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The Hallowed Halls of Justice: the poetics and politics of a Taiwan indigenous court¹

J. Christopher Upton²

Abstract

Courts of law and the sense of social order they promise carry us back and forth between sweeping narratives of law and order at a national scale and the particular, tangible materialities of specific actors involved in specific disputes. This paper considers an indigenous land dispute in the newly established *ad hoc* Chamber of Indigenous Courts in the District Court in Hualien, Taiwan (ROC), as an ethnographic starting point for considering courts of law from an infrastructural perspective. This perspective addresses court institutions as part of a system enabling circulation of goods, knowledge, meanings, people, and power, creating a conceptual space to examine the shifting networks of assemblages of nonhuman and human actors within the judicial system. Adopting an infrastructural approach directs attention to the formal rationalities underlying infrastructures and the individual aesthetic experiences in which they are entangled. Field research in the *ad hoc* Chamber of Indigenous Courts in Hualien shows how materiality, material practice, flows, perspectives, and mobility were dimensions of court infrastructure through which the Taiwan state was continually reconstituted and experienced by those interacting with courts institutions, but also ultimately undone through the instability and illegibility of the state's own documents, practices, and structures.

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Introduction

On October 18, 2017, as I walked to the Hualien District Court in eastern Taiwan (ROC), a dilapidated, rusty van whizzed past, and a faceless hand waved out the window. The van screeched to a stop a little up the road and ten people tumbled out. One of these people was my friend, Rakaw,³ the defendant whose case I planned to attend that day at the courthouse. In a borrowed van, he and others had made the forty-minute trip together from their Truku village in the high central mountains to the district court. Everyone wore matching white rattan vests adorned with the traditional “eye” motif of the indigenous Truku stitched in red. We exchanged quick greetings and turned to face the courthouse where Rakaw’s trial would take place.

The modern-style courthouse of the Hualien District Court was a beautiful building (fig. 1). Built during the Japanese colonial era (1895–1945), it stood starkly against the blue Taiwan sky. The towering mountains of the Central Mountain Range, the location of Truku traditional lands and Rakaw’s village, loomed close behind. The courthouse itself was situated on the lower plains near the coast, occupying the traditional territory of the plains-dwelling indigenous Amis (also known as the Pangcah). The building was simultaneously awe-inspiring and foreboding. Concrete walls suggested permanence in occupation and authority. Symbols like the Taiwan flag, representing the red earth, blue sky, and white sun of the government of the Republic of China – the government that had overthrown Qing dynastic rule in China in 1911 before fleeing to Taiwan in 1949 and imposing martial law on the island – announced a strong state presence. Surrounding structures reinforced perceptions of state power, as many other Taiwan government buildings bordered the courthouse.

This courthouse formed part of the Taiwan national court infrastructure. Originally called the Hualien Port Branch of the Taipei District Court during Japanese occupation, the Hualien District Court now serves as a local branch of the Taiwan court system with jurisdiction over Hualien City, twelve nearby towns, and the countryside of Hualien County. As part of the national court infrastructure, the Hualien District Court embodies and amplifies principles of justice, law, and order promoted by Taiwan’s ethnically Han Chinese-dominated democratic state. Taiwan’s legal system contains remnants of Imperial Chinese law, as well as elements from contemporary China (Chiu and Fa 1994: 21–23). Chinese concepts of law grounded in Confucianism, emphasizing the need for human actions to harmonize with the natural order, have been incorporated into and transformed within a modern civil law framework influenced by Japan and Germany. Since the 1950s, with increased close relations with the United States, influences from American common law have grown in the Taiwan legal system, including a shift in 2002 from an inquisitorial to an adversarial system of justice (Wang 2011: 10). In many ways, the Hualien District Court is a place where Taiwan state ideals of law and order intersect with daily life in a definite, and often forceful, form, comprising a space of dense aesthetic, material, political, and social formations.

Rakaw, my Truku friend, was scheduled to appear at the courthouse that day on charges of unlawfully occupying land under Article 320, Item 2 of the Criminal Code. As a village leader, Rakaw had coordinated the construction of a hunters’ lodge near his village that the community planned to use as a cultural center to transmit the Truku customary concept of *Gaya* – the comprehensive system of customs, law, social hierarchy, and taboos passed down from the ancestors – to the next generations (fig. 2). While the community claimed that the land underlying the cultural

³ The names of the people referenced in this study have been replaced by pseudonyms to protect their privacy and village names have been removed to protect the anonymity of villagers who might otherwise be identifiable.

center was part of their ancestral land, with demonstrated continuous use through cultivation by generations of village members, prosecutors maintained that the community built the center without authorization on government property, pointing to the presence of signs near the structure indicating that the land was nationally owned, and argued that the site was condemned due to the threat of flooding by a nearby river.

Rakaw's trial would take place in a new division in the Hualien District Court – the *yuanzhuminzu zhuanye fating* (原住民族專業法庭) or *ad hoc* Chamber of Indigenous Courts – a special court division established in 2013 and expanded to cover all districts on the island by 2015, excluding the outer island and the Supreme Court. These court units consist of specially trained judges who receive instruction about indigenous cultures and legal protections as part of a broader government effort to make the Taiwan judicial system more accessible to and respectful of the island's sixteen officially recognized indigenous Austronesian groups. Cases are assigned to the *ad hoc* chamber according to the following rules: (1) criminal cases: all criminal cases involving a person having indigenous status; (2) civil cases: cases involving litigants as indigenous individuals, *buluo* (community), or indigenous peoples involving one of a prescribed set of categories; (3) cases not in a prescribed category involving one party constituting an indigenous individual, *buluo* (community), or indigenous people that has petitioned for trial in the *ad hoc* chamber with the court's approval (Judicial Yuan 2012). As such, the jurisdiction of the *ad hoc* chamber is principally based on the status of parties as indigenous persons, not on case type or subject matter.

The Hualien District Court *ad hoc* Chamber of Indigenous Courts' administration of Rakaw's case bore little resemblance to what one might associate with a robust indigenous institution. The judges, lawyers, and courtroom staff were all ethnically Han Chinese – only two judges and four lawyers on the island had indigenous status (Hsu 2015: 92). The laws and legal texts circulating through Rakaw's trial concerned Taiwan state laws only. The Taiwan judiciary does not recognize indigenous law or dispute resolution practices as authoritative or binding. The symbolism in and arrangement of the courtroom reflected Taiwan state ideals of law and order, not indigenous understandings of justice or dispute resolution. Legal proceedings were conducted in the official language of Taiwan courts, Mandarin Chinese (Court Organization Act, Art. 97). Indigenous languages were, at best, secondary in the courtroom. Even the date on Rakaw's case number – *minguo* (民國) 106, or 2017 – reinforced state power as official calendars are calculated from the founding of the ROC government in 1911.

I joined Rakaw and the others that day as part of my dissertation research (2017–2018) on Taiwan's *ad hoc* Chamber of Indigenous Courts. During my field research, I lived within walking distance of the Hualien District Court and attended daily activities at the *ad hoc* chamber in the courthouse. The Hualien District Court *ad hoc* Chamber of Indigenous Courts was chosen as a research site because it was situated in a geographic region with a high population of indigenous people representing six different indigenous groups and was among the most active chambers on the island adjudicating indigenous cases. Drawing on my prior experience as an American lawyer, I became acquainted with the judges, lawyers, and law centers working with local indigenous communities and advocating for them in the *ad hoc* chamber. In addition, I worked closely with the local Truku and Bunun communities in Hualien County, who graciously incorporated me into their daily activities and traditional practices, such as hunting and gathering forest-products high in the Central Mountain Range. Given the diversity of indigenous cultures, histories, languages, and lifestyles represented in urban, rural, and remote communities on the island, it would oversimplify matters to attempt to generalize across all peoples and districts. Accordingly, my fieldwork traced the movement of law

from the Hualien District Court *ad hoc* Chamber of Indigenous Courts into indigenous villages in eastern Taiwan and from villages into the *ad hoc* chamber. Questions about the *ad hoc* Chamber of Indigenous Courts led to more questions about the connections between these court units and the wider infrastructure of judicial institutions on the island. It also led to questions about how individual actors – judges, lawyers, indigenous parties – experienced the special units, and by extension, the wider judicial infrastructure.⁴ Most broadly, it led to questions about how state infrastructures of law engage with legal pluralism, as indigenous Truku and Bunun communities, like many other indigenous groups on the island, maintain strong pride in their own legal traditions.

Anthropologists and other social scientists have increasingly turned their attention to infrastructures and the ways infrastructural technologies combine at different scales and in different orders to induce social actors into particular behaviors and pathways. Hard infrastructures – the pathways and technologies that permit commerce, exchange, and travel, such as bridges, railways, roads, and water supplies – relate to the physical components of interrelated systems that enable and sustain societal living conditions. Recent scholarship has moved away from concentrating solely on physical networks to examining soft infrastructures – the constitutive cultural, economic, and political structures that form the foundation of any infrastructure – and their place in society (Shelton 2017: 19). This paper draws on these insights to examine what occurs at the intersection of state infrastructures and indigenous people. It does so by considering the hard and soft infrastructural elements constituting Taiwan’s national court system at the point where they engage with indigenous people and issues, echoing Brian Larkin’s (2013: 331) approach to infrastructure as technology entangled in political domains.⁵

Courts of law and the sense of social order they promise carry us back and forth between sweeping narratives of law and order at a national scale and the particular, tangible materialities of specific actors involved in specific disputes. Taiwan’s *ad hoc* Chamber of Indigenous Courts offer unique insights by revealing the co-existence of different and competing narratives of history, identity, meaning, normativity, and ontology that challenge mainstream assumptions about and understandings of law and order. This paper considers Taiwan courts, through the newly established *ad hoc* Chamber of Indigenous Courts, from an infrastructural perspective that examines court institutions as part of a system enabling circulation of goods, knowledge, meanings, people, and power. Placing the system at the center of analysis offers a synthetic perspective that highlights the intersection of technical and nontechnological elements. Focusing on infrastructure thereby creates a conceptual space to examine the shifting networks of assemblages of nonhuman and human actors, wherein courts of law emerge as a mix of materials, meanings, and practices (Carse 2017b: 35).

Taking Rakaw’s case in the Hualien District Court as its ethnographic starting point, this paper argues that understanding court institutions requires examining the political rationalities and the individual aesthetic experiences in which judicial institutions are entangled. Doing so lays bare the contrasting understandings and usages of court institutions by different actors. It also advances a form of infrastructural literacy that sees courts as heterogenous, quotidian, and situated but also containing logics of depth and hierarchy that manifest in design, maintenance, and management.

⁴ Attempting to speak for the experiences of “others” in research, particularly when those experiences are not always reported directly, raises questions about positionality and representation in ethnographic writing. I attempted to capture these experiences through a frame of reflexive awareness of my own and others’ power and agency, aware that such a posture may ameliorate, but never fully resolve, such concerns (Nourse 2002: 28).

⁵ The subtitle of this paper was inspired, in part, by the title of Brian Larkin’s (2013) article “The Politics and Poetics of Infrastructure”.

Focusing on elements of materiality, material practices, flows, perspectives, and mobility, this paper emphasizes the degree to which modern courts of law, including the *ad hoc* Chamber of Indigenous Courts in the Hualien District Court, are places of significant state power animated by designs, people, practices, and technologies connecting them to a broader national court infrastructure, but also spaces where fractures in that power can emerge via the inherent instability of those same infrastructural forms.

In the first section, I consider how anthropologists have approached infrastructural systems, laying the groundwork for examining the Hualien District Court *ad hoc* Chamber of Indigenous Courts through a lens of infrastructure. The second section explores the materialities of Taiwan's national courts, focusing on a key aesthetic and structural element – concrete – and how this material symbolizes both the promise of the court's predictability and stability and the actual instability of state authority as reflected in its degradation and need for regular maintenance. Section three considers the material practices within Taiwan's national courts, concentrating on the hearing process, texts, and language. The fourth section focuses on motion in the courthouse, examining the choreographies of movement coordinating and limiting intersections of people, information, and materials. Section five examines the one space in the courthouse where flows of people, information, and materials converged – the courtroom – analyzing how courtroom arrangement and design embodied Taiwan state ideals of justice. The sixth section considers what happens when courts leave the courthouse building, in this case by traveling to the site of the cultural center on Truku territory. Looking at the dimensions of materiality, material practice, flows, perspective, and mobility uncovers the importance of understanding the formal rationalities that shape court institutions, but also the significance of individual encounters with courts and how these spaces are alive with different, and sometimes conflicting, desires, meanings, and sensorial experiences. Several themes emerge from these observations. One concerns the extent to which indigenous lives are excluded from state infrastructures, even as those structures implement special measures designed to accommodate indigenous people. A second, corollary theme involves the instability of infrastructural technologies from which fractures emerge in state power, opening room for new forms of expression, interaction, and practice. The final section closes with remarks about how these observations contribute to anthropological literature on infrastructure and long-standing theoretical discussions on the state.

Infrastructural Considerations

From electrical grids to shipping containers, a range of infrastructural systems have served as subjects of anthropological investigation. These studies approach infrastructure by examining the interplay of upstream and downstream effects of particular technological systems and the ways infrastructures operate on multiple levels concurrently. Anthropological scholarship on infrastructure highlights how these systems perform technical functions by facilitating exchange across distance and bringing people and things into complex heterogeneous systems and by operating as forms that are relatively autonomous from their technical function (Larkin 2013: 335).

These studies include the analysis of specific technologies, i.e. concrete (Harvey 2010), seaports (Bear 2011, 2017), oil exploration (Weszkalnys 2014), roads (Khan 2006; Dalakoglou 2010; Dalakoglou and Harvey 2012; Yazici 2013), shipping (Birtchnell and Urry 2015), water supply (Anand 2011), and wind energy (Howe and Boyer 2016), among others. More recent work has turned

to examining infrastructure as a concept (Carse 2017a, 2017b; Carse and Lewis 2017; Collier 2011; Dalakoglou and Harvey 2012). A spectrum of approaches is used, at times emphasizing upstream politics (biopolitics, globalization, technopolitics) and at other times stressing downstream aesthetics (affect, semiotics), while recognizing that both ends of the stream are intimately connected.

In terms of upstream analysis, this literature has directed attention to the practices of conceptualization that precede the construction of infrastructural systems and are engineered into them. Anthropologist Stephen Collier (2011), for instance, looks at Soviet-era electrical planning and identifies forms of political rationality that underlie technological projects; in the post-Soviet transition he finds a shift from an electrical system organized through a system of allocation to one regulated by consumer demand, suggesting a transfer of American neoliberal ideas into Russian thinking. Framed around Foucault's biopolitics, infrastructures for Collier constitute a mixture of political rationality, administrative techne, and material systems, and they reveal practices of governance where economic theory is as material to infrastructural systems as technology or the social relations to which it gives rise. These observations draw attention to the styles of reasoning and changing rationalities shaping infrastructural systems, seeing the formal rationalities underlying infrastructure as important as the materiality of technological systems.

While infrastructure can express and represent state power, its political effects cannot simply be read from its prior conceptualizations. Infrastructure also generates complicated, and sometimes contradictory, experiences for the people who engage with it. Anthropologist Naveeda Khan (2006), for example, documents the mixed feelings among local people about the creation of the first multilane motorway in Pakistan. In debates about the new road she traces a feeling of "a certain lack of fit" between the motorway and Pakistan, and by looking at how travelers experienced the motorway she illuminates how the road relates to Pakistan's coming modernity (Khan 2006: 88). In a different context, anthropologist Filip De Boeck (2011) describes the attitudes of residents of informal agrarian settlements in Congolese urban wasteland spaces about being forcibly displaced to a new settlement to make way for elite urban housing. The destruction of urban settlements in Kinshasa, Congo, served as a vivid example of state violence against its most vulnerable citizens, yet those displaced by the new settlement revealed that they regarded it in terms of their own vision of what the city should look like. Displaced residents reported that, "Yes, we'll be the victims, but still it will be beautiful," indicating that even though the government's plan would generate more pronounced forms of exclusion, persons experiencing this displacement framed it through a dream of the modern city and inclusion in the global sphere (De Boeck 2011: 278). These observations direct attention to the downstream effects of infrastructure, to the affective landscape surrounding and shaping its use, which loosen it from its technical functions in the service of other meanings and ends.

This paper draws on these approaches by examining Taiwan's court system and the *ad hoc* Chamber of Indigenous Courts as sites of rationalization and of aesthetics. Tacking between the formal rationalities underlying Taiwan courts and the experience of agents who encounter them, this paper examines the assemblages of buildings, people, rules, and power that constitute courts through a lens that illuminates the interplay of upstream logics and downstream effects within them and the multiple levels of functioning of court infrastructures as they execute political functions and operate as entextualized forms. Ethnography is particularly well-suited for this endeavor, as it demands that we consider the structures shaping courts of law, such as legal frameworks and processes, and the specific experiences of the agents, like litigants, lawyers, and judges, who engage with them.

Bringing these perspectives together enables us to understand the multiple dimensions of court infrastructures, the logics and interests they serve, the events that disrupt and reconfigure them, and the effects they generate in the social world. This is particularly important in relation to indigenous people due to the entrenchment and persistence of colonialism in state legal frameworks.

Like electrical grids and motorways, courts are also infrastructure. In Taiwan, the Judicial Yuan, together with the Executive Yuan, Legislative Yuan, Examination Yuan, and Control Yuan, form the five branches of the ROC government. The Judicial Yuan is vested with the power of adjudication, discipline, interpretation, and judicial administration, and it oversees the national court system. Within the Taiwan national court system, there are twenty-two district courts, six high courts, one Supreme Court, and one Constitutional Court (Chiu and Fa 1994). Taiwan's national courts oversee millions of individual cases a year, with over 3.1 million cases opened in the district courts in 2019 alone (Judicial Yuan 2020). These courts also employ hundreds of judges and supporting staff, and expenses associated with maintaining Taiwan's national courts account for one percent of the national government budget per annum (Chang 2018: 348).

Additional courts require additional judges and staff with large capital and recurring expenditures. Taiwan's new *ad hoc* Chamber of Indigenous Courts was one such addition, requiring new investments in administration, training, and planning. Article 30 of the Indigenous Peoples Basic Law of 2005 provides for the creation of a special court or tribunal for the purpose of "protecting indigenous peoples' rights and access to the judiciary." The idea of developing a set of specialized court units was inspired by examples from Canada, New Zealand, and the United States, and was motivated by the understanding that indigenous people have views on law that differ from those of the ethnic Han Chinese majority; therefore, protection of indigenous rights could be better served by specialized court units familiar with indigenous cultures, practices, and legal concepts (Bekhoven 2018: 271 n899). The Judicial Yuan created the *ad hoc* chambers in 2013 with the idea that they would be more understanding and respectful of indigenous cultural differences and could better secure indigenous peoples' judicial rights (Judicial Yuan 2012; Xiang 2012). The judiciary also anticipated that these units would build a repository of case law about disputes involving indigenous custom and tradition that could be used by judges as references (Judicial Yuan representative, pers. comm., August 11, 2016, Taipei, Taiwan). In this regard, the *ad hoc* chambers provided a single judicial solution for all sixteen officially recognized indigenous groups. It should also be noted that the action of creating *ad hoc* chambers modeled on tribunals in other sovereign states was a sign, like migration policies and border inspections (Friedman 2015: 52), of efforts by the ROC government, as a *de facto* sovereign nation, to demonstrate sovereignty in recognized ways and assert its position on the world stage.

The *ad hoc* chambers handle large volumes of cases. To provide a sense of numbers, in 2014 Taiwan district courts saw 9,230 new criminal cases involving indigenous persons; 10,831 in 2015; and 11,106 in 2016, and Taiwan high courts saw 459, 546, and 571 new indigenous criminal cases during the same years (Judicial Yuan 2018b: 5). District courts also saw 639 new civil cases involving indigenous persons in 2014, 716 in 2015, and 766 in 2016, and high courts saw 43, 88, and 105 new indigenous civil cases during the same years (Judicial Yuan 2018b: 8–9). The majority of these cases concerned quotidian matters, such as torts, ownership disputes, and loans, while others addressed matters deeply connected to indigenous peoples' cultures and lifeways, like hunting, firearms, fishing, gathering mineral and forest products, and traditional lands. For example, alleged violations of the Controlling Firearms, Ammunition and Knives Act – the law regulating indigenous

peoples' use of firearms for customary hunting – in Taiwan district courts numbered 48 in 2014, 50 in 2015, and 105 in 2016. Similarly, alleged violations of the Forestry Act – the law regulating access to and use of natural resources on traditional territories for many indigenous communities – in the district courts numbered 177 in 2014, 270 in 2015, and 199 in 2016 (Judicial Yuan 2018b: 7).

The Judicial Yuan organizes bi-annual special training programs for judges and prosecutors assigned to the *ad hoc* chambers. A persistent issue since Taiwan's transition to democracy has been ignorance of indigenous rights by the executive branches and justice departments (Simon and Mona 2013: 108). These mandatory training programs involve up to twelve hours of lectures on indigenous cultures and rights, short excursions into indigenous villages and the sites of important cases, training about indigenous legal rights in the form of mock trials, and presentations about recent research on indigenous issues, among other activities (Judicial Yuan 2018b: 19–22). Participants noted that, in reality, this training amounted to little more than six hours of substantive training and that judges had little incentive to engage in subsequent voluntary training offered by the Judicial Yuan. They also noted that the training program tended to reuse the same experts, limiting voices and perspectives about indigenous legal issues. Moreover, the training included no examinations or other checks on competency at the end of the program. Thus, while specialized knowledge about indigenous peoples' cultures and rights was a key distinguishing feature of the *ad hoc* chamber in the Hualien District Court, the general consensus among those practicing in the chamber was that such institutional knowledge was significantly lacking.

Taiwan courts, like courts of law in many other contexts, are connected to a broad network of actors, institutions, and spaces that facilitate flows of ideas, materials, and people designed to animate state ideals of justice, normativity, and power – a network often referred to as “the judicial system” or “the court system.” Court institutions constitute a nexus of materials, meanings, people, and practices through which state power flows, yet their operation is never wholly predetermined: new cases bring new factual and legal issues, judicial and legal actors have different jurisprudential philosophies and expertise, and real-time interactions in courtrooms can shape outcomes and processes of dispute resolution.

Seeing courts through the formal rationalities underlying judicial infrastructures highlights the styles of reasoning and rationalities embedded within courts of law. It illuminates the ways judicial institutions like courts and tribunals constitute sites of state power through which the government imposes financial penalties, restricts freedom, and metes out violent punishment of citizens found to be guilty of wrongdoing, while simultaneously seeking to dilute perceptions of unrestrained power through upholding limitations on the government and the operation of judicial spaces and proceedings. Seeing courts through the aesthetics of individual experiences with judicial institutions reveals unforeseen encounters as people experience courts, state actors, and symbols in unanticipated ways, bringing their own beliefs, emotions, and knowledge with them into the activities and buildings constituting judicial infrastructure. This view attends to the poetic dimensions of courts. Poetics, in a Jakobsonian (1960: 356) sense, refers to the creative integration of form and function of language, wherein the aesthetic dimensions of language predominate. Applied to judicial infrastructure, the poetics of courts means that their form can be loosened from the technical functions and formal rationalities underlying them as actors engage with, experience, and potentially take them in new directions (Larkin 2013: 335). In the case of indigenous persons, encounters with state courts can include confronting colonial logics of history, law, ontology, and sociality imposed upon their people and enforced on their traditional lands.

This paper endeavors to bring together the poetic and political dimensions of Taiwan's national courts to explore how Taiwan's *ad hoc* Chamber of Indigenous Courts constitute spaces dominated by Han Chinese understandings of culture, law, and reality but are also unstable sites as individuals interact with court bodies in different and sometimes unsettling ways. The *ad hoc* chambers are a fruitful subject for such a study as they bring into stark relief both the rationalities underlying judicial infrastructures and the unique experiences that differently situated actors may have when engaging with court institutions.

Materiality: concrete, roads, and networks

Returning to the Hualien District Court where Rakaw's trial would take place, the courthouse building was a formidable rectangular structure of concrete, glass, iron, and wood influenced by Japanese courthouse architectural designs. Owing to the presence of a nearby military missile base, the building's height was limited to a regulatory fourteen meters (Judicial Yuan 2019). Large, gold Mandarin Chinese traditional characters emblazoned on the white façade announced: *taiwan hualian difang fayuan* (臺灣花蓮地方法院), or Taiwan Hualien District Court. Geographically located near the Hualien County Government Office, Hualien County Health Department, Hualien County Local Tax Bureau, and Hualien County Audit Office, the courthouse was part of a larger complex of government buildings. The building was set far back from the main road, separated by a 10,669 m² forest park split by a long asphalt lane lined with towering royal palm trees – an ornamental tree regularly used at ROC government buildings (Judicial Yuan 2019). The forest park served as a space of contemplation and relaxation, where a variety of trees – Alexandrian laurels, Taiwan crepe myrtles, Java cottons, Indian almonds, and banyans – grew among spectacular rock formations reflecting Hualien County's reputation as the home of stones. A public art installation in front of the prosecutors' office consisted of a rotating scale with a brilliant red strip code and an irregular black strip code – representing strong/good and evil/weak – reminding visitors to the courthouse that “everybody is equal in the name of the law” (*zai falü zhiqian, renren pingdeng*, 在法律之前, 人人平等). As noted above, despite the presence of the *ad hoc* Chamber of Indigenous Courts in the courthouse, no acknowledgement that the facilities sat on the traditional lands of the indigenous Amis (or Pangcah) appeared on the premises.

Considering the materialities of infrastructure means posing questions not just about the matter making up such infrastructures but, more fundamentally, about how matter comes to matter. That is, how matter becomes entangled with the social. One material, concrete, formed a key element of the Hualien District Court aesthetic and structure. It could be seen everywhere: concrete columns, concrete kiosks, concrete sidewalks, concrete walls, painted concrete bamboo fences, and concrete sculptures in the garden. The concrete buildings of the courthouse held courtrooms and offices of judges and administrators. Litigants checked concrete booths for information about their trials. Visitors walked along concrete walkways. Nearly every aspect of the courthouse and its surrounding structures, like many other buildings in the region, involved this hardened, gray material made of aggregates and Portland cement.

Anthropologists have noted how concrete is symbolic of the state's capacity to produce predicable, reliable structures, but that it also has limitations and can create unanticipated effects (Abourahme 2015; Harvey 2010). From a distance, the Hualien District Courthouse appeared solid and stately. Upon close inspection, however, its solidity quickly dissolved into a patchwork of disruptions.

Cracks spidered their way across the walls of the courthouse. Repairs and staining from water damage turned concrete walls and walkways into colorful displays. Broken parts and worn parts of sculptures bore evidence to the climate and other stresses to which the concrete was constantly exposed. Other materials at the courthouse – glass, iron, and wood – added to these disruptions: fractures in glass windows, corrosion of exposed iron rebar, and bleached and chipped wood offered visual reminders of the inherent limitations of structural materials. Regular visits to the courthouse over a year and a half showed the near-daily repair measures needed to maintain materialities at the courthouse – patches on walls and sidewalks, rust-prevention lacquer on exposed rebar, and workers pouring asphalt filler into parking lot holes.

These disruptions represented more than material degradation: they symbolized interruptions in state power. The promise of state courts to provide predictability and stability, like the promise of their concrete materiality, is ultimately one that is never fully stable, as the specificity of cases and individuals challenge their consistency and constancy. Such challenges could be amplified in spaces of institutional ambiguity, like the *ad hoc* Chambers of Indigenous Courts, where a class of “othered” actors – indigenous people – brought with them different understandings of law, reality, and sociality that oftentimes challenged mainstream assumptions about these ideas.

Moreover, the Hualien District Court was not an isolated place. It was intertwined with other infrastructural technologies, such as electricity, Internet, markets, transportation, and water supply, that both solidified state power and compounded the disruptions within it. Roads, for example, provided access to the courthouse by connecting it to a transportation network covering the region, which in turn connected it to the rest of the island. Anthropological studies of roadways (Dalakoglou 2010; Dalakoglou and Harvey 2012; Khan 2006; Yazici 2013) show that while roads are often framed as paths to modernity, they can be fraught with contradictions and tensions. Such was the case with the roadways leading to the Hualien District Courthouse. While roads in Hualien City and nearby towns were well-maintained, roadways in the high mountains, where Rakaw’s community and many other rural indigenous groups lived, were far more difficult to maintain due to substantial distances from urban centers and frequent damage from environmental stresses, such as earthquakes, heavy rains, landslides, and typhoons. Reliable access to urban-situated courts from the high mountains was never assured, as I experienced firsthand on my return from my first visit to Rakaw’s village, when I encountered a landslide that blocked the mountain roadway.

The challenges of road infrastructure connecting the courthouse to the broader transportation network involved more than simple maintenance issues, they also involved matters of meaningful access. Discrimination, poverty, and marginalization have relegated many indigenous communities to the economic, geographic, political, and social periphery of Taiwan society. Rakaw, and the community members who joined him at the courthouse that day, had to borrow a vehicle because none of them owned a car. They had to find someone who had a valid driver’s license to drive on the road, the test for which is conducted in Mandarin Chinese, not Truku. They had to pool together funds to pay for fuel for the trip, since many of them had unstable employment as construction workers and truck drivers or no employment at all. More importantly, there were genuine risks in using roadways, as local law enforcement agencies at times targeted indigenous communities, for example by setting up checkpoints outside of indigenous villages to police alcohol-impaired driving.

The Hualien District Court building thus constituted and was connected to a broad network of infrastructures of materialities and discursivities that produced a hierarchical power structure. Infrastructures feeding into other infrastructures compiled disruptions in state authority and could

themselves become sources of anxiety, inequality, and risk. Meaningful access to the multilayered infrastructural networks attached to court infrastructure was never a given, particularly for those living on the margins of Taiwan society.

Material Practice: process, texts, and language

Matters of materiality merged with matters of material practice – acts of working with materials using special sets of knowledge and skills – within the space of the Hualien District Court. Stepping into the courthouse building, the interior courtrooms would look familiar to anyone who has tuned into television law dramas like *Matlock*, *Perry Mason*, *Law & Order*, or *L.A. Law*, with the notable exception that there was no jury box. The arrangement of the courtroom was meticulously regulated by the Judicial Yuan (fig. 3). These regulations mandated that the courtrooms were divided by a low wooden “bar” separating legal actors from the general public. Beyond this bar, the judge’s desk was elevated above the room. In front of the judge sat a lower desk designated for the court clerk and judicial assistant. In many courtrooms, a table on the left was designated for the prosecution and plaintiffs, and a table on the right was designed for defendants, although courtrooms varied. Between the tables sat a small, single-seat desk reserved for witnesses. Benches ran along the front of the bar for persons waiting to testify. Behind the bar, seating was arranged for the viewing public, journalists, and judicial actors in training. These seats faced the judge, lawyers, and litigating parties, giving the courtroom the air of a small theater. The walls of the courtroom were blank, white drywall with a humming air conditioner hung high on one of the walls, operated by a bailiff via remote control. Projectors hung suspended from the ceiling, projecting images and text onto the walls behind the parties’ heads. Small, dark security cameras hung in several corners of the room (fig. 4).

It is important to emphasize that the *ad hoc* Chambers of Indigenous Courts that appear in Taiwan courts are not fixed sites. They are, rather, constituted anew each time in the courtroom by the presence of a specific judge and parties with indigenous status. In the Hualien District Court, the *ad hoc* chamber typically constituted itself in Courtrooms 3 and 4. At other times, these courtrooms were used to administer non-indigenous cases. The lack of any formal announcement or other indication in the courtrooms about the *ad hoc* chambers gave these special units an ethereal quality. Oftentimes, the case number – where the Mandarin Chinese character, *yuan* (原), marked litigants having indigenous status – was the only overt indicator of the *ad hoc* chambers’ presence. Describing the *ad hoc* Chamber of Indigenous Courts in terms of court infrastructure thus largely, and perhaps tellingly, means describing the ordinary court infrastructure of Taiwan.

The style of proceedings within the *ad hoc* chambers is identical to those in district courts around the island. At Rakaw’s trial, everyone stood as the judge entered the courtroom. The particular judge assigned to Rakaw’s case was Judge Li, a young Han Chinese judge who received his training at Taiwan’s flagship law school, the College of Law at National Taiwan University. Judge Li was highly intelligent and brought urban sensibilities to the issues arising in Hualien’s more rural cases. Being a younger judge, he had been assigned to the *ad hoc* chamber, which he noted coincided with his intellectual interests in the complexities of indigenous issues (Judge Li, pers. comm., October 17, 2017, Hualien, Taiwan). When he entered the courtroom, the parties, legal counsel, and the audience stood up and could only resume their seats after he sat. Perched approximately one meter above everyone else, Judge Li gazed down from his bench at the parties and audience. The ROC flag stood behind him, indicating that his authority emanated from the Taiwan state. The scales of justice hung

above his head, representing the Taiwan judiciary's impartial weighing of evidence. His black judicial robe, trimmed with royal blue lapels, distinguished him from other courtroom actors and the blue color signified, in the symbolism of the Taiwan judiciary, the unbiased nature of justice.

Judge Li, like other judges in the Hualien District Courthouse, was responsible for managing trial proceedings. As noted above, in 2002 Taiwan changed its trial procedure from an inquisitorial model to an adversarial approach (Wang 2011: 10). By degrees, this shifted the control of litigation from the judge to legal parties. Under an adversarial model, the judge's role is that of an impartial referee between the parties rather than an active investigator into the facts of a case. During Rakaw's trial, Judge Li introduced the case number, the issues, and prior determinations. He informed the parties about their choices. He decided when and for how long lawyers spoke. He advised witnesses about their responsibilities. He questioned the lawyers, parties, and witnesses. He instructed courtroom staff. He made determinations about evidence. Ultimately, he issued the final decision.

From a comparative perspective, as an American lawyer I noted how much of Taiwan trial procedure appeared to retain inquisitorial elements. While judges in adversarial systems rarely question witnesses and avoid commenting on testimony or the strength of cases until all the evidence has been heard, Judge Li and other judges in Taiwan courts did so regularly. Further, while the admission of evidence in adversarial systems is based upon a system of objections among adversaries, Rakaw's lawyers and other Taiwan lawyers rarely raised objections during trial; it was left to Judge Li to consider objections *sua sponte*. Thus, as a foreign observer, in certain respects the style of Taiwan trial proceedings was an adversarial system that seemed to lack adversaries (Lewis 2009: 682). As a result, the symbolism in the courtroom, the reverence accorded to the judge, and the judge's chief role as trial manager amounted to a conspicuous display of the court's power, and by extension, the Taiwan state's power. Such perceptions of power were only amplified in indigenous cases, as Han Chinese persons, not indigenous persons, served as legal actors in the *ad hoc* chambers.

The *ad hoc* Chamber of Indigenous Courts in the Hualien District Court was a space populated not just by legal actors, but by texts. Legal actors, court administrators, parties, witnesses, and experts generated, used, and managed various forms of texts that connected the court to the broader national court infrastructure. From official signs on waiting room walls reminding visitors not to chew betel nut to prosecutorial charging papers to state codes and statutes, the Hualien District Courthouse was a space suffused with texts. Moreover, these texts were not idle. They worked with people, interacting with them to accomplish institutional tasks (Pence 1997: 93). The texts reflected assumptions that legal cases concern incidents and individuals, not social conditions or communities, as evident in the captioning of cases, recitations of facts, and court decisions. They reproduced divisions between legal subjects (holders of rights over legal objects) and legal objects (things over which legal subjects hold rights), and between and among legal subjects through constitutions, statutes, codes, regulations, and court rulings. They rehearsed dominant understandings of temporality in the organization of background facts and the dates in docket numbers. They embodied language ideologies through the use of Mandarin Chinese in court documentation, and they reified ethnic categories, such as the use of *yuan* (原) to mark indigenous defendants in case numbers. Within Taiwan's civil law tradition, legal actors interpreted texts through a frame that emphasized selection among rules over synthesis of rules. Through their official stamps, signatures of state actors, and references to state laws and procedures, these texts also normalized the idea that law's authority derived from the state. Behind all of this, texts circulating within the Hualien District Courthouse reflected and reinforced a belief that texts mattered.

An examination of the texts in the *ad hoc* Chamber of Indigenous Courts during Rakaw's trial was telling in terms of what they did and did not include. At the beginning of the trial, as part of the daily practice within many Taiwan courtrooms, the judicial assistant handed Judge Li a large paper file wrapped in twine. This package contained the prosecutor's charging papers, the police investigative report, witness statements, the defense counsel's briefs, expert reports, and trial exhibits. Together with the ROC Constitution and Criminal Code, these were the principal texts circulating during Rakaw's trial. In nearly all respects, these documents were like all other documents produced and used in Taiwan courts. The color, composition, format, language, letterheads, paralinguistic signs, organization, and stamps were the same. They were maintained in the same way as other court documents. Save for the inclusion of the character *yuan* (原) in the case number, there were no overt indicators or any discernable effort made by the judiciary to distinguish the *ad hoc* chamber through documentary practices.

Notably absent from this panoply of texts was indigenous law. The Taiwan judiciary does not recognize indigenous laws as authoritative sources of normativity; instead, state codes, regulations, and statutes alone apply in indigenous cases within the *ad hoc* chambers. Rakaw's conduct was evaluated under Article 320, Item 2 of the Criminal Code, not under *Gaya*, the sacred law at the center of Truku life regulating all aspects of one's personal and social life (Pecoraro 1977: 70; Simon 2012: 173). Yet even the state laws protecting indigenous cultural practices were not uncontested in Taiwan courtrooms, as some judges viewed them as a significant threat to central constitutional principles like equality. For example, in one hearing I observed, a high court judge described the Indigenous Peoples Basic Law (IPBL) as "dangerous" (*weixian*, 危險) multiple times and questioned whether the IPBL was constitutional. When I spoke to the judge later, he reiterated his view that the IPBL was "too big," in that it allowed for too much freedom for indigenous people (High Court Judge, pers. comm., October 24, 2017, Hualien, Taiwan).

In many respects, indigenous law in the *ad hoc* Chamber of Indigenous Courts is seen not "as law, but as fact" to be proved through evidence (Kerruish and Purdy 1998: 153). That evidence sometimes came from indigenous leaders' expert testimony, although judges reported pressure from bureaucrats not to call village experts due to administrative complications and expenses (District Court Judge, pers. comm., May 25, 2018, Taipei, Taiwan). More often, this evidence came from ethnographic studies of indigenous people dating to the Japanese colonial era in the late nineteenth to mid-twentieth century (District Court Judge, pers. comm., October 23, 2017, Hualien, Taiwan). Taiwan courts did not regard these ethnographic studies as identifying alternative sources of normativity; rather, they regarded them as documenting practices to which indigenous people must conform to be recognized as "indigenous," in effect rendering indigenous custom as an artifact and forcing indigenous persons to perform a version of themselves that in many cases they could never know (Povinelli 2002).

Recognizing a central tension within the *ad hoc* Chamber of Indigenous Courts between having an institutional mandate to respect indigenous cultural differences and being provided few tools to do so, some judges explored creative ways of incorporating indigenous worldviews and laws into legal analysis. In a Bourdieusian sense, these were improvisational moments in judicial habitus and legal ways of thinking (Wacquant 1992: 22). Some judges attempted to read an indigenous mindset into the intent or knowledge (*mens rea*) element of criminal statutes. Others adopted a balancing approach to create a review framework that incorporated indigenous interests. Still others worked to rethink the hierarchy of Taiwan law in a way that placed the IPBL at the same status as, or above, other

statutes. Finally, some judges turned to natural law. These extra-legal approaches were rarely explicitly stated in the courtroom. Rather, they emerged as Han Chinese judges and legal actors struggled to deal with the complexities of cases involving indigenous customs and traditions. Often, this occurred as judges confronted indigenous “other” knowledges, worldviews, and ontologies that compelled them to reflect on their assumptions about law, culture, and reality. In these moments, the legal reasoning which tended to naturalize certain forms, logics, and practices was denaturalized through encounters with indigenous defendants and litigants. This motivated some judges and legal actors, although certainly not all, to look beyond the banality of legal reasoning to explore creative ways of resolving indigenous cases. The judges that employed these techniques were not, however, always consistent in their use or application. Yet, in those moments of critical reflection and exploration, the *ad hoc* chambers offered an uncanny glimmer of something different, of possibilities beyond the strictures of national court infrastructure. Practices and texts within the *ad hoc* chambers were thus active in ways that rehearsed state power and, at times, grappled to move beyond it.

The management of Taiwan courtrooms, proceedings, texts circulating in the courthouse, and explorations into new decision-making tools were shaped by a language ideology that prioritized Mandarin Chinese over other language forms. Language is a key component of infrastructure as it constitutes the mechanism by which information about infrastructure is defined, exchanged, expressed, and shared (Bear 2011: 56; Dalakoglou 2010: 138). All briefs, forms, texts, and signage (fig. 5) in Taiwan courtrooms were printed in Mandarin Chinese, and legal actors conducted courtroom discussions in Mandarin. Notably absent was any recognition of indigenous languages as a language of justice.

Indigenous people in Taiwan speak 42 different dialects of indigenous languages, one of which is severely endangered, four are critically endangered, and a further eight are deemed vulnerable (Taiwan Today 2017). Assimilationist laws and policies prohibiting the use of indigenous languages, including compulsory education in Mandarin Chinese up to junior high school starting in 1968 (which was later expanded to a full 12-year education program in 2014), means that the majority of indigenous people under the age of 50 cannot communicate fluently in their mother tongue (Sterk 2021: 70). In recent decades, the ROC government has taken steps to protect indigenous languages. These include the adoption of policies in the late 1990s permitting the teaching of elective mother-tongue courses in public schools (Huteson 2003: 9). They also include the recent promulgation of the 2017 Indigenous Languages Development Act, which designates indigenous languages as national languages, and the 2019 Development of National Languages Act, which creates a right for citizens to select the national language they wish to use in judicial proceedings.

Accompanying these developments, the Judicial Yuan created a special interpreter program with interpreters proficient in indigenous languages. By the end of 2019, the Executive Yuan Council of Indigenous Peoples (CIP) had a list of fifteen interpreters proficient in nine indigenous languages to assist indigenous people in Taiwan courtrooms (Judicial Yuan 2018b: 29; LAF 2019: 26). Lawyers and indigenous activists with whom I worked were quick to note the deficiencies of this program, particularly that interpreters were proficient in only a small number of indigenous dialects, that interpreters tended to summarize testimony rather than providing verbatim translations, and that the program was used remarkably infrequently in courts of law. Arguably more significant than these deficiencies was the assumption that “law” was something to be conducted in Mandarin Chinese only, and that indigenous languages were supplementary to that process – inconveniences to be

addressed through special interpreter programs rather than authoritative means of communication in their own right.

As a central frame through which the national court infrastructure was defined and practiced in Taiwan courtrooms, Mandarin Chinese language was not without contestation or struggle. Judges and lawyers debated Mandarin Chinese transcription practices during trials. For example, during Rakaw's trial, lawyers read along as their oral statements, as well as the oral statements of witnesses, were transcribed by the court clerk in real-time and projected onto screens in the courtroom. A substantial portion of the hearing was dedicated to correcting or amending these transcribed statements, knowing that they would become part of the formal trial record. Ultimately, Rakaw's trial record, like other trial records in Taiwan, was not a rote record of events and statements, but rather a crafted body of texts involving negotiation, alteration, and reframing.

Indigenous litigants also strategically used language in Taiwan courtrooms to advance their own agendas and understandings of culture. One practice was refusing to use Mandarin Chinese in courtrooms. One lawyer recounted an instance where his indigenous Paiwan client refused to speak Mandarin Chinese during his courtroom testimony, but the client was also unable to speak his mother tongue fluently. As a result, his testimony consisted of an extended soliloquy of Paiwan-sounding, but largely unintelligible, words. In another context, a Bunun litigant who spoke both Mandarin Chinese and his mother tongue fluently refused to use Mandarin during his testimony. He reported his reasoning as follows: "I wanted the judge to understand that a different culture was in the courtroom; that he should be sensitive to my culture. That they have to use my language to talk about it." Performances of using alternative languages in the courtroom served a metacommunicative function to impress upon Han Chinese courtroom actors that another culture was present and to highlight a central irony that proceedings in the *ad hoc* Chamber of Indigenous Courts were conducted in the language of the colonizer, not in the languages of the indigenous people they were ostensibly designed to serve.

In manifold ways, material practices in the Hualien District Court reinforced the perception of Taiwan courts as spaces of Han Chinese-dominated state power. The arrangement of courtroom spaces, the management of trials, the style of proceedings, and the presence of Han Chinese legal actors, state legal texts, and language ideologies promoting Mandarin Chinese reminded indigenous entrants that these were spaces where the ROC government and ethnic Han understandings of law predominated. Yet, like the cracks in courthouse concrete structure, tensions between the *ad hoc* chambers' purpose and operation, judges' reflections upon encounters with indigenous "others" and explorations into extra-legal tools, and debates about Mandarin Chinese language in the courtroom suggested a contested field with an undetermined outcome, intimating that work was happening at the limits of state power. Nonetheless, while the Hualien District Court constituted no Star Chamber,⁶ significant power imbalances remained between the state and citizens, particularly for indigenous persons entering the court.

⁶ The Star Chamber was an English court of law used to supplement the common law and equity courts from the late-fifteenth century to the mid-seventeenth century. Drawing its power from the king's sovereign power and operating in secret, it was not bound by common law and later became synonymous with arbitrary use and abuse of power.

Flows: people, information, and materials

Materials and material practices intersected with flows of movement within the Hualien District Courthouse. Like other courts in Taiwan, the choreography of the movement of people, information, and materials was a critical dimension of the Hualien District Court. These choreographed flows were, however, never neutral, in that they did more than determine movement. The regulated flows of movement also introduced and reinforced hierarchies and inequalities within the courthouse. Notably, indigenous people often found themselves on the losing end of these flows, despite the innovation of the *ad hoc* Chamber of Indigenous Courts.

During Rakaw's trial, Judge Li entered and exited Courtroom 4 through a narrow door behind the judge's bench. This unmarked door remained locked at all times and led to a narrow passageway seen by few people. This passageway branched off into a dizzying array of dimly lit behind-the-scenes corridors. Some of the corridors led to other courtrooms, others led to clerks' offices, still others led to the special elevator carrying judges to their chambers, and more corridors led court personnel to a private parking lot and other building exits. This hidden web of corridors was not equally accessible, even for courthouse actors at the Hualien District Court. Sliding glass doors operated by keypad codes divided the network of passageways, restricting movement and limiting access to certain courthouse actors only. Only judges and their judicial assistants, for example, had access to the special elevator leading to the judges' chambers.

Criminal defendants who had been arrested were guided through a different system of behind-the-scenes corridors. They entered and exited courtrooms through a special door behind the defendants' table. This locked door led to a corridor containing holding cells and offices for bailiffs. At the end of the corridor was a door leading to the parking lot and the armored buses used to transport defendants to and from the nearby county detention facility.

Movement of the general public, lawyers, and litigants in the courthouse was regulated through yet another set of procedures. The public entered through a sliding glass door and metal detectors at the front of the building. Security officers registered legal parties and lawyers as they entered. At the Hualien District Courthouse, the public entrance opened into a spacious indoor courtyard with plants and skylights. A narrow concrete sidewalk and wall separated this courtyard from the courtroom doors forming its perimeter, giving the interior of the courthouse the feeling of a motel. As the general public, lawyers, and litigants waited for a trial or a hearing to begin, they had the option of either sitting in the courtyard or waiting in a designated waiting area, set apart by sliding glass doors, with air conditioning, comfortable seating, and a television set playing Taiwanese soap operas. Generally, with the exception of private offices and courtrooms adjudicating domestic violence cases or family matters, the public was free to roam the courthouse building.

Upon entering the Hualien District Courthouse, Rakaw and his lawyers registered at the front desk, providing their Taiwan-issued National Identification Cards. Rakaw's identification card included his Mandarin Chinese name as well as his Truku name in Romanized script, a feature that was not permitted on official Taiwan documents until 1995 (Gao 2015). Together with the villagers who traveled with him, Rakaw and his lawyers entered the waiting room to await the start of the trial. As we waited, people passed around betel nuts despite a sign on the wall prohibiting chewing betel nut. As the time for the hearing approached, the group stood up. Holding hands, we formed a circle. Rakaw led a Christian prayer in Truku. It was a conspicuous display of alterity and solidarity in a space otherwise dominated by the Han Chinese ethnicity, the Mandarin Chinese language, and

Buddhist and Taoist ideas about spirituality. We sat back down and waited. Some people thumbed through a large Bible; others nervously checked their smart phones. A light finally came on instructing us to proceed to Courtroom 4. We filed out and entered through the doors at the rear of the courtroom. Uniformed bailiffs stood in corners of the room. Rakaw and his two lawyers walked through the wooden gate separating the gallery from the tables reserved for legal actors. The prosecutor was already sitting at one of the tables. The village members who joined Rakaw remained behind the “bar” in the section reserved for spectators.

The design of the Taiwan courthouse thus coordinated the movement of three discrete categories of people which are to be prevented from intersecting: (1) open circulation of spectators, lawyers, litigants, and witnesses; (2) restricted circulation of prisoners and police staff; and (3) secure circulation of judges, clerks, and bailiffs. Thomas Gieryn’s (2018: 113) observation about American courthouses applied here as well: arranging spaces and passages in a courthouse is something like designing an electrical circuit where the wires must never cross, lest the system of justice short out. Seen in this light, Taiwan courts of law are institutional spaces of movement and separation, with regulations differentially guiding people’s movements and insulating their interactions.

Yet it was not only the movement of people that Taiwan courts regulated. Movement of information and materials was also choreographed. In the Hualien District Courthouse, for example, the court carefully controlled the distribution of case evidence. In criminal cases, the prosecutors’ office submitted information about the alleged offences to the judge, who then reviewed that information and made determinations about which information to provide to the defendant’s lawyer as part of the information exchange, or “discovery,” process. Courts likewise controlled the circulation of confidential and personal information about legal parties. While this information was regularly included in court documents, it was redacted from versions of documents accessible to the general public. For instance, criminal dockets posted for public viewing replaced the middle character of an accused person’s three-character Mandarin Chinese name or the second character in a two-character name with an “O” to protect the accused individual’s identity. Access to judicial orders and audio recordings of hearings was also limited to the legal actors involved in the underlying dispute. Further, like the courthouse corridors, flows of information within courthouses were internally restricted. For example, judges could only access information about their own cases; they could not see other judges’ case information.

Along with flows of information, the movement of electronic, physical, and administrative materials was likewise choreographed. Various administrative offices in the Hualien District Court were responsible for processing and maintaining the many paper files containing applications, invoices, and supporting documentation related to case pleadings, employee compensation, building maintenance, and so forth. Judicial assistants organized and maintained legal case files and were responsible for transporting these files to and from storage rooms, judicial chambers, and courtrooms. Recordings and transcriptions of oral arguments and witness testimony were likewise saved in online databanks accessible only to the legal actors involved in the particular matter.

The regulated flows of people, information, and materials are a critical dimension of court operation in the Hualien District Court and other courts of law in Taiwan. These regulations do not simply determine motion: they also introduce and reinforce hierarchies and inequalities within the courthouse. Judges are empowered in their control of proceedings, but also in their secure circulation within the courthouse building and their wide access to information and materials within the courthouse, even if that access is not unlimited. The general public, lawyers, litigants, and witnesses

are far more restricted in their access to information and materials, even as they have relative freedom to circulate around the courthouse building. Of course, not all members of the public can circulate equally. Those who speak and read Mandarin Chinese and understand judicial and government processes have the ability to move around and engage with courthouse spaces in ways more efficient and informed than those who do not.

An irony of Taiwan's national court infrastructure is that while indigenous people are the only ethnic groups on the island with a specially dedicated court unit, their movement and access to information and materials in courthouses remains among the most restricted. Since only a few judges and lawyers on the island have indigenous status, indigenous people are largely unrepresented in positions of power within Taiwan courtrooms. The Taiwan regulations that choreograph flows of people, information, and materials within courthouses divide along lines of ethnicity and class in ways that are rarely apparent and yet they do significant work in establishing and maintaining inequalities. Due to these inequalities, in many respects indigenous people remain outsiders in Taiwan courts, as indigenous values, knowledge, people, and practices are ignored or excluded, even in the presence of the *ad hoc* Chamber of Indigenous Courts.

Perspective: drama, intimacy, and power

Imagine yourself as Rakaw arriving at the Hualien District Court. Its enormous size is intimidating. The symbolism in the courthouse represents a government that has systematically discriminated against you and your people, and it is now seeking to imprison you for building a small structure on territory your community has occupied and used for generations. The laws used in Courtroom 4, where your criminal trial is held, do not include *Gaya*, your ancestral law. The legal proceedings in the courtroom do not resemble your traditional forms of dispute resolution. The language used in the courtroom is a non-indigenous language. The people managing the courtroom and trial are members of the colonizing ethnic group. You have been told about the establishment of a special court unit that is designed to respect your culture, but there is no indication of its presence in the courtroom or that it knows anything about your culture or your community. In the poetics of indigenous persons' encounters with Taiwan courts, this is a space that conveys to you in nearly every respect that it is not your space.

Observing Rakaw, his emotional response to the litigation appeared to be less fear than fiery determination. His determination was apparent in his resolute march into the courthouse. It was evident in his speech as he spoke loudly and confidently to the reporters from Taiwan Indigenous Television who arrived to cover his case. It appeared as he led the Christian prayer in Truku, staking an indigenous claim on an otherwise Han Chinese-dominated space. Perhaps most directly, it appeared in his court testimony as he explained to the judge what it meant to live as an indigenous person on the island, and his reproach against the ROC policies that have historically marginalized indigenous people. At one point, the village members who had traveled with Rakaw laughed as they realized they were looking to him for comfort even though he was the one on trial. As we walked into Courtroom 4, I asked Rakaw why he seemed so confident. His reply was, "I am not confident. Everything is unfair. But I have to win. This for our community." Recognizing the odds against him and his community, Rakaw was a person on a mission.

In the controlled flows of people, information, and materials within the Hualien District Courthouse, the courtroom was the one place where they could all congregate. As Gieryn (2018:

116) phrases it, “The gerbil tubes to justice all end at the courtroom.” The courtroom was fastidiously arranged to facilitate communication around the elements of people, information, and materials to resolve disputes. Courtroom design and organization, and the lines of sight and of hearing these created, quite literally enacted principles central to Taiwan’s legal system.

Following Taiwan’s criminal justice system reform in 1997, the principles of justice in criminal procedure include the right to legal counsel, the right to confront witnesses, and the right to attorney-client privilege (Wang 2011:15–22). These principles manifest themselves in numerous ways within Taiwan criminal courts. For instance, Taiwanese lawyers and their clients had private meeting rooms within the courthouse, and they sat together at specially designated tables far enough away from others to have private conversations out of earshot, giving substance to the right to attorney-client privilege. Criminal defendants and their legal counsel likewise directly faced witnesses proffered by the state and were allowed to question them, ensuring a right to confront their accusers. In 2013, the Legal Aid Foundation and CIP entered into an administrative trust agreement that ensured indigenous people could receive free legal representation regardless of their income level (LAF 2019: 18; TAHR 2013: 25), thus implementing the right to legal counsel for indigenous persons who could not afford a lawyer.

Ultimately, there were few secrets in Courtroom 4. Judge Li addressed the parties in a manner that all could hear. Tables and desks had microphones that amplified and recorded the participants’ oral statements. Projectors projected images of documents, exhibits, photographs, and transcriptions of the participants’ speech onto walls above the parties’ heads. Everyone at the trial sat within view of one another, including the audience. Clear lines of sight and of hearing in the courtroom gave the space a feeling of dramatic theater – a feature not unique to the Taiwan court and no doubt one of the reasons why courtrooms provide such compelling set pieces for films and television programs. All lines of sight and hearing in the courtroom were directed toward the principal courtroom actors. This intimate arrangement compelled all eyes and ears to participate in and focus on the central drama unfolding. Yet if it was intimate, it was careful not to be too intimate. Witnesses were set apart from litigants and aggressive lawyers who might intimidate them. Lawyers had room to converse with their clients without fear of being overheard. Judges had room to call clerks and lawyers for private sidebar discussions, and the long wooden “bar” separated the general public from the main courtroom players.

The design of Taiwan courtrooms reflected a jurisprudential belief that the creation of an intimate setting in the courtroom compels engagement of those involved. The arrangement of the courtroom was designed to bring together the judge, litigants, witnesses, clerks, judicial assistants, bailiffs, and the public, as well as all the information and materials bearing on the case, and it constituted the one place where all these actors were allowed to assemble. The lines of sight and of hearing within the courtroom facilitated communal sharing of the proceedings, and in doing so created an intimate space in an otherwise colossal courthouse building – motivating the participants to be engaged while also reminding them that the happenings here were particular and personal.

State ideas about law and justice were thus infused into the arrangement and design of Courtroom 4 in the Hualien District Court. Cases involving indigenous customary practices and lands, like Rakaw’s case, exposed the presence of these Han Chinese-dominated understandings and amplified their effect. Like the movement of people, information, and materials in the courthouse, obstruction of the lines of sight and hearing in the courtroom cut across ethnic and class lines, often in hidden ways. These obstructions came in the form of differences in language competence, as Truku villagers

in the audience translated the Mandarin Chinese proceedings for one another. They came in the form of impeded sightlines – not in the form of columns or other objects that literally blocked the view, but in not knowing *how* to see or hear in this unique context. This was apparent when Rakaw and the Truku villagers who accompanied him did not know to watch the door through which the judge entered and so had to be reminded by the bailiff to stand up. It was evident as Rakaw’s lawyers translated certain Mandarin Chinese texts projected onto the courtroom walls for him. Although the intention of the *ad hoc* Chamber of Indigenous Courts was to place indigenous persons on an even footing with Han Chinese actors through principles of justice embedded in court spaces, in certain respects the Taiwan judiciary further marginalized indigenous participants by insisting upon arrangements and procedures that privileged mainstream Han Chinese society.

A Moveable Court: the politics of mobility

At the request of Rakaw’s lawyers, Judge Li agreed to visit the location where Rakaw and other members of his Truku village had built the hunters’ lodge/cultural center. When I arrived at the site on the appointed day, Rakaw was performing a ceremony next to the structure. This traditional Truku ceremony involved smoke, millet wine, and verbal incantations to the spirits of village ancestors (*utux*), asking that they come and assist the community that day. Forty-seven members of the village, mostly older women and men, made the fifteen-minute journey from the village to the cultural center built adjacent to the road leading to their ancestral lands and stood around waiting to see what would happen to Rakaw and their months-long effort to build the center.

Rakaw stood by himself with his back to the growing crowd, looking out across the large river valley that divided his village’s traditional territory. The fire crackled beside him. With arms outstretched, encompassing the whole sky and land, he prayed to the ancestral spirits. I later asked Rakaw about this display of traditional spirituality and its connection to his earlier Christian prayer in the waiting room of the Hualien District Court. He explained that there was, in effect, a division of labor in spirituality: “Here, ancestors are responsible for the land and the people. Out there [gesturing beyond the village], God is responsible for everything. So, it makes sense.” Vernacularization of globalized religion into local forms of spirituality was thus not simply a matter of top-down or bottom-up translations of norms and precepts into local vernaculars; it could also be jurisdictional, as some global precepts were simply not viewed as being within the purview of or relevant to local matters.

Right on schedule, Judge Li and his entourage arrived in a black government sport utility vehicle. The insignia of the Hualien District Court adorned the vehicle’s driver-side and front passenger-side doors. Six additional sleek black government vehicles arrived with them. Judge Li emerged from the vehicle in a dark formal suit, together with his judicial assistant. A group of uniformed police officers, the ROC flag emblazoned on their shoulders or vests, gathered around him. Other police officers quickly took up strategic positions around the site. Some officers set up a video camera to record the events (see fig. 2). Others walked around taking photographs of the area. Still others took measurements of the center and the adjacent roadway. Others milled about taking notes on pads of paper. I sat with several village members on red plastic stools, talking and eating sweetened roselle as we watched the police officers spread out to conduct their business.

During the site visit, there were far more state actors present than normally seen in the Hualien District Courthouse. They were also different state actors than in the courthouse. These were not

bailiffs but uniformed police officers, giving the scene the feeling of a significant criminal investigation. If the flood of police officers and their professional actions were intended to be an assertion of state power, it appeared to miss the mark. The village members around me laughed quietly to themselves about the number of police. As we watched the police officers pile out of a vehicle, someone quipped, “Any more in there?” Village members also walked around the site freely, stepping in front of the police officers as they took pictures or measurements. Overall, there appeared to be little anxiety about the police presence; in fact, any anxiety appeared to be on the part of the state, as it overcompensated with the sheer numbers of its actors present.

The agents, language, symbols, and technology of the state stood out in this indigenous space. Ubiquitous displays of Truku culture and life surrounded and enveloped these representations and enactments of Taiwan state power. Huge, colorful murals depicting Truku hunters and painted concrete sculptures representing their special hunting knives were installed along the roadway to the cultural center. The villagers who had come to watch the police investigation spoke in Truku and Taiwanese, drowning out the police officers’ discussions in Mandarin Chinese. The cultural center, constructed chiefly of bamboo, and the lush greenery of the surrounding mountain forest were a marked contrast to the gray, cracked concrete of the Hualien District Courthouse. Likely invisible to many of the Han Chinese judicial actors and police officers was the carefully cultivated nature of this greenery, reflecting many generations of Truku agroforestry practices. I must admit that I did not see it either until after I had been visiting the village for several months, and then only after a Truku colleague politely pointed out to me that I had sat unwittingly upon an edible plant that was one of many ground crops among the trees.

Perhaps more telling was the vacated and dilapidated police station located near the cultural center. Years earlier, local police had built the small station to monitor and regulate access to the mountain road, ostensibly for purposes related to environmental protection and public safety. Station staff required travelers to show identification cards and sign in before they could use the road to enter the high mountain region, which led to the village’s traditional territory. Members of community at that time felt that the state’s regulatory measures were explicitly designed to limit their access to ancestral lands. Subsequently, village leaders organized a protest that received island-wide attention, blocking traffic along the road and boldly walking past the guards without their identification cards in a move to reclaim their access to and control over ancestral lands. This history of protest involving Rakaw’s community, and the fact that the protest took place near the disputed cultural center, likely figured into the police’s overcompensated performance of state power during the site visit.

Ultimately, local police had abandoned the station. It now had weeds growing on the roof and deep cracks in the concrete structure, suggesting what can happen to state power if it is not regularly asserted and maintained. The abandonment of the station had effects beyond opening access to traditional lands: hunters in the village no longer felt any need to register their hunting firearms or file hunting applications, both of which were required by Taiwan law at the time. These activities suggested that villagers believed they had greater room to engage in customary activities without government supervision or interference, although it was also suggested to me that registering firearms and completing hunting applications were never particularly strong community priorities even before police vacated the station (Truku member, pers. comm., January 10, 2018, Hualien, Taiwan).

A Han Chinese police official took it upon himself to guide Judge Li around the site. That was too much in the eyes of Rakaw and several other villagers. They followed close behind the official and

made their views known. At one point, the official gestured toward a painted line on the roadway and explained to Judge Li that it demarcated Taiwan national property and Truku territory. Rakaw angrily yelled into the official's ear in Mandarin Chinese, "You say this line marks ROC land. This is our land! You came here, and you took our territory without asking!" A few moments later, the official pointed to a faded metal sign standing next to the road and explained to Judge Li that it states this is Taiwan national land. Again, Rakaw angrily yelled into the official's ear, "You say this sign says this is ROC land. This is our land! You put your sign here on our land without telling us. Now you claim the land is yours!" These heated exchanges went on for thirty minutes. Throughout this interaction, Rakaw was unabashed and forceful, and the official conspicuously pretended not to hear the Truku man standing next to him yelling into his ear. Rakaw's statements constituted a performance of indigenous refusal "to let go, to roll over, to play this game" and surrender to colonial claims to history and territory (Simpson 2016: 330): this space was adamantly, and without compromise, Truku space, not the Taiwan state's space. Villagers followed Rakaw as he asserted their community's original claim to the land, translating for one another what he said to the official into Truku and Taiwanese.

Judge Li was an engaged observer. He gave instructions to police and his staff. He listened carefully to the police official. He also listened carefully to Rakaw. After the police official completed the tour, Rakaw provided his own tour. Rakaw walked Judge Li first to the fire, where he called the ancestral spirits and explained to Judge Li what this place meant to him and to his community. Next, Rakaw took Judge Li to the cultural center and described the purpose of the structure and the rationale behind its design. He explained that the community had modeled the center on the makeshift hunters' lodges that Truku hunters used to rest and clean animals while they were away in the mountains. The structure was a simple one-room rectangular building made of bamboo with internal steel scaffolding set on a foundation of bare concrete. Sticks propped open the bamboo window shades to offer air circulation and light. Rakaw explained to Judge Li that the community planned to use the center to teach young people in the village about Truku culture and language: "Our children do not know about Truku culture, language, or customs. We need a place where we can teach them these things, about our traditional lifeways, *Gaya*."

In general, courts stay put. They are immobile and do not travel. In this case, circumstances were such that Judge Li presumably felt he could benefit from visiting the location of the alleged offense. His order granting the villagers' request for a site visit was entirely within his discretion; there was no mechanism forcing him to accept such a request. Site visits lend themselves particularly to certain kinds of disputes, notably cases involving territorial disputes and property damage, where traveling to the location enables judges to get a sense of the situation. For a number of reasons, Taiwan judges often denied inspection requests. These reasons included the view that courts of law were chiefly concerned with settling disputes under law rather than investigating facts; that the conditions at the site were unsafe for judicial officers; and that organizing such an endeavor entailed too many expenses (High Court Judge, pers. comm., April 13, 2018, Tainan, Taiwan).

Taiwan's Judicial Yuan (2018b: 24–25) have recently given more recognition to the intimate connection between indigenous culture and territory. Training for judges assigned to the *ad hoc* Chamber of Indigenous Courts now encourage the use of site visits to indigenous communities to obtain a better understanding of local circumstances (Judicial Yuan 2018b: 17–22). Some judges have taken this encouragement to heart. Around the time of the site visit regarding Rakaw's case, a judge in the Pingtung District Court conducted a similar site visit to a Paiwan cemetery which

plaintiffs claimed had been improperly destroyed by developers. The Judicial Yuan has also set the creation of a circuit court (*xunhui*, 巡迴) as a mid-term goal; this court would “ride circuit,” so to speak, conducting hearings and trials in indigenous villages (Judicial Yuan 2017: 36). The mobility of justice in Taiwan has thus increasingly been becoming part of the conversation about securing indigenous peoples’ rights and access to justice.

But what exactly happens when a court leaves the courthouse and becomes mobile? What happens to the power of the state as it enters an indigenous space? What becomes sayable and unsayable when courts visit a village? Gieryn (2008) considers similar questions as he examines the operation of a makeshift mobile court in Longjia village in southwest China. He describes how Chinese state judges replicated much of the appearance and operation of an ordinary court: folding tables displayed placards that read “plaintiff” and “defendant”; a large sign with the emblem of the People’s Republic of China announced “Mobile Tribunal of the Gong County People’s Court”; litigants took turns pleading their cases; judges held sidebar conversations with litigants to mediate the dispute; and judges rendered a final judgment. Gieryn notes that by the end of the proceeding, despite having little experience with formal legal institutions, the litigants reported being content with the outcome and accepted the legitimacy of the process. He hypothesizes that the performance of the mobile court as an institution of justice made the litigants believe that they received a just outcome, which in turn, suggests that institutions with persuasive power – like courts, churches, and scientific laboratories – do not have to be bound to a location and can successfully be made mobile.

Like the mobile court in Longjia village, the Hualien District Court used state insignia, dress, formal elements of legal proceedings, and language during the site visit to perform its authority as a state institution, but close inspection of this event also suggests that this state power was unstable. Rakaw’s ceremony staked a uniquely indigenous claim on this place. His behavior in confronting the police official, as well as the behavior of the observing villagers, also indicated a boldness not evident in the courtroom. The colorful artwork and sculptures and the general din of Truku and Taiwanese languages reinforced perceptions that the ROC state was the foreigner here, not indigenous people. Rakaw’s complaint about the state unjustly taking indigenous land illuminated and historicized the land in ways that had not occurred in the courtroom. The dilapidated police station underscored a withdrawal of state authority from this space. Moreover, movement here could not be carefully choreographed like it could at the courthouse. Intersections of people and information that were ordinarily regulated or prohibited were now direct and open. The extent of police protection also signaled anxiety about a potential loss of control in this space, resulting in an almost humorously overcompensated display of state power.

Making the court mobile thus exposed new assemblages and dimensions of power. Out here in the village, state assumptions about history, language, normativity, and power were destabilized and unsettled. While there was no question that everyone felt the power of the Taiwan state, mobility brought questions about the extent of its power into relief. In certain respects, the site visit also brought the *ad hoc* Chamber of Indigenous Courts into line with the prior expectations of its indigenous subjects. One of the elders grabbed my elbow during the site visit and, gesturing toward Judge Li and Rakaw, said, “This is the important part [of the *ad hoc* Chamber of Indigenous Courts]. That it includes our knowledge. The judges know nothing. We must take our customs to the court, or it must come to us.”

These ambiguities and question marks about state power continued as the site visit concluded. Having completed their visit, Judge Li and his entourage piled into their sleek government vehicles

and drove away. They left behind a lone police officer tasked with obtaining the signature of someone – anyone – who would serve as a documented witness to the site visit. Rebuffed at every turn, he was not in an enviable position. Villagers would look at the form, which was written in Mandarin Chinese, and silently walk away. One man snatched the form out of the officer's hand. Huffing loudly, he threw it on the ground. Embarrassed, the officer picked up the form, wiped it on his pants leg, and sought a signature from someone else. He never got one.

As the lone police officer drove away, people started talking about Judge Li's visit. They milled around the street, chewing betel nut and drinking rice wine. They discussed the misguided police official and the large number of police officers who attended the site visit. Their conversations slowly turned to the cultural center, admiring its construction and speculating about its future. After a few minutes, someone called for a group photo. We gathered together and took a picture beside the center, with the beautiful river valley behind us. Everyone smiled. It felt like we were documenting a small victory.

Conclusion

This paper has outlined a vision of courts of law from an infrastructural perspective that sees modern courts less as spaces of formal dispute resolution than as institutions constituted and reconstituted through a mix of materials, meanings, and practices. It considered the agents, architecture, design, language, materialities, movements, regulations, symbolism, and texts in the *ad hoc* Chamber of Indigenous Courts of the District Court in Hualien, Taiwan, to uncover the formal rationalities embedded in the court and the poetics of individual encounters with court institutions. Examining what occurs at the intersection of state infrastructure and indigenous people, this paper emphasized the degree to which the court was a space of Han Chinese-dominated state power animated by designs and technologies that connect it to the broader national court infrastructure. These manifested themselves in the architecture of the courthouse building, the arrangement and design of individual courtrooms, the style and practices of dispute resolution, the state laws circulating in courtrooms, the language of the dominant ethnic group in court proceedings and legal texts, and the non-indigenous actors who administered justice in Taiwan courts.

Yet, fractures in that state power also became visible and result from the inherent instability of those same infrastructural forms and individual encounters with them. The regular maintenance of architectural materials, the instability of access to the courthouse via roadways, and an adversarial system seemingly lacking adversaries symbolize and suggest the limits of state power. Cases like Rakaw's case which involve indigenous customs and traditions in the new *ad hoc* Chamber of Indigenous Courts underscore the instability of state power, since these disputes frequently had their genesis in acts of refusal. Indigenous actors also challenge assumed frameworks in Taiwan courts, such as colonial claims and dominant language ideologies. At times, litigation incidentally uncovers withdrawals of state power, such as abandoned police stations, and assertions of indigenous power through protests. State power also appears to erode once courts step outside the courthouse, as indigenous actors contest state understandings of history and territory, gaps in knowledge about indigenous people and cultures become apparent, and visits to indigenous spaces demand overcompensated performances of police power. Moreover, the need to create special court units to manage a particular portion of the island's population suggests that the state's model of justice was, in certain ways, deficient with regard to its ability to handle all peoples on the island.

Infrastructural forms constituting and surrounding courts of law were also seen to be sources of anxiety, inequality, and risk for individuals. Indigenous actors living in rural and remote areas must navigate roadways that embody social and economic inequalities, and their use can generate anxiety due to discriminatory policing practices. Upon arriving at the court, indigenous individuals enter spaces where design, discourse, language, laws, people, and symbolism culminate in a message of exclusion: that this is not their space. By all accounts, in the cases examined here there was little indication that the special institutional body purported to represent indigenous interests in fact resulted in any meaningful recognition in Taiwan courts of their cultures or lives. Individual indigenous actors responded to this in different ways. Rakaw, for example, expressed that he felt a deep sense of unfairness in the court but also a powerful resolve to prevail in the face of adversity. Individual judges likewise responded variously when encountering the *ad hoc* chambers. Some judges found indigenous legal protections to be dangerous and deeply threatening to ideas of national order. Other judges leaned on extra-legal strategies to resolve the palpable sense of ambiguity generated by the special units. Still others simply adopted an attitude of apathy: “There is nothing that judges can do” (High Court Judge, pers. comm., October 24, 2017, Hualien, Taiwan).

Let me conclude with a few remarks about how these observations contribute to contemporary anthropological work on infrastructure and long-standing theoretical discussions about the state. To assume that antiseptic laws “out there” are simplistically applied in a top-down manner to uncontaminated facts set in an “in here” of courts of law would miss the crucial work of on-the-ground actors in making law, facts, and court spaces authoritative, intelligible, and relevant. By ethnographically tracing the lines connecting the new *ad hoc* Chamber of Indigenous Courts in Hualien, Taiwan, to the broader Taiwan national court infrastructure, as well as observing the interruptions in those connections, we can obtain a fuller understanding of the operation of court institutions as a whole. I argue that these institutions include dimensions of state logics embedded in their practices and structures, but also dimensions of poetics as differently situated actors encounter court bodies in different ways and, at times, challenge these logics and structures in pursuit of their own ends, thereby creating new assemblages of power. Even if such reconfigurations of power are not long-lasting or remain on the margins of ordinary practice, any complete account of the operations of law must take them into account. Moreover, these reconfigurations are significant to the individual actors in those particular moments, and in the aggregate they may affect real change – and so are worthy of attention.

Finally, drawing on Foucault’s notions of governmentality, theorists of the state have tended to focus on the rationalizing aspects of state power as they examine manifestations of state power in various geopolitical contexts. It is questionable whether Foucault’s ideas can be so easily transported, and when pushed on this point, scholars often point to unforeseen circumstances that obstruct the full emergence of Foucaultian governmentality in particular contexts (see Scott 1999). However, such studies do not question the theoretical assumption about the relationship between the state and its citizens as one of disciplinary power working on state subjects. This paper does not take this assumed relationship as a starting point. Instead, it suggests that the rationalities embedded in and flowing through infrastructures – including courts of law – are but one dimension of how the state intersects with its subjects. We must also attend to, and potentially obtain deeper insights from, how people experience the state in everyday life (Das and Poole 2004; Khan 2006). This kind of exploration – one for which ethnography is uniquely suited – has the potential to yield a different picture of the relationship between the state and its citizens: of pulling together and pushing apart, of attraction and

repulsion, rather than disciplinary power issuing forth (Khan 2006: 107; see also Li 2007). My examination of Rakaw's case in the *ad hoc* Chamber of Indigenous Courts in the District Court in Hualien, Taiwan, reveals the many different forms, practices, and spaces through which the Taiwan state was continually reconstituted and experienced by those interacting with court institutions but through which it was also ultimately undone due to the instability and illegibility of the state's own documents, practices, and structures. While the tension-filled space of Taiwan's *ad hoc* Chamber of Indigenous Courts in many ways embodied Han Chinese-dominated state power, it was also a space where assumptions about law, reality, and sociality could become suddenly unsettled as judges, lawyers, and indigenous actors worked to make sense of the court institution and of one another.

Epilogue

Rakaw and the other village members later returned to the Hualien District Court to hear Judge Li's ruling. It had been 481 days since the police began their investigation into the cultural center and 204 days since the first court hearing. Everyone was on edge. In the waiting room, Rakaw's legal aid lawyer paced back and forth, giving assurances to Rakaw and the others while privately confiding to me that he had no idea how Judge Li would rule. We discussed his strategy and agreed that it was good but significant uncertainty remained. Judge Li had not signaled any particular leaning, and there was no way of knowing whether Rakaw would walk out of the courthouse innocent and vindicated in his commitment to preserving his community's culture or if he would be convicted and issued a fine, or worse, imprisoned for several years.

Rakaw and the village members again held hands. The lawyer and I joined them. Rakaw led a Christian prayer in a mixture of Truku, Taiwanese, and Mandarin Chinese, the last presumably for the benefit of his Han Chinese lawyer. At the end of the prayer, the light indicated that we should proceed to Courtroom 4. We had been in this courtroom every month or every other month for over half a year. Everyone gravitated to the seats they had occupied throughout the trial, with the exception of Rakaw and his lawyer, who took new seats in the gallery section. There was no pomp or circumstance this time; Judge Li was already seated at his bench. In a formal tone, Judge Li read the sentence: "Because the community did not know and were not sufficiently notified that the cultural center was on national land, the defendant is found not guilty of the allegations."

Rakaw's lawyer held his head in his hands as Judge Li read the sentence. His shoulders began to shake. Village members reached across the seats to pat his back. When we filed out of Courtroom 4, nearly everyone was in tears. They gave each other hugs and passed around tissues. This was a moment that determined the fate of their family member and friend, and, in certain respects, of their traditional lands. I noticed Rakaw was one of the few people not crying. As people settled down, he walked up to the lawyer, gave him half a smile, and slapped him hard on the shoulder. He walked out of the courthouse alone without looking back.

Ultimately, the Hualien prosecutor's office exercised its absolute right to appeal and Rakaw expected to face another criminal trial about the construction of the cultural center in the Hualien High Court. In a surprise ruling, the High Court judge threw out the prosecutor's case, fully acquitting Rakaw. Happy endings – although hard fought and never certain in the *ad hoc* Chamber of Indigenous Courts – were possible.

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Appendix



Figure 1. Hualien District Court, Hualien, Taiwan (Wang 2021)



Figure 2. The Truku cultural center, Hualien, Taiwan (J.C. Upton)

刑事法庭布置圖
附圖二

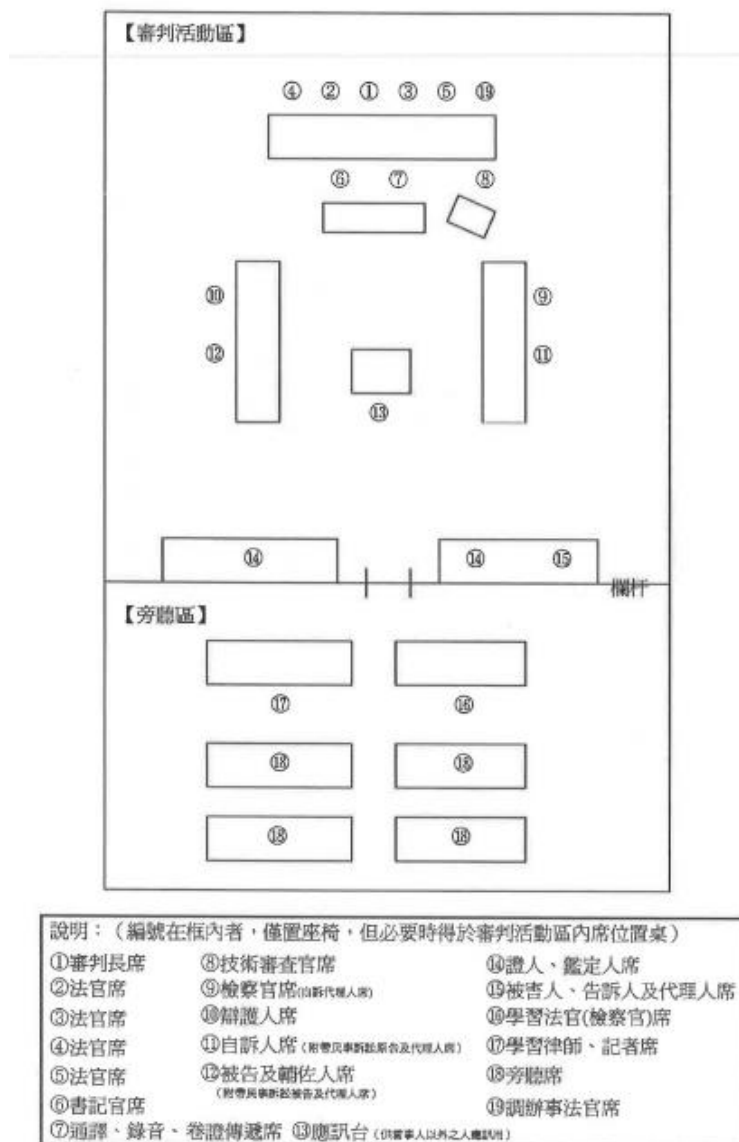


Figure 3. Criminal courtroom floor plan (Judicial Yuan 2018a)⁷

⁷ The diagram reads:

Criminal Courtroom Layout

[Trial Area]

Railing

[Audience Area]

Note: (The number in the box refers to a seat, or sometimes a table, in the trial area)

- | | | |
|---|--|--|
| (1) Judicial bench | (8) Technical review officer | (14) Witness and expert |
| (2) Judge | (9) Prosecutor (private prosecutor agent) | (15) Victims, witnesses, and agents |
| (3) Judge | (10) Defense | (16) Judges (prosecutors) in training |
| (4) Judge | (11) Private prosecutor (plaintiffs and agents) | (17) Lawyers in training and reporters |
| (5) Judge | (12) Defendant and assistant (defendant and agent in ancillary civil action) | (18) Gallery |
| (6) Law clerk | (13) Response desk (for use by persons other than the parties) | (19) Transfer judge |
| (7) Translation, recording, and certification of authenticity | | |



Figure 4. Interior of the Hualien District Court, Civil Division, Hualien, Taiwan (J.C. Upton)



Figure 5. A sign inside the Hualien District Court, Civil Division, announcing, falü zhiqian renren pingdeng, falü zhinei renren ziyou, “Everyone is equal before the law. Within the law, everyone is free.” (J.C. Upton)