

Infinite Justice: An Architectural Coda

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Infinite Justice: An Architectural Coda

ARINDAM DUTTA

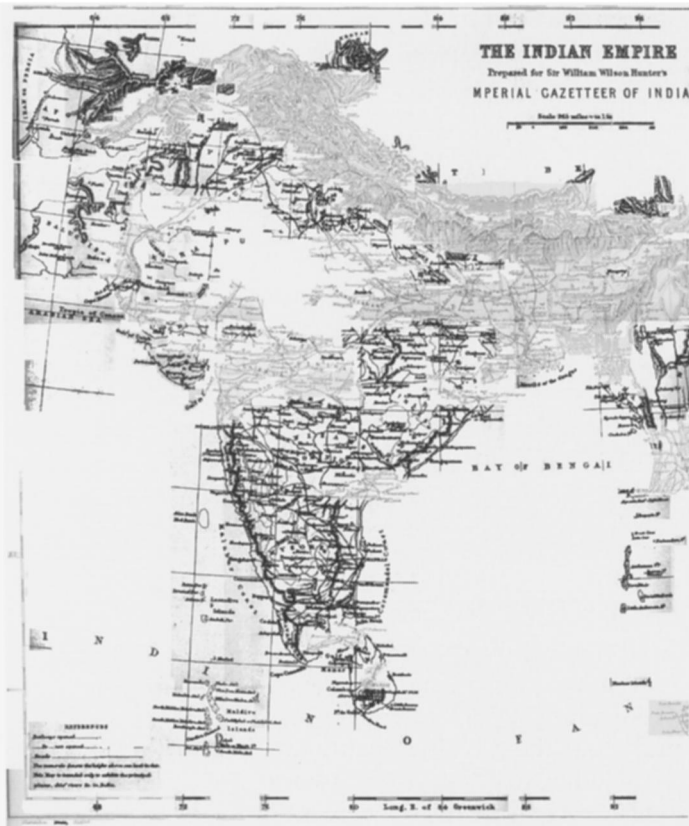
We begin with Lyotard's opening paragraph on the "differend":

As distinguished from a litigation, a differend [*différend*] would be a case of conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgement applicable to both arguments. One side's legitimacy does not imply the other's lack of legitimacy. However, by applying a single rule of judgement to both in order to settle their differend as though it were merely a litigation would wrong (at least) one of them (and both of them if neither side admits this rule). Damages result from an injury which is inflicted upon the rules of a genre of discourse but which is reparable according to those rules. A wrong results from the fact that the rules of the genre of discourse by which one judges are not those of the judged genre or genres of discourse.¹

There are the standard questions that need repeating: Whose justice? Whose history? Whose memory? Whose architecture? Whose modernity? Lyotard's dazzling passage introduces the concept of the differend as the residual or excess element in the scene of the encounter, any encounter, between heterogeneous modes of discourse. To be attentive to the differend is to bear witness to the irreducible alterity of the other, at the very point where either party seems to resist the very terms of the encounter. Lyotard opens the framing of the differend with a European example—the problem at hand is juridical, posed as a problem of evidence. Those who witnessed the gas chambers in action, those who could testify to their existence and use, died in them. In their absence, how are others to persuade the tribunals that the gas chambers did indeed exist, or more important, to whom do they owe justice when the victims themselves no longer live to phrase their testimony? Since the rest of the world did not die in the gas chambers, what world would be a beneficiary of this justice? The questions asked earlier can be reframed, not only as whose justice, but also as justice for whom? In its ultimate unwillingness to address these questions within its own territories, Europe exports the "Jewish" differend to Asia.

Let us reframe the differend through an Asian example.

The place: Hopetown, part of the penal colony founded by the British in



"Map of India showing the Principal Buddhist Localities," in James Fergusson: *History of Indian and Eastern Architecture*. (1876; Delhi: Munshiram Manoharlal Publishers, 1998).

the Andaman and Nicobar islands, in the middle of the Bay of Bengal.

The time: the evening of February 8, 1872. A visiting dignitary, an Irishman named Richard Southwell Bourke steps off the boat along with his official retinue. They are here to inspect the programs set underway to “reform” the convicts. As they head back to the ship after having toured the island, a man creeps up behind Bourke, stabs him in the back, and kills him. The murderer’s name, as far as we are able to determine, is Sher Ali. He is a Pashtun native of Jamrud, near Peshawar, at the foot of the Khyber Pass. After 1901, having miserably failed to conquer the entirety of the Pashtun homelands, the British will call this area the North-West Frontier Province (NWFP), a name that remains to the present day. Its strategic geopolitical importance as the frontier toward the vast Tsarist empire to the north takes precedence over local place names. To its immediate west is Afghanistan, much of whose population is composed of the same ethnic background as Sher Ali’s. Over the period between 1838 and 1919, Britain and Russia will fight three major wars and many small battles in this region, using several local warlords as proxies and dupes.

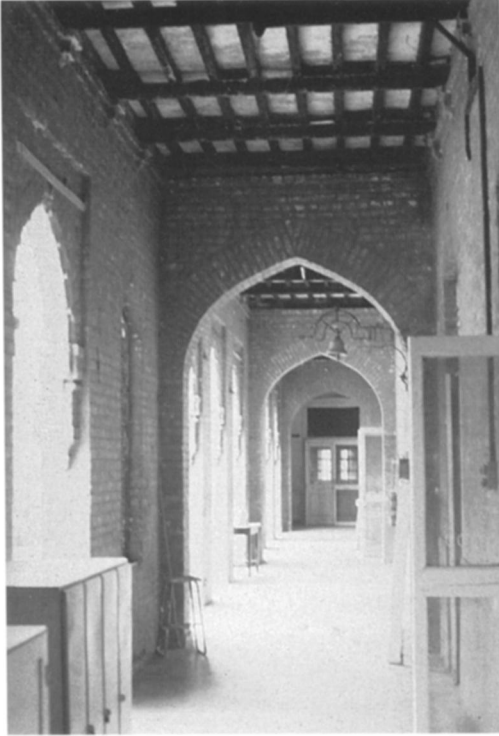
Sher Ali, a subaltern in the Peshawar police, had been arrested for avenging the murder of a kinsman by killing the assailant, a practice justified in tribal custom under certain conditions. British jurisprudence, which forbade the individual from taking the law into his own hands, deemed Ali’s act a criminal infraction. The trial was carried out on what was at best questionable jurisdiction—had Ali incidentally carried out the murder outside of the porous borders of British-held territory, he would not have come under the purview of British law. Taking these circumstances into consideration, the magistrate handed out what he considered a lenient sentence—transportation to the Andamans. It is precisely because of the importance given to custom in British jurisprudence and political thought that the incarcerated subject has to be distanced from its “traditional” surroundings. Edmund Burke’s traditionalism is as much the progenitor of the penal colony as the utilitarianism of Bentham. Considering this symbolic ignominy rather than legitimate punishment, Sher Ali asked to be put to death, rather than be incarcerated in a foreign land. This voluntary offer was, of course, ignored. At the Andamans, Ali now set about planning his own death, but this time he would factor in British imperial justice in an entirely new equation.

When Sher Ali killed Bourke in 1872, he had waited four years for the opportunity, four years of planning and waiting not only for a significant victim to arrive but for his own death as well. And the murdered victim was the ideal one, indeed it was an assassination and not just a murder, since Bourke was none other than the Earl of Mayo, Benjamin Disraeli’s appointee as the Viceroy of India, the *Laa Saahab*² of Britain’s eastern empire. The

incident triggered shock waves across the world, including a corresponding burst of nationalism in Britain itself. Many commented on how mourning had “united” the country from its usual fractious internal rivalries. Newspapers opined and discussed, editorialized and investigated the possible geopolitical implications of the event. The British-run *Friend of India* suggested that the government “[s]end the scoundrel to perdition in a pig skin to break his caste.”³ When asked to divulge his accomplices, Sher Ali refuted any larger plot, “*Merá sharík koí ádmí nahín; merá sharík khudá hai*” (No mortal is my companion, my companion is God himself).⁴ His statement notwithstanding, almost everybody was intent on wrenching global meaning out of this isolated act. Liberals, nervous not to sound antipatriotic, made ineffective noises attributing the act to disaffection over Britain’s economic and taxation policies. Some pointed out Mayo’s oppressive treatment of Wahhabism, an insurgent and millenarian movement that had recently emerged in India. *The Times* in London darkly hinted at the existence of a secret “fraternity of hatred,” of a secret Wahhabi plot to undermine the British empire. Originally founded in the eighteenth century in the Nadj area where the Saud tribe had established a kingdom on its literalist emphasis on the reading of Islamic scriptures, the Wahhabi movement in India had no direct connections to the Arab context. Its beginnings stemmed from conversions to the cause in the eastern city of Patna. Its early campaigns had been directed against the Sikh kingdom, under which Muslims were badly off. Since the British were fighting the Sikhs at this time, they found it convenient to encourage them in the early stage.

However, with the annexure of the Punjab in 1848, the Wahhabis increasingly became a thorn in the side of the colonial administration as well. After a spate of police crack-downs on the insurgent sect, tensions came to a head when J.P. Norman, the officiating Chief Justice of the Calcutta High Court, was assassinated on September 20, 1871 by a man affecting Wahhabi sympathies, barely three months before Mayo’s own assassination. The specter of international insurgency with sectarian adherents as far distant as Mecca and Calcutta unnerved many who saw all manner of conspiracies being hatched to destabilize the British empire. It hardly helped that the Duke of Edinburgh, Victoria’s second son, had been shot at by an Irish Fenian on the way from India to Australia in 1868.⁵ After Mayo’s murder, officials searched for letters that Sher Ali might have received from the “Patna malcontents,” hoping to establish links with the larger Wahhabi movement. No such “proof” was forthcoming.

The British administration commemorated Mayo’s short-lived career in India with a spate of institution building that would bring home the message of the intended persistence and tenacity of the Empire. Consequently,



Left: Mayo School of Arts, now Pakistan's National College of Arts, Lahore. Photo: Arindam Dutta.

Opposite, left: Lahore Museum, exterior. Although the museum was moved into this building after John Lockwood Kipling's departure from Lahore, it is a testimony to his legacy. Photo: Arindam Dutta.

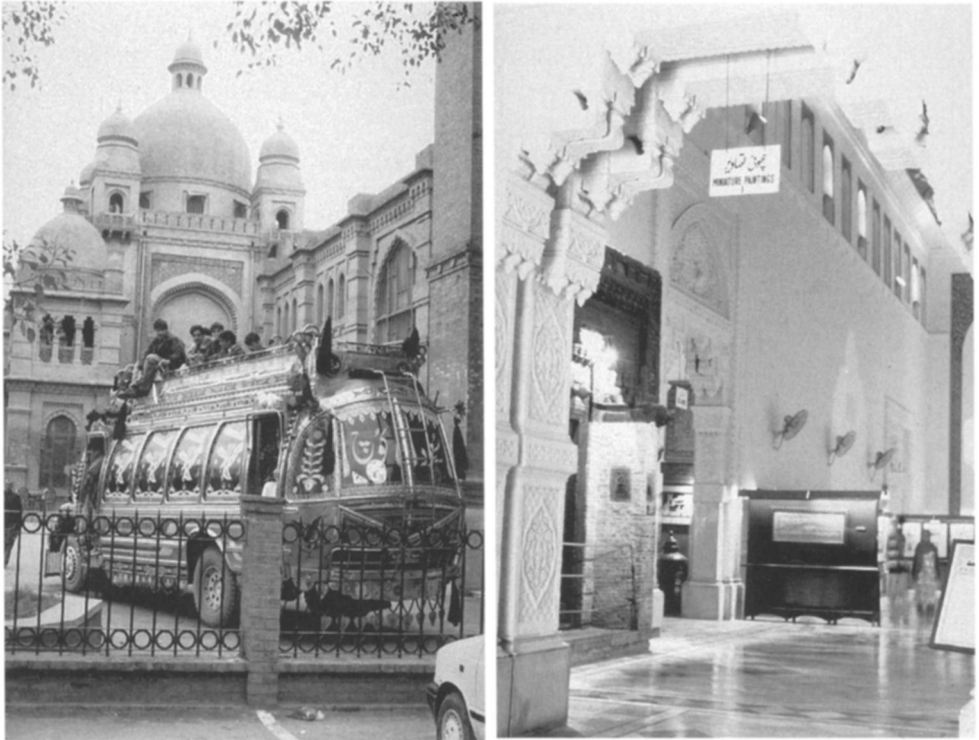
Opposite, right: Lahore Museum, interior. Photo: Arindam Dutta.

even as the administration was unwilling to publicly state that Mayo was assassinated for political reasons, every official action they took thereafter reflected precisely those apprehensions. This memorializing impetus realized its apogee in Lahore, capital of the erstwhile Sikh kingdom, the latter a traditional enemy of the Afghan rulers, with the construction of the Lahore museum and the Mayo School of Art. Both the program and the form of these coupled institutions reflected the transformed attitude of the administration toward accommodating "native agency" in the policies of governance, especially after the 1857 Mutiny.

The spate of localized insurgencies that continued throughout the nineteenth century was to keep the question of tradition alive in debates over colonial policy.

In any case, the creation of the Punjab as a "nonregulatory" province in 1849 had already signaled the turn toward the institutionalization of native customary agency.⁶ This turn derived as much from economic considerations as political ones. A minimalist administration that left the terrain of domestic and personal law for native adjudication also absolved itself of the infrastructural costs of a full-fledged state apparatus at the periphery. From the mid-nineteenth century onward, colonialism seeks not so much to transform native subjecthood as to manage it. Punjab's administrative status thus contrasted sharply with the early "Regulatory" provinces (such as Bengal) where personal and domestic laws were brought directly under the purview of colonial jurisprudence. Recurrent insurgency from below owing to colonial interference in domestic and personal laws thus only appeared to justify a general tendency toward minimalism in colonial governance from above. This dual rationale was instrumental in shaping a decentralized and two-tiered policy where customary jurisprudence devolved to native authorities and the colonial administration retained control over political, criminal, and economic policy. Both feminist and other scholars of colonialism have noted that this two-tiered structure effectively exacerbated the patriarchal and despotic dimensions of this seemingly decentralized equation. In this system of "indirect" rule, traditional informal transactions acquired formal sanction from above, thus creating the conditions for increased native despotism at the ground level within the rubrics of "household," "caste," and "tribe." *Imperialism resolves the problem of the differend by situating it within relativism.*

The architecture of colonialism reflected the above concerns of governance at almost every level. The Mayo School and Museum were designed



on the lines of what was now shaping up to be the official architectural style of the British administration in India, the so-called Indo-Saracenic style. This representational motif was consistent with the general thrust of colonial policy in economic, political, and cultural fields. India would have her antiquity resurrected and restored to her through the recuperative stability of the Empire. To that effect, the manifestoes underlining the school and museum envisaged them as headquarters to document, incorporate and reinvigorate the traditional artisanal trades of the region in order to instill industriousness within native life. The sphere of “employment,” realized through the alibi of traditional artisanry, could now be activated as a ruse to cover over the general economic deprecation in the colonial landscape. In the imperial periphery, the monument is not so much a mute testimonial as a machine for subject formation.⁷

Let us cut to a scene within the Lahore Museum, which the British have renamed Jadoo-Ghar or Wonder House, appropriating native “irrationalist” colloquial language as official terminology.⁸ The time: indeterminate. We cannot be quite sure. The North-West is restive again. Beyond Afghanistan looms the vision of an all-pervasive Russian empire that threatens to infiltrate the core of Britain’s territories in Asia. Soon there will be a war. At this time, a Tibetan lama arrives at the gates of the Museum. A boy playing outside takes him in to meet the elderly curator, a white-bearded, gentle, learned Briton empathetically expert in the ways of the East. A peculiar encounter then unfolds—peculiar because it signals a shift in sign systems. The lama has come to the Museum because he has heard of the renowned Buddhist statuary kept there. At the sight of an image of Sakya Muni Buddha, the lama breaks down. The secularized ruins and fragmented museum display of a lost Buddhist civilization in South Asia suddenly becomes activated into a palpable and living idiom. Sculpture once again becomes idol. Curatorial

canon becomes religious pantheon. Seeming to acknowledge the East's greater profundity in these matters, the European curator defers his sense of rationalist historiography to the lama's transcendentalist understanding. Both the curator and the lama, through their respective powers of knowledge and faith, appear to share a stupendous secret that both must realize in their separate ways. "We be craftsmen together, thou and I," the lama tells the curator, in their respective quest for a redemptive destiny. The history of the past encapsulated in these lifeless images augurs a future British India where knowledge and religion will impeccably coincide in a time of peace to come. As proxy agent for the curator's epistemological project, Kim, the little brown-skinned boy loitering outside the museum will accompany the lama on his sacred search in order to realize this convergent prophecy.

The scene is, of course, from Rudyard Kipling's *Kim*.⁹ It is well known that Kipling based the character of the curator on his father, John Lockwood Kipling, professor of architectural ornament, founding principal and curator of the Mayo School and the Lahore Museum. Part of an emergent generation of liberal colonial administrators, Kipling Sr. derived his creed from the ongoing scholarly effort by the British to unravel the native's frame of action and ethics through the extraordinary interdisciplinary collaboration between quite distinct professional endeavors. Colonial scholars such as James Fergusson (in significant ways the doyen of a global architectural history) and, in his wake, Alexander Cunningham, first head of the Archaeological Survey of India, equated formal typologies with different ethnic and racial groupings.¹⁰ Thus Indian architectural history came to be periodized into successive stages such as "Buddhist," "Jain," "Brahmanical," "Indo-Scythian," "Pathan," or "Moghul," respectively.¹¹ The institution of the Archaeological Survey underlined a series of parallel initiatives in museology and preservation. At least part of the concern over colonial archaeology and preservation stemmed from the fact that Indians themselves seemed to be least interested in either recovering or preserving their own past. Under a recuperative imperial epistemology, the contemporary Indian (or for that matter, Greek or Egyptian) unable to gauge his sense of historical agency, would gain a sense of his ethical present through the colonialist excavation of the past. Memory must be instituted *as if* intuited. We are in *Blade Runner* territory here—historical memory is always already an implant. This is the secret, the fabulous normalization of complicity between colonizer and colonized, that is shared by the curator and the lama—the curator desires to *institute* what the lama *intuits*.

The lama's character is also significant for another reason. As is well known, the overwhelming and minuscule minority of Europeans as compared with the native population necessitated the creation of a native gentry and

bourgeoisie who would act as imperialism's agents at the periphery. It is the native bourgeoisie's political consciousness, ever susceptible to European notions of political action and opposition, that must be circumscribed by this form of history. In *Kim*, the Bengali Hindu spy for the British and aspirant to membership of the Royal Geographical Society, Hurree [Hari] Babu, the figure held most in contempt by Kipling—approximates the subjective outlines of this emergent figure.¹² In the affairs of British India, Buddhism, more or less a political nonentity, could therefore also be invoked as a major alibi in the establishment of Pax Britannica, precisely to counter this politically emergent subject (both Hindu and Muslim) militantly recuperating its religious identity as instrument for sedition.

With the transition of mercantilism to industrial capitalism in Europe, transcoded in philosophy and culture as the "Enlightenment," European states could dissemble their identity as triumph of the political state over religion. However, the basic identification of every European state with one particular religion remains to this day a dirty little secret that could be made visible, or covered over at will. In this sense, there is nothing "spontaneous" about singing "God Bless America" on the Capitol steps in Washington. Triumphant religion can write this history quite differently: the massacre of Jews in Europe could be written off as a crime of the German nation rather than a crime of Christianity. This is not restricted to the First World. At the height of the first wave of secular nationalisms in the Third World, to the astonishment of many, "religion" was introduced as one of the two fundamental principles to be discussed at the famed Bandung conference in 1955.¹³ In a classic instance of derivative postcoloniality, Third World leaders pledged to build solidarity in the shared fight against underdevelopment and European colonialism on the principles of Buddhism.¹⁴

In the nineteenth century it is because of this fear of an insurgent nationalism driven by religion that imperialist politics acquires its secular face in the global arena. The secularism of European polity would be used not to battle religion in Europe, but to circumscribe it in the colony. Religion would therefore both be undone in its insurgent potentials, even as some of its elements would be transcendentalized into proxy ideologies for the imperial agenda of keeping the peace. The political script of empire could now be read as *our* Benjamin Disraeli, *your* Gautama Buddha. Through this political reframing of the economic theater of imperialism as a cultural conundrum, as a conflict between religion and customs, the colonized native bourgeoisie would be pried away from attending to the most depredatory effects of the British imperial system. The skeletons of the 30 million Indian dead from starvation in the period between 1870 to 1947 would be covered over by the bourgeois staging of a conflict between cultures and civilizations.¹⁵

In the context of colonial archaeology, the contending claims of a culturalist ethnography invoking an identification between native agency and the romantic evocation of place found itself at odds with the demands of scientific epistemology and research. The claims of the museum, repository of the latter strategy and of the Enlightenment principles of disinterested study of objects removed from their context, began to be squared off in the 1860s against the countervailing principle of preserving artifacts and buildings in situ. Even as the introduction of reproductive techniques such as photography, casts, and drawings appeared to satisfy museumatic demands, colonial archaeologists and architectural historians now saw India itself as an open-air museum. The categories created in the museum were now extended to the geographical map itself. Henry Hardy Cole, first Curator of the Department of the Conservation of Ancient Monuments, founded in 1880, therefore reclassified the Indian map, marking different sites as B (Buddhist), H (Hindu), J (Jain), or M (Muhammadan). Imperialism places the difference within relativism—but *this relativism is limned precisely by figuring a transcendentalist identity larger than the peoples that encompass it*. In the context of the Indian North-West the largely neofeudal character of the colonial administration, born out of political expediency, is supplemented by parallel claims to the transcendent history of Islam and Buddhism in the region. Thus, the many “open-air” sites of the Gandhara region and the Bamiyan Buddhas complement the limited institutional locus of the Lahore and the nearby Kabul museum—thus explicitly encoding them within a larger regional identity that appears to figure its importance in global civilization.

It is important to note here that this dyad of regional trans-signification and global particularity is the principal thematic invoked in the first wave of anticolonial nationalist imaginaries. It is because of the noncoincidence of transcendentalist imagination and geographical map that the nationalist project can be said to be a kind of longing for an origin that is inevitably located “elsewhere.” Nothing epitomizes this better than the case of the two states carved out of British India. The Indus Valley civilization, perceived fount of Indian history, has most of its archaeological remains located inside Pakistan, while the principal imperial remains of Pakistan’s presumed cultural forbearers, the Islamic emperors, are located inside India. In the aftermath of so-called political decolonization, the complicity between this flawed transregional imaginary and a derivative Eurocentrism can be said to be underpinned by the creation of the United Nations, the old cosmopolitan specter of a global community of nation-states. Correspondingly, institutions such as UNESCO and the World Heritage project can be considered to be the direct legatees of the Fergussons and the Cunninghams in that their principal aim is more to secure a global *pax* than to sanctify local imaginaries.

In contemporary South Asia this has had some interesting ramifications. On December 6, 1992, gangs of the Hindu religious right destroyed an abandoned mosque, the Babri Masjid, named after the first Mughal emperor Babar, in the northern Indian town of Ayodhya. Even as this symbolic affront created ripples across Asia and the Islamic world, the mavens of Eurocentric global “cosmopolitanism” and agencies such as UNESCO kept quiet. The destruction of a mundane mosque was an affair *too regional* to be of import to the concept of World Heritage. In the subsequent national election, the political party responsible for the destruction was voted into power in India’s federal government. It remains there today. In the beginning of 2001 the Taliban government, enraged at what it perceived as the global community’s apathy toward its economic desperation, blew up the ancient Buddhist sculptures in the province of Bamiyan. B becomes M on the map. The spark appears to have been ignited by UNESCO’s offer to come in with teams and millions of dollars to preserve the sculptures when the Taliban was desperately seeking international funding to stabilize its government. Militia leaders also pointed to the destruction of the Babri Masjid as precedent. The “international community’s” reaction was distinctly different from the Babri Masjid incident.

In the context of the history that I have narrated above, how are we to read these apparently corresponding acts of iconoclasm? Identitarian fundamentalism against capitalist cosmopolitanism? As comeuppance for a historiographic strategy set in place by imperialism? As the revenge of the local and particular against the global and the universal?

Not quite. First of all, under the dispensations of modernity realized by imperialism and neocolonialism, the global can hardly be equated with the universal. Conversely, the local is hardly the particular. I would like to return us to the concept of the differend, and with it the singular case, both juridical and historiographic, of Sher Ali. I have noted above that he had requested to be executed by the British administration rather than be transported to a distant place. In the following section I will attempt to suggest that Ali’s request can be said to be unraveling the project of European humanism. There are a few more determinants that one would have to consider along the way.

One question cannot be ignored, especially after close to two hundred years of a repetitive history—Why Afghanistan? Peter Hopkirk’s extraordinary series of books on Central Asia have highlighted the incredible history of the contestations over the region by the great imperial powers. Of these books, written from an Anglophone romantic perspective, *The Great Game: On Secret Service in High Asia* is remarkable. In addition, five of his other books also narrate the complicity between imperial geopolitics and humanist knowledge gathering in this region. These are: *Trespassers on the Roof of the*

*World, Setting the East Ablaze, Foreign Devils on the Silk Road, Quest for Kim, and Like Hidden Fire.*¹⁶

Reading these books not entirely against their grain, I would like to explicate the question “Why Afghanistan?” through Louis Althusser’s invocation of the Leninist theme of “the weakest link”: “A chain is as strong as its weakest link.”¹⁷ In the aftermath of the October revolution, Lenin attempted to theorize its inexplicable early triumph by asking the question “Why Russia?” Lenin calculated that the overwhelming contradictions articulated in Russian society, the overlap of advanced industrialism in the cities and exacerbated feudalism in the rural areas, the crepuscular “ignorance” of the peasantry, and the enlightened cosmopolitanism of its exiled political elites derived as much from internal determinants as from its external relationship with regard to the other imperialist states. Given the particular stage of global history in the aftermath of the war, “Russia was the weakest link in the chain of the imperialist states.”¹⁸ While it is these contradictions that fuel the revolution, in its aftermath it became clear that the bourgeois revolution could not be coincided with the peasant revolution. It goes without saying therefore that Stalin sought to sew up these maximized contradictions through the vision of a bourgeois “Communist Party that was a chain without weak links.”¹⁹ The contradictions were erased rather than worked through.

With this frame in mind, I would like to suggest Afghanistan’s status as a “weak link” in the *chain of colonized states*. Its locus is defined by *maximum overdetermination* in the context of Eurocentric imperialist geopolitics and *maximum undermining* of the project of Eurocentric modernity. Suspended in the cusp, the no-man’s-land and buffer state between two superpowers, it was therefore the global nonplace that not only was not colonized, but *could not be* colonized.²⁰ The global “balance of powers” figures the *national* territory of Afghanistan as absence—the Taliban’s effort to secure national integrity is therefore as much a Stalinist eradication of weak links as an instance of theocratic oligarchy.

In September 1996 one of the first acts of retribution by the Taliban after the conquest of Kabul was the execution of Najibullah, former head of the genocidal secret service agency Khad, and Communist president during the Soviet era. Before he was dragged out from the U.N. compound, where he had sought refuge after the defeat of his government by U.S.-backed Islamist rebels in 1992, Najibullah had told U.N. officials that he was translating Peter Hopkirk’s *The Great Game* into Pashto.²¹ This last ditch, and failed, attempt to institute for Afghans the narrative of the overdetermination of Afghanistan’s modern history exemplifies its failed nationalism.

I have tangentially indicated earlier that it became the lot of the great anticolonialist nationalisms to undo the imperialist legacy of neofeudalism

and transcendentalist religion in the colony. In Western Europe, the vaunted “democratic” revolutions of the modern era—the nominal accession of the representative population of the nation-state into political rights—could only proceed as a stage-bound maneuver. At each stage a newly emergent class gaining access to political representation prepared the ground for the next, so that the classes below the current dispensation could only enter this ambit to the extent that they acceded to the key ideological motifs of the ruling class. It must be pointed out that the great decolonization struggles—in the Third World, in their embrace of the nation-state as liberative instrument—set out to achieve this historical transformation at the single stroke of an hour. This caprice presaged their failure—both from within and without. In today’s neocolonial context, Afghanistan is not the only place in the world where this project can be said to be failing.²²

If the bourgeois-communist Najibullah waited for his death by unsuccessfully attempting to forge a nationalist, therefore modern, historiography, Sher Ali’s wait for death marks the failed relationship to modernity in a slightly different way. As a Pashtun, Sher Ali’s linguistic-ethnic matrix is split between imperial extraterritoriality (Afghanistan) and the terra firma of British justice (NWFP). It is here that his case can be seen to approximate the differend between neofeudalism and the enlightenment subject. In his dying confession, Sher Ali stated that the slaying of a hereditary foe was no crime in his eyes. In spite of this disavowal of culpability, however, he preferred to be executed rather than be transported and kept alive. Operative in this is a robust sense of submission to justice, even when justice is delivered through the law of the other. On the other hand, the British magistrate’s decision to transport him cannot be seen as anything less than a humane act. Embedded in this act is the exemplary tolerance of British liberal humanism toward the nuances of customary and common law. And yet, for Sher Ali, the core of the injustice lies in the decision to keep him alive rather than kill him. On the level of singular acts of justice, this asymptote epitomizes the differend—the honorability of either side cannot be doubted at the level of singular intention. Two systems of justice seek to compete not by undoing but by outdoing the other.

However, in his next crime, the murder of the Viceroy, Sher Ali puts this very singularity, and therefore this presumed honorability of intent, into question. European liberal humanism could unfold as a global ethic only under the cocked rifle hammer of British imperialism. Sher Ali’s lunge with the knife undoes this coerced complicity—it is here that his revolt becomes systemic, the unraveling of a protocol of power, rather than merely an intuitive opposition. It is important to note here that Islam acts as customary *constraint* rather than messianic injunction.

This reading is further intensified by his response to a telegram sent by Mayo's children on the eve of his execution. On hearing their message, "May God forgive you," Ali became enraged, saying that if they had sent a message ordering him to be cut to pieces he would have been glad, but a prayer for God's forgiveness he could not accept from them.²³ I grant you the right to punish, but not the right to forgive. I accept your law, but not your justice.

It is because the origins of modernity in the colony are inexplicably tied up with the ends of imperialism that its outlines operate as a historical teleology in reverse: *first* the institution of the neofeudal-capitalist/disciplinary apparatus (even within the postcolonial "independent" state), while the "enlightenment" of the native is a project that can be deferred endlessly. But the assassin or the insurgent are more functions of discursive difference—the activators of the differend—than they are representations of a "non-modern" native will or symptoms of some "other" manner of being. It is the teleology of imperial discourse itself that is unraveled by the assassin.

Sher Ali's action produces a crisis at the geopolitical level. At the same time his narrative singularity can neither be embraced by statist historiography (whether imperialist or Third World nationalist) nor can it be approximated to modes of collective "political" insurgency. Sher Ali's ethical trajectory is *in* the great apocalyptic master narratives of modernity, but not *of* them. Within the province of law, Lyotard points out that the "humanist" assumption of innocence on the part of the accused primarily benefited hegemonic power, since its victims could never formulate their testimony into a cognizable "phrase."²⁴ Sher Ali's singular narrative cannot therefore be recognized by colonial power as full-fledged "political" consciousness. This is why in the first historiographic account we encounter of his story, Mayo's biography, his name is willfully written out: "Neither his name, nor that of his village or tribe, will find record in this book."²⁵ The early Subaltern Studies collective in India read the colonial archive to tease out precisely such irruptions in its textual protocols. In the colonial records of anticolonial insurgency, subalternist historians saw these insurgencies as necessarily failing (since colonial power could always muster enough force to stamp them out physically) and yet leaving their trace as a crisis in the textuality of colonial historiography.²⁶

Sher Ali's plea inviting his own execution reveals death itself as the keeper of the differend. If I cannot live according to my norms in your (triumphalist) juridical frame, then let me die so that the norm can be preserved. Bury the differend so that it can be mourned "properly." Do not rationalize it away and leave it to fester as the province of the irrational. Humanistic justice, willfully noncognizant of its complicity with imperialism, cannot honor this plea as a desire for modernity, a plea for *accession* to a universal justice, a

justice that could also be the name for a modernity yet to come—a modernity and a justice that the Christianized *pax imperialis* can never bear. Unlike Western Europe, *internal* revolutions—the necessary “working through” that leads the ancestors to their proper burial—continue to be interdicted across the (neo)colonial world. The differend must invoke other forms to win recognition.

Notes

This paper has benefited immensely from my conversations with Krzysztof Wodiczko. I am grateful for his input.

1. Jean-François Lyotard, *The Différend: Phrases in Dispute* (Minneapolis: University of Minnesota Press, 1988), xi.

2. Colloquial expression for “Lord Sahib,” the administration’s own vernacularist term for the viceregal position.

3. The politics of religion in British colonial sociology was yet to unfurl in its formal dimensions.

4. William Wilson Hunter, *Rulers of India: The Earl of Mayo* (London: Oxford Clarendon Press, 1891), 198.

5. Mayo himself had served as Chief Secretary for Ireland back in Britain, the experience from which was considered a positive attribute in being appointed Viceroy of India.

6. See John Stuart Mill’s comments on the subject in Mill, *Writings on India*, Vol. XXX of the *Collected Works* (Toronto: University of Toronto Press, 1990), 116.

7. See Arindam Dutta, *Designing the Present: The Cole Circle and the Architecture of (an) Imperial Bureaucracy* (Ph.D. diss., Princeton University, 2001).

8. See Dutta, ch. 5, “Peasants in the Architecture: Event and the Politics of Representation.”

9. Rudyard Kipling, *Kim* (New York: Penguin Books, 1997).

10. See Tapati Guha-Thakurta, “The Museumised Relic: Archaeology and the First Museum of Colonial India,” *The Indian Economic and Social History Review* 34, no. 1: 21–51. My account of the politics of the Archaeological Survey of India derives substantially from her analysis.

11. Developing from its own roots in a monarchical system, British colonialist historiography (as opposed to French, for example) developed an account of India’s past as riven by internecine conflict between feudal and kingly states, alternating with periods of stability and prosperity realized only at periods of comprehensive imperial consolidation. Two such sanctified periods, the widespread empires of the Hindu (and later Buddhist) king Ashoka and the Mughal emperor Akbar, thus reflected not only what the British saw as the two principal religious constituencies in their Indian empire, but also seemed to presage the institution of Victoria as Empress of India in 1877.

12. I thought of Hurree Babu as we saw the recent televised images of the Northern Alliance, ridiculously costumed in *jungle warfare* fatigues in a patently *arid* and *desert* landscape. After the fall of Kabul, news reports reach us of these mimic soldiers dragging women out of their houses and ripping off their *burqas* in front of Western cameramen and journalists, thus claiming to have “liberated” them.

13. Albert Memmi notes this with not little consternation in the aftermath of the Algerian revolution. Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1965), 133.

14. Mike Mason, *Development and Disorder: A History of the Third World since 1945* (Hanover: University Press of New England, 1997), 31.

15. That starvation-based genocide across the world under British imperialism was an unintended effect of its economic policies made it no less a *planned* event. See Mike Davis, *Late Victorian Holocausts: El Niño Famines and the Making of the Third World* (London: Verso, 2001).

16. Peter Hopkirk, *The Great Game: On Secret Service in High Asia* (Oxford: Oxford University Press, 1991); *Foreign Devils on the Silk Road: The Search for the Lost Treasures*

of *Central Asia* (Oxford: Oxford University Press, 1980); *Trespassers on the Roof of the World: The Race for Lhasa* (Oxford: Oxford University Press, 1982); *Setting the East Ablaze: On Secret Service in Bolshevik Asia* (Oxford: Oxford University Press, 1984); *Quest for Kim: In Search of Kipling's Great Game* (Ann Arbor: University of Michigan Press, 1996); and *Like Hidden Fire: The Plot to Bring Down the British Empire* (New York: Kodansha International, 1997).

17. Louis Althusser, "Contradiction and Overdetermination," in *For Marx*, trans. Ben Brewster (London: Verso, 1969).

18. Althusser, 97.

19. Althusser, 98.

20. The Balkan states play out a comparable thematic on the European side—except that their proximities to the countries of the Enlightenment locate them *within* the crisis of "Europe" as cosmopolitan superstate.

21. *New York Times*, 6 October 1996. "Afghanistan Reels Back into View," cited in Gayatri Chakravorty Spivak, "Foucault and Najibullah," in *Other Asias* (Oxford: Blackwell, forthcoming).

22. The Indian economist Prabhat Patnaik's work on the fiscal legacies of the older territorial imperialism in today's decentralized neocolonialism, and their relationship to the resurgence of antidemocratic authoritarianism in the South, is illuminating here, especially in the context of macroeconomic "conditionalities" imposed by the World Bank/International Monetary Fund/WTO triad. Prabhat Patnaik, "Whatever Happened to Imperialism?" in *Whatever Happened to Imperialism and Other Essays* (New Delhi: Tulika Press, 1995), 209–210.

23. George Pottinger, *Mayo: Disraeli's Viceroy* (Salisbury: Michael Russell, 1990), 188.

24. When sufficiently challenged, hegemonic power can transform itself into despotic power and suspend this assumption of innocence—vengeance can overrule other principles of justice.

25. W.W. Hunter: *A Life of the Earl of Mayo*, Vol. II (London: Smith, Elder and Co., 1876), 366.

26. See Ranajit Guha, "The Prose of Counter-Insurgency," in *Subaltern Studies II: Writings on South Asian History and Society* (New Delhi: Oxford University Press, 1983), 1–42.