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Violence and Humanity: Or, Vulnerability as Political Subjectivity

THE GHASTLIEST INCIDENT OF SEXUAL VIOLENCE IN RECENT memory in India's Maharashtra state occurred on September 29, 2006 in the village of Khairlanji, Bhandara district. What began as a land grab by local agriculturalists ended in the rape and mutilation of 44-year-old Surekha Bhotmange and her teenaged student daughter, Priyanka, and the brutal murder of Surekha's two sons, Roshan and Sudhir, ages 19 and 21, respectively.

By all accounts, this was an upwardly mobile Dalit family.¹ Sudhir was a graduate. He worked as a laborer with his visually impaired brother to earn extra money. Priyanka had completed high school at the top of her class. However, the family was paraded naked, beaten, stoned, sexually abused, and then murdered by a group of men from the Kunbi and Kalar agricultural castes. Surekha and her daughter, Priyanka, were bitten, beaten black and blue, and gang-raped in full public view for an hour before they died. Iron rods and sticks were later inserted in their genitalia. The private parts and faces of the young men were disfigured. "When the dusk had settled, four bodies of this dalit family lay strewn at the village choupal [square], with the killers pumping their fists and still kicking the bodies. The rage was not over. Some angry men even raped the badly mutilated corpses of the two women" (Vidarbha Jan Andolan Samiti 2006). The bodies were later scattered at the periphery of the village.

It took more than a month for the news to spread. Internet discussion groups in the so-called Dalit blogosphere played a vital role. Web versions of the event circulated far and wide as did photographs of the mutilated bodies of the victims, compensating for the lack of coverage by mainstream news media. Dalit and grassroots organizations, such as the Ambedkar Center for Justice and Peace, along with the Vidarbha Jan Andolan Samiti (Committee of the Vidarbha People's Movement), a farmers' movement, filed petitions with the government. By November, photographs of the victims' bodies were pasted on the walls of Dalit *bastis* (residential areas), and protests were held across Maharashtra, including in the cities of Bhandara, Nagpur, and Pune, demanding that the state hold the culprits accountable. What came to light instead were a police cover-up, bureaucratic mishandling, and utter disregard for victims' justice (Jaoul 2008; Teltumbde 2008).² While this is not untypical of how incidents of caste violence are handled, there was a difference this time: anti-Dalit violence was followed by highly publicized Dalit counterviolence. Media expose of the Khairlanji incident was closely followed by news that a statue of "Babasaheb," or B. R. Ambedkar, had been desecrated in Kanpur, in Uttar Pradesh. This provoked retaliatory violence in Mumbai and elsewhere in Maharashtra.

Bhimrao Ramji Ambedkar (1891–1956) led colonial India's sole autonomous struggle for Dalit social and political rights. Trained as a lawyer at the Inns of London, with doctorates from the London School of Economics and Columbia University, Ambedkar was a consistent critic of the Indian National Congress with regard to its position on caste and untouchability. He is perhaps best known today as the architect of India's constitution (via his role as chairman of the drafting committee of constitution). In addition to his activism, his extensive writings span topics from economics to Indian history, law, political thought, and Buddhism.³

Ambedkar statues have played a crucial role in the constitution of a *Dalit popular*. At stake is Ambedkar's singular individuality, the agentive power of self-determination to remake the Dalit self, and thereby challenge the social invisibility and humiliation to which the commu-



Figure 1: Statues of Buddha (L) and Ambedkar (R) in a Dalit dominated, working-class area of Bezonbagh, Nagpur. The statues, which usually appear together, signal Ambedkar’s Buddhist conversion (1956), and the Mahar Dalit community’s identity as *nava Bauddhas*, or neo-Buddhists in contemporary Maharashtra (photo by author, 2008).

nity was relegated. Indeed, in the postcolonial period, commemorative political symbology—flags, statues, the politics of naming, and other practices of cultural production—constitutes the memory work facilitating the emergence of a new community identity. These acts of symbolization drew new objects and icons into an existing semiotic field that was organized around Ambedkar, the zero point of Dalit history, and a political figure deified as community icon. This enabled the creation of new institutional spaces and the sedimentation of affective energies and political commitments around objects and practices of Dalit life.

While Ambedkar statues are a social fact in almost every village in Maharashtra, the erection of statues in other parts of the country is more recent (Jaoul 2006). In 1997 alone, 15,000 statues of Ambedkar



Figure 2: Ambedkar mural, Reshambagh, Nagpur (photo by author, 2008).

were installed across Uttar Pradesh. This has coincided with the rise of the Bahujan Samaj Party (BSP), which has reoriented party politics around Dalits and other downtrodden communities, thus provoking widespread conflict with caste Hindus who see claims on public space (and access to the representational economy of power, more generally) as a challenge to their hegemony. Thus it is not important whether the statue's desecration was the immediate cause of Dalit counterviolence. More significant is the role of statue installation (and desecration) as crucial currency in resignifying public space to stage an agonistic Dalit presence.⁴

"Dalit rage" was described in a number of ways as it reverberated across state borders: as a response to the statue's desecration in far-away Kanpur; as retaliation for Khairlanji; and finally, as a symptom of Dalits' deep-rooted anger against an irresponsible and uncaring state. Dalit militancy was transformed from remaking the Dalit self to destroying the images and institutions of caste exclusion: protestors



Figure 3: Wall writing, “Jai Bhim” (literally, “Hail Bhim,” or “Victory to Ambedkar”) Indora, Nagpur (photo by author, 2008).

burnt the famous Deccan Queen—the Mumbai–Pune express train that ferries white collar workers between the two cities, and which is a symbol of bourgeois, upper-caste respectability; suburban trains were burnt, as were a hundred buses, and there was stone-throwing in cities across Maharashtra.

This enactment of Dalit rage was significant, since Dalit violence was followed by an important commemorative event: Ambedkar’s fiftieth death anniversary. The event is typically observed in Mumbai on December 6 by up to a million people: many travel ticketless, or walk for hundreds of miles, braving hardship and hunger. The event is known for the highly disciplined crowds who visit the consecrated ground, the *chaitya bhoomi*, in Babasaheb’s memory. Yet the Maharashtra state government reflected its deep ignorance about the solemnity of this occasion for Dalits across the country by anticipating further violence on that day. Though nothing happened, fear of a violent Dalit mob

was fueled by the news media: they predicted a siege of the city, and portrayed the residents of Mumbai as potential victims of Dalit unruliness and random acts of violence.

As one activist put it, for Dalits, Khairlanji “was the end of imagination,” an apocalyptic event without an adequate interpretive or representational framework (Koppikar 2006). For the state machinery, however, the violence of Khairlanji was quickly substituted by the threat of Dalit counterviolence. Together, sexual violence, the desecration of a statue, Dalit counterviolence, and political commemoration produced a field of signification enabled by acts of (symbolic) substitution and overdetermination. Indeed, the power of violent reciprocity was heightened by the originary event of sexual violation as the distinguishing feature of caste violence, and by the centrality of (caste) violence in framing Dalit identity. That is, the violent excess of the Bhotmanges’ murder, preceded by the ritual desecration of their bodies, was a form of caste punishment that took recourse to the symbolic degradation of Dalit *women’s* bodies.

To attribute to violence a purely instrumental or utilitarian function—seeing it as a reaction to Dalit economic mobility, or political mobilization of Dalits—is to detour around an uncomfortable social fact: violence is pedagogical instruction in a symbolic order that might be obscured by modern state forms and discourses. I suggest that the brutal ritual desecration of the gendered Dalit body is a technology of violence that resurrects *archaic* forms of sexual violence and punishment in direct proportion to the politicization of Dalits, and the state’s efforts to outlaw practices of caste violation; that it is a counter-response on the “creative” semiotic ground of violation and violence that relocates struggles over Dalit identity to streets, homes, and to spaces otherwise invisible to the state’s modern, nonarchaic glance. Thus, the intensity of anti-Dalit violence suggests, somewhat paradoxically, that the symbolic significance and semiotic density of violence are deepened, even as (caste) violence is politicized.

In the remainder of this essay, I outline how legal regulation might produce the apparent revitalization of archaic practices—of

humiliation, degradation, and ultimately, of caste stigmatization. Lest I be misunderstood, my intent is not merely to critique protective laws, but to examine how legal logics constitute affects and identities that are politically consequential for subaltern subjects by reactivating (and repoliticizing) idioms and repertoires of symbolic violence.

LAW AND IDENTITY: “ATROCITY” AS LEGAL EFFECT

Violence against Dalits, or Scheduled Castes, which is the governmental term for “untouchable” castes, is both social fact and social embarrassment.⁵ It even goes by a specific name: the “caste atrocity.” Postcolonial legality follows a longer-term colonial history of caste, especially with regard to the problem of untouchability.

Let me briefly outline three dominant strains of thinking about caste:

1. Colonial officials did not “invent” caste so much as they transformed caste into an anthropological category, which was thought to adequately describe a unique and unchanging form of social stratification legitimized by Hindu tradition. Viewed as both traditional and political, caste was understood to be an identity produced by systems of social stratification.
2. Upper-caste reformers and nationalists also understood caste to be religiously derived. But so far as they were concerned, caste was not an issue for colonial policy, but for Hindu reform. Rather than focusing on the victims of caste discrimination, untouchable reform focused on the upper-castes guilty of prolonging the practice, and became a sort of test case for the possibility of reforming Hinduism by reforming upper-caste Hindu practices, to achieve an authentically Indian self.
3. Finally, anticaste radicals such as Jotirao Phule, E. V. Ramasamy Naicker, and B. R. Ambedkar, to name key figures, argued that distinctions between social practice and political power, and between religious and secular domains was an artificial distinction,

which masked the complex and totalizing character of caste exploitation. Each criticized the colonial revivification of upper-caste hegemony, even as each of them made use of colonial institutions and (Euro-American) ideas of representative government to press for social equality.

These diverse interpretations of “the caste question” affected its resolution at the moment of postcolonial transition (and India’s negotiated political independence): caste was secularized and rendered into a “class-like” indicator of socioeconomic deprivation, while specific constitutional measures abolished untouchability, and instituted legal protections for vulnerable subjects.

Between 1947 and 1955, the Dalit citizen was thus conceived as a specific kind of subject through the institution of an elaborate civil rights regime and the secularization of Hinduism (Galanter 1998). The state’s commitment to equalization via positive discrimination for socially marginal and deprived populations is worthy of note: whereas a liberal democracy commits to the sanctity of specific procedures believed to guarantee unbiased outcomes, India’s democracy specifies both the desired outcomes *and* the gulf separating the present from them.

In this, Indian democracy illuminates Ernesto Laclau’s point about democracy as a process of *political commensuration*. It encompasses procedures for producing equality by creating equivalence between unlike persons, objects, or qualities (Butler and Laclau 1997). The presumed equality of citizens must be produced through strategies of equalization that convert singularity into comparability. We can see the agonistic character of political commensuration most clearly in demands by minorities for recognition *on their own terms* as the precondition to substantive equality. Because the ground of their inadequacy is taken to be non-, or pre-political, difference—whether sexual, religious, racial, or cultural—it must be *made* politically consequential. Since particularity is the basis of their demands for political recognition, however, these claims are both precarious and reiterative. As I

outline below, it is this instability around the production of equality that activates politics, as well as political violence.

The Indian constitution abolished untouchability (Article 17), but its persistence was recognized, and a set of robust affirmative action policies was instituted in addition to protective laws that conceived Dalit vulnerability—and the social relations of caste—in a quite specific manner. India’s system of compensatory discrimination is a unique form of civil rights law, which understands caste to resemble a class-like structure of deprivation and impoverishment. Within this framework, the practice of untouchability (and Dalits’ distinctive place in the political unconscious) is singled out in three distinctive domains of “reservations,” or affirmative action policies: (1) in legislative bodies, government service, educational institutions, and housing and land allotment; (2) through programs such as scholarships, grants, loans, health care, and legal aid; (3) institution of special laws to protect Scheduled Castes and Scheduled Tribes from practices such as bonded labor, untouchability, and land alienation.

Let me briefly outline this last set of legal mechanisms—*not* because they have succeeded in containing anti-Dalit violence in the last 50 odd years, but because they have had the paradoxical effect of presenting Dalits as vulnerable subjects always-already susceptible to injury, thus emphasizing violence as a dominant mode of sociality between castes. It is this set of relations between (caste) identity, law, and violence that I explore below through a brief history of the main strands of anti-atrocity legislation.

THE PROBLEM OF DEFINITION

Article 17 of the Indian constitution reads: “Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘untouchability’ shall be an offense in accordance with law.” Untouchability is thus emphasized as an exceptional practice that requires measures beyond positive discrimination, including the punishment of perpetrators of untouchability. This is instantiated by the new juridical category of the “caste atrocity.”⁶ The term

enables the production of laws to address specific forms of violation that comprise anti-Dalit violence, but does so without a working definition of untouchability. As an early legal case put it:

It is to be noticed that the word “untouchability” occurs only in Art. 17 and is enclosed in inverted commas. This clearly indicates that the subject-matter of that Article is not untouchability in its literal or grammatical sense but the practice as it has developed historically in this country. . . . Art. 17 which was intended to give effect to the decision to abolish the practice of untouchability, as mentioned above, does not define that term. Nor is a definition contained anywhere else in the Constitution. This omission would appear to be deliberate as the intention presumably was to leave no room or scope for the continuance of the practice in any shape or form (Paragraph 4, *Devarajiah vs. Padmanna*, 1958; emphasis added).

The Protection of Civil Rights Act of 1974—an amended version of the 1955 Untouchability Offenses Act, which abolished untouchability in public places—went further, to note that “civil rights” means any right accruing to a person by reason of the abolition of “untouchability” by Article 17 of the Constitution, thus explicitly connecting civil rights with Dalits.

However, laws against anti-Dalit violence have consistently operated without a definition of untouchability because defining untouchability was thought to reinscribe caste stigma (Lok Sabha debates 1954). The most interesting outcome of such definitional fluidity has been that untouchability has worked on an “I know it when I see it” model of knowledge, which gives state officials great leeway in interpreting anti-Dalit crime. One consequence of this has been that laws meant to transform (existing) social relations have over time come to depend on (and reify) precisely those social conventions and practices they are in the process of transforming. Thus, the (legal) discourse around untouchability has also reproduced the social fact of untouchability, albeit with a difference.

INSTITUTIONAL OUTCOMES

Each amendment to the Untouchability Offences Act (1955) has called for more stringent punishment for the perpetrators of caste crime.⁷ By 1989, the Prevention of Atrocities Act had expanded the field of caste crime to include political, ritual, and symbolic acts. For instance, Section 3(1) placed humiliation—caste insults, coercion to eat or drink noxious substances—on par with denial of access to water sources, public property and thoroughfares, sexual violence against Dalit women, economic dispossession through land grabs and demands for the performance of bonded labor, as well as efforts to prevent Dalits from voting, or holding political office. In fact atrocity laws have produced a definition of untouchability as consisting of acts of violence and humiliation where equivalence between hurtful words and harmful deeds is assumed.

As well, a complicated bureaucratic apparatus was established to monitor anti-Dalit violence. The post of commissioner for Scheduled Castes and Scheduled Tribes (hereafter SC/ST), created in 1950, had no statutory powers; this minister of the government of India could only make recommendations. His staff of 17 field officers was placed under the Department of Social Welfare in 1967. The primary activities of the commissioner's office consisted of receiving complaints and grievances and keeping tabs on state and central government policies. The Department of Social Welfare, established in 1964, acquired responsibility for matters concerning Scheduled Castes and Scheduled Tribes welfare until 1973, when the Home Ministry reclaimed the portfolio.⁸ In the meantime, a watchdog parliamentary Joint Committee on Scheduled Castes and Scheduled Tribes was set up in 1968, to recommend implementation techniques for SC/ST Commissioner's Reports. Unlike the commissioner, the Joint Committee had investigative powers. The Indian Parliament also set up a five-member Commission for the Scheduled Castes and Scheduled Tribes in 1978 to deflect charges of negligence in addressing rising caste violence: its activities replicated those of the SC/ST commissioner. Police infrastructure and programs to sensitize police to this new category of the caste atrocity was also established (Bureau of Police Research and Development

1976; Sardar Vallabhai Patel National Police Academy 1980). In Bombay, Maharashtra, a Protection of Civil Rights (PCR) cell was formed in 1988 with a deputy inspector-general of police to monitor cases of caste and gender violence.

ATROCITY AND DALIT PERSONHOOD

The Khairlanji incident, not to mention thousands of unreported cases across India, suggests that the prevention of caste violence is the story of failure. So why attend in detail to the forms of Dalit personhood imagined by the legislative complex? What can definitional dilemmas really tell us?

This detour through the constitutional discourse on untouchability suggests that however ineffectively institutionalized, the idea of caste atrocity, and the generation of statistics regarding anti-Dalit violence more broadly, came to occupy a central place in state discourse and in Dalit activism as a barometer of social relations. Focusing on new forms of lawmaking against caste violence thus also becomes a point of entry into the transformed social and political dynamics of untouchability.

Michel Foucault argued that discourse was productive, initiating and transforming categories and practices by enfolded them within a new epistemic context (Foucault 1988). In this sense, we can see how a certain field of “untouchability” was produced incrementally, as the by-product or “effect” of the abolition of untouchability, and efforts to protect a stigmatized collectivity. Though atrocity laws are preventive, they are also productive: they reorganize social life around new governmental categories that themselves become available as objects of social and political attachment. By defining Dalits as injured subjects susceptible to continued harm, protective measures produced a more proximate relation between Dalits and the state and impelled the development of regulatory structures and disciplinary mechanisms to protect them. Their effects, however, were both ironic and unanticipated, for the legislation of caste crime heightened the salience of caste conflict by drawing attention to the presence of anti-Dalit violence as a fact of everyday life.⁹

Although the term commonly used to describe anti-Dalit violence is *jaatiya atyachaar*, caste atrocity, not until the 1989 passage of the Prevention of Atrocities Against Scheduled Castes and Scheduled Tribes was this term defined. *The Fifth Report of the Commission for Scheduled Castes and Scheduled Tribes* (April 1982, March 1983) noted that “atrocity” was an everyday description, and not a legal term. Dictionary definitions of “atrocity” shuttle between viewing it as an unnatural act, or a crime against humanity, on the one hand, and a violation of civility, an offense to aesthetic sensibilities and cultivation on the other (James et. al 1933).¹⁰ Nowhere does it designate offenses against a particular class or group of people. However, according to the Ministry of Home Affairs, the term “atrocity” was assumed to define offenses under the Indian Penal Code perpetrated on Scheduled Castes and Scheduled Tribes. “[W]here the victims of crime are members of Scheduled Castes and the offenders do not belong to Scheduled Castes, caste consideration are really the root cause of crime, even though caste consciousness may not be the vivid and immediate motive for the Crime” (Awasthi 1994: 159).

As atrocity, a term of everyday usage, became a legally cognizable category, it also extended (and legitimized) the perception that all Dalits are at constant risk of violation by non-Dalits, that “caste considerations” alone are intense enough to motivate action against Dalits. The catalogue of violence also expanded. Acts from the everyday to the extraordinary, from the structural to the spectacular, spatial segregation, to ritual humiliation, to political terror were understood as constituting the practice of untouchability when the victim was an untouchable.

Between the inception of preventive laws in 1955 and refining amendments completed in 1989, crucial aspects of everyday life and social relations between castes was brought within the ambit of this new juridical category, the “caste atrocity.” A critical point is this: in providing punishments to deter the commission of caste crimes, the Untouchability Offences Act incorporated the Dalit’s body as deformed or injured property that belonged to the state. Manifestations of anti-

Dalit violence could thus be ritual or secular, criminal or civil, in nature. The practice of untouchability became the common denominator between these different kinds of actions, while the abolition of untouchability was the rationale for producing the laws. As acts associated with untouchability gained public prominence and came to be identified with anti-Dalit violence, it appeared less important to generically define untouchability and very important that you recognized “untouchability” when you saw it.

Thus, abolishing untouchability also cemented “untouchability” as a legal-effect, as a category or practice that acquired salience and critical visibility through debate and discussion about its abolition. As “untouchability” was framed through its contiguity with the juridical category of atrocity, its association with crime began to lift the practice of untouchability out of the contexts of everyday life into the realm of performance and spectacle.¹¹ In contrast to practices of equalization that sought to bring Dalits within a *normative* framework of socioeconomic relations, the atrocity legislation was an *exceptional* legal measure that emphasized the Dalit’s status as a historically stigmatized subject in the very act of imagining justice for her.

No one believed that passing laws would succeed in abolishing untouchability. (As we saw, problems of implementation began almost simultaneously with the passage of laws.) However, the public life of untouchability and a new legal reality were mutually entailed processes, which enabled new strategies of recognition. The incitement to declare oneself the subject of violation or the object of an authentic cultural practice must be a necessary first step in seeking recognition and redress. This requires strategic enactment of a belief in law: one must act *as if* legal structures are capable of delivering justice once harm and injury are presented in familiar legal idioms (Žižek 1997). This is the case even—maybe especially—when one knows the immense difficulties or impossibility of a legal resolution. A peculiar quality of law produces this effect. While law defines events as crime, it also appears to be an external source of redress. It is this seeming externality of the law to its governing constructions to

which people respond, rather than its role in constituting subjects, or their vulnerable identities.

It is not wholly metaphorical to suggest, then, that laws to protect vulnerable subjects have produced something like a force field around them, generating new debates, bureaucratic forms, and, most significantly, producing social relations of caste. As exceptional subjects, Dalits were excessively visible in bureaucratic discourses. That excessive presence (itself the product of state identification) also invited state protection. It is especially noteworthy that caste sociality (social relations between caste Hindus and Dalits) came under intense regulation because they were perceived to carry the potential for violence. As customary practices of untouchability were subjected to punishment, incidents of caste violence developed a politically explosive character, leading to new formations of violence that resurrected symbologies of ritual degradation and humiliation. It is this doubling of “the ritual” and “the political” that we see at work in Khairlanji.

THE SEX OF CASTE

If Khairlanji is an instance of caste atrocity, it must also be specified as a form of sexual violence, which performs a pedagogical function in socializing men and women, Dalit and caste Hindu alike, into caste norms. Below I explore how stigmatized existence articulates with sexed subjectivity to accentuate the consistent illegibility of sexual violence, even as it renders sexual violation a definitive feature of Dalit personhood. (Another way to understand the arguments of this section is as a response to the question of whether Khairlanji is an instance of caste and/or sexual violence, with a focus on specifying the particular manner in which social and sexual reproduction are mutually entailed in the production of caste.)

As Claude Levi-Strauss famously argued, the logic of gift exchange produces the traffic in women through which men connect to each other as wife-givers and wife-takers (Levi-Strauss 1969). In traditional studies of kinship, the incest taboo lies at the origin of permissible sex and therefore also produces society as a circuit of sexual exchanges.

Gayle Rubin's critique of sexual traffic, which remains relevant to this day, accepted that though kinship was predicated on the logic of gift exchange, "consent" to this structure was actually produced elsewhere, through the requirements of compulsory heterosexuality that ultimately structured kinship and sexed subjectivity (Rubin 1975, 1984).

We will recall, of course, that Rubin set out to distinguish this complex structure of consent and [sexual] exploitation from Marxian models of sexual subordination that merely analogized from analyses of labor exploitation within productive relations, and to bridge the divide between material and symbolic analyses of sex/gender. Rubin's analysis draws on the mythic charter of sexual/social order in Western societies, on the Oedipal phase, which divides the sexes and organizes heterosexual desire around sexual difference. In the classic Freudian reading, lack of the penis and the desire for the father force the girl to accommodate herself to "lesser rights" from childhood because they create a psychic structure of lack that correlates with her secondary social role.

Rubin's analysis (like others) is less a literal description of really existing conditions than the staging of a paradigmatic moment when nature is transformed into culture, a thought experiment through which Western societies produce a narrative about their social order. One can remain agnostic, critical even, about the implied universality of this form—and its failure to address the cultural and historical specificity of non-Western family forms—while acknowledging the power of the model to formally relate gender, sexuality, and desire (Spivak 1988). How far can we take this model in illuminating the sexual economy of caste?

Caste is an effect of the regulation of sexuality and kinship and vice versa. Therefore, sexual relationships within and between caste communities are a nodal point through which caste supremacy is reproduced or challenged. Sexual desire and violence across caste is the constitutive outside to the regulatory order of caste and kinship. Thus the sexual economy of caste is complex: it prohibits all men from viewing all women as potential marriage partners while giving upper-

caste men the right to (sexually) enjoy Dalit and lower-caste women. Indeed, knowledge of this is a public secret, normalized as privilege by the upper castes, and experienced as a shameful secret by its victims. Sexual violence is a negative effect of ideas about caste purity and social respectability that regulate the normative caste order. This is because caste hegemony is secured in two ways: by regulating caste respectability, and by justifying flagrant transgression as a form of upper-caste privilege. The double economy of caste is at work in the exchange of women within the caste community on the one hand, and in the informal circuit of sexual liaison with women seen as always-already amenable to sexual violation “by right” on the other. The putatively closed circuit of marriage and respectability is destabilized by this “other” economy of sexual violation/pleasure that equates caste privilege with the availability of lower-caste women as upper-caste property. Although marriage regulates caste purity to some degree, the sexual economy of caste is intrinsically unstable. The problematic permeability of violence and desire, of rape and marriage, intimates that sexual violence is caste violence because it operates as the prerogative of upper caste men.¹² The brutal violence against Dalit men accused of desiring upper-caste women further illuminates the double jeopardy of sexual violence as caste violence. If Dalits’ political awareness has intensified caste conflict, a crucial but invisible consequence of Dalit politicization is understood as the desire for upward mobility now recast as a desire for sexual access to upper-caste women (Rao 2009: 217–240). The pernicious euphemization of sexual violence as a form of upper-caste male desire thus permits upper castes to fantasize about sexual possession, even as the sexual violation of upper-caste women becomes an important vector for consolidating Dalit caste masculinity.

The perverse logic of caste’s sexual economy is such that the violation of Dalit women as a matter of right, and the violent disciplining of Dalit men, are two sides of the same coin: *both* are acts of sexual violence, and *each* reproduces caste power albeit differently. This duplicity of caste and sex makes apparent why the specificity of sexual violence is so often lost when it is redefined as caste violence, and why

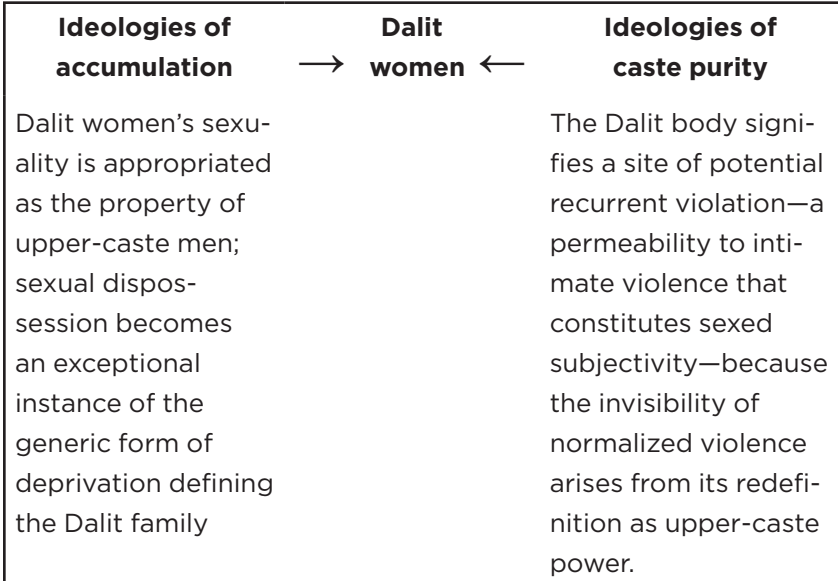


Figure 4

a feminist focus on sexual violence tends to background its specificity as violence against Dalit women. When sexed subjectivity is conjoint with stigmatized existence, sexual violence becomes existentially overdetermined and legally inscrutable. Figure 4 illustrates how violence against Dalit women reaffirms their identity as *Dalit* and as *Dalit women*.

ATROCITY AND “THE HUMAN”

The Khairlanji event illuminates regnant structures of sexuality and caste sociality—the structuring violence of caste—through spectacles of violence. More poignantly, it reminds us how violence can be reintegrated into the *socius* even, and especially, in the face of legal redress and state protection.

A careful reading of the social life of the caste atrocity implicates local state functionaries in the miscarriage of justice. It also implicates the caretaking efficacy of the postcolonial state insofar as legal redress—in this case, the adjudication of murder or sexual violence as caste atrocity—itself re-encodes vulnerability as a crucial axis of Dalit existence. The bifurcation between a definition of caste crime as

violence toward a vulnerable collective, and adjudication of caste crime through an individuated structure of trial and punishment, makes a just social order less possible, even as it becomes all the more urgent.

This is reflected in a further irony: as the targets of anti-Dalit violence become more clearly political—through Dalit demands for economic empowerment, education opportunities, jobs, rights to public space—the repertoire of retributive violence reproduces those structures through which Dalits have long been stigmatized. As acts of Dalit symbolization and claims for space within the domain of production and representation have accelerated, they have drawn new objects, icons, and aspects of everyday life into an existing semiotic field that has in turn provoked acts of desymbolization by both upper castes and state functionaries through practices of defilement, dismemberment, and desecration.

Acts of symbolization and desymbolization have played a key role in the semiotic density and public salience the term “Dalit” has acquired across the last century. Is this really political? Yes, because the most powerful axis of Dalit political subject-formation has focused on remaking the caste self and the caste body—the experiential site of stigma—through acts of political re-signification. The demand for rights and social recognition that has defined Dalit struggle still poses a fundamental challenge to the representational economy of caste Hinduism. Becoming “Dalit” is the process through which the caste subaltern enters into circuits of political commensuration and the value regime of “the human.” Because the name, the body, and its social experience are crucial sites of political subject-formation, political violence must also address this semiotic axis as a space of politics.

CODA: VIOLENCE AND HUMANITY

In lieu of a conclusion, I would like to briefly speculate on how this reading of the Khairlanji incident—and legal configurations of Dalit vulnerability more generally—might contribute to contemporary concerns with humanity and biopolitics.

Human rights have become that “which we cannot not want”: to refuse them places us at risk of refusing the new universalism of

our time. However, one tends to forget that there are two histories, two conceptions of humanity at stake in this political commonsense. The first is the idea of the “human” encoded in human rights as a project of global governance and institutional capacity building (with a history stretching back to the League of Nations in the interwar period, followed by institutional responses to the Holocaust). The other is a genealogy of the “human” that is inseparable from a global history of dehumanization, predicated on a paradoxical permeability between “violence” and “the human.”

Critics of modern colonialism have long held this latter account of human rights and humanitarianism to provide the more adequate (global) genealogy for addressing contemporary paradoxes of rights and culture, and of violence and identity (Pierce and Rao 2006). We can also attribute this intellectual position, typically associated with biopolitical critique, to a diverse group of European thinkers: Agamben, Arendt, Benjamin, Foucault, and Schmitt. What unites them is not merely their critique of liberalism, but that each engages in a form of post-Holocaust thought that address the end of politics, if by “politics” we understand the long arc of emancipatory projects inaugurated by the French Revolution as a global event. This is a position best articulated by Hannah Arendt, who argued that the accelerated intensity of politics organized around the citizen and the nation-state rendered it impossible to conceive the human *qua* human (and in the figure of the refugee) shorn of political markers of belonging (Arendt 1973). But it is also a theoretical position that is more generally identified with critical perspectives that take the technologization of violence, the bureaucratization of state form, and the politicization of life itself as marking the catastrophic implications of European modernity in the twentieth century.

I do not meant to elide significant differences between Foucault’s (1980) view of biopolitics as essentially productive—a command to “make live,” albeit in a highly differentiated manner—and Agamben’s investment in a politics of death predicated on “sovereign exception,” that is, the sovereign’s “right” to expel some into the realm of bare

life (Agamben 1998). Violence is essential to the narrative of political humanity, albeit differently in each case. For Foucault, it is via discipline and subjectification—that is, through the bureaucratization of violence. Meanwhile, Agamben makes a sharp distinction between “bare life,” those who are rendered socially and politically inconsequential on the one hand, and sovereign power, on the other. However, I wish to emphasize what such conceptions of biopolitics share in their focus on the postpolitical, and how such accounts of depoliticization differ from historical trajectories animated by practices of politicizing so-called nonpolitical difference, as is the case with Dalit emancipation in the long twentieth century. At stake are different spatial and temporal boundaries of the political vis-à-vis the human, and therefore, different conceptions of the (political) subject.

As I have suggested in this paper, thinking about stigmatized humanity through the arc of caste (and untouchability) allows us to address the relationship between violence and politics, as opposed to the radical bifurcation between politics and bare life that we find in the work of Giorgio Agamben, or between life and death in most accounts of the biopolitical. This offers a way to historicize apparently transhistorical social forms such as caste, or better yet, to understand how they are both reproduced and reactivated by politics. An engagement with “theory,” which seeks to provincialize Europe by deprovincializing caste, thus suggests a set of interlinked double moves that can help to produce a more “global” account of the violated subject as she has come to be constituted (and rescued) as a “body of the state.”

NOTES

1. Dalit means “crushed,” “ground down,” or “broken to pieces,” in Marathi and Hindi. The term was first used in the late 1920s as an alternative to governmental nomenclature, “Depressed Classes,” and later, to challenge Mahatma Gandhi’s term, *Harijan*, or people of god, to refer to the untouchable castes. The term became popular in the 1970s, during a period of cultural and literary efflorescence in Maharashtra. It is used across India today as a militant claim for

social recognition that references a millennial history of suffering and humiliation.

2. The Human Rights Watch report (1999) discusses the abysmal statistics on the reporting on and resolution of caste crime. However, the report does not address one of the main reasons behind the failure, which has to do with the gap between juridical understandings of atrocity as emanating from collective upper-caste behavior, on the one hand, and the individuated nature of sentencing on the other.
3. See Rao (2009: 118–160) for an argument about the importance of Ambedkar’s political thought for the genealogy of Indian democracy.
4. The desecration of Ambedkar statues by non-Dalits assumes a structure of equivalence between Ambedkar, on the one hand, and Hindu religious icons and symbols on the other, which allows statue desecration to function as an enraged desymbolization (and symbolic annihilation) of Dalits as a community. As Dalits experiment with a new regime of signification, their acts and aspirations run the risk of being misconstrued as acts of deification precisely because some idioms of performance resemble acts of veneration. This is ironic because Dalits associate Ambedkar with refusal of the representational practices and ideological structures that define caste Hinduism. We must thus ask whether a political statue imbued with affective charge becomes a “sacred” object, or whether we can find other ways to describe acts of political commemoration that seek to resignify Dalits’ resistance to the cultural and ideational practices of the Hindu order. It is entirely possible to read the response to the desecration of Ambedkar statues not merely as a reaction to defilement but also, and more strongly, as a response to Hindu society’s persistent refusal to recognize and respect the acts of symbolization through which Dalit identity is constituted in the first place.
5. The term Scheduled Caste, like Scheduled Tribe, came into being in 1935, and denotes the statewide “schedule” of untouchable castes and tribes eligible for governmental schemes and affirmative action policies.

6. Legislation against caste crime was enabled by a generous interpretation of Article 15(4), allowing special provisions for the “advancement” of Scheduled Castes and Scheduled Tribes. Under constitution Article 35(a)(ii), all legislation penalizing untouchability must be enacted by Parliament. Various states had earlier passed legislation abolishing caste disabilities, but the 1952 *Report of the Commissioner of Scheduled Castes* noted that such legislative measures were ineffective. “The pity . . . is that even where such offenses are made cognizable, these legislations have not been of any material help to those for whom they were enacted.”
7. Discussions to amend the Untouchability (Offences) Act began in 1962 and culminated in the reforms of 1974–1975. A major arc of reform concerned the punishment of public officials who refused to recognize untouchability offenses; barring convicted persons of running for public office, and amending Section 7(1)(d) of the Protection of Civil Rights Act of 1976—which covers insults or attempts to insult a member of the Scheduled Caste—to include caste boycott, and exhortations (written or spoken) to practice untouchability. These offenses were punishable by a minimum two-year sentence, and a fine. Untouchability offenses were bailable until the 1989 amendment, and jail sentences were typically for six months, together with the payment of a fine.
8. The Department of Social Welfare was ignored within the government. A Lok Sabha member noted: “Nobody takes the decisions of this department into consideration and no other department cares for this department” (Behara 1968: 3152).
9. Wendy Brown suggests that efforts to protect those with injury-forming identities may also entrench those aspects of their identity. Her interpretation is that this situation produces a repetitive structure of resentment (Brown 1995: 21). I argue instead that mechanisms of subject formation also create new arenas of conflict, and new forms of political engagement.
10. The word atrocity, from the Latin *atrocitatem*, means: (1) savage enormity, horrible or heinous wickedness; (2) fierceness, sternness,

implacability; (3) an atrocious deed, an act of extreme cruelty and heinousness, and finally, (4) *colloq.* with no moral reference: A very bad blunder, violation of taste or good manners, etc. (James et al. 1933).

11. I take some liberty with Philip Abrams' important argument about the state as an effect of practices of power that give it a centralizing legitimacy in arguing that the practice of untouchability was an effect of laws that tried to abolish untouchability (Abrams 1988). This is not to equate acts and practices with their reification, but to point to how categorization produces a field of significance, signification, and ultimately, of intelligibility.
12. My argument resonates with Saidiya Hartman's brilliant analysis of the inscrutability of sexual violence against female slaves in the antebellum South. Hartman's argument about sexed subjectivity extends the perverse implications of the slave's status as both person and property. While damage to the viability of the slave as value-producing property was recognized, sexual violence was discounted if it did not compromise the slave's capacity to labor. Similarly, recognition of the slave's volition (and personhood) only served to confirm assumptions about black female sexuality. Liberal rights—of property, and personhood—precluded recognition of the pained existence of female slave (Hartman 1997).

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