

BOOK REVIEW

Positionality in International Socio-Legal Scholarship

Out of Place: Fieldwork and Positionality in Law and Society. By Lynette J. Chua and Mark Fathi Massoud. Cambridge, UK: Cambridge University Press, 2024. 213pp. Hardcover: \$97.00
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What happens when scholars and researchers disclose, and reflect upon, the ways in which their background—their identifications, experiences, and privileges—influence their work? The question of positionality is especially urgent in law and society, a field which has traditionally prided itself on neutrality and objectivity, but which has, until recently, insufficiently considered the inequalities, exclusions, and erasures they can mask. In this timely and elegant volume, Lynette J. Chua and Mark Fathi Massoud bring together a group of established and emerging scholars to reflect on the multiple dimensions of this question.

Massoud's essay opens the volume by considering the benefits and potential pitfalls of positionality. It points out that considering positionality is a difficult thing to do, as the tools of our research are often premised on, and indeed necessitate, the hiding of the self, an idea reinforced by the double-blind peer review process with which all researchers are familiar. He further underscores that positionality can be a form of vulnerability, in that it exposes the most personal aspects of a researcher to scrutiny and criticism. Yet he posits that such vulnerability can be a source of strength, as it can redefine our relationship to our work and also constitute a form of theory-building. Finally, he judiciously points out that positionality involves not only disadvantage but also privilege: for instance, it is possible for a researcher to be simultaneously excluded because of their race or gender but gain unique access to their subjects for the same reasons. The interplay of visibility, vulnerability, and strength, which the Introduction foregrounds, is taken up, in different ways, by the contributions that follow.

Leisy J. Abrego, a professor of Chicana/o and Central American Studies, points out that for many US scholars of colour, it is not possible to fully distance themselves from the structures of violence and oppression they attempt to write about. She observes, however, that the combination of distance and proximity can produce a unique form of “embodied” knowledge. Abrego proposes accompaniment, or the “cultivated capacity for making connections with others,” as both a premise and a practice of scholarly practice. Only by involving ourselves, she argues, can we produce research that is verifiable not only to the academic community but to the communities that the research purports to analyse.

The question of violence is taken up in Sindiso Mnisi Weeks' reflection on doing research in the Msinga area in KwaZulu-Natal, South Africa. As a Black, African woman with a PhD, Weeks regards herself as an “insider-outsider” when doing fieldwork. As an insider, she empathises with the trauma which her subjects experience, but as an outsider, she experiences it as a form of “secondary trauma.” One of the most powerful insights in this chapter is its consideration of how even to experience insecurity and violence as “trauma” is already a form of privilege: as Weeks points out, it is her own access to scientific and professional knowledge processes that allows her to understand what

happens to her as trauma. She concludes by calling for an “unlearning” of established modes of law-and-society research as a way of decolonising the mind.

The chapter by Margaret L. Boittin, a political scientist and legal scholar who writes on sex work in China, provides a fascinating discussion of the benefits that can come with being an out-of-place researcher. She notes that, as a woman with blond hair and blue eyes, there was little chance that anyone she encounters in her fieldwork—the sex workers, health workers, or police officers—would mistake her as being part of China’s sex industry. Her out-of-placeness, however, means that they are more at ease to open themselves up to her. The sex workers, for instance, would not see her as a potential competitor for clients, while the state actors felt that they could speak more freely because they believed that, as a foreigner, she had no stake in the regulation of the industry.

Chua’s personal, and moving, essay considers positionality not only in the domain of work but in the domain of childhood and family. Chua writes frankly about how she confronted the repeated need to pick up new languages as a child, and about the mismatch between her own goals and her parents’ expectations as she grew up. Looking back, she traces how a lifetime of being out of place gave her not only the inclination but the courage to conduct “oddball” research projects such as LGBTQ rights mobilisation in Singapore (at a time when the academic orthodoxy was that there was little rights mobilisation there and that Singapore itself was too small to merit serious academic attention) or the place of emotions amongst sexual and gender minorities in Myanmar. This contribution, by an award-winning scholar, is a helpful testament to how embracing our own positionality can be an important step to finding our scholarly voice.

Pratiksha Baxi’s contribution provides a glimpse of how the toils of research can affect oneself. Baxi writes about the multiple ways in which she felt out of place while doing research on rape trials in an Indian court: from initially not knowing where to sit in the chamber, to being scolded for doing work on rape by male lawyers and judges, to being lectured by a man about how women who were “habituated to sex” could not be raped, Baxi came face to face with the gendered dynamics of law. She writes honestly about the impact of such encounters on her personal, psychical, and professional life, and ends on a hopeful note by reminding readers that solidarity, kindness, and love are, ultimately, what makes fieldwork possible and worthwhile.

Swethaa S. Ballakrishnen offers a firm and impassioned rebuttal to critics of positionality in her chapter. She contends that “to have identity *not* matter” constitutes a privilege of neutrality, “of not needing to locate a sense of place within what is supposed to be normative.” She argues that for minority researchers, thinking with identity is “simultaneously a personal and political act.” Ballakrishnen is attuned to the multiplicity and complexity of this act. In a discussion about an email of thanks from a respondent, they ponder over the pitfalls of foregrounding their own positionality: while it can put respondents at ease, it can also create an illusion of similarity by masking significant differences between researcher and respondent. Ballakrishnen proposes queer failure as a way forward: while one needs to be “in place” to write about peripheries and oddities, paying attention to such peripheries and oddities, in however compromising an academic position one may find oneself in, can lead to the building of new methodological structures, analytic frames, and scholarly communities.

Luis Eslava draws on his own mixed *trigueño* heritage as the starting point of a critique of international law. He underscores the ways in which places that are traversed by global cultural and economic forces, such as his own city of Catatumbo, can produce “subjects who spin like a tangled-up maze of infinite threads” amongst them. Writing from a Global South perspective, Eslava exposes international law’s presuppositions of, and aspirations for, wholeness as little more than phantasies. In a powerful conclusion, he posits that as the world becomes more and more interconnected, *trigueñidad* increasingly constitutes nothing less than an ethical position for scholars to think with.

The chapter by Keebet von Benda-Beckmann, the esteemed Dutch scholar of Indonesia, brings the volume to a close. Reflecting on her 40-year career, Benda-Beckmann traces her own journey from being an outsider to a “familiar insider” in relation to the communities she writes about. In each section, she elegantly problematises the distinction between being “in” and “out” of place. When writing about care for the elderly amongst the Dutch Moluccan community, for instance, she is positioned outside of that community, but this outsider status is complicated by her experience of living and working in the Moluccas, and her scholarly insight can be said to stem from this more complicated status. When writing about constitutional reforms in Indonesia under Suharto, her prolonged absence from Indonesia paradoxically gave her a unique perspective, as it meant that her “perspective on the 1970s had not gone through the filter of the 1980s and 1990s” the way it had for most Minangkabau people.

What emerges from these essays is that out-of-placeness can be difficult, but immensely generative. To be out of place as a scholar is not simply to be situated in a space demarcated as the “outside,” but to be forced to think hard about the structures that construct and sustain the divisions between spaces, and about how we are differentially situated at different moments vis-and-vis our research, our communities, and our institutions. In other words, being out of place encourages scholars to think hard about why and how we do what we do. *Out of Place* breaks new ground and redefines what it means to do research, not only for people working in law and society, but for those of us engaging in the production of legal scholarship *tout court*.

Reviewed by Marco WAN
University of Hong Kong, PRC
Email: mwan@hku.hk