Sovereign atonement:

(Non)citizenship, territory, and state-making in post-colonial South Asia.

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Abstract

The former border enclaves of Bangladesh and India, which were small pieces of one state entirely surrounded by the other, existed as extraterritorial spaces from 1947 until 2015. Since these spaces were subject to state violence but remained completely excluded from the protections provided by courts, police, and government; they have historically been understood as *spaces of exception* that contained *bare lives*. After the exchange of enclaves in 2015, the situation changed dramatically as the state assumed an active role in incorporating new lands and citizens. Such an active role resulted in unique privileges exclusively for the enclave residents understood here as *sovereign atonement*. Drawing on field research in Bangladesh, however, the paper argues that it would be misleading to capture sovereign atonement as an effort to correct the past violence of extraterritorial exclusion, instead must be understood through the primacy of territory in state-making in post-colonial South Asia.

Keywords: Sovereign, sovereign atonement, borders, enclaves, nation-state, South Asia.

Popular abstract

What happens when the same population who were once excluded by the sovereign is brought under its protection and territories are "handed back" to the state? Drawing on a unique case of territorial exchange and swapping citizenship in post-colonial South Asia, this paper offers the concept of "sovereign atonement." It argues that a) exception is not only a tool of the sovereign to *exclude* but in cases, it also uses exception to *include* and b) territory continues to animate the state- and nation-making projects in post-colonial South Asia, which often warrants the state to go extraordinary extent by selectively setting up special rules and new procedures.

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Introduction

On a hot, sunny morning in the summer of 2017, I met Azizul[i] on his way back from the farmland where he cultivates bananas. He went to the field just after sunrise and was on his way back home as the sun became too hot to bear. Azizul, a young man in his early thirties, was born and brought up in the former enclave[ii] of Dahala Khagrabari in Panchagar district of Bangladesh. As we were passing each other, out of curiosity, Azizul approached us (my research assistant Morshed and I) and asked what we were doing there. I introduced myself and Morshed; explained our reasons for being there. After hearing that I was interested in learning experiences of the former enclave residents, he became more enthusiastic and invited us to his house to talk. Although I politely declined going to his house, I happily accepted his offer to talk. We sat down under the shade of a bamboo bush and started our conversation. At one point, when I asked how life after the exchange is, Azizul answered,

> Life is good. You know, it's better than ever. We do not have any sufferings anymore (*amader ar kono kosto nai).* We have got roads, we have got electricity, we have got citizenship. The government is taking good care of us. … Sometimes I feel we are enjoying higher privileges than other Bangladeshis.

Almost echoing Azizul, in a different conversation, Ruhul Amin Babul, the Chairman of Patgram Upazila in Bangladesh, a man in his late forties told me,

> They [the former enclave residents] are now our priority. We are instructed [by the government] to take good care of them. I always make sure that they are taken care of. The government provided special supplies for them. In fact, they enjoy better services than their neighbors.

Both Azizul and the Chairman's accounts refer to a comparison of experiences regarding the enclaves before and after their exchange in 2015. Before the exchange of the enclaves, enclave residents lived in these small pieces of lands disconnected from their home states and abandoned by their host state. They did not have any formal identification documents to prove their citizenship of the home state, neither were they recognized by the host state as they "belonged" to another sovereign state. Thus, enclave residents were never formally documented as citizens either by the home or the host state (Bangladesh and India). As a result, enclave people were deprived of any privileges that come with the recognition as citizens. Studies argue that such disconnections from the home state allowed conditions to turn the residents into *bare lives,* where they became subject to sovereign exclusion and violence but was never protected by

it (Agamben, 1998; Cons, 2013; Jones, 2009a, 2009b; Shewly, 2013). It was only after the exchange that they started enjoying citizenship privileges for the first time. The accounts of Azizul and Babul indicate at least three significant aspects about the lives in and the management of the former enclaves in Bangladesh after they were exchanged. First, the former enclave residents are provided all the services that comes with being recognized as a citizen of Bangladesh. Second, the government has assumed an active role in ensuring that those services reach them. Finally, such an active role has resulted, in many cases, better privileges for the former enclave residents than the regular Bangladeshi citizens.

In this context, I examine, first, how the sovereign incorporates a group of people who were not only abandoned for almost the last seven decades but also were made occasional subject to its violence. After that, I explore how the newly incorporated citizens experience the inclusion by the sovereign and therefore, the citizenship rights and privileges offered by the state. At the same time, I offer the concept of "sovereign atonement" in unpacking the exceptionally smooth ways and unique manners these privileges were delivered exclusively, to the once excluded but, newly accepted citizens. Finally, I delve into a discussion of the role of territory in sovereign atonement by unearthing a relationship between the sovereign, the citizen, and territory that at the one hand, explains such exceptional measures by the sovereign and on the other, demonstrates the primacy of territory in everyday state-making in post-colonial South Asia.[iii] For the current discussion, I use the term sovereign to mean one who possessed the power to let live or to make die in the former enclaves and supplanted the power to administer bodies and management of lives after their exchange (Butler, 2004; Foucault, 1990, 2007). Therefore, I view the former enclaves as sites where the sovereign power and the practice of governmentality overlap, merge, and sometimes find them in transition. Paraphrasing Butler, I thus suggest that through the exercise of sovereignty (in deciding the jurisdiction of law) and through the management of population (being the badge of governmentality), state power is reconfigured in the former enclaves (Butler, 2004, p. 53). Drawing on other studies, I comprehend that the abstractness of sovereignty comes into being through numerous practices and performances of state apparatuses within its territorial boundary[iv] (Gupta, 2012; Hansen, 2001; Painter & Jeffrey, 2009). Therefore, in the discussion that follows, my use of the terms "state" and "the sovereign" often overlaps as I offer a narrative of how the state of Bangladesh incorporated the former enclave residents within its national territorial limit. In so doing, the

formalization of the ex-enclave residents and incorporation of the enclave lands into state territories brought them under sovereign protection and jurisdiction. Thus, the former enclaves were not anymore in a "state of exception" in the sense of law being suspended (Agamben, 2005; Jones, 2009a). Nevertheless, the exception prevailed in numerous other ways as they became the subject of state governmentality. The sovereign assumed an active role in ensuring that the newly incorporated citizens enjoy the amenities that come with the recognition by and protection of it. At the same time, the state territorialized enclave lands by adopting exceptional technologies of control both formally and informally (Elden, 2010, 2013). Such "acts of sovereignty" created unprecedent exceptions that often resulted in unique privileges for the former enclave residents (Nyers, 2006).In many cases, those surpassed the privileges enjoyed by the regular Bangladeshi citizens. The new exception created by the sovereign by selectively offering privileges to a group of people that was once excluded from its protection is what I understand as sovereign atonement. I claim that, sovereign atonement did not result from a "caring" sovereign to make up for its violence instead, it emerged from a combination of numerous factors. These are the politically amplified history of these enclaves, strong sense of belonging and acts of citizenship from the enclave residents, and the nature of state territories in post-colonial South Asia (Cons, 2016; Ferdoush, 2019c, 2019a; Isin & Neilsen, 2008; Krishna, 1994). It must also be mentioned that I do not intend to offer a general picture of the Bangladesh state through the lens of sovereign atonement instead, my discussion sheds light particularly on Bangladesh's response to territorial exchange and the inclusion of "new" citizens.

Data was collected in two phases for this research. In the first phase, I visited four Indian enclaves hosted by Panchagar district of Bangladesh. During this two-months of ethnographic field research from June to July of 2015, I conducted 13 in-depth interviews with former enclave residents. I also interviewed the Upazila Nirbahi Officer (the highest ranked administrative officer in charge of a sub-district in Bangladesh, UNO hereafter) and the Assistant Judge in charge of Debiganj sub-district where all these enclaves were situated. I observed and took detail field notes of the preparations that were being made both by the enclave residents and different government offices as enclaves were scheduled to be exchanged on August 01, 2015. During the second phase of field research, I conducted twelve months of ethnographic data collection in eight of the biggest enclaves under the districts of Panchagar, Lalmonirhat, and Kurigram in Bangladesh. During this period, I conducted 57 in-depth interviews and 6 focus groups with the

former enclave residents, 10 interviews with regular Bangladeshi citizens, and 22 interviews with government officials in different offices at various hierarchies. All the interviews were conducted in Bengali and I transcribed them with the help of my research assistant. Most of the participants with a few exceptions of government officials and political leaders allowed to audio record the interviews. While I took detail note of those interviews, I do not directly quote them who were not audio-recorded. Instead, I paraphrase them and use insights from these encounters to present my arguments (For a detail of this discussion see Ferdoush, 2020).

The discussion that follows is divided into five sections. In the first, I offer a brief history of the origin and exchange of these enclaves. Then I shed light on the lives of the former enclave residents before the exchange to demonstrate the relationship between (non)citizenship and the sovereign. In the third section, I delve into the post-exchange nature of sovereign atonements drawing on experiences of the former enclave residents and numerous (non)government actors. After that, I focus on the role of territory in shaping the actions of the sovereign or in other words, the role of territory in sovereign atonement. By summarizing my arguments, in conclusion, I discuss the way sovereign atonement could be productively applied in understanding the interlocking relationship between territory, sovereignty, and citizenship in post-colonial South Asia and beyond.

Origin and exchange of the Bangladesh-India border enclaves

Various myths have circulated regarding the origin of the border enclaves of Bangladesh and India including outlandish game of chess between the local kings and spills of ink on a map during the time of partition (Ferdoush & Jones, 2018; Whyte, 2002). However, the enclaves originated as a result of a 1713 treaty between the Mughal ruler and the Cooch Behar king when both parties agreed to retain pieces of lands inside each other's territory for the purpose of tax collection (Jones, 2010; van Schendel, 2002). Enclaves were merely a local issue until the colonial rulers divided the Indian sub-continent between India and Pakistan in 1947. Because of the cartographic scissoring by the British, an international border now ran between these enclaves and their respective host states. For the first time, enclaves were not merely a local administrative issue anymore; they gained an international status with peculiar territorial oddities. After the secession of East Pakistan (present day Bangladesh) from the West in 1971, the enclaves ended up being shared by India and Bangladesh (Ferdoush & Jones, 2018).

As both India and Pakistan introduced passports and visas in 1952 to regulate cross-border movements, it started getting harder for the enclave residents on both sides to maintain a regular connection with their home state (Cons, 2016; van Schendel, 2002). However, it did not take long for the rulers in these two states in reaching a decision to simply exchange these enclaves and merge them with the host state's territory. India and Pakistan signed a treaty in 1958 to exchange these enclaves which is popularly known as the Nehru-Noon Agreement. The treaty also allowed an option for the enclave residents to choose their state of citizenship once they were to be merged with the host state (van Schendel, 2002; Whyte, 2002). Despite the agreement, neither party was able to execute the treaty as it attracted severe opposition both in Pakistan and India, and several law suits were filed challenging the treaty in the Supreme Court of India (Jones, 2010). By the time legal issues were resolved, the east wing of Pakistan gained independence from the west wing and appeared as a sovereign state now known as Bangladesh. Bangladesh inherited all the border enclaves from Pakistan thus, the 1958 treaty became obsolete. Bangladesh was prompt in signing another treaty with India in 1974 to exchange these enclaves. This was essentially a renewal of the original 1958 agreement and came to be known as the 1974 Land Boundary Agreement (LBA). Although Bangladesh ratified the treaty immediately, India was yet to do so. Due to numerous reasons including hostile bi-lateral relations, nationalistic feelings, and military coups in Bangladesh the exchange got overshadowed and took forty-one more years to be executed in 2015 (Cons, 2016; Ferdoush, 2019c). Finally, when the enclaves were exchanged, residents on both sides were given the option to choose their state of citizenship. They could either choose to stay where they were and opt for a change in their formal citizenship or move to their home state and assume the home state's citizenship. Out of almost the 55,000 enclave residents in both sides, more than ninety-eight percent decided to stay where they were and less than a thousand people from Indian enclaves inside Bangladesh moved to India proper (Ferdoush & Jones, 2018).

Sovereign exclusion and (non)citizenship before the exchange

As years passed and bordering became hardened, enclave residents effectively lost their connections with the home state and became totally dependent on the host state for their daily survival. Such a unique situation consequently turned the enclaves into what Willem van Schendel calls "non-state spaces" and Reece Jones understands as *de facto* "stateless spaces" (Jones, 2009b, p. 373; van Schendel, 2002, p. 139). Since most of the enclave residents were the

poorest of the poor and lacked resources to procure state documents to travel across the international border that separated the enclaves from their home state, in a majority of the cases, they would travel without formal arrangements (Van Schendel, 2002,). Such border crossings made the journey "illegal" thus turning them into "criminals" or "intruders" for entering the country that they "belonged" to (Author, 2014; Shewly, 2016). Such a condition made them a subject of sovereign violence both within their home state and at the same time, in their host state as the enclaves became "spaces of exception" (Shewly, 2013). As Hosna Shewly puts it, "the enclave resident's body is given an extra-legal status by the home country upon which the host country exercises its sovereign power" (Shewly, 2013, p. 27).

Giorgio Agamben's characterization of the sovereign and the state of exception has been extensively applied in understanding the lives and abandonment of the enclave people (Agamben, 1998, 2005; Cons, 2016; Dunn & Cons, 2014; Jones, 2009b, 2009a, 2010; Shewly, 2013, 2015). Drawing on Carl Schmitt's definition, Agamben conceives the sovereign as one "who decides on the state of exception" but complicates our understanding by bringing in the discussion of bio-power, bare lives, and in/exclusion within/from the law (Agamben, 1998, p. 11). For Agamben, production of bare lives through the creation of a state of exception is the primary activity of sovereignty (Agamben, 1998, p. 83). However, for doing so, the sovereign needs to suspend the law in a certain space so that that space could be brought under sovereign jurisdiction but in an exceptional way where people are stripped of their basic human rights and turned into mere biological beings — bare lives. Bare life, according to Agamben, is the life of *homo sacer* (sacred man), "who may be killed and yet not be sacrificed" (Agamben, 1998, p. 8). This effectively creates a zone of indistinction where the bare life could be killed without committing homicide therefore, giving the sovereign immunity from law. This is what he understands as *relation of exception* at its extreme where "something is included solely by its exclusion" (Agamben, 1998, p. 19).

Scholars have predominantly described the life and [absence of] law in the former enclaves in Bangladesh and India based on such readings of Agamben. For Shewly, enclaves were excluded from legitimate state law but simultaneously were made occasional subject to illegitimate sovereign power. As a result, enclave residents became bare lives who were made victims of sovereign violence and sometimes killed, but without any legal consequences.

Therefore, enclaves turned into containers of bare lives (Shewly, 2013). Arguing along the same course, Jones sees these spaces as subject to the arbitrary decisions of the agents of exception, i.e. numerous state authorities such as border guards. Drawing on Judith Butler, Jones views these enclaves as spaces where the "petty sovereigns" are rife with the power to decide on life and death without being subject to any accountable law (Butler, 2004; Jones, 2009a). State agencies also played a part in turning them into *homine sacris* by refusing to prevent the other state from harassing and unlawfully imprisoning their enclave residents (Shewly, 2013). For example, in 2009 the state authority in India killed all the chickens around an enclave of Bangladesh as part of security measures against bird flu that included chickens of the Bangladeshi enclave residents as well. Although Indian citizens received compensation from the state, the enclave residents did not. This demonstrates an instance of sovereign exclusion by the use of biopolitical measures.

Elizabeth Dunn and Jason Cons complicate our understanding of the sovereign in the enclaves by arguing that the Agambenian framework does not necessarily capture the nuances of daily life (Dunn & Cons, 2014). According to them, enclaves are best understood as "sensitive" rather than "exceptional" because multiple forms of power abound and compete in these spaces, provoking anxiety and insecurity between both those who are governed and those who seek to govern. Therefore, the enclave residents are not merely bare lives they suggest, rather are "burdened agencies" who make their ways around or through the complex terrain of sovereign power. Consequently, they call for an understanding of the enclaves as subject to not one sovereign power but numerous agents of the sovereign who operate on an aleatory fashion (Dunn & Cons, 2014).

A critical contribution of the literature is to demonstrate that enclave residents were anything but passive victims of sovereign violence. Although formal recognition of enclave residents as citizens by the state was absent; numerous "acts of citizenship"[v], resistance, refusal, belonging, tactics, and relations were integral to daily survival. The abandonment by the state resulted in various innovative ways to adapt and survive in the enclaves including overt and covert resistance, "managing" state officials, evading the law, attaining forged identity documents, coming to terms with the neighbors and so forth. Buying lands and building houses, using friend's or relative's address, or getting married to a citizen of the host country were

common acts that allowed the enclave residents to build a citizenship relation with the state[vi] (Cons, 2013; Ferdoush, 2019a; Isin & Neilsen, 2008; Jones, 2012; Shewly, 2015). At the same time, different types of citizenship relations have also existed based on religious identity. Van Schendel offers the idea of proxy citizens in these enclaves drawing on those who were treated with special care by the host state based on their religious identities, i.e., Hindus were proxy citizens of India inside the Bangladeshi enclaves and vice versa (van Schendel, 2002). This demonstrates that enclave residents were not formally recognized as citizens by either of the states but an "informal relationship of citizenship" always existed between the sovereign and the enclave dwellers based on religious identities or through numerous acts of citizenship and belonging (Berenschot & Klinken, 2018). Informal relationship, in this sense, refers to the use of personal connections or traits that facilitates an off-the-paper interaction with the state through numerous actors. Therefore, I contend that there were layers of in/exclusive relationship between the sovereign and the enclave residents with abandonment and violence on the surface. Although noncitizens, due to a long history of such informal in/exclusive relations, a strong sense of belonging and citizenship was already prevalent among most of the enclave residents (For a detail discussion see Ferdoush, 2019a). Such sense of belonging and informal relations did not lose their relevance after the exchange. Instead, as I demonstrate below, becomes crucial in understanding the post-exchange nature of sovereignty, citizenship, and territory.

Sovereign atonement and citizenship after the exchange

After the exchange of the enclaves, Bangladesh state took numerous exceptional measures in incorporating the newly accepted citizens within its formal jurisdiction as well as in territorializing the enclave lands. In this section, thus, I offer a narrative that delves detail into those exceptional measures, unique experiences, and the role of the sovereign.

As I continued my fieldwork, I found in almost every aspect in their daily lives the newly adopted enclave residents enjoyed exceptional privileges and better access to resources than the regular Bangladeshi citizens living around them. Ali, a small shop owner at his mid-fifties who is a Bangladeshi and lives just beyond the edge of the enclave of Kotvajni, expressed his views:

> I feel like they [former enclave residents] are now more powerful than us [regular Bangladeshis]. They can go to the UNO whenever they want to, and the UNO will listen to them. They got electricity within no time. They did not even have to spend a single cent (*paisa*) to get the connection. Does that happen in Bangladesh? …It is for them, that we got the connection. (Explanation added)

Although, the transcription makes it sound grave, the shop owner expressed it in a light mood. He also emphasized that he has nothing against the former enclave residents, he was rather happy that they are now living like "humans". Ali's account reveals several significant aspects. First, he felt that the former enclave residents were more powerful because they had direct access to the UNO. Second, without spending any "speed money" (bribe to speed up the process), they got electricity connections which is a rarity in Bangladesh. The government actively ensured that they do not fall victims to corruption in getting electricity connections. Third, even being Bangladeshi citizens, some of the neighboring villagers did not have access to electricity until the enclave was connected to the power grid. Azizul's account further clarifies the situation as I asked him the follow-up question on why he feels that they were enjoying more facilities.

> You know, as I said. We got electricity in every single house here. We did not have to spend anything but to buy the meter. It does not happen like that. You have to bribe them, spend days after them to get a connection. But in the enclave, the officers came and made sure that everyone got connection. They even erected four/five polls to connect one single house at the edge of the enclave. Our neighbors [who were regular Bangladeshi citizens] got electricity because of us, otherwise they would still be in dark. (Explanation added)

The UNO of Fulbari Upazila in Kurigram, Debendra Nath Urao, explained how the government is proactively ensuring a smooth transition and a better experience for the newly adopted citizens. He said,

> We are clearly instructed to prioritize the newly adopted enclave dwellers (*chiter adhibashi)*. We are always concerned in ensuring a smooth transition for them. They have their own representatives who always come to me and express their concerns. Some of them don't even wait for their representatives, they would come themselves with their issues. We take immediate actions to address their concerns. They know that my door is always open for them. … The government has allotted special funds for development interventions in the former enclaves. We are building roads, bridges, mosques, temples, schools, community clinics, dams; everything that they need.

The accounts of Ali and Azizul reveal that, in many cases, the services provided by the state surpassed their expectations. Further, the account of the UNO divulges that the state officials were given clear instructions to ensure a better experience for the enclave residents. As a result, numerous state agencies and actors assumed a proactive role to help smooth the transition. This extra effort was limited only to the recently adopted citizens and within the newly incorporated territories (former enclaves). On the contrary, for their neighbors who are

regular citizens of Bangladesh, it was business as usual. Although on the surface it looks like that the state is offering unique services and prioritizing the former enclave residents, I contend, these are simultaneous instances of the conditions for governmentality by "new exercise of sovereignty" (Butler, 2004, p. 61). This demonstrates a situation where the sovereign is developing a "tactic" by not "binding" the residents with its status of law, but instead by making them the subject of its "managerial power" (Butler, 2004, p. 61). At the same time, this could be productively conceived as the public performance of governance and sovereignty as identified by Hansen in context of post-colonial India (Hansen, 2001). In this instance, the sovereign displays its benevolent instead of the violent side by selective cooperation with the former enclave residents.

Such a role allowed the state to incorporate a "population" within its legibility (Foucault, 2007), or in other words, to realize the state's "vision" to see itself within legible spaces (Scott, 1998). Before the exchange, the former enclave residents often became victims of local power practitioners and were, in many cases, dependent on them to access state services (Cons, 2013; Shewly, 2015, 2016). This on the one hand, continuously reproduced their vulnerable conditions and on the other, officially kept them distant from numerous state apparatuses. Although regular Bangladeshi citizens can't be formally kept away from interacting with state apparatuses, local power practitioners and middlemen dominate such interactions between the marginal poor and government officials. As a result, they fall victims of corruption and are regularly excluded from state services which often take the form of "structural violence", a condition where the poorest population of the state are denied access to basic services because of the structured corruption fashioned by numerous state apparatuses (Gupta, 2012). However, former enclave residents' exceptionally easy access to numerous state offices and the active role by state officials in ensuring services resulted in several unprecedented instances. First, the easy accessibility to state officials like the UNO and the local police officer, to a great extent, cut down the mediating role of the local power lords. As a result, various state services reached them easily as shown earlier in the account of Ali, a surprised Bangladeshi citizen or in the experience of Azizul, a former enclave resident. Second, accounts of the UNO and the Chairman unfold the state officials' appreciation of the reality that the former enclave residents would need extra attention, at least at the beginning, to "smooth their transition". Such "smoothing" included not only formal measures like customized allocation and budget from the state but also informal arrangements such as

"special instructions" from the top to the bottom of the bureaucratic hierarchy. Therefore, this further reveals that the informal citizenship relations between the enclave residents and the Bangladesh state did not end after the exchange. Rather informality played a significant role in their incorporation. Consequently, informality remained a crucial aspect of sovereign atonement.

Guchho Gram offers another instance of the special facilities provided for the recently adopted citizens in the former enclave of Kotvajni, in Panchagar, Bangladesh. *Guchho Gram* is a model village established by Bangladesh that consists of 30 tin-made houses on a 1.2-acre land to provide housing for the marginal poor who lacked resources to afford a house. Each of these houses consist of two rooms and a kitchen with a sanitary latrine and an environment friendly stove (known as *Bondhu Chula*). A tube well is also provided for every three households. The Prime Minister (PM) of Bangladesh, Sheikh Hasina, inaugurated the project over a video conference on May 03, 2017 when a few of the dwellers of these houses were given the opportunity to directly talk to the Prime Minister. One of them was thirty-three-year-old Monsur who drives a rickshaw-van to earn a living. During my interview with Monsur, I asked how he felt talking to the PM. He answered with a proud smile on his face,

> Could I have ever imagined talking to Sheikh Hasina (*ami amar baper jonmeo ki bhabsi je ami Sheikh Hasina'r sathe kotha bolte parbo*)?! No! But I am so proud of it. …The government not only gave us a country but also gave us a home, [they] took good care of us.

A similar example is found in the rehabilitation package offered by India during the exchange. India offered a generous package for those who decided to move to India from Bangladesh and accepted Indian citizenship. But no such special offer was made to those who were living inside the Bangladeshi enclaves in India and decided to become Indian citizens. The package included 500,000 (US$7,500) rupees per family, dry food for two years, kitchen utensils, animal feed, temporary camp in Cooch Behar, drinking water, medicine, healthcare, education, and eventually a house or flat (Ferdoush & Jones, 2018). During my summer research in 2015, I interviewed forty-year-old Ganesh, a small shop owner in Dahala Khagrabari, who opted to move to India and took the rehabilitation package into consideration. He said,

> Look, most of my family members had moved there long before, and they are doing well over there. My uncle was the first to move there right after liberation. He got married and settled there. Then my sister got married there. I am the only person living on this side. I

wanted to move but never had enough money and did not know what to do. Now, since India is taking us and also helping us to go there, I have decided to move with my family.

Both these are examples of exceptional arrangements made for the former enclave residents by the state of Bangladesh and India. While both governments have numerous projects to support their vulnerable populations, none of those are comparable to the generous allowances included either in the *Guchho Gram* project of Bangladesh or in the rehabilitation package of India. Both examples demonstrate that even after being exchanged and merged with regular state territories, enclaves and their residents did not lose the amplified status within the nation-making enterprises of India and Bangladesh. Instead, they became the focus of attention. The inauguration of *Guccho Gram* by the PM over a video conference and exchanging dialogues with some of the residents like Monsur reaffirms the symbolic significance of these people and spaces even after being exchanged. In Bangladesh's context, a small scale project like the *Guchho Gram* would be typically inaugurated by a local leader or may be the local Member of the Parliament while the PM is expected to inaugurate events that are of national significance.[vii] The PM's inauguration of the *Guchho Gram* demonstrates the significance of these spaces in the territorial imagination of Bangladesh, especially after they have been included within the national boundaries of the state. Thus, they surpassed their real value and became strategically more significant in a certain way and for a certain time (Cons, 2016; Author, 2019c). Similar rhetoric can be traced to the rehabilitation package offered by India. This was depicted in the local media and other popular platforms as a "welcome home" package for the Indian nationals who had been denied citizenship rights and made victims of sovereign violence for the last seven decades (Ferdoush & Jones, 2018). Best understood in this context as a dimension of selective benevolence, an act of sovereign atonement.

Health services and education, two of the basic rights that the enclave residents were denied by the sovereign, were also actively provided to them after the exchange. Additional arrangements were made to ensure that all the former enclave residents have access to health services. For instance, in Dasiar Chhara in Kurigram district of Bangladesh, a special medical team was assembled to provide free consultancy and services to the enclave people. Moreover, three temporary clinics were established in the former enclaves to provide basic health services. In my interview with the Medical Officer of Debiganj Upazila in Panchagar district, he told me about three more community clinics that were established in the former enclaves in Debiganj

which were providing 33 different services free of cost. Further, one Community Skilled Birth Attendant was trained for six months by the government to provide emergency services in these enclaves. Moreover, three volunteers were deployed in the enclaves to bring them under the family planning program and supply family planning tools for no cost. He also mentioned that although no special arrangement is officially made for the former enclave residents in the local hospitals, they are informally given priority when seeking medical assistance. I found similar experiences shared by the former enclave residents as well. A forty-four-year-old farmer Jalil Miah of Bashkata enclave in Lalmonirhat district shared his experiences of going to the government medical centers before and after the exchange.

> If you were lucky and had connections, you would get some medical assistance in the hospitals [before the exchange]. If somehow, they knew that you were from the enclave, you would not get any help. I have seen a lot of our people die due to lack of proper health care, especially the pregnant women. If we had to go to the medicals, we would always try our best to hide our identity. …But now the situation has changed. Now, we rather tell them that we are from the recently incorporated enclaves. They treat us especially if they hear that we are from the enclaves.

The effort of the state by assembling special medical teams, establishing temporary clinics, and dedicated services for the enclave residents is better understood from a Foucauldian perspective of using bio-power to manage a population, or in other words, to govern them (Foucault, 2007). Before the exchange, these people were denied medical services by the state, which effectively turned them into *bare lives* (Agamben, 1998; Shewly, 2015). However, after the exchange, the state immediately made these bodies legible by using bio-power that on the one hand, allowed control over these populations and on the other, facilitated employing state policies such as immunization and birth control. At the same time though, as demonstrated from the experiences of Jalil, such facilities were extended to the enclave people by making informal arrangements that prioritized them in a state-owned facility. These nuances are precisely the "uniqueness" extended exceptionally to the former enclave residents that I capture here as sovereign atonement.

Similar scenarios can be found regarding education in the enclaves. In this instance as well, the state can be seen to employ precise calculability and statistics in bringing its population under its legibility (Foucault, 2007; Scott, 1998). Such techniques are not only central to the modern forms of governance but also are integral aspects of state sovereignty (Hannah, 2009).

The state established several elementary schools in almost all of the big enclaves. For example, in Dasiar Chhara alone, three elementary schools were established. Four new elementary schools were established in the former enclaves of Debiganj. Depending on the size, distance from the nearest school and population, schools have been established where education is offered for free. Apart from that, to attract and keep students in the school the state offers numerous scholarships and programs. Although these are not unique arrangements made exclusively for enclave residents, the way the former enclaves had been included in the program is rarely seen or heard of. The Primary Education Officer, Runa Laila, who has been in charge of Debiganj Upazila from 2014, shared how they did it:

> Right after the decision was made that the enclaves would be exchanged, we were instructed by the government to conduct a census in the enclaves to count the number of children aged 6 to 14. We also collected information on who goes to school and who does not. After the census, we sent our reports to the ministry. Based on the population, the size, and their distance from the town, decisions were made to establish new schools. The construction of the schools is now complete and will start operating from 2018. But even before they start operating, we tagged all the students from the former enclaves with the nearest schools…. We specially look after our female students as their parents tend to get them married under-age.

Not only the regular state services like health and education, in many cases, the former enclave residents also enjoyed a higher degree of safety than their neighbors. Although the former enclaves are under the jurisdiction of local police now, many of them have temporary police camps. I visited one of these camps in Dasiar Chhara. The camp is a *semi-paka*[viii] structure with two rooms. An Assistant Sub-Inspector of the Police and four constables are always deployed in the camp. I had hard times comprehending the necessity of a twenty-four-seven police presence and asked the former enclave residents about their opinion on it. Almost all of them took it as a matter of "pride" that they had a special police camp in their area and had "hot connection" (a connotation commonly used to mean easy accessibility) to the police. Nuruddin, a young man in his late twenties in Dasiar Chhara, expressed his views about the police presence. He said:

> I feel good that we have a police camp here. It helps to keep the law and order situation under control in our area. The police station is far from here, so if we need emergency help, they can help us. Also, you know, it shows that we are important. We have hot connection with the police.

The Officer in Charge of Debiganj Police Station, Aminul Islam, shared his opinion illustrating prioritization of the former enclave people. He said:

> I have an officer specially put in charge of the former enclaves. On top of that, my officers regularly go and visit those areas. They talk to the local stake holders, local leaders, and people. They have direct access to me as well. My mobile phone number is provided, and they can call me any time. They also directly come to me if they have any issue.

Such installation of a temporary police camp and a feeling of "hot connection", I contend, not only resulted in an elevated sense of self-importance among residents like Nuruddin but also serves as an example of the state prioritizing more on these territories. However, these are not something permanent as is evident from the structure of the police camp and its temporary arrangements. Such arrangements mostly stemmed from the informal nature of sovereign atonement. I brought up the issue in my interview with one of the off-duty constables in the camp and he answered:

> I don't know how long we will be here. OC [Officer in Charge of Dasiar Chara] sir was told by other sirs [superior officers] to establish a temporary camp [here] because of the bad reputation of these enclaves. Whenever they think the situation [in the enclave] is better, we will probably be asked to pack up and join the *thana* [the permanent police station in the upazila]. (Explanation added)

I encountered frequent references to such instructions from higher authorities or "special instruction from the government" in all my interviews with state officials. Thus, I asked a few of them if they could show me a formal document that had such instructions written on it. There was no such document. This order was passed down from the superiors to their subordinates orally, leaving no paper trail. The execution of such instructions, nevertheless, was clearly visible in the daily state activities and arrangements of lives in these newly incorporated state territories. Such informal nature, at the same time, suggests that these arrangements are completely on the discretion of state officials who took decisions on behalf of the state. Thus, these are not permanent and are subject to withdrawal at moment's notice.

A combination of formality and informality is found at its best when it comes to settling land disputes and registering enclave lands. Enclave lands were registered in their home countries until the late 1980s. Both Bangladesh and India stopped registering enclave lands from the 1990s, effectively turning land ownership into a local affair for the enclave residents. Thus, various ways of land transfer emerged. Some of them had their own stamp papers, while some

used Bangladeshi yet, others would use India stamp papers to register lands which effectively turned land ownership fraught with ambiguity. As a result, determining the "real" owner of a parcel of land sometimes became almost impossible because the same land might have been sold to different people using different papers (Jones, 2010; van Schendel, 2002). Consequently, determining land ownership and formalizing enclave lands within state territories became something of paramount importance both for the people and the state after the exchange. Although I shed light on the complexities of land formalization somewhere else in detail, the extraordinary arrangements made by Bangladesh in formalizing enclave lands and the unprecedented speedy process demands attention for the current discussion (Author, 2019b). Bangladesh has a complex state structure solely dedicated to the management of lands. However, this department is notoriously known for its high level of corruption, slow pace of work, and consumer harassment. Thus, the initial responsibility for land survey, cadastral mapping, and determining land ownership was given to a special task force that consisted of committees at different levels of administrative units- central, divisional, district, and sub-district. The target time-frame for the initial survey was set six months after the exchange, and government officials were told to put utmost priority to this issue (Ministry of Land, 2015). Also, to eliminate any ownership dispute, the government followed *dakhal jar bhumi tar* policy.[ix] A team was sent to survey each parcel of land to determine its ownership by examining who had been enjoying the land. An official[x] in the Land and Survey Office of X upazila shared their views regarding the government's role in actively helping the former enclave residents and took proud in the way they had dealt the land issue. They said,

> The government took special measures to address the land issue. They brought special equipment and team from other parts of the country and made special arrangements to survey their lands. They used digital machines and techniques. We worked day and night to do this. …Their lands have been all registered and mapped within a very short time. This does not happen normally… We solved 1360 disputes within ten days…. We had to meet and report the progress of our work every month to the upper level officials.

The official's account demonstrates the extraordinary pace in solving land disputes as s/he argued that more than a thousand disputes were "solved" only in ten days. Typically, in Bangladesh land disputes dragged into the court often remain unsolved for years after years. With sharp contrast, these disputes were not even brought to the court as these lands were not yet formally registered in state records at this stage. Moreover, state officials used numerous

informal tactics in solving those issues such as threats, intimidation, personal connection, and often brokering mutual understanding between the parties involved. Therefore, land became an issue which resulted in a mixed reaction among the enclave residents unlike the overwhelming positive reactions in other aspects discussed above.

Enclave residents were given the opportunity to file a dispute if they did not agree with the land ownership and such disputes were addressed by the local Land Officer and a team consisting of other officials. Thus, many enclave residents, for whom the initial ownership decision did not go well, expressed immense dissatisfaction while others generally expressed their satisfaction with the speedy process and the state's "good intentions." I encountered Gani, a former enclave resident in Dahala Khagra Bari, who filed a dispute over a land ownership against his brother. His brother had been working the land but according to Gani, their father gave that parcel to him. But since he had his small business, he gave the land to his brother to cultivate. However, as the state officials found that his brother had been in possession of the land and claimed it to be his, they initially registered it under his brother's name. But when both the brothers went to the Land Office, they were told to solve it between them. Otherwise, was threatened that the land would be taken over by the government. Intimidated by such threats, Gani decided to give up his claim on it. In his words,

> What can I do? They [the state officials] said if we do not solve it between us, the government will take over the land. I thought, okay, it's better giving the land to my brother instead of giving it to the government.

The combination of formal and informal arrangements by state actors, to a great extent, eliminated the influence of local elites and middlemen. At the same time, it shows the extraordinarily exceptional measures the state is willing to take in territorializing lands. Thus, this remains one of the prime examples of sovereign atonement in the former enclaves.

The discussion so far elucidates that the former enclave residents were actively provided facilities which are not necessarily always provided to regular Bangladeshi citizens. At the same time, it demonstrates that numerous state actors and agencies prioritized providing services to the former enclave residents both in a formal and informal fashion. Such acts of actively serving the newly adopted citizens and prioritizing their necessities are what I strive to call sovereign atonement. However, the question remains, why did the state go to such extraordinary extent in

incorporating the new citizens and what does that tell about the nature of post-colonial state in South Asia? This is precisely the problem I grapple with in the section that follows.

Citizenship, territory, and the state in post-colonial South Asia

In answering the question posed above, I contend, the key lies in our reading of territory particularly in the context of state and nation making in post-colonial South Asia. My understanding of territory is shaped broadly by Stuart Elden's notion of territory as a technology of controlling and measuring land and terrain (Elden, 2010, 2013) and at the same time, by Sam Halvorsen's work on territory being "entangled across different political projects in the course of strategies to appropriate and occupy space within a (post)colonial context" (Halvorsen, 2019, p. 795). Conceiving territory as such I argue that, the particular response from the sovereign referred here as sovereign atonement, stemmed from at least two factors directly connected to territory. These are a) territorially amplified history of these enclaves and their role in post-colonial imagination of state-making in South Asia, and b) a combination of such amplified history and state's continuing "allure"[xi] to territory guided it in controlling land through the inclusion of the (formerly) excluded citizens by taking advantage of the already existing strong sense of citizenship and belonging among them.

a) amplified territories

Since the partition of the sub-continent, South Asian states have been in a constant struggle of reproducing the logic of their territorial boundaries and justifying the existence of a "nation" within those boundaries (Cons, 2016; Krishna, 1994). Such struggles stem from the post-colonial cartographic imaginations where the territory and the nation must align i.e., an imagination of a contiguous national territory that ends and starts at its borders (Murphy, 2013). When they existed, enclaves were one of the striking exceptions contrary to such imaginations. Therefore, they on the one hand, were constant sources of anxiety within the post-colonial nation-making project and on the other, were turned into symbols of nationalism (Author, 2019c). Such a dual status, at once, amplified their significance and made them into space that lacked clarity about "what it is and what it may be" (Cons, 2016, p. 41). As a result, these territories became more than what they are and mattered more than other territories, but in certain times and in specific contexts (Billé, 2014). These also became territories where "the unfinished businesses of partition continued to be worked out" (Cons, 2016, p. 8).

Therefore, I suggest that enclaves and their people gained special attention from the state of Bangladesh not only because of the highly publicized and debated exchange but also for the national-territorial significance they had been attached since the 1947 partition. I identify three reasons that caused the exceptional attention from the sovereign. First, after the exchange, enclaves became sites where the nation's geo-body (as a visual representation) and the imagination of territory (space that contains the nation) came to be aligned (Winichakul, 1994). For the first time since decolonization, enclaves were not a visual puncture to the national imagination of territories anymore, rather were spaces where the post-colonial vision of a contiguous national territory was reaffirmed. Second, these were not exceptional spaces within state territories that troubled the sovereignty of the nation anymore.[xii] In other words, these were not territories "illegible" to the state in the sense that the state could not administer and control the population within its own boundary (Scott, 1998). Instead, they were brought under state jurisdiction, and making them "legible" gained paramount significance. Finally, the exchange turned these territories from markers of "cartographic anxiety" to symbols of pride and cooperation (Krishna, 1994).[xiii] For instance, on March 04, 2016 in the inaugural ceremony of seventh Bangladesh-India Friendship Dialogue, the Foreign Minister of Bangladesh, Abul Hassan Mahmood Ali said,

> The enclaves have been exchanged and people's movement has been completed without any difficulty. Implementation of remaining parts of LBA is also going on in a smooth and time-bound-manner. *By so doing we have set examples to the rest of the world* (Ministry of Foreign Affairs, 2016, emphasis added).

Consequently, I suggest that politically amplified status and the "handing back" property of the enclaves separated them from other territories of the state which played a role in the continuous exceptional attention even after they were merged with the national territory. This also leads to the following discussion where I contend that such continuous attention, to a great extent, determined the exceptional role of the sovereign in using citizenship and land as technologies of territory.

b) citizenship and land as technologies of territory

Territory is a bundle of political technologies, presumably better known being technologies of controlling land and terrain (Elden, 2013). However, I suggest considering relations of citizenship as a technology of controlling land offers further insight into

demystifying the role of territory in sovereign atonement. Recognition of the former enclave residents as right bearing citizens and inclusion of enclave land within the legal jurisdiction of the state allowed the sovereign to use both the relations of citizenship and measures of spatial control in re- and de-territorializing[xiv] the former enclaves. Such a role from the state allowed territory being produced from "above" as it used technologies of measuring land in bringing them under its legibility, and simultaneously from "below" since the citizen's rights to land as private property was also being negotiated (Blomley, 2020; Clare, Habermehl, & Mason-Deese, 2018; Ince, 2012; Schwarz & Streule, 2016; Sisson, 2020).

Elden's influential reframing of territory being an "extension of state power" and as "techniques for measuring land" becomes crucial in producing territory from above in the former enclaves as the state used cartographic techniques in calculating, producing, and mapping the enclave lands (Elden, 2013, pp. 322–323). As has been demonstrated earlier, registering enclave lands with setting up extraordinary arrangements, both formally and informally, was one of the first steps Bangladesh state took after it "received" those enclaves. Doing so was given utmost priorities as the state put technologies and human resources at its disposal to finish the project with an exceptionally short period of time. This allowed the state to extend its spatial control over those lands and made them legible. In post-colonial South Asia thus, James Scott's characterization of state and its search for "never fully realized" legibility proves to be particularly at work (Scott, 1998, p. 80). While measuring and controlling land is a well-recognized technology of territory, Bangladesh also used an unconventional, yet innovative technology of territory from below by bringing the relations of citizenship into play. Briefly demonstrated earlier and discussed in detail elsewhere (Author, 2019a), a strong sense of belonging and citizenship existed between the former enclave residents and their host states even though they were not recognized as citizens. Owning land both in the enclave and outside remained one of their primary expressions of belonging. However, after their inclusion by the sovereign, both the ownership of private property and the enclave land (as private property) was formally recognized by the state. Which at once, effectively gave a formal territorial property to those private land and acknowledged formal inclusion of the enclave residents as right bearing citizens by allowing them to negotiate property ownership with the state for the first time (Blomley, 2016). As a result, through "destruction and reconstruction of claims and projects of

jurisdiction, control, and authority" everyday form of territory was also being (re)created from below (Cons, 2016, p. 19).

Conclusion

Focusing particularly on a historical moment of territorial exchange between Bangladesh and India after a protracted negotiation of more than seven decades, in this paper, I have offered the concept of sovereign atonement. The territories exchanged were popularly known as enclaves, where people lived in de facto stateless situation disconnected from their home state and being denied formal citizenship by the host state. After the exchange, both enclave lands and residents were incorporated within the legal jurisdiction of the host state(s) making them regular part of state territories. However, what is of interest is the way the host state (here Bangladesh) responded to the "handing back of territory" by extending exceptional measures. Such measures, exclusively directed to the enclave land and people, resulted in unique privileges for these newly accepted citizens that, on the surface, seems like stemmed from a "caring" sovereign to make up for its once inflicted violence. However, I contend that taking such "care" from the sovereign on its face value may lead us to serious misinterpretations. In defense, I demonstrate that an explanation behind such extraordinary measures lies in our reading of territory in relation to post-colonial state making at least from two different dynamics. First, the territorially amplified history of the enclaves kept them in the center of attention even after they were exchanged, both in national and international arena, warranting a unique response from the sovereign. Second, a combination of the continuous attention and the state's continuing "allure" to territory led it to apply innovative techniques of measuring land and relations of citizenship in (re)producing territory (Murphy, 2013). Such exceptional measures from the sovereign in incorporating enclave land and people resulted in (temporary) unique privileges for the former enclave residents, which is precisely what I refer to as sovereign atonement.

How, then, could we apply such understanding of the sovereign in broader contexts of South Asia and beyond? First, it suggests that the role of the sovereign in creating exception is not only limited to its power of exclusion by suspending the law and stripping of rights from bare lives. Instead, the exception could well be created within the law by selective use of both formal and informal techniques to include citizens. Second, sovereign atonement serves as a framework for understanding the role of territory in the interaction of the sovereign and the (non)citizens, and unfolding the "anxiety" of rule in post-colonial states that are in limbo of being a "former

colony" and "not-yet-nation" (Krishna, 1994, p. 508). Third, by unpacking numerous dynamics and relations of citizenship, sovereign atonement guides us through the maze of belonging, land, property rights, negotiation, and territory in (non)exceptional spaces like camps, urban slums, and post-conflict zones. Last, but not least, thinking with and through sovereign atonement enables us to connect the dots between the sovereign and the (non)citizens, the camp and the state, therefore, the sacred and the profane sides of sovereignty and governance.

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[i] All but the officials' names used in this paper are pseudonyms.

[ii] An enclave is defined as a territory of one sovereign country completely surrounded by another. That is, Indian enclaves were surrounded by Bangladesh and vice versa.

[iii] My intention is not to engage with the daunting task of defining "post-colonial" in this paper and neither is it within the scope of the work. I draw on Tariq Jazeel's ideas on post-colonialism. For the purpose of the discussion, "Post-colonialism" with a hyphen refers to a time period after the end of colonial rule, hence, refers to post 1947 India and post 1971 Bangladesh (Jazeel 2019, Lewis & van Schendel 2020). "Postcolonialism" without a hyphen, refers to the intellectual movement and bodies of scholarship that emerged to challenge and "conceptually transcend" colonial thoughts (Jazeel, 2019 p.4-5).

[iv] I am aware of the highly complex idea of sovereignty within the national boundary and beyond, especially sovereignty being a system of mutual recognition of one state by another. However, in this article, I limit my use of the term only in the context of the use of sovereign power over its population within the national territory by the state of Bangladesh and India.

[v] Acts of citizenship are understood as the active acts and actions by citizens, non-citizens, state and non-state actors that disrupt the established norms of interaction by creating moments of shifts in established practices, status and orders that create new opportunities. At the same time, citizenship in this sense is not merely viewed as a formal recognition but as a complex relation with the people and numerous (non)state f/actors (For a detail discussion see Isin & Neilsen, 2008).

[vi] I draw from Engin Isin's suggestion that citizenship is, more than a formal recognition but, a relation that governs the conduct of positions which constitute it (Isin, 2009, p. 371)

[vii] In Bangladesh, inaugurating a state-sponsored project is typically positively correlated with the significance of the project and the hierarchy of the official/ politician. A locally significant project is usually inaugurated by the Mayor or the Member of the Parliament. A regionally significant project is typically inaugurated by the minister concerned with that department, for instance, a new bridge being inaugurated by the Minister of Road Transport and Bridges. However, the Prime Minister (PM) is usually expected to inaugurate something of national significance.

[viii] A house made of brick walls, tin roof, and earth floor. The semi-paka structure also had an informality in it. I found a couple of off-duty police constables lying idly on their beds in one of the rooms that is used for accommodation right beside the room that is used as the "office".

[ix] Literally means one who possesses the land owns the land. However, *dakhal* has a complex connotation in Bengali including occupation as well.

[x] The official agreed to interview under the condition of full anonymity. Thus, I do not mention their rank, name, or anything related that could identify him/her.

[xi] I adopt the term from Alexander Murphy's work on territory's allure in the sense that modern states loathe to give up its control and wants to retain territories even if it requires extraordinary measures (Murphy, 2013).

[xii] Sovereignty being the task of any "state to preserve and protect its own territoriality" (Butler, 2004, p. 55).

[xiii] I suggest cartographic anxiety is the feeling of uncertainty that troubles both those who govern and those who are governed in providing the logic of a nation's existence within a given territory (For detail see Krishna 1994).

[xiv] Drawing on the ideas of Deleuze & Guattari (1987), I view re-and de-territorialization as the (re)negotiation of claims, jurisdiction, control and authority.