

Editorial

Welcome to the inaugural issue of *Thai Legal Studies*, a new open-access academic journal, published by the Faculty of Law at Thammasat University, Bangkok, Thailand.

Thai legal studies present a growing field of study in English-language academic literature. Academic work by Thai scholars and international scholars who work on Thailand is now appearing in many places, and several books have appeared in recent times.¹ This field has now reached a level of activity and maturity that merits an academic journal in English. The so-called “pivot to Asia” has embraced work on China and India. Both of these countries have specialised academic journals in English devoted to their law and legal development, and we believe Southeast Asia is the next focus for comparative work. It is also significant that Thai law contains both civil law and common law components, and is increasingly eclectic in its models for law reform. We believe the pages of this journal will bear out this assertion.

Moreover, as a middle-income developing country, Thailand provides a model for law and development and for regional integration. Thailand is also a major Southeast Asian economy and a centre of gravity of ASEAN, possessing a legal system growing rapidly in scope and sophistication. For example, legislation recently has been passed to rationalise and improve the law-making process,² and Thailand is also experimenting with the trust, a common law device.³ Thailand’s growing connections and relations with the international community ensure a wide audience for our new journal, as the development of law in Thailand is open to international and regional influences. This is being reflected in academic research as well as other areas, such as judicial and legal professional training programmes.

¹ See, e.g., Duncan McCargo, *Fighting for Virtue: Justice and Politics in Thailand* (Cornell University Press 2020); Andrew Harding and Munin Pongsapan (eds), *Thai Legal History: From Traditional to Modern Law* (Cambridge University Press 2021); Tyrell Haberkorn, *In Plain Sight: Impunity and Human Rights in Thailand* (University of Wisconsin Press 2018); Chris Baker and Pasuk Phongpaichit, *The Palace Law of Ayutthaya and the Thammasat: Law and Kingship in Siam* (Cornell University Press 2016); James Wise, *Thailand: History, Politics and the Rule of Law* (Marshall Cavendish 2019); David M. Engel and Jaruwan Engel, *Tort, Custom and Karma: Globalization and Legal Consciousness in Thailand* (Stanford University Press 2010); Alessandro Stasi, *Elements of Thai Civil Law* (Brill 2016); Andrew Harding and Peter Leyland, *The Constitutional System of Thailand: A Contextual Analysis* (Hart Publishing 2011).

² Act on Legislative Drafting and Evaluation of Law B.E. 2562 (2019).

³ Surutchada Reekie and Narun Popattanachai, “Thai Trust Law: A Legal Import Rooted in Pragmatism” in Harding and Munin, *Thai Legal History* (n 1).

In addition, large numbers of Thai legal scholars are returning from doctoral studies in English-medium systems, such as the UK and the USA, and are keen to publish in English-language outlets. Their universities are asking them to publish in international-standard journals, and in our view the emergence of this group of highly talented young scholars represents a game-changing development in Thai legal studies. The reader will find many of them already associated with this journal as editors or contributors to the first issue.

We can also observe that many non-legal scholars, international scholars who work on Thailand, and young social science researchers from Thailand, are giving increasing attention to law for interdisciplinary study (history, political science, economics, sociology, and anthropology). Legal scholars themselves are developing doctrinal, comparative, historical, and socio-legal research. Moreover, law programmes in Thailand, both at the masters and undergraduate level, are increasingly being taught in English to Thai as well as international students. In our view, Thai legal studies in all aspects will grow very rapidly in importance, both in the numbers of researchers and the quality of scholars working in the field. Such groundbreaking work requires outlets, and it is highly appropriate that Thailand's leading law school pushes forward this initiative.

The scope of the field covered by the journal *Thai Legal Studies* encompasses any of three kinds of scholarship:

- (1) Scholarly work by Thai, Thailand-based, and Thailand-focused legal scholars and scholars from other disciplines, related to Thai law.
- (2) Scholarly work by such scholars that has bearing on Thailand, even if not directly on Thai law or which compares Thai law with that of other relevant countries.
- (3) Scholarly work corresponding to general jurisprudence or legal theory, having some clear relevance to Thailand.

Our rationale for adding to the existing corpus of specialist academic law journals is clear. Currently, no other journal in English focuses on this area of study, while even general comparative law journals have not published a great deal on Thai law. Our purpose, therefore, is to publish in English Thai legal studies of excellent quality, providing an outlet for work of this type by Thai scholars and others working in the field, as outlined above. The existence of a journal of this kind will encourage such scholars to produce excellent work, thereby adding to the development of Thai law schools, the teaching of law in Thailand, and to the development of the legal complex in general. This work will also provide a resource for the increasing international interest in Thai law.

While *Thai Legal Studies* will be an academic rather than professional journal, we nonetheless believe it will be of interest to judges, officials, legislators, and law reformers, as well as scholars and students from a variety of disciplines. It will also inform the international community concerning legal thought and legal development in Thailand. Our intention is to publish relevant academic work of the highest international calibre. The inaugural issue itself is evidence of the salience and quality

of work that is being done in the field, and what is possible.

How sustainable is such an enterprise? This is a question we have considered very carefully before embarking on the project. We intend to adopt a proactive rather than passive approach. We plan to organise an annual conference on Thai law, which should encourage a substantial amount of excellent local scholarship. Initiatives such as ours will also encourage Thai scholars to participate in international events and produce relevant work that has already been exposed to scrutiny. We hope to attract the work of good, and especially young, scholars from *all* of Thailand's law schools, which, as with Thammasat University, are hiring excellent researchers who are anxious to publish their work.

Thai Legal Studies will be published online in two issues annually, normally in July and December. All work is usually published as soon as it has passed peer-review, editing, and production, thus before being assigned to an issue, so as to ensure speedy publication. We intend, where possible, to host one special-focus issue every year, and will invite scholars from other schools, both within and beyond Thailand, to act as guest editors. We are therefore open to proposals for special issues for 2022 and beyond.

We have been fortunate to enlist editorial support not just from Thammasat University, but also from other Thai law schools and institutions. Moreover, we have recruited eminent scholars internationally for our International Advisory Board.

Thai Legal Studies publishes articles of ordinarily 6,000–12,000 words in length. These will be double-blind peer-reviewed to ensure the highest quality of assessment and feedback. Pursuing the objective of publishing the best work on Thai law in English, we also welcome the submission of articles previously published in the Thai language for translation into English, the aim being to provide greater worldwide accessibility to Thai scholarship and thought. Also published will be shorter essays, notes on current legal developments, and book reviews.

The inaugural issue of *Thai Legal Studies* is, we believe, an event of great significance. We have put a great deal of thought and work into providing the best possible service to scholarship. We need, and seek, the support of the scholarly community in this enterprise, and thus encourage not only the submission of articles for peer-review and publication, but also help in spreading the news of this journal to the scholarly community in Asia and further afield.

We hope that you will enjoy reading this inaugural issue. The journal's website is at <<http://tls.law.tu.ac.th/>>.

Andrew Harding and Munin Pongsapan

Chief Editors

Bangkok, November 2021

[Ed. Note: Along with its online version, *Thai Legal Studies* will also have a special printed edition of the first issue to commemorate the launch of the journal.]