



UNDERCLASSES & THE LAW IN SOUTHEAST ASIA

EPISTEMOLOGIES
AND EXPERIENCES

3 - 4 AUGUST 2023



*Archiving the
Underclasses*
an MOE Tier II Grant

ARI 
ASIA RESEARCH INSTITUTE
National University of Singapore

More information at:
[ari.nus.edu.sg/events/
underclasses/](http://ari.nus.edu.sg/events/underclasses/)

This workshop is part of the project “Archiving the Underclasses: Knowledge, Law, and Everyday Agency in Modern Southeast Asia” funded by a Tier 2 grant from the Singapore Ministry of Education.

This workshop considers the role of law in the formation, erosion, mobilization, and control of identities known collectively as the “underclass”. It examines the epistemological processes and institutions underlying the legal/administrative/scholarly construction of the underclass in Southeast Asia. Following recent work that has sought to unpack this notion of a “subpopulation” in a predominantly N. American context, we explore how these communities of advanced marginality has been constructed in Southeast Asian contexts over time and space (Wacquant, 2022). Second, this workshop directs fresh attention to exploring the lives, experiences, and contributions of an *epistemological underclass*—bureaucrats, paralegals, witnesses, defendants, jurors, translators, clerks, informants, court personnel, legislators, and archivists—who operate in the background, alongside, or behind the scenes of the knowledge production process (Said, 1989). In doing so, we treat the underclass not only as the object of legal-scholarly epistemologies, but as active subjects in the construction of knowledge pertaining to marginality in Southeast Asia.

This workshop attempts to address the following questions:

1. What is the role of the law in the construction of the underclass?
2. What aspects of legal rationale, method, and/or practice contribute to the construction of underclass as both a legal and humanities/social science category?
3. How are notions of identity, community, and culture acquired and appropriated by law in their rendering of the underclass?
4. In what ways do particular social, political, cultural, or intellectual contexts or concerns shape legal notions of the underclass?
5. In what ways do spatial contexts inform legal understandings of the underclass and in what ways does law delineate spaces associated with the underclass?
6. How might we define the “epistemological underclass” and what are their heuristic/intellectual contributions to the study of Southeast Asia?
7. What are the epistemological legacies of research on the underclass in our understanding of historical and contemporary Southeast Asia?
8. How has court or judicial rhetoric shaped the discourses of the underclass and how have discourses of the underclass shaped legal rhetoric?

WORKSHOP CONVENORS

A/P Maitrii V. Aung-Thwin | Asia Research Institute, National University of Singapore

Dr George B. Radics | Department of Sociology & Anthropology, National University of Singapore

Ms Aishah Alhadad | Asia Research Institute, National University of Singapore

SECRETARIAT

Ms Valerie Yeo | Asia Research Institute, National University of Singapore

E | valerie.yeo@nus.edu.sg

PROGRAM AT-A-GLANCE

DATE	TIME (SGT)	PANEL SESSION
3 Aug 2023 (Thu)	10:30 – 11:00	WELCOME & INTRODUCTORY REMARKS
	11:00 – 12:30	PANEL 1 – CRIME, LAW, AND THE UNDERCLASS
	14:00 – 15:30	PANEL 2 – COLONIALISM, LAW, AND THE UNDERCLASS
	16:00 – 17:30	PANEL 3 – FAMILY, LAW, AND THE UNDERCLASS
	18:00 – 19:30	WORKSHOP DINNER <i>(For Presenters, Chairpersons and Invited Guests)</i>
4 Aug 2023 (Fri)	10:30 – 12:00	PANEL 4 – JURISPRUDENCE AND THE UNDERCLASS
	13:00 – 14:30	PANEL 5 – POSTCOLONIAL LEGACIES AND THE UNDERCLASS
	15:00 – 16:30	PANEL 6 – REPRESENTING THE UNDERCLASS
	16:30 – 17:00	SUMMARY & CLOSING REMARKS

3 AUGUST 2023 • THURSDAY

10:30 – 11:00	WELCOME AND INTRODUCTORY REMARKS
	Maitrii V. Aung Thwin <i>National University of Singapore</i> George B. Radics <i>National University of Singapore</i>
11:00 – 12:30	PANEL 1 – CRIME, LAW, AND THE UNDERCLASS
Chairperson	Maitrii V. Aung Thwin <i>National University of Singapore</i>
11:00	Preempting Treason: How Laws Create Traitors Thongchai Winichakul <i>University of Wisconsin – Madison</i>
11:30	Locating Criminality: The Judge, the Scholar and the Police Kah Wee Lee <i>National University of Singapore</i>
12:00	QUESTIONS & ANSWERS
12:30 – 14:00	LUNCH BREAK
14:00 – 15:30	PANEL 2 – COLONIALISM, LAW, AND THE UNDERCLASS
Chairperson	George B. Radics <i>National University of Singapore</i>
14:00	The Unfulfilled Promise of an Ecological Underclass in Late Colonial Borneo Lezhi Wang <i>National University of Singapore</i>
14:30 <i>online</i>	Amir Ali in Rangoon Court: Islam, Identity, and Knowledge Production in Colonial South and Southeast Asia Md Anisur Rahman <i>Independent University</i>
15:00	QUESTIONS & ANSWERS
15:30 – 16:00	TEA BREAK
16:00 – 17:30	PANEL 3 – FAMILY, LAW, AND THE UNDERCLASS
Chairperson	Maitrii V. Aung Thwin <i>National University of Singapore</i>
16:00	A People's History of the Regicide in Thailand Tyrell Haberkorn <i>University of Wisconsin – Madison</i>
16:30	'Slaves' to Tradition: Gender, Law, and Female Child Servitude in Colonial Singapore Hema Kiruppalini <i>National University of Singapore</i>
17:00	QUESTIONS & ANSWERS
17:30	END OF DAY 1
18:00 – 19:30	WORKSHOP DINNER (<i>For Presenters, Chairpersons and Invited Guests</i>)

4 AUGUST 2023 • FRIDAY

10:30 – 12:00	PANEL 4 – JURISPRUDENCE AND THE UNDERCLASS
<i>Chairperson</i>	George B. Radics <i>National University of Singapore</i>
10:30	Sweeping the Underclass under the Rug of Justiciability: The Marcos Burial Case Maria Serena I. Diokno <i>University of the Philippines – Diliman</i>
11:00 <i>online</i>	Political Expert Witnesses in Courts of Political Cases in Indonesia: A Personal Experience Warjio <i>Universitas Sumatera Utara</i>
11:30	QUESTIONS & ANSWERS
12:00 – 13:00	LUNCH BREAK
13:00 – 14:30	PANEL 5 – POSTCOLONIAL LEGACIES AND THE UNDERCLASS
<i>Chairperson</i>	Maitrii V. Aung Thwin <i>National University of Singapore</i>
13:00	Legal Publics in the Straits Settlements: The Chinese Protectorate and G.T. Hare’s <i>Textbook of Documentary Chinese</i> (1894) Nicholas Y. H. Wong <i>University of Hong Kong</i>
13:30	The Role of Colonial Policies in the Identity Formation, Social Stratification, and Contemporary Legal Treatment of Indigenous Peoples in the Philippines Josiah Patrick P. Bagayas <i>Mariano Marcos State University</i>
14:00	QUESTIONS & ANSWERS
14:30 – 15:00	TEA BREAK
15:00 – 16:30	PANEL 6 – REPRESENTING THE UNDERCLASS
<i>Chairperson</i>	George B. Radics <i>National University of Singapore</i>
15:00	The Law, Politics, or the Courts? Conduits in Society that Contribute to the Construction of the Migrant Worker Underclass in Singapore Abigail Chiu Mei Lim <i>National University of Singapore</i>
15:30	Corporate Lawyers as Saviours? Legal Aid and its Private Origins in Indonesia and the Entrenchment of Marginalization Jeremy J. Kingsley <i>Western Sydney University</i>
16:00	QUESTIONS & ANSWERS
16:30 – 17:00	SUMMARY & CLOSING REMARKS
	Maitrii V. Aung Thwin <i>National University of Singapore</i> George B. Radics <i>National University of Singapore</i>
17:00	END OF DAY 2

Preempting Treason: How Laws Create Traitors

Thongchai Winichakul
University of Wisconsin – Madison
twinicha@wisc.edu

Treason and danger to national security is the most unwanted Otherness that deserves exclusion or severe punishment. Typically, apart from the cultural and ideological banishment, law is a prime instrument for the state to deal with such ‘traitors’. In Thailand, the various forms of national security laws serve this purpose, such as the Anti-Communist Acts 1952 and the International Security Act 2008. These laws consider the threat to national security an exceptional situation, thus warranting a legal instrument for the “state of exception.” This paper looks closely at how one of these laws, the National Safety Act (NSA), was drafted in Thailand in 1975-76. The archival records shed light on the thinking of state agencies and the top legal technocrats in the country in creating such a law.

Six components were crucial for the NSA. First, its primary approach was to detect the potential danger (action and actor) and to put it out before it occurs—a preemptive strike at the yet-to-be committed crime. Second, the notion of ‘danger’ to national security was broadened and made ambiguous, where even the signs of danger were included. Third, the excessive power afforded to the security agencies, primarily the army, extended far beyond the normal laws, to search, arrest, interrogate, and detain suspects. The agencies can also sequester private properties, and control people’s movement and commodity transactions. Fourth, the drafted law made placed the authority of security agencies above the civilian one. The fifth component is the almost blanket impunity security agencies enjoy when exercising power under this law. The sixth and final component is the enforcement of the NSA even in normal conditions: declarations of emergency or martial law were no longer required.

Under these laws, security agencies have produced more, not less, dangers and threats to national security. Too many alleged traitors were excluded, “re-educated” and eliminated by the preemptive, excessive power.

Thongchai Winichakul is an Emeritus Professor of History at the University of Wisconsin – Madison. Apart from eight books in Thai, he wrote two prize-winning books, *Siam Mapped* (1994, Harry Benda Prize, AAS, 1995) and *Moments of Silence: The Unforgetting of the October 6, 1976, Massacre in Bangkok* (2020, EUROSEAS 2022 award and George Kahin Prize, AAS, 2023). He received the John Simon Guggenheim Fellowship (1994), was inducted into the American Academy of Arts and Sciences (2003), and was awarded the Fukuoka Grand Prize (2023). He was President of the Association for Asian Studies in 2013/14. He was also at ARI from 2010-2012. His research interests are in the intellectual foundations of modern Siam under colonial conditions.

Locating Criminality: The Judge, the Scholar and the Police

Kah-Wee Lee

National University of Singapore

leekahwee@nus.edu.sg

How can criminality be fixed in space? For a popular illegality like gambling, this question has motivated judges, lawyers, public administrators and the police to design and legitimise various dividing practices that selectively attack a fraction of what is widely practiced across society. In this paper, I discuss three sets of dividing practices in the context of Singapore across the 19th and 20th centuries. First, I follow the work of Sinologist George O'Hare, whose investigation of a Chinese lottery in the late 19th century marked a decisive moment in the colonial penetration of a massive but dispersed shadow economy. His detailed ethnography rendered the subterfuge of syndicates and gamblers legible to the eyes and arms of the law. Next, I turn to two prominent judges—Thomas Braddell and Choor Singh—whose legal commentaries reveal a dynamic between a will-to-criminalize and a reflexive awareness of the human and political costs of over-criminalization. This dynamic is worked out in the shifting interpretations of key spatial concepts in the Common Gaming Houses Act, one of the main legislations that attempted to fix criminality in space. Finally, I discuss how the police assigned risk and danger to the urban environment. In sketching a shifting cartography of criminogenic spaces, police discourse also turned public consciousness toward gambling as a crime against society, thus entrenching the division of gambling into harmful and harmless halves.

The career of a popular illegality like gambling shows how the ordering of society and space was built on divisions that demarcated the limits of legitimate state violence and social sanction. At the same time, fixing criminality to space is an interminable project as the collective criminal genius of the general population ensures that the dividing practices put in place will be circumvented over time.

Kah-Wee Lee is an Associate Professor at the Department of Architecture, National University of Singapore. He is an interdisciplinary scholar who works on the relationships between space and power, particularly through the lenses of modern expertise such as architecture, urban planning, law and public administration. His current project, "The World in the Casino", examines the expansion of the casino industry across Singapore, Manila and Macau, and asks how licit and illicit channels of capital flow are transforming these cities. Lee's research has been published in the *International Journal of Urban and Regional Research*, *Environment and Planning A and C*, *Geoforum*, and local professional journals. He is the author of *Las Vegas in Singapore: Violence, Progress and the Crisis of Nationalist Modernity* (2019).

The Unfulfilled Promise of an Ecological Underclass in Late Colonial Borneo

Lezhi Wang

National University of Singapore
wanglezhi@u.nus.edu

This article is an attempt to apply the traditionally urban-oriented analytical lens of the underclass on the legal and ecological history of a rural subaltern community in colonial Borneo. By first zooming in on a case of economic dispute in 1929 which culminated in three deaths, I try to delineate two conjugal and corresponding, yet contradictory, legal movements in the Dutch colonial circles that eventually led to such a tragedy. The first movement was that of natural conservation. Ostensibly under the rationale of sustainable exploitation, state projects brought indigenous land and vegetations into paternalistic colonial control. The second came in the form of a legal pluralist movement that aimed to identify and codify indigenous laws: an academic project which claimed to serve indigenous interests, but often in reality achieved the opposite. Though never completed due to the Second World War and Indonesia's ensuing independence, the venture nonetheless left behind legacies in land tenure, conservatory laws, and indigenous cultural identities one still feels today.

These two legal trends subjected the indigenous populations of Borneo to a process of cultural inscription and essentialization that signaled the beginning of an underclass. The way policy makers, public intellectuals, and anthropologists in the 1920s converged on the preservation of indigenous legal culture and ecologies in Borneo closely resembles how public institutions inscribed a "culture of poverty" upon urban African Americans in the 1980s. Loic Wacquant makes the point that poverty in rural areas does not warrant a rural underclass, for in Western cultural traditions there have only been tendencies to vilify cities. I am on the contrary arguing the exact reverse: it was the culturally essentialist exaltation of the rural and the primeval that threatened to bring about a comparable jeopardy to Borneo's indigenous populace.

Lezhi Wang is a PhD Candidate at the History Department, National University of Singapore (2020-25), and a visiting researcher at Leiden University (2023). His doctoral project traces the genealogies of developmentalism and conservationism in Borneo to their colonial origins, while paying special attention to the roles of geography, ecology, and religion. He earned an MA in Southeast Asian Studies from the University of Washington in 2020.

Amir Ali in Rangoon Court: Islam, Identity, and Knowledge Production in Colonial South and Southeast Asia

Md Anisur Rahman
Independent University
anisur@iub.edu.bd

In 1893, the Court of Record in Rangoon decided that a Muslim wife is entitled to get maintenance for a year after divorce from her former husband. The Rangoon resolution concerning post-divorce maintenance was based on an interpretation of a Quranic verse given by Saiyid Amir Ali—a South Asian scholar of Islamic Law and the first Indian judge in the Privy Council, the highest judicial forum for British India. For the Court of Recorder, Amir Ali's interpretation of the concerned Quranic verse carried more weight than other legal texts translated in British India. However, the decision of the Rangoon Court did not survive in the Privy Council. On an appeal, the Privy Council not only reversed it but also rejected Amir Ali's approach to interpreting Quranic verses on grounds that it disregarded the authoritative rulings of the past Muslim jurists. Moreover, the colonial legal text writers and translators accused Amir Ali of producing a particular knowledge of *sharia* (Islamic law), which was not in line with colonial policies or approaches to administering Islamic law in India. Although reversed, the Rangoon decision began new conversations on Islamic law, which would continue in post-colonial South Asia.

This article intends to explore Amir Ali's approach to Islamic law in the colonial courts in South and Southeast Asia by reviewing his celebrated books. Also, the article looks at the implications of the Rangoon case in post-colonial South Asian conversations on Islamic law. To this end, this article will look into the Privy Council Papers and leading cases from India, Pakistan, and Bangladesh. Above all, the article seeks to unveil the contribution of an 'epistemological underclass' in the production of *sharia* knowledge in colonial Southeast Asia, and the historical connection of contemporary Southeast Asia with South Asia through the technology of law.

Md Anisur Rahman, an Assistant Professor of Law at the Independent University, Bangladesh, is a socio-legal historian. His research interests include Intellectual History of Law; South Asian Legal History; Islamic Law and Society; Law and Religion; and Legal Secularism. Anisur fulfilled his PhD with the National University of Singapore, where he published his dissertation titled "Reconfiguring Muslim Marriage: Law, Islam, and Modernity in Bangladesh, 1833-2015". He has published a book chapter titled "Criminalizing Adultery in Colonial India: Constructing the Wife vs. the 'Other' in Islamic Family Law" in *Criminal Legalities in the Global South: Cultural Dynamics, Political Tensions, and Institutional Practices* (Routledge: 2020).

A People's History of the Regicide in Thailand

Tyrell Haberkorn

University of Wisconsin – Madison
tyrell.haberkorn@wisc.edu

On 18 February 1955, Chit Singhaseni, Butr Patthamasarin, and Chaleo Pathumros were executed by firing squad at Bang Khwang Prison in Bangkok for the death of Ananda Mahidol, King Rama VIII. The king had died as a result of gunshot wound to the head inside the palace on 9 June 1946. Chit and Butr were royal pages and Chaleo was the king's secretary. Pridi Banomyong, who was prime minister at the time of the king's death, was also accused of involvement. Following a lengthy and unjust trial and appeal process, all that was clear was that the three men executed had not killed the king. In the sixty-eight years since Chit, Butr and Chaleo's lives were taken in exchange for the king's, the king's assassin has remained unknown. Scholarship on the regicide remains relatively sparse, but existing work can be divided into two themes: scholarship that aims to criticize the monarchy by identifying King Rama VIII's younger brother, Bhumipol, who then became king, as the assassin; or scholarship that aims to exonerate Pridi Banomyong, who resigned his position as prime minister and later went into exile following the regicide. Yet within this work, the lives of those most affected following the regicide – those of Chit, Butr, and Chaleo and their families – become dispensable and disappear in an unjust way resonant with the trial itself. As part of a broader project on a people's history of Thailand, this paper counterposes the trial and execution of Chit, Butr and Chaleo with their lives to explore injustice within the law, elision within historiography, and strategies for challenging both.

Tyrell Haberkorn is a Professor of Southeast Asian Studies in the Department of Asian Languages and Cultures at the University of Wisconsin – Madison. Tyrell researches and writes about state violence and dissident cultural politics in Thailand from the end of the absolute monarchy in 1932 until the present. She is the author of *Revolution Interrupted: Farmers, Students, Law and Violence* (University of Wisconsin Press, 2011) and *In Plain Sight: Impunity and Human Rights in Thailand* (University of Wisconsin Press, 2018). She has just finished her third book, *Dictatorship on Trial: Coups and the Future of Justice in Thailand*, a condensed history of injustice during the recent dictatorship of the National Council for Peace and Order in the form of rewritten court judgments, and translating Prontip Mankhong's prison memoir, *All They Could Do To Us* [มันทำร้ายเราได้นั่นแหละ]. Tyrell also writes and translates frequently about Southeast Asia for a public audience, including *Dissent*, *Foreign Affairs*, *Mekong Review*, *Los Angeles Review of Books*, *openDemocracy*, and *Prachatai*. She has received fellowships from Fulbright, Fulbright-Hays, Association for Asian Studies, Australian Research Council, Einstein Forum, the Radcliffe Institute for Advanced Study, the Institute for Advanced Study at Central European University, the John Simon Guggenheim Foundation, and the National Endowment for the Arts.

'Slaves' to Tradition: Gender, Law, and Female Child Servitude in Colonial Singapore

Hema Kiruppalini

National University of Singapore

hema@nus.edu.sg

Through an analysis of the *mui tsai* ('little sisters' in Cantonese) system, this paper explores the transnational flow of young girls from China into bond service in the Straits Settlements, in particular in Singapore, during the early 20th century. The *mui tsai* 'problem' or 'controversy' as it has come to be understood both historically and historiographically, is predicated on contending perspectives about whether this practice, which was considered a 'national custom' (Carroll, 2009) or an 'oriental custom' (Pomfret, 2008), in effect, amounted to child slavery. By some accounts, the *mui tsais* were never considered 'slaves' but instead were regarded as 'adopted daughters' since families engaged in an informal contract that facilitated the 'gifting' – rather than the 'trafficking' – of young girls to affluent Chinese families. However, serious criticisms about the system led to colonial intervention to abolish the practice through laws and legislation in the 1920s and 1930s which, in turn, contributed to socio-legal shifts but also ambiguity as *mui tsais* straddled a tenuous status between domestic servants and adopted daughters. Through an analysis of colonial office records, legal case studies and newspaper reports, this paper seeks to trace the interrelated of issues 'adoption', advocacy, and abolition. It situates the position of a *mui tsai* within Chinese social structures of family and kinship and in so doing, considers questions of gender, labour, and the role of the law in (re)defining a female underclass.

Hema Kiruppalini is a Research Fellow at the Asia Research Institute (ARI) at the National University of Singapore. She is interested in the social history of minority/marginalized communities and her research engages with migration, diaspora studies and the politics of identity, citizenship and belonging in trans-regional Asian contexts. Previously, she worked as a research associate at the Institute of South Asian Studies. Her doctoral research focused on reconstructing the transnational worlds of Gurkha families as military migrants in Asia during the post-WWII era. In recognition of her research, she has been awarded the PhD Dissertation Prize by the BNAC (Britain Nepal Academic Council) and the Craig Lockard Prize for her article in the *Journal of Modern Asian Studies*. Currently at ARI, she is working collaboratively with a team on the research project, 'Archiving the Underclasses: Knowledge, Law, and Everyday Agency in Modern Southeast Asia'.

Sweeping the Underclass under the Rug of Justiciability: The Marcos Burial Case

Maria Serena I. Diokno

University of the Philippines – Diliman
midiokno@up.edu.ph

During his campaign for the presidency in 2016, candidate Rodrigo Duterte said he would allow the burial of Ferdinand Marcos, Sr. at the Libingan ng mga Bayani (LNMB, Heroes' Cemetery). Soon after he became president, his decision was challenged by two groups: the National Historical Commission of the Philippines, whose researchers—epistemological workers poring over wartime military archives—toiled behind the scenes; and victims of human rights abuses during the Marcos dictatorship, who filed petitions before the Supreme Court seeking to stop Marcos's burial at the Heroes' Cemetery. My paper shows how both sets of underclasses unwittingly emerged alongside each other as the narrative of Marcos's burial unfolded, and came to the same conclusion that Marcos ought not to be buried at the LNMB, albeit from different perspectives.

In November 2016, by a vote of nine justices to five, the Court dismissed the petition on the grounds that the case was political and therefore not justiciable. I demonstrate how the community of words (e.g. 'compensation' and 'reparation', 'veteran' and 'dishonorably discharged', 'political' and 'justiciable') framed the legal understanding of the underclass. I also discuss the clash of discourses between the judicial stance of the majority, who erased the notion of underclass on the grounds of justiciability, and the position of the justices who dissented. Marginalized during martial rule, the petitioners were once again marginalized decades later by the Court's decision.

Maria Serena I. Diokno is an Emeritus Professor of History at the University of the Philippines, Diliman. In recent years she has become more involved in public history, propelled by her stint as head of the National Historical Commission of the Philippines from 2011-2016. The Philippines and Southeast Asia from the 19th century to the present remain her areas of interest. Her recent publication, "Populist Authoritarianism Against the 'Firewall' of Rights and Due Process," (in Hsin-Huang Michael Hsiao and Alan Hao Yang (eds.), *The Volatility and Future of Democracies in Asia*, Routledge, 2022), speaks of the assault on democracy in the contemporary Philippines. Prof. Diokno is a co-founder of SEASREP (Southeast Asian Studies Regional Exchange Program), an organization of Southeast Asian scholars established in 1995 to promote Southeast Asian studies in the region.

Political Expert Witnesses in Courts of Political Cases in Indonesia: A Personal Experience

Warjio

Universitas Sumatera Utara

warjio1974@gmail.com

The need for expert political testimonies is urgent now due to court cases and disputes. However, not many political experts are willing to testify as political experts in court. Even if there were, they would be the courageous and experienced. In the United States, for example, Spencer A. Overton, a Professor of Law, served as a political expert witness in June 2020 at a congressional hearing regarding online social media disinformation, voter suppression, and Section 230 of the Communications Decency Act. In Indonesian political cases, relatively few political scientists serve as expert witnesses in courtrooms. When I was approached for the first time to fulfill the role of a political witness, my position as a Political Science lecturer and researcher naturally prompted me to consider the concerns and responsibilities that accompany such a role: not only of socio-political relations and institutional influence, but also the psychological issues and impact the law can effect. After a period of indecision, I came to accept the role and to testify in a case which would determine whether a legislative member was to leave his party. In this paper, I will present my experience as a political expert witness in court: the issues that challenged me as a political expert, and the strategies and capital I prepared to fulfill my role.

Warjio is a Political Science lecturer in the Political Science Study Program in the Faculty of Social and Political Science of the University of North Sumatra (USU) in Medan, Indonesia. Besides teaching, Warjio has served as a political expert witness, and is often asked for his expertise in court. He has also been approached as a political observer by the media for his opinions. Warjio has conducted a lot of political research based on his expertise and has presented many of his research results in various international political forums, seminars, and workshops, such as in the U.S. (Harvard University, 2015) and in Paris (2015). Most recently, he was selected to represent Indonesia in the Study of the U.S. Institutes (SUSI) for Scholars on U.S. Foreign Policy program at the University of Delaware, U.S. (June – July 2022). His latest work is *Measuring the Quality of Democracy* (2022).

**Legal Publics in the Straits Settlements:
The Chinese Protectorate and G.T. Hare's *Textbook of Documentary Chinese* (1894)**

Nicholas Y. H. Wong
University of Hong Kong
nyhwong@hku.hk

The so-called Protector of Chinese was a curious type of scholar official in the bureaucratic underclass of the British Straits Settlements: erudite and multilinguistic, he was tasked to speak on behalf of the defenceless Chinese. Doing his job, G.T. Hare compiled a textbook about their plight and published it as *Textbook of Documentary Chinese* (Singapore, 1894). Using this text, colonial officers not only became proficient in the classical Chinese language but also became familiar with the immigrant Chinese population they had to deal with. The volume made visible the customs and laws (or lack of) governing “documentary Chinese” from multiple angles: edicts from the Chinese government, local news, petitions, business contracts, letters, IOUs, forms, and dispatches. Such wide-ranging public genres revealed the extent to which diplomats and advocacy groups intervened in labor disputes, after the colonial government passed the Societies Ordinance in 1889 to clamp down on the trafficking of men, women, and children by cartels who exploited them in plantations and mines, brothels, and opera troupes. In this essay, I ask how the colonial underclass of scholar officials used public-facing documents to construct their modes of address and authority over communities they represented who were wronged. What became of the classical Chinese rhetorical style of legal advocacy when their texts appear in a colonial primer? Beyond its immediate users, what publics did the textbook invoke, and how did this “protector” bureaucratic underclass contribute to the emergence of “diasporic public spheres” (Tim Harper)? This essay answers these questions by closely reading excerpts from G.T. Hare’s textbook alongside colonial epistemologies of Chinese customs. Unlike other translators in nineteenth-century China, G.T. Hare could not get the Foreign Colonial Office to fund and publish this textbook, since it dealt with family law for the Straits Chinese and immigrant Chinese in Malaya, and not China.

Nicholas Y. H. Wong is an Assistant Professor in the School of Chinese at the University of Hong Kong. He teaches Chinese-English translation and is interested in writing literary history via methods from economic history, legal history, and digital humanities (DH). His current book project traces how extractive capitalism has shaped the formation of Southeast Asian Chinese writing. *Geohistorical Minorities* argues that empire’s geo-history in Southeast Asia confers a unique set of rights and conditions for thinking about modern Chinese writing as a minority question. In one section, he develops the literary-historical significance of defining customary law in colonial language primers such as G. T. Hare's *Documentary Chinese* (1894, published in 2020). For this workshop, he will focus on the rhetorical construction of legal advocacy in such colonial documents.

The Role of Colonial Policies in the Identity Formation, Social Stratification, and Contemporary Legal Treatment of Indigenous Peoples in the Philippines

Josiah Patrick P. Bagayas
Mariano Marcos State University
josiahpatrickbagayas@gmail.com

Divide and conquer. Such was the long-standing strategy employed by those who invaded and sought control over vast swathes of territories across the globe. The very same scheme had proven to be effective in conquering the scattered group of islands located north of the Celebes Sea and along the western tip of the Pacific Ocean. Already divided geographically by bodies of water, politically by warring mini-states, and culturally by ethno-linguistic differences, the inhabitants of what would be later on collectively named as the *Las Islas Filipinas*, would find themselves embroiled in internal squabbles instigated and fomented by their colonial invaders.

The Spaniards implemented *reduccion* which forcibly resettled natives into communities called *pueblos* to facilitate their subjugation. The Hispanized and Christianized natives were ushered into mainstream society while those who resisted remained on the fringes. The Americans further established reservations as appointed habitations for 'non-Christian tribes' and encouraged mass migration to Mindanao through homestead grants. Conjointly, these colonial policies immensely reordered Philippine society and forged distinct and separate identities amongst indigenous peoples in relation to other Christianized ethno-linguistic groups.

Over time, the construction of these identities resulted in an asymmetrical participation in social and cultural life, an uneven distribution of economic resources, and comparatively insignificant access to political processes. These circumstances, in turn, engendered the social stratification of indigenous peoples relative to the general population. Breaking away from its colonial past, the Philippine legislature enacted landmark laws such as the Indigenous Peoples' Rights Act, and the National Cultural Heritage Act, among others, in an effort to rectify these historical flaws. As laws in the form of colonial policies shaped the emergence of varied identities and influenced the apportionment of their corresponding social strata, how does the current political-legal framework perpetuate these disparities? And how should contemporary laws redress these imbalances?

Josiah Patrick P. Bagayas is an Associate Professor at the Mariano Marcos State University – College of Law, Batac City, Ilocos Norte where he currently teaches constitutional law, philosophy of law, and obligations and contracts law. He is concurrently designated as the legal counsel for the university's land acquisition and development office where he facilitates the resolution of land disputes and the registration of university landholdings. He obtained his Bachelor's degree in Public Administration (cum laude) and *Juris Doctor* degree from the University of the Philippines Diliman in 2015 and 2020 respectively. He is currently taking a Master's degree in Political Science at the same university. He is engaged in private law practice and also renders *pro bono* legal services to indigent clients. His hobbies include running, cycling, lawn tennis, wall climbing, football, and playing the piano. He has a profound interest in religion, theology, philosophy, politics, and international affairs.

The Law, Politics, or the Courts? Conduits in Society that Contribute to the Construction of the Migrant Worker Underclass in Singapore

Abigail Chiu Mei Lim

National University of Singapore
abi.lim@nus.edu.sg

What do you think relegates a person to being part of the underclass in Singapore? The “underclass” has been defined to comprise any or all the four attributes: protracted poverty, nonprescriptive behaviour in generating income and establishing families, spatial concentration of such poverty, and/or behaviour and intergenerational diffusion of such poverty and/or behaviour. The lives of migrant workers in Singapore embody the first three attributes, rendering them as part of the “underclass” in Singapore. An analysis of the laws governing migrant workers unveils that it is the work permit regime in Singapore as well as the philosophy of transience and exclusion undergirding it that have shaped the laws which create this group of people as an “underclass” in Singapore. While there are countervailing laws and measures taken to mitigate the unfairness or injustices faced by migrant workers, these laws and measures are, on balance, insufficient to effectively ameliorate their lives in Singapore. On the social and political front, a dominant one-party government, a rather indifferent opposition, and civil society organisations that are unwilling to push the discourse of migrant workers beyond the realms of what is socially and politically normative in Singapore, have together with the law, operated to keep migrant workers mired in the “underclass”. Judges in the Singapore courts have demonstrated rights-centric attitudes in certain migrant workers cases, but this approach does not seem sufficient to bring about substantial legislative change to the work permit regime. This paper concludes by making certain recommendations that the opposition, civil society organisations, and judiciary can adopt which may hopefully haul migrant workers out of the gutter of the underclass in Singapore.

Abigail Chiu Mei Lim is a Research Associate from the Centre of Trusted Internet and Community with an LLM (International & Comparative Law) and LLB, from the National University of Singapore. Although her current research spans across biometrics, fake news and artificial intelligence, she also has a keen interest in the interdisciplinary study of law and Asian studies and/or social sciences. The topic of the law and the “underclasses” interests her because being legally trained, she is curious about how the law might have contributed to the formation of this category of people in Southeast Asia. She has chosen to focus on the migrant worker community in Singapore because research has revealed that it is the law, coupled with a myriad of other factors that have resulted in the construction of migrant workers becoming one of the “underclasses” in Singapore society. Work must be done to improve the lives of these people.

Corporate Lawyers as Saviours? Legal Aid and its Private Origins in Indonesia and the Entrenchment of Marginalization

Jeremy J. Kingsley

Western Sydney University
j.kingsley@westernsydney.edu.au

Access to justice programs, in practical terms, are the right to effective representation of parties to court proceedings (particularly criminal law matters). But putting this activity into practice is a costly endeavour. Unfortunately, access to effective legal representation is usually out of the reach of the underclasses and marginalized of society. This problem is faced by all jurisdictions. But the way that this challenge is managed varies across Asia.

To understand the lived reality of access to justice programs, this paper will consider Indonesia's approach to legal aid that has been dominated by private foundations (such as *Lembaga Bantuan Hukum Jakarta*, or the Legal Aid Institute), although the domestic courts have started to play a more active role in providing legal representation to those in need. Regrettably, a recent report by the Asia Society has identified significant deficiencies in this current situation.

Critical to the assessment of access to justice programs in Indonesia will be the actors, such as leading corporate lawyers who fund these legal aid foundations, and the institutions, such as Indonesia's District Courts, who have become involved in improving access to justice programs. Central to my analysis will be how to represent Indonesia's underclasses and marginalized more effectively within the justice system rather than reifying the underclass through the judicial process. Reforming this process will be challenging when you consider the extensive court system, with over 250 District Courts, and the reality that these courts are spread across an archipelagic state with over 23 major islands.

The base presumption is that institutional change is necessary in Indonesia to avoid the over reliance on the generosity of corporate lawyers to fund access to justice programs. In fact, this reliance on corporate lawyers, and private foundations, entrenches the social position of Indonesia's marginalized and cements an institutionalized, and legalized, underclass in Indonesia through a system that is not fit for purpose.

Jeremy J. Kingsley is an Associate Professor at the Western Sydney University Law School. He is a transnational law scholar and anthropologist. His academic work is published in both public affairs and academic journals. His book, *Religious Authority and Local Governance in Eastern Indonesia*, was recently published by Melbourne University Press. He is currently working on a research project on 'Inter-Asian Legalities', funded by the Social Science Research Council (US) and the National University of Singapore, and is a member of the InterAsia Partnership (Arab Council for the Social Sciences, Secretariat) through an affiliation with the University of Melbourne. He is a Chief Investigator on an Australian Research Council Discovery Project on contract enforcement in Indonesia.

ABOUT THE ORGANISERS & CHAIRPERSONS

Maitrii V. Aung-Thwin is an Associate Professor of Myanmar/Southeast Asian history and Convener of the Comparative Asian Studies PhD Program at the National University of Singapore (NUS). He is also concurrently Deputy Director at the Asia Research Institute at NUS. His current research is concerned with nation-building, identity, public history, infrastructure, and Buddhist networks in South and Southeast Asia. His publications include: *A History of Myanmar since Ancient Times: Traditions and Transformations* (2013), *The Return of the Galon King: History, Law, and Rebellion in Colonial Burma* (2011) and *A New History of Southeast Asia* (2010). Assoc Prof Aung-Thwin served on the Association of Asian Studies Board of Directors (USA) and he is currently a trustee of the Burma Studies Foundation (USA), and editor of the *Journal of Southeast Asian Studies*.
E | hismvat@nus.edu.sg

George B. Radics received his PhD from the Department of Sociology at the National University of Singapore. He currently teaches Law and Society, Selected Topics in Law and Justice, Social Thought and Social Theory, and Sociology of Emotions. After receiving his PhD, Dr Radics studied law at the University of Washington, where he obtained his JD with a concentration in Asian law. He served as a research attorney at the Supreme Court of Guam for two years after graduating from law school. His interests are law and minorities, sociology of the law, criminal law, sociology of emotions, postcolonial studies, and Southeast Asia. He is an Associate Editor of the *Philippine Sociological Review* and *Sociology Compass*, and serves as a book review editor for the *Asian Journal of Social Science*. He is also a Fellow of the Higher Education Academy (U.K.).
E | socrgb@nus.edu.sg

Aishah Alhadad is a Research Associate with the Inter-Asia Engagements Cluster in Asia Research Institute, and to the “Archiving the Underclasses: Knowledge, Law, and Everyday Agency in Modern Southeast Asia” MOE Tier II grant project led by Associate Professor and Principal Investigator (PI) Maitrii Victoriano Aung-Thwin. She holds an MA in Southeast Asian Studies from the National University of Singapore (NUS). Her interests in gender relations, Islamic feminism, and antiracism have led her to center and care for gender, sexual, and racial minorities in Singapore in her writing, research, and community work.
E | aishahhd@nus.edu.sg