

ESSAY

Regarding the taken-for-granted, humility and Fallen Petals: musings on doing law and society scholarship

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Abstract

What does conducting law and society scholarship have anything to do with wilting blooms? In this essay, Lynette J. Chua makes the connection between the two through her reminder to law and society scholars to study the taken-for-granted, an intellectual project that has become all the more urgent as politicians and activists contest concepts such as citizenship, gender, territories, religion and rights. She also calls upon fellow law and society scholars to be humble – for the significance and impact of our research, like flowers, could come and go with the seasons.

Keywords: law and society research; research methods; dispute resolution; legal mobilization; legal consciousness

A new academic semester, the same time of the year. Once again, I will be convening the doctoral students' workshop at the Faculty of Law, National University of Singapore. At this weekly workshop, PhD law students present work-in-progress from their dissertation research. Their presentations and projects span a broad range of topics – corporate governance, banking, consumer protection, environmental regulation, human rights, international arbitration, criminal law and admiralty law. Nevertheless, as I sat through presentation after presentation and read paper after paper, I noticed a common characteristic. Virtually every one of them who researches jurisprudence or legal doctrine wants to improve the law.¹

These students, as well as many well-intentioned lawyers and legal scholars I have met, are passionate about legal fixes and about fixing the law. They are eager to prescribe more laws, extra rules and additional regulations to address the problems they have identified. But do they really know what the problems are about? I often wonder (see also Parmar 2015, 22).

¹Part of this essay, on studying the taken-for-granted, is developed from Chua (2025).

Then, when I come to conferences such as LSA, I find a community of researchers who are also passionate about law – in a different way. Law and society scholars, like me and many of you in the audience, usually begin not with the ambition of legal reform. We begin with a humbler aim. We want to understand a social phenomenon that has fascinated us. Along the way, we learn about why and how law matters to the phenomenon, if at all. At the end of our research journey, we may not offer a solution, much less a legal one. But, we offer something else equally important. Our research questions practices, concepts and things around us that are taken-for-granted by everyday folks or legal experts.

Empirically investigating the taken-for-granted and unearthing the role of law in creating that “taken-for-grantedness” compose a potential, significant contribution of law and society scholarship to the legal academy’s study of law. A case in point, fundamental to our field’s development, is the notion of disputes. Law students, lawyers, judges and my colleagues down the hallway at my law faculty usually take for granted the nature of a dispute. They assign disputes to certain law subjects or doctrinal categories, such as criminal, contract or tort, or public law or private law. However, the disputes they see are phenomena already filtered by assumptions steeped in formal law and legal institutions.

On the other hand, to law and society pioneers, studying disputes by focusing on court cases, especially doctrines and decisions handed down by apex courts, was severely insufficient to understanding the workings of law. Instead, they problematized the concept of dispute itself. They did not take it for granted. They stepped back from law’s classification of subjects and from the copious texts of law books. They went to the ground to find out how a grievance emerged, what it was about, how it transformed into a dispute between two or more parties and how they addressed the dispute, including whether or not they resorted to law.

Why is this important? Because interrogating the taken-for-granted helps us appreciate the ways in which law sometimes shapes one’s interpretations of experiences. For example, believing an encounter to be a problem for which the law can and should address, or dismissing it as mundane and the way life simply is. Other times, we learn that law has little to do with one’s perceptions and interpretations. In doing so, we detect the ins and outs of legal power. By legal power, I do not denote law as hegemony, a force of domination and subjugation, but in the broader sense of patterning social relations as well as controlling to varying extents agency and imaginations of the possible (see also Liu (2015)).

We live in turbulent, uncertain times. Officials and interest groups all over the political spectrum are contesting concepts such as citizenship, gender, territories, religion and rights. One side defends their definition for being naturally correct or virtuous, while their opponents on the other side vehemently insist that they are wrong and proffer alternatives. Today, probing taken-for-grantedness is an even more urgent intellectual project of law and society.

Let me provide a few more examples of exploring the taken-for-granted from my own research and from recent Asian law and society publications. In a previous project, I studied human rights mobilization by a group of Burmese activists (Chua 2019). I grew interested in their activities after reading a news report about their staging of human rights events across multiple towns and cities in Myanmar in the early 2010s, the start

of a decade-long of semi-civilian rule in their country.² To some law colleagues, it was unsurprising that activists and political advocates would adopt discourses about law and rights to reorganize politics and society following decades of repressive military rule. However, I did not take this clamor toward human rights for granted. I did not presume the meaning of human rights nor the positive value of rights itself. I wondered about their significance and attraction to this group of activists. After all, human rights were associated with brutal retaliation in their country for years. Thus began my journey of discovery into how a marginalized social group indigenized human rights and how their very acts of meaning-making produced their fascination with the discourse and motivations to build a social movement. For them, the contents and mobilization of human rights went hand in hand, a collective good to be collectively fought for.

Currently, I am writing a legal ethnography about why and how elderly parents sue their adult children for maintenance in three societies, Taiwan, Vietnam and China. In this study, I encountered acute taken-for-grantedness among lawyers, legal scholars and ordinary residents, namely, the idea that, *of course*, children should and would look after their parents. If that were the case, then why did some parents sue? If we adopt their assumed logic, the answer would be the litigants lacked morality or traditional norms in their society have eroded. By contrast, in my ten-year fieldwork, I did not take for granted the naturalness nor morality of looking after one's parents. Mining deep into why and how parents and children would litigate over maintenance – and why they did not – I tell a story about the state's crafty use of law to fashion and command a three-way bind among adult child, parent and government authorities.³

Many more examples abound in our field. Here are two more from award-winning Asian law and society works. In "Performing the Meaning of Money in the Trials of War Orphans Against Japan," Hyangseon Ahn and Kwai Hang Ng (2024) focus on money.⁴ This is an object central to countless lawsuits and recent debates around reparations for historical grievances, and yet it is so often taken for granted by legal professionals and the disputants. Analyzing the demand for compensation by war orphans, Japanese citizens left behind in China by their own government after Japan's surrender in 1945, Ahn and Ng showed that the biggest contention was not about how much money but about what the money connoted, for instance, as compensation for past wrongs or additional pension benefits.

In *Boats in A Storm* (2023),⁵ Kalyani Ramnath destabilizes a taken-for-granted, lawyerly classification of disputes. Whereas legal counsels would think of citizenship claims as constitutional arguments or administrative review, Ramnath identified them as category-defying averments in apparently irrelevant cases during the period of decolonization between 1942 and 1962 in South and Southeast Asia. As new national borders carved up the British colonial empire, migrants found themselves stuck across this vast region. Some tried in vain to return to their hometown or place of work.

²The relatively open decade terminated abruptly when Myanmar's military detained elected officials and overthrew the government on February 1, 2021.

³For an earlier iteration of this work, see Chua (2024).

⁴American Sociological Association's Peace, War, and Social Conflict Section Outstanding Article Award 2025 and Asian Law & Society Association Distinguished Article Award Honorable Mention 2024.

⁵Asian Law & Society Association Distinguished Book Prize 2024.

They risked losing their businesses, families and properties. Besides straight-up challenges on immigration and other aspects of public law she had located in the archives, Ramnath explains why lawsuits about taxation, contractual breaches and remedies, remittances and wages were also demands of citizenship and assertions of citizens' rights. In these cases, she shows that courts and government officials were implicitly asking – and claimants were answering – questions about where they were at a given moment in history, why they left that place and why they deserved to be treated as citizens.

As law and society scholars, we have the great privilege to carry out research in search of the unexpected and lesser known sides of the taken-for-granted. This is because we study law and legal institutions as social phenomena. We do not treat law as functioning independently of but as embedded in society. We examine law, its institutions and its actors alongside other social phenomena. Our approach differs from and surpasses a rising trend among legal scholars. That trend involves producing statistical analysis of large datasets, carrying out interviews and reporting on the interview findings and the like (see also Liu and Li 2023). To people uninitiated to our field, they may mistakenly equate such research with doing law and society.

Beyond reporting on quantitative or qualitative data, as law and society scholars, we work from our empirical findings to refine concepts or propose theories so that our research advances scholarly literature and debates in our field or adjacent disciplines. One pathway to fulfilling this standard of doing law and society is to investigate the taken-for-granted. Pay attention to how statutes and judicial opinions, as well as how human interactions with law and through law with one another, might have given rise to certain taken-for-grantedness. Crucially, listen to the data and the silence of data.⁶ What is the data saying? What is it *not* saying? Who is speaking to us through the data? Whose voices do we *not* hear from the data? As we undertake such inquiries, we might then notice the force and flaws of law and legal institutions, the intentions and machinations of the state and the role of law in generating taken-for-grantedness.

In all this, I believe we need to stay humble. We embark with a humble aim of understanding a social phenomenon, instead of hopes to fix a problem with law. Next, we progress humbly, listening to the data. At the end, we finish with humility. That is, humility about the potential impact of our research and writing.

Cycles come and go. The hottest topic could become the most unfashionable, tiring thing to study in a few years' time. Specializing on X country may be a scholar's boon of this decade but their bane the next. The popularity of research methods alternates. We are limited to knowledge we can possibly gather in our lifetimes and to written and oral records others manage to pass down in their lifetimes. Law and society scholarship is only sixty-one years old if we count from the founding of LSA in 1964 and seventy-eight if we calculate from the establishment of the world's first law and society organization in 1947, the Japanese Association of Sociology of Law. Our field is a baby in the long river of human history.

Rather than wishing or convincing ourselves that our research and our field can bring lasting impact on law and other disciplines, I prefer to emphasize something more feasibly within our control: to do the best law and society work we can, no matter

⁶In conversation with David M. Engel. Undated.

the hardest or shortest times we may have. Nothing can be taken for granted, except perhaps our impermanence.

The following verses, which I translated from a classical Chinese poem, muse about the equally temporary nature of the grand and the wretched. Maybe some of you will find its tone pessimistic. I find it uplifting. It encourages me to relish the beauty and import we might create and to repose when they are gone, while remaining regardless of what may come. Who knows? The radiant or the dismal could return, like the changing seasons of flora.

*'Twas just yesterday
 Flowers blossomed,
 crimsoning every bole and bough;
 'Tis early morn
 They scattered,
 baring every tree and twig.
 By the grace of three spring moons
 These blooms flourished;
 By the billows of one windy night
 They're vanquished.
 Under nature's divine, time uncoils,
 Unharassed
 Unattached to flesh and bone;
 Unto certain death, we live and breathe,
 Unfathomed
 Unknowing of our end on earth.
 the glorious. the trivial. the damned.
 all in life shall languish
 all shall return to nothingness
 dreams dispelled by the flicker of a lash
 -Fallen Petals 《落花》⁷*

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References

- Ahn, Hyangseon and Kwai Hang Ng. 2024. "Performing the Meaning of Money in the Trials of War Orphans Against Japan." *American J. of Cultural Sociology* 12 (4): 1–28. doi:[10.1057/s41290-022-00171-4](https://doi.org/10.1057/s41290-022-00171-4).
- Chua, Lynette J. 2019. *The Politics of Love in Myanmar: LGBT Mobilization and Human Rights as a Way of Life*. Stanford: Stanford University Press.
- Chua, Lynette J. 2024. "'He Is Still Your Father': Tetherings, Social Welfare, and Troubled Parental Maintenance Litigation in Taiwan." *Law & Social Inquiry* 49: 2213–44. doi:[10.1017/lsi.2024.3](https://doi.org/10.1017/lsi.2024.3).

⁷By Qiu Chuji (丘處機), 1148–1227 C.E. My translation aims to capture the spirit of the original poem and favors readability over verbatim accuracy.

- Chua, Lynette J. 2025. "Our Fascination, the Law: On Similarities, Differences, and the Future of Law and Society Scholarship, Asian Law and Society Association 2023 Presidential Address." *Asian J. of Law and Society*. doi:[10.1017/als.2025.2](https://doi.org/10.1017/als.2025.2).
- Liu, Sida. 2015. "Law's Social Forms: A Powerless Approach to the Sociology of Law." *Law and Social Inquiry* 40 (1): 1–28. doi:[10.1111/lsi.12105](https://doi.org/10.1111/lsi.12105).
- Liu, Sida and Li. Sitao. 2023. "How to Do Empirical Legal Studies without Numbers?" *Hong Kong Law Journal* 53 (3): 1260–73.
- Parmar, Pooja. 2015. *Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings*. New York: Cambridge University Press.
- Ramnath, Kalyani. 2023. *Boats in a Storm: Law, Migration, and Decolonization in South and Southeast Asia, 1942–1962*. Stanford: Stanford University Press.

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