

*Law, Justice, and Power*

BETWEEN REASON AND WILL

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## 5 The Female Body as a Post-Colonial Site of Political Protest

THE HUNGER STRIKERS VERSUS  
THE LABOR STRIKERS IN  
FORSTER'S 'A PASSAGE TO INDIA'

In Forster's *A Passage to India*, Aziz, a Muslim medical doctor, is falsely accused of having made a sexual advance on a British woman. Given the power differential between the colonizer and the colonized in British India, it seems that his "conviction [is] inevitable" (239). Not surprisingly, the British find themselves confronted by a series of protests from the Indians before the trial:

The Sweepers had just struck, and half the commodes of Chandrapore remained desolate in consequence—only half, and Sweepers from the District, who felt less strongly about the innocence of Dr. Aziz, would arrive in the afternoon, and break the strike, but why should the grotesque incident occur? And a number of Mohammedan ladies had sworn to take no food until the prisoner [Aziz] was acquitted; their death would make little difference, indeed, being invisible, they seemed dead already, nevertheless it was disquieting. (238)

Forster's ironical stance toward the British is evident. The narrator expresses the annoyance experienced by the British when the Sweepers leave the commodes uncleaned and articulates the disquietude they feel when faced with the Mohammedan women's hunger strike. But he is obviously criticizing the British even as he is speaking for them. *A Passage to India* is full of similar examples of Forster's ironic swipes at the British<sup>1</sup>—a point overlooked by certain post-colonialist critics such as Edward Said, who misconstrues Forster as unambiguously supporting and "elaborat[ing] the already existing [British colonial] structure of attitude and reference without changing it" (205). But Said's misplaced critique diverts attention from another level of collusion: the more involuntary or "unconscious" colonialist text inhabiting Forster's novel despite his humanist intentions and liberal sympathy toward the natives.

In spite of Forster's evident disapproval of British colonialism, he does

not seem to be much interested in the Indians' own objections to their colonizer—a point underlined by the fact that Forster seems to totally forget the protesters after this point. This is especially evident in his treatment of the Indian women, who make their sole entry onto the stage of political action in this scene but then sink back into oblivion. One begins to wonder whether Forster is not also participating in the colonial economy of forgetfulness by overlooking the significance of this struggle of the colonized, especially the colonized women, for a political voice. For Forster, that is, the Indians, and especially the Indian women protesters, are as “invisible” and half-dead as the Mohammedan women in general are for the British he criticizes.<sup>2</sup> The *insignificance* of this passage in the novel, in other words, reveals the *significance* of Forster's colonial and sexist unconscious.

My project then, will begin where Forster's “ends.” By focusing on the above passage, I will highlight and develop what Forster's authority seems to have repressed: namely, the ways the native men and women remake and unmake the legal structure sustaining British colonialism as they carry out their struggle against their colonizer. In challenging British colonialism, the protesters are at the same time confronting modern law,<sup>3</sup> the proprietary rhetoric of which provides the basis for the colonizer's political, economic, and military expansion,<sup>4</sup> and inaugurates such political notions in the colony as subjecthood, citizenship, and legitimacy.<sup>5</sup> The advent of the property-owning subject and contractual labor—foregrounded by the Sweepers' labor strike in Forster's passage, for example—illustrates a new understanding of persons and relationships brought about by the Western legal notion of property in the process of colonization. It is precisely these legal categories, as we shall see, that the Sweepers try to manipulate against the colonizer. In contrast to the Sweepers, the Mohammedan women hunger strikers reject this possessive notion of personhood, and along with it the values and institutions which create and impose this modern subjectivity.

The two strikes, in other words, raise concrete legal and political questions about authority and legitimacy which Forster's aesthetically couched criticism fails to address.<sup>6</sup> Read as an exploration of different modalities of political protest, the above passage redirects abstract discourses about power and politics, oppression and opposition—discourses crucial to discussions of colonialism and post-colonialism—to their concrete legal basis. More importantly, focusing attention on the two kinds of protests brings out a contrast between the men and the women in their resistance to the administrative and political structure of the colonial government.<sup>7</sup> By examining the different ways the men and women strikers position themselves with regard to British liberal law, I will argue that the women perform a more radical disruption of the modern legal order underpinning British colonialism. The male strikers protest against British injustice by withholding their labor and

as such are still operating within the economy of bourgeois law which defines the subject in terms of his<sup>8</sup> possessions, including his proprietorship of his body and his labor. The Mohammedan women, on the other hand, reject this modern law of possession with their hungry bodies—a political act which confronts the subject of possession with the subject of lack, and in so doing disrupts the liberal law of property by a law parallel to the Lacanian law of desire. Drawing inspiration from Lacan, Benjamin, and Hamacher's discussions of an unconditional law that originates in a violation of law,<sup>9</sup> I will argue that the Mohammedan women hunger strikers inaugurate a law which can be called an “ethical violence *par excellence*” and “the political as such.”<sup>10</sup> This theoretical configuration, as I will demonstrate, makes possible a new way of understanding the female body as a post-colonial site of political protest.

Let me start by analyzing the difference between the two strikes described by Forster in the passage above. The men refuse to work; the women refuse to eat. The first group refuses to clean up and clean *out* waste and excrement. The second refuses to take *in* any food. The Indian men carry on a form of dirty protest directed toward the physical infrastructure of colonial rule. The female Mohammedans' hunger strike, on the other hand, has its roots in the Muslim religious practice of fasting which aims to bring about the purification and cleansing of the soul (see Wagtendonk 24). The two genders also have different ways of positioning their bodies within each of their particular protests. The Sweepers strike by withholding their bodies from civil services. But by doing so, their bodies become detached and protected from the consequences of their political actions. The women, by contrast, weave their bodies and their protest into one inseparable entity. Dauntlessly throwing their bodies in front of the modern machine<sup>11</sup> of British colonialism, their protest is penetrated through and through by a death drive that refuses assimilation into the colonial ordering of bodies and subjects. In Lacanian terms, the women position themselves within the Real and as such disrupt both the symbolic and imaginary constructions of colonial subjectivity. The strike carried out by the men, by contrast, avoids the encounter with the Real in which life and death join each other.

The differences between the strikes carried out by the men and the women can be seen as a manifestation of the tension between the subject of property and the subject of lack, the bourgeois law of possession and the psychoanalytic law of desire. In refusing to work, the Sweepers are operating within the framework of the liberal law tradition which constructs a subject as the sum of his possessions—his body and his labor being part of the “property” which he can freely alienate or withhold.<sup>12</sup> The Sweepers gain the “right” to strike only by first acknowledging their labor to be a commodity. As the Russian legal historian Evgenii Bronislavovich Pashukanis

points out, within the paradigm of modern law, the precondition of the workers' rights (including the right to withhold their labor) is the commodification of their bodies and their labor.<sup>13</sup> The Sweepers and their rights are marketable and transferable,<sup>14</sup> which is why one Sweeper can be easily exchanged for, and replaced by, another. As Forster points out, the Sweeper-Strikers will soon be replaced by their less sympathetic "colleagues" from the District.

The Sweepers are hence caught in a vicious dilemma. By asserting their right to strike, they trap themselves inside a tradition which subsumes rights under property, and which gives greater protection to property than it does to human rights.<sup>15</sup> If the target of their protest is British colonial injustice, the moral underpinnings<sup>16</sup> of their strike are undermined by its vehicle—that is, contractual law—since contractual law concerns itself with property claims at the expense of morality. The Mohammedan women's hunger strike, on the other hand, resists this "economy" of rights absolutely.<sup>17</sup> Contractual law necessitates that the protection of property can be *alienated* from the protection of morality; the labor strikers can *detach* their bodies from the consequences of their political action. The women hunger strikers, by contrast, demonstrate with their hungry bodies the *inseparability* of human existence from moral good. The Lockean tradition maintains an "ownership" relationship between the subject and his/(her) life. As such, it creates a split between the owner and the owned, thereby objectifying and commodifying human existence. Forster's Mohammedan women, on the other hand, view their bodies not as legal possessions but as an integral whole with moral values. Non-participants in the "freely"-buying and "freely"-selling exchange economy of the modern subject, the Mohammedan women's comportment toward death threatens the positive law of the British colonial court from the uttermost limit of human existence.<sup>18</sup> The women strikers' death drive, in other words, disrupts bourgeois law's jealous guardianship of external boundaries with the internal limit<sup>19</sup> revealed by the law of desire.<sup>20</sup> What emerges from the women's protest is no longer a subject of property, but what Lacan calls a subject of lack—the subject barred by desire (\$). In the next section, I will examine this desiring subject by using Lacan's interpretations of the Sadean concept of the "second death" as well as the Kantian idea of the unconditional and irrecognizable moral obligation. I will also be drawing on Benjamin's messianic time and his politics of quotation, as well as Hamacher's notion of the "affirmative."<sup>21</sup>

To the British, the Mohammedan ladies, hardly visible behind their purdahs, "seemed dead already" (238).<sup>22</sup> Why, then, should they find their hunger strike "disquieting"? If anything, these women's ghastly existence can only be made more ghastly by their hunger strike. Like Melville's apparitional figure Bartleby, Forster's Mohammedan ladies are already dead even

while they are living. Forster's hunger strikers are thus occupying a space "between-two-deaths." They are like Antigone who, as Lacan points out, "tells us that her soul died long ago and that she is destined to give up help" (*Ethics of Psychoanalysis* 270). In Žižek's terms, these figures have the status of "the *objet petit a*, the sublime object placed in the interspace between the two deaths" (*Sublime Object* 145). It is in this interspace that the women hunger strikers challenge the bourgeois determination of personhood. To paraphrase Padraig O'Malley's analysis of the Irish hunger strike, the Mohammedan women in Forster's novel confront the public with the following question: what does it mean when these "merciless<sup>23</sup> young [strikers] would prefer to do right by denying life instead of affirming it, whose sense of victimhood had become such an integral part of their personality that they needed to reaffirm it by destroying identity itself?" (O'Malley 6). Despite British liberal law's apparent valorization of the subject's right to life, the Mohammedan women demonstrate that, under the British colonial judicial system, the only authentication of one's existence resides in a radical destruction of it, and the choice of death becomes the only way of affirming one's identity. The unambiguous definition of personhood upheld by British law loses its clarity and distinctness when confronted by the Mohammedan women "camping out"<sup>24</sup> in the interspace between two deaths. This space is like a Möbius strip where death merges into life, and powerlessness becomes power. Prior to the Mohammedan women's entry into the interspace opened up by their hunger strike, they were living a death-in-life and as such were neglected by the British. By contrast, they become most alive in the consciousness and conscience of their colonizers as they commit themselves to a cause of comportment toward death.

But there is some *Thing* even more disturbing occupying the space of suspension between two deaths. As Žižek points out, "This place between two deaths, a place of sublime beauty as well as terrifying monsters, is the site of *das Ding*, of the real-traumatic kernel in the midst of the symbolic order" (*Sublime Object* 136). Like Antigone, the strikers have crossed the uttermost limit of human existence into the realm of the sacred and the profane. In this space, the women strikers are transformed from being associated with food, nurturing, and the source of life<sup>25</sup> to a pitiless and fearless "Thing" like Antigone, herself the *em-bodi-ment* of the death drive and of the positivization of the *objet a*. In other words, the women hunger strikers have gone beyond their association with biological life and the imaginary order to the realm of the Real and of the death drive. Having exceeded the bounds of human life, the Mohammedan women hunger strikers have become, like Antigone, "raw" and "uncivilized" (Lacan, *Ethics of Psychoanalysis*, 263/306 [English/French original]). These "terrible, self-willed victim[s]" who "disturb us" with their raw inflexibility (Lacan, *Ethics of Psy-*

*choanalysis*, 247) can be compared to the IRA hunger strikers as portrayed by Pádraig O'Malley. Both the IRA and the Mohammedan women hunger strikers have hardened themselves into a fearless and pitiless Thing: "And who were they [the hunger strikers], I wondered, who could *harden* themselves to abandon life with a casual disregard for the terminal consequences of their actions, eyes fixed on a star in a galaxy of patriot ghosts imploding in their imaginations, . . . minds impervious to the importunings of those who did not inhabit their closed universe" (6; my italics).

The "hardening" of the human into "the Thing" (*das Ding*) has to do with the strikers overstepping the *até*—a word Lacan ties to *atrocious* (*Ethics of Psychoanalysis* 263/306). It is no accident, then, that the British find the Mohammedan women's "crossing of the limit" "disquieting" (238). No violation of human legality can be as *atrocious* and intransigent as going beyond the human order and the bounds of the symbolic. However, as Weber points out, the *até* is a limit which has its "origin" in "the violation of a limit, a delimitation" (146). By breaching the limit, the hunger strikers are also "camping" out at the most extreme limits of human existence in order to mark it precisely as a limit, as a horizon that as such cannot be inscribed 'in any signifying chain' . . . but that *allows signification and law and order to take place*" (Weber 152; my italics). In other words, the Mohammedan women's violent "strike" at the modern law's proprietary concept of the "right to life" simultaneously inaugurates a more originary signifying order and founds a more originary legality than those imposed on India by the British.

The hunger strikers' protest against British injustice are hence reminiscent of the caesura opened up by Benjamin's revolutionary strike.<sup>26</sup> As Hamacher explains, this "counter-rhythmical interruption" would be "the critical, the moral, the pure word: a wordless one belonging to no spoken language because it would be its impartability, the very possibility of language and social life themselves" (125). In other words, the Mohammedan women's "absolute crime" is actually "ethical violence *par excellence*" (Hamacher 115).<sup>27</sup> By violating the limit, the hunger strikers are delimiting the scope of human law, making possible the articulation of law itself. In going beyond modern law and its self-appointed role as the Guarantor of "Human Justice," the Mohammedan women strikers are actually grounding themselves in a more originary "origin" of law—namely, "the breach," an alterity that turns out to be the enabling condition of law and justice (see Weber 153). Like Benjamin's revolutionary strike, the Mohammedan women effect "an overthrow" which their strike "not so much causes as accomplishes."<sup>28</sup> To borrow from Hamacher again, the Mohammedan women's hunger strike is not enacted as a particular form of politics, but as a manifestation of "the political as such" (122).

The radicality of the Mohammedan women's hunger strike is also evident in the light of Benjamin's idea of "deposing"<sup>29</sup> (*Entsetzung*)—a notion Benjamin associates with the revolutionary strike. In contrast to the Sweepers, the Mohammedan women's hunger strike, like Benjamin's politics of "deposing," insists that "legal contracts are not the norm for all social and political interaction" (Hamacher 114). To appropriate Hamacher's vocabulary, the politics and violence of the Mohammedan women are "pure"<sup>30</sup> because they manifest a form of *justice* independent of "law's changing power of imposition" (110). This act of depositing—also termed by Benjamin "pure immediate" and "revolutionary" violence, as well as "the highest manifestation of pure violence by humanity"—is, as Hamacher describes it, an "absolute *imperformative* or *afformative* political event"<sup>31</sup> and a "political *a-thesis*" (115). Like Benjamin's "destructive character" ("Destructive Character" 301–3) or "the expressionless" ("*das Ausdruckslose*" in his essay "Goethes Wahlverwandtschaften," *Gesammelte Schriften* 1:181), the Mohammedan women's depositive political act is characterized by "interruption" and "objection," and, along with them, the appearance of the "sublime violence of truth"<sup>32</sup> (Hamacher 124). To adopt Žižek's language, the Mohammedan women's "death drive" and the space they occupy between two deaths point to "the possibility of the total 'wipe-out' of historical tradition opened up by the very process of symbolization/historicization as its radical, self-destructive limit" (*Sublime Object* 135–36). The destruction (in a Benjaminian sense) of the British symbolic order<sup>33</sup> by the Mohammedan women's "afformative" action is hence not confined to the colonizer's positive forms of law. The foundation of British colonial historiography is also severely destabilized. To demonstrate how the Mohammedan women's hunger strike carries the potential of pushing the linear narrative of colonial historiography to its self-destructive limit, I would like to weave into my discussion here Walter Benjamin's politics of quotation.

The Mohammedan women's hunger strike has its roots in Islam. Although Muslims fast regularly, fasting is practiced even more unrelentingly in states of emergency when the consciousness of the pious becomes heightened toward the allusion of the political back to the religious, and the foundation of human power in the divine.<sup>34</sup> The confrontation of the British's concepts of *time*, progress, and modernity by the colonized's appeal to the *timeless* power of divine justice is further complicated by the ghosts reawakened through the intertextualized bodies of the hunger strikers—ghosts from both the past and the future that explode the linear narrative of human progress legitimizing British colonialism. As Maud Ellmann observes, "hunger strikes . . . unsettle chronological accounts of history because they represent what Seamus Heaney calls the 'afterlife' of former protests, former macerations. By starving, the protesters transform their

bodies into the 'quotations' of their forbears and reinscribe the cause of . . . nationalism in the spectacle of starving flesh" (14). In their act of self-starvation, the Mohammedan women's bodies call up "ghosts of past and future fasts" (Ellmann 14). These "intertextual and even intergastrical allusions" (Ellmann 14) do not just challenge liberal law's notions of the bounded body and the subject-individual, they also blast the bourgeois experience of time as a rational, unidirectional progress. Through the bodies of the strikers, the ghosts of past and future fasts intervene into and explode the homogeneous, empty time of the British colonial mythical narrative of human progress with a Benjaminian *jetztzeit*.<sup>35</sup> The hunger strike, in fact, is a spectral moment when proposopoeia emerges as citation (Balfour 645), when the strikers's bodies are transformed into quotations of those of their forbears and of the generations to come like a "tiger's leap" into the past and into the future. In this context, then, the Lacanian between-two-deaths can be rewritten as in-the-midst-of-countless-deaths. Here the "dead" emerge as the most intensely alive and articulate by speaking through the bodies of the hunger strikers who are seemingly already dead.<sup>36</sup>

From this perspective, the hunger strikers' bodies become "part objects" and "part narratives" referring to the absent whole, warning of the possibility of a complete erasure of ethnic history and ethnic space if the British were to triumph. Hence, it is the Mohammedan women strikers, rather than their male counterparts, who would be better able to "bring about a true state of emergency." Žižek describes this revolutionary sense of urgency most effectively in his Lacanian analysis of Benjamin's "On the Concept of History" (*Über den Begriff der Geschichte*):

revolution is an affair of life and death; more precisely: of the *second, symbolic death*. The alternative opened up by the revolution is that between *redemption*, which will retroactively confer meaning on the "scum of history" . . . —or what was excluded from the continuity of Progress—and the *apocalypse* (its defeat), where even the dead will again be lost and will suffer a second death: "*even the dead will not be safe from the enemy if he wins*" (Theses VI). (*Sublime Object*, 144)

The "second, symbolic death" in the case of India would be the eternal silencing of the Indians, and of the Muslim women in particular—their identity already in the process of being erased by the British's metonymic reduction of the Muslim women to their purdahs.

The Mohammedan women's hunger strike, then, confounds the distinctions between life and death, and with it the homogenous categorization of time into past, present, and future. Their protest amounts to being a violent "strike" on time, an explosion of British imperial historiography and linear narrative. Their political protest carries the potential of instantiating a revolution in the Benjaminian sense. As Žižek describes it, such a revolution

is not part of a continuous historical evolution but, on the contrary, moments of "stasis" when the continuity is broken, when the texture of previous history, that of the winners, is annihilated, and when, retroactively, through the success of the revolution, each abortive act, each slip, each past failed attempt which functioned in the reigning Text as an empty and meaningless trace, will be "redeemed," will receive its signification. (*Sublime Object*, 143)

Transposed to Lacanian terms, the Mohammedan women's "afformative" protest can be explained as "a *creationist* act, a radical intrusion of the 'death drive': erasure of the reigning Text, creation *ex nihilo* of a new Text by means of which the stifled past 'will have been'" (Žižek, *Sublime Object*, 143–44).

In short, the Mohammedan women are hardly visible, yet the British find their hunger strike disquieting. The reason is, not unlike the ghosts, the Mohammedan women hardly *ex-ist*, but they *in-sist*.<sup>37</sup> That is how they participate in a social and political system that denies them political participation. Their insistence, by extension, points out a direction for all Indians (and perhaps all colonial subjects)—male or female, Hindus or Muslims—a direction for their intervention into a political system that denies them political representation. The fact is, the Mohammedan women are not the only ones who suffer from invisibility in the British eyes, nor are they the only ones whom the British refuse to acknowledge in their exercise of a right to dissent publicly. The British also willfully turn their eyes from the Indian men who attempt to assert their right to defend their liberties and their duty to oppose injustice. Thus, the Mohammedan women are not the only Indians being effaced, fragmented, and metonymized into the purdahs they wear. (Often in the novel, the purdah stands in for the invisible Mohammedan lady.) The purdah as a metonymy is woven into the fabric of British imperialism and comes to envelope all Indians—be they female or male, Muslims or Hindus. The British's violent reduction of the natives to a metonymic object which the colonizer stereo-types on the colonized's body (for example, the purdah)<sup>38</sup> has quite successfully "protected" the colonizer from seeing his colonial other face to face. That is why time and again, the Indians in the novel are reported to be totally incomprehensible to the British.<sup>39</sup>

The Mohammedan women's hungry bodies hence become a powerful mouthpiece for all Indians—past, present, or future—which brings into view yet another critical difference between the men and women strikers. Since bourgeois law is so bound up with property, it is necessarily territorial and exclusive—hence the close association of bourgeois law with the "bounded body." Casting oneself as a proprietary subject with a bounded body involuntarily sets the "self" against "the other." How is it possible, then, for the Sweepers to be speaking for Aziz—another "body"—committed as they are in their labor strike to the liberal law paradigm? In fact, how

can they possibly speak for any *body* other than their own? The labor strikers are thus caught in a vicious cycle. Their bodies and that of Aziz's perpetually evade each other—a condition evidenced in the Sweepers' *withdrawal of their bodies* from the public in the very protest carried out on behalf of Aziz's *imprisoned body*.

The theoretical framework of bourgeois law thus makes it difficult for the subject to speak on behalf of another. By excluding the other from the possessive subject, the law of property inevitably undermines the grounds for collective actions—political actions in particular—such as protests and strikes. As Macpherson puts it, “to insist that a man's labour is his own, is not only to say that it is his to alienate in a wage contract; it is also to say that his labour, and its productivity, is something for which he owes no debt to civil society” (221). The consequence is, “the individual was seen neither as a moral whole, nor as part of a larger social whole, but as an owner of himself” (3).

The Mohammedan women, on the other hand, are capable of acting for the other because they ek-sist outside themselves. They are not subjects under bourgeois law, and they do not rely on any qualitative confines to confer upon them an identity. They submit themselves instead to the law of internal limit which is the “reflection-into-itself” of the boundary.<sup>40</sup> Consequently, the Mohammedan women are not bound by an opposition between “self” and “other.” Rather, their state of being can be characterized as “in-me-more-than-me” (*plus moi-même de moi-même*)—a phenomenon which Lacan in his *Ethics of Psychoanalysis* associates with an “excess” of identity at the origin of the self (198).<sup>41</sup> It is this excess which renders the subject of internal limit—the barred subject—capable of receiving and relaying the message of the other. At first sight, one might wonder how the British injustice to the Indians—and to Aziz in particular—can be represented by the Mohammedan women. Given the difficulties faced by the male strikers in speaking *for* Aziz, how could the women be expected to succeed? If all individuals, as bourgeois law proposes, are separated from each other, the women would be even more separated from Aziz than the men given the gender differences. The ordeals undergone by the women during the hunger strike are by no means identical to those experienced by Aziz in prison. How do these women—and each of these individual women—come to stand in for, and to stand up for, Aziz? The answer lies precisely with the “in-me-more-than-me”—what Lacan and Jacques-Alain Miller call the “extimate”—relationship between the hungry bodies of the Mohammedan women and the imprisoned body of Aziz.

As Allan Feldman points out in *Formations of Violence*, hunger strike turns the body “inside out.”<sup>42</sup> The British impose boundaries on Aziz's body, marking him out as a criminal-subject to be isolated from other indi-

viduals. By starving themselves, the Mohammedan women turn their empty stomachs to the outside world, thereby exposing the colonial injustice which has imprisoned (both literally and metaphorically) Aziz and other Indians. Through self-starvation, the Mohammedan women also externalize the torture and sufferings which each Indian has been forced to carry *within* his or her own body. The Muslim women's hunger strike, in other words, put on *exhibition* the prison and other forms of state violence which the British colonial government implants within every-body in India.<sup>43</sup> Feldman's analysis of the inversion of the roles of the captor and the captured assumed by the hunger strikers and the state is pertinent here:

Starvation of the flesh in the hunger strike was the inverting and bitter interiorization of the power of the state. Hunger striking to the death used the body of the [strikers] to recodify and to transfer state power from one topos to another. . . . The act of self-directed violence interiorized the Other, neutralized its potency, enclosed its defiling power, and stored it in the corpse of the hunger striker for use by his support community. (237)

In other words, it is the ob-scenity<sup>44</sup> of the British colonial law that is being captured, imprisoned, and made a spectacle of to the public by the empty stomachs of the Mohammedan women. Note, too, that while Aziz the *man* is taken prisoner by the colonial government, it is the Mohammedan *women* who take prisoner the injustice of British colonial law by using their bodies. Equally important is the women's seizure of the *body* as the site of their political protest in response to the British colonial officials's intention to hijack Aziz's identity through an act of “*incorporeal* transformation”<sup>45</sup>—an act which would transform Aziz from a colonial subject to a criminal subject if the British were to succeed. As a purely symbolic act, incorporeal transformation can take place only by short-circuiting the body—in this case by refusing to acknowledge the body as a material Thing. The declaration of Aziz by British law as a prisoner *instantaneously* transforms Aziz into a prisoner only because such transformations take place completely independently of the material body. To borrow the formulation of Deleuze and Guattari, one can say that British colonial law generates “acts which are only noncorporeal attributes or the ‘expressed’ of a statement” (80). Through self-starvation, the Mohammedan women bring into view the body of the *Real*—the material “Thing”—and as such disrupt the violence of the colonial *symbolic* order. Their hunger and comportment toward death exemplify “the actions and passions affecting [the] bodies” (Deleuze and Guattari 80). In Lacanian language, the women hunger strikers' bodies are absolutely singular and resistant to the violence of symbolic abstractizations because theirs are “bodies of the drive.”

By giving us the notion of a limit which has its “origin” in “the violation of a limit,”<sup>46</sup> and the principle of an absolute that originates in the violation

of the absolute, the psychoanalytic law of desire provides us with a way to conceive of legality from a space outside of the contemporary dichotomies of the self and the other, the public and the private. As my analysis shows, bourgeois law holds the body captive within its boundaries, and it is through this law that the British imprison and colonize their Indian subjects. By contrast, the subject of desire presents a body which is thoroughly "traversed by the other, and traverses in this movement the limits of one's identity."<sup>47</sup> Desire, in other words, gives us a law which defines relationships in terms of an "inoperative community" rather than in terms of possession, prohibition, and power. A psychoanalytic reading of the differences between the men's strike and the women's strike in Forster's novel hence gives us an-Other body and an-Other legality for reconsidering questions of resistance in the context of colonialism and its aftermath. It imparts to us new possibilities of configuring social differences and identity. In sum, it presents us with a gift of absolute Alterity in thinking about the legal foundation of national consciousness, and the (im-)possibility of resistance to/through law.

## NOTES

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1. See, for instance, his description of Adela's resumption of her "morning kneel to Christianity" before the trial: "Just as the Hindu clerks asked Lakshmi for an increase in pay, so did she implore Jehovah for a favorable verdict. God who saves the King will surely support the police" (234).

2. The only Indian woman who comes close to "having a face" in *A Passage to India* is a dead woman—that is, Aziz's deceased wife, whose face is frozen within a photographic frame. She can be considered the most prominent Indian woman in the novel. Even then, Forster gives but a vague description of her face: "The lady faced the world at her husband's wish and her own, but how bewildering she found it, the echoing contradictory world!" Forster "puts her face" away as readily as he drops the subject about the Indians' protest. Immediately following the above description, Forster, through his character Aziz, locks away for good the face of the dead woman: "'Put her away, she is of no importance, she is dead,' said Aziz gently. 'I showed her to you because I have nothing else to show. . .'" (126).

3. Following many scholars in the field of legal theory, I use the terms *bourgeois law*, *liberal law*, and *modern law* interchangeably. However, like Jane Collier, Bill Maurer, and Liliana Suárez-Navaz, I favor Pashukanis's term *bourgeois law* in my

chapter. As Collier et al. point out, the term *bourgeois law* "identifies the primary creator and beneficiary of law as an individual who 'owns' property, even if only in 'his' person" (2).

4. Peter Fitzpatrick dissects the colonial logic of modern law by highlighting the narrative of evolution underlying modern law's claim to superiority over "primitive law"—a claim that legitimizes the conquest of the "lawless savages" by modern (Western) law and order. Henry Sumner Maine and Lewis Henry Morgan, for example, portray "primitives" as being ruled by irrational "customs" instead of submitting themselves to the rule of law.

5. Drawing on John Delaney's scholarship, I would like to call attention here to the role of the legal concept of property in the colonizing process as it reforms and deforms culture and consciousness—a concept which inaugurates in the colonies new relations to "the self" (for instance, our propriety rights to our selves and our bodies), to everyday life (such as ideas of home, work, and community), and to culture (notions of cultural differences and the polarization of the "we" and the "they"). It is important, at the same time, to keep in mind the role played by the idea of property in the process of decolonization, since it is the notion of property that makes possible arguments about liberty, personhood, agency, and power.

6. The urgency for performing a careful reading of the two strikes in Forster's novel becomes all the more pressing when we consider the way Forster's negligence has been duplicated by his critics. This passage has been ignored not only in writings on Forster by Barbara Harlow, Hunt Hawkins, Jeffrey Heath, Judith Scherer Herz, and Frances Singh, but also in criticism of *A Passage to India* and British colonialism by Edward Said, Sara Suleri, and Abdul JanMohammed. This lack of attentiveness, even from post-colonialist scholars well-known for their sensitivity to the colonial implications of seemingly insignificant details in Western canonical works, is worth noting. As I argue elsewhere, this silence marks part of a more general blindness among post-colonialist critics toward the crucial place of law within the operations of colonialism and its aftermath.

7. Homi Bhabha examines in "Of Mimicry and Man" the colonizer's project to mold the colonized into a "reformed recognizable Other" (*Location of Culture*, 87–88). As I will argue in this chapter, the women strikers are more radical in resisting this colonial imposition than their male counterparts.

8. I am confining myself to the male pronoun in order to call attention to the gender bias of the subject of the liberal law tradition. Associating the bourgeois subject with a "he" also highlights the gender issue in my discussion of the differences between the two kinds of strikes.

9. Despite some rather significant divergences in their theoretical positions (a subject which is regrettably beyond the scope of this chapter), these three thinkers have some overlapping ideas in their radical notions of law.

10. These formulations are borrowed from Werner Hamacher, 115.

11. Instead of accepting the breakup of old orders and identities by modern law, Forster's Mohammedan women confront Western bourgeois law with a Muslim tradition which weds a religious practice of purification to a political protest.

Later on, I will discuss how the Mohammedan women hunger strikers base their protest on an *atemporal* law—that is, a law in defiance of modernity and the homogeneous empty *temporal* schema in which modernity is produced. In a way, the Mohammedan women can be understood as "laying siege to time itself . . . vandal-



izing the ideas of sequence, rhythm, and chronology" (Ellmann 119). The women's "vandalism" of chronology has significant political implications in a (post-)colonial context, given the important roles played by the ideas of progress and evolution in legitimizing colonialism.

12. See Locke's famous statement: "every man has a 'property' in his own 'person' . . . The 'labour' of his body and the 'work' of his hands . . . are properly his" (204). Other members of this dominant tradition in modern British legal thoughts include Hobbes, Blackstone, and Adam Smith.

13. See Pashukanis's *Law and Marxism*: "At the same time . . . that the product of labour becomes a commodity and a bearer of value, man acquires the capacity to be a legal subject and a bearer of rights" (112). C. B. Macpherson also points out the intimate connection between commodity and various modern legal concepts surrounding the subject such as rights and freedom: "It cannot be said that the seventeenth-century concepts of freedom, rights, obligation, and justice are all entirely derived from this concept of possession, but it can be shown that they were powerfully shaped by it." In a society of possessive individualism, Macpherson observes, "freedom is a function of possession" (3).

Pashukanis and Macpherson have both come under the influence of Marx's critique of rights. See Karl Marx's "On the Jewish Question" and *Communist Manifesto*.

14. See Frederick Pollock's "Locke's Theory of the State" for a critique of Locke's endeavor to subsume all human rights under Property (90).

15. Roscoe Pound makes the following charges against English liberal law in his *Social Control Through Law*: "If, therefore, the law secures property and contract more elaborately and more adequately than it secures personality, it is not because the law rates the latter less highly than the former, but because legal machinery is intrinsically well adapted to securing the one and intrinsically ill adapted to securing the other" (60). See also McIlwain's *Growth of Political Thought*, where the author observes that English liberty is based on the control of purse strings (394). For additional critical assessments of the Lockean legacy or liberal law in general, see J. W. Gough, *John Locke's Political Philosophy*; and Arthur L. Goodhart, *English Law and the Moral Law*.

16. Note that while the Sweepers' strike only provokes feelings of annoyance ("why should the grotesque incident occur?" [238]), it is the women's hunger strike that presses on the British's conscience. The British find their strike "disquieting," an unwitting acknowledgment of the moral impact of the Muslim women's political protest.

17. Since the intake of food is a primary gesture of the subject's appropriation of the outside world, the Mohammedan women's political abstention from food is already a challenge to the ideology of the modern legal subject of possession.

18. In choosing self-starvation to defy an unjust political system, the Mohammedan women associate human existence with moral good rather than with property. As such, their protest is a challenge to British liberal law's *proprietary* concept of the "right to life."

19. I borrow the terms "external boundaries" and "internal limitations" from Hegel. Later on, I will elaborate on these two concepts in relation to a Lacanian distinction between "existence" and "insistence."

20. I will soon turn to discuss the Mohammedan women's hunger strike in light of the death drive.

21. Drawing from Hamacher, I will undertake to demonstrate the ways the Mohammedan women hunger strikers disrupt Western possessive individualism by operating neither inside nor outside the modern law "given" to the Indians by the British.

22. The purdah is a recurring figure in the novel. Its significance will become apparent later in my essay.

23. In his discussion of Antigone's death drive, Lacan also emphasizes Antigone's mercilessness and "rawness." (See "The Essence of Tragedy" in *The Ethics of Psychoanalysis*.)

24. I borrow this expression from Samuel Weber's "Breaching the Gap."

25. As a result of their role as mothers, women have been traditionally associated with feeding and nurturing in many cultures. Women are thus often linked to nature, biological existence, "mere life," and the imaginary order. In *Holy Feast and Holy Fast*, Caroline Bynum discusses medieval European women's role in the preparation and distribution of food, but her discussion of medieval Europe seems to have wide applicability to other cultures as well: "[Women] . . . distributed food, both prosaically and miraculously. . . women had many ways of manipulating and controlling self and environment through food-related behavior, for food formed the context and shapes of women's world—of their responsibilities and privileges—more fundamentally than it did the world of men" (208).

26. In his "Critique of Violence," Benjamin thinks of "proletarian general strike" in terms of pure political violence. As Hamacher points out, the form of justice pertaining to the Benjaminian proletarian strike is independent of "the law's changing power of imposition" (110). Benjamin's proletarian strike is hence much closer to the Mohammedan women's hunger strike than the Sweepers' strike.

27. See Lacan's "Kant with Sade" and his *Ethics of Psychoanalysis* for a discussion of the paradoxical relationship between Sade's absolute crime and Kant's categorical imperative. Samuel Weber briefly alludes to the connection as follows:

the secularized Christian conception of an immanence of nature capable of recuperating and reappropriating its own finitude is called into question by the artifice of the absolute crime of what is called 'the second death' (Weber 142-43). Another and related point for Lacan is to be found in Kant—first of all, in his moral philosophy, which, in separating the moral law from intuition and cognitive experience, endows moral obligation with an "unconditional" character that is independent of its possible realization. This, Lacan remarks, has the effect of anchoring moral obligation in a cognitive void, one that will turn out in the light of psychoanalysis to have been the site of desire. (143)

Note also the parallel between, on the one hand, Benjamin's revolutionary strike which breaks absolutely the mythical cycle between law-founding and law-preserving violence, and, on the other, the Sadean "second death" which is a "crime against nature subverting the 'natural' opposition of 'death' and 'life'" (Weber 144).

28. Benjamin, *Gesammelte Schriften*, 2:194.

29. This particular translation is adopted from Hamacher. The notion is appealing for its ability to get beyond the binary opposition of positing and its opposite:

Deposing is not posited. It is not the opposite of positing and cannot be defined as the negation—determinate or indeterminate—of a position as long as the logic of

negation is governed by the premises of positional or propositional logic. Accordingly, Benjamin does not simply regard deposing as a historical consequence of unsuccessful political or legal impositions, but as the event of a "pure immediate violence . . . beyond the law," that is, as the manifestation of a violence independent in principle from positing (*Gesammelte Schriften* 2:202). Moreover, as "pure immediate" violence, deposing is neither a historical nor even a causal consequence, but rather the absolute precondition of every historical positing violence. The affirmative character of political deposing, therefore, does not stand opposed to particular legal positings; it lies beyond position and opposition and is—as atheistic, immediate mediacy—the precondition for both, without, however, being expressible, representable or presentable in either of them. (Hamacher 128, n. 12)

30. In Lacanian terms, the Mohammedan women's strike embodies pure desire.

31. The "afformative" is a neologism invented by Hamacher to discuss the revolutionary strike described by Benjamin in "Critique of Violence": "Afformative is not *aformative*; afformance 'is' the event of forming, itself formless, to which all forms and all performative acts remain exposed. (The Latin prefix *ad-*, and accordingly *af-*, marks the opening of an act, and of an act of opening, as in the very appropriate example of *affor*, meaning 'addressing,' for example when taking leave.) But of course, in *afformative* one must also read *aformative*, as determined by *aformative*" (Hamacher 128, n. 12).

32. Benjamin, "Goethes Wahlverwandtschaften," in *Gesammelte Schriften* 1:181.

33. The "strike" on the symbolic order by the Mohammedan women's "ethical violence *par excellence*" is significant. It points out a direction for understanding the way the psychoanalytic law of desire singularizes each individual in terms of his/her lack—a subject which I regretfully will not have time to discuss in detail in this chapter. Despite liberal law's focus on the "individual subject," the list of non-individualized attributes (such as "liberty," "agency," "accountability") indiscriminately assigned to every subject is an indication that the symbolic order as bourgeois law frames it is still general, or, in Hegelian terms, "abstract" (see n. 18 in my introduction to this volume). The suspension of the symbolic order by the women's hunger strike hence amounts to a suspension of the abstractness and generality of the liberal law of possession. The women strikers' destruction of bourgeois law's symbolic act of conferral allows their radical singularity—their uniqueness which always remains *other* to any external determining order—to emerge. This singularity is similar to what Levinas envisions for his notion of rights—a kind of rights capable of expressing the alterity or absoluteness of every human being:

Rights that, independently of any *conferral*, express the alterity or absolute of every person, the suspension of all reference . . . ; an alterity of the *unique* and the incomparable, due to the belonging of each one to mankind, which, *ipso facto and paradoxically*, is annulled, precisely to leave each man *the only one* of his kind. A tearing loose and a suspension—or freedom—which is no mere abstraction. It marks the absolute identity of the person, that is, of the non-interchangeable, incomparable and unique. A uniqueness beyond the individuality of multiple individuals within their kind. A uniqueness not because of any distinctive sign that would serve as a specific or individuating difference. . . . It remains *concrete* [my italics], precisely in the form of the various rights of man,

claimed unconditionally, under the various necessities of the real, as various modes of freedom. (1993: 117)

Note, however, that Levinas's position on liberalism is very different from mine.

34. See Wagtendon 9.

35. See the fourteenth thesis in Benjamin's "On the Concept of History": "History is the subject of a structure whose site is not homogeneous, empty time, but time filled by the presence of the now [*Jetztzeit*]. Thus, to Robespierre ancient Rome was a past charged with the time of the now which he blasted out of the continuum of history. The French Revolution viewed itself as Rome returned. It cited Rome the way fashion cites costumes of the past. Fashion has a flair for the topical, no matter where it stirs in the thickets of long ago; it is the tiger's leap into the past. The jump, however, takes place in the arena where the ruling class gives the commands. The same leap in the open air of history is the dialectical one, which is how Marx understood the revolution." (I follow here Balfour's slight modification of Zohn's translation. Balfour, by translating "*zitieren*" as "cite" rather than "evoke," is both more accurate and better conveys Benjamin's politics of quotation. See Balfour 645-46, n. 43.)

36. Indeed, *A Passage to India* is haunted throughout by ghosts—the ghostly presence of Mrs. Moore at the trial, the ghost of the man killed by Nawab Bahadur's car (an accident resulting from the colonization of India by Western technology and modern industrial economy [106]), the ghostly echoes which Adela desperately struggles to "exorcise" (267). Elsewhere, I discuss at length the tension between a "detective story" and a "ghost story" in *A Passage to India*. The detective story follows the paradigm of bourgeois law and attempts to locate a responsible subject-agent for each incident. This rational narrative, however, is constantly haunted by a ghost story—one that makes guilt unlocalizable and leaves mysteries unresolvable. The repeatedly thwarted attempts of Fielding to resolve the mystery of the caves is a case in point.

37. The term *insist* is adopted from Lacan's *Encore Seminar* (translated as *On Feminine Sexuality: The Limits of Love and Knowledge, 1972-1973*, by Bruce Fink.) I contrast "insistence" to "existence" in order to highlight the differences between the liberal law of possession and the psychoanalytic law of desire. *Existence* falls on the side of male logic, not only for its connection to the sovereign subject of existentialism, but also for its intimate relation to the way the subject asserts itself in modern law—that is, in terms of self-possession and external boundaries. *Insistence*, by contrast, singularizes a subject by foregrounding internal limitations. Following the law of desire, *insistence* disrupts the idea of existence by constantly referring itself back to the persistence of trauma.

The Mohammedan women, of course, do not exist as subjects in bourgeois law. For the British, they are "hardly visible" (238). Nonetheless, their dignity insists despite the exclusion of their "existence" by the British colonial judicial system. Note that "insistence" is by no means a passive, "reactive" politics. Prevented from participation by the exclusive and colonial male logic, the Mohammedan women respond with a inclusive female logic which Joan Copjec calls "the logic of absolute all." See also Renata Salecl's *Spoils of Freedom*, where she develops a logic of radical democracy on the basis of Lacan's discussion of sexuation (133).

38. Allan Feldman in his *Formations of Violence* makes a most telling observa-

tion about the perniciousness of the British colonizer's practice of reducing the colonized's body into codified fragments:

The act of violence transposes the body whole into codified fragments: body parts or aspects which function as metonyms of the effaced body and of larger totalities. The violent reduction of the body to its parts or disassociated aspects is a crucial moment in the political metaphorization of the body . . . a material as much as it is a linguistic practice: (1) Metonymic displacement and substitution (parts replacing the whole) express the political instrumentation of the body and thus mark a shift from prior usages of the body, from its prepolitical semantic status. (2) The distillation of the body into parts is the miniaturization of the body. This miniaturization is a mimesis of the concentration of politico-historical codes in the body altered by violence. The body marked by violence encapsulates certain political purposes, mediations, and transformations. (69-70)

Feldman further warns that the "essentialization of ideological codes in the body prepares for the violent dematerialization of the body as the prescribed site for the lodgement and dislodgement of such codes" (71).

39. The devastating confusion experienced by the British in response to the echoes in the caves is a definitive symbol of the British's inability to appreciate, much less understand, India. Among the British characters, even those who demonstrate much good will toward India (such as Fielding, Adela, and the novel's narrator) are, in general, not exempted from a blindness toward their "colonial other." Adela, for example, assumes all Muslims to be the same and offends Aziz by asking in her "honest, decent, inquisitive way: 'Have you one wife or more than one?'" (169; my italics). In their anxiety to understand "the real India," these characters desperately try to impose their cognitive framework with its stereotypical categories in an attempt to understand (and thus appropriate) Indian culture. The more anxious they are to "know" India, the less capable they are of appreciating India. Adela, for instance, despairs over her inability to apprehend India by means of her intellect: "How can the mind take hold of such a country?" (150). Likewise, the narrator feels threatened by the fact that the reputation of the Marabar Caves "does not depend upon human speech" (137). In their attempt to "understand" India, both are trying to master India and colonize it with their Western "sense." Both experience frustrations because the Other resists being captured and evaluated by the Western rational subject.

40. These concepts are adopted from Kant's *Critique of Pure Reason* and *Prolegomena*, and Hegel's *Phenomenology* and *Logic*. See also Žižek's explanation of these ideas in *For They Know Not What They Do* (109).

41. Lacan highlights a certain lexical redundancy in the etymological development of the French word *même* from the Latin *metipseus*, which he interprets as a linguistic indication of a certain repetition that lies at the "heart" of the self (*Ethics of Psychoanalysis* 198 / 233).

42. Note, however, some major differences between the hunger strikes of the IRA and that of Forster's Mohammedan women. In Forster's novel, for example, the strikers were not themselves the prisoners. Unlike the IRA hunger strike, there is no coincidence between the hungry bodies and imprisoned bodies in *A Passage to India*. This is to say, what goes on in Forster's novel is a different "inversion of the body" requiring a different method of examination. To highlight the differences between

Feldman's study and mine concerning the relationship between the hungry body and the imprisoned body, let me quote the following from *Formations of Violence*: "The symbiosis between prison discipline and political resistance culminated in a *literal inversion* of the body, in a dissected body turned inside out. . . . The margins between prison and body were submerged and erased; the cell became the extended body of the prisoners, and their bodies became their temporary prison" (166).

43. This shows yet another way the law of internal limitations—that is, the psychoanalytic law of desire—can contribute to feminist studies. As the feminist legal theorist Zillah R. Eisenstein points out, the law of bounded bodies discriminates against women whose "boundaries" become unclear in cases such as pregnancy.

The question of pregnancy is highly pertinent to our analysis here, since the women hunger strikers are pregnant with the ghosts of other hunger strikers. In their self-starvation, the women strikers also demonstrate how they are pregnant with sufferings from injustice. As such, they make evident that the bodies of the Indians are always already shot through by the injustice of the British. Their message hence amounts to the following: in reality, there is no "Indian subject" possible as liberal law prescribes it, since the boundaries of the natives' bodies have always been invaded through and through by British violence.

44. In addition to its conventional meaning, the word "ob-scenity" is hyphenated here to recall how "obscene" can also imply "off-stage" in Lacanian usage.

45. This term is adopted from Deleuze and Guattari's *A Thousand Plateaus* (80-85). Deleuze gives as an example of incorporeal transformation "the judge's sentence that transforms the accused into a convict" (80).

46. See Samuel Weber's explication in "Breaching the Gap" (146).

47. This is a formulation borrowed from Christopher Fynsk (xviii).

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### Part III

#### LEGAL PLURALISM AND BEYOND