

***Politics and Constitutions in Southeast Asia.* Edited by Marco Bünte and Björn Dressel. Abingdon, Oxon.: Routledge, 2016. Hardcover: 360pp.**

The past three decades have witnessed major constitutional changes in Southeast Asian countries, most notably in the Philippines (1987), Laos (1991, 2003, 2015), Thailand (1991, 1997, 2006, 2007, 2016), Vietnam (1992, 2001, 2013), Cambodia (1993), Indonesia (1999, 2000, 2001, 2002), Timor-Leste (2002) and Myanmar (2008). These changes have, of course, significantly impacted the legal and political landscapes of these states, even those with authoritarian and hybrid regimes. These constitutional changes also reflected the growth and complexity of the competition and contestation for constitutionalism in Southeast Asia; a process in which different political actors bargain, confront, clash and settle on constitutional ideas and principles.

Against that background, Marco Bünte and Björn Dressel's edited book *Politics and Constitutions in Southeast Asia* offers timely insights and makes a significant contribution to the field of comparative constitutional politics. As the editors point out at the beginning, the book takes a distinctly political approach to examining the constitutional debates and contestation in Southeast Asia. It therefore complements well other bodies of research on similar topics which adopt legal, sociological or socio-legal perspectives by marshalling an impressive array of empirical evidence and providing incredible contextual richness curated from the diversity of Southeast Asia.

In terms of structure, the volume is neatly divided into four parts to cover the most visible areas of constitutional contestation: first, constitution-drafting processes; second, the role of the military in national politics; third, human rights discourse, institutions and practices; and fourth, judicial systems and the rule of law. The editors should be commended for having brought together a group of contributors that have extensive country expertise. Aurel Croissant offers an analysis of constitution-making across Southeast Asia. Michael H. Nelson looks into the drafting dynamics of the Thai constitutions. Rui Graça Feijó investigates the often ignored case of constitutional politics in Timor-Leste. Paul Chambers examines the role of the security forces in the domestic politics of Thailand, the Philippines and Myanmar. Renaud Egretéau focuses on how the military has infused its constitutional vision into Myanmar's

2008 Constitution. Eugénie Mérieau examines the dynamics between the Thai judiciary and the military. Marco Bünte assesses human rights commitments across Southeast Asia. Andreas Ufen uncovers the political and constitutional contests vis-à-vis the role of Islam and religious minorities in Indonesia and Malaysia. Bui Hai Thiem zeroes in on the changing discourse on human rights in Vietnam. Eugene K.B. Tan examines the rights of indigenous Malays in Singapore. Björn Dressel explains how greater judicial engagement may or may not support the rule of law and constitutionalism. Huong Thi Nguyen provides evidence of the debates over constitutional reviews in Vietnam. Imelda Deinla focuses on the role of the Philippines Supreme Court in the post-Marcos period. Stephen McCarthy and Kheang Un trace the convergence of the rule of law in the illiberal contexts of Singapore and Cambodia. Finally, Malik Imtiaz Sarwar discusses how the lack of independence of the judiciary in Malaysia has affected the constitutional protection of religious freedom in that country. Overall, each of the chapters underscores the importance of domestic actors, their interests, and especially the often contentious interaction among them in shaping national constitutional institutions. Constitutional institutions, in turn, govern and structure the interaction of domestic actors and shape the political behaviours and outcomes on the ground. The book, in short, adopts an actor-based, rather than an idea-based, approach to constitutionalism.

Even though the book has been written by different authors from different national and professional backgrounds, it remains coherent in terms of content. For the most part, individual chapters focus on the same outcome of constitutional rules and practices in regional countries, often in a comparative setting. The chapters also zero in on the same broad explanatory factor: the contentious political processes among elites and between elites and other domestic actors, including the military, civil societies, bureaucrats and civil servants, political parties, economic actors, religious groups and the general public. While some international norms may play a marginal role, the contributors tend to privilege domestic actors over global norm diffusion and international actors in explaining the constitutional arrangements that ensue.

The volume, while making a much needed contribution to explaining the causes of constitutional politics, glides over its consequences in many places. It would have been helpful if a more thorough treatment of the causal effect of constitutionalism was provided in some of the chapters, and the causal processes

from constitutions to political outcomes were specified. It often makes sense to consider in conjunction rather than in separation the determinants and impact of institutions. That way the potential causal effect of constitutions can be recovered from the empirical process, showing that the association between constitutional rules and political outcomes is not simply driven by domestic politics.

Despite providing valuable contextual narratives and empirical evidence, it is not clear what conceptual innovations have emerged from the context of constitutionalism in Southeast Asia. Moreover, while the book provides fascinating accounts of domestic politics across a range of Southeast Asian countries, researchers specializing in other regions may be interested to discern what generalizable lessons about constitutional politics that Southeast Asia can offer other regions and the world at large.

Finally, the book leaves the reader with several unanswered questions as to what kind of constitutionalism will exist and prevail in Southeast Asia going forward. Will constitutional practices across the region eventually converge into a Western or a distinctively Southeast Asian model of normative constitutionalism? Is such regional convergence likely or even plausible? Similarly, will there also be a divergence within the region in terms of political imagination and the practical pursuit of constitutionalism? How will regionalism and the Association of Southeast Asian Nations (ASEAN) affect national constitutional practices? To what extent will international norms impact domestic constitutionalism? These questions are not critiques, but are intended to highlight and underscore the need for further inquiries into the area of comparative constitutional politics in Southeast Asia.

HAO DUY PHAN (SJD) is a Senior Research Fellow at the Centre for International Law, National University of Singapore. Postal address: 469A Bukit Timah Road, Tower Block, #09-01, Singapore 259770; email: cilpdh@nus.edu.sg.