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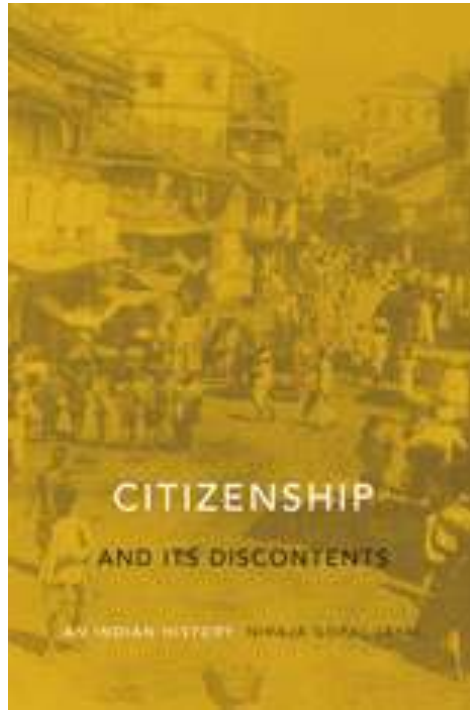
Niraja Gopal Jayal, Citizenship and its Discontents: An Indian History

Stéphanie Tawa Lama-Rewal

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- 1 Citizenship is a notoriously ambiguous and contested concept. Its ambiguity stems from the fact that it refers at the same time to a normative and a positive reality; to the ideal and the actual; to the moral and the legal.¹ In her latest book, Niraja Gopal Jayal endeavors to ‘document the Indian idea of the citizen across the twentieth century, primarily as a relation between the individual and the state, but also as a relation between citizens’ (p. 2).² She disentangles the many meanings—with all their nuances and implications—of the concept of citizenship, which she uses as a guide to explore the history of Indian democracy. Her book demonstrates that the polysemy of the notion, if taken seriously, makes it a very fruitful analyzer. In the manner of Rosanvallon (2006: 31), who insists that ‘history [...] must [...] be understood as the working laboratory (*laboratoire en activité*) of our present,’ Jayal offers a confrontation between political theory and political history through which each approach enriches the other. This book offers a rigorous discussion of a broad range of ideas, with their many hues, expressed and implemented over a long period of history (from the late 19th century to the 2010s), and is thereby a major contribution to both the history of ideas and to that of Indian democracy.
- 2 The organisation of sections and chapters highlights the theoretical nature of the central proposition, which could be summed up as follows: (i) citizenship is about legal status; rights and entitlements; and identity and belonging. (ii) These legal, social and cultural dimensions are connected in ways that are sometimes convergent, and sometimes divergent. (iii) Investigating how these three dimensions have been conceived, discussed and translated (or not) into policy sheds light on some of the major political issues confronting India today, even as it reveals the Indian contribution to important theoretical debates. Each section is composed of three chapters focusing respectively on the colonial period; the constitutional moment; and post-independence developments.
- 3 The analysis is based on a remarkable diversity of sources: policy documents of course (laws, court judgments, official reports—*i.e.* the staple of political science) but also historical archives, elements of popular culture (films, songs) and ethnographic observation (of a community of migrants). The combination of textual analysis and fieldwork is quite uncommon in the history of ideas. But such methodological eclecticism is crucial to demonstrate, as Jayal endeavours to do, both the divergent meanings attributed to the notion of citizenship by different actors, and the continuing impact on people’s lives of ideas formed in the context of India’s independence and Partition.
- 4 In the Introduction, after reviewing the literature and situating the renewed interest in and interpretations of citizenship in the context of neoliberal policies and multicultural societies, Jayal discusses the concept and the main terms of the contestations to which it is subjected.



- 5 The first section, centred on citizenship as ‘Status,’ comprises three chapters that trace the circumvolutions of the debate on the grounds for citizenship, from the colonial moment (chapter I) to Partition and its ‘long shadow’ (Chapter II), a shadow that does not recede with time, as shown by Chapter III—a case study of a community of Hindu migrants from Pakistan who are living in Rajasthan. This section offers a fresh perspective on Indian constitutionalism through its investigation of the debate on citizenship in the context of the British Empire. Chapter I presents a very finely articulated ‘genealogy of the ‘subject-citizen’ of Empire’ (Jayal 2013: 27) that differentiates ‘imperial citizenship’ from ‘colonial citizenship.’ On the one hand the notion of imperial citizenship, Jayal argues, captures the ‘external dimension’ of the question of the status of Indians in the British empire; indeed debates on imperial citizenship are concerned with Indian subjects both in India and overseas, and with equality between Indian and British subjects in the Dominions and colonies. The notion of colonial citizenship, on the other hand, pertains to a more ‘internal’ debate about the relationship of Indians, in the subcontinent, with the colonial state. Claims for equality confront considerations of race when it comes to imperial citizenship, and considerations of class in debates about colonial citizenship (p. 28–29). Chapter II discusses *jus soli* and *jus sanguinis* as grounds for citizenship in post-colonial India. Jayal argues that the tension between these two principles, which became visible in Indian constitutional texts from the 1980s onwards, was already there at the time of independence, as reflected for instance in the distinction between ‘migrants’ and ‘refugees’ in debates about people displaced by Partition. This chapter also shows that half a century later, religious identity remains an important element of citizenship claims, and of court judgments. In Chapter III Jayal strengthens this argument through a comparison of the official treatment of citizenship claims by two types of ‘apparent ‘outsiders’” who claim Indian citizenship on the basis of *jus sanguinis*: (i) a group of poor, Hindu ‘migrants’ from Pakistan and living in Rajasthan; and (ii) the largely (upper) middle-class non-resident Indians (NRIs) living in Europe and North America. This comparison demonstrates that fifty years after independence, ‘class [still] mediates... relations between aspiring citizens and the state’ (p. 105) (comparison as an analytical strategy will also be used productively in the chapter on backwardness). Here, also, Jayal turns to a new type of data—interviews with members of the poor migrant community—to investigate the *meaning* of citizenship for these people: she concludes that for them, citizenship is above all an ‘instrument’ (p. 95), a way to achieve a better, more secure life.
- 6 The second section goes deeper into this vision as it focuses on ‘Rights,’ arguing that ‘claims to rights are implicitly claims to citizenship, and often to an expanding conception of it’ (p. 109). Here Jayal’s investigations lead her to highlight the intellectual exchanges between India and Europe, and more precisely how Indians intervened in, and drew inspiration from, international debates on human rights after the Second World War. The first chapter of that section again starts with the colonial moment, to contrast the colonial and the nationalist discourses on citizenship. The following chapter traces the debate on social and economic rights, and the status they should be accorded, in a series of preparatory documents, preliminary to the drafting of the Constitution. The last chapter of this section questions the assertion of social and economic rights (such as the right to work, to education or to food) in the neo-liberal era. Here Jayal argues that the officially-defined ‘categories of disadvantage’ (such as ‘Below Poverty Line’) are really ‘categories of exception’ (p. 169), a fact which strongly limits the significance of social

rights reserved to such categories in terms of citizenship. The section ends with considerations on the different types of civil society in India, and on the need to differentiate between civil society organisations that are mostly concerned with issues of governance, and another type of civil society that works towards ‘translat[ing] policy into rights’ (p. 196). Here one might regret that the author does not elaborate further on the concrete ways in which this ‘translation’ process works—but I will return to this point later.

- 7 The third section, about ‘Identity,’ is perhaps the least original one—partly because some of Jayal’s arguments have been published before (Jayal 2011). Here the author expands upon her previous discussion of universal versus group-differentiated citizenship, that is, citizenship mediated by the community. In Chapter 7, tracing ‘genealogies of mediated citizenship’ (Jayal 2013: 199) in the colonial period, Jayal demonstrates that a binary opposition between universal and group-differentiated citizenship would be simplistic, as she identifies three forms of universalism supported respectively by the Congress, Hindu nationalism and the women’s movement. Moreover group-differentiated citizenship has served different purposes for different groups: it was meant as an antidote to majoritarianism for the Muslims, to discrimination for the Dalits, and to backwardness for tribal communities. The following chapter reflects precisely on the concept of backwardness, its theoretical foundations and its political uses. Jayal analyses this ‘unique contribution of Indian political and constitutional discourse to the repertoire of justification for group-differentiated citizenship’ (p. 229) through a comparison between two categories that have been qualified as ‘backward’: the Scheduled Tribes and the Other Backward Classes (at this stage it becomes clear that the book also sketches out a history of political representation in India). Finally, the material of the last chapter is quite contemporary, and therefore much of the chapter sounds familiar. Here Jayal takes stock of the consistent challenges mounted by group-differentiated citizenship to the very idea of a civic community. She briefly identifies the main (and increasingly numerous) claims to group-differentiated citizenship, and their articulation with categories of religion, caste and gender.
- 8 However one dimension of citizenship (often associated with an anthropological approach) is somewhat underdeveloped in the book, which is partly due to the fact that the focus is mostly on the macro-scale, that of the nation-state (future or present): the practices and performances of citizenship. The author does mention associational life and municipal politics as a ‘site of performance’ (p. 130) of citizenship, but she does not devote much space to these two sites. Yet the action of some civil-society organisations with local—and usually poor—communities can be considered as citizenship practices that frame—as much as tax-paying or even voting do—the relationship between citizens and the state. I’m thinking of social audits—an innovative, participatory form of controlling the implementation of some policies, *i.e.* of demanding accountability (Goetz and Jenkins 2005). Re-invented by the Rajasthan-based Mazdoor Kisan Shakti Sangathan, the social audit has been institutionalised, in the 2000s, as a mode of implementation of some of the new social and economic rights analysed by Jayal. Social audits recast the beneficiaries of welfare policies—that is, the poor—as full-fledged citizens: this procedure asserts that the poor are legitimate not only in laying claim to their rights, but also as monitors of the action of the state. Thus social audits might be considered an important performance of citizenship, in every sense of the term, in today’s India.

- 9 Notwithstanding these remarks, this book is a major landmark in research on citizenship and on Indian democracy. The investigation is thorough and precise, and the clarity of Jayal's elegant prose makes it constantly accessible, despite the complexity of her thinking. The fact that the author's position is simultaneously that of a learned observer of and a concerned participant in the polity that she describes and analyses, looking for explanations for what she considers the 'unraveling of a progressive founding civic ideal' (Jayal 2013: 24), only adds to the pleasure one takes in reading it.

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NOTES

1. This tension between the normative and the positive is partly captured by the distinction often made by citizenship scholars (including Jayal), between 'thick' and 'thin' citizenship: while 'thin citizenship' mostly refers to status, 'thick' citizenship also considers practices.
 2. Page numbers refer to the Harvard edition of the book.
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