

LAW BY OTHER MEANS  
PICTURING LAW, POLITICS AND JUSTICE

**The JNU-Warwick Conference**

**9 and 10 April 2015**

Conference Room (FF)

**Centre for the Study of Law and Governance**

Borrowing the title of Peter Goodrich's important essay, *Law by Other Means*, this conference highlights the performative, the visual and the affective in the dense configurations of law, politics and justice. We hope to stage a conversation on legal and political aesthetics, the visual culture of law, and the circulation of images of justice in the cofounding sites of legal pluralism. This conversation, which has emerged in collaboration with colleagues from the University of Warwick, seeks to explore how law, politics and justice are pictured in everyday and exceptional contexts.

**Program**

*Day One, 9 April 2015*

**9:30 a.m. – 10 a.m.: Registration and Tea**

**10:00 a.m. – 10.15 a.m.:**

**Welcome: Amit Prakash, Chairperson, CSLG, JNU**

**Sudha Pai, Rector, JNU**

**10.15 a.m. – 12.00 noon**

**Session 1: Political and Legal Aesthetics**

**Chair:** Niraja Gopal Jayal (CSLG, JNU)

**Upendra Baxi** (University of Warwick and Delhi), *Aesthetics of Human Rights: Law, Language, and Performatives*

**Shirin M. Rai** (University of Warwick), *Political Aesthetics of the Nation: The Parliament in Murals*

**Deepak Mehta** (Shiv Nadar University), *Naming the Deity, Naming the City: Rama and Ayodhya*

**12.00 noon – 12.15 p.m.: Tea**

**12:15 – 2:00 p.m.**

**Session 2: Imaging the Law**

**Chair:** Bishnupriya Dutt (SAA, JNU)

**Piyel Haldar** (Birkbeck College), *Re–conceptualising legal vision: Renaissance Theories of Transmission and Reception*

**Leslie J. Moran** (Birkbeck College), *Judicial Pictures as Legal Data and Research Method*

**2:00 – 3:00 pm: Lunch**

**3:00 – 5:00 pm**

**Session 3: Visual Cultures of Law**

**Chair:** Leslie J. Moran (Birkbeck College),

**Jayati Srivastava** (CIPOD, JNU), *Images and Articulations of Global Justice: Real and Imagined*

**Srimati Basu** (University of Kentucky), *Posing Menace: Law and Media in the Indian Men's Rights Movement*

**Werner Schiffauer** (Europa-Universität Viadrina–Frankfurt), *Visual Truths*

**Lawrence Liang** (Alternative Law Forum), *Of Hidden Cameras and Hidden Truths: Law and Visual Evidence in an Era of Digital Uncertainty*

***Day Two, 10 April 2015***

**10.00 a.m. – 11: 15 a.m.**

**Session 4: Beyond the Legal File**

**Chair:** Jaivir Singh (CSLG, JNU)

**Shrimoyee Nandini Ghosh** (CSLG, JNU), *Dematerializing Documents, Re-materializing Legality: A Study of the Electronic Stamp Paper*

**Mayur Suresh** (Birkbeck College), *Technologies of the State: Files, Documents and the paper lives of a terrorism trial*

**11.15 a.m. – 11.30 a.m.: Tea**

**11.30 a.m. – 12:45 p.m.**

**Session 5: Law, Violence and Memory**

**Chair:** Varun Sahni (CIPOD, JNU),

**Arvind Narrain** (Alternative Law Forum), *Do not Bury the Dead but Immortalize Them: Disappearances, Culture and Memory in Argentina*

**Xonzo Borbora** (TISS, Guwahati), *Long Road Home: Poignancy of Return for Migrants from Assam*

**12:45 p.m. – 1:45 p.m.: Lunch**

**1.45 p.m. – 3.00 p.m.**

**Session 6: Contesting Responsibility and Liability**

**Chair:** Amit Prakash (CSLG, JNU)

**Julia Eckert** (University of Bern), *Virtue, Law and Mercy*

**Amaka Vanni** (University of Warwick), *Framing Pharmaceutical Law and Intellectual Property Rights in India: The Local Self of the International*

**3.00 p.m. – 3:15 p.m.: Tea**

**3.15 – 5.00 p.m.**

**Session 8: Law, Governance and Exception**

**Chair:** Ann Stewart (University of Warwick)

**Anna Hájková** (University of Warwick), *Boundaries of the Narratable: The Holocaust and Sexuality Perceived as Extreme*

**Dolly Kikon** (Fellow, Stockholm University), *Imaging Friendships in Exceptional Times: Alliances and Anxieties among Coal Traders in North East India*

**Srila Roy** (University of the Witwatersrand), *The Punitive Paternalism of Feminist Governance*

**5.00 p.m. – 5:15 p.m.: Tea**

**5.15 p.m. – 6.00 p.m.: Roundtable: Juridico–Political Iconophobia and Iconophilia: Debates in the Aftermath of Udwin and Dimapur**

**Chair:** Pratiksha Baxi

**Interjectors:** Lawrence Liang, Anuj Bhuwania, Dolly Kikon, Srimati Basu

## Framing Pharmaceutical Law and Intellectual Property Rights in India: The Local Self of the International

**Amaka Vanni**

Intellectual property law and policies have an impact on all aspects of everyday life. In modern economy, when knowledge and rights associated with knowledge is the currency du jour, an ongoing battle is being waged over the ownership and control of key IP rights. I focus on India—a country characterized as the “pharmacy of the developing world” and its pharmaceutical sector. This paper critically interrogates how ideas circulate, the manner in which particular policy options get constructed—and, as an extension, how others get extinguished—with regard to patent law jurisprudence in India. Further, it investigates the emerging alliances, patterns as well as schism in existing partnerships among key stakeholders, and their impact on global IP regime. I argue that the resistance and reform occurring daily within the Indian pharmaceutical sector and the emergent jurisprudence on Indian intellectual property law may be understood hermeneutically as expressions of resistance against and reform of global IP regime.

*Amaka Vanni is a Ph.D. candidate, at the School of Law, University of Warwick. She may be contacted at [n.i.vanni@warwick.ac.uk](mailto:n.i.vanni@warwick.ac.uk)*

## Boundaries of the Narratable: The Holocaust and Sexuality Perceived as Extreme

**Anna Hájková**

How come certain stories connected to sexuality in the Holocaust are never told, the public never realizing that they happened? There is a widespread expectation that the events during the Holocaust were deeply traumatising for the victims and hence are too painful to recount. However, narrative scholars have pointed out that recounting the traumatic can differ widely, as does what is experienced as traumatic: many survivors spoke of violent and difficult events which others could not speak about. Not only are these topics important in their own right, but sexuality plays a central role in our imagining of genocidal horrors: Sexual violence often functions as *pars pro toto* in imagining the violence. It also often offers a pornographic framework for second parties, as analyzed by Ronit Lentin and Omer Bartov. The post-war public imagination of camps and ghettos has been colored by sexualised imagination, fuelled by the survivor novelists by Ka-Tzetnik and Arnošt Lustig.

My paper sets to answer the question of the intersection of sexuality and violence in the Holocaust, and why some themes and stories have been erased from what has become the Holocaust canon. Why is it that heterosexual sexual violence (eventually) became a

legitimate field of research, (cautiously) mentioned in survivors' testimonies, while we lack, for instance, any first person testimonies of Jewish victims who were also gay? Working with materials connected to Theresienstadt, using this transit ghetto as a case study, I examine the erasure of Jewish deported gays and lesbians and homophobia of the heterosexual inmates, sexual barter and prostitution, and the policing of myself as a historian while conducting this research. In examining these intricate issues, I scrutinize them to contribute to our understanding of gender and sexual violence, consent, power hierarchies, and what has emerged as the acceptable sexuality during the Holocaust.

*Anna Hájková is Assistant Professor of Modern Continental history at the University of Warwick. She received her PhD from the University of Toronto in 2013; her book manuscript on everyday history of the Theresienstadt ghetto was awarded the Irma Rosenberg as well as the Herbert Steiner prize for 2014. She is the recipient of the Catharine Stimpson Prize for Outstanding Feminist Scholarship 2013. Her current project, Dreamers of a New Day: Building Socialism in Central Europe, 1930-1970 examines the generational history of socialism in Czechoslovakia, Poland, and East Germany.*

## Do not Bury the Dead but Immortalize Them: Disappearances, Culture and Memory in Argentina

**Arvind Narrain**

This paper will chart out the process by which the struggle in law (for accountability for mass crimes) intersected with the struggle in culture (for building a culture of resistance) in Argentina. The Argentinian struggle against disappearances, illustrates how building a culture of remembering was vital to achieving justice. In the context of India with many difficult issues including disappearances in Kashmir and the North East and pogroms in Delhi (1984) and Gujarat (2002), the question of remembering takes on a grave poignancy and a deepening relevance. In the time going forward under the new dispensation with its constant injunction to forget the past, as a future undergirded by the idea of development beckons, how we choose to remember these histories will be vital to the kind of future into which India emerges.

*Arvind Narrain is a founder member of the Alternative Law Forum in Bangalore-India, a collective of lawyers who work on a critical practise of law. He works on human rights issues including mass crimes, communal conflict, LGBT rights and human rights history. He is also the author of Queer: Despised Sexualities and Social Change and co-editor of Because I have a Voice: Queer Politics in India and Law Like Love: Queer Perspectives on Law.*

## Naming the Deity, Naming the City: Rama and Ayodhya

**Deepak Mehta**

This paper studies the predicates associated with the name of the Vaishnava god Rama, as they come to inhabit the city of Ayodhya. Rather than distinguish between the Rama legend that has been filtered through the centuries and the politics that is now associated with the Rama temple movement, my intention is to show how this name Rama, simultaneously vacant and protean, is linked to the topography of Ayodhya. The name and its various extensions imagine the city to be both a pastoral landscape and a site of national regeneration. This is achieved by coupling the architectural spaces of Ayodhya to the many names of Rama, and to his kingdom. I suggest that the deity acquires life in this combination. In considering the name of the deity and of the city I look to two sorts of records. The first is a text in Sanskrit translated into English in 1875 – the *Ayodhya Mahatmya*. Its importance lies in the fact that it became part of a theo-administrative expression in 1902, when it was used to map the city of Ayodhya to mark the coronation of King Edward VIII during his visit to India. The second type of text is the legal record that considers and adjudicates on the legal personality of the deity. Together, these writings provide a view of the name that is simultaneously empty and referential.

*Deepak Mehta is Professor at Department of Sociology, Shiv Nadar University. He is co-editor of the Contributions to Indian Sociology.*

## Imaging Friendships in Exceptional Times: Alliances and Anxieties among Coal Traders in North East India

**Dolly Kikon**

Competing political groups in Northeast India have defined the foothills as either belonging to the hills or the plains. Those fighting for a sovereign Naga homeland in the hills, or sovereign Assam in the plains, have written their version of history, where the foothills and its residents appear as residual categories. This paper presents how coal traders in the foothills navigate the unstable yet ecologically rich political landscape through the idiom of friendship. How do resource extraction, seasons, different ownership regimes (in the hills and plains), and the history of militarization play a role in establishing ties of friendship? What do everyday alliances and anxieties of coal traders inform us about the nature of social relationships in militarized places? Based on fieldwork conducted over 24 months in the foothill border between the federal units of Assam (a valley state) and Nagaland (a hill state) in Northeast India, I examine these questions and present how friendships and alliances are forged in difficult places.

*Dolly Kikon is a postdoctoral Fellow at the Department of Social Anthropology, Stockholm University*

## Images and Articulations of Global Justice: Real and Imagined

**Jayati Srivastava**

In a world dominated by circulating images, the immediacy of the medium and its political ramifications cannot be overstated. An image not only enacts an event but also encodes a message. During political protests, these images become a part of the representation and recollection of certain event and hence the deployment of an image is as significant as its meaning. The translation of image may thus be different from the original idiom. Images are thus both the subject and object simultaneously representing and creating reality. The paper tries to read meaning into the idea of global justice through a translation of the official iconography of global justice and the composite projection of this idea encapsulated in the basket of protests on global justice. The images and signage deployed by global justice protest movements encapsulate messages that go far beyond immediate symbolisms creating a network of imagery around such protests and also resonating the vision of global justice beyond the proximate protest. In doing so the paper also seeks to intercept the link between the real and imagined articulations of global justice.

*Jayati Srivastava is Professor in International Politics at the Centre for International Politics, Organisation and Disarmament (CIPOD), School of International Studies (SIS), Jawaharlal Nehru University (JNU), New Delhi. Her research interests include international political economy especially legitimacy of global governance institutions, role of civil society actors in world politics, trade, environment and labour interlinkages, and international environmental politics.*

Virtue, Law and Mercy

**Julia Eckert**

The attribution of responsibility in world society is increasingly a field of contestation. On the one hand, the perception of causal and moral links reaching far in space and time are ever more explicitly pronounced; on the other hand, the very complexity of these links often engenders a fragmentation of responsibility both in law (Veitch 2007) as well as in moral commitment. Moreover, those institutions of legal responsibility attempting to reflect some of these interrelations are often criticised as insufficient by those who follow alternative narratives of causation and moral community. Current institutions of responsibility in law appear to abstract from what could be called enabling contexts; they perform their cuts in the chains of enabling interactions at very brief intervals (Strathern 2001). The result is often



“organised irresponsibility” (Veitch 2007; Beck 1996), producing appeals to a global community of concern in time and space without corresponding obligatory commitments. This talk explores alternative conceptualisations of responsibility, and enquires into their notion of the person, their temporal and socio-spatial dimensions, and their notion of liability.

*Julia Eckert is Professor for Social Anthropology at the University of Bern, Switzerland. Her current research interests are the transnationalisation of legal norms; the anthropology of crime and punishment; changing notions of responsibility and liability; security and citizenship. She has conducted research on everyday conflicts over norms of justice and authority with a project on the police in Mumbai, India. Her publications include: The Charisma of Direct Action; Power, Politics and the Shiv Sena (Delhi: Oxford University Press 2003); Subjects of Citizenship, Special Issue of “Citizenship Studies”, Vol. 15, 3, 2011; The Social Life of Anti-Terrorism Laws; The War on Terror and the Classifications of the ‘Dangerous Other’ (Bielefeld: Transcript 2008); Law against the State: Ethnographic Forays into Law’s Transformations (with Z.O. Biner, Ch. Strümpell and B. Donahoe. Cambridge University Press 2012).*

## Of Hidden Cameras and Hidden Truths: Law and Visual Evidence in an Era of Digital Uncertainty

Lawrence Liang

The revelation of scandals by sting operations using hidden cameras and the widespread use of truth technologies including narco analysis and brain mapping tests have been two important signposts of our contemporary media world. They have also been at the heart of legal debates over privacy, media ethics and legal disorder. The increasing reliance on information systems and digital technologies in the world of law enforcement and the courts raise challenging questions of how we think of the relationship between the public/private, visible/invisible in legal discourse. How do we think of the sites of the production of law when the world of the laboratory and the studio increasingly get blurred with the new emphasis on the independent forensic value of visual information? This paper examines how the law responds to but is also significantly reconstituted by new technologies and suggests that a useful way of thinking of the social life of information is to examine its afterlife as law.

*Lawrence, a graduate from National Law School subsequently pursued his Masters degree in Warwick, England on a Chevening Scholarship. His key areas of interest are law, technology and culture, the politics of copyright and he has been working closely with Sarai, New Delhi on a joint research project Intellectual Property and the Knowledge/Culture Commons. A keen follower of the open source movement in software, Lawrence has been working on ways of translating the open source ideas into the cultural domain.*

## Juridical pictures as Legal Data and Research Method

**Leslie J. Moran**

This paper examines the use of pictures as a source of data and tools for researching the judiciary, both as an institution as well as individual office holders. The point of departure is that image making and image management is of particular importance for the judiciary; an elite in positions of power. The images produced can tell us much about how those who occupy judicial positions shape and represent the nature of the judicial institution and their position within it to themselves, fellow judges and outsiders. The focus here is judicial visual images a neglected, sometimes poorly understood and underused source of data. The paper explores how “found” and “researcher made” pictures can be used to study the judiciary. It considers the challenges that need to be acknowledged and addressed when using visual data.

*Leslie J. Moran is Professor at the School of Law, Birkbeck College, University of London. He has researched extensively on matters relating to sexuality and law, criminal justice, with particular reference to hate crime, law and visual culture and the judiciary. He has a keen interest in multidisciplinary and empirical legal research and is the principle investigator on an Arts and Humanities Research Council funded network initiative; the Judicial Images Network.*

## A village murder, a painter's tale and the (im)possibility of Justice

**Mani Shekhar Singh**

This paper engages with a series of sixteen “line-infill” compositions depicting a village murder trial in the late 1970s by Krishnanand Jha, a Maithil artist from Madhubani in Bihar (India). The existing literature on the interface between law and art has seldom paused to contemplate on pictorial representations of violence, law and justice emanating from the so-called “folk” or vernacular artworlds. Krishnanand Jha’s Murder Trial Series affords us one such possibility to contemplate on art’s engagement with law and its promise of justice. Taking recourse to the iconographic tradition of Mithila, the series sets out to narrate the gruesome murder of a young boy, the protracted legal trial, and the court’s verdict by stitching together multiple “eye-witness” accounts, hearsay, circulating stories, gossips and rumors. The assemblage of these “stripped-down” narratives and “word-bound” images in a mixture of time frames using complex compositional techniques playfully exceeds what one might call a single tense, one voice and one time. The artist, I would like to suggest, implores us to think of the Murder Series as not so much a visual illustration of “this has been” but as an emergent space of competing testimonies and witness figures—from the bystander to active participant, from involved party to guarantor of truth. And, ultimately, as the site of simultaneously giving and withdrawing, granting and withholding the promise and the

possibility of justice in the name of law. The critical intonation of Krishnanand Jha art practice resides in creating conditions so that justice may have its home-coming.

*Mani Shekhar Singh is Associate Professor and Executive Director, Centre for Law and Humanities, Jindal Global Law School. Singh read Sociology at the Delhi School of Economics, University of Delhi, obtaining his doctorate degree with a thesis entitled "Folk Art, Identity and Performance: A Sociological Study of Maithil Painting". He has received numerous scholarships and awards for his work in the field of visual culture. Singh's research interests include visual anthropology, religious iconography and sociology of aesthetic practice. He is currently working on a book entitled: Folk Art Enters the World: Maithil Paintings from Village to Nation and Beyond, as well as on the project: Picturing Law, Violence and Justice in Maithil Art in Times of Globalization.*

## Technologies of the State: Files, Documents and the Paper lives of Terrorism Trial

**Mayur Suresh**

The dominant mode of witnessing the trial in India is not auditory or visual, but rather, by writing. The magic of the state, I argue, emerges not only through the spectacle of the trial, but rather in the fact that the trial is reduced into paper and organised into files. Reams of paper, printers, paper punchers, empty files, balls of string to bind files, pens and pencils all point to the crucial position occupied by paper. Vismann (2008) points to the centrality of the file as a technology of the state. Unlike Vismann's files – which according to her were repositories of the authoritarian acts of the state – the files I encountered with during my ethnography of terrorism trials in Delhi were constantly being copied, transcribed, translated, and reorganized. The fact that the file is written means that the documentary utterances of the state become unmoored, its iterations unstable, and I argue that this enables a range of practices revolving around the file that I call 'recycled legality'. These practices of recycling not only signal the way in which the world circulates and enters the file (Latour: 1999), but also allows us to think of the file as speaking against itself. The file no longer determines what is in the world, but instead contains several possible – and often contradictory – worlds within itself. I look at the implications of this ability of the file to create several worlds and suggest that the file is not merely a textual space, but a hypertextual one.

*Mayur Suresh is a doctoral candidate at Birkbeck's School of Law, University of London and practiced law in Delhi for several years. Mayur Suresh and Siddharth Narrain co-edited a book, The Shifting Scales of Justice: The Supreme Court in Neo-liberal India published by Orient Black Swan in 2014.*

## Re-conceptualising Legal Vision: Renaissance Theories of Transmission and Reception

**Piyel Haldar**

Peter Goodrich's recent work on emblems does much to recuperate the early modern transmission of law as a primarily imagistic and emblematic enterprise. What remains to be accounted for is the specific manner in which emblems were read. What mattered to the humanist lawyer was not simply the manner in which law could be understood emblematically. The whole world of fact was to be understood according to a visual standard. A legal theory of vision emerges that is to be sharply contrasted to any current, predominantly biological, sense of vision. Renaissance humanism required an appreciation of the mind as a theatre of reception. The theatrical forms of procedure entailed a specific *oculi mentis*, a way of seeing, that has been written out of modern legal historiography. Paying particular attention to early modern texts and to the influence of natural law and theology, it is possible to reconstruct the key elements of an apparatus that enabled lawyers to develop what the poet George Chapman called 'perfect vision.'

*Piyel Haldar was appointed lecturer in law at Birkbeck College, University of London in 1993. His research revolves around the historical evolution of legal institutions and legal subjectivity. His work is informed by, and engages with, critical theory; aesthetics, cultural theory, and post-structuralist philosophy. His book 'The Jurisdiction of the Lotus Eaters: Law, Orientalism and Postcolonialism' is published by Routledge. He is working on another book examining the symbolic importance of animals in iconography, the medieval bestiary, legal trials and other didactic forms.*

## Political Aesthetics of the Nation: The Parliament in Murals

**Shirin M. Rai**

In this paper I argue that aesthetic approaches to studying politics can allow us to read politics in more nuanced ways. Through the study of murals and statues in the Indian parliament, it is suggested that the politics of art and the art of politics are conjoined. In particular, the essay examines the ways in which the postcolonial Indian state reproduces the discourse of nationalism and modernity through its production of a nationalist aesthetic and how the consumption of this aesthetics results in struggles over meaning-making and its legitimacy.

*Shirin M. Rai is Professor in the Department of Politics and International Studies. She has written extensively on issues of gender, governance and development in journals such as Signs, Hypatia, New Political Economy, International Feminist Journal of Politics and*

*Political Studies*. She is the co-editor of *The Grammar of Politics and Performance* with Janelle Reinelt.

## Dematerializing Documents Re-materializing Legality: A Study of Electronic Stamp Paper

**Shrimoyee Nandini Ghosh**

The Telgi stamp paper counterfeiting scandal of 2003 convulsed the legal life of the stamp paper, in India, a documentary artefact that had remained virtually unchanged in form and function since the late 18th century. The scandal produced the stamp paper as an object of legal archaic-ness, inauthenticity and irredeemable corruption, which had to be urgently reformed, both materially and discursively. The moves to refabricate the stamp paper were imbricated in the frameworks of e-governance and transparency, as a technique of immediation, where the media for the transmission and transformation of information becomes both literally and metaphorically immaterial. This paper seeks to understand the putative displacement of the ‘paper form’ of legal knowledge, and how the decommissioning of the paper, recommissions law’s relationship to documentary subjects, and legal documentation.

*Shrimoyee Nandini Ghosh is a doctoral candidate at the Centre for the Study of Law and Governance, JNU. She was previously associated with the Majlis Law Centre, Mumbai. She graduated from the National Law School of India University, Bangalore in 2003 and has a M.Res (Masters in Research, Law) from Birkbeck College, University of London.*

## The Punitive Paternalism of Feminist Governance

**Srila Roy**

This paper asks: how is it possible that strategies and practices intended to empower subaltern subjects can, in spite of being well intended and potentially transformative, end up being both punitive and paternal in their actual workings? The answer, I want to suggest, lies in the dual nature of liberal governance, which mobilizes both enabling and disciplinary techniques of power in order to facilitate the constitution of the sovereign subject that is at the core of classical liberalism. The ubiquity of this model of subjectivity entails that other ways of being – that is, ways of being that do not conform to liberal subjecthood – are not recognised in the pursuit of empowerment. Consequently, development agents and interventions fail to respond to the actual contexts of subaltern vulnerability and powerlessness. Secondly, the normative status of this subject legitimates the use of coercion in the face of those who are recalcitrant

and resistant to being ‘empowered’. This kind of punitive paternalism – as I call it – becomes a natural and wholly legitimate response to social issues. The implications of such technologies of development and government – that are increasingly at work in the global arena of preventing violence against women – are far from benign. Not only do they fail to address the genuine sources of women’s victimisation but they actually end up (re)affirming gendered structures of power and powerlessness. From contexts as disparate as anti-trafficking feminist interventions to the Delhi rape, we find an increasing reliance on carceral solutions to women’s victimization, namely incarceration and stringent sentencing in order to further women’s human rights (Bernstein 2007, 2010; Halley 2008; Govindan; see also Kapur). While these critiques have been primarily developed in the area of anti-trafficking and sex work, the paper interrogates the punitive paternalism inherent to liberal governance in the broader context of feminist empowerment strategies.

*Srila Roy is Senior Lecturer in Sociology at the University of the Witwatersrand, South Africa. She uses a postcolonial and transnational feminist lens to research a number of themes including gender and sexuality; cultural memory, violence and trauma; the affective economies of social movements; and the politics of development and neoliberalism, much of which takes as its starting point the contemporary socio-political history of India/South Asia. She is the author of Remembering Revolution: Gender, Violence and Subjectivity in India’s Naxalbari Movement (OUP, 2012) and editor of New South Asian Feminisms (Zed, 2012).*

## Posing Menace: Law and Media in the Indian Men’s Rights Movement

**Srimati Basu**

Indian men’s rights groups position their claims in direct opposition to marriage, domestic violence and rape laws: they critique bureaucracy and corruption, but take primary aim at constructions of gender neutrality, parenting and meanings of violence in law. Posters, slogans and other media campaigns are critical framing tools of the social movement they seek to build. Relying on document analysis as well as participant observation and interview, this paper examines the visual rhetoric of such materials, including the dissonance between verbal and visual persuasion, and the valences of stock and cartoon footage. Given the movement’s purposeful use of discourses of brand advertising in the realm of activism, I focus on constructions of community, abjection, violence, and harm, tracing the ways in which images help constitute legal subjectivity and critique justice.

*Srimati Basu is Associate Professor of Gender and Women’s Studies and Anthropology, and a member of the Committee on Social Theory and the Asia Center Affiliates at the University of Kentucky. Dr. Basu’s research on Indian women and inheritance laws has been published in*

*She Comes to Take Her Rights: Indian Women, Property and Propriety* (SUNY Press, 1999), and she is also the editor of the *Dowry and Inheritance* volume in the Kali for Women series *Issues in Indian Feminism*.

## Aesthetics of Human Rights: Law, Language, and Performatives

**Upendra Baxi**

This conversation will focus on the conceptions of normative beauty in human rights instruments and discourse. Two questions will stimulate this conversation: What may be ‘normative beauty’ and ‘what may, if any, be the grounds of aesthetic judgement’. Guided by these questions, we will try to revisit in particular Frantz Fanon’s ‘decolonial aesthetic’, the ‘crisis of culture’ thematic in Hannah Arendt, and the thought world of Jacques Ranciere concerning the aesthetic dimension currently talked about as an aesthetic turn in political theory. The relationship between human rights and ‘egalitarian inscription’, as ‘shifting geographies’ of sensing, seeing, believing, and knowing, will also be explored.

*Upendra Baxi is Emeritus Professor of law University of Warwick and Delhi. He was Professor of Law at the University of Delhi from 1973 to 1994, and Professor of Law at the University of Warwick from 1994 to 2009. His leading publications include: The Future of Human Rights (2008, 3rd edition; reprinted Perennial Book Series, 2013) and Human Rights in a Posthuman World: Critical Essays (2007).*

## Visual Truths

**Werner Schiffauer**

Taking up Foucault’s discussion of the interrelation of truth and juridical form I want to discuss the court-case Internationale Humanitäre Hilfsaktion (IHH - a globally operating Muslim Relief organization) vs Federal Republic of Germany. In this case surprising use was made of visual material. The IHH had supported students of an orphanage in Gaza, supplying stipends. The German state argued that by subsidizing an institution which was claimed to be affiliated to the HAMAS the IHH would enable HAMAS to divert the means set aside for social work to other purposes, in particular to finance terrorist acts. Under the cover of humanitarian aid the IHH thus would objectively support a Terrorist organization. In order to achieve the end to outlaw the IHH the state however had to prove that the actors of the IHH subjectively (i.e. intentionally and knowingly) supported HAMAS. A photo depicting a rather peaceful child wearing a green headband with an Arabic script was crucial for

convincing the judges of the militant character of the IHH and approving the state's move to ban the IHH. The case allows reflecting about three related issues. What is the relation of visually established truths to verbally established truths in court proceedings? How are visually based truths substantiated or challenged? What is the function of images in court trials? What is the context that allowed the introduction of emotionally charged material in this particular court case? I want to round up my presentation by pointing out some parallels to the classic case of Phryne: State of Athens (between 350 and 340 BC) which stands at the outset of clarifying the relation of truth and juridical form in the European juridical tradition.

*Werner Schiffauer is Professor for Comparative Social and Cultural Anthropology Europa-Universität Viadrina Frankfurt/Oder. He has worked on the transformation of rural and urban Turkey, on labour migration, the organization of diversity in European Societies and on Islam in Europe. Currently he is studying the Ministry of the Interior with a particular reference to its politics regarding Islam. His last book was Nach dem Islamismus. Die Islamische Gemeinschaft Milli Görüş. Eine Ethnographie. Berlin. Suhrkamp. 2010.*

## Long Road Home: Poignancy of Return for Migrants from Assam

**Xonzo** **Borbora**

What does it mean to take recourse to law and its ability to redress wrongs of the past, for those looking to rebuild their future? The law is particularly stilted when it comes to migrants who leave their (predominantly) rural homes in Assam. It has very little to offer them by way of entitlements and security in the work they do in far-away places. However, it is often the circumstances and conditions of their return that make for exceptionally poignant stories. Many return from working lives as daily wage earners in other parts of the country, to record their status as internally displaced persons in Assam. Others escape the brutality of detention in foreign jails in countries where they find work after paying unscrupulous agents. The story of migrants returning home, especially in contemporary Assam, has a heavy weight to it that is not easily captured in a cerebral and disembodied study of the legal context of their journey back. What is the particular texture of a legalistic world that allows people to make sense of the social and political transformations that they have to grapple with in Assam? This essay looks at some of these stories.

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