THE RIGHT TO REMAIN IN THE CITY

How One Community Has Used Legal Rights and Rights Ralk to Stay Put in Bangkok

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ABSTRACT

In this exploratory piece, I present a case study of the complex machinations of one community in Bangkok in their 13-year struggle to stay on their land. I ask how legal rights, rights talk, and political maneuvering figure into their strategies, as well as how their involvement with a larger social movement has shaped their efforts. The non-traditional form of the piece allows me to walk step-by-step through the community and the processes at play while considering multiple framings that may help us better understand the community's situation.

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INTRODUCTION

"Are you afraid of ghosts?" In the nearly ten years that I have lived in and studied Thailand, everyone from small children to grandmothers to professional colleagues have posed this question to me. Ghosts and spirits play a prominent role in Thai lore, from age-old fables to modern soap operas, and whether or not to believe in such beings is a common topic of conversation. Thus, upon visiting the community of Wat Tai, I was not surprised to hear that it is haunted. I was, however, surprised to learn of the nature of that haunting. Whileit is true that the outer facades of some of the houses are composed of a wall of cremated remains constructed by the local *wat* ("temple" in Thai), for most of the residents, spirits of the dead are the least of their worries. The bulk of the ashes in the wall were, in fact, relocated long ago. Dust is all that remains of the remains. And therein lies what's really haunting the residents of Wat Tai when they lie awake at night—the fear that the same fate awaits them. As one woman put it to me during my first trip to Wat Tai, "We're not afraid of ghosts here. We're afraid of being evicted."

I have come to know the Wat Tai community through a group of urban land activists with whom I have worked for over a year as part of my research. These activists, known as the Four Regions Slum Network (FRSN), talk about "land rights" in a way that at first rang awkward to my American ear. Land is what indigenous groups or farmers have. In cities, the possessors of space refer to their holdings with words that imply the intent to build, such as *real estate*, *property*, or *investment*. The land is concealed by layers of concrete and jargon. But while sipping coffee in the kitchen of Pi Yeh, Wat Tai's representative to the FRSN, I stare at my flip-flopped foot resting on reddish-brown

dirt. There is no disguising or abstracting what Pi Yeh is fighting for. The land is bare and visible. It is solid. And this is precisely why Wat Tai's residents are so surprised to find that it has shifted beneath their feet. The exact nature of the shifts is sometimes difficult to discern, but their result has been a thirteen-year standing threat of eviction from the abbot of Wat Tai, the temple from which the community derives its name. How the community can shift matters in their favor and gain full legal rights to the land they have inhabited for well over a generation is one of many subjects of speculation in thesituation. In their search for these rights, the community has put forth claims based on multiple temporalities. Some strategies rely on assertions based on the community's history. Other strategies involve demonstrating a readiness to become part of a progressive future. Their tactics, however, are disputed at every turn. In order to maintain the material conditions supporting their lives, the residents must navigate competing narratives and visions of the past and future.

SPECTERS OF THE PAST

Pi Yeh is a tall man in his sixties with a ponytail of long, black hair that begins under his baseball cap and wanders down his back. His speech is equally meandering. He begins his answer to each of my questions with an emphatic hand gesture and ends somewhere I didn't see coming. His responses are rambling and full of contradictions, but perhaps that is for the best. His very nature ensures that I will not be able to give a neat, consistent account of the Wat Tai community.

Bare though his floor may be, Pi Yeh is quick to make guests comfortable in his home. On this June day I have arrived at 10 a.m., around the time the Bangkok sun begins to become unbearable. As I walk inside he switches on a fan. There are cups of cold water and hot coffee on the table before I can settle in my seat. "Oh, around here we drink coffee like it's water," he chuckles as he grabs another packet of Nescafe and begins to tell me his story.

Pi Yeh relishes telling the history of Wat Tai. He beams as he tells me about how his father used to take his boat along the rivers and canals all the way to the neighboring province of Nakhon Pathom and back in a single day to trade mangoes, bananas, and hay. "He would leave at six, seven in the morning and come back by five in the evening. He was a strong paddler, wasn't he? Oh, and back then there were canals everywhere."

The canals were central not just to trade, but also to social and cultural life. It was common for *wats* to be located along them, as they allowed the monks to travel easily past local homes so that villagers could *tak bat* at dawn (the practice of giving alms through the sharing of rice). Wats have historically served as centers of community in Thailand, and in turn they rely on donations to make merit (*tham bun*) by community members for upkeep.[1] In fact, the temple of Wat Tai originally gained the rights to this land when the previous owner bequeathed it in order to *tham bun* upon his death. The man had little money with which to make merit, only land. In those days land was not such an immediate relative of money.[2]

When Pi Yeh's father was paddling his goods down the canal, the land of Wat Tai produced wealth in indirect ways. Rice fields provided goods for subsistence and trade. The same was true for mango and banana trees. Households within the community supported themselves through a mixture of farming, trading, and working as labor for hire. They also supported the *wat* by working its land and paying a modest rent to live on it. These rental a greements have gone through phases of varying levels of formality throughout the over-100-years of the community's existence, as has the exact legal means by which the *wat* itself owns the land.[3]

Up until the current abbot—the head monk and administrator of the *wat*—arrived in 2004, the *wat* and the community lived in this state of symbioses: the community supported the *wat* and its monks through labor, rent, and merit-making donations, while the wat served as the center of educational, spiritual, and communal activities. This new abbot, however, has ushered in a new era characterized more by conflict and upheaval than by mutual benefit.

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1. Making merit at *wats* has long been a way to establish not just good *kaam* ("*kharma*"), but also to demonstrate wealth and display power. Thus, the *wat* is an integral part of establishing and maintaining the social hierarchy of a community (Hanks 1962).With respect to communities living directly on *wat* lands, these relationships have changed over time, with merit-making being one of many ways in which communities support the *wats*. Other ways have been through indentured corvée labor and later through other labor agreements and forms of land rental (Reynolds 1979).

2. Polanyi (1944) has famously characterized the post-World War I era by the rise of "fictitious commodities," of which land is one. These fictitious commodities are integral to the ostensibly natural workings of the global market economy. In Thailand, in particular, Feeny (2002) has documented how changes in the economy have led to a transition from a regime of property in man to a regime of property in land, which facilitates the control of wealth and power and underpins the economy.

3. The ways in which the *Sangha*—the Buddhist monastic order—has held land have undergone significant changes over the past 100 years, and these changes reflect overall changes in the politics and rule of the country, as well as the relationship between the Sangha and the Crown (Reynolds 1979).

AN UNCERTAIN PRESENT

Our coffee finished, Pi Yeh takes me on a tour of Wat Tai. He points out the wall that used to store the ashes of past generations and introduces me to members of the current generation. They live in houses of varying sizes and styles that have been built in a piecemeal fashion over the decades. The official current population of Wat Tai stands at 384, though it varies considerably from year to year, season to season, even day to day. This is not to say the community is unstable, though. The bulk of the residents have lived their entire lives in the just-over 100 self-built houses. For many, the same can be said of their parents and even their grandparents. But the present generation is set to be the last, at least according to the proclamation of a sign posted by the abbot just inside the ornate entrance to the *wat*.

We pause for a while in front of the sign. Now nearly noon on June 24, 2016, the sun is scorching, and I have to shield my eyes to look at it. Pi Yeh asks if I can read it, and when I say I can he requests that I do so aloud. He chuckles as I stammer my way through the text but professes to be impressed anyway. The six-foot by four-foot banner proclaims that the *wat* is in need of all lands belonging to it. According to the law, lands belonging to a *wat* cannot be transferred to others. Therefore, all houses and property that have been built on the land must be removed, regardless of when they were constructed. The final lines of the sign assert that people living on lands belonging to Wat Tai are *phu bukruk*—trespassers—and must vacate the premises within 30 days of the posting of the sign.[4]

As I reach the end and announce the date of its posting—December 26,2014—we both give an awkward laugh. The lawsuits and threats have been stressful, but thus far they have also been unsuccessful. Through a combination of strategy, stubbornness, and a sheer lack of anywhere else to go, the community of Wat Tai is still here.

I am not sure whether to be more puzzled by why the abbot wants to evict the community or why he has not succeeded. The reasons behind each are manifold and difficult to tease apart. While the posted sign simply states that the *wat* is in need of all its lands, a number of other explanations have been

4. Bhan (2014) has detailed how, in India, the characterization of residents of informal settlements as illegal "encroachers" in the city has provided the legal basis for denying people their social rights as citizens of the nation.

given to the community as to the necessity of their removal. But these explanations have been inconsistent over time and are sometimes in conflict with each other. At first, the abbot claimed to want to build new structures to expand the *wat*'s efforts to teach Buddhist practice. Though plausible enough, no concrete plans or architectural renderings have ever been supplied to substantiate this claim. For Pi Yeh, the more demoralizing reasons given for eviction have to do with the physical and social state of the community. It is no secret that the residents of Wat Tai are poor and many of their homes are crowded and unkempt. There are also accusations of drug problems, which cannot be completely denied. Pi Yeh himself admits to having sold drugs in the past. "But not because I wanted to," he explains, "because I was poor."

By most accounts the drug issue has been ameliorated in recent years, but that still leaves the physical state of the community. Pi Yeh gives a beleaguered sigh when he explains that the community is considered *sokaprok*—dirty—and *seuam som*—dilapidated, rotten, blighted. On our tour of the community, he dutifully acknowledges the areas of the community that are *sokaprok*.[5] These spaces have narrow walkways littered with trash, dark corners that house numerous cats and dogs of dubious ownership, and the worst section contains the rubble of a house that has been knocked down after a family vacated, trying to get ahead of a forced ouster. The uncertainty about the future of the community has done nothing to improve its condition.[6] As reasonable as accusations of the community being *seuam som* and *sokaprok* might seem, Pi Yeh and his colleagues in the FRSN doubt that this is the true reason behind the desire to evict. To understand their skepticism, one need only cross the street.

SPECULATION ON THE FUTURE

After our tour of the community, Pi Yeh and I return to his kitchen. Less than fifty feet from his front table the din of traffic from Oon Nut Road eclipses his reminiscences at regular intervals, and I frequently have to ask him to repeat himself. The cacophony of this congested thoroughfare occupies the same space as the canal that used to carry Pi Yeh's father to and from his

5. Ghertner (2015) has highlighted how the physical appearance of certain areas of the city, rather than actual documentation, are often used to determine formality or legality.

6. It has been well documented throughout the literature on housing and international development that the increased security of tenure is associated with higher levels of investment in the physical state of housing (e.g. Payne 2001; Payne and Durand-Lasserve 2012).

trading destinations. While the traffic here is stop-and-go most hours of the day, a glance at the surrounding area from the footbridge spanning Oon Nut shows that capital has been flowing smoothly in this neighborhood for quite some time.[7]

Wat Tai occupies an uncomfortable space that is at once centrally located and out-of-the-way. If walking along the sidewalk of Oon Nut Road, located just off the busiest line of Bangkok's skytrain, you could be forgiven for missing the community altogether. Most of the houses are just one story, a touch shorter than the wall surrounding the *wat*. The long stretch of sidewalk along this wall is lined with stalls selling the country's eponymous iced tea, a variety of sweet *khanom*, and five-packs of cigarettes in tiny plastic bags. By contrast, many of the surrounding buildings are upwards of forty stories high. Their exteriors are mostly glass, so that the residents of the condominiums can enjoy the view of the city from their lofty perches. But the windows only work one way. From the outside, the shiny, opaque facades serve only to reflect the city back onto itself. The community of Wat Tai, too low-lying to enter these ghostly images produced by its neighbors, is instead lost in their shadows.

Scattered among the high-rises are billboards and massive LED screens advertising the numerous new condo projects in the area. The vision presented by the billboards is hard to resist. They follow a formula: a large photo of plush couches, sleek tiled floors, and smiling residents with the inevitable inset of a towering high rise to demonstrate the immensity of the larger project of which this home is a part. It is comfort paired with achievement. It is a lifestyle to aspire to. "Aspire," of course, being the name of at least two of such condo developments in Bangkok.[8]

These new condos are part of a new vision of what the city is and should be. The vision is displayed on billboards throughout Bangkok, on the "now leasing" signs on condo buildings spanning the length of Oon Nut Road, and on screen ads at skytrain terminals. The vision is that of *khwam charoen*.

7. Using the case of Mumbai, Appadurai (2000) has described how "spectral housing" provides an especially acute lens through which to view the way cash and capital flow through the city.

8. Ghertner (2015) has described how "World Class" aesthetics guide city building in the twenty-first century, with many Asian cities seeking to be the next Shanghai or Singapore.

This is a tricky word for me, *khwam charoen*. It can mean "growth," "advancement," or "development." But it is not to be confused with *kan pattana,* another word for "development" but without the necessary implication of growth. I have heard *khwam charoen* translated by Thai friends as the state of being or becoming "civilized," but when pressed they admit that if Thailand continues to *charoen*, the implication is that it is not yet fully civilized. This sentiment does not sit well with anyone.

Unsurprisingly, for Pi Yeh *khwam charoen* comes with a hand motion, and that motion is up. He sweeps one hand up to describe the first wave of condos and apartments that were built in the fury of the years prior to the 1997 East Asian Financial Crisis. His hand falls slightly to signify the building reprieve of the years immediately following. But less than a decade later, both hands are raised. They wave at the building behind me, the one that was built on land from which another community in the activist network was evicted. He turns and waves them higher at the high rises behind him, built in the last few years. He lifts both hands above his head and waves them frantically—"*charoen, choroen, charoen*." It is as if the land itself were rising up around Wat Tai.

It seems to me that *khwam charoen* is built out of a particular formula. The buyers aspire to the lifestyle. The developers and investors speculate on the quantity and extent of the aspirations of this cosmopolitan class. Aspiration plus speculation equals *khwam charoen*.[9] Inherent in this formula is the necessity of movement. Aspiration depends on mobility, not just of capital, but also of people. The targets of these aspirational ads are on a constant upward and outward trajectory, seeking novelty while climbing social ladders. This group changes jobs and countries at the drop of a hat. For them, space is not a place to call home, but rather something to be experienced and traversed. I know this because I know many of them. They are my friends. I am, in many ways, one of them. Though speculation by governments and developers often overestimates the actual flows of this cosmopolitan aspiring class; without them, there is nothing to speculate on.

9. Ghertner (2015) also explains how speculation on value becomes one of the ways in which the world class city is envisioned. This vision takes hold even for slum dwellers who are most likely to experience the downsides of speculation.

Perhaps the abbot aspires to reap a profit from the land by selling it to developers. But the residents of Wat Tai have different aspirations, which necessitate other forms of speculation. Without the formal claims to property rights that underlie the formation of a future-oriented Bangkok, the residents of Wat Tai are left to guess what other rights they might be able to assert to the land and on what basis. Strategies for claiming these rights sometimes involve calling on evidence of land rights from the past, while others require presenting plans for the future. Often these two types of assertions are at odds with one another.

ELUSIVE RIGHTS

The Wat Tai community's attempts at gaining secure land tenure have followed a strategy of asserting rights based on the past in combination with putting forth plans for their own vision of the future. However, their tactics are up against alternative ideas about what constitutes a legitimate historical claim and what vision of the future represents progress.

The accusation of being *phu bukruk*—trespassers—is especially stinging to the residents of Wat Tai for many reasons. Not least among these is that they have been recognized by the municipality in many ways throughout the years. The extent of the Wat Tai community's recognition by Bangkok and the local district surprised me, though perhaps it shouldn't have given the many shades of gray formality and informality takes in contemporary cities.[10]

When I ask Pi Yeh about the current layout of Wat Tai, he unfurls a map the size of the entire front table. On it, the footprint of each house in the community and two neighboring communities has been painstakingly outlined and numbered by hand. I ask him what the numbers are, and he looks confused. "They are the addresses." This should be obvious, but now I am confused. If they all have addresses, that means they must also have *tabian bahn*—housing registrations. The district office has registered and approved

10. It has long been understood that illegality and informality are produced by the actions of government and often do not reflect the ways in which people actually inhabit the city (Hardoy and Satterthwaite 1989). More recently, Roy (2005) has described infmality as a "logic" of urbanization, while Caldeira (2017) refutes the simply binary implied by formality/informality, instead asserting that those inhabiting literal and figurative urban peripheries rely on "transversal logics" to inhabit the city.

them. Pi Yeh confirms that this is true. And that is not the only way in which the community has received approval of its existence. Over the past decades it has gradually extended municipal electricity and running water to nearly all of the homes. These official provisions make the accusations of trespassing all the more frustrating to Pi Yeh: "We have public electricity. We have public water. We have *tabian bahn*. How can we be called *phu bukruk*?"[11]

Another effort at claiming legal status relies on historical rent payments, although documentation of these payments is far from complete.[12] Though these piecemeal implementations of services and documentation were more about meeting basic needs than making claims to space at the time,[13] they are now drawn on as evidence of recognition in the eyes of the city that so often looks down on them.

A second line of argument that draws even further into the past involves the age of the community. Pi Yeh's grandparents were the first of his family to move to Wat Tai. That puts the length of the family's tenure at about 100 years. Some families can claim residence of even longer. This means that the community of Wat Tai has been in existence for longer than the current regime of property rights has been in place—before there were maps clearly demarcating what land belonged to whom throughout the city.

It is only by grace of the fact that this community lives on *wat* lands, which carry limited rights of sale and transfer, that the residents have been able to fight for the ability to stay. Many households who had lived in the area an equal amount of time but whose homes were on what came to be privately held land have long since been evicted with little means of recourse. However, since the Wat Tai community is not liable to simply have their land sold out from beneath their feet, they have been able to use their age as an argument.

11. Holston (2008) has documented how those living in the peripheries of Brazilian cities utilize piecemeal evidence of sanctioned inhabitance in conjunction with the court system to assert their right to stay on their land. He refers to such activities as the "insurgent" actions of people who have found themselves within a regime of differentiated citizenship. Likewise, Ranganathan (2014) has demonstrated how paying for services is often used as a means of building evidence of the legitimacy of their tenure. However, she emphasizes that such actions occur within hegemonic discourses of rule and do not necessarily constitute a challenge to the state.

12. Due to the changes in the ways in which *wat* lands have been administered and the variation across the wats, clear documentation of land rental agreements has not been well kept within the Thai government or the Sangha (Reynolds 1979).

13. As Bayat (2000) has argued, the actions the urban poor take to secure a place in the city or gain access to services often do not amount to overt or organized political action. Instead, they can be characterized as a "quiet encroachment of the ordinary."

The assertion of being a *chumchon gao* or *chumchon doem*—"old community" or "original community"—has been used by multiple communities in an effort to lay claim to historic land.[14] Claims of "we were here first" by urban communities echo efforts by rural dwellers to assert rights to indigenous lands. But while historical claims to land in cities are tempting, they are also tenuous. Along with the second- and third-generation residents of Wat Tai, there are those who cannot claim to be "original." Though Wat Tai may be old, it is not unchanged.[15] These newer residents are often family or close friends of residents, moving to the land by invitation for various lengths of time. Some have stayed and built their own houses, but others *Pai Pai Ma Ma*—come and go. Their presence in the city depends on the need for farm labor in other provinces and the availability of work in Bangkok. Although changes in the economy have altered much about Thai society, one thing that has not changed for many poor families is collective provisioning among extended kin. Young adults, in particular, come and go between cities and rural homes, supporting various livelihood strategies. This migration, whether temporary or permanent, is vital to survival for many families, but it also makes claims to land difficult, especially in cities. It has undermined Wat Tai's claims to be an "original" community. Fluidity in population has limited the ability of the Human Rights Commission of Thailand to support them in their claims to being the original inhabitants of the land, as they cannot claim to be indigenous and thus appeal to the United Nations Declaration on the Rights of Indigenous Peoples. Making claims to being a historical community requires not only longevity, but also stasis. To remain in place, they must demonstrate a sort of immunity to the many forms of mobility that surround them and the constant flux of *khwam charoen*.

Claims related to indigeneity comprise just one aspect of Wat Tai's efforts to use human rights to stand their ground. In our conversations Pi Yeh frequently brings up human rights, often referencing the United Nations (U.N.) when he does. He talks about how people need to be educated about

14. Herzfeld (2016) has meticulously documented how another community in Bangkok, Pom Mahakan, has used the status of being a *chumchon doem* as part of a larger strategy to claim to act as a "living museum" that represents the history of the polity and therefore should not be torn down. Though Wat Tai's claims are not so grand, they employ a similar strategy in that they assert that their rights to the land precede the present regime of ownership. They combine these claims with human rights discourses to invoke a number of non-specific human rights, some of which could be read as the rights belonging to indigenous peoples (United Nations 2007).

15. Though the term *indigenous* carries with it the implication of being original and unchanged, Li (2010) elaborates on how so-called indigenous groups are constructed through political and discursive strategies, as such groups, like other social groups, are constantly changing.

what their human rights are so that they will be willing to come together and fight for them. However, he never elaborates on precisely what human rights are being violated in the case of Wat Tai. This lack of specificity is not simply a matter of Pi Yeh not being well-versed in the minutiae of U.N. declarations. While ejecting over a hundred people from land they have occupied for decades intuitively smacks of a human rights violation, pinning down exactly what human right is being transgressed is not so straightforward. The misalignment between the historical claims of long-time urban residents and declarations aimed at protecting indigenous groups is just one example of how the juridical aspect of the global movement of human rights falls short.

Other human rights claims call upon the basic fact of residents' poverty.[16] However, these claims sometimes come with a cost. While indigeneity puts forth a claim, indigence quickly becomes a plea. Reading the arbitration documents, I am struck by the discordance between the fist-pounding, indignant claims to land Pi Yeh makes at his kitchen table and the language in the documents, which asks for mercy and calls upon the charity of the abbot.

While Thailand has signed on to the U.N. Charter and even has a human rights commission, the human right to adequate housing does not carry the weight of law.[17] The only article in the United Nations Universal Declaration of Human Rights relevant to this situation that is reflected in Thai law is the right not to be arbitrarily deprived of property. The residents of Wat Tai can point to their longevity, their housing registrations, their payment of rent and taxes, and the fact that basic infrastructure and city services have been extended to them. They can hold up the most aged and feeble of their community members and argue that they could not withstand a move from the homes they have occupied their entire lives. But no one living in Wat Tai

16. The International Covenant on Economic, Social, and Cultural Rights guarantees, in Article 11, the right to an adequate standard, which includes the right to adequate housing (United Nations 1966). This is elaborated in General Comment 4 (Office of the High Commissioner on Human Rights 1992). However, this right to housing does not include the right to be housed in any particular place, and thus cannot be used to claim a right to a historic piece of land.

17. Signing on to the United Nations Universal Declaration on Human Rights does not necessarily imply that those human rights become legal rights within the nation-state. National-level human rights organizations operate in a number of ways to promote human rights, many of them not involving the legal system (Kumar 2003).

can claim the land they live on as their property.[18] And when the law looks at Wat Tai, that is the claim that matters most. Though the Human Rights Commission has stepped in to support Wat Tai, they can only do so as mediators between the community and the *wat*. They have no legal power to force the hand of the abbot.

Despite not having a clear path forward for the juridical use of human rights to make claims to disputed land, activists continue to employ human rights as a motivating discourse. Among the FRSN and other social activists and NGOs in Thailand, human rights talk is ubiquitous. Human rights are asserted on t-shirts, on banners, and in speeches. Several friends of mine are working on master's degrees in human rights. And these are not idle discourses. In cases where eviction is threatened by public entities such as the Bangkok Metropolitan Administration or a moral authority such as the *Sangha*, the invocation of human rights does not fall on deaf ears. The human rights discourse emboldens people like Pi Yeh to think of themselves and their communities as deserving of a higher social status and greater material conditions than society has previously allotted to them. With no legal claim to the land, Wat Tai's only way forward is collective action, negotiation, and perseverance. As evidenced by Pi Yeh, the discourse of human rights bolsters these efforts.

SPECULATION, NEGOTIATION, AND PLANNING

Without clear legal claims to their land, the community has relied on more overtly political means to stay put. With the backing of the FRSN, the residents have pressured the abbot into multiple rounds of negotiations. Often these negotiations take place as part of legal proceedings.

The initial suit filed by the abbot against the residents of Wat Tai thirteen years ago was sent to mediation, with an eventual agreement that the residents would begin paying rent at a rate of 4,000 baht (about 115 USD) per month dating from the start of the suit. Organizers from the FRSN advised against taking this deal. Experience had taught them that without a long-term lease such agreements are worth very little by way of security. However, the community went their own way. They paid, hoping their payment would bring them respectability and legality.[19] Unfortunately, the instincts of the organizers were correct.

It is not a meager monthly rent the abbot is after. A couple of years after the rental agreement went into effect, he put forth his claims of wanting to extend facilities for the teaching of Buddhist practice, as well as his accusations of blight and social disorder. Since he has not provided anyone with clear architectural or financial proof of his plans, the residents and activists remain skeptical. Though it is against the law to sell wat land for private development, it would be possible to develop it into condos by exploiting a loophole in the law. This particular intention is impossible to prove, and it is unlikely to be exposed before the residents are removed, since such an expulsion for the purpose of private enrichment would reflect poorly on the Buddhist community. In fact, any kind of violent expulsion would not look good for the abbot or the entirety of the *Sangha* (the order of the Buddhist monkhood).[20] In the meantime, the residents have tried to address the charges of being *seuam som* by organizing themselves to take part in a slum upgrading program with the help of the FRSN.

Through their association with the FRSN, residents of Wat Tai have been able to demonstrate that they are backed by numbers and will not go quietly. The knowledge that the abbot has some fear of the public reaction to an outright eviction is one of the few bargaining chips the community has. With the time this strategy has bought them, they have put forth proposals for sharing the land. Their most concrete proposal has been to consolidate the community onto a smaller piece of land and rebuild their homes through a policy called *Baan Mankong* ("Secure Housing").

Baan Mankong has a complicated history. It is now run by a government-sponsored agency, the Community Organizations Development Institute

18. Article17 of the United Nations Universal Declaration on Human Rights states, "(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property" (United Nations 1948). Unlike the right to adequate housing, statutory rights to property now exist in most nations. Though many scholars argue that human rights carry value even if they are not written into the state's legal code (Sen 2001; Nickel 2007), the discrepancy between the legal right to property and human right to housing often means that property owners are able to deprive those without legal property of their housing.

19. See note 11 (Ranganathan 2014; Holston 2008).

20. The fear of the political fallout and loss of face for government or other entities is often part of a strategy to stay in place for communities facing eviction, as evidenced by the case of the Pom Mahakan community (Herzfeld 2016). Even now, as many households are being evicted from that land, it has taken place only after extensive negotiations resulting in the consent of the households whose homes are being demolished (Channel 7 2017).

(CODI),[21] but its origins date back much further than its institutionalization in 2003. The flexible program is modeled off of a process of protest and negotiation with landowners seeking to evict, which was pioneered by the FRSN. Though the FRSN appears nowhere in CODI's official literature on *Baan Mankong,* they still play a prominent role in carrying out the policy for many communities. It is with the help of the professional organizers of the FRSN, as well as the leaders of other communities in the network, that those at risk of eviction learn how the policy works and receive training in how to organize themselves to go through the process.

The first step of *Baan Mankong* involves creating a collective savings group to help pay for the physical upgrading or possible relocation they are looking to undertake. The savings amounts to the collateral for a collective loan the community will take out to perform the upgrading. They must save 10% of what they intend to borrow. Another important part of the process involves deciding what land the community will occupy: whether they will be able to negotiate with the landowner to buy their land—or at least a piece of it—outright, achieve some form of legally-recognized rental agreement, or have the community find new land elsewhere on which to resettle. Regardless of the agreement reached in the end, the community's land tenure, debt, and assets in the form of new housing will be collective.

These new forms of legally-recognized communal land tenure have been pushed for by the FRSN as an alternative to private property rights. Through these tenure arrangements, individuals cannot be pressured to sell their plots for redevelopment. They also bind the communities together, tie them to the larger network, and bring them into the fold of a social movement that is constantly pushing for land reform and greater equality in Thai society on many fronts. The types of land rental and purchase agreements that have become part of *Baan Mankong* are part of many successful attempts by the FRSN and associated social movements to achieve new forms of land tenure that are better suited to the lives and livelihoods of their member communities. These communities have found themselves outside the regime of private property that undergirds the nation's economic growth.

21. *Baan Mankong* falls under an umbrella of policies known as participatory slum upgrading, which is currently a favored method of dealing with informal settlements among international housing experts and governments alike. *Baan Mankong*'s first director and chief advocate, Somsook Boonyabancha, has raised the profile of the policy on the international stage (Somsook 2004, 2005, 2009). It has since been taken up as an example of a successful participatory slum upgrading model by academics and policymakers (Das and Takahashi 2009; Bhaktal and Lucci 2016).

The Wat Tai community began their attempts to take part in *Baan Mankong* in 2005. The efforts, though, have met up with multiple problems. The first obstacle was getting enough community members to adhere to the requirements of their savings group. Pi Yeh estimates that only about half of Wat Tai residents have stable enough incomes to save the required amount each month. If these residents were included in the group, it would make the better-off residents hesitant to join for fear of getting left with the bill. However, leaving out households unable to save would mean abandoning the most vulnerable among them, not to mention that there might not be enough participants in the program to effectively spread the risk.

Another obstacle is that the program itself cannot solve the problem of the *wat* not being legally allowed to sell the land. Getting around this obstacle requires a change in the law, which has been advocated for by the FRSN on numerous occasions but which requires the coordination of many government entities, including the *Sangha*, and must be continuously revisited, as every case of a community living on religious land is a bit different.

The final hurdle to gaining collective rights is simply convincing the abbot that he should allow the plan to move forward. By 2006, "community architects" used by CODI had drawn up a proposal to present to the abbot. In the proposal, the community would yield a good proportion of the land they now occupy to the *wat*. On the remaining land, the plan shows neatly laid out rows of numbered houses surrounded by perfectly symmetrical trees. At the front table, Pi Yeh pulls out the renderings, their corners curled and yellowed. It is a very nice image. Pi Yeh jabs his index finger at the renderings and says, "We want to develop (*pattana*). We went to be part of the country's development (*kan pattana*). But we don't have the money. All we have is our homes."

As I look at the neat but aged renderings of the Wat Tai community that is not to be, I can't help but feel that the quaint houses neatly planned out by the community architects would somehow be just as out of place as the self-built tin-roofed homes in which most of the community currently resides. The new homes may very well represent kan pattana for the community. But the rest of the area is experiencing khwam charoen. These two directions of development are different not just in their connotations, but also in their aesthetics. Pi Yeh's vision of development looks at odds with the rest of what is going on along Oon Nut road. Perhaps this is one reason why the abbot has been unmoved by their plans. However, this is just my own hypothesis. One cannot help but speculate about this situation.

CONCLUSION: TANGLED IN TIME AND PLACE

After multiple trips to visit Pi Yeh and the Wat Tai community, I think I have a handle on their situation. So I decide to sit down with the professional organizer of the FRSN in charge of Wat Tai. I ask her what she thinks the next steps are for the community. She replies that, honestly, she thinks it is time to start looking for new land or breaking up the community to live in other forms of social housing. When I ask why, she reviews all of the strategies that have been pursued so far and how none of them have worked. It is not clear what the next steps might be to stay in place. The abbot is intransigent, and the community has been unable to come together in the way some of the more successful communities have.

She seems disappointed and a bit exasperated. The FRSN has had many successes in terms of creating policies and new forms of land tenure that are more closely aligned with the needs of their members and people like them. But the alignment is not perfect, and once the law or policy is made, there is always the business of molding the community to fit the new legal forms.[22] For groups of residents that join the FRSN or go through the *Baan Mankong* upgrading program, their status as a community becomes more formal. The community itself becomes the unit through which they are recognized, either as part of a larger social movement or as an entity that collectively holds assets, debts, and rights. Being part of such an entity can be empowering, as it enables them to amplify their voices. However, it also entails following new sets of rules and ceding some level of individual autonomy in order to further the interests of the group. Some communities are better able to fit the mold set out by the FRSN and *Baan Mankong* than others, for reasons having to do with both circumstance and internal group politics.

When I told my colleagues in the FRSN that I was planning to write about Wat Tai, they did not exactly discourage me, but instead pointed to other examples of communities that have successfully organized and negotiated

22. Rose (1999) has argued that community represents a new third space of governance in the present era, and communities are spaces upon which governmentality is enacted. However, Chatterjee (2004) points out that communities can also enable mere populations to claim recognition in "political society." In the case of the Four Regions Slum Network and the laws the network enacts, I argue that both valences of community are present. By participating in the movement, individuals are able to act politically and impact policies that affect them in ways they could not if they were not part of a community. However, membership in a community also entails being disciplined by numerous actors and re-forming in order to take advantage of the means of beneficial policies.

to stay on their land. I said I understood and I want to write about those communities too, in the future to hold up the movement's successes. But at the moment, it was the complications of Wat Tai that I wanted to understand, and the ways in which so many seemingly plausible claims to rights have kept falling through their fingers.

At the end of one of my visits, Pi Yeh walks me back to the skytrain station. As we stroll along Oon Nut Rd, past sleek, soaring condo buildings surrounding Walmart-like supercenters, I come to the unsettling realization that I looked much more in-place than Pi Yeh. Pi Yeh notes this as well and exclaims, "there are more *farang* (western foreigners) here than Thais." This is not true in the technical sense, but the sentiment is apt. The inhabitants of these condos are a mixture of foreigners and Thai young professionals enjoying the freedom of the one-bedroom high rise life. This generation and class—of which I count myself a part—values mobility, be it social, economic, or geographic. It is difficult for a class of people always on the move to comprehend the trauma of forced relocation. It was certainly challenging for me. But this mobile class of people play a prominent role in creating both the demand for and the policies that undergird the cities of the future. In Bangkok and elsewhere, these cities are dominated by the rule of individual private property.

The rules of property in much of the contemporary world do little to help people stay in place. The division of land into discrete parcels with defined owners serves to facilitate transfer, not stability. That Thailand has been so successful in carving up its urban land is one reason its real estate market, known for transparency and efficiency, has been held up as an example for other countries in the region.[23] It has turned land that used to produce value through rice and mango trees into land whose value is determined by who might want to buy it next and how much they might be willing to pay for it. When property rights come to be seen as primarily the right to transfer, those without property rights often must call on other rights if they want to

23. Dowall (1989, 1992) argued that Bangkok represents an "efficiently performing housing market" because of its transparency and relatively clear property laws. He hypothesized in the early 1990s that the real estate developers would eventually move far enough down-market to greatly reduce the population living in slums. Though this has yet to happen (UN Statistics Division 2014), Dowall's research made its way into World Bank Policy (World Bank 1993).

stay put.[24] In order to so, the community must walk an impossibly fine line between demonstrating that they have remained unchanged across time and proving that they are willing to change and adapt. To stay in place, they must represent the past and the future at the same time, and they must do so in the context of a city in motion.

In the end, it remains unclear whether the story of Wat Tai is one of triumph or failure. After all, the community has held their ground for thirteen years in the heart of a city whose values, land, and land values have been drastically transformed. On the other hand, they remain haunted by the specter of eviction, grasping at elusive rights to the most solid of substances as they find themselves caught between a spectral past and a speculative future. It may very well be that the next time I return to Wat Tai all that will remain of them is dust upon the ground that once supported a way of life.

24. Weinstein (2014) coined the term "the right to stay put" in reference to ways in which residents of the Dharavi mega-slum of Mumbai participated in complex webs of politics and governance in order to resist displacement in the face of large-scale redevelopment plans. An important aspect of Weinstein's argument is that Dharavi residents were able to do this because of the size of the slum and its importance to the city's politics. This paper contributes to an understanding of the non-statutory "right to stay put" by analyzing how a community of a much smaller scale also uses a variety of legal and extra-legal means—working in what could be said to be "invited" and "invented" spaces of participation (Miraftab 2009)—to remain on their land, however, precariously.

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