

after the **postcolonial**

Veena Das

Slum Acts



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After the Postcolonial

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Acts*

Slum Acts

Veena Das

polity

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Veena Das
Baltimore, July 2021

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Introduction

Slum Acts is written in these ominous times when the surveillance apparatus of the state in India is being used to curb all dissent, accompanied by a draconian curbing of political liberties and dismantling of the research infrastructure that once allowed the social sciences to flourish in India. Simultaneously, global theories of violence, civil war, terrorism, torture, or policing demonstrate the increasing influence of the security apparatus of the state on academic writing (Whitehead 2012). A global discourse on the threat of international terrorism has allowed reputed scholars to defend the use of torture by the evocation of scenarios of extreme emergency and, while much discussion has focused on the brutality of civil wars waged by non-state actors, the role of states as collaborators of these non-state actors, as financiers of the weapons used in civil wars, or the direct violence perpetrated at a distance by states through drone attacks, carpet bombing, or torture in offshore prisons, is made to disappear. This book takes on the problematic of the violence perpetrated through the security apparatus of the state and its relation to judicial logic applied in both states of emergency as well as in the hurly-burly of everyday urban life. The close relation between policing and urban existence was of much interest to Foucault (2008) but while he was looking at police ordinances and absorption of disbanded soldiers at the end of war, *Slum Acts* asks how the imagination of slums as specific sites of urban disorder comes to be connected with the imaginary of transnational terrorism. And though from a distance it might seem that

judicial logic in the case of regulation of urban populations might be very different from the judicial logic in the case of terror trials, we find surprising resonances between the two. This is not to say that the specter of terrorist violence does not produce an intensification of cruel practices in the way police investigate terror-related cases but that there is no sharp dividing line between the two.

I do not start with a set of ready-made concepts which I can simply apply to the questions that animate this book, but perhaps I can say how my questions developed as a result of a long-term ethnography of what I call urban slums here as a short-hand term, but which can include many different categories of spaces defined primarily through their relation to the classifying and regulating mechanisms of urban governance. (For my work on these localities, see especially Das 2011, 2014, 2020; Das & Walton 2015.) I will introduce these areas, briefly commenting on my use of the term slum, but first, let me lay out the questions I explore.

First, I am interested in asking how to understand the temporality of a catastrophic event such as a series of terrorist attacks on a city. In media representations and in one reading of the judicial process, what follows a terrorist attack is a series of linear actions – the event, its investigation, court trial, and fixing of responsibility, followed by sentencing and punishment. This particular idea of the event, as bounded and occurring in a linear succession of actions, often obscures from view the actual bundling of smaller events which cluster together and radiate in different directions, such as identifying suspects, interrogations, production of police documents, witness statements, court hearings, postponements, compromises; I argue that it is in these details that one can find the way something like a terror-related investigation spreads its tentacles into communities from which suspects are picked up, relatives and friends are forced to give testimonies

against them, and whole communities are stigmatized and rendered guilty by association. Further, I ask, how are cruel and inhuman punishments, including torture, absorbed into the life of communities? I examine the relation between subjugated knowledges and what I call “inordinate knowledge” to retrieve and take forward the writings of a torture survivor, Abdul Wahid Shaikh, to claim for his incredible writing the status of social theory that undoes the plethora of justifications for torture that have been crafted by learned jurists and professors.

Second, I ask how does the fact that the police as a biopolitical body is dispersed in the neighborhoods that comprise these slums affect the texture of relations as neighbors come to suspect that some among them are police informers, or that policemen posted in the *chaukis* (outposts), presumably to prevent crime, are, in fact, working with the land mafias or traffickers? In what way may we then think of the relation between the rogue power exercised by the police and the judicial process? How does one study the decentered or dispersed processes though which judicial truth is constituted? Are fictions of the law opposed to its truth or are they truth’s doubles?

Third, how does anthropology channel the expressions that are produced within neighborhoods steeped in the ever-present potential for violence (Motta 2020) without falling into statist definitions of what is terror, or guilt? Above all I want to understand how life is remade, not through any grand gestures of forgiveness and reconciliation, but through an ethics and aesthetics of the everyday. Being able to grasp that the inhuman forms of cruelty I saw or felt, were, after all, not the work of monsters but an eventuality in the career of the human, was an idea I could understand in the abstract. But seeing this connection in the concrete lives of human beings with bodies and names was one of the greatest difficulties of reality I experienced.

It marks every word I speak about them and the milieu in which perpetrators of such cruel acts and their victims continue to inhabit the same social spaces. Sometimes one says disparagingly that one could do nothing else but push on. But I came to realize, yet once again, that life can only be knitted together pair by pair (see Cavell 2007b). This book is a further step into these vexed issues.

Let me first introduce some of the features of the slums that have direct implications for understanding what transpires in the next three chapters.

Slum Actions and Definitions

Much of the recent literature on slums sees them as directly connected to the growth of megacities in the Global South. As peripheries to these megacities, the slums are seen as both steeped in crime and squalor and essential for the kinds of services they provide to the residents of more affluent areas. In many ways, these theories build on Simmel's (1965) understanding of the poor as defined not only by material deprivation but by the kinds of sociality that defines them (see Das and Randeria 2015).

Writing from the perspective of subaltern studies, some theorists have proposed theorizing slums as spaces of habitation, livelihood, self-organization, and politics rather than spaces of material deprivation and political disorder (see V. Rao 2006; Roy 2011; Simone 2004, 2019). Many activists and others working in these areas rightly protest against the picture of urban disorder located within slums and object to the use of the word "slum" for its derogatory implications. In addition to flourishing economic enterprises in these areas, they say, life in slums has evolved its own norms and its own norm-producing mechanisms that are not dependent on the state. For example, they point to informal arrangements such as

rights established over what is known as *kabza* land (occupied land), or the negotiations with employees of electricity companies such as linemen working on the ground to reduce costs of electricity, and so on. Yet, what gets elided in these descriptions is first, the sheer heterogeneity within and among slum populations in terms of access to economic resources; and second, the penetration of state agencies into the everyday life of inhabitants living in these areas.

Consider, the flourishing enterprises in places like Dharavi, regarded as the biggest slum in Asia. These enterprises are evidence of the ability to innovate and the organizational skills of the people residing there. But their prosperity is also built on the fact that owners of these enterprises who live and work in Dharavi are able to extract cheap labor from less fortunate kin or new migrants who use their networks to come to the city and hence start by being dependent on these networks. Over time, these kin or these migrants may be able to make a better life for themselves or not, but the success stories of some are built on the misery of others who might well accept these deprivations in hopes for better futures.

Second, the emphasis on informality overlooks the fact that the success of informal arrangements is also dependent on legal or bureaucratic provisions that were successfully adjudicated in some cases but not in others. Elsewhere, I have analyzed two different court cases and their afterlives in two such neighborhoods in Delhi. In one case residents successfully petitioned the High Court and obtained a stay order against eviction from their shanties. At the same time, the court also ordered surveys of all households to determine who could claim alternate accommodations that it held the government was obliged to provide to eligible residents of the area. It turned out to be impossible for the local-level bureaucrats to complete this task within the

stipulated time, which generated more court cases, with the result that people could not be evicted but neither could the promise of alternative housing be realized. (The situation, as people often pointed out to me, was radically different in Dharavi where in many cases builders directly negotiated with slum dwellers to get land vacated by offering them alternate housing.)

In the court case in the second locality, where residents were fighting a powerful educational society who claimed original rights over land they had occupied, cooperation between the local branch of a political party and a nongovernmental organization (NGO) were successful in thwarting the case in court (see Das and Walton 2015). My point is that though the different categories of urban spaces identified by official administrative bodies are a mishmash of different kinds of categories, these official categories have consequences. As Subbaraman et al. (2015) showed, for instance, health outcomes for residents of notified slums in Mumbai are decisively better than the health outcomes for residents of non-notified slums.¹ The formal/informal divide does little work here as it completely obliterates from view the hard work slum dwellers do to engage the formal institutions such as courts of law to sustain their lives; nor does this divide work when the apparatus of the state is visible and tangible in every nook and cranny of these slums and settlements. Rather, the task is to see the complex interplay between affordances and constraints; between the fine lattice of formal and informal institutions, and the tensions and alliance among them. Certainly, the residents of these localities can find moments of ecstasy in performing dances or songs with visiting dignitaries, and organize themselves during elections or go to protest marches, and all of these are important forms of political actions. Yet, they can be left with little recourse when embroiled falsely in court cases under terror-related

legislation, or tortured in prison, or discover that a child was abducted by a neighbor and trafficked but the police refuse to register even a First Information Report (FIR) to begin investigations.

The searing questions we might ask, then, are questions like, why is torture practiced in a democracy, why does it take weeks to get an FIR registered when my child fails to return home, how can we live with the knowledge that we gave false evidence under pressure from the police? These questions lead to new provocations for social theory of which I identify three specific issues: (a) the distinction between so-called civilized and barbaric violence; (b) locating alternate genealogies for theories of sovereignty; and (c) inordinate knowledge.

Violence: Civilized vs. Savage

In the opening lines of this *Introduction*, I stated that that there is an increasing resonance between academic writing and statist logic. This is not a novel argument: Deleuze and Guattari (1987), as also Foucault (1990), observed the close ties between what is imagined as the destiny of the state and the destiny of thinking. As Deleuze and Guattari wrote:

There exists a Hegelianism of the right that lives on in official political philosophy and weds the destiny of thought to the State ... From Hegel to Max Weber there developed a whole line of reflection of the relation of the modern State to Reason, both as rational-technical and as reasonable-human. If it is objected that this rationality, already present in the archaic imperial State, is the *optimum* of the governors themselves, the Hegelians respond that the rational-reasonable cannot exist without a minimum of participation of everybody. The question, rather, is whether the very form of rational-reasonable is not extracted from the State, in a way that necessarily makes it right, gives it "reason." (p. 556, n. 42)

How does the unspoken alliance between state discourses on where threats to safety and security lie and academic writing structure thought so as to render such practices as torture and coercive interrogation techniques thinkable within liberal democracies (Ahmad and Lilienthal 2016)? Talal Asad has argued that the September 11 attacks in New York initiated a revival of interest in just war theory not only because the US imagined a new kind of war to have been initiated by these attacks (the "War on Terror"), but also because of the pressures in liberal democracies to distinguish their own acts of violence, characterized as rational and bounded, versus the violence of the terrorists, seen as driven by passion and, therefore, excessive and indiscriminate (Asad 2010; see also the stringent critique of Hegelian thinking in relation to colonialism in Guha 2002).

I will not rehearse here the many contradictions that Asad systematically demonstrates in just war theory or the subtle changes that creep into this theory when compared with its theological origins pertaining to ideas of fairness and justice in war. What I want to suggest is that there was a ready-made theoretical apparatus available in the

distinction between civilized violence of state-initiated wars and barbaric violence attributed to others, whether colonial subjects or Islamic fighters, who were seen as outside this apparatus that supposedly used violence as bounded by rationality and ethics. This opposition helps decipher how one might explain the most horrific acts of destruction on the part of Western countries to have been considered just, because they were driven by a principle – the principle of proportionate harm. This is how an equation was made between the Japanese who died as a result of the bombing of Hiroshima and Nagasaki and the number of Allied deaths during World War II through the techniques of warfare used by both parties to the war. The hollowness of these principles is stunning, but the fact that those responsible for the dropping of the atom bomb could escape any charges of war crimes is partly because the victor sets the rules for what will be counted against what. As Kennedy (2006) so aptly puts it:

Putting ourselves back in the legitimate position of Truman's wartime decision making, we ask: how many allied soldiers were saved by the bomb? Not Japanese civilians or soldiers but Allied soldiers against Japanese bomb deaths. Estimates differ. In June 1945, the Joint Chiefs estimated 40,000. In 1945 Truman said he had estimated 250,000. In his memoirs, written ten years after the fact, Truman used the figure 500,000. Churchill, in 1953, estimated a million Americans and 500,000 British troops. In 1991, President Bush claimed the use of atomic bombs had "spared millions of American lives." (p. 146)

If the principle of proportionality was used to explain the "justness" of the dropping of atomic bombs on Hiroshima and Nagasaki, the discourse on the war on terrorism does not compare in numbers. For instance, justifications offered for war on cities (that includes bombing areas where

civilians reside, including hospitals and schools), as by Israel, are not based on comparison of numbers but on the irrationality of the techniques used by terrorists. The claim in such cases is that it is not a question of how many died in a terror attack, but of terror spread in whole populations, but completely ignoring the terror of bombs raining down from the sky. This discourse on the violence of non-state actors then reinstitutes the dividing line between civilized, rational violence and barbaric, indiscriminate violence. So firmly is the idea that the civilizing processes in Europe under modernity led to constraints on indiscriminate violence engrained in theories of war, that even those who question the “explanations” of why civil wars are more brutal than wars waged by states, do not ask if the question itself is correctly posed. Thus, for instance, Kalyvas (2006), in his comprehensive study on the logic of violence in civil war, starts his chapter on barbarism with the statement: “Despite a quasi-universal recognition of an association between civil war and atrocity, there is surprising[ly] little in the way of specified links between the two” (p. 52). He recognizes the absurdity of the presumption that killing with machetes is less civilized than killing with bullets or bombs, yet somehow continues to support the notion that European countries were more successful in making a sharp division between combatants and civilians, the widespread use of torture and rape to “pacify” populations in colonial wars notwithstanding. Nor does he question whether the role played by European countries in developing technologies of torture, such as France’s contribution to so-called “clean torture” with electricity, did not indicate pathologies of civilization.²

I argue that the emergence of discussions as to whether an extreme emergency created by international terrorism justifies use of torture in public discussions not only elides the violence perpetrated by Western democracies in their

colonial and neocolonial projects, but is also heavily dependent on the use of counterfactuals, scenario building, thought experiments, analogies, and narrative tropes that end up dressing a subjunctive, as-if model or scenario such as the ticking bomb scenario, into the language of actuality. It is not that the empirical is totally lacking in these discussions, but the large data sets gathered on types of conflict, their intensity or duration, reflect essentially statist interests through which such practices as torture can be defended as regrettable, but necessary. Further, modes of surveillance can be extended to cover those segments of the population defined as “vulnerable” to propaganda emerging from extremist projects, and hence potentially dangerous for the security of the nation state. For instance, the discourse of preventing young Muslims from “becoming radicalized” is an important component on policy making in many countries including the UK, but interestingly excludes those who might be radicalized by racist ideologies of white supremacy, and extreme emergencies focus on foreign terrorists but do not include such violence as repeated instances of gun violence against schoolchildren in the US.³

This book confronts these boundary-making discourses between state and non-state actors, rational violence of the state as opposed to the irrational violence of non-state actors (including terrorists) at several levels. First, it tries to dismantle the assumed ground-figure relation that takes for granted that sites for observing the apparatus of state are naturally courts of law, police stations, police patrols, or offices of bureaucrats. Strategies of research based on this ground-figure relation settle on spatial imageries that conceptualize power through location rather than circulation, rendering matters of scale in terms of containment of smaller units into larger ones.

I propose, instead, to think of scale through a dynamic relation between parts and wholes – each might be reconstituted standing in a dynamic relation to each other. After all, we know that from some perspectives a part can be larger than the whole because in taking its place among other parts, any one part is likely to lose some of its distinctive attributes that were manifested when it stood alone. Thus, when I track the manner in which the police posts function in the slums of Delhi or Mumbai, certain aspects of the mechanisms of governance are revealed that are not apparent in such sites as a court of law where a judge is rearranging the facts, in the process of a criminal hearing as lawyers and witnesses are made to recount events in an adversarial setting. In fact, neither objects implicated in a crime, nor subjects remain stable as they move from one place to another, say from a neighborhood in which a fight occurred to the police station or a court of law: nor is the order of recounting an event in everyday life in the slums of the same order as recounting the same event in a court under the pressure of legal definitions of relevance, direct witnessing, hearsay, and cross-examination.⁴ In other words, the story of a crime and of policing that one elicits through ongoing participation in the life of a slum might remain in the confines of this local milieu or it might move along different networks that draw upon NGOs, politicians, policemen, and become grafted onto other events, ending up in a court of law. However, we cannot simply add up the different components of these stories as if these were pieces of a jigsaw puzzle that will “naturally” fit into a pattern. Instead, we might think of a fragment as it breaks from one context and attaches itself to another one in ways that its earlier location might be made to disappear or the fragment might disturb the harmony of its new location (see Das 2007, 2020).

In a recent paper, Kublitz (2021) offers a fine example of marrying scale to perspective as she tracks the killing by the Danish police force of a petty criminal, called Omar, whose Muslim identity leads the police to remake the narrative of his killing by elevating his actions and attributing them to the actions of a “foreign terrorist.” What is interesting in Kublitz’s analysis is that she shows how simultaneously his life within the local-level gang-related violence is engulfed and made to disappear as the narrative of the foreign terrorist takes hold of public imagination and in the strategic reasoning of security forces. We can see that the more global story of Western countries under threat from Islamic terrorism does not so much contain the history of police actions and inactions at the lower level, as make them irrelevant for the more globally recognizable story and subsequent investment of vast resources in the industry of policing projects to combat radicalization of Muslim youth. As we will see in the next chapter, those who are attentive judges in the courts in India set up to investigate terror-related crimes always consider the possibility that the police are trying to solve the problem of gang-related violence by pushing the case as a terror-related case so as to avoid normal legal procedures.

The picture of parts that fit into coherent wholes is precisely what gives power to statist knowledge because the discordance and disharmony that would result from a mereological form of reasoning is made to disappear by the assumption that the whole by definition includes the parts, and that what is true for the encompassing whole (e.g., the state) must be true for each of its constituent parts (e.g., communities, families), since these parts stand in a nested relation where larger parts contain the smaller ones. As we shall see, this kind of formulation makes the specificity of local events disappear as generalizations are generated to

tell “the bigger story.” This formulation invites a consideration of the possibility of alternate genealogies of sovereignty than within the statist ideology we located in the boundaries drawn between civilized and barbaric violence.

Sovereignty: Alternate Genealogies

The distinguished anthropologist and crusader for peace, Alex de Waal, who has studied the political processes of civil war and failure of international peacemaking pacts in Darfur over more than 25 years, argues that when we shift attention from theories of sovereignty that rest on assumptions of the state’s capacity to enforce order, to the domain of real politics, what we encounter is a marketplace of disorderly transactions at every level of the political system (de Waal 2015, 2021). For some other scholars, the conflation of authority and power on the side of the state signals an erosion of the authority of the people and the subsequent rise of populism and its right-wing manifestations (Bargu 2021). A puzzle remains though, for, as Lemaitre (2021) asks, how do we explain the faith people put in the law to put limits on violence, when decades of experience in the postcolony has shown that much violence actually resides within the law? De Waal writes from his experience of participation in peacemaking efforts and his ethnography of negotiations among high officials; Lemaitre writes as a lawyer and now judge in Colombia who has participated in activist projects with displaced women over a number of years. These experiences have given these scholars an acute sense of the contradictions within the law and a deep distrust of very neat theories of sovereignty.

As with these scholars, my own interest in alternate genealogies of sovereignty does not arise so much from abstract theorizing as from trying to make sense of the