

## SOJOURN Symposium

***Tamils and the Haunting of Justice: History and Recognition in Malaysia's Plantations.* By Andrew C. Willford. Singapore: NUS Press and University of Hawai'i Press, 2014.**

Review essays by Carl Vadivella Belle, Charles Hirschman and Edmund Terence Gomez, with a response from Andrew C. Willford

**Keywords:** Malaysia, Tamils, land tenure, relocation, plantation workers, *bumiputraisms*, government policy, communal relations, ethnography, ethno-nationalism, critical theory, ethnography.

### Review Essay I: Carl Vadivella Belle

With the publication of *Tamils and the Haunting of Justice*, Andrew Willford has emerged as one of the foremost and most innovative scholars working in the field of Indian and, more specifically, Tamil Malaysian studies. Written with the collaboration of Dr S. Nagarajan, this work has as its primary objective the examination of Tamil perceptions of their plight as an aggrieved minority in contemporary Malaysia and, in particular, of their response to the pressures exerted by an increasingly aggressive Malay-Islamist nationalism. In detailing these impressions, Willford seeks to explore the production of race and ethnicity within the context of a “political, material and legal discursive field” (p. 6); to determine notions of justice as articulated by an aggrieved community and specify how such notions both tincture and mould definitions of race and ethnicity in post-colonial states; and, more generally, to probe the processes of psychological

rationalization and consequent victimization that are the obverse of dominant ethnic nationalism. Willford's fieldwork — conducted between 2003 and 2009 — is wide-ranging, thorough and meticulously documented, and its ethnographic depth greatly enriches his analysis.

Willford's introductory historical summary recapitulates the familiar and well-trodden ground of Malaysia's divisive colonial legacy; the creation of racial/ethnic power structures; the identification of Malays, including recently arrived immigrants from Indonesia, as the Peninsula's primary and definitive "race"; and the 1957 constitutional settlement — hammered out among the United Malays National Organisation (UMNO), the Malayan Chinese Association (MCA) and the British — which, in entrenching Malay hegemony, also permanently inscribed a measured separateness between Malays and the Other. The catastrophic racial riots which erupted on 13 May 1969 resulted in a further consolidation of Malay political power and placed the issue of Malay rights and privileges beyond debate. More pointedly, the 1969 riots were subsequently used as a salutary threat of future violence should Malay dominance (as invested in UMNO) or the imagined interethnic compact of the 1957 independence settlement be challenged.

Throughout the long period of his prime ministership (1981–2003), Dr Mahathir Mohamad sought to remodel Malay identity to accord with the concept of a *Melayu Baru* or a "New Malay". The 1957 constitutional settlement had defined "Malay-ness" in terms of language, adherence to Islam and custom (*adat*). However, as Willford argues, *adat* was largely constructed from elements drawn from the Malay Archipelago's long pre-Islamic exposure to Indic/Hindu influences (p. 188). A determination to extirpate all traces of an Indic/Hindu past drove Mahathir's nationalist agenda, and it brought the official proscription of a large body of customary practices which had long shaped the broader culture of the Malay Peninsula. The new, aggressive and increasingly intolerant bureaucratized Islam has proven largely performative and obsessed with the outer forms of a "purified" Islamic culture. Doubts about the authenticity of this culture and criticisms of its superficiality are silenced through

adamantine and strident reiterations of an official narrative which disavows other presences within the Malay Self. This thesis is central to Willford's previous book, *Cage of Freedom: Tamil Identity and the Ethnic Fetish in Malaysia* (2006), and I shall touch upon the implications for ethnic Tamils later in this essay.

The modern history of ethnic Indians in Malaya/Malaysia has largely been one of marginalization and oppression. Brought to colonial Malaya under various labour schemes to work in the great plantations and public utilities, Indians were officially viewed as "docile" labour and thus as a counterweight to the ambitious and potentially troublesome Chinese. By the time that Indian labour migration ceased in 1938, the Indian population of Malaya consisted of a multiplicity of ethnic and sub-ethnic identities, not only riven by caste, language and region of origin but also divided by class lines. A sense of Indian unity fostered by the wartime politics of Indian nationalism — promoted and exploited by the Japanese in their military campaign and including the establishment of the Indian National Army — proved evanescent.

Since independence, the Indian community has not only declined as an overall percentage of the population — from 12 per cent in 1957 to the current 7.4 per cent — but also stagnated in economic terms. Throughout this period, the political and industrial bodies charged with the welfare of Indians — the Malaysian Indian Congress (MIC) and the National Union of Plantation Workers (NUPW) — have proven largely ineffectual.

This historic backdrop leads Willford into the heart of his study: investigation of the large-scale displacement of Tamil estate workers and its wider ramifications, not only for the workers themselves but also for the course of ethnic relations in Malaysia more generally. Since the 1980s, some hundreds of thousands of Indians have been displaced from the great rubber estates, most to be forced into poor urban accommodation and into low-paid and largely unskilled work. The causes of their displacements are varied and include the rapid contraction of the once dominant rubber industry, mechanization, the conversion of estates to palm oil, the sale of plantations for residential

or industrial development, and the employment of foreign workers willing to work for lower wages than those paid to Malaysian Indian employees. In the latter case, estate owners are no longer required to maintain the facilities that were once the vital hubs of plantation life, in particular temples, schools and community infrastructure.

The initial reaction among estate workers to news of their forthcoming retrenchment and eviction has generally been anxiety and despair. The plantation communities developed by Tamil labour and staffed by their descendants often have histories dating back to the beginning of the twentieth century, and sometimes beyond. The processes of eviction thus not only disrupt a way of life but also shatter long-established and valued communities. Willford points out that the extended period of estate life has “literally inscribed” (p. 34) the Tamil presence into the Malaysian landscape, and that many plantation workers feel a proprietorial sense of ownership of estates and their infrastructure. The knowledge that changes in the ownership of estate lands can overnight render them “squatters” produces anger and a determination to resist.

The processes of resistance often manifest themselves in a strengthening of community bonds. Although the rules of law are structured in terms of the protection of individual rights, Tamil plantation workers have framed their campaigns around community outcomes. Workers facing eviction have often demanded and held out for the provision of compensatory low-cost housing, viewed as essential to preserving the sense of community and ensuring a successful transition to post-estate life.

Indian workers learned very quickly that Malaysian law was weighted in favour of developers. Malaysia subscribes to the Torrens title system, in which land ownership is established through the registration of land titles. While an estate may have existed for well over a century, a change in corporate ownership means that all workers’ accommodation, together with community facilities, are now the property of the purchasing company. That company is under no obligation to recognize the common law provisions of continued occupation, or, as Willford states, “to compensate [workers] for

their past history of land use and landscape making” (pp. 125–26). Though established legal procedures guarantee all retrenched workers a minimum payment upon the termination of their labour, most workers have considered the sum offered grossly inadequate.

In most cases, workers have chosen to mount a broader moral case against the terms of their eviction. This was based initially upon the actual retail value of the land which was significantly inflated by the processes of speculation. To many estate workers the actual value of the land and the meagre settlement offered as compensation have constituted a basic human rights issue. Additionally, plantation employees were conscious of the fact that they, and their forebears, had worked the land for generations. They thus believed that common law provisions should come into play in any settlement. They resented the fact that the sale of land made them “squatters” in the eyes of the law, and that the new owners could evict them without negotiating adequate compensation or making provision for the relocation of community facilities.

The quest for an idealized justice has been conducted largely by means of what Willford has designated a “victim’s narrative” (p. 8). In this perspective, a sense of victimization emerges when an oppressed minority is able to reveal how both the control and application of the law make oppression possible. Willford argues that such moral insistence provides a degree of compensation to the victims by grounding their story in a moral and cosmological narrative that radically contrasts the “violence of the developmentalist state and its ethnic agenda” (p. 55) with the moral case advanced by those displaced.

These campaigns have invariably exposed Tamil estate workers to the harsh realities of Malaysian political life. Willford points out that differentiation between the stark legalism of compensation and broader notions of justice offered a context for political assessment. Indian estate workers felt a sense of betrayal that the nation that they had trusted and the institutions in which they had believed proved wanting. Many suffered harassment, intimidation and vandalism during their resistance to the process of eviction, often with the

active connivance of the police. Moreover, those charged with the responsibility for protecting their interests, namely the MIC and NUPW, were mainly seen as corrupt and inefficient, and also as unwilling to do battle on their behalf.

In a thorough and well-argued section in Chapter Ten, Willford emphasizes the centrality of the temple to the life of plantation workers. Temples form the very heart of the community, not only as sites of worship, but as focal points of calendrical observations and religious festivals. The temple serves as the abode of the Divine, of the Higher Authority which supersedes and encloses all human law: “a sublime and incomprehensible power over and above the laws of man” (p. 268). Many of these structures have served specific estate communities for well over a century and recall the ancestors who have worshipped within them. They constitute a powerful statement of the Divine presence upon the landscape. The fate of plantation temples has thus been of particular concern to estate workers. The destruction of ancestral temples created anxiety among plantation workers and proved a challenge to the faith of many devotees. However, Willford points out that Tamil religious notions insist that the sacred power of the temple becomes manifest at the moment when violence is visibly displayed; destruction, in the Tamil sense, is often conceived as a form of sacrifice that generates spiritual power. In this way, failure is rationalized and transmogrified into new and spiritualized forms.

The processes of eviction have also contributed to a far-reaching reassessment of Tamil perceptions of Malays and their relationship to them. The revamp of Malay culture in terms of a modernist and rationalized Islamic agenda has had a profound impact on ethnic relations in Malaysia, and, as Willford points out, it has been felt disproportionately by the Tamil community. The elimination of cultural references perceived to contain “Indian” or “Hindu” elements, coupled with the insistence on Malay-Muslim privileges and rights, has disentangled the deeper roots of the formerly relaxed Malay–Indian interaction. The intrusion of an unyielding, bureaucratized Islam into the world of Tamil Hinduism has created both alarm and deep resentment in the broader Indian community.

Many Tamils are deeply sceptical of the official history attending the creation of the *Melayu Baru*. Tamils point to demographic evidence which suggests that the “Malay” population contains a significant percentage of recent immigrants from Indonesia. They highlight the ease with which Indonesians obtain visas and are thus, newly categorized as “Malay”, entitled to privileges not available to Indians, many of whom are fourth- and fifth-generation Malaysians.

The face of the new nationalism is most readily observed in developments that have been specifically designated as residential suburbs reserved for the new Malay middle class. As Willford emphasizes, the transformation of former estates into residential areas is accompanied by an “ethno-religious transformation of the landscape” (p. 86) and, in particular, by the total eradication of the former Indian presence. Moreover, the putative “excess of masjids” (p. 214) is contrasted with the extreme difficulties that Indians face in obtaining land for either temples or Tamil housing. It is viewed as exemplifying Malay determination to silence the Indian past.

Indian insecurities increased after the Kampung Medan incident of March 2001, in which “carefully planned and executed” (p. 187) Malay attacks on individual Indians killed six people. The largely state-run media misleadingly reported these one-sided attacks as “racial clashes” (p. 164) and as a product of Indian “provocation” (ibid.), a theme later taken up by UMNO politicians. Willford shows that Indian victims concluded that Malay behaviour — the warnings of Malay neighbours prior to the attacks, police indifference, unprovoked violence and the gratuitous admonitions of politicians — strained Tamil trust of Malays as a “race” and indeed suggested that Malays were devoid of any deeper sense of morality. Many Indians believed that an increasingly bureaucratized nationalism focusing upon ethnicity and religion was fashioning a new dynamic of extremism and intolerance among lower-middle-class Malays and that the protections of Malaysian justice no longer extended to Indians.

Many commentators noted growing Indian anger, frustration and resentment in the years leading up to the emergence of the Hindu Rights Action Force (Hindraf). While the immediate spark for the Hindraf protests of 2007 was the destruction of a prominent temple



immediately prior to the major festival of Deepavali, there was a widespread sense among Indians that their contribution to the building of Malaysia had remained unrecognized and that their general loyalty to the country had not been acknowledged.

Police violence against demonstrators at Hindraf rallies, and the subsequent arrest of five individuals, identified as Hindraf leaders, merely magnified Indian anger. In early 2008, a new group known as Makkal Sakti (Tamil for “People’s Power”) organized an effective boycott of the major Hindu festival of Thaipusam and urged Indians to vote against the ruling Barisan Nasional (BN) coalition. The resultant “electoral tsunami” of 8 March 2008 led to significant BN losses. The Hindraf/Makkal Sakti campaign not only destroyed the MIC’s claim to serve as a guarantor of Malaysian Indian interests, but it also exposed in a dramatic and unexpected way the vulnerability of the country’s long-time ruling coalition.

If there is one criticism I would make of this book, it concerns Willford’s occasional lapses into excessive and superfluous theorizing. However, Willford is fully aware of the limitations of Western theorists, and holds — rightly in my opinion — that “western” (pp. 10–11) conceptions of ethnography must be considered in association with other critical traditions. In the main, his theoretical applications are deftly handled, and he avoids the turgid obscurantism which mars so many anthropological works (and which proves so off-putting to all but the most committed reader).

However, this is a minor quibble. Willford, in collaboration with Dr S. Nagarajan, has produced a comprehensive and penetrating study on a largely overlooked subject, one that has had a marked impact upon ethnic relations in Malaysia. The salutary lessons to be drawn from this work extend well beyond Malaysia. *Tamils and the Haunting of Justice* takes its place alongside the many distinguished studies which document the struggles of other displaced peoples for recognition and moral justice — indigenous peoples expelled from traditional lands, and long established traditions and cultures that have been disrupted by the processes of globalization. As such, it deserves a wide readership, not least among policymakers and political advisors.



## Review Essay II: Charles Hirschman

Although it was more than thirty years ago, I still have a vivid memory of a conversation with an anthropologist friend about Clifford Geertz's prolific scholarship. I expressed my admiration for Geertz's insightful ethnography and social history. My friend cared little for this "descriptive" work by the younger Geertz, but waxed eloquent about the theoretical contributions of the mature Geertz. I had to admit that I did not see the significance of Geertz's later interpretative writings, though I tried several times — unsuccessfully — to read them. This anecdote is relevant to my qualifications (or lack thereof) to write a review essay on Andrew Willford's *Tamils and the Haunting of Justice*.

There are two parts to Willford's book. Almost every chapter contains a detailed ethnographic account of the lives, understandings and sense of (in)justice of Malaysian Tamils based on in-depth interviews conducted by the author and his collaborator, Dr S. Nagarajan. These materials, and Willford's interpretation, represent a major contribution, with implications far beyond Malaysia's shores. Almost every chapter also contains a flight into theory with extensive digressions of works by Jacques Derrida, Jacques Lacan, Martin Heidegger and many others. Since I gained little understanding of the social structure, culture or mentalities of Tamil communities in Malaysia from these theoretical discussions, it might be the better part of wisdom to ignore these sections. However, in the interest of promoting interdisciplinary dialogue, I will offer a few observations at the end of this essay.

Willford's latest book is an important addition to scholarship on Malaysia. Most importantly, its focus on the lives of working class Tamils and communal relations from the bottom up represents a refreshing contrast with the standard social science literature on Malaysia that emphasizes economic and political issues. Moreover, most studies of Malaysian ethnic relations focus on Malays and Chinese and on their political and economic rivalries. There are a handful of studies that have found that Malaysian Indians have lost ground in recent decades, at least in a relative sense, in terms

of education, socio-economic well-being, health status and political influence. Willford's study fills a real void by showing the human impact of the declining fortunes of Malaysian Indians, primarily in working-class communities living on former plantations in Selangor and other areas close to Kuala Lumpur, the national capital.

Two overarching structural trends have led to the precarious plight of working-class Indian communities in contemporary Malaysia. The first is the virtual disappearance of European-owned rubber plantations, which employed most Tamil immigrants and their descendants in twentieth-century Malaysia. The second trend is the government's affirmative action policy, whose beneficiaries are almost exclusively Malay. These trends collide when middle-aged Tamil workers lose their jobs, and the rubber plantations are converted into housing developments where the former workers can no longer afford to live. Although these patterns are well known, readers of this book will gain a much deeper understanding of the economic, social and physic costs experienced by the Tamil communities and families that are pushed aside for "development".

Some of the most dramatic accounts in the book are those of Tamil residents who have refused to move out of their former plantation housing. Although there are some exceptions, the actions taken by housing developers and government officials in response are often callous in the extreme. Communities whose members have laboured for generations on plantations lose their jobs, schools, temples and sense of identity when the plantations are closed. The paltry offers of compensation have aroused a strong sense of social injustice, especially when compared to Malay migrants from outside the plantations who are granted housing subsidies as well as preferences for jobs, loans and licences. The grievances are not merely economic. There appears to be an attempt to erase the historical memory of several generations of Tamil social and religious communities with the construction of mosques and new Malay spaces. Although the government's affirmative action policy may be directed by higher motives, the heavy-handedness of its implementation has clearly inflamed ethnic grievances.

The book's early chapters, covering these developments, set the stage for even starker personal accounts, a "deep" history of Indian–Malay violence in 2001 (Chapter Seven), and the rise of the Hindraf movement in 2007 (in Chapter Ten). The standard story of the 2001 episode is that rural to urban migration has led to anomie and the formation of working-class gangs among unemployed youth from all communities. From this perspective, cultural misunderstandings and interethnic tensions have led to sparks of violence. Willford's reportage and analysis challenge this interpretation. There was not reciprocal interethnic violence but, rather, one-sided attacks by outside Malay toughs, tolerated and perhaps abetted by the police and other authorities, on Tamils. The Hindraf movement, which culminated in a peaceful demonstration by thirty to forty thousand Malaysian Indians in November 2007, was met by police batons and water cannons. In contrast to the government's claims that the Hindraf movement was a violent organization led by extremists, all of Willford's informants report that it was a popular protest led by middle-class reformists. Willford's careful documentation of these events is completely convincing.

*Tamils and the Haunting of Justice* is not a book of complete doom and gloom. A number of Willford's interviewees appear to be very dedicated community leaders, civic-minded professionals and academics. Some have sacrificed their own careers and economic advancement to help the less fortunate in their communities and also to promote greater interethnic understanding and social justice. I know a number of Malaysians who fit this description, and Willford has made an impressive effort to interview a broad range of Malaysian Indians from all walks of life, from the labour lines to those in the corridors of power. Willford also has a nice personal touch — his own character, including personal vulnerabilities, is present in many interviews, but he never intrudes on his respondents' efforts to tell and explain their stories.

In spite of my admiration for the significant empirical contributions of *Tamils and the Haunting of Justice*, I do have some minor concerns. Quite self-consciously, Willford's emphasis is on the Tamil

experience and point of view, and the book is not meant to be an overall portrayal of interethnic relations. However, when interviews with a Malay academic and some students are reported in Chapter Ten, the interviewees appear to be oafish and completely insensitive to the problems faced by Malaysian Indians. There are many Malaysian Malays and Chinese who would not fit this stereotype. There are also many other issues on which I would have loved to have heard more of Willford's interpretation and analysis. His presentation of social history and the contemporary political context is largely limited to Chapter Two. Many of the themes of this chapter could have been revisited later in the book, especially in the conclusions. The other gaping omission is the lack of a discussion of the complete failure of institutions, the NUPW and the MIC in particular, to have protected the interests of Indian workers. There are hints here and there, but a more thorough analysis of this critical issue would have been very useful.

As I mentioned at the outset, I am not qualified to evaluate the broader postmodern, post-colonial and psychoanalytic interpretations in this volume. Here are a couple of representative examples (admittedly taken out of their context):

In the context of the transferential relations between disentangled ethnic groupings in the postcolonial context, secret familiarity between politically ascribed and fantasized markers of difference can prove monstrous and uncanny, fueling fantasies of ethnic purity. (p. 189)

The instantiation of Law is violent in its performative act, but it is also supplemented in its lack through the sustaining violence of various juridical evidences ... further decisions derived from the founding decision, and the archiving of difference, which circuitously serves as evidence of the Law's inviolability. (p. 266)

There are dozens of similar passages spread throughout the volume. I suspect that I am not the only reader who is completely befuddled by these pedantic references that distract from the significance of an important piece of scholarship. I understand that all academic disciplines, including the social sciences, need to utilize specialized

theories and methods that are unfamiliar to the uninitiated. The objective of complex theories, models and methods, however, should be to facilitate and enhance understanding, not to obscure it.

### Review Essay III: Edmund Terence Gomez

This elegantly written history of Tamils in Malaysia's plantations is a hauntingly troubling account of the plight of a persistently disenfranchised community. The irony of the disenfranchisement of these poor Tamils is that they and their forebears played a crucial role in the development of a sector that contributed to Malaysia's extraordinary economic growth. Indeed, commodities from this sector continue to feature as core components of Malaysia's exports. Why then this disenfranchisement? It is this puzzle that Andrew Willford grapples with in this book. This query is not pioneering in its conception, as Willford acknowledges. Nevertheless, the way that it is analysed here makes this study an incisive and erudite contribution to the literature. Central to that contribution are the range of empirical issues, including religion, covered and the theoretical perspective that the book adopts.

The book's novel empirical and theoretical insights are its greatest strengths. Willford acknowledges his debt to Jacques Lacan, Walter Benjamin and Jacques Derrida, given their focus on the themes of violence, justice and history — core issues in this study. He draws attention to what he refers to as a “nexus of space, landscape and identity” (p. 10). He notes the “deconstructive and anti-hierarchical side of Tamil thought” (p. 12), assigning to this community a cultural feature which he says conditioned his choice of theory.

However, in its theorizing of the plight of poor Tamils, the book comes across as having overlooked a vital point. What is disregarded here is that this tripartite space–landscape–identity nexus is part of, and functions within, clearly defined institutional frameworks. Interestingly, this is clear to Willford, as he discusses the role of crucial institutions such as the (predominantly Tamil) MIC and the

NUPW, as well as financial institutions rooted in the Malaysian Indian community such as the MIC-led investment company Maika Holdings and the National Land Finance Cooperative Society (NLFCS). Each of these financial institutions was established to help economically alienated Tamils. What is baffling is how all these political, labour and economic institutions have failed to assist the community that they profess to support. The reason for this failure is unclear, although Willford's respondents are extremely critical of these institutions. The MIC, in particular, is subjected to harsh denunciation for its rhetoric of serving the Indians while endorsing, if not actively supporting, the conservative — sometimes even reactionary — policies of a state under the hegemony of Malay elites. Willford provides few insights into the reasons for the failure of these institutions, in spite of their deep involvement in the lives of Tamils in plantations. This failure can be, to my mind, attributed to two core reasons: the nature of the state and the models of economic development that it has adopted.

The importance of these factors suggest that, while Willford's theoretical perspective provides vital new insights, his book would have benefited from Foucault's concept of "governmentality" (see, for example, Foucault [1977/78] 2007). This concept draws attention to how modern political power is exercised, not simply by the state but also by a network of organizations and enterprises that seek to guide the behaviour of individuals and their relation to the economy. After all, Willford's respondents repeatedly draw attention to an astonishing point: when these plantations were under the ownership of foreigners, their employers treated them decently, providing them with housing, (Hindu) temples and schools in their estates. When this sector was taken over by state-owned enterprises, and in spite of public policies that espoused the need to alleviate poverty and forge a united nation, these Tamils found themselves increasingly subject to discrimination, dispossession and racism. What accounts for this huge betrayal, as these Tamils see it? And, while we are aware of the problems with the argument that they espouse about how they fared under the foreigners, from their relativist perspective the Malaysian state had undoubtedly treated them shabbily, even subjecting them

to violence as they have grappled with the implications of the contraction of the plantation economy.

A deeper analysis of the outcomes of crucial moments in history is required, to examine how these Tamils were victims of the models of development adopted by the Malaysian state. In the early 1970s, after the riots of May 1969, a historic shift occurred in the country's development plans with the emergence of an active interventionist state reinvented as a multiparty coalition, the BN. This coalition included the MIC as a senior partner, although under the hegemony of UMNO. The 1970s were a time of debates about ways and means to alleviate poverty, "regardless of race", as pronounced in government documents.

Willford argues that the 1970s were also when Malaysia saw the emergence of race-defined policies, like the affirmative action of the New Economic Policy (NEP), which targeted only one ethnic group. However, this policy also unleashed a huge amount of state activity to redistribute equity equitably. The state showed the capacity to discipline foreign capital by proposing schemes to help Tamils in the plantations, a point that Willford captures. However, transitions occurred in the early 1980s, with three events of note. First, neoliberal policies began to gain ascendancy in development discourses worldwide. Second, a new prime minister, Mahathir Mohamed, voiced his intent to reform the economy by adopting neoliberal ideas, including privatization, while pursuing selected interventionist policies to promote industrialization in a manner that had a racial bent, in order to nurture Malay-owned enterprises. Third, the state actively moved to acquire majority ownership of firms in the plantation sector owned by foreigners. Conditioned by these events, the nature of political and economic governance in Malaysia changed significantly.

This book does not analyse these events adequately, even though they had a major impact on the role of institutions such as trade unions and cooperatives, including the NUPW and the NLFCS, and parties like the MIC. The neoliberal development agenda entailed curbing the role of unions, a practice that would become the norm



after the 1980s. In the corporate sector, as the presence of the state became increasingly ubiquitous, the MIC responded by creating Maika to acquire corporate assets for redistribution, a mechanism that would presumably benefit poor Tamils. Maika grew quickly, primarily with investments from poor Tamils in the plantations. It also failed quickly, wracked by corruption attributed to the exploits of MIC leaders, and with it went the paltry savings of the poor. No one was held accountable for this failure, and this lack of accountability contributed to the sense of injustice faced by those in the plantations. Indeed, the issues of money politics and corruption loom large in Willford's discussions with his respondents.

The 1990s and 2000s were a time when Tamils encountered growing economic marginalization at the hands of a state now actively displacing them from the plantations on which they had been born, bred and employed. In spite of their displacement by state-owned plantation companies that were now diversifying into property development, these Tamils were not offered viable employment or residential alternatives. However, the issue that finally compelled them to act, as Willford notes, was the state's infringement on their religious rights, not least in demolishing their temples.

It was during these two decades that non-governmental organizations (NGOs) began to emerge, advocating reforms and other measures to protect the plantation poor. These NGOs occupied a space once filled by trade unions, cooperatives and political parties. The book discusses them, but without giving sufficient attention to the reasons for their rise. However, it is noteworthy that the growth of movements centring on religious concerns in response to the inequities of neoliberal development is a phenomenon not unique to Malaysia.

In this context, the emergence of Hindraf is intriguing. Hindraf espoused the need to respond to past economic injustices, but it further demanded the protection of religious rights. This movement inspired poor Tamil Hindus, though not the Indian middle class. Religion was now an important variable that served to highlight a major inter- and intra-ethnic divide. This progression from class to

ethnic to religious divide is a major transition in Tamil society, and in Malaysia. It is a transition that merits more thought, given its political implications. With Hindraf's rise, the state found itself up against a marginalized group that was to become politically influential during elections that had become increasingly difficult for the BN to win. The 2008 general election was a turning point for Indians, and particularly for poor Tamils. The BN lost the popular vote on the Peninsula as well as control of five state governments for the first time in its history, not least because of an unprecedented swing in Indian votes.

Equally intriguing was the fracture of Hindraf, another institutional rupture that the book does not capture in the context of similar splits in the past. Some Hindraf leaders were incarcerated, others joined political parties, and one was co-opted into government with a ministerial rank, ostensibly to address the problems encountered by Indians. This and other institutional failures, in the context of persistent neoliberal development agendas implemented by state-owned enterprises, need to be understood, especially as rural and semi-rural Tamils are being exiled to city spaces or confined to run-down flats that hardly constitute proper living places. Broken up as a community, they are forced to fend for themselves in alien environments and to secure work from which they have little hope of earning a decent wage. This dislodgement has contributed to numerous social problems among Tamils, as Willford notes, but we are left wondering how they will fare, given the failure of key institutions and the inability of NGOs to take on the state and compel it to deal with their plight. Politics evidently matters during elections, as Willford's respondents note, but even during these periods these Tamils have lost out because opposition parties have not been able to respond effectively to their social and economic problems.

*Tamils and the Haunting of Justice* ultimately lacks closure because we are left pondering some significant questions. What now for the institutions, including NGOs, that would address the plight of these disenfranchised Tamils? What of UMNO, which needs their votes to win elections, and yet remains — like the government that this

Malay-centric party leads — so disengaged from them? How will the state function in a context in which it espouses the need to eradicate hard-core poverty and create an inclusive nation while pursuing policies that marginalize the poor? One persistent state response to the demands of this disenfranchised community is a process of enmeshing social activists, including leading NGOs, in structures of power. This response, paradoxically, empowers the state to confine debates about how to help poor Tamils to a point in which it can be managed and determined by the powerful leaders who benefit from the development of spaces and landscapes formerly holding plantations. And finally, where do these poor Tamils go from here?

#### Author's Response: Andrew C. Willford

I want to thank the three reviewers, Carl Vadivella Belle, Charles Hirschman and Terence Gomez — all esteemed scholars of Malaysia from whom I have learned much — for their careful reading of my book. Though none is an anthropologist, each of them has embraced the task of reading this ethnography with a generous spirit. All three give me much to reflect on, which is all that one can hope for in a review. I also want to thank the editorial team of *SOJOURN* for creating this forum, and for deeming my book worthy of such an extended discussion. It is humbling to see my work read and taken seriously by scholars of Malaysia who work in other disciplines. It is my hope that the following response does not sound too defensive, as responding to reviews immediately oftentimes produces a different reaction than would be the case if one were to revisit them a couple of years later, after further reflection in the fullness of time. My main hope is to explain what my aims were in the book.

This project followed on the heels of my first book, *Cage of Freedom*, which dealt explicitly with Tamil-Hindu religious revival in Malaysia in the context of state-sponsored Islamization. That work provided considerable institutional and historical contextualization, allowing me some freedom to focus on different issues in its sequel.

In *Tamils and the Haunting of Justice*, I wanted to focus more directly on rapidly disappearing plantation lifestyles in a section of the country that was most rapidly transforming its land use, and on an ethnicized development agenda grounded in a nationalist understanding of recent history. Given the important role that Tamils in the plantation sector had played in the development of modern Malaysia, I wanted to understand how the retrenchment and displacement of Tamil workers was experienced by those most affected. I imagined that this concern would lead me to focus on compensation strategies specifically. What I discovered over the course of the fieldwork, however, was that material compensation, while important and discussed at some length in the book, was less salient in many instances than was a growing sense among Tamils that justice and legality were not aligned. Moreover, there was a growing victim's narrative amongst those displaced or about to be displaced regarding the capriciousness of the law. In this context, a divine Law as opposed to the laws of the state was imagined to lead towards an inescapable reckoning with justice.

Justice, as a kind of divine compensation, infinite and beyond the laws of men, or the state, became the central theme that emerged most powerfully in the narratives that I collected and the rituals that I observed, as underscored by Belle's review. Although I had not planned to write another book about religion per se, the critical theoretical work in which plantation workers, and working-class Tamils more broadly, were effectively engaged was produced through the idioms and ontologies of Tamil Hindu religion. This response, this agitated call of justice, whilst powerful and politically motivating, I argued, was also generative at times of a kind of violent imaginary and recompense directed at the Malay-led government, and occasionally at Malays more broadly. These latter came increasingly to metonymize injustice and a refused reciprocity (as well as a cultural amnesia) to a growing number of Malaysian Tamils.

While the theoretical and critical work in Tamil thought could deconstruct juridicality as wedded to an ethnic claim, it could also, in turn, produce its own fearful symmetry: a divine Law, over and

above the Law of the Other. That is, simply put, the very cries of injustice produced insights while at the same time sometimes hardening sentiments rather than recapturing a more fluid and protean ethnic past. In that sense, what I ended up turning my theoretical gaze upon was this: what are the forces that exacerbate investments in identity and feverish attempts to stabilize such “truths”, as against the forces that deconstruct and destabilize attachments to a more singular identity created by legal means? To gain comparative purchase and to enter, hopefully, into important debates on identity, ethnicity and nationalism, I invested much time in framing my arguments through theorists whose ideas seemed to parallel some of the critical Tamil Hindu thought that I had encountered in my fieldwork. When tensions existed between theory and emic exegesis, I tried to utilize this tension for meta-theoretical discussion. Belle found some of these theoretical discussions “excessive”, whereas Hirschman found the terminology “befuddling”, perhaps calling for more clarification. It is, indeed, hard to find the right balance. On the other hand, Gomez hoped for a very different kind of project altogether, and one that I consciously decided not to pursue for reasons that I hope to explain briefly below. In this sense, for readers unfamiliar with this theoretical terrain, I apologize in advance.

As my central aims, in fact, emerged immanently through the fieldwork, I turned to the theoretical frames in writing this book that seemed best to mirror the thought of my interlocutors, whilst at the same time offering tools to critique, at times, these same individuals. In *Cage of Freedom* I was more explicit about why I turned away from Foucauldian historicism and towards the dialectism of Lacan, Hegel and Heidegger to critique ethnic categories and overinvestments in identity. In the present book, while my theoretical inspiration was primarily Derrida, I still wrote about “history” and historicity as that which is not necessarily the inevitable outcome of a set of interacting discursive and institutional frames. The optic of governmentality, which I consider to be a well-trodden theoretical track and oftentimes frankly a dead end in attempts to understanding subjectivity, as opposed to the making of subjects, was thus an

inappropriate path of inquiry, given my argument. The path of political economy, for instance, has indeed explained much about Malaysia and about the Tamil case in particular in such classic texts on Malaysia as those authored by Stenson (1980), Brown (1981), Arasaratnam (1979), Ramasamy (1984), Jomo (1986), Gomez and Jomo (1997) and, most recently, Belle's excellent book (2015). In the field of cultural anthropology, the brilliant work of Peletz (2002) suggested a most felicitous way to combine Foucauldian institutional analysis with ethnography. Baxstrom's work (2008) was also an inspiration in this regard.

However, capturing the phantasms and feverish negations and/or the production of rationalized archives — whether they be dominant ideologies or victims' narrativizations hardened into divine Law — meant writing against closure, historicism and the stabilization of ethnic categories. The primary point, for instance, that Derrida makes about the "archive" relates to its inherent generative and unstable quality, *contra* Foucault.<sup>1</sup> There was overwhelming ethnographic evidence in my experiences to counter any notion of "type" or identification that was not simultaneously invested in or infected by otherness. In Heideggerian terms, the ontic ensnarement into the realm of the sensible and self-evident only masked the empty iterations of truth that only became hardened into Law through the retroactive or supplementary work of laws, archives and other truth-enhancing evidence. Legality, as formulated by Benjamin and Derrida, requires forms of supplementary violence (as evidence) to function, albeit invariably without stability or closure.

While the empirical case studies that I presented were, I felt, very important in that the Tamil story in Malaysia is interesting in its own right, the point of the book was to make an intervention in the theoretical literature on ethnicity, identity and post-coloniality. We had long since reached a paralysing impasse in this literature, marked by contrasting instrumentalist and culturalist approaches to understanding ethnic and nationalist ideals and the self-evident and passionately attached forms that they can take. Given the comparative and global importance of thinking about problems of identity in

the world today, I needed a theoretical toolkit and language that would push us beyond this binary. As a product — while a graduate student — of the Foucauldian 1980s and 1990s, I had seen how the application of Foucault had often aimed to supplant such dualistic thinking. However, and as noted above, I found that this mode of analysis made power and discourse virtual demiurges, not only erasing agency but also hardening the very categories that were being critiqued by making them seem self-evident and produced by the currents of history and practice, they became the sum total of power working through various institutions in some superorganic manner.

I discovered, however, individuals who were, as James Scott (for example, 1985) has often argued, fully capable of critique and never subsumed by the forces of governance, discourse or legal truth. But, at the same time, a restless dialectism and negation within the dissonant field of ethnic politics also produced excessive forms of identification, not arising from cultural ontology or from the invented categories of an “ethnographic” or taxonomic state. So, what needed to be explored was the paradox that the empty and historically produced claim of truth, be it in this case for *bumiputraisim* or its corollary the ethnic minority’s response, produced passionate attachments and supplementary spiritual “truths”.

This, I hope, answers the question of why I quite deliberately moved away from the inescapable logic of governmentality, which, as argued in the book and here, would close up that which must remain open in order to answer the questions of compensation and justice that I was interested in.

The introduction of the book spells out these choices in a slightly didactic manner, which might — to judge from some comments I received from certain sympathetic readers — have been too programmatic for the deconstructive and critical work that I sought to highlight ethnographically. That is, I risked creating an interpretive machine against the reflective spirit of the ethnographic voices and strategies that I captured. I felt, however, that striking a balance was worth it. Without some flat-footed explanations for how I was thinking about the law versus the Law, and what deconstruction



might mean relative to, say, Marxian or Freudian analysis, I felt that the comparative and anthropologically relevant interventions would be hard to illustrate. In that sense, Hirschman's comment that the language is sometimes befuddling in fact puzzled me, in that, if anything, I believed that I might have been too didactic in explaining the terminology at the outset of the book. I had danced perilously close to the very closure that I wanted to disrupt.

I myself am not immune to the charms and vices of political economy and Foucauldian and/or Marxian analysis (not to conflate these, of course). Indeed, my previous book, *Cage of Freedom*, offers a more extended institutional and historical analysis of the MIC, NEP, NUPW, NFLC, UMNO, Mahathirism and more. I reflected on their failures and limited successes at various critical junctures. Thus, I did not want to rewrite that book, nor, as should be obvious by now, did I want to write the kind of book that Terence Gomez would have wished for. I did, however, cite and note, where appropriate, instances where further institutional analysis could be found. So I am not totally antagonistic towards the application of political economy, governmentality and other optics for scrutinizing the physics of power and the apparent truth regimes that it generates. And nowhere in the present text is power not felt, either directly or indirectly, in the voices that I tried to represent. In that sense — and, I, too, like Hirschman, am fond of invoking Geertz — I become fascinated with the “webs of significance” that people had spun, only to be captured or ensnared by these very webs.

Nevertheless, I do raise a caution in this book, as well as in the previous one, to the effect that historicized accounts, and particularly those rooted in institutional analysis, threaten to reduce human agency and the capacity to critique to an alarming degree. Once one enters the discourse of governmentality, in other words, there is no getting out and no room to breathe. This is not Foucault's fault, but rather that of ethnographers and historians who have taken his project too far when dealing with living and breathing individuals. To do this project, I needed to get out of that discourse, and to focus instead on the tensions, paradoxes and feverish negations that mark the dissonant

and empty field of post-colonial ethnic politics. Otherwise, the risk of reproducing the inevitable image of the “docile” or “victimized” Tamil laborer would be too great.<sup>2</sup> In other words, while the victim’s narrative, as I called it, was particularly rich for invoking theoretical work, both exogenously (that is, in academic language) and also within local discourse, I had no interest in producing an account of the production of the post-colonial subject as victim.

To end with a couple of minor points. First, a clarification on the collaborative nature of the project. Nagarajan and I conducted most of the field research together, but I am solely responsible for the content of the book. I did benefit enormously from my conversations with Naga as well as his mastery of the local terrain. This enabled access to various individuals that proved invaluable. His own, and decidedly more political economic and institutional, analyses warrant careful reading by serious scholars of the Malaysian Tamil predicament. Second, I take Hirschman’s point about the risk of representing such a small sample of Malay voices as a valid criticism. In defence, I would only say that these voices were fairly typical of many others heard in the media and on the street, and they nicely mirrored a kind of public discourse against the Hindraf movement. Moreover, these voices also mirrored the emergent Tamil Hindu representation of the Malay-led government and its supporters in the Malay population. As discussed in the book, two key images of the Malay emerged among Tamils: the “true” Malay who continued to share intimacy and culture with the Tamil Hindu and the “artificial” or “invented” Malay created through the legalities of the state and buttressed by the ideology of *bumiputraisim*. Still, read out of that context, there is a risk in including these Malay voices to the exclusion of others. I trust that references to other scholars, and particularly to Peletz, point towards a more nuanced reading of Malay sentiments. What we really need next is a dialogic study conducted across ethnic divides — a study that I am not linguistically competent to undertake.

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#### NOTES

1. The two positions become very clear when examining Derrida's deconstruction of Foucault in *Writing and Difference* ([1967] 1978); Foucault's monumental *History of Madness* ([1964] 2006), particularly the appendices where he responds to Derrida; and Derrida's subsequent responses in *Resistances to Psychoanalysis* (1998).
2. In *Cage of Freedom*, I explained this risk with reference to the existence in constant tension of Chakrabarty's (2000) two histories of capital, "History 1" (capitalism's universal thrust and expansion) and "History 2" (local lifeworlds).

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