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## ABOUT THE BOOK

This book is the proceeding/outcome of International Conference "Citizenship, Illegal Immigration & Politics: Its Impact and Global Scenario" held on 4 and 5 November 2020; organised by Human Resource and Research Innovation Centre & Internal Quality Assurance Cell, S. Kula Women's College in collaboration with The Castle Hotel, Palace Compound under the sponsorship of UGC-STRIDE-C1. Many scholars from different countries presented on various subthemes: Challenges of illegal immigrants in India and its neighbouring countries; Citizenship and politics in India and its neighbours; Citizenship and its impact on ethnic demography; Citizenship and ethnic chaos and conflict; Citizenship, socio-economic impact; Fate and futures of India: politicisation of citizenship. All the presented papers are reviewed by a committee and selected valued papers are included on this proceeding.

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Non Fiction

ISBN 978-93-91374-69-3



9 789391 374693

₹ 990 \$ 12.00

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CITIZENSHIP, ILLEGAL  
IMMIGRATION & POLITICS

MUHINDRO

# CITIZENSHIP ILLEGAL IMMIGRATION & POLITICS



M U H I N D R O

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*Citizenship Illegal Immigration & Politics*

*1st Edition*

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Publication Date: September 2021

Price: ₹ 990 | \$ 12.00

ISBN: 978-93-91374-69-3

*Published by:*

**Adhyyan Books**

Office No. 125,

Opposite Vivanta by Taj,

DDA SFS. Pocket-1, Dwarka,

Sec-22, New Delhi-110077

**Website:** <http://adhyyanbooks.com>

**E-mail:** [contact@adhyyanbooks.com](mailto:contact@adhyyanbooks.com)

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*Printed at:* Repro Printers, Delhi



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## CITIZENSHIP: REFLECTING ON THE SHIFTS AND FLUIDITY

RANJITA CHAKRABORTY

### Introduction

From the conception of citizenship as belongingness to a particular human settlement, to the linking up of the notion of citizen to a set of rights and entitlement to the arrival of the Westphalian nation state and understanding of citizenship in relation to a territory to the present borderless Bitnation and the virtual citizenship, we seem to see a lot of muddling up in its understanding and definition that of course has led to a lot of shifts and fluidity. One can ascribe it to the arrival of postmodern politics, borderless economy and the delinking of citizenship from geography but this has also led to a lot of questions that demand attention. Throughout the history, the concept has been defined variously and there exists no fixed definition. As history

is dynamic it is essential to engage in a constructive dialogue so that inclusive citizenship can be realized. Academic debates on citizenship were not so much a central theme during the 1970s but by 1990s it became a central theme in our discussions. The reason behind this as some scholars (Stewart:1995) have pointed out in the West is the collapse of Soviet Union and shift from state centred social change and the second reason is ---how to effect social integration amidst the changing state – market relations. With globalization not only the other nations have also entered the debating fora but certain other questions and issues have got tagged to the ongoing debate. Nations small and large have all been affected by the debate---not just on citizenship issues in the traditional bent but citizenship rights and claims pickled with dynamics of gender, language, ethnicity, religion, caste etc.

Historically citizenship has been understood as an idea that connotes not just a legal status but a normative ideal. It embodies not just a set of particular rights and duties but ascribes an integrative value that attributes the individual to be a member of the political community. It is therefore linked to political participation. This ascription bestows on the individual a significant marker of what would be/not a significant part of her/his identity. It also entitles the individual to participate in the collective decisions that would regulate social life. Thus is



the linkage with democratic politics. However, with the passage of time the nature of politics has changed as also the understanding of citizenship that was not just related to the right to vote but spread beyond. Therefore, the various new forms of citizenship are often put forward as alternatives to this traditional account with its narrow political focus which is justified in some respects, but also leads to complications. Expanding citizenship too much, so that it incorporates people's rights and duties in all their transactions with others, complicates and obfuscates the important and distinctive role of citizenship as a specific kind of political relationship.

Therefore, the question is how do we look at citizenship, as a normative ideal and as a pragmatic concept relevant for government. Citizenship debate is a reflection of the political agenda of the citizens ---their felt need to address the state which to them do not regard as important as it brings in the question of the self-understanding of the citizens themselves. It encapsulates a struggle that is continuous for the members to shape their fate in terms of opportunities, entitlements and space. It also revolves around the question of extent---How the boundaries of membership within a polity and between polities to be defined? (norms of inclusion/exclusion). How are the different conceptualisations emerging? Not only this it also encompasses the question ---How the benefits and

burden of membership should be allocated in the form of rights and responsibilities? How the identities of members should be comprehended and accommodated? The paper would focus on the evolution of the conception dwelling on its theoretical underpinnings and focus on the alternative conceptualisations that signal a shift in the existent understanding of citizenship and subsequently try to identify the diverse alternative citizenships emerging. The paper will try to understand the nature of shifts and the new dimensions emerging and try to indicate a possible way out to understand citizenship.

### **Evolution of Citizenship**

The sociologists T. H. Marshall and Stein Rokkan established what has become the standard narrative of the evolution of modern democratic citizenship. This account draws on their analysis of the history of West European democracies in the 18th, 19th, and 20th centuries. They saw citizenship as the product of the interrelated processes of state-building, the emergence of commercial and industrial society, and the construction of a national consciousness, with all three driven forward in various ways by class struggle and war. Though these three processes tended to be phased, each provided certain of the preconditions for bringing together popular and legal rule within the new context of

democratic, welfare, nation states operating within a capitalist market economy. (Bellamy 2008) As Gunsteren(1998) points out, unprecedented shifts in political power take place not only under autocratic or totalitarian regimes but also where change is regularly affected by democratic procedures. It is precisely in turbulent periods of constitutional change that citizenship is put to the test, where old institutions are crumbling, a robust notion of citizenship may provide an alternate site or a new set of building blocks for reconstructing the republic under changing circumstances.

As the context changed, changes in the connotation of citizenship too happened. From the conception of citizenship as a status that entitled full membership, we have arrived at a scenario where there are multiple understandings of citizenship. The linkage of citizenship with democratic politics and nation states has remained but there are new linkages emerging as a fallout of globalization, marketisation and new conditionalities where at times even territory is not a criterion. An extensive study on citizenship by Derek Heater (1990) points out that throughout the history, the concept has been defined variously and there exists no fixed definition. Two models of citizenship seem to guide any discussion on citizenship----the liberal model and the civic republican model. The liberal model's origins can

be traced to the Roman Empire and early-modern reflections on Roman law (Walzer 1989, 211). As the empire's expansion took place, citizenship rights also got extended to conquered peoples. It became an "important but occasional identity, a legal status rather than a fact of everyday life" (Walzer 1989, 215). It now "denotes membership in a community of shared or common law, which may or may not be identical with a territorial community" (Pocock 1995, 37) The main principle of the republican model is civic self-rule. Citizens are, first and foremost, "those who share in the holding of office" (Aristotle *Politics*, 1275a8). Civic self-rule is also at the heart of Rousseau's project in the *Social Contract*. Active participation in processes of deliberation and decision-making certifies that individuals are citizens, not subjects. The republican model emphasizes the second dimension of citizenship, that of political agency.

Theories of citizenship fall into two types: normative theories that attempt to set out the rights and duties a citizen ideally ought to have, and empirical theories that seek to describe and explain how citizens came to possess those rights and duties that they actually have. (Bellamy 2008) Contemporary theories on citizenship have hinging on to the above two theoretical positions have tried to understand and conceptualize the alternative connotations of citizenship. At this juncture it would be



worthwhile to make a quick review of the established understandings of citizenship before we proceed over to the contemporary understandings of citizenship. However, one can definitely agree to the three common elements that the concept embodies (Cohen 1999; Kymlicka and Norman 2000; Carens 2000). The first is citizenship as legal status, defined by civil, political and social rights. Here, the citizen is the legal person free to act according to the law and having the right to claim the law's protection. It need not mean that the citizen takes part in the law's formulation, nor does it require that rights be uniform between citizens. The second considers citizens specifically as political agents, actively participating in a society's political institutions. The third refers to citizenship as membership in a political community that furnishes a distinct source of identity. Of the three, the identity dimension is the most debated. T.H. Marshall (1950, 1975, 1981), has defined citizenship as 'a status bestowed on those who are full members of a community' (1950:14), which includes civil, political and social rights and obligations. Marshall's definition links up the idea of citizenship with the community thus making it a multilevel construct thereby opening up a lot of dimensions which, in the contemporary period becomes all the more relevant as Davis (1997) opines, when neo-liberal states redefine and reprivatize their tasks and obligations. It also enables us to raise the

question of the relationship between 'the community' and the state and how this affects people's citizenship.

### **Contemporary Conceptualisations on Citizenship**

New conceptualisations have also emerged strongly adding to the fluidity and shifts relating to the notion of citizenship. At the turn of the twenty-first century, guided by the processes of globalization, theorists began exploring and addressing new forms of citizenship and the corresponding rights and duties in theory with relation to the new issues like religion, trade, drugs, migrants etc. As Saskia Sassen (2002) points out that two partly interconnected conditions ---first, the change in the position and institutional features of national states since the 1980s, brought on by various forms of globalization that ranged from economic privatization and deregulation to the increased prominence of the international human rights regime. The second condition is the emergence of multiple actors, groups and communities, partly strengthened by these transformations in the state and increasingly unwilling to automatically identify with a nation as represented by the state. The growth of the Internet and various technologies has facilitated and often enabled the formation of cross-border networks among individuals and groups with shared interest, interests that may be

highly specialized, as in professional networks, or involve particular political projects, for instance human rights and environment struggles. The challenge of globalization to the Westphalian concept of a nation state in relation to citizenship and democracy has further criticalised and blurred the boundaries of citizenship rights and obligations and the forms of democracy associated with them. This has actually opened up the spaces for discussions on citizenship as well as the sites of citizenship. Andrew Linklater opines that the combined universalism and social fragmentation resulting from contemporary forces of globalization offer an unprecedented opportunity to transform the international order into a broader overarching community capable of serving the full range of human interests. His argument is that current challenges to the discrete boundary of state sovereignty provide a moment in which social relations across the world may themselves become more universalistic, less unequal, and more sensitive to cultural differences (Linklater 1998: 7)

These new alternative forms of citizenship go beyond the Marshallian citizenship trilogy of civil, political and social rights, and involve alternative concepts like corporate citizenship (which is concerned with citizenship through investment in a foreign country), mobility citizenship (which is concerned with the rights and responsibilities of visitors to other places and cultures),

minority citizenship (concerning the right to enter a society and then to remain within that society), cultural citizenship (involving the right to cultural participation), ecological/planet citizenship (involving the rights and responsibilities of the earth citizen), diasporic citizenship (concerned with the rights and duties of diasporas), and cyber citizenship (involving the rights and duties of netizens). These new conceptions of citizenship highlight the limitations of the Marshallian citizenship trilogy, organized as it is around membership to the nation-state and doesn't cater to the boundaryless world and the existence of global civil society. By contrast, these alternative conceptions could be considered the 'citizenship of flow' (Urry 2000), which are concerned with the causes and consequences of the flows of migrants, visitors, cultures and risks across national boundaries. Citizenship entails territory as one of the mandatory conditions for the granting of the status. However, territory is no longer important, as there can be citizenship acquired in the virtual world that has rules and regulations for the retainment of citizenship or netizenship. Technology has led to the concept of netizens/ citizens who are residents of a borderless world although there are norms of government like netiquettes which if not followed will lead to the cancellation of membership account but that can also be renewed with fake identities.



With globalization we are also witnessing marketisation of citizenship whereby some are more privileged and enjoy a priority when citizenship as a good is to be distributed. Skilled workers whose residentship would add value to the production and market are quicker in achieving citizenship than others. Some people belonging to some favoured nations are frontrunners with regard to the distribution of citizenship. For e.g. Skilled IT workers or globally sought after individuals are better positioned in terms of acquiring citizenship of any country they choose. Some scholars argue that, in the global 'war' for skilled labourers, countries increasingly and selectively ease their immigration policies by, among other things, introducing fast-track admission procedures for highly skilled migrants, such as scientists, doctors, engineers and athletes (Goldin, Cameron, and Balarajan 2011; Shachar 2006; Shachar 2011). Shachar and Hirschl (2014, 253) have coined 'Olympic citizenship' for describing the 'fast-paced race to recruit the world's most creative and brightest' through which countries aim to increase their competitiveness and promote their national projects (Shachar 2006; Shachar 2011; Spiro 2014). Infact the 2017 whereby the International Association of Athletics Federations (IAAF) announcement in which they stated that, as of that moment, all so-called 'transfers of allegiance' would be suspended, meaning that it is now

no longer possible for athletes to apply for nationality switches actually opened up about the practice of recruiting or bidding for sports talent like African athletes or Chinese table tennis players. Many athletes would choose the migration route to acquire citizenship with the receiving state offering light conditions. This talent migration challenges the notion of citizenship especially in relation to whether they really belong to a nation (Adjaye 2010; Goldin, Cameron, and Balarajan 2011; Shachar 2011; Spiro 2014; Shachar 2017).

In the quest for attracting 'the world's rich and affluent', more than a quarter of the world's countries even go as far as developing cash-for-citizenship programmes, which make it possible to purchase passports (Shachar 2017, 790). In October 2013, the Maltese government adopted a decision to allow persons who invest at least €650 000 euros in the country to obtain quick access to Maltese citizenship. The scheme did not require the investors to take up residence in Malta or to comply with any other naturalisation conditions. Following criticism from the European Parliament and the European Commission, Malta later amended its scheme to introduce a residential requirement (one year). Citizenship is sold like Kailasa, the Hindu nation which is an E nation. In December 2019 Nithyananda declared that he had created a new 'Hindu nation' called Kailaasa and claimed to issue passports, currency and other

documents. Kailaasa's website suggests it is above material things such as land, and is more of a spiritual concept. Although it is said that it is located in an island purchased from Ecuador. In his announcement he said, "Kailaasa is a nation without borders created by dispossessed Hindus around the world who lost the right to practice Hinduism authentically in their own countries. Kailaasa has also been described as a network of non-governmental organizations spanning three continents. "As a stateless nation, it [Kailaasa] does not seek new territory but rather diplomatic recognition as the legitimate representative of the ideology of enlightened humanity..." Despite its virtual moorings, Kailaasa does offer a passport and citizenship. (<https://gov.shrikailasa.org>)

Another model of citizenship that is emerging is the concept of a dual citizenship. The European Union's model of citizenship in the EU, 'Citizenship of the Union' was established by the Treaty of Maastricht in 1991 as an additional legal status enjoyed by 'every person holding the nationality of a Member States. Article 20 (1) of the Treaty on the Functioning of the European Union states that "Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship." While a number of EU

countries grant third-country nationals political rights in municipal elections, political rights in national elections remain a privilege reserved for citizens. (Arrighi, et.al 2013.) Voting in elections is compulsory for citizens in Belgium, Cyprus, Luxembourg and Greece. (The Electoral Commission, Compulsory voting around the world, 2006.) EU citizens residing in another EU Member State have the right to vote and stand in the elections for the European Parliament.

Virtual citizenship is a commodity that can be acquired through the purchase of real estate or financial investments, subscribed to via an online service, or assembled by peer-to-peer digital networks. The sparkling seafront of Limassol, the second-largest city in Cyprus, stretches for several miles along the southwestern coast of the island. In recent years it has become particularly popular among Russian and Chinese tourists and emigrants, who have settled in the area. The real attraction, as many of the advertisements make clear, is citizenship, the golden visa. Pioneered in the Caribbean, golden visas trade citizenship for cash by setting a price on passports. If foreign nationals invest in property above a certain price threshold, they can buy their way into a country—and beyond, once they hold a citizenship and passport. As a result, Cypriot real-estate websites are filled with investment guides and details on how to apply for a new passport. This is the new era of



virtual citizenship, where your papers and your identity—and all the rights that flow from them—owe more to legal frameworks and investment vehicles than any particular patch of ground where you might live.

The market in citizenship provided a tempting opportunity to resolve the problem of statelessness, as people were given the chance to acquire the passport and associated rights of a place they'd never seen and where they probably never intended to live. The small Baltic nation of Estonia in 2014, started offering a slice of its citizenship as a digital service. Since then, it has registered more than 30,000 e-residents, who are permitted to open bank accounts, start companies, sign documents, and pay tax under Estonian jurisdiction and law. In 2017, a digital embassy was opened which also functioned as a secure, remote backup for all of the country's digital records. The arrangement for e-residents themselves remains non-territorial. They gain no rights to live in Estonia, nor do they accrue any other kind of physical benefit. In the spirit of innovation, the Estonian government has unbundled the services expected of such an arrangement. It amounts to a virtual middle ground between citizenship and global residency. Blockchain governance could allow for the creation of virtual citizenship and autonomous communities distinct from territorial nation-states. (Bridle: 2018)

### **Analysing the Shifts and Alternative Discourse on Citizenship**

Within the renewed discussions on citizenship Mann (1987) for one has given a new conceptualization proposing a fruitful understanding of it if viewed from the repertoire of ruling class strategies. This position has been criticized by Bryan Turner (1990) who would rather view it from a two-fold matrix of public/private and active/passive. Daivis (1997) however, points out that Turner's typology, is completely Euro- or, rather, West centric (Yuval-Davis, 1991a), his 'universal' typology being based on the development of citizenship in four Western countries—France, the USA, England and Germany. Even more astonishing perhaps, is the fact that Turner's typology is gender blind (Yuval-Davis, 1991a; Walby, 1994), although the two dimensions he considers are ones which have often been used in order to describe gender differences in general and difference in relation to women's citizenship in particular (Pateman, 1988; Grant and Newland, 1991). As Roche (1987) describes it, the problem lies in the conceptualization of the concept in a state centric manner. In the liberal tradition individual citizens are presumed to have equal status, equal rights and duties, etc., so that principles of inequality deriving from gender, ethnic, class or other contexts are not supposed to be of relevance to the status of citizenship as such. The citizens are therefore

constructed not as 'members of the community' but as strangers to each other, although they are sharing a complex set of assumptions about and expectations of each other which, when not fulfilled, can be enforceable by the state. Therefore, he suggests for a definition away from a state centric discourse. Infact, as one scans through the diverse positions on citizenship it is observed that the concept has undergone changes with changes in historical epochs and a very prominent influence of liberal ideas and as Brubaker (1992) opines it is the influence of the French Revolution that has shaped the concept in its present dominant form of understanding, a formal legalistic status. The other conception is that of citizens are members of a political community with shared rights and obligations, which to Stewart (1995) could be termed as democratic citizenship. However, the positions have been challenged by the communitarians for its state centric conception, the feminists and the scholars who argue for rights based on group differentiation. Young (1989) proposed for a Differentiated Citizenship where members are included not just as individuals within the political community but also through the group.

Derek Heater (2004) points out that the main issue in the debate is the question of bridging the two concepts of citizenship focusing on the relationship between the citizen and the citizen and the relationship between the

citizen and the state. There has been always a tension as Kabeer (2005) points out between universality and particularity. Truly so, as the above discussion suggest that there exists a strong sentiment and a rigid stand on the norms of inclusion /exclusion. Although as contemporary studies on citizenship indicate the changing idea of citizenship as a result of globalization. Can the question--- Who belongs and who does not belong, be etched out permanently? Therefore, insistence on having remained on the same spot is a basic denial of history, which always implies movement. In this case it holds true and there is a need to sensitively interrogate the issue.

The above position is no doubt a very common argument and a valid position to say but while deeply probing the issue one notices a paradox as well. One of the paradoxes of our time is the upsurge of strong obsessions with the idea of belonging to a world that pretends to be globalizing. At the same time notions of *autochthony* (literally meaning "born from the soil") emerging in different parts of the globe play a particular role in this respect. Some sort of primordial form of belonging with equally radical forms of exclusion as its reverse is noticeable. Against these tendencies autochthony can become a dangerous rival to national citizenship, drastically undermining earlier ideals of national unity and the equality of all national citizens, as



more and more localized groups may start demanding particularistic norms of inclusion/exclusion thereby undermining not just national citizenship but the federal structure itself.

On the other hand, it can also be seen that in some cases autochthony slogans demand a purification of citizenship and an exclusion of outsiders thereby trying vehemently to coincide with national citizenship. In such cases, autochthony always demands exclusion. Yet, the exact definition of who belongs and who is excluded can change dramatically and abruptly. The haunting uncertainties this discourse evokes in everyday practice seems to give autochthony discourse great emotional appeal and, therefore, strong mobilizing impact in highly different circumstances which is evident in today's perspective. Deep reading of the debate reflects the requirement of a serious analysis keeping in mind the genuine concerns and claims of the aggrieved categories, at the same time it is essential to probe deeper realities about the position of the state political parties' demands to protect the particularity and the demands of political parties at the national level to do away with the particular position.

We could try to resolve the crisis by adopting Iris Young's vision of, a differentiated citizenship, where there is a heterogeneous public, the participants within which act

from their "situated positions" and attempt to construct a dialogue across differences. One of the conditions to this is that the dialogue requires participants to be 'public-spirited' — open to the claims of others and not single-mindedly self-interested. Unlike interest group pluralism, which does not require justifying one's interest as right or as compatible with social justice, participants are supposed to use deliberation to come to a decision that they determine to be best or more just (Young 1989, 267). While welcoming Young's conception of the democratic public, one may doubt whether it is possible given the political, social and economic inequalities, the political actors associated with the policies and institutions associated with a differentiated model of citizenship would either motivate or enable citizens to engage in such dialogue.

Stephen Macedo (1990), William Galston (1991), and Eamonn Callan (1997), among others, have all emphasized the importance of public reasonableness. This virtue is defined as the ability to listen to others and formulate one's own position in a way that is sensitive to, and respectful of, the different experiences and identities of fellow citizens, acknowledging that these differences may affect political views. But how and where does one develop this and related virtue(s)? Moreover, as Carens (2000 p193) feels that the danger of [...] differentiated citizenship is that the emphasis [it] place[s] on the

recognition and institutionalization of difference could undermine the conditions that make a sense of common identification and thus mutuality possible." This is one of the major arguments in the debate as the issue has been continuously linked to the broader goal of national integration in India. Even if we argue for a dialogue between the majority and the minority, is the majority willing to listen? With increasing democratization, we think it would be possible to manage the situation. Democratization acts as a challenge to rigid positions. As a set of procedures, democracy can secure legitimacy in the absence of more substantive commonalities between citizens and achieve social integration. Since it is not wedded to particular cultural premises, it can be responsive to changes in the cultural composition of the citizenry and generate a common political culture (Habermas 2001a, 73–74). Citizenship has to be seen as a valuable status, associated not only with civil and political rights, but also with the fulfilment of fundamental social and cultural rights (Habermas 1998, 118–119).

Habermas and other post-nationalists seem to put more emphasis on democratic practices. The dominance of the identity discourse within the citizenship debate has dislocated the rights based discourse, the impact of which can be seen in the conceptualization of an *astatist* concept of citizenship whereby the citizens are strong in

guarding their space in their group or community and deciding on the terms of inclusion/exclusion away from any common dialogic platform (Bhattacharyya 2012 pp23–41). This is often used by the vested interests.

Existing alongside the traditional principles of citizenship --- *jus soli* (law of the soil) or citizenship based on birth, and *jus sanguinis* (law of the blood) or citizenship based on descent, another new principle of citizenship *jus domicili* (law of residence) or citizenship based on residence, that is, people may gain access to citizenship through residence in the territory of a state. In this context, Thomas Hammer (1990) viewed and categorized resident third country nationals who enjoyed a secure and peaceful life within a host country as a new form of status, which he termed 'denizenship'. William Brubaker (1992) offers a model of 'dual membership' organized as concentric circles: an inner circle of citizenship based on nationality, and an outer determinant for the rights of immigrants is residence, not citizenship. Access to citizenship in the US, the UK, Canada and Australia is now provided to the second and subsequent generations through the extension of *jus soli*, or through various combinations of *jus soli*, *jus sanguinis* and *jus domicili*.

A fundamental issue is whether globalization has undermined the authority of the nation-state. At one



end of the spectrum, it is maintained that the advance of globalization ultimately depends on the power and approval of nation-states. At the other end, globalization is viewed as a transformative epoch leading to a reordering of the nation-state. Globalization needs to be understood as a complex and multilayered process that, in multiple and varying ways, impinge upon nation state sovereignty and the capacities of nation-states to formulate national policies. The effects of globalization on citizenship are complex and uneven. A disarticulation and rearticulation of citizenship elements are taking place in the age of globalization. Cities, the global civil society and cyberspace are emerging as new spaces for political mobilization, leading to the formulation of several 'unbounded' notions of citizenship—ecological citizenship, cyber citizenship, transnational citizenship and cosmopolitan citizenship. Still, governance, accountability, rights and duties are well-defined only with regard to boundedness. While national citizenship can no longer be viewed without taking into account various forms of unbounded citizenship, the latter also cannot be separated from national boundaries and the local contexts of citizens.

In the fourth century BC, when the polis and civic virtues associated with citizenship were in obvious decline, the idea of a cosmopolitan or world citizenship appeared in Ancient Greece (Linklater 2002: 318).

Diogenes called himself a citizen of the world. According to him the polis (the city state) did not have the first claim upon the individual's political allegiances. Enlightenment thinkers such as Kant, unlike Diogenes who used the concept negatively to undermine the power of the polis, used the concept of world citizenship positively to promote a moral obligation between members of separate sovereign states. Kant was the first major political philosopher to use the idea of cosmopolitan citizenship to challenge exclusionary sovereign states. However, his idea of world citizenship was limited in scope--- all the moral law governing 'citizens of a universal state of humanity required was the duty of hospitality to travellers and traders visiting their lands' (Linklater 2002: 321). However, the concept has been criticized on the grounds that it would lead to cultural imperialism. There is also apprehension about the fact that there is no sense of international community which can support the sophisticated form of citizenship that exists within democratic societies.

Language, history, and culture come together [...] to produce a collective consciousness" (Walzer 1983, 28). Politics itself, moreover, as a set of practices and institutions that shape the form and outcome that distributive conflicts take, "establishes its own bonds of commonality" (Walzer 1983, 29). As the goods are to be divided, exchanged and shared among individuals it is

only within their boundaries that conflict can be resolved and distributive schemes can be designed. Infact rejecting political communities' right to distribute the good of membership is to weaken their capacity to preserve their integrity forcing them to become neighbourhoods, or associations lacking any legally enforceable admissions policies. This would lead to the creation of a community devoid of any internal cohesion and incapable of being a source of patriotic sentiments and solidarity. For David Miller(2000), transnational forms of citizenship such as cosmopolitan citizenship are either parasitic on national forms, or else not genuine forms of citizenship at all.

### Conclusion

Drawing on the conception of the two models of citizenship the liberal and the civic republicans, Political liberty, as Constant(1819) pointed out, is the necessary guarantee of individual liberty. Echoing Constant, Michael Walzer considers that the two conceptions "go hand in hand" since "the security provided by the authorities cannot just be enjoyed; it must itself be secured, and sometimes against the authorities themselves. The passive enjoyment of citizenship requires, at least intermittently, the activist politics of citizens" (Walzer 1989, 217). There are times when individuals need only be "*private citizens*" and others

when they must become "*private citizens*" (Ackermann 1988). And what can be done of the demand for territorial claims . Can citizenship be divorced from territory? Globalization has definitely opened up diverse conceptions of citizenship but the question is can we at all, in reality, do away with nation state or democratic politics especially the right to vote? Does marketisation of citizenship that we are witnessing, is instrumental in creating an unequal /exclusions within citizenship? Skilled workers /talented individuals/ investors would be welcome but a poor/ mediocre/a stateless person would be termed as illegal immigrant/immigrant with a high wait period for citizenship and often denied citizenship. There is a growing tension between the legal form and the normative project towards enhanced inclusion, as various minorities and disadvantaged sectors gain visibility for their claim-making. And what is significant is the failure in most countries to achieve "equal" citizenship—that is, not just a formal status but an enabling condition.(Sassen : 2005) Amidst this quagmire, probably the path needs to emerge from the fact that what is required is a sincere political will coupled with a vibrant dialogue between the stakeholders and democratic practice as well as the different parameters of granting of citizenship. Should we not encourage or try to encourage the *voices of difference*? Arguing from the position of Balibar (1988, 2005) who while commenting



on the citizenship discourse in France pointed out that it is essential to look beyond the notion of pluralism and identity and focus on collective individualization and recognition of collective responsibility and solidarity, which he understands as enlightened citizenship. The citizen does not live alone neither grow alone--- activities would be informed by this realisation of the ideal of a shared identity. Therefore, it is the need of the hour to look beyond the established norms of citizenship and recognize the dynamism within history that gives birth to new conditions, new claims, and new norms thereby requiring new conceptualizations. However, the old conception still demands credit. The real strength of Marshall's treatment of the development of citizenship, which may be lost if the focus of analysis is simply on those who struggle for increased participation, is that it leads to a serious consideration of the consequences of citizenship rights and their institutional bases on social organization and social structure.(Barbalet 1988) Therefore, we may talk of Bitnation or bit citizen but can we at all make the nation state or the government redundant? An alternative as proposed by Shachar, which is the stakeholder principle (or *jus nexi*), as an alternative (or a supplement) to birthright citizenship: individuals who have a "real and effective link" (Shachar 2009, 165) to the political community, or a "permanent interest in membership" (Baubock 2008, 35) should be

entitled to claim citizenship may be one of the alternative. This new criterion aims at securing citizenship for those who are truly members of the political community, in the sense that their life prospects depend on the country's laws and policy choices. However, it is to be agreed that the particular historical conditions and the nature of claims as well as the context behind the claims should ultimately enter into a dialogic praxis to design the kind of citizenship claims and its recognition and promise to finally design the architecture of citizenship in a particular country.

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## IS NRC IN ASSAM WITHERING AWAY UNDER CAA 2019? AN ANALYSIS

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### Introduction:

The Assam Accord 1985 which was signed on the 15<sup>th</sup>, August, 1985 (when Rajiv Gandhi was the Prime Minister of India), a clause known as Clause 6 was incorporated in the said Accord as a means of protecting the indigenous culture of Assam as the state took extra load of foreign migrants from 1951 to 1971. The Clause 6 of the Assam Accord contained the provisions related to special privileges and constitutional safeguards that would be provided to the indigenous people of Assam for furtherance of composite Assamese nationalism. Although the term indigenous people of Assam was meant to encompass the inhabitants of Assam, the exact definition and the criteria (whether it was based on ascriptive / ethnic or geographical terms) of being an