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State and Its Margins

Comparative Ethnographies

Veena Das and Deborah Poole

This book is about margins, the places from which we seek to understand what counts as the study of the state in anthropology. The chapters collected here began as part of a School of American Research advanced seminar. There, we asked anthropologists working on different regions to reflect on what would constitute the ethnography of the state as embedded in practices, places, and languages considered to be at the margins of the nation-state. Although we invited anthropologists whose work focused on regions that have been dramatically affected by recent political and economic reforms, we were interested in moving away from the idea that these reforms had somehow produced a weakening or shrinking of the forms of regulation and belonging that supposedly constitute the modern nation-state. Our analytical and descriptive strategy was to distance ourselves from the entrenched image of the state as a rationalized administrative form of political organization that becomes weakened or less fully articulated along its territorial or social margins. Instead, we asked seminar participants to reflect on how the practices and politics of life in these areas shaped the political, regulatory, and disciplinary practices that constitute, somehow, that thing we call “the state.”

As a discipline that itself has often been considered to occupy a marginal voice in Western political theory, anthropology offers an ideal point of departure for the radical rethinking of the state that a view from the margins requires. Anthropology is frequently configured as a discipline that speaks for (or at times with) those populations that have been marginalized by the political and economic strictures of colonial and postcolonial rule. Moreover, ethnography is a mode of knowing that privileges experience—often going into realms of the social that are not easily discernible within the more formal protocols used by many other disciplines. As such, ethnography offers a unique perspective on the sorts of practices that seem to undo the state at its territorial and conceptual margins. The regional or local perspectives of anthropology are also important here, although for somewhat different reasons from those usually implied when anthropologists speak of regional comparisons. The anthropologists in this volume all work in states and regions that are frequently characterized in comparative political theory as “new nations” with “failed,” “weak,” or “partial” states, and their work speaks in many ways to the particular modalities of rule in Africa, Latin America, and South Asia.¹ Yet, their ethnographies of disciplinary, regulatory, and enforcement practices are framed, not as studies of regional or failed states, but rather as invitations to rethink the boundaries between center and periphery, public and private, legal and illegal, that also run through the heart of even the most “successful” European liberal state. An anthropology of the margins offers a unique perspective to the understanding of the state, not because it captures exotic practices, but because it suggests that such margins are a necessary entailment of the state, much as the exception is a necessary component of the rule.

For reasons having to do with its historical origins as the study of “primitive” peoples, anthropology has traditionally not acknowledged the state as a proper subject for ethnographic inspection. With few exceptions, anthropology’s subject, until recently, was understood to be primitive or “non-state” societies. Seen from this perspective, the state seemed distant from the ethnographic practices and methods that constituted the proper, disciplinary subjects of anthropology.

At the same time, however, the language and figure of the state has haunted anthropology. Whether we choose to place the origins of polit-

ical anthropology with Montesquieu ([1748] 1977), Maine ([1866] 2002), or Evans-Pritchard (1940), the quest to find order or reason among the primitives makes use of a language of order that is inherited from—and indeed part of—the modern European state.² In this sense, anthropology has always been, in many unacknowledged ways, “about” the state—even (and perhaps especially) when its subjects were constituted as excluded from, or opposed to, the forms of administrative rationality, political order, and authority consigned to the state. We contend that it is through the language of the state that anthropologists have traditionally constituted the tropes of social order, rationality, authority, and even externality for defining their subject. Pierre Clastres (1974), for example, claimed some thirty years ago that the rationality and forms of life proper to our nonmodern ethnographic subjects were best understood as expressions of a collective desire to fend off the imminent emergence of the state. Here, as in many other anthropological texts, the state was assumed to be an inevitable or ghostly presence that shaped the meaning and form that power took in any given society. The work of the anthropologist, then, became that of cordoning off the primitive from the domain of stately practices. In this kind of anthropological practice, as indeed in the early traditions of Marxist and postcolonial writing, the primitive was constituted as a nostalgic site for the discovery of the state form as a universal cultural operator—even when not present, it was seen as waiting on the threshold of reality, as it were.³

Any effort to rethink the state as an object of ethnographic inquiry must start, then, by considering how this double effect of order and transcendence has been used to track the presence of the state. On one level, of course, states seem to be all about order. Thus, in mapping the effects and presence of “the state” in local life, anthropologists often look for signs of administrative and hierarchical rationalities that provide seemingly ordered links with the political and regulatory apparatus of a central bureaucratic state. This approach informs much of the recent turn to the state in anthropological writing (for example, Ferguson and Gupta 2002; Fuller and Harris 2000; Herzfeld 2001:124–25; Hansen and Stepputat 2001). Seen from this perspective, the task of the anthropologist becomes that of first sighting instances of the state as it exists on the local level and then analyzing those local

manifestations of bureaucracy and law as culturally informed interpretations or appropriations of the practices and forms that constitute the modern liberal state. These parochial sightings of the state lead, in turn, to a more spatially and conceptually dispersed picture of what the state is, albeit one that is still basically identifiable through the state's affiliations with particular institutional forms.⁴

One aspect of thinking of the state in terms of order-making functions is that the spatial and social margins that so often constitute the terrain of ethnographic fieldwork are seen as sites of disorder, where the state has been unable to impose its order.⁵ While it is true that political anthropology staked its unique claim for understanding the political precisely by asking how order was maintained in so-called stateless societies such as the Nuer (Evans-Pritchard 1940), it did so by bracketing any reference to the functioning of the actual state—the colonial one—in that very context. As many critics of Evans-Pritchard have pointed out, the segmentary system as a system of balanced force could be presented as embodying the ordered politics of Nuer life, precisely because the disorders caused by the colonial state were left out of the picture (see Coriat 1993; Hutchinson 1996). Although attention to colonial contexts led to increased concern with the state as a factor in the formation of certain types of anthropological subjects (Balandier 1951; Gluckman 1963; Meillassoux [1975] 1981), both political anthropologists (for example, Gledhill 1994; Vincent 1990) and postcolonial and subaltern theorists (see the several volumes on subaltern studies by the Subaltern Collective) have tended, until recently, to emphasize either resistance to the state or the local forms of legal, economic, and cultural plurality that marked anthropological subjects as contained by or articulated with the state.

Given that it is impossible to think of political systems in the contemporary world as inhabiting any form of stateless societies, are we observing simply incomplete—or frustrated—forms of the state in such situations? Or do the forms of illegibility, partial belonging, and disorder that seem to inhabit the margins of the state constitute its necessary condition as a theoretical and political object?

Key to this aspect of the problem of margins is the relationship between violence and the ordering functions of the state. Informed as it is by a particular picture of human nature, European political theol-

ogy has bestowed the state with both the quality of transcendence and a related monopoly over violence (see Abrams 1988).⁶ Max Weber's famous formulation on the criteria for counting a political organization as a state may be worth recalling here. In his words, "A 'ruling organization' will be called 'political' insofar as its existence and order is continuously safeguarded within a given *territorial* area by the threat and application of physical force on the part of the administrative staff. A compulsory political organization with continuous operations (*politischer Anstaltsbetrieb*) will be called a 'state' in so far as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order" (Weber 1978:54; emphasis in original). Weber also emphasized that use of force in any other type of organization would be considered legitimate only if it was permitted by the state or prescribed by it. Thus, "the claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and continuous operation" (56). In defining the state as that which replaces private vengeance with the rule of law, Weber was, of course, building on earlier traditions of Kant and Hegel, for whom the state in modernity was defined by clear-cut boundaries between the external realm of law and the internal realm of ethics, and also between the realm of universalistic reason proper to the state and primordial relations proper to the family (for example, Hegel [1821] 1991; Kant [1797] 1965). Inherent in this imagination of the figure of law was the creation of boundaries between those practices and spaces that were seen to form part of the state and those that were excluded from it. Legitimacy, in turn, emerged as a function of this boundary-marking effect of state practices. The violence of warfare contracted between states and police control of the diffused violence of society by force were constituted as legitimate because they were of the state. Other forms of violence that seemed either to mimic state violence or to challenge its control were deemed illegitimate.

In this vision of political life, the state is imagined as an always incomplete project that must constantly be spoken of—and imagined—through an invocation of the wilderness, lawlessness, and savagery that not only lies outside its jurisdiction but also threatens it from within. Kant, for instance, assumed that the ends of government in terms of managing the eternal well-being, civic well-being, and

physical well-being of the people were threatened from within because it was “natural” for people to put their physical well-being above their civic well-being and their civic well-being above their eternal well-being. For Kant, this “state of nature” that threatens the civic order was to be transformed by education (Vries 2002). Weber—with whom the theory of the rationalization of the state is most closely associated—similarly treated this process as regrettably incomplete, since the formalism of law had to contend with the demands of popular justice.⁷ We wish to emphasize that for these (and other) foundational theorists of the European state form, the state itself was seen as always in danger of losing its hold over the rational organization of governance by the force of the natural from within. Thus, demands for popular justice were interpreted as an expression of facets of human nature that had not yet been mastered by rationality.

And what about the lawlessness and wilderness imagined to reside outside the state? Instructive here is the concept of the state of nature as the necessary opposite *and* origin point for the state and the law. The fact that Hobbes ([1651] 1968), Locke ([1690] 1988), Rousseau ([1762] 1981), and other early theorists of the state imagined the state of nature through the image of America as both a real site of savagery *and* an idealized primordial place suggests that we, too, should think of the margins of the state—the “state of nature”—as located in the space of language and practice where the real spaces or sites that provide impetus to the idea of the state of nature meet the mythical or philosophical origins of the state. Located always on the margins of what is accepted as the territory of unquestioned state control (and legitimacy), the margins we explore in this book are simultaneously sites where nature can be imagined as wild and uncontrolled and where the state is constantly refounding its modes of order and lawmaking. These sites are not merely territorial: they are also, and perhaps more importantly, sites of practice on which law and other state practices are colonized by other forms of regulation that emanate from the pressing needs of populations to secure political and economic survival.

It is important to underscore that at our seminar at Santa Fe, we did not start with the assumption that we had a shared understanding of what would count as the margins. Although all authors wanted to think beyond a simply spatial model of center and periphery, the dis-

cussions in Santa Fe made it evident that the relation between sovereign and disciplinary forms of power, as well as the specific genealogies of political and economic subjects, informed our various ideas about the margins. Our conversations led us to formulate these issues around three concepts of margins.

The first approach gave primacy to the idea of margins as peripheries seen to form natural containers for people considered insufficiently socialized into the law. As ethnographers, we were interested in understanding the specific technologies of power through which states attempt to “manage” or “pacify” these populations through both force and a pedagogy of conversion intended to transform “unruly subjects” into lawful subjects of the state. In several cases discussed in this book (Guatemala, Peru, South Africa), marginal populations are formed of “indigenous” or “natural” subjects, who are at once considered to be foundational to particular national identities and excluded from these same identities by the sorts of disciplinary knowledge that mark them as racially and civilizationally “other.” In these cases, juridical claims to inclusion are undermined in interesting ways by disciplinary forms of power that destabilize the very discourses of belonging that claim to bind subjects to the state and its laws. In other cases (Colombia, Chad, Sierra Leone, Sri Lanka), the pedagogy of conversion is played out in less settled ways among subjects who have been uprooted or displaced by acts of war. In these cases, subjects are constituted juridically as permanent inhabitants of the same forms of uncontrolled or private justice that undergird sovereign power in the form of war and the exception.

A second, related approach to the concept of the margin that emerged from our papers and seminar discussions hinges around issues of legibility and illegibility. Like other anthropologists, here we begin by taking note of the well-known fact that so much of the modern state is constructed through its writing practices. We recognize that the documentary and statistics-gathering practices of the state are all intended, in some sense, to consolidate state control over subjects, populations, territories, and lives. In our seminar discussions, however, we soon realized that our ethnographies worked against the notion that the state is somehow “about” its legibility. Rather, our papers seemed to point instead to the many different spaces, forms, and practices

through which the state is continually both experienced and undone through the *illegibility* of its own practices, documents, and words. Among the sorts of practices we consider are the economies of displacement, falsification, and interpretation surrounding the circulation and use of personal identification papers. Prominent here as well is the tension-filled space of the checkpoint. As a site where assumptions about the security of identity and rights can become suddenly and sometimes violently unsettled, the checkpoint led us to think also about the distinct temporal dynamics surrounding people's interactions with the state and state documents.

Yet a third approach focuses on the margin as a space between bodies, law, and discipline. After all, sovereign power exercised by the state is not only about territories; it is also about bodies. In fact, one may contend that the production of a biopolitical body is the originary activity of sovereign power. Many anthropologists have used the notion of biopower to track the way power spreads its tentacles into the capillary branches of the social. The privileged site of this process has been the growing power of medicine to define the "normal." Yet, the larger issue is the question of how politics becomes the domain in which "life" is put in question. In that sense, the margins provide a particularly interesting vantage position from which to observe the colonization of law by disciplines, as well as the production of categories of pathology through tactics that are parasitical on law even as they draw repertoires of action from it. Our seminar discussions on this set of issues took the notion of the biopolitical state in entirely unexpected directions as strategies of citizenship, technological imaginaries, and new regions of language were analyzed as co-constructing the state and the margins.

These three concepts of the margin all suggest different modes of occupying margins than might be told by a simple story of exclusion. In the remainder of this introduction, we consider how the authors in this book trace these different senses of the margin in their ethnographic work and how in so doing they draw on and rearticulate thinking about the state, sovereignty, and biopolitics in recent political theory. The chapters are not organized around one or the other concept of margins. These three notions are present but have different weights in each chapter. In the following sections, we ask how the logic of exception operates in relation to the margins, how economic and political citi-

zanship is claimed, and how we understand the working of the biopolitical state from the perspectives of regions whose experiences have not normally informed this set of conceptual issues.

LAW, MARGINS, AND EXCEPTION

Recent anthropological work has done much to illuminate the contexts in which war and other forms of collective violence are experienced as either states of crisis or states of exception. Thus, anthropologists have reflected on how the contexts of civil war, general political violence, authoritarian rule, and emergency powers shape people's sense of community, self, and political future (for example, Das et al. 2000, 2001; Feldman 1991; Ferme 2001). At stake here as well has been an extended discussion of the ways in which violence and war shape the very terms in which ethnography can take place (for example, Nordstrom 1995). In this literature, the exception tends to be treated as a bounded entity or form of emergency power, acknowledged as an increasingly frequent, yet somehow aberrant face of the modern states in which ethnographers work.

While our own work has benefited in multiple ways from these sorts of discussions, our concept of the margin goes well beyond the sense of "exception" as an event that can be confined to particular kinds of spaces or periods in time, or a condition that stands opposed, somehow, to "normal" forms of state power. Rather, we draw on the very different approach to the exception articulated by Walter Benjamin, Carl Schmitt, and, most recently, Giorgio Agamben, whose work has been engaged by anthropologists interested in questions of sovereignty and biopower.

In his rethinking of the problem of sovereignty and the exception, Agamben (1998) has resuscitated the figure of *homo sacer*, an obscure figure of archaic Roman law, as the embodiment of "bare life," in order to rethink sovereignty as exercised, not over territories, but over life and death. Further, this life is "bare" because it can be taken by anyone without any mediation from law and without incurring the guilt of homicide. *Homo sacer*, then, is the person who can be *killed but not sacrificed*. Agamben quotes the words of Pompeius Festus: "The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will

not be condemned for homicide" (71). Bare life, then, turns out to be something constituted in some senses as "before the law." Because homo sacer, this embodiment of bare life, cannot be sacrificed, he is outside the purview of divine law, and because one who kills him cannot be accused of homicide, he is also outside the purview of human law.

We will not go into the questions of historical accuracy here—there are places in which Agamben's text is indeed bare. Examples are offered in a cryptic fashion, but they are not elaborated. For instance, in seventeenth-century texts on sovereignty, it was the father's power over the life and death of the son that represented legal notions of sovereignty (see Filmer 1949), and Agamben rightly draws attention to this idea. But he does not discuss whether the father's exercise of sovereign power is an example of power over bare life, or whether instead the son is to be seen as a legally constituted subject. Similarly, Agamben's discussion of the Habeas Corpus Act of 1679 begs the question whether the person whose "body" is supposed to be produced in court is a legally constituted subject or a bare body stripped of all social and legal marks (Fitzpatrick 2001). All of these are intricate questions. For the moment, what we want to take from Agamben's theory is the implication that law produces certain bodies as "killable" because they are positioned by the law itself as prior to the institution of law.

For Agamben, the figure of homo sacer holds the key to an understanding of sovereignty and modern political and legal codes because of what it reveals of the sovereign's power to resort to a boundless state of exception. Here, Agamben draws on the work of Benjamin ([1978] 1986) and Schmitt ([1922] 1988) to argue that the state of exception provides a theory of sovereignty that is both inside and outside law. Because the sovereign cannot by definition be bound to the law, the political community itself becomes split along the different axes of membership and inclusion that may run along given fault lines of race, gender, and ethnicity or may produce new categories of people included in the political community but denied membership in political terms. The issue is not that membership is simply denied but rather that individuals are reconstituted through special laws as populations on whom new forms of regulation can be exercised. Although the split between inclusion and membership may be clear-cut—as, for instance, in the exclusion of certain races or ethnicities from citizenship—it is

well to remember that states of exception, of which war is the classic example, can redraw boundaries so that those who were secure in their citizenship can be expelled or reconstituted as different kinds of bodies. The paradigmatic example of this for Agamben is the concentration camp, where Jews were first stripped of their citizenship and then confined to the camp and subjected to its atrocities. Other examples of such exceptions from “inside” include the internment of American citizens of Japanese descent during the Second World War, or more recent legislation concerning such categories as “terrorist.”

Thus, although Agamben presents the figure of *homo sacer* at least in some instances as if it inhabited some kind of presocial life, it would appear that killable bodies are, in fact, produced *through* a complex legal process of rendering them as bare life (Fitzpatrick 2001). This may explain why one can detect two different modalities of rule in Agamben’s conception of bare life. In some places, he assigns it to specific spaces (the concentration camp) and figures of modern life (refugees), as instantiations of how bare life is embodied and acted upon in modern forms of statehood; in other instances, he seems to see bare life as a threat held in abeyance and a state into which any citizen could fall. This latter understanding of bare life as the exception invites attention to one sense of margins that we employ here, as sites that do not so much lie outside the state but rather, like rivers, run through its body.

On one point, however, we differ from Agamben, for we feel that states of exception, differences between membership and inclusion, or figures that reside both inside and outside the law, do not make their appearance as ghostly spectral presences from the past but rather as practices embedded in everyday life in the present. In this volume, then, we suggest two ways in which Agamben’s notion of exception frames our ethnographic explorations of the margins. First, our search for the margins often settles on those practices that seem to be about the continual refounding of law through forms of violence and authority that can be construed as both extrajudicial and outside, or prior to, the state. This refounding happens both through the production of killable bodies, as posited by Agamben, and through the sorts of power embodied by figures such as the policeman or local “boss.” Like *homo sacer*, these figures enjoy a certain immunity to law precisely because they are configured as existing outside or prior to the law.

For Kant, Hegel, and other liberal theorists, the origins of law are traced to the foundational and ultimately private (or “natural”) forms of law that preceded the state (see Asad 2003). In our ethnographies, this question of the origins of law emerges, not as the myth of the state, but rather in the form of men whose abilities to represent the state or to enforce its laws are themselves premised on the men’s recognized ability to move with impunity between appeals to the form of law and forms of extrajudicial practice that are clearly construed as lying outside, or prior to, the state. Examples of such figures include the Peruvian *gamonal*, or local strongman, who represents the state through both particular forms of incivility and modes of violence that are marked as illegal (Poole); Colombian paramilitary forces that act both as an extension of the army and as conduits for the flow of arms to drug lords or plantations (Sanford); and brokers who inhabit the economic frontiers described by Roitman. Such figures of local authority represent both highly personalized forms of private power *and* the supposedly impersonal or neutral authority of the state. It is precisely because they also act as representatives of the state that they are able to move across—and thus muddy—the seemingly clear divide separating legal and extralegal forms of punishment and enforcement. In many ways, these local figures who build their charisma and power through idioms of rudeness, incivility, and threat are similar to the “big men” described by Godelier and Strathern (1991). Like the “big men,” they do not so much embody “traditional” authority as a mutation of traditional authority made possible by the intermittent power of the state. Such figures, who appear in different guises in the different ethnographic contexts of the chapters in this volume—as brokers, wheeler-dealers, local big men, paramilitary—represent at once the fading of the state’s jurisdiction and its continual refounding through its (not so mythic) appropriation of private justice and violence. In this sense, they are the public secret through which the persons who embody law, bureaucracy, and violence that together constitute the state move beyond the realm of myth to become joined in the reality of everyday life.

Consideration of these personae helps us understand how the frontier between the legal and extralegal runs right within the offices and institutions that embody the state. Das, for instance, offers an example of a policeman, known for his fierce integrity, who comes up

against a powerful mafia-like operation and nearly loses his life. Despite the fact that he is a functionary of the state, he, too, is convinced that the judicial process is incapable of pinning the crime on the persons responsible, and thus he proceeds to violate the procedural law in order to hand out what he considers to be substantive justice. The same police officer, when involved in the state's counterinsurgency operations against what are defined as militant or terrorist organizations, is killed by his own trusted deputy, because when police penetrate these militant or terrorist organizations to fight them, the lines between the terrorist and the policeman become blurred. As in Jeganathan's description, so in Das, state practices in emergency zones, or states of exception, cannot be understood in terms of law and transgression, but rather in terms of practices that lie simultaneously outside and inside the law. As an embodiment of the state of exception, the policeman challenges, not this or that law, but the very possibility of law itself (Benjamin [1978] 1986; Derrida 1992; Taussig 1997). By engaging this philosophical dilemma at the origin of the state and law as an ethnographic problem, the authors in this book make clear that this problem of the origin of law is not a ghostly specter from the past, as in, for example, Agamben's appropriation of the figure of *homo sacer* from Roman law, but rather the result of the concrete practices in which life and labor are engaged (see Rabinow 2002).

A second area in which our work addresses theories of sovereignty and the exception concerns practices that have to do with the securing and undoing of identities. Here, a particular area of interest concerns the documentation through which the state claims to secure identities, but which in practice often circulates in ways that undermine these same identities and assurances. Among the various kinds of documents issued by governments and supposed to act as guarantees of belongingness, passports are the most elite. The majority of the population, however, encounters the state through documents such as ration cards, identity cards, criminal complaints, court papers, birth and death certificates, and First Information Reports filed in police stations. These documents bear the double sign of the state's distance and its penetration into the life of the everyday. Indeed, several scholars have recently argued that it is through these documentary practices that the state makes the population legible to itself, creating what has been referred

to as a legibility effect (J. Scott 1998). Trouillot (2001:126), for example, suggests that the legibility effect is the “production of both a language and a knowledge for governance and of theoretical and empirical tools that classify and regulate collectivities.” There is indeed a vast literature on the classificatory and cartographic practices of the state that points to the knowledge/power alliance in the new models of governance that arise with the construction of the idea of population (see Appadurai 1996; Dirks 2001; Foucault 1979; Mitchell 1988; Perrot and Woolf 1984; J. Scott 1998; R. Smith 1996).

What interests us here, however, is not how the state makes the population legible to itself but how these documents become embodied in forms of life through which ideas of subjects and citizens come to circulate among those who use these documents. For example, in her chapter in this book, Mariane Ferme notes how state documents shadow and constrict migrants, travelers, and refugees as they move across different sorts of borders and checkpoints. As an example, she tells of a man whose original, and now invalid, Sierra Leonean identity card was based on a false identity and birth date. To claim deterritorialized citizenship as a Sierra Leonean war refugee—and thus to gain certain rights within other, host states—the man must embrace that identity as the only one on which his new status as a refugee can be forged. His identity as a Sierra Leonean citizen, then, exists in an inverse relation to the Sierra Leonean state’s ability to secure that identity.⁸ In other stories told by Sierra Leonean travelers and migrants, Ferme learns how passports issued by the British during the colonial regime became invalid on independence, thus forcing citizens who were traveling to scramble to acquire new documents within impossibly short time frames, from consulates that did not yet exist. Of particular importance here is the temporal experience of the state. Thus, when the state intervenes to revoke identity papers for seemingly arbitrary reasons, Ferme’s informant feels powerless as he is forced to wait months and to postpone scholarships, work, and travel plans in a desperate attempt to acquire new identity papers and conform to the new and seemingly arbitrary demands of the state. In such cases, the law is experienced as a largely arbitrary imposition whose effects are felt as what Ferme describes as conflicting “spatiotemporalities.”

Poole's chapter describes similar temporal disruptions in the ways Peruvian peasants engage the state through the endless and seemingly arbitrary flow of paperwork that constitutes their experiences of "justice." In the areas she describes, legal cases rarely reach conclusion, and "justice" itself is more commonly spoken of, not as something that can be obtained, but rather as the ephemeral link that binds peasants to a state whose promise of justice takes the form of endless procedures and the always inconclusive paperwork that drifts among different instances of the judicial system. The pedagogic aspects of the state are manifested here, not through school textbooks on citizenship, but rather through the practices by which subjects are made to learn the gap between membership and belonging. Poole shows that there is some substance to the idea that the spaces these peasants inhabit are marginal spaces, with an absence of roads, schools, or other signs of the presence of the state. What allows the state never to be held responsible to its own promises, however, is the combination of this physical location and other ideas about the "natural" marginality of indigenous peasants.

The temporal configuration and experience of such encounters with the arbitrary power of the state can also be thought of as the highly mobile spaces that Pradeep Jeganathan aptly describes in his chapter as "maps of anticipation." These are spaces where the pedagogic claims and assurances of law and the nation become unsettled by state practices. For Jeganathan, as for other authors in the volume, the military or police checkpoint emerges as a site from which this troubling of expectations and legibilities rubs up against the normalcy of the everyday. Jeganathan evokes the most ordinary of events in the process of a daily commute in the city of Colombo in Sri Lanka: a commuter is stopped at a checkpoint for his identity card. What could this mean in a country that until recently was in the midst of a civil war? Where terrorists, insurgents, militants, or freedom fighters (the appellation depends upon how one reads the conflict) use techniques of terror/martyrdom such as suicide bombings and where security forces, in turn, use similar techniques of terror counterinsurgency, the question, where are the borders of the state? is fraught with uncertainty and risk, for border-making practices run *within* the political and social territory rather than outside it.

This mobility inherent to the spaces and settings in which border-making practices emerge destabilizes the inherently territorial languages of containment and sovereignty that seem to bind the nation to the state. Writing about checkpoints in contested territories in Colombia, for example, Victoria Sanford describes how different military forces compete for control of concrete territories. In these territories that have become in some ways truly “marginal” to the state, the uncertainties of one’s own position with respect to the guarantees and protection of state law are further complicated by the deliberately illegible identities and locations of the paramilitaries who are simultaneously of and not of the state. In her reflections on Peruvian checkpoints, Deborah Poole describes how the intentions and even the existence of the state become suddenly illegible during the tense moments when identity cards are surrendered to state officials. Although such spaces are often fleeting and unpredictable—as when someone in a position of authority suddenly stops someone to request documents in the street—they can also become in a sense routinized in the permanency and visibility of physical checkpoints. As Jeganathan points out in his chapter, it is through these “maps of anticipation” that residents of a city or war zone come to anticipate and internalize the unpredictability of violence precisely through the predictability of physical sites where the state exerts its own seemingly arbitrary claims to sovereignty over territories that it clearly cannot control.

The margins so evident in the checkpoint can also present themselves in the bureaucratic routines of modern daily life. Lawrence Cohen provides an example of such a space in his chapter on the techno-scientific imaginary of the operation functions in India. He describes the functioning of a trade in organs that, like the space of the exception, effectively blurs the line between the legal and illegal. Because both the sale and donation of organs by non-kin were legally banned in 1994 in India, surgeons and others who operated in the national and international organ market put pressure on the state to define procedures for authorizing permissible forms of organ donation outside legally defined degrees of kinship. The resulting authorization committees were assigned the task of considering exceptional cases in which organs could be donated outside the sanctioned degrees of kinship. Cohen gives a subtle analysis of the ways these committees

operate to create fictions of overwhelming affection between unrelated people in order to allow organ “donations.” The public secret, of course, is that the fictions of relatedness and overwhelming affection between recipient and donor are created to cover the illegal sale of organs. Effectively, the structure of exceptions operates to draw a line between membership and inclusion that identifies those citizens who are “bioavailable” and thus could become fictitious “donors” in an underground economy.⁹ Moreover, it enables certain discursive forms to emerge in which citizenship is claimed through acts of “sacrifice” on the part of the poor—a point we explore in greater detail later in this introduction.

MARGINS ARE NOT INERT

In the preceding section, we tried to show the intimate connection between law and states of exception. We argued that instead of privileging metaphysical forms of reasoning in understanding sovereignty, anthropology focuses on the workings of the everyday. It is in these processes of everyday life that we see how the state is reconfigured at the margins. Margins are not simply peripheral spaces. Sometimes, as in the case of the borders of a nation’s states, they determine what lies inside and what lies outside. Other times, as in the case of checkpoints, they run through the political body of the state. Borders and checkpoints, as we saw, are spaces in which sovereignty, as the right over life and death, is experienced in the mode of potentiality—thus creating affects of panic and a sense of danger even if “nothing happens.” Paradoxically, these spaces of exception are also those in which the creativity of the margins is visible, as alternative forms of economic and political action are instituted. To suggest that margins are spaces of creativity is not to say that forms of politics and economics on the margins, often fashioned out of the need to survive, are not fraught with terrible dangers. It is, however, to draw attention to the fact that though certain populations are pathologized through various kinds of power/knowledge practices, they do not submit to these conditions passively. While the work of subaltern historians has done much to emphasize the agency of subaltern groups in important historical junctures, the canonical status of resistance in these studies obscures the relation between these critical moments and everyday life (Das 1989). Even

when everyday life becomes the focus of analysis, as in the work of James Scott (1985) on everyday forms of peasant resistance, it appears that agency is seen primarily in acts of resistance. Our emphasis, instead, is on the ways in which the conceptual boundaries of the state are extended and remade in securing survival or seeking justice in the everyday. This does not mean that we consider all kinds of margins to be somehow homogeneous, with categories of minorities, refugees, or immigrants essentially similar. Rather, we take the indeterminate character of margins to break open the solidity often attributed to the state.

Take Roitman's description of economic strategies followed by marginalized youths as they deal with various regulatory processes of the state. With the decline of traditional markets in Chad, it is the emergent markets in drugs, small arms, contraband, and mercenaries that provide opportunities for securing livelihoods in regions devastated by ongoing wars, droughts, and other economic disasters. For obvious reasons, these markets flourish on the borders between nations. Refusing to name these economic opportunities as parts of "informal" or "black" economies, Roitman conceptualizes the youths' strategies as border-making practices in which we witness, not so much the collapse of regulation, but the pluralization of regulatory authorities. Such pluralization leads to an institutionalization of rent extraction by the state, even when this process occurs outside its formal legal procedures. The forms of sociality developed on these borders are, of course, extremely dangerous. But they show that margins, as the literal boundaries of the state, are also the spaces on which the conceptual boundaries of the economy are crafted and extended. Much political rhetoric would characterize such forms of economic activity as "corruption" and interpret it as evidence of the weakening of the state. However, from the perspective of the youths Roitman studies, such strategies of securing livelihood by utilizing the indeterminate character of the borders provide a means of claiming economic rights. At stake is the challenge to state monopoly over taxation or commercial licenses and the effort to appropriate some of these practices to secure economic survival. The pluralization of regulation does not create simply a binary opposition between the state and margins, nor can we say that the state is unable to have its writ over the margins, for it, too, manages to extract rent through this pluralization and extension of con-

ceptual boundaries of the economy. What the consideration of margins enables us to see is how economic citizenship, rent extraction, and multiple regulatory regimes are necessary parts of the functioning of the state, much as the exception is necessary for the understanding of law.

In Ferme's chapter we get further evidence of the "arbitrariness at the heart of *commandement*," which she shows to be characteristic of the colonial state. However, this arbitrariness becomes a resource, as Ferme's informant reveals, for it has facilitated alternative citizenship options for Sierra Leoneans. Migrants exploit emergency measures taken to protect them as war refugees, and in some cases they are successful in using opportunities provided by the capricious and arbitrary laws, forging new forms of economic and political citizenship that sometimes go well beyond the territorial boundaries of the states. For others, such as refugees who are refused asylum or who die in transit, the outcomes are terrible—attesting to the dangers of work at the borders (see Malkki 1995). Thus, for Roitman and Ferme, the possibilities and limits of these new border-bending practices provide an important vantage point for understanding translocal processes through which the state is experienced.

Similar evidence of the creativity of the margins at the political level may be seen in the work of Peace Communities set up by displaced populations in Columbia. Sanford describes how populations displaced by the actions of the paramilitary have tried to create zones of safety, off-limits to both guerrillas and armed personnel authorized by the state. With increasing support from human-rights groups at the national and international level, such communities (again functioning at the literal margins of the state) have reconfigured their spaces to reflect their own imperatives. Their forms of political action use the global rhetoric of human rights. However, instead of making claims through courts of law or international tribunals, they give urgency to the need to secure safety at the community rather than the individual level.

Ashforth's chapter offers another example of the specific local ways in which ideas of justice operate. He argues that an increase in witchcraft accusations among black populations in South Africa ravaged by intolerably high AIDS prevalence and mortality rates is expressed in demands that the post-apartheid state show its responsiveness to the suffering by doing something about both AIDS and witchcraft. But as

Ashforth notes, punishing offenders for performing witchcraft would reinstitute colonial and apartheid-regime prejudices against popular practices of black populations and would criminalize these practices. Thus, witchcraft accusations have to be reformulated as something else—kidnapping, abduction, or murder. The point is that pressure to reconfigure state systems toward different notions of justice is generated from the everyday concerns of those inhabiting a different mode of sociality from that imagined in the rational bureaucratic apparatus of the state. It is interesting to recall here that even in the classic Weberian notion of rationality, law includes lay justice within its processes through the role of the jury, for Weber saw the jury as having taken over the role of the oracle. (“Because of the jury, some primitive irrationality of the technique of decision and, therefore, of the law itself, has thus continued to survive in English procedure even up to the present time” [Weber 1978:763].) Since the “primitive irrationality” that so irritated Weber functions at the heart of state law, one could treat the state, for certain purposes, as lying on the margins of the citizen-body.

Several other authors in this volume argue that a different picture of justice or common good animates activities that take place on the margins of the state. This is not simply a matter of “folk” notions of law and justice versus state-sanctioned ideas of justice. Rather, what is at stake in these sites is formed through the experiences of local worlds—although we must be clear that local worlds and the state do not stand as binary opposites. Even though they are locked in unequal relations, they are enmeshed in one another. Thus, on the one hand, law is seen as a sign of a distant but overwhelming power. On the other hand, it is also seen as close at hand—something to which local desires can be addressed. Thus, Poole shows how peasants in Peru invest their desire for justice in the state, even as the illegibility of the state and its procedures frustrates these desires, in that documents necessary to secure justice tend to drift endlessly between different jurisdictions. We are not saying that populations at the margins are always successful in making the state responsive to their notions of justice or the common good, and we do not wish to romanticize the creativity of the margins. In fact, as Nelson’s chapter demonstrates, the same state identified as the perpetrator of terror and scorched-earth policies in Guatemala came to be invested with the desire for justice. What might have been fixed posi-

tions, such as victims and perpetrators, came to be highly mobile. The point is not whether the desires, fears, and hopes nourished in the margins and then projected onto the state are somehow more ethical, just, or pure. Rather, the complexity of lived experience inflects notions of justice and law with different kinds of imaginaries from those available in the official sites and representations of justice and law.¹⁰

The chapters by Das and Nelson provide additional examples of how state law is colonized by other forms of legal/juridical ideas. Das cites the poignant case of widows from the Siglikar community in Delhi whose husbands were killed in the 1984 riots. They tried to claim compensation money awarded to them by the government. The Siglikars lived on the periphery of the city. But more importantly, their notions of community and justice were grounded in different notions of sociality. The government treated the widows as the proper recipients of the compensation, but the dominant opinion in the community was that the fathers of the dead men should have received the money. The conflict was finally resolved by the caste Panchayat of the Siglikars, and the money was divided equally between the disputants. What is interesting is that the agreement was seen as a compromise and was executed on stamped court paper, as if that would make the agreement valid in the eyes of the law. Thus, legitimacy was sought through state law; this compromise was neither attributed to customary law nor treated as a private agreement between the concerned parties. The mimicry of the state to give legitimacy to an agreement that was coercive in many respects might be read as instituting the state as a fetish, but it also attests to community allegiance to the idea of state-instituted law and thus manages to claim citizenship for these communities. Such margins where a different picture of the common good is put into play are not just spaces the state has yet to penetrate: rather, they may be seen as sites on which the state is continually formed in the recesses of everyday life.¹¹

In Nelson's chapter, we see how the illusory, trickster-like quality of the state allows it to escape its promissory notes in making justice out of reach for peasant subjects. In her account of postwar Guatemala, Nelson describes how the counterinsurgency state deployed images of the duplicitous or "two-faced" Indian to defend military incursions into indigenous areas, resettlement of indigenous communities into

hamlets, and declaration of emergency powers in large sectors of the country. However, Nelson turns this picture of the Indian back to the picture of the state and asks the question, why is it that the state is *also* understood to be two-faced, bamboozling, desirable, deceptive, and dangerous? Thus turning the stereotypical image of the masked mimicry of the state by cunning two-faced natives on its head, Nelson's ethnography of the state puts it on a highly mobile trajectory in which the state is both feared and desired.

Nelson's account would make us highly skeptical of the idea that the state is legible while the populations are illegible. Yet much anthropological theory has concentrated on the ways the state deploys technologies of knowledge and power to make populations legible (Appadurai 1996; Cohn 1987; Trouillot 2001). However, as we say in earlier sections, the very documents through which identity is sought to be fixed themselves acquire a different kind of life as both functionaries of the state and ordinary citizens manipulate them toward different ends. As Poole so effectively demonstrates in her chapter, the possibilities of forgeries and counterfeit documents lead to a suspension of citizens between the poles of threat and guarantee. In turn, one of the modalities in which the state is present in the margins is captured in regions of language that come into existence when access to context becomes fragile. Thus, there is a flourishing of rumor: the state holds that illiterate and poorly educated populations are easily misled. As Nelson argues, the state is seen as two-faced, unknowable, and in many ways the space at which the uncanny is experienced. Yet the state attributes passion (and we might add credulity) to its subjects, thereby constructing itself as "rational," as argued by both Das and Cohen in this volume. In Ashforth's chapter, we find that measures to control HIV transmission are interpreted among black subjects of the South African state as measures to block reproduction of black populations. This interpretation seems to be the legacy of the apartheid regime and its politics of death. Thus, rumors and the aura of suspicion about the state's "real" intentions in instituting policies that involve the body, sexuality, and reproduction need to be understood in the specific local histories of this society. The fact that witchcraft accusations share many characteristics with rumor—its lack of signature (Bhabha 1994a; Das 1998; Geschiere 1997), its perlocutionary force—weaves them into the uncertainty of relations within which the devastating effects of the

AIDS epidemic are experienced. The question is not that rumor is a specifically “subaltern” form of communication, as suggested by Guha (1983), but rather that the state’s own mode of representation of its subjects as given to passion rather than reason is turned back on the state, as it were. (See also Nelson’s chapter on this point.) The lethal experience of AIDS and its entanglement with accusations of witchcraft, rumor, and panic takes us back to the question of the state as the site on which biopolitics and thanatopolitics are instituted together. We contend that this relation, which is at the heart of the modern state, is much more visible on the margins than at the center. We now turn to these considerations.

BIOPOLITICS AND THE MARGINS

Earlier, we argued that sovereignty is best defined in terms of power over life and death. It is important to underscore that the figure of life is not a piece of animal nature without any relation to law, but is produced by law. As both Agamben (1998, 2000) and Foucault (1976, 2003) have argued in different ways, the state is constituted in modernity through the inclusion of man’s natural life into the mechanisms and calculations of power. Despite this agreement about biopolitics, however, there are profound differences in the way these two authors conceive of the relation between biopolitics and thanatopolitics. The negative referent of the new biopolitical sovereignty for Agamben is the figure of homo sacer—life that may be killed but not sacrificed—and the paradigmatic example of that in modernity is the concentration camp. For Foucault, the negative referent of biopolitics seems to be the point at which a cut is made between those whose lives are managed and enhanced and those whose lives are judged as not worth living and who are thus “let die.” Both authors seem equally concerned with a seeming contradiction in the conception of the biopolitical state—namely, how can a state committed to managing life produce a category of people who are deemed killable. For Agamben, what joins biopolitics with the politics of death is the endless resort that the state has to the state of exception, while for Foucault, the concern is much more with power in the routines of the ordinary and thus the production of the “normal.” This is not the place to engage these differences in depth—rather, we use them to direct attention to the way in which the ethnographic method allows us to open up these questions.

As is well known, Foucault's work on biopower replaces the privilege of law and prohibition—with an emphasis on tactical efficacy within a multiple and mobile field of forces. He shows that the effects are far-reaching but never stable. His meticulous description of the impact of statistics and the invention of population as an object of knowledge and regulation on changing notions of sovereignty has led to important ways of reconceptualizing the state, especially in shifting the emphasis from territorial jurisdictions to the management of life (see also Perrot and Woolf 1984). Thus, in recent literature we see a proliferation of adjectives used to characterize the state—the *hygienic* state, the *immunizing* state, the *therapeutic* state—each pointing to a different modality for managing life. Simultaneously, the prefix *bio* has become detached from power to signal other kinds of sociality, such as the *biosocial*, as well as other kinds of capabilities, such as *biocapital*, and to refer to new ways of engaging power—for example, patient groups organizing to influence allocation of resources and direction of research for mitigating certain biological conditions. This heterogeneity of ways in which the state is engaged in administering life (and the concomitant letting die), as well as claims that can be made on the state in the regions of life and death by claiming new categories of citizenship, provides a rich terrain in which anthropology can engage the emergent forms of biopolitics (Petryna 2002).

Of course, the *locus classicus* for examining the power of the state with reference to control over populations is found in the literature on epidemics and state formation. As Peter Baldwin (2001) has recently argued, the particular strategies of control developed by the state in Europe in the late nineteenth and early twentieth centuries were closely tied to the issue of management of contagion. Further, concern with regulating the health of populations immediately takes us to connections between metropolitan centers and colonies, for control of epidemics was a necessary condition of overcoming barriers to European exploitation of colonies. Thus, a preoccupation with the health conditions of colonies and techniques of managing disease became part of state repertoires of action. As examples, we might think of the vast legislative changes effected through such acts as the Compulsory Vaccinations Acts, Vagrant Leper Acts, Lunacy Acts, Cantonment Acts, and various forms of Contagious Diseases Acts enacted in this period by

European states, both in metropolitan centers and in colonies. What is important from the perspective of the colonies is that both public debates on these issues and the scientific rationales given for them constructed the inhabitants of the colonies as credulous, unhygienic, irrational, and in need of discipline. It was Foucault's great achievement to show not only that biopower was about pathologization of populations but also that what was applicable to margins could become generalized and normalized for whole populations. Nevertheless, the continuous production of pathology is an important technique of power—for in this realm, as in those explored earlier, it invites us to look at the intimate connections between sovereign power and disciplinary power.

The management of populations in spaces that Cohen in his chapter calls "just-so modernity" shows that we cannot assume an inexorable logic in the management of life that unfolds in the same manner across all societies. Postcolonial societies such as India and South Africa have specific histories in which the grammar of relationships shapes the way biopolitics is instituted. Thus, the story of modernity becomes complicated in this as in all other spheres (Geschire 1997; Gilroy 1993; Mitchell 2000). Populations, as we argued in the preceding section, may exist only as entities to be administered in the state imaginary, but the inhabitants of these margins are not inert objects: forms of governance, social relationships around different zones of experience, and the cultural genres within which language acquires life generate ways of engaging the biopolitical state that cannot be arrived at through metaphysical speculation. The chapters by Cohen, Ashforth, Das, and Sanford show that although the biopolitical state works with notions of mass bodies in one form or another, techniques of management across these contexts are quite different. Even more important, the ways "managed" populations work with strategies of control to claim citizenship are deeply informed by specific experiences of the state. Thus, while categories of "refugee" and "displaced persons" exist as special legal categories in international instruments that both control them and give them rights, the negotiations effected by Peace Communities to keep both state and guerilla warriors outside their territories surely bear the stamp of their particular experience of violence. Similarly, the management of the AIDS epidemic in South Africa must necessarily address witchcraft accusations as a problem for the state. In the case of

India, the politics of mass bodies was instituted through family-planning programs that included camps for mass sterilization but were also part of a repertoire of charitable and state institutions for other conditions, such as mass health camps or eye camps for cataract operations. Thus, how management of life became an object of politics indeed defines the biopolitical state, but the specific histories are different enough to warrant the observation that this is not a loaded matrix. Perhaps we can illustrate this point with Cohen's specific examples about ways of claiming citizenship through the trope of the operation in India.

Cohen argues in his chapter that three concepts—operability, bioavailability, and supplementability—explain the particular form in which the biopolitical state is encountered in India. Diverse populations at the margins, such as the *hijras* (intersexed, transgendered subjects commonly known as the third sex); bodies treated as a mass in family-planning operations done in medical camps; and sellers of kidneys in the organ trade—all are defined by particular intersections between these three concepts. As Cohen says, the operations become not only a technique and a site instantiating the state but also a form—marking the possibilities and limits of belonging for persons hailed as a mass body—endowed with passions but not reason in the state imaginary. Thus, the pedagogy of converting the inhabitants of mass bodies into ascetic modernizers in possession of reason is specific to the cultural grammar of India within which developmental paradigms have taken shape. The most interesting part of this argument is that through a logic of exception, the generic body of the masses is converted into specific kinds of bodies from whom organs can be retrieved through sale, despite the ban on the sale of organs. The logic of exception helps create the fiction of “overwhelming affection” between buyer and seller, as we stated earlier, despite the public secret that this fiction is created to provide cover to the sale of organs through the mythic form of the gift. The operation itself is seen by marginalized populations as a way of claiming citizenship through the tropes of gift and sacrifice. It is not that the incidence of kidney sales is very high in India, for these sellers are concentrated in specific locales and regions. The possibility of transplantation, however, has enabled discursive forms and networks of talks to emerge at every level, from the domestic to the national.

Brothers talk of selling kidneys to raise dowries for their sisters; wives, to redeem the family from debts. The most marginal of citizens claim that they would donate kidneys to save the lives of ailing national or regional leaders.

The concept of bioavailability, introduced by Cohen, deviates quite sharply from the notion of killable bodies through the scepter of homo sacer—for these are the poor who are not so much killed as allowed to die. Indeed, the rhetorical form used by those who advocate sales is to make these bodies available for medical intervention, but they cast this idea in terms of individual autonomy and care for the poor. This example provides a stunning demonstration of how to move away from metaphysical conceptions of how the exception “operates”—to the task of making the biopolitical state an object of ethnographic investigation. If Foucault’s concept of the dangerous individual showed us how law was colonized by disciplines in French forensic psychiatry (Foucault 2003), the concepts offered by Cohen show how gift and sacrifice have not been displaced by commodity forms but rather allow the commodity form to function in tandem with other ways of claiming citizenship.

CONCLUDING THOUGHTS

We can do no better in these concluding thoughts than to refer the reader to chapter 11, in which Talal Asad provides a succinct and provocative commentary on the theoretical issues relating to the state and the margins. Two points of importance may be stressed here. First, Asad argues that the notion of the state in contemporary thought invests it with a life of its own, distinct from both governors and the governed. Because of this abstraction, the state can claim allegiance from both sides. When the relation between the state and the population that is governed is imagined as one in which the state embodies sovereignty independently of the population, it becomes authorized to maintain certain spaces and populations as margins through its administrative practices. Conversely, an imagination of the state as that to which power is delegated, rather than alienated from the subjects, would allow the state itself to be imagined as the margins of the citizen-body. The point is not to show that the state has a fetishist character but rather to show that the imagination of sovereignty can shift the relative position of the center and the periphery: margins move, then,

both within and outside the state. Of course, this movement is what makes the margins so central to the understanding of the state. The indeterminacy of the margins not only allows forms of resistance but more importantly enables strategies of engaging the state as some kind of margin to the body of citizens.

Second, Asad introduces the important idea that the formal equality and substitutability of citizens in liberal theory, in fact, rest on uncertainties inherent in the process of abstracting from one given category to another. He gives a beautiful description of how suspicion comes to occupy the space between law and its application, a process that all the chapters engage in, one way or another. This discussion invites us to think of the categories of potentiality, anticipation, and shadows—categories that capture the experience of margins actualized in the spaces of exception. Our imagination of the margins shows them not as inert spaces and populations that simply have to be managed but rather as bristling with life that is certainly managed and controlled but that also flows outside this control. Thus, while we have much to learn from the brilliant contributions of Agamben and Foucault on how natural life comes to be treated as an object of politics, anthropological forms of knowledge do not simply take these categories and apply them to different situations. Rather, in the particular genealogies and histories of the modes of sociality they study, anthropologists show how different desires, hopes, and fears shape the experience of the biopolitical state. The authors in this volume are fully aware of the precariousness of lives on the margins, but they are equally concerned with showing how forms of economic and political action, and ideas of gift and sacrifice that have been relegated to the margins, may, in some moments, also reconfigure the state as a margin to the citizen-body. In one of his political reflections, Agamben says that only by breaking the nexus, at any point between the “vicious entangling of language, people, and state,” will thought and praxis be equal to the enormous task “at hand” (Agamben 2000:67–69). The task “at hand,” we hope, is that the work done on the margins will be recognized for what it is. It may not be able to break such a nexus once and for all, but it does show that the defeats and victories of everyday life have the ability to return us from the metaphysical to the ordinary. This, at any rate, is how we see the ethnographic objective reconstituted.

Notes

1. The literature on the failed-state thesis is extensive. For critical reviews on this thesis, see, for instance, Bose and Jalal (1997), Dunn (1995), Kohli (1990), Mbembe (2000, 2001), and Pantham (2003). Commenting on the state of theory in relation to the failed-state thesis in Africa, Célestine Monga has this to say: "In recent years the continent has become the El Dorado of wild thought, the best place for daring intellectual safaris, the unregulated space on which to engage in theoretical incest, to violate the fundamentals of logic, to transgress disciplinary prohibitions; in short, to give oneself over to intellectual debauchery" (Monga 1996:39).

2. Recent commentators have noted that anthropology has traditionally neglected the study of the state, but they have failed to notice how the problems of political anthropology were defined within the framework of the state (see, for instance, Fuller and Harris 2000).

3. This imminent or spectral quality of the state was perhaps most clearly articulated by Clastres (1974). Its genealogy, however, can be traced through evolutionist and developmental approaches in anthropology, where such early foundational theorists as Morgan (1877), Maine ([1866] 2002), and Engels ([1884] 1972) held out the emergence of the state as a decisive moment in the progression of cultures toward a condition of civilization marked by writing, private property, and the emergence of the state. Later theorists of "political evolution" expanded on this understanding of historical progression to posit the state as an endpoint in the development of "complex societies" defined as such based on considerations of social stratification, production, and the division of labor (see, for example, Banton 1966; Fried 1967). In these approaches, as in earlier evolutionist models, the state was seen simultaneously as immanent in the logic of social evolution and as a limit condition for the constitution of the anthropological subject. At the same time, emphasis on economic models of social evolution (for example, Wolf 1982) meant that the state per se was not often taken as a subject for anthropological theory. More recent theoretical work has again relied on constructs of the primitive drawn from Clastres (Deleuze and Guattari [1972] 1983:145–85) and Bataille (Taussig 1997) to explore the mobility and immanent character of the state as a "basic formation [that is] on the horizon throughout history." In these theories, the spectral state is envisioned, not as the endpoint of an evolutionary process, as in earlier anthropologies, but rather as a transhistorical "primordial Urstaat, the eternal model of everything the State wants to be and desires" (Deleuze and Guattari 1987:217).

4. On the regional or cultural specificity of modern state practices and effects, see, among others, Abélé (1990); Chatterjee (1997); Coronil (1997); Das (1995); Heyman (1999); Humphrey (2003); Lomnitz (2000); Maurer (1997); Messick (1993); Mitchell (1988); Ong (1999b); Pantham (2003); Sanders and West (2002); G. Smith (1999:195–227); and Hansen and Stepputat (2001). On anthropological approaches to the state as a “translocal” or decentered institutional landscape, see Gupta (1995); Ong (1999a); and Trouillot (2001). For a comparative perspective on state terror, see Sluka (2000).

5. On disorder and marginality in anthropology, see especially Tsing (1993). The idea of a disorderly margin is not peculiar to Western theories of the state. For instance, in *Muqadammah*, a fourteenth-century Arabic text, Ibn Khaldūn argued that Bedouins practiced a form of weakened Islam as compared to urban Muslims because their nomadic character made them distant from regulatory authorities (Rosenthal 1969). There was a marked suspicion of nomads in the administrative practices of colonial rulers, and it continues in postcolonial polities (for a review of these practices, see Rao and Casimir 2002).

6. Though the state was conceptualized as having a monopoly over legitimate violence, it stood in a problematic relation to other kinds of violence, especially sacrificial violence. For example, Dumézil (1956) showed the close connection between the logic of sacrifice and that of punishment in his examination of Indo-European mythology. In anthropology, Taussig has discussed the fetishistic character of the state in relation to its quality of harnessing the power of the dead in the “exchange between the absurd and the official” (Taussig 1997:119). This monopoly over violence contributes to the notion of the transcendent character of the state in the political/theoretical discourse of liberalism.

7. “Modern social development, aside from the already mentioned political and internal professional motives, has given rise to certain other factors by which formal legal rationalism is being weakened. Irrational kadi justice is exercised today in criminal cases clearly and extensively in the ‘popular’ justice of the jury. It appeals to the sentiment of the layman, who feels annoyed whenever he meets with formalism in concrete cases, and it satisfies the emotional demands of these under-privileged classes which clamor for substantive justice” (Weber 1978:892).

8. For a discussion of how the process of acquiring a new name legally is tinged with the faint taint of criminality, even in the most ordinary of circumstances, see Cavell (1994:27–28). Here is a passage about his experience with a name change at age sixteen: “Probably I did not sufficiently appreciate the irony in thinking what debts the law imagined a sixteen-year-old might have reason to

flee from, but I began to know or know that I knew, that the deed of declaring a name, or making a name, or any questioning of your identity, was being linked with criminality, forged together with it. Quite as if the reasons for being singled out with a name were not just to be traceable in case of wrongdoing, but before that as its ground, to serve notice that identifiable actions, deeds, the work of human beings, are the source of identity, and consequently constitute identity by accusation” (26). Cavell’s reflections on the relation between margins, names, and accusations anticipate the experience of checkpoints, which we discuss in more detail below, and show clearly that this experience is not a matter of physical margins alone.

9. It is important to appreciate that the sale could only be possible within a larger context in which there were rich people who operated in an economy with large undisclosed incomes.

10. For a subtle argument on the role of alternative rationalities practiced on the margins in interpreting state terror, see Humphrey’s (2003) account of the Buddhist myths of reincarnation used by Buddhists in Mongolia to explain Stalin’s regime of terror. In this formulation, the theory of karma is deployed metaphorically to acknowledge the inevitable complicity of the subjects of totalitarian states in regimes of terror—a subtle point that is somewhat similar to Nelson’s argument in her chapter. Earlier, Tsing (1993) analyzed the importance of margins as a way of relating disciplinary creativity with forms of life lived at the margins in the context of the state in Indonesia. However, Tsing’s idea of margins is strongly influenced by spatial models—thus, she defines the margin as a place where state authority is most unreliable and the gap between the state’s goals and their local realization is the largest. She contrasts this situation with the project of rule at the center, where state authority is strongest. This way of looking at state and margins, of course, assumes that state goals and authority are transparent in the center, or that the state itself is not invested in maintaining the margins as “unruly spaces”—a point of view critiqued by all the authors in this volume.

11. It may be relevant to point out that while understanding of *process* was always considered central to the anthropology of law, the emphasis was always on arriving at the *rules* thought to be implicit in dispute settlement (see Gluckman 1965; Nader 1969; among many others). A sharp distinction between Western and non-Western forms of law obscured the way in which legal concepts traveled between the different sites on which law was evoked in the same society.