

# Chapter 11

## The Idea of Citizenship and its Institutionalization: Significance of India for the Korean case

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**Abstract** The chapters on the aspects of citizenship included in this book – both in terms of the narrative accounts from South Korea and the comparative aspects of citizenship – show the world-wide interest in this issue, which is one of the most salient problems of our times. However, the popularity of citizenship as a phenomenon comes with a necessary imprecision in its usage. Besides, the European origin of citizenship in its modern version tends to deflect attention from its universal significance, and identify its genealogy with an exclusively European provenance. This chapter seeks to balance this asymmetry of narrative and theory by bringing theory back in, illustrating the general conjectures emerging from this with illustrations from the case of citizenship in India, and to suggest some general inferences based on the cases of India and South Korea.

### 11.1 Citizenship: Ubiquitous and Conceptually Puzzling

Citizenship is a major political slogan in the world today. Under this label, one can find a disparate constituency of people in long established democracies, erstwhile subjects of colonial rule seeking equality with their former masters, immigrants, and disaffected people of all possible description, trying to assert their rights in the name of citizenship. Spread out across the globe, the presence of citizenship and citizen's rights on national and international agendas is a testimony to both the global reach of the discourse on citizenship as well as to the inner complexity of citizenship as an analytical category. However, the clarity of citizenship as a category is not at the same level as its ubiquity. Who is a citizen, who defines

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who a citizen is, what distinguishes a citizen from one who is not, and which minimal rights and duties constitute citizenship are issues of great emotional appeal. Existing theory, as we have seen in the previous chapters, is not a satisfactory guide to clarity on these issues. As a matter of fact, depending on where one stands in the national and international nexus of power, the status of an individual in terms of his claim to citizenship can be both confirmed and contested, depending on which strand of liberal theory of citizenship one draws on.<sup>1</sup>

The analysis below considers the conceptual basis of citizenship through an inquiry into its philosophical and social construction, and sets the stage for the construction of a flow diagram that seeks to capture the dynamic process of citizen-making in terms of its underlying parameters, some of which go beyond the realm of everyday politics. Towards this objective, I undertake a brief survey of the social constructions of citizenship, the evolution of the formal category of citizens from antiquity to present day, the inner differential of liberal theory of citizenship to cater to its complex empirical nuances and finally, to unite the various strands of citizen-making in the form of a tool kit.

## 11.2 Citizenship, Migration and Cultural Flow

Citizenship has been a key feature in the development of the state from classical antiquity to the present day. In an apparently seamless ‘flow’, the core concepts of the Greek city-state and the Roman Empire, representing, respectively, the salience of descent and law, became the foundation stones of the European idea of citizenship as it evolved from Greece and Rome through the turbulent centuries of medieval Europe, passing through the early modern state and finally, acquiring the institutional status of the citizen of liberal democratic Europe. One of the most significant results to emerge from the symposium where the chapters of this book were first presented, was an overview of the flow of citizenship in the European context, connecting the Greek *polis* and the modern democratic state.<sup>2</sup> This grand narrative treats the modern nation-state as the main site for the location of the citizen and does not take into account those who have dropped out of history during the evolution of modern state. The ‘losers’ in the story of the making of the modern European citizen have not, of course, vanished into complete oblivion. Their memories have been locked away into the myth of their nationhood and memories of lost battles. Such people, located at the margins of modern nation-states – the Scots and the Chechens for example – are the subjects of trans-cultural history, which is engaged in putting together these lost pieces of global history in order to re-constitute narratives that have gone out of focus, but which for that reason are not irretrievably lost.

Those engaged in the comparative analysis of citizenship in Europe would perhaps note that the European narrative of citizenship does not take into account discontinuities, war and breakdowns in established orders. However, those who lost the battle for supremacy did not necessarily disappear. As we learn from the losers’ strategies – nationalist myths that are written into memory as the history of lost

glory – and the re-use of sacred sites (the Acropolis – the Athenian birth-place of modern citizenship – has been successively a Greek temple, Christian church, Ottoman mosque) tell the story of the loss and recovery of European nationalisms.<sup>3</sup> The Greco-Roman tradition did not disappear with the onset of the European medieval period that introduced the concept of trans-European citizenship to the conceptual pool. The original Republican tradition was revived by the early modern states, as the Jacobins set off to liberate their own people and others in the name of restoring republican values. The modern democratic state and citizenship, as one finds in Marshall (1950), strove to extend citizenship rights to the whole population, riding on the buoyant welfare state.

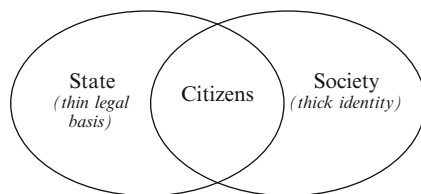
Political action and academic research on citizenship exhibit a rich diversity of approaches to the current condition of citizenship, both as concept and political phenomenon. They express varying perspectives on how the institution of nationality can accommodate itself to contemporary levels of migration.<sup>4</sup> The problematic nature of citizenship today is in part linked to the demise of the concept of the state in the twentieth century, the very time when the powers of the empirical state were growing inordinately. That demise was related to a sequence of factors that are of great consequence for citizenship. In the first place, within the ethos of the twenty-first century, both the state and the nation stand not as exclusive repositories of exclusive sovereignty. Instead, the individual as citizen is the ultimate arbitrator. “State was further stigmatized by linkage with a superannuated idealism of the nation’s corporate will, which now either passed into the equally mystical notion of society”, sometimes an idealized world order – or was dispelled by empirical analysis and the decompositional method. Marxist theory, increasingly influential, tended to reduce the state to an epiphenomenon of economic domination and class struggle. Liberal theory, which had traditionally preached a minimal and consensual state with formal-legal anchorage, tended more and more to identify the state with the coercive power of regimes and to confuse it with the realm of “unfreedom”. In the United States, whose new modes of political power would achieve hegemony by midcentury, the national experience had stressed a diffused notion of political community overweighed by the activity of voluntary associations and private profit-making corporations. Abandoning institutional analysis for behavioral analysis in the presumed interest of greater realism and empirical specificity, political science strove to eliminate the notion of state altogether. Substituting the state with concepts such as “group, political system”, and “political process”, political science sought to align its manner of analysis with parallel developments in psychology and sociology. That same political science also tended to see the functions and jurisdictions of the state (or whatever other term was used) as the arena of countervailing social and economic forces – at most, as a regulator of pluralism without independent majesty; at the minimum, as a “black box” where they resolved their periodically shifting claims.<sup>5</sup>

### 11.3 Liberalism and the Challenge of Multi-cultural Citizenship

It is not surprising that there should be increasing calls for a ‘theory of citizenship’ that focuses on the identity and conduct of individual citizens, including their responsibilities, loyalties and roles. There are, however, at least two general hazards in this quest. First, the scope of a ‘theory of citizenship’ is potentially limitless – almost every problem in political philosophy involves relations among citizens or between citizens and the state.<sup>6</sup> In their survey, Kymlicka and Norman try to avoid this danger by concentrating on two general issues that citizenship theorists claim have been neglected due to the overemphasis in recent political philosophy on structures and institutions – namely, civic virtues and citizenship identity. The second danger for a theory of citizenship arises because there are two different concepts which are sometimes conflated in these discussions: citizenship-as-legal-status, that is, as full membership of a particular political community; and citizenship-as-desirable-activity, where the extent and quality of one’s citizenship is a function of one’s participation in that community. We should, however, expect a theory of the good citizen to be relatively independent of the legal question of what it is to be a citizen, just as a theory of the good person is distinct from the metaphysical (or legal) question of what it is to be a person. While most theorists respect this distinction when developing their own theories, we shall discuss a fairly widespread tendency to ignore it when criticizing others’ theories of citizenship – as for example by contrasting their own ‘thick’ conception of citizenship-as-activity with an opponent’s ‘thin’ conception of citizenship-as-status. In addition, the question asks how we can construct a common identity in countries where people not only belong to separate political communities, but also belong in different ways – that is, some are incorporated as individuals and others through membership to a group. The great variance in historical, cultural, and political situations in multinational-states suggests that any generalized answer to the question of citizenship will be overstated. It might therefore be a mistake to suppose that one could develop a general theory of the role of either a common citizenship identity or a differentiated citizenship identity in promoting or hindering national unity. Here, as with the other issues we shall examine in this survey, it seems unclear what we can expect from a theory of citizenship’.

### 11.4 Citizenship: Concept, Model, Measurement and Institution

Citizenship is a liminal category – with a political edge and a moral stretch. The political cutting edge entitles the citizen – as opposed to the alien and the subject – to certain rights, to be shared in common with others; the moral depth binds him in empathy and solidarity to others like himself. Citizenship has to be understood as *both* signifier and signified of cultural flow. It is both product and process, a window



**Fig. 11.1** The Modern ‘Post-colonial’ State, Traditional Society and Citizenship: Overlapping Legal and Moral Categories

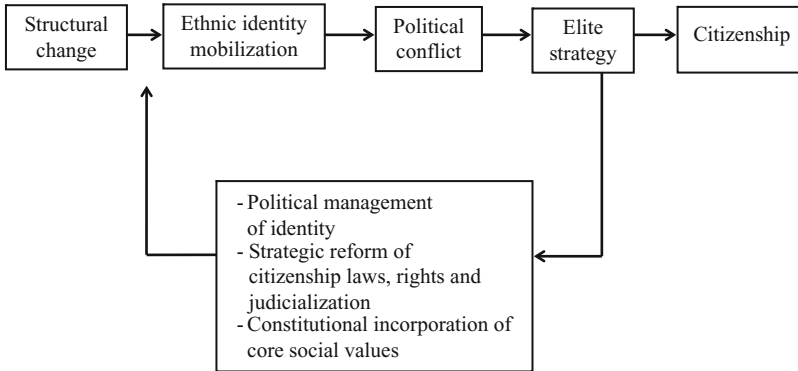
that provides a glimpse on the global flow of ideas, *and* is itself a product of the same conceptual flow. (Figure 11.1)

In the contemporary world, globalization, which was meant to make citizenship and national boundaries ever less salient, has in fact revived their importance. The agenda of contemporary international politics is crowded with competing claims of the state and supra-stage agencies on the loyalty of individuals and ethnic groups. In the absence of a global political order with binding character, nation-states, acting in their capacity as the collective voice of their citizens, remain the most important agents of accountability and enforcement. The complex process through which subjects and immigrants become citizens, thus pitches territoriality and ethnicity as competing norms for the entitlement to citizenship. Caught in this double bind, citizenship has become a contested category and a political problem of global importance.

## 11.5 India: Turning Subjects into Citizens

The Indian case, seen in comparative and cross-national perspective, opens up the analytical space for the comparative and general dimensions of the problem of citizenship.<sup>7</sup> One learns from the Indian case that when it comes to citizen-making in a post-colonial context, not only the constitution and law matter, but also politics, and most of all, history (path dependency) matters enormously. India’s relative success at turning subjects into citizens, more successfully at least than neighbouring Pakistan or Sri Lanka, is a function of India’s political structure, process and memory, woven together in an institutional arrangement that draws its inspiration both from the modern state and traditional society.<sup>8</sup>

Drawing on my previous work on governance,<sup>9</sup> I would maintain that India’s relative success on the issue of citizenship can be attributed to the fact that these tools of citizen-making are used with unusual vigor and imagination by the political decision-makers in India. The typical strategy launches a three-prong attack on the conflict issuing from the hiatus between the general legal norms of the state and the assertion of political identity contesting the state. India makes stakeholders out of rebels by adroitly combining reform, repression and the selective recruitment of rebels into the privileged circle of the new elites (see Fig. 11.2 Below).



**Fig. 11.2** A rational choice, dynamic neo-institutional model

The model weaves together several insights that we gain from the Indian attempt at turning subjects into citizens in a form that can be used as the basis of comparison across countries.

The first and foremost of these is the fact that in Indian discourses and public policies, citizenship is conceptualized as both a ‘product’ and a ‘process’ – which is tantamount to saying that citizen-making is a primary objective of the constitution, modern institutions and public state policy. These three processes are reinforced, on the other hand, by the momentum generated from below, as people assert their citizens’ rights and articulate them through a complex repertoire that effectively combines political participation with strategic protest. Both the state and the *janata* – India’s generic category for politically conscious and articulate participants in everyday politics – draw on categories that are indigenous as well as imported, and the process stretches out into memories of self-hood and rights, of empowerment through a chain of associations that links people in one part of the country to another.<sup>10</sup> One consequence is the emergence of the hybrid citizen – a liminal category that joins the protester and the participant, stretching the accommodating capacity of the political system and blunting the edges of anti-system behavior. The model of ‘citizen making’ given above highlights the role of elites and strategies of reform. It also explains India’s attempts to generate differentiated and multi-level citizenship – new conceptual tools with relevance for policy-making – as categories germane to her politics. That makes citizenship an excellent case study of ‘conceptual flow where practices, notions, institutions of citizenship have been transferred, imported, emulated and adapted to successfully, and in some cases unsuccessfully, to meet local needs and constraints.’

The constitution of India, and the network of institutions and political practices that it has spawned, have deeply affected the evolution of citizenship in India. The direct contributions of the constitution are to be seen in the conflation of the republican, liberal and communitarian traditions of citizenship in the Preamble,<sup>11</sup> the articulation of rights and duties of citizenship in key sections of the constitution, in the interplay of individual and group rights, and finally, in the specification of

cultural and ethnic arenas within which citizenship is expected to flourish. (Figure 11.2)

The Constituent Assembly of India, indirectly elected by legislators who were themselves elected under restricted franchise, took over two years to produce the Indian Constitution: it is the world's longest written document of its kind and has been amended 97 times (as of 2012) since its inception. However, its core still carries the original stamp of its creators. The debate on the floor of the constituent assembly, particularly on the contentious issue of citizenship, anticipated the conflict between the principles of territoriality and ethnicity as the identification of the citizen. This debate, parts of which can be found in the box above, conveys the passions and political cross-currents that went into producing the fundamental rules that govern citizenship in India.

Independent India, which emerged from within the British Empire, was schooled in the British tradition of territorial citizenship. But the British, and subsequently the Muslim League, had regarded primordial identity – caste, religion, kin, tribe, family and the all-encompassing term of ethnicity – as the basis of identity in India. The Congress Party had, however, aspired to the same norms of territoriality as the basis of the state and citizenship, rather in the tradition of the modern European liberal democracies where these rules are governed by the Treaty of Westphalia (1648). Just as the Muslim League, claiming to represent all the Muslims of South Asia, had campaigned for the Partition of India and to carve out a territory as a homeland for Muslims, the Congress Party resisted this on the grounds that India was one nation and should remain united. Independence, from this point of view, came as a pyrrhic victory for Congress, because West and East Pakistan were carved out of British India and were made into the state of Pakistan. This historical outcome was already in the offing, and the Constituent Assembly Debates reflect the agonizing issue of how to devise a formula of citizenship that would do justice to both the moral will to be a citizen of India, regardless of where one was born, and to territoriality, where the decision of those speaking in the name of a territory – state, province or native kingdom – would be binding for all those who live on it.

The Indian Constitution that resulted from these deliberations, adopted a fuzzy solution to the contentious issue of citizenship. Like most constitutions in the world of liberal democracies, it avoids the terminology of nation and nationality. Citizenship is the constitutional key word for dividing the world between 'us and them'.<sup>12</sup> Expressed in terms of rights, the Constitution includes citizens' rights which aim to protect the individual against arbitrary interference by state authority. However, almost all none of these rights are restricted to the states' own nationals. What is constitutive of an Indian citizen's status are positive rights (especially social rights) and political rights (primarily the right to vote and to stand for election). In historical comparison and in political theory they constitute the criterion of exclusion which distinguishes the fully effective status of a citizen from other forms of membership, especially from that of mere subjects.

The status of a citizen also includes social rights (e.g. the directive principles of state policy and now the entire jurisprudence that evolved with the judicial activism of the Indian Supreme Court judges). In this context, social class also plays an

important role in the citizenship debates. The view that citizenship can be understood as a status that gives one the rights to a certain bundle of entitlements, benefits and obligations, derives from T. H. Marshall (1950). Marshall's catalogue of civil, political, and social rights is based on the cumulative logic of struggles for expanding democracy in the nineteenth and early twentieth century. Civil rights arise with the birth of the absolutist state, and in their earliest and most basic form they entail the rights to the protection of life, liberty, and property; the right to freedom of conscience; and certain associational rights, like those of contract and marriage. Political rights in the narrow sense refer to the rights of self – determination, to hold and run for office, to enjoy freedom of speech and opinion, and to establish political and non-political associations, including a free press and free institutions of science and culture. Social rights are last in Marshall's catalogue, because they have been achieved historically through the struggles of workers', women's, and other social movements of the last two centuries. Social rights involve the right to form trade unions as well as other professional and trade associations; health care rights; unemployment compensation; old age pensions; and child care, housing, and educational subsidies. These social rights vary widely across countries and depend on the social class composition prevalent in any given welfare state.<sup>13</sup>

Citizenship may have had its origin in political struggles and political philosophy, but the way the constitution treats it, it is essentially a legal concept. The Indian Constitution employs it in Part II. While drafting this section, the Constituent Assembly sought to figure out who, as of 1950, would have a right to Indian nationality and citizenship. The absence of racial distinctiveness as a necessary condition for citizenship was explained by a crucial exchange in the Constituent Assembly Debates (CAD).<sup>14</sup> Citizenship proved to be amongst the most disputed issues, debated for almost 2 years and with more than 120 amendments moved during the sittings of the Constituent Assembly. This trend continued both in further policy initiatives and in their interpretation. However, the ongoing contestation of Indian statehood and citizenship in Kashmir and the North-Eastern regions of the country show that the problem of citizenship in India is still an open frontier for the theorist, just as it is for the policy maker.

## **11.6 Rebels into Stakeholders: The Room to Maneuver Within the Post-colonial State**

The Indian record of successfully turning subjects into citizens has cross-national significance because, rather than being a unique attribute of Indian culture, it is based on an institutional arrangement containing several important parameters. First of these are the legal sources of citizenship as formulated in the Indian Constitution (articles 5–11), the Constituent Assembly Debates (which provide insights into the controversy surrounding specific articles), and legislation



undertaken by the national parliament to enable and amend, depending on the case, the original provisions of the constitution. ‘Judicialisation’ of citizenship is yet another means of synchronizing the provisions of the law and the new demands emerging from society.<sup>15</sup> The assertion of identity and linkage to India has emerged as a supplementary basis of Indian citizenship, in addition to birth and residence. Property and citizenship have constantly been interwoven.. In the case of Kashmir, the laws have always had a slightly different tinge due to the special agreement that the Indian Acts would not normally be applicable in Kashmir.<sup>16</sup> In the last decade, case law has tended towards a more flexible and all-encompassing understanding of Indian stipulations with relation to property, while naturally the onset of economic liberalization has given wing to an even greater judicial liberalization of these concepts. Similarly, recent laws allowing Non-Resident Indians to own property have already been registered in case law.

### **11.7 Entangled and Trans-national Citizenship: Towards a Post-liberal Theory of Citizenship**

The liberal response to these problems can be seen in terms of a mutation of the ideas of T. H. Marshall. Written during the period of post-war reconstruction in Britain, Marshall’s work on citizenship has to be seen in context of the wider debate on the welfare state and the arguments that were being promulgated at the time for an extension of state provisions in the area of national welfare. Marshall’s core contribution was to argue that the extension of citizenship could act as a political instrument of integration to counter-balance the divisive forces of class inequalities. To justify his position, Marshall constructed a theory of citizenship based on the central claim that citizenship had grown incrementally and was expressed progressively, in three different dimensions, namely the civil, the political and the social. The eighteenth century, according to his schema, had witnessed the development of civil rights, targeting mainly the legal status and civil rights of the individual – rights which were to be defended in a law court. Core rights in this case referred to freedom of speech, the right to a fair trial and equal access to the legal system. Moving on to the nineteenth century, Marshall noted the extension of political rights, as an outcome of the working-class struggle for political equality, through greater access to the parliamentary process. Improvements under this rubric related to electoral rights, the invention of the secret ballot box, the creation of new political parties, and the expansion of suffrage. Finally, the twentieth century, according to Marshall, engendered ‘social rights’, which included claims to welfare, entitlements to social security, unemployment benefits, etc. In addition to this stage-by-stage account of citizenship, Marshall observed the emergence of a ‘hyphenated society’, a social system where there was perpetual tension between the need for economic profitability, the taxation requirements of the modern state, and the rights of citizens to welfare provisions.

An influential figure in the sociology of citizenship, Marshall has spawned a number of critics. Anthony Giddens (1982) for instance has criticised Marshall for developing an evolutionary perspective on the historical emergence of citizenship which begins to seem teleological. Giddens also pointed out that citizenship rights are not a unified, homogenous set of social arrangements and that these themselves can become the basis of conflict and contestation. It may further be added that the Marshallian explanation fails to take into account the case of post-colonial states and societies, where political and civil rights came *before* social rights.

The putative universality of the liberal view of citizenship masks a particular historical and cultural context. As the theorist Rajeev Bhargava asserts:

Well, the universalist outlook was not universalist in the first place. It was very particularistic. Once you sort out the community issue, and settle the issue of belonging, then the basis of that citizenship becomes irrelevant. Just to take an example: if I have a school where I will only admit Catholics, then the Catholics will go to that Chapel but then it will lose its religious appeal after a while since everybody shares and believes in the same thing. And then, in this context, you can say that religion doesn't really matter since everybody has the same faith (...).<sup>17</sup>

Considerations of citizenship of whatever kind demand an idea of citizenship. There cannot be an idea of citizenship without an account of the subject of citizenship. Yeatman argues that the subject of citizenship is “the individual” – considered as an integrated unit of organic and subjective life. It is this idea of the individual that is the referent for the idea of self-preservation in early modern civil philosophy. It is difficult to appreciate the significance of self-preservation”without using the vantage point of post-Freudian accounts of the self to open it up. Citizenship concerns the status of the human being considered as a person (a self).<sup>18</sup>

Contemporary social movements of the oppressed have weakened the link between citizenship for everyone, on the one hand, and the two other senses of citizenship—having a common life with and being treated in the same way as the other citizens – on the other. They assert a positivity and pride in group specificity that counters ideals of assimilation. They have also questioned whether justice always means that law and policy should enforce equal treatment for all groups. Embryonic in these challenges is a concept of differentiated citizenship as the best way to realize the inclusion and participation of everyone in full citizenship.

Looking at this point, Young argues that far from implying one another, the universality of citizenship – in the sense of the inclusion and participation of everyone – conflicts with the other two meanings of universality embedded in modern political ideas: universality as generality, and universality as equal treatment.<sup>19</sup> First, the ideal that the activities of citizenship express or create a general will that transcends the specific differences of group affiliation, situation, and interest, has in practice excluded groups judged incapable of adopting that general point of view; the idea of citizenship as expressing a general will has tended to enforce homogeneity among citizens. To the extent that contemporary proponents of a revitalized citizenship retain that idea of a general will and communal life, they implicitly support the same exclusions and homogeneity. Thus I argue that the inclusion and participation of everyone in public discussion and decision-making

requires mechanisms for group representation. Second, although differences exist between groups as regard their capacities, culture, values, and behavioral styles, some of these groups are privileged and strict adherence to a principle of equal treatment tends to perpetuate oppression or disadvantage. Thus the inclusion and participation of everyone in social and political institutions sometimes requires the articulation of special rights that attend to group differences in order to undermine oppression and disadvantage.

## 11.8 Conclusion

I have argued in this epilogue that progress in the field of citizenship is contingent on a rigorous exegesis of its empirical content, on the process of its transmission and its complex genealogy, which connects the imported with the indigenous.<sup>20</sup> The conceptual boundary of a specific phenomenon is of great interest for the research on citizenship. Is citizenship a logically bound entity that is defined by a simple set of features in which all instances possessing the crucial attributes have a full and equal degree of membership?<sup>21</sup> In response to this question, I have formulated citizenship as an interface between the state and society – a third space – whose inhabitants unite the rights germane to their membership of the political community and the sense of identity, identification and obligation that membership of the society entails. As such, while we achieve some form of conceptual clarity with regard to the category of the citizen, its empirical references remain bound to the context. The first approximation of the category thus opens the issue to the larger vista of the ‘flow’ of citizenship, which is a complex theoretical problem in its own right. The commonsensical, everyday reference to the flow of objects suggests a movement from one place to another in a steady unbroken stream, and a ‘continuous mass’, in a manner that would be interpersonally visible, rather as one would think about the flow of blood in veins and arteries, of water flowing downstream or electricity moving across a conductive medium. Can one attribute these characteristics to the flow of citizenship from one context to the other?

Citizen-making is a prime function of the modern state and a sensible strategy for governance and administration in any society. Tracking the core concept of citizenship as it traveled from Europe to Asia, this epilogue explores the phenomenology of citizenship and the trans-lingual and trans-cultural facets of its evolution. By trans-lingual we mean phenomena that exist but have not yet been transposed into any specific language system. Similarly, trans-cultural refers to phenomena that exist in the existential world but have yet to be acknowledged by high culture as part of an everyday spectrum of manners, customs, and rituals. So, we are looking at citizenship within a very broad spectrum of concepts that can be formally a part of the culture, linguistically articulate, and exist in the inner world of the actor, but have not yet been articulated in terms of science, language, society, culture or theory. This book as a whole explores the institutions, political processes and symbols used to profile a model citizen. The complex process of acculturation, by

which the imported becomes indigenized and hybridized, involves agency and strategy that innovatively produces an asymmetry that reflects the uneven nature of such flows, the cultural context, and the balance of power.

The critical evaluations of Marshall's foundational writings present an important lesson in the contemporary analysis of citizenship. Too 'English' and too closely tied to the specific context of an expanding post-war economy, a stable cultural foundation, and the solid framework of the welfare state, Marshall had held up the elimination of social ostracism as a worthy and feasible goal of social policy. The quantitative implications of Marshall's liberal citizenship had set for a goal the attainment of full citizenship coverage where everybody will achieve his civic, political and social rights. Even in England, as Marshall's critics point out, the emergence of gender, race, immigration and region as salient cleavages questioned the simple cultural premises of his basic assumptions.<sup>22</sup> The decline of the welfare state made the rights-driven citizenship idea even more contested. As we move from Marshall's post-war England to the contemporary scene, the new frontiers of research on citizenship shows wide vistas of interesting empirical and theoretical problems that are in urgent need of attention.

This book and others of its genre have set the stage for a comprehensive discussion of citizenship in its trans-national and comparative context. The analytic and narrative accounts of citizenship undertaken here explore the meaning of citizenship in the inner world of the actor and the observer on the basis of conversations with experts and actors, identifies the gap in the conceptual landscape of citizenship that the book seeks to meet. Together, the Indian and the South Korean cases show the consequences of conceptual flow and hybridization, the dynamic of citizenship, its anomalies such as the case of immigrants in Korea, and most importantly, the national narrative as a discourse in its own right, influenced by but autonomous of globalization. By showing that different origins might still lead to similar ends, citizenship in South Korea and India help 'provincialise' Marshall, and question the hegemony of western modernity for a fixed point for the analysis of modern society and politics in general.<sup>23</sup>

## Endnotes

<sup>1</sup>Contrast, for example, the status of the Kashmiri or Chechen insurgents from the multi-cultural and liberal approach of Marshall. Is the act of rebellion an assertion of one's identity, evidence of empowerment, or an infringement of one's loyalty to the state? Neither multi-culturalism nor liberal democratic theory can easily accommodate these contradictory aspects of the rebel's persona and political obligation.

<sup>2</sup>A recent symposium on "the Development of Citizenship in a Transcultural Context", which brought together the doctoral fellows and research groups which constituted Area A (Governance and Administration) of the Excellence Cluster, generated very helpful insights for the work of the group. The symposium held in Athens, 7–11 December 2009, was organised by Project A11 of the cluster.

<sup>3</sup>The architectural technique of leaving empty spaces in the memorial building, proudly displaying fragments of Athenian antiquity, anticipating the return of the, Elgin' marbles is an attempt to draw attention to what I have described as discontinuity above.

<sup>4</sup>Neumann, Gerard L. (2002). "Citizenship Today: Global Perspectives and Practices by T. Alexander Aleinikoff and Douglas Klusmeyer". *The American Journal of International Law* 96 (2), 514–517 (review article).

<sup>5</sup>Kelly, George Armstrong (1979). "Who needs a Theory of Citizenship?" *Journal of the American Academy of Arts and Sciences* 108 (4). Also, the need to rethink the state in its normative proportions is endorsed and views about how we might start are given.

<sup>6</sup>Kymlicka, Will, and Wayne Norman (1994). "Return of the Citizen: A Survey of Recent Work on Citizenship Theory". *Ethics* 104 (2), 352–381.

<sup>7</sup>See Subrata Mitra, ed. *Citizenship as Cultural Flow: Structure, Agency and Power* (Springer, 2013).

<sup>8</sup>A detailed discussion of the contextual features specific to India that also play an important role – such as the uncertain nature of divinity in Hinduism – are beyond the remit of this concluding piece, but need to be taken into account for a deeper inquiry into the role of religion, culture and context in providing space for citizenship in 'divided' societies – and new states. See Subrata K. Mitra, "Kashipur Revisited: Social Ritual, Electoral Politics and the State of India", in *Jaganath Revisited: Studying Society, Religion and the State in Orissa* (Hermann Kulke and Burkhard Schnepel Eds., 2001) for an analysis of the cult of Jagannath that gives an example of inter-community accommodation and its role on extending a sense of dignity to those previously excluded from the mainstream, from the South-Eastern State of Orissa

<sup>9</sup>See Subrata K. Mitra (2005). *The Puzzle of India's Governance: Culture, Context and Comparative Theory*. London: Routledge.

<sup>10</sup>The links between terms of discourse in everyday politics and trans-linguality and trans-culturality are yet to be investigated in greater depth.

<sup>11</sup>The Preamble to the Constitution of India announces this intention with boldness and clarity.

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this 26th day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

<sup>12</sup>“The question of citizenship became particularly important at the time of the making of our Constitution because the Constitution sought to confer certain rights and privileges upon those who were entitled to Indian citizenship while they were to be denied to ‘aliens’. The latter were even placed under certain disabilities.” DURGA DAS BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA 74 (2001).

<sup>13</sup>SEYLA BENHABIB, POLITICAL THEORY AND POLITICAL MEMBERSHIP IN A CHANGING WORLD 410–11 (2002).

<sup>14</sup>“[T]his article on the question of citizenship has been the most ill-fated article in the whole Constitution. This is the third time we are debating it. The first time it was you, Sir, who held the view which was upheld by the House that the definition was very unsatisfactory. It was then referred to a group of lawyers and I am sorry to say that they produced a definition by which all those persons who are in existence at the present time could not be included as Citizens of India. That had therefore to go back again and we have now a fresh definition which I may say at the very outset, is as unsatisfactory as the one which the House rejected . . .” (Dr. P. S. Deshmukh, Constituent Assembly Debates).

<sup>15</sup>*Izhar Ahmad Khan v. Union of India* (UOI), AIR 1962, SC 1052. The case dealt in detail with the following questions: the rights to and of citizenship; the issues of partition-related citizenship; the value of a passport in determining citizenship; and the question of domicile versus citizenship. The issue in this case was the constitutional validity of Section 9(2) of the Citizenship Act, 1955, which dealt with the termination of citizenship. This case exemplified the policies which discouraged multiple or even dual citizenships, and held that upon acquiring in any manner the citizenship of another country, an Indian citizen automatically loses Indian citizenship.

<sup>16</sup>See *Bachan Lal Kalgotra v. State of Jammu and Kashmir*, AIR 1987, SC 1169.

<sup>17</sup>Interview with Rajeev Bhargava, Delhi CSDS 20 December 2008.

<sup>18</sup>Yeatman, Anna (2007). “The Subject of Citizenship”. *Citizenship Studies* 11 (1), 105–115.

<sup>19</sup>Young, Iris Marion (1989). “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship”. *Ethics* 99 (2), 250–274.

<sup>20</sup>Those who are in pursuit of a trans-disciplinary ‘theory’ of citizenship will do well to heed the advice of the Indian sociologist T. K. Oommen. “Creation of clear concepts is a pre-requisite for theory building. And if concepts and theories are rooted in and isomorphic to the life-world of the people, their potentiality to avoid human misery will also be substantial. I consider this combination as the real task and promise of social science” Oommen (1997: 49–50).

<sup>21</sup>See Eleanor Rosch and Carolyn Mervis (1975). “Family Resemblances: Studies in the Internal Structure of Categories”. *Cognitive Psychology* 7, 573. The counter-argument against an over-tight boundary comes from the apprehension that without clear boundaries a concept will be susceptible to ‘stretching’ as, in that case, “there will be no limit to a concept’s extension”. Hanne Andersen (2000). “Kuhn’s account of family resemblances: A solution to the problem of wide-open textures”. *Erkenntnis* 52, 313.

<sup>22</sup>“Marshall’s ‘Englishness’ had its time and place, but that has passed.” Martin Bulmer and Anthony Rees (1996). “Citizenship in the twentieth century”. In Martin Bulmer and Anthony Rees (eds.), *Citizenship today: the contemporary relevance of T. H. Marshall*, 279. London: UCL Press. Based on Mann’s contribution to the volume, they argue that a comparative analysis of citizenship, even within the relatively homogeneous European cultural context, requires the reformulation of Marshall’s concept.

<sup>23</sup>See Dipesh Chakrabarty (2000). *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press. For a comparative reference to the case of South Korea, see Seungsook Moon, “The Idea and Practice of Citizenship in South Korea”. In this volume, chapter two.

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