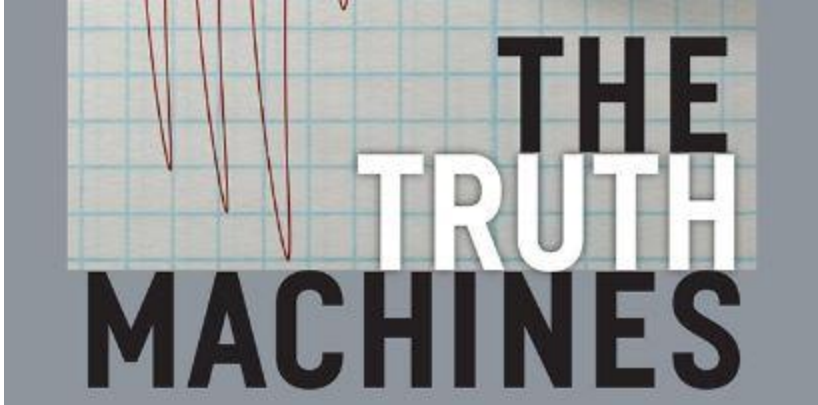


# Law and Other Things

A Blog About India's Laws and Legal System, its Courts, and its Constitution



## Jinee Lokaneeta's *The Truth Machines*: A Response by Dr. Pooja Satyogi

On [July 8, 2020](#) By [Pooja Satyogi](#) In [Book Review](#), [Books](#), [Courts](#), [Criminal Law](#), [Evidence](#)

*(Dr. Pooja Satyogi's review is the fourth post in our blog's round-table book discussion on Jinee Lokaneeta's [The Truth Machines: Policing, Violence, and Scientific Interrogations in India](#) moderated by Prof. Rohit De. The introductory post and the links for the other responses can be found [here](#))*

Working with an understanding of policing as the 'most visible site of state power' (20), Jinee Lokaneeta's new book, *The Truth Machines: Policing, Violence and Scientific Interrogations in India*, interrogates the use of discredited technologies of lie detection, brain scan and narco-analysis for the purposes of police interrogation. Embraced in India as modernising instruments that would halt police torture and third-degree interrogation, these 'truth machines' as she calls them perpetuate violence with their regimen of attempting to capture evidence from the possibly betraying conscious will.

We then get a state forensic complex comprising of a 'nexus' (17) of disburdening techniques, laboratories, forensic psychologists and the police, who continue to work with confessional modes, but in ways that attempt to extract truth from the mind in spite of itself. The resonance with locating evidence in the body of a raped woman is quite striking here. Lokaneeta gives a comprehensive history of these technologies as they emerged in the United States (chapter 3), where they now stand repudiated. In India, state high courts endorsed them through the 1990s and early 2000s as examples of scientific methods enhancing the credibility of police investigations and linking them to bringing down police torture. It took a 2010 Supreme court judgement to disallow the use of truth machines without the consent of the persons on whom tests are to be performed. The technologies, themselves, were not brought into question and have been allowed to proliferate (chapter 5).

Moving away from Weberian rational bureaucracy and Agambenian exception, the book invites the reader to think of the state and police power as 'contingent' and 'disaggregated'. The 'fissures in the state's ability to always monopolise violence successfully' (3), Lokaneeta argues, can be captured by being attentive to everyday practices of policing. Drawing on Foucault, she argues that police practices demonstrate both pastoral and repressive roles of the police. The (ostensible) pastoral role of the police may be seen in the way police secure the safety individuals in custody, less out of concern for an individual's human worth and more because they need information for investigation and do not want to get involved in liabilities that may accrue if the person dies in custody (46-47). The text moves too quickly here; I would have liked some clarity on why Lokaneeta chooses to use pastoral 'role' and not pastoral power in the text. From there, I wondered whether pastoral role, entirely instrumental in her formulation, signifies an important aspect of *the* Indian police, or whether pastoral here indexes a range of policing relationships and techniques between state actors (police and magistrates), semi-state actors (forensic psychologists), truth machines and law. Since modernising Indian state is central to Lokaneeta's contention, the latter would have made for a much more forceful argument and to demonstrate this, I will quote from Foucault's lectures from the *Security, Territory and Population 1977-78* (STP), the text from which she borrows the idea of police's pastoral role.<sup>[1]</sup> Towards the end of lecture seven, Foucault argues,

'What the history of the pastorate involves... is the entire history of procedures of human individualization in the West. Let's say also that it involves the history of the subject....The pastorate...is the prelude to...governmentality in two ways. First, it is the prelude through the procedures peculiar to the pastorate, through the way in which, fundamentally, it does not purely and simply put the principles of salvation, law, and truth into play, but rather, through all these kinds of *diagonals*, establishes other types of relationships under the law, salvation, and truth...It is also a prelude to governmentality through the constitution of a specific subject, of a subject whose merits are analytically identified, who is subjected in continuous networks of obedience, and who is subjectified (*subjectivé*) through compulsory extraction of truth' (2009: 184-85, my emphasis).

We do not have to take the history of the western state and simply transplant it here; the point that I wish to draw attention to is how (i) diagonality of relationships ties quite nicely into Lokaneeta's argument on the fissures in the state's ability to monopolise violence and (ii) the move from subjectification in pastoral power leads us to forms of resistance, which Foucault calls 'revolts of conduct' (196) and 'dissidence' (200). I see an analytical continuity between this discussion (chapter 2) and Lokaneeta's analysis of Abdul Wahid Shaikh's pedagogical treatise for Muslim men (chapter 6), who can be arrested by the state on false charges of terrorism. The act of writing *Begunah Qaidi* is itself an act of dissidence for it describes not just his 'ordeal as a detainee' (136), but provides techniques that future detainees could use to subvert torture techniques used to extract false confessions. I am going to again rely on Foucault's articulation in chapter eight of STP. He writes

'...it is clear that in their religious form...revolts of conduct are linked to the pastorate...However, from the end of the seventeenth and the beginning of the eighteenth century, generally speaking I think that inasmuch as many pastoral functions were taken up in the exercise of governmentality, and inasmuch as government also begin to want to take responsibility for people's conduct, to conduct people, then from then on we see revolts of conduct arising less from religious institution and much more

from political institutions. Conflicts of conduct will occur on the borders and edge of the political institution...’ (197-98).

Resistance for Foucault is not just inscribed within power, but ties to the question of the *truth of the self* and its political confrontation. It is a ‘moral counter-conduct’ (198), demonstrated stunningly in Shaikh’ writing.

I will move from here to discussing some formulation in chapter 4 on forensic psychologists, who have replaced the police as interrogators and ‘reinforce the structure of Indian policing, which has long emphasized violence and confession’ (18). The ethnography in this chapter is stunning and Lokaneeta demonstrates well how claims of individual forensic psychologists, with administrative manoeuvring, eventually made it possible for them to acquire a space for mediating police practice. Forensic psychologists, Lokaneeta argues are both semi-state actors and cyborgs (drawing on Donna Haraway’s articulation). I want to spend some time thinking these categories as they work in the text.

If forensic psychologists are semi-state actors and the text’s burden is to make us understand the role they play in perpetrating police violence, then it also becomes consequential to understand what semi-stateness means. If police is the site of state power, as Lokaneeta tells us at the beginning, and this site is now being shared by forensic psychologists, then is their semi-stateness to be understood in relationship with violence or some other criteria? In all probability, what Lokaneeta means by semi-stateness is the nature of their employment, that they are not state’s employees, but work for the state in *some* capacity. I would have liked a clearer explication of the nature of their work contract with the state. This has implications for Lokaneeta’s argument: if the police’s excesses may be interpreted conceptually through impunity afforded to them through Section 197 CrPC, could the same be deployed for forensic psychologists? If yes, then they become public employees and if no, then we need to create conceptual categories through which questions of accountability may be raised about semi-state actors. This is important especially in the light of illegal narcoanalysis performed on terrorism suspects. What forms of bureaucratic corporate responsibilities are likely to emerge from a policing architecture of state and semi-state actors? In a sense it is easier to understand why forensic psychologists are not state actors, but it remains unclear for what purposes could they be thought of as state actors and why.

To think of forensic psychologists as cyborgs remains a less thought out analogy. For one, we do not see any engagement with the work of Haraway (or Ian Hacking or Andrew Pickering). Cyborg is the term of forensic psychologists for Lokaneeta because it denotes ‘a merging of human and the machine, constantly morphing into one or the other, sometimes emphasizing the mechanical (science), at other times the human (therapeutic art)’ (81). Is *any* combination of human and machine a cyborg? Since forensic architecture is also a ‘nexus’ as Lokaneeta has already argued, what connections might one draw between the cyborg and *the* nexus?

In his discussion of Canguilhem, Haraway and Pickering’s works, Ian Hacking reminds us again and again that a ‘cyborg is formed by the coupling of computer-managed bio-feedback devices to an organism, in order to enable the organism to live in a new environment without deliberately modifying the environment, or itself’ (Hacking 2006: 214).<sup>[iii]</sup> For Haraway, on the other hand, a cyborg is not a body enhanced with

computerised bio-feedback, but bodies without a prehistory (Hacking: 212; Haraway: 8-9)<sup>[iii]</sup>. This is important because Lokaneeta's forensic psychologists are riding on a high wave of historic torture attributed to policing, which *they* and *their* science can possibly undo! If 'truth machines' are anything but that and in fact are a form of manipulation, any innovation in technique is, nonetheless, manipulation, as Lokaneeta shows through the text (108-9). This would be fine, for Haraway's cyborg can be perverse, ironic, intimate and partial (Haraway: 8-9), but the question for me, as it emerges from the text, is that the relationship between the forensic psychologists and their machines at all times shows perfectly human intentions—avoiding trauma 'rapport formation', 'being patient' and repetition of tests—without any collapse in dualisms (105-10). I would go so far as to suggest that given the depth of her ethnography, the unfleshed out idea of the cyborg is a distraction and does little to illuminate her thoughts.

The book could not have been timelier. Lokaneeta's meticulous fieldwork and ethnography make it a delightful read.

[i] Foucault, M. (2009), *Security, Territory, Population: lectures at the Collège de France, 1977-78* (Palgrave macmillan)

[ii] Hacking, I. (2006), 'Canguilhem amid the cyborgs'. *Economy and Society* , 27 (2-3): 202-216.

[iii] Haraway, D. J. (2016), *Manifestly Haraway* (Minneapolis and London: University of Minnesota Press)



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Pooja Satyogi is Assistant Professor at the Centre for Law, Governance and Citizenship at Ambedkar University, Delhi, and previously taught political science at Lady Sri Ram College for Women, Delhi. Trained as both a cultural anthropologist and a political scientist, her work examines the relationship between the law and the police in the Special Protection Unit for Women and Children (Unit/Cell), Delhi. More specifically, she is interested in an exploration of how law and the police co-constitute each other. In her future research project she would like to explore the interconnections between the pedagogy of police training, policing as a labour question and policing practices in the city of Delhi. She is currently working on her book manuscript titled *Intimate Public Spaces: Policing "Domestic Cruelty" in Women's Cells, Delhi*. She has written several scholarly and newspaper articles (link <https://www.deccanchronicle.com/opinion/columnists/090220/how-apps-undermine-the-security-of-women.html>), on the intersection of law, policing and urban governance