

War without End, or, Ambedkar, Time, and Stasis

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Abstract and Keywords

Under what conditions does a state of “armed neutrality” mutate from being a precarious, contingent balance of forces into becoming the foundation of a society’s moral law and order? In his revolutionary interwar treatise *Annihilation of Caste*, moral philosopher and constitutional theorist Bhimrao Ramji Ambedkar (1891–1956) deploys the term armed neutrality to excavate a vacillating border that cuts across generations and epistemologies, running like a self-lacerating stasis inscribed on the logic of time itself. Often in his later works, Ambedkar organizes his critique of this disciplinary truce, this spiritual “mechanism” of an armistice without amnesty—in Indian parlance, *maryada* or “sanction”—under the French phrase *cordon sanitaire*. This chapter argues that at the heart of his cosmopolitical experiments with juridical untranslatables lies Ambedkar’s rigorous “archaeology” of political cruelty. It then explores the topography of democratic judgment and nonsovereignty that emerges from Ambedkar’s archaeology, or, as he calls it, “paleontology” of epistemic militarism. Fundamental to Ambedkar’s political thought is not only a critique of temporal reason—the sacrificial cast of time—that defines stasis in its classical sense, but also a theory of the partisan whose action embodies, in its dynamic potentiality, a force without sovereignty, freedom without mastery.

Keywords: Ambedkar, border, cruelty, law, sanction, militarism, majesty, amnesty, freedom, judgment

Introduction

THE least that can be said of a thinker who might have called his autobiography, had he had the time to complete it, *Waiting for a Visa* is that he lived in the time of borders. Perhaps better would be to say that he experienced time itself—with its vacillating durations and intricate laws—as a border, a frontier, a structure of sanctions. For the revolutionary constitutionalist and moral philosopher B. R. Ambedkar (1891–1956), however, the decision to invoke one’s exhausting wait for a visa was not merely a metaphor for life lived as a suspended sentence, mired in the liturgy of bureaucratic paperwork. Nor was it merely a plea for recognition of one’s existential statelessness and indomitable affirmation of sur-

War without End, or, Ambedkar, Time, and Stasis

vival—the love of life—under the stress of a timeless cruelty. Such a reading, of course, would not be unwarranted. In its tactile essence, all that the moral and juridical apparatus of “untouchability” really seeks to accomplish, after all, is precisely this cruelty without time, future, and ends. It banishes under the full supervision of the law another human being from the world of touching and sense, skin and light, outlawing him from the realm of experience and judgment itself. Born outcaste into a family with warrior lineage in the Bombay Presidency who would emerge in the late 1940s as the prime architect and transformative force behind one of the modern world’s most formidable constitutional experiments, Ambedkar was anything but unfamiliar with this kinship between time and cruelty, between law and separation. And yet, invoking this encounter with time—the time of a life lived perennially in wait of the world, on its border, without a visa—was for him something more. It was the precondition of political judgment itself, a crucible in which the ability to think truthfully and at odds with one’s own time—against nationalist *doxa*—was forged, to which those with permanent homes (p. 352) and the civilizational hubris that comes with such sense of eternal permanence might have no access. “I have,” Ambedkar would not casually declare in August 1931 to his peer M. K. Gandhi, “no homeland” (Keer 1954, 166).

For a person gifted with such fearless ability to laugh back at his fate and his times, it is perhaps appropriate that Ambedkar never managed to end his war with time.¹ He would have written a treatise on theologies of the Occident, he confesses in the dedication of *What Congress and Gandhi Have Done to the Untouchables* (1945), but the war distracted him. “I am drawn in the vortex of politics,” he writes evocatively, “which leaves no time for literary pursuits.” Politics is such an affair with time it drains years away. “The feeling of failure to fulfill my promise has haunted me ever since the war started,” he laments. Among all the thinkers of modern politics that Ambedkar scrupulously reads, nowhere is he closer to Thomas Hobbes than here. “For war,” writes Hobbes in the *Leviathan* (1651), “consists not in battle only, or the act of fighting, but in tract of time ... the notion of time is to be considered in the nature of war, as it is in the nature of weather.” War is not merely killing, Hobbes cautions in a sentence Ambedkar might have taken to heart. War is also the “disposition” to kill. “All other time,” or whatever is still left of it, “is peace” (Hobbes 1991, 83–84).

Is there a time free from such a disposition? Hobbes’s fabled answer is, not quite. This disposition constitutes the modern citizen no less fundamentally than does the rhythm of time, and the citizen can take leave of it no more freely than he can change the weather. Most crucially, however, the disposition to kill is already a mark of low-intensity social combat (and of seething social conformism), blurring the determinate border between (killing in) war and (living in) peace. On the one hand, it introduces to wartime a tactical cessation of internal strife and social hostilities, the calm of an uneasy armistice between citizens temporarily armed against a common, external enemy. On the other hand, it introduces to peace an element of perpetual, deliberate practice of cruelty that saturates the space and time between citizens themselves. The disposition to kill, even when there is on the surface no war, thus surreptitiously conjoins the involuntary mechanicity of a people’s peacetime habits with their legally sanctioned, wartime preparedness and intent

War without End, or, Ambedkar, Time, and Stasis

to kill. There is armistice, in other words, but no amnesty; there is neutrality but no disarmament. The most proper, most modern name for this disposition—this war with only civilian deaths, this lethal and discriminating conversion of neighbors into enemies—would be “caste.”

Yet, the term “caste war” has disappeared from mainstream theory and rhetoric of politics in South Asia since the 1990s. This disappearance is symptomatic. Amnesia—the political use and abuse of memory—is key to the logic and structure of the disposition to kill. The forgetfulness that prevents a society from calling its regime of lynching a war is part of this punitive, conformist disposition—or worse, social convention—too, one in which bodies and words are let to simply disappear, and the normative border between war and peace, crime and law, demagoguery and tranquility, has simply ceased to hold. Amnesia saves a society from seeing its own cruelty for what it truly is: a hostility that has locked the entire polity in a stasis, reducing its peace to an urban siege without end. It is to this tacit and oblique—if not always civil—war waged in the shadows of (p. 353) liberal constitutionalism that Ambedkar gives the status of “armed neutrality.” Yet, *Annihilation of Caste* (1936), where this expression appears, remains largely trapped within the limits of its postwar nationalist interpretation, so that the implications of the kinship Ambedkar posits between war and habit, between constitutional peace and extraconstitutional (or extrajudicial) cruelty, have been nearly lost to political theory of the global south. This chapter undertakes an archaeology of that kinship.

Peace and Its Other

In the immense role that the disposition to war plays in Ambedkar’s political imaginary, the memory of moving from one cantonment town to another, nights spent along lines of his father’s military postings in the colonial army and days spent exhaustingly on the road, would become decisive details. *Waiting for a Visa* itself remains an incomplete ode in less than a dozen fragments to Ambedkar’s endless war with time. Forced to stay in the dark in his rented apartment because of the risk of it being discovered that an outcaste had dared to move in (and then almost certainly lynched by a mob of caste Hindus), Ambedkar speaks of life after his return from New York (where he studied at Columbia University in the 1910s) as an urban “dungeon,” endless evenings spent around a small circle of light emanating from a storm lamp over which he hovered anxiously in the company of chirping bats, his time given over with a sacrificial zeal to just one activity: reading (WV 675). Then there is his work of unparalleled and lyric intensity, composed in pain and illness during the final months of his own life, *The Buddha and His Dhamma* (1956): a magisterial treatise at once on passion and judgment (*pradnya*), war and friendship (*maitri*)—at its center is a warrior prince who refuses fratricide and instead chooses exile (*parivraja*)—so profound that it almost compensates for the many works, including a critical study of Marx, which Ambedkar would be left with no time to complete.

It is not that Ambedkar for an instant believes one could—or *should*—triumph over time, let alone strive to master it. Mastery for him is the antithesis of finitude, a ruse of sover-

War without End, or, Ambedkar, Time, and Stasis

eignty, the fragile boundary between judgment and accusation, between majesty and mere height. Mastery is the primal impulse that scaffolds the vindictiveness of the law and unleashes, as soon it gets an opening, the vengeance of a self-lacerating strife. Mastery, even and especially over the self, is not a stable state in which power rests, in other words. Mastery is instead a threshold, where the barest nudge, the slightest vacillation—a vacillation that, in democratic theory and practice, might mean everything when it comes to the feeble line between “majority decision” and “majority rule” (SS1 287)—tips political virtuosity over and across the border into the realm of political cruelty, unleashing, as Hannah Arendt only later warns, the menace of effective liquidation (1968, 155).

In an age when nationalists use autobiography to pour out details of personal and civilizational mastery, Ambedkar simply refuses to make self-centeredly political—or publicly interesting—use of interiority.² Not because there cannot be a politically (p. 354) truthful autobiography, an authentic account of the social emerging from the contours of self-fashioning (Ganguly 2005; Guru and Sarukkai 2012; Kaviraj 2015), but because this fascination with—and ineluctable pride in—anything that is part of one’s deepest, most authentic struggle, one’s irreducible identity, threatens to neutralize the ethics of sharing and humility that radiates from the incompleteness of the self, and which, in this very radiant heteronomy, gives politics its constraining truth, its nonsovereign anchor.

The debilitating pain of having buried his children as they died one after another marks Ambedkar’s moral and political thought indelibly, as if, he writes to a friend in a mode that can only be called funeral oration, their deaths have parched his earth forever, leaving behind nothing but an irreparable “emptiness” clouding the future without an end in sight (Kumar 2015, 309–310). Yet, these memories of being psychologically and physically reduced to nothing—a militant, and yet, an unbridgeable abyss of *nonbeing*—are tucked away only in private correspondences and handwritten scribbles, not even to appear in the incomplete autobiography. The word *dalit* itself, which Ambedkar inscribes forever on India’s democratic consciousness—using it to name the country’s untouchable “millions” disenfranchised and reduced to a “fraction” of their value by liberalism’s perverse, “mathematical exactitude” (MF 229)—carries with it an earthly reserve, a telluric anchor, rather than a flight of liberal imagination. *Dalit* literally means that who has been ground down to the earth, like a grain of lentil (*dal*). Such a figure exists not because caste society is a Hobbesian state of nature in any simple sense, with a lawless war of all against all, but precisely because the juridical machine of caste carves out the most sophisticated exit from that state of nature. Only now, a history of violence is replaced by an archaic, atemporal law that has no transcendent outside, no outer surface, no external frontier, no place free from the metaphysics of self or *atman*.

For all this hesitation, Ambedkar’s endless war with the self—that is to say, war with this archaic “apparatus” or “mechanism” that defines, and, often by force, predetermines one’s time with others in the world—remains no secret. If anything, the moral psychology of his resistance against the impulse to traffic in bourgeois categories makes him quite singularly a man of the dark times that he so relentlessly strives to diagnose in all its violence and civility. “The secret of freedom is courage,” he writes in 1943 of this community

forged among fearless and nonsovereign lovers of truth, “and courage is born in combination of individuals into a party” (RGJ 237). Indeed, narrative self-interest depoliticizes that void within oneself that is forever in exile yet always waiting to exit its own emptiness. This struggle with the void alone imbues one’s courageous striving for freedom with a politically transcendent, even immortal, value. Even *The Buddha and His Dhamma* is prefaced with the memory of a childhood spent tediously reading, under paternal pressure to conform to caste etiquette—and civic norms of knowing—the fratricidal epic *Mahabharata* (BHD-CE xxv), that paradigmatic, textual reminder of a civilization’s “felony” (BAWS 5: 157). Even as he masters the *Mahabharata*, burning in the rebellious, warring, and pariah child is already a desire to fashion another epic: an epic that might transform the meaning of freedom—and (warrior) birth—itsself. “He who, of slender means, but vast ambition, of warrior birth, aspires to sovereignty—this is the twelfth cause of one’s (p. 355) downfall,” goes that unequivocal warning against mastery in a passage on “His Sermons” composed decades later (BHD 379).

The Fratricidal Infraction

Ambedkar’s painstaking archaeologies of penal reason (*dandaviveka*) take their revolutionary form in the context of this conflictual relationship with mastery. They constitute perhaps one of the most sustained modern attempts to examine the long afterlife of ancient war on the body. In this war, in which sovereignty must be understood more as a structure of heightened conflictuality than as a logic of insuperable height, Ambedkar finds missing that one dimension, that one *place*, which could have saved a civilization from its self-lacerating war: the possibility of amnesty, the ability to make good use of memory, or what the Greeks call *amnēstia* (Cassin 2001). As Agamben (2015) argues, “the Athenian *amnēstia* is not simply a forgetting or repression of the past.” Contrary to the contemporary sense in which its adjacent term *amnesia* is used, *amnēstia* is “an exhortation to not make bad use of memory” (Agamben 2015, 21). Viewed in such light, it is remarkable that the foundational relation between war and state, liturgy and office, should be so mutedly commented on—when it is not studiously avoided or actively repressed—in the prolific nineteenth- and twentieth-century nationalist commentary on the Indian war epic *Mahabharata*. Even in scrupulous anticolonial interpretations of its most didactic part, the *Bhagavad Gita*, it is dutiful action rather than the fact and pact of killing that appears as the supreme motif (Devji and Kapila 2012).

This is not for any lack of details in the *Gita* (or *Mahabharata* at large) on juridical injunctions of office, sacrificial obligations of the subject to the sovereign (father, king, brother, state, and God), or the blinding theological power of that cosmic, transcendent man (*purusha*) who overrides humanity’s weaknesses and transgressions (*adharma*) with the decisive stroke of the sword. Quite the opposite: injunctions, duties, threats, and oaths saturate the liturgical universe of the epics (Day 1982; Glucklich 1994; Hildebeitel 2011), with additions made to these and related penal texts well until the medieval period. And the fratricidal logic of religious obligation and political office runs ineradicably through the complex matrix of *dharma* and *adharma*—lawfulness and transgression—in Indian tradi-

War without End, or, Ambedkar, Time, and Stasis

tions, even as it scaffolds, without apology, the inventory of caste thinking in that tradition. In the genealogy of nationalist amnesia, this depoliticization of caste—the banishment of caste from the political at the very moment it founds politics—is therefore even more telling.

The *Gita* itself is no ordinary poem of encounter between Lord Krishna and the supreme Pandava warrior Arjuna. It marks the threshold between peace and the declaration of the epic's climactic hostilities, with Krishna finally convincing the hesitant warrior to pick up arms against his brothers. In no uncertain terms, the long sermon inaugurates the beginning of the end of the city—and the epic—itsself, with the triumphant (p. 356) Pandava brothers, stuck in the inconsolable gloom of postwar disenchantment, eventually leaving the earth for the gates of heaven. Despite repeated changes in form and tone up until the fifth century (under the pressure of Buddhism's revolution in epistemologies of nondualism), no properly political philosophy of war emerges from the epic poem and no new state is created out of its war: the *Mahabharata* is classically self-lacerating and factional, with its counterrevolutionary vengeance and the moral law rendered even more inseparable in its final act (*RCR* 357–380; Kumar 2010).

The striving for mastery over brothers only to avenge for one's brothers makes the war in *Mahabharata* an instance of stasis par excellence. The strife is unleashed not so much for truth as for the right to be proven right, as Simone Weil (2003)—a passionate interwar reader of the *Gita* as a “poem of force”—must have noticed too. The moral dilemma that the *Mahabharata* tackles is universal and insoluble, but its means are dubious and wounding. “I shall,” says an all-sacrificing brother in the epic, “sate my brother with his murderer's blood, and thus, becoming free of debt in respect of my brother, I shall win the highest place in heaven” (Hopkins 1895, 375). Here, in this imminence of a bloody fratricide, *maryada dharma*, the term that comes closest to the social and moral logic of the border in Indian traditions—or better still, the matrix of liturgical debt and disciplinary sanction (*maryada*) that secures the rule (*dharma*) of the limit as such (Kumar 2018)—is not so much breached as it is returned to its founding, war-bound exception. Borders exist in this tradition not to simply banish the stranger and divide the city, but to vacillate, cut through, and menacingly encircle the citizen.

What Ambedkar frequently calls the “wrong” is this haunting of democratic majesty by the specter of its own degeneration. Indeed, the gravest threat to the constitution always issues from its own internal, ineradicable other: from the “majority” that mistakes its conditional constitutionality for unconditional sovereignty, its social liberty for political license, and its numerical preponderance in the city as justification for its violent right to close the borders off. In opposition to this degeneration and degenerative attribute of social and juridical violence, Ambedkar will eventually return in a counterintuitive fashion to the figure of *force*, whether as a “weak force,” or, as he posits it, the force that ensues from one's humility toward weakness of oneself and another, which alone gives the unequal and untouchable bearers of the wrong an insurrectionary strike at equality. “Untouchables, a weak force ...” he writes in a spiritual vein in his short essay “Held at Bay” (*EU* 259). Ambedkar is far from any such oblique or mystical strain in *What Con-*

War without End, or, Ambedkar, Time, and Stasis

gress and Gandhi Have Done to the Untouchables, his most sustained work on constitutional politics and critique of the nationalist idea of self-determination. Yet, that treatise too begins with an epigraph culled from the dramatic moment of judgment in the Melian Dialogue in Thucydides' *History of the Peloponnesian War*. "It can be your interest to be our masters," declare the dissidents of the defiant island threatened by Athens with annexation, "but how can it be ours to be yours slaves?" (Thucydides 2013, 380) A suicidal, self-lacerating war that would, for Thucydides, begin the end of the greatest, most settled, most exemplary city of them all, Athens, becomes the fulcrum of Ambedkar's own judgment on the future of constitutionalism in India.

(p. 357) Like Thucydides, Ambedkar has his eyes set firmly on the moral and political decline of an ancient city ravaged by war: the city where the greatest men, exiles and seditious alike, having been driven out from among their own, settle. Like Thucydides, for whom the democratic majesty of Athens can be established only by returning history to the war that annihilated it, Ambedkar returns scrupulously to the "spiritual war" that had, not too far in time from the Greek tragedy, triggered the decline of India's greatest *imperium* and its replacement by Brahmanic stasis. "Indian history has become a purely mechanical thing," he writes in *Revolution and Counterrevolution in Ancient India*, decentering the hardened anti-Islamism of colonial and nationalist historiography, "a record of one dynasty succeeding another and one ruler succeeding another rule," when in actuality, he asserts, "the history of India before the Muslim invasions is the history of a mortal conflict between Brahmanism and Buddhism" (*RCR* 273–275). Like an archeologist sees complex machines at work in even the simplest instruments buried by time, Ambedkar chips away at this accumulation of nationalist interest that swamps the memory of India's fatal stasis, concealing the strife—the "mechanical thing"—under the heavy debris of willful amnesia, rendering its violence opaque, its victims silent, and its survivors without refuge.

And yet, unlike Thucydides, his account cannot merely be a historical reconstruction of ancient sovereignty or civic majesty alone. For at the center of his archaeology of self-determination and his resistances against its moral sovereignty is a city whose borders vacillate. At its center is a sphere of juridical and moral absolutism that swerves between merciless, cruel legality and a cultivated, measured, at times even a hesitant lawlessness: a war without ends and end, its mechanism marked by fratricidal circularity, by relentless returns of ancient sanctions and timeless unrest to modern democratic mentality. At its center, above all, is an archaic violence in which it is not the city that goes to war but the law itself. Perhaps this is why *The Buddha and His Dhamma* is so passionately punctuated with motifs of exile and wandering, the text striving to inscribe amnesty, even hospitality and heteronomy, at the heart of political self-determination.

Not a Very Civil War

It is in his radical manifesto *Annihilation of Caste* (1936), however, that the two enduring threads of Ambedkar's war with time—the fecund tension between courage and hesita-

War without End, or, Ambedkar, Time, and Stasis

tion, judgment and passion—come together most decisively. Originally composed as a lecture to be delivered in English to an anticaste organization, Ambedkar turns to the stasis that runs through the civic peace of Indian nationalist politics and its morally unstable (if sophisticated) liberalism. Its civility is compromised, he argues, not so much by overt hostilities and predictable partisanship as it is by a prejudice sanctioned by mechanical, involuntary silence, an entrenched logic of collective hesitation. This hesitation is at once neutral and armed, devoid of judgment yet tactically calibrated. Such is, (p. 358) for Ambedkar, the “genesis and mechanism” of India’s political cruelty. Could liberalism’s urbane, civil peace ever be separated, he wonders, from its militarized truce running along lines of “police power” that prohibit even basic morals of truth-telling from flourishing, let alone permitting dissidence to become politically meaningful?

I have dealt with those who are without you and whose hostility to your ideal is quite open. There appear to be others, who are neither without you nor with you. I was hesitating whether I should deal with their point of view. But on further consideration, I have come to the conclusion that I must. For, their [the Hindu majority’s] attitude to the problem of caste is not merely a problem of neutrality, but is an attitude of armed neutrality. (AC 64)

Note, first, that even Ambedkar’s own hesitation is not simply a question of vacillating between saying and not saying, between speech and silence. It is an instinctive response—generated even in him—to the grid of an entire logic of civilizational immemoriality that thrives in nationalist injunction against truthfulness, neutralizing the capacity of a people to speak up. Under what conditions does the logic and apparatus of such a coercive and armed neutrality—what Foucault (1980, 194), using an almost untranslatable word for such a heterogeneous ensemble of laws, sanctions, and institutions (not unlike *dharma*), calls the *dispositif*—become the foundation of an enduring institution of society, an “immemorial” structure of its civic values, the deathless spirit of its laws? In formulating the problem of Ambedkar’s struggle with time as stasis—which is to say, following Loraux (2001), a stasis that wages war on the very idea of amnesty for dissidents and enemies—this chapter’s primary purpose is not to appropriate his cosmopolitical thought for a global history of civil war (Armitage, 2017; Agamben 2015). Even if Ambedkar remains absent from such conceptual histories, it is beside the point to make assertions about his singular ability to cross their disciplinary boundaries, to make legible again what the imperial historians C. A. Bayly and Tim Harper call the colony’s “forgotten wars” (Bayly and Harper 2008).

In his major treatises, one is no less likely to walk through Ambedkar’s engagement with genealogies of Latin terms drawn from Roman jurisprudence—for instance, the careful discussion of the law and lexicon of citizenship in *Who Were the Shudras?* (1947; WS 60–64)—than to find him grappling with ancient Indian statutes and injunctions composed in Sanskrit, or in later works, with Pali words excavated from classical Buddhist texts for the purposes of a plebian, democratic “dictionary.” It is Ambedkar’s astute ability to conceptualize political freedom at once as untranslatable and irreducible and, at the same time, his decision to paradoxically claim that such freedom might be accessible to India’s out-

War without End, or, Ambedkar, Time, and Stasis

caste multitude only in the language of their imperial master—English—that makes him such a conceptual thinker, perhaps even India’s most formidable Europeanist (Choudhury 2018). He may have been technically right too. Among the many words that come close to “freedom” in Indian traditions, *mukti* is inadequate because of its theological valence; *swatantra* mired in the liturgical apparatus, or simply, the system (*tantra*) of sovereign power; and *swaraj* decidedly embroiled in the epistemic (p. 359) hubris of the self, its sacrificial militarism even.³ Powerfully symptomatic of this epistemic militarism are the Brahmanic traditions of classical India whose debilitating effects for democratic life, while seemingly archaic, have remained anything but ancient.

All this raises for Ambedkar a series of moral, political, and linguistic questions that he pursues well until the 1950s. Why must the idea of freedom—or even right (*adhikara*)—come to suffer such tragic fate in those juridical and linguistic traditions that have no adequate word for them outside the liturgical, militaristic scaffolding that gives them birth and leaves indelible marks on their modern forms? How does the juridical and epistemic militarism of *dharma*—more precisely, *kshatriyadharma*, the injunctions and duties of the warriors, whose fratricidal apotheosis he finds accomplished against the nationalist consensus of his time in the *Gita*—become the anchor of an endlessly mutating *dispositif* of armed neutrality, one that, in its very stasis, ossifies into the exemplary, most sovereign paradigm of anticolonial politics at large? Given his immense affinity for Roman and Greek political theory, it is no leap for Ambedkar to anticipate the rise of extremist, majoritarian nationalisms from the unstable moral crucible of twentieth-century anticolonialism, as he indeed does, almost prophetically, in *Thoughts on Pakistan* (1941). These nationalisms would soon become, in South Asia as elsewhere, inseparable from the war on the idea of the city as a democratic sanctuary for free equals.

The specific question this chapter pursues, however, is one Ambedkar begins to thread into his political thought the earliest, already in New York. What is it in the fundamental relation between time and war, judgment and stasis, constitution and sanction, which lends such obdurate power, an archaic dignity even, to weapons of everyday indifference and extreme violence? What might be the nature of that society where simple hesitations find themselves weaponized into logics of mutilation and sacrifice, transforming cruelty from a liberal moralist’s “ordinary vice” (Shklar 1984) into the political apparatus of a suicidal state (Anidjar 2017, 2018)? A society that is constitutively antisocial, Ambedkar is tempted to say; a society that does not exist at all; a society that lives by the cold mechanicity of habit rather than the warm tissue of passion:

Hindu society as such does not exist... . In every Hindu the consciousness that exists is the consciousness of his caste... . Similarity in habits and customs, beliefs and thoughts there is [But] similarity in certain things is not enough to constitute a society ... parallel performances of similar festivals by different castes have not bound them into one integral whole. For that purpose what is necessary is for a man to share and participate in a common activity so that the same emotions are aroused in him that animate the others. (AC 50–51)

War without End, or, Ambedkar, Time, and Stasis

Ambedkar posits “habit” in opposition to the commons, to emotion and passion, but above all, in opposition to motion, animation, and participation. Each of these, while constituting a rebellion against the rule-bound mechanicity of habit and the festive—if always punitively controlled—anomie, is also, crucially, the precondition of political judgment. The decisive formulation comes a few passages later.

(p. 360)

Rules are practical; they are habitual ways of doing things according to prescription. But principles are ... methods of judging things... . A principle, such as that of justice, supplies a main head by reference to which he is to consider the bearings of his desires and purposes... . Doing what is said to be good by virtue of a rule and doing good in the light of a principle are two different things. The principle may be wrong but the act is conscious and responsible. The rule may be right but the act is mechanical. (AC 75)

Habit, which bears a fundamental relation to this structure of mechanicity and repetition, serves as the leitmotif of Ambedkar’s moral and political thought from the 1910s onward. It is also one of Henri Bergson’s “two sources of morality and religion,” cited most directly in *Philosophy of Hinduism. Two Sources of Morality* (1932) appears again in the incomplete bibliography of the unfinished *Essays on the Bhagavad Gita* (BAWS 3: 472). Equally formative is the influence of Gabriel Tarde’s *The Laws of Imitation* (1903)—used most explicitly in the prodigious early essay “Castes in India: Their Genesis, Mechanism, and Development” (1916)—on Ambedkar’s apprehension of caste as anomie and habit; caste at once as distancing and mêlée; an “infection” that spreads contagiously not merely through repetition of the same but also through the reproduction of difference within zones of anomic and momentary equality.

Despite the deafening silence on Ambedkar as a decisive philosophical node in these sometimes direct, often missed, encounters in global debates on the relation between anticolonial political culture and its rules of liturgical discipline (Chatterjee 1986; Guha 1997), one limited claim might still be made. There is a genealogy of thinking about the vacillating frontier between the machine and the organic—the bond between the nonhuman and the political—that connects Ambedkar’s investigations of juridicopolitical forms of modern life with both the vitalism of Henri Bergson and the postwar meditation of it, most notably in the work of Gilles Deleuze (1994), whose *Difference and Repetition* would trace a similar intellectual trajectory through Nietzsche, Bergson, and Tarde. This is not to minimize the powerful influence of that other strand in Ambedkar’s political theory that runs ambivalently through the writings of the early Marx. Word for word, no other text foreshadows *Annihilation of Caste* more potently than the latter’s meditations “On the Jewish Question” (1844), even if it is the declaration made in the final sentences of *The Communist Manifesto*—you have nothing to lose but your chains—that is cited most directly, albeit with a distinctive reservation (AC 72).

Earth Encircled

“Castes form a graded system of sovereignties,” Ambedkar posits in one such distinctive formulation (AC 72). The word “system” and the use of pluralized “sovereignties” are crucial to the genesis of political cruelty he excavates. By political cruelty, I mean not only an act that involves idolatry and fetishization of bodies, even commerce in their parts

(p. 361) (Balibar 2002; Derrida 2014). Instead, by political cruelty I mean a statutory act that, precisely because it is legitimated by the law that runs rigorously in the aporia between indecision and intention, between hesitation and will, destabilizes the notion of the border and the limit in its essence. Political cruelty targets the citizen rather than the enemy. It at once muddles the law of *sovereign untouchability* of bodies and retrenches the civil law’s *moral height* as a neutralizing, pacifying system. For it is only the coherence of a “system,” with all the rigor, reach, height, and depth that the word implies, which gives juridical form to acts of extreme violence that otherwise nonchalantly pass as mundane habit. Political cruelty is sovereignty of the worst, in other words, but it is also the worse and worsening of sovereignty, a wrong “worse than cruelty” (AC 54), a degrading inequality inscribed at the moment of conception—at the “origin and genesis”—of life itself.

This degradation of life at the moment of its conception does not imply a regime of interlocked nodes of disciplinary power in the countryside, untouched by the vicissitudes of ruling dynasties and families in the capitals (such a trope of stasis being common in colonial accounts of India). Instead, the system of graded sovereignties scaffolds a mechanism of intimate cruelty *within* a structure of intricate distance, governed by rituals of sacrificial mastery and liturgical power as much in the provinces as in the capital, executed as rigorously in vernacular idiom as they are through metropolitan civility. It is a regime of simultaneous defacement, desecration, and use of bodies *within* the apparatus of their absolute untouchability, their highest legal sovereignty, their perch of monastic austerity. And because this sovereignty of the law over life begins at birth and transmits bloodlessly through the logic of heredity, the relation between time and cruelty, life and border, the organic and inorganic, is codetermined in the metaphysical inequality of Indian morals at large.

If, as Ambedkar confesses, he has momentarily hesitated in formulating the problem of nationalist liberalism, steeped in its existential hostility to the norm of social equality, as the problem of “armed neutrality,” it is not because he wants to moderate the debilitating impact that routine, ordinary, and everyday social mores marked by extreme violence—and sometimes extreme civility—might have on the form and substance of the nation’s political self-determination. Instead, his hesitation emanates from the merciless ambiguity that scaffolds the moral and liturgical power of *dharma*, which is, on the one hand, a modern apparatus par excellence, always belonging to the order of time, yet, on the other hand, is archaic in its power, never anchored *in* time. His reserve stems from this exceptional yet systemic vacillation, which in the Indian traditions makes indecisive the very concept of the border—*seema*, *hadh*, and in its disciplinary sense, *maryada*—between war and peace, hostility and friendship, country and the city, and which, grapple as he does

War without End, or, Ambedkar, Time, and Stasis

throughout his life, Ambedkar is left with not enough time in the end to put fully on paper. Or perhaps it is a border he is unable to decisively cross.

Thus, in a moment of radical contact with the spirit of W. E. B. Du Bois's 1906 *Collier's Weekly* statement on the planetary and racial logic of frontiers—"the color line belts the world" (Du Bois 2015, 347)—Ambedkar writes of that other, exemplarily Indian logic of the border, one anchored neither in territorial finality nor in telluric sweep nor, above (p. 362) all, in the tragic certitudes of racial segregation, but instead in the rigorous undecidability of the caste line that encircles the earth untouchably. It "is *not* like the color line which has length but no breadth and which one may observe or one may not observe; it is *not* like the race line, which involves distinction but no discrimination." Rather, this border "has both depth and width. Factually, the Hindus and the Untouchables are divided by a fence made of barbed wire. Notionally, it is *cordon sanitaire*, which the Untouchables have never been allowed to cross and can never hope to cross" (WCG 187).

Notions are tactile, physically entrenched borders, then, no less than borders are cognitively entrenched notions.⁴ Ambedkar returns to the expression three years later in *The Untouchables* (1948). "This is a fundamental feature of Untouchability," he writes of the elliptical character of the border in Indian traditions. "It is not a case of social separation, a mere stoppage of social intercourse for a temporary period. It is a case of territorial segregation and of a *cordon sanitaire* putting the impure people inside a barbed wire into a sort of a cage" (U 266).

Among the many thresholds this passage crosses, it is the figure of the human that appears in its most tragic ambiguity, at once as the violated, vulnerable untouchable and as his barbaric, decimating, Brahmanic master. Both bound equally and together at the limit, one caged like an animal, the other caging itself into animality. Untouchability decomposes the human at its core, without discrimination. Sovereign, full, and majestic in one instant, untouchability returns the human to its irredeemably fallen, meager, and formless matter in another. This, in its irreducible substance, is political cruelty: an act that violates the oppressor and the oppressed equally, observing no scalar limits and moral vectors, decomposing the human into something wholly other than itself. Recounting in *Waiting for a Visa* the hesitation of the doctor who would rather let a sick outcaste (*atishudra*) die in his presence than breach the ritual injunctions against touching the latter, Ambedkar observes of this decomposition, "The Hindu would prefer to be inhuman than touch an Untouchable" (WV 687).

Strikingly, in such practices of cultivated indifference, no dignity of life is violated and no law deemed broken. For in this regime of hesitation, there are no clear fronts against which to judge human transgression or its sheer wretchedness; only a rigorous, tactically measured undecidability of borders; no open hostilities, merely a disciplinary truce without amnesty, an intentional extinguishing of the stranger's life when saving her would have been easier. This lack of ends and interest in anything other than itself is what separates cruelty from more tangible forms of violence. Ambedkar's close reading of Henry Maine's meditations on borders, especially as it organizes his conception of the fugitive

and the stranger—*fuidhir*—becomes important in this context (U 281), if only because, breaking from colonial sociology and its alibis for liberal imperialism (Mantena 2010), he is able to see in political cruelty—whose Indian name is *untouchability*—less an exploitative maxim, even less a brittle regime of the use of bodies or their mere enslavement (which *untouchability* also is), and more a structure of tangents, curves, and ellipses that relentlessly veer away from bodies (leaving newer, more malleable fronts in their wake). He sees in political cruelty less an economy of fixed lines and laws of distance (or touch) between bodies than he sees in it an apparatus of “sanctions” (p. 363) and “injunctions” that run right through them. This running of the sanction right through the body—the “moral law,” which, following Kant, Ambedkar calls the “categorical imperative” whose “breach is more than a crime. It is sacrilege” (U 352)—would be the juridical scaffold of *maryada dharma*: the transcendental law of the limit, the absolutism of the law in its very decomposition.

In the insurgent months of the Mahad Satyagraha, where, by a lake in Bombay Presidency in 1927 he burns a copy of the ancient juridical text *Manusmriti* and, in the most audacious inversion of Gandhian injunctions on the practice of civil resistance, marches to drink water from a lake open to animals but barred to India’s 50 million outcastes (Kumar 2015; Choudhury 2018), Ambedkar posits a combative, agonistic participation—indeed war—as the most majestic, most dynamic antithesis of this decomposition. “Go and show your bravery even for a moment without fearing death,” he paraphrases from the *Mahabharata*, quoting the heroic mother Vidula spurring her warrior son to action. “It is better to die in a battle than living slowly decomposing in a bed for hundred years” (SS1: 90).

Sanction before the Law

Not without reason does the border constitute the most unrelenting motif in Ambedkar’s critique of violence (and its decomposition). Signposted by “barbed wires” and “fences,” enforced by “rumor,” “sex,” and “sanction,” constructed as “walls” and “dungeons,” running in “circles” and ending in “boxes” and “cages,” engraved and “cordoned” on land and sea, transmitted by a “mechanism” at once organic and inorganic, colored here by sacrificial blood and drawn there into spheres of surreptitious “injunctions” and veiled endogamy, encircling the earth, always masculine in its science and economy (*purushartha*), the border runs ceaselessly through his oeuvre, radically mirroring the tradition he deconstructs. Its origins may be ancient, but its mechanism is timeless, its techniques at once archaic and contemporary. Freed from the physics of consent or the gravity of truth, Ambedkar writes in “Castes in India,” “it hangs there to this day without support ... like weed on the surface of a pond” (CI 19–20). Duration or “span,” instant or place, earth or water, do not matter to it. For there is no time—ancient or modern, archaic or measured—that is not already caste time, every moment marked indelibly by a juridical intensity that befits only a state’s border in times of an uneasy armistice, a still unrest.

War without End, or, Ambedkar, Time, and Stasis

Within the juridical realm of this stasis, cruelty makes its appearance less as a war against anonymous enemies and more as moral hesitation with vacillating limits and borders shared with familiar neighbors. This silent, perpetual peace without amnesty reproduces not a clearly defined battleground but an intergenerational structure of privilege. In this structure, among all other privileges, it is the privilege to not do anything about one's culpability in generalized oppression—the *power to do nothing*—that acquires the aura of neutrality, the legitimacy of objectivity, the power of a *decisive indecision*. This aporia is established in one telling part of the *Manusmriti*, which gives (p. 364) cruelty its singularly neutralizing texture in Indian traditions. Here is Ambedkar, refracting through his reading of Hobbes's discussion of the place of banishment in the penal order of the Commonwealth, from the chapter "Of Punishments, and Rewards" in the *Leviathan* (Hobbes 1991, 218), this aporia—*placelessness*—between vacillation and cruelty, legality and impunity, immunity (of the Brahmin) and height:

Brahmin rule if it is to justify itself, it must do so by conferring special privileges and immunities on the Brahmins as a class... . The following are the immunities ... freedom from taxation and exemption from certain forms of punishment for crimes... . "Tonsure (of the head) is ordained for a Brahmana instead of capital punishment; but (men of) other castes shall suffer capital punishment. Let him never slay a Brahmana, though he have committed all (possible) crimes; let him banish such an (offender), leaving all his property (to him) and (his body) unharmed." Thus Manu places the Brahmin above the ordinary penal law for felony. He is to be allowed to leave the country withdraw a wound on him and with all property in proved offences of capital punishment. He suffered only banishment, which in the words of Hobbes was only a "change of air" after having committed the most heinous crimes. Manu gave him also certain privileges. A Judge must be a Brahmin. (RCR 278-279)

If "a judge *must* be a Brahmin," then the Brahmin—well beyond any normative distinction between legality and its other—is a figure at once of the law and the verdict. Whatever else it is, this *other* of Indian legality is not illegality, nor a pardonable offense, but an unforgiving height. Its moral law—the sanction that manifests in bodies as a mechanism of their voluntary obedience (at best) and as involuntary seizure of bodily movement, the disabling of volition itself (at worst)—comes before the law. The sanction is to be taken or applied thus not in its generality—there are too many exceptions for the Brahmin (who is not to be punished)—but in its prelegality. Not only can the Brahmin never be a perpetrator of the crime in the eyes of this originary law; the application of a sanction by the Brahmin alone constitutes a judicially legitimate verdict. In other words, it is the sanction—the *declaration of an originary crime, a nonchalant accusation or rumor even*—that founds the law. This self-referential structure—the juridical and rhetorical circularity of the law with itself, the *unity of sanction and crime* that is accomplished in the height of the Brahmin—anchors the most originary, most judicious, life-extracting mark of sovereign power in Indian traditions.⁵ Crime here is not the infraction of the law that is then punished by the magistrate or by the sovereign to defend the legal order. Instead, it is the liturgical injunction—sanction, limit, or *maryada*—whose elasticity and fickleness determines the in-

War without End, or, Ambedkar, Time, and Stasis

tensity of crime and the fate of the criminal. Which is why even a faint rumor, let alone a terse accusation of having touched a sacred text or having eaten beef, can deliver the Shudra or the outcaste to death.

One is likely to survive the law in India not because of virtue or because one has not committed a crime, but because of the sheer chance of birth. “That without penal sanction the ideal of *Chaturvarnya* cannot be realized is proved by the story in the *Ramayana* of Rama killing Shambuka,” Ambedkar writes in *Annihilation of Caste*: “As a king, Rama was bound to maintain *Chaturvarnya*. It was his duty therefore to kill Shambuka, the Shudra who had transgressed his class and wanted to be a Brahmin.” The treatise’s most (p. 365) unequivocal moral emphases come a sentence later: “This [killing] also shows that ... not only penal sanction is necessary, but the penalty of death is necessary” for the “maintenance of *Chaturvarnya*.” Lest one forget the cruelty of the sanction that is concealed in the moderate word most frequently associated with Rama, *maryada*, Ambedkar pulls in the *Manusmriti*, which “prescribes such heavy sentences as cutting off the tongue, or pouring of molten lead in the ears, of the Shudra who recites or hears the *Veda*” (AC 61).

It is in the logic of *Chaturvarnya* to punish by death any transgression against the tautological law of birth and heredity, which is to say, its *mechanical reproduction of the structure of infinite reproducibility of caste time*. Death penalty and caste are locked not in fatal blood-spilling combat but in an exacting and nourishing blood-giving kinship. It is difficult to know which came into existence before—and *for*—the other. Both involve an originary barbarism—an archaic, timeless cruelty without future—that eliminates those who have no part in the juridical and social order of things. Both involve a war without any return, refuge, amnesty, and end: a war that exceeds militarization and in which, as the Greek stasis implies, stability and neutrality become indissociable from status and unrest (Schmitt 2008, 123). A sanction so static, so stationery in time it seems “frozen”; so lucid in its very vacillation that it has become the neutral, armed perch of status. This stasis, for Ambedkar, is the mark of Rama, who, not incidentally, while not a Brahmin, is the only figure in the epic tradition who carries the title *maryada purushottama*: literally, the most majestic and masculine practitioner of limits, the sovereign prosecutor of law as sanction, the bearer of that originary vengeance which comes before the law, and in the process, puts the law in place lawlessly.

Giving Violence Time

Peculiarly untranslatable an entry in Indian juridical lexicon that it is, *maryada* nonetheless most intimately captures this vacillating color line and structural logic of what is at once an organic and inorganic, secular and liturgical sanction—*limit*—running between the human and nonhuman. Beyond its relatively straighter rendering as sanction, however, might *maryada* be translated as “stasis”? Stronger still, might *maryada* make legible a moral and juridical scaffold of stasis that is otherwise illegible in Indian languages and theories of politics, especially if, returning it to its constitutive ambiguity, stasis is taken to mean less an open, dynamic, factional strife in the city and more a puni-

War without End, or, Ambedkar, Time, and Stasis

tive truce that maintains boundaries of armed neutrality and disciplinary stability across it? If there is “internal dissensus” built into the Greek conception of stasis (Cassin 2001, 239), one that might even clear the space for an agonistic conception of democratic judgment (Vardoulakis 2018), might the word touch, in spirit and structure, the cusp of what Ambedkar calls “armed neutrality”?

These questions are emblematic of comparative political theory (and of the conditions of its very possibility). The issue is complicated not only by the linguistic difficulty in establishing a simple synonymy between *maryada* and stasis—*maryada*, it might be (p. 366) argued, is neutralizing, prohibitive, and spatial, while stasis is dynamic, insurrectionary, and temporal. Nor is the issue complicated only by the disciplinary desire to look for documentary evidence of “authentic” lexical exchange between the traditions to which they belong. The issue is complicated most intractably by the polyvalence—*constitutive untranslatability*—of the words even within their own putative traditions. Intimate in their logical kinship when viewed in one, fairly classicist manner (Sanskritic, Roman, or Greek), moreover, the unbridgeable distance between *maryada* and stasis becomes nothing less than hemispherical (Southern and Western) when reoriented on a more modern, colonial register. Yet, insofar as the history of political thought deals with ideas and words in action and with actors and agents in improvisation, it proceeds on the axiom that there are no pure translations in political thought any more than there are pure meanings in political culture.

For a thinker who pushes language to its very limit even as he maintains their old names and boundaries (refusing, for example, to ever let the Sanskrit *dharma* moderate the revolutionary force of his proletarian, poetic, and Pali *dhamma*), Ambedkar not surprisingly considers Greek words and Pali sounds, Roman statutes and Brahmanic texts, irreducibly heterogeneous, and yet, radically inseparable from one another. Each is capable of illuminating something tucked underneath the other. Might we ask, following his partisan heresies, if together, *maryada* and stasis, “armed neutrality” and *cordon sanitaire*, illuminate a logic of cruelty that remains hidden in plain sight, forgotten in clear light like a Shudra’s skin, lodged on the surface yet too minute for notice in the larger scheme of what Dumézil (1948) calls, the same year that Ambedkar publishes *The Untouchables*, Indo-European “representations of sovereignty”? Perhaps the question is not whether *maryada* as a disciplinary logic of the border is translatable as stasis (even as a frontier and limit of stasis). Instead, the question is whether *maryada* transforms, decenters, and destabilizes the meaning of stasis itself. Stronger still, does *maryada* reveal the cultivated vacillation of the borders of legality and the law everywhere? Does it shine light on juridical hesitation, the rigorous indecision that lies at the heart of political cruelty in other places and times?

When Ambedkar pauses on “the difference between *civics* i.e. citizens and *preregenis* or *hostis* i.e. non-citizens in the early Roman Law” in essays such as “Their Wishes Are Laws unto Us” (BAWS 5: 278) even as he actively turns during the same period to Buddhist conceptions of nonpower and friendship, or when Loraux (2001, 107) insists, “we need to invent a language that is not Roman,” or more recently, when Agamben (2018) returns to

War without End, or, Ambedkar, Time, and Stasis

the texts of the Buddhist *Abhidharma* (Guenther 1976) and the aphoristic nondualism (*advaita*) of the ninth-century Kashmiri epistemologist Vasugupta, all striving in their own way to excavate the relationship between will, action, and punishment,⁶ I take them to be making a similar argument: that the active potentiality of language lies hidden neither in a vernacular repository of pure meanings nor in truths sanctified by original tongues but along the precarious, vacillating line of the sanction where every language reaches—or is forced to encounter—its own limit. Sometimes by sheer chance of alchemy or under the force of a laborious archeology, language boils over, tipping over the border and transgressing into the chamber of some liturgical injunction (p. 367) or punitive sanction wholly other than itself. It is in this abyss—Ambedkar might say “dungeon” (*BHD* 167; *WV* 675)—of silence, which separates it from that which is its wholly other, that language preserves some meaning, some voice, some force, some majesty (even and especially of the weak), which had been deposited under layers of willful, tactical amnesia. “India in this regard,” Derrida (1995) writes in a similar vein of this violent, double-bolted “logocentric impasse,” “is not the absolute other of Europe” (78).

Is this why the juridical laws of untouchability guard Brahmanic texts so punitively against the shadows of the Shudras (and women), inflicting disproportionate punishment on those who dare to recite or even touch them (*AC* 61)? Whence, for Ambedkar, agonizing in June 1956 over his copy of the Marathi translation of the *Gita* (*BAWS* 3: 475), the need for a diligent “archaeology” of language, which, he insists, must be supplemented by a rigorous “paleontology” of its violent silences and exclusions? Whence, for him, the task of “exhumation” of the ancient stasis inscribed in the very law of time? Whence, above all, the need to become a “painter,” in order to redraw the silhouettes of a history suppressed by fundamentalist nationalisms—liberal and majoritarian—jubilant in their own triumphant peace?

We are dealing with an institution the origin of which is lost in antiquity... . The task is one of gathering survivals of the past, placing them together, and making them tell the story of their birth. The task is analogous to that of the archaeologist who constructs a city from broken stones or of the paleontologist who conceives an extinct animal from scattered bones and teeth or of a painter who reads the lines of the horizon and the smallest vestiges on the slopes of the hill to make up a scene. In this sense the book is a work of art even more than of history. The origin of Untouchability lies buried in a dead past which nobody knows. To make it alive is like an attempt to reclaim to history a city, which has been dead since ages past, and present it as it was in its original condition. (*U* 244)

Recuperating the city that had once rendered—and still habitually designates—an entire swathe of humanity outcaste, untouchable, and vestigial, thus involves more than a slow, patient archeology. It requires a visceral, bone-crackling, material paleontology. It demands a craft that can pry open the violence of time by giving this violence time, a force that can return violence back to its originary violence. To do so, the archeologist cultivates a painstaking and consuming faculty of judgment, one that strives to overcome the law of genre (the law that divides painting from paleontology, archeology from the liter-

War without End, or, Ambedkar, Time, and Stasis

ary, rhetoric from philosophy, hand from soul) and gives itself over defiantly and incorruptibly to the task of deconstructing the anthropological and conceptual border between the science of animals and the sciences of man. That a truly political judgment demands a faculty—what Ambedkar elsewhere calls “faith”—analogous to that of a paleontologist piecing together the bones of species extinct, such rigor supplemented in turn by the force of imagination a painter alone might exemplify, is no minute detail in the relation Ambedkar forges between freedom and imagination, force and judgment. There is no certainty to be had here, he cautions, only the contingency of sudden illuminations, a radical truth that appears not in text but in action.

(p. 368) Indeed, that alone which under conditions of political cruelty is, and yet, must refuse to be reduced to nothing: such a void between destituent being and militant non-being, such an abyss between rebellious force and radical nonforce, would be, according to Ambedkar, the most faithful bearer of the name Buddhist. This nonforce or unpower (*aasakti*) is not the absence of force. Nonforce is *the ability to be free from force without being forceless*. A similar critique of force marks Ambedkar’s judgment when he names in the late 1910s and 1920s his newspapers *Mooknayak* [The Silent Hero] and *Bahishkrit Bharat* [Banished India]: names that strive to craft a new language of freedom from the violence that those very names recall. It is a freedom grounded in the psychic and material force of the nondescript, silenced, and disarmed *atishudra*; in an imagination anchored in the abyssal force of those without force, mobilized in the name precisely of those whose names give them nothing other than the memory of a fatal wrong. It all comes down to the archaeology of words and names that survive despite the willful forgetting of the apparatus that gives them birth.

One set of facts comprises the names *Antya*, *Antyaja* and *Antyavasin* given to certain communities by the Hindu Shastras. They have come down from very ancient past... . They are derived from the root *Anta*. What does the word *Anta* mean? ... One who is born last ... the word *Antya* means an Untouchable... . In my view, the word *Antya* means not end of creation but end of the village. It is a name given to those people who lived on the outskirts of the village. (U 278–279)

A residue at the frontier of time, born last and barred from the world of touch, the *antyaaja* survives on the frontier. But it is also, in itself, the *frontier*. For those who live—those whose being can be called living at all—on this limit of humanity do not produce life themselves. Instead, the juridical apparatus of caste life gives their survival whatever distorted, annulled, and void matter there is to this form of living. Disarmed but kept alive in stasis, the untouchable *antjya*—whom Gandhi in 1931, in an act of epic condescension and apotheosis, renames *harijan* or “god’s child” (Kumar 2015)—touches the law at its limit, but barely enough to become its subject proper. Law seems to touch the *antjya* even as it swerves away from it. It is not merely the subject but the embodiment of the sanction: the exemplary symptom of a crime in advance, the type of a priori that defines the law’s very reason to exist. The *antjya* is a border *of* and *in* the law, a threshold where the

reason to keep it alive has become (just barely) stronger than the reason to let the it perish.

Ending: With Majesty

That “wrong,” which mere commerce in sympathy or civility cannot redress; that violence, which is expressed precisely as its opposite: as intense indifference; that moment of unbridled exercise of power on the unequal, the outnumbered, the dissident, the (p. 369) woman, the child, the other: cruelty is the name for such a decomposition of the human into its outside. “Indifferentism” is not merely an instance and instant of social withdrawal. It is a contagious depoliticization of the city, one that empties out the gravity of democratic participation at its very core. It is “the worst kind of disease that can infect a people” (AC 56). And yet, this indifference—sacrificial and armed neutrality—is decidedly political, at once fueled by democracy and dragging it into stasis. For Ambedkar, these two impulses—democracy and conflictuality—cannot be severed: hence also the paradox of modern India’s singular cruelty, which is, at its paradoxically intense, a regime of absolute distancing, absolute untouchability of bodies, absolute neutrality toward the fate of life as such. Such paradox might almost convince us that militarized strife and juridically sanctioned cruelty have been consigned to India’s fratricidal past. Yet, nationalist celebrations of the past themselves nurture in them a logic of neutralization, one in which cruelty unleashed by extreme social inequality and asymmetrical police power within a structure of moral indifference has come to be viewed less as an ineradicable evil and more as an ordinary vice.

Stasis might have been Ambedkar’s term for this apparatus of juridically sanctioned indifference, an ordinary war lodged at the heart of postcolonial constitutionalism, with caste being merely one—albeit sovereign—mechanism of hesitation and distancing that organizes its most ordinary gestures, tactics, and mutations. There is not even one law—or “legal definition”—of Untouchability, because its form mutates with variations in custom (MF 257) and undulations of soil. If indifference, as Agamben (2015, 15) argues, stabilizes the moral apparatus of factional strife, flinging the family into politics and politics into the family, hesitation, with its concealed precision, for Ambedkar, constitutes its most intense, thoughtless, and habitual rhythm. Hesitation is the *mechanicity of the worst*, anchored in an involuntary seizure of thought, an arrested movement of instinct, a legally sanctioned abandonment of humanity at its most willful and vindictive, one in which the state neither participates nor interferes. Contrary to being merely a tremor in moral agency, hesitation is a habit formed out of the all too human decision to avoid responsibility, to willfully avoid saying anything at all.

Opposed to this avoidance is the courage to stand up for one’s “love of truth,” which Ambedkar calls in India’s Constituent Assembly in November 1949 “constitutional morality,” and in “my judgment,” he adds in good measure, India’s decided lack of it (BAWS 13: 1215). It is only in the inappropriable fearlessness of this judgment that Ambedkar’s freedom, unencumbered by the burden of the self, finds a common, shared meaning. In fact,

War without End, or, Ambedkar, Time, and Stasis

it is judgment alone that distinguishes politics anchored in freedom (and in action) from politics as mere unrest, or worse, mere obedience to the rule. In turn, the passion for such freedom pulls judgment away from the sovereignty of ruling and neutrality, even objectivity, and anchors it instead in the courage of participation, in an anarchic principle—*isonomy* or “no-rule”—that transcends the tyranny of civilizational certitude (Vlastos 1953; Arendt 1963, 30–31).

Dhamma is Ambedkar’s name for this belief in the majesty of freedom, one in which faith is at once freed from the need of human mediation—“the authority of man”—and its transcendence secured in the passions and courage, even heretical solitude, of the (p. 370) citizen. “The Dhamma must be its own successor,” the wandering prince posits in *The Buddha and His Dhamma*. “Principle must live by itself, and not by the authority of man. If principle needs the authority of man it is no principle. If every time it becomes necessary to invoke the name of the founder to enforce the authority of Dhamma then it is no Dhamma.” *Dhamma* is the call for a transcendent, even resplendent, faith in which freedom is secured in the act of surrendering one’s desire to rule for the justice of mortal others. Such freedom neither seeks mastery nor yields to it, being by its very nature anchored in an ethics of nonpower and nonforce. On the one hand, then, it owes no obedience to artificial, unjust, and illegitimate powers that interfere with the virtuous conduct of everyday life. On the other hand, it only thrives in responsibility toward principles whose universality transcends at once the interest in rights and the martyrdom of the self.

Whence, in Ambedkar’s view, the Buddha’s refusal to appoint his own successor? “Twice or thrice the Buddha was requested by his followers to appoint a successor,” he recalls. “Every time the Buddha refused” (*BHD* 216–17). *Dhamma* does not simply eschew or resist foundations. *Dhamma*—contra *dharma*—is the absence of foundations even of the founders. There is something profoundly egalitarian about this sense of freedom, which Ambedkar compresses in all its majesty in that anarchic declaration in *The Buddha and His Dhamma*, “A principle leaves you freedom to act. A rule does not. Rule either breaks you or you break the rule” (*BHD* 347). *The Buddha and His Dhamma*, written in preparation of Ambedkar’s monumental conversion to Buddhism just weeks before his death in December 1956, is a treatise on this inalienable, partisan force of the outnumbered, the solitary, and the minority in the face of political stasis.

What is this stasis if not a war without end, a truce of armed neutrality built into the founding logic of time? “‘Friends! You may do what you like,’ Siddharth the Prince—yet to become the Buddha—declares in the assembly where he has just found himself decisively outnumbered by a bellicose majority that has voted for hostilities with the neighboring republic over water. ‘You have a majority on your side, but I am sorry to say I shall oppose your decision in favor of mobilization. I shall not join your army and I shall not take part in the war’” (*BHD* 27). If war never ends, if it always finds new provocations and draws new frontiers, if it never falls short of justifications, it is because war not only militarizes territory but also colonizes thought. War is no less an epistemology—the militarism and militarization of knowledge (*kshatriyadharma*)—than the majority is a technique, an inani-

War without End, or, Ambedkar, Time, and Stasis

mate and cold *dispositif*, an “obdurate, merciless logic of obedience to force” that decomposes its human parts into something wholly other than itself (CI 21).

The Buddha and His Dhamma compresses Ambedkar’s desire to return that semblance of humanity—the time of the unequal—to its mutinous majesty, expressing, one last time, his limitless passion for courage (without the hubris of martyrdom). “So he summoned all the courage he had,” he writes of this majestic minor, “and said to Mara, “Faith is found in me, and heroism and wisdom. How can ye evil passions defeat me? The streams even of rivers may this wind dry up. Ye would be unable to dry up my resolutions, when I am so intent. Better to me is death in battle than that I should be defeated (p. 371) in life” (*BHD* 74). This almost aesthetic suturing of passion with judgment—a moment in the history of democracy no less reminiscent of the tragic hope of the Melian Dialogue than it is of his Siddhartha’s *parivraja*—is exemplary not only because of its heroic affirmation of freedom, of a sacrifice beyond combat, but also because of its courageous rejection of war in the very act of becoming warrior. Ambedkar’s name for such heroism of the weak, their will to judgment, would be “force.”

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RCR Revolution and Counterrevolution in Ancient India, in *BAWS* 3.

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WCG What Congress and Gandhi Have Done to the Untouchables, in *BAWS* 9.

War without End, or, Ambedkar, Time, and Stasis

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Notes:

(¹·) “I am not part of the whole,” Ambedkar had declared majestically in the Bombay Legislative Assembly in 1939. “I am a part apart.” (BAWS 10: 166) On the constitutional and religious vectors of this formulation, see Kumar (2018).

(²·) In neither Nehru nor Gandhi, nor even the Hindu nationalist Vinayak Savarkar or his late nineteenth-century precursor Bal Gangadhar Tilak, who gave the word *swaraj* or self-rule its populist charge, are idioms of self-mastery and civilizational glory decisively separate (Majeed 2007; Chaturvedi 2013; Skaria 2016).

(³·) The history of this militarism constitutes an exemplary chronicle of encrusted—and tactical— mistranslations. The modern expression, “caste system,” for instance, stands in inadequately for the more classical term *varna vyavastha*. *Vyavastha* is, technically, “arrangement” or “apparatus.” But it invokes a more mutable form of these notions than the word adjacent to it, *pranali*, does. It is revealing that even though *pranali* is closer to the English “system,” it is never used in Indian languages to describe the systemic logic of caste, for the word would reveal the system’s brutal immutability. *Varna*, meanwhile, which denotes caste and literally means color, steadily shifts in its sense toward the more entrenched, structured notion of rule, craft, or system of force (*tantra*). (Thus, for example, democracy is often translated as *prajatantra*, where *praja* stands in for people). The density of this system of signs compels Ambedkar to organize its constitution under different names, often in English as “mechanism” and machine. This gesture refers his readers, in turn, to a complex set of juridical statutes and moral legislations, each grafted, as he tirelessly catalogs, into mechanical “habits” of motion and restraint, punitive regimes of use and abuse of bodies, intricate laws of touching and not touching, strategic “rumors” of sacrifice and pollution (to be followed by excommunication or lynching), cities split up by internal borders, “police lines,” and liturgical “cordons.” In sum, an indomitable, “obdurate logic” of obedience, “sanction,” and punishment coalesces around “caste *dharma*,” as Ambedkar pithily calls it, indelibly tarnishing the question of freedom in India. For it is the immunity of the few within the legal structure of *dharma*, their perch at a height beyond it—into an anomie that is deemed legally *neutral* rather than morally illegal—that creates conditions for a singularly internecine form of cruelty in the post-colony.

(⁴·) There is no Indian “notion,” let alone an Indian conception of the “concept,” that is not mired in the tactility of the barrier. This tactical and tactile unity of *notion* and *border*—which Ambedkar calls *fact*—is posited decisively in the 1930s. “Caste is not a physical object like a wall of bricks or a line of barbed wire which prevents the Hindus from comingling... . Caste is a notion... a state of mind. The destruction of Caste does not therefore mean the destruction of a physical barrier. It means *notional* change.” And because “the authority of the *Shastras* ... their sanctity and sanctions” overrides every norm of moral conduct, nothing new grows on its turf, within its frontiers (AC 68). “Castes have no mercy for a sinner who has the courage to violate the code. The penalty is excommunication and the result is a new caste” (CI 21). One thus moves, rests, settles, and even

War without End, or, Ambedkar, Time, and Stasis

touches the other only under varying degrees of the risk of eviction from the world. But excommunication—the fetishistic unity of expulsion and intimacy—does not merely involve a punitive distancing of one person from another. It also entails placing the sovereignty of personhood—its height—within a centrifugal, self-reproducing, and self-multiplying plurality of circles. Excommunication is the *logic* and *sense* of the border built into the law. To Ambedkar, it reveals a fecund conflict—a tactical indecision—between lines and circles, height and distance, in the Brahmanic imaginary, a *surrender of the law to its other* (in which the other of law is neither simply illegality nor nonlaw).

(⁵) Brahmanism, thus, is best grasped neither simply as a hereditary or biological trait that gives people inborn skills nor merely as an infrastructure of penal or liturgical power. Instead, it is best approached as a *dispositif* of height: a *dispositif* because its movements and rhythms supersede and remain heterogeneous to that which gives it birth. “The Brahmin ... sets up a mode and molds the rest,” Ambedkar writes of this voluntary, nonviolent surrender to height (CI 19). This surrender explains the enigma at its heart: Brahmins are not always the most thoughtless and violent practitioners of Brahmanism, in ways that non- and sometimes anti-Brahmins are (a feature to which the Hindu Right’s political leadership—much of it belonging to middle and lower castes—and militias bear witness). Irreducible as the enigma is to a simple history of biological heredity, then, comprehending the Brahmanic *dispositif* of caste life requires a grasp of the structure of its cold mechanicity: the physics of a moral “wrong” that reproduces itself in habits of touching and not touching and the economic theology of debt (Malamoud 1983) that every subject below the Brahmin is already born into and whose intergenerational burden—and imbibed hubris—outlives his biological existence.

(⁶) Agamben’s (2018) point of beginning is the etymological proximity between notions of Buddhist *karman* or action and Latin *crimen* or crime, an insight that one finds in an underdeveloped form also, among other interwar thinkers, in Simone Weil (2003, 54).

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