

‘OFFICIAL GRAFFITI’
AND THE REGULATION OF EVERYDAY LIFE
IN URBAN BHUTAN: A VIEW FROM BELOW

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This chapter examines the role of the state and various official organisations that regulate everyday life as experienced in Thimphu, Bhutan.¹ Attention is given to how law through various state practices enters the mundane everyday life of ordinary people. It begins by illustrating how the presence of law and regulations form the background of everyday life. It illustrates the subtle but significant move towards a legal system based on a new discursive framework in which governance is reconfigured and regulation appears from a distance. This is developed further through an examination of how ordinary Bhutanese use and manage the growing web of regulation and levels of forums available to them.

Drawing on ethnographic fieldwork, the chapter considers the various ways that people talked about everyday issues and the legal dimensions that arose from the issues in question. It demonstrates the permeation of law and legality in everyday life, and the various overlapping and competing discursive frameworks in which law is located. A selection of attitudes and stances emerged during conversations with a wide range of people, and changes of opinion or attitude did arise. Therefore, it is essential to recognise that for the most part the statements and attitudes described were often dependent on the surrounding circumstances, rather than perhaps reflecting fixed views. There is a fluidity of opinion and understanding which informs an underlying flexibility in not only notions of legality, but also the manner, in which people, as individuals, approach and perceive law, and its formal institutions and sources.

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The chapter sets out a brief discussion of law and everyday life to provide an overview of the theoretical underpinning of the argument. The main section considers law under various guises, ‘official graffiti’ and regulations. The themes are then presented in the context of a case study illustrating the role of regulation in everyday life in Thimphu as well as highlighting a range of issues, including touching briefly on corruption. The sense of powerlessness expressed by informants from humble backgrounds is noted for this was a striking difference during fieldwork – between those educated and prospering Bhutanese who were able to negotiate their way through the increasing amount of regulation and those without the same social, economic and cultural capital. The final section concludes by noting that the presence of law is often overlooked by a tendency to focus on the institutions rather than on the filaments of regulation that permeate everyday life as the state increases its reach as part of its wider programme of development. This final section links the ethnography to wider theoretical literature on governance and state-making.

Law, regulation and everyday life: an outline of the theoretical framework

There are few areas of everyday life, even in Bhutan, where the norms of state law, its texts and the formal legal system have not had some effect. In everyday situations, people do not refer exclusively to the state law as a source of social norms. Drawing on observations and interviews, this chapter examines the presence of law in the lives of ordinary Bhutanese men and women. There is an invisibility, a taken-for-grantedness, about law whereby its moral, political and cultural values become conventional. In effect, law in the broadest sense is intimately involved in the construction and reproduction of social relations and practices, and is embedded in them rather than separate. This chapter focuses on one aspect, the subtle, often overlooked role of regulations that in theory, if not in practice, extend the reach of the state and its mechanisms for social control.

In seeking to examine law in everyday life, it is crucial to understand that the formal practices of courts, legal officials and official agencies do not provide a full account of the operation of law in everyday life. Legal institutions do not necessarily have the monopoly on concepts and procedures that may be viewed as ‘legal’. Rather, it is important to consider other aspects of society that are not directly linked to the formal, institutionalised view of law. Instead, we need to

consider those meanings, sources of authority, and cultural practices referred to by ordinary people regardless of whom and how they are invoked (Ewick and Silbey 1998; Griffiths 1997; Passavant 2002). As the formal law develops and insinuates its presence in ever-wider areas of daily life in Bhutan, it arguably tries to define and grasp hold of the everyday.² Yet everyday life is dynamic, and law is unable, as a result of this dynamism to fully regulate everyday life. This inability to control, to capture the wide range of occurrences in the course of everyday life, is masked by the primacy and power officially given to the formal state law. So where or how does law operate in the everyday? Law is produced out of the routine concerns and difficulties encountered in daily life, and the desire to address these concerns.

Bhutanese legal regulation is structured and co-ordinated by centralised legislative and executive bodies. Law is (re)produced by and through “the technicality of the legal process” from the law-making bodies to its application in the courts and the informal settings in which it is also invoked (Hansen and Stepputat 2001:17). Legal ideas are formed, interpreted, implemented and enforced in a wide variety of social sites and settings. So law cannot be treated as a unified whole, rather as complex, intertwined and overlapping patterns of regulation. Therefore, law’s meaning and significance is not definitively given by the policymakers or by the officially sanctioned legal interpretations of the judges or other decision-makers. Instead, as we shall see, the meanings and significance of law in everyday life are shaped, transformed, transmitted and embodied in accordance with the different social contexts and basis of interpretation. In effect, we should view law as a “social phenomenon pluralistically, as regulation of many kinds existing in a variety of relationships, some of them quite tenuous, with the primary legal institutions of the centralised state” (Cotterell 1995: 306). This chapter foregrounds the everyday and illustrates how law through official signs and regulation seeks to control social behaviour whilst at the same time becoming a taken-for granted feature of everyday life in urban Thimphu.

² Formal law refers to those created by the National Assembly as well as the regulations and codes issues by authorised state bodies and organisations (e.g., the City Corporation of Thimphu, and the various Ministries) that seek to control and govern the conduct of daily life.

“Do Not Urinate”: everyday ‘official’ graffiti

Driving into Thimphu through Lungtenphug there was a large painted billboard promoting family planning. Not an especially noteworthy piece of ‘official’ advice and yet when one looks more closely one begins to notice the widespread use of ‘official graffiti’.³ Hermer and Hunt note that “regulation is an inescapable part of everyday life” (1996: 455). Road traffic signs are perhaps the most commonplace – the ubiquitous red circle with a diagonal line through it declaring “Stop!” A noticeable feature walking around Thimphu were the admonitions against public urination and defecation oddly incongruous for being written in English and Dzongkha. Waiting with a friend leaving for eastern Bhutan at the bus depot below the Lungtenzampa bridge in Thimphu, a middle aged rural woman raised the skirt of her kira, crouched low on the grassy riverbank beside the bus park and presumably urinated. Immediately to her right was a large burgundy sign. In yellow letters it carried an admonishment in English and Dzongkha prohibiting the very act she was engaged in. To add to the scene, slightly further along the riverbank, and part of the bus depot, was a public toilet block. Few people seemed willing to use this modern facility. Sonam, returned from the side of the riverbank – he too had ignored the sign. As I indicated the public toilet he replied “*Atsi, khamlosisi due! It’s dirty!*” Sitting on the concrete platform waiting for the bus, I suggest to Sonam that he had ‘broken the law’. He looked puzzled. I explained the sign. A slow smile spread over his face – “I cannot read Dzongkha!”

The juxtaposition of the woman and Sonam both performing a natural bodily function and the ‘official’ sign highlighted a range of factors from the choice of languages (Dzongkha and English), the role of literacy and for the purpose of this chapter the role of official signs to assert legal authority and regulate everyday behaviours. As any traveller in South Asia will be aware there is a proliferation in signage notably shop names and billboards. The mix of advertisements and shop fascia can dominate but on closer scrutiny we can begin to note official signs. The incident at the bus depot brought to the fore the wide range and use of official signs. Yet, these official signs were part of the taken for granted landscape against which, and in which, everyday routines are engaged in. As Hermer and Hunt observe, “Official graffiti is an endemic feature of the present” (1996: 456). So endemic and so

³ This term is drawn from Hermer and Hunt, “Official Graffiti of the Everyday”, (1996) *Law and Society Review*.

much part of everyday life that it took the immediacy of the incident in the bus park to draw attention to this important dimension of law in everyday life.

Graffiti in the sense of transgressive adornment or defacement of public sites can be found in Thimphu. One of most striking examples was at the Dochula pass where one side of the large chorten bore the declaration “I love Kesang Deki March 2001” scratched into the whitewashed wall. Childlike doodles and numerous declarations of love and sexual prowess are the typical ‘graffiti’ found crudely etched on walls away from the centre of Thimphu, (though it should be noted for the most part the public areas of the town are free from graffiti).⁴

In comparison to this form of graffiti, official graffiti, which proliferates in seeking to regulate everyday life, carries a sense of authority. The signs often carry at the top the details of the particular government ministry responsible for the message being conveyed. This can be illustrated by one example that all travellers to Thimphu would have seen as they approached Thimphu along the only road into the city at the time.⁵ The sign explained the importance of contraception, or more specifically, the use of condoms. The family planning sign with its image of healthy parents and two children (a son and daughter) was erected by the Ministry of Health. Images of condoms and their application, together with drawings illustrating the threat of sexually transmitted diseases, notably HIV, were contained in the surrounding vignettes. Although no sexual act is shown, there is an underlying discourse concerning health, sexual activity and notions of the appropriate size and composition of the family unit. The use of the images, rather than words and text is significant. Located on the main road to Thimphu, and adjacent to a large army camp the sign was targeting the wider Bhutanese community who may lack the necessary literacy to understand written advice. A similar poster concerned with HIV/AIDS depicted a young couple, the man falling ill, and then the corpse of the man being carried away. Above all these scenes a dove carried a condom in its beak. Both signs were loaded with meaning and

⁴ In a letter to *Kuensel*, “Bad habits spoil chorten walls” (31 October 1999, p. 6) the writer complained about the graffiti on chorten (stupas) in and around Thimphu. The writer stated, “I saw writings either written with charcoal or scratched with stones. The painted walls of the chorten housing sacred relics are spoiled by scratching with stones”.

⁵ With the completion of a new main road travellers now have different options to reach Thimphu. At the time of fieldwork, 2001, there was only one road for all vehicular traffic.

various subtexts, which were brought out in later conversations with both married and unmarried men in Thimphu.

The instructional and rather admonitory nature of the billboard highlights the way in which official graffiti is an ambiguous form, as it elides advice, orders, warnings and instructions, each category merging with the other. The visual instructions on the use of condoms and the potential risk of sexual disease targets primarily the male audience and yet does not imply a passivity on the part of the female. A joint sense of responsibility is implied, not only for the prevention of disease, but also for unwanted pregnancy, allowing parents to focus on being responsible parents.

Yet, as mentioned above, official signs seeking to regulate behaviour can appear trivial. The unsuccessful sign at the bus depot prohibiting the very act performed by the woman, underscores how unsuccessful such forms of regulation are in everyday life. The City Corporation of Thimphu was authorised under the Municipality Act 1999 to create urban regulations for the management of the capital city and its resources. Identical signs prohibiting urination and defecation can be found in the centre of Thimphu – notably on Norzin Lam, the main street, and near the Sunday Market place. Other signs prohibit entry, or regulate the disposal of rubbish. Even outside the city, the use of official notices cannot be avoided – whether at the entrance to the Jigme Dorje National Park at the upper end of Thimphu Valley or immediately outside a monastery entrance, signs advise on the appropriate conduct and rights of access.

Visiting Tango monastery one usually encounters groups of Bhutanese adjusting their *kabne* and *rachu* as they prepare to enter the precinct of the monastery. The Zhabdrung Ngawang Namgyal, the founder of Bhutan, meditated at Tango monastery and it is a popular destination for Thimphu residents, especially at the weekends. Beside the visitors preparing to enter is a large burgundy board with gold lettering advised that admission to the monastery required the correct form of dress and that photography was forbidden. Few people pay any attention to the notice – after all who would consider entering a monastery improperly dressed? And why would you want to take a photograph inside the temples? It was unclear to whom these notices were addressed. Generally written in English, occasionally with a Dzongkha section, their presence sought to reinforce the government restrictions over the access by foreigners to the temples, rather than addressing the Bhutanese. Or at least that was how Bhutanese described it when asked. Yet, such a dismissal of the notice is unconvincing. The

same signs or at least very similar in message and tone appear outside all official buildings, where few if any foreigners would normally enter. Rather, it illustrates the main argument of this chapter that even if the message is ignored, its presence reinforces if only symbolically the reach of the authority and power of the Bhutanese state, even in the remoter spaces away from the immediate purview of the state and its various institutions.

The presence and role of official graffiti reminds us that the presence and reach of law and regulation has greatly extended into ever increasing areas of everyday life in Bhutan, as it has done elsewhere. Wikan cites an elderly Bhutanese nun as declaring that “China occupied Tibet, India occupied Sikkim, and we are occupied by our own government” (1996: 282). Entering offices belonging to various organisations, for example the Royal Insurance Company of Bhutan, there was a fading notice from the Home Ministry advising that all who enter the offices must be appropriately attired. Similar small notices and announcements could be found throughout the city and also in the administrative buildings in the dzongkhags (districts), a reminder of the official policy on *driglam namzha*, but also demonstrating that law and regulation effectively are “cultural code[s] of conduct” (Passavant 2002: 727).

The presence of regulation and of the Bhutanese state is particularly visible when travelling. Check points at various locations of the main road, for instance at the bridge below Wangduephodrang or at Chudzom, near Paro, note the registration of all the vehicles passing to and fro and frequently the driver is asked the starting point of the journey and eventual destination. Other checkpoints were more erratically manned, with the barrier raised allowing traffic to move freely as for example at Hongtsho. The presence of official signs of regulation does not, however, mean that the regulations are obeyed. One person commented on bringing a workman back to Thimphu, who had no chapters but had been employed to do labouring work in Punakha valley on the basis that the only check point, the one at Hongtsho, was rarely manned. Unfortunately for my informant, it was manned on this occasion, and he was aware of being in a difficult position. However, matters were ‘negotiated’ and no further action was taken against the driver. The majority of informants admitted breaking minor regulations each day because they “are just a nuisance”. On several occasions in the evening having parked on the main street in Thimphu, Bhutanese friends would run back to the car, and turn on the hazard lights. “Have to put them on in the evening if we park here”,

explained Dorji. “But I always forget!” As if to reinforce the regulation, groups of policemen walk up and down reprimanding drivers returning to their vehicles for failing to leave their hazard lights on as required. These behaviours demonstrate that even if ordinary people may chose to bend or ignore aspect of regulations that they are aware of the regulations. Although the regulations may appear removed from everyday life, it was noticeable how through conversations with family and friends, as well as more formal encounters with a range of officials, ordinary Bhutanese knew about those regulations that most impacted on their lives. Their legal consciousness was therefore developed less through a formal process of being told the law or regulations than from the various discourses, formal and informal, encountered in the course of daily interactions.

The sense of regulation and the use of notices and signs has itself been taken up by non-official organisations. On the glass entrance door to a popular disco, Dzomza, in central Thimphu was a sign which stated in capital letters “NO KNIVES, NO GUNS ALLOWED”. I remarked on the sign to a friend, Tshering, who admitted she had not noticed it and was surprised when she saw it herself a few days later. This sign had caught me by surprise for I had not considered the potential for people, mainly young men, to carry weapons. However, it is not unusual for people to carry knives of various sizes for practical uses in the rural areas, but one wonders why they would do so in Thimphu. The sign served as a reminder of the potential for violence and also for the expansion of regulation through signs from the public to the quasi-public space of the disco. The expansion of official signs and the increasing bureaucratic regulation of everyday life in Bhutan are related. It is striking how common place the official signs are and the depth of their penetration into everyday life. Beyond the signs of the main government ministries regulating a wide range of activities from procreation to livestock are a wide range of non-government agencies with the authority to regulate additional aspects of everyday life – the City Corporation of Thimphu is an obvious example. So too are the banks, insurance company and other bodies with regulatory powers.

Yet Tshering’s comment of “not seeing” the notice at Dzomza was equally significant. It would be misleading to think that official signs, by their implicit links to state authority and legitimacy, are either recognised and adhered to, or control and shape everyday life and behaviour. Signs can be and often are in the course of simply ‘doing everyday life’ ignored. There is an indifference to these markers of

official authority and regulation – in part, because many people do not read English or Dzongkha well enough, and for the simple reason that these signs become part of the background – taken for granted. Unofficial graffiti makes more of an impact – it can amuse, surprise or shock. Official graffiti associated with state pronouncements and governmental discourses and agendas, such as health education or encouraging ‘good behaviour’, lack the same immediacy by which to engage people. Unlike graffiti hastily written or drawn, a minor act of self-expression contrary to approved and acceptable norms of behaviour, the official signs are not spontaneous and lack a sense of irreverence and wit expressed daily in ordinary conversation. This is not to say that the norms of behaviour are rejected, but rather to balance this with a reminder that the Bhutanese enjoy mocking officials and officialdom, a subtle resistance to the otherwise potentially hegemonic presence of the state (see Aris 1987). These themes can be found in a variety of popular folk stories, some emphasise the foolishness of the official, others lament the suffering caused by “duty and obligations” (Kinga 2001; Ura 1996).

What is striking is the way in which, through its rather humdrum presence, official graffiti and its ancillary forms of notices, circulars and visual icons conveys regulatory commands. It draws on its official status to not only establish legal authority, but also to create a sense of standardisation and permanency. Implicit behind each official sign is the sense of the presence of legal authority and the threat of punishment for contravening the command expressed. Many informants complained of the level of regulations and the number of regulatory bodies now exercising control. The contravention of, and indifference to, many of the official signs and regulations was balanced with an understanding of the purpose of the regulation. There is no consistency in the approach adopted by people – the breach of a minor regulation is overlooked but at the same time, if they are inconvenienced or the breach of a regulation impinges on them there is often a call for the regulation to be imposed and even for tightening up of the enforcement procedures. An example of this mixed attitude was exemplified by the regulations over refuse collection issued by the City Corporation of Thimphu.

The media, notably the newspaper *Kuensel*, carry official notices and advice. In the centre pages in both the Dzongkha and English language versions of *Kuensel*, notices from various agencies and administrative bodies including the district courts were and are printed. Among the requests for tenders to supply building material, stationary

and other miscellaneous services are important notices advising the general public at large, or specific named individuals. The City Corporation of Thimphu, the administrative body responsible for the regulating the infrastructure of the capital is one of the main contributors of notices. Below is an example of a notice issued by the City Corporation.

City Corporation
Post Box: 215, Thimphu
01/TCC/SWC/99-2000/4190

PUBLIC NOTIFICATION

This is for general information to all shopkeepers, residents and public that hawkers (sale of vegetables, fruits, butter, cheese etc.) are not permitted within the urban area. Sunday market area is open seven days a week for such business. This is in line with the policy of keeping the city clean and to discourage hawkers so that the city looks well organised and beautiful. The shopkeepers should not allow hawkers to use the area in front of their shops. Henceforth, penalty will be imposed on shopkeepers if the area in front of their shops/restaurants is used by the hawkers.

All residents of Thimphu are earnestly requested to co-operate so that hawkers problem in the city could be eliminated before it becomes a big social problem.

Offtg. Thrompon

(Kuensel 23/10/99: 8)

The circulation of official notices in the newspaper and, on occasion, on the Bhutan Broadcasting Company, develops the possible range of sites from which the regulatory bodies can disseminate rules and create an image of the social requirements of the modern Bhutanese citizen. The pervasion of administrative regulation was a feature that many Bhutanese mentioned, often in passing remarks about where they had been or would be going. Tshering had to leave her home in Thimphu and make the journey to Lhuntse because of a land survey being carried out. For many, the regulations were treated as part of the process of getting on with one's daily life. Yet, the level of bureaucratic regulation

was on several occasions described as intrusive and inefficient. Although, inefficiency was one aspect of the complaints voiced, the main criticism was the sense of powerlessness when confronted with the bureaucracy.

This sense of powerlessness arose during a conversation with some school leavers. Several of the young men commented on their frustration and dissatisfaction with the character certificate issued by their teachers. Shacha Wangchuk admitted that he had struggled at school and had been slightly wild during his final year at Punakha Junior High School. However, he had worked hard at his studies and kept to the school discipline. At the end, his teacher had given him a “C” on his Character Certificate. The others had received the same grade – an indifferent grade which did not enhance their prospects of finding employment. Concern over employment and the difficulties facing even senior well-qualified students was a major theme in the conversations with young, educated Bhutanese. Competition for limited places in senior schools and at the only college in Bhutan was reflected, in my experience, by an increasing concern among parents eager to secure a good education for their children. However, examination results are not the only cause for concern. A litany of the chapters required to apply for a job, even to rent a house, include the Character Certificate, Police Clearance from the Royal Bhutan Police, medical certificate and the National Identity Card. The apparent randomness of grading students by teachers was perceived or at least described in terms of favouritism and disinterest on the part of the teachers. Ngawang, prior to leaving Bhutan to take up a position as a doctor of Tibetan medicine in Croatia, spent two months in Bhutan organising his chapters and applying for his passport. He had left Boudanath in late October and instead of arriving in Croatia two weeks later, found the bureaucracy slowed down his departure.

The ‘official’ signage and authoritative notices issues by the Road Transport and Safety Committee, the Bank of Bhutan, the City Corporation of Thimphu, amongst others, as well as the dzongkhag administration, in effect represent processes by which contemporary Bhutanese are governed. Foucault (1991) draws our attention to the processes by which governments seek to control the conduct of their subject populations. Gupta refers to this process of “governmentality” as the “conduct of conduct” (2001: 67) and notes that in addition to institutions and agencies, discourses and norms this includes “self-regulation, techniques for the disciplining and care of the self” (*ibid.*). In the Bhutanese context, the myriad of rules and regulations now

circulating and the wider discourse of ‘good governance’ and ‘gross national happiness’ emphasise the focus of the state on “fostering prosperity and happiness” (Gupta 2001: 67). Implicit in this aim is the collection, recording and inscription of the details of the everyday life of the population. Law has been central to the collection of this information for the regulation and documentation of everyday life and the ability to discipline and regulate the conduct of Bhutanese. The invocation of the ‘rule of law’ and the interplay between societal norms and state policy seek to legitimate and validate these processes.

Doing business: regulation, taxes and corruption

In the late afternoon each day, Deki walks from her apartment to an apartment block below Changangkha Lhakhang in Motithang, a suburb of Thimphu. On the ground floor of the building are two shop units and she has the lease on one of the units. Shelves line three walls, items hang from the ceiling and typically she serves customers who stand at the open window. Friends and neighbours call in and between customers she sits chatting or playing cards. Outside the shop, on a bare patch of earth each evening, local men set up a carom board providing a ready market for soft drinks and beer. She had chosen to open the shop a few years earlier to help earn money to support her growing family. Although her husband, Karma has a good post she wanted to ensure her own financial independence.

Deki and her husband were unusual for they each had a car. Karma bought his Toyota second-hand from a senior government official and his wife’s car was a third-hand Maruti. They admitted that it stretched them financially but since Karma often took his car away on work, Deki needed transport to take the children to their respective schools. Deki and Karma were paying for their two youngest daughters to attend a private nursery school in Motithang, attended by the youngest children of the Fourth King. Karma stressed his belief in providing his children with the best education that he and his wife could afford. Karma’s determination to ensure the best education for his children and his wife’s younger brothers was striking for what it revealed about himself. His own education was disrupted when he was a teenager by the sudden death of his father and his problems with his stepmother. The eldest son in the family, Tintin, is not Karma’s son – Deki’s first husband abandoned her soon after Tintin’s birth. Although she knew where her former husband lived and could have claimed child support from him, Karma expressed strong views against any such a claim, less

out of jealousy or pride, than out of his own deep distrust of the court system. Underlying Deki's decision to open the shop there was a desire to be independent as well as a desire to ensure that her husband would not feel burdened financially by caring for Tintin, especially since Karma had taken on responsibility for her two youngest brothers following her parents' sudden decline into ill health.

Opening the shop had not been as easy as they had originally thought. Permission had to be obtained and a licence granted to Deki to operate as a shopkeeper. Previously, like other friends, Deki had made journeys to Bangladesh, India and even on occasion to Thailand, to buy goods. These she had sold for a small profit to friends and colleagues when she still worked as an office assistant. Eventually, after doing business in this informal and unlicensed way for several years, she had decided to obtain formal permission. She had heard that a shop unit not far from her house would be available. Beginning with asking her 'cousin-brother', a senior monk, to suggest a suitably auspicious name for her enterprise, she set about organising her business. Realising quite early on that she needed help, she persuaded a friend who already ran a shop on Norzin Lam to assist her.

Accompanied by her friend, Chodron, Deki approached the Ministry of Trade and the City Corporation. Confused by the conflicting advice, she recalls walking from office to office and becoming more and more frustrated as she "passed chapter from one monkey to another". "I sat on so many floors waiting my turn. At times, you could see them [the officials] chatting or drinking tea ignore the people waiting." After several months, Deki received the necessary permit and licence to open her shop. The complexities of obtaining the correct signatures and permissions, as well as concerns over the financial implications of customs duties and sales tax had surprised Deki. "I realised that I would have to declare any goods I bought when I return to Bhutan from Thailand. But not from India".

Karma had been supportive of Deki's business plans but commented ruefully that she was too willing to allow people credit and too shy to ask for payment. After trading for nearly three years, Deki wants to move the location of her shop to nearer the centre of the city. The current location is quiet during the day, which is why she only opens late in the afternoon. To move from her current location she will have to pay a much higher rent and renew her license. Despite the bureaucratic process, Deki has decided to develop her business. Her concerns were not with becoming rich, but earning enough to contribute to her family's needs, and this includes providing for her

parents, brothers and sisters. Her business therefore represents her own personal way of ensuring that she is able to “repay the kindness” of her parents, and as commented on by her younger brother who has entered the army as a junior officer, “She respects Karma. He has raised us, and cares for us. So, she works to share the burden”. To share the responsibility of earning money to support a large extended family has meant that Deki learned how to negotiate her way through the bureaucracy. To do this, she called on the support of friends and relatives, especially Chodron. When Karma chides her, as he does each evening she leaves for the shop, about the outstanding credit to neighbours, she shrugs and says, “They’ll pay. It’s not a good time to ask them”. Once, after Deki had left Karma smiled and said how he appreciated Deki for her “good heart”, a phrase used to express how a person behaved towards others.

Deki’s experiences in obtaining her trading licence were reminders of the notices in Kuensel appointing new agents and revoking licenses. One day travelling along Nordzin Lam with Kesang Chodon, a senior police officer, I commented on taking a taxi from the taxi rank beside the stadium to the High Court. The fare demanded seemed high – 90 Nu. She had laughed when I added that I understood the taxi drivers were supposed to use a meter, but the driver did not switch it on. “They should. One day, I decided to try it out and took a taxi to the market, then around and about, I only paid about 50 Nu. He [the driver] saw you and thought ‘a rich chilik [foreigner]’. Next time, ask for the meter.” The level of regulation for commercial affairs is significant. Yet, one cannot help but wonder how much of it is either neither known nor understood or merely ignored. The taxi drivers are aware of the penalties for not using their meters, but few people in Thimphu would expect them to put the meter on. Many people mocked the regulations and commented on the level of corruption among officials.

The subject of corruption was one that I was hesitant to pursue, and yet one that time and time again arose in conversation. A young businessman involved in the construction industry in one of the dzongkhags remarked over supper that, although tenders were normally officially sought, it was the practice to reach an agreement with the official appointing the contractor to pay about 6% of the value to him. Waving a hand towards the houses being built opposite, he added, “Think about how much construction is going on... and how many people have cars. They don’t pay for them from their government salaries.” The penalties for those found to be taking bribes or, as in a number of recent incidents, money from official budgets are severe.

Whether or not corruption is as rampant as informants suggested I cannot comment on. What is clear, though, is that it does affect how people regard those in positions of authority. Accusations against members of the judiciary are also made, and we are faced with on the one hand, a generally respectful attitude towards the State, its authority and the status quo, and on the other, a widespread cynicism about the morality of State officials and its various institutions.

Concluding remarks: governmentality and the modern nation-state

This chapter illustrates the presence of law and regulations in everyday life in Bhutan. The ‘official graffiti’ that can be seen, and the implied regulation of ever widening areas of daily life, underscores the increasing reach of the modern Bhutanese state. As its responsibilities and objectives develop, so too do the areas of daily life, which fall under its purview. The regulations, which impact directly on individuals, are encountered in a variety of situations, not exclusively in the law courts or in government offices. Rather, they now permeate the course of daily life, especially in the urban areas. Deki’s experiences of opening her own small business and her frustration with the bureaucracy exemplify this dimension of the presence of law (in the guise of state regulations) in everyday life.

Rather, I focus on the structural changes and their impact on ordinary Bhutanese’ perceptions of the State, the legal system and their own status. This perspective draws on Abrams’ important article (1988), which deconstructs the state in theoretical terms. Abrams suggests that we should “abandon the state as a material object of study...while continuing to take the idea of the state extremely seriously” (1988: 75). Underlying his arguments about the study of the state is the suggestion that we study the state in two ways. The first “the state idea” (*ibid.*: 79), based on ideological power which is derived from the “state system”. This second element draws on various processes of legitimation and he notes that “the agencies in question, especially administrative, judicial and educational agencies, are made into state agencies as part of some quite historically specific process” (*ibid.*: 76). His stress on the historical contextualisation is reflected by many contemporary writers (see Benda-Beckmann, 1989; Fitzpatrick 1984, 1992a, 1992b; Merry 1988).

Mitchell (1991) notes how the setting up of a wide variety of “modern social practices – passports, immigration laws, inspections...” (*ibid.*: 94) which had not existed until recently “helped manufacture an

almost transcendental entity, the nation state". He then uses law as an analogy, "one could analyse how the mundane details of the legal process, all of which are particular social practices, are so arranged as to produce the effect that 'law' exists as a sort of abstract, formal framework, superimposed above social practice" (*ibid.*: 94). Although, I have reservations about the ontological distancing of law from everyday life, his comments are important. The "myth of the state" and arguably, "the myth of law" (see Fitzpatrick 1992a) together with the legitimacy and coherence they supply to established authority all depend on this apparent separation from society (Abrams 1988, Mitchell 1990, 1991).

Yet, for all the apparent separation of state and law from society, the state as demonstrated above does appear to have infiltrated everyday life in Bhutan, as elsewhere, with the proliferation of documentation and the recording and regulation of a multitude of mundane events, births, marriages sanctioned by state authority and death. Without the correct chapters, one is at a disadvantage. The various registers of data collection and regulation developed by the new cadres of bureaucrats draw on non-indigenous categories (see Gluck 1985 and 1998; Mitchell 1988; Vlastos (ed.) 1998). As with Egypt, Thailand and Japan, the desire to modernise Bhutan came from within as a response to external events and internal threats. The recent changes in political structure and move to a written constitution and constitutional monarchy are part of the process of constructing a modern nation-state. The introduction of the vocabulary of social equality in the 1950s has only now reached a wider audience prepared, if hesitantly, to assert their rights against those perceived to be socially higher. The older hierarchical features based on personal ties and social networks are gradually being replaced, yet there is an underlying tension between the desire to 'modernise' and the concerns of losing or distorting the social values which are viewed as central to Bhutanese society. This move marks the transition of local understandings and perceptions based on a renewed vision of the state as a guarantor of rights.

Any discussion of the state cannot ignore the influence in theoretical terms of the work of Foucault and Gramsci. Gramsci's idea of hegemony comprises "not only the conscious system of ideas and beliefs but the whole lived social processes as practically organised by specific dominant meanings and values" (Williams 1977: 109). In essence, it upholds and legitimates a given social order. However, hegemony is not static. For Gramsci, hegemony is directly linked to

civil society and accordingly hegemony has to be “to be won, secured, constantly defended” as part of the state’s claim to moral leadership. On the other hand, Foucault’s concerns with the development of new forms of knowledge practices and surveillance encapsulated in the term ‘governmentality’ have influenced a number of anthropological works on the state – notably, Mitchell’s work on nineteenth century Egypt (1988). Although Foucault was not interested in the moral basis of the state his interest in the various styles of governmentality and discourses is highly relevant to the examination of state transformation and law in Bhutan. As Hansen and Spettutat note the state is not a universal construct and possesses “widely different histories, internal logics, and practices which need to be understood and studied” (2001: 37). Therefore, this thesis draws on local understandings and discourses concerning the state, law and social values in everyday life in Bhutan.

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