Abstract

The historical progression of the idea of ‘Rights’ and ‘Citizenship’ are embedded in a narrative, which postures itself as a Universalist in nature. The role of ‘State’ in such a narrative account cannot be over-stressed. The concept of ‘Rights’ in such a context comes across as an act of dispensation. Dispensation of ‘Justice’, such an account and its discussion problematises the almost universally accepted notions regarding ‘Human Rights’. In order to do so, some of the major epistemological shifts are identified to analyze the ‘accepted’ continuum of human thought and behaviour which are universal in nature. It would be useful here to question the ‘universal’ tenor of this kind of exercise in modern social science theories where nature has been ‘pushed’ in to the periphery. The MDG envisioned, must overcome this academic and practical resistance to identify the crux of international relation.

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1. Introduction

The historical progression of the idea of ‘Rights’ and ‘Citizenship’ are embedded in a narrative that postures itself as Universalist in nature. The role of ‘State’ in such a narrative account cannot be over-stressed. Sometimes it performs as nation, primarily focusing upon identity, and sometimes in other stressing the importance of “detransformalised discourses of human rights are increasingly coming to prevail in the post-Cold War era” The
concept of ‘Rights’ in such a context comes across as an act of dispensation. Dispensation of ‘Justice’. The birth of modern ‘State’ in the ferment of Europe that the 18th century was, saw the coming together of this new institution and the notion of ‘Justice’. The dispensation followed. Interestingly enough, 17th century onwards was also the period when geographical ‘discoveries’ and explorations made colonies in the Americas, Asia and Africa a part of Europe. It will not be out of order here to comment on what this entailed in terms of developing ideas about the nature of progress; progress of humanity or the civilization that the humans created. Such an account and its discussion problematises the almost universally accepted notions regarding ‘Human Rights’. An essential exercise to say the least, absence of which does not reveal the notion in all its complexity.

2. Discussion

In the previous paragraph, we had referred to ‘State’ as a new institution arising in Europe during the post-Renaissance period. It would be worthwhile here to introduce the Foucauldian idea of epistemic shifts. Late 18th century saw such a shift with respect to state. Analyzing the nature of power as exemplified by its location, Foucault saw a transformation from the earlier ‘sovereign power’ to the present ‘disciplinary power’. The former was located in the person of the absolutist monarch, while the later is located in the state, a modern phenomenon according to Foucault. The question that begs an answer here is what were the elements of power or its application that reflected such a shift. Characteristically the former tended to be brutal, involved torture, and physical punishment. It operated intermittently and was ritualized, imbued as it was with huge doses of symbolism. The exercise of such power almost always took place in public view. In contrast, ‘disciplinary power’ was and is associated with technologies of regulation, monitoring, and surveillance. By changing patterns of thought and behaviour through techniques of training it is able to operate continuously. Rationality takes over from ritual symbolism and application of power takes place within the cloistered walls of institutions. It is not our contention to accentuate the differences between the above-mentioned Foucauldian categories. Any social observer would recognize that both forms of power operate (and with some legitimacy to say the least) in contemporary times. Hence, the use of the word epistemic shift and not break. Shift referring to positional movement within a discursive field even if extending the boundaries. Break on the other hand refers to complete disjuncture, a conscious act.

We have been discussing the epistemic shift in the nature of power. ‘State’ emerged from such a movement as the legitimate (not the only one) repository of power. The act of constitution of the state comes, so to say, with another epistemic shift. We see the concurrent categorical shift from ‘subject’ to ‘citizen’. Without resorting to definitions as suggested by political theorists, we would try to find their constitutive elements. ‘Subject’ refers to a member of a state owing allegiance to its monarch or supreme ruler. ‘Citizen’ on other hand refers to a legally recognized subject or national of a state or commonwealth. Even a cursory glance at the above definitions would push the question of agency (of the subject/citizen) to the forefront. While ‘owing allegiance’ imputes ‘agency’, ‘legally recognized’ takes it away. It is in this context that the dispensation of justice was referred to. It goes without saying that one, if not the only, reason for the origin of the state, or structures of earlier times that resembled the modern state, was to deal with the issue of justice. Along with justice comes its handmaiden, the concept of ‘rights’. However, before delving into the nature of rights, (specifically human rights), it would not be out of place to briefly discuss about citizenship. Conventional and the generally accepted wisdom views citizenship as an entitlement that fruits of which are optimally utilized within a democratic set-up. Democracies with elections configure citizens as individuals. Individuals who can choose what the state needs to do with regards to her/his needs, expectations, and demands. In such a set-up, not only does a citizen become an (or another) individual but her/his rights also become individual ones. To bring Human Rights at this point into the discussion would be proper. ‘Human rights are rights held by individuals simply because they are part of the human species. They are rights shared equally by everyone regardless of sex, race, nationality, and economic backgrounds. They are universal in nature. As the definition shows, group or community identities are subsumed within the individual IDENTITY. This subsumption leaves the modern states’ with problem that are difficult to steer clear of, as any Indian would surely be aware of. Another problem that one is left with is the hypothesis that rights, or as in our case human rights, are universal in nature. A strange situation where the individual becomes the unit, a condition not bad in itself, but loses his agency to act as such. The whole basis for her/his existence becomes the state, which posits itself as the universal agency of legitimation and storehouse of power.

It would be useful here to question the ‘universal’ tenor, which we have referred to earlier in the opening section.
Being reflexive would also be advantageous for such an exercise. As can be seen quite clearly, the whole theoretical and ideational basis of this paper lies firmly in the Western philosophical tradition. It is almost impossible for us, as students of social sciences, to look beyond the said tradition. This is because of two fundamental problems. Firstly, the terms or categories that we are dealing with here are firmly rooted in the historical specificity of the metropolitan West. Secondly, the act of colonization has acted as crucial disjunction for us who were colonized. An epistemic break so to say. The act of colonizing came along side the efflorescence of new knowledge. Knowledge about geography, society, history, polity, etc. subsequently, this new knowledge was systematized and importantly institutionalized. Colonial institutions became sites for production, transfer, and storage of knowledge. Knowledge that helped in the building up of an understanding vis-à-vis the colonies as well as the metropolis. Sadly, for the colonies, the only ones. This constituted and still constitutes a massive loss. Other knowledge systems became or were declared extinct. They started to be referred to as, traditional, pre-modern, barbaric, archaic, and so on. That modern social science theories are almost exclusively produced in the metropolitan West is a function of this colonial encounter. Omission of the knowledge regarding the colonial encounter and metropolitan theorizing has gone side by side. This theorizing has produced self-referential knowledge masquerading as reflecting the universal lived reality. Nevertheless, when knowledge is generated from such positions of privilege or power, ‘it is likely to serve hegemony not liberation’. Moreover, what are rights but, in a sense, instruments of liberation. As Connell points out, “Intellectuals in the periphery cannot universalize a locally generated perspective because its locational specificity is immediately obvious.” Universalist aspirations of metropolitan theory are underwritten by the tacitness that it shows regarding its own locational specificity. Moreover, non-metropolitan intellectuals are hamstrung by the destruction, or at least the delegitimation, of traditional forms and systems of knowledge. Operating in settings such as Colleges, Universities, Academies etc, designed to produce theories as their western contemporaries with categories that the metropole has provided us, the task of theorizing becomes a doubly difficult one. An almost Sisyphean one.

The Universal Declaration of Human Rights adopted by the UN talks of three basic categories of human rights: civil and political rights, social and economic rights, and cultural rights. A major part of contemporary discussion on human rights has revolved round the relative importance to be attached to the three categories of rights. Locational specificity as reflective of the particular trajectories of historical development with regards to the metropolis and the periphery have seen states placed in one or the other stressing on one category or the other. Different pathways mean different sets of socio-economic and political institutions as also distinctive normative cultural set-ups. But the ‘peripheral’ areas of the world, as we know, were forcefully soldered to the metropolitan areas with consequent disastrous results. This forced integration came at the price of their becoming exploited junior partner in the ‘world-system’. This has led to a curious situation where tradition and modernity exist side by side in the now free colonial states. Institutional set-ups of the state structure (itself of European origins) and the lived reality seem to go their own merry way. We, who reside in the periphery, should however stay clear from becoming or essaying the role of self-righteous victims. As application of the core-periphery model within a country like India would show that exploitation associated with colonialism occurs on a daily basis in the peripheries with the same catastrophic results. Interpretation of data generated by the colonial encounter resulted in production of classificatory schemas with notions of hierarchy and evolution embedded in them. Development, whether cultural, social, political, etc, became a story of ascension from one type to another. This knowledge was hegemonic to say the least. Competition with its logical corollary confrontation becomes an almost impossible outcome to avoid. Production of knowledge remains with the façade of universality.

3. Conclusion

To take the argument further, it is not only that development becomes a progressive unilinear movement, but all change is talked about and discussed as such. Anthony Giddens puts this point across succinctly, when he talks of ‘tribal societies’ as closer to nature, therefore ‘cold’, and not ‘adapted to change’. Such a classification undercuts the need to understand, use, and empathize with the knowledge that such (in fact all peripheral societies) societies have generated and continue to generate. It is here that the question regarding human rights that we had posed earlier needs to be revisited. The evolutionary scheme generated by the metropolitan ‘universal’ theories is pervaded by ideas of anthropocentrism. Evolution from ‘lower to higher human types’ (as also knowledge about and by them) is exemplified by the constant movement away from nature. The Universal Declaration of Human Rights proclaimed
by the UN General Assembly resolution 217A (III) of 10th December 1948 marked an important step in the afore-
mentioned movement. To put the point across in not too subtle a way, it would behove one to observe that nature
itself has been pushed into the periphery. This paper does not claim to be a theoretical exercise, but it tries to set
forth the agenda for a future discussion on the issue of human rights. Deliberation concerning human rights cannot
be in absence of a debate about the nature and the historical construction of categories such as ‘state’, ‘justice’,
‘citizenship’ etc. Perhaps the way forward lies in trying to work away with the assumed distinction between nature
and human, hierarchical categories that have enriched our knowledge as a species, but with disastrous consequences
for the planet as whole and major sections of the resident human population. Works on comparative state formation
have grown rapidly and become globalized in recent years, may be its time to include this sort of ‘immaterial’ factor
while putting the baggage of experiential mode of inquiry into the hypothesis formation about the mapping of the
nation-state, so that, finally we can settle for one. The post- Millennium Development Goal (MDG) 2015 is a step
towards that effort, which tried to envision the sustainable development of the both, nature and human being. The
spirit must be to achieve development without artifice or destruction of the nature upon whom the fate of the planet
depends. The time has come to rectify our past/present mistakes regarding nature and its potential destructive
attitudes, only then a true edifice of international relation between the nation-states could be achieved.

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References and notes

\[\text{Delanty, Gerard (1997), Models of citizenship: Defining European identity and citizenship, }\]
\[\text{Citizenship Studies, 1(3), p.297.}\]

\[\text{Justice in this sense can be viewed as a redistributive function undertaken by the state. One, which was historically not in its realm.}\]

\[\text{They are discoveries in the sense that during the period mentioned they for the first time became a part of the European knowledge map.}\]

\[\text{Those who want to read Foucault’s (1975) enumeration of the said categories along with their differences and operational principles should read }\]
\[\text{Discipline and Punish, }\]
\[\text{Penguin Publisher, London.}\]

\[\text{Here it would be pertinent to point out that torture here refers to the use of physical force. Whilst in modern times, this form of torture has lost its legitimacy others have taken its place. Torture by deprivation or forcing someone to say something under drug-induced hallucinations is commonly practiced by states.}\]

\[\text{Philip Smith (2001), Cultural Theory: An Introduction, }\]
\[\text{Blackwell, Malden, p.124.}\]

\[\text{Op. Cit., page 125.}\]

\[\text{Althusser in his reading of Marx talks of an epistemological break that differentiates the dominant voice of his early and later works. While the social and cultural tends to dominate the earlier works, the later ones are more materially oriented.}\]

\[\text{Totem Books, Singapore, p. 86 – 88 for an entertaining and simple exposition of discourse as propounded by Foucault.}\]

A conscious decision to avoid definitions provided by political theorists was taken to steer clear of the variations in them. A dictionary definition moreover has the added advantage of taking a common man’s view of the subject in discussion.

Talking of the idea of refugee would serve to show the case in point. Whilst it was quite difficult but common enough for a person to shift his loyalty from one state to the other in the ‘pre-modern’ times; it has become an extremely difficult one to do so now. An individual’s right to choose (however limited) has been usurped by the state.

The use of this term has to be done with great caution. While it is easy to infer the grid of Orientalism, it is equally easy to fall into the trap of Occidentalism, where as an exercise in reversal the West and its traditions are also essentialised.

Talking of historical specificity of the West does not in any way mean that the entire Western world experienced their history at the same pace and manner. This is a rhetorical exercise to prove a point that the paper aims to.

This knowledge generated polar opposites that helped in the creation of self-identity while encumbering the colonials with a polar opposite one. Thus we have oppositional dyads such as settled-discovered; modern-traditional etc.

It is interesting here to note that disciplines, whether belonging to the natural or social sciences became institutionalized and got their academic moorings around the same period when the colonies were being taken over in the second half of the 19th century.

These institutions, academic disciplines, were, as mentioned above, generating knowledge as well as pictures of what the West and the Rest represented. An exercise in realisation of the ‘Self’ and the ‘Other’.

An example of this would be the construction of the ‘Hindu’ identity, a category created by the 1881 census report. The 1872 Census Report had categories such as ‘Sanatani’, ‘Vaishnava’, ‘Shaiva’ etc.

Avoiding this dilemma where one knows that knowledge produced even in the periphery is but an extension of the metropolitan theorizing but the only practical method one is left with is one that most of the times insurmountable. The only recourse is to begin by questioning the premise or assumptions associated with this knowledge bank and open up the fissures that would perhaps one day help in generation of alternative knowledge systems.

As noted earlier these are categories that are European classificatory ones. See footnote 17 above.

This however should not be taken as a view of the now independent colonial states’ structures as being totally dysfunctional and operating in limbo. State-society continuum, not a two-way and free process, has been established due to the colonial disjuncture and exists. See the contrasting situation of India and Pakistan in this respect.

This can best be illustrated with the examples of what has happened to communal rights of the tribals in the newly independent states’. Structures and processes have been put in place which replicates the colonial experience in their case.


Ibid, p. 182.

Refer to endote 29.