Love thy Neighbour

Understanding Fraternity and its Discontents

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In the backdrop of the recent controversial Citizenship Amendment Act (2019) (CAA), an act that aims to give Indian Citizenship to any Hindu, Christian, Sikh, Buddhist, Jain or Parsi from Pakistan, Bangladesh or Afghanistan residing in India pre 2014, and the fears of an All India National Register of Citizens (NRC)[2], there has been a growing polarisation in discourses and debates regarding the nature of Citizenship in India. While the Government has been quick to give assurances that the NRC has not even been drafted (The Indian Express 2020), repeated statements from the Home Minister have indicated that an All India NRC will soon be bought about (The Economic Times 2019), casting a shadow over thousands of Indians who lack adequate documents, a necessary indicator of Citizenship as per the NRC. The fears of the populace that the NRC might target certain communities, especially economically backward groups which cannot afford to produce their documents such as Muslims, Dalits[3] and Trans genders have largely been justified by the number of exclusions in the Assam NRC (India Today 2019), which has led to Pan-India protests and the adoption of Gandhian dharna's and Satyagraha as a tool to voice dissent against the combine of the CAA-NRC.

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[2] The National Register of Citizens was carried out in the North Eastern State of Assam on the order of the Supreme court to identify Bangladeshi Immigrants residing within India. The Government has stated its support for bringing about an All India NRC on the lines of that carried out in Assam.

[3] The former 'untouchable' caste group

The term citizenship has been a contentious topic in recent times and is a matter of great debate and discourse. It is quite evident in the contemporary plot especially in a country like India, which has taken pride over its varied diversity and a fraternity that has seemed to transcend 'narrow domestic walls' (Tagore, 2000). Before we elaborate on this idea of citizenship and its context in India, it is imperative to know what citizenship, what role is does it plays and where the term citizen was first coined and how it came into use.

From a wider perspective, the term Citizenship refers to various relations between an individual and a state and it is not limited to only political rights but also other privileges. Amongst these, most important is the rights that the individual receives in the form of protection abroad and is also often referred in international law to denote all persons whom a state is entitled to protect.

The idea of citizenship first was brought in towns and cities of ancient Greece, where it generally applied to property owners but not to women, slaves, or the poorer members of the community. A citizen in a Greek city-state was entitled to vote and was liable to taxation and military service. The Romans first used citizenship as a device to distinguish the residents of the city of Rome from those peoples whose territories Rome had conquered and incorporated. As their empire continued to grow, the Romans granted citizenship to their allies throughout Italy proper and then to peoples in other Roman provinces, until in AD 212 citizenship was extended to all free inhabitants of the empire. (Britannica, 2018)

As the notion of citizenship emerges, it is associated with the concept of freedmanship. History of citizenship, describes the changing relation between an individual and the state that is commonly known as citizenship. Citizenship comes from a Latin word for a city because of the historical relationship between an individual and his city-State. Niraja Gopal Jayal in her book "*Citizenship and its Discontents*" attempts to document the Indian idea of a citizen across the twentieth century, as a relation between the individual, the state and its citizens (Jayal, 2013). In the context of Citizenship, India's discourse on citizenship stresses on the involvement of the individual in the larger community or 'National Imagination'. The problem with imagining a national identity for India can be

traced back to a fundamental question: What is the Idea of India? Depending on the answer to this question, the National Imagination changes and with it, the conception of who is an Indian. While most post-colonial countries have been formed on a central marker such as religion or language or ethnicity, India could never fit those narrow criteria. Encompassing 780 languages (Office of the Registrar General & Census Commissioner, India 2011), 9 religions and several hundred different ethnic groups, the task of defining India as a country of only one of these markers would mean exclusion of a large percentage of the second largest population in the World (Department of Economic and Social Affairs Population Division 2019).

Unlike Pakistan, which was founded on the basis of the two-nation theory of M. A. Jinnah (Abdul Majid n.d.), India 's refusal of the Two nation theory meant that its Nationhood(and by extension its National Imagination) could not be stemmed from its majority religion, Hinduism due to its committed belief to protecting the rights of all religions and faiths. Unlike other nations that based their 'National Imagination' around Religion such as Saudi Arabia and Pakistan, India had committed itself to Secularism and hence, had to turn to other avenues, such as language. The demand to make Hindi the National language of India: a move that would have seen the development of the National Imagination of India formed around a language, in a manner similar to that of the United Kingdom, where regional languages were undermined at the cost of the imposition of English (Leith 2005).

The demands for Hindi being made the National Language were raised several times in the Constituent Assembly Debates in the two years when the constitution of India was being drafted (Constituent Assembly Debates 1949) and was fiercely contested by both the Government, who believed the imposition of Hindi would have disastrous consequences on the newly created India, and those who believed that a common language would truly 'unite' India. In the end, a compromise was reached and several measures were decided to effectively postpone the decision of making Hindi the National Language. The measures were: the President would officially recognize figures originating in Sanskrit, 15 years after the promulgation of the Constitution; Hindi would be used in the regional courts with the approval of the President of the Republic; legal texts could be promulgated in

regional languages as long as an English translation was provided; Sanskrit would be added to the 13 languages officially recognized in the initial list of N. Gopalaswami Ayyangar, who had drafted the amendment (Hasnain 2013). Hence the decision was effectively postponed, and it has been postponed to a future undecided date. While there have been recent statements by the Government for the upliftment of Hindi to the role of National language (The Times of India 2019), it can be safely stated that historically, since India's independence in 1948, language has not been considered the central ethos of the modern Indian state.

With the elimination of language and Religion as the central principle of the Indian Nation, the task of "Nation Building" (as the first Prime Minister of India described it) (Shroff 2017) fell on early Indian leaders such as Jawaharlal Nehru and Sardar Vallabhbhai Patel to unify almost 560 separate and independent states with distinct tradition, language and rituals (Mukherjee 2014) and create a Nation from a subcontinent that had never experienced a collective feeling of national belongingness (Indian National Identity: Post Independence Journey In the light of Miller's theory 2017).The method through which a modern Indian State was carved out in spite of a variety of differences: ranging from religion to caste to wealth was threefold: Firstly, the integration of the erstwhile princely states into the Union of India ensured that all regions that ensured limited Autonomy under the British were bought under the control of the Central Government (Svensson 2016)(with the exception of Jammu and Kashmir, which had special powers as per Article 370 of the Indian Constitution) and though most were made into states in the new country, India's quasi-federal Constitution ensured that the Union Government made the law of the land. Secondly, the use of Secularism as an equaliser of religions meant that the instrumentalization of equality of religions before the law ensured the 'new monster' of Hindu Nationalism would be quelled (Khilnani, Who Is an Indian? 1997) and would not be allowed to hijack the newly created State. Lastly and most importantly, the creation of the Indian constitution as a document that not only acknowledged but encouraged the diversity of India acted as 'as a force field that tries to stabilize a range of often contradictory considerations' (Khilnani, Politics and National Identity 2010). It was by these three means that a concrete spirit of 'Indianness' was created and furthermore institutionalised within the Nation's framework.

Yet even with this value of 'Indianness', the newly formed Indian state suffered from serious deficiencies. The Preamble of the Constitution made four effective promises of Liberty, Equality, Fraternity and Justice. While the newly created National Imagination or Indianness has ensured the "liberty of thought, expression, belief, faith and worship" in the Constitution[4] as well as the "equality of status and opportunity" (By the Abolishment of untouchability and Equality of opportunity in matters of public employment[5]) and there have been great bounds in ensuring justice as envisioned in the preamble (Dansana 2014), there has been a general neglect for the "fraternity" that the preamble envisioned. In fact, in the original Objective Resolution adopted unanimously in the Constituent Assembly regarding the Preamble never mentioned Fraternity (Rao 1968) and it was only added in later. The importance of Fraternity, however, was stressed upon by Dr BR Ambedkar in his stirring speech in the Constituent Assembly, on the 25th November 1949. Ambedkar emphasised this need for fraternity and public spiritedness in building social institutions that could reconcile liberty and equality. He said

> Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. *Without fraternity, liberty would produce the supremacy of the few over the many. Without fraternity, liberty and equality could not become a natural course of things….. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint* (Ambedkar 2016)

Thus Ambedkar understood that by itself, the idea of liberal democracy is both insufficient and deficient, and in order for it to work some idea of shared citizenship had to be presupposed. Infact, Prerna Singh, the Mahatma Gandhi Associate Professor of Political Science and International Studies at Brown University, argues that a sense of oneness with a political community can be a key driver of differences in social policy and welfare (Singh 2015) . As the 'sense of we-ness' increases the psychological effects of group identification (like the idea of linked fate, prioritisation of the collective, not just the

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[4] Specifically, Articles 19 (Protection of certain rights regarding freedom of speech) and 25 (Freedom of conscience and free profession, practice and propagation of religion)

[5] Articles 17 and 16, respectively

individual etc.) increases. She posits that this sense of affective identification also stems ethical obligations towards the community and encourages pro-social behaviour.

In this manner we see that the notions of fraternity, an idea of a shared fate, the belief that 'we are all in this together' is almost fundamental to the idea of an 'imagined community' (Anderson 2006).Strikingly this idea of fraternity becomes very relevant since we are living in a period of history where it is the 'why should' questions that don't have answers (Heclo 1995).Heclo writes

> Contrary to the view of those who think social life only becomes more complex and imponderable, I think we have become very good at answering many different kinds of questions. Compared with what was known 100 years ago during the debate on the old social question, our state of knowledge is striking. We can answer questions about what is happening in the economy or what are the living conditions of poor people with astonishing detail. We know how to bring a healthy baby into the world, how to keep it well, how early childhood development affects preparedness for school and answers to any number of other questions that were only dimly perceived at the beginning of this century. It is the "why should" questions that have become so difficult for us. Whatever we know about the facts of social marginalization, why should we do anything about them? Why should we care for each other? Why should I not just live as I like? The "why should" questions are the ones that touch **the moral will** of a community (Heclo 1995).

Globalisation which has almost reduced democracy to an electoral event and has even further deepened the privatisation of individuals. The burden of reflection, moral seriousness and public argument has been replaced by a cacophony of multiple voices talking past each other or venting their personal anger, paranoia or hatred at an imagined enemy leading many of us to the allure of a market society. As we move from a market economy to a 'market society', we are increasingly being afflicted by 'anomie', a condition of living without values leading to alienation of the self. This seems especially ironic when we look at the works of the French sociologist, mile Durkheim, who thought that every society was a 'moral society' and a state of order is 'moral task' to be accomplished (Durkheim 1957). In her opinion piece in The Hindu, Neera Chandhoke, worries that 'the quintessential modern being is a bit like Howard Roark, who in Ayn Rand's *The Fountainhead* sits atop a metaphorical mountain condemned to view life from a distance presenting to us a terrifying picture of isolation, and of failure to relate to other people

(Chandhoke 2018). She believes that it is only an associational life will temper and moderate this malaise of modernity. But as Rajeev Bhargava writes, one of the basic flaws of liberal democracy is that it is inadequately concerned with public activity, political liberty and wider community life. He writes

> To redeem themselves and their society, they need a sense of togetherness that helps build a vibrant political culture, one that is not exhausted by family love, or by narrow community feelings such as those related to caste or religion. They need a commitment to a shared good that presupposes a strong sense of public spiritedness (Bhargava 2019).

This redemption seems very hard for a country like India where there exists a systematic mistrust' towards the' State'. Probably this might have been due to the backdrop of colonialism where the 'public' was not created by society. We can't easily find an Indian equivalent of the 'public square' in India. Probably the best word that would come close will be that of 'maidan' (Khilnani 1998). Khilnani observes that public meetings were initially alien to India's new cities and it was only in the late 19th century that the urban elite began to 'assemble in public for social and then political purposes' in 'imitation of British' (Khilnani 1998). For him, it was Mahatma Gandhi who radically redefined public meetings for nationalistic purposes. Gandhi's mass prayer meetings and public meetings were often accompanied by the burning of foreign clothes as a part of the Swadeshi and Boycott movement. Apart from this Gandhian variant, he considers Jallianwala Bagh, to be a symbol of martyrdom and a public square akin to the Tiananmen Square in recent Chinese history. But in both of these variants of the public square the focus was not on the content of the speeches delivered and deliberated, but on the strength of the crowd united in one cause (John 2013). Thus the state formation did not happen organically as the result of a Lockean 'social contract' as it happened in Europe. As the State was given as a solution by the colonial masters, there often exists no legitimacy for the State to exist and to provide services. There is often more legitimacy and trust with social institutions like caste, linguistic community, religion and family than that for the State.

Uslaner and Rothstein have argued that 'Trust reflects a sense of social solidarity that they believe that the various groups in society have a shared fate and that there is a responsibility to provide possibilities for those with fewer resources' (Uslaner and

Rothstein 2005). In societies like India with high levels of economic inequality and with few (or inefficient) policies in for increasing equality of opportunity, there is less concern for people of different backgrounds (Uslaner and Rothstein 2005). Michael Sandel prophetically warned that the profound inequality in the United States has resulted in the phenomenon of 'sky- boxification' extending to realms of our social and political life, beyond that of sports (Sandel 1998). Thus the civic consequences of inequality create further segregations and deepen the already existing divergence in the way of life thus destroying the idea of a common purpose and of shared citizenship. His prophetic warning almost two decades rings true to our ears in the Donald Trump-era. He had warned in the second half of the nineties:

> Without a stronger civic spirit, liberalism will collapse giving way to those who would shore up the borders, banish ambiguity, harden the distinction between insiders and outsiders, and promise a politics to take back our culture and take back our country' (Sandel 1998)

This happens because people realise that a stronger concern for the public good is a necessary condition of negative liberty and that by itself, the idea of liberal democracy is both insufficient and deficient. When societies realise this, liberal democracies around the world seem to have periodic sprouts of public spiritedness. People suddenly become active citizens, coming out on the streets; challenge the establishment (we saw this in India Against Corruption Movement and at the 2012 Delhi gang-rape protests); protest with purpose; show distrust for liberal democracy, questioning existing modes of political representation.

As Nehruvian consensus broke down and the aura of anti-colonial nationalism faded, the idea of State and citizenship in India underwent and is still undergoing serious contestations, from the mid-sixties. Various caste and communal fault lines have emerged and are manifested through movements like the Dravidian movement in the South, Nagalim agitation in the North-East, Naxal movement in Central India, Mandal agitations, the Hindu nationalistic uprisings, and the recent cow-vigilante attacks etc. Thus there are these competing ideas of India struggling for hegemony within the mainstream of Indian public

philosophy. T K Oommen (Oommen 2003) talks about the various perspectives on viewing 'the national culture' in India. The traditionists who attest to the hegemony of the cultural mainstream, the nationalists who advocate the hegemony of the state, the modernists who endorse the hegemony of the market and technology and the pluralists who endorse the coexistence of different cultures within the same polity with dignity. We can often see the consensus titling towards all the streams and sometimes a combination of these at different times in India's electoral history.

Though democratic solidarity is one way to overcome the problems of liberal democracies, this can also be performed by nationalism — by its ethically informed, inclusive variant or by an exclusivist national populism that is surging ahead today in different parts of the world. As Bhargava says 'forging solidarities, building public institutions, putting sustained pressure on governments to make informed, ethically grounded public decisions, and ploughing through historical material to sculpt traditions needs a lot of time and effort' (Bhargava 2019). Hate- mongering nationalism and populism, on the other hand, are manufactured easily and pay quick dividends especially when staunchly supported by an unprincipled, profit-seeking mass media. What is needed is a mechanism to build solidarities with an enlarged radius of trust and social capital and would thus provide the foundations for an ideal of social citizenship where 'all people are secure in their individuality and cooperative in their citizenship' (Walzer 1989). What more can better foundation to enlarge the radius of trust and social citizenship than 'fraternity'?

Having thus emphasised on the importance of fraternity (it being one of the three ideals of a Democracy as per the French revolution) and its critical role in imagining 'Indianness', it is now imperative to understand the implications of the CAA-NRC on this 'we' feeling (Singh 2015) and how it might stand to jeopardize the foundations of the Indian Ethos. The Citizenship Amendment Act has been widely criticized on the grounds that it is discriminatory against two groups: the Tamil Sri Lankans who have been at the receiving end of violence post the Sri Lankan Civil War (Huffington Post 2019) and the Muslim populations of Pakistan and Myanmar (notably, the Shias and Ahmadiyya's of Pakistan and the Rohingyas of Myanmar). The exclusion of these two groups seems to have been arbitrary (in the case of the Srilankan Tamil's, considering the close proximity of Sri

Lanka to India) and deliberate and calculated (in the case with the Muslims seeking refuge from persecution). While the move to provide Indian citizenship to persecuted Minorities of our neighbouring countries is consistent with the longstanding tradition of *Atithi Devo Bhava*[6] ,which has long accepted that India will welcome all people, irrespective of religion and ethnicity, which draws strength from its diversity and because the value of 'Indianness' is not linked to any general marker such as religion or language, allows for people, irrespective of their ethnicity, religion or language to be as much an Indian as any other, it raises questions over the particular nature of exclusion. As Swami Vivekananda described it at the World's Parliament of Religions in Chicago in 1893, India has been a nation that "has sheltered the persecuted and the refugees of all religions and all nations of the earth" (Vivekananda 1893). As Tagore described it in *Bharoto Bhagyo Bidhata*[7], the hymn which consists of the National Anthem of India, 'The Hindus, Buddhists, Sikhs, Jains, Parsis, Muslims and Christians, The East and the West come together,To the side of Your throne And weave the garland of love' (Tagore, 1911).This garland of love or *dard ka rishta*[8] (as Harsh Mander describes it in his Essay, *Fraternity: The Missing Link of India's Democracy* (Mander 2019)) that India has with persecuted minorities of other countries is in line with the Indian tradition of Pluralism and diversity. The break from this customary tradition of humanitarianism has manifested itself in Pan India protests against the exclusions, and has revealed major fault lines in India's fraternity. The feeling of 'Indianness' is fading away as the country is divided into two separate camps, with calls of shooting the "traitors" (India Today 2020) and chants of "Long Live Pakistan" (Press Trust of India 2020) threaten to destroy the newly made National Imagination.

Having examined the current model of India's citizenship and its particular *Dard ka Rishta* relationship, a visualisation of what India's citizenship discourse ought to be is crucial. While the Current CAA allows for Non muslim refugees from selected countries, notably Afghanistan, Pakistan and Bangladesh, this discriminatory humanitarianism ought to be avoided and a more inclusive policy based on acceptance of all persecuted people

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[6] Guest is God

[7] Dispenser of the Destiny of India

[8] Relationship of Pain

from our neighboring countries (Notably Pakistan, Afghanistan, Bangladesh, China, Tibet, Bhutan, Nepal, Myanmar and Sri Lanka) is more in line with the Indian tradition of acceptance and tolerance. In these uncertain times, it is important to remember Tagore and his vision for India, summed up when he said:

> .. let us unite, not in spite of our differences, but through them. For differences can never be wiped away, and life would be so much the poorer without them. Let all human races keep their own personalities, and yet come together, not in a uniformity that is dead, but in a unity that is living (Tagore, 1994)

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