Introduction to the Special Issue on Everyday Justice

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Myanmar/Burma is a country characterised by a high level of legal pluralism with the co-existence of different norms, practices and actors that are involved in resolving disputes and providing justice. This plurality becomes apparent once we examine justice provision from an everyday and empirically grounded perspective, which is the topic of this issue. The essays explore everyday justice from different topical angles: land disputes, poor urban migrants, gender, ethnic armed organisations’ justice systems, and the role of religious leaders and spiritual beliefs. They draw on ethnographic research conducted respectively in Yangon and in Mon and Karen States during 2015-2017. Based on a legally pluralistic perspective, the essays together bring insights into the complexities of justice provision and the plurality of authorities in the current Myanmar transition where changes co-exist with important continuities.

1All of the contributors to this issue are part of a 4-year research project on ‘Everyday Justice and Security in the Myanmar Transition’ (EverJust) (2015-2018), which constitutes a partnership between the Danish Institute for International Studies (DIIS), Yangon University’s Anthropology Department, the Enlightened Myanmar Research Foundation (EMReF) and Aarhus University. The project primarily does in-depth qualitative research, but also includes a survey across all fieldwork sites. It is funded by the Danish Ministry of Foreign Affairs through the development research fund.
In anthropological studies, the concept of legal pluralism captures the existence of more than 1 set of binding rules and normative orders within a social field. This provides for a non-state centric and non-legalistic approach to justice, which allows for alternative norms and actors than those associated with the state to be included within definitions of law and order making (Griffiths 1986; von Benda-Beckmann 1997; Merry 1988; Moore 1978). Therefore, the concept of justice is understood in a more open-ended way, allowing for various culturally-specific perceptions that are not necessarily in accordance with state-legal norms or international human rights, but which may follow local, customary, religious and other perceptions of just, adequate and sufficient resolutions to disputes and crimes.

In Myanmar, the official judicial system, governed from the country's capital, is legally the only official court system, but in practice, it constitutes only 1 among many avenues for seeking remedies in criminal and civil cases. In addition, the official law does not enjoy a monopoly in the actual decision of many cases. In fact, from the perspective of ordinary people the official system is seldom the preferred option. Most people perceive the courts as expensive, slow, distant and intrusive. There is a widespread fear and distrust in the official system (Denney et al. 2016a; Kyed 2017; MLAW and EMR 2014; Justice Base 2017). A minority of cases end in court. Instead, village elders, religious leaders, local administrators, like ward, village and village tract leaders, and/or the justice systems of the ethnic armed organisations (EAOs) are the main providers of everyday justice. There is great variety across Myanmar in the composition of everyday justice providers, which depends on the socio-political context. Gender, ethnicity, religion and place of origin in addition affect people’s actions when they face civil disputes or are victims of crime, and they affect how those who resolve cases treat different people. Newcomer migrants and religious minorities are particularly reluctant to
report cases to official authorities as well as to local leaders who have a different ethnic or religious identity (Denney et al. 2016; see also Than Pale and Harrisson’s contributions to this volume). Thang Sorn (this volume) also shows that women in Mon State are less likely to report their cases in public and even to raise complaints inside the family than men are. This is due to a mixture of cultural, religious and social reasons, which are deeply embedded in gendered power-relations in society.

Despite these differences in gender and identity there is a widespread preference among all ordinary people for resolving disputes and crimes at as low a level as possible, within familiar structures of the village or the neighbourhood. A survey conducted by the EverJust research project in 2016, covering 602 respondents, show that no less than 70 per cent of both male and female respondents across urban and rural areas in Yangon and Karen and Mon States believe that disputes and crimes are best resolved within their local area (Kyed 2017). The percentage is even higher in areas administered by EAOs, amounting to 96 per cent. While the fact that these areas are geographically more distant from the official courts and police may play a role, the strongest reason for this difference in percentages is likely that the ethnic Karen and Mon in EAO areas distrust the fairness of resolutions in the Myanmar state system even more than people do in government-administered areas. It should be noted that across all surveyed areas, the preference for local-level resolutions regards all types of cases, civil and criminal, with the exception of what people regard as

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2 The survey was conducted with an equal representation of men and women. It was done in all the fieldwork sites where previous qualitative research was conducted by the members of the EverJust research team. In Karen State, the sites include 2 urban wards and 2 villages in government-controlled areas as well as 1 village in a KNU-controlled area. In Mon State it covered 1 village in NMSP-controlled area as well as 3 villages and 1 urban ward in government-controlled areas. Five urban wards were covered in Yangon Township. A final analysis of the survey is still underway.
very serious crimes such as murder, rape by strangers, drug trafficking and large land confiscations. These are difficult for local leaders to resolve. For rape and murder, this is due to the quest for higher penalties or punishments, which local leaders cannot enforce. Drug trafficking and land confiscation cases are difficult to resolve locally because such cases typically involve armed actors and/or persons with powerful political connections in and outside of government, whom local leaders do not dare confront (see Lue Htar this volume). While it is evident that these more serious and complicated types of cases are difficult to resolve locally, this does not mean that they are always reported and resolved higher up in the official system. Sometimes they are left unresolved and sometimes they are dealt with in informal ways, because the official system does not work efficiently or because people distrust it.

When cases are resolved at village and ward levels, this commonly involves some form of community-based dispute resolution. This is focused on negotiating a mutual agreement that ends the conflict, reconciles the parties and in many instances ensures some form of compensation to the injured party. Simultaneously, in such dispute resolution it is common to observe the use of a mixture of customs, common sense, experience, and beliefs, as well as references to written laws and the use of state bureaucratic artefacts. Such mixtures are conceptualised as ‘hybridity’ or forms of ‘hybridisation’ in the newer literature on legal pluralism (Santos 2006; Kyed 2011). These concepts challenge previous, and largely colonial-period, understandings of legal pluralism as confined to the co-existence of two distinct systems, namely the state and the traditional or customary systems (Merry 1988). Today it is common to observe various overlaps and combinations of norms and

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3Rape of women by relatives or people the women and their families know are commonly first dealt with internally by the families and sometimes with a local dispute resolver, such as a village leader, although it also remains a fact that many of such cases are not heard or resolved at all (see also Denney et al. 2016a; Thang Sorn this volume).
practices of dispute resolution among a plurality of institutions and actors, some of which are part of or partly recognised by the central state and others which are not (Kyed 2011; Tamana-aha 2008). The same applies to present-day Myanmar, as shown by the essays in this issue. Lwin Mon’s contribution to this volume also indicates that the use of social media is increasingly becoming a new means of trying to resolve disputes, adding to the hybridity of state legal, cultural and religious norms.

In Myanmar, legal pluralism and hybridity are further complicated by the context of political transition and by the fact that not all areas are administered by the central state. Due to the protracted years of armed conflict, some areas remain partly or fully administered by alternative state formations constituted by ethnic armed organizations (EAOs) (Jolliffe 2015). Legal pluralism is in this sense at least partly reflective of a plurality of authorities that de facto seek to govern different territories and groups. However, pluralism and hybridity also exist within the specific territories, especially, but not exclusively, where there is a mixture of state and EAO governance.

In areas fully or partly administered by EAOs, and their political wings, like the Karen National Union (KNU), there are what can be termed ‘parallel justice systems’, which are not officially recognised by the central state (McCarten and Jolliffe 2016; see also Thang Sorn and Kyed and Thitsar this volume). The main EAOs have their own judges and/or justice committees at central, district and township levels, which can resolve any kind of civil and criminal case. EAOs like the KNU and the New Mon State Party (NMSP) have their own written laws, legal procedures and prisons, and the KNU also has a police force (Harrisson and Kyed 2017). When village leaders in EAO-governed areas give up on resolving disputes or when crimes are too severe for them to deal with, they forward the cases to the EAO justice system. There is a relatively institutionalised
system of referrals and appeals from the village level to the EAO courts. The KNU and the NMSP grant a large jurisdiction to the village level, which can make by-laws, apply customary rules and issue punishments such as communal labour and fines. In general, the ethnic minority populations view the EAO justice systems as more legitimate than the official state courts, albeit villagers in EAO areas also prefer village level resolutions (see Kyed and Thitsar this volume; Harrisson and Kyed 2017). EAO courts are not associated with high costs and they use procedures and languages that ethnic people can identify with. A core weakness of the EAO systems is human-resource constraints and institutional instability, which create large varieties in how cases are tried and reported. In some KNU areas, for instance, courts are mobile or convened without the required judge and committee members (see Kyed and Thitsar this volume). Use of law and legal procedures is inconsistent and often mixed with common sense and negotiated settlements. These matters can work positively to ensure flexibility, but also imply unpredictability in case resolutions (Kyed 2017). The biggest challenge for the EAO systems, and the village leaders, is the overlapping jurisdictions that exist in the areas with mixed governance, which can be politically sensitive because different and competing extra-local authorities and laws can apply. Whereas overlapping jurisdictions with the central state is the most challenging, there are also other competing authorities like EAO splinter groups or influential religious leaders, as Mikael Gravers (this issue) shows for Karen State. It is also difficult for the EAO systems to handle cases that involve litigants with another ethnicity than the ethnic group that the EAO represents, especially if they live outside the EAO-administered areas. While the KNU for instance does not deny handling cases that involve persons with another ethnicity than Karen, ethnic belonging plays a role in the individual’s choice of EAO justice provider. Karen ethnics prefer to resolve their matters with a judge or village leader who is Karen. Conversely, geographical
proximity to a court plays less of a role in people’s choices, as seen in Northern Karen State where in fact the nearest court to a KNU-administered village was the township court of the Myanmar state. Despite this, the villagers had never been to the court, and said they would prefer the KNU court if a problem could not be handled in their village (see Kyed and Thitsar this volume).

In areas administered by the central Myanmar state the situation is different in several respects. While villagers here, as in EAO-administered areas, share a preference for local-level solutions, they do not consider the official Myanmar courts a viable option if cases cannot be concluded in their village or ward. People try as much as possible to avoid upper-level courts, even for severe crimes. In these areas it is the village and ward administrators who mainly settle disputes and minor crimes, often with advice from local elders. Today these administrators are elected within the village or ward and they constitute the lowest level of the state administrative system, but they are not in general seen by people as part of the official legal system (Kyed et. al. 2016; Kempel and Aung Tun 2016). This reflects that their extensive role in dispute resolution is only very vaguely recognised by the Myanmar state. Unlike in the EAO systems, village dispute resolution is detached from the official judiciary with no system of appeal and referrals.4 This means that their decisions are not backed by the official courts, as in the EAO areas. The village and ward leaders primarily apply compensational justice and try to reach consensus-based agreements through mediation. They cannot

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4The ward and village tract administrators have the official duty to carry out a range of security and law and order functions according to the 2012 law that regulates these local authorities. Of 32 functions, 10 relate to security, discipline, order and community peace. However, words like ‘dispute resolution’ or ‘justice provision’ are not used in the law and there is no specification of what kinds of cases the ward and village tract administrators may deal with, hear, or resolve, with the exception of theft, gambling, and failure to report overnight guests (The Republic of the Union of Myanmar 2012; See Kyed 2017).
issue punishments and do not use arbitration as the village leaders in EAO areas do. However, although they do not apply written law in any literal sense, they do make sporadic references to articles in the law and use official stamps as part of enforcing informal solutions. A common practice is also to refer to the official system as a kind of authoritative back up, usually in the form of a threat to send people to the police if they do not agree to local decisions. These threats are seldom carried out, however, which is due to the poor link to the official system and due to the widespread mistrust in the upper level institutions and courts of the Myanmar state. This shows a core difference to the EAO system, which is more commonly used and trusted by KNU village leaders for instance, as Kyed and Thitsar show (this issue). Instead, there is a tendency in Myanmar-administered areas for people to turn to a range of informal actors and justice facilitators when village and ward administrators cannot resolve a case or when people are reluctant to report to them.

‘Informal justice facilitators’ (Denney et al. 2016a; Kyed 2017) have no explicitly recognised role in justice provision, but they can advise, connect people to justice providers, or pressure the opposed party to pay compensation or come to an agreement. Informal facilitators include religious and spiritual leaders such as Buddhist monks, astrologers, and spirit mediums. Elders, household leaders, educated persons, women’s group leaders, political-party members, and individual armed actors are also included. Usually these actors do not act as final arbitrators, but they can mediate and facilitate a resolution process. For instance, when people face politically sensitive issues like land confiscations, which the village or ward leaders fear to settle, victims may try to get their land back by seeking help from people believed to have powerful connections, such as monks, educated persons or individual armed actors, as Lue Htar (this volume) shows.
In theft cases, some victims also address spirit mediums who they believe can help identify the perpetrator or tell them if they will get their stolen goods back. While the knowledge that a spirit medium can provide about the identity of a perpetrator cannot be used as evidence with the police or village and ward leaders, it can be used to persuade these secular actors to investigate the perpetrator. This happened in a case where a woman was robbed of a large amount of gold. In this case, the ward administrator got the police to arrest the suspect identified by a spirit medium. In the majority of cases, however, the knowledge that the victim obtains from a spirit medium is used as a basis for prayer and donations that will get the perpetrator to return the stolen goods, as Thang Sorn shows (this volume). In such situations, the victims do not seek third-party resolution with an official justice provider. They simply pray that the stolen items will be returned.

Some female victims also report first to a local women’s group which then assists them in resolving the case with the village or ward leader. However, this tends to be more the case in urban areas where women’s groups can link up to larger civil society organisations (CSOs) that work with legal aid and women’s rights, usually based on partnerships with international organisations (Denney et al. 2016a). Individual armed actors, especially from the EAOs in mixed- and government-administered areas are also used in land, debt, and marriage disputes, such as adultery or divorce, where some form of compensation or re-payment is at stake. In these cases, the aggrieved party reports to the individual armed actors to help enforce a decision taken by a village leader or another justice provider. The armed actors can help pressure the accused to pay the fine or compensation.

‘Informal justice facilitators’ can both substitute for and help facilitate a third-party resolution, even if they seldom act as final arbiters. The use of justice facilitators is a strong illustration of the complex pathways that people use to get some
form of satisfactory solution. As illustrated by Lue Htar (this issue), it is common for people to address several informal justice facilitators and providers in one singular land dispute.

Overall, the hybridity of norms and the multiplicity of dispute resolution actors reflect the prevalence of plural authorities in Myanmar at large, and across the ethnic nationalities states. Simultaneously, a core insight from the essays in this issue is that many people do not report their cases at all, not even to village and ward leaders. In fact, the 2016 survey showed that in cases of mobile-phone theft for instance 22 per cent of the respondents would not take any action. For adultery, the percentage was 50 per cent and for domestic violence cases, it was 72 per cent. Qualitative analysis suggests that many people prefer to internalise the problem and make peace with it rather than seek remedies and third-party solutions (see also Denney et al. 2016a; Kyed 2017). Others seek spiritual remedies without involving the other party to the case. While there is a general tendency for underreporting, it tends to be higher among women and concerning types of cases where women tend to be the victims (like adultery and domestic violence) (see Thang Sorn this issue).

What accounts for these justice preferences and practices in Myanmar? The answer to this question lies in a combination of political-historical, cultural-religious and socio-economic factors (Denney et al. 2016a: 11). Many decades of military rule, conflict, and corruption have caused a distrust in and fear of formal state institutions, including the courts and the police, which still prevail in Myanmar despite the political transition and efforts to reform the justice sector. In addition, poorer sections of the population lack knowledge of the law and legal procedures of the present, including their rights. Yet the mistrust in the official system and lack of legal knowledge only partly explains the preference for local solutions and the tendency to not report cases. The socio-economic situation of most villagers and the urban poor also keeps them away from the
official system, which is both costly in formal as well as informal fees, including paying lawyers, and in which there is seldom a guarantee of compensation. For poorer people it is more relevant to get material compensation than to see the perpetrator in prison, as Than Pale for instance shows for Hlaing Thayar Township in Yangon (this issue). However, economic factors are not the only ones that matter to people’s justice preferences and choices. Important are also the particularistic forms of belonging as well as the cultural and religiously informed perceptions of justice, misfortune, and disputes that prevail across different localities and groups.

The National League for Democracy (NLD) government, which came into power in March 2016 under the de facto leadership of Daw Aung San Suu Kyi, has made the rule of law one of its top priorities. This includes a justice sector reform that ensures equal access to fair trial and desirable justice outcomes for all citizens, as well as efforts to combat corruption. Reform of the justice sector is ongoing, and receives increasing support from international organisations, but is still in its early stages. Many legacies of the past remain in force. Myanmar has a long history — from before colonialism and including military rule — where governance was not premised on equality and fairness before the law (MLAW and EMR 2014:5). The justice system was largely used as a tool to enforce law and order, rather than to address the justice needs of the population and enhance the rule of law (Cheeseman 2015). For long periods, the judiciary was not independent from the military and the executive, and was focused on prosecuting political opposition. Officially, this has changed now, but the judiciary remains de facto influenced by the military and is affected by corruption (Justice Base 2017). The transition has also seen a process towards amendment of outdated laws from the colonial and military periods, and for the passing of new laws that are more in tune with democratic reform, including a legal aid law and the setting up of human rights and anti-corruption commissions. However,
many laws of the past — including colonial ones — still remain in force. For many citizens, a general perception remains that those with powerful connections and financial means will win cases in the official courts, irrespective of the evidence (MLAW and EMR 2014; Kyed 2017). There is also a general fear of formality and of highly bureaucratised procedures. Entering a formal court setting, displays of official documents, and use of formalistic language are experienced as intimidating. Such fear is usually higher among people with less education and for those ethnic minority citizens who are not fluent in Burmese, the official language, and who historically have felt most discriminated against by the Burmese-dominated state apparatus (Walton 2013). These aspects give insights into the historical relationship between citizens and the state more generally, but it is also important here to consider shared as well as particular cultural and religious perceptions.

Many ordinary citizens also feel uncomfortable and shameful in taking cases to court, because it is associated with the escalation of conflict and social disruption. This can be linked to a culturally-informed understanding of justice as the capacity to ‘make the big cases smaller and make the small cases disappear’ (in Burmese: Kyi te amu nge aung, nge te amu pa pyauk aung†), shared across ethnic-religious communities in Myanmar (See also Denney et al. 2016b:1). When a case is reported to a third party this is perceived in the first instance as conflict escalation, which is associated with feelings of shame and loss of dignity. Such feelings are stronger if parties fail to resolve a dispute within their own village or neighbourhood through a consensus-based agreement. Going to a higher authority, such as police or court, equals escalation of conflict and more shame. There is also a common saying, Kot paung ko hlan htaung† (equivalent to the English saying: you do not air your dirty

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*ကကြီးတဲ့အမှု ငယ်အအာင်၊ ငယ်တဲ့အမှု အပေါကြ်အအာင်
†ကြိုယ့်အပေါင် ကြိုယ်လှန်အထောင်း
laundry in public), which underscores a disincentive to report a case, because it would draw a dispute into the public realm, which causes loss of dignity. This underscores a preference for ‘making cases disappear’ and avoiding conflictual and confrontational dealings with disputes, which supports a preference for reconciliation. Sometimes it also means that people refrain from reporting cases at all, not even to an informal facilitator or a local justice provider. Religious and spiritual beliefs also influence how people act and what solutions they seek when they face a dispute or a crime.

Religiously informed perceptions of problems and injustices as the result of fate, misfortune or past life deeds inform the tendency not to seek secular remedies. Many prefer to make internal peace with a dispute or crime. This is sometimes combined with seeking spiritual remedies to ease the suffering, for instance through prayer or by addressing a religious or spiritual actor to pray or give Ye Dar Yar (spiritual protection) to litigants. Doing so is a highly private affair that does not involve direct reconciliation between the involved parties.

Theravada Buddhist beliefs, which are widespread across Myanmar, strongly influence understandings of injustice and victimhood. Many Buddhists understand problems as the result of misfortune, which can only be resolved within oneself by coming to peace through detachment (Schober 2011, in Denney et. al 2016b:2). Accepting problems is understood as a way to pay off past life deeds, thereby ensuring good karma in the future. If a person is robbed, for instance, this can be understood as a result of the victim having robbed someone in his/her past life. Not seeking a remedy means that the victim of theft can pay up for past life misdeeds (see Thang Sorn’s contribution to this issue). There is also a belief that those who cause harm in this life will be punished in their future lives, which makes a third-party resolution unnecessary. Injustice in this way can be understood as a deserved and almost inevitable
consequence of fortune that must be personally endured, rather than externally resolved (Denney et. al 2016b: 3). Among Christian Karen, there is also a prevalent understanding that problems are associated with a person’s fate, which, however, is not linked to notions of past life deeds, and there is a strong preference for forgiveness among victims over seeking remedies and punishments.

Religious belief implies a low desire for secular punishments (prison, compensation, fines, communal labour). When people do address a third party, this means a preference for reconciliation through a consensual agreement. In certain situations, justice preferences may also depend on the nature of the crime and on who the perpetrators are. Severe crimes like murder, larger thefts and assaults do create a desire for punishment, rather than pure compensation or forgiveness, but this does not necessarily lead people to report a case to higher-level authorities because of the costs and fears of authority that such reporting implies. In other situations, people also revert to religious remedies when they realise that a formal legal process will not give any results. For instance in a theft case in Hpa-An, Karen State’s capital, the female victim did report the case to the police, who arrested a suspect. However, the suspect was released due to lack of sufficient evidence and ran away. The police did nothing further. Consequently, the woman instead went to a famous monk who can see into the future. He said that she would never get back the stolen items and advised her to forget about the case and simply pray for the thief so that she could find inner peace and make amends for her past-life deeds. The woman said to me that she followed the advice and that now she was trying in her heart to fight off her desire to get the stolen items back and to see the perpetrator punished.5

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5This story is based on fieldwork and several interviews with the woman in Hpa-An between February and May 2016.
These various cultural and religious norms and practices are widespread among residents in areas of Yangon and Mon and Karen States dealt with by the contributors to this issue. However, they tend to influence the practices of vulnerable groups like poor migrants or newcomers, religious minorities and women more strongly. A plausible reason for this is that the cultural and religiously informed perceptions of problems and justice often are reinforced by other factors, such as fear of authority and formality, lack of confidence in just outcomes, and consideration of financial costs, which affect vulnerable groups more. Poor people who depend on day labour, which is unstable, in addition lack the time, along with financial means, to report cases, let alone go through a formal court settlement. Going to court over several days takes time away from daily survival. Combined, these factors support the preference for local-level dispute solutions or for not reporting cases at all. Shared ethnic or religious identity between people and the dispute resolvers or justice providers, like the village or ward leader, also plays a role in making people feel more comfortable with reporting cases and resolving their disputes at the local level. Denney et al. (2016b) found that Hindus and Muslims living in villages or wards where the leaders are Mon, Karen, or Burmese prefer to resolve their cases with their own religious leaders. Discrimination of ethnic and religious minorities by justice providers may be more or less explicit, and more or less politically driven, but Harrisson’s contribution to this issue suggests there is a tendency for Muslims especially to experience lower access to justice, including in local and informal arenas, than other groups in present-day Myanmar.

Overall, these insights illustrate that legal pluralism is the result not of state fragility alone, nor of inefficiencies associated with the official system. While these are important, legal pluralism is simultaneously shaped by particular beliefs, norms, and forms of belonging beyond the nation state. The socio-economic situation of litigants in addition plays a role,
which equally supports a preference for compensational justice — rather than imprisonment of the perpetrator — and which keeps people from reporting to the formal court system, which is costly in formal as well as illicit fees. The essays in this issue capture this complexity of legal pluralism from different topical angles and in different localities.

Lue Htar’s article zooms in on how people in government-administered areas of Karen State, rural as well as urban, deal with land disputes in hybrid and plural ways, with a particular focus on 2 land confiscation cases. While pointing out the inadequacies of the current land law and official procedures, she shows how victims link up with different actors (monks, ethnic armed persons, the military, educated persons, lawyers), who they believe have the connections and power to give them back their land. She argues that the current political transformation in Myanmar has created insecurity about who has the power to resolve land disputes and this contributes to informality and hybridity. This situation of insecure and plural authorities is also evident in Helene Kyed and Myat The Thitsar’s article, which deals with competing state-making processes in frontier areas of Karen State partly administered by the KNU and partly by the central state. They give insights into the operations of the KNU justice system from the perspective of village dispute resolution, and show how village leadership and the capacity to make decisions in crimes and disputes are affected by the situation of plural external authorities and different laws. Mikael Graver’s article is also focused on Karen State and explores the historical emergence and role of an influential monk who has established his own moral community in an area where the KNU splinter group, the Democratic Karen Benevolent Army (DKBA) holds sway. The monk’s activities provide justice and protection to Karen Buddhist followers, but simultaneously create insecurity and injustice to non-followers, especially Christians and Muslims.
Lwin Lwin Mon also explores the significant role of religious actors as well as spiritual beliefs, but does so from the perspective of everyday justice provision in a village in Mon State inhabited by Mon Buddhists. Although the village remained under Myanmar government administration during the armed conflict, trust in the state system is low and people prefer to have their disputes and crimes resolved locally by the village leader. Yet even at this level, people deal with problems in hybrid ways through a combination of religious norms, spiritual beliefs, and law as well as increased use of social media. Annika Pohl Harrisson’s article takes us to an urban ward in Mon State’s capital, Mawlamyine, where half of the residents are Buddhist and half are Muslim. She shows how religious identities shape the handling of disputes and crimes, often with the involvement of monks, in ways that exclude Muslim residents from gaining access to justice within the local arena. While there are no open conflicts between the 2 religious denominations, many Muslims have taken on a strategy of ‘local subjugation’ by avoiding confrontation and accepting biased dispute resolutions. Than Pale’s article on poor urban migrants in Hlaing Thayar, a rapidly growing township on the outskirts of Yangon, also zooms in on how certain disadvantaged groups have a much lower chance of getting access justice not only in the official system, but also through local informal channels. Many poor urban migrants simply do not report the crimes they face. This is not, however due to their religious identity, but because they live informally, face an insecure economic situation, and because they are newcomers with few or no social connections to local leaders and other persons who can assist them. Overall, this shows that legal pluralism is not parity, but may benefit certain groups more than others. Thang Sorn explores this disparity with regards to gender imbalances in Mon State. Her article covers 2 villages inhabited by Buddhist Mon people, but whereas 1 village is in an area administered by the Myanmar state, the other is inside an area
covered by the main Mon EAO, the New Mon State Party (NMSP). Besides providing valuable insights into the justice system of the NMSP, Thang Sorn explores the various ways that women are inhibited from getting secular justice. This is not because they are explicitly excluded from bringing cases to the village leaders or to the NMSP, but because gendered power relations in society inhibit women from seeking justice. When women seek justice, they are perceived to create shame and the loss of face for the family and for society as a whole. Women do not even like to ask questions about justice, because they do not want to cause and be involved in a dispute with others. In addition, most justice providers are men and many villagers do not regard cases where women tend to be the victims, like domestic violence and rape, as crimes. Finally, women tend to be more affected by religious beliefs in past life deeds than men are, and this also means that women tend to hide the criminal and civil cases that they face. Instead of secular justice, many women choose to seek religious remedies like prayer and offerings as well as resort to religious beliefs that the perpetrators will face misfortunes or illness as punishments. Thang Sorn’s article underlines the peripheral role that law and legal rights, in this case for women, play in everyday justice provision in Myanmar.

This issue covers a range of issues related to everyday justice in Myanmar, but is limited by a narrow geographical scope. Due to the multiplicity of ethnic and religious forms of belonging and the plurality of authorities across Myanmar, more in-depth empirical case studies in other states and regions would likely reveal an even higher complexity of legal pluralism in the country. Another limitation is that the essays do not include observations inside the official judiciary, including the courts and the police. With the notable exception of Nic Cheeseman (2015) and Melissa Crouch’s work (2014), there is a general dearth of studies of the official system which, as pointed out in a recent report, may be linked to the continued diffi-
cultivies of gaining access to the courts, even though they now are officially open to the public (Justice Base 2017). In-depth ethnographies of court hearings and everyday case handling by the police would add further richness to the insights on legal pluralism and likely shed light on the challenges facing state officials as well as lawyers in Myanmar. Finally, the essays included in this issue do not explore the growing role of non-governmental (NGO) and community-based legal aid providers, which tend to focus especially on assisting children and victims of gender-based violence to access justice. These ‘new’ actors add up to a field that is already plural, and will likely expand as part of the growing international involvement in the rule of law and human rights programming that are accompanying the Myanmar transition. Despite these limitations, we hope that the articles in this issue will help deepen understandings of everyday justice in Myanmar and that they will generate critical discussion and further research on a very timely topic that is still very much at an explorative level. It is also the hope of the contributors to this issue that the empirical insights of their studies can influence policy makers who are engaged in justice sector reform. Rather than alone focusing on reforming the official justice system, this issue highlights that reform efforts should also take serious the power dynamics and the particular justice preferences, beliefs and practices that exist across the diverse localities of Myanmar.
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