Review Essay

Revisiting Cartographic Anxiety

DEBATING DIFFERENCE: GROUP RIGHTS AND LIBERAL DEMOCRACY IN INDIA, by Rochana Bajpai [1]

MAPPING CITIZENSHIP IN INDIA, by Anupama Roy [2]

THE DOMESTIC ABROAD: DIASPORAS IN INTERNATIONAL RELATIONS, by Latha Varadarajan [3]

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IN 1994, SANKARAN KRISHNA coined the term "cartographic anxiety" to describe a persistent neurosis that seemed to mark Indian practices of state and nation building.[5] To anyone who had occasion to open an atlas in India in the first half-century of its postcolonial existence, this neurosis would have been evident in the rubber stamp that Customs Department officials doggedly impressed upon the pages of any foreign publication that dared to represent the effective boundaries between India and its neighbours, Pakistan and China, rather than those the Indian state claimed for itself. The stamp read, "The external boundaries of India as depicted are neither accurate nor authentic." For Krishna, the term "cartography" encompasses all those representational practices that, in various ways, have attempted to inscribe something called 'India' and to endow that entity with content, history, meaning, and purpose, taking within its ambit not

1. Rochana Bajpai, *Debating Difference: Group Rights and Liberal Democracy in India* (New Delhi: Oxford University Press, 2011) 324 pages.
2. Anupama Roy, *Mapping Citizenship in India* (New Delhi: Oxford University Press, 2010) 226 pages.
3. Latha Varadarajan, *The Domestic Abroad: Diasporas in International Relations* (New York: Oxford University Press, 2010) 244 pages.
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5. Sankaran Krishna, "Cartographic Anxiety: Mapping the Body Politic in India" (1994) 19 Alternatives: Global, Local, Political 507.

only the drawing of lines on a map but also the frequently bloody and coercive processes by which those lines are socially produced and made effective.[6] Krishna understands India's cartographic anxiety as stemming both from the peculiar circumstances of its birth—its creation-by-amputation in the bloody events of Partition—but also as "a facet of a larger postcolonial anxiety: of a society suspended forever in the space between the 'former colony' and 'not-yet-nation.'"[7] It is this state of suspension, he argues, that fuels the obsession on the part of the postcolony to approximate a historical origin that never existed, except as the telos of the narrative of modernity: "[P]ostcoloniality may be defined as a condition marked by the perpetual effort of colonized societies to catch up with the putative pasts and presents of colonizing societies who anyway do not accept that they are in a race."[8]

Nearly two decades after this still widely cited article was written, the state of suspension that Krishna describes may seem unrecognizable to the casual reader. Analyses of India as a "rising power" wax eloquently about its military strength, its status as the largest arms importer in the world, its possession of nuclear weapons—now accorded US approval,[9] its position as the third-largest economy in purchasing power parity (PPP) terms[10] with a growth rate that is projected to remain robust relative to those of developed economies even in a time of global recession,[11] and the endurance of its democratic institutions. More sober analyses point to the daunting challenges with which India grapples on a daily basis: a growing gap between rich and poor, larger absolute numbers of poor than in all of sub-Saharan Africa,[12] left-wing violence from the Maoist Naxalite movement, the ever-present threat (and sporadically realized actuality) of religious fundamentalism

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6.   *Ibid* at 508.

7.   *Ibid* at 508-09.

8.   *Ibid* at 517.

9.   Office of the Press Secretary, Press Release, "Joint Statement Between President George W Bush and Prime Minister Manmohan Singh" (18 July 2005) online: <http://georgewbush-whitehouse.archives.gov/news/releases/2005/07/20050718-6.html>.

10.   Devika Banerji & Rishi Shah, "India overtakes Japan to become third-largest economy in purchasing power parity," *The Economic Times* (19 April 2012), online: <http://articles.economictimes.indiatimes.com/2012-04-19/news/31367838_1_ppp-terms-india-s-gdp-power-parity>.

11.   IMF Survey Online, "India's Growth Slowdown Calls for Reinvigorated Reforms," *IMF Survey Magazine* (17 April 2012), online: <http://www.imf.org/external/pubs/ft/survey/so/2012/car041712a.htm>.

12.   Jason Burke, "More of world's poor live in India than in all sub-Saharan Africa, says study," *The Guardian* (14 July 2010), online: <http://www.guardian.co.uk/world/2010/jul/14/poverty-india-africa-oxford>.

and communal violence, systemic corruption and infrastructural bottlenecks that threaten to impede growth, unresolved secessionist struggles in Kashmir and the Northeast, tensions with Pakistan and China, and the instability created by the Afghan war in South Asia more generally. Yet, whichever 'India' analysts choose to see, as Ramachandra Guha—one of the country's foremost public intellectuals—notes, the question that typically animates them is not whether India will survive but whether it will become a superpower.[13] The India of today continues to remain forever suspended, but the possibilities between which it dangles are less those of "former colony and not-yet-nation" than "troubled nation and great power." Indeed, this image of perpetual suspension is corroborated by the portrayal of India as "always emerging but never quite arriving."[14]

At the heart of the three books reviewed here is the notion of citizenship—a paradigmatic cartographic practice demarcating insiders from outsiders and defining the membership of the body politic. Delineating changing trends in understandings and practices of citizenship over the life of the republic, all three books allow us to revisit the question of cartographic anxiety, to consider the forms in which it manifests itself, and ultimately to pose the question of whether greater power alleviates cartographic anxiety. Indeed, this is itself simply a refor-mulation of the enduring question in international relations of whether greater power brings greater security.

Anupama Roy's book, *Mapping Citizenship in India,* might be read as a biography of *The Citizenship Act, 1955,*[15] as the author investigates the politics surrounding its inception before exploring the debates that attended key amendments in 1986, 2003, and 2005. Although Roy sets out to mark moments of both inclusion and exclusion in the trajectory of Indian citizenship, the book in fact tells a story that is overwhelmingly weighted in favour of the latter. One sees here a notion of citizenship, originally moored in the idea of *jus soli* whereby rights of citizenship follow from birth within the territory of the state, becoming increasingly informed by the doctrine of *jus sanguinis* whereby citizenship follows from blood ties and descent. This change is starkly evident in the rules governing citizenship by birth, which, at the commencement of the *Citizenship Act* in 1955, accorded citizenship to virtually everyone born within the territory of India (with

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13. Ramachandra Guha, "Will India Become a Superpower?" in Nicholas Kitchen, ed, *India: The Next Superpower?* (London: LSE Ideas, 2012) at 6-16.

14. Subrata K Mitra, "The reluctant hegemon: India's self-perception and the South Asian strategic environment" (2003) 12 Contemporary South Asia 399 at 400-01.

15. No 57 of 1955, India Code [*Citizenship Act*].

some exceptions)[16] but have subsequently become more restrictive. In addition to birth within the territory of the state, the 1986 amendment required that at least one parent be a citizen of India.[17] The 2003 amendment conferred citizenship by birth only where both parents were citizens or where one parent was a citizen and the other not an illegal migrant at the time of the child's birth,[18] offering a clear indication of the jealousy with which the Indian state guards privileges of citizenship and the nature of the anxiety underpinning it.[19]

Ethno-cultural practices and understandings of citizenship have been significant from the inception of the citizenship regime. Roy describes a liminal period between the coming into force of the *Constitution of India* (*Constitution*)[20] in 1950 and the promulgation of the *Citizenship Act* in 1955 when governmental authorities in both India and Pakistan had to deal with and assess the citizenship claims of a range of people crossing the new border: children, prisoners, and most extraordinarily, women who had been abducted in the course of Partition-related violence and had found themselves in the 'wrong' country. The exchange of these women, frequently carried out with no regard to their stated wishes, was considered a task essential to the consummation of both nations because of its unstated contribution to the restoration of *izzat*, or male honour.[21] Decisions about the claims of these liminal subjects were informed by a range of considerations, including the nature and direction of movement, the intention with which it was imbued, and—crucially—the identity of the migrant. In an historical context still dominated by the memory of the brutality of Partition, Roy argues that judgments about loyalty—frequently derived from religion—were the primary basis for executive discretion, exception, and arbitrariness, even where the letter of the law permitted admission into citizenship.[22]

Rather than eroding the ethno-cultural substrate of cartographic anxiety, the passage of time seems only to have furnished updated justifications for it in the context of a post-September 11 ("9/11") world. Nor is such anxiety the preserve of the majoritarian institutions of government—the executive and legislature—which might be expected to reflect social chauvinisms and neuroses. Among the

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16. *Ibid,* s 3(a).

17. *Ibid,* s 3(b), as amended by *Citizenship (Amendment) Act, 1986,* No 51 of 1986, India Code.

18. This concept is common in civil law jurisdictions, however. *Citizenship Act, supra* note 15, s 3(c)(i)-(ii), as amended by *Citizenship (Amendment) Act, 2003,* No 6 of 2004, India Code [*Citizenship (Amendment) Act, 2003*].

19. Roy, *supra* note 2 at 133-34.

20. *India Const,* 1950 [*India Const*].

21. Roy, *supra* note 2 at 43-44, 61.

22. *Ibid* at 91.

most interesting sections of Roy's book are those that detail battles over citizenship in two of India's northeastern states, Assam and Arunachal Pradesh, of which the former is particularly illustrative of these dynamics. When an ethnic Assamese movement began protesting the entry of 'illegal aliens' from Bangladesh in the 1980s, the Congress government at the Union (*i.e.*, federal) level, wary of yet another regional challenge to its dominance, sought to delegitimize the movement in a variety of ways, including by portraying these anxieties as specifically Assamese and not national. Among other things, the Union government passed the *Illegal Migrants (Determination by Tribunals) Act, 1983* (*IMDT Act*), a piece of legislation that made the process of identifying illegal migrants more onerous by shifting the burden of proving illegality on to the person alleging it[23] (thereby modifying the existing procedure for identification and deportation of illegal aliens specified by *The Foreigners Act, 1946*, which required the alleged illegal alien to prove his or her legality).[24] In doing so, the Union government sought both to assert its exclusive prerogative to legislate on issues of citizenship and to wrest the moral high ground from the Assamese movement by posing as the guardian of immigrants' human rights. The constitutionality of the *IMDT Act* was challenged by the Assamese politician Sarbananda Sonowal, who argued that it discriminated against Assamese citizens by specifying distinct procedures for dealing with immigration into the state, thus making it impossible for them to detect and to deport foreigners from their soil. Among the numerous affidavits filed by various interested parties was one by the National Democratic Alliance (NDA), led by the Hindu right-wing Bharatiya Janata Party (BJP), which dwelt at length on the dangers that illegal immigration of Muslims from Bangladesh posed to national security. In defending the constitutionality of the Act, the Congress asserted that it had the effect of protecting *Indian* citizens from the harassment of opportunistic allegations of illegality.[25]

In 2005, the Supreme Court declared the *IMDT Act* unconstitutional on grounds that its exceptional application to Assam was discriminatory and took issue with shifting the onus of proof onto the authority charged with detection and deportation of foreigners.[26] The Court shifted the burden of proof back on to the suspect—a move that had the effect of undermining the presumption of innocence. The Court justified this legal regime of suspicion on the grounds of

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23. No 39 of 1983, India code, c 2 s 8 [*IMDT Act*], as repealed by the Supreme Court of India in *Sarbananda Sonawal v Union of India & Anr*, AIR 2005 SC 2920 [*Sonawal v Union of India*].
24. No 31 of 1946, India Code, s 9.
25. Roy, *supra* note 2 at 115.
26. *Sonawal v Union of India, supra* note 23 at para 17.

restoring state sovereignty, which it claimed was diminished by the *IMDT Act*'s effective deprivation of the Union government's capacity to expel foreigners who violated the *Citizenship Act*. It also spoke of restoring to the Union government its constitutional duty of protecting the state from external aggression—an observation that effectively construed immigration from Bangladesh as not merely illegal but as an act of aggression. As Roy notes, in the court's exposition, "the constituent outsider was marked not only on account of being a foreigner, but also on account of being a Muslim, the latter inevitably associated with Islamic fundamentalism, as well as a threat to the nation (read Hindu) and its security."[27]

Although Roy does not mention it, this ruling was not the first time that an agency of the Government of India had construed migration from Bangladesh as aggression. In the entirely different context of the 1971 war with what was then East Pakistan, India's ambassador to the United Nations, seeking to justify its use of force against Pakistan, initially drew attention to the plight of the citizens of East Pakistan, ten million of whom had fled across the border into India.[28] Finding insufficient diplomatic support for this proto-humanitarian intervention argument—made in the context of the Cold War when there was little, if any, support for the notion that force could be used in defence of the human rights of the citizens of another state—the ambassador quickly changed his position to the more conventional one of self-defence against the wave of "refugee aggression" confronting his country.[29] Even as it sought to present itself as the liberator of the new state of Bangladesh, India has construed the people of that state as aggressors from the moment of Bangladesh's inception. If the argument was first made for legalistic reasons, it has taken on more substantive and sinister connotations in the post-9/11 conjuncture, informed as it is by panics concerning terrorism and Islamist fundamentalism.

As should be evident by now, Indian discourses of citizenship have been haunted by the figure of the migrant whose relationship to the citizen is, in Roy's view, not so much one of exclusion or opposition as "foreclusion"—a situation in which the outsider is presented discursively and constitutively in delineations of citizenship.[30] The outsider is a constant referent, indispensable for the identification of, and inextricably tied to, the citizen without fully being able to reproduce herself

27.   Roy, *supra* note 2 at 116.

28.   UNHCR, *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000) at 59.

29.   Nicholas J Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000) at 61.

30.   Roy, *supra* note 2 at 5-6.

as one.[31] But the migrant is a multivalent figure, and there is at least one kind of migrant who appears to have been admitted into citizenship in a rare expansion of Indian conceptions of national belonging: Persons of Indian Origin (PIO) abroad who are granted Overseas Citizenship of India (OCI). The puzzle of how and why this happened is the subject of Latha Varadarajan's book, *The Domestic Abroad*.

Beginning in the year 2000, successive Union governments have taken steps to institutionalize the relationship between the Indian state and its diaspora—a phenomenon that Varadarajan describes as the production of a "domestic abroad." In 2003, on the initiative of the NDA government, Parliament passed *The Citizenship (Amendment) Act, 2003*, which conferred overseas Indian citizenship on PIOs from sixteen countries in North America, Europe, and Australasia[32] (the choice of these countries led cynical observers to characterize the initiative as an exercise in cultivating "dollar and pound citizenship"[33]). With the exception of the right to participate in electoral politics, PIOs were granted a range of rights (visa-free travel, residence, investment, and land and property acquisition) that had previously been available only to resident and non-resident Indian (NRI) citizens.[34] The following year, the new Congress-led United Progressive Alliance (UPA) government established a Ministry of Overseas Indian Affairs, and in 2005 the *Citizenship Act* was amended to extend overseas citizenship to all PIOs who either had been or were eligible to become Indian citizens "at the commencement of the India constitution," so long as their host countries permitted dual citizenship.[35] This reference to the *Constitution* implies that citizens of Pakistan and what is now Bangladesh are not eligible for overseas Indian citizenship, thereby reinscribing the cartographic anxiety that has, as we have seen, marked Indian citizenship since its inception.

The state's acute interest in the diaspora at this conjuncture was a novel and unprecedented development, incongruous with its relative disinterest in overseas Indians for much of its postcolonial history. Indeed, in the first few decades after independence, the state oscillated between benign neglect and outright suspicion of Indians who settled abroad, refusing to champion their interests when their presence was resented by majority communities in their host countries. This attitude seems to have stemmed from core principles of Nehruvian foreign policy: a fierce commitment to mutual respect of sovereignty and territorial integrity—especially

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31. *Ibid* at 3-4.
32. *Citizenship (Amendment) Act, 2003, supra* note 18 at s 2(1)(ee)(i)-(ii), (gg), Schedule IV.
33. C Rammanohar Reddy, "Citizenship with dollars and pounds," *The Hindu* (19 January 2003), online: <http://www.hindu.com/mag/2003/01/19/stories/2003011900230300.htm>.
34. *Citizenship (Amendment) Act, 2003, supra* note 18 at s 7(b)(ii).
35. Varadarajan, *supra* note 3 at 138; *The Citizenship (Amendment) Bill, 2005*, No 75 of 2005, India Code at s 7(a).

where other postcolonial states were concerned—coupled with a keenness to assuage regional concerns about Indian dominance. In practice, this meant that the government would not intervene to defend the interests of Indians in what were then Ceylon and Burma. The anti-imperialist commitments of Nehruvian foreign policy left the government rather unsympathetic to the plight of Indians adversely affected by the policies of postcolonial East African states. While condemning the most severe instances of persecution, such as Idi Amin's expulsion of Ugandan Asians, the government of India generally held the view that overseas Indians had brought this state of affairs upon themselves through their history of imperial collaboration and failure to make common cause with Africans in their host countries (this latter view was a polite way of referencing the racist and exploitative ways in which Indian communities tended to relate to black Africans).[36]

In explaining the dramatic reversal of the state's attitude towards the overseas Indian, Varadarajan's central argument is that the neoliberal restructuring of the Indian state—a process that began in the 1980s—necessitated and made possible the diasporic reimagining of the nation.[37] At the core of the author's thesis is an argument about the strategies deployed by the Indian bourgeoisie to construct and maintain hegemony, an endeavour that entails representing their particular interests as coincident with those of the nation. In the years immediately preceding independence, the dominant faction of the Indian bourgeoisie sought to accomplish this by dissociating themselves from the departing colonial authorities and making common cause with the Congress right-wing. As articulated by leading industrialists such as G. D. Birla and Purshotamdas Thakurdas, this position of enlightened self-interest maintained that the threat of communism was best averted by attacking the conditions of poverty in which it tended to take root.[38] This led the capitalist writers of the 1945 "Bombay Plan" to endorse many elements of Nehruvian socialism, particularly the notion of a strongly interventionist state that would abolish feudalism, liquidate rural indebtedness, and, more generally, occupy the commanding heights of the economy in the interests of propelling India's industrial development and reducing its dependence on foreign capital. This understanding of bourgeois interests also led Indian capitalists to endorse the nationalization of banks and insurance companies as well as the establishment of state financial institutions that would fund indigenous industrial production. For three-and-a-half decades after independence, a relatively stable compact between the state and the bour-

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36. *Ibid* at 75-77.
37. *Ibid* at 17.
38. Varadarajan, *supra* note 3, at 83.

geoisie prevailed in which the state would finance companies and protect them from foreign competition without interfering in their management.[39]

As economic performance began to stagnate in the 1950s, mired in what was notoriously described by economists as the "Hindu rate of growth," the first cracks in this compact became evident. Successive foreign exchange crises forced the government to approach the International Monetary Fund (IMF) for bailouts. Mindful of the experience of the 1960s—when IMF conditionality had aroused domestic opposition across the entire political spectrum, making the required reforms impossible to implement and resulting in a loss of credibility in international financial markets—the government adopted a very different approach in the 1980s. It launched a pre-emptive structural adjustment program even before approaching the IMF for a loan, presenting this as something it had done of its own volition and rather than under IMF pressure. One element of the program was the NRI Portfolio Investment Scheme introduced in the 1982 budget, which permitted investment in the shares of companies registered in Indian stock exchanges by "non-residents of Indian nationality or origin," as well as by corporations that were at least 60 per cent owned by such individuals.[40] This scheme assumes particular importance in understanding the neoliberal restructuring of the state because it is clear, in retrospect, that it was the first sign of the liberalization of Indian capital markets. The government justified the scheme on grounds that it would give Indian companies access to a valuable source of capital, implicitly acknowledging that the project of an aspiring autonomous national bourgeoisie had failed. The opposition agreed with the diagnosis but not with the cure, arguing that opening the door to foreign investment would undermine national sovereignty and would potentially allow multinational corporations to take over Indian firms through the agency of NRIs. In her astute analysis of the legislative debates attending this controversy, Varadarajan demonstrates how the government sought to allay the sovereignty concerns (read: cartographic anxiety) of the opposition by constructing the NRI or the PIO as viable alternative sources of much-needed capital that were preferable to the IMF.[41] In other words, playing up the "Indianness" of the NRI/PIO allowed the government to present this neoliberal restructuring as a case of the state reaching out to the nation abroad rather than as an abject surrender to foreign capital.

Many of these arguments were reprised in the discussion around the 1991 budget, which tends to be remembered as heralding a more radical round of neoliberal

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39. *Ibid* at 88.
40. *Ibid* at 94.
41. *Ibid* at100.

restructuring that sought to downsize the state and invite greater foreign investment. By this time, the bourgeoisie itself was split between a faction comprising older, more traditional firms that had been dependent on, and continued to desire, state protection from foreign competition, and a newly dominant faction run by professionals and entrepreneurs in the technologically advanced sectors of the economy who favoured faster and deeper liberalization. Having broken with the foundational compact between the state and the old bourgeoisie, this new faction faced the challenge of constructing a new hegemony that would link further liberalization with the national interest. As Varadarajan explains:

> If economic liberalization was not to be seen as an instrumental and calculated attempt by factions of the bourgeoisie to maintain and perpetuate their privileged status, if it was to be sustainable over a longer period of time, then what was needed was a way to make it seem like an essential step in the path of national progress … what was needed was a subject who could plausibly embody national aspirations, the potential for India to succeed in the global economy.[42]

It is in this context that the hailing of the diaspora and the valorization of the figure of the Indian abroad assume particular importance. The success of the Indian abroad was invoked to demonstrate what Indians were capable of when liberated from the stifling requirements of bureaucratic red tape (such as the now-vilified Nehruvian "license-permit raj"[43]). Moreover, homing in on the very apprehensions that underpin cartographic anxiety, proponents of liberalization argued that protectionism reflected an inferiority complex that was no longer warranted. India had reached a stage of development where it could welcome, rather than fear, foreign investment: The success of the Indian abroad was ample proof, this new bourgeoisie insisted, that Indians were second to none on the world stage.[44]

If the 1991 budget inaugurated a rhetorical blurring of the distinction between NRIs and PIOs, the *Citizenship (Amendment) Act, 2003* institutionalized it by granting the latter virtually all of the rights that the former had held by virtue of their continued possession of Indian citizenship while living abroad. This amalgamation of statuses into a category defined only by ethno-cultural markers reinforces the general trend towards citizenship based on blood and descent that Roy chronicles so insightfully. Together with the continued exclusion of PIOs in Pakistan and Bangladesh from the possibility of overseas Indian citizenship, the

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42.   *Ibid* at 110.

43.   The phrase refers to the elaborate regime of licenses and permits that governed the establishment and regulation of business in post-independence India till the advent of economic liberalization in the early 1990s.

44.   Varadarajan, *supra* note 3 at 128.

hailing of the diaspora, while purporting to allay the cartographic anxieties that expressed themselves in response to the impending entry of foreign capital, has in effect re-inscribed them. Considering that the Indian state now accords greater rights to a PIO who might never have set foot in the country than, say, a Bangladeshi migrant who has lived and worked in it for several decades, it is tempting to draw parallels with the Zionist project, wedded to a deterritorialized conception of its ethnos and less concerned with existing for all the people living within it.

Varadarajan's book will also appeal to readers with no particular interest in India insofar as it makes a number of interesting arguments about the place of diasporas in contemporary international relations. In particular, many will find it a convincing riposte to some of the more facile celebrations of diasporas as harbingers of a postnational consciousness.[45] Varadarajan's account of the diaspora as a "domestic abroad" reveals it to be a form of transnationalism produced through state policies and initiatives rather than simply a formation that challenges state and national identities. Yet the flip side of this emphasis on state production is that the diaspora itself remains rather voiceless in her narrative. With the exception of Swraj Paul, the British businessman whose acquisition of shares in Indian companies provoked the legislative debates over the NRI Portfolio Investment Scheme, we have very little sense of how the diaspora responded to being hailed by the state or whether it did any hailing of its own.

In a methodological sense, Rochana Bajpai is determined *not* to write the sort of book that Varadarajan has. If Varadarajan tends to account for political rhetoric in terms of the social interests that it furthers, Bajpai insists that there is value in separating an analysis of the form of political rhetoric from an exposition of the functions that it performs. She suggests that abstracting from the historical context of political rhetoric and bracketing-off questions of function will give us a more accurate grasp of the intricacies of form, a more nuanced view of change, and ultimately a better understanding of political power. If ideologies attempt to fix the meanings of concepts, then analyzing the success or failure of attempts to change those meanings can tell us something about the construction and breakdown of political hegemony.[46] In this sense, Bajpai, like Varadarajan, wants to discuss the question of hegemony, only less comprehensively and in greater depth. She is candid in acknowledging that she is only interested in part of a story that is worth telling—ideas by themselves do not explain outcomes—but nonetheless insists that there is value in providing a conceptual and ideological,

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45.   Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota Press, 1996) at 21.

46.   Bajpai, *supra* note 1 at 14.

as distinguished from an institutional or sociological, account of political hegemony.[47] The emphasis on the political isolates questions about the social relations of power. Bajpai does not doubt the importance of such inquiries, but chooses not to take them on in this particular work. This narrowed scope gives *Debating Difference* an exhaustiveness and depth that will likely make it the definitive work on its chosen topic.

Although I have been discussing citizenship as a paradigmatic cartographic practice dividing insiders from outsiders, insiders are themselves differentiated along myriad axes based on material inequality and social distinctions. In this sense, citizenship might be seen as throwing a fictive cloak of equality over differently situated agents, yet these very differences can make the promise of citizenship less accessible to some than others. It is in this context that practices of differentiated citizenship have arisen, in which members of particular religious, racial, ethnic, linguistic, and other groups are incorporated into citizenship not only as individuals, but also on the basis of their group membership.[48] In her account of the origins and subsequent trajectories of group rights in India, Bajpai argues that the discourse on group rights has been conducted in a legitimating vocabulary, comprising a set of interlinked political concepts: secularism, democracy, social justice, national unity, and development. The evolution of this discourse is best understood in terms of changes in the inter-linkage and relative priority of these concepts in relation to one another.[49] Bajpai's narrative is structured around two historical periods: the late 1940s (the time of the drafting of the Indian *Constitution*), which she identifies as a moment of group rights containment; and the late 1980s, when the constitutional resolution of group rights was challenged and renegotiated.

Three developments are striking about the constitutional resolution of group rights: first, the abolition of colonial-era political safeguards for religious minorities; second, the provision of religious, cultural, and educational rights for such minorities; and third, the granting of political safeguards for the so-called Untouchable or Scheduled Caste groups.[50] In an argument that alerts us to the powerful hold of cartographic anxiety and its ubiquity in the early years of independence, Bajpai maintains that the drafters of the *Constitution* took a dim view of political safeguards for religious minorities (such as the regime of separate electorates that had been implemented by the British colonial authorities)

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47.   *Ibid* at 20-21.
48.   Roy, *supra* note 2 at 18.
49.   Bajpai, *supra* note 1 at 14-15.
50.   *Ibid* at 46, 88, 110.

because of the primacy of national unity in the legitimating vocabulary of the time.[51] This unity was thought to have been fractured by the colonial government's recognition of religious differences—a move attributed to the colonizer's desire to keep the colonized divided and which ultimately culminated in Partition. The primacy of national unity in the legitimating vocabulary meant that all the other concepts were construed in ways conducive to the putative requirements of such unity. Thus, secularism was understood as the non-recognition of religious differences in political life; justice as the identical treatment of all individuals; development as the prioritization of the modern idea of nationhood over atavistic identities of religion, caste, and tribe; and democracy as rendering the social identity of representatives irrelevant. Religious, cultural, and educational rights for religious minorities survived the test of national unity in the course of these debates because the particular conception of secularism favoured at the time allowed for the recognition of religious identities in a private individual and associational capacity, even if not in the political sphere. These were construed as rights that would be exercised by religious minorities on their own initiative with no entitlement to state support.[52]

In contrast, political safeguards were endorsed for the Scheduled Castes because they were seen as mechanisms to diminish disadvantage and difference rather than maintaining distinctiveness.[53] It was argued that affirmative action for the so-called backward castes would further the cause of national unity: The levelling of vertical disparities, it was suggested, would better realize the horizontal camaraderie of equal citizenship. One of the key arguments that Bajpai makes in this part of the book is that the legitimation of affirmative action for "backward castes" in terms that were consonant with—and indeed vital for—the requirements of national unity left such provisions on a more secure political footing than religious, cultural, and educational rights for religious minorities, which, although guaranteed as fundamental rights to all citizens, nonetheless carried an aura of majority largesse and have been vulnerable to right-wing Hindu accusation of minority appeasement ever since.[54] The premises and argumentative pathways by which concepts are legitimated thus have enduring consequences for their political survival.

The debate over group rights for religious minorities was reopened in the 1980s in reaction to a controversial Supreme Court ruling in the case of

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51. *Ibid* at 76.
52. *Ibid* at 142.
53. *Ibid* at 125.
54. *Ibid* at 168-69.

Mohammed Ahmed Khan v Shah Bano.[55] One of the legacies of the constitutional settlement of group rights for religious minorities was that, in a continuation of colonial practice, they would be governed by religious law insofar as issues of personal law (marriage, divorce, adoption, and inheritance) were concerned. In 1985, the Supreme Court, in adjudicating an apparent conflict between Muslim personal law and the secular Criminal Procedure Code (CrPC) on the issue of payment of maintenance (spousal support) by a Muslim man to his divorced wife, ruled that the provisions of the CrPC applied to all citizens irrespective of religion.[56] The Court also took it upon itself to offer an interpretation of Muslim law that resolved the apparent conflict between the two sets of laws.[57] This latter step was perceived by the (mostly male) leaders of the Muslim community as an infringement of their religious freedom and provoked widespread agitation. In response, the Congress government of Rajiv Gandhi passed *The Muslim Women (Protection of Rights on Divorce) Act, 1986*,[58] overriding the judgment and exempting Muslims from the ambit of the relevant provision of the CrPC. This was attacked by the entire spectrum of political opposition and by women's groups as an assault on secularism as well as on the rights of Muslim women, who were seen as having been deprived of the protection of the CrPC insofar as spousal support was concerned.[59]

Intriguingly, in the ensuing parliamentary debate, secularism was invoked both in legitimation of, and in opposition to, the bill.[60] Ironically, opposition invocations of secularism echoed the Congress's own understanding of the concept in the Constituent Assembly debates.[61] In contrast, the Congress's conception of secularism had shifted from one entailing the exclusion of religion from politics to one of equal respect for all religions.[62] Moreover, the Congress additionally argued that minorities were entitled to a special degree of forbearance from the state insofar as their religious life was concerned (and were also entitled to define the scope of religion). Reform of personal law, if it were ever to take place, had to be initiated by minority communities themselves rather than at the behest of the state. Contrasted with the Indian state's extensive reformation of Hindu law in the 1950s, this argument was effectively a damning admission that the state

55. AIR 1985 SC 945 (India).
56. *Ibid* at para 2.1.
57. *Ibid* at para 3.3.
58. No 25 of 1986, India Code at para 3.
59. Bajpai, *supra* note 1 at 181-82.
60. *Ibid* at 191.
61. *Ibid* at 211.
62. *Ibid* at 187.

could only legitimately claim to represent and act for Hindus.[63] The recasting of secularism in these terms was supported by shifts in understandings of democracy as the representation of groups (rather than individuals) by members of those groups. National unity was still central in the legitimating vocabulary of group rights, but its requirements were construed very differently: while the recognition of religious differences had been considered antithetical to national unity in the Constituent Assembly debates, such recognition was now considered necessary towards the same end. Bajpai suggests that this shift betrayed a more pessimistic reading of the state's capacity to reshape society than had prevailed in the heady days of the 1940s and 50s.[64] Finally, the recasting of secularism as religious freedom for groups was given a venerable genealogy by linking secularism to putative ancient Hindu practices of accommodation as well as traditions of cultural diversity that had prevailed in the subcontinent since antiquity. In making arguments of this sort, even as it purported to act in defence of Muslim religious freedom, the Congress was effectively widening the ideological space for Hindu nationalism—a move that its ideological opponents in the BJP would exploit to maximum effect over the next two decades.[65]

By the late 1970s, the Indian political landscape was being reshaped by the emergence of an alliance of lower caste parties that were beginning to make the case for an extension of caste-based quotas in government employment and institutions of higher education to "Other Backward Classes" (OBCs—a residual category of castes sandwiched between those considered upper caste and the Scheduled Castes). These arguments came to a head in 1990 in the debate surrounding the implementation of the Mandal Report, in which Prime Minister V. P. Singh of the Janata Dal-led National Front coalition[66] recommended employment and higher education quotas of 27 per cent for OBCs. Crucially, Bajpai argues that social justice and democracy occupied relatively more important positions in the legitimating vocabulary deployed to argue for OBC quotas, with national unity declining in rhetorical priority.[67] This change was supported by shifting conceptions of equality and democracy. While earlier elaborations of equality— heavily informed by the imperatives of national unity—had understood it as meaning non-discrimination between (*i.e.*, identical treatment of) individuals, with quotas seen as detracting from fairness to individuals, later interpretations viewed it as requiring fair and equal opportunity, which could sometimes entail

63.   *Ibid* at 197-98, 215.
64.   *Ibid* at 209-10.
65.   *Ibid* at 216.
66.   *Ibid* at 228.
67.   *Ibid* at 226.

treating differently situated agents dissimilarly.[68] Conceptions of democracy were increasingly linked to social justice, shifting from earlier, largely proceduralist notions, to more participatory ones that took equality of outcomes more seriously. Finally, the emphasis placed on empowering the oppressed by installing them in positions of power as both a goal and a mechanism of social justice meant that the discourse on OBC quotas was much less paternalistic than the analogous debate at the time of the drafting of the *Constitution*.[69]

The shifting place of national unity in the legitimating vocabulary of group rights suggests that the intensity of cartographic anxiety has varied with time; yet the variation has not been one of inexorable decline. Bajpai argues that in the discourse of national parties such as the Congress and the BJP, social justice continued to be seen as a means to the end of national unity. In contrast, the discourse of the Janata Dal (JD) and other lower-caste parties treated social justice as an end in itself.[70] Indeed, when opposition parties pointed out that the JD policy had triggered strife and instability, the JD responded that national unity might temporarily have to be overridden in the interests of social justice.[71] What is interesting about this observation is that it suggests that cartographic anxiety was distributed unevenly amongst the political classes, being felt more acutely by those parties portraying themselves as having an all-India base and less so by parties defining themselves more narrowly as representative of particular castes: To be national is to be anxious about a very particular kind of cartography.

Among the many implications that Bajpai draws out of her analysis of the conceptual shifts in arguments for OBC quotas is the observation that the third front[72] ideological space has endured despite its political party fragmentation, resisting absorption by either the Congress or the BJP precisely because the imperative of national unity—so central to both those parties—occupies a much more peripheral place in its philosophy. Yet, the downside of the failure to construe social justice arguments as consonant with national unity and with a vision of the common good is that affirmative action for OBCs remains vulnerable to the charge that it is simply an opportunistic cultivation of "vote banks" rather than a requirement of compensatory justice that is in the national interest.[73]

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68.   *Ibid* at 248.

69.   *Ibid* at 250-51.

70.   *Ibid* at 252-53.

71.   *Ibid* at 265-66.

72.   The term "third front" has long been employed to describe the loose and constantly shifting alliances of parties representing the lower castes that have attempted to present themselves as a viable alternative to both the BJP, which is dominated by right-wing Hindu and upper-caste elements, and the centre-left Congress Party.

73.   *Ibid* at 275-77.

As with the other books reviewed here, Bajpai's work will speak to readers with no particular interest in group rights in India. Throughout, Bajpai writes in firm opposition to postcolonial and Marxist dismissals of liberalism; by unpacking the ideological macro-unit that is liberalism into its conceptual elements, she reveals it to be far more capacious and malleable than its critics' rather monolithic renderings of it sometimes suggest. Liberalism, in her account, has been both hostile to and accommodating of group rights depending on how its conceptual components have been arranged relative to one another. Another general theme running through Bajpai's book is an irritation with what she describes as critical theory's "neo-orientalist fascination with 'indigenous' social forms of religion, caste, and tribe" and consequent neglect of the extent to which putatively Western liberal and democratic norms have taken root in everyday Indian political discourse, well outside the social worlds of the urban elite.[74] Summarizing her argument, the author emphasizes that shifts in the trajectories of group rights discourse have all taken place within the context of an enduring legitimating vocabulary that has been predominantly liberal and democratic. The increasing prominence of religion and caste in Indian political discourse, far from repudiating liberal principles, has occurred in ways that use the normative and institutional resources of liberal democracy and a modernist vocabulary of rights and justice.[75] In her view, these shifts occur not so much through the importation of vernacular values as via a rearrangement of concepts in the core legitimating vocabulary around which the system is structured.

I am not sure that the vernacular/Western distinction that Bajpai references in this rather bland summation does justice to what is in fact an extremely rich and subtle book. There are a number of junctures at which Bajpai illustrates the formation of an overlapping consensus on liberal democratic values through the convergence of ideologically disparate strands of political opinion—for instance, the opposition to political safeguards for minorities and the convergent usage of a modernist vocabulary of secularism by both Hindu nationalists and liberal modernists for utterly different reasons,[76] or the use of Hindu beliefs regarding the need to pay for the sins of one's ancestors in arguments about the justifiability of affirmative action to remedy the historical injustice of caste discrimination.[77] To cite these articulations of indigenous beliefs in political discourse and their occasional dressing up in liberal democratic clothing is not quite to say, as Ashis

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74. *Ibid* at 289.
75. *Ibid* at 174.
76. *Ibid* at 78-80, 85, 91, 94, 104.
77. *Ibid* at 136-37.

Nandy would, that non-modern values, concepts, and beliefs are *better* at getting us to the professed goals of a modernity.[78] It is to say, rather, that the capaciousness of liberal democratic concepts allows them to function as placeholders for non-liberal, even illiberal, norms. This is of course a double-edged potentiality, for it can both enable the accommodation of difference *and* clear space for the operation of illiberal and intolerant values—indeed, both of these possibilities are visible in this book.

The trajectories of Indian citizenship outlined in these books suggest that there is no end to cartographic anxiety. Perhaps this is not surprising. If the boundaries that constitute states are social institutions, they must continually be reproduced by processes in which all states will remain heavily invested. But there is something about the Indian trajectories reviewed here that suggests a qualitative transformation in the nature of the anxiety underpinning these processes of cartographic reproduction: The neurosis of the not-yet-nation has become that of a not-yet-superpower. The historic shift from a foreign policy of non-alignment to one of alliance with the world's only superpower has brought opportunities, but also new threats.[79] Not coincidentally, old animosities against the internal and external Muslim Other have acquired paranoid global proportions, reflected in the reframing of the Bangladeshi migrant 'threat.' As shown by the Naxalite insurgency, seismic shifts in economic policy have exacerbated tensions around land acquisition and resource exploitation, yet the imperative of maintaining the high growth rates befitting an emerging power frequently trumps competing considerations of equity. With growing power comes a growing ambition to showcase oneself to the world. The curiously mixed collective paroxysm of self-aggrandizement and self-doubt that surrounded India's hosting of the Commonwealth Games in 2010 may be a sign of things to come. Only the Olympics will do now: bigger, better, and more stressful. As for the Customs Department, its officials no longer patiently stamp the pages of offending atlases. On occasion, they obliterate maps by pasting slips of paper over them, as *The Economist* discovered to its detriment in 2011.[80] In a nuclear age, cartographic anxiety has also, in a manner of speaking, gone ballistic.

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78.   Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (New Delhi: Oxford University Press, 1988) at 113.

79.   Rahul Rao, "Mumbai: Why?," *Global Policy Forum* (30 November 2008), online: <http://www.globalpolicy.org/component/content/article/97/32139.html>.

80.   A G Noorani, "Map fetish," *Frontline* 29:01 (14 January 2012), online: <http://www.flonnet.com/fl2901/stories/20120127290108200.htm>.