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## Notes on the Subaltern: Or, How Postcolonial Critique Meets the Perpetrator

Let me begin with an image: the body of a child, drained of life and color. Its mouth slightly parted; white, unblinking spots where there were once, perhaps, seeing eyes. Its torso – broken flesh, broken bone – encased in broken stone.<sup>i</sup>

Then the story: December 3<sup>rd</sup>, 1984. The populace of the city Bhopal in central India is gassed with 27 tons of methyl isocyanate that leaked from a pesticide factory: “It felt like somebody had filled our bodies up with red chillies, our eyes tears coming out, noses were watering, we had froth in our mouths” (Champa Devi Shukla, quoted by International Campaign for Justice in Bhopal 2014). Within 24 hours, this city-turned-gas-chamber claimed over two thousand lives, devastated over 150,000 bodies, thousands of which were – which *are* – yet to be born. The next morning, a father buries his child. “Unable to bear the thought of never seeing her again”, we are told, “he brushed away the dirt for one last look”.

The catastrophe in Bhopal has been described as an act of corporate killing (Jones 1988), the effect of a moral disregard for socioeconomically subjugated populations (Mukherjee 2010; Fortun 2000). Thus, the image represents not only the violation of a particular child but also the many bodies similarly devastated, and those yet awaiting this fate. The destruction of the body, the irruption of organic matter, visible in the image, then, speaks the singular and historical act of killing. To think the event as such – i.e. as killing – evokes the question of perpetration. That is, it compels us to ask after the performers and performance of act(s) of injury. Following this line of inquiry, some studies of Bhopal have produced a detailed account of particular actors, corporate and political, involved in the variety of decisions that precipitated the leak, thereby tracing a line between doer(s) and deed (cf. Ali 1987; Chouhan et al. 1994). Others have taken a broader view, seeking to historicize the event through a consideration of the socio-political and economic particularities that engendered the event (cf. Guillette 2008; Shrivastava 1987). To be sure, each of these approaches is concerned with the question of accountability not merely for the purpose of redress but also to think through the possibilities of preventing similar disasters in the future. Yet, evaluations of accountability are contingent upon the location of agency – whether within individual or structural contexts – so that investigations of perpetration are concerned, in fact, with agency as the condition of possibility for the act.

In this chapter, I interrogate the significance of agency in contexts such as Bhopal. In particular, I focus on Bhopal as activity against the subaltern and outline the implications of asking the question of perpetratorship therein. Insofar as perpetrator studies is concerned with the figure of the perpetrator, it assumes the agency of a self-knowing subject whose performative capacity is embedded in particular ethico-political rationalities (cf. Feldman 1991). Moreover, given that scenes of violation are constituted through the triangulation of subject, object and act, the rationale that describes agency simultaneously describes its object. For instance, in the case of Bhopal, the rationalization of agency lies between the poles of economic fundamentalism,<sup>ii</sup> and economic and political expediency.<sup>iii</sup> Accordingly, the victims of the leak are either ill-fated objects of rescue or expendable objects of contempt. Within the contemporary global regime of human rights, the latter description seems inadmissible so that the figure of the perpetrator is approached as a transgressor against an established moral order. Yet, the image of the child, I suggest, is a representation not merely of transgression but, more crucially, of repetition. That is, as I will argue in this chapter, whereas perpetration as transgression signifies a wrongful *rupture* in the moral order, the perpetration of violence against subaltern bodies is part of an ongoing history of killing, one whose rationality flows from the description of the subaltern as

47 expendable. Thus, acts of violence against subaltern bodies are a repetition of killing as  
48 *constitutive* of the moral order.

49 Understanding violence against the subaltern as such requires us to re-think approaches to  
50 perpetration. In order to do so, I will introduce the figure of the subaltern and outline how  
51 postcolonial studies can contribute to the encounter between perpetrator studies and the  
52 subaltern. Thereafter, I will use the concept of agential separability to critique our (possible)  
53 investments – as witness/researcher/writer – in the figure of the perpetrator and acts of  
54 perpetration, especially in relation to the violation of subaltern bodies.

55 I begin, however, with a brief outline of the imperative to re-think approaches to perpetration.

## 56 **Re-encountering perpetrator studies**

57 As already noted, perpetrator studies generally seeks to address the figure of the perpetrator  
58 and to comprehend the conditions that facilitated associated acts of perpetration. This approach  
59 tends towards the evental wherein historical consideration focuses largely upon the context for  
60 the acts rather than their own historicity. To consider the historicity of an act is to recognise  
61 not only its material but also its onto-epistemic lineage. Such an approach would necessitate a  
62 shift away from the figure perpetrator towards the signifying effects of perpetration. In  
63 particular, it requires a rethinking of the relation between doer and deed. Most accounts of  
64 agency posit a causal relation between doer and deed, wherein the doer is imagined separate  
65 from, and prior to, the deed. This description of agency follows from the notion of action as an  
66 effect of will.

67  
68 Contrary to this view, Nietzsche’s oft-cited critique of agency asserts that “there is no “being”  
69 behind the doing, acting, becoming” he writes, ““the doer” has simply been added to the deed  
70 by the imagination - *the doing is everything*” (1956, 178–79; added emphasis). This follows  
71 from his postulation of will not as an effect of reason (as per Kant) but as “simply a matter of  
72 commanding and obeying, on the groundwork... of a society constructed out of many “souls””  
73 (2002, 20; see also 1956, 190-191). Here, soul is a “subject-multiplicity” or “a society  
74 *constructed out of drives and affects*”” (2002, 14; added emphasis). Thus, Nietzsche views the  
75 idea of will as that which “merely captures the idea that mental entities have an urge to be  
76 realised” (Risse 2007, 65). All activity, then, is simply actualisation.

77  
78 For Nietzsche, the agent is not the source of an act but is rather a rationalising myth that *serves*  
79 *the purpose* of identifying a contemporaneous origin or source of injury. As such, the  
80 appending of doer to deed is an effect of the law of contract that requires a responsible subject  
81 in order to dispense punishment for the infliction of suffering (1956, 194–98). This approach  
82 to agency as invention signals a rejection of the Kantian notion of morality as a system of *a*  
83 *priori* principles, the understanding and abiding of which are imperative for the ethical (or  
84 human) subject. Instead, Nietzsche argues, “morality [must be] understood as *a doctrine of the*  
85 *power relations* under which the phenomenon of “life” arises” (2002, 20; added emphasis).  
86 That is, morality is a system of ends, one that seeks to formalise the subjugation of certain  
87 affects and drives that, through a dominating power, come to be described as evil to others that  
88 come to be described as good. It is through this dynamic of valorization that the appearances  
89 of an ideal life and moral world are created. It is also, therefore, within this context alone that  
90 any interpretation of activity and ascription of accountability becomes possible.

91  
92 If we accept this proposition, then focusing on the figure of perpetrator and the singularity of  
93 perpetration inhibits our ability (1) to interrogate the historicity of the moral framework that

94 evaluates action as perpetration and (2) to comprehend perpetration as a historical force, or  
95 drive, that produces the world as we perceive it. A concern, instead, with the signifying effects  
96 of perpetration would provide insight into the creation of the contemporary global moral order  
97 and the significance of the drives that have been suppressed therein, drives that are ultimately  
98 unleashed in perpetrative activity.  
99

100 As already indicated, in this chapter I seek to approach violence against subaltern bodies, such  
101 as that evidenced in Bhopal, as iterative activity that rehearses their institution as expendable  
102 objects. If, as Nietzsche proposes, it is only a moralising force that demands that the  
103 suppression of “bad” drives in relation to the “good”, then it is this same force – the judgement  
104 of a moralistic order – that mistakenly anticipates the life of the subaltern and laments its death.  
105 I substantiate this proposition in the next section through an engagement with this figure.  
106 Thereafter, I propose postcolonial critique as a methodology that can help us approach  
107 perpetration as the actualisation of the subaltern as expendable.

### 108 **Encountering the subaltern**

109 In 1968, Union Carbide India Limited (UCIL) (a subsidiary of the U.S. Union Carbide  
110 Corporation), set up its Pesticides and Formulations plant in Bhopal, at the behest of the Indian  
111 government. The development of this plant was in keeping with India’s post-independence  
112 industrialisation project intended towards economic growth and national prosperity. The choice  
113 of Bhopal as the site for this production facility was deliberate due to its status as a fledgling  
114 city and the capital of the relatively “undeveloped” state of Madhya Pradesh. Given this  
115 circumstance, the government required opportunities to expand employment as well as to  
116 create a confidence-building precedent that could attract greater foreign investment.

117 The state’s push towards industrial growth was concomitant with the devalorization of  
118 traditional methods of agriculture, resulting in an economically untenable rural to urban  
119 migration. Indeed, a substantial portion of the communities outside the factory walls were made  
120 up of first and second generation migrants displaced from their rural communities by the  
121 imposition of mechanized agriculture (Mukherjee 2010). These people, who were lured to  
122 urban areas for the economic betterment promised by the state’s development visions, settled  
123 in colonies outside the factory “without papers”. This precarious situation coerced a silence  
124 that they hoped would protect them from evacuation by the city (Chouhan et al. 1994).  
125 Eventually, in order to improve its own image, UCIL handed out land deeds to some in these  
126 communities despite the fact that they had failed to establish the necessary safety zones. But  
127 the residents themselves had little idea that “the plant was producing one of the most dangerous  
128 compounds ever conceived by the chemical industry” (Guillette 2008, 174). In fact, a project  
129 manager for the plant described the development of this project as “analogous to planting a  
130 bomb near where people live and children play” (Fortun 2001, 117).

131 The pain and suffering that unfolded in the aftermath of the Bhopal gas leak epitomize the  
132 experience of suffering as “actively created and distributed by the social order itself” (Das  
133 1995, 138). Whether it be the physical pain described by survivors like Champa Devi Shukla  
134 (quoted above) or the spectacular representation of pain on the child’s body in Rai’s image –  
135 each iteration is ultimately an embodied “stamp of the authority of society upon the docile  
136 bodies of its members” (1995, 138). That is, pain is the actualization of an originary onto-  
137 epistemic injury that instituted the subaltern within the economy of death. I substantiate this  
138 further by describing how the subaltern is constituted as a collection of traces.

139 An engagement with the figure of the subaltern may begin with a consideration of the  
140 Gramscian definition of subalternity as the condition of being subjugated by hegemonic power.  
141 Specifically, subalternity demarcates a political location that is sharply distinct from and in  
142 strong opposition to elite domination. Furthermore, this distinction may be understood as the  
143 basis for the formation of a unified subaltern identity and hence of collective action (cf. Guha  
144 1981; Green 2010). Within the postcolonial, and specifically Indian, context, this description  
145 of the subaltern was appropriated by The Subaltern Studies Collective<sup>iv</sup> in an endeavor to  
146 recuperate the historical agency of the underclasses – and the Indian peasant, in particular –  
147 from their suppression within colonial and national/ist historiography. Through this  
148 historicization, the work of the Collective came to record the mis-/displaced representations of  
149 the subaltern wrought by hegemonic (colonial and bourgeois nationalist) ideals. In so doing,  
150 these writings were able to present the subaltern as “that impossible thought, figure, or action  
151 without which the dominant discourse cannot exist and which is acknowledged in its  
152 subterfuges and stereotypes” (Prakash 1994, 1483). In other words, even though the writings  
153 of the Collective were committed to historical rectification and recovery, their account of the  
154 subaltern implicated the violent, and violating, itinerary of colonial, and ultimately “Western”,  
155 power in absencing the subaltern. Their work thus anticipated the condition of the subaltern as  
156 trace.

157 The trace may be understood as the mark of an erasure enacted in the constitution of a given  
158 object (Derrida 1973; Derrida 1997). An object emerges *qua* object – i.e. functions as signifier  
159 – by entering into a “system of differences” (1973, 145). In particular, the object is structured  
160 through the erasure of all that is different or other. This is the condition of possibility for the  
161 appearance of objects as such. The trace, then, is the “silent mark” (1973, 132) – the mark of  
162 that which has been rendered absent, invisible – in the production of appearances. To be sure,  
163 this mark is contained, albeit elided, in the appearance, so that trace is, in fact, constitutive of  
164 the it. Indeed, the trace belongs to the structure of the object, it is that which “opens appearance  
165 and signification” (1997, 65).

166 The “postcolonial turn” in subaltern studies, and specifically the work of literary theorist  
167 Gayatri Chakravorty Spivak, takes up this notion of the trace to offer a critical description of  
168 the subaltern. While the Subaltern Studies Collective undertook to describe the historio-  
169 materialist erasure of the subaltern under colonialism, Spivak’s work furthers this description  
170 through a consideration of the subaltern as an effect of onto-epistemic erasures. Specifically,  
171 she draws attention to the erasure of particular modes of existence that are the condition of  
172 possibility for the emergence of the human as phenomenon. As such, the subaltern is the mark  
173 of these erasures, indeed is “a site of unlisted traces” (1999, 6), that constitutes the human.  
174 Practically speaking, then, the subaltern appears as “a position without identity” constituted  
175 through an exclusion from “institutional [onto-epistemic and, hence, sociopolitical]  
176 infrastructure” (Spivak 2005, 476). This exclusion renders the speech of the subaltern  
177 unheard and its activity unrecognizable as such. Spivak’s description of the subaltern thus  
178 recognises this figure as an effect of onto-epistemic disappearance.

179 Now, in Derrida’s view, the fidelity of an object is contingent upon the continued erasure – i.e.  
180 the guarantee of the non-exposure – of the trace. For the irruption of the trace would bring into  
181 crisis not only the coherence of the object as signifier but also its primacy in relation to its  
182 others.<sup>v</sup> Moreover, in the instance where a trace does become revealed, its constitution as object  
183 – as a nameable and knowable entity – always already effects new erasures. That is, insofar as  
184 the trace is the condition of possibility for the emergence of objects, the apparent liberation of

185 a trace – i.e. the making present that which is absented – always already entails further  
186 absenting.<sup>vi</sup>

187 Accordingly, insofar as the subaltern is the trace that constitutes the human, the suppression of  
188 subalternity – its continued invisibility – is the condition of possibility for the appearance of  
189 humanity. Furthermore, the irruption of subalternity as disappeared difference always already  
190 threatens the signification and primacy of humanity. The perpetual material and epistemic  
191 effacement of the subaltern guarantees the ontological security of the human. As such,  
192 expendability is the essential characteristic – the ontological condition – of the subaltern.

193 Thus, in the case of contemporary activity against the subaltern, focus on the figure of the  
194 perpetrator as agent of injury elides both the originary and iterative violence. In order to remain  
195 faithful to the subaltern as trace, it is necessary to comprehend activity against the subaltern as  
196 an ongoing doing, the realisation of an urge, albeit conditioned, to expunge subalternity so as  
197 to assure the unfolding of humanity. Killing, then, is merely the manifestation of a drive that  
198 realises the subaltern as expendable. In the following section I propose postcolonial critique as  
199 a methodology that facilitates this recognition.

## 200 **The methodology of postcolonial critique**

201 Over three decades on, the chemical plant in Bhopal still stands as a toxic rem(a)inder of the  
202 events of 1984. Even as its after-effects continue to wreak havoc on the lives of survivors,  
203 Union Carbide Corporation (UCC, now Dow Chemicals) has been excused from formal  
204 liability for the leak. However, as an expression of moral responsibility,<sup>vii</sup> UCC contributed  
205 approximately \$130 million to various emergency, health and vocational funds. During this  
206 period, it simultaneously argued against the litigation of any claims against it, and especially  
207 so within the U.S. judicial system. This move was substantiated by assertions of an  
208 unresolvable “cultural difference” between India and the U.S., one that imputed deficient,  
209 indeed perverse, moral-cultural “values” (Fortun 2001).<sup>viii</sup>

210 This circumstance had serious implications for any possibility of justice for the workers and  
211 residents of Bhopal. The presumed cultural deficiencies of survivors rendered them unreliable  
212 sources who produced exaggerated accounts of injury. Moreover, the inability of survivors to  
213 translate injury into scientific/medical language removed their own experiences and  
214 understanding from carrying juridical import, thereby subjugating self-knowledge to  
215 institutional claims to scientific and legal expertise (cf. Das 1995; Jasanoff 2007).  
216 Consequently, in a performance of moral duty, the Indian government and UCC undertook to  
217 negotiate a settlement under the principle of *parens patriae*. In so doing, they deprived victims  
218 of the leak the right to represent themselves, and to opt out of proxy representation. Instead the  
219 government viewed this curtailment of the rights as “[t]he appropriate response... such that the  
220 largest good of the largest number is served. Justice, then, was a utilitarian quantification”  
221 (Fortun 2001, 40).

222 This circumstance epitomizes how, for the subaltern, every appearance is a disappearance. In  
223 the first instance, the subalternity of the survivors of Bhopal always already denied them the  
224 sociopolitical infrastructure required to be seen and heard (Spivak 2005). Moreover, absent  
225 access to this infrastructure, they lacked recognisable agency, where agency names  
226 “institutionally validated action, assuming collectivity” (2005, 475). It is this apparent lack of  
227 agency that validated the state’s paternalistic intervention. Moreover, in order to reclaim  
228 agency, it became necessary for survivors to “metonymise/synecdochise [themselves],  
229 understand the part by which [they were] connected to that abstract whole so that [they could]

230 claim it” (2005, 483). This is evident in the requirement to narrate injury through the rational  
231 discourses of science and law. This refiguring of speech is the re-enactment of an originary  
232 erasure – i.e. the negation of any existential difference. In other words, in order to make  
233 themselves seeable and hearable, survivors had to disappear their onto-epistemic selves. Every  
234 appearance is a disappearance.

235 The repetition of epistemic pain evident herein is authorized by the juridical imperative to  
236 designate a “doer” and “deed”. That is, in order to arrogate accountability and provide redress,  
237 the state must identify a wrong doer – here, UCC – as the source of material injury – and  
238 indicate wrongful act – here, negligence. Yet, material and epistemic pain are not related as  
239 cause and effect. Rather, given the ontological condition of the subaltern, material injury is  
240 merely the repetition of the originary onto-epistemic injury that produced the subaltern as the  
241 other of the human. Moreover, the ongoing onto-epistemic suppression of survivors rehearses  
242 the rendering of the subaltern as trace. The material and epistemic pain evidenced in Bhopal  
243 are thus entangled – i.e. they “lack an independent, self-contained existence” (Barad 2007, ix).  
244 As such, material and epistemic pain are not separate but can be made to appear as if separate  
245 (non-mutual) through the in(ter)vention of the figure of the perpetrator. More importantly, this  
246 apparent separation absents the epistemic violence inherent in material injury. In the next  
247 section, I will propose an underlying purpose for the investment in material injury and the  
248 associated imperative for accountability as it emerges in perpetrator studies. In this section,  
249 however, I focus on how postcolonial critique remains faithful to the subaltern by asserting the  
250 material and epistemic pain as entangled.

251 If colonialism names “the historical process whereby the ‘West’ attempts systematically to  
252 cancel or negate the cultural difference and value of the ‘non-West’” (Gandhi 1998, 16), then  
253 postcolonial critique marks an opening towards these negations that approaches what is lost  
254 therein. Specifically, it signals an attentiveness to subjugations, or foreclosures, of particular  
255 modes of knowing and existence as effected by the universalising of “Europe” – i.e. the  
256 institution of a spatio-temporally specific ontoepistemology as world historical. Consequently,  
257 postcolonial critique is the practice of traveling the “fault lines [of dominant discourse] in order  
258 to provide different accounts, to describe histories revealed in the cracks of the colonial  
259 archaeology of knowledge” (Prakash 1994, 1486). This archaeology entails an accounting of  
260 humanism, the fundamental proposition of Enlightenment that enabled the imposition of  
261 universality as the condition of ontoepistemic subjugation. Colonial subjugation is the  
262 institution of native modes of existence and knowing as differentially human. In this context,  
263 postcolonial critique advances itself through anti-humanist contention.<sup>ix</sup>

264 In particular, the method of postcolonial critique, consists of historicizing the subaltern. To be  
265 sure, such historicization does not merely entail the rectification of and recovery from the  
266 edifice of history but rather necessitates a confrontation with “sites of legitimation and  
267 authorization” (Feldman 1991, 2) that suppress subalternity. Insofar as the figure of the human  
268 is designated as the agent of History, to historicize the subaltern is to ask after the historical  
269 practices that have foreclosed her from this phenomenon of the human. Below I engage  
270 Hortense Spillers’ account of violence perpetrated against the African body under coloniality  
271 as an instance of such historicization.<sup>x</sup>

272 In her text ‘Mama’s baby, Papa’s maybe’, Spillers notes that the African slave trade with/in  
273 the Americas is generally regarded as a case of “high crimes against the flesh” (1987, 67).  
274 Here, injury is seen to proceed through flesh in its “seared, divided, ripped-apartness, riveted  
275 to the ship’s hole, fallen, or “escaped” overboard” (1987, 67). Flesh, according to Spillers, is  
276 the primary medium through which the body is written as text – *before body there is flesh* – so

277 that the violation of body is the disintegration of a text and thus the dissolution of person to  
278 mere matter. She explicates this circumstance as the “theft of the body” (1987, 67) that  
279 inaugurated the New World order. During the Middle Passage the body *qua* body is in  
280 suspension – dissolved of all its indigenous signification and produced as undifferentiated mass  
281 it awaits a new inscription – through name, identity, signification – that will be gained only  
282 upon reaching land at the other end (1987, 72). As such, the relation between body and person  
283 is severe through material violation from which follows the external imposition of meanings  
284 and uses. This represents a theft, a “severing of the captive body from motive will and desire”  
285 (1987, 67). Spillers’ account of injury thus affirms how the instrument of torture, wielded  
286 by/for the slave master upon flesh, also effect onto-epistemic effacement.

287 Moreover, the distinction between body and flesh, according to Spillers, is the primary  
288 distinction between liberated and captive subject-positions. To wit, the black female body, as  
289 the objectified other, is produced through instruments of torture, through acts of material  
290 wounding. The markings of torture thus effected – what Spillers refers to as a “hieroglyphics  
291 of flesh” – become invisible once the body materializes within a cultural code organized  
292 through skin colour. Yet, despite this invisibility, the hieroglyphs are transferred across  
293 generations so that the body, marked by colour and other culturally identifiable determinants,  
294 remains vulnerable to “protocols of “search and destroy”” enacted by and for the state (1987,  
295 67). The liberation of the black female from captivity and her restoration as subject is thus  
296 always already an impossibility. Indeed, the unfolding of violation follows from the imperative  
297 to keep the black female body, and all that it has been made to signify, as the absented presence  
298 – the trace – that constitutes humanity. So that all ongoing activity against this figure is a  
299 *historically authorized* doing of an originary material and onto-epistemic deed. All activity  
300 against the subaltern is thus a signifying performance.

301 Insofar as postcolonial critique recognises these enactments as such, it demands an  
302 attentiveness to the historicity of perpetration, the replication of a practice exemplified in  
303 Spillers’ account above. Such historicization reveals how the emergence of the subaltern and  
304 the subject as, respectively, external to and the objectification of the human are an effect of “a  
305 doctrine of the power relations” (Nietzsche 2002, 20). Indeed, these power relations effect, and  
306 are effected by, material practices that affirm a specific articulation of morality – one that posits  
307 the figure of the subaltern as ethically degraded and hence expendable. Consequently,  
308 postcolonial critique insists on recognizing acts of injury against the subaltern not as  
309 transgressions against, but instead fundamental to, the contemporary moral order.

310 *To comprehend activity against the subaltern through the figure of a perpetrator, then, is to*  
311 *fundamentally misapprehend her.* Such readings of perpetration betray a faith in the moral  
312 order of liberal humanism, in the liberalized fiction of the human. Liberal humanism seeks to  
313 liberate the subaltern as trace – that is, to make forms of existence previously ejected from  
314 humanity appear as such. In other words, liberal humanism assumes the possibility of rendering  
315 the figure of the subaltern as subject. Only then can activity against the subaltern can be held  
316 as immoral and/or unlawful, so that the designation of a perpetrator becomes viable. Yet, as  
317 evidenced above, the condition of possibility for the (institutional) appearance of the figure of  
318 the subaltern as a legible entity is its (onto-epstemic) disappearance. The subaltern, thus, is not  
319 an easily recuperable subject-position. Accordingly, one becomes compelled to ask what  
320 purpose a concern with the figure of the perpetrator and an ensuing demand for accountability  
321 serves in relation to activity against the subaltern.

322 In order to attempt a response, the final section of this chapter advances an ethical concern with  
323 the notion of agential separability.



324 **Agential separability: How postcolonial studies meets the perpetrator**

325 The case of Bhopal, as outlined in this chapter, reveals how for the subaltern recuperation is  
326 the re-enactment of annihilation. The subaltern *qua* subaltern has no place within humanity; to  
327 make it occupy such a space is to deny its essence. Concerns with “responsibility” and  
328 “accountability” within the contemporary human rights regime compel the legibility of the  
329 subaltern. Such legibility, however, is merely a legitimation of the human, one that rehearses  
330 the subaltern as the mark of death.

331 Recalling the Nietzschean description of morality as a system of ends, it may be argued that  
332 the pursuit of accountability for the subaltern as an object of perpetration becomes imperative  
333 primarily in order to institutionalize appearances of “good” and “evil”. The pursuit of  
334 accountability, however, is not identical to the pursuit of justice. From the perspective of  
335 postcolonial critique, this necessitates, in the first instance, staying with the subaltern as trace.  
336 In the previous section, I suggested that such faithfulness to subaltern makes imperative a  
337 practice of historicization that comprehends perpetration as a signifying gesture.

338 Furthermore, the possibility of justice for those abandoned by humanity – those that remain  
339 unseen and unheard within it – lies not in some form of restoration that “deal[s] with a past  
340 [but rather with] retribution [that] seeks to create a certain kind of present moment and future”,  
341 a moment that can begin to “build [community] anew *where it never before existed*” (Stauffer  
342 2015; added emphasis). That is, justice entails repair intended towards a renewed form of  
343 relations rather than mere redress (i.e. “fixing” that which has been destroyed to some imagined  
344 original form). This form of reparative justice requires, in the first instance, creating anew the  
345 conditions for seeing and listening. This makes imperative the turning of the gaze from the  
346 subaltern back onto ourselves as observers in an attempt to comprehend our own relationality  
347 with the subaltern. To do so, we must recognise ourselves as separable from subalternity.

348 Agential separability is a condition of “*exteriority within (material-discursive) phenomena*”  
349 (Barad 2003, 825). Barad offers this concept as a critique of the ontological determinism that  
350 establishes differences as fixed. Agential separability affirms difference as neither *a priori*  
351 nor an absolute distinction, but rather the consequence of an *agential cut* made by  
352 instruments of observation and comprehension that produces separation within phenomena  
353 (2007, 140). Thus, for instance, agential separability allows us to comprehend how the notion  
354 of rational agency produces a cut within the phenomenon of the human in order to produce  
355 the subaltern as *different* from the subject and *external* to the human.

356  
357 Crucially, agential separability reconfigures the notion of agency as “not an attribute but the  
358 ongoing reconfigurings of the world” (2003, 818). That is, agency is not a causal force acting  
359 between entities – i.e. between a subject who has agency and an object that lacks it – but  
360 rather designates a relational force that facilitates the *mutual becoming* of separable entities.  
361 It is “*a matter of intra-acting; it is an enactment, not something that someone or something*  
362 *has.... It is the enactment of iterative changes to particular practices...*” (2007, 178 original  
363 emphasis). Agency, then, does not presume action according to a motive will exercised by  
364 already constituted entities. Rather, *it lies in the iterative performance of material-discursive*  
365 *practices that affirm entities as different*. Thus, reading activity against the subaltern through  
366 the figure of the perpetrator – specifically, through a causal description of agency – is itself a  
367 part of the violent “doing”.

368  
369 Alternately, a refiguration of agency – one that moves away from a juridical concern with  
370 causality to an ethical concern with separability – allows us to recognise how the liberal

371 humanist order produces a cut between the figure of the perpetrator as *wrong doer* and the  
372 observer as *judge* to establish them as morally distinct entities. This separation allows the  
373 observer to distance themselves not only from the perpetrator but also from the act of  
374 perpetration. Insofar as perpetration is iterative activity, the observer is also able to disregard  
375 their existence as an effect of the originary cut that ejected the subaltern from the field of  
376 humanity. This, I propose, is the tacit investment in grasping the figure of the perpetrator in  
377 relation to activity against the subaltern.

378 Given its ethical investment in historicizing the subaltern, postcolonial critique forces a  
379 recognition of the observer as separable from, and hence a co-produced effect of, the observed.  
380 It thereby compels a self-implicating reckoning with onto-epistemic complicity in ongoing  
381 activity against the subaltern. It is as such that postcolonial critique meets the perpetrator.

382

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<sup>i</sup> ‘Burial of an unknown child’, captured by the Indian photographer, Raghu Rai.

<sup>ii</sup> Specifically, the faith in developmentalism as key to social, and indeed human, progress.

<sup>iii</sup> In his study of the crisis, Paul Shrivastava describes Bhopal as ‘a textbook example of a rapidly developing city that sought – and obtained – sophisticated Western-style industrialization without making a commensurate investment in industrial infrastructure or rural development’ (1987, 57). Indeed, the state’s push towards industrial growth through the concomitant devalorisation of traditional methods of agriculture resulted in an economically untenable rural to urban migration. Moreover, the location of the Union Carbide factory violated the city’s own zoning codes. But Union Carbide sought to appease these concerns by funding a public park. In return, Municipal Commissioners who sought to move the factory were replaced by those who were more amenable to state and corporate aspirations (Ali 1987, 175). The promise of economic growth thus seemed to warrant the expedient execution of business deeds.

<sup>iv</sup> The Subaltern Studies Collective was initially comprised of the historians Ranajit Guha, Shahid Amin, David Arnold, Partha Chatterjee, David Hardiman and Gyanendra Pandey. The first volume of their collected works was published in 1982. Guha’s 1983 text “Elementary aspects of peasant insurgency in colonial India” is generally viewed as the foundational text of this project.

<sup>v</sup> “All the coupled oppositions on which philosophy is constructed”, notes Derrida, emerge of “a necessity such that one of the terms appears as... the other as “differed” within a systematic ordering of the same” (1973, 149).

<sup>vi</sup> To quote Derrida:

The trace has, properly speaking, no place, for effacement belongs to the very structure of the trace. Effacement must always be able to overtake the trace; otherwise it would not be a trace but an indestructible and monumental substance. In addition, and from the start, effacement constitutes it as a trace – effacement establishes the trace in a change of place and makes it disappear in its appearing...” (1973, 156).

<sup>vii</sup> In a statement commemorating the anniversary of leak, the then-CEO of UCC, Warren Andersen noted:

We saw Bhopal for what it was – a terrible tragedy involving real people who had either lost family members or had suffered injuries, in some cases serious injuries. They needed medical relief, prompt aid in any form possible, and an early settlement which would help restore their lives and bring long-term relief. They didn’t need what they ultimately got – armies of lawyers and politicians who spent years claiming to represent them and deciding what was in their best interests. *We saw Bhopal in moral – not in legal – terms. Although we had good legal defences – the plant wasn’t ours and it later was established that the tragedy had been caused by employee sabotage – we didn’t want to spend years arguing those issues in court while the victims waited.* We therefore said immediately that Union Carbide Corporation would take any moral responsibility for the disaster. (printed in Fortun 2001, 99; emphasis added)

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<sup>viii</sup> Arguing for the dismissal of claims filed by survivors of the leak in U.S. courts, the defense for UCC sought to highlight

the practical impossibility for American courts and juries, imbued with US cultural values, living standards and expectations, to determine living standards for people living in the slums or ‘hutments’ surrounding UCIL, Bhopal, India, [thus] confirm[ing] that the Indian forum is overwhelmingly the most appropriate. *Such abject poverty and the vastly different values, standards and expectations which accompany it are commonplace in India and the third world. They are incomprehensible to Americans living in the United States.* (Amnesty International 2004, 51; emphasis added)

Indeed, the invocation of such difference enabled UCC to advance a sabotage theory that relied on the image of ‘a typical worker – stupid, vindictive, prone to lying’ (Chouhan et al. 1994).

<sup>ix</sup> This description of ‘postcolonial’ differs from the more common temporal understanding of the term. For a critique of this temporal association, see Shohat 1992.

<sup>x</sup> Although Spillers’ work focuses on blackness and sits firmly with the tradition of black thought, her account of the violence of slavery as subalternising violence has much to offer the project of postcolonial critique. It is as such that I engage her work without any allusion of uniformity or agreement between black and postcolonial history and critique.