

creation (and destruction) of law.

The operation of law is often defined as violent. Law has legitimacy in society, due to which its implementation can lead to the creation of rights and identities. In the creation of rights, although, there is destruction. Law requires definition, certainty and inflexibility. It needs to create a box, where people either fit in, or don't. Inclusion inherently, and most importantly, also means exclusion. Therefore, when deciding that certain communities get certain rights, law also decides that others who don't fit into their definition don't get those rights.

This is significant because society isn't as simple as that. People are complex and diverse. Often marginalized and oppressed identities cannot be defined in legal language. Because the language employed by law is the language of the powerful and oppressive. Rights are created by law in favor of certain communities. The use of the word "creation" here is also a misnomer. It is a "creation" for and by law, but the identities already existed. In so defining these communities in legal language, there is destruction of their indigenous, sociological, historical and personal identities.

An example of this is the ascribing of "third gender" and homogenizing the identities of Hijra, Eunuchs, Aravanis, Kothi, Shiv-Shaktis and Jogtas/Jpgappa under one term in India. What is rejected in the formation of the subject contributes to the determination of the subject. What is outside of the bounds of the subject, continues to define it negatively. By creating a standard for what makes a person legally recognisable as the third gender, the law also lays down what a person claiming this identity cannot be in order to invoke it. If the legal mechanism does not establish that a person is third gender, their identity is extinguished by an act of state. This is the creation (and destruction) of law.

Imagine an artwork that mimics the act of creation and destruction of law. It's not trying to find an alternative, but only to show the law's destructive capacity, in its creation of rights. The giving of rights is a benevolent and generous act, it gives communities benefits under law. But this operation is violent because in creation of these rights there is destruction. This **violence in creation** is sought to be depicted.

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