

Anthropology in the Margins
of the State

Edited by Veena Das and Deborah Poole



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9

The Signature of the State

The Paradox of Illegibility

Veena Das

Recent formulations on the genealogies of the state have taken inspiration from Benjamin's ([1978] 1986) discussion on the oscillation between the founding and maintaining violence of law, and especially his insight into the ways the legal form detaches itself from what it is supposed to "represent." While this approach has been extremely productive in showing the importance of states of exception as lying both inside and outside the law (Agamben 1998), it has also tended to render sovereignty as if it were best analyzed as a spectral relic of a past political theology. I argue in this chapter that an attention to the social logics through which claims to sovereignty are made and sustained, on the one hand, and the authority of the state as literalized in everyday contexts, on the other, might help us see the state as neither a purely rational-bureaucratic organization nor simply a fetish, but as a form of regulation that oscillates between a rational mode and a magical mode of being. As a rational entity, the state is present in the structure of rules and regulations embodied in the law, as well as in the institutions for its implementation. But like many other writers in this volume, I do not regard law as a sign of the sovereignty of the state or as an institution

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through which disciplinary regimes are put into place. Rather, I approach the law here as a sign of a distant but overwhelming power brought into the framework of everyday life by the representation and performance of its rules in modes of rumor, gossip, mockery, and mimetic representation and also as a resource for seeking certain rights, although a resource whose use is fraught with uncertainty and danger. Apart from instituting other modes of action in which states recognize *one another*, the state also acquires a different kind of presence, which I call magical, in the life of communities through these local practices. I deploy the notion of magic here, not to suggest that the state tricks the audience—a notion used by Fernando Coronil (1997) with great effect in his recent study of the state in Venezuela. Instead, I wish to make four specific claims in this regard. First, magic has consequences that are real; hence, I prefer to speak of the magic of the state rather than the fictions of the state. While I am perfectly aware that fictions belong to life, in characterizing magic as having consequences that are real, I am trying to stay close to the representations I encountered in the field. Second, the forces mobilized for performance of magic are not transparent. Third, magical practices are closely aligned to forces of danger because of the combination of obscurity and power. Finally, to engage in magic is to place oneself in a position of vulnerability. I hope to show the modalities by which the state in India is suspended between a rational and magical presence, but the ethnography I present, even at its dramatic moments, rests on everyday practices. This is why, instead of counting on theatrical performances of state rituals, the theater of kitsch, or the grotesque parodies of the double funeral as described by Taussig (1997), I look at the spectacular as nevertheless grounded in the routines of everyday life. And it is here that I find myself proposing that the idea of signature, tied as it is to the writing technologies of the state, may be useful in capturing this double aspect of the state.

WRITING AND SIGNATURE

We owe to Jacques Derrida the idea of writing as occurring in a context that is never fully saturated. Derrida (1988) has argued forcefully that in understanding writing, we need to go beyond the usual understanding of writing as an extension of oral communication.

into place. Rather, I but overwhelming power by the representation and or, gossip, mockery, and force for seeking certain ght with uncertainty and of action in which states a different kind of pres- imunities through these here, not to suggest that d by Fernando Coronil f the state in Venezuela. this regard. First, magic to speak of the magic of hile I am perfectly aware magic as having conse- to the representations I s mobilized for perfor- l, magical practices are of the combination of ic is to place oneself in a modalities by which the I and magical presence, matic moments, rests on inting on theatrical per- i, or the grotesque paro- ssig (1997), I look at the outines of everyday life. at the idea of signature, : state, may be useful in riting as occurring in a 1988) has argued force- to go beyond the usual f oral communication.

Writing, for him, is not only a means of communication with absent persons, but more importantly, it questions the very model of language as a system (or only as a system) of communication. In the critique of intentionality, which would tie consciousness in speech acts to the presence of the person and in writing to the appending of a signature, Derrida points to the force of breaking inherent in the act of writing itself. The notion of writing here does not follow from the logic of textual domination in performance of authority as in Messick (1993), but rather from the instability introduced by the possibilities of a gap between a rule and its performance.

Thus, if the written sign breaks from the context because of the contradictory aspects of its legibility and its iterability, it would mean that once the state institutes forms of governance through technologies of writing, it simultaneously institutes the possibility of forgery, imitation, and the mimetic performances of its power. This, in turn, brings the whole domain of infelicities and excuses on the part of the state into the realm of the public. One of the methodological observations that follow is that to study the state, we need to shift our gaze from the obvious places where power is expected to reside to the margins and recesses of everyday life, where such infelicities become observable. There is, of course, a paradox here, for it is in the realm of illegibility, infelicity, and excuses that one sees how the state is reincarnated in new forms. Whereas Taussig (1997) talks of the spasmodic recharge, the circulation of power between the dead and the living, the state and the people, I would like to start with certain inscriptions.

TWO EXAMPLES

Consider two different kinds of documents that I encountered during my work among survivors of the 1984 riots after the assassination of Mrs. Gandhi, then prime minister of India.¹ I found these documents intriguing. The first was a typical form of the First Information Report (FIR) filed in police stations after the riots had been brought under control in Mangolpuri and Sultanpuri, two adjacent localities in West Delhi where I worked with survivors. The second were divorce agreements drawn by the caste Panchayat (literally the "assembly of five," referring to the legislative and adjudicatory powers invested in caste or village elders) in these localities to formalize "divorces" between

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widows and their dead husbands—duly executed on stamped court paper. Let me revisit the scene of the riots in these two places after the assassination of Mrs. Gandhi and the way I came across these documents. What follows is not a chronology of the riots but certain scenes into which I entered.

After three days of killing and looting in the resettlement colonies of Delhi, the riots had been brought under control. Some survivors in Mangolpuri and Sultanpuri who had been shifted to relief camps in the city gathered enough courage to go to the police station to register criminal cases against those who had looted their property or killed a family member. They did this more to obtain official proof that these grievous events had indeed occurred, and that they had been affected by these events, than in any hope that the perpetrators would be caught or punished, because the survivors were well aware of the complicity of the police in the riots. The policeman on duty at the station insisted on dictating the framing sentences of the First Information Report, which is a normal practice in police stations (see Das and Bajwa 1994). The standard framing sentences, written in Hindi, ran as follows:

Dinank 31.10.84 ko Bharat sarkar ke pradhanmantri Shrimati Indira Gandhi ki unke do suraksha karmachariyon dwara nirmam hatya karne ke karan Bharat ki rajdhani Dilli mein janta mein bhari rosh hone ki wajah se kai sthanon par janta mein majma khilafe kanoon banakar agjani, lootmar va katle aam kiya, vibhinn Gurudwaron Sikh gharon va unki dookanon ko loot liya.

On October 31, 1984, due to the fact that the Prime Minister of India Mrs. Indira Gandhi was cruelly murdered by her two security guards, the people in Delhi, the capital of India, being enraged, engaged in illegal activities of arson, looting, and mass killing. Several *gurudwaras*, Sikh families, and their shops were looted. (my translation)

The FIR then became specific in enumerating names of family members who had been killed or maimed and the property that had been looted or destroyed.

How is it, then, that the framing sentences of the FIR used language

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that attributed a certain subjectivity to the crowds, claiming that they had been *so maddened by anger* that they attacked people and property? After all, the victims were well aware that the attacks had been led or orchestrated by local politicians and were under the command of the local station house officer. First, when one went to the police station to register a complaint, one did so because local brokers of power (*dalals*, as they were known in the locality) had said that it would be difficult to claim any compensation for loss without legal proof. In the police station, an officer dictated the first part of the FIR to claimants. They were told that a complaint could not be registered without such a formal statement. Such formulaic modes of recording complaints are routine in police stations and are often oriented to the imagination of how the case will be presented in a court of law (Das and Bajwa 1994). In this case, though, a term such as *katile aam* (mass killing) evokes a historical imagery of chaos, in which invading armies kill local populations en masse. What is haunting in this case is that these FIRs, which encoded what one might call the lie of the state, were also required by other organizations engaged in relief work as proof of the victim status of claimants. For instance, even gurdwara (Sikh temple) committees, which offered pensions to widows of riot victims, demanded an FIR as proof that a woman's husband had died in the riots. Thus, ironically, those who were locked in a combative relationship with the state and who had direct evidence of the criminality of the state nevertheless ended up being pulled into the gravitational force of the state through the circulation of documents produced by its functionaries.²

My second example comes from documents known in the community as *talaqamas* (deeds of divorce). These were executed by the caste Panchayat of the Siglikars (the major caste group I worked with in Sultanpuri) on stamped court paper. The documents recorded the agreement between the natal family of a man who had died in the riots and his widow, stating that they would divide the compensation received from the government equally. In addition, under this agreement, the parents of the dead man agreed to give a "divorce" to his widow. As I have described elsewhere (Das 1990), due to the custom of leviratic marriage in this community, there was strong pressure on a young widow to marry a brother of the dead man, if one were available. The government decision to award compensation for the death to the

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widow meant that many young women could get independent access to cash incomes. In addition, the gurdwara committees instituted a "pension" for the widows analogous to what widows receive from the government when their husbands die in the line of duty, as in war or in an accident. From the perspective of the community, the rightful heir of a dead man was his coparcener—that is, either a father or a brother. Even a man's mother was said to have a stronger moral claim on the money awarded in compensation for his death than his widow had. Hence, the conflict between these norms of inheritance and state norms caused considerable tension in the community. A resolution was sought in the nature of a compromise. If a widow refused to marry her deceased husband's brother or another suitable kinsman, she was given a "divorce," after the division of the compensation between her husband's father and herself, so that mutual claims with her affinal kin came to an end. I was not able to attend any of the Panchayat meetings because they were held at night, surrounded by an air of clandestine operation. Besides, because of various threats I had received from those engaged in the violence, it would have been foolhardy to risk going to the meetings at late hours. I was interested to learn, however, that even in arriving at a community consensus that violated state injunctions, the Panchayat had evoked the authority of the state. Equally stunning was that the Panchayat tried to make its decisions "legal" by evoking the authority of the very state that had perpetrated the terror.

I hope that these examples show the mode in which the state is present in the life of the community—its suspension between a rational-bureaucratic entity and a magical entity. As a rational entity, it is present in the structure of rules and regulations; community customs are made to appear valid in the shadow of these rules and regulations. But its magical qualities are apparent in the uncanny presence it achieves in the life of the community, even at moments of the community's defiance of the state—as though the community derives its own existence from a particular reading of the state.

I realize that using the term *community* here may give the impression that I am setting up a binary opposition between state and community. I hope that it is sufficiently clear from my descriptions that the life of the community was completely entangled with the forms of gov-

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ere may give the impres- between state and com- my descriptions that the ad with the forms of gov-

ernmentality that were set in motion after the riots. However, it is important to keep in mind that the forms of governmentality are consti- tuted here through sporadic, intermittent contact, rather than through an effective panoptic system of surveillance. Nor is the state dealing with isolated individuals. Urban neighborhoods, especially on the fringes of the city, are made up of migrants with strong kinship and caste networks; networks of related kin come to occupy contiguous housing units set up on land they have simply occupied or that has been allocated to them under different governmental schemes. These material conditions allow certain forms of community to be re-created,³ but such communities can be maintained only by entering into various kinds of negotiations with agents of the state, such as policemen or state inspectors. The ability of people living in these neighborhoods to protect their houses from demolition, or their "illegal" household pro- duction from closure, depends upon their negotiations with these agents of the state—a point I elaborate on in later parts of this chapter.

I shall now go on to suggest that what sustains the double existence of the state between a rational mode and a magical mode is the state's illegibility.

READING THE LAW

Allow me to loop back to the devastation of the riots in a street in Sultanpuri. As I have described in my earlier work, the spatial distribu- tion of the riots is best understood in terms of the anchoring of local hostilities to national events (Das 1996, 1998), but what interests me here is how the perpetrators evoked the image of law. The interpreta- tion of events was not easy for the victims, for the distinction between the legal and the illegal was so blurred in their everyday lives that it was hard for them to read what was happening. My field notes describe the events in one street, A/4, on November 1. Crowds had gathered and were accompanied by a policeman, the station house officer (SHO) of that locality. The moment is frozen in my memory from the accounts I was given—it was described by many as the turning point, when vio- lence moved from verbal abuse and pelting with stones to killing.

The crowd gathered outside the house of the A/4 *pradhan* (head- man of the caste) and challenged him to come out. The *pradhan* came out with a gun. The SHO ordered him to take the gun back into the

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house. Some other Sikhs, hearing the noise, gathered near the scene. The SHO ordered all Siglikars to go back into their houses and threatened that otherwise they would be hauled off to the police station. Frightened and somewhat confused, they went back to their houses. When the pradhan came out again, this time accompanied by his two adult sons, the crowd started hurling abuses at him. I am not very clear as to the precise statements made at this time, but it seems that abuses and insults were a mixture of fragments from different kinds of discourses. There was continuing anger at the Siglikars having made good and the admonishment that now they would pay the price for having been so arrogant about their wealth. The charge referred to the fact that as craftsmen, some Siglikars had secured jobs in the Middle East and were wealthier than their neighbors who belonged to the Chamar (previously untouchable) caste. But the crowd hurled other abuses at the pradhan.

Frequent challenges (*lalkars*) hurled by the crowd were "*Khun ka badla khun*" ("Blood must be avenged with blood") and "*Tumme hamari ma ko mara hai*" ("You have killed our mother").⁴ Crowds that had gathered outside the hospital where Mrs. Gandhi's body lay on October 31 had occasionally shouted these slogans, and they gained in intensity for the next few days while her body lay in state at the Nehru Museum. As pictures of her body and tributes paid to her were telecast, one could hear these same slogans in the background. It appears that in this locality, at the moment of violence, a certain "nationalist" discourse, picked up from images on television, began to speak through the body of the crowd gathered there. The pradhan and his sons were badly beaten, the crowd asking him to seek forgiveness, to apologize. Apologize for what? he asked repeatedly. For having abrogated privileges beyond the status of the Siglikars, for having killed "our mother." The more he tried to fight, the more the crowd beat him with *lathis* (sticks). His sons tried to come to his aid and were also beaten. Eventually, the leaders of the crowd, assisted by constables, poured kerosene over his beaten and bruised body and set fire to him. His two sons were killed in a similar manner. His wife, who was hiding inside, could not contain herself when she heard her sons calling out to her. The crowd threatened and warned her to stay inside, but she insisted on coming to her sons and was similarly killed. All the while, the bodies were burning, the dying

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persons were calling out for water, and the SHO was shouting that if anyone dared interfere with the law (*kanoon ke khilaf kisi ne hath uthaya*—raise a hand against the law), he would be shot dead. The crowd dispersed—no one could tell me when—but the SHO announced that all Siglikars had to stay within their houses if life was dear to them. The Siglikars in this locality said that at first they were stunned. Was this a legal operation? The SHO had evoked the authority of the law, even as people were being killed by the constables. Frightened that the crowds might come back, they wondered, should they try to escape in the cover of darkness? Escape where? When some people tried to sneak out to neighboring houses to consult (many neighbors were close kin), they discovered that a watch was being kept from the terraces of two houses. They were warned that if they did not return immediately, they would be shot dead.

Let me take the case of the *jhuggi* (shanty) dwellers in another street, P/1, located at the edge of the colony, with a park and a broad street dividing the *pucca* (cement) dwellings of the P block from the *jhuggis*. A little distance away, a sewage canal divided Sultanpuri from a *jhuggi jhopdi* cluster (a cluster of shanties and huts) in the adjoining colony. The *jhuggi* dwellers of the P/1 cluster, both Hindus and Muslims, had assured the Sikhs living with them that they would be protected at all costs. On November 1 and 2, when aggressive crowds, sometimes accompanied by policemen, had roamed the colony, the Sikhs in this block had hidden in their neighbor's *jhuggis*. On the third night, a police jeep had gone around announcing a curfew and threatening *jhuggi* dwellers that if they continued to give shelter to the Sikhs, their whole cluster would be set on fire. The police blatantly claimed that it was "illegal" to give shelter to any Sikh. Frightened by these threats to their neighbors and feeling a moral obligation not to endanger their neighbors' lives, the Sikhs decided to run toward the sewage canal that divided the colony from Mangolpuri. Some hoped to hide in the fields, but the police followed them and shot at them. Later, in the course of a police inquiry into these events, the SHO defended his actions by saying that the people he shot at were troublemakers who had tried to defy the curfew. Precise estimates are not possible, but at least twenty people died in this block, and the total number of Sikhs killed in this locality was close to a thousand.

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The examples I give show how the documentary practices of the state, on the one hand, and the utterances that embody it, on the other, acquire a life in the practices of the community. It is the iterability of writing, the citability of its utterances that allows a whole realm of social practices to emerge that even in resisting the state reproduce it in new modes. The circulation of words such as *law* during the riots, and the fact that crowds were led in several instances by a policeman, showed the blurred lines between law and its violation. In recalling the events of November 1, people repeatedly stated that it was not clear whether the Sikhs were going to be punished for the assassination of Mrs. Gandhi and whether the crime was seen as committed on behalf of the community. Although many protested that they had nothing to do with the crime, their legal responsibility for the act was never very clear to them. Thus, even the question of which community they belonged to was tied to their reading of the law. Were they part of the local Siglikar community that had no connections to the militant movement, or were they now to consider themselves part of the larger Sikh community, which they believed was in some ways responsible for the assassination? The presence of the SHO in uniform, the evocation of "law" ("if anyone dares lift his hand against the law"), made the state present precisely where its absence as a rule-governed entity was most evident. The voice of the policeman evoking the authority of the law when the law was clearly dead was what announced the spectral presence of the state. It is this *illegibility* of the state, the unreadability of its rules and regulations, as well as the location of legitimacy of customary institutions such as the caste Panchayat in the ability to replicate the documentary practices of the state, that allows the oscillation between the rational and the magical to become the defining feature of the state in such margins.

ITS INTERNAL LIFE

The examples I have given might suggest that I am making a sharp distinction between the functionaries of the state and the members of a community to whom the state is illegible. In fact, it is my argument that many of the functionaries of the state themselves find the practices of the state to be illegible. I was not able to interview the SHO about his own role in the carnage, so I turn to other scenes.⁵

umentary practices of the at embody it, on the other, unity. It is the iterability of ows a whole realm of social e state reproduce it in new o during the riots, and the as by a policeman, showed on. In recalling the events at it was not clear whether the assassination of Mrs. ommitted on behalf of the ey had nothing to do with act was never very clear to mmunity they belonged to y part of the local Siglikar ilitant movement, or were e larger Sikh community, sible for the assassination? vocation of "law" ("if any- ade the state present pre- ity was most evident. The y of the law when the law ctral presence of the state. lty of its rules and regula- of customary institutions eplicate the documentary ion between the rational ature of the state in such

that I am making a sharp tate and the members of a act, it is my argument that elves find the practices of rview the SHO about his nes.⁵

I interviewed other policemen about their roles in the counterin- surgency operations in the Punjab, and I found their way of talking about their roles in the maintenance of law to be shot with ambiva- lence. Rather than talk like state functionaries engaged in implement- ing rules and regulations, they occasionally talked as if they directly embodied the law. I suggest that a complicated entanglement of state and community makes them act as if they are direct embodiments of the state, especially in relation to harnessing the energies of the dead. Here are excerpts from an interview with Tej Singh, a senior police offi- cer in the Punjab who was directly involved in anti-insurgency opera- tions.⁶ The same policeman was later shot dead by one of his own junior officials; I will give a brief account of the retelling of that event by another police officer later. I have to be somewhat circumspect in giving precise dates and locations because of the conditions of anonymity under which such information was offered.

Tej Singh was stationed in Amritsar, one of the centers of the mili- tant movement. During Operation Blue Star (the code name for the army operation against the militants in 1984), he was part of a team that surrounded the temple and was to give cover to army personnel as they moved into the temple. The army and police had sustained heavy losses in this operation, yet Tej bore little resentment about the risks he had been made to take. In fact, he deflected any discussion about the actual operation by describing instead a small local event in the police station about one week prior to Operation Blue Star. He spoke in Punjabi laced with occasional English phrases. Here he describes the atmosphere in the police station in those tense days and a visit by an astrologer, who regularly offered informal advice:

The Pandit came to the police station—he used to come to collect some money, and we would ask him to predict the future? So I said, "Pandta [a form of address], look at my hand and tell me what will happen." He studied my palm and shook his head, putting his hands on his ears, and said, "Parlay, parlay" [referring to a cosmic flood, mentioned in Hindu sacred texts, that ends an era in the cycle of time]. I said, "Stop this *bakbak* [nonsense]—tell me what you see." He said, "*Sahib, duniya khatam ho jayegi par tu bachuga*" ["Sahib,

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the world will come to an end, but you will survive"]. When I was standing on the terrace of a house in the street giving cover and bullets were coming from all directions, one grazed my headgear, and I thought of the Pandit. (my translation)

This vignette shows in a small way how police officers may be charged with implementing the rules and regulations of the state, but they do not cease being members of local worlds with their own customs and habits. The weekly visit of the astrologer to the police station in the middle of extremely risky operations, though described with a sense of the absurd, points to these lines of connection. The next example, however, shows how the local imperatives within which the rationality of the state is embedded led Tej Singh to experience himself as the direct embodiment of these contradictory discourses that included reference to locality and caste. In this interview, he reflects on the militant movement and his own sense of being a police officer belonging to a previously "untouchable" caste:⁸

We know these boys—we know there are some to whom Khalistan [the imagined homeland of the Sikh militant discourse] means something and others for whom it is an occasion to indulge in liquor, drugs—we also know who are the big men who are using the young men to carry their own ambitions. The genuine leaders of the movement trust me, although we are on opposite sides. But these other kind—they really fear me. So they have been after my blood [this phrase was spoken in English]. So one day, as my driver and I are going on a high road at night, this truck bears down on us at high speed. The truck driver fled after hitting us—my driver was in a coma. I know who those buggers—excuse my language—were. My driver was in hospital for two months, but he recovered. By some miracle I escaped. Then, three months later, I was sleeping on the lawn of my house. My subordinate officer came and whispered to me that the man who had arranged for my "accident" was caught in an encounter. Now I know that the correct thing is to hand him over to the law, but I also know these buggers—they have bought the law. I told my subordinate not to wait till the

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morning but to bring him in the dark to this large public
 park. I then took a bath, wore a white *kurta* pajama, drank a
 whole bottle of whiskey, and then I went to the park. There I
 kicked this man till he was begging for mercy. He was a Jat [a
 high caste, a landowner]—I am a Chamar [untouchable],
 and I remember him boasting once, when have the Chamars
 wielded a gun independently? So when I kicked him to
 death, I showed him that he can buy up the upper castes in
 the police and the courts, but he cannot buy me, this low-
 caste Chamar.

I must confess that I was chilled by this story—not because I did not
 know that such framed encounters were not unusual, but because this
 police officer had the reputation of impeccable integrity, even among
 the militants. Having risen from the lowly caste of untouchables, he was
 widely respected in his village for his charisma across the different caste
 groups. A few months after these interviews took place, he was killed. I
 heard that the militants announced an informal cessation of hostilities
 for two days after his death so that the funeral could be conducted with-
 out any mishap. Ironically, he died not as he had anticipated—at the
 hands of a militant or on the orders of the mafia—but by a bullet mis-
 takenly fired by his own gunman.

Another policeman told me later that one of his trusted gunmen,
 Sukkha Singh, was assigned to penetrate one of the militant organiza-
 tions. Sukkha became very involved in its affairs and began to receive
 drugs and illicit money. He became a party to these transactions, either
 because he did not want to blow his cover or because he became greedy
 and began to accept money for himself. As the policeman explained to
 me, one could never say with certainty what kinds of transactions these
 were, for the boundaries between the licit and illicit are so thin. In any
 case, Sukkha Singh received a notice to face an inquiry. Because he was
 very close to Tej Singh, the latter told him that he would attend the
 inquiry and that he had nothing to fear. In fact, I was told that the pre-
 vious evening, Tej himself had dictated a written response to the
 charges the policeman was to face. On the day of the inquiry, one of the
 senior police officers in charge asked Sukkha to hand over his service
 revolver. Having an accused policeman hand over his weapon is purely

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routine, and it would have been restored to him after he was cleared of any charges. However, for some inexplicable reason, Sukkha completely lost his cool. He responded angrily, "No one asks Sukkha Singh to hand over his weapon," and he pulled the trigger, first killing Tej Singh and then himself. Those present were certain that the shot was not intended for Tej, Sukkha's senior and friend, but that Tej had gotten in the way and was accidentally shot dead. Tej's last words were "Sukkha tu?" ("Sukkha—even you?"). So there was confusion, the police officer told me. Perhaps Tej Singh died with the thought that Sukkha Singh had been bought over by the militants after all.

The version of the story I relate here did not appear in the newspapers or official accounts. The police officer who told me this story did not treat it as exceptional. He insisted that this kind of misreading happened more often than could be admitted. Thus, the illegibility of the rules, and the human actions that embody these rules, appears to be part of the way that rules are implemented. It is not that the mode of sociality to be found in the institutions of the state is based on clarity of rules and regulations and that these become illegible to the poor or the illiterate, but that the very persons charged with implementing rules might also have to struggle with how to read the rules and regulations.

In the next section, I want to address the problem of the relationship between law and regulation in the context of the illegibility of the state, drawing from some work on the National Emergency in India in 1975, when draconian measures were taken both to reduce the population and to clean up cities by removing slum dwellers to the periphery. I follow that with examples of how similar processes are operative in low-income neighborhoods in a variety of contexts, even when the political situation seems "normal." Although this discussion might seem like a digression, I want to suggest that riots do not bring something entirely new into existence. The peripheral colonies, in which the poor have come to be "resettled," are scenes of the arbitrary nature of state regulations, so the everyday experience of the state is marked by all kinds of negotiations between the local functionaries and the residents. The policies on housing and sterilization came to be linked, of course, due to the special dispensation of the Emergency, and they were applied with special rigor in Delhi in 1975. They constitute an earlier link in the lives of the urban poor in their relation to the state, and

though these policies are not linked anymore, one can see certain continuities in the mode of surveillance that I explore later. In the popular imagination, the Emergency was known as the time of *nasbandi* (sterilization). This period shows with stark clarity how the politics of the body lies at the intersection between law and regulation.

THE NATIONAL EMERGENCY AS THE TIME OF NASBANDI

Emma Tarlo (2000) offers an excellent analysis of the manner in which two administrative schemes that were part of the state's normal housing policies and family-planning services for the poor—the Resettlement Scheme and the Family Planning Scheme—came to be implemented during the National Emergency. The center of gravity in her analysis is the everyday ecology of fear and greed through which the poor ended up as partners in the coercive programs of the state.

The Emergency was a period when all fundamental rights were suspended on grounds that the country was in danger of falling into anarchy. It was also a period of great pressure to obtain results in the family-planning program, whose target was primarily the urban poor. Though numerical targets had always been part of family-planning policies in India, the Emergency was widely regarded as a period of crisis in which the government was able to exercise unbridled control over the implementation of these policies (Dayal and Bose 1997; Shah Commission 1978). As with most coercive and ill-planned programs, there was pressure at every level of the bureaucratic hierarchy to produce results, but it was the lower echelons of the bureaucracy that bore the brunt of this pressure to meet targets and produce results. The authoritarianism of Mrs. Gandhi's rule in this period and the destruction of institutions made it imperative for the bureaucracy to implement the policies of the government, not in accordance with rules and regulations but in accordance with bureaucrats' reading of the wishes of their superiors. The state was literally seen to be embodied in the person of Mrs. Gandhi and her younger son, Sanjay Gandhi, who became, as was widely acknowledged, the extraconstitutional center of power (Mehta 1978). It was common knowledge that instead of written orders, the bureaucrats received oral orders to implement policies (Shah Commission 1978). Rumors about the fate of those who defied

him after he was cleared of any reasonable reason, Sukkha commented, "No one asks Sukkha Singh the trigger, first killing Tej re certain that the shot was friend, but that Tej had got lead. Tej's last words were re was confusion, the police h the thought that Sukkha s after all.

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these orders or implemented them in half-hearted ways made lower-level officials extremely anxious about their jobs. So on the one hand, normal bureaucratic procedures were suspended. On the other, it was widely acknowledged that Mrs. Gandhi's son, Sanjay Gandhi, was emerging as an important center of power and that the beautification of Delhi and the control of population were his favorite programs. Although all of this is generally known, Tarlo provides a meticulous examination of the files in the slum development department of one locality in Delhi where these schemes were implemented. She shows, first, how the poor were forcibly removed from their habitats in the city and, second, that their claims to housing in the peripheries of the city were made dependent upon the production of sterilization certificates. None of this was strictly legal, but the paraphernalia of recording claims, examining certificates for authenticity, and so on, gave it the aura of a legal operation. In other words, the life of documents continued as if it were "business as usual."

The government's unacknowledged ways of linking claims to housing with sterilization were translated at local levels into a structure of co-victimhood—people searched for poorer relatives or neighbors who could be induced to undergo sterilization for money. Poor migrants, beggars, and other homeless persons were also induced to undergo sterilization, and an informal market in sterilization certificates developed. Those who needed to show that they had motivated others to become sterilized, so that they could keep their jobs or their houses, bought the certificates. By portraying the poor as active participants in state policies of repression, rather than passive victims or noble resisters, Tarlo shows how the political regime of the National Emergency was able to use fear and greed to draw different sections of people into its implementation. The point is that neither the lower-level bureaucrats nor those who were relocated on production of sterilization certificates could draw a line between the legal and illegal. The certificates, once they became part of the normal bureaucratic operations of recording, became proof of the "legality" of the operations. In the local-level offices where housing was allocated, the processes of recording the certificates and enumerating claims sanctioned on these bases gave the whole operation an air of normalcy.

If-hearted ways made lower-level jobs. So on the one hand, he ended. On the other, it was his son, Sanjay Gandhi, who said that the beautification were his favorite programs. Tarlo provides a meticulous report department of one he implemented. She shows, from their habitats in the city to the peripheries of the city a of sterilization certificates. araphernalia of recording icity, and so on, gave it the e life of documents contin-

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Although Tarlo states that there are lines of continuity between the state's normal practices and forms of governance during the Emergency, she does not provide us with any ethnography of the continuity of these practices at the time of her fieldwork in the urban neighborhood she studied. I take this opportunity to provide a brief description of the functioning of the state in everyday life, and especially how forms of governance and modes of surveillance are put in operation in the offices of petty bureaucrats or on street corners where police constables patrol neighborhoods. It is at these sites that bribes for running illegal home production in *karkhanas* (small industrial workshops) are negotiated, or new migrants who often occupy state-owned land learn how to avoid eviction, or the stealing of water or electricity is condoned in exchange for bribes, votes, or other services linked to the underlife of politics. My intention is not to romanticize these practices or to castigate the poor—for very similar processes operate in upper-income neighborhoods, where bribes are offered for the stealing of electricity or the running of factories in residential colonies. But under the conditions in which residents of jhuggi jhopdi colonies live, such negotiations become necessary to ensure economic survival. These sites, then, are particularly important for understanding how states manage populations at the margins, and also how those living in these margins navigate the gaps between laws and their implementation.

Let me take two examples of these processes in everyday life from a low-income neighborhood in Delhi, not very far from the resettlement colony Tarlo studied. When I initiated my present study in health practices and local ecologies in 1999, I was given directions to the house of the local pradhan, Nathu Singh (a fictitious name). I went to meet him and explain my study. Within a couple days, another man confronted me and said that *he* was the leader of the locality and warned me against those who had misled me into thinking that Nathu Singh was the pradhan. Over time, I was able to work out the contours of the complicated relations between these two men. It appears that the second person had been the caste leader but had been displaced from his position through a series of contests with Nathu Singh over who could offer better services to the local community by negotiating with the forces of the state. In brief, Nathu had proved to be more adept in dealing with the

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“outside world.” As he told me how he secured leadership of the local community, Nathu attributed his ability to deal with new community problems to his earlier job as a “room boy” in a prominent hotel, which had propelled him outside his neighborhood into new kinds of experiences. Nathu had spent his childhood in the village from which many of his current neighbors had migrated, and he had studied till eighth grade in the village school. His father had migrated to Delhi sometime in the early fifties, so it was easy for him to leave the village and join his father in 1970. He then got the job in the hotel and learned how to talk to people, how to hold his own in conversations with educated people, and how, as he put it, to hold his head high. Further, he was able to put aside money from the tips he received from hotel guests. Then, in 1982, a number of people from the village put up jhuggis on the land they now occupy. This act led to serious disputes with earlier settlers in neighboring areas. The Gujjars (a caste of pastoralists) living in nearby areas were angry with this group—especially because of caste rivalries and the Gujjars’ not wanting to live near “untouchables.” One night, several men from the Gujjar community came to attack the new residents. Nathu was able to gather enough men to wage a fight and chase away the aggressors. This act gave him prestige in the eyes of local residents.

However, Nathu was worried about the security of their claims over the land they had occupied. So he negotiated with a policeman responsible for patrolling the area to provide them with security in exchange for a *hafta* agreement (an agreed-upon weekly bribe with almost the force of custom). He asked every household for two rupees (about four cents) a month as a voluntary contribution to deal with various kinds of state officials, though he claimed that the contributions were not steady. It gradually became clear to everyone that he was a more effective leader for the community than the caste pradhan. Similar to the mediators described by Tsing (1993), Nathu Singh displaced the traditional leader to become an effective negotiator with the new forces of the state. I give one example of the modality of state presence and the kinds of negotiations that have to be effected.

Because this colony is an unauthorized colony, there are no electric connections in the houses. However, every household has drawn lines from the electric pole in the street to its dwelling. Some years ago, it was rumored that if a dwelling unit had an electric meter installed,

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the meter would eventually become proof of occupation, so the government could not evict such households and reoccupy their land. In law, the land on which people have made their jhuggis is owned by the state. But the legal position is complicated because some years ago, Nathu Singh managed to get a stay order from the High Court that restrained the government from evicting residents from this land unless alternative housing was provided to them. With the help of a lawyer, Nathu had registered the residents as an official Society of Harijans (scheduled castes, who enjoy certain benefits under the Indian constitution because of their depressed position in society)—thus securing for them some kind of legal status. The judge used this provision to grant the stay order to the registered society. But even though the residents could not be evicted from their dwelling units, there was still a problem. Those who had installed meters but never paid the electricity bills found that subsequent to the recent privatization of electric supply in Delhi, they faced huge bills. They simply did not have the resources to pay these bills. This created a precarious situation for them.

On a recent visit to the locality in December 2002, I found the whole place plunged in darkness. When I made inquiries, Nathu Singh told me that he had heard rumors of a raid on the locality by government officials and that they might demolish those houses that had not paid their electricity bills. This would put all the households into jeopardy because they were all engaged in some illegal activity, and one thing could lead to another. Under earlier arrangements, local government officials understood this situation and condoned the infringements (helped by weekly bribes), but a new set of officials might put the whole arrangement under risk. To avoid this risk, all households decided to cut off their electric supplies so as not to give a pretext to any official to visit the area. I asked the residents how they were going to deal with this problem, since they could not live without electricity forever. I then learned that several pradhans from adjoining localities were going to hold meetings and were planning a *dharna* (sit-in) in front of the High Court. The residents were hopeful that because a general election was scheduled for 2004, and because they constituted important vote banks, they would be able to have their colony authorized. Recall that during the National Emergency, people were able to get legal claims over their houses by obtaining sterilization certificates.

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Now it seemed that the struggle was to put pressure on the local government to grant legal status to the colony, and thus titles to the occupied land so that residents could get electricity, water, and sewage systems. I hope that these examples make it clear that the Emergency brought out the practices of governance in sharp relief but for the poor, such practices were not exceptional. The intermittent nature of governmental control, the illegibility of the law, and the negotiations around the thin lines between the legal and the illegal are part of the everyday life of these neighborhoods. The state is present in the form of rumor—its signature is read everywhere. It may be worth remembering Benjamin ([1978] 1986), who stated that the tradition of the oppressed teaches us that the state of emergency in which we live is not the exception but the rule. The precarious nature of the everyday in the neighborhoods I have described gives us grounds to believe that this is not a metaphysical statement, but one located in the conditions of life and labor in these areas.

LEGITIMACY AND THE QUESTION OF SIGNATURE

I hope the iterability of utterances and actions in which the signature of the state can detach itself from its origin and be grafted to other structures and other chains of signification is clear. How does the state then claim legitimacy in the face of obvious forgeries, corruption within its own procedures, and the mimesis of its structures? To understand this, I turn to the realm of excuses—a classical subject in Austin's (1962) analysis of language but not often used in understanding the realm of politics, although it has been used in legal literature in the battered-woman defense and the cultural-defense argument (see Kelman 1994 and Walker 1999).

In Austin's understanding, excuses point to the realm of infelicities when performative utterances fail. Utterances with illocutionary force are felicitous when the context is in place and our trust in conventions is secure. It is then we can say that accuracy and morality are on the side of saying that "my word is my bond" (Cavell 1994). However, my claim in this chapter is that fragility of context is built into the situation in which signature cannot be tied to what one might think of as the notion of utterances and actions of the state. It is this fragility that accounts for the oscillation of the state between the rational and the

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magical modes. Excuses then provide us entry into a region of lan-
guage in which we confront the vulnerability of human actions, as well
as vulnerability of human utterances. My *actions* are vulnerable because
of the limitations of the human body, and my *utterances* become vulner-
able because my words may be transfigured elsewhere (see Cavell
1994). In ordinary life, this is the region of human vulnerability—I may
be quoted out of context, my words can be reproduced in a mood of
irony, or they may be infused with another affect. In the life of the state,
that very iterability becomes not a sign of vulnerability but a mode of
circulation through which power is produced.

The examples of FIRs, talaqnamas, sterilization certificates, ration
cards, and hundreds of other such documents show how the state
comes to be present in the everyday life of its subjects. Because it can be
multiplied, literalized through court papers, certificates, and forged
documents, it can enter the life of the community. But as Jeganathan,
Ferre, and Poole have argued in their respective chapters in this vol-
ume, the subject's identity can never be fully assumed in the encounter
with the state. It is precisely because the documents can be forged and
used out of context, and because the bureaucratic-legal processes are
not legible even to those responsible for implementing them, that the
state can penetrate the life of the community and yet remain elusive.

In its turn, the bureaucratic rationality of the state can always evoke
the very facts of its illegibility to the poor as the major form of its
defense. Consider, for instance, that bureaucrats withhold information
in any crisis on the grounds that because people are illiterate or ill
informed, they have a tendency to panic. Elsewhere I have analyzed the
way this excuse is routinely evoked in the management of epidemics
(see Das and Dasgupta 2000). Adam Ashforth has analyzed the way in
which the HIV/AIDS epidemic in South Africa poses a tremendous
threat to the legitimacy of the state. What I would like to show is how
bureaucratic logic displaces notions of irrationality and panic to a cred-
ulous public and thus constructs itself as "rational" in its deliberate
absence of transparency.

PANIC AND BUREAUCRATIC RATIONALITY

The concept of panic to signify the nature of the collectivity to be
managed by a rational bureaucracy finds an interesting genealogy in

the field of public health, especially in the management of epidemics. Here is an early example of how management of life and exercise of sovereignty were mutually constructed in the margins of the colonial state. The details presented below come from Misra (2000) and from my own notes at the India Office Library.

The year was 1893, when the first laboratory-produced vaccine against cholera was to be tested in the field in India. Haffkine had arrived in India, having officially obtained permission to test his vaccine in the nation's choleric districts. There was considerable trepidation in official circles about the advisability of giving Haffkine permission to test his vaccine. The role of rumor in the mutiny of 1857 had not been forgotten, and officials were cautious in insisting that the government bureaucracy should not be seen as actively supporting this mission. Thus, in a dispatch of March 16, 1893, Surgeon General W. R. Rice evoked the notion of a "popular mind," arguing that though scientifically proven to be effective, the vaccine was not considered harmless in the popular mind (Misra 2000). Rumor was said to play a very important role in the fear of the new vaccine. For instance, in the Serampore municipality of Calcutta, where cholera had broken out, a team was sent to inoculate people on the request of residents, but the operation had to be suspended the next day because of "rumors" of the ill effects of the vaccine. The report on this incident stated, "No doubt some degree of panic was natural among the low caste people who work in the mills, but it is surprising that stories, however intrinsically absurd and improbable, should have been accepted by educated Natives and English managers without any attempt at enquiry" (cited in Misra 2000). There was also much discussion in the newspapers that Hindus would be incensed that animal products of a polluting nature had been injected into them, and one official noted that "native credulity" could be unscrupulously "played upon," jeopardizing the legitimacy of the government.

The deployment of the concepts of panic, rumor, and native credulity shows how the question of sovereign power was linked to the management of populations and especially the management of public order in the face of rumors and panic. The bureaucracy could establish itself to be rational in contrast to the native population. Thus, government abandoned the project of vaccinating the population, justifying it on grounds of native credulity. It is interesting that justification and

management of epidemics. The management of life and exercise of the margins of the colonial from Misra (2000) and from laboratory-produced vaccine field in India. Haffkine had permission to test his vaccine was considerable trepidability of giving Haffkine rumor in the mutiny of 1857 cautious in insisting that the vaccine was actively supporting this 893, Surgeon General W. R. Girdlestone, arguing that though science was not considered harmful, the vaccine was said to play a very important role. For instance, in the case of cholera had broken out, a request of residents, but the vaccine because of "rumors" of the incident stated, "No doubt the low caste people who are the most susceptible to cholera, however intrinsically intelligent, are not so easily convinced as the educated classes. I do not attempt at enquiry" (cited in Misra in the newspapers that are the products of a polluting nature of the official noted that "native officials are upon," jeopardizing the panic, rumor, and native government power was linked to the management of public bureaucracy could establish a population. Thus, government the population, justifying it by stating that justification and

excuses that called upon risks of causing panic among native populations were acceptable modes of explaining the actions of the bureaucracy and thus defined the realm of the civil.

The example of Haffkine and the position of the government of India toward the field trials in 1893 shows that bureaucracies construct their actions as *vulnerable* in a field of enunciations that is overdetermined by human passions—these passions are projected to other agents, such as native credulity. As part of the distribution of expectations, bureaucracies are expected to "manage" these popular passions. The play between law and regulation and the "management of life" was not only evident in the case of epidemics but also in the case of other disruptions to "order." The form of reasoning that attributes disturbance of order to popular passions was evoked repeatedly in the case of riots, too, as these were seen as embodiments of "popular passion" (see Pandey 1990).

The stability of these representations became evident to me when I was part of a 1984 delegation in Delhi petitioning the lieutenant governor to publicly acknowledge the number of Sikh men who had died in the riots. We were told that to publicize these facts would lead to a flaring of public passion, which could lead to more deaths. Similarly, the Srikrishna Commission, set up by the government of India in 1994 to investigate riots in Mumbai in December 1992 and January 1993, found that accusations about the complicity of the police were explained away by senior police officers as "communal bias" on the part of the lower rungs of the police force. Senior officials claimed that members of the lower rungs were not fully educated and hence were subject to sectarian prejudices. For instance, referring to the deposition of one Ramdeo Tyagi, the joint commissioner of police, Justice Srikrishna, stated the following:

To a pointed question as to whether in his assessment there was any communal bias on the part of the constabulary in handling the riot situation, he also diplomatically replied that in any society, *unless people are fully educated*, there is bound to be a hidden bias in the mind of every person belonging to one community against the other and that such bias must have surfaced. However, when it came to opening fire the police had been impartial though complaints had

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been made to him by the Muslims that their establishments were attacked and damaged in the very presence of police personnel. (Srikrishna 1998:214; emphasis added)

Thus, in explaining why more Muslims died in police firing, the officer resorts to claiming that the general level of education of the population was responsible for contaminating the police force. The bureaucracy institutes *itself* as rational by characterizing the *people* as credulous and irrational. It is notable, though, that the lower rungs of the police are assimilated into this fold of the “uneducated public.” The whole realm of acceptable excuses creates the realm of the civil, in which the very illegibility of the state to its citizens becomes the mode of establishing its legitimacy.

In his reflections on the Srikrishna Commission Report, Hansen argues that such reports are in the nature of state spectacles that provide a kind of public catharsis and try to represent what he calls the “sublime” dimensions of the state—“its fairness, rationality, tolerance and justice” (Hansen 2001:158). Hansen is rightly skeptical whether such state spectacles would be able to maintain this “myth” of the state as rational and just, because the broader conditions under which a violence of hatred takes place have taken root in all kinds of ways in India. He exhorts us that “We thus need to rethink what the state means and how it presents itself in everyday life, and explore how governance has become organized around competing languages—bio-political rationalities as well as various forms of sovereignty (legal, political, etc.)—both within and beyond the state” (Hansen 2001:233).

My own contention is that despite Hansen’s good intentions, his emphasis on state spectacles as a route toward generating understanding of sovereignty and everyday life is theoretically flawed because of its allegiance to the idea of the state, at least theoretically, as an order-generating mechanism. This idea fails to address the issue of how the practice of sovereignty itself operates, especially in relation to the production of “killable bodies” (Agamben 1998). Hansen’s formulation of politics asks for special attention to spectacles in public spaces and looks to theatricality, rather than a descent into the everyday, as a site for understanding how law itself becomes constitutive of various forms of sociality, away from its official sites. I have argued instead that if we

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understand the everyday as a ground from which we move toward the official sites of law (such as courts of law and inquiry commissions), then we can get better insight into the force of law. The performative, not as settled convention but as that which breaks from context, as in the examples of vulnerability we saw, stands in tense relation to the pedagogic (Bhabha 1994b). The importance of looking at excuses is that it immediately draws attention to the margins as places that are managed but that also insert themselves in gaps and fragilities of context. It is here that new modalities of rule are initiated in the search for survival. In the next section, I argue that margins are important for understanding the functioning of the state, not only in postcolonial societies but in metropolitan centers—for states, like nations, are by definition unfinished projects everywhere.

COMPARATIVE OBSERVATIONS

From the descriptions and examples I have used in this chapter, one might be tempted to conclude that the state becomes illegible in non-Western countries because it is an import from the West. I want to argue, on the other hand, that it is part of the logic of the state that it constructs itself as an incomplete project, because there are always margins on which people have to be educated to become proper subjects of the state. I would then like to offer a digression, shifting my gaze to recent developments in cultural-defense arguments used in US courts on behalf of Asian immigrants, to give us an insight into this issue.

Leti Volpp (1994) has argued that the assumption behind the cultural-defense argument in US courts is that immigrants are not fully integrated into the nation: hence, a person is not fully constructed as an agent responsible for his or her actions in the eyes of the law. Thus, recent immigrants are distinguished from earlier immigrants, who are seen as fully integrated into American culture. In her analysis of *The People v. Dong Hu Chen*, in which Dong Hu was accused of killing his wife because he suspected her of having a relationship with another man, Volpp shows how the case constructs the immigrant as the average person belonging to a particular culture, versus a reasonable person who is seen to be universal. The defense lawyer in this case had cited the hold of Chinese culture on the defendant as constituting attenuating circumstances for the act. The court had called for expert testimony from

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an area expert, a Professor Pasternak. In soliciting the expert testimony, the court was interested in finding out how a hypothetical average mainland Chinese man would behave in such a situation, as opposed to a typical American man. Pasternak argued that in his experience, an average highland Chinese man would be compelled to kill his wife under these circumstances. In fact, Pasternak compared the pressure of the community to "voices in the head." In holding *Dong Hu Chen* as not fully responsible for his action, the judge displaced the notion of agency from the person of the defendant to the voices of the community. How are we to understand the judge's construction of context here?

It is notable first that while receiving the cultural plea defense, the judge did not make any inquiry about either contemporary family structure in China or Chinese jurisprudence on these issues. Clearly, what was at stake in the judgment was the concern with the role of law in creating the American nation. The judge made many asides on the openness of American values and that exposure to these values would transform immigrants into the reasonable men of American law.⁹ In other words, the defense plea was accepted in this case because of the assumption that values embodied in American law are not transparent to the immigrant. In other cases, courts rejected the cultural-defense argument when it seemed to violate what are seen as basic human values. It is interesting that on the one hand, by accepting the idea of culture as a source of value and allowing agency of the defendant to be displaced onto the community, the court expands the realm of the civil, while on the other hand, by positing this "deviant" behavior as a result of the failure to read American society correctly, the court also creates peripheries that are "educable" and hence capable of being brought into the center at some future time. The immigrant communities become, thus, a site in the United States on which the idea of the rationality of the American way of life is cited, thereby also creating the "normalcy" of patterns of racial discrimination.

CONCLUDING THOUGHTS

I have suggested in this chapter that the concept of signature is important for understanding the presence of the state in the life of the community, both as a bearer of rules and regulations and as a spectral

presence materialized in documents. I claim that the rationality effect is created through a whole field of enunciations that come to the fore in the management of crises—thus, management of epidemics and breakdown of law and order belong to the same field of enunciations, legislative practices, and techniques of control through which the state comes to construct itself as rational in opposition to a credulous public. I suggest a series of concepts—rationality, magic, legibility, legitimacy, vulnerability of action, and vulnerability of utterance—to capture the life of the state in the margins. Vulnerability and power are not opposed here. Instead, through an exchange between the real and the imaginary as in notions of panic, rumor, and credulity, the domain of the civil is instituted and controlled. There are then neither pure victims nor noble resisters—to use Tarlo's (2000) felicitous phrasing—but a series of partnerships through which state and community mutually engage in self-creation and maintenance. This does not mean that we cannot engage with questions of justice and rights or that communities formed through suffering are delegitimized. The place from which these engagements occur, though, is not that of the moral space of innocent victimhood but of the rough-and-tumble of everyday life.

Notes

Earlier versions of this chapter were presented to the Center for Developing Societies in Delhi; School of Oriental and African Studies, London; Sociological Research Colloquium, Delhi School of Economics; American Anthropological Association, Washington, D.C.; and the advanced seminar "The State at Its Margins" at the School of American Research in Santa Fe. I am very grateful to participants in these seminars for the stimulating discussions and especially to Talal Asad, who, with characteristic generosity, brought many dispersed ideas into sharper focus in his comments during the seminar at Santa Fe.

1. For earlier accounts of this work, see Das (1995, 1996, 1998).
2. Among the various reports produced by civil rights organizations, see especially PUDR/PUCL (1984) and Citizen's Commission (1984) for evidence of the complicity of various politicians and the police in the riots.
3. I thank Peter Geschiere for this point. For details of the caste composition in these neighborhoods, see Das 1996.
4. The use of this term is interesting because it locates the act in a structure

soliciting the expert testimony in such a situation, as I argued that in his experience, Pasternak compared the head." In holding Dong Hu on, the judge displaced the defendant to the voices of the judge's construction of concern for the cultural plea defense, the contemporary family on these issues. Clearly, concern with the role of law made many asides on the sure to these values would men of American law.⁹ In this case because of the an law are not transparent ected the cultural-defense e seen as basic human value accepting the idea of culture of the defendant to be ands the realm of the civil, aviant" behavior as a result ctly, the court also creates capable of being brought immigrant communities which the idea of the ratio thereby also creating the on.

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of feud relations (Das and Bajwa 1994). It is imperative in a feud that a person who has been ambushed and is about to be killed must be given the reason in the form of a challenge. Although the media reported such locutionary forms as political slogans, they occupy a hybrid position as both part of the traditional repertoire and part of the modern democratic right to protest.

5. Because I assisted the People's Commission and the Police Inquiry Commission in gathering evidence and, along with NGOs working in this area, helped get compensation for victims by doing their paperwork, the police officer could easily identify me. Besides, in the atmosphere of fear and suspicion, any attempt to even talk to local police officers could have caused fear among survivors.

6. The names of policemen are fictitious. Though there is no way for me to directly acknowledge their help in this study, I want to express my profound gratitude to the policemen and lawyers who extended their help to me.

7. Pandit is a Brahmin subcaste. But in the Punjab, unlike many other regions in India, the Brahmins do not enjoy a high status. They are considered dependents of powerful landowning castes. Though their purity is not in question, they are more figures of fun than of awe. In this case, the Pandit was a small-time astrologer and palmist.

8. Forms of civility and legal requirements in India do not permit the use of such terms as *untouchable* or *Chamar* because of their stigmatizing connotations. In most contexts, I would use an officially acceptable term such as *scheduled caste*, or one that is coined by these castes (*Dalits*). Here I am using the terms Tej Singh himself used, because much of the force of his affect would be lost if I substituted these terms with others.

9. In a recent paper, Sita Reddy (2002) argues that when it comes to women defendants accused of filicide, the courts deploy the idea of universal maternal emotional motives that any reasonable traditional woman would have in any culture. Reddy makes a bold move in suggesting that at the heart of the cultural-defense argument is the therapeutic state that assumes that the ills of the alien culture will be cured over time. I regret that I came across this paper only after I had completed the present chapter and hence cannot take up her argument in greater detail, but it points to ways in which managing life and exercise of sovereignty come to be linked in the margins.