Zhabdrung's Legacy: state transformation, law and social values in contemporary Bhutan

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Abstract

Based on ethnographic research in Bhutan and among Bhutanese living in Nepal, this thesis examines the reach of law in everyday life in contemporary Bhutan. Drawing on inter-linked themes of social values drawn from Buddhist teachings and the importance of morality, power and legitimacy, I examine popular discourse of and about law. It contributes to current arguments in socio-legal studies and anthropology concerning the reach of law in contemporary societies and its significance in everyday life. Furthermore, my thesis represents the first ethnographic account of law and society in Bhutan. It makes a valuable contribution not only to our understanding of Bhutan, but also provides an ideal opportunity to examine everyday conceptions of law as the Bhutanese State promotes legal change that draw on non-indigenous models. The thesis considers the impact of the creation of a modern, independent judiciary and recent changes in legal education and the increasing amount of legislation and secondary regulations. However, the everyday construction of law, as well as the meanings and uses to which law are put, raises problems. Therefore, I turn to examine how ordinary people create and develop a sense of the law by focussing on the development of legal consciousness. To do this, I look less at the formal legal processes of the law than at the narratives about law from a number of Bhutanese. These narratives focus on the importance of community values and notions of morality and legitimacy, which simultaneously draw on a prevalent
authoritative public discourse concerning social behaviour and individual re-
interpretations and resistance within the broad framework of the discourse. I examine the
interrelationship between these various features, which evoke, on an individual level, a
sense of "legal consciousness" and I develop how this informs daily life. This
interrelationship highlights the dynamism of the process and the fluidity of ideas and
adaptability to changing needs and relationships of power. This approach allows for an
examination of law situated within, rather than separate from, everyday life in order to
analyse the fragmentary and often inconsistent use made by individuals of the legal
orders and forums available to them.