

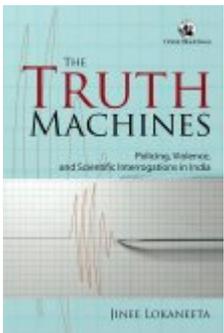
Book Review: Jinee Lokaneeta's The Truth Machines | Anushka Singh

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Jinee Lokaneeta's *The Truth Machines: Policing, Violence and Scientific Investigation in India* Pages 264, 2020 | ISBN: 9789390122028 Imprint: Orient Blackswan [<https://orientblackswan.com/details?id=9789390122028>]



In 2010 historian Martin Jay in his book *The Virtues of Mendacity: On Lying in Politics* argued that 'politics and mendacity have been intimate bedfellows'. [1] Relying on intellectual history, political philosophy and contemporary developments in American politics, he stated that despite a moral disdain for lying, lies have served to be the statesmen's trade and have been efficacious in the sphere of politics. Jay was not talking like a political realist, instead through his book he had inverted the questions of normative political theory to ask- when history has shown that claims to 'truth' justify violence by those who 'know', can mendacity provide alternate normative tools to politics. In a similar vein but a distant context, Jinee Lokaneeta's *The Truth Machines*, while situating its

study at the site of criminal investigation and interrogation in India, unravels complexities that have the potential to redefine the contours of criminal justice system and its ~~being accepted~~/recover the truth. These complexities in turn bear serious implications for the convoluted relationship between law and state constructed on the edifice of the criminal justice system which visibilizes the interplay of state power and legal violence in liberal democracies. The core concerns of this important and timely book unfold through a range of compelling arguments made by combining empirical political theory with ethnography. In this review, I look at the core concerns of the book through conceptual categories such as contingency, intention, desire and masking – to situate the arguments as they surface and pose questions to the text.

Lokaneeta analyses the relationship between state power and legal violence in the innovated site of police interrogations using scientific techniques namely brain scans, lie detectors and narcoanalysis. Truth machines as they are popularly called, began to be embraced in India as scientific and modern methods of interrogation presented as full proof in the 1990s and 2000s as ways of accessing 'truth' in the criminal investigation. They garnered considerable legitimacy both in popular imagery as well as in the judicial discourse exhibiting, Lokaneeta argues, a typically post-colonial character through its western mimesis. The internal impetus behind using these new modern techniques, however, she discusses stemmed from the desire of the state to combat physical torture in interrogation in response to the pressures from the human rights movement. This paradigm shift in the technique of policing however, Lokaneeta argues, has failed to check torture in custody as it has relied on a flawed art of government which refuses to engage with the conditions under which torture persists in custody (ch.5). In arguing so, she shows how 'scientific investigations' far from being full proof and non-coercive in fact enable custodial torture instead of replacing it.

Between Lokaneeta's two arguments– the desire/intention of the state to replace torture and the unwillingness to address the ground conditions in which torture persists, fascinating accounts of the state's negotiation with legal violence unfold in the everyday acts of policing.

In the working of the Indian state and its police using the scientific techniques of interrogations is revealed what the authors calls a 'Contingent state' connoting 'fissures in the state's ability to always monopolize violence successfully' (p.3) which challenges the Weberian understanding of state. This new theory of state constructed by Lokaneeta is of significance in effectively reclaiming the

conceptual relevance and centrality of the category of state while simultaneously liberating it from its monolithic structural confines. She is able to demonstrate that the everyday acts of policing are being made available to police in form of a range of choices of techniques for interrogation. These contingencies may sometimes translate into police actions that may limit the use of physical violence in custody. She writes, “a police officer may decide to send someone into custody of forensic psychologists, even just to delay investigation...The discretion of one police officer, then, is part of the structural contingency in which all police must find ways to avoid custodial deaths, sometimes successfully, sometimes not” (p.47). Interestingly, while the contingent state may not be able to successfully monopolize violence always and limits maybe exercised on the use of physical violence, the contingent state is also the place through which new manifestations of legal violence by state power is negotiated. An example of this may be seen in how Lokaneeta uses the differentiation made between custodial death and physical torture in police’s own account. This distinction is crucial to understand the interplay of two competing conceptual categories that can be located in her work– masking and intention.

The official discourse of denial of torture in modern liberal democracies alongside its persistence in the exercise of state power, had also been the problematic of Lokaneeta’s earlier work, *The Transnational Torture* (2011). She had argued that torture has to be seen as a manifestation of state’s inability to contain excess violence and a consequence of law’s ambivalence on the question of permissible limit of legal violence. [2] Central to the framing of this discourse on torture in modern liberal democracies was the attempt to banish it from law through its invisibilization. A decade later, in her arguments in *The Truth Machines*, the peculiarity of the state’s relationship with legal violence is marked by the state’s own desire to combat certain forms of violence, primarily custodial death. Through rich ethnographic insights, Lokaneeta shows that the policing logic in a contingent state embraces scientific techniques of interrogation not to abandon torture in investigation but to avert custodial death, not out of a concern for human life or dignity but to escape liability (Ch. 2). Lokaneeta’s findings suggest, in the police’s choice of using forensic techniques or subcontracting investigative role to semi–state actors such as forensic psychologists, there is a shift away from the discourse on invisibilizing the presence of physical torture towards a desire to give it up for pragmatic concerns. The same line of argument runs through the chapter on legal and judicial discourse on scientific techniques of interrogation (Ch. 5). However, in her discussions around the use of truth machines in terror trials (Ch. 6), emerges the argument about masking torture/legal violence. Linked to the arguments that unfold between chapter 5 and chapter 6, ‘masking’ and ‘intentionality’ manifest themselves variously.

In a meticulously written chapter (Ch. 5) on courts and scientific techniques of interrogation, Lokaneeta argues about the specificity of the relationship between state and legal violence as distributed across existing scholarship in the genres, like Kannabiran (2003) and Singh (2007), where law and state appear to be essentially violent. For instance, Singh in his work on extraordinary laws in India argues that law becomes an integral part of the organization of state violence. [3] Early on in the introduction, Lokaneeta also notes that the framework provided by G. Agamben explaining the relationship between law and violence in a state of exception, is inadequate to explain legal violence in the wake of this new police science making use of forensics. By contrast, *The Truth Machines* shows that despite the arsenal available to use violence legally, state resorts to innovations to check custodial violence, the reasons for which emerge out of structural contingencies and internal pressure as discussed above. She writes, "I argue the tension between a *desire* (emphasis mine) to replace physical torture and an inability or unwillingness to challenge the conditions for its persistence reflects the peculiarity of the postcolonial state" (p. 116). The attribution of this desire to the state by Lokaneeta can be read as suggestive of an intentionality on part of the state to limit its own violence, even it is for pragmatic concerns. What emerges then is the desire of the state to innovate forms of violence that help escape liability unlike the blatant ones like custodial death. Does that make the state and the law less violent, is a question that the text needs to engage more with. Her final chapter on terror cases adds further complexity to the working of the contingent state.

Chapter 6 on the use of forensic techniques on terror accused is remarkable in its insights on the myriad meanings and forms that legal violence acquires in its everydayness. Through a discussion on two important terror investigations– the Mecca Masjid case (2007) and the Mumbai Blast (2006), she demonstrates how in spite of the use of truth machines in course of investigation not only are the instances of physical torture rampant, in fact there exists an active collusion of these techniques to torture the accused. Staged narco tests, forced consent accrued through physical torture and complicity of semi–state actors, ie, the medical professionals in enabling violence, characterize the ground realities of the deployment of truth machines in the new police science. This enabling of violence is masked with procedural safeguards that form the basis of the forensic architecture of the criminal justice system– the scaffold of rule of law, as Lokaneeta terms it.

This masking of violence behind procedural safeguards or a minimalistic defence of rule of law connects back to the core argument of *The Truth Machines* about the desire of the state to limit being accepted. On the one hand the arguments made in chapter 2 about the pragmatic concerns of the police to move away from custodial torture in specific cases giving way to a pastoral role of the police as opposed to only repressive and in chapter 5 about the desire of the courts to embrace scientific techniques of investigation to replace torture, construct the central argument of the book about the emergence of a contingent state that fails to always monopolize violence. On the other hand, the arguments in chapter 6 suggest the replication of a similar violent state that thrives on techniques of torture in custody while masking it with a veneer of legality. Lokaneeta writes in the final chapter on terror cases, “rather than replacing torture, therefore, truth machines merely change interrogation procedures so that suspects are taken to different settings and face different actors” (p. 152).

The manifestation of torture alongside the use scientific techniques of interrogation in cases of terrorism add complexity and ambiguity to the theory of a contingent state offered by the book. The following questions can be asked from the book. Is the persistence of torture in these cases attributed to the extraordinary nature of the offence of terror? If so, isn't the framework of exception still the most relevant site to understand the relationship between state and legal violence where even the innovations embraced to replace violence acquire a more violent character? Does the contingent state acquire a different form within the framework of the extraordinary offence of terrorism? These questions can help construct conversations between the arguments of *The Truth Machines* and earlier works on the relationship between state and legal violence that it cites.

The Truth Machines is a book that deserves a thorough engagement and must be read. In times when the world's largest democracy is witnessing one of the most disconcerting phases of executive rule, a study which focuses on police science uncovering and situating the everyday concerns that guide the actions of local executive and makes apparent newer sites where state power negotiates with legal violence, cannot be more relevant. The richness of the material that the book mobilizes create a methodical frame. The exhaustive ethnographic will also serve as the repository of material for future scholarship particularly with regard to a conceptual work on police interrogation and the murky site where law engages with the question of 'truth'. Lokaneeta writes “in the legal sense may not be accessible through the deployment of truth machines but...reveal the dynamics of custodial interrogation” (p. 39). The reality of the process of 'recovering truth' by scientific means which the book traverses as distinct from 'truth-telling'

(the paradigm of confession in interrogation) efficaciously demolishes many myths surrounding the preference for these techniques and the reliability on science. The book gives the reader enough to understand how science acquires a deeply human (not humane) character and succumbs to the larger socio-political dynamics that inform the nature of criminal interrogation in India. The claims to truth like always, remains an exercise of power and its 'recovery' create its own paths of violations.

Reviewed by

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[1] Jay, Martin (2010), *The Virtues of Mendacity: On Lying in Politics*, University of Virginia Press, USA, p. 16

[2] Lokaneeta, Jinee (2011), *Transnational Torture: Law, Violence and State Power in the United States and India*, New York University Press, New York and London.

[3] Singh, Ujjwal Kumar (2007), *The State, Democracy and Anti-Terror Laws in India*, Sage, New Delhi, p. 16.