDD+ and land tenure issues. I have, however, had to keep most of my sources anonymous.

What is REDD and REDD+?

Carbon dioxide is the greenhouse gas most responsible for the current global climate change crisis, and today forest ecosystems are estimated to store 50 percent more carbon than what is contained in the entire atmosphere (FAO 2005). Carbon dioxide releases into the atmosphere due to deforestation and forest degradation are recognized as amongst the most important causes of human-induced climate change, second only to energy production (ANU 2008), and in Southeast Asia deforestation and forest degradation are believed to be the most important sources of carbon dioxide emissions, contributing approximately 12 percent of the world's greenhouse gases as of 2000 (ADB 2009).³⁾

REDD comes under the United Nations Framework Convention on Climate Change (UNFCCC), and is a system for financing the protection of forests in order to avoid carbon dioxide emissions or increase carbon sequestration or storage. Financing is mainly expected to be generated through marketing carbon credits, but some also advocate other publicly funded mechanisms to support REDD (*ibid.*). The idea is that those from richer countries can buy credits as a contribution to reducing their own emissions, and the funds generated can be utilized to address the causes (or drivers) of emissions, protect biodiversity, bolster government coffers, or support poverty alleviation and other forms of

3) Approximately 35 percent of the greenhouse gases in the Earth's atmosphere are a result of past deforestation (Blom *et al.* 2010; UN-REDD Program Cambodia 2010), and between 12–15 percent of annual global greenhouse gases emissions are presently believed to be coming from continued deforestation and forest degradation (van der Werf *et al.* 2009), although the percentage could even be lower (Holly Gibbs, Assistant Professor, Department of Geography, University of Wisconsin-Madison, *pers. comm.* December 16, 2011).

socio-economic development for people living near or in forested areas, thus potentially providing important financial incentives for protecting forests. The system requires performance-based payments for the reduction or avoidance of emissions, and increased carbon sequestration.

There has been considerable enthusiasm about the prospects for REDD initiatives amongst international organizations, although most recently some of that enthusiasm has dissipated due to problems with a lack of markets for carbon credits. Still, the Asian Development Bank (ADB) (*ibid.*, 130) reported that, “REDD is already getting attention as a low-cost mitigation option with significant positive side-effects.” The World Bank has also been supportive of REDD, establishing the Forest Carbon Partnership Facility (FCPF) with US\$400 million in funding. This includes US\$75 million from each Norway and Germany to fund pilot REDD projects in a number of selected countries.⁴⁾ The United Nations Reduced Emissions from Deforestation and Forest Degradation Program (UN-REDD) was set up in September 2008, with the first phase financed by a Government of Norway grant of US\$35 million.

REDD, however, has also been criticized for a wide variety of reasons (see Baird 2010a for a summary). A full discussion of all the limitations of REDD is beyond the scope of this paper, but concerns have been raised regarding REDD making it easier for people in developed countries to avoid needed lifestyle changes, regional and in-country leakage (when deforestation or forest degradation is transferred to another area in order to protect an area under REDD, thus leading to no net gains), unfair benefit distribution to forest-based peoples, and the disempowering of local people from decision-making processes linked to their own areas, just to mention a few of issues of concern. Larry Lohmann (2006) has also demonstrated serious problems with carbon trading, arguing that carbon markets are getting in the way of possible solutions to the climate change crisis. He has instead advocated for a combination of large-scale public works, subsidy shifting, conventional regulation, legal action, and green taxes and non-trading market mechanisms to deal with climate change.

Over the last few years, the term REDD+ (instead of simply REDD) has become popularized, especially amongst some non-government organizations (NGOs), international organizations, and government agencies. While REDD was initially narrowly focused on reducing carbon emission, REDD+ includes provisions that reward the enhancing of carbon storage through forest restoration, rehabilitation, and afforestation/reforestation. While the co-benefits of REDD, including conserving biodiversity, allevi-

4) See: <http://www.climatefundsupdate.org/listing/forest-carbon-partnership-facility>, accessed December 25, 2012.

ating poverty, improving governance, and providing other environmental services, have long been part of debates surrounding REDD, REDD+ is much more amenable to encouraging co-benefits apart from those related to greenhouse gases, and there is also now generally more interest in integrated systems that not only consider forests but also other land-uses, including agriculture (Campbell 2009). Some indigenous activists argue that the key to REDD+ is ensuring that the fundamental rights of indigenous peoples are recognized (IWGIA and AIPP 2011), but others, such as the Global Alliance of Indigenous Peoples, have argued against REDD+ because of its potential to commodify forests.⁵⁾ REDD+ has also been compared with Integrated Conservation and Development Projects (ICDPs), since many REDD+ projects are attempting to integrate various conservation objectives with community development.⁶⁾ REDD++ is used to refer to REDD initiatives that take all land use categories into account, rather than just forests, and is thus more expansive than even REDD+ (Minh Ha *et al.* 2010).⁷⁾

REDD in Laos and Cambodia

Cambodia

Cambodia has one of the highest proportions of forest coverage in Asia, estimated at 59.8 percent of the land base in 2006. The country's rate of land use change and associated deforestation and forest degradation are, however, amongst the highest in the world, with an estimated annual forest loss of 0.5 percent between 2002 and 2006. This figure is equivalent to 75,000 ha per annum (UN-REDD Program Cambodia 2010). The forestry governance system in Cambodia is quite legally centralized (Nathan and Boon 2012). The Forestry Administration (FA), under the Ministry of Agriculture, Forestry and Fisheries (MAFF) is the main government agency responsible for forests, although three million hectares of national parks and wildlife sanctuaries come under jurisdiction of the Ministry of Environment (MoE). The Fisheries Administration of MAFF also has some responsibility for managing flooded forests and mangrove forests (Clements 2010). The government of Cambodia has the legal right to exclude or provide access to people wish-

5) <http://therightsofnature.org/indigenous-peoples-for-life/>, accessed May 10, 2014.

6) Blom *et al.* (2010) suggest that implementers of REDD+ would benefit from assessing past successes and failures of ICDPs, as there are various important lessons from the ICDP literature that do not appear to have been considered in relation to the development of REDD.

7) Today, the terms of REDD, REDD+, and REDD++ are often used interchangeably. One could argue that the difference between these terms is difficult to determine without examining the details of individual initiatives. Therefore, for convenience sake, I refer to all three as simply REDD.

ing to use the forest. Decision 699 of the Council of Ministers, endorsed by Prime Minister Hun Sen on May 26, 2008, set the basis for forest carbon sales from the Oddar Meanchey REDD+ project by the FA and MAFF. Sub-decree 188, November 4, 2008, of the Royal Cambodia Government designated the FA as the responsible agency for assessing national forest carbon stocks, and regulating forest carbon trading.

Unlike Laos, which was amongst the first countries to get involved with the World Bank's FCPF (see below), Cambodia was only accepted as a FCPF country in April 2009 (Evans *et al.* 2012). The initial lack of FCPF support to Cambodia resulted in direct UN-REDD Program Cambodia (2010) assistance to Cambodia's REDD Readiness work beginning in 2009, in an attempt to fill at least part of the gap left by the FCPF's slow start in the country (Clements 2010; UN-REDD Program Cambodia 2010). Cambodia's UN-REDD National Program Document was approved by the UN-REDD Program Board in November 2010, and was signed in mid-2011 (Evans *et al.* 2012).

Efforts have been made to develop a REDD Readiness "roadmap" for Cambodia that outlines steps to be taken over the next one to three years. It is supposed to be consistent with the World Bank FCPF REDD Readiness Preparation proposal. A National REDD+ Taskforce has also been established in Cambodia (UN-REDD Program Cambodia 2010; Bradley 2011).⁸⁾

The political system in Cambodia is more open than in Laos, since the country is governed through a multi-party parliamentary democracy, but in fact, the political landscape is dominated by the Cambodia People's Party, whose leadership previously operated under a similar political system to what exists in Laos. Furthermore, the state in Cambodia has been making various moves in recent years to silence opposition to its policies and practices. For example, a new "NGO law," which has been being considered for years now, has been heavily criticized for potentially restricting civil society and even the assembly of those critical of the government (see, for example, Becker 2011).

Laos

The Lao People's Democratic Republic (Lao PDR or Laos) was estimated to have 41 percent forest cover in 2002.⁹⁾ The country is, however, experiencing high rates of deforestation and forest degradation, including natural forest conversion into large plan-

8) It should be noted, however, that Cambodia only has observer status with UN-REDD, unlike Vietnam which is a full UN-REDD country. It is expected that Cambodia will be granted membership once their national REDD plan has been completed, but there are no guarantees that this will actually happen, despite the Cambodia government having high expectations of being admitted as a UN-REDD country (Tom Clements, *pers. comm.* July 8, 2010).

9) Some believe that there may have been more deforestation than the government has acknowledged.

tations (Baird 2010b). Therefore, it is a prime target for developing REDD projects, and was an early recipient of support from the FCPF, including REDD Readiness work. The Lao government has prepared a Readiness Preparation Proposal (National REDD Taskforce of Lao PDR 2010), and REDD has received strong political support from the Lao government (Ounekham 2010; *Vientiane Times*, December 23, 2009).

In Laos, the Ministry of Agriculture and Forestry (MAF) is responsible for the forestry sector, and the Department of Forestry (DoF) leads Laos' National REDD Task Force. Like Cambodia, the government of Laos has the official mandate to exclude people or provide access to them in relation to forests (Government of Laos 2007). A number of other government departments and agencies in Laos are also involved in aspects of REDD, including the Ministry of Natural Resources and Environment (MONRE). Other government ministries and research agencies have also shown interest in REDD, as have various donors, international NGOs, and private foreign investors (McNally *et al.* 2009).

Although it was originally believed that REDD could be developed at a national scale in Laos, or at least on a hybrid basis, with a combination of national and sub-national REDD initiatives, it is now expected that the technical difficulties and high transaction costs associated with developing national level REDD in Laos make it more likely that sub-national REDD development will be the focus over at least the next number of years, despite the issue of internal leakage (Alastair Fraser,¹⁰ *pers. comm.* June 2, 2010), which relates to potential problems within countries of forest degradation being transferred from one area where a REDD project is being implemented to another where REDD is not in place. Leakage across national borders is another major concern in Laos and more generally in mainland Southeast Asia (see, for example, Lang 2009; Meyfroidt and Lambin 2009; Baird 2010a), and there is a need for more accountability in relation to log exports from Laos (Forest Trends 2009). This indicates that REDD development is occurring within a difficult context.

One key issue in Laos is that the country is governed through a one-party communist political system modeled after Eastern bloc countries during the Soviet era. There have been various pro-market reforms in Laos since 1986, but political reform has hardly occurred. This raises potential serious problems in terms of state control and the inability to openly criticize the state or government policies, including those associated with resource tenure and REDD. It makes the type of participation associated with Free, Prior and Informed Consent (FPIC), which is now a requirement of REDD, difficult in the Lao context. Even if the Lao government fully endorsed FPIC, real FPIC would be

10) At the time of this interview, Alastair Fraser was a REDD+ expert for the FCPF in Laos.

hard to achieve, as community opposition to government endorsed projects is generally not tolerated (Baird 2010b).

Three Key REDD Pilot Projects in Cambodia and Laos

Using the access and exclusion theoretical framework outlined earlier, I now assess three REDD projects, two in Cambodia and one in Laos.

Pact—Oddar Meanchey Province

The most advanced and influential REDD Project in Cambodia, at least until recently, is located in the northwestern province of Oddar Meanchey, in an area dominated by the hardline communist Khmer Rouge for the 1980s and most of the 1990s. Although REDD has moved ahead relatively slowly in Cambodia at the national level, Pact's project in Oddar Meanchey was once recognized as the most advanced REDD project in the region. In 2010, it was considered to be amongst the three most developed REDD projects in the world (Tom Clements,¹¹ *pers. comm.* July 8, 2010). In November 2007, the FA, supported by the joint donor Technical Working Group on Forestry and Environment (TWG-F & E—a multi-donor body), unanimously approved a 68,696-ha REDD pilot project in 58 villages and with 7,000 households involved (Poffenberger 2009; Evans 2009b; WCS 2010). In 2011, the area being managed within Cambodia's first REDD project was 64,318 ha (Bradley 2011). This initiative was initially supported by the US-based NGO Community Forestry International (CFI), which had already been working in Oddar Meanchey to support community forestry activities since 2005. The REDD Oddar Meanchey community forestry project was designed to test emerging REDD policies, as the area had experienced a 2.1 percent annual decline in forests over the previous decade (Poffenberger 2009). In March 2009, Pact agreed to take over activities in Oddar Meanchey from CFI, whose project in Cambodia had ended. The project methodology was designed to comply with emerging REDD guidelines developed by the Verified Carbon Standard (VCS), and the Climate, Community and Biodiversity Alliance (CCBA) (which confirms a project's strong co-benefits for conservation and livelihoods). These CCB Standards, as they are typically known, seek to mitigate the impact of a number of drivers of deforestation and forest degradation, while responding to the economic needs of the low-income rural population (*ibid.*). The key to the Oddar Meanchey REDD project was providing a pilot for supporting community forestry activities in Cambodia, includ-

11) Tom Clements is a REDD+ expert who worked for UN-REDD at the time of this interview.

ing assisting communities to sustainably manage their forests (Bradley 2011).

According to the project design, the government of Cambodia recognized the community forests in the project area under the Community Forestry Sub-decree, providing them with a 15-year renewable lease. Prior to 2003 when the Sub-decree was adopted, community forests were not legally recognized at the central government level. The project intended to create a 30-year income stream that would enhance livelihoods and build natural resource management capacity among the project's 7,000 participating households (Poffenberger 2009; Bradley 2011). It was expected to sequester carbon and avoid emissions equal to 7.1 million tons of CO₂ over 30 years through dealing with various drivers of deforestation at local, national, and international levels, including agriculture expansion due to in-migration, forest degradation due to forest fires and fuel wood consumption, land speculation, illegal logging and forest clearance for agriculture by military personnel, and the issuing of economic land concessions for commercial plantation development. The project was also expected to include some enrichment tree planting (Poffenberger 2009; Bradley 2009a; 2011).

The project has put considerable effort into educating locals about emission issues associated with forests, and REDD, and entered into community-level agreements as part of the process towards developing the project (Bradley 2009a; 2009b). Supporting communities was a key project objective (Bradley 2011), but it has been well documented that in Cambodia communities cannot easily object to government programs, although the situation is generally more open than in Laos.

It was suggested that US\$1 million per year could be generated through REDD for the project (Evans 2009b), although there are many variables that could affect actual revenue. For example, more recently the prices of carbon credits have dropped considerably. Between 2009 and 2011, the various experts on REDD+ whom I interviewed for this research all seemed to believe that most of the REDD pilot projects in the region had not addressed the crucial issue of how to allocate potential revenues from selling REDD carbon credits. The Oddar Meanchey project, however, set out a long-term work plan for doing this, one that the FA partially endorsed, but not a budget associated with the work plan. It was envisioned that there would be costs associated with FA running the project, including carbon sequestration verifiers, and for Pact in supporting communities, but after deducting these fixed costs, the plan was for at least 50 percent of the net revenue from carbon credits to go to the communities. Up to 10 percent of net revenue was also expected to be used for developing new REDD projects elsewhere in Cambodia (Bradley 2011).

Although there are some potential problems with the Oddar Meanchey project in relation to villagers signing off on contracts with uncertain benefits and potential liabilities

for them if they are unable to reduce deforestation and forest degradation as planned, a project representative argued, in 2011, that the initiative represented the best hope of keeping the forests from being commercially logged or converted into plantations, and thus giving locals continued access to important forest resources. Even if few REDD resources reach users, the people were apparently mainly interested in protecting the forest for their continued resource access, although REDD would have undoubtedly exclude some people from accessing forests (cf. Hall *et al.* 2011). For Pact, REDD represented an important option, a way of convincing the government to support community forestry, and thus they believed that it is a tool that should not be discarded (Bradley 2011; Amanda Bradley,¹²⁾ *pers. comm.* June 2, 2011).

The Oddar Meanchey project may have been initially useful in discouraging the granting of large economic land concessions, but it has been reported more recently that there are continuing serious problems with economic land concessions nearby the project area (Shalmali Guttal,¹³⁾ *pers. comm.* June 26, 2011). It appears that pressures to convert the forests into plantations have increased significantly. Through the establishment of community forestry groups, local control over forests initially increased, giving villagers continued access to forests that they depended upon, while excluding others (Amanda Bradley, *pers. comm.* June 2, 2011), but more recently there have been considerable problems. On January 23, 2014 Phorn and Peter (2014) reported that the Royal Cambodian Armed Forces was cutting down large amounts of forest in the REDD project area, causing so much damage to the forest that some feared the whole REDD project could be derailed as a result.

Apart from the above forest encroachment problems, one of the main structural weaknesses of the project is that it has not been able to provide locals with secure long-term tenure, or access, over forests, only 15-year agreements¹⁴⁾ that provide limited community control. In fact, the FA still has considerable control over forests, as these agreements can be revoked at any time by the FA, and those with agreements have to organize community forests following the FA's framework. Communal land tenure for agricultural lands has not been established in Oddar Meanchey, since there is presently

12) Amanda Bradley is an expert in community forestry in Cambodia and REDD+. She previously worked on REDD+ and community forestry in Cambodia for Community Forestry International and Pact. More recently, she worked as Senior Manager, Social & Community Benefits for TerraCarbon in the USA, where she has also worked on REDD+. She has recently accepted a position as REDD+ Tenure Specialist for FAO in Rome.

13) Shalmali Guttal is a senior analyst for Focus on the Global South, based in Bangkok. She has worked in mainland Southeast Asia for over 20 years.

14) Fifteen years is not even enough time for a small tree to reach medium size. It is not long enough for one cycle of life to pass for hardwood tree species.

only the potential for this to happen amongst indigenous communities in Cambodia, based on the 2001 Land Law, and most of those in the project area are not legally definable as “indigenous peoples,” a term with specific legal standing in Cambodia (Baird 2011; 2013). Therefore, devolution of power has, at best, been only partially achieved, although communities involved in forestry groups in the area have somewhat increased their statutory rights over forests, while continuing to maintain frequently unwritten but nevertheless potentially important customary rights. But at another level the central government became more involved, at least for a period, increasing its stake in the forests, as the area became its national model for REDD. The MAFF and the FA are also responsible for selling carbon credits from REDD projects, although so far they have not been able to sell any. This is not meant as a criticism of Pact, as Pact must operate within the particular political context of Cambodia, one where government officials seem to want to maintain considerable control over forests. Still, if we assess this project using the concepts of access and exclusion, it can be concluded that it has been unsuccessful, as communities have not achieved secure long-term access to their resources, and they are having increasingly serious problems excluding others from encroaching on their forests.

Wildlife Conservation Society (WCS)—Seima, Mondulhiri Province

The second most advanced REDD Project in Cambodia is being developed by WCS in collaboration with the FA, which formally agreed to collaborate with WCS on the project in October 2008 (Evans 2009a). In May 2008, Winrock International completed an assessment for the Seima Protected Area REDD project, in Mondulhiri Province, northeastern Cambodia (Pearson *et al.* 2008). The initiative builds on the long-term support that WCS has provided for the Seima¹⁵ since 2002. The 187,983 ha covered by the REDD project includes 16 villages with a population of approximately 10,750 people, most of whom are classified as “indigenous peoples,” mainly the Bunong ethnic group (Evans *et al.* 2012). The project credits are to be certified by VCS and CCBA (Evans 2009a) like the Oddar Meanchey Project.

The key to the Seima REDD project for WCS is developing a pilot for supporting biodiversity conservation and protected area management in Cambodia. That is their acknowledged priority, and for right or wrong, local people are of secondary concern, although they have certainly not been ignored. Although it is expected that some revenue will be directed to community benefits, a significant portion are expected to be used

15) The Seima Protected Area was officially declared by the FA in August 2009, and includes parts of Mondulhiri and Kratie provinces (Evans 2009a).

for protected area management (Evans 2009b).

One of the hallmarks of this project is that WCS has successfully supported indigenous communities to gain communal land tenure. This area is amongst the first to register communal land tenure for locals, based on the legislative reform that occurred when the Land Law was adopted in 2001 (Baird 2011; 2013). Although the project has been somewhat successful in ensuring local access to agricultural land resources crucial to local livelihoods, neither trees nor forested land can be included within communal land titles in Cambodia, only agricultural land (Evans *et al.* 2012; Baird 2011). In one village in WCS's target area, housing areas and most agricultural land (including rotational swidden areas) have been registered under communal title. In addition, within the 1,400 ha registered as communal lands, part of the area is legally recognized as "reserve lands," which are in reality forests or old fallow lands that could potentially be cleared for agricultural in the future (Jeremy Ironside,¹⁶ *pers. comm.* July 11, 2011). Nevertheless, the main forests where people generate significant income from tapping wood resin trees (see Evans *et al.* 2003) have not been registered as communal land. Instead, they have become defined as "state lands," which justifies the forests remaining under the control of FA and the protected area, and thus excludes locals from a high level of control, even if they still have access to the resin trees, at least for now. As important as developing communal tenure has been in principle, it ultimately has not provided locals with secure long-term tenure over most of the forests lands that they use, as most forests have been excluded from the communal lands. Thus, this project cannot be seen as exemplary in ensuring access to resources crucial to local livelihoods, despite supporting groundbreaking communal agricultural land tenure. WCS can only do so much because of the legal restrictions imposed by the government of Cambodia. WCS and the Rainforest Alliance have, however, been investigating options for including resin tree forests presently inside the protected area within a government recognized community forest (Jeremy Ironside, *pers. comm.* July 11, 2011).

Relying on the access and exclusion framework, it can be seen that REDD has helped increase tenure security over local agricultural lands and future agricultural lands, but has also supported a state-led process that has actually weakened local control over most forest areas, as the communal land tenure system in place is linked with the state's move to take control of other forested lands as "state land," a fundamentally disempowering designation for local people. Thus, in this case REDD has the potential to

16) Jeremy Ironside is an agriculture, land tenure, and indigenous peoples expert who has been conducting research on these topics in northeastern Cambodia since the mid-1990s. He recently completed a PhD looking at the process of land privatization underway in Ratanakiri Province, Cambodia and the communal land ownership alternative.

provide increased access to some, through helping exclude others from taking their land. Communal land titling could help provide comprehensive secure long-term land and forest tenure, but only if forests designated as “state lands” are allowed to be considered community land, as is the case in Laos (see below).

Japan International Cooperation Agency (JICA)—Luang Phrabang Province

JICA, in cooperation with the Ministry of Agriculture and Forestry (MAF), is piloting an innovative five-year REDD-related project in northern Laos’ Luang Phrabang Province (JICA 2010). The Participatory and Forest Management for Reduced Emissions from Deforestation and Degradation in Lao PDR (PAREDD) Project began in October 2009, but fieldwork could not begin until February 2010, and implementation only really started in February 2011. PAREDD is working in three areas where there are considerable amounts of forests but high deforestation rates: one in an approximately 1,500 ha area in Xieng Ngeun District, another in a 30,000 ha area in Phonxay District, and the third area in Phonthong District is so far undetermined. All three are populated by ethnic minorities, mainly Khmu, and Hmong to a lesser extent (Namura Takayuki,¹⁷ *pers. comm.* June 19, 2011).

The PAREDD Project plans to develop carbon credits through REDD, like the other two REDD pilot projects already discussed, but its main focus is to test a participatory REDD project model. Many details need to be worked out, and the project implementers are especially conscious of the difficulties of developing agreements and paying large numbers of people living in many villages. They are looking at ways to do this effectively without high transaction costs. PAREDD also hopes to address problems related to decreasing amounts of swidden agriculture for subsistence use in northern Laos, and the increasing use of upland areas for cash crop production (JICA 2010). They have applied the Lao government’s Participatory Land Use Planning (PLUP) process, which is supposed to provide more opportunities for local participation compared to the previous land and forest allocation process (Bourgoin and Castella 2011), which has been widely criticized (Fujita and Phanvilay 2008; Baird and Shoemaker 2007; Ducourtieux *et al.* 2005; Evrard and Goudineau 2004). However, Lestrelin *et al.* (2011) have indicated that it has not been easy to translate these new PLUP principles into concrete action, especially considering the one-Party political system in Laos, and that the participation of local people remains frequently inappropriately taken for granted.

PAREDD is being directed by a Japanese national who previously gained consider-

17) Namura Takayuki is a community forestry expert who previously worked on a community forestry project in Central Laos for the Japanese non-government organization, JVC. He is presently an expert with JICA, and is based in Laos where he is the project advisor for PAREDD.

able NGO experience working on community forestry projects in Laos for the Japanese Volunteer Center (JVC). He wants to work with villagers to develop a standard community forest project, except with a REDD pilot component. The crucial point of the project is that villagers should be supported to gain government-recognized secure long-term tenure over their forests, although the exact mechanisms for achieving that goal still need to be worked out, as well as what conditions might be applied for gaining tenure. Once secure tenure is established it is hoped that villagers can gain and control REDD credits on their own, so that they can be the main beneficiaries of REDD, a concept quite unlike the Cambodian examples already presented. The vision is to help villagers gain control of their own forests through using REDD as leverage, and thus is different than many other REDD pilot projects in the region (Namura Takayuki, *pers. comm.* June 5, 2010).

The project advisor has referred to the project as “a community forestry project pretending to be a REDD project” (Namura Takayuki, *pers. comm.* June 19, 2011). The main project objective is not to support protected area management, as with the WCS project mentioned above, or to develop REDD at the central level. Nor does JICA envision retaining the status quo of official central government control, as with Pact. The idea is to specifically provide locals with secure government-endorsed forest tenure, using REDD as leverage to achieve these benefits for local people.

Although it is so far unclear whether the project will be able to achieve its goals, its objectives are noteworthy, as the project fares well when assessed with the access to resources framework, since it intends to explicitly strengthen villager access to resources. The main question is: can the project really be effectively used to generate significantly increased tenure over land and forests for local people? It is not certain whether this will be possible within the politically restrictive context of Laos, where the government has little history of providing secure tenure or access to villagers over forest resources, especially in forests of high economic value (see Baird 2010b; 2010c; Hodgdon 2007; 2008; Anonymous 2000).

Still, PAREDD has considerable promise for securing long-term land and resource tenure for local people. However, the project only really began in 2011, and at the time of this research had not yet achieved many actual results. Also, it is unclear whether JICA, apart from the project advisor, is truly committed to this approach. Some recent moves suggest that JICA headquarters in Japan may be more inclined to desire a standard REDD project (Namura Takayuki, *pers. comm.* September 12, 2011).

Although it is unclear whether the Lao government will allow local people to become empowered in the way that project proponents are advocating, it is quite encouraging that the Lao government has recently issued its first communal land titles to villages.

These communal land titles do not only include agriculture land limited to indigenous people like in Cambodia (Baird 2011; 2013), but are fundamentally related to forest land. Crucially, they are expected to make the registration of land for REDD+ easier in the future (Chokkalingam 2011). If these same sorts of communal land titles can be secured for PAREDD, the project could fare well in terms of increasing access to local people, while helping locals exclude others from their land.

Possibilities for Using REDD for Increasing Secure Local Land and Forest Tenure

Each of the case studies presented here illustrates partial achievements and possibilities for securing local land and forest tenure through the use of REDD. None, however, can be said to have so far been successful in securing statutory access to resources for local people. Still, it is crucial to first create a vision of what would be desirable. This article strives to outline what might be possible.

The Pact Oddar Meanchey project has helped maintain access to forests for local people, and may have been preventing various threats to the forests, including the advancement of economic land concessions. Tenure to local people has, however, been partial and limited (to 15-year terms), and the central government of Cambodia is more involved in the project area than before. Gaining government support is, of course, often crucial for local empowerment processes, but still, secure long-term rights remain elusive, and there are no legal provisions for providing the largely non-indigenous population with permanent or long-term communal tenure, as there are in Laos (see below). Furthermore, the central government has a monopoly on selling carbon credits and can decide how revenues from REDD are divided up (Bradley 2011; Evans *et al.* 2012). Communities have not been empowered to make crucial decisions related to land and forests that they use. So at best, the achievements have been partial, and would appear to be tenuous and fragile, due to various factors possibly beyond the control of Pact, such as the continuation of various real threats to forests in the area, and the desire of the Cambodian government to retain substantial control in relation to selling carbon credits and dividing up the proceeds. This example is, however, useful for demonstrating some possibilities, including for potentially using REDD to leverage forest protection and obtain rights for forest users. Moreover, Pact's work with the FA, which is accustomed to asserting that forests come under its centralized control (Nathan and Boon 2012), might lead to the FA empowering local people more in the future. But is Pact pushing the FA as much as it should with regard to this matter? Do they see increasing local tenure as

the main reason for moving ahead with REDD? Pushing too hard might damage relations with the FA, thus reducing Pact's ability to influence from within, but if they do not push enough the results may ultimately be less than possible or desirable. What is optimal?

For the WCS project in Mondulhiri Province, the main usefulness of the case study is to highlight the achievement of apparently permanent government-recognized land tenure to the indigenous communities in the area through the development of communal land rights, amongst the first in Cambodia and mainland Southeast Asia more generally. This project has significantly strengthened land tenure for local people, and so represents a real possibility. The example is sadly lacking, however, as only a very limited portion of the forests used by the people have been registered as communal land, and due to government constraints, the vast majority of forests that people rely on for their livelihoods remain outside of the communal lands. Moreover, WCS appears to accept the idea that forests used by villagers over a long period of time should be considered "state land" and thus not under local control. These lands and forests have been demarcated as part of Seima protected area, a biodiversity conservation area established without serious consultations, let alone local buy-in. While WCS claims that locals will still be able to access the lands where their wood resin trees are located, as well as access other resources in the protected area, provided that the objectives of conservation are not violated (Tom Evans,¹⁸ *pers. comm.* June 4, 2011), there is no guarantee that these access rights will be respected in the future. Experiences elsewhere in Cambodia and the world would suggest that local access within central government managed protected areas are likely to be tenuous at best (see, for an example from Cambodia, Baird 2009b). Furthermore, while some benefits from REDD are expected to go to local people, as with the Oddar Meanchey project, it would appear that locals in Mondolhiri have little control over how much of the benefits they will receive, or in what form they will be delivered. It seems likely that most of the benefits will go to protected area management, which is the main objective of the project, or to the FA. Protected area management may or may not work in the interests of local people. There are possibilities for developing community forests that could increase local forest tenure, but it is so far unclear how such a system might develop in the context of the protected area. Thus, this case study is useful for suggesting possibilities related to communal land rights, but has certainly not achieved secure long-term tenure over forests for rural people.

The final case study involving JICA in Luang Phrabang Province, Laos, represents a very interesting possibility, one that could really involve providing local people with access to resources through secure long-term tenure, using REDD as leverage to achieve

18) Dr. Tom Evans works for WCS in Cambodia.

this clearly defined and articulated objective. The aims of the project advisor appear to be in line with locals obtaining secure long-term tenure as a prerequisite for developing REDD. However, can such objectives really be achieved? Will it be possible to convince the Lao government, which does not have a history of granting strong rights over forest resources to local people, to buy into the process, especially considering the one-party political system that is in place in Laos? Would they be willing to recognize indigenous land-use systems such as those that involve swidden cultivation? This is something that the Lao government has discouraged and even prohibited for decades (Baird and Shoemaker 2007; Evrard and Goudineau 2004). Is JICA really willing to back up such efforts, or are the objectives only really being supported by the Japanese advisor of the project? Will the communal forest land titles presently being issued by the Lao government really be respected in the long-term? Unfortunately, the Lao government does not have much of a track record of granting secure communal land and forest rights to local people and then sticking to those agreements. For example, in the 1990s land forest rights were given to communities as part of the Land and Forest Allocation process, but since then many of those rights have been arbitrarily revoked by officials (Ducourtieux *et al.* 2005; Hodgdon 2007; 2008). This is partially due to the weak judicial system in the country, which makes it easy for governments to withdraw rights without much resistance. Thus, the chances for achieving the desired results would appear to be limited, and considerable compromising may be necessary, but at least the vision embedded within the JICA project demonstrates a possibility, one worth careful consideration and potential emulation.

Overall, if we consider all three projects discussed in this paper, it is possible to see how REDD could be used as leverage for providing locals with forest tenure and related benefits. This is provided, of course, that people and governments have the vision and convictions to do so. Thus, this paper does not only relate to assessing REDD projects, but is also about presenting possibilities, ones that many might argue are more utopian in nature than realistically achievable within present-day political and social contexts. That may be true, and taking small steps to achieve such objectives could represent the most realistic path forward. In fact, all three projects are doing this to varying extents and in different ways. It could be realized, providing that there is sufficient vision and political will to do so at various levels. This paper will certainly not, by itself, lead to the structural or conceptual changes that would be needed to make this a reality, but it can hopefully advance the vision.

One of the problems with the present REDD system is that it is being rapidly developed in order to be "efficient," and in order to rapidly address the climate change crisis. To really establish an equitable system that gives locals secure long-term tenure, how-

ever, the ground work related to land and resource tenure, including appropriate legislative and judicial reforms, needs to be done first, and experiences worldwide would suggest that this cannot be expected to happen as easily, quickly, or as cheaply, as many advocates of REDD might hope. For example, the Cambodian Land Law was established in 2001, but it took a decade for the first villages to obtain communal land title, and it will take many more years before a large number of indigenous communities have communal land title. One of the main problems is that in order to meet the vision of REDD being linked to strong long-term land and resource tenure for villagers, there would need to be substantial reforms. While there are some positive indications of reforms occurring in Laos that would provide villages with tenure over forests, both the Lao and Cambodian governments still generally consider forests to be state property, and both the governments of Laos and Cambodia have been hesitant to give secure long-term tenure over forests to rural people in the past, or to recognize this tenure in the past. We need to recognize that at least in Laos and Cambodia, this is a crucial part of the problem with the way REDD is developing. The recent trend in both Laos and Cambodia of central governments reasserting control over forests can be linked to the trick of defining forested lands that local people have long used as being located on “state land.”

Conclusions

In this paper I have attempted to show how assessing REDD projects using an access and exclusion framework can be revealing and useful. Indeed, REDD initiatives have the potential to recentralize forest resources in particular ways in Cambodia and Laos, especially in relation to plans to market carbon credits. However, through examining the three case studies, and the particular contexts in Cambodia and Laos, it is evident that REDD has the potential, if initiated in particular ways, and with considerable government buy-in, to be used to leverage secure long-term access to resources for local people, thus helping them exclude others from taking their land. In fact, to some extent that is already occurring, albeit in very uneven and partial ways. True success is, however, only likely to be possible if tenure is elevated higher on the international agenda. There are also serious systemic concerns regarding the transparency and accountability of governance systems in Cambodia and Laos, which point to problems with government capacity to support effective decentralization, but also suggest that centralized control would likely be quite problematic as well. In any case, considering the widespread present-day interest in REDD, there are opportunities for using REDD to achieve increased resource tenure for local people, but it will not be easy, and will require focusing on tenure as a

key part of REDD, something that has generally not been adequately done with for most REDD+ initiatives.

Finally, it must also be remembered—when taking a pragmatist position like the one outlined at the beginning of the paper—that providing secure long-term tenure over resources to local people in relation to REDD projects, if done correctly, is not only likely to benefit local resource users, but also to be crucial for the success of REDD projects themselves, as the governments of Cambodia and Laos are unlikely to be able to sustain forest protection over long-periods of time without the support of rural communities, and this is only likely to be forthcoming if they gain the types of secure long-term tenure that past experiences both in Southeast Asia and globally have indicated are crucial for successful natural resource management. REDD does not exist in a vacuum, and lessons about the importance of secure long-term tenure and access to resources are as relevant when it comes to REDD as with other types of land-use management programs.

Accepted: June 10, 2014

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Vietnam: State, War, and Revolution (1945–1946)

DAVID G. MARR

Berkeley: University of California Press, 2013, xix+721p.

David Marr's scholarship, which has spanned almost half a century, has had a great influence upon the direction of Vietnamese studies. We are all in his debt for showing what can be done by careful archival research and for making his findings accessible to people interested in Vietnam. His books have become the foundation of scholarship on modern Vietnamese history in the English language and have had a great influence upon work published in all other languages as well, including Vietnamese. Whatever the criticisms that might be made of his work, including mine in this review, they take nothing away from his monumental achievement in bringing historical knowledge about the modern Vietnamese into readable books.

Marr's first monograph, *Vietnamese Anticolonialism, 1885–1925* (1971) was written in wartime with an agenda of asserting a theme of heroic, albeit unsuccessful, Vietnamese resistance to French colonialism in the late nineteenth and early twentieth centuries to explain why US policy was doomed, thus providing a scholarly blessing to the anti-war viewpoint of that time; it was suffused with an approbation of a certain kind of nationalism as a legitimizing historical force, which was a dominant academic perspective in the 1960s and 1970s. As Marr states in his Preface (p. xv), his "fundamental assumption . . . is that one cannot understand resistance efforts in Vietnam in more recent times without going back at least to 1885." The concept of "resistance" is important in all of Marr's books, which to him means resistance to the non-revolutionary mainstream of Vietnamese nationalism.

Marr's second book, *Vietnamese Tradition on Trial, 1920–1945* (1981), revealed the lively intellectual life of educated Vietnamese during the late French colonial period. It provided inspiration for a generation of young scholars of modern Vietnamese history that came of age in the late 1980s and early 1990s, and it has proven to be the most influential of Marr's books.

In his last two books, Marr has focused on what he sees as the centerpiece of modern Vietnamese history, the August Revolution of 1945. In *Vietnam 1945* (1995) he takes readers through the events leading up to the August Revolution and the declaration of independence announced in

Hanoi on September 2, 1945. *Vietnam: State, War, and Revolution (1945–1946)*, according to Marr in his Preface (p. xv), “focuses on events of the next sixteen months, when Vietnam’s future course was largely determined.” This statement comes immediately after Marr notes the difference between the August Revolution in Hanoi and in Saigon: “one orderly, one anarchic, [which] showed how the popular upheavals of August could propel Vietnam in starkly different directions.” Here we find an implicit contradiction between north and south going in “starkly different directions” while there is but one “future course” that was “largely determined” for “Vietnam”; the implication is that the south had fallen out of the logic governing Vietnamese history.

The strength of this book is the depth of detail with which it describes how state and party structures were built from the enthusiasm of the August Revolution in northern Vietnam during 1945 and 1946. However, Marr presents this structure as the predetermined “future course” of “Vietnam.” He has no discernible interest in the many Vietnamese who did not agree with this future course and were prepared to resist it, for they, from Marr’s perspective, did not represent “Vietnam,” being dupes, wittingly or not, of foreign powers.

Marr’s hardening of focus from “Vietnamese” in his first two books to “Vietnam” in his last two books suggests a bias in legitimizing a particular scheme of state formation. I do not mean to imply that there is anything objectionable about this, but it cannot but be obvious that the general direction of this interpretive strategy is to scrape away a large number of Vietnamese from the bailiwick of “Vietnam,” or, at least, to render them into some kind of lesser category of membership in the thing called “Vietnam.”

Marr appears to address this issue on the last page of his Epilogue, where he wrote;

From the point of view of many Vietnamese, the pro-American Republic of Vietnam was the insurgent threat, not the DRV or the National Front for the Liberation of South Vietnam. No CIA-initiated program, be it “civic action,” “census grievance,” “counterterror,” or “political action,” managed to overcome this liability. Washington then escalated to search-and-destroy operations, forced urbanization, and bombing the north, greatly increasing the human toll but not reversing the underlying political dynamics. (p. 578)

In this thumb-nail narrative of the 1960s, Marr’s “many Vietnamese” represent “the underlying political dynamics” that no amount of CIA and Washington policies could overcome, putting us back into the framework of Marr’s first book. Marr is not interested in the “many Vietnamese” who resisted the vision that the DRV (Democratic Republic of Vietnam)/National Front for the Liberation of South Vietnam had for the future of their country; he denies them any legitimate right to have a voice about how to organize the state. For Marr, any Vietnamese who oppose his “many Vietnamese” are simply an “insurgent threat” to his “Vietnam”; they are “pro-American” in a sense that Marr neglects to compare with the pro-Soviet or pro-PRC “many Vietnamese” of his “Vietnam.” He denies his “pro-American” non-many Vietnamese any agency, attributing his scare quoted phrases to foreign meddlers. At most, this is an exuberant view of “underlying political

dynamics” in a determinist version of history. At least, this is a one-sided, exclusionary view of the Vietnamese.

The degree to which this book is based on archival materials is remarkable and praiseworthy, which for some may also be a limitation in the sense that it tends to read like a transcription of research notes. Aside from scattered comments, there is little analytical development, nor is there a chronological narrative enabling a sense of the actual flow and logic of events as they happened; what we have is a topical organization of archival debris that has survived from events, along with an implication that this allows us to see how a structure of state authority was built in the wake of a revolution.

Many passages are a survey of archival materials on a particular topic. For example, the section entitled “Importing Marxism-Leninism” (pp. 490–492) provides no explanation of the significance of the topic and ends abruptly with a non sequitur. This is typical of many sections in the book. Other passages are a miscellaneous accumulation of bits and pieces of information gleaned from the archives. It is a pleasure for people like myself to savor these details, but for students or general readers who lack a mental context for appreciating the author’s prowess as an archivist it may come across as a jumble.

A strength of this format, as others have noted, is that it suggests a contingency of events beyond the guidance or control of the communist leadership, which goes against the grain of a previous widespread assumption, nurtured by ICP (Indochinese Communist Party) historians, that the August Revolution and its sequel was the result of an almost omniscient, omnipresent, and omnipotent group of men led by Ho Chi Minh. Yet, one aspect of the book is the degree to which Marr appears to buy into Ho Chi Minh’s cult of “Uncle Ho.”

On page 265, Marr says “Ho’s subsequent actions” following his return from France in October 1946 “suggest that he retained a multilateral view of the world until 1949.” Earlier in the same paragraph Marr says that any retention of a multilateral view of the world was purely tactical. The “subsequent actions” are not cited or explained. Mention of the year 1949 implies that once the Chinese communists arrived on the Vietnamese border it was they who set the agenda of the Vietnamese revolution and forced Ho Chi Minh out of his “multilateral view.”

Similarly, on page 453, Marr mentions “certain operational advantages” in dissolving the ICP, then follows this up with: “Beyond that, I doubt that Ho wanted an ICP dictatorship anytime soon.” Marr’s doubt about what Ho may or may not have wanted “any time soon” is obscure if not naïve.

This solicitous care for nurturing a benevolent image for Uncle Ho is extended to the ICP leadership more generally on page 497, describing a time in late 1946: “The most senior members of the ICP did not believe in proletarian dictatorship for Vietnam any time soon.” The twice-repeated “any time soon” formula lacks clarity.

On the next page (p. 498), Marr goes even further to say “Before 1945, the ICP might be compared with the very early Christian church, constantly under threat, necessarily clandestine.”

This remarkable “might be” comparison reveals a neglect of the ICP’s international connections and both actual and potential sources of external support, something unavailable to “the very early Christian church.” Where Marr is going with his comparison, his suggestion, his doubt, his any-time-soon becomes apparent at the end of the paragraph: “Along the way, Truong Chinh became a separate pole of power from President Ho Chi Minh” (p. 498). What this actually means is vague, but it strongly implies that Truong Chinh was as much or more in the driver’s seat of the state as was Ho Chi Minh and thus shared or even bore most responsibility for unsavory aspects of the Vietnamese revolutionary path. The idea of Truong Chinh being the scapegoat taking away any possible sins that might accrue to Uncle Ho is not new, but it has yet to be proven and Marr provides no evidence for it, being content to simply say that it is something that happened “along the way.” Without evidence it can be no more than an effort to keep a clean slate for Uncle Ho.

On page 533, Marr makes an important and revealing statement in reference to DRV calculations of literacy instruction in 1946: “This sort of pseudo-scientific precision with big numbers became common in the DRV, sometimes making it impossible for decision makers to distinguish wish from reality.” Here, the archivist’s suspicion of big precise numbers opens a small ray of light upon dissonance between the wishes of his many Vietnamese and the reality they inhabited. Yet, the vague plural expression “decision makers,” given the context of the book, allows Marr to spread responsibility for the unrealistic policies, the murders, and the acts of injustice committed by revolutionaries, to all levels of decision-making, down to the local self-appointed operatives who were out of the ICP’s control. Marr does not shy away from the bloody-mindedness of many who followed the revolution, but he implies that it still represented a more legitimate “Vietnam” than any other that he can imagine.

Nevertheless, this is a good book, full of information to delight specialists of modern Vietnamese history. Marr’s work during the past half-century has transformed the study of Vietnamese history, showing that the Vietnamese have participated in the modern world with the full force of their aspirations for betterment. His years spent in the archives have not been in vain. His books are a great benefit for other scholars, and this book brings us into the details of government activity in the DRV during 1945 and 1946 as no other scholar has been able to do.

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Sinophone Malaysian Literature: Not Made in China

ALISON M. GROPPE

Amherst: Cambria Press, 2013, x+325p.

Studies of the Chinese overseas have devoted substantial attention to Southeast Asia owing to deep historical connections forged by the overwhelming majority of Chinese migrants to the region. While historical and ethnographic approaches are common modes of inquiries, analyses of literary writings are seldom featured in the relevant scholarship (Liu 2006). From the perspective of modern Chinese literary studies in the English language academe, however, it is Southeast Asia that is an unfamiliar parameter of research. With recent calls by scholars to pay greater attention to “expressive documents” about Chinese migration in order to probe the Chineseness of displaced memories and desires, or to advocate a strategic focus on creative writings for exploring ambivalent Chinese sentiments in different world regions, the two fields have been set up for a productive dialogue and are currently experiencing exciting transformations (Wang 2007; Shih 2013).

Participating in the ongoing paradigm shift toward a global conception of Chinese literature and culture, Alison M. Groppé’s well-researched *Sinophone Malaysian Literature: Not Made in China* offers an excellent overview not only of salient works from a fascinating corpus that has thus far eluded English-language scholarship, but also of the lineage of approaches critical for grasping the larger ramifications arising from its anomalous status as “sectional literature” in Malaysia, where only literary works written in the national language of Malay are recognized as “national literature” (pp. 2, 282). The book leverages Malaysia for its unique insights about the adaptive experiences of China-origin people who account for a minority yet politically significant community residing outside the mainland Chinese state, Hong Kong, Macau, and Taiwan. Broadly speaking, Groppé explores the question of what it means “to be of Chinese descent and to be Chinese-speaking outside of China” (p. 25) primarily through examining modes of literary representations Malaysian-born writers employ to negotiate and express their layered ethnic and national identities in postcolonial Malaysia. In its focus on Malaysia as a vibrant location beyond China’s geopolitical borders that has nurtured an active contingent of innovative writers, the monograph joins E. K. Tan’s *Rethinking Chineseness: Translational Sinophone Identities in the Nanyang Literary World* (also published by Cambria Press in 2013) in ushering Southeast Asia into the horizon of modern Chinese literary studies (p. 283).

Chapter 1 maps the critical concepts that undergird Groppé’s ensuing interpretation of the complicated and multifarious relationships across the locales of China, Taiwan, and Malaysia that a compelling repertoire of Chinese-language narratives contemplates. Of crucial utility to Groppé is the notion of the Sinophone as “a network of places of cultural production” which, in her discourse, follows the coinage and explication by Shu-mei Shih (2013) who foregrounds its non-China and Sinitic traits. Groppé points out how Mandarin functions as the medium of Chinese education

and mass media for most of the twentieth century in Malaysia, where it co-exists with other Sinitic topolects including Hokkien, Cantonese, Teochew, Hakka, and Hainanese that arrived in tandem with Chinese migrants from China's southern provinces. At the same time that Sinophone Malaysian literature (hereafter SML) gives prominence to both the geographical origin of the writers and the linguistic medium of their works (pp. 5, 9–15), the book also draws upon the ideas of other interlocutors, such as Salman Rushdie, James Clifford, and Chow Tse-Tsung, to suggest an eclectic identification process evinced by migrant writers. Inspired also by Stuart Hall's processual perspective on identity, Groppe ultimately stakes her overarching claim that Sinophone Malaysian fiction should be valued for its ability to represent a distinctive "process of becoming rather than being" in the authorial subjects' self-reflexive search for suitable Chinese cultural identities (p. 22) enmeshed with local histories.

Chapter 2 surveys the cultural politics affecting the Malaysian field of Chinese literary production. Groppe contends, vis-a-vis literature written in creolized Baba Malay, English, and classical Chinese, that the self-conscious mediation of Chinese identities is more evident in the body of work initiated by the use of vernacular Chinese incubated by local newspaper supplements and Chinese language education for creative writings in early twentieth century (p. 29). By synthesizing critical ideas distilled from the scholarship of Fang Xiu, Tee Kim Tong, and Sharon Carstens, among others, she skillfully interweaves political milestones and literary development in British Malaya and postcolonial Malaysia to depict the broader challenges the Chinese community faces in advocating its ethnic cultural identification as a legitimate part of the hitherto Malay-centric national culture. Readers will become acquainted with literary polemics pertaining to issues about distinctive aesthetics, appropriation of traditional cultural symbols, canonization etc. that collectively refract an anxiety over the local creation of an autonomous subjectivity for SML. In this regard, as well as in light of her overall thrust to avoid privileging any particular genealogical bonds with Malaysia in the realm of Chinese cultural production, Groppe appears more sympathetic toward local efforts in the Southeast Asian state when she stresses that SML written and published in Taiwan "should not be taken as representing the whole or even necessarily the best of Sinophone Malaysian literature's past, present and future" (p. 52), despite its significant and conspicuous accomplishment in achieving literary distinction beyond the Malaysian shores.

Chapter 3 delves into the complex imbrication of language, place, and identity. Groppe relates the central predicament of authors to "the challenges of crafting their literary language in the northern-based topolect of Mandarin while writing of and within the Sinophone Southeast Asian (Nanyang) environment" (p. 58), a milieu that uses a variety of Sinitic topolects from southern China in everyday life. She parses the problematic through the discourse of the contemporary critic and writer Ng Kim Chew, focusing in particular his distinction between *zhongwen* and *huawen*—discrepant terms for the Chinese written language—that allows him to argue for two types of literary language, indicative of a China/Mandarin-oriented and a local Malaysian Chinese

cultural identification respectively. Following Ng's analytic, Groppe traces the historical contours of different formulations through which Sinophone Malayan and Malaysian authors have endeavored to foster a distinct literary voice through "a strategy of language differentiation" (p. 60) that bears out different shades of Chinese cultural identity. Whereas the earlier writers and critics were inclined to view literary language as a tool for accurate sociolinguistic representation, Ng, who is equipped with wider exposure to modernist models from China and Taiwan, is committed to harnessing topolectal colloquialism for innovation in literary aesthetics and reflections on marginality (p. 90). As Groppe astutely points out, despite great disparities in attitudinal and practical orientation, both sides sought the same recourse to spoken language as the favored cultural resource for fashioning a unique literary language for SML (pp. 72–73, 79–80, 86, 96). The final part of the chapter instantiates Stuart Hall's sustained influence on Groppe's argument, when she maintains the relevance of the notion of "minor literature" coined by Gilles Deleuze and Félix Guattari, in light of Ronald Bogue's characterization of it as a creative process and manner of literary writing rather than a niche typology of literary output.

The remaining chapters feature a series of author and thematic studies. It is to Groppe's credit that she has incorporated into her discussion figures such as Li Tianbao (Chapter 5) and Li Zishu (Chapter 7) whose creative orientations differ from that of a select group of Sinophone Malaysian writers who have been recruited thus far to illustrate the theoretical underpinnings of Sinophone studies centered on a critique of Sinocentrism. The pioneering nature of the monograph necessitates that these chapters must furnish substantial introductions to local sociopolitical circumstances, writers' personal trajectories, and plot synopses. Extending an approach from the previous chapter, Groppe continues to couple SML with critical concepts to accentuate its situated nature in the making of modern Chinese cultural identities in a globalizing world. In Chapter 4, Linda Hutcheon's "postmodern parody" is appropriated to read Ng Kim Chew's satirical tales, unified by a trope of quest revolving around a missing eminent author from China, the fascinating plots of which intimate the difficult cultivation of literary autonomy for Sinophone Malaysia due to the enduring influence of mainland Chinese writing traditions. Expanding the historical purview of Chua Beng Huat's formulation regarding "pop culture China," Chapter 5 pairs the author Li Tianbao with the Sarawak-born director Tsai Ming-liang to contend that, by referencing music and films from Shanghai, Hong Kong, and Taiwan from the earlier decades of the twentieth century, the aesthetic design of their works testifies to the well-established traffic of imagination, production, and consumption of Sinophone cultural products, as well as demonstrates the range of Malaysia's discursive and sentimental affiliations to multiple nodes in a network driven by an economy of popular culture. In Chapter 6, Svetlana Boym's notion of "reflective nostalgia" that underscores a critical self-reflexive element in the enactment of individual memories offers Groppe a conceptual launch pad for interpreting Li Yongping's narrative recollections about his hometown in Kuching. The autobiographical effect, the trope of displaced wandering in urban Taipei, where the protago-

nist shares his remembrances about Borneo through conversation, essentially becomes in Li's work, a coded style of introspection that negotiates the vexatious issues of home and diaspora, self-identity, and ethnic cultural identification. As Groppe rightly elucidates, Li's diasporic identity formation carries other anti-hegemonic valences evolved within a colonial setting that are belied by his Sinophilic image (pp. 203, 206). Public memory becomes the more encompassing rubric in Chapter 7 that covers works by Ng Kim Chew, Li Yongping, Zhang Guixing, and Li Zishu. Groppe treats their fictional writings that reflect upon the Malayan communist insurrections from late 1940s to 1960s as emblematic artifacts of what John Bodnar has termed "vernacular culture," a folk configuration of diversity committed to expressing the affective dimension of social realities as experienced by ordinary individuals, in contradistinction to the normative slant of official articulations (pp. 235–236).

While the monograph predominantly addresses fictional works read in the light of Sinophone theory, the conclusion briefly reverses the interpretive method by exploring how Sinophone Malaysian literary production can problematize the concerns of the Sinophone. Departing from existing deployments of the Sinophone concept that either includes or excludes China, Groppe reiterates the unique role Malaysia can play in reminding Sinophone theory to stay flexible, open-minded, and sensitive to the nuances of difference present in local history and literary arts arising from connectivity on multiple scales (pp. 280–281, 287–288). What deserves even greater appreciation is how she thoughtfully references "Why Sinophone Malaysian Literature?"—the profoundly influential 1993 essay by Lim Kien Ket, an important critical voice that has been conspicuously elided from the current spotlight on Malaysian Chinese literary production in English language scholarship. Responding to the query in the title of Lim's essay, she puts forth the value of studying SML's "transnational, traveling and even translingual" profile, as well as suggests its heuristic value for theorizing cultural relations between mainland China, Taiwan, and Southeast Asia (pp. 282–283).

Overall, with its comprehensive coverage, focused treatment, and lucid exposition, *Sinophone Malaysian Literature* marks a key reference volume in the English language on the topic. Not only does it succeed in pluralizing the scholarship on the Chinese overseas and modern Chinese literature, it also urges deeper dialogue with other fields of knowledge such as human geography and Southeast Asian Studies. It could be productive, for instance, to bring in Li Yongping's professed ambivalence over the classification of his works as "Sinophone Malaysian literature" (Chen and Mayer 1998), given that he grew up in colonial Sarawak and left North Borneo for Taiwan very soon after the colony joined the new political formation of Malaysia. Whether it is the geopolitical "Malaysia" denoting a national space of interpellation or Borneo as a native landscape for embodied dwelling that carries greater import for Li in his reconciliatory effort with his own ambiguous Chinese identity becomes a question that Groppe subtly broaches and invites deeper reflection (pp. 249, 278n5). In addition, Tee Kim Tong's thesis about "interference" from China's New Literature movement in early twentieth century (pp. 28, 285) and Groppe's delineation of the writers'

conscious strategy of “linguistic adaptation” (p. 72) to suture spoken and literary language both suggest an underlying Sinophone ecology in situ. Echoing the long-standing interest in the construction of historical agency through processes such as “domestication” and “vernacularization” in Southeast Asian historiography (Reynolds 1995), such perspectives that assert local will and inventiveness when engaging foreign elements shore up peripheral avenues of research which now seem well worth pursuing. What are the other linguistic and literary modalities of artistic agency in Malaya/Malaysia over the past two centuries? How should one re-evaluate the historical conditions of co-existing or competing artistic practices bound to discrepant ideas and feelings of being Chinese? It is worthwhile to note that history and literature might view the discursive trope of “localization” through different optics, perceiving the process as either one of absorption of foreign influence, or one engaged in adaptation to new cultural contexts. Inquiries into overlapping or abutting configurations of Baba Malay literature, classical Chinese literature, and Anglophone literature that are regrettably less developed in Groppe’s discourse, then, hold great potential in developing a thicker biography of how the Sinophone comes to perform the local and becomes entangled with cultural modernity in the region. These issues notwithstanding, her laudable book-length study has laid a solid foundation upon which scholars can investigate further to yield fresher insights about the uneasy making of modern Sinophone Southeast Asian subjects and their hybrid cultural identities.

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A Heritage of Ruins: The Ancient Sites of Southeast Asia and Their Conservation

WILLIAM CHAPMAN

Honolulu: University of Hawai'i Press, 2013, 340p.

With this well presented book, William Chapman has provided a fascinating overview of the iconic heritage sites of Southeast Asia. It is, as the introduction and acknowledgments indicate, the outcome of the author's many years of thorough research, and of reflection, conversations, practice, and accumulated knowledge in the field. The locations Chapman discusses will be familiar to all who have traveled or read the history of Southeast Asia, but perhaps few will have visited all of them. This makes the book, apart from anything else, a significant overview of these sites. But in the first place this is a book on the history of heritage practice.

Ruins have long been the iconic markers of antiquity, empire, and nationhood since the nineteenth century, and through scholarly and popular literature, textbooks and nationalist propaganda, tourism and documentaries, the "ruins of Southeast Asia" featured in this book have become recognized globally as significant heritage sites. As the reader would expect then, represented here are the temple complexes of Prambanan and Borobudur in Indonesia, Angkor Wat in Cambodia, Sukhothai, Ayutthaya, and Khorat Plateau temples in Thailand, My Son in Vietnam, Vat Phu in Laos, Pagan in Burma, and Lembah Bujang in Malaysia. Other sites, notably the Prasat Preah Vihear temple complex, currently the center of conflicting claims by Thailand and Cambodia, are discussed in passing. The main purpose of *A Heritage of Ruins*, aside from presenting an account of their origins is, as the subtitle indicates, to review how they have been conserved since their discovery as "ruins," to become essential elements in national and world heritage.

In five substantive chapters, the book provides a "history of heritage practice" for each of these ancient sites. The reader is thus invited to compare different colonial conservation practices and their legacy for post-colonial nations, as well as to compare contemporary heritage practices and the uses of heritage under different political regimes. When it comes to the present, Chapman shows how the safeguarding of these "ruins" has become a focus of international interest, cooperation, and of increasingly uniform practices.

The title of this finely produced book will catch the eye of many readers, and will no doubt also raise some questions. As Chapman indicates, in the nineteenth century "ruins" came to form a central theme in the nostalgic remembrance of things past. Ruins had long formed the imaginary of artists and poets, particularly in the British tradition, and with increased travel, they became the destination for new generations of well-heeled tourists, firstly within Europe but increasingly also in Europe's empires abroad. Here they played a role in bolstering the justification for European imperialism, as representing literally the ruins of the past empires of Asia now superseded by superior modern European ones. Yet, as Chapman's account shows, the colonial conservation

practices that developed in the course of the nineteenth century safeguarded, and in some cases salvaged, these Southeast Asian ruins as national monuments for future post-colonial nations. As Chapman's succinct overview of the histories of each of these sites demonstrates, many of today's conservation practices and the "meanings" given to heritage have emerged from these past practices. For post-World War II modern nations of Southeast Asia, these ancient sites, whose presence has over the course of the previous century become firmly established in the Western imagination, provided immediate and imposing, internationally recognizable symbols of nationhood.

While necessarily concise, the histories Chapman provides in five country-focused chapters present an invaluable overview for understanding the background of heritage practice in Southeast Asia that will be useful to students of heritage and equally informative for the diligent traveler and the interested general reader. For most readers, the current state of heritage practice which forms the final section of each chapter will be of particular interest. Building on these individual accounts, the book's two concluding chapters offer a broader discussion of the state of heritage in Southeast Asia today, as this pertains not only to the particular sites in question, but briefly in a final chapter, also with regard to heritage practice in general.

In the penultimate chapter, Chapman provides brief insightful commentaries on a range of practical issues that arise from contemporary practices and circumstances related to these well-visited sites. Emphasizing the interconnection between heritage and tourism, a perspective that permeates the whole volume, Chapman points to the tension between local and foreign tourism in their "use" of these heritage sites, and between the historical value of the sites and the growing dependence upon them as income-earning enterprises. This tends to point to conflicting messages for heritage practitioners. While on the one hand, Chapman appears to concur with the suggestion that site managers "have to fight for market share" of the tourist dollar by bringing "fresh attractions to their venues" (p. 230), elsewhere he argues strongly that the historical "spiritual links" adhering to these must be safeguarded. These links often reach back to older traditions that defy contemporary religious boundaries, political ideologies, and modern preoccupations. Underlying this discussion is the potential conflict between the interests of different stakeholders to which the future of these sites are beholden.

In a final brief chapter Chapman in a sense brings the narrative of this book full circle. These ancient ruins, once plucked from obscurity by imperial endeavor to become the focus of international tourism and scientific research, now need to be seen as "part of a shared past," as important elements of a global heritage whose on-going conservation concerns us all.

This is a useful book in many respects. While full of history, each chapter follows a consistent, forward framework. For the uninitiated in heritage questions, the book requires little technical pre-knowledge yet introduces the reader to real and contemporary questions facing site managers and heritage practitioners, national governments and world bodies. With its rich history and thought provoking discussion, these issues should also concern the conscientious traveler when

he or she next visits one of these awe-inspiring edifices of human civilization.

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Diversifying Retail and Distribution in Thailand

ENDO GEN

Chiang Mai: Silkworm Books, 2013, xii+275p.

Once again, Thai studies need a determined Japanese researcher to unearth the puzzling research areas that are plagued by limited data, poor statistics, and mistaken presumptions. A comprehensive account of the retail and wholesale industry has been rare, despite this industry being Thailand's second largest sector by constituent ratio of GDP and employment.

This book by Endo Gen provides a thorough understanding of Thailand's retail, wholesale, and distribution systems. It gives a historical background of the business with a focus on the dynamics since the 1990s—the period that has unleashed the “modern trade,” such as cash-and-carry, hypermarkets, supermarkets, and convenience stores, throughout the country.

Chapters 1 and 2 present the historical background and characteristics of Thai retailing, which, until the 1980s, had been overwhelmed by small-scale grocery stores (*cho huai*) or the so-called shophouse, a one-story shop with a dwelling over the top. While there is no strong argument within these two chapters, I find them insightful for those who want to understand the evolution of the sector. In addition to the general structure, the author traces today's major players, such as the Central Group and Saha Pat, back to their origins. Competition and coordination among them are addressed and put into contextual settings extremely well. The investment and consumption booms of the late 1980s led to the advent of new retail formats and fiercer competition. The succeeding chapters develop the arguments of the book, capturing the contemporary structure and situation of the industry.

Chapter 3 discusses the 1997 financial crisis and the massive influx of new retail formats introduced by multinational companies. The author conceptualizes post-1980s Thailand's consumer market as a “mosaic structure” that possesses significant disparities among geographical areas and income strata. He then argues that this mosaic structure is the main explanation for why retail and distribution firms in Thailand must adopt diversification strategies (pp. 38–46) and why Bangkok-based and provincial department stores “competed to open new stores in provincial cities, which led to excessive competition” (p. 63).

Chapter 4 poses an important question: Have new retail formats really heralded a distribution revolution? As the 1997 financial crisis created the opportunities for new, foreign-led retailers,

particularly hypermarkets which sell daily foods and necessities at lower prices, the change in the retail and distribution sector looks so immense that most observers would call it a “revolution.” Nonetheless, Endo argues that the revolution has yet to come. Things have been changed, for sure. From a long and complicated chain of distribution networks, the modern retail formats now deal directly with manufacturers, with an increased relative bargaining power of the former. The distribution and logistics systems have been improved, have greater efficiency, and are equipped with better information technology. Commercial practices, such as the payment systems, have been considerably modified, too.

Yet, given all the above changes, the author argues that we should not call it a revolution, for a number of reasons (pp. 128–129). To begin with, the biggest players in the market, that is, hypermarkets and cash-and-carry stores, have achieved growth mainly from expanding their number of stores. However, doing so is becoming increasingly difficult over time. The active expansion into provinces via smaller-size stores of these modern retailers has caused managerial problems in their logistics management. Another modern retail format, the supermarket, has also struggled to develop its own unique competitive advantage and has suffered managerial problems, low profitability, and high operating costs. Likewise, convenience stores have not succeeded in establishing themselves as an important retail format and have had no significant impact on the distribution system, as initially expected.

The book’s most profound findings are presented in Chapter 5. Among mass media and policymakers in Thailand, the conventional focus of the industry after 1997 has always been the struggle of traditional mom-and-pop stores vis-à-vis multinational retailers. In certain provinces, local retailers staged protests by provoking nationalist sentiment against the entry of multinationals. But Thai retailing has never been that simplistic and dichotomous, and the adaptive skills of local entrepreneurs should not be underestimated. Furthermore, from the demand side, previous analyses typically looked into the middle classes but overlooked the lower-income consumers, who in fact own the lion’s share of retail consumptions.

As Endo points out, the crisis has not bypassed wholesalers. Instead, it is provincial wholesalers who have emerged as critical players in the game after the dust settled. Amid the penetration of the multinationals, most traditional wholesalers (*yi pua*) in the provinces have adapted themselves sufficiently to maintain a firm grip on today’s retail and distribution system. In their respective provinces, the leading wholesalers “have converted their operations into new formats by implementing certain aspects of new retail formats’ management systems,” and therefore become what the author calls a “provincial-city-based, retail-cum-wholesale company” (p. 163). Such an adaptation also has a positive impact on the mom-and-pop stores by giving them “more channels to buy goods, which could make it easier to start a new business” (p. 137). As a result, the author makes a strong claim that we should not overstate the effects of modern trade on traditional stores: “While many stores did close down, enough stores opened to largely offset the loss.

Thus, it seems that the impact of new retail formats varies” (p. 137). To support this claim, Endo digs deeper into the stories and generational change of provincial wholesalers such as Tang Ngee Soon in Udon Thani, Yongsanguan in Ubon Ratchathani, and Ekkaphap in Saraburi.

There are three comments I would make about this book. First, in general, Japan seems to be the point of reference throughout the book, but such a comparison unfolds in fits and starts. The insights and lessons from a comparative perspective could have been more illuminating if the author had made the comparison in a more constructive manner. Second, the question about whether Thailand has undergone a “distribution revolution” is a moot point. And I would think that the author refutes this hypothesis mainly because he contrasts it with the Japanese case. Given the changes the author mentioned (the direct deal between retailers and manufacturers, improved distribution and logistics systems, altered commercial practices, the hybrid format of wholesale-cum-retail stores), it could be counted as a revolution, especially by Thai standards and in comparison with what the sector looked like before (as depicted in Chapters 1 and 2). Meanwhile, the reasons the author raised to reject the revolution hypothesis (pp. 128–129) are, in essence, inefficiency at firm level, rather than the big picture of the sector. Dramatic changes have already been grounded in Thai retailing, yet the direction in which it has headed differs from the Japanese experience.

My final comment is about the provincial wholesalers. As the book elaborates, the provincial wholesalers have survived and flourished because they adopted certain features of modern trade, as well as managed to attain low-cost operations. This is true. But I would like to add cultural and geographical aspects to the issue. From my previous research (Veerayooth 2008), local retailers and wholesalers usually stay afloat because they know local people very well. To compete with megastores, either Bangkok-based or foreign, comparable prices are necessary, but not sufficient. The promotions and special campaigns have to be tailored to local custom. For example, they know what specific items should be sold as a package deal, and who are the folk singers they should invite, on the Buddhist Lent Day in their areas. Geography also helps. Many wholesalers, especially those located near the borderlines, are able to buy consumer goods from manufacturers in bulk, not to sell solely to Thai consumers, but to re-sell to the middlemen coming from neighboring countries. Big manufacturers acknowledge, and sometimes even encourage, this demeanor, even if it goes against their code of conduct, in order to boost their own monthly sales.

All in all, the key strengths of the book lie in the detailed survey and discerning analyses. The author has placed strenuous efforts into collecting and processing data from various sources, including the commemorative books from the funerals of business persons. This book is the product of industrious and committed research, with an inductive method of discovery that generates fresh findings and unconventional wisdom. The actual structure and situation of the industry has been uncovered as the author promises. It fills a significant gap in the field and will definitely be required reading for anyone interested in Thailand’s retail and distribution.

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Reference

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State and Uncivil Society in Thailand at the Temple of Preah Vihear

PUANGTHONG R. PAWAKAPAN

Singapore: Institute of Southeast Asian Studies, 2013, xiv+125p.; bibliography, index.

Preah Vihear: A Guide to the Thai-Cambodian Conflict and Its Solutions

CHARNVIT KASETSIRI, POU SOTHIRAK, and PAVIN CHACHAVALPONGPUN

Bangkok: White Lotus, 2013, xiv+104p.; bibliography, no index.

In recent years, instead of being a place for peace, meditation, contemplation, and prayer, the ancient Khmer temple of Prasat Preah Vihear (Phra Wihan to the Thai) has become an object of political dispute and even military clashes between two ASEAN members: Thailand and Cambodia. The two short books under review are a welcome addition to the growing corpus of literature on the temple dispute which arose after the controversial decision by UNESCO in July 2008 to inscribe Preah Vihear on its World Heritage list. The author of the first volume, Puangthong R. Pawakapan, is Associate Professor in the International Relations Department of Chulalongkorn University's Faculty of Political Science and best qualified to write on this subject as she has in the past conducted extensive research on Thai-Cambodian relations.¹⁾ The main purpose of this well-written booklet, however, is not only to provide a comprehensive overview of the historical background of the conflict, but also to analyze the actions, strategy, and objectives of the campaign of Thailand's People's Alliance for Democracy's (PAD) to exploit the border conflict for its own anti-Thaksin agenda.

The PAD, also known as the Yellow Shirt movement, is seen in *State and Uncivil Society in Thailand* as the stakeholder mainly responsible for sowing the seeds of hatred between Thais and Cambodians and derailing the successful economic and political cooperation between the two countries between 2000–08. The PAD is portrayed as an ultra-nationalist social movement supported by various civic groups and institutions, mainly in the Thai capital Bangkok. In the first of four

1) See, for example, Puangthong (1995).

chapters the author tries to conceptualize the term “uncivil society” as an appropriate characterization of movements such as the PAD whose behavior and ideology run contrary to democratic principles. Puangthong argues that “the exclusion of certain organisations from the definition of civil society is theoretically untenable because all social movements and organisations, even the Ku Klux Klan, claim that their actions are right and legitimate” (p. 9). It is also a matter of fact that the same “civil movement” might be considered a progressive force when fighting communist regimes or other authoritarian dictatorships and viewed as reactionary when opposing a democratically elected government, “even though its confrontational tactics may have been the same all along” (p. 9). The author tries to overcome this contradiction by defining “uncivil society” as a sub-set of “civil society.” This argument is not fully convincing as even electoral democracies with a strong civil society are by no means immune to nationalism and may be pressured by public opinion in their respective countries to stage wars against neighboring states. As European history in the nineteenth and twentieth century amply demonstrates, liberal-civic democracies sometimes seem to be less inclined to preserve peace than certain autocratic regimes which appear to be more determined to keep chauvinistic masses at bay.

The chapter entitled “The Post-Cold War Regional Integration” is based on the premise that after the end of Cambodian conflict (Third Indochina War) in 1991, it was economic cooperation and exchange that fostered improved relations between Thailand and her Indochinese neighbors, including Cambodia. The author persuasively argues that Cambodia became an important market and investment area for the Thai economy. The cross-border trade between the two countries grew impressively between 1992 to 2008, with exports from Thailand exceeding imports from Cambodia by a factor of 10. However, it would be a misconception to believe that Cambodia was an economically much weaker neighbor, one remaining largely dependent on the cooperation and assistance of Thailand. In fact, any disruption of trade between Thailand and Cambodia would harm both sides. The anti-Thai riots in Phnom Penh in January 2003, during which the Thai embassy was attacked and destroyed, were thus interpreted as a strong signal that Thai-Cambodian relations still lacked mutual trust and understanding. The burning of the Thai embassy provoked by an inaccurate newspaper report that a famous Thai actress claimed Thai ownership over Angkor was a very serious incident. It highlighted the dark side of Cambodian ultra-nationalism grounded in an inferiority complex of the Khmer vis-à-vis their more powerful Thai and Vietnamese neighbors. Many Khmer feel deeply ashamed by this chauvinistic outburst and were caught by surprise at how quickly the Thai government restored political and economic relations with Cambodia.

The anti-Thai riots of early 2003 did indeed not have a lasting effect on Thai-Cambodian relations as Phnom Penh and Bangkok had embarked on cooperation in many fields, including the Preah Vihear temple issue as Puangthong argues in the third chapter of her book. At the beginning of the last decade Cambodia and Thailand were seriously planning to inscribe the contested temple on the UNESCO World Heritage List. On June 7, 2000, the governments in Phnom Penh and

Bangkok—the latter still under Prime Minister Chuan Leekpai of the Democrat Party—signed a Memorandum of Understanding (MoU) “on the Survey and Demarcation of Land Boundary” which sought to pave the way for a solution of the Preah Vihear dispute and other unresolved border problems. A Joint Boundary Commission was set up for that purpose. From 2002 until 2007 there was an ongoing discussion between the two sides on whether Thailand should give her consent to Cambodia’s decision to nominate Prasat Preah Vihear as a Cambodian World Heritage site or whether the temple should be jointly nominated by Thailand and Cambodia. At a meeting in Bangkok on March 25, 2004 a joint committee agreed on a number of basic principles for a resolution that would solve all major problems related to developing the temple of Preah Vihear as a world heritage for humanity. Both sides agreed—at least implicitly—on a joint inscription of Preah Vihear on the UNESCO World Heritage List. A joint nomination made sense since parts of the wider temple complex, such as the Sa Trao pond, are either situated inside the disputed border area or even north of the Annex I Map line (p. 47f.).

Three years later, in talks held in 2007 and early 2008, the Cambodian government flatly rejected the idea of a joint nomination arguing that the temple was under the sole sovereignty of Cambodia and that Thailand should make a separate nomination for archaeological sites in areas under Thai sovereignty. How can this sudden change of mind be interpreted? Why did Hun Sen and Sok Anh decide to pursue no longer the idea of Preah Vihear as a transnational and trans-border joint heritage of Cambodia and Thailand? Puangthong speculates that Cambodia’s decision “was clearly based on the fact that the temple legally belong to Cambodia” (p. 48). She further speculates that the Cambodians feared a Thai “desire for Cambodian territory, particularly for this cultural site” (p. 49). Such fears are only understandable if we take into consideration the maximalist Cambodian legal standpoint arguing that the International Court of Justice (ICJ) had already determined the location of the boundary in 1962 and that any Thai move to negotiate a boundary line deviating from the line marked on the Annex I Map should be considered as an unjustified claim of Cambodian territory. One may sympathize, even as a Thai scholar, with such a maximalist position which perceives any negotiations with Thailand on the border issue as just an opportunity for the Thai side to “accept reality,” in other words, to surrender to the legal position of Cambodia.

Though all Thai governments after 2008, notwithstanding their political orientation, insisted that the MoU of June 2000 did not compromise Thai legal claims on the disputed area in the neighborhood of the Preah Vihear temple, such a chain of arguments was grist for the mill of the nationalist forces in Thailand. The PAD campaign over the Preah Vihear temple dispute is discussed in the fourth and last chapter of Puangthong’s book. The author recalls the founding in early 2006 of the PAD as “a coalition of heterogeneous groups with diverse and even conflicting backgrounds and interests” ranging from “a network of grassroots and mass-based civil society organisations” (p. 57) to royalist, conservative, and nationalist groups, united only by the willingness to remove

Prime Minister Thaksin Shinawatra and his supporters from power. Given “Cambodia’s firm refusal” (p. 49) of a joint nomination, it is understandable that almost all Thai political actors became suspicious of Hun Sen’s ultimate objectives.

The strategy of the PAD network to use the Preah Vihear temple for stirring up nationalist sentiments is also discussed in *Preah Vihear: A Guide to the Thai-Cambodian Conflict and Its Solution* authored by the renowned Thai historian Charvut Kasetsiri, former rector of Thammasat University, Pou Sothirak, a former Cambodian minister and diplomat, and the Thai political scientist Pavin Chachavalpongpun, now associate professor at Kyoto University’s Center for Southeast Asian Studies. The authors argue that the PAD and their allies, the Democrat Party, “rejuvenated the worst aspects of historical relations between Thailand and Cambodia” (p. 26) through the following mechanism: First, the arousal of a sense of irredentist nationalism grounded in the discourse of “lost territories” which were once ceded to French and British colonialism. Second, the Thai taboo of “selling the country” (*khai chat*) was resurrected to demonize their political adversaries as national traitors. Finally, the PAD and their allies “reinvented the image of Cambodians as Thailand’s archrivals” (p. 28).

It seems that the main focus of the PAD propaganda was to defend Thai sovereignty over the disputed area of 4.6 square kilometers. If the Cambodian side started to build hotels, markets, police stations, and customs facilities, or even a casino in this zone, it could do so with the backing of the International Community. Moreover, the Samak government was accused of having secretly abandoned Thai sovereignty over Prasat Preah Vihear (including the disputed area) in exchange for economic concessions from the Hun Sen government to the Shinawatra Corporation in the coastal province of Koh Kong in southwestern Cambodia (p. 27). This accusation was put forward by several “insiders” like Kasit Phirom, a former close aide to Thaksin and Thai ambassador to Berlin and Washington. After the demise of the Somchai government in December 2008, Kasit became foreign minister of Abhisit Vejjajiva’s Democrat-led coalition government. In his new position he pursued a more pragmatic policy vis-à-vis Cambodia, eventually becoming himself a scapegoat of PAD propaganda.

Although the authors of the two books are in general sympathetic towards the Samak and Somchai governments, Puangthong at least concedes that Samak made a “strategic mistake” when he appointed Nopphadon Patthama, Thaksin’s personal lawyer, as foreign minister, given Thaksin’s very close relations with Cambodia’s Prime Minister Hun Sen (p. 62). Even Thaksin himself admitted, several years later, in a rare interview with the *Bangkok Post* in 2008 that Nopphadon “should not have supported Cambodia’s application,” concluding that “[f]rankly speaking, Thailand is at a disadvantage in this case.”²⁾

2) “Thaksin warns of Thai friction over temple. History of disputed Preah Vihear area is in Cambodia’s favour, says former Prime Minister,” in *Bangkok Post*, March 11, 2012.

What are the prospects for solving the conflict on Preah Vihear, or Phra Wihan? Charnvit, Sothirak, and Pavin discuss in detail two different approaches towards a solution to the conflict. The bilateral approach would mean that Thailand and Cambodia demarcate their common border through a diplomatic process. Such a bilateral mechanism exists in the form of the above-mentioned Joint Boundary Commission which, however, was unable to complete the demarcation of the 803 kilometer long border between Thailand and Cambodia (p. 58). Fearing Thai military pressure and deeply frustrated because of the inconsistent positions of successive Thai governments over the last decade, Phnom Penh is clearly in favor of a multilateral approach to the border conflict. Against this background it is not surprising that the Cambodian government was tempted to use the registration of Preah Vihear as a UNESCO World Heritage Site to internationalize the conflict with Thailand and thus put pressure on the Thai government to yield to the Cambodian legal viewpoint. In 2011, Phnom Penh invoked the ICJ in The Hague to make a final and binding decision on the border in the vicinity of the Preah Vihear sector.

At the time when the two books under review were published, the ICJ had not yet ruled on the interpretation of the 1962 Judgment at the request of the Cambodian government. Puangthong made the reasonable prediction that a decision in favor of Cambodia, i.e. assigning the whole disputed area of 4.6 square kilometers to Cambodia, would certainly cause a public uproar in Thailand and result in serious border clashes (p. 87). Charnvit *et al.* come to a very similar conclusion (p. 89). Therefore, the court's final decision announced on November 11, 2013 came to the relief of both Cambodia and Thailand as it did not leave a clear winner. The ICJ defined the whole promontory of Preah Vihear as the "vicinity" of the Preah Vihear temple which the 1962 verdict had declared as territory under Cambodian sovereignty. Cambodia can now safely claim roughly one quarter of the disputed area as her territory. The Buddhist temple, Wat Kaeo Sikkhakhirisawara, built shortly after 2000, as well as a nearby settlement inhabited mostly by the families of Cambodian soldiers, as well as a market, now dismantled, are all situated in this relatively small zone immediately to the west of the temple. The road which Phnom Penh built several years ago with Chinese help to link the temple with Cambodian territory also cuts across the promontory and has to be respected by Bangkok as territory under Cambodian sovereignty as well. This certainly satisfies Phnom Penh. However, the larger part of the disputed zone, lying further to the west and including the neighboring hill of Phnom Trap (Thai: Phu Makhüa), was considered by the ICJ as lying "outside the disputed area."³⁾ Therefore, the Thai government is now entitled to claim almost 3 quarters of the 4.6 square kilometers as territory under Thai sovereignty in any future bilateral negotiations on the delimitation of the border in the neighborhood of Preah Vihear.

It is not yet too late to have Prasat Preah Vihear inscribed as a joint Thai-Cambodian World

3) ICJ, "Request for interpretation of the judgment of 15 June 1962 in the case concerning the temple of Preah Vihear (Cambodia v. Thailand)," November 11, 2013, section 98.

Heritage of Cambodia and Thailand. The UNESCO decision of June 2008 still leaves this option open when stating that it recognizes “that Thailand has repeatedly expressed a desire to participate in a joint nomination of the Temple of Preah Vihear and its surrounding areas” and by considering “further that archaeological research is underway which could result in new significant discoveries that might enable consideration of a possible new transboundary nomination, that would require the consent of both Cambodia and Thailand.”⁴⁾ The American anthropologist Helaine Silverman, an expert in heritage management and museum theory and practice, strongly supports the idea of a joint Cambodian-Thai management of Preah Vihear as a transborder World Heritage Site. She argues that, given the history of the conflict, UNESCO was adding fuel to the fire by allowing the temple to be inscribed as the sole heritage of only one nation-state. A solution acceptable to both countries in the long run would presuppose that the temple were conferred “a *borderless* status, assisting the two countries to prepare dual access routes to the site with appropriate passport control. The UNESCO flag and the flag of both countries would fly over the site” (Silverman 2011, 15). Given the temple’s architecture which shows a clear natural orientation towards the north and given the fact that the easiest and most convenient access to the temple is from the Thai side, a joint management of Preah Vihear still seems the best solution. The German lawyer Dr René Gralla has come forward with an ingenious idea proposing an Andorra-style solution for Preah Vihear. The whole disputed area of slightly less than five square kilometers would be proclaimed as the independent state of “Preah Vihear-Phra Wihan” ruled by two diarchs, namely the King of Cambodia and the King of Thailand, harboring a population of monks and local villagers from both sides of the Thai-Cambodian border, mostly ethnic Kui and Khmer, apart from some Lao and Thai. Such a mini-state could promote tourism, attract foreign investors, and finally become the symbol of eternal friendship between Thailand and Cambodia (Gralla and Grabowsky 2013). A dream? Perhaps, but one that should be tried.

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4) UNESCO convention concerning the protection of the World Cultural and Natural Heritage, World Heritage Committee, Quebec City, Canada, July 2–10, 2008.

Industrialization with a Weak State: Thailand's Development in Historical Perspective

SOMBOON SIRIPRACHAI (edited by KAORU SUGIHARA, PASUK PHONGPAICHIT, and CHRIS BAKER)

Singapore and Kyoto: NUS Press in association with Kyoto University Press, 2012, xii + 183p.

Over the past decade, Thailand has experienced constant political turmoil. Although fair evaluation of the economic “reforms” of the Thaksin government (2001–06) is not yet possible, there is little doubt that these “reforms” cut into Thailand’s socio-economic fundamentals—long treated as a taboo subject—and affect the core factors that have stabilized and integrated the nation. Undoubtedly, Thaksin’s growth strategies, various redistribution policies, and drastic rearrangements of vested interests (i.e. rents) enlarged the “economic pie.” But these also brought vast wealth to crony business factions, attracting serious complaints from groups that held opposing traditional vested interests. Since the coup d’état of 2006, the political system has failed to adjust to conflicts in a democratic fashion and the last 10 years have seen the actual democratic process itself continually undermined. Public conflicts between competing groups have become a daily scene, leading to both the military and the judiciary asserting political control, even as the bureaucracy and monarchy do not show any signs of being in full control of the situation.

Somboon Siriprachai’s posthumous book, *Industrialization with a Weak State*, develops his observations on and analyses of long-term economic development in post-war Thailand until 1990s. Adopting a critical stance toward standard development economic theory, it describes the Thai state as a “weak state,” one contrasted to the “strong state” typically found in East Asian countries. Within such a context, the book discusses the characteristics and shortcomings of Thailand as well as the prospective challenges that the Thai economy faces. While the period the book focuses on is a little out of date (pre–1990), the argument nevertheless contains many insights which remain relevant for Thailand’s present socio-economy.

The author, Professor Somboon Siriprachai, was a prominent Thai economist, who had long engaged in academic work on Thailand’s economic development in Thammasat University. Regrettably, he suddenly passed away in December 2008 while in Japan, on his way back home from a conference at Kyoto University, where he gave a talk based on one part of the manuscript that became this book, and this reviewer was his discussant. Carrying out his wishes, his friends in academia, Kaoru Sugihara, Pasuk Phongpaichit, and Chris Baker, edited his published journal papers and gathered them together in this book.

Owing to the nature of the publication process, this book is a collection of the author’s major journal papers, rather than a monograph. However, all chapters share a common concern: to shed light on the fundamental structure of the Thai economy. The seven chapters are divided into three

parts. Chapter 1 presents an overview of the book and its basic questions. Chapter 2 focuses on export-led industrialization under the conditions of “land abundance”; chapter 3 on demographic change, land cultivation, and deforestation; and chapter 4 primarily on the inconsistency of development policy. The second half of the book, chapters 5 to 7, revisits the question of East Asian economic development. These chapters offer a critical overview of modern development economics and focus on the nature of the “state” as a policy authority in East Asia and Thailand by pointing out the limitations of the applicability of the East Asian miracle to Thailand.

Chapter 1 provides an overview of the trajectory of the development stages that took place between the 1940s and the 1990s. These were: the state-owned-enterprise-based economy of the Phibun regime in the 1940s; the private capital-led economy with national development plans and the conservative macroeconomic management of the Sarit regime in the late 1950s to 1960s; industrialization with primary product export and import substitution in 1960s; gradual conversion toward export-led industrialization while coping with the global economic recession of the 1970s; and serious macroeconomic imbalance and its recovery in the early 1980s. The chapter critically interprets the late 1980s high growth era by referring to the depletion of natural resources, poverty in rural areas, corruption, and insufficient human capital investment.

The following three chapters consider the structure of Thai economic development from a historical and socio-economical point of view. Chapter 2 traces the process of economic development and industrialization with an emphasis on the keyword “land abundance.” Rich primary products and accommodated wage upward pressure, backed by “abundance of land,” were the key factors for economic growth. This meant that the bureaucracy was less concerned about how to effectively achieve industrialization than about how to sustain the system to exploit the surplus generated by the endowment condition. According to the author, these structures relate to an incomplete policy shift from import-substitution to export-led industrialization since the 1970s, the destruction of the natural environment, and worsening income disparity in the 1980s.

Chapter 3 discusses Thai demographics in relation to deforestation between 1850–1990, a theme that connects to the previous chapter’s discussion on “land abundance.” Following prominent population studies in Thailand by Skinner, Falkus, and Siamwalla, the author states that as early as 1960s, demographic transition was already occurring in Thailand. Population growth synchronized with agricultural growth that came about through conversion from forest into land for cultivation. As a result, population concentration and upward wage pressure in urban areas remained relatively moderate. This meant that Thailand’s industrialization largely depended on its initial conditions, and the contribution of industrialization to economic growth was limited until the 1990s.

Chapter 4 focuses on the various dimensions of a “weak state” and argues that the development policies adopted by the post-war Thai state were inconsistent and incomplete. The conversion from import substitution to export-led industrialization and agricultural land reform remained

an incomplete project, generating urban-rural disparities that became serious in 1990s. The author argues that behind inconsistent policies, there existed patrimonial bureaucrats who failed to transform themselves into technocrats as well as other groups with vested interests.

The rest of the chapters aim to interpret Thai economic development through international comparison, particularly with East Asia, based on various general theories of economic development, and through existing empirical studies on Thailand's economic growth. Chapter 5 seeks to identify the nature of the modern "developmental state," cutting into the classical dispute over mercantilism versus trade liberalism during the absolute monarchy period in Western Europe. It concludes that policies under East Asian Developmentalism shared common ideologies with classical mercantilism.

Chapter 6 critically overviews both mainstream economics and relevant development economics, as descendants of liberalism, showing that the East Asian miracle was not a triumph of development economics, but entailed strong government intervention, one enabled only under the "developmental state" in East Asia. The author doubts the applicability of similar policies in Thailand which lacks such a "strong state."

Lastly, Chapter 7 surveys existing empirical studies on Thailand's economic growth and reveals the fact that, unexpectedly, post-war Thailand has sustained relatively high rates of technological progress (total factor productivity) among Asian countries, while agricultural productivity has remained low. Furthermore, in the manufacturing sector, the rate of technological progress declined in 1990s even under high growth led by foreign direct investment (FDI). The author identifies low investment in human capital and worsening income disparity as the reasons behind—as well as the results of—such productivity structures and these remain challenges for the future. Given such "technological inertia," as Professor Somboon called it in the chapter title, such negative structures in Thai economy are a consequence of "land abundance" and a "weak state" (or a "predatory state"). In order to realize further sustainable growth, structural conversion from the exploitation of natural resources and cheap wages to new directions in technological progress is essential. This is, in fact, the core message of this book.

Again, partly due to the publication process, the author's arguments overlap in places. The introductory chapter by Professor Pasuk Phongpaichit nicely summarizes the author's main arguments, which center on the following key issues: characteristics of the state, economic policies, corruption, and income distribution. In effect, Pasuk's introduction is not only an opening chapter, but also an excellent commentary that gives readers a clear understanding of Professor Somboon's arguments.

However, as a reviewer, I would like to raise a few points. The author describes the Thai state as a "weak state" occupied by bureaucrats and groups with vested interests who have leeches off the environment's rich surplus. But whether the state is "weak" or "strong" does not have to be seen as extrinsic or unchangeable. In addition, government intervention may not always be a

necessary condition for technological progress. Among the East Asian examples, post-war Taiwan began as a country where the mutual interests of state and society did not coincide: autonomous innovation was achieved primarily within the private sector under conditions of repression and exploitation by the state. Support from the state in terms of technological progress such as government initiatives for Research and Development was, in a sense, a mere consequence of a state-side change.

While there is no doubt that bureaucrats and political actors in Thailand have not transformed the state into “strong” one until 1990s, we cannot deny that this may be a possibility in the near future. While the Thaksin government was a chimera of a predatory and interventionist state, in some aspects, Thaksin apparently tried to direct Thailand toward a “strong state.” This book seems to give many implicit suggestions as to the main reasons for the collapse of Thaksin’s attempt, and the subsequent emergence of serious social disturbances.

Covering the period before 1990s, the author is less appreciative of the contributions of FDI-driven industrialization. It is true that growth until the mid-1990s came about largely as a result of an increase in factor inputs, rather than improvement in productivity. Indeed, how to overcome the nature of the assembling industry and enhance high value-added in the manufacturing sector remains a vital policy agenda for the present-day economy. Therefore, to enhance investment in human capital is no doubt crucial. However, it is also a fact that the Thai economy in the 2000s has shown another possible side. After the Asian financial crisis in 1997, trade balance went from deficit to surplus with remarkable growth in financial assets, both in macroeconomic savings and foreign assets. Entering the 2010s, domestic private corporations have actively expanded and diversified their businesses, and in the process of enlargement they have been aggressively expanding business relationships with, or even been acquiring, Japanese and US companies with their now abundant cash flow.

In general, there are a few patterns in technological progress in relation to fund-raising channels. Technological progress by technology diffusion through FDI will hit its limits sooner or later. In the process of catching up with Japan and Korea, under strong government interference, the evaluation capabilities of banks played a major role in the acquisition of new technology. In Taiwan, however, the technological progress was realized mainly through mutual mergers and acquisitions (M&A) through self-financing by the companies. Lastly, as in North America, the most dynamic innovation in the world has been occurring through affluent risk money on the market. The current pattern in Thailand seems to resemble that of Taiwan’s experience. The future jump in technological progress may be achieved through technology acquisition by M&A activities even under persistently weak government intervention.

In sum, this book invites readers to stand in front of an entrance gate that poses questions about Thailand’s future prospects. Yet regrettably, it is silent in offering direct answers since it covers the earlier period prior to the 1990s and will never be updated. Instead of definitive answers,

the book gives us many excellent insights drawn from economics, economic history, and political economy, insights that cut right and deeply into the question. This is where I believe the essential value of the book lies. Professor Somboon's posthumous manuscript is an excellent academic work as well as a nice textbook on economic development in Thailand. Above all, however, the readers will be impressed by this book's celebration of the life and career of one faithful economist who dealt clear-eyed and courageously with the economy of his home country.

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Gambling with the Land: The Contemporary Evolution of Southeast Asian Agriculture

RODOLPHE DE KONINCK and JEAN-FRANÇOIS ROUSSEAU
Singapore: NUS Press, 2012, xv+187p.

Gambling with the Land is one of a series of publications resulting from an international research project on "Challenges of the Agrarian Transition in Southeast Asia" funded by the Social Sciences and Humanities Research Council of Canada. The main aim of this book is to illustrate ongoing agricultural intensification and expansion throughout Southeast Asian countries by means of an analysis of statistical data. The book focuses in particular on rapid agricultural transformation that began in the middle of the twentieth century, and draws on statistics relating to agricultural production such as crops, livestock, land, production, yields, irrigated areas, the application of chemical fertilizers, the use of tractors, and so on. In spite of the limitations of the database examined in the book, in terms of both time and space and the quality of the data, the authors have managed to present a general analysis of agricultural data and offer a contemporary account of changes taking place in Southeast Asian agriculture.

The authors identify four processes behind the agricultural transformation occurring in Southeast Asian countries: commoditization; globalization; "agriculturalization"; and relays and complementarities of agriculture among nations. These four processes have unevenly developed across the countries and have been influenced by various factors such as a range of national policies, a number of political events, wars, colonialism, regional and international agencies, and the ecological settings specific to the region. These processes bear out a unique feature of Southeast Asian countries: agricultural intensification and expansion go hand-in-hand, thereby contradicting the widely held belief that agricultural development intensifies only after expansion. "Agriculturalization" is the most interesting process discussed in the book. Research and statistical data confirm that there is an increase in labor migration as a result of the shift from agriculture to

industry and services, on which the income structure has become more reliant on such domains. On the other hand, this book also demonstrates that agricultural employment in rural areas is actually increasing in Indonesia, Laos, Myanmar, and the Philippines. As such, the keyword “gambling” is used to describe the nature of the people who largely bet on the land.

The main feature of this book is its detailed use of data derived mainly from the Food and Agriculture Organization of the United Nations (FAOSTAT) data sets between 1961 to 2007 and other figures that paint a contemporary picture of agriculture at the national level. In total, 138 figures account for a total of 187 book pages, and a large part of these are found in chapters 5 to 7 (these in fact make up the bulk of chapter 5’s “Agricultural Growth, Diversification, Intensification and Expansion,” chapter 6’s “Expansion and Intensification of Food Crops and Increase in Livestock Production,” and chapter 7’s “Expansion and Intensification of Cash Crops”). Chapter 7, with 51 figures, is the most important part of this book. Statistics on cash crops such as palm oil, coffee, rubber, tea, coconut, copra oil, cocoa, and sugarcane are used to explain harvested areas, ratios, yields, productions, and the amount of exports and imports by country.

However, as the authors mention through their analysis, FAOSTAT as well as statistics from other sources are prone to a number of errors and biases. For example, in regard to national statistics in Laos which I am most familiar with, there are considerable variations in the quality of the data across regions and years. My own fieldwork in Laos has led me to many villages where villagers claim that statistical data had not been collected until relatively recently. With land area, the large differences that exist in the collection of land area statistics (i.e. between data on authorized land certifications for household and data measured by survey, GIS, and GPS) are common. As such, it is not uncommon for the landholding size of household to be several times larger or smaller than that claimed in the certification. Moreover, villages that are located in remote areas might have frequently been omitted from the data gathering. Biases inherent in data arise from surveyors’ difficulties in gaining access to villages, and can result in underestimation of total agricultural land alongside exaggeration of the state of agriculture (as conducted in accessible areas and as presented in past records). Statistics can also underestimate agricultural activities during periods of political instability. An example of this would be Indochina during the tumultuous 1960s to 1970s, when authorities in charge of collecting statistics could not fully function at a time of war and conflict. When using statistical data, we need to keep in mind that they are just one of many instruments available for shedding light on aspects of agriculture.

The interpretation of data and items gathered and appearing in statistics are prescribed not only by common sense in the areas of expertise, but also the experiences of interpreters working in the regions. For instance, in chapter 5, the authors attribute an increase in the share of non-food production in 1970s Laos to opium production. Although opium may have been one form of non-food production that contributed to the fluctuations, these same fluctuations could also be attributable to the depletion of rice production. Although this tendency is not apparent in the statistics

presented in chapter 6, it is a well-known fact that agricultural collectivization, compounded by the severe flood in 1970s, devastated wet rice farming and consequently led to the starvation of large number of farmers. Factoring such ground level developments in Laos might have resulted in a better interpretation of statistics.

Although statistics obviously include potential biases and errors, it is also true that they are often the only data available from which we can infer geographical variations and longitudinal changes in agriculture. Although the findings of this book are neither groundbreaking nor innovative, *Gambling with the Land* is undoubtedly an informative reference on the agricultural transformation in Southeast Asia over the last 60 years.

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Student Activism in Malaysia: Crucible, Mirror, Sideshow

MEREDITH L. WEISS

Ithaca, NY: Cornell Southeast Asia Program Publications and Singapore: NUS Press, 2011, xi+302p.

In April 2012, the amendment of the University and University College Act (UUCA) was approved in the lower house of Parliament in Malaysia. Before the amendment, UUCA had prohibited students from joining political parties and supporting political campaigning and protests. Although the amended law now allows students to engage in political activities outside campus, it is still restrictive because, for example, the new law gives each university the power to decide which organizations are allowed for student participation except political parties. But what is important here is that the Malaysian government has relaxed the UUCA, the restrictive provisions of which the government had hitherto refused to amend since its introduction in 1971. Against this background, the decline of the intellectual quality and the apathy of students in local universities have become increasingly apparent in recent times. The major parts of *Student Activism in Malaysia* read as an historical narrative, but also give us numerous suggestions and hints concerning current Malaysian politics and society.

The concept of “student activism” is ambiguous, as this book points out. While Weiss defines “student” as a collective identity and discussions of “student activism” in this book usually refer to students enrolled in tertiary-level institutions, the status of students is rather confusing “since they are expected to be future leaders, students’ potential may garner them respect and cultivate arrogance disproportionate to their age and experience, yet they remain for the moment still subordinates in society” (p.3). On the other hand, Weiss argues that “efforts to define student activ-

ism not as a social movement like others, but as a 'culture', obscure the mechanisms behind that activism: implicit or explicit framing processes, organizational maintenance, and other aspect of micromobilization for collective action" (p. 5). Within the context of this book, its main objectives are to explore student activism as a distinctive genre of social movement and also examine those political impacts and externalities that influenced student activism in Malaysia (p. 3).

The underlying focus of this book is student activism, but Weiss's perspective is wider. She locates the campus within a larger environment and examines the relationship between student activism and outside political forces, such as political parties and NGOs, and agenda like anti-colonialism and socialism. This book consists of seven chapters. Except Chapters 1 and 7, each chapter develops historical narratives starting with World War II until 2010. Following the introductory and theoretical parts of Chapter 1, Weiss examines the pre-independence period (before 1957), analyzing the alliance between Malayan students, radical journalists, and early political parties and how they prepared for independence (p. 25). The first decade after independence from 1957 to 1966 is covered in Chapter 3. Chapter 4 focuses on the period of the heyday of protest from 1967 to 1974, when student activism in Malaysia peaked. Students allied with peasants and urban squatters supported the protests among these sectors and also involved themselves in the general elections outside their campuses. However, student activism and its environment drastically changed after 1974, following changes in the student demographic trend. Weiss notes how prior to 1969 it was Chinese students who accounted for around 70 percent of the Malaysian undergraduate population, while Malays made up less than 30 percent (p. 19). She also notes how by the mid-1970s, those populations had nearly reversed (p. 19). The government tightened control over students and universities with the introduction in 1971 and the amendment in 1974 of the UUCA. Chapter 5 looks at the period of "normalized" higher education from 1975 to 1998 where "new universities and other institutions for higher education proliferated" and discusses how "campus politics increasingly came to mimic the partisan patterns outside the gate" (p. 26). Chapter 6 looks at the period of the gradual revitalization of student activism in the late 1990s in the wake of the *Reformasi* movement.

Weiss argues that "Malaysian students have been less inclined toward radicalism than their counterparts in neighboring states for at least the past few decades" (p. 18). Why have Malaysian students (and student activism) been less radical than neighboring states such as Indonesia and Thailand? This question is important, as it illuminates not only the character of Malaysian students and youth but also the long-term stability of the political regime since the 1970s led by the Barisan Nasional (BN). The key periods that answer this question are from 1967 to 1974 (Chapter 4) and from 1975 to 1998 (Chapter 5).

After the introduction and the amendment of UUCA in the 1970s, Weiss highlights how it was stiff penalties and the consequences of student activism that accounted for the "inaction" of student activism (p. 291). However, she also shows how the experiences of other surrounding nations

were also taken into account (such as New Order Indonesia, Marcos' Philippines, and Ne Win's Burma, as well as China and South Korea) (p. 291). As she notes it is through "intellectual containment" that "the state delegitimizes students' participation to undercut the challenge they pose, while at the same time minimizing over coercion" (p. 26). There are as such, two main forms of intellectual containment by the state: rewriting history and physical containment. Weiss points out;

By obscuring the history of student (and other, especially left-wing) activism, the Malaysian authorities have significantly stymied mobilization. Today, students are told that it is out of character for Malaysian students to engage politically. (p. 293)

Social movement theories, especially framing theories, bear out the fact that to mobilize people, "activists in one country actively borrow 'cultural ideas, items, or practices', such as norms of student empowerment and protest tactics, then tailor these to fit local context" (p. 283). What her work shows is that the government project to rewrite history since the mid-1970s deprived student activists of source materials for mobilization.

Another way of intellectual containment is through physical containment. By erecting fences, establishing campuses away from city centers, removing public spaces for students to gather, channeling activism toward less-than-meaningful elections and petitions, and co-opting student activists into political party machines, the government sought to hamper students' solidarity and cooperation. Weiss points out that in University of Malaya (UM), the closure of the Union House and demolition of the Speakers Corner after 1974 made mobilizing students more difficult.

In addition to intellectual containment, commercialization and popularization of higher education in the mid-1990s also contributed to the declining momentum of student activism in Malaysia. Before the 1970s, UM was the only university in Malaysia and undergraduates and graduates were seen as the elite who would lead future Malaysia. By the 1999, 11 public universities, 6 vocationally oriented universities, and 10 polytechnics were established. In addition to these public institutions, 15 private universities and three medical schools were also established by corporations by early 2002, and hundreds of private colleges also joined in the Malaysian educational market. Weiss emphasizes that in this new context higher education itself now has more to do with the price one is prepared to pay to secure a decent job rather than "merely the means to pursue humanistic aims" (p. 191).

In sum, this book is based on historical narratives of student activism in Malaysia, but offers many interesting theoretical implications and comparative perspectives for those interested in students and protest movements in post-colonial states.

Iga Tsukasa 伊賀 司

CSEAS

Non-Traditional Security in Asia: Issues, Challenges and Framework for Action

MELY CABALLERO-ANTHONY and ALISTAIR D. B. COOK, eds.

Singapore: Institute of Southeast Asian Studies, 2013, xvi+349p.

Virtually anything that constitutes a threat to a person can be indexed as a human security issue. This makes it sometimes difficult to determine what should be included and what, if anything at all, should be excluded from the definition. Within human security, however, we can easily distinguish two groups of threats: state-sponsored military and non-military. Anything that is technically non-military is commonly regarded as a *non-traditional security* (NTS) issue, be it local or transnational in nature. Some examples are the spread of infectious diseases, natural disasters, resource scarcity, transborder pollution and environmental degradation, irregular migration, transnational crime, but also threats such as state sponsored violence on domestic populations and the emergence of non-state armed actors.

The worldwide discourse on non-traditional security gravitates around three major schools, as the editors point out in the introductory chapter (Chapter 1) of this book: the 1994 UNDP Report school; the Japanese school; and the Canadian-Norwegian school. As the scope of the book is not the analysis of such schools but the description of some case-studies, the general approach of all three is simplified as being the management of “non-military threats to the safety of societies, groups and individuals” (p. 5). One thing is, however, made very clear: since many of such security challenges are transnational, securitizing actors tend to draw closer, turning to regional and multi-level frameworks that have profound implications for regional security cooperation among states, particularly in Asia.

The editors then go on to introduce the five pillars of the securitization analysis, as defined by scholars at the S. Rajaratnam School of International Studies: issue area (the nature of the threat); securitizing actors; security concept (the securitized target); process (the speech act); and intervening variables (interplay of different concepts, issue linkage, role of stakeholders, and domestic political systems). Once these questions are addressed, the ultimate goal is the evaluation and analysis of policies and governance, or “the process of decision-making and the process through which decisions are (or are not) implemented” (p. 8). This inevitably results in an increased interaction between state and non-state securitizing actors, a process that gives rise to multifaceted governance structures with competing or joint mandates, such as the Association of Southeast Asian Nations, United Nations bodies, the Bali Democracy Forum, and so forth.

Analyzing, evaluating, and eventually fine-tuning these governance structures are the sine qua non of success. Eight indicators are identified to measure governance performance: participation; the rule of law; transparency; responsiveness; consensus-oriented decisions; equity and inclusiveness; effectiveness and efficiency; and accountability. These are the perspectives through

which this book undertakes an investigation into nine key non-traditional security threats in Asia.

Health is the first NTS threat to be addressed (Chapter 2). Infectious and parasitic diseases linked to poor nutrition and an unsafe environment are the major causes of death in developing countries, and Southeast Asia in particular has a worryingly high incidence. The chapter not only provides a comprehensive overview of frameworks and characteristics of health systems in the region; it also analyzes the health discourse in Asia by delineating its transnational features (epidemics often go beyond borders). Of particular relevance is the explanation of pandemic preparedness and regional cooperative schemes developed after the outbreak of the human immunodeficiency virus infection and acquired immunodeficiency syndrome (HIV/AIDS) and the severe acute respiratory syndrome (SARS). Given the impossibility of effectively tackling epidemics after their appearance, the authors argue that health policies should focus on multi-level, multi-sectoral preparedness in order to enhance the surge capacity of all health systems.¹⁾ Under the supervision of the World Health Organization, ASEAN, and other regional bodies, many nations have mounted extensive efforts, currently concentrating on emerging and re-emerging infectious diseases (ERIDs). Although comparative results show steady progress, the authors argue that a very low threshold means the results are far from satisfactory; hence they conclude with a series of practical recommendations in order to plug local and national responses into regional frameworks, such as through the improvement of surveillance and laboratory capacity, the management of vaccines, and a more transparent cross-border collaboration and information sharing.

Chapter 3 deals with the emergence of arguably the NTS threat of the future: food. Particular attention is paid to soaring food prices, as Asia is home to two-thirds of the world's poor for whom food takes up 30 to 50 percent of the household budget (p. 43). Hence, a rise in food prices threatens to reverse the gains in poverty reduction in the region and thereby undermines the global fight against poverty and the achievements of both the Millennium Development Goals (MDGs) and the upcoming Sustainable Development Goals (SDGs). Moreover, given that in a state of emergency nations will implement any policy that will improve their own food security, this would most likely exacerbate regional tensions. The authors describe and analyze current and projected consequences of an uncontrolled rise of food prices at the individual, household, and national levels. They build their arguments on a thorough analysis of the 2008 global food crisis, identifying its drivers, its social, economic, and political impact, and eventually drawing some conclusions on the policy response that helped the Asia-Pacific region out of the emergency.

Chapter 4 touches upon an NTS issue so sensitive that many influential thinkers have publicly stated that future wars will most likely be fought over it: water. Much is related to this element, from obvious survival needs to renewable energy exploitation. Moreover, there is perhaps nothing

1) Surge capacity is the elasticity of a health system that enables it to expand quickly and to cope with a surge in demand of services beyond usual levels (p. 27).

more transboundary in nature than water. The authors build their short chapter around the case study of the Hindu-Kush Himalaya region, which they describe briefly but in a balanced way. Although the explanation is at times not sufficiently detailed, their comparative analysis provides an introductory understanding of transboundary water management, particularly when they expose the nexus between water scarcity, uneven distribution and access, climate change projections, and water insecurity. The chapter could have been a lot more inspiring, had the authors elaborated more on Integrated Water Resources Management (IWRM) and its guiding principles, as the discourse on water has arguably the highest potential for both trans-national conflict and cooperation.

Asia (and particularly Southeast Asia) is possibly the region most affected by natural disasters in the world. Given the severe short and long-term consequences of such occurrences, the management of all phases of natural disasters (prevention, relief, and reconstruction) is an utmost NTS concern. Despite the timeliness and far-reaching implications of the issue, Chapter 5 fails to satisfactorily address it in a constructive way. The authors structured their chapter very well, but do not link the interesting data with some overarching findings. In particular, although they provide a systematic analysis of policy implementation in many Southeast Asian countries, most of the data are updated only to 2008 at the latest, thus limiting the study to the preparatory and planning stages of the process. A consideration worth mentioning here is the explanation of how the disaster management cycle (including preparedness, early warning, mitigation, relief, recovery, and rehabilitation) has gradually seen a shift in focus to disaster risk reduction, both through reactive adaptation (individual and local level) as well as through planned adaptation (state and institutionalized actors). An example of new models of cooperation in this field is the ASEAN Regional Forum's Voluntary Demonstration of Response (ARFVDR), the first, robust civilian-led, military supported exercise designed to demonstrate ARF's national capabilities in responding to an affected country's request for assistance, and to build regional assistance capacity for major, multi-actor relief operations.

One of the most insightful chapters in the book, Chapter 6, looks at internal conflict from a too-often ignored perspective: the importance of small arms and light weapons (SALWs) in nowadays human security. From a statistical point of view, SALWs are a much greater threat than Weapons of Mass Destruction (WMDs), in the sense that they are easy to procure, easy to use, and extremely lethal. This is particularly true for Southeast Asia, a region with on-going internal armed conflicts (demand), post-conflict states such as Cambodia and Viet Nam where SALWs can be easily obtained (offer), long maritime and continental frontiers (distribution channels), and poor storage facilities (smuggling). Since the threat posed by SALWs is still largely overlooked by both the international community and national legislations, this chapter is a valuable contribution to the NTS discourse.

Although strictly speaking the title of Chapter 7 should not be "Forced Migration," the authors

once again touch upon one of the most sensitive NTS issues in Southeast Asia: statelessness. As the definition of a stateless person greatly varies depending on its *de jure* or *de facto* terms, these people are greatly affected by political change and discrimination, trafficking, marriage discrimination, child registration problems, and nationality issues. And despite the fact that many of these problems are common to illegal migrants and refugees, the two definitions do not coincide, although they do overlap at times. In fact, the official status that stateless persons obtain considerably affects the treatment they receive under national and international law. After describing how the problem of statelessness is currently regulated, the authors explain how most conventions are still Eurocentric and can hardly be applied to the Southeast Asian reality. To support their arguments, the authors comprehensively introduce the cases of the Rohingyas, the hill tribes in Thailand, the oft-forgotten Malaysian case, to conclude their analysis with an evaluation of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). Their conclusion reiterates the need to focus on gendered policy directions to effectively understand and deal with human development in Southeast Asia.

Energy is the pivotal pillar of the sustainable development nexus of energy-economy-environment. In Chapter 8, the authors constructively paraphrase that nexus into energy security-economic growth-environmental protection. The underlying question the authors address is whether Asia is experiencing a nuclear renaissance (referring to nuclear energy) or a renewable renaissance (referring to renewable energy resources). Although they seem to agree on the renewable renaissance trend, which they support with accurate data, the structure of the chapter is confusing and at times misleading. There are multiple sections within the chapter, either listing different energy sources, or gauging the discussion through a geographical framework. Unfortunately the distinction between the sections is blurred, often overlapping, and sometimes inaccurate, particularly when repeatedly listing Southeast Asian countries under the East Asian bloc. This distracts the reader from the core discussion and conclusions.

Alongside natural disasters, transnational crime is possibly the most tangible of all NTS issues. It is also one of the most controversial NTS issues, as international regulations on the matter are still too many. "Disrupting or deterring criminal organisations and traffickers does not solve the problem because the incentives and the drivers remain in place; and as long as they remain unaddressed, the problems will persist" (p. 235). Acknowledging the practical impossibility of covering all instances of transnational crimes in a single chapter, the authors focus their attention on those with a particular relevance to the region, namely illicit drug trafficking, human trafficking, maritime piracy, financial crimes, and environmental crimes. The selling point of this chapter is its second half, where the analysis of responses to two of the abovementioned crimes, i.e. human and drug trafficking, is very clearly divided into regional, national, supply-side, and demand-side. Although the analysis itself is sometimes superficial, the message that the authors deliver is effectively in

line with the arguments set at the beginning of the chapter.

The last chapter of this book deals with cyber security. Until recently not considered to be a transnational crime, the threats it poses have convinced most practitioners to treat cyber security as a distinct NTS issue. One of the main reasons is that neither the securitizing actors nor the perpetrators of crime are easy to identify, while anybody else can be a direct target. Cyber security might be the only NTS issue where the balance of power does not relate to political and economic influence. Despite an increased professionalism of cyber crime in Southeast Asia, most responses to this kind of threat still put state and military interests at the center of the debate. The authors, notwithstanding the importance of the former, invite the reader to focus on the “human” factor of cyber security and the subtle threat it poses to human security in more general terms. Routine surveillance of the cyberspace is such a powerful tool that it can easily blur the demarcation line between authoritarian and democratic systems, particularly where the state is no longer the only securitizing actor and private companies are more and more involved in the business. The necessity of E-governance is surely undeniable, but the extent of it and the inevitable secrecy that its very mission implies could constitute a form of NTS. Given the early stage of the phenomenon, opinions on the future of cyber security widely differ, although fear of unknown consequences should not overshadow the potential for cyberspace multilateral cooperation, particularly as a pre-emptive measure.

Altogether, the book is a complete and well-arranged collection of the major non-traditional security concerns in the region. Due to space limitations, none of the chapters is able to analyze the issues with sufficient depth. But this is not the purpose of the book in the first place. Nevertheless, a final chapter elucidating the cross-issue nexus between policy analysis and academic investigation would have been useful. Another comment, though not strictly related to the contents of the book, is that the purpose of having the editor also co-author each and every chapter is somewhat unclear, although this might have helped in effectively producing overarching argumentation throughout this commendable endeavor.

Gianluca Bonanno
CSEAS

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