Jurisdictional Crisis in the Kashmir Novel

The India-Pakistan conflict and its hold over Kashmir is often described by words such as deadlock, stagnation, stalemate; words that convey weight and ‘stuckness’, an experience of impasse that is political as well as personal. As a geopolitics of stuckness, one is already approaching figures of spatiality, movement, mobility. These metaphors preclude an easy working-through or working out one’s way around the conflict. The region is in crisis. Crises etymologically is a jurisprudential problem of judgment, indecision, inability to choose.¹ Kashmir is in an “Either/Or” crises (Either India, Or Pakistan) and this crisis is politically manipulated and perpetuated to prevent choice. Movement within conditions of stuckness if overwhelmed by frustration. In its darkest moments of violence and insurgency, the Either/Or crises becomes a Neither/Nor nihilism.

This discursive context of Kashmir presents a particular kind of postcolonial ‘problem-space’² from which the following interrelated thematic emerges: (a) the problem of national integration in postcolonial constitutional order; (b) the problem of postcolonial colonialism; and (c) literary representations of the jurisdictional conditions that these problems produce. I explore

this problem-space by placing it back into the narrower context of Kashmir. Since the late-1990’s there’s been a surge in Kashmir Anglophone novels. A problem kept gnawing at me while reading these works: that these novels are populated with things such as barracks, barriers, barricades, checkpoints, concertina wires, walls, fences. Regardless of genre, whether romance or memoirs or political thrillers, these novels happen in the context of siege and crackdowns, curfews, identity cards. Quoting from Arundhati Roy’s *Ministry of Utmost Happiness*:

“As the noisy, rattling bus with its still, silent passengers drove deeper into the Valley the tension grew more tangible. Every fifty meters, on either side of the road, there was a heavily armed soldier, alert and dangerously tense. In every part of the legendary Valley of Kashmir, whatever people might be doing- walking, praying, bathing, cracking jokes, shelling walnuts, making love or taking a bus-ride home- they were in the rifle-sights of a soldier….At every checkpoint the road was blocked with movable horizontal barriers mounted with iron spikes that could shred a tyre to ribbons...”

As the bus goes down towards the valley the tension in the flesh becomes tangible. What precisely is the link between the armed soldiers, iron spikes, and muscular tensions in flesh of the bus passenger? Whereas barriers are objects that bar movement, here Roy observes “movable horizontal barriers,” as barriers charged with a dynamism, an organicity. Given this, I make the following arguments: First, these material conditions (objects like the barriers, checkposts, wires, walls, fences etc.) form the background of every contemporary Kashmir novel. Let us call these background material conditions the ‘jurisdictional conditions’ of the contemporary Kashmir literature. Second, these jurisdictional conditions need to be read as signs, codes, and ques, charged with a certain politico-juridical history going back to Indian constitutionalism as it evolved during the partition and decolonisation of India and Pakistan. Third, in literary narratives, these
jurisdictional conditions produce a jurisdictional crisis, as sites of stuckness, and the novels are a performance of stuckness. Literature encrypts jurisdictions spatiotemporally, as what Bakhtin calls a chronotope. It is via these jurisdictional conditions that I explore the three thematics of my problem-space enumerated above. In trying to explicate the literary representations of jurisdictional crises, for heuristic purposes, I shall suggest provisional typologies of representation that emerge from the texts, such as: the typology of prohibition; of displacement and condensation; of speech and aphasia; of heroism, love and family romance; and of global literary friendships.

Postcolonial Colonialism:

Visiting Kashmir, one of the most common slogans and graffiti in its towns and villages is “Go India, Go Back.”\(^3\) This demand echoes an earlier slogan “Go Back Simon, Go Back” demanded by the Indian anti-colonial movement against the British government’s Simon Commission (1928). As if the words ‘Go India, Go Back’ first begs India to go back to the lessons of its own colonial history as a precondition to hearing the Kashmiri demand. The demand for self-determination requires India to not just literally step out and demilitarize the region, but also to take a step back and reflect upon its actions. Kashmir’s cry for freedom disrupts the progress narratives of decolonisation by intertwining different eras and temporal sequences into the present: the demand for independence was no longer India’s past, but continues to haunt its present.

A recognition of occlusions and blind spots in the earlier formations of postcolonial studies has led to reorientations in the field that now, more proactively, responds to emerging social and political configurations. One such occlusion, as Ann Stoler suggests, is evident in the ironical reception of Edward Said’s work: “the crucial role Orientalism played in launching (post)colonial

studies and the failure of *The Question of Palestine* to animate an appraisal of Israeli state policies as understood in colonial terms." Why a wall of partition was built between Said’s historical and cultural works and his current history of colonization and US empire? Why the selective treatment of certain forms of colonialisms and elision of atypical colonialisms such as of Tibet, Kashmir, Palestine, Baluchistan, Guantánamo, Puerto Rico? Why did only British-India become the anchor of South Asian postcolonial criticism, circumventing the charges of political occupation and demands for autonomy made in its own border states, as somehow beyond its scholarly ambit, leaving it to security studies, and international relations?!

Such disavowal is evident right from the Bandung Conference which refused to recognise non-European colonialism as falling in its purview. When Sir John Kotelawala requested China to not support local Ceylonese communists, and they declined to oblige, Ceylon threatened to table a proposal on non-western and communist imperialism (of nations like Hungary, Romania, Bulgaria, Albania, Latvia, Czechoslovakia, Lithuania, Poland etc.) Nations such as Turkey, Iran, Pakistan and others (as allies of United States) supported this proposal condemning “all types of colonialism, including international doctrines resorting to the methods of force, infiltration and subversion.” But most other nations believed that bringing up these other forms of colonialism would only lead to disruptions and disharmony in the conference. The situation was salvaged by classifying countries of eastern Europe as noncolonial and outside the field of the Conference’s consideration. Jawaharlal Nehru argued that these nations were recognized as sovereign and independent by the United Nations, and if the Conference chose to relegate them to the status of colonies it was challenging the United Nations’ basis of recognition.

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Frantz Fanon’s *Wretched of the Earth*, eschewing the celebratory mode of discourse around national independence, presciently noted the dead-ends of anticolonial nationalism leading to the creation of newly independent countries that would then get sucked back into the world market and fall prey to necolonialism. National independence is merely the formal transfer of power from the western coloniser to his agent, the national bourgeoisie which, now in alliance, perpetuates Western imperial interests in these regions. The bourgeoisie appropriation of decolonisation leads to an unending circle of violence leading to a condition where, as Robert Young puts it, colonialism and postcolonialism operate together in a structure whereby the former produces the latter which in turn produces more of the former.⁷ Fanon reserves the term ‘decolonisation’ for the New Humanism which will emerge from the “cleansing force” of the revolutionary violence that will blast a way out of this fortressed Manichean regime of perpetual domination. For Partha Chatterjee, anticolonial nationalism is stuck in a “blocked dialectic” between nationalism and colonialism because the discourse of nationalist thinking is part of the post-Enlightenment discourse that is indissolubly tied to colonial domination. Indian nationalism therefore established and sought the nationalization of colonial state without attempting a substantive transformation of its class configurations and institutional, pedagogical and juridical structures. Kashmir is the symptom of this circular impasse of postcolonial colonialism.

The background of the conflict is well known but complex and contested.⁸ Prior to independence, Jammu & Kashmir (J&K) was a Muslim majority princely-state ruled by a Hindu

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Maharaja (king) Hari Singh. At the time of independence, princely-states were allowed to choose, bearing in mind the choice of their people, whether they wanted to accede to India or Pakistan. But during Partition (1947), an invasion by Pashtun tribesmen backed by Pakistan escalated into a war between India and Pakistan. The Maharaja requested help from the India in quelling the Pashtun attacks, and it was in the circumstances that the Instrument of Accession, acceding Kashmir to India was signed. This accession was seen as provisional, pending plebiscite to determine the will of the Kashmiri people.

The India-Pakistan war reached the UN where a resolution (February, 1948) was passed calling for (a) an immediate ceasefire; (b) a truce agreement; and (c) an agreement for a plebiscite in “fair and equitable conditions whereby such free expression will be assured.” Although both parties formally agreed, the ceasefire remained incomplete, “fair and equitable conditions” for free expression rarely realized, as a result, a plebiscite never happened. In January, 1950, the Constitution of India came into effect. Article 370 of the Constitution accorded “autonomous status” to the region, except in matters relating to Defense, Foreign Affairs and Communications. State elections were called in 1950, and the National Conference (NC) led by Sheikh Muhammad Abdullah became formed the ruling party of the Indian-administered J&K. Sheikh Abdullah was a secularist and staunchly anti-Pakistan, but flirted with the idea of an independent Kashmir, while also negotiating greater autonomy for Kashmir within India. This was in conflict with the Hindu right-wing (led by Syama Prasad Mookerjee) demanding Kashmir’s complete merger with India. Fearing Abdullah’s demand for independence from the center (and his friendship with the U.S.),

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of Kashmir (U. of Minnesota Press, 2009); for literary criticism, Patrick Colm Hogan, Imagining Kashmir (U. Nebraska P., 2016);

9 Legally, the princely states of India became fully independent with the lapse of British paramountcy on the coming into force of the Indian Independence Act, 1947 passed by the British Parliament that created the two dominion, namely, India and Pakistan.
in 1953, India removed him from power and placed him house arrest. Throughout the period that followed, Indian central government manipulated and managed local politics in the region, forcing integration upon it. The National Constituent Assembly for J&K ratified the state’s accession to India, with Section 3 stating that “the State of Jammu and Kashmir shall be an integral part of India.” Further, several presidential notifications passed under Article 370 further weakened the state’s regional autonomy. Even though the politics and morality of this legal integration is suspect, the Indian Supreme Court has unquestioningly upheld its legitimacy.\(^\text{10}\) Thus, it is through constitutional law that J&K’s autonomy was consistently eroded. After the Indo-Pak war of 1971, Sheikh Abdullah was allowed to enter local politics again, on the condition that he would end his opposition with Delhi. He was succeeded by his son Farooq Abdullah (1982), when India Gandhi’s government manipulative involved itself in the region, opposition parties and dissident voices were violently silenced, and it is widely believed to have rigged the 1987 state elections to maintain NC control in the region. It is under these circumstances that insurgency broke out in 1987 (backed by Pakistan), directly challenging Indian control. J&K Liberation Front led the pro-independence wing while Hizbul Mujahideen led the pro-Pakistan factions. The 1990’s saw intense battles, human rights violations, political marginalization and massive visible sits of open warfare. Most literary works I read in this article are set in this period.

**Colonial Constitutionalism:**

Decolonisation is often symbolically marked by the process of creating national constitutions. Constitutions are instruments for legitimizing the nation-state. They are, theoretically, products of popular sovereignty. Popular sovereignty is based on a politics of inclusions and exclusions,

insiders and outsiders, friends and enemies. In reality, the revolutionary foundations of popular sovereignty as the constituent power that generates constitutions is rarely visible in postcolonial states.

Saadat Hasan Manto’s *Naya Qanun (The New Constitution)* is a satirical short-story that pokes holes into the promises of constitutionalism. Set in the walled city of Lahore, a horse-cart driver named Mangu overhears his passengers, two businessmen he picked up at the High Court, talking about a new constitution that is about to be implemented, which will make Indians free to be Indian in their own country. Thrilled by this prospect, he impatiently waits for this auspicious occasion to come. And when it came, “The new constitution...appeared to him as something bright and full of promise.” He compares it to the “splendid brass and gilt fittings he had purchased a couple of years ago [for his tonga]”. He celebrated the law by decorating his cart with flowers. The same day Mangu is insulted by a rude Englishman, but instead of succumbing to it, he gives back a memorable thrashing, reminding him that “Those days are gone, friends, when they ruled the roost. There is a new constitution now, fellows, a new constitution.” When the police arrive, Mangu is the one to be beaten up and arrested. “All along the way, and even inside the station, he kept screaming, “New Constitution, new constitution!” but nobody paid any attention to him. ‘New constitution, new constitution! What rubbish are you talking? It’s same old constitution’ And he was locked up.” Aamir Mufti notes how the promise of dignity arising from constitutional citizenship is shown to be illusionary given the differing relationship of the subaltern and bourgeoisie nationalist to colonial political reform. But another interesting aspect here is the

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11 Chantal Mouffe, “Citizenship and Political Identity,” 61, *October: The Identity in Question*, 30 (1992); “…since to construct a ‘we’ it is necessary to distinguish it from a ‘them’, and since all forms of consensus are based on acts of exclusion, the condition of possibility of the political community is at the same time the condition of impossibility of its full realization.”


fetishization of constitutions. Manto shows us that constitutions are as much mythical texts and fables, with an epic quality, an \textit{aura} around it. The horse-cart is like Krishna’s chariot in the \textit{Mahabharata}. The role of the bourgeois nationalist rhetoric is to create and sustain this aura. Mangu falls under its spell and imagines the constitution (metaphorically and metonymically) as a shiny object, glittering and glowing, he genuinely believed in the emancipatory promise that this object would somehow grant him the dignity and status that he never had. But the promises of constitutionalism are always deferred.

The global order today comprises broadly of only three existing legal systems in the world: Napoleonic (Civil Code), British (Common Law) and Sharia law. Most other legal arrangements have been driven under. Article 372(1) of the Indian Constitution provides that “\textit{All laws in force in the territory of India immediately before the commencement of the Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority.}” In other words, legal history is a narrative of continuity from British-India to independent India.\textsuperscript{14} “There is no warrant for holding that at the stroke of midnight of 25 January 1950, all our pre-existing political institutions ceased to exist and in the next moment arose a new set of institutions completely unrelated to the past...It [the Constitution] did not seek to destroy the past institutions; it raised an edifice on what existed before.”\textsuperscript{15}

Not surprisingly, the Indian constitutional moment leaves the violence of Partition unmentioned.\textsuperscript{16} But just because the violence remains unmentioned does not mean that it has had no impact on the constitution. A close reading of the text and the Constituent Assembly Debates

\textsuperscript{14} The Constituent Assembly (CA) was a non-representative institution. Its members were nominated by princely states, or indirectly elected by states.

\textsuperscript{15} State of Gujarat v. Fiddali Badruddin Mithibarewala & Ors, AIR 1964 SC 1043.

\textsuperscript{16} There are constitutions that explicitly acknowledge the violence at its origins, The Israeli Declaration of Independence inscribes this anti-semitic violence in its founding document (but ignores the Palestinian violence), South African Constitution’s Preamble begins with a reference to Apartheid.
shows how partition influences key decisions concerning: (a) citizenship, (b) political safeguards for religious minorities, and (c) the creation of a strong central government. As Uday Mehta notes, “The invocation of crisis, strife, impending disunity, sectarian divisions, and the prospect of mayhem are ubiquitous in the reflections of the Indian Constituent Assembly Debates…” Anarchy and civil war forms the general Hobbesian anxiety that this constitutional moment is enveloped in. The haunting presence of Partition has imprinted the Indian Constitution with a ‘paranoid imagination’ for national integration. It dealt with these anxieties of a splintering state through grandiose and dramatic assertions of ancient unity. My argument here is that a thick notion of national unity can be inferred from the Indian Constitution and this has a direct implication on how such constitutionalism conceives of any challenge to its legitimacy. Thicker the notion of national unity, greater the degree of fragility. Every form of regionalism and linguistic activism in the 1950’s and 60’s was termed as ‘communal’. It is not surprising then that the very first amendment to the Indian constitution, immediately after independence, was of broadening the restrictions on free speech. When the Supreme Court held that banning of religious and communist magazines was a violation of free speech, Prime Minister Jawaharlal Nehru’s government flung to amend the constitution, allowing for restrictions to free speech in the interest of “sovereignty and integrity of the State”. What is this “integrity of the state” that no speech can violate? At play is a conflation of ‘national integrity’ and ‘national integration’. As Glanville Austin notes, the post-Independence leadership was really talking about national integration when referring to national integrity, not recognising that the former is an unnecessary condition for the latter.

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17 Kanika Gauba “Forgetting Partition: Constitutional Amnesia and Nationalism” in EPW (Vol. LI, No. 39) 41-47
18 Uday Mehta, “Indian Constitutionalism: Crisis, Unity and History” in Sujit Choudhary & Ors. (eds.) The Oxford Handbook of The Indian Constitution, (Oxford University Press, 2016) 38-54
To be clear, national integration at the time of national independence is not internally linked to colonisation in any direct way. I am merely noting that national independence requires a process of national consolidation, and *the urge to colonialism is internal to this desire for national consolidation*.\(^\text{21}\) This urge to national consolidation is latent in clause (c) of Article 1(3) of the Indian Constitution: “The territory of India shall comprise: a.) the territories of the States; b.) the Union territories specified in the First Schedule; and c.) *such other territories as may be acquired.*” (emphasis added.)

Salman Rushdie in *Shalimar The Clown* parodies the Constitution’s usage of “national integrity”\(^\text{22}\). “The key to understanding this position was the word ‘integral’ and its associated concepts. Elasticnagar was integral to the Indian effort and the Indian effort was to preserve the integrity of the nation. Integrity was a quality to be honoured and an attack on the integrity of the nation was an attack on its honour and was not to be tolerated...Kashmir was an integral part of India. An integer was a whole and India was an integer and fractions were illegal. Fractions caused fractures in the integer and were thus not integral...When truth and integrity conflicted it was integrity that was to be given precedence.” Within this paranoid imagination Partition appears as a castration-anxiety in the Hindu nationalist masculinity, leading to the fetishization of Kashmir.\(^\text{23}\) In other words, Kashmir becomes an imagined object necessary for its self-coherence and the preservation of identity. Occupation over Kashmir is not just a project of economic exploitation.

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\(^{21}\) French colonialism in early 19\(^{th}\) century and Italian colonialism in early 20\(^{th}\) century are instances of this link between national consolidation and imperialism in the European context. Tocqueville considered colonization of Algeria as being necessary to secure French national glory which would eventually lead to stability in liberal democratic institutions and ultimately, national consolidation. See, Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton University Press, 2005) 248; David Forgacs, *Italy’s Margins: Social Exclusion and National Formation since 1861* (Cambridge University Press, 2005)


and racial/religious domination (although it definitely is that) but also an existential one. Consider Article 1(1) of the Indian Constitution: “Name and territory of the Union: (i) India, that is Bharat, shall be a Union of States.” The Constitution, by way of a speech act, names the nation India as well as Bharat: one modern, and the other, ancient. Kashmir, within this Euro-Indic rhetoric of precoloniality is imagined as part of a Bharat prior to “Islamic invasions”. In this constitutive nominalism, the nation is simultaneously the midnight’s children as well as the progeny of the ancient king Bharata.

The India-Kashmir relation instantiates what Zygmunt Bauman calls the anthropophagic and the anthropoemic.24 Anthropophagy is about “annihilating the strangers by devouring them and then metabolically transforming them into a tissue indistinguishable from one’s own. Such assimilation is meant to smother cultural or linguistic distinction...”25 But the Indian State also deploys the anthropoemic, meaning: “vomiting the strangers, banishing them from the limits of the orderly world and barring them from all communication with those inside.” Those who demand a plebiscite are charged with treason and banished, classified as ‘Islamic terrorists’.26 Anthropophagy forms a constellation with the everyday, banal, biopower, governmentality, discursive production of legible subjects. Anthropoemic slides into exceptional politics, emergency, sovereignty, suspension of law. Both coexist together in Kashmir.27

24 Zygmunt Bauman, “Making and Unmaking of Strangers,” in, Thesis Eleven (No. 43; 1995) 1-16
25 The anthropophagic can be read into Prime Minister Narendra Modi’s rhetoric on Kashmir: Na Goli Se, Na Gali Se, Gale Laga Kar- not through bullets or through guns, but through embrace
26 The 90’s and early 2000’s saw an insurgent, cross border funded militant civil war. Since2002, this turned into Kashmiri local civil resistance, which continued to be met by armed forces, leading back to forms of jihadi terrorism, and the more recent visibility of ISIS flags.
27 Staniland suggests that the political approach of integration and the military approach of counter-insurgency are contradictory. I am however arguing that political assimilation and military exclusion are overlapping strategies of occupation in the current government. See, Paul Staniland, “Kashmir since 2003: Counterinsurgency and the Paradox of “Normalcy,” in, Asian Survey (Vo. 53; no. 5; 2013) 936: “To this end, the central government has pursued two simultaneous approaches, one military and the other political, in its strategy for maintaining control of Kashmir. These two approaches...often conflict with one another...This creates a fundamental paradox at the heart of Indian policy.”
Reading for Jurisdiction: Typologies of Crisis

In the previous section I argued that jurisdictional conditions in Kashmir must be read as the anthropophagy and anthropoemics in Indian constitutional-politics. In this section I suggest how these jurisdictional conditions can be read for in literary works. One of the effective way of approaching a text for its jurisdictional conditions is to read for spatiality and through contextualised explorations of relevant chronotopes. Why read jurisdiction spatially? Jurisdiction literally means “speaking the law” (Jus + Dicere). It names, orders, declares, by sovereign fiat. Carl Schmitt argues that the necessary condition for the very possibility of law is land appropriation by delimiting the earth, marking out territories, enclosures, boundaries and visible divisions. What Kant calls the “supreme proprietorship of the soil is the main condition for law.” Legal titles precede legality. Jurisdiction is architectural. For Arendt, “laws are like the wall around the city necessary for political action.” The Greek word for law, Nomos, is derived from Nemein, meaning, “to divide” and “to pasture.” Every constitution begins with this primeval act of marking the soil. A plot of land is the basis for law. But “plot” has a wide semantic range that includes a measured area of land; ground plan or building charts; the plot can also be a secret plan to accomplish a scheme like a conspiracy; and finally, plot as a series of events and actions set in time forming a narrative. Even plot-as-narrative evokes ideas of boundedness and demarcation as in the Aristotelian beginning, middle and end. Literary representations of jurisdictional crises in Kashmir novel and poetry, for heuristic purposes, can be broadly typologised as follows: the typology of prohibition; typology of displacement and condensation;

28 Etymology: Juris (jus, law) + dicere (say) = jurisdiction (Latin)
29 Carl Schmitt, Nomos of the Earth: In the International Law of Jus Publicum Europaeum (Telos Press, 2006)
30 Wendy Brown, Walled States, Waning Sovereignty (Zone Books, 2010) 44
31 ID at 45
32 My theory of narrative plot is relies primarily on Peter Brooks, Reading for the Plot: Design and Intention in Narrative (Harvard University Press, 1992)
33 ID
typology of speech and aphasia; of heroism, love and family romance; typology of waiting; and finally, the typology of global literary friendships.

Jurisdictional crisis in the plot of a novel is of monumental character. A recurrent typology of crises is the figure of the wall as absolute blockage, as a prohibition from progressing forward. Agha Shahid Ali in the poem *A Pastoral* writes:

“We shall meet again, in Srinagar,
by the gates of the Villa of Peace,
our hands blossoming into fists
till the soldiers returns the key
and disappear.”

Kashmir is gated, locked, and guarded by soldiers who hold the key not unlike Kafka’s parable, *Before the Law*: that to actually get to law, one has to first pass through its architecture, the gate, its building and a door manned by a doorkeeper. Shahnaz Bashir’s *The Half Mother* is a novel about Haleema, whose son Irfan is a victim of ‘enforced disappearance.’ Her nightmares are of her son running away until he disappears into a shady grove of poplars across the road while she chases after him with muted screams, until “a high, barbedwire-topped wall comes up between Haleema and Imran. She tries to climb the wall, but she slips and tumbles down, hitting the ground.”

The dream of hitting the wall, unable to move forward, is not a dream of wish-fulfillment but a dream of traumatic neuroses. The state puts up concrete walls as well as what Sarah Ahmed calls, ‘atmospheric walls’: these are the walls that appear to some but not to others. For some these are atmospheric, light, windy, white, and for others it is concrete, hard, dark. A wall is a technique: a way of stopping something progressing without appearing to stop them. The typology of *jurisdictional crisis as atmospheric walls* emerges most powerfully in the poetic form of the

34 98, 99
Ghazal. One of the rules in the ghazal is that the opening couplet sets up a scheme consisting of a refrain, and this scheme recurs in the second line of every succeeding couplet. Forms, be it political, literary or material, are unstable and aleatory. They have, what Caroline Levine calls, affordances. Affordances describe the potential uses and actions latent in materials and designs. Glass affords transparency and brittleness, a fork can stab as well as scoop, rhymes afford repetition, anticipation and memorialization, enclosures afford inclusions as well as exclusions. The ghazal has been the dominant poetic form in Kashmir for centuries now, and this literary form contains the latent affordance of expressing trauma in times of jurisdictional crisis. Consider this couplet by Mohiuddin Massarat:

Blood drips from hands, what’s to me?
Bit by bit the body burns, what’s to me?

…

The mirror weeps and weeps, and watches!
The eyes are flooding, what’s to me?

…..
The tongue stutters, the chest heaves
The meanings of words shift, what’s to me?

In reading this ghazal, Suvir Kaul finds in this stabilizing repetition of the refrain “what’s to me” an attempt to express a trauma. The refrain, like a traumatic recurrence, hits the wall again and again, unable to work itself out, unable to move away. But as Kaul notes, the trauma in this ghazal is not just in its form, but in the stuttering tongue, the heaving chest, the shifting of meanings, infused with the unsettled, alienating existential repetition of the question ‘what’s to me’? The chronotope of walls produce the feeling of indeterminate shuttling and oscillations through

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rhymes, refrains, mnemonics and alliterations. To put it simply, the form of the ghazal carries this latent affordance of expressing the atmospheric walls of this jurisprudential crisis.

Peter Brooks, following Barthes and Todorov, theorises narrative plot as a movement, a libidinal drive, an energy moving from beginning to end. Our relationship with the novel is dynamic, goal oriented, as we turn page by page, it is structured as moving forward, beginning to end. Narrative is metaphorical, it unifies and brings together actions into relation with one another, combining to form a ‘common plot’, rejecting the unassimilable actions, moving towards totalization. The beginning of the plot is a promise for final coherence- the chain of metonymies will deliver a metaphorical union. The Kashmir novel, with barriers and barricades, does not have this flow of meaning towards a discernible end. It presents us therefore with the second recurrent typology, that of waiting. This is also the typology of the heavily saturated middle, the “dilatory space” as the space of postponement, error, blockage, which is ultimately a problem of identity, of Statelessness, the right to have rights. A recent important Kashmir film, Haider, is (not surprisingly) a powerful adaptation of Hamlet. The difference however is that Hamlet knows his father is dead, but Haider does not. He is left in anticipation, in suspension, hanging in time, waiting for his father to return.

This dilatory space of this saturated middleness is pervasive in the novel The Half Mother, in Haleema’s waiting for her son Irfan to return. Article 2 of the Convention for the Protection of All Persons from Enforced Disappearance defines the crime as follows: "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or

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38 See Generally, Peter Brooks, Reading for the Plot: Design and Intention in Narrative (Harvard University Press, 1992)
acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

In the heart of the crime as well as the novel lies a contradiction: on one hand, there is the abduction, a disappearance, a void; and on the other, is a willful refusal to acknowledge the disappearance. There is a negation, followed by a concealment, leading to the paradoxical stuckness of Haleema: she knows as well as doesn’t know who abducted her son. On behalf of the state, there is the contradictory avowal as well as concealment of this abduction. The victim of the novel of enforced disappearance is therefore a void, a neither/nor.

For Mikhail Bakhtin, the bildungsroman presents “an image of a man growing in national historical time.” The contemporary Indian novel expresses a disenchantment with nationalism expressed in the language of globalized individualism, as a refusal of compulsory national identity. In the Kashmir novel, heterosexual romantic union that is necessary to institute the family as the edifice of the nation, ultimately fails. Lovers are left waiting. Love is left unconsummated, as in Mirza Waheed’s The Book of Gold Leaves. Romantic love requires an autonomy of choice that is unavailable in the Kashmir novel because its jurisdictional conditions don’t permit this developmental logic. In The Half Mother, Haleema says about her son Irfan, “He had grown up too soon.” In The Curfewed Night, Basharat Peer writes: “It was January 1990. I

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40 The novel of national consolidation uses romance, love, and family union- the erotic drive and passion for sexual conjugal- as the force of political mobilization and nation-building. See, Doris Sommer, Irresistible Romance: the foundational fictions of Latin America.

In the final scene of Mani Ratnam’s Roja when the couple finally are united, sexually and as a family, the background music is a patriotic song for the nation, “Bharat Humko Jan Se Pyara Hai (My love for India is greater than my love for my own life/and my loved ones). On the other hand, the Kashmiri novel, like Mirza Waheed’s Book of Golden Leaves as well as Roy’s Ministry of Utmost Happiness don’t allow for the ultimate romantic union. The family does not emerge. Heterosexual reproduction through the family as the institution of the nation is necessary for the nation to emerge. But in the Kashmir novel, this fails.
was thirteen. The war of my adolescence had started. Today I fail to remember the beginnings."

A beginning exists only if an end is to come, but if the beginning is forgotten, there is no end. If childhood is lost, maturity and developmental process is hindered. The hero doesn’t emerge because the nation doesn’t emerge, the protagonist is stunted. Jacques Lacan has described the scene of the child recognizing its own image in the mirror as crucial for constitution of the ego.

But consider Shabir Azar’s ghazal:

In the mirror of that lake,
What should I see…?

From its depths
that stranger-like corpse
stares

I have often
Thrown a stone-
I wished to smash that mirror

ripples formed, spread, dissipated

The specular image on the mirror is supposed to present the ego-ideal, but here, the ego-ideal is a stranger-like corpse. The stuckness is in the absence of the ideal-I. But why does the stone, instead of smashing the mirror, merely dissipates? This dissipation can be usefully explored by going back to Shahnaz Bashir’s *The Half Mother*, set during the insurgency of 1990’s: Haleema’s father is murdered by the armed forces, and her son is picked up by them, kept in illegal detention, never to return. She is a half mother because she doesn’t know if her son is alive or dead. Two narrative structures can be inferred from *The Half Mother*, and generalizable across: condensation and displacement. Condensation in narrative is metaphorical. It is the art of compression. Multiple images get compressed into a single element that stands for the whole. When Haleema’s father is

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41 Basharat Peer *The Curfewed Night* (New Delhi: Random House, 2008) 15;
killed by three bullets pumped into him, his dead body becomes an image of condensation. His body is draped in green satin dotted with golden Arabic calligraphy, placed in a coffin facing the Kaaba in Mecca, and as the Imam begins his public funeral prayers, a rumble of mourning emanates in the entire Kashmir valley. The dead body in mourning becomes compressed and condensed as an icon for all of Kashmir in crisis. A few weeks later, when Haleema’s seventeen-year-old son is picked up by the army, the rest of the novel is marked by a displacement. The night her son disappeared, and she was alone and awake all night, “She could hear her house and all its things creaking in the silence of the night. A tight-lidden tin drum in the kitchen...a drop of water fell from the bathroom tap and plopped on a half-filled bucket, a cat skittled an old, dented aluminum pitcher...the mice began to scurry in the wooden ceiling...” For Freud, in displacement, thoughts get displaced into multiple, irrelevant images. Associative paths connect the trivial with the momentous. Meaning becomes atmospheric, it spreads, dissipates, from lawscapes to landscapes. Haleema that night could smell the stale breath in the room. Irfan’s absence charges up the room with a presence. Disappearance of a son, waiting for his return, is a stuckness but notice its performance when she totters across the room, when her hair is loose, her dupatta is wound carelessly, she is tired, worn out. Pale, dry like a corpse. Speech becomes a begging, petitioning, calling out for coherence. Meaning refuses to be condensed. The performance of stuckness is in gritting of her teeth. As Haleema faces a police officer with her complaint, the “phlegm in her throat knots her voice”. To be tied down is to be knotted. She starts to use inhalers to breathe because of the blockages in her throat and nose. Like a detective she goes looking for clues, from place to place displaced. In waiting, temporality is a chronotope, and to quote Bakhtin, “Time, as it were, thickens, takes on flesh, becomes artistically visible; likewise, space becomes
charged and responsive to the movements of time, plot, and history.” The link is between partition, paranoid national integrity as forced integration, jurisdiction as architecture and jurisdiction as the stutter and phlegm in Haleema’s throat. This is the typology of aphasia, the failure of language. The failure of communication is the failure of community and impossibility of future communion. National integration is premised on the setting up, ordering, and maintenance, of a vast network of infrastructures like railways, irrigation projects, ports, canals, telegraph and postal services. But Agha Shahid Ali calls Kashmir the country with a post office.

Each post office is boarded up. Who will deliver
Parchment cut in paisleys, my news to prisons?
Only silence can now trace my letters
To him. Or in dead office the dark panes.

A country without a post office is a country with letters without nations stamped on them. But what happens to a letter without a stamp? If the homes of Kashmir are buried or empty, who will receive this archive of doomed and dead letters? If the muezzin has died, “the city is robbed of every Call” where can one find faith? Who will deliver the letters, who will tear open the envelopes to find the “shrine of words”? Letters without writers, readers, stamps and addresses, are interceded by the poet: “I read them, letters of lovers, the mad ones,/ And mine to him from whom no answers came.”

Returning to the question of law, what happens when this literary subject of stuckness- the subject stuck in the dilatory space of waiting- is transposed into the legal trial? When such a transposition happens, we get the trial of Afzal Guru and Professor S. A. R. Geelani. Kashmiri muslims, Geelani and Guru were arrested under anti-terrorism laws, accused in the Parliamentary attack case of 2001. On the basis of confessional statements of questionable authenticity, Afzal Guru was hung

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42 Mikhail Bakhtin, The Dialogic Imagination: Four Essays by M. M. Bakhtin (University of Texas Press, 1981) 84
to death in 2013, and although the charges against Geelani have been dropped, he continues to live under the law’s persecutory shadows. These are trials of illegal detention, custodial torture, solitary confinement, lack of full legal representation, coerced confessions, media trials, guilt before proven innocent, followed by the death penalty. Just days after Geelani was allowed to go home, he was shot outside his lawyer’s residence but not killed. When the literary representations of stickness are transposed back into the law, it is the immobility in this figure of S.A.R. Geelani and Afzal Guru that we find.

**Conclusion: Typology of Literary Friendships**

To the extent that conditions of stickness allow, I want to conclude with the typology of global literary friendships by invoking Agha Shahid Ali’s poem *Blessed Word: A Prologue* …

> “From Kashmir, that Vale where the Titans sought refuge, where, Just before Saturn began to speak to Thea, “There was a listening fear In her regard/ As if calamity had but begun,” from there: “When you leave home in the morning, you never know if you’ll return.” “We shall meet again, in Srinagar,” I want to answer Irfan. But such a promise? I make it in Mandelstam’s velvet dark, in the black velvet Void.”

A poem tenaciously lingers between sound and sense. Let us begin with enjambments that these lines present us with. Enjambment implies continuity and in the act of reading, they perform a sense of a heroic unruliness.44 In French, enjambment implies crossing over a border, an anatomical straddling of lines. Eve Sedgwick finds in enjambment a heroic bravado, a gut or groin level resistance or impedance.45 In these poetic enjambments is a vision of movement through global cross-border literary friendships that Kashmir poetry offers as a typology of escape. Here, Shahid moves from John Keats in *Hyperion* “There was a listening fear in her regard / As if

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calamity had but begun” to Osip Mandelstam, “We shall meet again...in Mandelstam’s velvet dark, in the black velvet Void”. Mandelstam made a promise to his friend, in a poem written in 1920, “We shall meet again, in Petersburg”, but was exiled to Siberia by Stalin, where he died clenching Dante’s poetry. Shahid has written some of the most beautiful Dantean Canzones in modern English poetry. These literary friendships, between Dante, Keats, Mandelstam, Shahid Ali cross jurisdictions by making counter-promises to each other, a promise to meet again in the black velvet Void, reminding us of Nehru’s betrayal of his promise for a plebiscite in Kashmir.

Shahid in the same poem writes:

Let me cry out in that void, say it as I can. I write on that void:
Kashmir, Kaschmir, Cashmere, Qashmir, Cashmir, Cashmire, Kashmere, Cachemire, Cushmeer, Cachmire, Casmir. Or Cauchemar
In a sea of stories? Or: Kacmir, Kaschemir, Kasmere, Kachmire, Kasmir, Kerseymere?

Here is Kashmir, in mad signification, meaningless utterance that refuses to reach a referent. What do I call Kashmir, how do I call it, will Kashmir respond to my call in this void? We only hear Kashmir, as sound, as vocal, as evocation, sound without sense, but in this mad signification is an invocation, an invocation of a friend, who lived in Amherst where Shahid was writing these lines. The friend is Emily Dickinson, who used Kashmir 16 times in her oeuvre, the place as well as the textile, Cashmere. Text and textile have origins in the Latin texere meaning, to weave. Interweaving enables the power of parataxis charged with a history that short circuits space and

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46 Wai Chee Dimock, “Time against Territoriality” in, Austin Sarat & ors (eds) The Place of Law (2006); Wai Chee Dimock’s globalism is modelled on abstract ‘universal’ ideas of Albert Einstein’s theory of relativity, and his conception of space-time as not being “absolute givens.” My reading of Shahid Ali in fact shows these friendships across borders of space and time are still tied to nation and transnationalisms rather than abstract, de-contextualised physics. More useful here is, Jahan Ramazani, A Transnational Poetics (2009) where these transnationalisms are made possible due through elegy, grief, love, and anger as creating affective ties across boundaries of space and culture.
time, bringing forth connections through shorthand, a circumventing through palimpsest of friendships.