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# THE CLAIMS OF BODIES: PRACTICES OF CITIZENSHIP AFTER BHOPAL IN SURVIVOR TESTIMONY AND INDRA SINHA'S *ANIMAL'S PEOPLE*

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**Animal's people**  
**Bhopal**  
**citizenship**  
**environmentalism of the poor**  
**postcolonial studies**  
**toxicity**  
.....

*This essay explores political relations and practices of claim-making between Indian citizens and the state in the aftermath of the Bhopal gas explosion of 2–3 December 1984. While not discounting the transnational dimensions of environmental problems across the Global South, nor postcolonial fatigue with the nation-state, it argues survivors remain invested in the state for redress and continue to engage with it through forms of claim-making that center on the injured body. It does so by examining the rhetoric of survivor testimony and legal documents about the 1989 settlement, as well as Indra Sinha's novel *Animal's People* (2007). I argue survivor testimonies mobilize bodily pain to both hail and revise promises of government welfare enshrined in legal documents surrounding the Bhopal case, while the novel moves beyond the revision of welfare as a shared category of political legibility. *Animal's People* posits that post-disaster terms of political relation arise from the citizenry themselves as they articulate the unruliness of their toxified bodies, specifically characterized as non-human assemblages. This essay argues these accounts reenvision the role of the*

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*state in toxic redress and environmental harm, and turn citizen strategies of survival into suggestions for better forms of postcolonial governance.*

Most scholars rightly consider the Bhopal gas explosion of 2–3 December 1984 and its aftermath as a matter of grave injustice. Rob Nixon has summed it up as an event that “throws into relief a political violence both intimate and distant, unfolding over time and space on a variety of scales, from the cellular to the transnational, the corporeal to the global corporate” (2011, 46). Almost all accounts focus on the many failures and inadequacies of the \$470 million settlement reached in February 1989 between the government of India and Union Carbide Corporation (UCC), the company that owned the pesticide factory at the center of the disaster. Scholars who are also activists in Bhopal or whose ideological sympathies lie on the side of survivors consistently recount the circumstances that led to the explosion and the systematized legal and political neglect that followed, in order to denounce the Indian government and Union Carbide and to demand redress. Some also examine the ways in which citizens have turned away from the state in the years after the settlement to forms of local activism (S. Mukherjee 2010). Given the widespread corruption of officials, gridlocked bureaucracy, bribery, demands for documentary evidence that the majority of survivors either do not possess or which list them as “unaffected” by the gas, and continued poisoning from contaminated soil and groundwater, citizen disillusionment with the state is common.

Indeed, regimes of toxic governance have not often responded generously to survivors. After Chernobyl, the Soviet Union reacted much like the Indian government, deferring treatment and information, downplaying the number of affected survivors, and minimizing the effects and spread of harm, as does Belarus today (Petryna 2002). In the Bhopal case, the needs of survivors were differentiated from and weighed against the ostensible needs of the Indian populace at large and the government’s pursuit of economic growth after market reforms in the late 1970s.<sup>1</sup> Given the pervasiveness of offshore dumping, dirty extraction, leaked pollutants, and secondary safety and building standards often applied to chemical and nuclear plants in the Global South, practices of survival and claim-making within situations of inadequate protection are the norm more often than the exception.

1 Until the late 1970s, India tried to balance its goals of development and equality. With the 1974–1979 Five Year economic plan,

however, it began shifting toward favoring economic growth and technological advancement more overtly. The primacy of economic development over redistribution or social reforms has only accelerated since the economic liberalizations instituted by Manmohan Singh in 1991, which are considered the watershed of modern Indian economic reform.

2 Petryna (2002) has argued similarly that in Ukraine a form of “biological citizenship” emerged after Chernobyl, where “the damaged biology of a population has become the grounds for social membership and the basis for staking citizenship claims” (5).

Postcolonial ecocritics have therefore rightly emphasized the transnational dimensions of the many problems propelling environmentalisms of the poor across the Global South (Nixon 2011; DeLoughrey, Didur, and Carrigan 2015). Literary postcolonial studies in general has had a vexed connection to the postcolonial state, often viewing it as a site of failed promises and the retrenchment of neocolonial hierarchies or economic piracy despite formal independence (Jameson 1986; Appiah 1991; Chatterjee 2004). And many recent critical accounts of the state, inspired by Giorgio Agamben’s (1998) assertion that sovereign state power is coterminous with the ability to regulate and produce death within suspensions of the law, have gone beyond theorizing merely a predatory or disappointing state (Mbembe 2003; Morwood 2017). This essay does not discount scholarship establishing the survival tactics of citizens who turn away from national states, nor the diagnosis and exposure of transnational environmental double standards or deadly state practices. However, I argue state politics do not only run to the necropolitical, and the state remains an important mediator between transnational problems and their pervasive, subnational reach. As Jean and John Comaroff declare in their work on millennial capital, citizens still expect the state to provide “coherence and control in a world run amok,” expectations that are then felt partially through the “void left by the withdrawal of the state” (2001, 36). This essay dwells in the contours of state failures and withdrawals after toxicity to examine how such failures are lived through and mobilized by Bhopal’s citizens for their own purposes in the years since the settlement. Indeed, the ways in which survivors have invested in the state as a site of redress, welfare, and resources is the impetus for interrogating practices of citizenship central to this essay.<sup>2</sup>

I argue survivors continue to engage with the state through forms of political claim-making and complaint that center on the injured body. I do this by first examining the rhetoric of survivor testimonies; the Processing of Claims Act (1985) which established the principle of *parens patriae* or state-as-protector and gave the government the right to represent citizens in the Bhopal legal proceedings; and the Indian Supreme Court case *Charan Lal Sahu v. Union of India* (1989), which judged the constitutionality of the Act. I then move on to examine Indra Sinha’s 2007 novel *Animal’s People*, a fictionalization of the disaster’s aftermath.

In comparing these texts, I argue invocations of bodily pain in survivor accounts and legal documentation testify to failures of just redress, but

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more importantly seem to interpellate a version of the state and its duties enshrined in the Processing of Claims Act and the logic of *parens patriae*, or state-as-protector, that preceded the settlement and contradict its final outcome. Victims have come to formulate personal and political subjectivity through bodily suffering, and in doing so they mobilize physical pain as a way of making claims upon the state; specifically, to call for the kind of government protections articulated in the logic of *parens patriae* and thus for a welfare state which has not manifested in practice. In other words, victim testimonies not only mark the failure of justice in the Bhopal case, but also specifically configure it as a failure of just governance that should be remediated by earlier government promises of citizen protection and provision. These evocations of welfare are revisionary, however, insofar as they are specific to the needs of survivors *qua* survivors, and differ from the state's conception of welfare before and after the explosion.

Unlike the testimony of survivors, the characters of Sinha's novel do not interpellate an alternate version of the state or hold it accountable to the historic roles it has articulated for itself. In *Animal's People* the state is not invoked as a site of desire or protection but, rather, shows up as an oppressive apparatus characterized by corruption and policing, in line with the actual failures of the state following the Bhopal settlement. Instead, the novel extends and radicalizes the revision of state and citizen relations offered by survivor-specific concepts of welfare.

Moving beyond the revision of a shared category of political legibility, I argue the novel proposes the state become accountable to experiences of ongoing toxicity as set forth by citizens themselves. Rather than attempting to mobilize the state's own historic category of relation to citizens, *Animal's People* posits that post-disaster terms of relation arise from the citizenry as they articulate the unruliness of their toxified bodies, specifically characterized as non-human assemblages. The novel thus suggests non-humans must be recognized alongside humans as part of a toxified polity, and doing so revises the parameters of both citizen claim-making and state recognition; not only does the concept of an exclusively human citizenry collapse in the presence of more-than-human bodies, but also the unpredictability of bodily morphings then characterizes the quality of citizen claims and the necessity of adaptive state responses.

In the novel this reconfiguration of the terms of political relation, claims, and obligations occurs as citizens rebel against state forces. In doing so they

widen the sense of who or what counts as a citizen to include considerations of the non-human within human political life, and specifically as manifest in the unnatural developments of their own toxified bodies. The climactic scene of rebellion in the novel presents human bodies and their needs as shaped by the repercussions of toxic exposure and entanglement with non-human agents; in other words, the non-human consequences of political neglect are presented as central to human political claim-making, and thus also to forms of accountability and recognition between citizens and the state.

If testimony militates against the limitations of the 1989 settlement by evoking and revising promises of government welfare laid out at independence, *Animal's People* points up an alternative to these practices by insisting on the more-than-human quality of injured bodies; in articulating a revision in the makeup of political constituencies twenty years after the disaster, *Animal's People* opens a space for non-human activity within political recognition that is in fact a trenchant commitment to the unpredictability of injured bodies and the future-oriented modes of political engagement they require.

Practices of citizen claim-making in *Animal's People*, survivor testimonies, and legal documents mobilize bodies as sites through which political relations might be reconfigured. Survivor testimonies can be seen as addressing an ideal of the state from the place of the suffering individual in what this essay reads as an address, not to the legal settlement, but to the political commitment to welfare enshrined in the Processing of Claims Act and the Indian Supreme Court case *Charan Lal Sahu v. Union of India*. Indra Sinha's *Animal's People* moves away from the revision of welfare and introduces the idea of a posthuman citizenry or a more-than-human constituency in Bhopal's aftermath. It replaces a shared term of political intelligibility with a more radical notion of political accountability and recognition as practices that must be attentive to and characterized by the continuous morphings of toxified bodies and their non-human components.

Both the testimony of victims and the novel *Animal's People* revise the parameters of political accountability and claim-making in situations of toxic governance, simultaneously militating against the disappointing political realities that underpin the previously mentioned state critiques, while mobilizing the injured body to induce alternative practices of claim-making and relation with the state. This essay argues these accounts reenvision the role of the state in toxic redress and environmental harm, turning citizens' strategies of survival into suggestions for better forms of postcolonial governance.

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**State betrayal: against the settlement**

Late on the night of 2 December 1984, tanks containing MIC (methyl isocyanate), a volatile component of the pesticide Sevin, were contaminated with water from a cleaner's hose. In combination with a faulty slip cover, untrained janitors, an understaffed plant, and broken safety equipment, the gas explosion that resulted was the culmination of cost-cutting measures by the owner of the plant, Union Carbide Corporation (UCC) in the months before "that night" in Bhopal (Everest 1986; Kurzman 1987). By the government's count, 1,754 people died and 200,000 were injured in the leak; these numbers are dwarfed by activist and scholar estimates that place the number of dead at 3,000–10,000 and the number injured at 300,000 or more (Kurzman 1987; Fortun 2000).<sup>3</sup> In February 1989 the Supreme Court of India approved a settlement between the Central Government and Union Carbide Corporation, owner of the pesticide factory in Bhopal. Originally staked upwards of \$3 billion (Fortun 2001, 38), the final settlement set the much lower sum of \$470 million as "full settlement of all claims" for those affected by the disaster.<sup>4</sup> This logic of monetary compensation was largely premised on an attenuated, atomized version of the body.

As Kim Fortun explains in her activist/ethnographic work *Advocacy After Bhopal*, the official number of victims and the amount of settlement compensation eventually negotiated in 1989 were based on a medical schema that sorted victims into "severe," "permanently disabled," and "temporarily disabled" categories that overlooked many victims completely or distorted the actual damage they suffered (2001, 38). It "subordinated ... complexity into categories with which bureaucracy could work" in the name of delivering "expedient justice" to the victims (146). The data were based on a scoring method that ranked bodily systems and categorized patients according to degrees of injury and disability. Separating and comparing bodily systems quantified but also falsely isolated the damage, downplaying the extended timeline of effects, and utterly bypassing collateral effects of physical harm, such as losses in income or the ability to work.

In other words, the official count was created through an atomizing logic of the body, where bodies were partitioned into individualized systems or damaged organs considered in isolation. It was not meant to account for the holistic and multi-system scope of bodily damage, nor the transcorporeal, transgeographic, and transtemporal nature of toxic effects. Indeed, many victims, especially those not diagnosed in the first few days after the explosion,

3 Accounts of victim numbers vary but scholarly and activist accounts uniformly place the numbers of dead and injured higher than the government's count.

4 *Union Carbide Corporation v. Union of India* (1989), 1 SCALE 380, 382 (India).

were actually deemed “unaffected” even if they were treated in the local hospital’s MIC ward or exhibited symptoms of exposure to the gases (Fortun 2001).

Given this, the settlement and the Processing of Claims Act (1985) by which the government assumed the status of *parens patriae* or legal representative of the victims, have been the objects of sharp critique. The inadequacies of both documents have been thoroughly discussed and need not be addressed at length here (Hanna, Morehouse, and Sarangi 2005; P. Mukherjee 2010; S. Mukherjee 2010). Briefly, however, these accounts deem the doctrine of *parens patriae* a denial of victims’ rights to represent themselves and correspondingly as a ploy by the state to minimize the burden of compensation to which Union Carbide would have been subject, in order to facilitate further capitalist investment in India. Veena Das (2005) offers a characteristically suspicious reading of the settlement. She asserts the government “compromise[d] the rights of victims by unilaterally arriving at a settlement and granting immunity to Union Carbide against the expressed wishes of the victims” (quoted in Hanna, Morehouse, and Sarangi 2005, 52). Suroopa Mukherjee similarly argues “the Claims Act was the ultimate red herring used by the state and the corporation to hide its need to ‘settle’ matters with each other while claiming to act on behalf of the people ... To underplay its own complicity in causing the disaster, the state officially aligned itself with the victims, it affirmed the regular role of the state and sought an executive action to overcome judicial complexity” (2010, 62).

Yet, while the effects of the settlement work according to a logic of foreclosure and containment, its language does not precisely adhere to the schema of individualized harm used to write it, nor the temporal finitude it was meant to enforce. Rather, the settlement actually acknowledges many potentially emergent effects in its attempt to negate them:

This settlement shall finally dispose of all past, present and future claims, causes of action and civil and criminal proceedings (of any nature whatsoever wherever pending) by all Indian citizens and all public and private entities with respect to all past, present and future deaths, personal injuries, health effects, compensation, losses, damages and civil and criminal complaints of any nature whatsoever against UCC. (*Union Carbide Corporation v. Union of India* [1989], 1 SCALE 380, 385 [India])

This move to contain such a range of possible effects “past, present and future” might be read against its legal intent as a covert acknowledgment of



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the range of spatial, material, and temporal scales assimilated into the compensatory, single and singular payment structure of the settlement. They gesture to a *longue durée* of harm and all that falls outside monetary compensation, including non-human life harmed by the gases and soil and groundwater contamination, which have been identified as a “second poisoning” in the years since the explosion (Goodman 2009). Insofar as the settlement compresses the temporal dilation of the disaster’s “past, present and future” effects into a singular moment of legal resolution, the assimilation and homogenization of all these to a scheme of monetary equivalence enacts compensation as a violent and violating containment that activists, scholars, and lawyers are right to take up.

Because of the narrowness of the settlement, critiques have focused on the government’s right to represent the victims and to negotiate on their behalf during the proceedings. And, because the settlement is the formal outcome of the Processing of Claims Act (1985), the Act has been interpreted as enacting the same violences as the settlement. However, remarkable discrepancies emerge between the limitations imposed by the settlement and the language of the Processing of Claims Act and the court case *Charan Lal Sahu v. Union of India* through which the constitutionality of the Act was judged.

Examining the language of the Act, separately from the settlement that was its eventual outcome, reveals large differences in the intent of the state and its approach to citizen claims and welfare. The Processing of Claims Act names a capacious scope of redress and governmental responsibility much at odds with the language of containment, minimization, and closure in the settlement. Among these are:

- (a) Compensation or damages for any loss of life or personal injury which has been, or is likely to be, suffered.
- (b) Claims arising out of damage to property.
- (c) Claims for expenses incurred in containing the disaster.
- (d) Claims for loss of business or employment.
- (e) In the case of death caused by the disaster, benefits for spouses, children, and unborn children.<sup>5</sup>

<sup>5</sup> Bhopal Gas Leak Disaster (Processing of Claims) Act 1985, No. 21 of 1985, India Code (1993) at § 2.

These specifications acknowledge a long game of toxic effects, which might encompass future generations (e), injuries that develop in the future even if they are not manifest at the time of the writing of the Act (a), loss of livelihood (d), and potential cleanup of the environment as part of the disaster’s

containment (c). It is within these provisions and directives for human and non-human victims, and for human victims present and future, that the state claims the right and duty to represent those affected: “Subject to the other provisions of this Act, the Central Government shall, and shall have the exclusive right to, represent ... every person who has made, or is entitled to make, a claim.”<sup>6</sup>

6 Bhopal Gas Leak Disaster (Processing of Claims) Act 1985 at § 3.

It is only in the language of the settlement that these more extensive earlier directives for government representation and protection are truncated and made equivalent to one-time monetary claims citing “the enormity of human suffering occasioned by the Bhopal Gas Leak Disaster and the pressing urgency to provide immediate and substantial relief to victims of the disaster.”<sup>7</sup> In the settlement, in contrast to the Processing of Claims Act, only humans are considered victims, and only human suffering in the present, which may be addressed by “immediate” relief, are considered grounds for compensation. The temporal, transgenerational dilation of toxic effects, concern for health as well as livelihood, and the implied cleanup of the environment as part of the containment of the disaster that originally justified *parens patriae* representation, have all been practicably erased.

7 *Union Carbide Corporation v. Union of India* (1989), 1 SCALE 380, 380 (India).

Against the eventual erasures of the settlement, how does the doctrine of *parens patriae* articulate the role of the Indian government? What are the state’s responsibilities? How does *parens patriae* conceive of citizens? How do citizens conceive of themselves within this schema and their relation to the state? Some ten months after the settlement, in December 1989, the Indian Supreme Court set out to judge not the settlement but the initial Processing of Claims Act and the constitutionality of the doctrine of *parens patriae* that undergirded it. This right to represent citizens deemed *non sui juris* or unable to represent themselves before the law, had been used to legitimate governmental representation of citizens under the assumption that only governmental representation could ensure proper representation and thus the protection of citizen welfare. *Charan Lal Sabu v. Union of India* acknowledges the need to “alleviate suffering” as a basis for the eventual settlement, but its stance toward *parens patriae* also upholds a capacious sense of government provision and interprets that provision itself as the *sine qua non* of government legitimacy and relation *vis-à-vis* citizens.<sup>8</sup>

8 *Charan Lal Sabu v. Union of India* (1990) 1 SCC 613, 639 (India).

Notwithstanding the *realpolitik* failures that have plagued Bhopal’s victims, it is the burden of provision and protection as the basis of the relationship between citizens and state that, I suggest, is mobilized by some victims in

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the aftermath of the settlement. Rather than merely indicting the temporal and spatial closures of the settlement or the conflation of monetary compensation with just redress, victims formulate their personal and political subjectivity through the suffering of their bodies, suffering for which the government is held responsible. Their various claims reopen the meaning of suffering outside the rubric of immediate relief and instead hail a specific version of the promises embedded in the Processing of Claims Act and as articulated as the basis of legitimate and just governance in the *Charan* case itself. In doing so they also hail an alternate version of the state and its role in toxic redress.

### **Hailing the state: *parens patriae* and the legitimacy of welfare**

*Charan Lal Sabu v. Union of India* upholds the legitimacy of *parens patriae* against a number of legal counterarguments. The most prominent source of legitimacy is a general mandate for the state to protect and guarantee the welfare of its citizens. Section 3.2 of the Headnote, on the meaning of *parens patriae*, specifies citizen welfare as an obligation and responsibility enshrined in the constitution and thus as foundational to the self-conception and legitimacy of the Indian state:

Conceptually, the *parens patriae* theory is the obligation of the State to protect and take into custody the rights and privileges of its citizens for discharging its obligations. Our Constitution makes it imperative for the State to secure to all its citizens the rights guaranteed by the Constitution and where the citizens are not in a position to assert and secure their rights, the State must come into the picture and protect and fight for the right of the citizens. The Preamble to the Constitution, read with the Directive Principles contained in Articles 38, 39 and 39A enjoins the State to take up these responsibilities. It is the protective measure to which the social welfare state is committed. (*Charan Lal Sabu v. Union of India* [1990] 1 SCC 613, 618 [India])

The constitutional articles to which the section refers fall under the “Directive Principles of State Policy,” all of which are premised by a general directive article: “The provisions contained in this Part shall not be enforceable by any court, *but the principles therein laid down are nevertheless fundamental*

9 Constitution of India, 1950, art. 37. Emphasis added.

*in the governance of the country and it shall be the duty of the State to apply these principles in making laws.*<sup>9</sup> Within this interpretative framework of fundamental government duty, the court identifies three directives as foundational to the legitimacy and necessity of *parens patriae*. These pertain to “promoting the welfare of the people” in general (38), specifically in aspects such as livelihood and health (39), and the duty of the state to ensure the legal system works to promote justice and legal aid for all (39A). Of these, it focuses on article 38 not as one article brought into question by the Claims Act, but as the overriding directive within which the state relates to the people and as the foundation of its own sovereign existence:

What the Central Government has done in the instant case seems to be an expression of its sovereign power. This power is plenary and inherent in every sovereign state to do all things which promote the health, peace, moral [*sic*], education and good order of the people and tend to increase the wealth and prosperity of the State. ... This power is to the public what the law of necessity is to the individual. It is comprehended in the maxim *salus populi suprema lex* – regard for public welfare is the highest law. (*Charan Lal Sahu v. Union of India* [1990] 1 SCC 613, 618 [India])

Thus, *Charan* conceives of the welfare of the people as the “highest law” of the state, both the highest law it may impose and the highest law sanctioning its actions. This mandate legitimates its position as *parens patriae* in the Bhopal case, but also burdens it with civilian maintenance; indeed, the judgment goes so far as to read a “major inarticulate premise” of government interim relief for the gas victims in the lag time between the settlement and Union Carbide’s payments.<sup>10</sup>

10 *Charan Lal Sahu v. Union of India* (1990) 1 SCC 613, 681 (India).

In light of this double conception of welfare as both that to which just governance is beholden and burdened to ensure, and which it in turn mobilizes to justify its actions, the oral testimony and interviews of victims collected by anthropologists, literary scholars, NGO volunteers, and local activists about the disaster, can be re-read. Most of these accounts frame victim narratives as evidence of state neglect, collusion with Carbide, or selective prioritization amongst the nation’s citizens, as detailed above. Survivor testimonies also, however, largely focus on their own bodies, and more specifically on their bodily ills and pains. What Animal in *Animal’s People* refers to as “what horrors might yet emerge” are elaborated by survivors in personal, fleshy detail (Sinha 2007, 283). They hold forth their suffering bodies and

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somatic developments as central to personal and political subjectivity alike. A few examples:

I used to work as a porter for transport companies. Since the gas, I have not been able to work for a single day. The gas killed my daughter; she died in the morning after the gas leak. I am breathless all the time and I cough badly. My eyes have become weak, too. I have been admitted to the MIC ward more than five times since 1987. Last year, I was there for nine months at a stretch. This year, I have come home after eight months. (Chhotelal)

This is the sixth time I have been admitted to the MIC ward. I have been here since the last month of 1985. When I feel a little better, the doctors send me home but I can't stay there for long. My breathlessness becomes acute and my husband has to bring me back to the hospital ... Before the gas, I had never seen the insides of a hospital. And now, I have spent most of the last five years on this hospital bed. (Narayani Bai; quoted in Fortun 2001, 46–8)

The memories and experiences of these survivors are bifurcated into a “before” and “after” the event, and their primary conceptions of self revolve around the ways in which their bodies have changed, weakened, and sickened after the gas leak. Personal and political subjectivity become mutually reinforcing. In articulating their bodily injuries and the ways in which these impact work, leisure, and everyday life, documenting the persistence of their symptoms over the *longue durée*, and keying these changes to exposure to the gas, these survivors can be seen to articulate a charge against the governmental mandate of ensuring “health, peace, and good order.”

Within the context of the state as guardian and guarantor of welfare, citizen invocations of suffering bodies and bodily suffering are thus read not merely as indictments against the state but as supplications or interpellations of the state in precisely the welfare role it articulates for itself in the Processing of Claims Act and the *Charan* judgment. However, this very investment in the ideal of a protective state runs afoul of the state's own conception of welfare. Survivor interpellations are therefore revisionary insofar as the primary locus of welfare for survivors has become the injured body, an approach to welfare that differs from the government's conception of welfare both before and after the disaster.

It is clear from the constitutional provisions cited in *Charan* that welfare is not a term only mobilized by survivors after Bhopal; it has in fact been integral to the Indian state's conception of its own duties and obligations since it achieved independence in 1947. Arjun Appadurai (2013) and others have noted that the Indian government tried to pursue both economic growth and socialist goals of equality and poverty elimination in the constitution and early national policies. Welfare goals such as promoting equality and alleviating poverty were to be accomplished largely through economic development that could address material and social inequalities simultaneously.

In 1974 Union Carbide was granted a license to manufacture pesticides on site in Bhopal in this context of achieving social welfare by addressing material want. At the time, Madhya Pradesh was one of the least modernized and economically developed states in India, and the factory was perceived by the government and local residents alike as providing much needed economic opportunities. As Dan Kurzman sums up in *A Killing Wind*: "Like human moths, they had gathered around the flame that signaled new jobs, new life; they were part of the nearly 50 percent of Bhopal's population that had drifted in from outlying villages" (1987, 9). After the explosion though, those affected by the gases no longer approached government welfare in ways that aligned with general national goals of economic development or the provision of material resources. Instead, as evidenced in their testimonies above, both personal and political subjectivity came to be centered around bodily injuries. I therefore read these testimonies to index a shift in the meaning ascribed to government welfare; at issue is less the fact that in the wake of the disaster the duty of government protection is compensatory and derivative, but that the most prominent lack is no longer material scarcity but the failure of bodily protection and subsequent need for care and compensation.

Thus, while welfare is a term shared by both survivors and the state, their understanding of what it entails has proven troublingly at odds. In this context, evocations of state failure can also therefore be seen as evocations of expectations held by citizens about what the postcolonial Indian state could or should provide in a post-disaster context. This essay reads the continuity of their complaint as a measure of continuous demand for a particular kind of state apparatus: both for provision beyond the limited terms of the settlement, and for state welfare that might address their injured bodies. In Bhopal's aftermath such calls interpellate a state that is otherwise from the

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11 Insofar as this essay reads victim practices of bodily complaint as indicative of the way they imagine their relationship to the state, it draws inspiration from the method of subaltern studies, which Chakrabarty has described as one of examining “practices ... to decipher the particular relationships ... that are acted out in them and then attempts to derive from these relationships the ... imagination inherent in those relationships” (2002, 15–16).

12 By hewing to an idea of the “homogenous” nation-state as *still* the universally accepted ideal, Chatterjee also excludes the extensive literature that has developed on the heterogeneity of the nation-state. This is apparent in Anderson’s (2006) canonical *Imagined*

present reality of closure and neglect imposed by the settlement on the one hand, and general commitments to national welfare that do not consider the specificity of survivor needs on the other.<sup>11</sup> Precisely because the Indian state enshrines the welfare and well-being of its citizens as the basis of its own legitimacy, these general and specific revisions to welfare can be seen as a strategy by which Bhopal’s victims practice citizenship as an ongoing negotiation and contestation of the state’s normative political ideals. For some scholars though, the welfare state is problematic for this very reason.

In *The Politics of the Governed*, Partha Chatterjee (2004) argues welfare is not an arena of citizen rights and claim-making upon the state. In this work Chatterjee limits citizenship rights to abstract universal notions of freedom and equality and from this particular definition he goes on to argue claims to governmental care – that is, claims to welfare and the provision of well-being – are not citizen claims at all. This is largely because Chatterjee sees the welfare state as a deviation from an ideal state that upholds universal principles; as such, welfare is merely part of the way in which the Indian developmental state “manages” the poor (34–7). The developmental state is contrasted with a model “sovereign and homogenous” state in which “the universal ideals of modern citizenship were expected to be realized” (30). For Chatterjee, then, India’s developmental state displaced the kind of state that could support universal aims of freedom and diverted it toward the governmental goals of promising “to end poverty and backwardness” (37). Therefore, the provision of welfare is the mark of a state that, because it is centered around the care of citizen well-being rather than universal freedoms, is considered a dereliction of the state proper.

It is not entirely clear why a scholar like Chatterjee relies here on a “classical” western version of the state as the only legitimate one.<sup>12</sup> His discussion of the state and citizenship in theoretically singular terms is especially surprising given that his earlier work (1986) critiqued the limitation of nationalism to just these kinds of universal ideals (specifically, Enlightenment rationality) and, as part of the subaltern studies collective, he participated in a “democratic project” that considered how historical categories of modernity, citizenship, and politics were in fact shaped by subjects excluded from them within western historiography (Chakrabarty 2002, 19). Nonetheless, in this recent work, Chatterjee argues that with the rise of the developmental welfare state, citizens are replaced by “a multiplicity of population groups that were the objects of governmentality – multiple targets with multiple

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*Communities*, and within postcolonial studies from many standpoints. These include the academic work of Lloyd (1997) and Brennan (1990), the literary representation of the nation as “Many-in-One” in Rushdie’s *Midnight’s Children* (1981), and the *realpolitik* of India’s federal structure, its language-based regional states, and the communitarianism which justified Partition, to name only a few prominent counterexamples.

characteristics, requiring multiple techniques of administration” (36). The agency of the poor then consists of “temporary and contextual” negotiations with these administrative techniques (60). While he clearly seeks to valorize these negotiations as ways in which “people in most of the world are devising new ways in which they can choose how they should be governed,” to demand or require care from the state means that one is not a citizen, since citizenship is defined only by norms of freedom and equality, not need (77).

Thus, while Chatterjee and I both understand welfare as central to the political lives of the poor, it leads us to oppositional conceptions of the state. As I have argued, by calling attention to the state’s failure to promote their well-being, Bhopal’s survivors ask for state redress within the welfarist role it has prescribed for itself in *parens patriae*, Charan, and the constitution. “Welfare” here is the *sine qua non* of the Indian state and to theorize it as such does not signal a deviation, but names the ontological ground of the Indian state’s own self-conception, as well as the ways in which it remains available to claim-making by citizens. Welfare is, in the wake of toxicity, hailed as the foundation of state legitimacy; it is also however a foundation under revision, as toxified citizens evoke and remake the terms of welfare to better suit the shifted grounds of their need. For Chatterjee, by contrast, the developmental welfare state is a deviation from an ideal state not meant to attend to welfare at all.

I do not mean to imply that welfare is the only political ideal upon which toxified citizens might stake claims. But by drawing on the experiences and testimony of Bhopal’s victims, I demonstrate that they present themselves not as governed subjects who will never access citizenship’s universal and privileged rights, but *as* citizens who invoke foundational state promises in order to inhabit more fully the rights they are formally entitled to. Indeed, by continuing to hail the welfare state in defiance of the settlement, the victims of Bhopal refuse a governmental logic that sees them only as a poisoned population to be pacified and managed rather than citizens entitled to ongoing and more capacious care.

Chatterjee’s discussion of Indian governmentality has the merit, however, of highlighting the limitations even of these revisions to the welfare state. Governmentality as he describes it stresses the distance of state ideals from those who do not occupy positions of privilege.

As the activist accounts from which I have drawn also make clear, many survivors do not hail a benevolent state and some have in fact turned away



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from the state as a site of desire or redress at all (S. Mukherjee 2010). For them, the kind of invocations I have been tracing would seem hollow or duplicitous at best, and Chatterjee's theory of the limited political horizon of the governed might seem a more accurate portrayal of their relations with the state.

This is in fact similar to the stance of Indra Sinha's 2007 novel, *Animal's People*. Set in a fictional Bhopal renamed Khaufpur or "city of terror," the state is depicted only as corrupt, neglectful, and abusive. In line with views of the state that place it in complicity with Union Carbide at the time of the settlement and with global capital development in the years since then at the expense of its own most vulnerable citizens, *Animal's People* depicts the worst aspects of the state's treatment of survivors. And yet its primary scene of civilian agency is a confrontation between the poor and the state, and in addressing the relationship between situated locals and state power it revises, not a duty held in common and differently interpreted, but the very grounds upon which political recognition rests.

Rather than welfare, non-human impingement upon bodies in the form of toxic illness becomes the basis for political interactions, one articulated by citizens against the limitations of state recognition. The novel thus revises the terms of citizen-state relations from one of shared, if contested, terminology to one where citizens articulate and indeed enact their own parameters of political engagement. The novel's fictional act of rebellion introduces a widened scope for political subjectivity that includes the presence and effects of non-humans in the body politic as well as an open-ended future of interruptive political actions and unpredictable agency. In contrast to survivor exercises of hailing state response to bodily injury, *Animal's People* approaches injury in other ways, by militating against an oppressive status quo that does not account for the ways in which non-humans impact human political needs and the ongoing, unpredictable bodily developments of toxic constituents.

### **Citizenship against the state: *Animal's People***

Set almost twenty years after the Bhopal leak, *Animal's People* is largely a meditation on the possibilities and limits of different approaches to mitigating the ongoing illnesses and structural neglects of Bhopal's aftermath. It follows the exploits of its eponymous anti-hero, Animal, a boy whose spine has been

twisted by exposure to the gases and who must move around on hands and feet. The residents of the city – or “the kingdom of the poor” as Animal dubs them – mostly exist in a state akin to what Giorgio Agamben (1998) has called “bare life,” or life that may be killed with impunity. Such a designation is preeminently political, as it signifies life that may be punished by the law but has no recourse to the law’s protection or rights within it. Agamben’s theory places the cultivation of death, either overtly or indirectly through forms of calculated neglect, at the center of modern political power and more specifically at the center of the relation between the state and its citizens. Arjun Appadurai has renamed this idea of a political relation built on the minimization of rights and protections “bare citizenship” (2013, 118). Either term seems an apt description of citizen–state relations in the novel. Described best by the quip “this is not my department,” which implies that it might be the department of someone else, governmental neglect occurs both through false promises of care and through bureaucratic deferments (Sinha 2007, 106).

Functionaries like the Minister for Poison Relief who routinely refuses to meet with the people and yet who claims “no decision will be taken that is not in your best interests” serve as a mere facade of government involvement; the poor are left much on their own (267). Given the official line of state care and the equally official practice of neglect, the legal campaign headed by Zafar, a local activist, is the primary form of remediation available to the populace. A Gandhi-esque figure “robed in the sweet odour of sainthood,” Zafar commands the affection and loyalty of the city’s residents and, through him, they remain invested in formal and institutionalized modes of redress (39). While he does not petition the state for compensation, Zafar maintains that the status of “poison victim” is key to legal recognition and compensation from the company within the national court system (24).

However, though the legal campaign occupies much of the action of the novel, it is ultimately futile and remains entrenched in endless deferral. The novel’s only scene of definitive agency addresses neither the company nor the system of courts; it is instead a scene of collective and spontaneous rebellion against the state. Insofar as this rebellion refuses the ongoing situation of bare life or bare citizenship within which citizens and state interact, it also underscores the centrality of relations with the state, and opens up a space for this relationship to be changed.

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The spark of this protest is the apparent death of Zafar, who alone among the citizens remains invested in using existing forms of redress. Even other activists question the use of a legal system so obviously stacked against the poor; it is through Zafar's focus on the law that the city's residents have remained tethered to institutional redress and moreover to the mechanisms and versions that currently exist. His death, and the upsurge that immediately follows it, can be seen as a severing of the bond between citizens and the institutional status quo. It is not, however, a complete severing of citizen relations with the state: the rebellion here signifies a refusal of current political relations but not necessarily a total withdrawal into internationalism, anarchy, sectarianism, or other political forms.

In the scene in question, residents gather at the factory to protest Zafar's death; they are met by an antagonistic police force that imposes on them more of the same devaluation and oppression that has characterized the state's relation to them thus far. The police captain's quintessential demand – "Where is your permission?" – is as much a general repression of the rights of the poor to claim rights at all, to protest, to do anything but "lie down and die" as much as it is about their presence in the factory (312, 113). The police enact a violent and active version of the repression that is otherwise practiced through forms of neglect and attenuated rights; thus this moment can be seen as one of citizenship against the state, that is, an act of claim-making against the bare citizenship, oppression, and deliberate neglect that have hitherto characterized the novel's citizen-state relations.

In this moment of rebellion, *Animal* observes: "Then a thing happens that no one could have predicted. From nowhere a tide of ragged people surges over the police and sweeps them away" (314). In this moment, the people are described in terms of a collective and massive force, exerting a kind of agency from below. Together, they rise like a "tide" to substitute the dominant approach to justice and claim-making (formal, litigious, and institutional) with another (popular, rebellious, and unexpected). This moment which "no one could have predicted" is one in which the poor shift the grounds of their relationship with the state from endured neglect to active opposition. In doing so they answer the question of permission with a demand for a new relation. Agency is configured not only as resistance to oppressive forms of power, but also as an act of sweeping away given forms of bare citizenship to stake a claim in future relations that are not a repetition of the same.

Much of the revisionary work of this future relation is elaborated in the novel's amendment to who or what counts as a political subject. Why present rebelling bodies as a collective force, a ragged tide? This question brings us to the narrative phenomenon of the voices Animal hears inside his head and the ways in which the novel poses the question of non-human presence with the human, and more specifically within human political life. As Animal explains at the outset of his narrative, he hears the unspoken voices and thoughts of others: "Since I was small I could hear people's thoughts even when their lips were shut, plus I'd get *en passant* comments from all types of things, animals, birds, trees, rocks giving the time of day"; "Voices were shouting inside my head" (8, 2).

Animal's voices might at first seem an instance of magical realism, but such a fantastic iteration can also be taken quite literally, as a bodily heuristic. Seeing into the interior lives of other beings or being permeated by their thoughts and comments can be seen as an iteration of the breakdown of mental, emotional, and physical boundaries in the wake of environmental contamination. Hearing voices, leaking into other points of view, or accessing the interior of other things make audible and obvious a somatic state that could otherwise be overlooked: the hybridized interior of toxic bodies, criss-crossed by other forms of life and matter. In other words, Animal's voices give voice to the teeming bodily multiplicities of environmental duress. These moments of narrative plurality presented as narrative porosity put into language the hybridized, more-than-human makeup of bodies in Khaufpur.

The novel's presentation of the teeming body throws into question exactly who or what that "ragged tide" of people included. These are people invaded by colonies of bacteria, microbes, (in)organic materials, toxins, and cancers, and whose multi-materiality has been facilitated by the forms of bare citizenship they have had to endure. Teeming bodies are preeminently political, produced out of bureaucratic deferrals, lack of medical treatment, and continuous exposure to chemicals. Civil rebellion is a moment when the government as an oppressive apparatus is confronted by the full range of its constituents, by the multiply mattered bodies it has created through cultivating the poor as bare life. As such, that confrontational tide includes the non-human or posthuman repercussions of human politics.

Demands for a new citizen-state relation thus arise largely out of the ways in which non-human life has impinged upon the human, and the ways in

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which they shape bodily needs and political demands; precisely since they are lively, unpredictable, and ongoing, the effects of non-humans must become part of the state's conception of its citizens and of its address to or relation with them. This attention to the non-human demonstrates the limitations of pre-disaster responses like welfare, which rely on shared if contested rubrics and coherent narratives about bodily changes. Unruly bodily developments are not always articulable, knowable, or coherent in their emergence, and in characterizing bodies foremostly as unruly assemblages, *Animal's People* demands a recognition of the place of the non-human and the unpredictable yet persistent ways in which they shape the lives of citizens, especially those citizens interpellated under bare rather than full citizenship.

In the scene of "sweeping the police away," the idea of individual bodies teeming with harmful matter is replaced with a collectivity of bodies that together make up massive, collective forces resisting institutional repression. *Animal's People* inscribes the place of the non-human centrally within political life by casting the one scene in which citizens confront the state and its repressions as a scaled-up version of what happens inside the individual bodies of these citizens every day. In scaling up what counts as the site of multiplicity, the very place and significance of that multiplicity within political relations is brought to the fore. Translating the microscalar into a macroscale description of bodies in confrontation, *Animal's People* foregrounds the question of who, or what, composes a political constituency and therefore the need to rethink the parameters of political participation so that non-human liveliness and unpredictability can be encompassed by political recognition and in political responses.

*Animal* makes obvious the presence of non-humans as a given of daily suffering and everyday living. Though the speaking of non-human things may seem to go beyond the bounds of realism, this essay maintains that *Animal's* voices are not an extra-ordinary imaginative sign, but an intensification of and making obvious of what is already felt to be real: that these non-human things inside me do have a life of their own that shapes my life in turn, or as *Animal* puts it, produce "horrors [which] might yet emerge" (283). *Animal's People* is at pains to present such ideas as "lively matter" as inescapable and quotidian aspects of life in toxified environments (Latour 1993, 2005; Bennett 2010). Such seemingly fantastic iterations work to make more obvious, accessible, and apparent the ways in which non-human presences are always intruding in the lives of the poor who must endure them,

and to posit that these non-human presences cannot be ignored in any address to the poor themselves.

The survivor testimonies and legal documents in the first part of this essay interpellate a state that makes good on its promises as one strategy of survival against toxic injury and environmental harm. In contrast, *Animal's People* addresses a repressive version of the state by revising the parameters of political visibility and accountability to include the non-human ramifications of human politics and the unpredictable qualities of toxic bodies. These accounts mobilize the body as a site of political critique and claim-making, the former by articulating injured bodies as unfulfilled promises of state responsibility, and *Animal's People* by rewriting the body (and bodies) politic as human–non-human entanglements in order to make the continuing, unpredictable morphings of toxified bodies central to the relationship between citizens and the state.

This essay does not at all discount the importance of transnational environmental activism and political movements or the transnational nature of environmental harms, including globalized environmental racism, neoliberal expansions that externalize environmental costs to the Global South, and the generally unequal distribution of risks between the Global South and the Global North. It does, however, resituate the question of the nation-state within these international and transnational circuits of risk, and of the injured body as a site for contesting and remaking political relations between citizens and their states. Within regimes of transnational toxic governance and dissatisfaction with the nation-state, this essay argues for the continuing place of political accountability and national mediation in citizens' strategies for survival within the effects of environmental harm, neoliberal expansion, and lively matter.

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