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“Crafting Criminality: Into a Magical Dystopia with Delinquent Objects”

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## **Crafting Criminality: Into a Magical Dystopia with Delinquent Objects**

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### **Abstract**

The vivid social lives of street magicians' paraphernalia narrate the conflicts that threaten their artform today. Here, we attend to the movements of the Maseit street magician's objects to map the incursion of globalization and state oppression into their lifeworlds in Kathputli Colony, Delhi. Street magic, until 2018, was criminalized as begging under the Bombay Prevention of Begging Act. We examine how the rule of law inflicts routine violence on the Maseit and how the magicians in turn internally sabotage the everyday framework of legality. The first part focuses on the magician's props to unpack the brutal legacy of subordination perpetuated via legal and extralegal means. The second part describes the magician's and his things' alternation between ritual and commodity forms. We then investigate the changes in the Maseit's kinship structure and gendered division of labor that taking their performance to the stage has propelled. These accounts of disenfranchisement and marginalization reveal the dystopic condition of subalternity where the Maseit's repression becomes a necessary exercise of neutralizing suspect bodies to sustain the mass's trust in law's promises of freedom and rights.

**KEYWORDS:** subaltern, globalization, Maseit, postcolonial

## **Crafting Criminality: Into a Magical Dystopia with Delinquent Objects**

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When we first met Karim and his community of street magicians, an eclectic conspiracy of time threatened to foreclose our ethnographic sensibilities. As young anthropologists, we were expecting to encounter the Other in the here-and-now of our field-site. Instead, we found a clarion self-reflection of our own disjointed selves staring back at us, flashing across overlapping registers of time. If the magicians' gaudy costumes and rustic props reminded us of a fabled Oriental past, their broken guitars, consternations of unemployment, and budget laptops recreated the middle-class contemporality that we were ourselves living in. Except, the Maseit community of street magicians from Kathputli Colony in Delhi cannot boast of a middle-class lifestyle. Stuck in a postcolonial limbo where the state derides their poverty as a crime and the society rejects their hereditary artform as inferior to stage magic, the Maseit today are at a cusp of occupational and identitarian uncertainties. These anxieties—intensified by the incursion of globalized media and the state's disavowal of welfarism for neoliberal development—projected their present onto the ruins of their performative culture, in turn prognosticating the destruction of our *objectified* field-site even before we could enter it.

We were with the Maseit to research specifically on intergenerational mobility in the community—or the likelihood of children taking up the occupation of their parents (see Giddens 463).<sup>1</sup> But this is not the story of street magic's continuity (for more on this, see Bhagabati and Chidambaram; Bhagabati et al.). Here, we want to animate the suppressed voices of the Maseit's paraphernalia and trace their journeys to retell how the same things assume different incarnations

in different social situations. These objects in motion too have vivid lives like humans (see Appadurai, "The Thing Itself"), shuttling between ritual, commodity, and gift forms through transactions fueled by "desire and demand, reciprocal sacrifice and power" (Appadurai, "Introduction" 4). Time condenses in them. The past affects their present manifestations (see Birth), inhering as embodied memories in the two-way relationship between magicians and their objects. Indeed, the past and the future are "imminent within the present" (Küchler 230), irrupting with materiality via these objects and providing a base for the imaginaries of the Maseit's "everyday life" (see Braudel). Particularly, the everydayness we conceive of revolves around legality, constituting an "interpretive cultural framework through which individuals come to understand their lives" (Saguy and Stuart 158). This, in a nutshell, is the story of the Maseit's things and their brushes with law—of how a commodity today may become a ritual object tomorrow and an artifact at a gallery later still. Since a tradable commodity must be adequately taxed, a ritual item relegated to the private sphere, and an artifact controlled by art regulations, a thing cannot be everything at the same time. Law disregards the morphing subjectivities of objects and traps them in a rigid definitional index where they can do only one out of their many realities.

For close to six decades, Karim and his ancestors had been residing in Kathputli Colony—the largest congregation of street performers in the world, home to acrobats, dancers, singers, puppeteers, and monkey and bear handlers. In 2017, the Delhi Development Authority, intending to rid the class-saturated cityscape of the massive poor-looking locality, evicted the performers to construct two skyscrapers with a private builder. They were thus shifted to a transit camp with lofty promises of rehabilitation and most have been stuck there ever since. What was initially supposed to be an ephemeral state of exception has now become an entrenched space in which the magicians permanently find themselves. In fact, exclusion from civil society happens to be their normal engagement with law. Street magic has historically been considered begging, hence a crime under the Bombay Prevention of Begging Act 1956 (hereinafter, the Act). The stigma continues to persist even though the Delhi High Court read down the criminalizing provisions of the Act in 2018.<sup>2</sup> While one way to understand these legal and social trajectories would be to map their impact on the magicians' objects, we wish to steer clear of such straitjacketed determinism and narrate the paraphernalia's chronicles as acts of resistance against law's scorn. In surrendering a relative autonomy to the objects, by allowing them to act in ways beyond their ordinary utility, not only is the scope for sabotaging everyday subordination through quotidian divergences restored to the Maseit, but law's inhibitions and inabilities also come to the fore.

### **What's in the Bag? Diminishing Prestige, Decreasing Props**

Karim carries his paraphernalia in a small satin bag. He is yet another Maseit magician who lives in a thirteen-by-thirteen-foot shanty with his family of six at the transit camp in Anand Parbat. The destruction of his ancestral home in Kathputli Colony is a mimetic repeat of his bag's attenuation in size and contents. During his forefathers, street magic commanded widespread mass appeal, allowing the tricks to be elaborate and long. Their voluminous paraphernalia required mules to be transported. Nowadays, Karim can fit all his props in a satin sack and carry them on his shoulders. With street magic banned as a form of begging, he has the time to only perform a quick sleight of the hand or two before being chased away by the police.

Section 2 of the Act includes street performance within the ambit of begging. By defining wandering lifestyles as evidence of self-inflicted privation, this provision misconstrues street performers as sufferers of “ostensible poverty” who deliberately look poor to benefit from beggary (Ramanathan). But wandering from place to place is what enables street magicians to earn their means of subsistence. The Act first coerces them into poverty by criminalizing their itinerant lifestyle and then prohibits them from appearing poor—first it makes the criminals and then punishes them for a crime without an offense. Moving populations often defy the state’s capacity to delineate fixed borders and record a definite number of citizens within these lines. Imprisoning street magicians is therefore a method for state sovereignty to repair its fractured territorial ascendancy. Accordingly, the very presence of street magicians constitutes a ground to lock them up and oust them from sanitized neighborhoods.

The Delhi High Court passed a much-needed relief in the case of *Harsh Mander v. Union of India*,<sup>3</sup> striking down the bulk of the Act’s criminalizing provisions in addition to all pending criminal cases. But this does not necessarily imply protection from violence, for police action against the Maseit anyway is carried out through extra-legal means. Further, jurisprudential changes may not always trigger social change and can readily become an apology for existing social inequities. Seen as a nuisance, the Maseit have inevitably had to decrease their paraphernalia, retaining only a rickety bag that bears testament to their diminishing prestige.

Hassan, Karim’s brother-in-law, fondly reminisces about the time his grandfather used to keep a pet python. Due to wildlife regulations and the growing costs of its diet, he had to free the snake and buy a fake one instead. Hassan performs with a rubber toy that he stores in a bag like Karim’s. Petty props like the toy snake are bought from roadside hawkers as fungible commodities. However, upon entering a Maseit magician’s bag, they get singularly differentiated as per the identity of their owners. These rubber snakes are practically indistinguishable from one another. Yet, every magician can identify his snake through a nondescript scratch or its unique discoloration pattern. He will insist on performing exclusively with his objects, transforming what was earlier a replaceable commodity into a concrete conduit of self-actualizing his performative self.

Once Karim has packed his bag, he will slide a black album on the top. The album contains newspaper clippings of his performances. From international venues like Japan and Europe to national television appearances, Karim’s scrapbook signifies a gradual rise in fame, while the fact that he has to prove his claim to artistry through third-party reports lays bare the limits of this upward mobility. Mushtak, on the other hand, only has performances in India to his name. These albums, apart from constantly bringing the Maseit’s past to the present as a reminder of their art’s survival, have a distinct evidentiary purpose. Magicians must furnish them in the police station within whose jurisdiction they wish to perform to obtain permits. The more permits in a magician’s repository, the more likely he is to secure permission at the next station. The permits have almost acquired the legalistic stature of *stare decisis* (binding precedents): displaying that state functionaries in the past have treated them favorably enables the Maseit to persuade the next magistrate or station-in-charge to endorse their performance. Every time a magician offers his album for perusal, he stages a simulacrum that subsumes his personhood within an imaginary binary where he is either a valid magician and thus a free citizen or a beggar and, by extension, as good as a convict. The visual gaze of the police makes no judicious decision on whether the person before their eyes has a criminal past—whether his specific presence may foment a law and order problem. Instead, they instinctively search for stereotypes

of authenticity—like reports of performances in reputed theatres and awards. In effect, the magician does not own the album; the album owns and sanctions the magician's hologram.

Karim's bag is more than a collection of his art's pragmatic needs. It is his insignia, a circulating sign that inscribes his identity on the sites it travels to—sometimes landing his name in police reports, sometimes exalting it to international recognition. It marks the boundaries of his lived life and institutes an afterlife that reifies him into the coarse classifications of criminal-versus-free citizen, magician-versus-conman.

## **Commodification, Globalization, Decommodification**

Law spatially divides street performances into locations that encourage spontaneity and those demanding controlled, planned, and synchronized acts (see Clua et al.). The Maseit thrive in unchoreographed environments such as the fast-paced streets of Delhi. Trained in powerful, melodic voice modulations designed to attract spectators, the potency of their vocal skills lies in subduing chaotic auditory milieus. However, with the emergence of gated communities and quieter residential neighborhoods, loud and robust sounds are increasingly deemed intrusions. Law aims to shield select outdoor urban spaces from unwanted noises, using acoustics as a criterion of class segregation. For instance, Emily Ann Thompson writes that the development of modern American cities happened hand-in-hand with the construction of quieter spaces—replacing whistle blowing traffic personnel with silent signals, fixing noise limits, and creating a binary between permissible and impermissible sounds in general.

In Delhi, residential areas permit up to fifty-five decibels,<sup>4</sup> a level too low for the Maseit to gather crowds. So they have resorted to performing in certain commercial pockets where their sounds are absorbed in the chaos of the hustle and bustle, diminishing the impact of their modulated voices and their access to moneyed audiences. As a result, microphones and amplifiers have become indispensable to their apparatus.

The onset of technology in the Maseit's performance also signals their competition with the beneficiaries of these advancements—that is, globalized entertainment media and choreographed magic. In this neoliberal regime of consumption, the Maseit's physical intimacy with their audience has been displaced by de-territorialized broadcasts; their travel routes by regimented telecast schedules, their artform by a general commodity called magic, then by stage magicians. Television's hegemony over the dissemination of information has given it the power to manufacture public perceptions (Bourdieu 18–19), solidifying the Maseit's image as a band of criminals. Being Muslims, classist and communal attitudes stereotypically profile them as hardened criminals and possible terrorists (see Mander 33). This is not a literary exaggeration. Karim tells us that the police often cite potential bomb threats as a reason against allowing them to assemble a crowd.

Commodified as ordinary television magicians, the Maseit now face the risk of having their tricks stolen by choreographed rivals. Today, stage magicians have not only usurped hereditary routines like the Great Indian Rope Trick but are also beginning to claim legitimate title over the Maseit's performance. Karim, for one, does lament his community's declining hold over its artform. To express his angst, he shows us an excerpt from a Bollywood film on a newly purchased laptop. There, Amitabh Bachchan, a popular actor, can be seen berating his White abductee for the colonial policies that mischaracterized nomadic groups as criminal tribes. This moment succinctly captures the peculiarity of our interaction. For it is instructive of Karim's desires that he uses a laptop, a common device in middle class households, to leap into a

proscribed future of privileged consumption, only to play a simulation of his community's current dispossessions by correctly linking it to colonial history.

The colonial administration saw nomadic tribes as a threat to its sovereignty. To establish its unquestioned authority, the fictitious category of criminal tribes was created, restraining certain groups that were thought to be socialized into delinquency by birth in designated areas where they could be surveilled (Nigam). The Bombay Beggary Act is a postcolonial arrogation of this high-handed imperial enterprise in social engineering, as untrue today as it was back then. Bad science though the idea of innate criminality might be, its long-standing currency does expose the demographic deceptions and false alarms of violence that condition people to willfully ostracize suspect bodies like the Maseit to protect, in a manner of speaking, law and order. A study by the Tata Institute of Social Sciences ascertains a disproportionately high incidence of police bias against Muslims in India, apparent from the baseless charges of petty offenses and the systemic lack of legal aid they encounter (Raghavan and Nair). In the Maseit's case too, performances in new neighborhoods are followed by malicious investigations into unsubstantiated allegations of robbery, assault, and abduction. Their nomadic lifestyle is denigrated as a motive to commit completely unrelated crimes. Wajahad, Karim's younger brother, spent two months in custody after the police obtained a false confession through torture. Ultimately the charge was dismissed, but these incidents of physical and psychological violence remain engraved in the Maseit's collective consciousness as corporeal marks of pain. Their scars have become objects that they are forced to peddle for empathy from a jaded mainstream of lawyers, journalists, anthropologists, social workers, and bureaucrats eager to mine them for instances of marginalization and subaltern suffering. Are we any different?

This confinement of the Maseit in inborn criminality is a governmental and juridical machination that erases its operations to portray the hierarchies as natural. In contrast, we read with Homi Bhabha that there are no originary identities. There is nothing such as innate criminality. Identities are dynamically generated through social difference. Law stabilizes this hybridity for its interpretive exercise, as does the Bombay Beggary Act. The Maseit, on the contrary, have managed to internally rupture the categories of their incarceration and escape the juridico-deductive logic of law. At least, they have tried to. Traditionally, magicians used to solicit alms at the culmination of their acts. Their honorarium, however, was law's evidence of beggary. But nowadays, they sell cheap, gold-plated rings once their performance ends. The idea is to exchange a commodity and override the accusations of beggary with a credible trade. If the audience buys these rings, then the exchange becomes an ordinary trade and their performance a sales pitch. On a purely legalistic ground, this logic makes a fine argument. But the police even denounce the Maseit ascension to the mercantile market, dismissing the rings as mere ruses for beggary. Hence, new-generation magicians pretend to be fakirs and mendicants, fashioning their rings as spiritual totems. Evoking a superstitious authority extracts deference from the police and the public, mystifying their art as an otherworldly drama of the sacred and the profane. The stones on the rings are thought to possess astrological properties. One unit works for one wearer only. What remains straddled in the Maseit's bag with other fungible commodities of a similar nature passes into a ritual phase when a buyer purchases it, invoking its holy powers and getting singularized solely for that user (see Kopytoff). From street magicians to traders and then to mystiques, the Maseit have changed their social standing by embracing new objects and reinvigorating the old ones. Shifting between the commodity and ritual forms—both by selling their rings and their performance—is a survival strategy in hostile city spaces. Now the Maseit

trade in permissible commodities as well as in ungovernable superstition to subvert their identities as beggars.

### Offstage, Onstage: Gift and Gender

The Maseit's costume exhibits how the same attire can denote multiple meanings in different contexts. Most magicians prefer to wear a salwar-kameez while performing, as opposed to the casual half-sleeved shirt and the pair of trousers worn at home. The salwar-kameez, complemented with an intricately designed vest, is a signifier of the Maseit's timeless exoticness. This is how one would see Oriental magicians in their quintessential representations on the internet and in travelogues. Quite paradoxically, the exotic garb provides a temporary reprieve from being classified as slum dwellers or beggars, in that complying with the public's stigmatized understanding of how street magicians look at least allows them to become magicians for a moment. On the streets, the vest proclaims Karim as a Maseit. On the stage, however, it dwindles into a passive participant. Artificial lighting and the audience's distance from the performer distract from the vest's intricate embroidery and unique composition. Before being devitalized as ordinary magicians onstage, the vest first undergoes an anthropomorphic conversion that effaces its externally imposed exoticism and imposes neoliberal mundanity on the performer's body.

Relocation to the stage also unleashes a flurry of disputes over authorship and originality. Individual Maseit magicians pride themselves on perfecting certain signature tricks by augmenting their creative genius with the community's collective impetus. Karim presents himself as the inventor of the Great Indian Rope Trick. This emblematic spectacle of Oriental otherness consists of a rope that rises in the air to the tunes of a snake charmer's pipes, whereupon a boy climbs to the top. Although such illusions are not new to the Subcontinent (Lamont, "The Indian Rope Trick: History of an Illusion"), this particular performance was fabricated by John Wilkie in an 1890 *Chicago Tribune* article (Lamont, *The Rise of the Indian Rope Trick*). When Karim asked his elders, they stated that no one in the community had performed this trick in the last six hundred years. So he undertook to reclaim this Western misattribution and worked for six years to invent it from scratch. Though his individual dexterity propelled the creation, he deployed the community's hereditary protocols and tactics as a scaffolding for his creativity. Onstage, the community's contribution is overlooked, and Karim stands as a magician free from a folk history—meaning, his trick is susceptible to be stolen by other performers. In this continuum of performative sites, with the streets on one end and the stage on the other, identities are thrown open to contestation and authorship is subjected to rivaling copyright claims, affording the Maseit a safe space in exchange for their exclusivity.

Moving to the stage also reorders the division of labor in the community. Men normally are the sole performers, while women's unpaid household labor goes unappreciated, uncompensated, and unaccounted for in the economy of street magic. Many of the Maseit's paraphernalia are designed by women, yet their worth is never dignified as pieces of fine art. The dismissal of women's artistic labor in needlework, embroidery, quilting, and knitting reveals an enduring patriarchal mindset that tethers them to the private sphere and ridicules such activities as trivial busywork (Kahr). Stage magic, however, has weakened the community's conventions and afforded women a chance to perform for the first time in centuries. Yasmin, Karim's daughter, sports a similar vest now and is an apprentice under her uncle Ashfaq, who also wears a vest gifted by his sister after her marriage. Ashfaq faces a daily dilemma in choosing which vest to

wear—the one made by his sister or the one stitched by his wife. Such minute but intense conflicts usually underlie the style and pattern of gifting, engendering “an aesthetics of kinship” that forces the receiver to make mundane but complicated ethical choices within the textures of day-to-day life (Das 539). This profound significance of the vest indicates that it cannot be treated and discarded like unexceptional clothes. Along with the rings, the bag, and the album, the vest situates a framework of everyday life which allows the Maseit to live with constant resistance under law’s disdain, weaponizing their changing social incarnations to exploit the structure’s gaps and fault lines.

## **Conclusion: Returning to Dystopia**

To conclude by way of the title is perhaps a debunking of the myth that the conclusion concludes. Laying emphasis on the word “dystopia” now, after having done with describing the dystopic lifeworld of the Maseit, is not an attempt to end with the flourish of theory. Rather, concluding with an analytical schema shows that the Maseit’s magic is not subservient to academic theory but a resilient reality which forces our prevalent legal analyses to reconsider law’s failures and finitudes. Narration does not end where theory begins. As the Maseit’s objects illustrate, it stages a return of repressed stories and compels theory to reconsider its prejudices.

What is dystopia after all? Our common-sensical understanding takes dystopia to be the antithesis of utopia, characterizing extreme barbarism in juxtaposition to peace and plenitude. However, in another sense of the term, we can think of dystopia as the underlying requisites of utopia: the ruthless appropriation, exploitative labor, and suppression on which rests the dominant political aspirations of living a good life (see Claeys). The dystopian “difficulty of finding a way out of a totalizing system” inaugurates, even necessitates, utopic imagination as a way out (Levitas 110). Similarly, law’s infliction of secular violence on the Maseit undergirds the spectacular expansion of rights, constitutionalism, and the rule of law. Every utopia comes laden with its “implied dystopia” (Gordin et al. 2). As such, the Maseit’s brutal life course is not a takedown of law’s emancipatory promises but an unwanted excess by negating, oppressing, and restructuring which the militant-managerial state legitimizes its monopoly over violence. The juridical discourse itself forges its conditions of criminality. By banning street magic under the guise of begging, the Act and its concomitant social perceptions block the magicians’ avenues of livelihood. Then, by adducing their resultant poverty as a likely instigation to begging, law seals its semantic circuit where street performers are always already poor and delinquent. Retracing the footsteps of the Maseit’s objects discloses the carceral categories that inhibit their creative and aesthetic potential. Dystopia, in this conception, is a shorthand for law’s ossification of these things and their human possessors into faceless, anonymous suspect entities that are robbed of desire and agency—indeed, of history and biography altogether—and that can be justly dominated as residues to prove the state’s efficacy. “Surplus repression” is how we can visualize this repression which is an extra of normal repression (see Baxi), an outcast form of violence which is so unbearable in our penal-punitive infrastructure that flouting the due process becomes the only way to preserve its sanctity among the common masses. That the sublime civil society persists atop a netherworld of subaltern suffering is nothing less than a magical magnitude of ethical ignorance on the part of elite political subjects.

## Notes

1. Our research involved multiple stints of ethnographic fieldwork for over two years from 2017 to 2019. During this time, we conducted intensive focus-group discussions with eight families of street magicians and accompanied them on the streets as they performed. One glaring deficiency in our material is the minimal space given to gender. This is primarily because the community does not allow women to perform. We therefore decided to first familiarize ourselves with the men who projected themselves as the authoritative custodians of their families and the community at large, and then sensitively proceed to unravel the dynamics of gender and sexuality in street performance. We do not want to offer an excuse for this exclusion but simply note how we plan on extending our research.
2. See Harsh Mander v. Union of India, AIR 2018 DEL 188.
3. AIR 2018 DEL 188.
4. The Noise Pollution (Regulation and Control) Rules 2000, Schedule I.

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