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**Keynote: The Record of Power**

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**“Masterless riffraff, vagrants and vagabonds” were the main target groups explicitly associated with criminality... The core of this “dangerous class” were itinerants without passports or other identification documents, or with forged permits...**

Leo Lucassen explained that his presentation was a comparative analysis, framing his earlier work on gypsies and itinerant groups within more recent research on state formation and surveillance in Western Europe from the 1600s to World War II and beyond.

The speaker opened his keynote address with an anecdote about contemporary mechanisms of surveillance. In 1998 he had attended a conference in Los Angeles, organised by historians Jane Caplan and John Torpey; the proceedings later became the basis for an edited volume, *Documenting Individual Identity* (Princeton University Press, 2001). Lucassen returned to the Netherlands a week later. The following year he travelled again to the US for a conference, flying into Detroit late at night. At the immigration clearance counter, he was unnerved when the officer checking his passport suddenly barked to an assistant, “Take this man to secondary inspection!”

Lucassen obediently followed him to a room where some other officers were present, but no travellers; his disquiet increased.

“Take a number!”

Lucassen took one, and waited to be called.

An hour later: “No. 852! Step forward!”

Lucassen did so, asking hesitantly, “Officer, why am I here?”

“When was the last time you were in the US?”

“In December last year.”

“When did you leave?”

“The same month, after a week,”

“According to our information, you never left.”

“But I have just flown in...!”

“Can you prove that you left?”

“I was in Europe, but I can’t prove that I was there for the rest of the year!”

“Wait,” the officer then said. “I have to consult my superior.”

For the next half-hour Lucassen frantically tried to think of a way to prove his statement. Fortunately he had his printed travel itinerary for the year, which placed him in Paris in April, and confirmed other trips he had made during that time. As soon as the agent returned, Lucassen said, “Officer, I have an idea...”

“Step forward!”

Lucassen did so, and explained his movements of the previous year through the itinerary.

The officer pushed the intercom button and boomed, “The alien has a suggestion...”

The officer’s superior entered, asked the “alien” for the “suggestion”, and went away.

After two-and-a-half hours, following the verification of Lucassen’s information, he was allowed to leave.

“This anecdote is typical evidence of three facts about the state and surveillance,” the speaker asserted. “First, that the modern state *does* monitor citizens’ movement and restrict it; second, that the system *does* make mistakes; and third, that local knowledge – in this case at Detroit airport – and the agency of the person under surveillance are both significant factors in negotiating the state system.”

Lucassen invoked the American anthropologist James Scott’s influential study *Seeing Like a State* (Yale University Press, 1998), which “paints a rather depressing picture of modern states – especially those who monitor populations and impose rigid social engineering programmes”. According to the speaker, Scott gives examples characterised by “high modernism”, defined as a “top-down social engineering ideology”, including modes of collectivisation and city-building; that borrows heavily on science and technology; and which in its “most extreme guise” is found in totalitarian states and states with a weak/absent civil society.

“All these cases ignored local knowledge and practices – *metis*, as opposed to high modernist

*tekhné*,” Lucassen reiterated, adding that Scott’s book has been harshly criticised, for instance by the colonialist historian Fred Cooper, “who accuses Scott of being a high modernist himself”, as his cases are “simplified to such a degree that patron-client relationships and mechanisms of personal rule have been taken out of the historical fabric”. There is also “much more constructive and subtle” criticism, for instance offered by sociologist Charles Tilly, who praises Scott’s “bold” approach but also indicates the “bottom-up” reaction as a “missing link”.

According to the speaker, Scott describes how 19<sup>th</sup>-century nation states in Western Europe, beginning with Napoleon in France, tried to make their societies “legible” by creating fixed surnames and addresses in population registers, and homogenising their societies in various ways, including language, measures and uniform legislation. “Historians have sketched this development at length; Scott’s approach is to qualify these state attempts to make societies legible in principle as a dangerous top-down effort by rulers to streamline, render uniform and monitor the lives of their citizens.

“Scott’s work is in line with that of Foucault, who paints an equally gloomy picture of states’ efforts to fight criminality and vagrancy, and targets particular groups such as the mentally ill, homosexuals and others from the late 18<sup>th</sup> century onwards,” Lucassen stated. “Foucault could well have added the techniques to document individual identity, implemented especially by the police, who were aided by developments in criminology.”

The speaker clarified that “not everyone” is convinced by social theorists’ penal- and science-oriented interpretation of historical evidence. For instance, in *The Information State in England: The Central Collection of Information on Citizens, 1500-2000*, Edward Higgs contends that the central state in England was “insignificant” in the early modern period “precisely because the local level was much more efficient than is commonly assumed”. Higgs rejects the modernist definition of the state, which views it as a top-down, centralised set of institutions; the modernist perspective fails to see the “embeddedness” of the state at the local level, and the “continuous action” between the state and the local level. In the case of 19<sup>th</sup>-century Great Britain, the state was limited in size but was able to produce nationwide legislation and pursue foreign policy supported by Parliament because of the “pivotal role of the gentry”, who were involved at both local and parliamentary levels. “The central

emerged from the local, and local authorities urged the centre to take legislative measures, and backed up the centre when it came to national and military interests...”

Lucassen asserted that the state’s efforts to create a “legible” population through practices of information gathering was thus *not* a late-19<sup>th</sup>/early-20<sup>th</sup>-century invention. “Legibility” of both villages and cities was necessary in order to administer poor relief, collect taxes, codify property rights, and also for purposes of “religious disciplining”. Poor relief, in particular, was a crucial activity that was directed at creating a “miniature welfare state”. This “modernisation paradigm” has been criticised by historians, who warn against its “too simplistic and mechanistic application of modernisation schemes which assume that only with the emergence of the nation state and simultaneously the Industrial Revolution were the current features of modern society established...”

“Without denying that the 19<sup>th</sup> century was an era of tremendous change, we should not overlook its continuities with preceding periods... From the 1970s onwards, migration historians have fundamentally rejected the modernisation paradigm posited by late-19<sup>th</sup>-century social scientists who have argued that migration patterns were catalysed by industrialisation. But many studies demonstrate that prior to this, large groups of people, cyclical migrants as well as permanent settlers, were in fact highly mobile – locally, regionally and transcontinentally.”

The modernisation paradigm was also “problematic” with regard to criminal justice in the early modern period, according to Lucassen. “Precisely because people were on the move, and often over long distances, and because crime was associated, true or not, with itinerant strangers, local officials and courts went to great lengths to verify the identities of the people they considered transgressors of the law. Information was exchanged quite effectively in many different local jurisdictions.”

The speaker refuted the notion that prior to the 1800s, states were “weak and uninterested” in issues of identification/registration and the “legibility” of their subjects. Modern historians in particular have shown that in the absence of a centralised nation state, rule was exercised at other, more local levels, especially in cities. “The level of bureaucratisation – in the Weberian sense of the word, i.e., a rational and independent mode of organisation with standardised procedures and impersonal relationships – may have been quite

low prior to the early 1800s. But early modern patrimonial rule – to use another Weberian term – in which personal relationships are much more dominant, could be very efficient. Local states were highly interested in their citizens and subjects...

“Moreover, we should realise that the legibility activities developed on this micro scale are in fact similar to those deployed by the central state in the modern era.”

Lucassen clarified that Higgs’ account of surveillance and information gathering is not limited to the dynamics of state formation and the interaction between the local and the national; his main objection to the fact of information gathering by the state is that it is inextricably linked to domination and control, and this is a threat to civil liberties. “Foucault claimed that surveillance follows from the state’s wish to dominate, control and discipline the population – at least certain segments of it. Higgs declares this to be a one-sided view, and that it is easy to criticise the state for intruding into the private sphere, exemplified by the Nazis, Stalinist Russia, the former German Democratic Republic – dictatorial regimes with weak civil societies. Modern nation states also collect information about their populations, but democratic checks and balances, through intermediate bodies such as NGOs, religious organisations, unions, citizens’ groups, etc., prevent Orwellian situations from occurring...”

“Higgs posits that the motivation behind information gathering by contemporary states may be the same, but new techniques of collecting and deploying information may have different *effects* from those of the early modern period:

> the process and scale of surveillance and information gathering at the national level may have changed the nature of the stigmatisation of specific groups, particularly itinerant communities

> the modern state in the 19<sup>th</sup> century created new *forms* of information gathering, to acquire the data used for national surveys

> the development of modes of cross-referencing expanded the range of surveillance possibilities

“But Higgs’ argument is also myopic in some ways. Foucault is not on everyone’s bedside table...!” Lucassen declared. He provided an extended comparison of state policies vis-à-vis information gathering with regard to Gypsies (Zigeuner) and other itinerant groups in England and Germany.

The Gypsies’ “peripatetic way of life” has bothered authorities “for centuries”; rulers on various levels have tried to gather information regarding Zigeuner identity and movement in order to control them. England had a relatively decentralised process of state formation; Germany was rooted in a more authoritarian centralist tradition. The case of the Gypsies “may also reveal the limits of liberalism in democratic states”, as it requires a different approach from that taken in the case of criminals and terrorists – traditionally mobile groups such as Gypsies do not pose an immediate threat to the state or safety of the citizen.

Lucassen explained that the Gypsies appeared in England as a small and highly conspicuous group at the beginning of the 16<sup>th</sup> century, from Eastern Europe; their ancestral home was India. They were identified by dark skin and “exotic cultural practices”. Soon statutes were promulgated banning Gypsies from entering Great Britain; those who were apprehended were declared felons without trial, and those who did not leave England were liable to be given the death penalty.

“Repression of Gypsies and itinerants was part of the larger state schema to restrict the mobility of the lower classes in general,” the speaker added. “This was a consequence of the increasing proletarianisation and wage labour that accompanied the enclosure movement from the 16<sup>th</sup> century onwards. Large numbers of people took to the road to find work – seasonal labourers, discharged soldiers, tinkers, booksellers, vagrants. Local authorities felt threatened and pressed for statutes against vagrancy, which from the mid-16<sup>th</sup> century was seen as one of the most pressing social problems.”

This changed to some extent after the Settlement Act of 1662, which altered the system of poor relief, “created a miniature welfare state” and reduced vagrancy and migration. This institutional shift was also most likely responsible for the decrease in anti-Gypsy legislation in the 17<sup>th</sup> and 18<sup>th</sup> centuries, Lucassen stated. “These laws had been instituted mostly at the local level, where authorities feared being overwhelmed by the social and criminal activities of vagrants. The local statutes provoked central ones; and this nationalisation created its own dynamics... The loop from local to central and back to local could have stigmatisation effects similar to that associated with top-down legislation, whether high-modernist in nature or not...”

However, the transition to direct rule and the nation state in the 19<sup>th</sup> century did not

fundamentally change the “bottom-up” state reaction with respect to vagrant criminals. The London metropolitan police, established in 1829 and considered the first professional police force, did gather information about criminals and offenders, “but not very systematically”, according to the speaker. “Surveillance at that time was random, not very active even in relation to groups who could pose a political threat, such as communists and anarchists, who caused frantic unrest among authorities in France and Germany. The English police stayed relatively relaxed till the 1860s, when they began spying on Irish nationalists. A special branch of the metropolitan police was established in 1883, initially intended to counter the extremist Irish Republican Brotherhood; but the scope soon broadened to monitoring of all potential threats – including Indian nationalists in London... This surveillance continued into the 1940s, under the direction of Winston Churchill, then Home Secretary; target groups included socialists, suffragettes and foreigners in general...”

However, there was no enactment of specific national legislation aimed at groups considered a social and not a political problem. Local authorities could only frustrate and fight itinerancy, especially of family groups, by deploying general national laws. Other such laws, for instance the Hawkers and Peddlers Act, enabled itinerants to procure special licences for trading, hence rendered them for the most part immune to anti-vagrancy legislation.

“This is not to suggest that there was a tolerant climate towards Gypsies,” Lucassen clarified. “On the contrary, hostility was widespread. All kinds of laws were applied to make their lives as difficult as possible and force them to move on to another locality. These pressures included surveillance by local police, and registration.”

In general, state efforts to create uniform and interactive legislation and thereby make Gypsies “legible” always failed in the British case. From 1945-68 there was no change. The first national legislation in this regard, the Caravan Sites Act, stipulated that local authorities had to procure “decent” locations for Gypsies to stay. “But this was undertaken to end the continuous pressure on local authorities – it was not to make the category of Gypsies more ‘legible’... The definition of the problem was predominantly in social and planning terms, and surveillance remained scattered, uncoordinated and confined to the realm of the local police. Gypsies were accused of not living an orderly life, living in bad material conditions, not sending their children to school,

camping on land without permission of the owner...”

This “criminological perspective” imposed on Gypsies in Britain was “not absent but less dominant” than in Germany, which had a different set of state dynamics.

From the 15<sup>th</sup>-18<sup>th</sup> centuries, German authorities had a similar reaction to Gypsies as the authorities in England. “After a short period of tolerance and curiosity”, in the 1490s the Holy Roman Empire accused Gypsies of being spies for the Ottomans, and banned them from the empire. Those who disobeyed could be branded, punished and killed without trial. Till the mid-17<sup>th</sup> century, Gypsies were largely left alone because of their itinerancy; from the 1660s onwards, the attitude towards Gypsies “hardened” and their conflicts with the local authorities “intensified”; Gypsies were outlawed, hunted down and spontaneously killed, following what can now be terms “Foucauldian” logic intended to “discipline” a population.

“In Germany, the nationalisation and secularisation of poor relief took the form of the argument that everyone should have a parish where he/she was entitled to benefits,” Lucassen asserted. “However, while the Settlement Act in England reduced vagrancy, Germany’s ‘Heimat Principle’ has the opposite, radically different effect – it stipulated that newcomers could only receive benefits when they had had contributed enough by paying local taxes. Poor migrants who could not contribute were either sent back to their places of origin or refused residency. As a minimum of three years stay in a parish was mandatory in order to gain residency rights, the itinerant way of life did not fit this model at all.”

The speaker emphasised that unlike in England, migrant groups in Germany did not have a *right* to poor relief; it was up to local communities to decide the terms of entitlement. Additionally, Germany was an “extremely complex patchwork of states and local jurisdictions with no uniform policy with regard to the wandering poor. The Heimat Principle created a class of itinerants who were permanently excluded and did not have any home parish at all. They were a continual threat to local authorities; some formed criminal bands that moved from one small state to another and were often hunted down and killed. This led to the stereotype of Gypsies as innate criminals. Gangs accused of large-scale theft and murder were rounded up and tried in court.

“In addition, from the 18<sup>th</sup> century onwards,

special investigators compiled and distributed 'Kriminalisten', lists of wanted people with elaborate descriptions of their physical features, thereby documenting individual identity long before this became a practice in 19<sup>th</sup>-century administration. In the early modern period, 84 substantial Kriminalisten were issued, especially in Germany's southern states."

Before Prussia unified the German territories into one Reich in the 1870s, direct rule in these small states followed the general European pattern, contrary in nature to policies in England:

> Vagrants and vagabonds were primarily seen from criminological perspectives

> Central police authorities developed anti-vagrant policies

> Changes in the poor laws of 1842. These laws had been created to facilitate migration in the era of industrialisation, thus making labour flexible, and encouraging workers to move to places of capital and stabilise the local workforce; local authorities could not send people back to their places of origin. The underlying principle was that people were free to move and settle where they chose; "towns and villagers had to accept newcomers and could not exert the discretionary right to exclude". However, under the 1842 act, direct legislation of poor relief was left to local authorities, "who kept denying paupers the *right* to welfare..."

One consequence was "much more stringent surveillance" of the population in order to distinguish those who belonged to the community and those who were to be excluded.

"The police were most worried about the identity of the wandering poor – how to ascertain if someone was the person they were looking for, especially in relation to crime. Also, it was impossible to know which municipality vagrants should be sent back to, in case of unemployment and destitution," Lucassen commented. "Gypsies were only one group within a very large category..."

The slow change to direct rule witnessed a shift from "reactive" to "proactive" registration activities, according to the speaker. The initial Kriminalisten were issued after crimes were allegedly committed by Gypsy gangs. But from 1810 onwards, the police argued that it was necessary to map *all* vagrants who could be a *potential* threat to public order and safety. Special publications were issued in this regard, titled *Information Based on Police Files*, an extension of

the form of Kriminalisten. Personal descriptions, especially with regard to physical appearance, underwent a process of standardisation. In 1819, a Danish booklet with 3000 descriptions was published – these were of all individuals who in the preceding decade had come into contact with the police. It had an index enabling people to be identified on the basis of very definite physical characteristics – "an anthropometric principle that would be perfected by Alphonse Bertillon". In the late 1820s, another publication by a senior police officer provided detailed genealogies of various vagrant families "who, criminal or not, should be constantly watched"; the text anxiously speculated about "illegible" family relations and identities, considered typical of Gypsies.

The next step in the "professionalisation of information gathering" at the central level came in the form of "police journals", published in most German states from the 1820s onwards.

"Masterless riffraff, vagrants and vagabonds" were the main target group explicitly associated with criminality. "In contrast to England, where the fear was that these groups would misuse the poor laws, the fear in Germany was that itinerants would pursue organised crime; vagrants were suspected of deliberately moving from one place to another to mislead the police, and hiding their identity in order to commit crimes," Lucassen explained.

"Consequently, the state issued 'passports' or 'wandering' permits to those they considered 'legitimate' itinerants and who thus could be distinguished from the 'bad' vagrants..."

"Police journals wanted to present descriptions and activities of 'real' criminals, but most of the space was soon filled with accounts of migrants, most of whom were apprehended because their 'passports' were not in order; the majority were in search of work; a few were moving with their families. The authorities recognised that many migrants were trustworthy and had good economic reasons to move, but feared that this mobility would be abused by those with less honourable intentions."

The core of this "dangerous class" were itinerants without passports or other identification documents, or with forged permits. "People who hid their identity were a nightmare for the German officials – this preoccupation explains why Gypsies were featured more and more in police journals in the second half of the 19<sup>th</sup> century," Lucassen remarked. "First, they were more visible because they moved in caravans; and second, their identity was unclear – not in the least

because they had been refused residency rights for generations. From 1840 onwards, these two criteria were in many cases sufficient for anyone to be labelled a Gypsy. And for the police, Gypsies and their family relations were extraordinarily complex, meriting extra attention.”

With the unification of the German Reich in the 1870s, a new stage in the problematisation and criminalisation of itinerants set in; German police duties broadened to “welfare tasks”, a tradition rooted in “the modern cameralist thinking of the state for the common good”, Lucassen stated. In contrast to other European states, the German police were now responsible for enforcing social policies (for instance, against alcoholism, unsanitary living conditions and “antisocial behaviour”) as well as law and order. This gave the police “an unlimited power of definition”, and the “social problem” of Gypsies remained solidly in the domain of the police. Their strategies made life “as difficult as possible” for the Gypsies, who were forced to settle, and experienced a “hardening” of social stigmatisation. They were defined as “a cancer in the body of the state”, and were the object of a “frantic” registration initiative in police jurisdictions.

An example is the Gypsy Centre of the Munich police, established in 1899, which gathered information about Gypsies and their activities, and from 1900 systematically registered Gypsies and took their fingerprints. In 1905, the centre published a *Gypsy Booklet* with the names of 4000 Bavarian Gypsies, 630 described in detail; 7000 copies were printed, for official use only.

“The definition of Gypsies had become more racial/ethnic through anthropometric identification practices, but in these texts the definition was clearly a social one, namely, ‘all those who wandered around with their families’, especially those itinerants whose identity was unclear...”

“The booklet became a model text for police in other states, and the Munich centre became the registration hub for Gypsies. It is speculated that the information collected here greatly facilitated the rounding up of Gypsies by the Nazis for extermination in death camps,” Lucassen remarked.

Germany fits much better into the Foucauldian modernisation paradigm than does England, according to the speaker. “Scott’s ‘high modernist’ model of ‘legibility’ applies much more in Germany. The Gypsy case is a useful and critical one that enables state action to become extremely visible, but in terms of illustrating state formation, it is atypical...”

Lucassen said he disagreed with Scott’s theory that the absence or weakness of civil society is “a necessary condition” for high modernism. “In some cases of political consensus, such as full-fledged democracies, extreme intervention and social engineering also take place – take for instance the history of eugenics and forced sterilisation in 20<sup>th</sup>-century Sweden. From 1935-75, about 60,000 people were sterilised against their will. Or take the treatment of colonial subjects in Paris from the 1980s onwards...”

Apart from the deliberate use of information by the state to monitor, control, discipline and legislate, an “unintentional effect” of information gathering is that data kept in different places in state bureaucracies can be mobilised and centralised – “in which case state officials are more likely to misuse their power for oppressive purposes”, Lucassen concluded. “Scott gives the example of the Dutch population registers that were used in this way by the Nazis to round up Jews in Holland in 1940; one category of information in the registers was ‘religion’. The contemporary French ‘aliens card’ similarly was set up for innocent purposes, but has had very deadly consequences...”

Jane Caplan initiated the discussion following the keynote lecture, thanking the speaker for his “incredibly interesting” paper, and commenting that the collaborative research she had been doing with historian John Torpey for some years has also reached a stage where some difficult “longitudinal and comparative” work could be done. “Similar work is going on in France, for instance by Didier Bigo and Pierre Piazza. Doing these studies exposes you to a large number of factors that you have to deal with; and the trick is to identify these...”

Therefore, singling out the poor laws in Europe, as Lucassen had done in his argument, was very important. But one had to make the selection from various other things, Caplan remarked. “There’s a surrounding case for the difference between England – it is England that Higgs is talking about, not Britain – and some other parts of continental Europe: which is in the existing detachment of populations from places of settlement, even though the poor law works on places of settlement. There’s no longer a fixed peasantry, and the degree of mobility is so much greater in England, generally speaking. So the issue of internal movement is a critical one.”

With regard to Lucassen's reference to pre-industrial forms of mobility, Caplan explained that one of the most important, from England's point of view, was "the export of parts of its population to other parts of the world, through practices of transportation/immigration/indentured labour", which also began in the late 17<sup>th</sup> century.

"That issue may not be physically so important, in the sense of the number of people who were removed, but it seems to explain a great deal about 19<sup>th</sup>-century policing in Britain – or at least has to be brought into it – and the poverty of criminological theory in Britain. The problems of policing in Britain came really in the 1850s and '60s, when transportation to America and Australia ended – that's when these issues came to be discussed...

"It's a kind of lucky break, in a way, that in the 1880s criminological theory had not made the transition to its highly biologised form. This might help to explain why things are different in France and Germany." Caplan then asked whether this factor, i.e., other forms of population mobility, could be figured into Lucassen's argument.

Wendy Chun stated that while listening to the lecture, she found herself thinking, "Well, this is Foucault versus Foucault..." One is the Foucault of *The History of Sexuality*, *The Care of the Self* and *The Use of Pleasure*, when he talks specifically against the repressive hypothesis; the other is the Foucault of *What is Enlightenment?* in which he disagrees with Habermas centrally around the question of domination; "here he argues that his work is *not* about domination, and argues very much for the capillary exercise of power". Which part of Foucault's work did Lucassen as a theorist find most helpful?

Radhika Singha remarked that in connection to Caplan's question about how different patterns of population mobility shaped different policies towards the Gypsies, she was curious about how different notions of territoriality had been assimilated into this schema. "In the case of India, for instance, there are a lot of studies arguing that the Criminal Tribes Act (CTA) is against nomadic groups. But in fact, it is *not*. In the first version passed in the 1870s, it is against semi-peripatetic groups, not against groups that are entirely peripatetic – i.e., it was against groups that actually had some territorial rights within a certain range of villages..."

"But the notion of 'territorial' also changed. So the first drive of the CTA was to fix people in locations where they already had a base, but on different

terms, with much less ability to negotiate with settled society," Singha explained. "In the case of Germany – England already had a programme for settling these communities – what kind of territory was conceptualised for peripatetic groups? On the one hand, the state wants them to settle, but the local communities are against it... How is the contradiction worked out, if we move beyond different notions of territory and mobility to the larger concept of territoriality itself?"

According to Awadhendra Sharan, Lucassen's incorporation of Foucault only in terms of what he says about power "limits the argument". With regard to Lucassen's use of Scott, Sharan claimed that one of the things Scott does quite early in his book is to make a statement that Sharan found "peculiar, as it is against the tenor of much of the book": the author insists that before we rush into making a critique of high modernism, we should not forget that it has actually been quite beneficial for all of us...

"The 'we' you refer to is quite pronounced," Sharan reiterated to Lucassen. "In your assessment of practices of information gathering by the state, one issue you've raised is the unintended effects of these practices; but it is also necessary to explore the idea of the 'we' about which information is gathered – in whose name/of which public (whatever be its name) Scott writes... What does the 'we' imply when it comes to the making of states, and programmes/policies of that nature?"

Lucassen asked Caplan whether she was suggesting that "exporting" people to America in great numbers, and then as "convict migrants" to Australia, worked as a "safety valve". Caplan replied that she didn't know if it was significant numerically, but conceptually, "as certain points of pressure", it might be useful to consider this as a discursive possibility.

Responding to Chun, Lucassen admitted with some irony that Foucault was "not on his bedside table", and that for this colloquium he had not focused on interpreting Foucault directly but had focused on the way his theories were received and used by various historians. Moving to Singha's query, Lucassen pointed out that in the case of Germany there was a tension, especially in the 19<sup>th</sup> century, regarding what the "central levels" wanted – "particularly in the 1842 Prussian poor relief act, this is very evident" – and what the "local level should or could do". There was a general similarity with the poor law in England, but with one major exception: there was no *right* attached to the German system. "Therefore, those

who did not have a Heimat were totally footloose.” One of the things the state tried to do was to create colonies for the Gypsies, designating specific areas (as in England in the early 19<sup>th</sup> century) for Gypsy settlement and giving up of itinerant life. “But all these experiments failed for various reasons.”

Singha asserted that there must have been a process of de-territorialisation by the state, in order to characterise Gypsies as constantly mobile...

Lucassen agreed, adding that if the actual migratory groups were scrutinised, it became evident that most had very regular patterns. “They stay in an area, do not arbitrarily wander. They often have winter quarters in a place, they have seasonal work patterns... They have ‘fixed itinerancies’, so to speak, and so are not really classically ‘nomadic’, though ‘nomadism’ as a concept is most often used and applied in their context. The Gypsies themselves had a clear idea of their territory, but the state’s gaze was different.”

Taking up Sharan’s query about Scott, Lucassen clarified that the “problem” with Scott, especially in the introduction of *Seeing Like a State*, is that he tries to avoid criticism. “He says his work can easily be critiqued as a romantic, anarchist vision of the state, but to project such a vision is not his intention. However, he doesn’t follow this up textually. I have discussed this with Scott himself, alleged precisely this...”

Caplan also characterised Scott’s book as problematic, but qualified her remark by saying that it was perhaps more “open-minded” than Lucassen suggested. Scott was remaking a much older argument – “that of the state as an engineer, which is from Popper. It is a revisiting of some very old ideas of the Janus nature of the state, put into the current language of ideological diversity,” Caplan argued. “Scott wants local knowledges to survive, although he doesn’t talk about them in that way. But his notion of ‘hidden transcripts’ is there, which is a countering... His introduction is not a way of evading criticism but a recognition that there is a “sort of duality” here, and that he “is on to something...”

Lucassen declared that he liked the book and was inspired by it, but as a theoretical text it was “too easy, too one-sided”. He was at the moment immersed in the preliminary chapters of a new book that Scott was writing, parts of which the author had requested Lucassen to read. This work, “much more grounded”, is on South-east

Asia, Burma, Malaysia. “There, Scott is much more forceful than he is in the very wide vision of *Seeing Like a State*...”

“My main criticism is that he does not stipulate conditions under which states *do* misuse their power of legibility and surveillance, and in which conditions they don’t. In this book, he has only considered cases that fitted his assumptions. This is a problematic approach. It is not in the scholarly mode of Popper, who taught us to also look at cases that don’t fit our assumptions.”

Jeebesh Bagchi drew a parallel with Radhika Singha’s presentation, in which the “pauper Hajji’s trajectory does not differentiate between its origination in Mecca or Bihar or Hyderabad” – the *miskeen* inhabit a particular kind of territory, “with a series of constructs upon which passages are built”. Similarly, Caplan’s study is rooted in the relationship of the nation state of Britain with its massive, often illegible, colonial dominions. The Gypsies as itinerants had their own geography and territoriality that did not fit the state project of mapping. If one looked at the “national-unit comparative model”, it became evident that the images coming out of these “contested” forms of territoriality are very different, and demand a different analytical engagement.

Prabhu Mahapatra remarked that he was somewhat “surprised”, since Lucassen is a specialist in the history of labour, that he had not mentioned, in the case of England, the simultaneous control and development of the labour market through legislation. “Precisely when you think there was no new attempt made to regulate Gypsies generally, you learn that there’s a whole range of master-servant legislation exactly at this time – 1780-1823 – on a large scale...”

“Regarding the criminalisation of free-moving labour itself, roughly 10,000 workers were jailed each year for breach of contract; this is an 1850s statistic, the figure could have been much higher,” Mahapatra added. “A point to remember about the English case is that there was a low-level, informal base of state activity, but it was deeply controlled through Justice-of-the Peace and labour market jurisdictions. The High Court did not intervene but local magistrates were always involved in regulation.”

Mahapatra suggested that Lucassen expand the focus of his argument from the “central-local” dialectic. “Take the issue of the Gypsies as a part of the working vagrant population: is there a way the labour market is controlled in Germany

through criminalisation policies, as compared with the situation in England? Also, taking the question of units of analysis: are Germany and England sufficient? Moreover, since in the 18<sup>th</sup> and 19<sup>th</sup> centuries colonial domination was becoming central, state-making in Britain was deeply and simultaneously influenced by empire-making policies. Douglas Hay and Paul Craven have done a wonderful study of this legislation – the criminalisation of free labour – across the empire.”

Lucassen reiterated that he chose the Gypsies as a “critical” case; and “of course they are embedded in a larger rubric of legislation”...

Reverting to Sharan’s query about the “we” in Scott’s theory, Lucassen commented that it takes us back to civil society and the extent to which certain initiatives for surveillance are being supported, and which social groups are affected. “My analysis tries to bring out the difference in England and Germany. In the latter, ‘we’ implies a top-down state policy, which includes policing for the greater good. But who decides what is good, and for whom? This becomes contentious in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries; Gypsies and colonial migrants have no say in the arena of defining and bargaining in this regard.”

## Panel 2: The Daily Life of Information

Moderator: Jeebesh Bagchi  
*Sarai-CSDS*

### From the Chowkeydari Act to Biometric Identification: Passages from the History of the Information State in India

Taha Mehmood  
*Sarai-CSDS*

**The information gathered through temporary indexes of recall, such as lists or forms, become permanent once they are entered into a register, which becomes an archive of alphanumeric data. On the one hand, this data quantifies the muddle of lived reality into easily manageable digits; on the other hand, it minimises the need for utilising intimate knowledge and trust in order to govern a territory.**

Taha Mehmood described the “emerging sensibilities of measurement” and strategic deployment of information through his analysis of two “seemingly discrete moments in time” – the colonial regime’s introduction of the Chowkeydari

Act (1856), and the current debates around India’s proposed Multiple Purpose National Identity Card.

Mehmood began his presentation, based on his field research, by indicating in the form of “a description, an anecdote and a conversation” three seemingly disparate narratives at the core of the contemporary information grid:

> Subsequent to the passing of the Security Service Regulation Act (2006), a short report in a daily newspaper quoted a Union minister, praising the recent measures “to rope in the services of around 50 lakh private security guards in the country for information gathering, to boost its intelligence network”. The minister added, “We need to know when something is going to happen and where it is going to happen. It is only intelligence that can help, and in this context the services of private detectives and security agencies will be useful.”

> Each year a team of state “experts” visits government departments and inspects all documents and files. Selected material is preserved, the rest is shredded. An employee of the National Archives revealed that during the tenure of the previous government, all files relating to Veer Savarkar, influential ideologue of the Hindu right, were requisitioned and never returned. The files are erased, this employee told Mehmood, and soon so will be the memory of them...

> A taxi service agency in the city has made it mandatory for its employees to submit a “family photograph” along with the driver’s own passport-size photograph. One employee, an unmarried migrant, told Mehmood that he had invented a “family” by asking his landlord and the landlord’s family to pose for a photograph with him.

The speaker commented that the contemporary information matrix is formed of “information foragers” – data entry operators and data miners who feed the information network; it consists of archives and databases as custodians of information. This information grid also hosts the provider and (frequently creative) producer of information, whose strategic “ruptures” in this arrangement often go unnoticed, and yet form a crucial part of information flows and networks.

Mehmood then gave an account of the genealogy of such “foragers” and “miners”, their practices of information gathering embodied in the “chowkeydar”, elusive ancestor of today’s neighbourhood watchman and security guard, a figure that originated in mid-19<sup>th</sup>-century Bengal.

During that time, a number of Company bureaucrats – assistant magistrates, joint magistrates, officiating magistrates, magistrates, officiating commissioners, resident commissioners “and all variety of secretaries and *zamindars* (landowners)” corresponded extensively with regard to a bill on the subject of *chowkeydars*. In November 1850, Joy Kissen Mookerjee and other *zamindars* presented a memorandum to the Government of Bengal, “complaining of the great increase of thefts and gang robberies”; the reason for the increase in crimes was “the disorganisation of the village watch”. In March 1851, Secretary Fred Halliday sent a proposition to the government, to “appoint a commission” to remedy the “evils at present understood to exist”. Halliday’s intent was to use this recommendation to include in his administrative ambit hitherto unpoliced areas of rural Bengal. He proposed that the *chowkeydars* be regularised and given a monthly wage; money for this would be generated by imposing a tax upon the regime’s subjects.

This directly contravened an agreement between the then Governing Council and the *zamindars* at the time of the Permanent Settlement of Bengal – the agreement clearly stipulated that the *jumma* (tax on land) and assessment rates could not be altered, Mehmood explained. “Halliday, however, pushed his case – and in the administrative correspondence that follows, the figure of the *chowkeydar/chokeidar/village watchman/rural police/gorait*, etc., begins to emerge. As the official conversations converge towards the final draft of the Chowkeydari Act, the 17 different spellings and terms for the *chowkeydar* stabilise, as do his duties, functions and responsibilities.”

Halliday declared that the *chowkeydars* are “all thieves and robbers... insomuch that when anyone is robbed in a village, it is ten to one that the first person suspected will be the village watchman”. Moreover, the village watchmen are kept in a “fundamental state of starvation”; they have no legal right to remuneration, “or power to enforce their right if they have any”. The Honourable J.E.D. Bethune, quoting from the criminal statistics of Bengal of 1837, reiterated that *chowkeydars* were “guilty of every kind of offence known to the calendar”. E.A. Samuels, Magistrate of “24 Pergunnahs”, wrote to the Commissioner of Revenue of Circuit, “Nuddea Division”, that he was besieged by *chowkeydars* complaining “of the impossibility of doing duty all night while they are compelled to beg, from door to door, in the day in search of their salary”. In general, observing the rise in *thuggee*, dacoity and theft, and the watchmen’s frequent collusion with criminals, the colonial administration agreed

that the present system of the village watch was “not only utterly useless for police purposes”, but was in fact “a curse”.

The Company was already familiar with the collapse of law and order, since *thuggee* and dacoity were a sustained threat and violent fact in the Company-ruled plains of north India. “William Sleeman’s bureaucratic interventions in this regard are well-known,” Mehmood remarked. “Some historians suggest that Sleeman was able to curb *thuggee* by creating a sizeable archive relating to crime and criminals. He began this work in 1829, ‘with careful cataloging of every *thug* crime’. Reports on each case were sent to Sleeman, and the ‘raw data’ was then entered into ‘a vast registry’ that contained the name of every *thug* who could be identified...”

“This was accomplished through approvers, informers, *thugs* who became friends of the state by providing detailed information about the community,” Mehmood added. “Each listed *thug* was then allotted a ‘unique number’, and against this number Sleeman recorded the individual’s name, address and ‘the details of his atrocities’. The names of his father, brothers, sons and even his adopted children all appeared against his number, as did any distinguishing marks. Sleeman was thus able to map out the complex lineages of ‘more than 80 families of stranglers...’

“Subsequently, a law was passed to criminalise *thuggee*. Moreover, through Act XXIV of 1843, the law relating to professional *thuggee* was extended to professional dacoity.”

Initially, the administration considered using this Act to curb the criminal activities of *chowkeydars*, but decided instead to draft a separate bill to deal with the predicament of the “disorganisation of the watch”. The draft bill was circulated for response in September 1854. It laid down that a tax be imposed on the people of Bengal presidency; that the lands be assessed; that a rate be affixed for levying a tax; and that a “*Punchayet*” should appoint a *chowkeydar* and a tax “*buxee*”, subject to the approval of the magistrate.

The draft presented the roles and functions of each appointment in detail:

> A tax *buxee* was assigned the duty of preparing the assessment list, and referring to a general register the names of assesses and amounts payable for each month

> A *chowkeydar* was subordinate to a *darogah* and answerable to the *Punchayet* and the magistrate

- > All houses were to be numbered, “for the purpose of identifying” a house for assessment
- > There was to be one *chowkeydar* for every 25 houses
- > *Chowkeydars* were given the power to apprehend “without warrant” and “convey immediately to the nearest police station any person or persons taken in the act of any heinous offence”
- > *Chowkeydars* also had the power to “arrest anyone who shall assault or oppose him or any other *chowkeydar* in the expectation of his duty”
- > *Chowkeydars* were permitted to “break open any doors of houses” while pursuing an offender, if the offender took shelter in a house
- > *Chowkeydars* also had the authority to “break open the door” of any house upon suspicion “that violence *will be committed against any person therein*”

“Not surprisingly, the bill created a furore among the *zamindars*, who looked upon *chowkeydars* as their personal servants,” Mehmood explained. “They could not believe that their minions were to be invested with such powers. What began as a complaint about the failing law and order situation turns into a grievance against an anticipated invasion of property and personhood.”

The *zamindars* responded with a stream of petitions urging the government to reconsider the bill. For instance, a petition submitted by the inhabitants of “Mauzahs Bhawanipore, Chukerbare and Kalhighaut in Zillah 24 Pergunnahs” in Bengal humbly begged the Honourable Legislative Council to take note of the “close, constant and irritating surveillance” they will be subjected to “in discharge of many of the ordinary acts of life” in the presence of a police *chowkeydar* under the projected law. They further pleaded that they had “never been accustomed to such surveillance”, and would thus “never feel the absence of such surveillance”. The petitioners claimed that the proposed extension of the ordinary range of surveillance of the *chowkeydars* would afford the latter “vastly increased opportunities” and “inducement” to abuse their powers. The petitioners then respectfully suggested that *chowkeydars* could be “invested with sundry powers to oversee the sanitary condition of the towns”. And before concluding, Jhumer Chunder Mukhiya and 20 other co-petitioners reminded the Legislative Council that “the conversion of Chowkeedari watchmen into Police Chowkeedars will not inspire... confidence... in the Police”.

Consequent to the bill, W. Morgan Esq., the Clerk of the Legislative Council at Fort William, received a barrage of schemes, strategies and procedures from Company bureaucrats all over India, urging him to review the legislation. For instance, in a letter to the Commissioner of the “Huldeea Division”, the Magistrate of “24 Pergunnahs” stated that the “natives” did not want the *chowkeydars* to be appointed by him, as a magistrate cannot judge the “true character” of a *chowkeydar*; thus, the public would have to accept “loose characters” who are “more intent on making love than... catching burglars”. The magistrate, on his part, claimed that there was an urgent need to rescue the *chowkeydar*, who was a mere “tool or slave of the Punchayet”.

A particular set of astute recommendations came in November 1854 from J.A. Craigie Esq., Magistrate of “Mozufurnugur”, in a letter to M. William Esq., Secretary to the Government of the North-West Province. Craigie suggested that:

- > The requisition form used to make a list of all the assessable “natives” be numbered, and “guide for numbering” should be supplied alongside. These numbers should correspond “to those affixed to the houses”.
- > Rather than maintaining one “Register” as mandated by the bill, it was advisable to maintain three separate registers with headings printed, and the pages numbered, with the numbers printed.
- > Instead of the “Bukshree” simply giving “a receipt under his seal and signature”, he should acknowledge the payment by “a printed numbered receipt under his seal and signature”
- > While serving the summons, the “Bukshree” should call out for the defaulters by denoting their “number, name or description”
- > *Chowkeydars* should be “numbered by a brass Chuprass”, and the “designation be engraved”
- > No *chowkeydar* “should even appear without these Badges of office”
- > The *chowkeydar* should retain the same number till the end of service; and if they are “discharged or dismissed”, they will “be traceable in a moment”

The petitions and proposals were then referred to a Select Committee, which however rejected most of them, considering them “minor alterations” which do not call for “any particular remark”. It stated clearly that the bill be introduced only in places where there is a regular police station, “so

that the Chowkeedars may be in all cases under proper surveillance". On 14 November 1856, the Governor General passed into law the "Bill for... the appointment and maintenance of Chowkeydars in Cities, Towns and Bazaars in the Presidency of Fort William in Bengal".

Mehmood pointed out that the *chowkeydar's* role was thus conceived as the smallest node in a gigantic bureaucratic network; he formed the "first layer of governance", yet he was not to be trusted. The regulatory apparatus could also be seen in the provisions of the Act, which stated, "If any person shall wilfully remove, obliterate or destroy... name or number" affixed on a "street of number of houses", the magistrate may impose "a fine of twenty-five rupees" on the offender.

"The information gathered through temporary indexes of recall, such as lists or forms, become permanent once they are entered into a register, which becomes an archive of alphanumeric data," Mehmood asserted. "On the one hand, this data quantifies the muddle of lived reality into easily manageable digits; on the other hand, it minimises the need for utilising intimate knowledge and trust in order to govern a territory."

Transposing the logic of colonial identification practices to the context of modern India, the speaker posited that Craigie's interest in the notion of being able to "trace" people through their unique identification number "is being relived in the contemporary moment with renewed vigour". Reliance on the enduring quality of the number is increasing, as face-to-face social interactions decrease. The state deals with the "conundrum" of these "disappearing bodies" by abstracting personal information from "citizens", subjects and consumers, and siphoning it as data into flows, to be reconstituted as "data images".

This appears to parallel the state's attempt to permanently mark the citizen in the "registers" of the state's memory, in the form of ones and zeroes, binary signifiers.

"The digitally-enabled national ID card is one such technology of remembering," Mehmood explained. But the "transmutation of the trace from a handwritten inscription in a register to its contemporary imaginary as a digital data body" was a slow and tedious process, preceded by two crucial civic documents: the ration card and the voter identity card.

Initially, the ration card was used as an all-purpose identity document, but by the turn of the millenium this began yielding to the voter identity

card, an entity that inserted its own dynamic into the existing protocols:

> In May 2000, the then minister of state for consumer affairs and public distribution, V. Sreenivasa Prasad, while replying to a question in parliament, confirmed that the state governments and union territory administrations "have been directed to issue instructions to not insist on the production of ration cards for identification purposes"; instead, instructions were that the photo identity card issued by the Election Commission be used

> The EPIC (Electronic Photo Identity Card) was issued in 1993, but the data in the card was not entered in the electoral rolls

> The process of merging data began in 1997

> Till 2005, only 69% of electors were issued "defect-free" identity cards

> These cards also had doubtful credibility – in July 2005, law minister H.R. Bhardwaj, responding to a query in parliament, proclaimed that "the possibility of duplicate or multiple entries... or names of dead electors in the electoral rolls, resulting in the inflated rolls... cannot be ruled out"

Mehmood then outlined earlier political statements about proposed identification policies:

> On 15 August 2001, then Prime Minister Atal Bihari Vajpayee declared in his Independence Day speech that the government planned to issue a multipurpose national identity card (MNIC) to each citizen

> On 10 December 2003, a Government of India gazette notified a change in the Citizenship Rules, to include the registration and issuance of national identity cards to its citizens

> On 13 December 2003, a parliamentary standing committee on home affairs presented a report on the Citizenship (Amendment) Bill, which introduced a scheme for the compulsory registration of every citizen of India

> In his address to the nation on 14 August 2006, President Abdul Kalam announced that the state "may consider introduction of national ID cards and implement the national e-governance grid for... transactions, within two years' time"

Mehmood remarked that if the national ID card was introduced, it would "be much like the practice of the *phatuk bundee* form of policing", prevalent in medieval and early colonial India,

“where in order to access a town, especially at night, one would enter through a *phatuk* (gate) watched over by a *chowkeydar* who would allow and disallow entry”, depending on whether one carried the necessary tokens of identification.

“The national identity card seems to introduce an identity token ratified through ‘national’ membership, if one wishes to go unscathed through the *phatuk* of legality and access a wide range of ‘welfare services’...

The project seeks to allot each citizen with a unique National Identity Number. This number would be entered in a master register created through the centralisation of local registers. Moreover, the card’s memory will contain, among other things, a biometric fingerprint of the citizen. The card can be read by a scanner placed anywhere between a distance of 100 to 1000 centimetres.

“The MNIC would push the practice of marking to a new technological paradigm,” Mehmood added. “What begins as a bureaucratically rationalised ritual, in the form of Sleeman’s ‘registers’, to mark the fringe population of deemed criminals and delinquents, enters the registers of what Max Weber would call a ‘dossier society’... From a bronze *chuprass* to be pinned on the uniform of a *chowkeydar*, with ‘number and the name of the city, town, place or division... engraved thereon’, it stands on the threshold of a possible imagination of an all-pervasive state, punctuated by digitised technologies of remembering, and potentially inventive conditions of citizenship that promise to leave no one unmarked...”

“But what would happen when this intricately conceived, carefully designed architecture of information extraction and retention is ready to be implemented on a national scale?”

Mehmood cited a report from the Kolkata edition of the *Telegraph* of 23 August 2005, which stated that the MNIC survey failed to verify about 90% of the population in West Bengal’s Murshidabad district. A report in the same newspaper, filed on 18 August 2005, had described how the MNIC enumerators did not accord citizenship status to about 400 Bengali- and Persian-speaking Iranis who possessed the necessary identity documents, such as the ration card, driving licence and election photo identity card. This miniscule community had settled in that district approximately 70 years ago.

“The story of these Bangla-speaking Iranis, or Farsi-speaking Bengalis, is symptomatic of a shift in the sensibility of measurement,” Mehmood

reiterated. “As the apprehension of the state to mark any individual it wants to deem as a citizen increases, so does the anxiety in those who are to be thus marked. The totality of marking seems to produce a condition where nuances of individual personhood tend to dissolve into a homogenised idea of a ‘citizen’.

“This is normalised by the excessive production of information around categories. Information, characterised by numerical precision, paradoxically becomes an abstract entity in itself.”

Mehmood supported this assertion with an account of the state’s use of Face Recognition Software (FRS) in identifying “suspect identities”; this technology is to be developed by the National Institute of Criminology and Forensic Sciences (NICFS) in collaboration with the National Crime Record Bureau (NCRB). The software reduces a human face into a set of 80 nodal points, called the “Eigen Face”. For a successful match, a concurrence of between 14 and 22 nodal points, at the very least, is required. The software detects an image from a digital camera. The image is then “normalised”. This is followed by “representation”, where the image is broken down to its “bare binary essentials”. The pixel size of the image is matched to the pixel size of the database stored with the computer. These digitally compiled portraits are stored as a database, and the NCRB supplies the assembled portraits to be matched with suspects.

“This database consists of photographs of 557 males between the ages of 25 and 64; for the purpose of creating the database, the NCRB requested its own employees to be photographed. Thus, ironically, the ‘average’ image of the so-called ‘subversive’ population – of lawbreakers – was constructed from the ‘average’ image of the so-called ‘subservient’ population – of law enforcers...”

The speaker concluded with a reminder that as the debate around the deployment of the MNIC, a “contact smart card”, intensifies, the discourse around the use of “contactless smart cards” has also begun. This new technology will not require a card to be inserted in a machine to be scanned – it will be embedded with a mechanism to not only read the content of the card from a distance of one kilometre, but will also detect the presence of a card within the same distance.

“The technology will make the act of scanning and verification a *random* one, and in this randomness will lie its power,” Mehmood declared. “A person can then be scanned anywhere, at any time. But the technology will simultaneously contain within

its logic the possibilities of escaping detection, of defying digital scrutiny. It will be interesting to witness and document the debates, modes of implementation, and ruptures in this technology – which so far is regarded as something that cannot be faked, altered or fabricated.”

**Ghareeb Aadmi ko Kaun Dekhta Hai (Who Sees the Poor Person)? The Khullam-Khulla (Transparency) Principle and Beyond on the Streets of Delhi**

Aman Sethi  
Journalist, Frontline Magazine

**The logic of the panopticon inverts to an altered dialectic of the seen/unseen, based on the principle that in a scenario of constant supervision, complete visibility is often the best camouflage; certain processes can often be rendered so transparent that they become invisible.**

Aman Sethi analysed the “realm of everyday law-breaking” in the context of a labour *mandi* (market) on a four-way traffic intersection at Bara Tooti Chowk, in Delhi’s congested Sadar Bazar.

Invoking the complex relationship between the inhabitants of the chowk and the local surveillance apparatus – the police constable and surveillance camera – the speaker remarked that it was possible to imagine the “contours, spaces and populace of a city by simply reading its municipal laws”, ordinances and court directives. These include:

- > The Madras Restriction of Habitual Offenders Act, 1948
- > The Punjab Security of State Act, 1953
- > The Madras Dramatic Performances Act, 1954
- > The Delhi Public Gambling Act, 1955
- > The Bombay Prevention of Begging Act, 1959
- > The Delhi Police Act, 1978

These acts regulate, among other things, “the leading, driving, conducting or conveying any elephant or wild or dangerous animal through or in any street”; penalise “bathing or washing in places not set apart for the purpose”, flying kites “or any other thing so as to cause danger, injury or alarm to persons, animals or property”, and “being found under suspicious circumstance between sunrise and sunset”.

Such legislation creates the image of India’s capital being a site of continuous anarchy, where the Municipal Corporation of Delhi (MCD) and the Delhi Police “work overtime to contain the dark forces of chaos that threaten to engulf the city”, Sethi commented with some irony.

The Bara Tooti labour *chowk* is a space where daily wage labourers sit each morning, waiting for employment that is provided by small contractors, homeowners and shopkeepers. At any time, one may find between 20 and 200 labourers at the *chowk*. Some live in nearby rented accommodation; “most sleep, eat, live and work on the pavements”. This is illegal under Section 84 of the Delhi Police Act, that prohibits the obstruction of pavements and footpaths.

Section 84 notwithstanding, the *chowk* is, in the eyes of the law, “illegal and illegitimate under a host of other sections, sub-sections and clauses; and yet it exists, survives and occasionally thrives”, according to Sethi. The *mandi* is thus similar to many different “processes and agents” that persist in the city – despite the best efforts of the media, the courts and upper-middle-class groups such as Residents Welfare Associations “who file Public Interest Litigations”. Editorials in newspapers “bemoan how the authorities regularly turn a blind eye to all manner of violations, complain ceaselessly about how India is the most legislated, yet least enforced country in the world; and finally ask the big, poignant question: ‘What are the police doing?’”

The police are represented by the figure of the constable, who according to the ‘Definitions’ section of the Delhi Police Act, is “a police officer of the lowest grade” – a “job description that is as unflattering as it is accurate”, yet is perhaps “the most essential cog in the law enforcement machinery”, Sethi added. The constable is close to the street and the public, is the “most subordinate of the subordinate ranks”, but in terms of presence, “is the nearest organ” of the surveillance and security apparatus of the state.

The speaker explained that the constable’s duties include imposing a degree of order and control, managing the disorderly and disruptive, ensuring that no one on his beat “violates any of the hundreds of statutes that govern street behaviour”, and reporting illegal/suspicious activities or persons. His presence is supposed to deter potential offenders. The population, for its part, is supposed to cooperate with the police on every level. However, “a situation where laws, juridical directives and government policy render an entire way of living illegal poses serious problems for even the toughest of constables”.

The choice is to either enforce legality through violence and the use of force, or work out a strategy where both parties arrive at a “mutually beneficial interpretation” of the rules, accompanied by “ritualistic face-saving for all”.

Sethi reiterated that the “pact” between the constable and the workers, shopkeepers and “interlopers” at Bara Tooti is based on the “axiomatic truth that everyone has a family to feed – hence any compromise that hampers the job prospects of either the constable or the denizens is bound to fail...”

“Thus, the constable approaches his daily duties with a certain reluctance to act unless a transgression becomes impossible to ignore... and the street population ensures that it never openly flouts a constable’s authority.”

Sethi quoted Mohamad Ashraf, a labourer at the *chowk*: “*Yahaan jo bhi karna hai, karo – bas, khullam khulla mein mat karo* (Do whatever you want here – just don’t do it openly).”

*Khullam khulla* – literally translating as “out in the open” – is a popular Hindi phrase, implying an openness so brazen and complete that it borders on excess; it is instantly recognised as part of the lyrics of a popular Hindi film song.

“In the classic compact between the police and the street population, the *khullam khulla* violation of laws – such as playing cards, drinking alcohol, selling marijuana or simply sleeping on the pavement in full public view – qualifies as the extenuating circumstances that warrant a police crackdown,” Sethi explained. If the constable does not intervene, he may be seen as a defaulter by his senior officers, and risk losing his job.

Therefore, business is conducted “*chupke chupke*” – a popular Hindi phrase literally translating as “quietly”, “stealthily”, the repetition emphasising the covert nature of the activity; it is also instantly recognised as part of the lyrics of a popular Hindi film song.

“By postulating that suspicious transactions be conducted in narrow alleys, darkened shops and away from the main road, the *chupke chupke* formulation works on the premise that given the opportunity, the police will look the other way,” Sethi added.

The speaker then gave two examples of the *chupke chupke* principle in typical operation at Bara Tooti.

The first concerned Lalaji’s teashop in Barna Gali. This structure resembles the “fossilised remains

of a creature formed by the successive spawning of an entire generation of pots, pans, stoves and cement”. It is a large concrete shelf, 6 metres high, 10 metres wide and 3 metres deep, fused onto the rear wall of the Aggarwal Samiti Mandir premises. The temple management has leased out half the “shelf” to a machinist, who works crouched on that narrow ledge, surrounded by lathes, wires, capacitors and resistors. The other half had originally been rented out to a jeweller, but he had moved out and was litigating for full use of the space, while Lalaji, to whom he had subleased the shelf five years earlier, “has dutifully deposited his rent of Rs 200 every month in court ever since”.

Sethi explained that the teashop was illegal for several reasons – it is a commercial establishment without a licence; it does not follow most laws set in place for the regulation of eating houses; and it is an illegal addition to a quasi-legal construction. “But that doesn’t seem to bother Lalaji. His shop is in the inner part of the inner part of the *gali* – insulated from even the most inquisitive senior police officer. Of course, the local constable knew of the shop – this information is part of his job – but a certain sum of money exchanged hands, and the shop has run without interruption for 5 years. Lalaji’s father also happened to be friends with the local political heavyweight, a fact Lalaji did not conceal. However, he knew that if he set up his shop in the centre of the *chowk*, the police would be forced to act – and no political connections would be able to save him.”

The second case was an example of how *not* to deal with the police at Bara Tooti. “A few months ago, a labourer named Munna made the mistake of getting into a drunken brawl on the main road. Not surprisingly, a constable arrived within minutes...” But instead of retreating *chupke chupke* into the anonymous “inner part of the inner part” of the *gali*, Munna confronted the constable *khullam khulla*, with obscene suggestions about the latter’s sexual incapacity. Consequently, “a *lathi* (bamboo staff carried by constables) swung through the air and broke both of Munna’s arms”.

Sethi asserted that it would be “simplistic” to view the relationship between the constable and the inhabitants of the *chowk* as “purely extortionist”. The constable too is “vulnerable” to the *chowk* in different ways; the nuances and nature of certain local relationships are intelligible only to those enmeshed in them. “The *chupke chupke* formulation works by placing illegality just beyond the line of sight of the constable – allowing him

the option of 'not seeing'. However, acts committed *khullam khulla* break the compact of strategic oversight between the constable and the population, and force the former to intervene."

The speaker then described the other side of the coin: the logic and mechanisms of the senior rungs of the police force, "far removed from the dusty market that is the workplace of the constables at Bara Tooti". The "plush" office of A.K. Garg, Deputy Commissioner of Police (North Zone), is now linked via a "sleek new Dell machine"; he can monitor the entire area through a series of 25 high-resolution, fully manoeuvrable digital cameras that stream live footage to his desktop 24 hours a day, 7 days a week.

According to Sethi, an employee of Turbo, the company assigned to provide the hardware and software for the surveillance project, revealed that the cameras installed across Delhi are "truly world-class". Each camera has a 12x optical zoom capability, a special high-contrast night mode, and is equipped to take still photographs. All cameras are connected to a massive intranet that has been specially set up for the Delhi Police by Airtel, and carry unique I.P. addresses. To minimise security risks, the support infrastructure for the intranet is physically separated from that provided by Airtel for its commercial internet users. Each set of cameras is connected to a battery of 8 serially connected, 400 GB hard drives, giving the system a combined storage capacity of 4.3 terabytes.

"This is just the beginning," insisted the Turbo employee.

Embedded at the core of the North Zone, Bara Tooti *chowk* has also been equipped with its own surveillance cameras, installed in early 2004 after the police intercepted a truck laden with explosives, believed to have been operated by the Jaish-e-Mohammad, in a parking lot on nearby Qutb Road. The constables claim that the cameras have helped them to catch individuals involved in Sadar Bazar robberies; but the cameras have also created problems for the custodians of the law. The camera feeds are beamed not just to the DCP's office but also to the nearest police *thana* (station), Sadar Thana in the case of Bara Tooti, which is usually within a one-kilometre radius. "However, the constable on duty has no access to the feed; he relies on instructions passed on from his seniors via wireless," Sethi clarified. "Thus, a surveillance operator in the local *thana* scans the length and breadth of a particular area for suspicious persons, objects and actions, and then asks the constable on the ground to investigate..."

"The camera itself is incapable of making distinctions or decisions, and so the constable remains the most immediate part of the surveillance-verification apparatus. But the camera is very effective in raising suspicions. The bleached, slightly grainy images captured on film make everyone look like a potential threat, and the absence of an audio gives everything a grim and slightly sinister air..."

"The presence of the camera forces the constable to acknowledge that he too is constantly under supervision, and this alters the nature of the alliance between the residents and the constable."

Sethi remarked that he had interviewed a few senior police officers directly involved in the project; they all spoke "glowingly" of how the surveillance camera would bring greater accountability to all levels of the police force, "particularly among the subordinate ranks". The residents of the *chowk*, meanwhile, were less concerned with the constable's accountability than with evolving "newer forms of camouflage" to deceive the constable; he could not resort to his earlier strategy of "not seeing" certain things, as the camera saw everything.

Anything that looks even slightly furtive on camera now elicits an investigative response, Sethi commented. "If asked to check whether an unattended bag on the street, that has been noticed at the monitoring station, contains any bomb-making paraphernalia, a constable cannot say that it just contained a few pouches of marijuana. Instead, he has to observe protocols, accurately report his findings, be commended for his role in a drug bust, and earn the wrath of the local marijuana peddler who pays him a few hundred rupees each month specifically to 'not see'. Thus, the *chupke chupke* formulation takes a serious beating in these circumstances."

According to the speaker, at Bara Tooti *chowk* the logic of the panopticon leads to what he calls the "*khullam khulla* inversion" – an altered dialectic of the seen/unseen, "based on the principle that in a scenario of constant supervision, complete visibility is often the best camouflage; certain processes can often be rendered so transparent that they become invisible".

Sethi then invoked Roy Brehan's *Art and Camouflage: An Annotated Bibliography of Camouflage*, which describes different techniques of this mode. "Mimetic resemblance" does not seek to hide an object, but merely makes it look like another object that is of little interest to the seeker. "The *khullam khulla* inversion works as a form of urban mimetic resemblance which hinges

on the assumption that no one breaks laws in broad daylight. What is furtive is immediately suspect, but that which is committed in full view is usually overlooked.”

The *khullam khulla* inversion also explains how it is easier to drink on the streets by day, rather than by night, Sethi asserted. He described how a group of labourers from the *chowk* are seen on camera with steel tumblers in their hands, apparently enjoying an innocent collective tea, mid-afternoon. “The empty Pepsi bottle at their feet is just an example of the abysmal indifference to littering that is endemic to all of us.” The imbibing takes place *khullam khulla*, and there is no disturbance or intervention at the *chowk*. At night the surveillance camera switches to high-contrast mode, and the group instantly transforms into figures of suspicion. The Pepsi label on the bottle is taken as evidence of an attempt to mask the fact of cheap whisky; the steel tumblers are seen as being specially chosen in order that the liquor stay concealed. A constable is immediately sent to disperse the revellers.

Thus, the *khullam khulla* inversion works “simply because no one expects it to”. In actuality, Sethi claimed, the camera is intended to scan environments for “the two things that most annoy the middle classes – traffic congestion and terrorist conspiracies. Anything else that gets picked up en route is just collateral.”

The speaker concluded with an anecdote he felt effectively illustrated the “complex motivations” behind the sophisticated technologies of the police surveillance regime:

In an attempt to inform the public of the “wonders of surveillance”, the Delhi Police set up an interactive road-safety stall at the India International Trade Fair held in November 2006. Inspector Nandlal, chief organiser, encouraged interested visitors to use the cameras themselves; and escorted members of the press, including Sethi, through a model street layout – complete with piezoelectric speed sensors, surveillance cameras and self-regulating traffic lights.

Sethi indicated a small speaker installed under each light. “Is that in order to warn the public to follow traffic rules?”

“Oh no,” Nandlal replied. “Studies have shown that traffic rules are usually broken by stressed and tense commuters. The speakers are designed to play light, soothing music to calm frustrated commuters at rush hour.”

## Documents as Datelines: The Making and Unmaking of Urban Settlements

Shveta Sarda, Priya Sen, Suraj Rai, Jaanu Nagar  
(Presented by Shveta Sarda)

*Cybermohalla Project, Ankur/Sarai-CSDS*

**A survey marks a date through which your life has a ‘before’ and ‘after’ in a city; this date inserts itself into how one narrates one’s time, and life events, in future surveys. To belong to the city is to inhabit a matrix of such datelines... These fissures hold within them the internal transformations of the city, its slow accretions and evolution.**

Shveta Sarda, Priya Sen and Jaanu Nagar

described the process by which Nangla Maanchi, a settlement of about 30,000 people along the western banks of the river Yamuna in Delhi, was demolished by the city authorities to clear the way for construction in relation to the Commonwealth Games scheduled for 2010. An estimated 4,500 households were evicted from Nangla and given the option of being “resettled” in Ghevra, an outlying undeveloped area on the city’s northern periphery. Among the structures demolished was the Nangla media lab, part of Cybermohalla’s network of four locality labs, used by young local practitioners for conceptual explorations and creative expression through a wide range of old and new media forms.

The presentation examined the relationship between documents, including identity documents, that provide information about the holders; the upheaval in the lives of those who possess/do not possess documents (and are thereby always under threat of being dispossessed not only of their dwellings but also of their selves); and how documents mediate between the city and its inhabitants.

Nangla Maanchi originated as a few dwellings on fly ash deposits from the neighbouring power plant; over the next three decades, it grew into a bustling settlement, Sarda explained. The residents were people who worked in Pragati Maidan, a massive site for industrial fairs, half a kilometre from Nangla; as guards, cleaners, gardeners; as workers in small manufacturing units; as daily wage earners on construction sites; as domestic help in middle-class colonies across the city; as artisans, embroiderers and weavers. Some begged on the roads, including the Ring Road, the congested artery that contained the settlement along its western edge.

“The inhabitants of Nangla had lived there for years. Tenants found rooms there, without the

fear of procedural verification by the police. Nangla took in migrants from small towns and villages, who came to the city in search of livelihood, dreams, fame, the experience of, exposure to, and participation in the wealth and making of Delhi... All had different histories and reasons for entry into the city and into Nangla. The settlement had space for them all – the old and infirm, the widowed, the single man or woman, the able-bodied and those with a missing or crippled limb...”

There was a saying among the residents:

*Pyaaon ki pyaas bujhata hai Nangla  
Dilli shehr mein aane waalon ka basera hai  
Nangla*

[It quenches the thirst of the thirsty, such is Nangla

It welcomes those who come to the city of Delhi, such is Nangla]

Towards the end of 2005, rumours about an impending municipal demolition of Nangla began to take root within the settlement. Eviction and partial demolition began at the end of March 2006, “and followed a course, the official fury of which ended 6 months later”. The bulldozers moved into Nangla and tore down the settlement in phases, “rupturing the sheath of the everyday...”

Who were those who witnessed this brutal end to their dwellings?

According to current official statistics, over 5 lakh migrants come to Delhi each year; “all these people have travelled with a hope of finding a corner in the city,” Sarda explained. She cited Shamsheer Ali, a practitioner from Cybermohalla’s LNJP locality lab:

There is a reason to travel to the city, but there is no destination in the city to reach. In the thousands of corners in the city, there will surely be one that has a space that is destined for me. ‘City’, the word, holds this meaning. It is often an unuttered understanding shared by those who travel to the city. People arrive in the city with this stubborn thought in their hearts, searching for their corner.

Many travel ticketless to the city; and for others, “the first document that they carry, and which many preserve for a long time after they have come to the city”, is the railway ticket enabling them to make the journey. The ticket, providing information about the traveller’s name, age and gender, is issued by the Indian Railways. This

state document, however, cannot stand as proof of identity – or of arrival.

Some enter the city with their *janam kundali* (traditional horoscope cast by a Hindu priest-astrologer). This document provides information about the position and alignment of the planets at the time and place of one’s birth, “and an attendant narrative of one’s destiny”. Sarda added that the father of Jaanu, one of the co-writers of the presentation, had his son’s *janam kundali* made just prior to Jaanu leaving his home in Fatehpur to join his father in Delhi, where he was a tenant in Nangla. The priest asked Jaanu’s date of birth. “Whatever you think is an auspicious day,” Jaanu’s father replied. The document was prepared accordingly.

“When people travel to the city, it is not with stabilised names and dates of birth. It is when they enter the city that the mutability of these particulars of life begin to be fixed, consolidated,” Sarda reiterated. “The complicated process of accessing the welfare administration of the state helps in the stabilising of name and date of birth. Local political networks also intervene. Major life decisions begin to be based on these processes.” She cited Suraj, a practitioner from the LNJP lab:

Last night, as I looked inside the trunk, I saw a square metal piece, layered with chalk dust. I had no memory to associate with it. I picked it up and removed the chalk from it. It was an aluminium plate that bore a number, 4-1-5. I recognised the number. It is the same one as our ration card bears. It was embossed with a sign. The issuing authority’s, I thought to myself. Within this sign, or logo, was a stamp of time, 1987. On seeing the year, an image flashed in my mind. A day from my childhood when I saw two men standing on the other side of the threshold of my house, one of them painting this number with a brush onto the wall. The number stayed on the wall through my childhood...

I asked my mother what the square piece of aluminium was. She said it was a token. It bore the token number of our house. On the basis of the number our ration card and election I-card have been issued. V.P. Singh [a politician] had got it made. The purpose was to assist in getting kerosene for stoves, and sugar, at lower costs. Our colony got its name when these tokens were issued. Today it is called LNJP colony, but then it was named T-Wood Market. My mother told me to put the token back in the same place in the

trunk from where I had pulled it out. She said it would help us later in life.

As I put it back in its place I thought to myself: that which has no relation with my memories of my family is a strong token of my family's identity in the city.

"Being poor in the city gets you a token or a ration card; these become proofs – datelines – of your entry into the city," Sarda remarked. "They are dates that can be called the beginning of the 'legal seizure' of the settlements and its inhabitants. As bearers of information, the fragile railway ticket and the malleable *janam kundali* can now be set aside."

The speaker then provided a detailed account of the ration card, earlier considered and deployed as an all-purpose identification document.

Migrants, in their "corners" in the city, are given a "BPL Ration Card, the quintessential social document" for millions of urban inhabitants. The Food and Supplies Department of the Delhi government issues ration cards for buying essential commodities – grain, sugar, oil – at a "fair price" from public distribution shops. The cards are classified on the applicants' financial status – BPL means "Below Poverty Line", or in local parlance, "Below Power Line".

A ration card is issued to a group of people. The procedure, according to an official website, is as follows:

You must go to the Food and Supply Officer (FSO) of your area, and get application form number ONE (50 paise). Applications for new ration cards are accepted from the 1<sup>st</sup> to the 15<sup>th</sup> of each month. The head of the family must fill out and sign the form, and return it to the FSO along with 3 passport-sized photographs and one of the following documents – rent receipt, electricity/telephone/water bill, house tax receipt, registered deed, power of attorney, gas connection receipt, allotment letter from the Competent Authority, NOC [No Objection Certificate] from the landlord. In case you have but cannot bring any of the documents, the FSO will satisfy himself through spot inquiry.

The ration card thus:

> "stabilises" for each family the number of family members, their ages at the time of the issuing of the cards, their gender and the name of the head of the family

> "fixes" the date which will henceforth be recognised by the state as the date on which the applicant entered the city

> "marks" the first "new day" by which the applicant will be recalled as having come into the city

> "inscribes" the applicant's "dateline", i.e., moment from which the applicant began to dwell in that "corner" of the city.

"As a bearer of information, a ration card is a basic requirement into the world of formal work, and claims to citizenship," Sarda asserted. "It is incipient to the chain of production of a series of documents to gain entry into different networks of welfare and employment. But getting a ration card itself requires a number of identity documents that are difficult to procure as an individual."

Therefore, getting ration cards en masse, through the lobbying by local political networks, "invariably preceding an election", is critical. The state periodically has schemes in which new settlers to an informal settlement can apply for a ration card; and prior to the application, there is a big *chanda* (money donation) collection drive. The Food and Supply Officer (FSO) then makes spot visits to check the houses.

Sarda next described another document that functioned as a bearer of information: the state survey, or "statistical enumeration" of the inhabitants of a settlement.

The periodicity and scale of the surveys varies – according to the speaker, Nangla has had just two in its 25-year history. "Enumerators roam the settlement with their own ways of apportioning, dividing, fracturing." Participating in surveys is seen as a way people can make claims to social welfare schemes; for an evolving settlement, the first survey is an important marker of recognition as a settlement, "which is a first step to making a claim to provision of electricity or laying of sewer lines or paving of lanes".

In addition, Sarda clarified, surveys create a dateline of "division" between those who were present in the first and those who appear only in the second, and between those who hold election I-cards of an earlier or later poll. They provide a count, every 5 years, before election, to ascertain new voters who in the interim would have come to the settlement or come of age to vote in the settlement. They certify the date before/after which someone set up home in the settlement – for instance, two sons coming of age, marrying, setting up separate households, thereby having

ration cards with dates different from the one of their father. Random surveys are carried out to log the new members in a household. "Lightning" surveys are carried out by the police to discover and question new tenants. In the words of Suraj from the LNJP lab:

When we move out of our 'selves' into the world, we are asked for our identity. The state marks our identity, gives us documents that arrest our identity. Documents are scars that we carry, on being branded with our ascribed identity. This identity is underlined year after year through verification of old and issuing of new documents through surveys. Everyone comes to a city with their different personalities through which they can be recognised. But after a survey, when you are inscribed in a register in columns of name and age, these are the only two variables that remain of your distinction from another.

Layered protocols of information gathering operate within the survey mechanism, by which a resident has to produce documents – tokens or identity cards. A ration card issued in 1994 speaks to the electoral survey of 2000, after which an election I-card is issued in 2001... A survey in 1994 results in a ration card for a settler who was absent in the survey of 1992. But by a new policy, the ration cards issued post-1994 would support buying kerosene and sugar from a fair price shop, and would not be proofs of residence for the card holder. "Political lobbying, however, gets the holder of this ration card an election I-card in 2004...

"Surveys are days in which people are compelled to narrate their lives through documents," Sarda remarked. "These are the days of *pehechaan* (identification) of the settlement through its internal fissures of duration of stay and the practice of usage – commercial or residential – that a house is put to..."

"A survey is that which marks a date through which your life has a 'before' and 'after' in a city; this date inserts itself into how one narrates one's time, and life events, in future surveys. To belong to the city is to inhabit a matrix of such datelines... These fissures hold within them the internal transformations of the city, its slow accretions and evolution."

The speaker stated that documents and the fissures they produce take on a life of their own, and "become active as forces". The fate of Nangla Maanchi, for instance, was "ultimately decided" by a circular from the Deputy Commissioner (Slum)

to the Deputy Commissioner of Police (New Delhi District), with a cc list that illuminates the "networks of institutions" behind the decision to demolish the settlement, and also exposes the "practices" mobilised to execute this decision:

To:  
Deputy Commissioner of Police (New Delhi District)  
Parliament Street Police Station  
New Delhi 110001  
SUB: WPC-3419/1999 Hemraj vs Commissioner of Police and Others – Removal of remaining unauthorised structures at Nangla Maanchi

Sir,  
This has reference to the discussions held during the meeting in the chamber of Additional Commissioner on 26 July 2006 at 4.00 pm to finalise the action plan for removal of remaining structures from T-clusters, Nangla Maanchi near T-point, Ring Road, Bhairon Marg Crossing.

In the meeting, it was decided that voluntary shifting should take place on 3 and 4 August 2006, followed by compulsory removal action on 5 and 6 August 2006.

You are hereby requested to provide police force (males/females) for maintaining law and order on site during the demolition programme,

The officers/officials of Slum and JJ Wing will report at 7.00 pm on 3 August 2006 at the Tilak Marg Police Station.

Yours faithfully,

P.R. Sethi

Deputy Commissioner (Slum)

Copy to:

1. Officer on Special Duty (OSD) to Chief Secretary, Governor of National Capital Territory of Delhi, for kind information of the latter
2. OSD to Vice Chairman, DDA (Delhi Development Authority), for kind information of the latter
3. Personal Secretary (PS), Power, Govt. of NCT of Delhi, for kind information of the latter
4. PS to Additional Commissioner of Police, Police Headquarters, for kind information of the latter
5. PS to Additional Commissioner (Slum), for kind information of the latter
6. Deputy Commissioner (Slum & JJ), for kind information of the latter
7. Shri N.P.Singh, General Manager, Rajghat Power Station, with the request to provide 6 JCB [demolition equipment] and manual labour
8. Commissioner, DDA, to direct concerned officers/officials to reach at site on the day of demolition with JCB/bulldozers and 50 manual labourers
9. Shri O.P. Ahlawat, Deputy Director, Special Economic Zone, DDA
10. Slum & JJ Department, to direct the concerned officials to be available at site to give possession of plots to dwellers who reach on site with identification slip containing plot numbers
11. Slum & JJ Department, to depute 5 cashiers on site to accept share money from dwellers
12. Executive Engineer, to provide sufficient number of trucks to shift 919 dwellers to Ghevra
13. Director (Demolition), for providing adequate manual labour with demolition tools/equipment

14. DCP (Traffic), Police Station RK Puram Sector 12, New Delhi, with the request to allow passing of trucks from Nangla Maanchi JJ cluster to Sawda-Ghevra

15. DCP (Traffic), Police Station Northern Range, Delhi, with the request to allow passing of trucks from Nangla Maanchi JJ cluster to Sawda-Ghevra

16. Sociologist (Slum), Shri Taneja, to direct concerned field investigators to reach at site

17. Caretaker (Slum), to make sitting arrangement in tents and to provide snacks/lunch/tea to the officials on duty

18. Assistant Director (PR), to make videography of the area before and after shifting

19. Station House Officer (SHO), Police Station Tilak Marg, New Delhi, with the request to provide outer police force (males and females) on the day of the demolition/shifting

On 30 August 2006, the state apparatus, presumably including all of the above, went into action and Nangla Maanchi was completely demolished. Of the inhabitants, 919 families were given a plot of land – 12.5 square metres and 18 square metres – as compensation in Sawda-Ghevda, an expanse of land without any infrastructure, 50 kilometres from Nangla Maanchi. People from 20 similarly demolished settlements in the city are still in the process of being slowly shifted to Ghevra...

Sarda narrated how the “final survey” took place in early January 2006. “Teams of two men in plainclothes, carrying registers, accompanied by two policemen in uniforms, began to be seen doing the rounds of Nangla Maanchi.” The surveyors would knock at a door and address 6 questions to the person who responded to the knock:

- > Your name?
- > Name of the head of the family?
- > How many years have you lived here?
- > Do you have any documents?
- > Do you have a ration card?
- > Do you have an election I-card?

Each household was thus “surveyed” in just over 30 seconds.

When asked by the residents what the survey was about, the officials said, “We are determining who lives here and whether those you say live here *do* in fact live here.”

A month later the survey team returned to Nangla Maanchi with new registers. The team stood before each house and called out the name of the head of the family. When the resident appeared, the surveyor glanced into the register, pointed to a detail; his partner then inscribed ‘**NDS**’ on the

door. In some cases, following the same procedure, the inscription ‘**Post-98**’ was written on the door in white chalk. In other cases, ‘**COMM**’; in others, ‘**LOCK**’. Some doors were left unmarked.

When asked by anxious residents about the meaning of the marks, the surveyors replied, “These are code words that our senior officials have given us, to inscribe on each house.”

A week after the surveyors had left their “code words” on the doors, policemen arrived in Nangla. They announced, “People whose houses are marked **NDS**, **COMM** and **LOCK** should pack their things and leave from here tomorrow morning by 7 am...”

“**Post-98**: before 1998 but after 1990.

“**COMM**: you run shops, workshops, your premises are used for commercial activities.

“**NDS**: you didn’t show any documents, you are marked as ‘No Documents Shown’.

“**LOCK**: you were absent when the survey was being done.”

People immediately began to bring out their documents and show them to each other and the policemen, Sarda explained. “But the policemen were just messengers. The documents had finished their narration a few months earlier, in the last survey.”

In any two surveys, current information should relate to previously noted information, the speaker added. Unwittingly, Nangla residents showed new cards, carefully laminated for protection, rather than the old ones, burnt or soiled with repeated use, stained, frayed. The new shining documents, bearing current information, could not narrate the earlier data. The speed of the protocol “allows no narration other than that locked in the document...”

“Surya Bhan, the name under which a ration card is issued in 1992. Suraj Bhan, the name under which this ration card is renewed in 2002. The given name did not match. House marked **Post-98**...”

“Hariprasad, whose son in fits of madness and rage burnt his father’s documents. At the time of the survey, no documents shown. House marked **NDS**...”

When one tries to enter the present through datelines created by someone else, and “stabilised” in documents, the ways of recognition have to be re-negotiated through through fractured constructions of identity, according to Sarda. “You must live via the portion assigned to

you. For those whose doors were marked **Post-98**, a narration is still possible. For them, the argument has not ended.” Their status pending, they will still get a hearing, go to the courts, to the municipal corporation, to the Food Supply Officer, with their documents that narrate that earlier information of that earlier time, in the old survey.

Documents take on a “spectral” form in court, the speaker added. “You don’t know what the court will heed, hear, pay attention to. All kinds of records of your life become alive...

“Here, this photo, in front of this tree. Look how big the tree has become now. We have been living here that long...’

“Look, this receipt – the bricks of this house were bought in that year, when my son had just begun to earn a living...’

“Everything becomes a document. You narrate your life as a document. But it simply doesn’t speak to the entity it is being narrated to: it doesn’t fit the state’s frame.”

Sarda then described the crucial of information-bearing document that would narrate the future of the Nangla population – the *parchee*, a receipt against the “share money” paid by those residents who have been declared eligible for rehabilitation on the basis of their documents. The *parchee* now becomes the primary document on the basis of which these residents will later get a lease title for the plot of land assigned to them; it is the “certificate” that will mediate between the evictees and a secure dwelling in the city.

People whose houses had been left unmarked by the surveyors were the ones eligible for *parchees*, issued to residents of Nangla by MCD officials over two days; approximately 919 households were granted a lease of 10 years for the plot of land assigned to them.

This “certificate of relocation” was a flimsy pink sheet, Sarda explained. “Realising the importance of their *parchees* for their future in the city, fearful of losing, tearing or marking these in the process of packing, mindful of what others in the settlement had lost on not being able to procure neat earlier documents to transact with the later official ones, the evictees got their *parchees* laminated overnight – rendering them safe from the elements of nature and the mischief of the young, the careless and the envious...

“Residents of Nangla Maanchi, soon to be relocated to Ghevra, in tempos – two families to one vehicle – organised by the MCD, showed each other their stiff new documents. The

**Post-98s**, their cases pending, their arguments ongoing, looked on, holding onto their precious older documents.”

However, the next morning there was pandemonium in the tent where MCD officials carried out their official activity. The *parchees* had to be verified one last time, against photographs of the head of the family, cross-checked and inscribed with the temporary plot number assigned to each household in Ghevra, the list of which had been freshly issued.

How would that be possible with new documents that had, in response to the urgencies and anxieties of dislocation, already been laminated?

Behind the agitated crowd of evictees confronting harassed MCD officials, Nangla Maanchi continued to be demolished via six JCBs and 50 manual labourers.

Meanwhile the **Post-98s** continue to argue their case, persist with their narration. Parvez, from one such family, calls Jaanu at least one a week. *Hello, I am Parvez, Post-98, from Nangla Maanchi. What has happened regarding the Post-98s?*

“Those who were assigned plots of land on the barren fields of Ghevra hesitate when asked to recall Nangla,” Sarda reiterated. “The evictees’ logic is, ‘Let’s talk about the future. There is a dwelling to be built. There is a plot to be measured. There is the *pucca parchee* [a final document with attested information] – to be obtained.’ The *parchee* has become the primary document to which all future documents will be related – the ration card, the election I-card, others...

“The *parchee* has become the sharp new dateline that redraws memory about inhabiting the city into a recalibrated ‘before’ and ‘after’.

“For the **Post-98s**, however, things still hang in the balance. They *have* to prove a definite date of entry into the city. The violent etching of arbitrary new datelines has enfeebled the **Post-98** narration, but it is still repeated each time there is a glimmer of hope in any encounter with the administration and the courts,” Sarda concluded. “The **Post-98s** continue to insist that the information stabilised in their older documents is valid and significant, as they wait in fragile tenements in Ghevra to secure their ‘corner’ in the city.”

For Cybermohalla practitioner blog accounts of the Nangla Maanchi demolition/eviction and the ongoing making/settling of Ghevra, see

<http://www.nangla-maanchi.freeflux.net> (Hindi)

<http://nangla.freeflux.net> (English)

Hindi blog translations by Shveta Sarada

For a detailed narrative of demolition/eviction compiled from Nangla blog accounts, see *Sarai Reader 06: Turbulence* (Centre for the Study of Developing Societies, 2006, Delhi), pp. 524-69

For Reader 06 online, see  
[http://www.sarai.net/journal/reader\\_06.html](http://www.sarai.net/journal/reader_06.html)

Prabhu Mahapatra initiated the discussion that followed the presentations, with detailed questions for all three panelists. The broad issue was the way the speakers had looked at the state, focusing on the individual. This is a traditional perspective, i.e., that you can get information only through individuation, and that a particular form of individualism is thus generated via this process. Addressing Mehmood, Mahapatra remarked that we also know, especially in relation to Sleeman, that “collectivisation and corporatisation” was simultaneously going on, a process that results in the creation of an identity through group formation. How do these two processes connect?

“The *thug* is not just an individual – it is essential to show that he is part of a group,” Mahapatra added. “By focusing so much on the individual, we forget the logic of the corporate/collective. The corporate then appears as opposition to the individuating drive, whereas the former was simultaneously being enumerated with the latter.”

The speaker explained that this has been interpreted as a particularly colonial form, with “corporate” functioning as a kind of “short circuit” in categories of enumeration. “You don’t need to know each individual, you need to know the group, the caste of the group; the caste is then identified by traditional characteristics. It becomes another route of information seeking.”

Mahapatra asked Sethi whether, with regard to the idea of the state and what it sees/doesn’t see, and the relation between these modes, was not seeing *equivalent* to seeing? The presentation was a variant of the legality/legibility/illegibility question that marks James Scott and was “usefully applied” by Lucassen. “You suggest there is a formal structure of law which is in any case non-implementable – but actually with an informal management underneath. The state appears to spread its structure without depth, in practical terms; regulatory structures appear to be depthless, while the actual content is the unregulated, and that which really manages...”

“This division is too facile,” Mahapatra remarked. “We need to think how this irregularity/informality of structure flows not from an absence of regulation or gaps in regulation, but from regulation *itself*. Informality and informal arrangements can be seen as new forms of regulation – a ‘regulated informality’, to use a term I apply in the context of labour markets, which also work through a formal/informal dialectic. It is crucial to understand this relationship through the continuity of terms, rather than seeing the terms as oppositions.”

Mahapatra’s question to Sarada concerned the history of identity. “You and the subjects of your paper have followed the history of documents in the manner of historians; a history emerges *through* these documents.” He asked Sarada to clarify the idea of the “fissure” explored in the presentation. “Is the fissure between the ‘real’ identity and the documented identity? Or is the fissure between the individuated identity and the collectivity that exists...?”

“Following the document narrates one kind of story: what kinds of stories are imagined and generated through the fissures? Would these involve possibilities and forms of resistance? Or is it a necessary mode by which identification works – thus, a contradiction in terms, i.e., no identity is a self-sufficient identity; “I” operates only by saying it is “not-I”...”

“Are the fissures the result of ‘fixing’ by whatever means – for instance the identification drive – or is there another logic?”

Mahapatra declared that he was interested in how the state and its role was being conceptualised in the presentations. “*What* is the state? *Where* is it? The state cannot be thought of simply as opposed to people/subjects. As the state creates itself, it simultaneously creates its subjects...”

Avinash Jha pointed out that Mehmood’s tracing of the surveillance system identified the points of entry of new information technology which seemed to flow from earlier systems. This implies that the impulse and practice of information gathering, and its organisation and use by the system, is primary; as new technologies develop, they are “just plugged into it”. Or is there actually a shift or break introduced in the system via the new technologies? If so, did this change the nature of surveillance?

An interjector asked Sethi whether, in terms of the state’s behaviour, subversion of the kind described – whether *khullam khulla* or the *khullam khulla* inversion – had any “decisive impact” on

the state. “The state can tolerate such behaviour – it has done so, and will continue to do so. Are the stakes – the diminishing of repression being one stake – changing in some ways? Can this be seen within the actions and relations between the state and the people, the constable and the labourers at the *chowk*, for instance? Or are the stakes just being normalised in a particular manner?”

Ravi Vasudevan raised the issue of the “actual effectiveness” of legal codification. “Let us assume that the statutes and laws are expansively worked out and elaborately substantiated – but on the ground they do not work out, almost in the sense of absurdity.” Even if they were thought of as fragmented, partial, contingent on a certain situation – Mehmood’s account also showed that it created an *actual* disturbance in the circuit of local landed authority – those who solicit the law find themselves at the receiving end of the law in terms of reformulation of the status of their authority; and new forms of power, “maybe not exactly as designated by the law”, emerge into view...

Ravi Sundaram commented, with regard to Sethi’s and Sarda’s presentations, that visibility need not be put in terms of the state. “though the state increases the level quite significantly”. Visibility can be conceptualised in different ways. Through the fissure that divides the Nangla evictees into those with a legal history and those without a legal history, the “thing”, i.e., the laminated *parchee*, “suddenly takes on a terrifying life”: it becomes visible... Similarly, at the *chowk* the person in the sphere of the constable can have informal associations and negotiations with the state’s functionaries, but the “thing”, i.e., the camera, “looks at you impersonally and is more powerful than you”. The visibility of cameras is increasing all over India; there are large projects directed at putting cameras everywhere. But even while certain things and people will thus gain visibility, other things and people will lose it.

Sundaram reminded Mehmood that people in the finance business claim the identity card project is going to fail, and that the best way to get people into the circuit is via bank accounts and PAN numbers. “Money structures are a crucial method by which to bring people into the circuit of information and identification...”

An interjector asked Sethi whether his argument was describing a subversion of the law on paper or a subversion of the practice. He explained that for several years he had been tracking journalistic reports about these kinds of “subversive” practices in the city; there was a general

acceptance at all levels in the population that crucial police postings and transfers, to localities like Bara Tooti, Sadar Bazar, Chandni Chowk and the wholesale markets, “are on sale. The practice is that from top to bottom of the police ladder, money has to be paid in order for anyone to be assigned this kind of lucrative posting...”

“Look at it the other way around – *khullam khulla* and *chupke chupke* is actually a practice, a version of what is on paper as regulation. But those who implement the laws are absolutely oblivious. So this subversion in terms of practice is for whom? For the city? Certainly it is not for the law enforcers. For them, what you define as ‘subversion’ is a regular practice... it has been so from the *mansabdari* system onwards, through the colonial regime mediating this, to the postmodern state allowing this to happen...”

“We have to be careful about using ‘subversion’ as a term to describe this,” the speaker added. “Do we mean the subversion of the state? Or the aspirations of the citizen in relation to the state?”

An interjector raised the question of whether the post-Independence state was the same as, or a “progression” of, the colonial state; and whether the metropolitan state in India had become “closer” to the Western state. If that was the case, did it affect influential postcolonial theories based on the premise that developments in the postcolonial state are fundamentally *different* from the trajectory of Western states?

Jane Caplan remarked that Sarda’s account reminded her of Gerard Noriel’s idea that there has been a historical move from a state of ‘recognition’ to a state of ‘identification’. “I think he also means recognitions in terms of recognitions of persons, though he doesn’t develop it in this way. This is also true of Charles Taylor’s idea of recognition...”

According to Caplan, the presentation affirmed that recognition “is actually an ongoing dialectic in people’s lives”; a most interesting related phenomenon is how documents of recognition, like the horoscope, become documents of identification in some senses, and how these identification documents are then “reconverted” back into recognition documents. In this circuit, one saw the ways in which “the lived meanings of material things become very different from their producers’ intent...”

Moving to the issue of surveillance, Caplan noted with some irony that “apparently in England, we are caught on camera 130 times each day”. An interesting effect is that cameras actually

*substitute* for police – “and the presence of police removed in certain situations in fact increases lawlessness. The visible presence of police acts as a form of social regulator, and while the camera can instill fear of being captured, it cannot instill that very subtle way of literally regulating how people behave in relation to one another – which is really what is going on.” The speaker explained that one of the complaints in England is that the substitution of cameras for police has actually had the reverse effect in certain areas. “If in England we feel we are plagued by a situation of local petty lawlessness, some of it comes out of the removal of certain figures, of which police are a part, who had an informal position as area regulator. This is an instance of how the actions of authority can produce lawlessness, and incoherence...”

Ravikant asked Sethi if his use of film language – “*khullam khulla*” and “*chupke chupke*” – was just a figure of speech, or indicative of larger symbolic resonances. “Are the labourers at the *chowk* using it, or is it being used just by you?” Tapio Mäkelä suggested that the *khullam khulla* and *chupke chupke* principles could also be reflected on in relation to journalistic practices dealing with urban demolitions such as of Nangla Maanchi; and also in relation to the current furore around the official sealing by the Municipal Corporation of Delhi of shops/commercial establishments in residential areas. These regulations were based on Delhi’s master plan. Was Delhi, being an urban capital, more concerned with state visibility than other cities in India? Where and how were the debates of power with regard to metropolitan governmentality negotiated?

Responding to Mahapatra’s questions about implementation and Vasudevan’s comment on the effectiveness of codification, Mehmood explained that he had particularly wanted to look at the idea of the normative, and locating a temporal and conceptual similarity between two historical moments. “I focused on the idea, not the practice...” Codification could be irregular: in the context of the first census, “there are instances of *zamindars* threatening to beat *chowkeydars*, complaining about them to enumerators who came around the list the name of subjects. In Hooghly district, for instance, the enumerators were only allowed to put down the names of all the illiterate population and the *ryots* (subsistence farmers/poor peasants). The *zamindars* refused to be put on the list.”

Mehmood acknowledged that he had to think in more depth about the relationship between the individual and the corporate/group identity, as

suggested by Mahapatra. Replying to Jha’s query about the continuity of information-gathering practices, Mehmood reiterated the complexities around the two chief documents – the ration card and EPIC (Electronic Photo Identity Card). “These were used as identification documents, but then the concerned ministers gave instructions that this should be disallowed: an indication that there was some sort of a rupture, an acceptance of the fact that the ration card, in spite of being an identity document, is not a *state* document. Of course, Nicholas Dirks’ work tells us quite pointedly that when in the first census people responded to the question of ‘religion’ with ‘*aetheist*’, it was entered on record as ‘*aetheist*’...”

“There are ambiguities and discontinuities in the narrative. I don’t consider it to be a stable compilation of data.”

Turning to Sundaram’s query about the “business model” and the role of banks/financial agencies in information gathering, Mehmood clarified that for lack of time, he had not been able to include in his presentation some data from the recent 107<sup>th</sup> Financial Report. “This claims that there are 3.34 crore PAN cards assesseees in a population of 100 crores. Of these, 7 lakh are fake...”

“I went to the smart card expo at Pragati Maidan this year, and I observed that the whole enthusiasm of the smart card technology was sold in terms of money. The budget for contactless smart cards was earlier Rs 6000 crore; now it has escalated to Rs 27,000 crore. Business people sitting around me were literally rubbing their palms together, thinking of the money to be made via this scheme...”

“This is a different kind of imagination of money, seen in relation to information. Identity is also thought of as an industry, parallel to it being viewed as a practice.”

Responding to Mahapatra’s comment on “regulated informality” and “the basic idea of who/what constitutes the state”, and of informality not as a response but as inherent in formal regulation, Sethi clarified that he was not claiming there is an existent “shallow” state with informal activity continually manifesting in the depths below it. “These negotiations are taking place, but it is an enmeshed situation. It would be wrong to look at the state’s functioning as two layers, like oil on water...”

“There is a law – and there is an understanding that this law now needs to be given its human face. So you consciously enable a mode that

permits negotiation.”

Sethi interpreted Mäkelä’s comment in terms of the efficacy of legal codification earlier brought up by Vasudevan. Laws, ordinances and court directives penetrate deep into the lives of citizens, and may cause powerful disruptions at any time. “In the case of sealing, you have a law, and a *khullam khulla* violation of building bylaws, etc. – and there is no interference. Then someone decides to circumvent the system and approach the court directly. So it is no longer a situation of citizens going to the police or local councillors or local members of parliament and saying, ‘My neighbour has an illegal house and his extra balcony is blocking my sunlight, please do something about it...’

“Once you have gone to court, they will follow the letter and spirit of the law, whatever that may mean. In that case the law will be hyper-efficient and hyper-effective – and it will be followed through down to the last detail. You have a PIL (Public Interest Litigation) regarding the sealings. The Supreme Court says, ‘Let’s look at the law on this’; then the contested action, interpreted via the bare act, is shorn of all potential for the kinds of informal negotiations that have taken place for the last 20 years, and through which crucial civic relationships have evolved...

“This is what happens in a situation such as the one concerning Nangla Maanchi. The settlement; the negotiations about the settlement; and then suddenly someone goes to court... And so on.”

Sethi linked the question of “subversion” to the fact of the computerisation of police documents and archives, and the entry of cameras into local policing. “When you talk to police officers and municipal councillors, a kind of voice of helplessness comes to the fore: ‘Look, we can’t do anything, it is all in the computer,’ or ‘Look, we can’t do anything, the court has ruled.’ Earlier, a file could have been lost, defaced, buried – but now that is not possible; and the camera constantly records what is happening. In the presence of the camera, policemen no longer openly negotiate with the shopkeeper, etc.

“The logic of placing the camera was to root out corruption and insubordination in the lower ranks of the police. So what has to be negotiated is actually the strange mixed logic of thoroughly implicated lawmakers now declaring, ‘We can no longer *break* these laws – because it’s all in the computer.’ The machine therefore acquires the position of being supreme arbiter because it stores everything...

“This is how the ‘subversion’ works – or doesn’t work.”

Regarding “*film*” language, Sethi clarified that he indeed used it – and so did the labourers at the *chowk*; it exemplified “a mishmash of rhetoric”.

Sarda explained her usage of “fissures” through connecting the Nangla Maanchi situation with the state’s threat to demolish/evict LNJP, a similar settlement in Delhi. “After Nangla Maanchi was demolished, we started to think in depth about exactly what had taken place right before us. A lot of our reflection keeps in mind the settlement still intact – LNJP. Here, 50% of the inhabitants have their documents, the other 50% may or may not have got some documents together. Much of what is enumerated on the survey will depend on that information, on the details on the documents – according to whether you have retained the original token on the basis of which the ration card or ID card was issued to you, etc...”

“The fissure is the experience of trying to understand one’s own set of documents through the documents of another, in order to estimate what will happen in the future, when the next survey takes place...”

“The fissure is not between the real and the documented identity, but between the lived/assumed and what is yet to unfold – which is at the moment illegible...”

“The fissure is between times; between the detail noted, and whether it can be corroborated with another detail...”

“The fissure will fully manifest only when, according to the survey, the list is prepared of who is eligible for rehabilitation and who is disqualified due to lack of documents.”

According to Sarda, the survey enumerated on the level of individual identity/processes of *identification*; but claims for compensation, etc., had validity only on a collective basis, through state processes of *recognition* that acknowledged Nangla as a settlement.

Priya Sen added that the “disjunct” between individual narratives/individual identity and documented identity was indeed a fissure, “but the fissure is also about the material space. Each time a survey is done, it creates new fissures. These can be viewed temporally, as manifested in the identity documents/individual lives; but they also have to be understood spatially, in terms of how they influence one’s claim on a location.”

Jeebesh Bagchi concluded the discussion by

clarifying that Mahapatra had asked whether the presentation referred to a fissure or to “differentiation” – a fissure implies something deeper, “a certain perspectival view”, clearly not the same as differentiation which implied a more radical sense of othering.

### **Panel 3: Neo-Liberal Governmentality and Risk: Information and Surveillance In India**

Uma Maheshwari Kalpagam  
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Respondent: Awadhendra Sharan  
*Sarai-CSDS*

**The ethical-rhetorical topography, those special places of discourse and argumentation that enabled one to gain knowledge of, understand and cope with risk/danger, have disappeared. In their stead we find common places, the generic logical-linguistic forms that establish the pattern for all forms of discourse, much like Foucault’s episteme.**

U. Kalpagam examined the role of public information in the construction of neo-liberal governmentality in India, in terms of changes in the rationalities and technologies of governance. “Neo-liberal rationality of governance is based on a realignment of the relationship between state and market that characterised the earlier developmental state,” she asserted. “In this realignment, market rationality gains ascendancy, and the role of state intervention is not perceived as before, i.e., as amending market failures. Rather, it is seen as providing a regulatory framework to ensure that markets function efficiently. It acknowledges that risks are integral to market functioning, and that market participants be constituted as risk-bearing subjects. Governmental conduct and the technologies of the self associated with neo-liberal governmentality thus seek to promote an ethic of responsibility: the *responsible* citizen is the *risk-bearing*, enterprising citizen.”

According to the speaker, the “realignment” is simultaneously accompanied by a change in the nature of the sovereignty of the state; implying “a move from the Hobbesian social contract that foregrounded ‘people’ as ‘one’, to Spinoza’s notion of ‘multitude’”. This multitude is united by the risks they face in the changed world, though the risks vary for those constituting the multitude.

Neo-liberal governmentality seeks to govern the conduct of the multitude through orienting them to the world of risks, via the spread of information. The rights-domain provides the space for the struggle to realise rights – that are never completely realised, yet through which the neo-liberal subject moves towards attaining a “transformed subjectivity”.

Since 1991, when the agenda of economic reforms and liberalisation was implemented, India has experienced the ascendancy of market rationality, which implies that all normative claims and the relationship between persons and things be governed by values determined by the market. In addition, the assumption was that “well-regulated markets that perform efficient resource allocations could be made to score on equity principles as well, without the state making equity the overriding concern”, Kalpagam stated. “However, the governmental rationality now is to ensure that the ‘greatest good of the greatest number’ be achieved by transforming citizens into not only willing market participants but as efficient market players, be they labourers or investors.”

This meant letting the market shape citizens into whatever workforce and consumers the state desired, with the individual bearing the risks of market participation and the state supposedly meeting deficit/lack in individuals.

Kalpagam pointed to risks other than market risks that also have to be taken into account in the schema of globalisation. She cited theorist Ulrich Beck’s 2006 study that claims we are now in a “world risk society”, involving three kinds of risks – financial, ecological, and terrorist. The nature of these risks have changed from being merely of chance and probability that needed to be tamed, to being risks generated through human action and volition; this has given rise to “reflexive modernisation”. In this new mode, risks are distributed unevenly and perceived differently in different risk cultures; therefore, projects of modernisation need to factor in the anticipated resistance to these projects as well. In the Indian context, civil society groups’ resistance to multinational activities and investment is an example of reflexive modernisation, that forces collective rethinking with regard to what affects the life of the multitude.

Neo-liberal governance of conduct requires that the “multitudes” be oriented to world risk society; risk education and risk governance, as part of this governmentality, have spawned “a whole range of informational requirements and a range of techniques of surveillance that earlier rationalities

of liberal governmentality hardly reckoned with”, according to Kalpagam. “In fact, modern liberal governmentality under the welfare or developmental state interpreted risk as chance that could be tamed through probabilistically informed interventions in the sphere of bio-politics...” However, in today’s world risk society, systemic risks have become idiosyncratic; their chaotic dynamics do not provide the assurance of control. “Thus, the illusions of controllability and the apparent inabilities to do so both provide opportunities for yet more information to be generated and be made accessible, and simultaneously put in place newer technologies of surveillance...”

“Information and surveillance become mutually determining as power and knowledge.”

Kalpagam reiterated a definition of governmentality, citing the scholar Colin Gordon: “State theory attempts to deduce the modern activities of government from essential properties and propensities of the state, in particular its supposed propensity to grow and to swallow up or colonise everything outside itself. Foucault holds that the state has no such inherent propensities; more precisely, that *the state has no essence*. The nature of the institution of the state, Foucault thinks, is a function of changes in practices of government, rather than the converse... He also found the history of Western governmental practice and its rationalities carries the embedded idea of a kind of power which takes freedom itself and the ‘soul of the citizen’, the life and life-conduct of the ethically free subject, as in some sense the correlative object of its own suasive capacity.” In addition, Foucault observes that “when the end of sovereignty is internal to itself and possesses its own intrinsic instruments in the shape of its laws, the finality of government resides in the things it manages and in the pursuit of the perfection and intensification of the processes which it directs; and the instruments of government, instead of being laws, now come to be a range of multiform tactics...”

The speaker then gave an account of some contemporary “tactics” constructed as part of governance in the domains of public health, finance and terrorism, in the context of India.

In the late 1980s, when AIDS was a mysterious new disease for which there was no cure, the general Indian attitude was that it was a sickness of promiscuous Western societies, particularly America; “virtuous societies like India hardly needed to take note of its risks, for virtue protected us”, Kalpagam remarked. The threatening issue is

now wrapped in silence; neither state nor civil society is willing to debate on it publicly, “except for occasional news of the Melinda and Bill Gates Foundation donating funds for fighting AIDS in India”. Any discussion of AIDS is appended with statistics of deaths due to tuberculosis, to indicate that the latter ought to be of greater concern both because of its numbers, its indigenous origin and, most importantly, that it was not contracted through promiscuity/vice; as it was due to conditions of poverty, it was more deserving of our moral sympathies. The Indian attitude to AIDS is a classic example of how risk cultures are constructed from inherited cultural ideas along with acquired knowledge of the risks of modernity.

Similarly, the SARS epidemic came to be identified as a feature of world risk society; a new viral strain or one produced in a laboratory and released deliberately into the world, either from possible terrorist movies or to defeat a market competitor. SARS exemplified the ligation of financial, terrorist and ecological risks that had the potential to effectively scare foreign investors away from China, just as the terrorist blast in Bangalore was seen to have the potential to pulverise BPO firms. Tracking of SARS cases by the global media, and increased surveillance at ports of entry, with immigration officials at airport counters using masks as protection against germs, was meant to complement the ethnic/racial profiling by authorities as protection against terrorists.

Kalpagam drew a parallel with the colonial government’s management of plague in 19<sup>th</sup>-century India, “a significant event in the bio-politics of the modern Indian state”, that ushered in new modalities of government, such as commissions of inquiry for establishing and authorising medical facts; bureaucratic accountability and compliance in gathering data that would be transformed into knowledge of the transmission and aetiology of the disease; the granting of extensive search and punitive powers to public health authorities; riot management techniques, etc. “Colonial plague management completed the project of colonising the mass body, but it singularly established the role of sanitary authorities in public health management; the individual was controlled by the state’s techniques, in a field of governance in which societal differentiation left no traces.”

The recent media blitz over dengue and chikungunya deaths in India underscores the role of the public health authority and its tactics of mis-/disinformation, according to the speaker. “Television reportage relentlessly provided

statistics on the number of sick and dead in different states, frequently accompanied by the visual of a mosquito. This can be noted as an aspect of risk education that almost amounted to media-generated hysteria..." the speaker noted. In contrast to the committed and pragmatic vision of colonial plague management, sensation-hungry contemporary "news" is focused only on orienting the multitudes towards the risk. Simultaneously, the state put out advertisements in leading newspapers that dengue and chickungunya are caused by *Aedes* mosquitoes that breed in sites of stored water, such as coolers, tanks, old tyres, plastic containers and junk materials, flower vases, bird baths, pets' bowls, dustbins, ornamental tanks, coconut shells, etc. Citizens are advised to clean these out; moreover, they are further advised to use mosquito repellants, and sleep under mosquito nets treated with insecticide. Many millions of Indians cannot afford either; and by shifting responsibility through its 'information' campaign onto the individual, the state "effectively absolved itself" of the task of keeping the environs clean.

As an example of irresponsible media risk education, Kalpagam described a television channel giving environmental statistics for the major cities, each night. The ground water in Ahmedabad and Chennai was tested for brackishness and shown to be equally high for harmful bacteria. Such news neither causes panic among the citizens nor concern among the authorities. "With no indication of how samples are drawn, the citizens are probably left with a somewhat contrary experience and/or contrary perception that the water they use is better than the samples shown on TV... Maybe the point lies in discerning the link between commercial interests and risk education, as this media feature is put out by the research unit of Eureka Forbes, a company that sends salespersons to every home to sell its water filters."

The speaker offered a critique of the "dubious role of experts" who "just vouchsafe for any authority", state or commercial; and signify a much larger issue of how science, state and commerce are steadily becoming more intertwined. "New medical technologies are a case in point. A leading hospital in Chennai has flyers of LifeCell (an umbilical cord blood stem cell bank) kept easily accessible for pregnant mothers; it urges them to bank the cord blood with LifeCell, stating that it is effective in the treatment of almost 75 ailments that the newborn might face during his/her lifetime, with the additional 25% chance that it may match with that of a current or future sibling. It offers affordable pricing and easy installment

plans, boasting that its state-of-the-art facility that stores the precious material is "earthquake-, flood-, bomb- and fire-proof". However, it offers no information about the possible commercial uses of the material. An example is that of John Moore, a subject of litigation in California in the 1980s. Suffering from a rare case of hairy cell leukemia, Moore underwent many procedures, including a splenectomy, at UCLA Medical Center. In 1981, his surgeon, working for a drug firm, established a cell line from Moore's T-lymphocytes and applied for a patent, which was granted. Moore, who had no idea that his cell was being thus used, went to court; he was shocked to learn that he had no property rights to his discarded cells or to any profits made from them.

"Other than patenting, the stem cell bank in Chennai could profit from offering the cord blood as a DNA database to surveillance agencies without the consent of the individual," Kalpagam declared. "All this in a country where minimising the risks of infant and maternal mortality is still a huge challenge and remains an agenda of the state's Millenium Development Goals. This indicates that risk protection that is individualised and marketable, i.e., that which people can buy for themselves, has a greater promotional edge under neo-liberal rationality than those risks that need to be managed at the level of the collective, and which become an issue of public action, deliberative democracy and the contestation of biopolitics."

In the context of financial risk education, the neo-liberal state attempts to reconstitute the conduct of the small retail investor under certain logics of the market, Kalpagam asserted. These include media indicators, "more meant to spur herd behaviour on the market than be a valid statement on risks". The small investor "has to gain a certain amount of self-knowledge along with the knowledge of the market. This self-knowledge relates to knowing his risk profile, that depends on the finite horizon of his life span and perhaps even intergenerational bequest considerations that would extend this duration." By contrast, a day trader just needs to know his desired cash position at the end of the trading session. And the "best example" of media attempts to constitute the financial 'subject', "who can both process information and hone his skills in drawing appropriate inferences on market risks", is The Hindu group of newspapers' *Businessline* contest on picking the best stock, "where those are able to correctly identify the equity stock that records highest increase in value at the end of the month are declared winners".

Kalpagam added that with the restructuring of pension and social security systems under neo-liberal governance, “there has been a greater thrust to push people to face financial risks and to dislodge subjects from risk avoidance positions”. Simultaneously, the surveillance of individuals and corporates has increased through the disclosures mandated in citizen banking, tax and investment activities. “If one’s risk-positioning strategy pays off, one is expected to share the gains with the state, or with shareholders. But what of the question as to whether a reciprocal commitment exists for the state when its risk-positioning strategy fails to pay off, as in the case of the vulnerable poor?”

The speaker noted that the media was deeply implicated in constructing the myth that becoming rich in one’s lifetime was indeed a possibility for citizens if they successfully adopted a risk positioning strategy; these include playing lotto, online gambling, or playing the share market. The media glamorised success stories of individuals who *did* succeed by these means. Equally, the media followed stories of failed/precarious risk positioning which often have a tragic fallout, as in the case of farmers’ suicides and starvation deaths that result from despair over repaying bank loans, crop failure and negligible crop price. “Such news reports signify how risks have been socialised and the extent to which risk is increasingly constituting social life. Although the poor and vulnerable are identified and enumerated, techniques of governmentality have not been devised to facilitate preventive measures.”

Kalpagam then gave an account of “a very interesting discussion” on farmers’ suicides, that she had seen on television. The telecast took up the Maharashtra chief minister’s query as to why such suicides had not abated even after a huge central government assistance package of Rs 4000 crores to the farmers. “He had observed that such packages are not now achieving suicide prevention, and felt that farmers need training in the Art of Living philosophy under the spiritual guru Sri Sri Ravi Shankar. The media noted that there was a divergence between what the expert critics have so far been saying, i.e., that central assistance failed to address two key factors of the crisis – the issue of cotton price stabilisation, and the refusal to waive farmers’ debts – and the seemingly individualistic solution of psychological transformation, advocated by the chief minister... The Art of Living programme, that has promoted its unique advocacy of harmonious mind-body integration through the meditation technique of *sudarshan kriya*, also functions as an NGO,

intervening in times of crisis such as the 2004 Tsunami disaster, providing material as well as psycho-spiritual support. The chief minister was probably emphasising the role of civil society organisations in the framework of risk preparedness for vulnerable groups...”

The speaker cited sociologist Robert Castel, who theorises that a risk “does not arise from the presence of a particular, precise danger embodied in a concrete individual or group. It is the effect of a particular combination of abstract factors which render more or less probable the occurrence of undesirable modes of behaviour.” On the basis of the probabilistic and abstract existence of risks, preventive policies promote a new mode of surveillance called “systematic predetection”. This can be practiced *without* any contact with, or even immediate representation of, the subjects under scrutiny.

Castel posits that “there is in fact no longer a relation of immediacy with a subject *because there is no longer a subject*. The new preventive policies no longer primarily address individuals but factors, statistical correlations of heterogeneous elements. They deconstruct the concrete subject of intervention, and reconstruct a combination of factors liable to produce risk. Their primary aim is not to confront a concrete dangerous situation, but to anticipate all the *possible* forms of irruption of danger. ‘Prevention’ in effect promotes suspicion to the dignified scientific rank of the calculus of probabilities. To be suspected, it is no longer necessary to manifest symptoms of threat or abnormality; it is enough to display whatever characteristics the specialists responsible for the definition of preventive policy have constituted as risk factors. A conception of prevention which restricted itself to predicting the occurrence of a particular act appears archaic and artisanal in comparison with one which claims to *construct* the objective conditions of emergence of danger, so as to then deduce from them the new and necessary modalities of intervention.”

Kalpagam asked whether this rupture in state-subject relations was applicable to the analysis of farmers’ suicides and starvation deaths, that indicated a failure in the sociological understanding as well as intervention strategies of neo-liberal governmentality, which were either “not being designed appropriately or not designed at all”. Taking the case of the failure of the polio prevention programme in Uttar Pradesh, she argued that it similarly relied on an illusory “technocratic perspective” based on the “utopian vision of expertise having the capacity to fully

control an environment”.

Shifting to the subject of terrorism and risk, the speaker reiterated that if the techniques of surveillance *without* the subject have been made possible in the arena of bio-politics, surveillance when the subject is materially present has increased in scale and complexity, worldwide. While defence products and armaments are still the domain of governments, today the clientele for security and safety products include a range of civil, non-state customers as well as corporations. TV channels informally garner security information by requesting viewers to send in images if they have taken photos of bomb blast scenes, etc., on their cell phone cameras. In the realm of civil and human rights, invasive surveillance techniques such as narco-analysis are being refined and used to extract “truth” statements from individuals under suspicion.

“This is a radical departure from earlier forms of arriving at guilt, where the indicted person retained his individual subjectivity, and pain inflicted upon the person’s body to force a confession only supposedly pushed the suspect from recalcitrance to compliance; his subjectivity remained intact. Today, eliciting ‘truth’ from a person in a semi-conscious state through such means, though the technique may not appear to be violent, is a very deep intrusion into the sphere of the innate privacy of an individual, through which power seeks to conquer states of consciousness. We can well imagine a future state in which these tests are routinely used on subjects to determine and assess their subconscious mental states as indices of their potential to become criminals or terrorists...”

Kalpagam then cited Jacques Derrida’s critical observations on nation-state sovereignty, in which he notes that in the “Enlightenment to come”, we need to take into account the logic of the unconscious, and “the *pharmakon* of an inflexible and cruel autoimmunity that is sometimes called the ‘death drive’, and that does not limit the living being to its conscious and representative form”. Governmentality today includes surveillance techniques seeking to override not just the human body, but also the cellular manifold and the ‘unconscious’ itself. Derrida points to shifts in perspectives regarding the sites where terrorism originates, and the implications of such shifts for sovereignty and democracy. “Along with the two towers of the World Trade Centre, what has visibly collapsed is the entire apparatus (logical, semantic, rhetorical, juridical, political) that made the ultimately so reassuring denunciation of rogue states so useful and significant...”

“However much one may try to contain the far-reaching effects of September 11, there are many clear indications that if there was a trauma on that day in the US and throughout the world, it consisted not, as is too often believed of trauma in general, in an effect, in a wound produced by what had effectively already happened, what has just actually happened, and risked being repeated one more time, but in the undeniable fear or apprehension of a threat that is *worse*, and still *to come*...”

The worst to come is the imagining of a nuclear attack that threatens to destroy US state apparatus, according to Derrida. “The virtual nuclear attack does not exclude others and may in fact be accompanied by chemical, bacteriological or cyber attacks. Such attacks were in fact envisioned very early on, indeed, already with the appearance of the term *rogue state*. But at the time, they were identified as originating from within organised, stable, identifiable, localisable, territorial powers – *non-suicidal powers*, or so it was assumed, that would be susceptible to certain dissuasive tactics...” All these efforts to identify terrorist/rogue states are “rationalisations aimed at denying not so much some absolute anxiety but the panic or terror before the fact that the absolute threat no longer comes from or is under the control of some state or some identifiable state form”.

“Free-floating” global terrorists and suicide bombers, who exemplify and embody risk-taking at its most extreme, have undermined the sovereignty of nation states, both in terms of nation states being compelled to follow international counter-terrorist methods, and simultaneously having to redraft the covenant of governmentality within their societies, Kalpagam added. Taking up the contested definition of sovereignty, she offered the observations of Hardt and Negri, and their hypothesis that sovereignty has taken a new form, composed of a series of national and supranational organisms united under a single logic of rule, or “Empire”. According to these theorists, “the declining sovereignty of nation states and their increasing ability to regulate economic and cultural exchanges is in fact one of the primary symptoms of the coming of Empire”.

While many thinkers try to understand this new global sovereignty in terms of the established Hobbesian/Lockean perspectives, either emphasising the rise of global security or a global civil society, Hardt and Negri indicate that the new imperialism inscribes a paradigm shift: “a new notion or right, or rather, a new inscription of

authority and a new design of the production of norms and legal instruments of coercion that guarantee contracts and resolve conflict". Moreover, the formation of a "new right" is achieved through the deployment of preventive, repressive and rhetorical force aimed at the reconstruction of social equilibrium. The right of intervention is not just military, but also moral: "the external morality of every human being and citizen is by now commensurable only in the framework of Empire".

Kalpagam clarified that with the decline of nation state sovereignty, the social contract between the state and its citizens, that was based on the Hobbesian category of "people" with a single will granting legitimacy to the state, is called into question. She cited the theorist Paolo Virno, who claims that even at the time of Hobbes, "people" was a much-contested category, and countered by Spinoza's category of "multitude". Hobbes was a passionate defender of the category "people", as he relegated "multitude" to the "state of nature" which precedes the "body politic". For Virno, the contemporary "multitude" consists neither of "citizens" nor "producers", but is somewhere between "individual" and "collective"; by this logic, the "public" and the "private" have also been uncoupled. Hence it is no longer possible to speak of a "people" converging into the unity of the state.

Hardt and Negri declare that the "multitude" is "a multiplicity, a plane of singularities, an open set of relations, which is not homogeneous or identical with itself and bears an indistinct, inclusive relation to those outside of it". The "people", in contrast, tend as a category "towards identity and homogeneity internally", while imposing its difference from and excluding what remains outside it. Whereas the "multitude" is an "inconclusive constituent relation", the "people" is "a constituted synthesis that is prepared for sovereignty". The people provide a single will and action that is independent of and often in conflict with the various wills and actions of the multitude." For Virno, the multitude is "a mode of being, the prevalent mode of today; but like all modes of being, it is ambivalent, or we might say, it contains within itself both loss and salvation, acquiescence and conflict, servility and freedom. The crucial point, however, is that these alternative possibilities have a peculiar physiognomy, different from the one with which they appeared within the people/general-will/State cluster."

Kalpagam asserted that for the multitude, the implications of living in a world risk society become clear when negotiated through Virno's

commentary on the dialectic between fear and the search for security. Drawing from Heidegger's distinction between "fear" and "anguish", Virno claims that while fear situates itself inside the community, within its forms of life and communication, anguish "makes its appearance when it distances itself from the community to which it belongs, from its shared habits, from its well-known 'linguistic games', and then penetrates into the vast world". In the contemporary world, this "dividing line between fear and anguish" has failed because one "cannot now speak reasonably of substantial communities with a stable, habitual 'inside' and an unknown, hostile 'outside'. The permanent mutability of the forms of life, and the training needed for confronting the unchecked uncertainty of life, lead us to a direct and continuous relation with the world as such, with the imprecise context of our existence."

While the "people" as one experienced fear, or were "sedated" by the substantial community, the "multitude" of today is united by the risk which derives from "not feeling at home", arising from the "fearful pressure of the indefinite world".

Moreover, the "dread-refuge coupling" has also been modified today – it is now not a stimulus-response or cause-effect relation. "Rather, when one is intent on protecting oneself, then we identify the dangers that we need to focus upon." The "multitude" living in the world risk society is not united by a single set of risks; the risks vary in nature, and also vary in magnitude.

Kalpagam pointed out that the "ethical-rhetorical topography", those "special places of discourse and argumentation" that enabled one to gain knowledge of, understand and cope with risk/danger, have disappeared. In their stead we find "common places", the "generic logical-linguistic forms that establish the pattern for all forms of discourse, much like Foucault's *episteme*." The most general and abstract linguistic structures are becoming instruments for orienting one's conduct – this is one of the conditions that define the contemporary multitude. In this context, we submit to the contemporary information deluge, particularly statistics, numbers and indices, offered by the media in order to orient the multitude towards risk and risk-positioning.

"Similarly, the proliferation of rights-discourse emphasises the plurality embedded in the multitude, and their anguish on account of the differentiated nature of risks, chance, opportunities and consequences," the speaker added. The multitude is aware of its rights, and

seeks to be not just subjects of surveillance by the state and its institutions, but would like in turn to be granted reciprocal power to be agents of surveillance of those very same state bodies and institutions. Watchdog activities, documentation and demand for reformist legislation/intervention, pushed by NGOs, civil rights and citizens' groups, are evidence of this.

The multitude also acquires the unity of the "general intellect", constituted by statistical data, media information and rights discourse. In addition, the mode of being of the multitude is determined by "emotional tonalities" that are common to diverse contexts. These registers are augmented by "idle talk" and "curiosity", identified by Heidegger as manifestations of an "inauthentic life", and characteristic of media communication. Lacking foundation, idle talk authorises invention; instead of reflecting on that which exists, itself produces the states of things, unedited experiences and new facts that constitute the tonalities. For Virno, the media "trains the senses to consider the known as if it were unknown, to distinguish an enormous and sudden margin of freedom even in the most trite and repetitive aspects of daily life". At the same time, it also trains the senses for the opposite task: "to consider the unknown as if it were known", to become familiar with the unexpected and the surprising, and to become accustomed to the lack of established habits.

"As substantial communities fade away, it is media-generated information that enables the multitude to attune itself to the risks of living in the world risk society," the speaker concluded.

Awadhendra Sharan initiated the discussion following the presentation, remarking that there is "a move between risk and governmentality" that continually takes place. "My sense is that the risk literature and the governmentality literature are organised very differently; they are very different ways of speaking to the same phenomenon..." He suggested that Kalpagam analyse this difference "between a Beck and a Foucault kind of focus".

Regarding the relationship between the individual and the state, Kalpagam having argued that both state and non-state actors participate in managing the conduct of the people, Sharan suggested that it would be useful to look at the state as it begins to function like a market; the examination of the state *itself* as a market. "That's something the governmentality literature has begun to do..."

"I'm not too sure about the focus on the individual as risk-bearing subject – as yet; I would hesitate to identify a big shift in this domain," Sharan added. "There are all sorts of things happening, but there are also public campaigns initiated by the state and courts at the same time, as well. The play between individuals and large public campaigns is still on."

Sharan pointed out that Kalpagam had talked at length about the media, experts/specialists, and processes of dissemination; but she also needed to bring up "the nature of information itself and the degree of uncertainty" that is built into many of the complex practices that the speaker had described. "In its very nature, this uncertainty determines certain kinds of information processes. The sociology of science has tried to develop this, through going beyond the 'public deficit' model of information – i.e., somebody *knows*, and the public is simply supposed to try and *learn*... Brian Wynne and some other scientists in England have tried to work out of this public deficit model, which is also very critical in the Indian case. Look at our courts: they are always saying, 'publicise this more', 'the media should write about these things, then the public will come to know...'"

Geert Lovink made reference to a posting by Jeebesh Bagchi on the Sarai Reader-list about his experience of the Indian Social Forum – he was also surprised to see that so many initiatives there had as a whole incorporated rights discourse. "From various involvements in social movements, it is also my impression that when people start talking about rights, it is an indication that the social movement itself is dead, and that the rights/rights talk is a kind of heritage and echo of struggles that are fought – and once people start talking about rights, they turn the social struggle into a kind of codified language..."

"I am not saying they are necessarily on a reformist cause, but certainly there is a striking resemblance between the rise of formal NGOs and the escalation of rights discourse," Lovink remarked. "From the point of view of political struggle, talking about rights is a very passive form of action, as it were – you go to the counter and *ask* for rights. I am a bit surprised that you see it as a field of struggle for multitudes."

Wendy Chun commented that in Kalpagam's discussion of mass statistics "is the dissolution of the individual". For instance, many people are paranoid when they think of databases, because they think they can be tracked; but trends are actually what is more important...

"Your characterisation of the individual as a risk-bearing person brings to mind the analogy of open source, which opens things up and poses things down, in technical systems – is that part of the same logic?"

Chun asked whether Kalpagam's use of "anguish" as theorised by Heidegger was linked to Kirstie Ball's definition of "exposure". She then invoked the theorist Slavoj Žižek's notion of ideology. "What if we *already* know, but we keep on doing? You brought out nicely how we are disinformed – but what if we know anyway, but we really don't care, or if our actions appear as if we don't care? Does this follow a different logic from the logic underlying your suggestion that we just need to know, and then we would act differently?"

Jeebesh Bagchi said he was intrigued by how Kalpagam brought up governmentality, and then the idea of "contagion". However, the idea of consumers/witnesses using mobile phones images to send information to the media might not work in this model, "because it is more a kind of distributed spectacle, produced in the moment of a media crisis, produced *through* crisis... it is not risk but crisis, that precipitates a new form of participation in a spectacle". This would require a different kind of analysis than the forms and methodology of simple surveillance, for surveillance becomes "too heavy and difficult" a category to negotiate if the citizen-journalist is contained within it.

Taking up Kalpagam's reference to "vulnerabilities" of different kinds, through which risk was distributed in different degrees, Bagchi pointed out that through abstraction, rights language did away with unequal, disturbing vulnerabilities, which were then lost. "Most of the stories in the World Social Forum and the Indian Social Forum are of vulnerabilities; crucial things have been taken away. If you look deep within the stories, you'll find multiple sets of actors within the vulnerabilities. Rights discourse completely erases that matrix of specificity. Rights discourse is a kind of refusal to actually engage with that matrix; so it invisibilises the actors..."

"If rights language is a sort of visibility of the multitude, maybe there is not much of a multitude there, in that sense..."

"Take child rights – the classic instance of the most idiotic and violent rights discourse I've ever seen. An 11-year-old says, 'I want to contribute to the family.' He is told by teachers and social workers that he is some kind of delinquent, and forced into compliance with the system," Bagchi

declared. In relation to this, Lawrence Liang described a recent court hearing he attended, taking up the case of a 17-year-old who was sent to remand because he could not attest regarding details of property, and did not manage bail.

"Multitude is an interesting concept," Liang mused. "I don't know how much it works, but it will be disastrous to see risk and rights answering to each other."

Ravi Sundaram stated that Kalpagam had "panned the scenario" of statistics in a very interesting way in her description of how numbers circulated. "You bring in subjects, but these are not the same as numbers. Who is producing the numbers? Is there a notion of ourselves as 'productive' selves, i.e., as also producing numbers through technology and interactivity, through recognition? In the old days the state produced numbers – we all knew it, and it was a different logic of power. Now numbers are claimed through the Right to Information (RTI) – it's a different zone that may or may not fit into risk or into classic governmentality."

Kalpagam replied that both state and non-state emissaries produce numbers, but the figures produced by the former are accessed by the multitude via the media. Hence both state and media are implicated in the "cognitive-linguistic mode of access" to mediated, digitised information, facts, statistics and indices.

"The constitution of the subject doesn't happen at the time of *enumeration*, the kind of enumeration that was part of the discourse of colonial governmentality. The subject is constituted at the point of *dissemination*, and through the manner in which information is accessed by the subject."

Responding to Bagchi, the speaker clarified that as the policy domain shrank, the rights domain is also defined and bound by the sovereign/nation state. "The space of the rights domain is carved out of the processes of governmentality, which provides the space for struggle. The rights domain will increasingly provide the space for struggle for the multitude, as other spaces of struggle are closed down... The marginalisation of trade unions is a classic example..."

"How different vulnerabilities are kept visible in this evolving space is part of the task of the struggling multitude."

Taking up Chun's query about the state and attitude of the subject in terms of Žižek's supposition, the speaker acknowledged that she was not a Heidegger specialist, but "you do get

the feeling, when you read certain parts of Heidegger, that there is a way to envisage various possibilities of being in the world – and ‘I don’t care’ is mentioned as one of those possibilities of being. I am not suggesting that the multitude is always going to be in the struggle mode and express only that subjectivity. You can have multitudes that are simply indifferent, and subjects positioned in various ways.

“Heidegger also brings in the question of ambiguity – rumour, idle talk – undeniably, this mode also opens up numerous possibilities of being in the world.”

Kalpagam reiterated that she had not fully worked out her argument. “People may even object to my bringing a fragment of Foucault and a fragment of Heidegger together in this way. But to me, it seems that one can – though I had once similarly linked Foucault and Lefebvre, and there were some serious objections...!”

The speaker acknowledged that she needed to bring the risk and governmentality literature closer together in her work. Regarding Sharan’s observations on the need for an examination of the state as market, the speaker concluded that in the Indian context, this mandated very detailed studies of the “liaison agents” that the corporate sector has employed to work via the government, through open advertising.

“This interpenetration will require very concrete analysis – of ministries, government departments, these linked levels of administration.”

#### Panel 4: Truth, Transmission and Technology

Moderator: Ravi Sundaram  
Sarai-CSDS

##### **The Technology of Telegraphy and the Telegraphy of Technology: Magic and Speculation in the First Half of the Last Century**

Deep Kanta Lahiri-Choudhury  
Historian, Jamia Millia Islamia University, Delhi

**Telegraphy was a system of flows contained within the earlier postal rhetoric and imagination of metropolis and periphery, centres and outposts; but the technology was moving away from a mentality of flows to one of fields and networks, a fisherman’s net, a mesh...**

Deep Kanta Lahiri-Choudhury examined particular technological changes that occurred in communication systems during late 19<sup>th</sup>-century British rule in India, focusing on the imperial imagination and the structure of telegraph technology in the Victorian Age.

Introducing the subject with some key statistics, the speaker explained that between 1860 and 1900, India emerged as a strategic hub in both the cable and overland telegraph network of the British Empire; by 1875, it was the main overland link between the West, the Far East and Australasia. In 1864, there were 1,100 miles of submarine cable in the world; by 1900, this had gone up to 210,000 miles. This vocabulary of limitless ‘progress’ was projected in speeches at banquets hosted by the Atlantic and Eastern Cable and Eastern Extension Group of Companies, for example, to celebrate the cable connection to the Far East. Newspaper articles echoed this rhetoric:

The Prince of Wales, standing as it were at the *very hub* of the British dominions, dispatched simultaneous messages by cable to the uttermost corners of the earth where the British flag flies, and in a few minutes received back words of greeting in reply... No factor conducing to the maintenance of the Empire is more powerful than the submarine cable... its prompt utilisation prevents that friction between far distant parts of the Empire which, were no rapid interchange of explanations possible, might develop into misunderstanding and alienation. *The chances of the cohesion of the British Empire have been vastly increased by the progress of ocean telegraphy all over the world. The cable counts for peace and diplomacy works along its strands.*

However, by 1931 the Indo-European Telegraph Department, that partly managed one of the main overland lines to Britain, was frenziedly trying to liquidate its holdings as it terminated operations. Lahiri-Choudhury investigated the reasons for this collapse, claiming that the assumption that Britain through its telegraph network was able to exercise more direct control over its empire was only partly true. The speaker also explained the fact of the substantial investment of the British Empire in submarine telegraphy, not only in terms of money but also in terms of ideology, scientific practice and personnel. He questioned the Liberal ideology which held that “perfect information was possible and that it was a common good, and which painted a picture of endless peace, prosperity and progress in a global economic and

information free-market”.

“The telegraph was represented as neutral, accessible to all... this was *laissez faire* at its most utopian, most magical,” Lahiri-Choudhury asserted. In fact, the reality was very different. In terms of the standardisation of science, “the claim to universal applicability had to be repeatedly proved at the outposts of empire”, according to Simon Schaffer, specialist in the history and philosophy of science, even while “the broader concerns of imperial telegraphy influenced metropolitan scientific research”, as asserted by Bruce J. Hunt. However, this was but half of the picture. In the case of the telegraph, the laboratory was also in the periphery; and extra-metropolitan experience “transcended” the narrow confines of the metropolitan laboratory to the extent that the submarine telegraphs were not only born out of extra-metropolitan but also out of extra-laboratory experience.

The intricate re-mapping implemented through the imperial communication system is illustrated, for example, by the transformation of two small coastal settlements into primary centres of the telegraph line from India to Europe. In 1862, a submarine cable linked Gwadar, an obscure fishing village on the Makran coast, and Fao, “a very molecule amid hamlets”, and these became two very important nodes in the imperial communication chain from Europe to India.

A significant number of “extra-metropolitan personnel” contributed towards the success of the telegraph enterprise, added Lahiri-Choudhury, reiterating that knowledge generation and technology transfer were “clearly bilateral” in their range and function.

The speaker explained that metropolitan manufactures, imported in bulk quantities, often “proved useless” in India — they were either unsuitable for use in the tropical climate, or their maintenance/replacement proved too expensive. This difficulty was further aggravated by the “alleged failure of English telegraphers to realise the peculiarities of the tropics: for instance, termites”. Yet as far back as 1837, Indian lines had used a combination of Indian and British manufacture, and telegraphic experiments, transferred wholesale to Britain in the 1860s, were to be refined, standardised and returned to India, via a succession of European engineer mechanics appointed to the Telegraph Workshops. “The terms ‘replacement’ and ‘maintenance’ often disguised the fact that *each* modification and innovation could constitute fundamental change,” Lahiri-Choudhury stated.

According to the speaker, the unequal relation between metropolis and periphery influenced the nature of the claims, which could be advanced in the colony. “Innovations made in India were to be *exactly those*, innovations in India.” Their wider application did not challenge the claimed dominance of the metropolitan laboratories.

Lahiri-Choudhury pointed out that contrary to popular belief, “the telegraph did not necessarily lead to greater control by Britain over the colonies. Rather, it made Britain more a victim of events elsewhere, and vulnerable to the actions of its subjects in distant places.” British parliamentarians increasingly attempted to use telegraphically transmitted information to intervene directly in colonial issues. The *Times* complained of “...the disadvantage to India of the frequent Parliamentary interference which has been made easy by Sir John Pender’s cables... It serves to bring Indian policy more under the control of those who are ever on the watch for an opportunity of shaping it to their own ends.” In contrast, Viceroy Lord Minto declared: “The more opportunities [in terms of communication] we throw open to the educated Indians, the more we shall have to increase the executive authority of the Viceroy and the Government of India.” Viscount Morley, the Secretary of State, claimed that senior politicians gave in to the pressure exerted by parliamentarians, “who, in their turn, are the puppets of native wire-pullers”.

“This was not a situation of control but of loss of control, where information often neither flowed into an imagined centre, nor did commands necessarily flow out from it,” Lahiri-Choudhury pointed out. The tensions between the India Office, the Government of India, the Provincial Governments, the ‘man-on-the-spot’, and the ‘natives’ continued; undoubtedly, the telegraph was a crucial force in and mirror of the mechanisms of formal and informal empire. “By the 1890s, lower-middle-class and working-class European, Eurasian and British personnel dominated the telegraph service, which had become a stronghold of racially discriminatory recruitment, underlining its imperial function... It was stated that ‘the telegraph clerks, scattered all over the Eastern world, are the eyes and ears of the British people’... The involvement of the Indo-European telegraph department in Persia and Afghanistan was clearly political, implicated in surveillance and information gathering.”

The speaker clarified that in terms of financial investment, British “over-involvement” contributed to a sense of “imperial anxiety”. By 1900, the investment overseas was £1 billion, 700 million.

Over 66% of just the cable network was British-owned, and investment was £106 million by 1900. The silver jubilee brochure of the cable conglomerate noted, “[T]he wonder of it all is that the whole system is the growth of a single generation. Within the brief period of thirty years, over 150,000 miles of cable have been laid.”

Lahiri-Choudhury described this as “a case of massive tied-up capital investment”, as the telegraph system “never yielded the fruits that were prophesied”. The telegraph system was “a symbol of empire”, and initially a spectacle observed with curiosity as well as scepticism by the ruled: according to officials, “the majority of the natives did not believe in the working of the telegraph lines at all and maintained that we were cheating them out of their money without being able to send a single message!” The dilemma was that if rates were low, more people would correspond, but lower rates meant less revenue; a sufficient increase in the number of users was never achieved; any increase in numbers was offset by lower profits. The Telegraph Department argued that any effort to incorporate the telegram into the basic communication habits of a subject population was inapplicable to India. The vast majority of people could not afford it; and by lowering the rates, the government was merely subsidising the handful of people who could already afford to use the telegraph service. The volume of traffic remained “practically stationary” for many years.

“Yet, British imperial obsession with their ‘crimson lines of kinship’ and of control saw telegraph lines repeatedly duplicated,” Lahiri-Choudhury explained. The telegraph became a symbol of Britain’s world domination, “and it is this eminence that allowed it to claim that after the mid-19<sup>th</sup> century, the telegraph and electrical sciences in general represented the most prominent ‘marvel’ of the day”. Moreover, the telegraph represented to the Victorian population the “apogee of achievement” of that time, and the “apex” of Victorian science. It featured prominently in the Great Exhibition of the Works of Industry of All Nations, offset against displays of “colonial handicrafts”.

However, the technology was not explained, but “occupied much the same place as magic”, according to the speaker. One critic wrote: “To say that the spectacle is incomparable and fairy-like is the soberest understatement. It is like a fragment of a midsummer night’s dream seen in the clear light of day.” Queen Victoria wrote in her diary: “To the Exhibition: went to the machinery part, where we remained 2 hours... fills one with admiration

for the greatness of man’s mind, which can devise and carry out such wonderful inventions, contributing to the welfare and comfort of the whole world...”

“Faced with the magic of electricity, the average Victorian viewer was no different from the reverential primitive awed by the magic and mystery of some shamanic totem; and Lord Kelvin was probably the most respected shaman of his time,” Lahiri-Choudhury stated, “Pender and Thomson envisioned telegraphy in linear terms, of information moving from point A to point B. But moments of breakdown and disruption created centres and peripheries in the system. As long as the flow of information kept circulating, the sites of Fao and Nova Scotia assumed equal importance. Telegraphy was a system of flows contained within the earlier postal rhetoric and imagination of metropolis and periphery, centres and outposts; but the technology was moving away from a mentality of flows to one of fields and networks, a fisherman’s net, a mesh. By 1907, the vast cable world was aware of the threat of extinction.”

Financiers warned Pender that he was “throwing millions of pounds into the sea”, Lahiri-Choudhury continued. “By 1910, an enormous investment lay on the bottom of the ocean, becoming obsolete.” This created a social and technological crisis that had far-reaching consequences, compounded by the average cost of a telegram in terms of labour and automation inexorably spiralling downwards, even as the volume of information increased. “Information panics began to proliferate through the nerves of empire...” However, the primary dependence of cables was not on private or commercial messages but more on the huge volume of press messages and government dispatches. The telegraph brought peripheral sites of conflict into the metropolitan heartland when blow-by-blow accounts by war correspondents promoted a circulation of information on an unprecedented scale. Reporters covering the Afghan campaigns, the Boer War, the bombardment of Alexandria, operations in Egypt, sent hourly news to Europe, where it was eagerly consumed.

News, gossip, rumour and information were *entangled* (as in the mode theorised by the physicist Erwin Schrödinger) in this vulnerable world of “imperfect peace”, according to Lahiri-Choudhury. The importance of India because of its crucial position in the imperial network led to Indian politics being of major significance on the world stage. Unrest in India threatened the whole system, and information regarding India was not to be dismissed as peripheral. On the other side,

the nationalists in India were quick to seize opportunities offered by diverse systems of communication to present their cause to an international audience.

“Developing Benedict Anderson’s term ‘imagined community’, and C. A. Bayly’s term ‘information panic’, I argue for a new term, the ‘imagined state’, in which the telegraph was of hegemonic importance,” Lahiri-Choudhury clarified. “Post-1920s, it was this ‘imagined state’ with its imperial network that had to reinvent itself in the changing context of technology. While ‘information panic’ is used by Bayly to describe how peripheral conflicts and panics forced the empire to expand at the margins, I use it in its *systemic* aspect. Discrete, peripheral events appeared in the international media and soon took on a snowball effect; once initiated, events and panics achieved a velocity of their own.”

The speaker commented that the last decades of the 19<sup>th</sup> and the first decades of the 20<sup>th</sup> century, particularly the years of World War I, witnessed a mode of information panic that was as much a *symptom* of technological change as it was the *provocation* for such change. “The inability of the telegraph to meet the financial, social and ideological challenge posed by newer technologies, and its resistance to change both financially and in terms of propaganda, signalled a world in transition...”

“Ironically, information panic illustrated both the ideal of perfectly stable information systems and the reality of their processes of change,” Lahiri-Choudhury concluded. “From this point of view, the panics were not irrational and unpredictable epiphenomena that suddenly swamped society, but were built into ideological and temporal systems of information. The conflict between the claims made by the telegraph in its late 19<sup>th</sup>-century liberal and industrial ethos, and the reality of its operations on colonised ground, challenges simplistic notions of improved communication technologies reflexively improving progress, free information, free markets and world peace.”

#### Rapporteur’s Note

“Entanglement” is a quantum mechanical phenomenon in which the quantum states of two or more objects have to be described with reference to each other, even though the individual objects may be spatially separated. This leads to correlations between observable physical properties of the systems. As a result, measurements performed on one system seem to be simultaneously influencing other systems ‘entangled’ with it.

An ardent Vedantist and advocate of Schopenhauer’s

philosophy, Erwin Schrödinger coined the term “entanglement” (*Verschränkung*) in a 1935 article that appeared in the German magazine *Naturwissenschaften*. He posed this question: When does a quantum system stop existing as a mixture of states and become one or the other? More technically, when does the actual quantum state stop being a linear combination of states, each of which resemble different classical states, and instead begin to have a unique classical description?

Schrödinger devised a paradoxical “thought experiment” to illustrate his concept:

“A cat is penned up in a steel chamber, along with the following device (which must be secured against direct interference by the cat) – in a Geiger counter there is a tiny bit of radioactive substance, so small, that perhaps in the course of the hour one of the atoms decays, but also, with equal probability, perhaps none; if it happens, the counter tube discharges and through a relay releases a hammer which shatters a small flask of hydrocyanic acid. If one has left this system to itself for an hour, one would say that the cat still lives if meanwhile no atom has decayed. The psi-function of the entire system would express this by having in it the living and dead cat (pardon the expression) mixed or smeared out in equal parts...”

“It is typical of these cases that an indeterminacy originally restricted to the atomic domain becomes transformed into macroscopic indeterminacy, which can then be resolved by direct observation. That prevents us from so naïvely accepting as valid a ‘blurred model’ for representing reality. In itself it would not embody anything unclear or contradictory. There is a difference between a shaky or out-of-focus photograph and a snapshot of clouds and fog banks.”

A variant of the experiment, known as ‘Quantum Suicide’, has been proposed by cosmologist Max Tegmark, which examines the experiment from the point of view of the cat. Another variant is ‘Wigner’s Friend’, designed by the physicist Eugene Wigner to posit that the consciousness of the observer is necessary to the quantum mechanical measurement process; consciousness is non-material, and just as there is no interaction between the multiple quantum states of a particle, so superimposed consciousnesses need not be aware of each other.

Although two entangled systems appear to interact across large spatial separations, no useful information can be transmitted in this way. However, it is possible to transmit information using a set of entangled states in conjunction with a classical information channel. This process is known as quantum teleportation.

Schrödinger’s conceptualisation of entanglement was received with skepticism by his peers. Einstein allegedly derided entanglement as “*Spukhafte Fernwirkung*” or “spooky action at a distance”. Physicists have not reached a consensus with regard to the experiment. Stephen Hawking once exclaimed, “When I hear of Schrödinger’s cat, I reach for my gun,” paraphrasing German playwright/Nazi poet laureate Hanns Johst’s famous phrase, “*Wenn ich ‘Kultur’ höre, entsichere ich meine Browning* (When I hear the word ‘culture’, I release the safety on my Browning)!”

## ... And Nothing but the Truth: So Help Me Science

Lawrence Liang  
*Legal Theorist/Researcher,  
Alternative Law Forum, Bangalore*

**The human body is somehow expected to function both as a measurable machine and as a fluctuating manifold of flesh... and the lie detector serves as a compelling case study of the porous boundaries between bodies, minds, machines and the law.**

Lawrence Liang focused on the sudden re-emergence of lie-detector technologies as a mode of internal surveillance, post- 9/11. Accompanied by compelling visuals, his presentation highlighted the “technological euphoria” in recent times that has been caused by the use of “improved technologies” such as brain mapping or brain fingerprinting, which replace the earlier psycho-physiological polygraph technique.

Liang began an imagistic note with a slide of the crime-fighting comic book character “Wonder Woman”, the creation of American psychologist William Marston who invented the systolic blood-pressure test used to detect deception, which became one component of the modern polygraph.

The speaker then explained that while conventional lie detectors rely on changes in respiration, blood pressure and heart rate, the new devices depend on differences in blood flow and electrical activity within certain areas of the brain. “While brain imaging technologies like fMRI (functional magnetic resonance imaging) and brain fingerprinting promise to exorcise the messy autonomic body foundational to the polygraph mechanism, both continue to rely on psycho-physiological principles. They maintain that there is a connection between body and mind, that physiological changes are indicative of mental states and emotions, and that information about an individual’s subjectivity and identity can be derived from these physiological and psychological measures of deception.”

Liang added that in the US, each advancement that has replaced polygraph technology has proved it to be pseudo-science; “but in India, with out different temporalities, we invoke all three tests just to make sure – since the ‘Hindoos’, as Herschel has reminded us, ‘are habitual liars...’”

Liang identified some key questions with regard to the application of the technologies:

> How did truth and lies become mechanically accessible?

> In what ways is the question of access to interiority configured and realised?

> How have technologies of physiological truth defined the human body’s boundaries, and shaped our understanding of verifiable identity?

> What is the role of popular culture and public discourse in construing these technologies as objects/techniques of science?

The speaker pointed to the current political interest in lie detection, including the draft of a DNA profiling bill, providing for an interface between law and forensic science. He quoted Dr M.S. Rao, Chief Forensic Scientist, Government of India:

Forensic psychology plays a vital role in detecting terrorist cases. Narco-analysis and brainwave fingerprinting can reveal future plans of terrorists and can be deciphered to prevent terror activities... Preventive forensics will play a key role in countering terror acts. Forensic potentials must be harnessed to detect and nullify their plans. Traditional methods have proved to be a failure to handle them. Forensic facilities should be brought to the doorstep of the common man... Forensic activism is the solution for better crime management.

According to Liang, technologies of truth depend on a central paradox: that individuals can be represented as “disembodied informational patterns”, even as detection remains an embodied phenomenon detectable through physiological processes. “The human body is somehow expected to function both as a measurable machine and as a fluctuating manifold of flesh”, and the lie detector serves as a compelling case study of the “porous boundaries between bodies, minds, machines and the law”.

Liang briefly described the three primary lie detection technologies:

The lie detector test (polygraph) is an examination, conducted by various probes attached to the body of the person who is interrogated by an “expert”. The heart rate and skin conductance is measured. “The underlying theory is that when people lie, they also get nervous about lying”: their heartbeat increases, blood pressure rises, breathing rhythm changes, perspiration intensifies, etc. A baseline for these physiological characteristics is established by asking the subject questions whose answers the investigator knows. “Deviation from the baseline for truthfulness is taken as a sign of a lie.” Polygraph analysis may be sought to be rendered as evidence in court, if and when required.

The narco-analysis (truth serum) test is conducted by injecting 3 grams of sodium pentathal dissolved in 3000 millilitres of distilled water. This solution is administered intravenously along with a 10% solution of dextrose over a period of three hours, with the help of an anaesthetist. The rate of administration is so controlled to push the suspect slowly into the state of hypnotic trance. Blood pressure and heart rate are monitored continuously throughout the testing procedure. Statements made during the hypnotic trance are recorded both on video and audio. "The questions are designed carefully and repeatedly persistently in order to reduce the ambiguities during such interrogation." The report prepared by "experts" is seen as a useful item of evidence within the law.

The brain mapping/brain fingerprinting (P-300) test measures the activity of the brain as an individual is exposed to stimuli. Specifically, it relies on the P-300 brain wave, one that spikes 300-800 milliseconds after subjects "recognise and process an incoming stimulus that is significant or noteworthy". The suspect is first interviewed and interrogated to find out whether he is concealing any information. The activation of the brain with regard to the associated memory is carried out by presenting to the accused a list of words, images, phone numbers, locations or names. The response is acquired through a 32-channel Neuro Scan Recording system. The suspect is asked to sit down and close his eyes; the recording electrodes are placed directly on the scalp. No oral response is expected. Following the recording, "experts" analyse the test results for possible evidence of suppressed information.

Liang cited a judgement of the Bombay High Court, *Ramchandra Ram Reddy v. State of Maharashtra* (2004), which upheld the validity of administering all three tests, arguing that they do not violate the right against self-incrimination provided in Article 20 (3) of the Constitution of India. This asserts that "No person accused of any offence shall be compelled to be a witness against himself"; i.e., provides against testimonial compulsion. The court raised a technical distinction between a statement and a testimony:

It will thus be seen that what is required to be made under compulsion by an accused is a statement... In our opinion, the tests of brain mapping and lie detector, in which the map of the brain is the result, or polygraph, then either cannot be said to be a statement. As we have seen from the description of the tests noted above and the end result of brain mapping tests, it is a map showing reactions of the brain to certain target questions, and

the conclusion that can be drawn by an expert after such treatment is that the person undergoing the tests does possess certain knowledge of the crime, in relation to which target questions were put to the accused.

In both these tests there is no way to find out what the lie is or what is the information stored in the brain of the person concerned. That being the end result of the tests, it cannot be said by any stretch of imagination that the end result is a statement made by the witness. At the most it can be called the information received or taken out from the witness. Whatever is the information, it has to be established that it is incriminating for the person who makes it, for invoking the protection under Article 20 (3). In our opinion therefore there is no reason why these two tests be not administered.

Liang provided a short pre-history of the lie detector. The period 1907-1920 saw the emergence of "a whole series of different machines, each in their own way linked to the persona of the criminal". These were variously named "the soul machine", "machines for the cure of liars", "truth-compelling machines". But from the 1920s onwards, the lie detector emerged as a "discourse-object" which is a culmination of these various predecessor technologies. Prior to this, Carl Jung had been experimenting with the idea of a "psychometer" which would be able to assist in the detection of the emotional state of individuals. While "indifferent words" produced no effect on the "finger of light" of the psychometer, others which struck "some emotional complex deep in the soul of the individual" would "light up the machine", and send the light along the scale "for a distance of 1 centimetre up to 6, or 8, or more, in proportion to the intensity and actuality of the emotion". Another technology was created by Hugo Munsterberg, again with its roots in psychoanalysis; accounts of both technologies were reported in the press.

"But the discourse soon began to move towards the possible uses of these technologies towards crime detection/forensics," Liang explained. "The most significant shift that enabled the coming into being of the lie detector was not a matter of apparatus or technology, nor was it a change in the locus of guilt from the skin to the heart and lungs. Rather, it was a change in the *object of knowledge*. Rather than focusing on analysing the criminal, the technology now focused on detecting the lie."

In addition, society in general became more

statistic oriented; and the discipline of criminalistics, rooted in positivism and instrumental rationality, developed at great speed. "The assumption was that like everything else, emotions could be reduced to a set of measurable principles," Liang clarified. "The body was seen as both empirically knowable and in need of externally imposed principles of order and control. Accordingly, forensic science was configured on the principles of transference, individuation, identification, association and reconstruction, which structure the intersection between information systems and embodiment...

"The technologies in question demand that subjects/suspects reveal their minds through their physiology; yet these same technologies chart bodies as systems of information that can be processed independently."

Liang pointed to another shift in thinking from the late 19<sup>th</sup> to the early 20<sup>th</sup> century, with regard to the human mind, emotion and ideas of selfhood. These had been considered the domain of philosophers; but a newly emergent discipline, psychology, had now taken them as its central concern. The "new" or "experimental" psychology transformed emotional interiority into "a visually present, quantifiable, controllable and rationalised object of knowledge", the science of emotions "signified the breakdown of the epistemic boundaries that separated inside from outside and subject from nature". It depended on the modernist mechanisation of the body, by defining interiority as the manifestation of the brain displayed via various verbal and instrumental examinations. "Character, personality, guilt, innocence and accountability are determined not by actions, but by reactions; not by intuition, but by methodology."

The production and interpretation of these new "scientific images of emotion" resonated with and mediated broader historical, epistemological and cultural transformations of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries," Liang asserted. The latter include the predominance of the "graphic method", the emergence of modern forms of knowledge, and in particular, "the changing definitions of objectivity and of the 'image' of objectivity". It also takes into account the modern "appropriation of subjectivity", and the shifting representation of the body from a "spiritualised" Victorian to an "emotionalised" modern, and the shifting boundaries between art and science within the broad frame of a late 19<sup>th</sup>-century "evidential" paradigm.

According to the speaker, three basic techniques enabled the scientific rendering of emotional experience into visual images:

- > monitoring the body during emotion
- > sampling from the body during emotion
- > examining the "post-emotional" body

Within this science, all the corporeal elements mapped themselves onto visual representations, including graphs, diagrams and charts, as emotional experience in its pure form. Once the somatic interventions were concluded, the technology disappeared and blood pressures, changing blood glucose levels and the undulating measures of blood lymphocytes "revealed emotion as information". These representations relied on the creation of a new mode of seeing and a new language to support the visual data. Simultaneously, there was a reliance on familiar language of emotions and familiar emotional phenomena, such as the blush. Older signs were thus re-signified into new interpretative parameters. The patterns that earlier indicated completely different processes came to be seen as representing emotion. For instance, the same physiological pattern of white blood cells that signified 'infection' could now be read as 'excitement'; cardiac sounds that signified valvular disease could now be read as 'apprehension'.

Liang argued that while the experiments conducted through these "soul machines" configured themselves as raw scientific data, they also revealed a lot about contextual racial and administrative insecurities, and their status as cultural narratives. Chinese were found to be more "intellectually efficient" than their Western counterparts; women more emotional than men; blacks more emotional than whites, etc.

"Foucault's work has shown how the desire to fix truth in objective and universally rational systems of thought, such as law, medicine and social sciences, extends the normative power of knowledge over the self and the institutions that encompass it," Liang declared. "These lie-detection experiments were providing the way for a new experience of self through new visual representations." These private, machine-mediated dialogues with/of the self were now on public display; transcriptions of subjectivity, thus materialised, promoted these "narratives of the mind" – the struggles between will and emotion; the self as an "active and ontologically existing agent"; and the mind as a space into which emotions "intruded".

The experiments, which "encased the subject in a system of knowledge", sanctioned a new form of public confession: not in the church or the clinic, but in the laboratory or the public sphere, Liang

remarked, citing Foucault: “The examination that places individuals in a field of surveillance also situates them in a fixed network of writing; it engages them in a whole mass of documents that capture and fix them.”

In addition, the lie detector also intervened in the domain of moral life, by promising to improve and substantially change the power and utility of ethics. According to the speaker, William Marston remarked in 1938 that in the Garden of Eden, “God’s method was wholly scientific. He observed the suspects’ behaviour and reasoned logically that this behaviour was an outward, visible expression of hidden emotions and ideas of guilt which the man and woman were attempting to conceal. This was the true principle of lie detecting...”

The kind of subjectivity that is produced by the lie detector is “the verbal equivalent of the panopticon” – the idea of a certain will to truth as a result of being watched and scrutinised by technologies of truth-telling, Liang remarked. He invoked the perspective of philosopher of science Ian Hacking, who maintains that classification changes “how we can think of ourselves”, “our sense of self-worth”, and even “how we remember our own past”. This creates a “looping” effect, a form of labelling that has consequences for selfhood. “As persons come to behave in accordance with the category, so the category changes...”

Liang reiterated that the genesis of lie detection technologies, as of other forensic technologies, was embedded in the world of public culture and popular science, particularly 19<sup>th</sup>-century detective fiction, in which the depiction of criminalistics “blurred the divisions between literature and science”. Arthur Conan Doyle’s character Sherlock Holmes was a classic figure in this regard. The law-enforcement machine, the detective (literary hero) and the scientific discipline were all embedded in the same configuration of cultural needs and anxieties. As a technology, the lie detector had to be legitimised in science and popular culture long before it was accepted by courts. In 1923, William Munsterberg tried admitting the results of a polygraph test as admissible evidence in a court of law, but it was refused. A disappointed Munsterberg noted, “It therefore seems necessary not to rely simply on the technical statements of scholarly treatises, but to carry the discussion in the most popular form possible before the wider tribunal of the general reader...”

Citing scholar Melissa Littlefield, Liang asserted that the technology also relied on a mode of

performance: “the meeting of the Latourian laboratory and the Foucauldian examination” in an acutely “ritualised” domain that contained “the ceremony of power, the form of the experiment, the deployment of force and the establishment of truth”. In this context, according to Latour, “reality cannot be used to explain why a statement becomes a fact, since it is only after it has become a fact that the effect of reality is obtained...”

In terms of technological shifts, “the current place of pride” goes to brain mapping/brain fingerprinting technology. Instead of relying on changes in autonomic function and their inferred emotional correlates, both fMRI and brain fingerprinting measure activity in the brain, “the organ that’s actually doing the lying”. Liang explained that rather than moving beyond the mind-body divide, brain mapping mirrors contemporary neurophysiology, which feminist scientist Elizabeth Wilson alleges “rescues only the central nervous system from Cartesianism; the rest of the body is readily abandoned to brute, non-cognitive mechanisation”.

Invoking the contemporary political climate, the speaker commented that in the 1940s, the portable lie detector was used “to screen security risks”, including German prisoners-of-war who were to be deployed in occupied Germany as police officers. In 1950s America, the technology was used by McCarthy to screen for Communist sympathisers and homosexuals. And 50 years later, post-9/11, lie detection technologies are used globally against the risks of terrorism.

Paradoxically, Lawrence Farwell, the inventor of brain mapping technologies, states that “brain fingerprinting has nothing to do with lie detection”. He claims that a subject’s brain will respond unconsciously *whenever* it recognises sounds, images or words. “Thus, the brain can purportedly betray a subject’s knowledge even as he attempts to deny any acquaintance with a given stimuli.” However, despite their different protocols, polygraphy and brain-based techniques share crucial aspects, Liang clarified. “Polygraphy assumes a correspondence between physiology and emotion, while brain-based techniques rely on the localist assumption that the brain behaves mechanistically”; that there is a one-to-one mapping between human thinking and the computation of a machine.

In other words, brain fingerprinting enables scientific access to unseen information “stored” in a subject’s brain. According to a 2001 statement by Seattle-based Brain Fingerprinting

Laboratories, the technology can be utilised to:

> aid in the determination of who has participated in terrorist acts, directly or indirectly

> aid in identifying trained terrorists with the potential to commit future terrorist acts, even if they are in a 'sleeper' cell and have not been active for years

> help to identify people who have knowledge/training in banking, finance or communications, and who are associated with terrorist teams/acts

> help to determine which individual is in a leadership role within a terrorist organisation

Farwell insists that a trained terrorist posing, for instance, as an innocent Afghani student will have information regarding terrorist training, procedures, contacts, operations and plans stored in his brain; the technology of brain fingerprinting can detect the presence or absence of this information, and thus distinguish the terrorist from the innocent person.

This statement indicates a significant shift in focus, Liang remarked. "Brain fingerprinting tests no longer merely detect knowledge; they assess *activity* – and even *potential* actions. The inclusion of latent knowledge in this schema is in part fuelled by our post- 9/11 'risk society'. Farwell's technique not only describes knowledges, intentions and activities, but also helps to produce and name them by redefining terrorism as perpetually latent, as physiologically measurable...

"The ability to distinguish between knowledges becomes a crucial element in the war on terrorism, not because knowledge is a new hazard in and of itself, but because it is a new – and ostensibly productive – *risk indicator*."

Liang then presented parallel rhetoric by state forensic expert Dr M.S. Rao:

The human brain stores all information acquired through experience as well as other forms of learning. Knowledge of crime perpetuated by the individual is also stored in the brain of the perpetrator. Though the perpetrator usually denies his involvement in the crime, he is aware of his action of participation in the act. By presenting appropriate probes, the awareness about the experience can be activated. This activation gets reflected in the electrical oscillation in the brain. The oscillation associated with the retrieved awareness of the experience may be considered as a signature of the

experience in the brain. There would be no such associated response or signature if the person has not committed the act in question and hence does not have experiential knowledge of the act... The presence of electrical activation of specific changes in electrical oscillation patterns of the brain, in this context, indicates the presence of experiential knowledge in a person about a crime or incident under investigation.

Moreover, in his keynote address at the Forensic Science Forum at the National Police Academy, Dr Rao stated:

This technique of using electromagnetic radiation can control the mind of the suicide bomber and make him leave his target place silently without making any effort to explode the bomb at the given area. We don't have this technique available right now. We have to adopt the technology. It will show the effect on the brain. Nowadays, suicide attacks by terrorist outfits demand innovative planning and rethinking on forensic research. A suicide bomber has to be tackled properly by detecting explosives from safe, stand-off distances...

Liang pointed out that Francis Galton, "who helped bring fingerprinting from colonial India to Scotland Yard in 1901", argued that these ridged markings are unique indicators of an individual's identity, that neither fade nor change over time. Similarly, Farwell's premise is that each brain contains unique information that is attached to different memories; thus, the term "brain fingerprinting" implies that each brain represents a unique map of life experiences, "including any crimes or wrongdoings committed".

"Brain-based detection promises to quantify and more accurately record the secret interiority and intentionality of individuals via bypassing the body," the speaker declared. "Brain-based detection abandons the autonomic body of traditional polygraphy to focus only on brain-as-mind, or the 'biological mind' – a hybrid of physiology and psychology, a mass of quantifiable data, a fleshy and obliging organ that is compatible with techniques of scientific measurement; it is the final fragment of matter between science and subjectivity..."

"In other words, brain-based detection has shifted the site of access to consciousness without re-evaluating the body-mind-brain hierarchy."

Moreover, there was a distinct difference between the 1920s when popular discourse was created

around the lie detector, and the contemporary cultural response to 'truth-enabling' technologies. "The performative space of the laboratory extends via the media, and everyone is an expert at decoding the results. The perfect ally of the lie detector is global media; the greatest lie-producing machine which produces a regime of 'truth' from which there is little escape."

Liang concluded his presentation by invoking "The Brain of Einstein" by Roland Barthes, who in this 1957 essay considers how the great scientist's brain was the object of fetishistic display and marvel after his death – on one hand, the most brilliant mind; and on the other, merely the size of a walnut. Einstein's brain was a "mythic" object, a "machine of genius", symbolising the power of thought and embodying "the most contradictory dreams"; Einstein was both "magician and machine, eternal researcher and unfulfilled discoverer..."

Einstein's brain fulfills all the conditions of myth, which could not care less about contradictions so long as it establishes a mode of "euphoric security", Liang asserted. "Unleashing the best and the worst", brain and conscience, this mythic object "reconciles the infinite power of man over nature with the fatality of the sacrosanct, which man cannot yet do without..."

"Lie detection is a similarly mythic and ambivalent enterprise, a manifestation of apparently contradictory notions such as science and magic and freedom and coercion, all of which remain in blissful support of the euphoric security that it provides."

#### Rapporteur's Note

A unconventional man, William Marston lived harmoniously for decades with his wife Elizabeth and his lover, a former student named Olive Byrne; he fathered two children with each. The children were all raised in the same house, and the two women continued to share domestic space after Marston's death from cancer in 1947.

During his lifetime Marston, who also wrote essays on popular psychology, championed women's causes and critiqued gender stereotypes in popular culture, stating: "...Not even girls want to be girls as long as our feminine archetype lacks force, strength and power... The obvious remedy is to create a feminine character with all the strength of Superman plus all the allure of a good and beautiful woman." Marston subsequently developed the immensely popular comic book character "Wonder Woman", based partly on Elizabeth and partly on Olive.

Wonder Woman's original name was "Suprema", later changed by Marston's first editor. A native of an all-female utopia, she became a crime-fighting US government agent, using her superhuman strength and agility, and her capacity

to force villains to tell the truth by binding them with her magic lasso.

Wonder Woman made her debut in December 1941. Except for four months in 2006, the series has been in print ever since. The comic is an early example of bondage themes entering popular culture. Physical submission appears repeatedly throughout Marston's comic book work, with Wonder Woman and her criminal opponents frequently being tied up or restrained, and her Amazonian friends indulging in frequent wrestling and bondage play.

Marston posited a male notion of freedom that is inherently anarchic and violent, and an opposing female notion based on "love allure" that leads to an ideal state of submission to a loving authority.

"Wonder Woman is actually a dramatised symbol of her sex. She's true to life, true to the universal characteristics of women everywhere. Her magic lasso is merely a symbol of feminine charm... the one bond that can be made strong enough to hold a man against all logic, common sense, or counterattack. The fact that many women fail to make strong enough lassos for themselves doesn't deprive the lasso material of its native magic. The only thing is, you have to use enough charm to overcome your captive's resistance..."

"No man wants to be freed by the girl who has caught him and no man has the slightest interest in tying up a girl who holds out her hands to be bound. If he takes her as his property, that's a bad day for both of them. The man begins to use dominance, and that's acutely painful for the woman captive. Wonder Woman and her sister Amazons have to wear heavy bracelets to remind them of what happens to a girl when she lets a man conquer her. The Amazons once surrendered to the charm of some handsome Greeks, and what a mess they got themselves into! The Greeks put them in chains of the Hitler type, beat them, and made them work like horses in the fields. Aphrodite, goddess of love, finally freed these unhappy girls. But she laid down the rule that they must never surrender to a man for any reason. I know of no better advice to give modern women than this rule that Aphrodite gave the Amazon girls..."

In writings and interviews, Marston referred to submission to women as a noble and potentially world-saving practice, leading ideally to the establishment of a matriarchy. "Only when the control of self by others is more pleasant than unbound assertion of self in human relationships can we hope for a stable, peaceful human society... Give men an alluring woman stronger than themselves to submit to, and they'll be proud to become her willing slaves!..."

"When women rule, there won't be any more war... In all seriousness, I regard that as the greatest – no, even more – as the *only* hope for permanent peace."

#### Unofficial Secrets Act: The Administration of Certainty and Ambiguity

Shuddhabrata Sengupta  
*Sarai-CSDS*

**Walking ambiguities, unresolved suspicions, these measures are spectres that haunt and patrol the territory of certainty, armed with their own ephemeral nature. Like the sophisticated forms of torture that leave no**

**mark on their victims, unofficial secrets act without leaving traces in files.**

Shuddhabrata Sengupta began his presentation by declaring “secrecy” to be “the very substance of statecraft”, and that it is “not for nothing” that the ritual of appointment to a government position, whether by virtue of election or official recruitment or promotion, involves an oath of secrecy. “Official matters, by and large, are secret matters, and are protected by laws that are usually called Official Secrets Acts...”

In India, the Official Secrets Act (OSA) has been on the statute books since 1923; and, according to Sengupta, “performs a delicate tango with the more recent Right to Information Act (RTI), which should perhaps have more accurately been called the Right to Selective Information Act. Its actual function is to ensure that you cannot know anything about things that really matter, like the way decisions of defence and the notion of national security affect our daily lives. So that, if a person ‘disappears’ in the course of yet another exercise of ‘national security’ under, for instance, the Armed Forces Special Protection Act (AFSPA) in Kashmir or India’s North-East, the RTI cannot be invoked to reveal the circumstances and the official stances pertaining to that disappearance.”

These two “pieces of legislative technology”, the OSA and the RTI, “build a firewall around government out of the incendiary masonry of the security and integrity of the state, public order, the honour and dignity of the courts, relations with friendly powers, etc.,” Sengupta commented. “They constitute, in some ways, the obverse face of surveillance – if surveillance is a mechanism of rendering people transparent to power, then official secrecy is a method of rendering power opaque to people.”

The speaker clarified that his interest in the subject of contemporary information politics was not to investigate things “locked up and filed away” as official secrets, but to explore “the shadowy world of *unofficial* secrets – the kind of things that are done without a memo or jotting in a file...”

“Unofficial secrets act under the shadow of the Official Secrets Act,” Sengupta declared, adding that his interest in the unofficial secret had many sources, but one of the earliest was a “curious” report by journalist Swati Chaturvedi about “the innocuous Indian pastime of writing ‘Letters to the Editor’, published in the *Indian Express* newspaper on 25 July 1997:

**IB Plays Impostor, Writes Letters Using Your Name**

When you open the newspaper in the morning, be ready for a surprise. You may see your name and address below a Letter to the Editor, carrying an opinion that’s certainly not yours. If you’re lucky, you may see only your address and a name that doesn’t exist.

The Intelligence Bureau (IB), the government’s dirty tricks department, has employed a bunch of officers whose job is to ensure that editorial pages of newspapers carry what is perceived to be the government’s point of view. To ensure credibility and variety, they regularly use real names or real addresses, sometimes both.

The suspicion – and investigation – began when letters to the editor began arriving at two private fax numbers at the *Indian Express*. First came the letters. Then a string of reminders. The tone and tenor of the letters were strikingly similar and, more important, they were on select issues such as the Comprehensive Test Ban Treaty, nuclear opinion and Pakistan. There have been similar persuasive letters and reminders in the mail too. And in all the letters, the content was identical, often backed by facts only specialists usually have access to.

The *Indian Express* decided to unravel the mystery and trace the authors. As for the letters sent by fax, the task was easy. In one case the fax number that the letter was sent from figures in an internal directory at the IB office in RK Puram.

*Express* sent out letters to some of these ‘writers’, inviting them to write opinion pieces for the newspaper. These letters were sent by courier and registered post. Here’s what we found:

1. Name: Jesse Kochar. Address: 421 Victorian Avenue, 13<sup>th</sup> 6 D Main Nagar, HAL, Bangalore 8.

Letter: “In every country letters going out and coming in are read. I would guess there is no other method except this to find out if the post is not being used for hanky-panky.”

Status when investigated: Person exists, address is correct, but he never wrote the letter.

A puzzled Jesse Kochar of Bangalore wrote back: “While I do not remember writing to you, I would love to write for the paper.”

2. Name: Colonel Ram Singh. Address: 1/4 Preet Vihar, Nainital, Uttar Pradesh.

Letter: “That you should publish the article after the Indian veto at the ad hoc Nuclear Test Ban Committee reflects poorly on your editorial standards and your apparent willingness to bend backwards to accommodate non-proliferation pedagogues.”

Status when investigated: Wrong address and incomplete, since there is no Preet Vihar in Nainital.

3. Name: Dr S.S. Srinivasan. Address: DEE Rm 12, Indian Institute of Technology, Hauz Khas, New Delhi.

Letter: “It is regrettable that the *Indian Express* should continue to allow American non-proliferation fanatics to use its columns to disseminate their propaganda.”

Status when investigated: The address exists, but no such person. “This is not me,” writes Dr Murthy, actual occupant of DEE Rm 12, IIT, to the institute’s despatch section.

4. Though our letter addressed to S.P. Rajan of Rajouri Garden, Delhi, came back saying "No such person at given address", this correspondent went to the spot to confirm. After spending four hours in Rajouri Garden trying to trace S.P. Rajan, the address (G-19/2) was finally located. An irate middle-aged lady who had been woken up from her siesta said, "Kya baat hai? Yahan par koi is naam ka nahi hai (What is the matter? There is no one by this name here)!" The family, she said, doesn't buy this newspaper and nobody has ever written a letter to the editor.

"So, where do these ghost letters come from?" Sengupta asked. "Investigations show that they letters are written by a shadowy cell of the IB, headed by a joint-director. It keeps an eye on what it calls 'media trends' and steps in to 'correct wrong perceptions'. The cell employs Deputy Central Intelligence Officers (DCIOs) and Assistant Central Intelligence Officers (ACIOs). But when it is a case of writing letters to the media, officials of other cells will step in and write letters trying to correct 'peacenik' and 'Pakistan-friendly perceptions.'"

Sengupta then pointed out that unofficial secrets do 'act': sometimes with "hilariously whimsical consequences", as in the case of the fake Letters to the Editor, and sometimes with "deadly precision"; they act with great effect also because they are, by and large, "absences in the record..."

"Their existence can only be inferred from anomalies and the recurrence of inexplicable patterns, from the measures that become necessary for the sake of credibility and variety. Walking ambiguities, unresolved suspicions, these measures are spectres that haunt and patrol the territory of certainty, armed with their own ephemeral nature. Like the sophisticated forms of torture that leave no mark on their victims, unofficial secrets act without leaving traces in files..."

"We know they exist, we sometimes experience the agony or the uncanny sense of *déjà vu* that they cause, but our knowledge is of no real consequence, because we cannot hold anyone accountable for them."

The speaker explained that the 'deep state' (*derin devlet* in Turkish) is generally defined as "an influential and informal coalition cutting across political ideologies at the core of the Turkish political system". In some ways it is analogous to what has been called the "military-industrial" or, more recently, the "military-industrial-entertainment complex" in the US, since the deep state is composed of elements within the Turkish military and intelligence communities, the judiciary, the media and key leaders of organised crime.

Sengupta pointed to the crucial distinction between the 'deep state' hypothesis and 'conspiracy theory', an apparently similar construct. "Conspiracies are episodes; the deep state is an enduring condition. Conspiracies involve the conscious coming together of specific people for specific covert purposes. The deep state is part of the political unconscious, it does not have to rely on individuals and their particular agendas or self-interest..."

"The deep state is an effect of a certain technology of governance, particularly in situations where there is a semblance of formal democracy, that creates a suspension, deep within the heart of the political system, of the limitations of constitutionality and accountability."

The speaker also indicated the "interesting paradox" of the fact that a totalitarian state does not actually *need* a deep state. "The permissible arbitrariness of state action in totalitarian systems does not require any comprehensive camouflage. The secret police is at most a very public secret." However, in societies where totalitarian and repressive tendencies "lurk as enclaves deep within apparently open political systems", for instance in Turkey, Israel, Iran, India, Russia, the US and the UK, the mechanisms of the deep state are regularly utilised.

Its characteristics include:

- > "an overarching fealty to nationalism" (transcending, as in India, the ideological divides between left/right, secularists/communalists, liberals/conservatives)
- > similar loyalty to the interests of the "security" and "integrity" of the state; this may come occasionally into conflict with what is called the 'rule of law'
- > covert deployment of strategies of coercion, disinformation, performance, information management, "discreet influence" and outright violence, to manipulate and sometimes assist political and economic elites
- > realisation of specific state objectives "with great velocity", within an apparently democratic, rule-bound framework
- > the state holding in abeyance its own constitution
- > enactment of legislation such as the AFPSA, mentioned earlier, and the now-repealed Prevention of Terrorism Act, which "effectively annul the question of due process or legality"

> building “fluid coalitions” between state and non-state actors – from the street level of the *havaladar* (police constable) and the *mukhbir* (informer), to the special operations counter-insurgent/surrendered militant, to the “mandarin and senior journalist or media baron”

> enabling a systematic pattern of exchange between formal and informal processes of repression and information management

> creating “durable ties” between the intelligence community and the criminal underworld

“The deep state is that aspect of the state that does not have to obey the laws that bind the lives of its citizens, or which can act according to the laws that annul what is otherwise called the rule of law,” Sengupta declared. “It is the crystallisation of the state of exception, of the originary moment of violence that transcends and takes precedence over the limitations of legality, on which the authority and the fear of the state is built. The deep state is the secret agent who lurks in the depths of the terror network, and the terrorist nested deep within the structures of power...”

Taking an example from popular culture, Sengupta cited *Don*, the blockbuster Hindi film of the 1970s, recently provided with a new incarnation via Bollywood. “De Silva the super-cop is Vardhan the gangster, and Vijay the informer, who is Don the dreaded outlaw, is also Don the dreaded outlaw who could be mistaken for Vijay the informer. The film’s title track – *Arre deewanon* (Oh you obsessed ones)/ *Mujhe pehechanon* (Try and recognise me)/ *Kahan se aaya* (From where did I come)/ *Main hun kaun* (Who am I)? – signifies the presence of the deep state as masquerade, as ventriloquism, as decoy, as medium, as disguised and deadly emergent power...”

Turning to the subject of the “methods” of the deep state, specifically facial recognition and identity cards, Sengupta commented on the startling fact that the National Crime Records Bureau Database of Identikit Features is built out of the faces of law enforcement personnel. “Thus, the identikit photograph of a wanted terrorist will actually be constructed from the eyebrows, chin, nose, cheekbones and facial hair of different members of the police force...”

“There is something almost delicately poetic about the idea that one can recognise a terrorist by carefully scrutinising the features of policemen.”

The speaker reiterated that the “production” of terrorism is not something that happens *sui generis*. “In almost every society, this

phenomenon is also a production of *images* of terror. The fear that terrorism generally induces is not so much by way of the actual violence but by way of a circulation/amplification of images and their effects... Even more or less arbitrary calendrical notations such as 9/11, 12/13 or 7/7 become indexical images of terror. Encountering these particular alphanumeric arrangements stimulates at least a reflexive twinge of the recognition of fear.

“If the production of terrorism is so interlaced with the production of images, it can also be claimed that the production of certain images is also linked to a particular climate, one that gives credibility to the production of a certain set of seemingly self-evident truths about terrorism,” Sengupta added. To support his assertion, he cited two newspaper reports. The first was from the *Hindustan Times* of 19 August 2005:

Deoband in J&K Terror Frame

By Vasistha Bhardwaj

Muzaffarnagar: It was just another film roll, until it was developed. The roll contained 32 snaps – all of terrorists brandishing AK-47 rifles and wireless sets. The dress of the terrorists and the hilly backdrop suggest the snaps were taken somewhere in J&K or PoK.

The roll also lends credence to Home Minister Shivraj Patil’s recent admission in the Rajya Sabha about the connection between western UP and various terrorist organisations.

Sources say a girl, who identified herself as Vandana and had come with a child, had given the roll to Gitanjali Photo Studio and Colour Lab in Deoband for developing on 17 August. The Deoband studio had, as per its arrangement with another studio, handed it over to Maan Colour Lab in Muzaffarnagar for developing the same day. The girl was supposed to take delivery on Thursday.

The studio owner in Muzaffarnagar was in for a shock when he developed the roll. He immediately informed the police, who only messed things up. Instead of laying a trap for the girl, they took into custody the owners of Maan Colour Lab, Pradeep and Ambarish Tyagi. Word spread and no one turned up to claim the snaps. The owner of the Deoband studio, Atul, has also been taken into custody.

As per the description given by Atul, the police are getting a sketch of the girl made. The matter has been brought to the notice of the SSP, DIG and IG.

The police have also sent the snaps to the J&K police to ascertain the spot where they were taken and identify the terrorists if possible. Investigations are in progress to ascertain the possible links and hideouts of terrorists in Uttar Pradesh, Principal Secretary (Home), Alok Sinha, told reporters in Lucknow. Sinha too said the snaps were taken somewhere in the Kashmir Valley.

The UP government has issued a statewide alert asking officials to step up vigil in all the districts. Sinha, however, refused to name the sensitive districts.

Meanwhile, police officials in Kashmir agreed that the hilly

backdrop in the snaps strikingly resembles the hilly areas of J&K and PoK. "The Kashmir connection is clearly visible from the snaps," a senior officer told *HT*.

The second report was from the *Indian Express* of 20 August 2005:

Story behind J-K Photos: Only Cops in Disguise

New Delhi: An embarrassed Army today admitted that photographs seized from a studio in Muzaffarnagar district two days ago were of undercover special police officers and village defence council (VDC) members disguised as militants for counter-insurgency operations.

On suspicion that men shown as carrying weapons and radio sets in the 36 photographs were militants, UP police had yesterday sealed the Muzaffarnagar studio and arrested its owner Pradeep Tyagi and his associate Ambarish.

The Army confirmed that photos reached the studio because of an oversight by Major Amit Agarwal, adjutant of the 27 Rashtriya Rifles battalion, deployed in Poonch district. The roll was dropped off at a photo lab in Deoband by Major Agarwal's sister.

Confirming that there was an "administrative lapse and a human error" on part of the investigating agencies, DIG (Meerut Range) R.K. Vishwakarma told the *Indian Express* that last evening, he received a call from a senior Army officer, a colonel based in Poonch, informing him that the pictures in question were taken a few months back in Surankote.

"He categorically told us that these pictures were in custody of Major Amit Agarwal, a *dandapal* in the Rashtriya Rifles, and that he had inadvertently left the film roll in Deoband, at his ancestral house.

The police had, meanwhile, prepared a sketch of the girl on the basis of the description provided by Neetu Tyagi, the studio owner, and had released the sketch of the girl late last night. A massive hunt for the girl had begun... the police had questioned several people in this regard, Saharanpur SSP Prashant Kumar said.

The men in the photographs, from a village in Surankote, were under the supervision of the 27 RR battalion in Poonch in July. "They were on a routine operation when the SPOs and VDCs decided to click photographs at a scenic location in the mountains," an Army official said. The roll they had used to click "casual photographs" was confiscated by a junior commissioned officer and handed over to Major Amit Agarwal.

Agarwal had inadvertently carried the roll to his house in Deoband; his sister left the roll at the studio.

"The performativity of fancy dress, when transposed onto the indexicality of the photographic image in this case, makes for the peculiar layering of ambiguity and certitude that is the hallmark of the information strategy of the deep state," Sengupta asserted. "And so, the dead bodies of terrorists on a suicide mission, as in the case of the 13 December attack on the Indian parliament, always carry identity cards with photographs, diaries with names and addresses, maps and mobile phones with the phone numbers

of their contacts. The contacts and co-conspirators, such as Mohammad Afzal Guru, the man sentenced to death in the parliament attack case, are inevitably found by accident in a truck in Srinagar, with a laptop that contains every operational detail – from the image file of the fake home ministry car sticker that was used to enable entry into the parliament precincts, to photographs of the environs of parliament itself...

Dead and arrested terrorists, "whose every prior move is revealed to us post factum, as if they were always under surveillance – including right up to the point when they set about their acts of violence, and not excluding details of the meals they ate, their last phone conversations to their mothers, and the Hindi film songs they listened to on the night before their mission" – overwhelm us with particularities, Sengupta added. "Some patterns stand out, such as the recurrence of the figure of Rs 22 lakh, which is the Delhi Police Special Cell's favourite amount for any transaction entered into by any anti-national element..."

The speaker then posited a relationship between the "reality" effect of certain technologies of representation and a "desired economy of truth".

Mobile phone interceptions, or biometric indices, by virtue of their 'technological' character, carry with them "an aura of facticity, far beyond their evidentiary function" – more so if the transcripts are degraded or if the mobile phone IMEI identification numbers or call records are inconsistent, as with the parliament attack case. "The mere fact that these exist has the public function of demonstrating, through the performative tropes of forensic science, the aura of technologically mediated truth." Similarly, identity cards have a certain "truth value"; and those found on the bodies of dead terrorists take on a definite credibility. "As members of the public, we assume that terrorist organisations such as the Lashkar-e-Tayyaba and the Jaish-e-Mohammad surely equip their *mujahideen* with identity cards – how else would we know that these dead men were terrorists...?"

Sengupta invoked with some irony the ambivalent identity of "the cadaver that was exhibited as the now-dead Ghazi Baba", one of the masterminds of the parliament attack case and the mentor of Mohammad Afzal Guru. All doubts about the body disappeared with the manifestation of a convenient Jaish-e-Mohammad ID card. "Perhaps terrorist groups *do* actually issue identity cards these days, because no one quite knows who is who in Kashmir; and because some Special Task Force commandos grow their hair and beards in

order to appear as 'militants', it might actually have become necessary for a 'genuine' terrorist to carry a 'terrorist identity card'...

"Either way, we can never be sure. Is a dead militant a dead soldier costumed as a dead militant and tagged with a 'terrorist identity card'? Or is the corpse a dead militant, who when alive carried a 'militant' card, so as to prove that he is not a soldier in *jihadi* drag...?"

"Is a card a forgery designed to adorn a real identity, or is an identity forged in order to effect an epistemic adjustment to a real card?"

Sengupta deconstructed "several anomalies" in the case of Ghazi Baba. A journalist named Praveen Swami writing for the newsmagazine *Frontline* "from what might be called the IB perspective", reported the proceedings in detail. Swami stated that Ghazi Baba had disguised himself by growing a beard when the encounter with the security forces took place; "but the corpse triumphantly displayed as the dead Ghazi Baba, accompanying Swami's text in *Frontline*, has a clean-shaven face with the faint hint of a nine-o'clock shadow", according to Sengupta. "A bearded man is shot, a clean-shaven man is photographed. It is important that the photograph be of a clean-shaven man, because Ghazi Baba did not have facial hair. However, Ghazi Baba in disguise, the one who was shot, had a beard. Was the dead man (who should have had a beard when he died) then shaved by a counter-insurgent barber for a photo opportunity? For the sake of 'credibility'? If so, when was he shaved? How long after the encounter? How long did it take for a nine-o'clock fuzz to begin to show?"

"Swami does not answer these questions, but he does time and time again reiterate in many of his texts that what we really need is an identity card to solve these problems, so that we can predict, by looking at the ID card, in a Galtonian manner whether a person is or is not likely to be a terrorist..."

Once everyone has an identity card, you have a "win-win situation" with regard to dead terrorists, Sengupta added. "If they *really* are dead terrorists, you win. Because they too will carry their own kind of ID cards, to distinguish themselves from the rest of the population; or they will carry fake ID cards, to pretend to be like anyone else..."

"Either way, the truth of the matter will be enshrined only in the ID document. And these can be made to speak far louder than even human beings subjected to third degree torture."

The speaker then briefly analysed the parliament attack case, similarly fraught with "too many anomalies". On 13 December 2001, "five (or was it six, no one seems to be sure)" men entered the grounds of the Indian parliament on a suicide mission. Those five men were killed in a gun battle witnessed live on television, "in a stunning piece of televised political theatre". The dead "terrorists" were carrying mobile phones and diaries, with contact information about other Kashmiri men, who were then detained in Delhi and Srinagar "for their role in what was rapidly processed as a conspiracy by the media". The armies of India and Pakistan mobilised in huge numbers along the border. A "draconian" preventive detention anti-terrorism ordinance" was passed as law following the attack on parliament, "much as the passage of the Patriot Act had required the occurrence of 9/11". In August 2005, S.A.R. Geelani, one of the accused who had been sentenced to death by the lower courts, was acquitted because the evidence against him (based on phone surveillance and mistranslated transcripts of his phone conversations) was found to have been manipulated by the prosecution. Afzal Guru, one of the other co-accused, was sentenced to death.

Sengupta explained that Afzal Guru, "who had inadequate legal representation", has consistently held that he, a surrendered militant, had often been coerced into acting on behalf of the Special Task Force (STF), "a dreaded special police unit attached to the Jammu & Kashmir police, which acts under direct orders from the Intelligence Bureau." Afzal has named a certain Davinder Singh of the STF as being the officer who had tortured him and compelled him to escort a man to Delhi, a man who happened to be one of the "terrorists" who stormed parliament.

"Afzal has also insisted that if he was considered a suspect on the basis of his phone records, which showed that he was in contact with the dead 'terrorists', those same phone records would also show that he was in contact with his STF handlers. But this fact has never been paid much attention, either by the court or the media," the speaker pointed out. It would have been too risky, perhaps too much would have unravelled. The President of India has received clemency petitions from citizens' groups, asking that Afzal's death sentence be commuted; this has compelled the state to invest in a certain level of "information management" with regard to the case.

"And so, unofficial secrets begin to act," Sengupta declared. He described how a prominent news channel aired a sensational exclusive – a hidden

camera sting operation, in which Davinder Singh and Afzal's two brothers Aijaz and Hilal speak at length about the fact that Afzal was a dreaded Jaish-e-Mohammad terrorist, and close to the deceased Ghazi Baba. Davinder Singh admitted to having tortured Afzal, at great length and on more than one occasion, but said that he let him go; Singh denied ever having introduced Afzal to any collaborator in the STF camp "who turned up a few months later as a dead body in the precincts of the parliament".

"What compels a functionary of the deep state to suddenly expose his vulnerability to a 'hidden camera', as a confessional?" Sengupta asked. Singh talks extensively to a person outside the frame, to his right. The camera is filming to his left. Evidently, there are at least two other people in the room. These two people have managed to enter this space without having their 'hidden' camera detected through a bodily search. Just as five people and a car, with guns, entered the grounds of parliament under the direct gaze of security cameras and several checkpoints...

"The two people outside the 'hidden' camera frame then talk at length with Singh, who admits to a few crucial things, such as the fact of knowing and torturing Afzal a few months before the 'suicide attack' on parliament. So a certain degree of calibrated disclosure occurs..."

"One of the brothers, who was arrested with Afzal, says in another segment of this 'confessional' that no laptop, on which so much evidence depended, was seized. So, a degraded piece of evidence, on which the entire 'circumstantial evidence' is based, is thus rejected..."

"But the brother says Afzal was a terrorist. So does Singh..."

"This must be true, because they say this on 'hidden camera'. And the 'hidden camera', like 'narco-analysis' and 'truth serums', only produces truth, because those filmed on 'hidden cameras' do not know, ostensibly, that they are being filmed – so they reveal everything."

Sengupta concluded with the assertion that in this instance, "stealth meets stealth and produces truth... When the deep state encounters a crisis, it reveals some of its depths; a few unofficial secrets then act, only to ensure that our momentary disorientation as a result of these revelations actually prevents us from looking any further... Does the discourse of transparency, of rights to information, have actually any purchase when it comes to the operations of the deep state...?"

According to the speaker, the demand for transparency can only be made to an entity that records all its own moves, which is typical for totalitarian societies; the demand is made successfully when a totalitarian state collapses, "and the records of its atrocities come tumbling out of the archives". However, the "sophisticated informality" of covert state action in societies with "totalising enclaves" within apparently more open political frameworks clearly requires other analytical strategies.

Rana Dasgupta initiated the discussion following the presentations, with the remark that recently in his hometown of Cambridge in England, he met someone who was participating in a neurological conference there. "A lot of recent research in neurology was being shared at that event. He said that terrorism was an obsession at the conference – everyone was trying to find new technologies of locating it in the brain.

"For the person I talked to, *Minority Report* [Steven Spielberg's 2002 sci-fi thriller-*noir* about three psychics or Precogs/'precognitive thinkers', whose visions are utilised to arrest and imprison would-be murderers before they have a chance to kill] was not a piece of entertainment but an agenda for research... He said that finding tendencies to violence would eventually be refined to the extent that the tendency to commit terrorist acts would be identified in the brain, and this is something that many people were working on – either because there was a lot of funding involved and pressure to do such research, or because it involved prestige.

"I asked him whether the tendency to be a great pianist or a great sportsman could also be located in the brain. He said no, such things were just 'abstract aspects of human creativity and ambition'..."

"To me, the idea of 'terrorism' is a construction of far greater fictionality than is 'human creativity', but it seems that at some points in history, legal truths seem to take on so much reality that it becomes easy to imagine that they might actually have a biological source."

Wendy Chun commented that Liang had described how we are entering "different regimes of truth", but she also found herself wondering if we are also entering "different regimes of freedom", and about what was at stake in this new relationship between truth and freedom. She

invoked film studies scholar Linda Williams' argument that pornography is "the frenzy of the visible". According to Chun, pornography as a genre is sustained by the fact that it cannot visualise the female orgasm, "which it really wants to do"; so it continually makes frenzied attempts to achieve this rendering. "Does this relentless kind of pornographic logic link up to lie detector technologies and their intent?"

Chun brought up Sengupta's reference to Bollywood cinema as "truth", and to reality TV's attempt "to set up the idea of truth through a fake indexicality". What did he mean by truth in these instances, and was he going towards making the "fascinating gesture" of separating the visual truth from the indexical?

Jeebesh Bagchi asked Lahiri-Choudhury to explain his use of the term "information panic" in more detail. "Panic" as a word always denotes excess, and it would be interesting to see how this is reconfigured back in some form, and whether it is transformative. With regard to Liang's account, Bagchi stated that the issue was perhaps not actually about truth and lies. "The lie detector technologies are primarily trying to work through the idea of *deception*. The literature on neurobiology in relation to the law has very interesting arguments about deception. To mimic is one condition every child easily learns, but to learn deception involves a very high cognitive leap because it means figuring out the other person's thinking – you know how the other person will act on your thought. All lie detector tests are trying to figure out and eradicate possibilities of deception, which are much more complex than truth and lies, terms in a relationship of opposition. Ultimately, lie detector tests fail because how a person is read is converted into mechanical data..."

Bagchi claimed that Sengupta's deep state "looks like a clumsy state", via the evidence/proofs that the speaker had produced, i.e., news reports, performativity, hidden camera, etc. "You brought in this material and tied it to stories about what is happening beyond the present discourse around information, Right to Information, transparency. But this doesn't always capture the reality, and in any case falters when national security is brought into the picture." Naming the deep state, according to Bagchi, produces a strange relationship between what is and what is not, "which is almost as if there is nothing to discover, in that everything will point to something else... Through the evidence you've compiled, you point to a darkness at the heart of the information: nothing else can be said about it..."

"In the context of Aman Sethi's presentation, Prabhu mentioned the presence of the 'shallow state' on the street – and now you are talking about the 'deep state' – on the same street. How is this configured? If you do not immediately jump into the idea of the deep state, your material will yield more, and complicate the relationship between visibility, performativity, the idea of information and how we all are implicated in its circuits..."

Aarti Sethi commented that Sengupta's theoretical formulation of the deep state "is actually quite dated", because there is a history to the understanding that the state will ultimately act in its own interest; this is particularly true for Marxist frameworks. Sethi also asked, since the "staging" and circulation of images mostly took place within the framework of the news, whether this phenomenon of performativity had anything to do with the economy of "24-hour" television.

Responding to Bagchi, Lahiri-Choudhury clarified that panic moves in a loop, "there is no arrival and return"; it was not incremental. Mahapatra then asked about the forms of "dispensing" the information overload that accumulates and is created via new technologies. "The temptation is to see panic as excess, as a continuing spiral," Lahiri-Choudhury replied. "It cannot be looked at that way. There are definite ruptures and moments of conscious fragmentation."

Liang pointed out that Lawrence Farwell, the neuroscientist who invented brain fingerprinting, had been named by *Time* magazine as one of the top 100 innovators of the 21<sup>st</sup> century, and that Farwell's lab is one of the most highly funded at the moment. "There is an absolute obsession in the field of neurology vis-à-vis new technologies of 'truth' and terrorism. But what does it *mean*? What is interesting for me is the basis of the science itself – its ability to bypass the body and move into/access an interiority without having to deal with messy bodily aspects... This also relates very critically to the deception issue..."

"The law's obsessive interest in the ability to access interiority is a very old question, centering on battles around the soul," Liang declared. "The emergence of the modern criminal legal system between the 11<sup>th</sup> and 13<sup>th</sup> century, for instance, hinged on the idea and/or the inability to determine or look into the other's interiority, the 'soul' of the other. How does one man look into the soul of another, since that is understood to be the prerogative of God?"

"This gives rise to the difference between *actus reus* and *mens rea* – the 'action' and the 'state of

mind' – and the idea that only on the Day of Judgement will your soul be judged, but there is a period of purgatory during which you will be punished for your actions. There are some fascinating theological debates that find resonance in every single technology of truth detection.”

Liang reiterated that in terms of the question of productive discourses that are being enabled, the technology of the lie detector was embedded in the idea of “reconstituting oneself as an ethical agent”. William Marston, for instance, spoke about why there was no imperative or motive to be honest, and how/why this was created by the technology; he also appropriates in his rationale the theological metaphor of the Garden of Eden, and the ‘guilty’ behaviour of the humans therein. . “So the logic focused on creating the importance of *telling* the truth, and this act would be as important as any other, in exposing imposture.”

The speaker added that this is highly contested in the contemporary moment. “I have a fascinating image from a poster on the wall outside Delhi’s Palika Bazar. It talks about the abilities of your mind, etc. It is produced by Mind Justice, a kind of human rights group that advocates against mind-reading technologies. These sorts of images are circulating in popular discourse, like the scenarios of lie detector usage we find in detective fiction.”

According to Liang, it is absolutely critical to understand that if you take each advancement in the technologies and map the development, “it begins with the simple and purely somatic, but at the other end there is telepathy and truth serums and brain fingerprinting. Each is built on the assumption that if successfully implemented, deception will no longer be possible.

“In 1923, G.K. Chesterton wrote a story titled *The Machine that Failed*, about the unsuccessful application of a polygraph. There is a movie about a Buddhist who because of his mind-control skills does not perspire more, whose heart rate does not change – he defeats the polygraph. Each development is accompanied by a narrative of how the technology is not successful...

“Today, a number of websites give advice on how to beat the machine in the event that you might need to. But of course, now with brain fingerprinting deception is no longer possible. While you can control your psycho-physiological responses, you cannot control your brain...

“But there are also sites which claim that such control is possible because the brain functioning in this way is peculiar to Western metaphysics. So

you have the ‘Eastern’/‘spiritual’ response which has a different conception of the mind-body divide, and hence the technologies will not be applicable to non-Westerners – finally, some good news for those of us from here...!”

Responding to Chun, Sengupta clarified that for him, Bollywood is the “real site of political theory” in India because “the dramatisation of a lot of political dilemmas in India is enacted within the space of a shared spectacular experience”. This did not involve Bollywood just as cinema, but also as in the “Bollywoodisation” of news television. So in fact, in the case of the 13 December attack on parliament, we had the repeated airing, on three occasions, of a ‘reenactment’ of the events, even while the trial was in process. The third instance was not even in the context of 13 December – it was shown a week after the bombings in London, and the same footage, with the same actors, was now replayed as an Al Qaida cell somewhere in the world...

“So characters we had seen ‘performing’ twice before, as Mohammad Afzal, as S.A.R. Geelani and others identifiable by name, suddenly became transposed onto another reality, the logic being that since terrorists everywhere are the same and operate in the same way, the very same incidents could then be replayed...

“I have been trying to argue for a while that when you see a dead terrorist, you *know* he’s a dead terrorist because you’ve seen him enough times in your head – whether in the cinema, or in ‘Wanted’ pictures, or in the news.”

Sengupta thanked Bagchi for the “cautionary note” about the deep state and its “clumsiness”. He agreed that the deep state was indeed an expression of clumsiness and the “panic moment of information management” in the state schema, arguing that typically, absurdities and anomalies emerge when there is high panic. “So at the moment when there is a certain level of such panic about the possible role of the intelligence apparatus in the 13 December case, suddenly, out of nowhere, Davinder Singh, whose existence had actually been denied, appears in front of a camera....

“I would say that the deep state concept perhaps needs to be enriched in terms of murky depths, rather than being seen as some kind of master-hyper-technologised narrative... murky depths where lots of debris of information gathers on the seabed...

“And also murky depths where there are strange fissures such as fault lines, where on occasions of

panic things will erupt onto the surface, unexpectedly...”

According to the speaker, it is in fact not a question of a seamless, neatly manufactured process of information management, but often instances of the loss of control, which then become dramatised. It is precisely the “informality” of the operations of power – informality which extends right up to the highest echelons of power; “and it extends in the same, repeated, often clumsy and sometimes not-so-clumsy ways”.

Sengupta concluded with the comment that the ongoing pressure of 24-hour news is part of the crisis of information management. “If you are looked at for 24 hours per day, obstacles, errors, misjudgements will become apparent. Similarly, there are episodes of high pressure on the functionaries of the deep state, where slips occur – which is *when* the deep state becomes visible. And the visibility of the deep state is a *condition* of its errors, clumsiness, lack of control and information mismanagement.”

### Presentation on Video Work

***KhirkeeYaan*** (Hindi; *khirkee*/window; *yaan*/vehicle)

Shaina Anand  
*Independent Filmmaker, Mumbai*

*KhirkeeYaan* is an exploration of an open-circuit TV system as a local area network communication, micro-media generation and feedback device.  
[www.chitrakarkhana.net/khirkeeyaan.htm](http://www.chitrakarkhana.net/khirkeeyaan.htm)

(for project details, see [Art/Media Works](#) and [Coda](#) sections of this report)

### Keynote: **Histories of Information**

Introduction: Radhika Singha

#### **Illegibility: Reading and Insecurity in 19<sup>th</sup>-Century Law and Government**

Jane Caplan  
*Professor of Modern European History, St Anthony's College, University of Oxford*

**At the level of the identity document, legibility is not just a property of the document itself, but captures the citizen himself as an effect of his *mise en carte*, his administrative inscription, his paper or ‘paperised’ identity...**

Jane Caplan opened her keynote lecture by clarifying that her presentation was a speculative and slightly playful work-in-progress, as well as “something of a flight into the unknown” for her. The study analysed aspects of illegibility, a topic “worth conceptualising and historicising”, in the areas of government, the law and the cultural history of administration. Using slides of archival material, she focused on literal illegibility as “an unwanted property of the archive”, and tracked legibility and illegibility as a metaphor that has made its way into the historiography of the information state in recent years.

Historians frequently have to struggle with documents that are enormously problematic to decipher, due to the writer’s idiosyncratic writing style or the fact that he/she has “simply and literally impossibly difficult handwriting,” Caplan asserted. “As I took up some investigations into the history of writing and the signature, I found the topic of illegibility forcing its way to the surface: not as an alarming property of the archive, but as a subject that might deserve attention in its own right...”

The speaker defined illegibility, in its broadest implications, as “an unacknowledged underside or shadow” to the official writing practices that produce legibility in both a concrete and a metaphorical sense. “On the largest scale, the relationship between the history of writing and the history of the modern European state is self-evident... For those for whom ‘the state’ is no longer the sovereign concept that it once was, there are other reasons to look at official systems/practices of written communication and information storage. Foucault’s critique of Weberian concepts of power and sovereignty, and his proposition of an alternative ‘governmentality’ as the rationality of the 18<sup>th</sup>-/19<sup>th</sup>-century state, drew our attention to ‘techniques of government’, to the production of ‘governable subjects’ and ‘governable spaces’ by means of discipline and normalisation.”

In addition, the “linguistic turn” of the 1980s asked historians to confront the metaphor of “reading” as the privileged metaphor for the interpretation of the past; this was also true for the so-called “spatial turn”, since the map is the primary interface between the textual and the graphic.

This compelled a new conceptualisation of the “little tools of knowledge”: papers, files, indexes, etc, positioned “not as passive channels in the circuits of power but as complicit in its production”, Caplan explained. There was a corresponding reconceptualisation of the archive, as “not simply a source of information about the events it records, but as an independent object of knowledge and a source of information about itself”.

The speaker then cited a well-known passage from Michel de Certeau: “There is no law that is not written on the body... It inscribes itself on parchment made from the skin of its subject. It constructs them as a juridical body, makes them into its book... living beings are ‘put into text’, cast as signifiers of rules.”

“The body too is equally implicated in the circuits of power, and can be seen as ‘inscribed’ and ‘readable’. Texts, bodies, societies, cultures, have thus all become objects to be ‘read’... Take for instance James’ Scott’s influential book *Seeing Like a State* (1998), which could equally well have been titled *Reading Like a State*. The first section of the book, ‘State Projects of Legibility and Simplification’, declares that ‘European statecraft [was] devoted to rationalising and standardising a social hieroglyph into a legible and administratively more convenient format’; Scott discusses the state’s creation of ‘a legible people’ and of the ‘official legibility’ conferred by the adoption of fixed surnames; and of the Bolsheviks’ creation of a ‘legible *kolkhoz*’. At the level of the identity document, ‘legibility’ is not just a property of the document itself, but captures the citizen himself as an effect of his ‘*mise en carte*’, his administrative inscription, his paper or ‘paperised’ identity...”

This overarching historical trajectory has been variously characterised as a political movement from the logic of ‘recognition’ to the logic of ‘identification’ (Noiriel); within this logic, terms like ‘*citoyen lu*’ (the ‘read/readable citizen’) (Dardy), or ‘machine-readable body’ (van der Ploeg) are no longer intended as metaphors but as depictions of material practices.

‘Legibility’ is thus established “not only as a property of writing, but as both a master-metaphor and a method”, according to Caplan. “But what of

its corollary, illegibility? Presumably, what is not legible must be in some way illegible, but the latter concept seems to remain a residual and unexamined category.”

The speaker then theorised different kinds of illegibility, and described how these contributed to a wider understanding of both the literal meanings and metaphorical applications of the idea of legibility, explaining that her thoughts about this presentation crystallised when she came across some handwritten notes by Lord Palmerston in the Foreign Office files in the English National Archives.

Dated from the 1830s to the 1860s, these document Palmerston’s “obsessive concern” with the quality of handwriting produced by departmental clerks and consuls. Throughout his long career in government, Palmerston wrote numerous, laboriously detailed notes in his own hand, protesting against illegible handwriting, weak syntax, sloppy style and deficient punctuation skills. Criticism such as “... the Person who copies out his Despatches should form his letters by connecting his slanting down strokes by visible lines at the top or bottom according to the letters which he intended his parallel lines to represent” caused Palmerston to be detested by his office staff, and referred to as “the Beast” by his underlings. His fixation can be also be seen in instructions such as: “Write to Stationary Office for a sufficient supply of Full Stops, Semicolons, and Commas; but more especially of Semicolons, for use of the Copying Clerks of the office”; “... a Despatch must contain much valuable matter to reward one for deciphering such Handwriting as this which can only be compared to Iron Railings leaning out of the Perpendicular”; or “... reading Mr Robertson’s Handwriting is like running Penknives into one’s Eyes...”

Palmerston’s famous obsession has been regularly commented upon by historians and biographers, who indicate that he drove his staff hard, was reluctant to delegate, and expected to read everything that came into or went out of the Foreign Office. “It is a significant symptom of his character and his working practices, and also of his more strategic interest in the rationalisation of bureaucratic practices in a period when administrative business and papers were hugely expanding,” Caplan clarified, adding that this individual quirk also has wider implications and more public effects. For instance, it draws attention to the actual labour process of copying and clerking, a demanding and draining job that historians neglect to analyse. Fortunately, other

accounts of the sometimes tortuous exercise are available. In the words of Charles Marvin, a 'tenpenny clerk' in various civil service departments in the 1870s, assigned to recording the details of unpaid dog licences: "[I was] working with quills that wouldn't write, with magnum bonums that would do nothing but blot, and with hands that refused to impart the necessary velocity to my fingers... tearing across page after page... making blunders and correcting them... getting into the wrong columns and on to the wrong lines... losing my place times out of number, and then losing my temper... until finally, panting, trembling and almost bursting with suppressed indignation and passion, my pen fell mechanically from my fingers."

Caplan stated that that with regard to copying, as with so many 19<sup>th</sup>-century labour processes, the scribe came to resemble a machine in the execution of his "mind- and hand-numbing" activity. "But this human machine was fallible and error-prone, and true mechanisation came late to office work. In the meantime, one recourse was to model a 'well-formed', if not universally standardised, hand that met the civil service's requirements of legibility, accuracy and speed." Palmerston himself intervened in public debates in the teaching of handwriting in schools in the 1850s; and the Civil Service laid down parameters of "distinctness, clearness and legibility" as requirements for the writing exam, which "prompted a host of copy-books and crammers" to meet the demand for preparation. Palmerston's one-time private secretary, Vere Foster, devised a copy-book system for teaching handwriting, originally published as *The Palmerston Series*, later renamed *Bold Writing*, or *Civil Service Series*. Foster's aim was to replace "the uncouth, crabbed, illegible, stiff 'schoolboy' hand" with a running hand "fluently and elegantly" formed "without lifing the pen between the letters". To learn this kind of hand, Caplan remarked, "was, therefore, to acquire the standardised skill needed to operate the mechanism of Victorian bureaucracy".

The speaker then turned her attention to the signature, that equivocal artefact deeply mired within the terrain of legibility/illegibility. "Palmerston's objection was to the illegibility of written texts whose sole purpose was to be read. The character of the signature presents another kind of problem, i.e., whether it was meant to be read at all..." Citing historians who claimed that an illegible hand was seen as a mark of gentility in the 16<sup>th</sup> century, when penmanship was so closely tied to the 'vulgar' commercial activity of accountancy, Caplan stated that this view

reversed itself in 19<sup>th</sup>-century Britain and its empire, when good handwriting came to be associated with gentility. "The signature, however, is not subsumed into this process. If we race to the present day, we discover that legal opinion in England is that a 'normal' signature is an 'illegible' signature, i.e., that illegibility is an essential property of the signature, which is not a piece of writing intended to convey a meaning, but a graphic, symbol or device." Handwriting experts of the 20<sup>th</sup> century comment that the illegible signature is also the mark not of the inexperienced writer but of the well-versed penman; and contemporary studies of children learning the difference between name writing and signature writing indicate that "the perception of a signature seemed to be not so much a flourish, but crossing-out, defacing the name". Caplan added that English common law has in fact taken a "very relaxed view" of the need for signatures on contracts, and of what constitutes a legally valid signature; this also suggests a "specific" illegibility of the signature, which is regarded as a "mark". Thus, "even an X impressed with a rubber stamp" can constitute a signature in English common law.

Caplan suggested that the illegibility of the handwritten signature had been in some sense absorbed into the much more complex contemporary technology of the encrypted electronic signature, a product of the growth of the world wide web and internet commerce, which require some means of validating the identity of the parties to e-transactions. This validation is done through the "public key infrastructure" of third party certifiers who issue an electronic certificate to verify the key-holder's identity, a technique that bypasses the traditional mechanisms of presence and notarisation. Critics of the electronic signature claim that it "not only ruptures the biometric character of the handwritten signature", but also "expropriates its character of identity, presence and identification" (Fraenkel). Critics also argue that the electronic signature "emanates from a world of military cryptography built on hostility and suspicion: it thus inverts the juridical structure of presence and confidence on which civil society is founded". This implies not just a change in technology but also a crucial, fundamental shift in the relationship of state and citizen.

Another kind of "computerised contest" between legibility and illegibility is the problem of machine-readable signatures and the entire range of handwriting susceptible to Optical Character Recognition (OCR). The initial work of OCR experts till the mid-20<sup>th</sup> century was how to read

standardised font/numerals of a constant size. Following that came the complicated mechanics of devising algorithms for shape recognition, within which signatures present particular problems. "Writing experts seem to agree that the mark of a signature is *not* that it remains the same in every instance, but that it varies in myriad small ways... the fact that signatures look alike is *not* always evidence that they were written by the same person... the measure of difference is not always evidence of forgery. Thus, one clue to a forged signature would be not that it looked too different from the specimen used by the forger, but that it too closely *resembled* it."

Caplan then went on to discuss forgery itself, starting with "one type of forgery that was enabled by the coexistence of different literacies and legibilities in India under British colonial rule". She stated that the opportunities for deception were available not only through the exploitation of illiteracy, but also in the context of "competing literacies"; in both cases, writing that was legible to one person could be illegible to another, and the gap in comprehension and translation" was profitably used by those who knew how to manipulate it. For instance, the fraudulent use of blank card railway tickets was common – the clerk would sell such a ticket to an illiterate person, who paid full fare to his destination station, but the clerk wrote in the name of another nearer station, and pocketed the difference in price. A more serious and widespread mode of fraud was via paper currency, which appears to have circulated in India far more than coin did, as compared with England. "When the government of India canvassed local judicial opinion on proposed changes in the law on forged currency in 1898, a number of respondents raised the objection that the new clauses on *possession* of forged notes would be likely to trap many innocent people, who had no idea that they were holding counterfeit notes..."

Caplan pointed out that more specific to India was the situation of the person who was educated and literate in his/her own language but not in English, and that the same "gap of comprehension" could exist between Indian vernaculars too, given the number of written languages in circulation. She referred to an "intricate" court case of the 1890s, which involved a "multiply-exchanged counterfeit note (or rather, half of a 500-rupee note), ignorance of English, and mutually incomprehensible Indian scripts"; it also featured an illegible signature "said to be of Karnatic character". Moreover, signatures in India were also defined and decoded according to specific practices of identification which might include patronymic and occupation, Caplan stated, adding

wryly that while she had chosen to deploy these various Indian scripts as part of her argument, they were all literally illegible to her.

The speaker explained that the testimony of handwriting experts was made admissible in English courts from 1854, but in India the rules on evidence (the 1872 Act) did not admit such testimony until 1900, after which the "Hardless dynasty" of handwriting experts dominated this area. The Hardlesses "were indefatigable in dismissing simplistic laypersons' assumptions about how to compare handwriting, and in laying out the case for the high degree of experience and expertise required for the intricacies of the Indian context," Caplan explained. This included not only the many languages and scripts and differences in writing conventions, but also "the circumstances under which Indians might compose their writing, e.g., with the paper held in the palm of the hand or on the thigh rather than laid out on a desk". In addition, according to a particular colonial logic, Indian penmanship could not be judged by standards appropriate for other countries – slow, deliberate, meticulous penmanship in an Indian signature "was not necessarily evidence of forgery, but of the complexity of writing certain vernaculars, as well as of unfamiliarity with the pen".

Caplan observed that graphology, i.e., the interpretation of character from handwriting, was today seen as "a typical 19<sup>th</sup>-century pseudo-science" marked by the "florid claims" of self-proclaimed experts in the field; but there was a certain overlap between the work of graphologists and handwriting analysts who considered their own expertise as a mode of forensics. Both sets of "experts" considered writing to be a cultural practice, and believed that writing style "indents itself through all kinds of processes that are themselves subject to physical, social and psychological influences".

"'Legibility' is not something wrested out of a prior undifferentiated illegibility; rather, it is legibility that produces illegibility as its effect, and in historically or culturally determinate ways," Caplan concluded. "The examples discussed here, while less significant than that crucial cultural and epistemological shift, show us acts or processes of illegibility that emerge from specific circumstances and have identifiable effects..." The speaker remarked that the concept of illegibility suggests a possible additional dimension to the usual contrast of literacy and illiteracy. "We have been blinded by the power of literacy and have become overwhelmingly prejudiced in its favour. We therefore fail to credit either some of the

disastrous effects of compulsory mass literacy on human freedoms, or the real history of the emergence and spread of a 'literate mentality', as well as the fact that literacy involved loss as well as gain. Perhaps remembering that literacy encompasses and produces illegibility will help us to maintain a more open-minded attitude to distant or foreign cultures, as well as encouraging us to pay more attention to the micropolitics of our own cultures."

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Initiating the discussion following the keynote lecture, Wendy Chun brought up the relationship between gender and handwriting, and "the displacement of male secretaries by female secretaries once the typewriter arrives". Invoking the work of media scholars Leah Price and Friedrich Kittler, the latter "probably a theorist who drives historians mad", Chun pointed out that he did have "that elaborate theory" about how the shift from handwritten to typewritten "had a very material effect on both gender and the understanding of discourse networks". Chun also asked, self-referentially, about writing that is not legible but is not meant to be secret. "Here I am thinking of taking notes while someone is speaking. My act is important to me, but my notes are illegible. However, without that act, I can't listen... Here I am indicating the physicality of writing as scoring, etymologically, rather than writing as necessarily conveying meaning once again..."

Shahid Amin commented that it would be interesting to also consider the case of what in India is called the "scribal hand", which is not meant to be read by a superior but by other people like the scribe. "In the case of

Palmerston's minions, their writing is meant to be read by someone who is *not* a clerk. When you write for other clerks, the issue of illegibility is not involved – you are writing for a community of like-minded scribes. People who rely on these scribes to write have to simply rely on the scribes to interpret the information as well – just as someone who goes to a lawyer need not understand every point of the law; it is for the lawyer to put it across..."

"When as a historian you research the making and meaning of an old Mughal document, you do not necessarily read it, because you are not supposed to read it – that act is for specialists who reveal the nuances of its construction. In the Indian case, in the later 19<sup>th</sup> century when the big debate between Hindi and Urdu arises, which is tied into all sorts of other things, there is a compelling argument around the time taken to write and the time taken to read. A bad hand is easily, swiftly written – and that is what is required when you are taking dictation – but it takes longer to read."

With regard to copybooks or "mugbooks", Amin explained that the swift cursive writing hand in Urdu is called *shikasta* (lit. "broken"). In the later 1940s, 10 marks out of 100 in school-level Urdu exams was devoted to the reading/interpretation of the *shikasta* hand: "not because you are taking a formal exam but because you are decoding a language, the *shikasta* hands of masters of Urdu writing". Did school textbooks in England contain examples of fast cursive to be mastered, as opposed to copybooks for civil service clerks forced to master the perfected, legible hand?

Taking up the issue of forgery and forged currency notes, Amin posited another line of inquiry, with the remark that till the 1890s, silver currency in India was an important component of total money in circulation; it was important also because silver with regard to gold was a depreciating commodity from the 1870s to the 1890s. The huge import of silver into India for coining purposes was responsible for the depreciation of Indian currency vis-à-vis foreign currency. "Which then presents the really horrendous and fantastic picture where Indian prices might be very high, but they are very low as compared to international rates. So, given the heavy weight of silver coinage through the 1890s, the Government of India had to terminate the minting of silver coins in 1893." According to Amin, paper currency and related forgery was not as significant as the situation with regard to coinage.

"My substantive point, however, is that if you look at the Indian Penal Code and its special provision

against criminal tribes, the really important cognisable offence is that of being discovered with dyes used for fabricating coins – a much more commonly discussed crime than forgery, in the 1890s,” Amin added. “There is a special sub-caste of people who mint silver coins. We don’t seem to get as much discussion of paper forgers as of coin counterfeiters...”

Regarding the quality of the expert hand that wrote old, particularly Mughal, documents, Amin remarked that there was a joke about certain groups of people in north India allegedly being very good at forging these; while in the act they stand in freezing water, so their hand acquires a slight tremor. “All old scribes who are good at their craft would have a very confident and swift cursive hand – so the best way to forge such a document would be to write like an expert clerk of the 18<sup>th</sup> century, his hand being replicable only through the forger standing in cold water.”

Shuddhabrata Sengupta asked about annotation and margin writing, pointing out that within the entire Right to Information (RTI) discourse in India, “one of the things that the bureaucracy has really insisted on is that margin notes and handwriting on documents must not be revealed. Even if the file’s text remains accessible, the notation has to be obscured with blacking.” He also asked if there was any literature about marginal groups vis-à-vis handwriting, as in the case of left-handed people. “Left-handedness itself was very often seen as indicative of probable criminal tendencies, as sinister – and left-handed penmanship is very much to do with disguising the left hand...”

Ravikant commented that he was reminded of the “fascinating story” he had come across in the work of social/political theorist Partho Chatterjee; set in 19<sup>th</sup>-century Bengal, it describes how a woman learnt to read. “She happens to be a social reformer’s wife. Her husband teaches their son how to read, but does not teach her. The father and son sit on one side of the table, and she sits on the other side, across from them. So she learns how to read – but from the other side, i.e., with the writing upside down...”

Ravikant also raised the question of “the digital moment” that Caplan had included in her argument. “What kinds of things will we face in the future, regarding anti-literacy and too much investment in literacy? Would this not create its own set of issues – perhaps civilisational ones, or having to do with power?” In addition, it was critical to remember that orality-to-print “would always originally carry the imprimatur of the spoken. So that could also create a legibility issue

– that the written word resembles the spoken. Now we are at the stage of oral-to-digital, and from the digital back to the oral, so to speak. But that would also create similar problems...”

Mahmood Farooqui brought up the relationship between the culture of memorisation, orality and the movement towards literacy; he asked if there were necessarily stages to the process; or that we inevitably move from one to another in a linear way. “For instance, in the context of the rise and spread of Islam, where the written word of God, the Quran, is quite important, as much for its literacy and literariness as for its memorisation aspect. The latter is equally significant, and remains so even today – millions of copies of the Quran are being printed, synchronously with many people memorising it at the same time that it is textually disseminated.”

Clarifying that since the content of her lecture was just the beginning of a reading project, and she therefore had attempted to cast her net “really wide”, Caplan responded to Chun’s queries with the remark that the transition from male to female secretaries has been much documented by historians; and each area where the secretaries were deployed, such as the civil service and post office, has been the site of debates. “Gender questions are not different from how the labour force is constituted. There are also other questions... Tamara Thornton writes about that vis-à-vis the US, the difference in men’s and women’s hands, etc. Oddly, there’s no comparable history of handwriting for England that’s comparable to Thornton’s research. I haven’t got as far as investigating France and Germany, which I intend to do...”

Caplan asserted that she liked the idea that illegible handwriting is “like listening with your eyes closed, or something like that – it’s a gesture that helps to fix the thing. My colleague Raphael Samuel, a historian, has ghastly handwriting; at seminars he used to get one word to the line and five lines to the page – and these would turn up as part of his presentation, so he never got through giving a paper because his notes were always in that form of raw chaos which he would be throwing around... There’s a lot of interesting work on the hand in the 19<sup>th</sup> century and more recently. It is a *material* practice, and it’s worth thinking about how such materiality has been theorised, gestured towards, documented.”

Taking up Amin’s remarks, Caplan clarified that the *shikasta* hand features prominently in the Hardless repertoire, “they are always writing about it”. The question of who *reads* it is paid less attention. In his interventions into public debates

regarding education in the mid-19<sup>th</sup> century, Palmerston complained that speed was being given too much attention, and that what really mattered was legibility. "But of course, that is for the reader; the ten-penny clerks, who weren't paid on piece-rate, had their own experience. Marvin's description of his first day working, when he just can't keep up with the dictation speed, must have been replicated in many cases. That's for the writer. But speed was what the person at the sharp end of the labour process has to attend to, and that might in fact produce a hand that was not appropriate for the reader – just as when historians go into an archive which was not produced for their convenience, and have to handle illegibility."

Regarding the "scribal hand", Caplan stated that it evoked for her the "very complicated system of *ruches* or scribal flourishes, which Franklin describes as – and this goes way back to Carolingian and post-Carolingian – the issue of authentication of documents, which has several parts to it. It emanates from a particular author, the person who has given the instructions. But the other big issue, prior to print, is whether the document *itself* is genuine, i.e., written by the person it claims it is written by...

"... And that produces an extraordinary system of secret signs devised by scribes, which can be read by other scribes – this is part of the authentication mechanism."

Caplan acknowledged that she hadn't looked in detail at the issue of silver currency in relation to paper currency, but the "paper aspect" is very important because currency becomes the first identity document. "This already exists as a system of identification in late 18<sup>th</sup>-century Germany, with Fichte saying that bills exchanged would be signed as identification. I imagine that there was a complicated paper trail of signatures of all kinds in India too."

Responding to Sengupta, Caplan remarked that when historians are in the archive, marginalia and annotation are often the most important part of the research effort. She narrated her experience of working on historical documents of the German civil service several years earlier. "In the late 1920s, a Prussian government official, Arnold Brecht – he emigrated to America in the 1930s – wrote a rather important manual about how documents are to be handled; he systematised the handling of all documents that came into and went out of the local ministries. The procedure was then adopted by the federal ministries. With reference to margin notes, the minister, the first

state secretary and the person who was in charge of that particular area were told to write in different coloured pencils – brown, green and blue. This system must exist elsewhere too. Blunt-pencil cursive is incredibly difficult to read – mostly the minister saying 'Yes' or 'No'..."

Caplan stated that the Hardless collection had many examples of left-handed writing, which was intrinsically part of 19<sup>th</sup>-century forensic data on the characteristics of forgery. On the issue of the digital revolution and its relationship to literacy, she agreed that it would have very important effects. "There are 17<sup>th</sup>-century debates about the spoken word and the degree to which it can be effectively put onto the page... a huge debate that goes back almost a century, about the claim (it actually goes back to Plato, and is referred to in Derrida's remarks about Rousseau) that only speech produces humanity, and that writing can never render the truth of a human being.

"Insofar as people are interested in these matters – and they obviously are – that order of debate will surely be heard."

Responding to Farooqui's comment on memorisation, Caplan remarked that one aspect to be taken into account relates not so much to the way documents are memorised, but about the way *events* are memorised by performers. "That's the contract of oral transmission – that it is done as a performance. In this, the youngest or most naïve listener may have their head hit, so they'll remember what piece of information was being transmitted at that instant. Or a symbolic clod of earth is picked up and shown to somebody, fixing the moment of transmission..." The idea that there is a special virtue in memorising scripture may have had a secular parallel, with generations of English schoolchildren having to learn poetry by rote. "It's a training mechanism, more than anything else: in the case of scripture, a training in the sacred truth, but also in the cure of the soul, in the same way that the memorisation of poetry is supposed to be good for us – no doubt because when we speak it we do so with the truth of speech, which is not the case when we read it with the inadequacies of the printed page."

An interjector reminded Caplan that her lecture made no mention of the distinction between composition and writing. If we make this "rather simplistic" distinction – of writing as a physical action, and composing as something that involves thought, formal organisation of language, etc., what bearing did it have on Palmerston and his emphasis on penmanship? The Northcote Trevelyan Report of 1850 made a distinction

between scribes of clerical grade who merely copied and followed orders, and the administrators who were forming policy and were supposed to be writing their own thoughts, based on their own knowledge. This could be read against the fact that among the most marginally educated in Britain, even according to the revised code of 1862, composition was not taught as a subject in board schools until Class 6... There was evidence that as late as the 1890s, 70-80% of children in English elementary schools were not learning the art of composition at all; the focus was on "legibility" in the form of rote copying.

Sadan Jha brought to Caplan's notice the fact of the First Information Report (FIR), the all-important handwritten reports in police stations in India, essential if police action is to be taken in the event of a crime. "These stay in the police record room; they are crucial documents that do not go to the archives..."

Aarti Sethi asked about the nature of the oral contract, in terms of the relationship between "I give you my word" and "Please put this in writing": what happens to the former, which is not just about honour, but contains the sense of a promise – and a promissory note asking for "legible" confirmation of something, and which the state is reluctant to do?

Rana Dasgupta asked a "whimsical" question that "betrayed the fact" of his being a fiction writer. "You speak poetically at the end of your lecture about the zone of the 'illegible' and the 'illiterate': not as a zone of lack but as a zone that has its own life force and its own intensity. But you also make reference to bibliography compilers and toilers whose work is obviously based on the enormous transparency and intercommunicability of text. Can your own practice, so deeply embedded in text and its legibility, ever invoke adequately this zone that you're referring to? Or must it eventually narrate the triumphant defeat of illegibility?"

Leo Lucassen brought up the case of professional scribes, who write letters for those who cannot write, for instance – as they work, "something happens". The transcribers who should recount with fidelity what they are told usually have their own idiosyncratic way of making what's been said, "legible"; they follow certain cultural/aesthetic/logographic conventions in their effort to make the illegible legible.

An interjector pointed to the "interstice" between the state/administrative action, and the administrative record of that action. The question

of the "opacity" of language had to be taken into account here. For example, the entire discourse that arises around insurgency, with its use of terms such as 'pacification' and 'domestication': the same word is really the site of both legibility and illegibility. "That in itself is a problem of translation..." It is crucial with respect to traditional communities and oral cultures that do not have a semantic repertoire around the phenomena of treaties, orders, administrative documents. In these cases, "very creative processes" have to be set in motion to make legible what is culturally and linguistically opaque/illegible.

Responding to the issue of composition and the Trevelyan report, Caplan explained that the British Foreign Office successfully resisted, all through the 19<sup>th</sup> century, the introduction of a clerking grade, "because they said that diplomatic records were confidential and had to be given to better educated people, i.e., those who were 'honourable'... The irony about Marvin, the ten-penny clerk, is his position. The book he wrote about his life culminates in the fact that he handed a copy of an 1878 treaty between Britain and Russia – it was supposed to be secret, embargoed – to the *Morning Post*, for whom he worked; he saw himself as a journalist. He was found out. His book is a bitter record of how he didn't make it as a journalist in England after having spent most of his life in Russia; and that he never got a civil service establishment post – he was just a copyist who went around and around, he remained a journeyman... Breaking the embargo was his way of getting revenge, as a ten-penny clerk doing the job of those who were paid far more but worked far less."

Regarding the FIR, Caplan remarked that it was always useful to know that there is a class of material that didn't make it to the archives, "but that might bring one closer to the moment of recording". With reference to the promissory note in relationship to giving of one's word, she clarified that she was particularly interested in handwriting as a written culture. "Handwriting is one of the things that figures in the identity document, as a signature. I was researching protocols, via handwriting, to show that the identity document is not a thing that arrives – it is a point of intersection between various unexpected places. Any consideration of this phantasmic document would have to include handwriting and the signature... The promissory note can be thought of as relating to different fields: law, social codes, etc. In English common law, a contract doesn't have to be in writing, it can be verbal, a handshake, etc. Most people take the precaution of putting it in writing, and having it signed."

Invoking Dasgupta's comment, the speaker reiterated that her intent was to look at writing not just in terms of literacy and illiteracy, but in terms of legibility and illegibility. "I did focus deliberately on material practices of illegibility, and the reference to literacy/illiteracy was just to suggest possibly that this kind of approach, which took an unexamined subject, might have some relevant implications...

"I work all the time with things like this – but on the other hand, oral discussion does teach me... Coming thousands of miles just to talk to people on the assumption that something is there: that practice hasn't faded, and it is becoming a more prominent part of academic exchange."

Caplan reminded Lucassen that there was a lot of research in the area of "professional" writing, the act of translating not just the words but also the ideas of the illiterate into written language. There were also instances of personal letters being rewritten, for soldiers badly wounded in war, for instance, "because the truth of what someone has dictated is too painful...

"When I was working on this lecture in England, someone suggested how 'census' could also imply the oral enumerations of the 19<sup>th</sup> century, the misspellings and errors between the spoken response to enumerators' questions, and the information written down. Your own genealogical research might show a different family history from what the census has noted....

"If we take the state's record of language, we will find there's a whole set of double meanings that we try to penetrate as we read – whatever we are reading. Sometimes we are more attentive, sometimes less. Take the language and terms of art, or of politics: 'freedom fighter' and 'terrorist' do shadow one another, circumstantially, and they are both on the record. Anyone who has worked on Nazi Germany is more than aware that the way an official language is used may be based on something very different from, or far in excess of, what the word on the page says.

"I chose deliberately to talk about literal handwriting, but all these comments also orient me to my more extended project, i.e., of rendering the citizen legible in terms of a wider world," Caplan concluded. "But my main point is that the citizen who precedes legibility is *not* illegible."

**Day 03**