

# State (and) violence

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STATE violence is the paradigmatic form of modern violence. While we do recognize caste, gender and other forms of social violence, in our conceptualizations of violence today the state inevitably comes into play. This is because modern politics institutes a foundational equation between the concept of the state and the concept of violence. Liberalism, we know, defines the state as that agency which, by absorbing and containing violence within itself, makes society possible. The state assumes monopoly of violence and post-facto redeploys it, in a selective and regulated manner, in order to enforce sociability amongst its subjects ('pacification' as it is tellingly labelled in earlier colonial and current geopolitical lingo) and so ensure liberty and security of life, person and property.

So liberalism, for the very reason that it claims to put violence in abeyance and work through the administration of life rather than the exercise of death, defines the state in terms of sovereign violence. Critics of liberalism, of course, add that sovereign violence not only marks the inaugural moment of the modern state (e.g. colonial conquest) – in the way that violent primitive accumulation marks the inaugural moment of capitalism – but that the very being of the state depends of a constant reiteration and re-enactment of this primordial, sovereign violence, through the regular setting up of moments of emergency (such as war on terror) and of spaces of exception (such as the colony, the camp and for us, 'frontier' lands under the Arms Forces Special Powers Act).

The meaning and form of state violence may vary. Yet, whether we talk of law-instituting or law-maintaining violence, sovereign or biopolitical violence, legitimate or exceptional violence, sacrificial or redemptive violence, oppressive or resistant violence – we continue to think about violence primarily *with reference to* the state – or with reference to surrogate categories such as law and sovereignty.

In this essay, I try to complicate this state-centricity of the thinking on modern violence – not by further differentiating the phenomenon of violence in the European philosophical tradition of Walter Benjamin, Carl Schmitt, Hannah Arendt, Michel Foucault and Giorgio Agamben, but by reopening the basic question: what after all is the state. To reopen the question of the state, one must, I argue, think across three distinct kinds of political regimes that we know today – the colonial state, the nation state and the contemporary form of global government. Note that even though these three political regimes are very different from each other, all of them deploy the language of liberalism – 'rule of law' in the case of the colonial state, representative democracy in the case of the nation state and freedom and security in the case of global government.

When we talk of state violence or state terror, we usually define the state in a particular way. The state appears as a single, coherent and focalized entity which functions like an agent with intentionality, exercising violence through various subordinate instruments such as the police and the army. We know, however, that the

police and the army are not the state itself. The state is something beyond or in excess of these particular instruments of violence.

What then is the state or rather where is the state? The European tradition of political philosophy says that the state is the point where sovereign power localizes, condenses and takes form, sovereign power being the power to both institute law and suspend law by the declaration of exception. The particular form that sovereign power may assume is historically diverse – it could be embodied in the person of the king, or it could be figured as a many limbed, super human organism like the Hobbesian Leviathan, or it could be figured as a complex machine made up of technologies of governance. Or sovereignty could assume, as in modernity, the form of a conceptual abstraction or a secularized theological principle, such as the Spirit in Hegel or the Law in liberal theory or Rationality in Weberian sociological theory.

Whatever be the specific historical form of sovereign power, sovereignty, in this telling, appears as not only abstracted from but also transcendent to society or community. The state thus comes to be defined in terms of its externality to common life. And we come to think of the state in terms of a universal state/society binary.

The colonial state gives us an example of sovereignty par excellence, i.e. in the form of absolute externality. The colonial state is founded on the fact of conquest – i.e. it is not only external but also foreign to the society it governs. It is the fact of this foreignness that becomes the guarantee of the state's transcendence of society. So the colonial state can unleash unqualified violence upon its subjects because it neither represents nor draws legitimacy from the society it rules. Instead,

it claims to embody something abstract and inscrutable called the 'rule of law'. Hence Ranajit Guha's famous formulation that the modern state comes to be instituted in India fundamentally as 'dominance without hegemony', i.e. as purely sovereign rule without consent or participation of subject populations.<sup>1</sup> The state structure we came to inherit in 1947 was therefore structurally external and violent – something that continues to haunt us today, with the application till very recently of the colonial Land Acquisition Act and more recently, colonial sedition laws.

We need to rethink the history and theory of sovereignty in light of this fact of colonialism. European political philosophy defines sovereignty in terms of Judaeo-Christian political theology, where sovereign power is constituted in the image of a transcendent, punitive and decisionist God, in his awesome otherness. It is important to remember that there was no such tradition of thinking sovereignty in precolonial India. Classical legal texts like the *Dharmashastras* never posited the king as above law, nor as the source of law. Law was seen as immanent to the social constitution of *varnashrama* which was therefore seen as prior to the king.

This is not to say that the king in early India was powerless or that *shudras* never became kings because *varnashramadharma* did not permit it. Quite the contrary. We know of many low caste kings in early and medieval India and the *Arthashastra*, except for passages that were later interpolated, appears quite indifferent to caste. Even so, the *Arthashastra* never posited the king's power as the power to legislate upon society. The

1. Ranajit Guha, *Dominance Without Hegemony: History and Power in Colonial India*. Harvard University Press, Cambridge MA, 1997.

king's power came from his competence in dispensing justice and punishment (*danda*) according to a diversity of custom or law of the land, but not from the power to make new laws or suspend existing laws.

In other words, the king was not above or outside society and law itself was subject to social struggles, in which the king himself was also a party. Even the all-powerful Mughal emperors of late medieval times, who were called the Shadow of God, did not rule as sovereigns in the Judaeo-Christian sense of the term but rather through an elaborate system of sharing of power – including the sharing of the emperor's divine essence through ritual gifts – across a network of allied and tributary kings, monasteries, temples, shrines and merchant guilds. If this can be called sovereignty at all – and my feeling is that it is mistakenly called sovereignty – it is a system of divided and distributed sovereignty, which is why such polities have sometimes been called segmentary or galactic rather than simply sovereign.<sup>2</sup>

It is in this context that the colonial state erupts – as a form of absolute externality, coded as the rule of law. Sovereignty (and law) thus comes to be founded on the moment of conquest rather than on any concept of a transcendent God or social contract. To say this is to recognize that sovereignty, as we understand it via European political philosophy, is not necessarily a universal form of state power. For us, it is relatively new. It is a colonial, modern form of power, grounded in the performance of a *historical* externality rather than *transcendence*.

2. Burton Stein, *Peasant State and Society in Medieval South India*. Oxford University Press, Delhi, 1980; Stanley J. Tambiah, 'The Galactic Polity: The Structure of Traditional Kingdoms in Southeast Asia', *Annals of the New York Academy of Sciences* 293, July 1977, pp. 69-97.

This historical externality works through the constant invocation by the state of law and rationality, undergirding an image of the state as more advanced than the society it governs. The state operates by the wielding of law as a rational instrument of social intervention as well as by routine suspension of law, not just in an emergency but in the everyday governance of poor and marginal populations who fall short of juridical citizenship.<sup>3</sup>

In the postcolony, therefore, common life encounters law primarily in terms of its externality, inscrutability and arbitrariness. This is what leads to what Sudipta Kaviraj calls the ‘enchantment of the state’ – i.e. the hope that the state, from a position of its absolute externality and indifference to the social constitution, can fix by law social inequalities such as caste and gender.<sup>4</sup> But this also leads to what Veena Das calls the ‘illegibility of the state’ – the fact that law itself (and not the suspension of law) operates in India through an unpredictable application of violence, mystery, magic and excuse, leading the subject to experience law as incomprehensible on the one hand and eminently negotiable and manipulable on the other.<sup>5</sup>

One can therefore say that from the perspective of a common person’s encounter with it, the state hardly ever appears as a unified and coherent agent, in the image of a sovereign. The state is disassembled into an uneven network of embodied agents and insti-

3. Partha Chatterjee, *Politics of the Governed: Reflections on Popular Politics in Most of the World*. Columbia University Press, New York, 2004.

4. Sudipta Kaviraj, ‘On the Enchantment of the State: Indian Thought on the Role of the State in the Narrative of Modernity’, *European Journal of Sociology* 46(2), 2005, pp. 263-296.

5. Veena Das, *Life and Words: Violence and the Descent into the Ordinary*, University of California Press, Berkeley, 2007.

tutions – police, army, municipality, court, bureaucracy, among others – and disembodied ideas such as legality and illegality, violence and development, democracy and justice.

State violence is often experienced and negotiated not just as violence by the state but also as violence exercised by powerful men and exclusive institutions – officials, constables, soldiers, ‘big men’ with political connections, courts, universities etc. – simultaneously in their public and private capacities, wielding both the power of law and the power of caste, community and gender. State violence and social violence thus acquire meaning through mutual mediation, making possible a form of modern ‘democratic’ violence that is only partly reducible to ‘state violence’ as such.

Take for example the atrocities unleashed by militant Hindu organizations upon Dalits and Muslims today in the name of ‘cow protection’. It is obvious that this form of violence is necessary to the ongoing production of Hindu upper caste majoritarianism in India, without which the Hindu right’s electoral majority and hyper-nationalism cannot be sustained. And yet the political party or the police cannot directly unleash this kind of violence in their capacity as state actors. Hence the division between so-called ‘direct democracy’ organizations like the RSS, the Bajrang Dal, the *gau-raksha samitis* etc., which work through social mobilization and polarization, and the political party, the BJP itself, which works as a state agent through the ‘rational’ mechanisms of policy and parliament, police and army.

The current phenomenon of violence against Dalits and Muslims, therefore, cannot be grasped entirely in terms of state, as opposed to non-state/social violence. Instead, it must be understood as a contemporary form

of violence intrinsic to the production of liberal democracy, in which state actors simulate social actors and social actors bring into play quasi-state categories and practices in order to manufacture representational continuity across the formal state-society division. It is this that explains both the extreme violence of the state in the postcolony as well as its inability, perhaps even unwillingness, to assume full sovereign power and monopoly of violence, dependent as it is on an ongoing mobilization of social divisions.

The refusal of the modern state to assume absolute sovereignty in the postcolony – despite the long arm of the law and despite the extreme and arbitrary nature of its violence – is exemplified by the persistence through time of various kinds of everyday violence here, despite their strict outlawing by the modern state. Violence against Dalits and minorities and rape, abuse and honour killing of women are obvious examples, which continue despite the constant refining and updating of laws against them and falsify the monopoly-of-violence thesis of modern liberalism.

More importantly, the state itself acts as partisan and participant in social violence, as in rape by the army in the Northeast or police complicity in the killing of Muslims in Gujarat. This makes it appear as if the state itself is an instrument of social violence in the hands of dominant groups; as if the state itself is a social entity. Liberalism sees this as a result of ‘failed’ or incomplete state-making in the postcolony. I, however, see this as a constitutive aspect of the democratic state, a fact that exposes the limits of, indeed the fictive nature of the concept of sovereignty in its universal application.

By saying this, I do not wish to go where some Marxists have gone in

their own revision of the liberal theory of the state, i.e. imagining the state itself as a social entity identical to the ruling class. In this telling, state violence appears as symmetrical to and derived from social violence—the only difference being that the state has special instruments of violence such as the army and the police and is therefore more effective. This is the reason why communist and Maoist politics imagines the ultimate political act to be the capture of state power and the deployment of state power on behalf of the oppressed.

This Marxist revision merely inverts liberal theories of the state – socializing the state in response to liberalism’s de-socializing of the state as it were. The image of the state however remains unperturbed. After all, Marx justified the dictatorship of the proletariat, not in terms of the social specificity of the working classes but in terms of a conceptualization of the proletariat itself as the universal class – universal in the sense of embodying the good of all social classes, including the capitalists. This is because even in Marxist theory, the state-ness of states depends on a certain simulation of universality irrespective of the socially particular nature of the ruling classes of the times. The state appears, in Marxism too, as a form of sovereign transcendence.

It is this conception of sovereignty – central to European political philosophy – that I am trying to problematize in light of colonial and postcolonial experience and with a brief gesture towards other possible constitutions of the state, such as that available in precolonial South Asian traditions of thinking rule and rulership. My argument is that in a postcolonial context such as ours, both the techniques of governmentality and the exercise of state violence require mediation and

translation by caste, gender and community power, i.e. power that is distributed across caste groups, patrilineal families, religious and ethnic majorities and indeed, nationalities.

For the same reason, caste or gender or community power seem amenable to mediation and transformation by instruments of the state. Such a context can hardly be described in terms of the standard state/society binary. But nor can it be described in terms of a state/society identity. It is probably better described as a liberal democratic formation which operates through a network of diverse and contending centres of sovereignty, except that the question then becomes if it can be called sovereignty at all, given that the term no longer retains the connotation of either singularity or transcendence.

But if we do choose to stay with the term sovereignty, then we could say that caste, community, family and nationality are also realms of sovereignty because they exercise regulative and punitive power, and indeed violence, upon their members – sometimes by mobilizing instruments of the state itself and by playing ‘democracy’ vis-a-vis state law. Caste, community, family and nationality are also subject to internal contradictions and struggles, which is why it is erroneous, in my opinion, to see them only as identities. They are, in my reading, also forms of rule, politics in and by themselves.

In this retelling, the state appears as another node of sovereignty alongside others, which does three things simultaneously. One, the state seeks to bypass these other loci of power in order to govern through individuation (the attempt to promote the Unique Identity Number for purpose of direct benefit transfers to individuals is a current example). Two, it also does the exact opposite. It mobilizes and har-

nesses these other sovereignties for reasons of state (the mobilization of Hindus as a nation or castes as democratic constituencies are standard examples). And three, it seeks to provoke and mediate internal struggles within communities as well as inter-community competition (laws in support of the girl child in North Indian families and distribution and management of quotas are examples). Castes and communities, in turn, mobilize state institutions and state personnel in order to shore up their own sovereignties as well as turn state institutions into a theatre of social conflict.

This re-description of the polity in terms of multiple and contending loci of sovereignty begs for a new theory of the state and for that very reason, new theories of violence in contemporary democracy. Here we can take a cue from studies on contemporary forms of global government. In modern times, the world is seen as made up of sovereign nation states. And yet twentieth century geopolitical thought has always dreamt of the possibility of a global government that could cut across national sovereignties in simulation of a kind of universal state based on universal law.

The predicament of the United Nations, the collapse of the American dream of a worldwide financial empire, as well the tensions within the European Union today demonstrate the difficulties of imagining any such super-sovereignty that could manage contending national sovereignties across the globe. In a sense, this state of affairs mirrors the conditions internal to our democracy, which I have re-described as a condition of contending sovereignties, which the national state seeks both to supersede and mobilize in the name of democracy itself.

Didier Bigo describes the world today as a complex network of nation

states, national police, national armies, the military police, peace corps, consulates, immigration authorities, airports, customs, statistical institutions, databases, biometricians, population profilers, criminologists, security agencies and I would add, capitalist corporations, stock and commodity markets, web and media formations and indeed, militant groups (Islamic or otherwise). These global players, which are institutionally sovereign and autonomous, operate across national jurisdictions through lateral institutional exchanges.<sup>6</sup>

One may or may not agree with Didier Bigo's conclusion that all this comes together in a coherent and all-powerful global security regime – the Banopticon. But his re-description of the world as consisting of multiple institutional and community sovereignties and trans-institutional operations resonates well with my own sense that violence in today's world is inadequately understood as state violence in the conventional sense. While I am not implying that international relations are one and the same with a polity's internal dynamics, I do wish to borrow from Bigo's implicit critique of the concept of sovereignty.

Didier Bigo shows that the multiple agencies at work across the globe actually compete with each other and with state institutions (such as legislatures and ministries) over policy and epistemology. That is, these multiple foci of knowledge-power do not come together without remainder in a single centre of sovereignty, in some form of a state, which is why he calls the contemporary world order liberal rather than imperial. At another level, Bigo also insists that the trans/extra-national

operations of global government means that we can no longer think the nation in terms of a stable binary between the inside and the outside. Consequently, I would argue, the state-society binary gets destabilized, because we can no longer imagine political power as exemplified in a nation state's relationship with a national society.

The movement of people, money, expertise, information, data, regulatory personnel, and indeed, technologies of violence, across national borders, cause an implosion of both national society – if there ever was one – and national culture. It also shows up the impossibility of imagining the nation state as the sole locus of sovereignty. This is continuous to so-called national society itself being seen as composed of multiple nodes of caste, patrilineal and community power, operating through the staging of encounters between groups and between groups and the state – encounters that take the form of management of extra-social relationships.

Instead of imagining the state as a singular locus of sovereignty then, it makes more sense to understand political regimes today as an exercise in the staging of 'externalities'. From a global perspective, such as that described by Bigo, externality appears as threats, risks and diseases emanating extra-territorially, as extra-national communities and migrant populations, as unregulated circulation of information and technologies, as secrets and leaks in channels of governmentality and so on. Here externality does not denote 'outside' in a spatial sense but has a connotation of a-sociality – a condition where coexisting peoples and personnel interact with each other as outsiders and aliens.

From a national perspective, the polity appears as a network of multiple centres of both normative and coercive power – the state, caste, com-

munity, family, regions, multinational corporations, media houses, markets and transnational agents of violence, both official and unofficial – which the modern state must cut across, manage and harness. These multiple sovereignties encounter and engage each other as 'externalities', i.e. as encounters sans sociability.

This gives us a different image of violence – mediated violence or violence as the application of force at a distance rather than necessarily as face-to-face encounter between the state and a people, though that too continues as a mode of performing sovereignty today in places like the Northeast and Kashmir. Violence perpetrated by private security agencies or Hindu mobs in Gujarat or by gau-raksha samitis or by Salwa Judum in Chhattisgarh is violence at a crucial remove from the state and yet is not exactly non-state violence. This distinction must not be conceptually collapsed if we have to precisely grasp the phenomenon of modern-day violence.

This form of violence is underwritten by the language of a-sociality and externality – which is why Dalit and Muslim beefeaters, Maoist agitators, radical students, worshippers of heterodox gods such as Mahishasura, are all labelled 'anti-national'. This is also why in Kashmir, population and state are constituted as mutual externalities, making possible the performance of violence as normal and necessary. For it is only by staging them as 'externalities' that violence can be legitimately unleashed against dissidents today while maintaining the liberal-democratic representational form of rule. Perhaps we need a rethinking of democracy itself as an actually existing form, rather than as a normative ideal, in order to fully grasp the contemporary phenomenon of political violence.

6. Didier Bigo, 'Globalized-In-Security: The Field and the Ban-opticon', in Naoki Sakai and Jon Solomon (eds.), *Translation, Biopolitics, Colonial Difference*. Hongkong University Press, Hongkong, 2006, pp. 109-56.