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India’s extensive legal system is probably the most widely appreciated legacy of colonial rule in India. 'Legal consciousness', the awareness of rights and the use of litigation have for decades been integral parts of everyday life of millions of people across India. Yet, events over the past decade suggest that the awe of the law in India, and its corollary, the sovereignty of the state, is in sharp decline. Successive governments seem unable and unwilling to curb or prevent recurrent clashes between religious communities and attacks on minority communities in the country; the police force is widely regarded as brutal and incompetent; a large number of crimes and murders are never reported or never investigated; the courts are overburdened and ineffective with conviction rates below 10 per cent; political parties, movements and criminal rackets routinely subvert the law, commit crimes with impunity and evade justice, etc.

Most educated Indians regard this state of affairs as a result of interference in bureaucratic and legal processes by corrupt politicians elected by the country’s poor, and uneducated electorate. However, the image of a civilised and law abiding middle class beleaguered by illiterate and corrupt forces obeying other and more arcane forms of authority are belied by even the most cursory scrutiny of the status of legality in contemporary India.

As Paul Brass points out in his study of communal violence and social order in North India, the state and its armed wing, the police, is

1 This essay has been presented in a number of guises. It has taken shape due to discussions with a large number of people whose ideas and inspiration proved essential and very helpful: Raj Chandavarkar, William Gould, Jonathan Spencer, Mattison Mines, 'Shivy' Sivaramakrishnan, Eric Worby, Finn Stepputat, Markus Daechsel, Roger and Patricia Jeffery, Craig Jeffrey and Rajeev Bhargava.
not seen as constituting a public resource enforcing imperial justice. The police force is the prize over which influential elite groups, criminal organisations and political forces fight. The use of courts and litigation is but one among several means in the battle over authority and resources in the North Indian countryside where, ‘... the use of force and violence is, if not routine, at least not something unexpected or exceptional’ (Brass 1997: 275).

The disregard of rules, the expectation of being able to avoid punishment, or fix things by pulling a few strings, or by merely asserting one's importance, education and command of English vis-à-vis poorly educated policemen is at the heart of the Indian middle class world. While the open contempt of courts and legal process displayed by maverick politicians like Bal Thackeray in Mumbai (whom I will return to later on) elicits moral condemnation, few educated Indians will rely solely on courts, trust due process or even the hallowed civic sense in their everyday lives. In a small write up on the traffic chaos and garbage heaps around a new upmarket shopping mall in Mumbai, a security guard told a journalist: 'Most of the people coming here are rich ... they are used to getting things their way and are not prepared to stick to the rules we try to enforce' (The Times of India, 20 January 2003).

How do we understand this apparent paradox? On the one hand, a widespread endorsement of legality and a proliferation of legal arguments in India's public culture, and, on the other hand, an equally widespread endorsement of retribution and killings during communal riots (as was evident in Gujarat in 2002) and even more widespread practices of using private revenge and violence when settling private and family conflicts? Conventional arguments of the weakness of the state, or of the 'incomplete modernisation of society', seem ineffective here. As Brass points out, India is not characterised by any Hobbesian state of lawlessness. Competing networks of power and authority seek to organise violence, retributions and entitlements (Brass 1997: 275–79). This often happens through deploying the police, sometimes through the courts, and at other times through armed gangs of men from a community, or a political movement. For all its con-spicious presence and repressive power, the Indian state obviously does not exercise any monopoly of legitimate violence. This is not because the deepening of democracy has destroyed the 'steel frame' of the Indian State, as many a newspaper columnist portrays the situation. Government, law and authority have been historically constituted as porous and fragmented across South Asia. The central challenge is, I will suggest, to understand how de facto sovereign power—the right to kill, punish and discipline with impunity—has historically been configured and distributed in India. Not formally, not legally, not even morally—but in practice. This is a large and very complex question that calls for many detailed and ethnographically anchored studies of the imbrication of legality, punishment and violence in everyday life. In the following essay I shall merely attempt to sketch a preliminary historical and conceptual framework that may enable us to understand how what I would call three competing repertoires of authority—organised around the de facto practices of sovereignty in the name of the law, the community and the local 'big man'. These registers are founded on violence, or the threat thereof, but also organise distinct, if morally ambivalent, registers of public and political agency.

Sovereignty, State and Law in India

Giorgio Agamben's crisp formulation that '... [t]he sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice ...' (Agamben 1998: 83) allows us to understand sovereignty as a fundamental, if often unacknowledged dimension of many different forms of power and authority.

Agamben starts from Schmitt's idea that sovereignty originates in what he called the exception (Ausnahme), that is, the capacity to suspend both laws and norms and thus to create a conceptual and ethical zero-point from where 'the Law' can be given (Schmitt: 1985). In this state of exception the law is identical with violence but it is a particular form of violence. Sovereign violence presupposes an ethical vacuum—however temporary—wherein beings and bodies are reduced to what Agamben calls 'bare life'—simple biological life. Agamben sees this operation of power as an irreducible core of the practices of modern states—for example, in their capacity to take and exterminate life

2 This is a slight reformulation of Jonathan Spencer's idea of politics being conducted in terms of a set of 'repertories of power' (Spencer: 2002). The term authority indicates the ability to exercise legitimate power but I do not regard legitimacy as a property arising from any self-evident 'fit' with religious tradition or social structures, as Weberian or functionalist reasoning would hold. Legitimacy flows first and foremost from the efficacy of rule (found on the violence or the threat thereof) and from a successful maintenance of a certain 'marginality' of power—invested in the ruler, the state or in the national community (see Hansen and Stepputat 2001, 2005).
through its ethical neutralisation and desymbolisation. Linking sovereignty not merely to the formal right over life and death but to the systematic disregard of certain forms of life, Agamben affords us to think further and to disentangle sovereignty from its conventional moorings in territory and a state. He also affords us to qualify Foucault's implicit teleological assumptions of bio-power as a more advanced and modern form of power than that of sovereignty.

In order to begin this disentangling, let me turn to Georges Bataille's idea that the source of sovereign power resides in life itself—in the body—and in the will to disregard it, to risk one's own life, to take life at will and with impunity. Let me make three preliminary propositions about the character of sovereign power and elaborate them in the following sections.

First, sovereignty is essentially an unstable and precarious form of power whose efficacy as a social authority capable of disciplining and creating subjects is dependent on its constant public reiteration and performance, or the rumours thereof.

Second, sovereignty originates in acts of violence characterised by excess—not merely in their brutality but also in their lack of rationality and moderation, and their naked self-interest. Sovereign violence—whether committed in the name of an individual, a community or a state—refers only to itself by asserting its own existence through terror, its disregard of life and the lack of any fear of death (Bataille 1993: 220–34).

Third, insofar as sovereignty is constituted by the violence, the abstaining from violence, or acts of generosity towards subjects, tend to become perceived as equally excessive and often lacking in rationality. This only adds to the mystical aura of sovereign power that also underpins the actions of the modern state. This duality, terror and generosity, is at the heart of the inherent ambivalence of any form of authority that depends on what I in a different context have termed its profane as well as its sublime dimensions (Hansen 2000).

Drawing on Dumézil's work on Indo-European myths Sahlins argues that the notion of the king as a stranger, a usurper who gradually gets acculturated through marrying a woman 'of the soil', is at the heart of a large number of myths of origin of royalty across the world. This amounts to an ontology of the political, argues Sahlins, as something that is not entirely reducible to society itself, because 'usurpation itself is the principle of legitimacy' (Sahlins 1985: 80–81). Put in different terms, the enduring magicality of sovereignty arises from this ineradicable element of something 'foreign' (1985: 78)—i.e. something which cannot be understood in terms of a society's everyday function. Sovereign power grows out of the combination and tensions between the violent and creative 'war function' (celeritas) and the judicious, venerable and productive 'peace function' (gravitas), the combination of 'king and priest, will and law' (ibid.: 90). In a more generalised sense, violence or terror remains the 'foreign' and disruptive dimension which the productive and generous dimension of sovereign power always seek to domesticate.

Understood as fundamental in the ontology of political life, we can begin to understand sovereignty as existing in many overlapping and competing forms at many levels within the same territory and temporal frame: from the family and clan, to larger communities to the nation-state. Local forms of adjudication of disputes, community elders meting out punishments, revenge killings, blood feuds, shadow economies or control of territories and people by gangster syndicates or political organisations defying the state are all examples that illustrate how fragile and incomplete the sovereignty of the state is in many parts of the world. The Hobbesian idea of sovereignty—the power to make final and incontestable decisions within a territory and its population—should, in other words, be seen as a tentative and never completed endeavour that constantly seeks to prevent its own fragmentation.

Such an understanding of multiple sovereignties as provisional and always contested, and of the state as an unfinished and continuous project of control and subordination of the many forms of sovereignty beyond its own legal discourse and repressive capacity, resonates rather meaningfully with the character and trajectory of colonial and post colonial state formation in South Asia.

The conceptual history of sovereignty in India has not yet been written but there exists a rich literature on both colonial and pre-colonial state formation and on the formation and extension of a legal-administrative framework through which the subcontinent came to be known and governed by colonial rule. The debate on pre-colonial state formation especially in South India, suggested the development of 'segmentary forms of state' (Frykenberg 1965, 1977;
Stein 1977, 1980). In this configuration, the central state received tribute but served primarily as an arena for exemplary performance of power and privilege that subsequently were replicated and copied at relatively independent subcentres, or ‘little kingdoms’ (Cohn 1987: 320–42) where much of the actual taxation and adjudication over life and death took place. This system accorded considerable room for independence and change of loyalties and actual rule at lower levels whereas the sovereignty of the central state often was of a less tangible form of reign. Sovereignty aimed at maintaining a moral–religious authority or ‘ritual sovereignty’ (Inden 1978), that often revolved around performance of religious rituals and sponsorship of central religious institutions and pilgrimage sites (Appadurai and Breckenridge 1976).

This conception of sovereignty depended on what Dumont, in a reading of classical texts and inspired by Dumezil and Hocart, calls the ‘unity of the “two forces”’, brahman and kshatra, the spiritual and the material, the priest and the king (Dumont 1970: 63). This unity was, however, always contested and fragile, and the moral superiority of either of the poles never settled. Dumont concludes, nonetheless, that the realm of politics and the state—guided by dandamati (literally, ‘the conduct of punishment’) and the principle of artha (interested action)—only was ‘relatively autonomous with regard to the all-embracing domain of religion and absolute values’ (ibid.: 86–87) and could therefore not develop into a ‘secularised’ system of rule. Dumont’s perspective is textual, Hindu and classical and cannot account for the types of sovereignty that developed over the nine centuries where Muslim political rule was prominent in northern and central India. Most historical scholarship on this period has maintained a perspective of competing civilisations, and the Muslim period has often been interpreted as the introduction of an entire Muslim civilisation and form of political and cultural organisation on the subjected peoples (e.g. Habib 1963). It has often a priori been assumed that the foreignness of Muslim rulers was a liability, and that legitimacy only could be realised during a period of relatively indigenized or tolerant rule. With notable exceptions, this perspective—which originated in efforts to portray British rule as saving India from the despotism of a corrupt and decadent Muslim elite (see Sen 2002: 41–56)—seems to have inhibited rather than opened the inquiry into the actual configurations of sovereignty and legitimacy of pre-colonial state formation. Suffice it for our purposes here to conclude that pre-colonial India indeed had a long standing tradition of segmented, overlapping and stratified forms of sovereignty.

The East India Company governed large parts of the Indian subcontinent for almost 150 years. It acquired state-like features and its policies, military campaigns and establishment of sovereign power on behalf of the Crown were hotly debated in Britain throughout the period. India became in many respects the laboratory for the development of technologies and ideologies of modern colonial rule, and, indeed, a central field of experience that informed the formation of British ideas of race, culture, domesticity and domination. In his fine study of Company rule and its effects in Britain, Sudipta Sen argues that it was the encounter with India that consolidated the idea that British ‘forcefulness’ and ability to establish its sovereignty throughout the world originated in the ‘natural liberty’ of English men, a liberty founded on ownership of property and on patriarchal domination of domestic life (Sen 2002: 1–17).

The configuration of overlapping and parallel sovereign powers in the emerging colony was complex. It involved local landholding jagirdars and little kings retaining substantial rights of taxation and adjudication, local courts and panchayats (councils) deciding on local disputes and offences, and religious authorities adjudicating matters considered exclusive to Muslims, or to various Hindu castes, as well as administering land and property. The de facto military dominance of the Company armies and the economic resources at the disposal of the Company were not employed to create anything resembling the indivisible sovereign power that became the ideal in Europe after the West-Phalanic peace. This form of state was at any rate deemed unfeasible for India. It was believed that reliance on the legitimacy of loyal local princes and allies was more conducive to political stability. The Company experimented with a range of legal-political arrangements that could maintain the formal and symbolic sovereignty of the Mughal empire and other notables across the subcontinent. Indian subjects were, furthermore, deemed ‘barbaric’ and unfit for freedom and self-determination because of the absence of unalienable private property and stable domestic norms and disciplines. Company officials warned in the 1770s that if such conditions were created, the quest

4 Studies by Andre Wink on the character of Mughal sovereignty and land administration, Gordon’s study of the Maratha Empire, and Eaton’s studies of state formation in medieval Bengal all try to escape the civilizational perspective on so-called ‘Muslim rule’ in India (Eaton 1996; Gordon 1994; Wink 1996).
for freedom would also arise (Sen 2002: 17). The land settlements implemented after 1857 did indeed create a class of landed proprietors that in turn provided an important backbone in the nationalist movement in the 20th century.

In the 1970s it was decided to create a more uniform system of law in British-controlled India and to promote a professionalisation of the legal profession (Cohn 1987: 463–82). Under the influence of Christian missionaries and in the interest of rationalisation, it was decided to promulgate a uniform criminal legislation, and to create a native ‘colonial public’ through western education and selective incorporation of elite groups into the structures of what was to become a modern colonial society. The Penal Code promulgated in 1833 was, as Radhika Singh notes in her study, an important step in a process aiming at ‘civil pacification’ and the ‘disarming of Indian society’ (Singha 1998: ix). The Code tried to establish a monopoly of violence and qua its representation of sovereignty as indivisible and the Company state as both universal and ‘neutral’ vis-à-vis particular communities; it also introduced a novel construct in Indian history: the universal legal subject. Moreover, the colonial state began to promote the notion of a ‘public interest’, a term which obviously made very limited sense in a society structured by deep segmentation of morality, justice and economy along lines of caste, locality and religious community. The construction of the public interest was driven by a desire to limit the power of obligations towards local notables and heads of households and thus produce freely available labour and more pliable subjects. Moral concerns in the name of universal standards of humanity, and the desire to create proper domesticity in India, also played a role in justifying bans on a range of practices within the family—sati, slavery, infanticide, adultery, etc. (Singha 1998: 121–62). Similarly, the application of uniform rules of taxation aimed at substituting local whimsical despots with what was seen as rational law encouraging industriousness (ibid.: xv). These types of legislation aimed at reforming Indian society, exercising authority without consulting local communities and establishing by decrees an ‘enlightened’ sphere of life, interest and opinion in the name of universal norms. As Singha puts it:

The emergence of an enlightened Indian public ... was conceived as one that would view the absolutism of the state, not as an object of criticism, but as a guarantor of even handed treatment against too narrow a formulation of race interest, against the various particularisms of Indian society and the oppression of Indian agency (Singha 1998: 310).

This imposition of the sovereignty of the colonial state through procedures of legality, taxation and the spectacles of the courtroom was based upon the use of systematic and often excessive violence and the assertion of the right of the local faujdar (military commander) to have the ultimate right to decide to take life. The Company’s courts used capital punishment much more often that any of the native courts, permanent gallows were erected on public places, prisons constructed and a great deal of effort went into modifying Islamic law into a stricter form that used capital punishment with more frequency (Singha 1998: xi–xii).

The body was also the site of various forms of resistance to this assertion of sovereignty. Brahmin communities across North India refused in the 18th century to pay taxes as it violated the privileges of their ritual authority that exempted them from taxation and most punishments. Causing the death of a brahmin, or to cause harm to a brahmin body, was considered a grave sin. Brahmins would stage hunger strikes (dharna), sitting naked at the door step of the British collector, disrupting the household, refusing to get up and blaming the tax collector for the harm or death caused. In other cases, brahmins would put old women on top of funeral pyres, or even behead their old mothers, in front of the colonial administration offices, thus inflicting ‘blood-guilt’ and causing the restless spirit of the woman put to death to haunt the colonial officer (ibid.: 86–91). In an attempt to subject brahmins to its penal regime, the Company courts decided to turn the traditional tattooing, godna, into a penal instrument. Refraining from executing brahmins, their convictions were tattooed on their foreheads before being sentenced to prison terms, thus literally writing the sovereignty of the colonial state upon the bodies of the ritual specialists of the Hindu social order (ibid.: 166–67).3

Even when draconian measures were taken, the Company insisted on presenting its governance and forms of justice as indigenised and in keeping with traditions of rule and sovereignty on the subcontinent. These rationalities are reflected in the academic literature on this period, most of which emphasises the role of local interlocutors and local idioms of rule (e.g. Bayly 1998: 238–75; Washbrook 1978). The

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3 For a fuller treatment of the complexities of the use of godna by the colonial government, see Anderson (2000).
literature interpreting colonial rule as alien and 'exterior' to Indian society, both in terms of epistemology and modes of governance (Chatterjee 1993, Cohn 1987, Pandey 1990) focuses on the phase of direct colonial rule after 1857. This was a period where more intensive and bio-political rationalities of governance, as well as scientific racism became a dominant prism for an often starkly paternalist governance of colonial people, as well as the labouring populations in Europe and North America.

The exercise of colonial rule in India was obviously structured by racial distinctions that kept Indians out of high offices in bureaucracy and army until the last decades of the Raj. But the more important distinction remained one of class and social hierarchy. The reproduction of a distinction between respectable and non-respectable subjects became the bedrock of everyday governance and the incipient forms of native representation from the end of the 19th century. The political elites of the princely states were ruled within a traditionalising register. The durbar, the Mughal imperial court where the lesser lords paid their respect and tribute to the overlord, was employed throughout the 19th century, and was adapted to the lavish coronation of English royalty as Emperors of India up to 1911 (Cohn 1987: 632–79). Another register, decidedly modernising, was employed in the efforts to create a modern, educated middle class as the backbone of the modern urban economy and bureaucracy. This colonial middle class, identifying with the state as a guarantee of modernity and reason, became the ‘enlightened public’ adept in its use of courts and litigation envisaged by earlier generations of colonial officers.

Beyond these relatively small groups, the vast number of ordinary people encountered sovereign power in much harsher and more violent forms. The state's administration of justice was divided into criminal offences falling under the Penal Code, and other types of offences or disputes that fell within communitarian forms of justice, either as Personal Law applying to family, religion and inheritance, or as disputes adjudicated by caste panchayats, or local headmen in the villages. In many cases, members of the so-called 'criminal tribes'—the traditional form of 'bare life' and often itinerant and nomadic communities as the banjaris in western India—were punished for offences after the most superficial court procedures. The overriding problem was to gather knowledge and information about criminal activities and as in other fields the colonial officers encountered multiple problems of classification and categorisation. The campaigns against the thugs in central India in the 1830s and 40s and the passing of the Thuggee Act in 1836 created an important precedent in criminal law in India in terms of its attempts to know, classify, police and ultimately eradicate what was called a 'great pollution'. However, many of the hill regions and outlying areas of the colonial territory remained what Sivaramakrishnan calls 'zones of anomaly' where the laws and regulations governing the plains never were enforced and where tribal panchayats retained substantial rights and sovereignty (Sivaramakrishnan 1999). The hills were seen as spaces of 'wildness' but also a romantic frontier, home to archaic forms of martial honour of tribal chiefs (Skaria 1999, see also Sundar 1998).

Beyond a few high-profile attempts to curb what were seen as traditional ills of Indian society, local forms of justice and/or revenge were dispensed by powerful families, or local notables or strongmen without much interference from the judicial system or the police. In spite of this obvious fragmentation and lack of a monopoly of violence, the colonial officers were determined to assert and perform the paramountcy of colonial power. Although many of the colonial policies on crime, health and population resembled the policies pursued in Europe, colonial bio-politics always seemed to be mediated by varying principles of indirect rule and segmentation. Except for the relatively small sections with western education who were believed to be able to behave like responsible quasi-citizens, ordinary Indians were rarely seen as individuals, or single subjects. The elementary unit of governance was communities, jatis, religious categories or sects whose inner affairs, practices and beliefs were believed to be governed by passions and irrational impulses and therefore to be left to adjudication by authorities within those communities. The problem of public order, especially in urban areas, where supply of disciplined labour was a persistent concern, was the main concern of the colonial police.

Throughout the 19th and 20th centuries the colonial courts were known to use the death sentence with more frequency than the 'traditional' systems of justice. Among police officers in the urban centres

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* Most of the early nationalists were trained in law but the power of, and belief in, legal arguments and the judicial system extended far beyond the more politically active circles, as has been shown by Chatterjee in his recent analysis of a cause célèbre in Bengal in the early decades of the 20th century (Chatterjee 2002).

† Singha provides a useful overview over the debates around the Thuggee, the problems of knowledge and the contemporary debate on the phenomenon (Singha 1998, 168–228). See also Bruce (1969) and more recently Van Woerkens (2000).
a doctrine of the specific requirements of colonial policing emphasised that the use of force had to be more resolute and excessive than in Europe because of the religious passions among the masses and the tradition of strong authority in the Orient (Chandavarkar 1998: 174–94). These notions of the necessity of visiting excessive violence on the bodies of the ordinary and impoverished groups of Indian society to maintain order and stability is still in vogue among police officers in contemporary India (Hansen 2001: 121–59). In spite of this apparent determination to assert the sovereignty of the colonial state, its relationship with its subjects was never direct in terms of the bio-politics developed in Europe where the unit and object of intervention was carefully counted and registered individuals.

One of the problems was that of unequivocal identification of individuals in the large, floating and largely illiterate population. Identification was needed for the purposes of recruitment of labour, soldiers, and ‘coolies’. Despairing in the face of what appeared as ‘dishonest’ and changing forms of self-identification among these populations, police officials began in the 1890s to apply fingerprinting techniques as they were deemed particularly well-suited for classification of illiterate people. The method proved extremely popular and soon the fingerprints became a ubiquitous means of identification used in a range of routine bureaucratic operations from exams to job and pension applications. Respectable Europeans, princes, gazetted officials and others ‘well-known by other means’ were, however, exempted. Over time, fingerprinting was, however, applied with most vigour and enthusiasm to criminal suspects and impoverished labour and was successfully exported to other colonial areas like South Africa with a great deal of success (Singha 2000).

In spite of these efforts, the worlds of the colonial subjects remained somewhat opaque and impenetrable and were in most cases approached through what were assumed to be local informers and ‘natural leaders’ of communities and localities. Sometimes these mediators of governance belonged to the colonial middle class with western education—the quasi-citizens of the colonial state—and sometimes they had to be brought into existence through acts of investiture. Colonial bio-politics shared many rationalities and modes of intervention with similar policies in Europe but the methods of disciplining, of persuasion and negotiation did not aim at creating responsible and self-governing individuals as Cruikshank points out in the context of early 20th century USA (Cruikshank 1999). The paramount aims of colonial bio-politics were to maintain stability and order, while the actual reform, grooming and transformation of colonial subjects into fully fledged citizens at best was highly selective and always circumscribed by both class and race.

In terms of basic techniques of governance, India’s independence did not bring about fundamental transformations of the ‘languages of stateness’. The period after 1947 saw an intensification of already existing forms of bio-political rationalities of health, hygiene and economy, and a much amplified thrust towards creating social and cultural reform through legal and constitutional changes. The distinction between the educated ‘proper’ citizen of the nation who was expected to respect and understand the law, and the uneducated and ordinary Indians who allegedly understood the world through the prism of community loyalties, did persist and continued to inform many policies and ideas of public order also in the postcolonial nation state.

**Sovereignty and the Nation**

These configurations of authority and sovereignty in colonial India make it evident why the incipient Indian nationalism saw the nation as lodged in what Chatterjee has called ‘the inside’, family, language and community. In spite of multiple transformations and legal interventions, this was regarded as the un-colonised heart of Indian society, while the colonial state was seen only to make its presence felt in the ‘outer’ and public domains (Chatterjee 1993: 1–14). This figure of thought, inspired by European ideas of popular sovereignty, resonated well with a lived reality of segmentation and fragmented sovereignties in India. In almost perfect inversion of colonial inability and reluctance to interfere in the moral life of communities, nationalists could now construct ‘the community’ (samaj, jati, gham) in opposition to the ‘cold monster’ of the state and a corrupted world of politics.3

3 See Hansen (1999) for a more elaborated argument along these lines. Ayesha Jalal’s recent work on sovereignty and selfhood among Muslims in South Asia (Jalal 1999) attempts to straddle, unsuccessfully in my view, both an argument of the ‘Muslim community’ as reified/constructed by the colonial state (e.g. pp. 570–76), and at the same time internally cohesive and meaningful on the basis of shared notions of gham, attachment to watan (the territorial homeland) (p. 13), and even the existence of a shared ‘Muslim psyche’ (p. 14).
The idea of the sovereignty of the nation and its constituent communities as separate from and independent of the state, became more problematic as the state moved from being outside and alien to becoming the very heart of the national imagination. The new state and its constituent assembly set out to reform the enormously diverse society through constitutional and legal means. The unprecedented number of directive principles in the Indian constitution obliging the government to pursue social and cultural reforms on a large number of issues bears witness to the enduring power of legalistic thought. Sudarshan notes this continuity between the colonial and postcolonial state:

... (the framers of the constitution) were more inclined to trust the judiciary and the civil service because these institutions were expected to remain aloof from politics and insulate the state from the consequences of partisan pursuit of narrow interests.... The inscription over the seat of imperial power in the Central Secretariat in New Delhi reads: 'Honour the State, the Root of Law and Wealth.' Independent India has not thought it necessary to erase this (Sudarshan 1999: 108-9).

The so-called golden age of Nehruvian reformism saw an unprecedented intensity of governance, of regulation in intimate matters of faith and family life, of interventions in the name of economic development, etc. In spite of a concerted effort among leading bureaucrats, planners and political leaders to curtail the structures of indirect rule and community sovereignty, many decisions, also on life and death, were never taken to the state or the legal system. They were adjudicated by caste panchayats, by local big men or through local reprisals. Many killings or other forms of revenge and punishment took place without the police being informed. The everyday administration in localities, political mobilisation, the implementation of laws and government decrees, as well as court proceedings and policing, remained firmly mediated, if not controlled, by local notables and hierarchies of big men who exercised the de facto sovereignty in most everyday matters. Both political organisation, governance and the social order depended on these ubiquitous figures of local eminence who also constituted the indispensable underside of the respectable middle class world. I shall return to this later on.

The disjunctions between these discrete repertoires of authority widened as state interventionism intensified in the early 1970s. Emergency rule from 1975 to 1977 demonstrated how deep-seated and entrenched this configuration of authority was. On the one hand stood an impatient political elite determined to reform and discipline the ordinary Indian through authoritarian means. Indira Gandhi sought to create a bio-political dictatorship by administrative decree. The regime intruded deeply into intimate matters of the body and reproduction when it embarked on the infamous programme of forced sterilisations. The regime also tried to enforce a conservative public morality and to discipline the working class and the poor—supposedly to safeguard the nation and further its economic development, while also aiming at curtailing the power of informal sovereigns, local men and brokers. Even this grand experiment in authoritarian centralisation ultimately had to rely on the very structures of informal sovereignty in slums and neighbourhoods it sought to curtail. The functioning of the state at the level of localities had always depended on such figures. Soon, the draconian policies of the Emergency turned into a randomly brutal and dispersed despotism (Tarlo 2000).

Opposed to this bio-political authoritarianism stood a coalition of disparate forces, among them the Hindu nationalist movement, rallying around Jayaprakash Narayan's Gandhian call for 'total revolution' of the outlook and ethos of the political world, the state and the economy. At one level it was a protest against corruption and highhandedness that appealed to the idea of the nation as a moral and sovereign entity beyond, and in opposition to, the state and the political world. At another level, it was a struggle over how far and deep the state and its sovereign prerogative should be allowed to enter into issues of family, morality and reproduction that conventionally had been governed in the name of community norms. It was also a struggle over whether the state and the sovereignty of law should be applied in the micro-management of local public administration and political opinion. Yet, it was not until the 1990s that a more systematic strategy openly began to defy the state and its legal edifice in the name of the sovereignty of the Hindu community.

* Such as the Hindu Code Bill that standardised and legislated Hindu family law. For a critical discussion of this intervention see Chatterjee (1995).
 Asserting the Sovereignty of the Hindu Community

Organisations and movements aiming at social transformation through moral reform and self-making beyond the realm of politics, the law, or the state, have proliferated in postcolonial India. One way or the other, they all base their programmes on the historical reification of ‘communities’ as the natural repositories of morality and ethical life in India, separated from, and conceptually opposed to, the state. This was the legacy of the colonial state as well as of social and cultural reformers and early nationalists (Dirks 2001). The locus classicus of this reification of community was disputes over family matters and the control of female sexuality as in the protracted debates over the age of consent from the 1860s to 1929, or debates on rape and the Special Marriage Act of 1872 that made assertions of religious and social barriers to marriage unlawful. The defence of the right of various communities to define their own sexual practices invoked a wealth of arguments: how climatic differences between East and West impinged on maturity and sexual desire, the impossibility of regarding an Indian woman as an individual in the western sense, etc. (Gupta 2001: 121–40; Sarkar 2001: 191–262). These debates—premised on the rights of men to control, discipline and punish members of their family, and to define the domain of worship and belief—were crucial in the formation of communities as more clearly bounded entities endowed with rights and public representation. In North India, colonial legislation and female education were widely portrayed as emasculating Hindu men and corrupting weak and gullible women. Ostensibly concerned with matters of religion and morality, the formation of a ‘Hindu community’ in the late colonial period revolved, in other words, vitally around notions of virility, pride and potency vis-à-vis Muslims and the government, and a reduction of the feminine to the function of the reproductive mother made national icon (Gupta 2001: 120–22). The militant and violent dimensions of this emerging contemporary Hindu identity were nothing but a reformulation of the intrinsic duality of the sweet (mudhar) and the angry gestures (krodh mudras) to be found in Ram, argued Hindu nationalist ideologues (Sarkar 2001: 276). This duality of the violent and exclusive, and the tolerant and inclusive aspect of Hindu culture, is also to be found in Vande Mataram, the 19th-century nationalist song which the Hindu nationalist movement wished to make the national anthem. The violence around Partition has a special place in the mytho-history of the Hindu nationalist movement. In 1947, the myth goes, law and order collapsed and a moment of pure confrontation and war between communities ensued. It was a moment of glory where Hindus defended themselves and thus founded the new Indian nation state. This myth of a ‘pure’ confrontation is largely fictional and based on circulation of a limited number of images and narratives. Many branches of government played a central role before, during and after Partition as Ravinder Kaur has demonstrated in compelling detail in her recent study.

The Hindu nationalist movement has in recent decades successfully exploited and redefined these deeply rooted historical definitions of the Hindu community as defined by a perpetual defence of Hindu bodies—male and female—against the state and the law. Hindu nationalists claim to organise Hindus in a parallel civil society of its own—a Hindu nation beyond the state with the Rashtriya Swayamsevak Sangh (RSS) as its chief executive, protector and purifier; with specialised mass organisations intervening into families and exercising strict discipline over the bodies and minds of their members, as well as organisations of political and religious specialists, the Bharatiya Janata Party (BJP) and the Vishva Hindu Parishad (VHP).

The so-called ‘religious parliament’, dharma sansad, organised by the VHP in the 1990s is supposedly adjudicating and advocating religious matters of importance to Hindus. This rather chaotic body of sadhus from all over India, is also passing resolutions on nuclear armament, international trade, Kashmir, globalisation, etc. According to the VHP which seeks to control the sansad, these issues cannot be fully adjudicated by courts or the state as they all concern faith, national feelings and other higher causes. Similar arguments were employed when the VHP refused to respect High Court verdicts on the disputed Babri Masjid in Ayodhya in the early 1990s. The systematic violence against Muslims in the 1980s and 1990s organised by the

10 After praising the beauty and generosity of the Motherland the third verse of the song goes: ‘Terrible with the clamorous shout of seventy-million throats and the sharpness of swords raised in seventy-million hands/who sayeth to thee, Mother, that thou art weak?’ (see Sarkar 2001: 268–90)

11 See Ravinder Kaur, Narratives of Resentment, Ph.D. dissertation, Roskilde University, 2004. I would like to thank Laurent Gayer for pointing out to me that Partition is the paradigmatic instance of pure ‘community sovereignty’.
VHP and other Hindu nationalist organisations has consistently been portrayed as expressions of ‘spontaneous anger’ felt by ‘Hindus’ supposedly when their religious or national feelings were hurt. The burning and killing of Muslims by Hindu crowds were, in other words, nothing but expressions of the inert sovereignty of the Hindu community-nation, an entirely natural and inevitable violence that could not—and should not—be controlled by the state.

The ambivalence regarding state power in the Hindu nationalist movement indicates the protracted attempt to straddle the tension between the sovereignty of the community-nation and that of the state. This contradiction was apparent as early as in the 1950s and 1960s when the BJP’s predecessor, the Jana Sangh, advocated decentralisation of the state into local janapadas—supposedly the heart of Bharat, the true village based nation—while at the same time supporting a strong unitary Indian state capable of military expansion and maintenance of internal order (Jaffrelot 1996: 169–71).

It would appear as if this contradiction has been resolved over the last decade. The Indian state has embraced a determined expansion in its armed forces, rapid capitalist development and the Hindu nationalist movement has been able to move the dominant national discourse towards a majoritarian-ethnic notion of Hindu constituting the core of the nation. Yet, the tensions between different forms of sovereignty and repertoires of authority persist and define important arenas of contention.

The recent pogrom in Gujarat in February–March 2002 was a chilling demonstration of how the RSS and BJP combine these repertoires. The pogrom which lasted for weeks and in which thousands of Muslims perished, was justified as a ‘natural’ reaction of the Hindu samaj to revenge the deaths of dozens of Hindu kar sevaks (temple volunteers) killed in the arson of a train in the town of Godhra. As so often before, the Hindu nationalist movement sought to become and embody the ‘community’ by killing its imagined enemies in its name. But the BJP government in Gujarat also provided crucial conditions for the pogrom by withdrawing or pacifying the local police force and administration. Soon after, the government banned the direct reporting of the riots by privately owned TV channels. Similarly, the central government—as also dominated by the BJP—refrained from effective measures for several days, allowing the local units of the RSS and VHP and their many local supporters to wreak deadly revenge on Muslims all over the state. Although an official inquiry has been

ordered into the riots, the BJP asserted the de facto right to kill with impunity in the name of the Hindu community and its disregard for legal procedures and ideas of accountability by staging a large yatra (procession) in the state in August–September. The yatra was led by the state’s BJP chief minister—who claimed to lead the procession in his capacity as a ‘Hindu leader’. The procession which supposedly aimed at commemorating the ‘Hindu martyrs’ of Godhra, went on a route through hundreds of towns in the state, most of which had been the scene of arson and slaughter of Muslims a few months before.

This open display of disregard for legality demonstrated that the Hindu nationalist movement sees itself as representing the Hindu community, a community which in an inversion of colonial entitlements claims to hold sovereignty in all areas of emotion and religious passion. To the BJP, the control of state power meant the capacity to prevent the assertion of state’s monopoly of legitimate violence, to suspend the law and legal procedures, to transfer what were seen as overly diligent police officers, and to openly celebrate that the Hindu community had taken its revenge, and that ‘natural justice’ had been exercised. The themes of revenge, retribution and self-defence abound in these situations, as do the Partition themes of a spontaneous and pure confrontation between communities.

While the exoneration of crowd violence in Gujarat is part of a well-organised political strategy, it draws on a longstanding tradition in South Asia of regarding crowds as legitimate expressions of grievances of communities, as spontaneous outbursts of anger and emotion. Crowds and violence are always organised phenomena as Paul Brass has shown in compelling detail (Brass 1997, 2005). Police investigations and official inquiries nonetheless characterise crowds as faceless entities and attribute—in the tradition of the colonial police—the cause of riots to larger and more imprecise causes such as incitement of hatred, inexplicable tensions, rumours, etc.13

Crowds are regarded as sovereign entities in that they may be dispersed and controlled by the police as crowds, but individuals are

13 The view of crowds as a quasi-legitimate continuation of politics by other means has a long history on the subcontinent. In more recent decades the reticence of the police with respect to prosecution of political leaders organising crowd violence is clearly connected to the de facto legal immunity provided by powerful political formations, from the massacres of Sikhs in Delhi in 1984, to more recent anti-Muslim pogroms in Bombay (see Hansen 2001: ch. 5).
never held accountable for violence or destruction in the course of crowd action. To kill in a crowd is, in other words, to kill with impunity. To enter the crowd is also to enter a momentary space of exception where normal rules of behaviour and conduct are suspended for a time and other rules and norms prevail in the moment of effervescence. The ‘other’ is not merely an enemy but is turned into ‘bare life’—simple life upon which the sovereignty of the crowd and the community it claims to represent can inscribe itself. But the crowd is not merely ruled by anomalous and primitive instincts as Le Bon and Freud held. It is, as Tambiah points out in his admirable synthesis (Tambiah 1996), driven by a search for the ‘enemies’ and their property which it seeks to destroy and level, but also devour in an almost cannibalistic fusion of self and other (1996: 275). Crowds engage in ritualised destruction of public property and equally stylised confrontations with the police that take the place of ‘the enemy’. The clue to an understanding of the sovereignty of the crowd, however short-lived and passing it may be, lies in what Tambiah in passing calls the ‘substantialisation’ that evolves in a crowd (ibid.: 219). While Tambiah understands this as the concretisation of identity and community, it is also possible to link this to the visceral economy of the physicality of the crowd: the sense of loss of bodily autonomy and the experience of a co-substantiality that lead crowds to become ‘spaces of exception’—not with a single mind, but unified by a momentary sense of bodily authenticity, certainty and exhilaration—driven by what Elias Canetti calls a crowd’s ‘love of density’, and therefore an entity without doubts or fear. Perhaps we could expand Appadurai’s idea of ethnic violence as being driven by a search for certainty in the death of the body of the other (Appadurai 1999) by recognising that there is also certainty and authenticity to be found in the visceral—physical compact of the crowd.

Although the Hindu nationalist movement has extended the logic and justification of crowd violence to become an index of community sovereignty, the use of the crowd and its violence as a legitimate political expression of anger and sovereignty is extensive across the political spectrum in contemporary India. As a repertoire of authority, community is very powerful indeed qua its historical connotations of delineating a measure of ‘collective privacy’, and qua its incorporation of issues of honour, family, bodies and reproduction.

It remains unclear, maybe even unlikely, that the Hindu nationalist movement harbours any larger project aiming at reconstructing the state into an expression of the Hindu community, resembling the ideal merging of state, society and nation into an organic whole that characterised European fascism. Hindu nationalism is premised on a fundamental assertion of the sovereignty of (upper-caste) Hindu communities which makes a Jacobin project of reform and intrusion into the family and the domestic sphere rather improbable. Not because Hindu nationalists are opposed to authoritarian and violent methods but because their vision seems to be to control the state and the legal process rather than becoming the state and hence through the use of state power and the sovereignty of the law to institutionalise a Hindu nationalist worldview. There are, indeed, real apprehensions among Hindu nationalists regarding the legal system, the courts and the expanding rights-culture of protest and litigation in India. There is also a desire to take strong action that can hammer through the sovereignty of the state—but it is a rather selective authoritarian desire pertaining only to curtailment of the rights of minorities or the perceived danger of illegal immigrants or ‘anti-national elements’. Most of the demands formulated in the VHP’s document The Hindu Agenda from 1998 concern banning of cow slaughter, outing of foreign missionaries, repealing the official recognition of Urdu, rewriting of history books, state support for Hindu charities and pilgrimage, strict censorship against criticism of ‘Hindu culture and tradition’, etc. (VHP 1998). In this document, the VHP seeks to construct itself as the very embodiment of the nation elevated above political divisions. In spite of its reservations regarding state power, it urges all political parties to adopt the appropriate legislation ‘to protect Hindus’ and to enforce these laws by use of the full powers of the state.

For all its pride in organisation and capacity for action, the Hindu nationalist movement has in fact resigned itself to a rather limited and conservative set of goals that never impinges on the social world of the middle class it has emerged from. Yet public violence, or the threat of such violence, is at the heart of the movement. From the uniforms and display of masculine values of the RSS volunteers, their militant marches through cities, the emphasis on physical training, to the strong male body, and the violent rhetoric, etc., the RSS has successfully made itself into the armed wing of the ‘Hindu community’, the ‘war principle’ of celeritas, both disruptive, ‘alien’ and
fascinating, that neither the state, nor minority communities in India, dare to challenge anymore.  

‘Big Men’, Reputations and Rumours of Violence

The local ‘big man’ is ubiquitous in everyday life and central to most relationships between authorities and ordinary people in urban India. For those without education, such figures are vital in approaching authorities and formal institutions. Few studies have charted this terrain and Mattison Mines’ exploration of how big men make and maintain their position and reputation within the Beeri Chettiar community in the city of Chennai (erstwhile Madras) stands out as a notable exception (Mines 1994). Mines’ book is framed as an argument about how individuality manifests itself in social life and seeks to repudiate Dumontian ideas of the marginality of the individual, as well as Marriot and Inden’s notion of South Asians as ‘indivials’—defined by multiple relationships than a single core. Mines argues that individuality in South Asia is a quality which can be achieved within spatially and socially defined networks of knowledge, reputation and trust. Individuality is accorded to those who are known as men of ‘eminence’, those who are respected and known as ‘big men’ (periyar) by virtue of their generosity, their modest behaviour, trustworthiness, and, of course, command over resources either as property and/or connections to other powerful persons. These attributes earn the person a higher degree of individuality than that accorded to ordinary people. It also earns him respect as an individual capable of making authoritative decisions, qualified judgements and as someone whose advice is sought on a wide range of matters. Such men have what Mines calls ‘civic individuality’ (Mines 1994: 18–23). The big-man is a person endowed with considerable autonomy and agency. The maintenance of this status depends on one’s reputation which in Mines’ ethnography is constituted by three elements all conveyed by stories and rumours about the person: his good character (yunum), his generosity (vallanmai) and his efficacy, i.e. ability to prosper and make things happen according to his will within institutions, or in civic life more generally (ibid.: 42–43; 56–58). Yet, generosity and power are of course surrounded by ambivalent feelings and permanent suspicions of emanating from excessive self-interest, or excessive public display of opulent wealth—as in the case of certain almost mythical donations to temples (ibid.: 60–65).

While Mines’ work draws our attention to the importance of respectable men of eminence in an educated and wealthy community, the figure of the big man has got other, darker sides to it as well. Mines’ figures represent the gravitas of responsible and ostensibly law-abiding civic leadership. Other figures wield equal influence and have big reputations for both efficacy and generosity, but are founded on reputations of violence, or of connections to political parties or to the underworld. These elements are all essential in order ‘to have a name’—a reputation (ynam). These are men representing the war-principle of celeritas. They are not necessarily respected but always feared, and even admired for their ruthlessness and their ability to ‘get work done’ (kum). Ubiquitous networks of strongmen, brokers and fixers can be found in any neighbourhood, slum and chawl in Indian cities. Most of the activities of these men defy conventional distinctions between legality and illegality: they assist in getting water connections, jobs, housing, school admission, they adjudicate in disputes between neighbours, provide protection for those who are loyal and dependent on them, etc. But some of them also service debt, extort money, belt up opponents and threaten those who defy or betray them. However morally ambiguous these men and their activities are in the eyes of local residents, they are nonetheless the elementary units of local politics, of social work and of cultural organisation.

In western parts of India, many of these men have found a political home—and some respectability, visibility and eminence in their locality—within the chauvinist organisation and political party Shiv Sena (Shivaji’s Army), taking its name from a 17th century warrior king. Shiv Sena styles itself as the embodiment of the sovereignty of the Hindu samaj. Through its network of local branches (shakhas) in Mumbai and other urban areas in Maharashtra, the Shiv Sena has for three decades provided symbolic centres of localities, structures of informal governance and everyday assistance to local people by assuming the role of defiant, angry, self-made men who will confront the state, or other communities without fear. The organisation has asserted its power through a systematic use of violence against opponents and

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33 The RSS and affiliated organisations were banned three times in independent India: in 1948–50, in 1975–77, and parts of the movement in 1992–93.

34 Eckert 2000, Hansen 2001 and Kakar 1996 have recently attempted to cover some of this ground, in Hyderabad and Mumbai respectively.
perceived enemies—from South Indians and left wing trade unions to Muslims. Yet the Shiv Sena never aimed at creating a shadow state or alternative forms of governance. On the contrary, the Shiv Sena’s vague programme revolves around the state as the provider of jobs and benefits, recognition, rights, order, etc. The organisation has been a dominant political force in Bombay for several decades, and the ruling party in the state of Maharashtra in the latter half of the 1990s.15

While many ambitious men have become part of Mumbai’s parvenu elite through the Shiv Sena, its mercurial leader, Bal Thackeray, continues to style himself as ‘a law unto himself’. He has remained the producer, the authoriser, and the incarnation of the obstinate sainik style of masculinity that is so central to his authority in the organisation and his popularity throughout Maharashtra. The construction of the sainik as an assertive male was succinctly articulated by a longstanding member of the Shiv Sena:

A Shiv Sainik is not a man that if someone comes up to him and slaps him, then he will not simply show the other cheek. We are not that type. My hands work out and he will get the slap, not me. I will not be slapped and allow him to slap ... if someone enters my house and runs away with my roti then what should I do? I have to slap him and take the roti away because that is my roti and not his.16

While the Shiv Sena relied on longstanding practices of brokerage and local strongmen in urban neighbourhoods, the organisation added new dimensions to the city’s political culture. It systematised the use of violence against opponents and added a new spectacular and public dimension to violence. Protests in the streets, brutal enforcement of bandra17 called by the Shiv Sena, but also the generous sponsorship of spectacular popular festivals, now became ritual performances of the power of the organisation and the popular world of the ordinary Hindus it claims to express. The Shiv Sena was all about action, a young man told me:

With action we can at least achieve something ... we always retaliate and react directly to any issue. We always react in mobs. We have the attitude of attack rather than tolerance ... in fact, the weapon is the most powerful. If you are armed you can get things done. They (the Muslims) have taught us that attitude and therefore we took up weapons.

An organisation like the Shiv Sena has been made possible because governance and claims to sovereignty are deeply fragmented in urban India. Thackeray asserts sovereignty as a person and a leader when he claimed that he had every right to defend Hindus by killing Muslims during the 1993 riots. This widely accepted discourse of retributive justice paints a picture of two sovereign communities locked in conflict untold death. To make this discourse credible, the Shiv Sena needed the myth of Mumbai gangster king Dawood Ibrahim as the secret leader and avenger of the Muslim community—it’s 'monstrous double', so to speak. The Hindu community also need protectors and avengers, and the Shiv Sena performed the part as the necessary 'monstrous double' of the Hindus, as men relieved from the burden of moral injunctions and only faced with the fundamental task of defending the lives and honour of Hindus.

The cause of sovereignty and the awe and fascination surrounding sovereign power remains, in other words, the capacity for violence, the will and determination to risk one’s life, to take life, or to let live. Violence may be justified in various ways but the terror, awe and surplus of meaning contained in violence, or the threat thereof, can never be fully contained or explained. Hence the attribution of sublime qualities and sovereignty to those who assert their own law, their seemingly archaic claim to sovereignty. After having been considered bad taste in the city’s elite circles for decades, the Thackeray family became the object of the most admiring writing and sycophancy as the Shiv Sena assumed power. Praise for the 'determination' and 'guts' of Balasaheb, as he was now affectionately known, was widespread.18 The basis of this admiration was obviously that Thackeray commanded the loyalty of thousands of men who had proved to be willing to, and capable of, creating havoc in the city and brutally attack what they regarded as the enemies of the Sena and the Hindu samaj.

Three biographical sketches may illustrate how the making of informal sovereign power combines both the reputation of violent ruthlessness—the self interested, unpredictable and "alien"—and acts of generosity, knowledge of legal procedures and efficacy of the big

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15 The establishment and early history of Shiv Sena, its structure, organisation and mode of operation is well analysed in Gupta (1982) and Katzenstein (1981).
17 A widespread form of political action where shops and public services will close in protest against the government, or in reaction to political events, riots, etc.
18 For details, see Hansen 2001: 200-205.
man, in Mines' sense. Two of these men were at various points connected with the Shiv Sena (and the Congress party) but their careers and styles bear witness to a broader and deeper trend in the culture of politics in contemporary India.

Shashikant Sutar is a legend in Pune. Sutar comes from a poor family and a lower caste community. He started his career as a tiffin-carrier in the industrial area in western Pune in the 1960s. Through the Shiv Sena he launched a career as a city councillor in the suburb of Kothrud, and was able to emerge as the primary, and indispensable, political broker enabling the astonishing growth of the Kothrud area, which today is a residential middle-class area with more than 200,000 people. Sutar is today an extremely wealthy businessman and an influential political figure in the city. His political career was crowned by a period as minister in the Shiv Sena cabinet in the late 1990s. As a young man he was drawn to Thackeray's depiction of South Indians as the source of all the alienation and evils of city-life. He liked the Shiv Sena, 'because it was so attacking'.

In those days the South Indians were everywhere.... They had so much clout that it became increasingly difficult for the common man even to walk the roads ... because of their business and their strong unity, they were very powerful ... they were all over in the restaurant-business and they had small joints, also.

Sutar and some of his friends were active in Hindu-Muslim riots in the city in 1969 and the early 1970s and soon acquired a reputation as courageous and daring street fighters. Sutar recalls the period as exhilarating and formative 'We were rebels and several of us were nearly thrown out of our families because of our work in the Shiv Sena. We were seen as hoodlums and criminals and only later did my family see that Thackeray was right.... I grew with the Shiv Sena, it moulded my political career and I will always remain loyal to Balasaheb.'

Sutar and his group gradually established themselves as efficient and unorthodox in solving civic problems in the emerging suburbs where local landowners squeezed tenants living in provisional slums while attempting to get permissions for construction of houses. Sutar proved to be not only an effective protector of local residents, but also an inordinately efficient operator in the politico-administrative structure in the civic administration. Deftly employing his personal charm, his autodidactic knowledge of the law and the reputation of his sainiiks as violent and ruthless, Sutar became the central access-point for builders who wished to invest in housing schemes. Within a decade, Kothrud emerged as one of the largest residential areas in Pune and Sutar became known as the 'Raja of Kothrud'. Today he owns several big houses, has close connections with the municipal and state bureaucracy, the Congress party, and enjoys an immense popularity among the residents of Kothrud. His house is open every morning and in the evenings when Sutar presides over an informal durbar. Hundreds of people come every week to seek advice or help regarding civic amenities, tenancy-problems, financial assistance. Sutar has established a dense network of contacts and a patronage power that enables him to solve most problems with a few phone calls. Sutar's flamboyant lifestyle with several large houses, a fleet of cars, several semi-official mistresses, and his careful nurturing of his constituency has made him a living legend in Pune. His generosity, cunning and efficacy are widely admired qualities. He donates money to charities, temples, to the Shiv Sena party and to local causes. 'You never return from Sutar's house with empty hands,' as local residents would put it. Persistent rumours of corruption, extortion and goonda (criminal) methods have accompanied him throughout his career and even cost him the post as minister of state. Yet, none of this has affected his personal standing in the western parts of Pune where he is rumoured to control four to six seats in the Municipal Corporation and one or two seats in the State Legislature (Vichar Sabha). Sutar's status as a big man with both financial power, political clout and a capacity for violence has given him considerable autonomy and a personal, spatially defined basis of power. He adjudicates local conflicts, several political parties have tried to win him over, and bureaucrats know that Sutar can stall their careers, or have them demoted or transferred, at his will. Sutar is a force to reckon with, a local sovereign because his trajectory has created a reputation of generosity combined with a capacity for ruthless violence if his path is crossed.

Subhas Patil is another ambitious man who established a personal reputation and stature as a local big man in the city of Aurangabad through a shorter but equally intense affiliation with the Shiv Sena.

Patil, alias, Subhas Jadhav also comes from a poor lower-caste background. He changed his name to Pati—the traditional name for the headman in Maharashtrian villages—in order to make himself more acceptable to the Marathas, the dominant and land owning caste in most of the state. The city of Aurangabad is an old administrative
centre in what used to be the state of Hyderabad ruled by the Muslim Nizam of Hyderabad until 1950. Until its explosive growth in the 1980s, the city was dominated by the old Muslim elite and powerful land owning Maratha families in the region. Conflicts arose in the 1980s due to the influx of Middle Eastern students to the Muslim colleges in the city and the alleged influence of Muslim gangsters in the city. The Shiv Sena saw the city as fertile ground for expansion into the hinterland of the state, and Thackeray’s call for Hindu action attracted a large number of young Hindu men. The energy and leadership qualities of Subhas Patil made him the natural leader of the young street fighters who attacked Muslim shops, beat up Arab-looking students and engaged in street brawls with young Muslims. Thackeray’s rabid anti-Muslim rhetoric fired the imagination of the young men:

Youth are directionless and take up what is in front of them... there was much anger and the question was who would lead the pack? You see, Thackeray did just that, and we went crazy with him. Whatever he said we spread to the villages within days.

Patil organised a large number of local branches and soon spread to many villages in the districts where he whipped up anti-Muslim sentiments. Soon after, riots erupted in the city and in many villages leaving dozens of people, mainly Muslims, killed. Patil was arrested several times, but soon his reputation, his protection by the Shiv Sena leadership, and the violent demonstrations outside police stations where he was incarcerated, made him difficult to control. Emulating the style of Bombay, Patil organised huge public celebrations of Hindu festivals as Ganapati Puja and Diwali and the construction of new temples just next to mosques and dargahs. Soon after, Patil and his activists managed to win a majority of seats in the Municipal Corporation and a new phase of consolidation and institutional bargaining commenced. Patil was a charismatic speaker and organiser but failed to respond to the party leadership’s demand for funding and contributions. Local businessmen led by Moreshwar Save, entered the party and managed to take over the organisation within a few years. Patil failed to be allowed to contest the elections in 1990 and the tickets went to what had become known as the ‘Save Sena’—‘rich people with no commitment and no standing in the city’ as Patil said.

Frustrated and disappointed with Thackeray, Patil left the party along with a number of longstanding associates. ‘It took me a year to realise that I had been betrayed and ignored,’ he said. His demoting was clearly born out of Thackeray’s well-known hostility to young charismatic leaders who could challenge his own authority. Soon after, Patil started a trade union in one of the many new industrial areas in the city, an irrigation society in his ancestral village where he had become a respected and feared figure during his years with the Shiv Sena. His personal following and his reputation as a fiery and fearless leader made him attractive to other political formations. He soon joined the Congress party which still dominates most institutions in the countryside in Maharashtra. In the mid-1990s he ran a successful sugar cooperative, the locus classicus of rural political power in western India. He was also an effective trade union leader, feared and respected by owners and other unions for his unveiled threats of violent action. Like Sutar, Patil has become a leader in his own right, a man accorded considerable autonomy by virtue of his influence, his popularity and his trajectory from violence to a more respectable big man. Unlike Sutar, Patil has retained his style as a ‘warrior’. Although his hostility to Muslims has been played down in his public speeches, his style remains intense and militant. Even his critics concede that ‘he was the man who beat the Muslims into silence and made sure that Hindus today rule this city’ as a local journalist put it. Although wealthy and well established, Patil is not a business man. Most of the people who come to his house do so to seek his advice, to secure his support in disputes, or to ask for protection, rather than donations or financial help. Patil is still resentful towards the Thackeray family but sees his life as a success story and has not given up the idea of becoming an MP. The mystique that still is associated with his violent past as a ‘Hindu warrior’ embodying the mardangi (manliness/virility) and martial tradition in the region may well make that possible—regardless of the political party or platform he may decide to choose.

The importance of the local strongman and his reliance on violence and celeritas is not a phenomenon specific to the Shiv Sena, as my story of Javeed, a Muslim big man in Mumbai testifies to. Javeed came to Bombay with his parents from an impoverished village in Uttar Pradesh. He grew up in a chawl in the old mill district in Bombay.

18 Tombs of local Muslim saints worshipped in the popular Sufi tradition.
Javeed had to leave school early to help his father run the small flour-mill he had set up. Javeed learned traditional wrestling at the local gymkhana and soon emerged as the best pehlwan in the neighbourhood. He acquired a reputation as a strong and short-tempered man who one only challenged at one's own peril and who was involved with a range of dubious and illegal activities in the area. Javeed had become one of the hard men, colloquially known as a bhai (brother) aspiring to become a dada (literally grandfather, used colloquially as elder brother for a gangster/bhai) of some standing.

Almost inevitably, he clashed with the local dada in his street and killed him in a street fight. Virtually all the accounts I heard of this mythical event emphasised the courage and manliness of Javeed: he fought with a bare chest, fearlessly, not protecting himself, taking on three men, etc. He served time in prison but does not seem to regret anything. The murder, and his sentencing, were questions of izzat (honour) and self respect. 'If I had not done it, he would have killed me or humiliated me—I had no choice.' After his release, Javeed started a business in scrap metal which over the years has made him a relatively wealthy man with two cars and two of his sons studying in college. He has also turned to Islam and donates money to a local madrasa and to a local college attended by his sons. He is known to most residents in the neighbourhood and respected for what he is—a warrior who can defend the neighbourhood in times of crisis as it happened during the Bombay riots in 1992–93. During those tense weeks Javeed was in the streets with his men and his sons, fighting the Hindu crowds (led by the Shiv Sena) that attacked Muslim neighbourhoods all over the city.

Most respectable and educated middle class families despise Javeed and what he stands for. But many poorer residents, and particularly those who belong to the same kinship network (bhanderi) as Javeed, will seek his help in the modest office with a telephone, a table, and a few chairs. Most evenings, Javeed receives visitors who ask for assistance in getting a job, help with getting a telephone connection, donations for poor families, or protection against abusive employers or landlords. Often a few phone calls from Javeed solves the problem, as his reputation in itself makes a difference. In other cases some of Javeed's men pay a 'visit' to those concerned. These acts, in turn, only confirm the efficacy of his power and perpetuate his reputation. Like many Muslims, Javeed's family had supported the Congress party for decades but after the riots in 1992–93, they turned towards the North India based lower-caste Samajwadi Party for protection and representation. Javeed is now the chairman of their local branch and ran for office, unsuccessfully, at the latest municipal elections in Mumbai. He hopes to expand his reputation as a political leader in the future but is well aware that his reputation as a dada may be one of the obstacles.

Because I have been in prison people think that I am still a criminal. But one mistake when you are young should not follow you throughout life. I have changed and many people know that I will put myself at risk to protect our mohalla. They understand that and will elect me the next time.

Unlike Sutar and Patil, Javeed does not enjoy the protection and support of the police. As a Muslim with a criminal record he can be singled out as a threat although the police hardly interferes in the everyday life of Muslim mohallas. Like other low-income areas and slums these areas are governed and policed at a distance and always through ubiquitous local informers and leaders. To assist the police is another route to some local standing and power but not to respectability. Javeed clearly hopes that a political career can enhance his autonomy and make him a more effective informal sovereign than he already is.

The reputations and autonomy of the three local big men are clearly contested and in constant need of reiteration. Their standing is circumscribed by other local forms of authority—the police force, with political parties, with the bureaucracy, etc. But they are also competing with 'big men' of the kind described by Mines—men whose reputations are founded on money, education and prudence, the principles of gravitas, and whose claims to represent 'the community' or locality also carry much weight. The spatial reach and efficacy of each of these repertoires of authority are always negotiated and tentative, however. While the local big man may challenge the authority of the bureaucracy at some junctures by bending the law, he is also a useful partner in maintaining order and in creating legibility.

How can we, then, interpret this apparently incessant oscillation between the war and the peace principle in the constitution of local authority? It is tempting in a Dumontian vein to see men like Sutar, Patil and Javeed, if not most political forces in India, as operating within the realm of pragmatic and necessary use of force, danda, that
yet is encompassed by the larger principle of dharma. It is equally tempting to see the contemporary fragmentation of authority in India as a re-enactment of the pre-colonial principle of segmentation, of a persistent discrepancy between rule and reign. Such interpretations, however, leave out the historical contingency of the configurations of sovereignty and repertoires of authority I have outlined. The repertoire of informal sovereignty was made possible, strengthened and defined by the forms of indirect rule through communities and local notables constructed by the colonial state. The dynamics of democracy and the continuation of governance at a distance in postcolonial India have made local men of eminence even more necessary and relevant in everyday life, but in ever new ways. One key to understand how the repertoire of informal authority operates alongside those of the community and that of legality lies to my mind in the concept of mardangi—manliness/virility—a Persian term found in Urdu, Hindi and other Indian languages. As we saw in the case of the Shiv Sena, as well as our three local big men, styles of masculinity are at the heart of local registers of respect and eminence. It is the performance of a certain style of public authority—generous but also with a capacity for ruthless violence—that determines who can define and represent the community, defend neighbourhoods, punish and discipline. Fariba Adelkhah’s work on the ethic of javanmardi (literally ‘young man’) in contemporary Iran suggests that mardangi is linked with a broader, and maybe older model of playful, defiant and violent masculine sovereignty. Javanmardi refers to a code of ethics that combines generosity and courage and refers historically to the young, mobile, unattached men who are morally ambiguous, at the edge of respectable society, but also heroic and in the forefront of rebellions against injustice (Adelkhah 1999: 33). Adelkhah describes a number of popular and well known men in Tehran—entrepreneurs and political figures—who lived by this ethos which ‘is above all about building and assertion of the self’ but also is marked by moral ambiguity and contradictions so that ‘... while arousing recognition and admiration (the javanmardi) also provokes perplexity by his unpredictable, rash and sublime sides’ (ibid.: 45).

This describes quite accurately the styles of masculinity and self-assertion of many local political figures in urban India, the ‘warriors’, the dark side of the community esteem described by Mines. India’s political modernity has accorded an ever more prominent place to such ambiguous figures who negotiate their own autonomy, the representation of community in the streets and at the ballot box, and the meanings and efficacy of legal regulation in most urban localities.

The House of Many Masters

I have suggested that postcolonial India has produced (at least) three intertwined, de facto but also incongruous repertoires of authority and sovereignty: legal sovereignty of the state, the (moral) sovereignty of the nation/community, and the multiple forms of informal sovereignty based on local big men and everyday violence. Their efficacy flows from a fundamental ambiguity—an incessant oscillation between generosity/protection and excessive violence—or the threat thereof.

The material from the cities of western India suggests—as would material from other cities in India—that the right and the capacity to make decisions, to adjudicate, to govern and even to kill and punish, is distributed between a range of authorities and institutions, both local and supra local at the same time. The three repertoires of authority I have tried to outline operate in an intertwined and simultaneous way. Some acts of sovereign power are performed outside the state and the legal framework—as in the so-called underworld, others such as those of the police force are operating within a legal framework—at least in principle. A political party and social movement like the Shiv Sena operates both within the framework of state institutions as well as outside, in local and informal structures of authority and violence anchored in localities and communities. This inordinately dispersed structure of governance and sovereignty indicates the limits of legal sovereignty in India.

To control the government, the state and the powers of legislation is merely one, albeit important, dimension of the exercise of power in India. But it is also a form of power that is easily subverted, evaded and negotiated, and can be challenged without any consequences because its efficacy and implementation depend on the informal sovereigns previously depicted. The fragmentation of both governance and sovereignty in contemporary India—the historical roots of which I tried to indicate—should be borne in mind when discussing both the dangers of rightwing authoritarianism and the possibilities of social reform and accountability through legislation. Given the anti-democratic
impulses that many Hindu nationalists share with parts of the Indian elite and middle class, it is maybe a blessing in disguise that the Indian state in its present form offers little temptation and material for imposition of authoritarian control throughout society.

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What explains the rising tide of religious violence in Pakistan during the past two decades? This has been marked by a dramatic increase in Sunni–Shia sectarian violence in which leading clerics, activists and professionals were assassinated in tit for tat killings as well as by large scale tribal sectarian warfare in such areas as the Shia dominated Upper Kurram Agency. The fighting there in September 1996 resulted in 100 deaths and scores more injuries. In all, bomb blasts, assassinations and machine gun attacks on rival sectarian places of worship resulted in 581 deaths and over 1,600 injuries in the period 1990–97 (Nasr 2002: 85). In addition attacks on the Christian community increased during this period. Thirteen Christian churches were burnt down in Khanewal in southern Punjab in February 1997. Churches were attacked in the wake of General Pervez Musharraf’s alignment with the US coalition against the al-Qaeda terrorists. An assault on 12 October 2001 at a church in Bahawalpur resulted in 18 deaths; another attack on 17 March 2002 on the Protestant International Church in the Diplomatic Enclave of Islamabad ended with five deaths including those of a US diplomat’s wife and daughter; another attack on 5 August 2002 at Murree Christian Missionary School brought six deaths (four of the deceased were Muslims); four days later there were a further four fatalities after an attack on the Chapel of Christian Hospital in Taxila. The heterodox Ahmadi community

1 The violence appeared to be caused by a police vendetta rather than by bigotry. See Down (internet edition) 9 February 1997.

2 These attacks appeared to be designed to discredit President Musharraf’s government. They were apparently carried out by groups which it had banned such as the Jaish-e-Muhammad and Lashkar-e-Jhangvi. Thousands of Pakistani Christians observed a ‘Black Day’ of mourning on 15 August 2002. The Council of Islamic Ideology condemned the attacks as ‘heinous’ crimes which not only ‘tarnish’ the image of the