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Citizenship and the boundaries of the acknowledged community: identity, affiliation and exclusion *

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Summary

The study of citizenship began as the study of political rights and democratic governance within Western politics and philosophy. Today however, it encompasses a broader sociological perspective highlighting that a universally shared concept of citizenship is further away from practical articulation and understandings of the concept than ever. This paper will examine the interaction of two different forms of citizen belonging, and the rights and responsibilities associated with these: (1) membership of the imagined community of the nation-state and (2) membership of various acknowledged communities at the sub-national level. In examining these different forms of citizen membership, so to speak, the paper explores processes of access and exclusion – both separately and in interaction with each other.

This working paper aims to contribute to the development of a research agenda on the theme of "inclusive citizenship", particularly the challenges it presents in the context of poorer southern countries today. Through a historical analysis, it argues that the notions of citizenship constructed in the West are inappropriate in post-colonial contexts, in which pre-existing differences within the population have been exacerbated or artificially suppressed by the strategic manoeuvrings of colonial power. As a result, prevailing ideas about personhood, identity and affiliation lead to fractured notions of citizenship and exclusionary outcomes. The author concludes proposing three themes for future research into inclusive citizenship in the South.

Contents

Preface

This paper was prepared for the Development Research Centre on Citizenship, Participation and Accountability (Citizenship DRC), an international research partnership dedicated to exploring the new forms of citizenship which are needed to make rights real for poor people. The Citizenship DRC's programme emphasises collaborative work across national, institutional and disciplinary boundaries, adopting an approach that combines research, capacity building, dissemination and policy influence.

The Citizenship DRC brings together over 50 researchers from research institutions and civil society groups based in Bangladesh, Brazil, India, Mexico, Nigeria, South Africa and the UK. It is coordinated in the UK by the Institute of Development Studies (IDS); in Bangladesh by the Bangladesh Institute of Development Studies (BIDS); in Brazil by the Centro Brasileiro de Análise e Planejamento (CEBRAP); in India by the Society for Participatory Research in Asia (PRIA); in Mexico by the Instituto de Investigaciones Sociales of the Universidad Nacional Autónoma de México (IISUNAM); in Nigeria by the Theatre for Development Centre at Ahmadu Bello University (TFDC) and in South Africa by the Centre for Southern African Studies/School of Government of the University of the Western Cape (UWC).

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For more information, please see the Citizenship DRC website: www.ids.ac.uk/drc-citizen/

1 Introduction

"Citizen" and "citizenship" are powerful words. They speak of respect, of rights, of dignity . . . We find no pejorative uses. It is a weighty, monumental, humanist word.

For all that, the history of citizenship has been one of terrible exclusions, founded on the denial of resources, rights, dignity, indeed the humanity, of some groups by others. Inclusion and exclusion are indeed, as Lister (1997) points out, two sides of the coin of citizenship. There is a massive body of literature on citizenship, much of it rooted in the experiences of Europe and North America, but with a growing number of studies based on colonial and post-colonial contexts. As a preliminary reading of this literature makes clear, while the idea of citizenship is now nearly universal, its meanings are not.

Nor have they ever been. The Western philosophical tradition itself has evolved from, and continues to be framed by, the "two great citizenship traditions". Republican notions of citizenship revolve around the obligations of citizens to participate in the political life of their community: they stress an active notion of citizenship, citizenship as *practice*. Liberal approaches, on the other hand, define citizenship as a "status" defined by a specific set of individual rights granted by the state. It tends to be a more passive notion of citizenship, since it does not imply responsibilities. These traditions have in turn been elaborated over time in a number of different ways, including in their recent libertarian and communitarian variations (see Jones and Gaventa 2002). If we then go on to consider how the ideas and practices of citizenship have played out in the very different contexts of the South,[1] and also take account of the challenges presented by the movements, or attempted movements, of people across national boundaries, it is clear that a universally shared concept of citizenship is even further away from realisation than it ever was. Indeed, the breadth of the concept itself has grown in tandem with the growing complexity of an increasingly global world. Citizenship may have commenced as a framework for the study of political rights and democratic governance within Western politics and philosophy, but it now encompasses a broader sociological perspective, "becoming one with humanism itself". As Shafir (1998: 3) points out, the study of the organisation of social life around the goal of securing the freedom and equality of citizens is a way of reflecting on a general vision of humanity.

However, given this breadth of meaning, some clarification is clearly necessary as to what is meant by citizenship in the context of this paper and what aspects of it will be explored. Within political theory, the history of citizenship is traced to the rise of the nation state. The concept is therefore understood in terms of rights and duties associated with membership of the nation-state:

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[1]   I will be using the term "south" to refer, as Joseph (1997) does, to those postcolonial states whose state boundaries, institutions and constitutions have been impacted by the colonial experience, while recognising that these are likely to vary considerably in terms of culture, economy, history and society. By the West, I am referring largely to Europe, but also North America. These are forms of short-hand for historically specific forms of experience and not intended as any kind of definitive description of difference.

Of all the forms of collective affiliation, modern citizenship would appear to be the one whose constitution is almost exhausted by a model of space: the territorial boundaries of the nation-state system.

(Shapiro 2000: 80)

(Citizenship) expresses a set of normative expectations specifying the relationship between the nation-state and its individual members which procedurally establish rights and obligations of members and a set of practices by which these expectations can be realised.

(Waters 1989: 160)

This state-centred approach has come under challenge from those who point out that such membership may mean little to its members compared to other forms of community with which they identify and through which they exercised their claims and obligations (Kymlicka 1995; Isin and Wood 1999). Held, for instance, points out that citizenship throughout the course of history has had certain attributes:

Citizenship has meant a certain reciprocity of rights against, and duties towards, the community. Citizenship has entailed membership, membership of the community in which one lives one's life . . . and various degrees of participation in the community.

(Held 1989: 199)

The focus on this broader "society-centred" approach to citizenship is less on the relationship between individual and state and more on the 'promotion of a rich autonomous participation to social life' (La Torre 1998: 10). Such "societal citizens" belong to several social groups, aside from those associated with family and work, and obtain their identity from their participation in activities related to broader political and social questions: as La Torre suggests, the societal citizen is a person who participates in political life from below (from "society") rather than from above (through the state). However, while the "society-centred" approach accommodates a broader notion of citizenship than that associated with the traditions of political philosophy, there is also a danger that replacing membership of a national state as the basis of citizenship status with membership of a variety of social communities loses sight altogether of what is distinctive to citizenship as a form of identity and differentiates it from other forms of identity that individuals may have.

My own focus in this paper will be on the interaction of these two different forms of belonging: on the one hand, membership of the imagined community of the nation-state, and the rights and duties associated with it, and on the other, membership of various acknowledged communities at the sub-national level, each with their own sets of claims and obligations. I will be using this focus in order to consider how these different forms of membership help to shape prevailing patterns of access and exclusion, both separately and in interaction with each other. This work is a preliminary stage in an agenda of research that will explore in greater empirical detail how these patterns operate in different contexts and what possibilities they offer for the construction of more inclusive forms of citizenship. The paper thus

takes a sociological approach to citizenship, focusing on its implications for the distribution of rights, resources and recognition, but within the politically constructed boundaries of the nation-state. Citizenship performs an allocative function within these boundaries in that it controls access to scarce resources. Struggles for inclusion within the circle of citizenship are consequently struggles over access to resources. Citizenship also affirms and legitimates "social standing" within a society: struggles over its meaning and membership are consequently also struggles for social recognition.

This focus means that the paper will be limited to an analysis of what Yeatman (1994: 80) describes as "exclusions from within", those that derive from the relationships between individuals or groups and the nation-states in which they are currently located. While "exclusions from without", which occur when people move, or seek to move, between nation states, have become increasingly important, particularly in the context of growing movements of labour across national boundaries, they constitute a complex topic in their own right and will not be touched on in this paper (see Jones and Gaventa 2002) for some of the literature which deals with this aspect of the debate). In addition, it will also be limiting itself to the experiences of the poorer countries of the south, particularly those in South Asia and sub-Saharan Africa. However, it is important to locate this geographically bounded discussion within a broader historical understanding of how the concept of citizenship has evolved, its variations over time and place and how different ways of "being and doing" have been encompassed or excluded in the course of these variations. The paper therefore begins with a brief history of the concept in the Western context before going on to consider the very different experiences of the south.

2 Evolving ideas about citizenship: a historical perspective

2.1 From Athens to the Enlightenment: the early history of citizenship

Citizenship in its earliest form is generally associated with the ancient city-states of Greece, forms of community which allowed some of their members to be freed from the particularities of their own immediate needs in order that they could focus on the affairs of the community as a whole (Clark 1994). The concept implied emancipation from the realm of necessity, associated with the private sphere of the household (*oikos*), into the realm of freedom, associated with the public sphere of political life (*polis*). This was the republican notion of the citizen, based on participation in the political life of a wider community of equals. However, the boundaries of the community in question were drawn in highly selective ways. Only men with the material means to purchase arms and the personal breeding for leisure counted as citizens. Excluded were women and slaves whose labour within the domestic domain gave citizens the freedom they needed from the mundane concerns of daily existence. And since most forms of work were defiling, no one who laboured for a living was considered fit for civic duties.

A somewhat different idea of citizenship emerged in the context of Imperial Rome which expanded its empire by granting citizenship to the peoples it conquered, except the very lowest, chiefly rural groups (Walzer 1989). However, within this large, heterogeneous and spatially dispersed population, a two-tier

citizenship was established to distinguish between plebeians and patricians. Passive citizenship, which entailed protection by Roman law, but not participation in its making and execution, was extended to all citizens, plebeians and patricians alike. The status of active citizen, however, which included the obligation to participate fully in the public life of the community, was reserved for the patrician classes. For the majority of Romans, therefore, citizenship became an important, but occasional identity, 'a legal status rather than a fact of everyday life' (Walzer 1989: 215).

The notion of citizenship as legal status persisted through much of the feudal period in Europe, but in a very "bookish" form (Walzer 1989). The earliest meaning of citizenship in medieval Europe associated it with residence in the city but confined it to members of artisanal guilds who legislated their own law and elected their own officials. Because city dwellers had been the first to free themselves from feudal relations of servitude, the term retained its connotations of freedom. Elsewhere feudal relationships based on "private-law" identities such as serf, villain, vassal, lord and so on continued to govern social life.

It was the changes which occurred in the course of what Polyani (1944) has called the "great transformation" in Europe which provided the beginnings of a recognisably modern idea of citizenship, based on the rights of the individual. The great transformation referred to the processes by which the societies in question moved from systems of limited economic exchange, in which markets were embedded within the social relations of kin and community, to systems of generalised commodity exchange which led to a gradual "disembedding" of markets from social relations and the ascendance of the cash nexus as the dominant relationship in society. The implications of these changes were profound, not simply in terms of economic activities and social life, but also in terms of ideas about the place of the individual in relation to the wider community. Given the importance of this history for contemporary understandings of citizenship, I provide a brief summary of it below before going on to consider the very different experiences of the colonised countries in Africa and Asia.

2.2 Changing meanings of citizenship in the context of capitalist transformation

As Polyani pointed out, economic life in pre-capitalist societies was organised around principles of self-provisioning, reciprocity and redistribution (Polyani 1944). Claims to resources were generally grounded in variations of the "moral economy" which served to keep individual self-interest in check (Fraser and Gordon 1994). The disposition of property and other resources was based on a variety of relationships, including those of kin: 'no single relationship defined anyone's whole entitlement to support; every particular relationship formed a link in a longer chain of dependence' (Fraser and Gordon 1994: 99). Ownership tended to be a matter of divided and overlapping claims to various kinds of access and use, rather than of clear-cut individual property rights. The traditional extended family gave a wide range of kinfolk, and at times neighbours and villagers as well, some degree of economic responsibility for each other.

Social relationships in these contexts were not construed as freely chosen and functionally limited agreements between equal persons. Instead, 'relationally-defined statuses were cast as prior to, or contemporary with individuals and constitutive of their entitlements and obligations' (Fraser and Gordon

1994: 96). Relationships, moreover, were characteristically quasi- permanent, non-voluntary, hierarchical arrangements obligating subordinates to obey and super-ordinates to provide and protect. Prevailing notions of person-hood reflected these material realities. There was no legal or social recognition of individuals as bearer of rights and duties which proceeded, and were independent of, their place in a status hierarchy. It was an ontology that 'recognised masters and subjects but had no place for citizens' (Fraser and Gordon 1994: 96). However, both rulers and ruled were bound by the force of custom. Individuals lived amidst a 'seamless web of intensely personal relationships' produced through every day interactions 'in a context where the scale of life was limited (Kohl 1989: 8). Indeed they were so closely bound to each other that 'they had difficulty considering themselves as distinct individuals (Kohl 1989: 8).

The ideas of the Enlightenment, particularly the Cartesian assertion of the individual with a free will, inner conscience and hence responsibility for his own actions helped to lay the foundations of modern notions of citizenship. The work of the contract theorists during this period was also extremely influential in questioning the relationship between the individual and the state. As well as asserting the "natural" rights of man, contract theory sought to define the power and limits of a modern constitutional government in terms of a voluntary agreement or "social contract" between "free rational men" in a state of nature, to accept a government based on the rule of law. The French Revolution remains the most potent symbol of the struggle to establish a concept of citizenship based on civil and political rights against the privileges of the feudal order: citizenship was to be 'the dominant identity of every Frenchman against the alternative identities of religion, estate, family and region…[and] replace religious faith and familial loyalty as the central motive of virtuous conduct' (Walzer 1989: 211). However, the France that existed at the time of the Revolution was still a long way from realising the ideals of the Revolution: 'Geographic, linguistic, and increasingly, religious divisions deeply scored the structure of the state. The French monarchy struggled against the centrifugal tendencies of a large and independent nobility. Lines of clientage, kinship, and alliance further divided the various segments of society. Even the borders of the state were vague and fluctuating. Such chaos seemingly offered little foundation for the construction of an ethos of national citizenship' (Wells 1995: p xvi cited in Halisi *et al.* 1998: 341).

In England, the Magna Carta had signalled some changes in the rights of the nobility in relation to the monarch, establishing royal justice which defined and defended these rights, limited as they were, on the basis of the common law of the land, rather than local custom. It was the material changes associated with industrialisation, the dissolution of landed privilege, the spread of generalised commodity exchange and the growing demands of the new property-owning middle class for civil and political recognition which helped to transform this selective citizenship into a universal status. As Marshall's (1998) influential account points out, this transformation began with the expansion of civil rights at the expense of customary claims and obligations of community. The privatisation of land, for instance, deprived the rural population of their customary rights of tenancy and use, but also freed them from customary obligations to enter into contracts to sell their labour in the market place. The reform of traditional poor relief further weakened established patterns of community support, thus further detaching labour from the support of kin and community.

The growth in the significance of market-based relationships gave rise to an ' "impersonal' public sphere where independent individuals could contract freely with one another, secure in their persons, families and property' (Fraser and Gordon 1994: 95). Civil society, and the associated practice of citizenship, became part of this newly-delineated public sphere modelled on relations of contract whereby 'resources were exchanged for exact equivalents in discrete, monetised transactions between self-interested independent individuals' (Fraser and Gordon 1994: 100). Whereas previously all social relations had been formed from or modelled on kinship, these relationships gradually contracted in the course of industrialisation until they were confined to, and identified with the "private" domestic sphere where the logic of sentiment, rather than equivalence, still prevailed.

However, it was not until the eighteenth century that permanent and hereditary servility had been legally abolished to give rise to modern citizenship based on the guarantee of civil rights, including the right to own property, to make valid contracts, to sue in court, liberty of person and freedom of speech, thought and religious faith. The universalisation of these rights helped to transform citizenship from a local to a national institution: 'henceforth the English peasant (was) a member of a society in which there is, nominally at least, one law for all men. The liberty which his predecessors had won by fleeing into the free towns had become his by right' (Marshall 1998: 98).

The struggle to universalise political rights took longer. The Chartist movement in mid-nineteenth century Britain had to campaign long, vigorously and at great risk, for universal suffrage, which in turn was yielded only gradually and with considerable resistance. While ostensibly remedying the 'defective distribution of existing political rights', the Act of 1832 gave the franchise to less than one fifth of the adult male population. However, as Marshall pointed out, the act contained the seeds of an important change. While the franchise remained a "group monopoly" rather than an individual right, it was now an "open" rather than a "closed" monopoly. By extending the vote from freeholder to leaseholders and prosperous tenants, it recognised the political claims of those who could produce 'normal evidence of success in the economic struggle': citizenship did not confer a right but it did recognise a capacity (Marshall 1998: 98). However, it was not until 1918 that political rights were attached directly and independently to citizenship and not until 1948 that the remnants of inequality, based on economic status, had been abolished.

As Marshall (1998) points out, one aspect of the process of expansion of citizenship status was through the extension of old rights to new sections of the population in response to their struggles. Thus, civil and political rights were first granted in response to the demands of an emerging capitalist class and helped to assure freedom from the coercive or arbitrary exercise of power necessary for capitalist relations to flourish. They were gradually extended to the rest of the population. A different set of interests were expressed in the struggles of the working classes for economic and social rights which would make their exercise of existing rights more effective and hence enrich their status as citizens (Giddens 1982; Marshall 1998). Economic rights included the right to strike, to form trade unions and to engage in collective bargaining: 'if individual civil rights tended to confirm the dominance of capital, economic civil rights tended to threaten the functioning of capitalist markets' (Held 1989: 195). The acceptance of the right to

collective bargaining represented an important extension of political rights into the civil (industrial) sphere because it implied the use of the political franchise to assert their claims to certain minimum conditions within the work place (Marshall 1998: 106).

Social rights represented the final set of rights to be incorporated into the legal status of citizenship as a form of protection to the working class from the de-humanising effects of the market place. The spread of market forces in the course of capitalism had eroded the older ties of kin and community, which had provided some degree of social security, leading to the gradual but inexorable "commodification" of labour, its dependence on a market wage to secure its subsistence. The reform of the Poor Laws in 1832 took away traditional responsibility from the parishes for caring for those who failed to get work and established a punitive regime of public assistance, making it conditional on the abrogation of citizenship rights. However, the growing prosperity of the entire society, the compression of the economic distance between classes, the effects of steeply progressive taxation in further reducing differences in disposable income, all combined to profoundly alter the context in which citizenship rights were exercised: 'the diminution of inequality strengthened the demand for its abolition, at least with regard to the essentials of social welfare' (Marshall 1998: 107). The extension of political franchise made it possible for these demands to be realised.

The gradual incorporation of social rights ensured universal access, independent of market value of the claimant, to a state-guaranteed real income, consisting of certain essential goods (health, shelter and education) and of minimum amount of money to spend on these services (pensions, family allowances). Social rights effectively "de-commodified" labour by de-coupling the living standards of individuals from their "price" in the market place: 'market forces (were) thus tempered by recognition of an obligation on society to ensure that individual members of a particular society are able to meet their basic needs' (Marshall 1998: 107). Social rights represented 'an invasion of contract by status, the subordination of market price to social justice, the replacement of the free bargain by the declaration of rights' (Marshall 1998: 110).

2.3 Citizenship and its exclusions: gender and race

While Marshall's account of the gradual universalisation of citizenship rights in Britain, on which the previous section has drawn heavily, is widely regarded as one of the classic texts on the topic, it is also recognised as a very partial account, even in terms of the context he is dealing with. The forces of socio-economic change he describes are those of the industrial revolution in Britain, the exclusions he focuses on are those of property and class and his history of citizenship is that of its white, male working class. It is an account of a society without empire and without internal inequalities, save those of class (Fraser and Gordon 1994). It is silent on race and on gender. It is also silent on the rights of those whose lands were colonised, whose way of life was disrupted and whose humanity denigrated by the imperial powers, among which Britain was pre-eminent, during the era he describes. Indeed, the official histories of many white "settler" societies, such as Australia and North America, have often sought to deny that such exclusions

had taken place, the term itself implying an "empty" land that was settled and civilised, rather than "invaded and occupied" (Turner 1999)[2].

However, over time, the perspectives of the excluded have begun to be incorporated into the official history of citizenship in these various countries, helping to inform and transform their accounts. In the context of the United States, while the official history may have been silent on the dispersal and decimation of its indigenous populations, it could not ignore the ever-present institution of slavery. Unlike Europe, where the condition of the enslaved and colonised subjects of empire were remote from the day-to-day experiences of citizens, slavery in the United States was not 'just a figure of speech or a chapter in one's ancient history text book' (Shklar 1991: 17), but an integral social institution and hence necessarily a threat: 'To be less than a full citizen is at the very least to approach the dreaded condition of a slave' (ibid.). Slavery, in other words, provided a vivid standard against which Americans could measure what it meant **not** to be a citizen.

The other major difference between the European and American experience related to the nature of justification for exclusion, and therefore, the form taken by struggles for inclusion. The struggle for citizenship rights in Europe had entailed a struggle against the inherited privileges of the feudal order, the proclaimed superiority of the aristocracy. In America, on the other hand, the status of citizen, and the rights associated with it, was guaranteed by a constitution which drew on the ideas of the contract theorists, including that of the natural rights of "the people", and proclaimed the superiority of government based on election by the numerical majority of "We the people". As Shklar points out, while it is the case that no historically significant form of citizenship has been incompatible with the exclusion of large groups of people, 'natural-rights theory makes it very difficult to find good reasons for excluding anyone from full political membership in a modern republic' (1991: 37). The struggle for citizenship in this context was not against aristocratic or monarchic principles of government but against a representative democracy that 'falsely ascribed personal deficiencies' in order to deprive them of membership status among 'We the People' (Shklar 1991: 38).

The early exclusion of white working class men in some states of the US in the period after independence had been justified by the purported association between "prudence, probity and possessions". Those without property were assumed to have no stake in the common good and in their country. However, universal white male suffrage had been an implicit promise in the war of American independence and was realised over the course of the next half century. Justifications for exclusion took on a more primordial form when they were bound up with certain forms of socially-ascribed identities, such as those of race and gender: 'nature had made women so weak as to require male protection and blacks so stunted that slavery was their true condition' (Shklar 1991: 49). Even after slavery had been abolished, the vote continued to be denied to black men on the basis of lesser intrinsic worth: 'it imputed a lack of virtue to all blacks as such, though the worst white scoundrel was declared fit to vote' (Shklar

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[2] Turner suggests that a similar view characterised the early constitution of Israel where the Zionist view of Palestine as an empty space to be settled by European Jews justified the dispersal and denial of citizenship to the indigenous population.

1991: 52). For freed black Americans, the struggle for the vote became symbolic of the struggle for public acknowledgement that the years of slavery were truly over and they could enjoy the status of citizen.

They were only partly successful when the Fifteenth Amendment to the American constitution extended the suffrage to black men. Not only did the amendment exclude women, white as well as black, but formal enfranchisement did not result in real rights. A variety of "unruly practices", including 'grotesque registration requirements, literacy tests, poll taxes, grandfather clauses, white primaries, and more chicanery than they could possibly defeat' (Shklar 1991: 55) served to subvert political rights for blacks in the South for several decades thereafter. Impediments to the formal exercise of the right to democratic representation, along with a range of both petty and significant restrictions on civil rights, were lifted very much later in the 1960s in response to the American civil rights movement.

Women remained excluded from enfranchisement long after black men in the United States. Indeed, regardless of differences in social status, class or race, women attained citizenship rights later than men in almost all Western societies. Denial of their citizenship rested on the common law of coverture which meant that married women did not exist legally as independent individuals but were placed under the "cover" of their husbands who, as head of household, represented them in the public domain. As a consequence, women could not own property or make contracts without their husbands' consent and were denied free access to education and employment and custody over their children. Coverture also gave men unconditional conjugal rights over their wives' bodies. It was not until the Married Women's Property Act (in the mid-nineteenth century in the US and the late nineteenth century in Britain) that women began to enjoy some of their civil rights (Fraser and Gordon 1994).

They won the vote much later and in most cases, after long-drawn out campaigns. Women had begun to campaign for the right to vote in the US in the context of the campaign for the abolition of slavery but only won it in 1920. In Britain, the question of votes for women had been first raised in Parliament in 1832 but it took an extended campaign by the suffragettes to finally win the vote in 1928. In France, where Olympe de Gouge had put forward a manifesto for the rights of women at the time of the French Revolution, and been beheaded for it, women did not gain the vote till 1946.

To sum up this section, therefore, the historical evidence tells us that the emergence of liberal notions of citizenship, based on the rights of the individual, took place in the context of the major material and ideological upheavals which made up the "great transformation" in Europe from feudalism to capitalism, from a society based on ascribed status to one governed by contract relations. These upheavals included the erosion of landed privilege, the spread of generalised commodity exchange and an all-embracing process of differentiation: between the private sphere of family and kin and the public sphere of state, market and civil society and, within the pubic sphere, between the functioning of the state and the division of labour in the economy. Social relations were transformed from quasi-permanent and involuntary arrangements into 'voluntary, temporary and limited arrangements entered into out of individual self-interests' (Fraser and Gordon 1994: 95). The modernisation of the State and its bureaucracy was accompanied by the emergence of a complex and specialised machinery, dedicated to the enforcement of contract and the administration of justice, thus institutionalising the basis of citizenship (Heater 1990:

168). These material changes were accompanied by changes in the notion of person-hood so far-reaching that they have been described as 'a revolution in social ontology' (Fraser and Gordon 1994: 95). The acting subject of the newly constituted public sphere was the individual whose existence preceded social relationships, who entered into contracts as a free and independent being and who enjoyed rights that were guaranteed by law, regardless of social status.

3 Evolving ideas about citizenship: the experiences of the south

3.1 Citizenship and its exclusions: colonialism and the colonised

The history of citizenship followed a very different trajectory in the countries of the Third World which were colonised by the European powers, among whom Britain was pre-eminent. While accounts of colonial rule have pointed to obvious, and expected, differences in the forms they took, they also highlight some telling similarities. This is not altogether surprising. As Mamdani has pointed out, 'the colonial state was in every instance a historical formation. Yet its structure everywhere came to share certain fundamental features . . . because everywhere the organisation and reorganisation of the colonial state was a response to a central and overriding question: the native question. Briefly put, how can a tiny and foreign minority rule over an indigenous majority?' (1996: 16).

To answer this question, colonial rulers looked both to history for their lessons as well as to their own experiences in different parts of the world. Hailey (as cited in Mamdani 1996: 49) for instance, noted that the Roman empire had opted for the principle of assimilation: '. . . in this respect the Latin mind tended to regard identity of legal rights as a more important element than the equality of political powers'. The problem of the British in India, on the other hand, 'was to find a system of law which would avoid emphasising the fact that the country was passing under the domination of a Power professing an alien faith' (cited in Mamdani 1996: 49). They found their answer in the principle of association, or indirect rule. While the French began by granting citizenship to the inhabitants of its colonies as part of a policy of "assimilation", they soon found that it led to 'a resurgence, rather than a subordination', of political demands. Their own experiences in Indo-China and Algeria, and those of their British neighbours in India, taught them the value of indirect rule: 'Non-metropolitan, non-white, Frenchmen' were able to take part a little in the government of the empire – but not very much since . . . 'France itself had no intention of becoming "a colony of its colonies" ' (Austin and Tordoff 1972: 267).

In the end, therefore, it was the principle of association, indirect rule through local intermediaries, rather than assimilation, the extension of citizenship rights to the colonised people, that became the basis of colonial policy. Although indirect rule was ostensibly constructed on pre-existing differences and hierarchies, it was put into practice by the colonial powers in ways that had a profound effect on the societies they ruled. Prior to colonialism, these regions of the world had been characterised by considerable heterogeneity in economies and cultures, and by a matching assortment of political arrangements. Authority was dispersed within the community and legitimated by customs of caste, clan,

kinship and so on. The colonial endeavour, in each region, was to codify, and in the process, to re-interpret and reify, customs and practices which had hitherto been fluid, shifting and capable of accommodating a diversity of local circumstances and needs. In each, the effect was to set up separate "communities", each governed by its own customs and traditions, co-existing alongside a civil society, characterised by a modicum of civil rights, in which selected representatives of the colonised groups interacted on unequal terms with the representatives of the colonial powers. In each, political power was absorbed into the centralised state apparatus of colonial rule, replacing the diffuse and diversified political arrangements which had existed previously.

In the Indian context, the privatisation of land through the Permanent Settlement Act had helped to create a powerful class of local landlords, generally loyal to British interests. In addition, British scholars and officials also set about codifying the religious "laws" of different communities as the basis on which their personal lives (including such matters as marriage, divorce, maintenance, guardianship of children, adoption, succession and inheritance) would be governed. This process of codification relied on the interpretations of a small privileged group within each religion, Koranic and Brahmanaical priests, scholars and clerics, who not only often disagreed with each other, but whose interpretations bore little relationship to the far more fluid and syncretic practices which had prevailed in local communities beyond the reach of the Mughal court (Bose and Jalal 1998; Mukhopadhyay 1998). In other words, '(w)hat British judges recognised as authentic was "sastric" law in the case of Hindus and interpretation by a cadi in the case of Muslims' (Menon 1998: 248). Codification sought to subsume the diversity of customs and practices which prevailed in different regions of India, and among different socio-economic groups, and which made up the "little traditions" of the common people, within the precepts and values of the "big" traditions of a small and distant elite.

The adoption of religious law in the personal sphere was intended to placate conservative opinion within the different religious communities, and win their support for colonial rule. However, through the mechanisms of modern governance, it also served to reconstitute the meaning of "community" along primarily religious lines, in effect, 'sharpening the hitherto "fuzzy" boundaries of overlapping community identities' (Menon 1998: 247). When elections were introduced to the local and provincial legislatures, representation was not on the basis of territorial constituencies containing voters with individual rights and changeable interests, but on the basis of groups identified by the British as sharing the same interests: the princely states, the landlord classes and different religious groups. The practice of separate electorates for "majority" and "minority" religions, in particular, served to pre-empt the development of a unified resistance to British rule. It exacerbated differences between religious groups, regardless of shared history and geography, and solidified bonds within religious groups, despite their geographical and cultural dispersion.

Caste was the other major category which became politicised during colonial rule. While, in principle, Hinduism acknowledges four main castes or *varnas*, in reality these are sub-divided across the sub-continent into many thousand *jatis* or sub-castes. However, the lowest rung of the ladder within each local hierarchy is occupied by the untouchables, who are considered to be outside the four *varnas*. Just as the

census enumerators had helped to establish the existence of supra-local categories organised along religious grounds, census enumeration also required people to identify themselves by their caste, in the process helping to construct a supra-local "depressed" or "exterior" caste category. As Mendelsohn and Vicziany (1998) point out, this had enormous implications: it carved out an ideological space within which these hitherto geographically scattered and culturally differentiated groups could reconstitute themselves as a coherent social category on the basis of their shared caste status: 'it was then a matter of political concession rather than ideological imagination to treat them as entitled to the kind of advantages bestowed on other groupings' (1998: 29). The politicisation of these ascribed identities became evident in the claims of "untouchable" leaders that they be treated as a social minority comparable to the Muslims and provided with reserved seats in the legislature.

The same divisive strategies were also in evidence in the very different context of sub-Saharan Africa (Cooper 1996; Mamdani 1996). Indeed, the earlier experience in India was drawn upon in shaping colonial rule in Africa: '. . . in the development of a colonial customary law, India was really a half-way house. Whereas in India, the core of customary law was limited to matters of personal law, in Africa it was stretched to include land . . . Just as matters like marriage and inheritance were said to be customarily governed, so procuring basic sustenance required getting customary access to communal land . . . With this development, there was to be no exit for the African from the world of the customary' (Perham 1967: 145, cited in Mamdani 1996: 50).

The imperative to keep colonised subjects contained within the closed world of custom rather than exposed to the more open possibilities associated with urban society, where a different civil code prevailed, was the lesson that the British had learnt from their experience in India. The preservation of law and custom was presented, not as an end in itself, but as a transitional stage 'by which Africans may in their own right become members of the civilised worlds, not as individuals, but as communities' (cited in Mamdani 1996: 51). Like India, Africa too was characterised by a variety of economic, cultural and political arrangements, ranging from slave-based conquest states to communities where the rule of the chief was tempered by consultation and deliberation. It was the more authoritarian versions of "community" which the British sought to promote. Interpretations of the customary were often imported between ethnic groups or defined and enforced by native authority, backed by the armed might of the central state.

Colonial powers were able to mobilise "traditional" hierarchies to bolster their domination, nominating "traditional chiefs" where necessary, and investing them with the backing of the colonial state to exact their own tributes from their subjects as long as they maintained stability and ensured a smooth flow of labour to the colonial project (Cooper 1996). What resulted therefore were two-tier states: peasants were governed by a constellation of ethnically defined native authorities who were in turn supervised by white officials deployed from a racial pinnacle at the centre (Mamdani 1996).

The colonial policy of divide-and-rule is spelt out in an example from Nigeria (Kazah-Toure 2000): 'Racist and ethnicist ideological perceptions informed British administrative policies towards different ethnic groups. The colonialists used these as weapons in assessing the so-called different "levels of

civilisation" of linguistic and ethnic groups'. In Nigeria, the Fulani were regarded as superior to other ethnic groups who were presented as 'primitives, savages, fanatics and full of "pagan superstitions"' (Administrative Policy 1935 cited in Kazah-Toure 2000: 5). Constructs such as Muslim, non-Muslim and pagan were also used to identify individuals and groups within the colonial order. Urban settlements, labour camps, schools and other institutions were segregated along ethnic and religious lines in order to keep different groups of the colonised apart, "both psychologically and physically". In addition, rulers drawn from "preferred" ethnic groups were appointed to govern not only members of their own communities but also over members of other less preferred minority communities.

3.2 Meanings of citizenship in post-colonial states

What this brief historical account makes clear is that while colonial rulers may have imported ideas about citizenship into their colonies, their practices within their colonies bore little relationship to their practices at home. As a result, not only did they merely fail to disrupt pre-existing relationships based on tradition, custom and "moral economy", but they used the considerable powers at their disposal to define, to codify, to reify and reinvent identities and differences which had been fluid, shifting and open to multiple interpretations. Moreover, however "invented" these customs and traditions may have been, however "imagined" the boundaries of the communities they sought to define, these became "real" in the course of time. They were assimilated into the worldviews of their members and became the basis on which they acted politically and continued to act in the post-colonial era. Mendelsohn and Vicziany describe how this happened in relation to caste identity in India:

> . . . it is often said that the British act of inquiring into the nature of the 'Depressed', 'External', 'Exterior' or 'Untouchable' castes served to sharpen their very distinctiveness within Indian society. This is probably true, partly in the sense that it tended to refresh a Brahminical orthodoxy that was always under challenge from untidy practice . . . It could be said that the construct was artificial, since the personal identity of Untouchables had apparently flowed more from caste (Chamar, Bhangi, Paraiyan, Paswan and so on) than from location in any overarching category. On the other hand, there can be no doubt that the dichotomy of purity and pollution was a central motif of Indian civilisation. In short, it is not really true that 'the Untouchables' were 'invented' during the colonial period. Rather, their description was simplified and objectified at a particular moment so as to fit them into a bureaucratic and welfare model understandable to the modern Indian state' (1998: 260).

Ndegwa similarly notes the persistence of ethnic communities "imagined" into existence by colonial rules as an aspect of contemporary politics in Africa: 'Ethnic identity in Africa is a relatively recent phenomenon whose salience is largely a product of colonial rule and of post-colonial dynamics in which elites have continued to reify ethnic identity for political mobilisation' (1997: 600). Many ethnic groups which are regarded today as monolithic entities did not exist as coherent communities before colonial rule. The Abaluhya, for instance, were created as an ethnic community by anthropologists, missionaries and

administrators in colonial Kenya. The name itself dates back only to the 1920s when it was used to profess the unity of the Bantu-speaking groups whom the British referred to as the North Kavirondo, an administrative aggregation of sixteen separate groups. Although geographically proximate and linguistically similar, these groups differed sufficiently from one another to make unity elusive. However, the classification of these groups as a single category was strategically adopted by elites from their various subgroups to assert unity for political goals (for example, through the creation of the Baluhya Political Union) in the struggle for independence. In contemporary Kenya, the artificiality of the Abaluhya identity is manifested in its perennial divisions, especially among politicians, interrupted by brief interludes of unity when corporate interests are threatened.

The colonised populations thus achieved their national independence organised as religious, ethnic and tribal communities rather than as individual citizens. They inherited a modern state apparatus which had been founded on colonial rule and dedicated to the promotion of colonial interests and they adopted the principle of universal franchise long before they had experienced the social and economic changes which had given rise to these political institutions in the West. The rights of citizenship were not therefore the product of popular pressure or mass struggle, but bestowed by the elite groups who had led the struggle for independence and modelled their constitutions on those of the "mother" colonial countries. They hoped that the different processes which had unfolded in slow sequence often over centuries in the West (industrialisation, secularisation, the rise of a society of individuals, the creation of democratic political institutions) and which had formed the material conditions for their prosperity and freedoms could be condensed into a rapid simultaneity in their own countries (Khilnani).

This did not happen. Instead, uneven success with industrialisation, the very gradual spread of market relations, the continued gulf between urban and rural life, the incapacity or unwillingness of the state to provide for the social welfare of the majority of its citizens have all meant that the idea of citizenship based on the equality of rights and freedom of the individual have not taken root in many of these societies. Relationally-defined statuses based on family, kinship, caste, ethnicity and so on continue to be seen as prior to the individual and constitutive of their entitlements and obligations: individuality as a way of social being 'remains a precarious undertaking' (Khilnani 1997: 26).

It has been suggested that such situations can be analysed in terms of 'parallel traditions of citizenship' which parallel different ways of defining identities, affiliations and the 'boundaries of belonging' (Ndegwa 1997). Most states today incorporate some version of the liberal tradition of citizenship, with its emphasis on legally defined and circumscribed rights of the individual normally bestowed on all those born or naturalised within the territorial borders of the nation state. In addition, there are other more informal ways of belonging which are based on emotional solidarities, and rooted in notions of acknowledged community which go far deeper than that of the national community which is largely the product of an elite imagination. In some states, these communities and groups have been given formal recognition and legal status. Thus, a number of African countries attach certain rights of citizenship to lineage and birth place rather than the individual. Elsewhere, in countries like Lebanon, India, Pakistan, Israel, Bangladesh and so on the constitution differentiates between citizens on the basis

of their religion and, in India, on the basis of caste. Whereas liberal notions of citizenship are centred on the individual, these rights are accorded on the basis of group membership.

It may be argued that this differentiated notion of citizenship resonates more closely with the ethical worldviews and moral economies which prevail in these contexts than do artificially constructed national entities. It corresponds to identities and affiliations which are more real to their members than are imported ideas of universal rights and abstract individualism (see, for instance, Halisi *et al.* 1998; Ndegwa 1997). In addition, the formal recognition of the rights of these communities helps to acknowledge and act on the implications of diversity, difference and inequality in ways that might be overlooked in more universalist notions of citizenship. On the other hand, it could also be argued that differentiated notions of citizenship often serve to negate the very forms of agency that the idea of citizenship was intended to promote and to reinforce the very forms of inequality it was intended to negate. The co-existence of multiple forms of citizenship can bolster hierarchy, exclusion and conflict between different groups rather than equality, universality and dignity for all.

These dilemmas of citizenship become clearer if we consider some examples of the problematic ways in which access to valued forms of resources, recognition and representation have played out in the poorer countries of the developing world. Dilemmas of citizenship are clearly not unique to contexts of poverty: conflicts in Israel, Northern Ireland and Eastern Europe; genocidal forms of "ethnic cleansing" as well as various forms of exclusion practiced towards ethnic minority groups, asylum seekers and immigrants; the institutionalised racism of labour markets as well as public agencies are all examples of the continuing struggles over the meaning and practice of citizenship in the wealthier regions of the world.

My interest in this paper, however, is the nature of the dilemmas faced by the poorer countries of Africa and Asia, where they reflect the specificities of their colonial pasts and their current state of underdevelopment. They also reflect the "socially-embedded" notions of person-hood which prevail in these contexts and which differ considerably from the "individuated" notion of the acting subject which emerged as a result of Polanyian-style transformations of social relationships. Their dilemmas are dramatically illustrated in the scale and destructiveness of political conflicts which have periodically punctuated the recent history of some of these countries, including civil and national wars, riots, massacres, secessions and so on (see, for instance, Bevan 2001; Luckham 2001; Breman 2001). However, I will focus in the rest of this paper on some of the quieter, less visible but more persistent problems of citizenship which occur in the everyday life of these societies. I will discuss these under the headings of social inequality, economic dependency, cultural devaluation and "internalised" subordination.

4 Dilemmas of citizenship

4.1 Citizenship and social inequality: individual versus group rights

The existence of parallel traditions of belonging, whether given legal recognition or left partly informal, represents the juxtaposition of a moral economy, founded on norms of reciprocity between socially-acknowledged members, with the contract-based economy, based on agreements between abstract individuals. The persistence of these parallel traditions can be seen as a reflection of the resilience of the identities, values and ties which bind members of the acknowledged community as well as the weakness of more formalised forms of membership in commanding loyalty and legitimacy. Particularly where the state is weak and socio-economic rights are either missing, or fail to reach major sections of society, kinship and community relations remain the primary "anchor of security" for individuals.

However, these older ways of belonging operate in the contemporary state as political, rather than purely primordial, constructs. And where they are themselves rooted in deep social cleavages, they have the effect of deepening and exacerbating these pre-existing social inequalities. In Kenya, for instance, Ndegwa (1997) points out that contestations over definitions of citizenship represent contestations over terms of access to resources and power by different ethnic groups. The numerically dominant and economically powerful ethnic groups, the Kikuyu and Luo, have supported, and imposed, a majoritarian electoral system while the numerous minority ethnic groups would prefer a more federal structure, reflecting the principle of majimboism or regionalism. At stake in these competing definitions of citizenship are competing principles of "access". Majoritarian electoralism offers the numerically dominant ethnic groups the possibility of long-term control over the centralised apparatus of the post-colonial state and new opportunities for advancement which it offers. For the minority ethnic groups, however, this model of democracy consigns them to the status of a permanent minority, with very unfavourable terms of access to public resources.

Also at stake in these competing definitions are competing principles of land ownership, particularly in relation to land which had previously been held by the colonial government and white settlers. Historically, the distribution of land was determined on the basis of membership of ethnic community. If now the nation was to be the basis of citizenship rights, then any citizen of Kenya had rights to land anywhere within its boundaries, subject to national laws and market exchange. The majority groups, whose numbers had outstripped their traditional lands, benefited from such a system. However, this privatisation of landholdings presents a threat to minority ethnic groups, particularly those who are pastoralists rather than farmers, and for whom communal grazing lands are more appropriate. They lose out to the majority groups who are both economically better placed to purchase land and politically better placed to dominate the process of land distribution by a central state.

Rival ethnic affiliations, rather than shared sense of national identity, have thus shaped the practice of citizenship in Kenya. They continue to provide the idiom of politics. Kenyan politicians mobilise ethnic discourses to pursue group interests outside the ethnic community, persuading members of their ethnic groups that their own access to power is vital to the interests of the community. 'In the 1992 presidential

campaign, politicians from communities that practice male circumcision as initiation into adulthood used this ethnically valid measure of full citizenship to denounce opponents from communities that do not circumcise men, suggesting that they were unfit presidential contenders since they were not yet "men". Given that a majority of Kenyan ethnic groups practice male circumcision, this was a potent charge against a minority. This powerful exclusionary tactic was invoked in the national arena but 'drew its potency from ethnic customs and assumptions' (Ndegwa 1997: 602).

Patterns of exclusion and inequality revolving around the existence of parallel forms of citizenship and affiliation can be found in various forms in other parts of Africa as well. It is evident, for instance, in the context of Nigeria, a state brought into existence by colonial fiat from a variety of ethnic groups, ranging considerably in size from a thousand to hundreds of thousands. Most had little in common and few had a centralised state system before the imposition of British colonialism. Originally run as the Northern and Southern Protectorates, each with its own particular legal systems and associated rights, the two regions were merged in 1914.

Nigeria has sought to address the multi-ethnicity of its composition through a two-tier citizenship, associated with the rights and powers of the centre and those of the state and local councils. The operative requirement of "indigeneity" which is equated with ethnic descent in Nigeria, means that to be born and to have an entire working life in a particular state does not qualify an individual as an "indigene" of that state. Instead, indigeneity is based on lineage so that certain citizenship rights, including election to public office, can only be sought in the ancestral home state, irrespective of the strength of ties retained with that home (Alubo 2000). Under these circumstances, Alubo points out, individuals who are not indigenes experience various kinds of discrimination: in terms of placement of their children in schools, employment opportunities and access to land and other material resources. Not surprisingly, it is to their kin and ethnic community that people turn for social, political and economic support. In a context where there is no public social security, such behaviour had allowed politicians from the majority communities to make huge capital from poverty and "the politics of the belly", excluding minorities from representation in government and hence from an avenue for material accumulation and the location of economic and social facilities.

South Asia has had its own problems finding forms of citizenship which would help to combine national interests with those of different groups. The war that broke up the anomalous state of Pakistan into its two constituent eastern and western wings (now Bangladesh and Pakistan) within 25 years of its independence was dramatic testimony to the artificial nature of the national entity that emerged out of the colonial experience. Pakistan continues to struggle with its attempts to define citizenship for a country set up as a homeland for Muslims in the sub-continent but made up of ethnic groups, many of which have little in common apart from shared religion. Bangladesh has steadily abandoned the commitment to secularism which was one of its founding principles (along with democracy, socialism and nationalism), leaving its Hindu minority occupying second-tier citizenship status.

Religion is a pervasive force in the politics of the subcontinent. Its perceived significance as identity has led to its incorporation into the constitutions of India, Pakistan and Bangladesh. All these countries

define personal aspects of civil law in religious terms, despite the fact that both India and Bangladesh were founded on the explicit commitment to secular principles. In addition, the Indian constitution incorporates the principle of "compensatory discrimination" for its scheduled castes and tribes, in the form of reserved seats in parliament and in public sector employment. These differentiated definitions of citizenship are based on sound principles. They represent recognition of the historical disadvantages suffered by subordinate caste and ethnic groups and protection for the rights of religious minorities. However, the failure to link them to a broader agenda of socio-economic transformation has meant they have become entrenched within an intensified politics of difference, inequality and conflict within the subcontinent. The current situation gives some credence to the prophetic comments made by Ambedhkar, one of the best known political leaders to come out of the untouchable castes, in the closing debates of the Constituent Assembly of the newly independent India:

> On the 26th of January 1950, we are going to enter a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life we shall, by reasons of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we do so only by putting our political democracy in peril.
>
> (Cited in Hasan 2000: 147)

'Fifty years later,' observes Hasan, 'the contradiction persists' (ibid.). The principle of compensatory discrimination has weakened the pressure for universal rights and encouraged instead demands for special dispensation for selected groups (Beteille 1983). This tendency may have been sharpened by the democratic process itself. Rather than tackle entrenched forms of privilege, populist electoral politics has led instead to attempts to continuously extend the principle of affirmative action, embracing not only the scheduled castes but also other backward castes and even religious minorities (Khilnani 1997). The role of family, caste, kin and religious community have become key factors of public life, structuring access to state and market opportunities: 'the rights and obligations associated with these patterns still tend to predominate over the rules and norms rooted in the *abstract* individual (as opposed to the *concrete person*)' (Platteau 1992: 20). This is as true for the educated elite who make up the state bureaucracy as it is for members of civil society. As Kakar points out,

> [The] conflict between the rational criteria of specific tasks and institutional goals rooted in western societal values, and his own deeply held belief (however ambivalent) in the importance of honouring family and jati bonds is typical among highly educated and prominently employed Indians. And among the vast majority of tradition-minded countrymen – whether it be a bania bending the law to facilitate the business transaction of a fellow jati member, or a marwari industrialist employing an insufficiently qualified but distantly related job applicant as a manager, or a clerk accepting bribes in

order to put an orphaned niece through school – dishonesty, nepotism and corruption as they are understood in the West are merely abstract concepts . . .

(Kakar 1978: 125–6, cited in Platteau 1992: 20–1)

Similar processes have been suggested by Wood (2002) in the context of Bangladesh. Family, kinship and community ties are the basis of patron-client relationships which shape access to both private and public resources: 'in all regimes in Bangladesh, and East Pakistan before it, the state has not been available for all, and its resources have been allocated intentionally or unintentionally via patronage networks stretching down to the village level, in which locally stronger families have managed to monopolise public sector distribution'. Such extended family networks were central to social life in the village, where no clear-cut "public sphere" has yet emerged; they are carried over into urban areas where they pervade all sectors of society, public as well as private. The "moral logic" of kinship at stake in these relationships requires that the priorities of family, kin and friendship networks take precedence over the public good: 'It is accepted that . . . meeting the needs of immediate and less immediate family and friends is the paramount obligation and that, in the absence of either sufficient official incomes or predictable profits, theft and underhand manipulation of business opportunities is legitimate and family-serving behaviour. Families use extended networks which often operate at several removes (in-laws of in-laws) to provide access to positions, information about contracts, information on land deals and so on.

The expectation that family, caste and religious community will act as conduits to resources and services, regardless of where they are situated, means that the discourse and practice of inequality and hierarchy which characterise these "privatised" forms of community are carried over into public sphere, reproducing their distinctions between "elite" and non-elite kinship networks, between rich and poor families within the same kinship networks, and between senior and junior, male and female within the same family (Joseph 1997). The distribution of public resources on the basis of highly personalised, face-to-face relationships has the effect of subsidising the control of dominant members of kin and community over subordinate members. Such behaviour also means that the performance of public institutions cannot be relied upon to produce 'equitable and predictable outcomes' on the basis of transparent and impersonal criteria': 'thus we enter the realm of personal favours and discretionary outcomes' (Wood 2002).

While the incorporation of religious family law into legal definitions of citizenship gives public sanction to the various inequalities embedded within patriarchal family structures, its implications for gender inequality in a region which is characterised by life-threatening forms of patriarchy are of particular concern. There have been some changes to Hindu personal law in India since independence. However, these have done little to advance the rights of women within the majority Hindu community; they merely completed the codification process begun by the British, imposing uniformity of norms and practice in place of the diversity which had prevailed in different regions (Menon 1998). The Hindu Code embodies a rejection of all lifestyles and practices which do not conform to what is essentially a North Indian, upper-caste construction of family and personal life. It should be added that this construction of the family is also associated with the more extreme forms of gender asymmetry practised in the sub-continent (Miller

1981; Agnihotri 1996). Excess female mortality in all age groups, highly adverse sex ratios[3] and the associated phenomenon of "missing women" [4] are inter-related phenomenon exemplifying this asymmetry. It is also historically more widely prevalent in the northern plains of India, and particularly marked among its upper castes.

The privileged place given to religious personal law in defining the civil code in India, and in other parts of the subcontinent, and the privileging of a particular construction of the family and personal sphere within it, may not *explain* the persistence of extreme forms of gender inequality within the sub-continent but it has done *little* to counter it. Despite declarations by successive governments about their commitment to women's rights, and various forms of policy interventions to achieve greater gender equality, India (along with Pakistan and Bangladesh) remain countries where life-threatening forms of discrimination against women are practised. Such practices are to be found among both rich and poor alike, suggesting that they cannot be explained by economic factors alone. They have also become more, rather than less, marked over time, even in Indian states which report high rates of economic growth.

And, even more worryingly, they have begun to spread to the southern states of India which had not historically practised such extreme forms of gender discrimination. This has been attributed to the desire of lower castes to emulate the highly discriminatory practices of the upper castes in order to signal upward mobility. However, it is pertinent to ask about the extent to which the norms and practices of the upper castes of northern India would have carried quite the same weight in influencing the private behaviour of other social groups if they had not also been given state sanction through their entrenchment within the constitution and the legal system. The decision to model civil rights in the personal domain on religious personal law gives public legitimacy to patriarchal values which subsequent government declarations asserting the equality of women have clearly been unable to counter. On the contrary, it has had a powerful influence on the terms on which successive governments have sought to address the issue of equality: women have been brought into public discourse and development interventions as mothers, wives and economic dependants rather than as individual citizens. Ambedkar put on record his hostility to the adoption of religious personal laws as the basis of civil law in India because of the difficulties he saw it would present for the reform of the socio-economic inequalities sanctioned by religion. The record on gender discrimination bears out his reservations.

4.2 Citizenship and economic dependency: the indivisibility of rights

The previous section explored the way in which asymmetries in social relationships, both between, and within, social groups, translate into inequalities in access to resources and opportunities, including those provided by the state and the public sector. In this section, I want to examine how inequalities in access to resources in turn feed on, and reproduce, asymmetries in social relationships. The discussion here

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[3] Men outnumber women by a significant factor in this part of the world, leading to very "masculine" sex ratios of over 106 men to 100 women. This is in contrast to much of the rest of the developed and developing world, where women's biological advantages lead to longer female life expectancy and "feminine" sex ratios.

[4] "Missing women" refers to the number of additional women there might have been in the population if its sex ratios were in line with those which prevailed in the rest of the world (Sen 1990).

highlights the inter-dependence between "negative" and "positive" freedoms in translating the formal status of citizenship, the rights necessary for exercising agency and voice, into the active practice of citizenship, fulfilling the potential of that status (Lister 1997). Philosophers on the right have tended to be hostile to the idea of positive freedoms, and the social and economic rights they imply, on the grounds that these constitute a claim on the collective resources of society, and hence an unacceptably large role for the state. Others, however, have pointed out that the protection of civil and political rights also entail a claim on resources and are in principle no different from social and economic rights (Plant 1992). Moreover, if rights are intended to ensure "freedom of action", then both forms of freedom are indispensable to agency, one to "protect" the individual from coercion and interference, the other to "promote" the ability to act (Lister 1997).

Recognition of the importance of positive freedoms to the active practice of citizenship explain the adoption of economic and social rights in the industrialised countries: these sought to protect workers from complete dependence on the uncertainties of market forces, on the one hand, and on the humiliations of public assistance on the other. Positive freedoms are, if anything, even more critical in the context of contemporary developing countries, where extreme forms of deprivation and insecurity may place even the most basic civil rights beyond the reach of the poor, regardless of their formal status. Their experience reminds us that the exercise of civil-political rights, the defining conditions of "negative" freedom, is not cost-free.

As Williams (2001) notes in relation to South Africa: 'citizenship, as ensconced in the Constitution is based on the premise that all humans have equal access to rights in contradistinction to the prevailing reality that only those with financial wherewithal can have their rights enforced'. Falana makes a similar point in the context of Nigeria: 'The Nigerian legal system expects the person whose rights are being infracted to seek remedies and enforce these rights using their personal resources. Thus an impoverished Nigerian is effectively embargoed by the Constitutional provisions from enforcing his civil liberties since the cost of such enforcement in the law courts is outrageously prohibitive' (1997: 193). The scales of justice favour those who can afford the lawyers and advice necessary; for the rest, even a small claim for justice is a gamble which could end up by bankrupting them.

In the Bangladesh context too, it has been observed that justice not only has costs, the legitimate costs of litigation, but that it can be bought and sold: cases are dismissed, prolonged and delayed for the right sum of money. Resort to litigation is increasingly practised by powerful groups and individuals to secure their own interests. The chances of getting justice is, at best, random for most of the country's citizens, but it is particularly remote for those without resources, position or networks (Kabeer 2002; forthcoming).

However, even the act of going to court to seek redress for the violation of rights, whether or not justice is obtained, suggests that some degree of citizenship agency has been exercised. A different kind of disenfranchisement comes into view in situations where the absence of basic economic security impinges on people's agency, undermining not only their ability to act as citizens, but even the possibility of contemplating such action. Here the problem very often is not so much the "commodification" of labour,

which gave rise to the demand for social rights in the industrialised countries, as much as its pre-commodified status within relationships of gender, caste and patronage.

Indeed, in such contexts, commodification may offer a degree of freedom which helps to offset the increase in insecurity. Breman, for instance, notes that many of the younger generation of workers belonging to low-caste landless households in India are opting for 'the risky but freer' life of the day labourer (1996: 238), foregoing the security associated with long-term attachment to a higher-caste landowner in favour of the relatively greater freedom of untied labour. Others seek to escape into work as casual waged labour in the urban informal economy, where they may be treated as commodities, but are not immediately identified as members of a socially despised group.

However, such freedoms are not affordable for all. For those living close to the margins of survival, whose ability to meet their daily basic needs is extremely precarious, the only option open to them may be to bind themselves into highly personalised and asymmetrical patron-client relationships which provide them with the key elements that they need for their subsistence. Such relationships may remain embedded within the networks of kin and community or they may be reconstituted with new sets of actors: government officials, NGOs, neighbourhood power brokers, private entrepreneurs and so on. Regardless of the precise character of the social relationships involved, however, the principle remains the same (Smith 1997). The client household receives a variety of resources necessary for its survival and livelihood security: credit or food to tide it over in periods of food shortage, plots to sharecrop, employment opportunities in the slack season, access to an animal draft team for ploughing, water for irrigation; employment on public works programmes. In return, it provides a variety of different resources which reinforce its patron's dominant status: political or factional support, muscle power in conflict, aid in emergencies, guaranteed supply of labour in peak periods and so on.[5]

The example provided by Mendelsohn and Vicziany (1998) of the untouchable bonded labourers who returned to the extremely exploitative conditions which prevailed in the quarrying industry, despite a Supreme Court ruling which gave them their "freedom" from bonded conditions of work, testifies to the stark absence of choices that such marginalised groups face.

While clientelist relationships may help to minimise threats from the multiple sources of risk that the poor face in these environments, they substitute in its place an alternative and major source of risk of their own: the possible withdrawal or foreclosure of patronage (Smith 1997). The possibility that this might happen is likely to have profound implications on the ability of the poor to express voice, exercise agency or claim rights. This is the phenomenon of power by "anticipated reaction" (Smith 1997). Dependent households attempt to adapt their behaviour as closely as possible to the anticipated reactions of their patrons in order to pre-empt any threat of withdrawal of support. Indeed, they will attempt to anticipate their patrons' preferences and to act in their interests, even in the absence of any external pressure,

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[5]   Thus, in the African context, 'In many cases the "small men" draw their livelihoods from participating at the lowest level in the various factions, cliques or groups fighting for power' (Bayart 1989 cited in Platteau 1992: 19). In Bangladesh too, men from poor households provide muscle power (*lathials* in the rural areas and *masthans* in the urban) that fight battles on behalf of wealthy landlords or politically powerful patrons.

because of the possibility, and resulting consequences, of an adverse reaction should they fail to do so. This would rule out any attempt by client households to seek alternative economic options as well as to act politically in their own interests, through, for instance, their voting behaviour, joining or forming associations or exercising freedom of expression.

Alternatively, however, constraints on the choices of the poor may be manifested in the success of local elites or government officials in ensuring non-involvement or silence on the part of the poor on issues which might pose a threat to the status quo: what Lukes (1974) describes as the manifestation of power in 'non-decision-making'. The absence of voice and participation by the poor in the processes by which agendas for local development and governance are defined effectively serves to reproduce the social inequalities which led to their dependent status in the first place.

I have so far confined the discussion of economic dependency to its implications for the ability of poor households to exercise their rights as citizens. However there are forms of dependency internal to the household which have similar effects on the capacity of some of its members to exercise agency in their own interests or to claim their rights as citizens. Women in highly patriarchal households are an obvious general example of this category of members. Access to the resources critical to their survival are generally mediated by male members of their family on whom they are dependent for their well-being and security. Their dependent status curtails their capacity to exercise voice within the context of intra-household relations, and even more so, in the public domain where their interests are represented by the household head. Senior men in the household exercise socially sanctioned authority over women and junior members, penalising non-compliant behaviour if necessary, backed up their greater access to material resources. However, compliance is also obtained through the mechanism of "anticipated reaction" noted earlier: women adapt their behaviour to pre-empt any possibility of a hostile reaction from more powerful male members and the possible withdrawal of their support. (Kabeer 2000).

Such behaviour renders formal rights ineffective and draws attention to the crucial difference between "legality" and "legitimacy" in the exercise of rights. In India, for instance, customary law among the landed castes of the majority Hindu community, is based on joint family property, held in a co-parcenary system by men to the total exclusion of women; this has been reformed to give women some rights in land. However, in the absence of other material changes to women's position, their ability, or even willingness, to assert legal over customary practices around land inheritance remains weak. Indeed, Das Gupta has pointed out in the context of her study in the jat kinship system in Punjab that there was no question of women owning land: 'If she should insist on her right to inherit land equally under civil law, she would stand a good chance of being murdered' (1987).

To sum up, therefore, while patron-client relationships, and the associated forms of dependency, tend to be widespread in the societies under discussion, what distinguishes the particular forms of dependency discussed in this section are their implications for the capacity of subordinate groups, not simply to exercise their rights, but to even contemplate exercising their rights, knowing what its possible consequences might be for the security of their lives and livelihoods. As Smith points out, the vulnerabilities involved 'undercut the development of any kind of reliable, grounded social practice of

respect for human rights generally' (1997: 11) by undercutting the capacity of dependent groups to influence the processes by which legitimate rights gain formal recognition and to participate in the processes by which formal rights are made "real".

4.3 Citizenship and cultural devaluation: "status"-based distinction

I want to turn to next to problems posed by issues of social recognition for the practice of citizenship. As we have noted, citizenship emerged historically as a way of defining the status of the individual in contradistinction to definitions based on ascribed social status. It was intended to replace the arbitrariness of claims based on charity, discretion, favour and patronage, on the one hand, and the uncertainty of returns to market participation, on the other, with the idea of individual rights guaranteed by law and upheld by the state. This gave rise to a universal notion of citizenship, which applied to every individual in society, regardless of their place in the social hierarchy or their value in the market place.

However, this model of the abstract individual citizen, unencumbered by private loyalties, interchangeable with every other individual in the public domain, has rarely translated into practice. We have discussed some of the reasons for this in the preceding sections. They include the persistence of particularistic identities and affiliations which are often transported into the public sphere, creating differentiated terms of entitlement to state resources; the absence of, or lack of access to, the institutional machinery necessary to enforce the rights of citizenship; and forms of economic dependence which undermine the exercise of the freedoms upheld by these rights.

In this section, I want to deal with an additional set of constraints on the ability of individuals to exercise citizenship rights which arises when status differentiation translated into the routine devaluation, subordination and invisibilisation of certain groups within society by others. Such practices serve not only to construct some groups as inferior persons to others but also place significant limit their ability to behave as agents. As Honneth (cited in Fraser 1997: 14) points out, social recognition, self-definition and the capacity for agency are closely bound up with each other:

> we owe our integrity ... to the receipt of approval or recognition from other persons. (Negative concepts such as 'insult' or 'degradation') are related to forms of disrespect, to the denial of recognition. (They) are used to characterise a form of behaviour that does not represent an injustice solely because it constrains the subjects in their freedom for action or does them harm. Rather, such behaviour is injurious because it impairs these persons in their positive understanding of self – an understanding acquired by inter-subjective means.

The importance of cultural recognition for the exercise of agency was articulated over a century ago by Frederick Douglas in his arguments for the enfranchisement of black men in the United States: 'Men are so constituted that they derive their conviction of their own possibilities largely from the estimate formed of them by others. If nothing is expected of a people, that people will find it difficult to contradict that expectation ...' (cited in Shklar 1991: 56) It was also articulated in a different form by Elizabeth Cady

Stanton in her arguments for the extension of the franchise to women: 'To deny political equality is to rob the ostracised of self-respect; of credit in the market place; of recompense in the world; of voice in (the choice) of those who make and administer the law; a choice in the jury before which they are tried, and in the judge who decides their punishment' (cited in Shklar 1991: 59). And as Shklar adds, 'Not to be heard is not to exist, to have no visibility and no place politically' (ibid.).

The denial of respect and recognition is perhaps one of the most powerful levers of power available to dominant groups because it operates through the acquiescence of the oppressed. Social hierarchies across the world are reproduced with least effort when they can rely on the absence of protest on the part of subordinate groups: 'The underdog comes to accept the legitimacy of the unequal order and becomes an implicit accomplice' (Sen 1990: 126). Lukes describes this as a 'three-dimensional view of power' because it focuses not only on the observed exercise of power in influencing social outcomes, and in the suppression of conflict and resistance, but also includes the exercise of power in its most insidious form: 'preventing people, to whatever degree, from having grievances by shaping their perceptions, cognitions and preferences in such a way that they accept their role in the existing order of things, either because they see it as natural and unchangeable, or because they value it as divinely ordained and beneficial' (Lukes 1974: 24).

Fanon's (1965) analysis of the "colonisation of the mind" that accompanies the colonisation of a people and Freire's insights into the "culture of silence" which prevails among the dispossessed in rural Brazil are both classic expositions of the effects of social devaluation on the self-definitions and capacity for struggle of the oppressed. Other examples come from South Asia where caste and gender, inter-twined forms of subordination, have both operated through the construction of hierarchies of person-hood, which do not simply deny "rights" to subordinate groups, but also "the right to have rights", to shape their own forms of identity. The parallels between caste and gender subordination are striking but not surprising: both embody the same cultural logic of purity and pollution as the basis of valuation and devaluation, a logic that is manifested in both cases in segregations of physical and cultural space, the unequal distribution of the associated resources and the ascription of unequal personhoods (Kapadia 1999).

The "untouchable" castes, for instance, have historically been excluded on the grounds of the polluting effect of their presence from the religion's most highly valued symbolic domains, its temples, and denied access to literacy for many centuries. Contact of any kind through touching, worshipping, sexual relations, dining, drinking from the same well and so on between institutionally-distanced castes would result in the higher of the two castes being polluted. Along with the spatial segregation of residence, with untouchables confined to the margins of villages which other villagers will not have to pass through, fears of pollution also regulate any form of physical interaction between castes. Nayak's account of caste practices in Kerala in earlier times outlines the following "rules": 'A Nayar must keep 7 feet from a Nambudri Brahmin, an Iravan must keep 32, a cheruman 64 and a Nayadi 74–124. The respective distances between these lower casts are calculated by a simple subtraction: the Iravan must keep 25 feet from the Naya and Cheruman 32 feet from the Iravan" (cited in Nayak 1994: 14). As Nayak comments,

this account would be comic if it were not the case that such injunctions, albeit in a much diluted form, still hold sway in many parts of India.

These historically sedimented forms of exclusion meant that it was not necessary for upper castes of India to exercise violence or even to threaten it, for the "untouchable" castes to accept their exclusion from even the lowest ranks of the caste structure: rules of avoidance and the ascription of impurity were integrated into the self-definition of the untouchable castes (Ilaiah 1998). It is significant, for instance, that when dalits first began to protest their devalued status, it took the form of campaigns to prove their moral worth, using the criteria laid down by the upper castes (Mendelsohn and Vicziany 1998). It has only been in recent decades that dalit protest has been transformed into a caste-based politics which seeks to challenge the political hegemony of the upper castes.

Women too, particularly among the higher castes, have been constructed as an inferior species of being to men, both spiritually and intrinsically, because they are fundamentally impure, lustful, uncontrolled: '. . . (the) hegemonic form of Hinduism states that a woman cannot attain spiritual salvation as long as she inhabits a woman's "impure body" – she can only attain salvation if she is reborn as a man' (Kapadia 1999: 5). Like members of the untouchable castes, women are forbidden (although more intermittently) to enter the temple, to recite the scriptures or to become priests. They cannot perform rites for deceased family members which often continue for several years after death, one of the factors leading to a marked preference for sons, particularly among the upper castes. And like the untouchable castes, women too owe service to those superior to them, in this case, male family members. Finally, they too cannot be trusted with freedom or autonomy: 'they must instead always be controlled and subordinated' (Kapadia 1999).

The symbolic construction of gender has, as we have noted, profound material ramifications. It leads to forms of male privilege and son preference so marked that, women and girls die in larger numbers than men and boys in almost age groups, leading to the phenomenon of "missing women" noted earlier. In fact, the intensification of gender disadvantage over time suggests that it may have overtaken caste as the "pre-eminent hierarchy" in the Indian subcontinent (Kapadia 1999). However, while caste-based struggles for recognition have led to "near civil war" in states like Bihar and to highly publicised atrocities by the upper castes, mobilisation around gender issues has been more muted. For vast sections of the population, gender discrimination appears to be a non-issue (Kapadia 1999). While there has been an amendment to the constitution in 1993 to extend the principle of reservation in rural local government to women, this was not the product of struggles by the mass of women: 'it was granted "from above" by the central government' (Kapadia 1999: 18). Political largesse does not necessarily create political consciousness and public demonstrations by women to claim their rights or to protest their discrimination remain sporadic.

4.4 "Internalised" constraints

The absence of mass mobilisation in support of women's rights (despite worsening gender inequalities over time in the South Asian context), in contrast to mass struggles over national sovereignty, religious separateness and the exploitations of caste, class and race draws attention to the particularity of gender as a form of inequality. Clearly, inequalities in constitutional constructions of citizenship, and their reinforcement through a variety of legal practices (discussed briefly in Section 4.1 and in greater detail in Mukhopadhyay 1998) contributes to this absence of widespread collective action, as does women's economic dependence on men (discussed in Section 4.1). However, these are, in a sense, "external" constraints to the exercise of citizenship and relevant to the experience of many socially subordinate groups. What is peculiar to gender (and other forms of familial) subordination is the "internalisation" of a set of constraints which arise from *within* the construction of gender identity itself. It is this aspect that plays an important role in explaining the difficulties that women experience in mobilising as women and it is to this we now turn.

As Keller (1986) points out, Western culture stresses differences between men and women as almost mutually exclusive. The stress on male individuality, and an almost "mythical" ability to live without relatedness or interdependence with others, leads to the creation of a "separative" sense of self (cited in Nelson 1996: 16). For women, on the other hand, the stress is on "relatedness" and they are encouraged to define their identities in terms of their relations within marriage and family: while men envisage themselves as individual actors, women become wives and mothers, symbolised by their adoption of their husband's name, when they get married (Nelson 1996). We see examples of this kind of thinking in mainstream sociological literature where the functional differentiation of gender roles and responsibilities within the family socialises male members into instrumental roles as family breadwinners, with the competitive characteristics and "separative" notions of selfhood that go with such a role. Women, on the other hand, are entrusted with the affective, caring role within the family and socialised into "connective" notions of selfhood (Johnson 1989). We also see it in the work of some feminist analysts (Chodorow 1978; Gilligan 1982; see Nelson 1996 for an alternative perspective). Chodorow (1978) for instance, suggests that while girls grow up defining themselves as 'continuous with others; their experience of self contains more flexible or permeable ego boundaries', boys came to define themselves as 'separate and distinct, with a greater sense of rigid ego boundaries and differentiation': 'The basic feminine sense of self is connected to the world, the basic masculine sense of self is separate (1978: 169).

However, a somewhat different reading of the construction of gender identity is provided by forms of analysis where the emphasis is on *interdependence*, rather than divergence, within the processes of interpretation and socialisation. Research from the Lebanon, for instance, suggests a connective notion of selfhood for men as well as women, 'one that is sees itself embedded in others and fosters relationality as a central charter of selfhood' (Joseph 1997: 86). We find similarly constructions of person-hood in the very different context of sub-Saharan Africa, where the concept of *Ubuntu*, which Louw (2001) describes as the spiritual foundation of African societies, embodies a worldview in which 'a person is a person through other persons' (Shutte 1993: 46).

This notion of self-hood gives rise to "relational" understanding of claims and obligations, as generated through, and embedded within, significant social relationships of the acknowledged community. However, the construction of the "connective" self is intimately linked to patriarchy: 'the construction of selves with a relatively fluid sense of boundaries, predisposed towards the privileging of males and elders and embracing that system through kinship moralities' (Joseph 1997: 86). The embedding of connectivity within patriarchal social relationships provides a taken-for-granted conduit through which power and privilege flow towards men and elders within the community. Patriarchy is constituted in these contexts through gender-asymmetrical constructions of "connective" selfhood rather than through the gender-differentiated constructions of "connective" and "separative" identities. Men, as much as women, are defined by the roles, relationships and "ideologies of belonging" of their acknowledged communities and reproduce them in their aspirations and behaviour in the public domain.

These "connective" constructions of the self offers a conception of person-hood which is very different from the Cartesian conception of the individual, (briefly referred to in Section 2.2), as existing prior to, and independent, from society and exercising rights over themselves and their property. This latter conception tends to be associated with contexts in which market relations have become dominant relations of society, leading to the marked individuation of people within social relations, along with the ideological and legal separation between people (subjects) and things (objects) (Whitehead 1984; Strathern 1984). It is such contexts that gave rise to the discrete and individualised notion of rights and duties which characterises liberal understandings of citizenship (Section 2). By contrast, "connective" constructions of self and others give rise to a more diffuse morality of claims and obligation which help to explain the "porous and fluid" nature of the boundaries of the public-private divide, discussed in Section 4.1, and the transportation of "privatised" identities of kin and community into the purportedly "public" sphere of state and civil society.

The struggle for women's rights as citizens in context, where women, as much as men, are embedded within culturally sanctioned networks of meanings and values which define each in relation to the other, is also a struggle to define the boundaries between "self" and "other" in situations where individuality as a way of social being is not only a precarious, but still limited, undertaking. It is not surprising, therefore, that in his study of poverty and well-being in West Africa, Shaffer (1998) found that both men and women agreed that women worked harder and longer than men within the community and that women suffered constant physical fatigues as a result of their work burdens; they also both recognised that women lacked effective decision-making authority within the family as well as within the community. However, *neither* men nor women considered these inequalities to be unjust. Rather they explained it in terms of men's greater responsibilities for household provisioning, and the psychological and physical burdens this imposed; in terms of religion (God had created women in the image, and for the benefit of men); in terms of natural disadvantage (women were less intelligent/less rational); in terms of economic rationales (securing returns on male expenditure on bridewealth) and in terms of tradition (this is how it had been in the past).

In South Asian contexts as well, women's acceptance of their inferior status is evident in various forms of behaviour which have implications for their basic well-being: their acceptance of their secondary claims on household resources, their acquiescence to violence at the hands of their husbands and their willingness to bear children to the detriment of their own health to satisfy their own or their husband's preference for sons and discriminatory behaviour against daughters. While there is evidence that women do express protest against many aspects of their subordination, often utilising the "weapons of the weak", such protest cannot necessarily be interpreted as evidence that they consider their subordinate status unacceptable. Compliance may reflect a perceived absence of alternatives, as Agarwal (1997) suggests.

Equally, however, acts of resistance or bids for freedom may be ruled out because they would be considered shameless or inappropriate behaviour for a woman, rather than because they were unacceptably risky (Jeffery and Jeffery 1996: 18). Indeed, beyond certain basic needs, the question of *what* women might value and be prepared to mobilise publicly for, in contexts where so many personal choices have been closed off to them, is by no means self-evident. As Basu (1996) puts it:

> the force of custom and norm cannot be too strongly stressed. The standard defence that much that is unfortunate about women's status reflects a conscious preference by women in this society is, at least superficially, valid. The internalisation of norms over generations means that subjective perceptions about inequality and subordination need have no connection with an outsider's views on these matters. And nor is it clear that one view is more real than the other. It is only in certain clearly defined and agreed upon goals such as an equal right to life, for example, that there can be any universal ethic. For the rest, the kind of modernisation and westernisation which lead to a questioning of existing norms about female subordination and the valuation of autonomy over, say, economic security need not have any kind of universal appeal.
>
> (Basu 1996: 56–7)

The resilience of gender inequality in these different contexts thus reflects its centrality to the construction of selfhood for *both* men as well as women as members of their communities of belonging. Such inequalities are also central to the community's definition of itself so that external expectations and pressures help to reinforce internalised inequalities. The dilemma that this interdependence between "self" and "others" in constructions of selfhood may pose for women as subordinate members of their communities is particularly acute when their communities are themselves positioned as socially subordinate groups.

This is illustrated by ethnographic work by Khare (1998) among "untouchable" women in an urban neighbourhood in India, and cited in Nyamu-Musembi (forthcoming). According to Khare (1998), these women's perceptions of their fundamental rights integrated a vision for the individual and community (Nyamu-Musembi, forthcoming). They spoke of the most important right as the "right to survive" which they defined in terms of access to food, clothing, housing, education, and secure life, 'but *not* at the expense of [their] personal and community honour.' Concern about personal insult went hand in hand

with concern about humiliation of their parents and husbands, as did concern for physical violence, including violence committed by those same parents and husbands. As Nyamu-Musembi observes, 'when status as a member of a particular group is so central to how one is defined in a particular social context, it leaves little room to speak of such an individual's rights without addressing the broader issue of the group's status as a rights-holding community' (forthcoming).

However, while Khare's (1998) analysis suggests an "integrated" vision of individual and community, this reconciliation is not always easily achieved: the interdependency between individual and group rights can also serve to undermine the capacity of subordinated members of the group to press for their individual rights. For instance, when women's subordinate status within the community is incorporated into constitutional definitions of citizenship, the possibility that they can look to alternative sources of authority and legitimacy, such as the state, public policy or the legal system, to assert rights which they are denied within their own communities, including the right of "exit", is effectively closed off. As Menon (1998) points out, the privileging of religion in constitutional definition of personal law in the Indian sub-continent has had this effect: different possible ways of constituting the "self" by members of different religious communities are subsumed into 'sharply defined and internally homogenous identities' which become the recognised basis on which individual members interact with the state in the arena of family life: 'Male privilege, female subordination and community identity become intrinsically bound up with each other so that the rights claimed by communities *vis-à-vis* the state, the right to autonomy, selfhood and access to resources, are denied by these communities to "their" women' (Menon 1998: 249). To challenge these notions of group identity in favour of women's rights is to threaten their very existence as communities (1998: 250): women can only remain within their communities by accepting their ascribed subordination.

This was graphically highlighted in India in the case of Shah Bano, a Muslim woman who had applied for the right to maintenance from her ex-husband under criminal law proceedings (Mukhopadhyay 1998; Menon 1998). This was a right which had been quietly accessed by Muslim women prior to the case. However, the decision of the Supreme Court to publicly uphold this right, and more particularly, its interpretation of its verdict as a judgement on the retrogressive nature of Muslim personal law, at a time when fundamentalist forces in both the Hindu majority and Muslim minority communities were on the rise, made the case a matter of intense public controversy.

For many Muslims, the Court's decision appeared to violate Sharia law and undermine the only legal recognition of their separate identity they had been granted as Indian citizens. For many feminists, it was a vindication woman's right as citizen in a democratic state to have access to a uniform civil code. For Hindu militants, it was a judgement about the backwardness of women's position in Islam and more generally about the retrogressive nature of Islam. For Shah Bano herself, the decision appeared to pose the different aspects of her identity – as a woman, as a Muslim and as an Indian – as standing in contradiction to each other. 'She publicly rescinded her right to maintenance and declared her loyalty as a Muslim' (Mukhopadhyay 1998).

5 Social transformation for inclusive citizenship: an agenda for research

5.1 Researching inclusive citizenship

This paper has offered a broad brush sketch of some of the factors which explain "social exclusions" of citizenship in poorer, southern countries and the forms that these exclusions take. While exclusion is not unique to such contexts, they carry higher costs because they reinforce life-threatening forms of deprivation and inequality and consign significant sections of the population to forms of clientelist dependency from which there appears to be no escape. The discussion in the paper touches on some of the key issues which feature in current debates about rights and citizenship (see, for instance, the review of these issues by Nyamu-Musembi, forthcoming). It highlights, for instance, the tensions entailed in defining citizenship rights based on the abstract individual in societies where notions of person-hood remain socially deeply embedded within the norms, values and practices of "acknowledged", rather than "imagined", community. It points to the inter-dependence, and hence indivisibility, of rights in the lives of the poor: without some security of livelihood (economic and social rights), they will be unable to exercise any voice and agency in their own lives and the lives of their community; while without some degree of voice and agency (including minimum political and civil rights) they will never be able to influence the decision-making processes within the community which will ensure their access to basic livelihoods. And finally, it notes the dilemmas facing subordinate members of subordinate communities when their rights as individuals appear to jeopardise the collective rights of the community.

Clearly the project of constructing more inclusive forms of citizenship is not one that is amenable to the "quick-fix" of policy recommendations. It is likely to entail processes of change that go beyond the domain of policy analysis to encompass protests, social movements and prolonged struggles, combining the politics of everyday life with the forces of structural transformation. If research is to contribute to this project, it must attempt to capture both the factors which help to explain continuities in the experience of exclusion, but also and more importantly, factors which lead to change. This would help to carve out a role for public action in its broadest sense, not simply in terms of the policies undertaken by those formally charged with policy-making responsibilities, but also in terms of the actions taken by a wider range of social actors who attempt to use the possibilities latent in different contexts to build more inclusive models of citizenship.

The analysis is this paper, while it has focused on the resilience of exclusionary structures, also provides the outlines for a transformative research agenda, focusing on the potentials for change within a society: identity and agency; institutions and access; and finally, associations and collective action. These will work in inter-dependent ways but it is worth discussing them separately.

5.2 Identity and agency

As we have pointed out, issues of self-identity and social recognition are relevant to citizenship because of their implications for the capacity to act as citizens. As Lister (1997) points out, 'to act as a citizen requires: first a sense of agency, the belief that one can act; acting as a citizen, especially collectively, in

turn fosters that sense of agency. Thus agency is not simply about the capacity to choose and act but also about a *conscious* capacity which is important to the individual's self-identity'. How people define themselves and how they are defined by others is thus critical to their ability to act as agents, including their ability to participate in political action to press for, and claim, their rights. One key question that research for the construction of inclusive forms of citizenship might address is that of the processes by which marginalised groups defined themselves, and are defined by others, and the extent to which these definitions are significant in their subordinate status. Where the self-recognition of rights, and of the "right to have rights" which is its precondition, has been absent, or is only weakly present, how is it brought into existence?

Formal education has been identified by some as critical to the process by which marginalised groups have gained a sense of self-worth. For instance, it is argued that it made an important difference to the sense of individual identity among the untouchable castes in the Indian context: 'Formally educated people tend to be different. Education engenders a kind of self-confidence. In the case of the untouchables this is bound to have made them less tolerant of behaviour that oppresses them . . . Even where formal educational qualifications do not deliver the desired employment, a multitude of other benefits have been created. Above all education tends to invest a person with a sense of entitlement to equal treatment in matters of human concern' (Mendelsohn and Vicziany 1998: 263).

Elsewhere, however, it has been suggested that formal education may merely contribute to their devaluation and alienation through the promulgation of the dominant values of a society (Talib, forthcoming; Merrifield 2001). In any case, formal education is not the only means by which definitions of self and others are challenged and transformed. The various ways in which people acquire knowledge and information about their status and rights, the capacity to reflect on their situation, to question it and to act on it are all ways of "learning" citizenship: 'Liberating education comes from acts of cognition, not transfers of information' (Freire 1972: 53). For instance, analysis of Nijera Kori, an organisation in Bangladesh that has adapted Freirian approaches to "conscientisation" to its work with landless women and men in rural Bangladesh has documented some of the changes brought about in the self-definitions of its members as a result of this work. For women, in particular, the changes have been significant. These relate to everyday interactions with their husbands, their ability to speak up for themselves, to protest if they were treated unfairly. They also relate to their relationships in the wider community, their feelings of solidarity with other women in the same position as themselves and their willingness to speak out at political meetings (Kabeer 2002; forthcoming). How people view themselves, how they view the issue of citizenship, the processes by which they acquired these views and what accounts for changes in their views which promote their agency as citizens are some of the questions that research might address.

5.3 Institutions and access

Different societies have different institutional configurations through which resources are distributed and needs met. The state, in its various manifestations, will play an important role in determining whether resources which are critical to meeting basic individual needs are provided as a matter of right or on

discretionary, arbitrary or clientelist terms. However, state machineries, including those centrally involved in upholding civil-political rights (legal apparatus, police etc) as well as those responsible for social-economic rights (service delivery; regulatory system) are rarely neutral. They tend to mirror wider social hierarchies so that socially marginalised groups are also least likely to gain access to the rights and resources offered by the state. The analysis of score cards on government performance, prepared as part of the consultations with the poor carried out by the World Bank in connection with the preparation of the *World Development Report 2001*, led to the following conclusion:

> From the perspective of poor people worldwide, there is a deep and wide-spread crisis in governance. While the range of institutions that play important roles in poor people's lives is vast, poor people are excluded from participation in governance. State institutions, whether represented by central ministries or local governments, are often neither responsive nor accountable to the poor; rather, the reports detail the arrogance and the disdain with which poor people are treated. Poor people see little recourse to injustice, criminality, abuse and corruption in their interaction with institutions.
>
> (Narayan *et al.* 2000: 197)

While state institutions responsible for public service delivery, particularly health and education, along with the police, utilities and transportation were all identified as having particular importance for poor people, they were almost unanimously ranked extremely low in terms of their performance. Instead, most poor people relied on family and kin along with religious and community organisations for assistance and security.

A second research theme would need to explore institutionalised processes of access and exclusion, the rules, norms and practices, formal as well as informal, through which those responsible for upholding the law and guaranteeing rights of the poor persistently fail to do so. However, along with an examination of institutional failure, special attention could also be given to situations where state action may have served to open up "spaces from above" which expand the possibilities for action by subordinate groups.

In the political arena, the adoption of universal franchise is believed to have had such an effect. It has allowed marginalised groups to translate their growing self-confidence into political action. The effects of enfranchisement on the behaviour of locally elected officials towards members of the scheduled castes, whose support they needed to stay in office, was already in evidence by the early 1970s in the greater respect shown as well as provision of whatever forms of paid employment was in the gift of the officials. This exchange contained the seeds of Dalit potency (Mendelsohn and Vicziany 1998: 264). Today every politician in India knows that dalit interests must be addressed and there can be little doubt that 'transforming social change will be the long-term outcome of the new political assertiveness of vast chunks of the Indian population' (ibid.).

Special political provision for women may have the same consequences. Since 1993, a third of seats in local government in India have been reserved for women. While this was not in response to a mass

struggle by women for such representation, and hence, as Kapadia (1999) suggests, was not indicative of heightened political consciousness, this does not rule out the possibility that it will enhance their political consciousness in the future. As Sen (2000) points out, although many of the women elected had little or no political experience, there is now a second round of elected women in place. Scholars now argue that there have been many benefits: they have gained in self-confidence, begun to question local government priorities and formed alliances among themselves, independent of party interests (Jain, cited in Sen 2000: 49). For instance, one study from West Bengal suggests that women's presence in local government makes a difference to how local government resources are allocated. It also suggests that women's political participation is likely to be higher in situations where women have been elected into leadership positions (Chattopadhyay and Duflo 2001).

Along with measures to address political disenfranchisement, there have also been attempts to compensate for economic disadvantage. There is some debate about the transformative potential of affirmative action in the economic sphere. Beteille, for instance, points out that job reservations in public sector employment may simply reinforce inequalities within lower caste groups. There are not enough jobs to improve the conditions of any caste as a whole: 'and there is little reason to believe that the personal advancement of an individual and the social betterment of the caste to which he was borne have very much to do with each other' (1983: 113–4). The effect, instead, he suggested would be to advantage the least disadvantaged of the disadvantaged castes: a 'creamy layer' which creams the benefits, throwing doubt on a policy 'which sets out to decrease the inequalities between castes and communities and ends up by increasing the inequalities between individual members of each caste and community' (Beteille 1983: 131).

On the other hand, Parry offers a modified "two cheers" for job reservations because he suggests that 'for all their barbed jibes about "quota-wallahs", the higher castes have found it far more difficult to dominate and discriminate against a low caste population many of whom have secured decent jobs and incomes than it had been to dominate and discriminate against an impoverished population which was still tied to its traditional, stigmatised occupations' (Parry 2001: 162).

In addition, the passage of various anti-poverty measures and redistributive laws have, according to Mendelsohn and Vicziany (1998), helped to transform the consciousness of the poor. Despite the government's failure to actually distribute land to the extent promised, for instance, 'the continual rhetoric and occasionally behavioural commitment to land reform has had a marked effect on the consciousness of landless people – they have come to believe that they are entitled to land which is surplus to the ceiling levels fixed by the state governments. Similarly they are now ready to claim plots of land which for one reason or another reverted to the state government' (Mendelsohn and Vicziany 1998: 54). At the same time, 'everywhere Untouchables are now bolder and less deferential to the high castes than they were even twenty or thirty years ago. They are no longer prepared to be socially invisible nor the object of do-gooding pity from high status reformers (1998: 262).

5.4 Associations and collective action

The final critical element in bringing about social changes which expand the boundaries of citizenship relates to capacity for collective action. Agency, including the agency to claim rights and discharge duties, is clearly central to citizenship as practice. It is also even more critical to the transformation of citizenship as practice when it is mobilised by disenfranchised groups for the goal of recognition and inclusion. Agency is central to social change. However, while the capacity to exercise agency at the individual level may be an important precondition for processes of transformation towards more inclusive citizenship, it is the collective struggles of the dispossessed which drive these processes (Bowles and Gintis 1987, cited in Foweraker and Landman 2000: 1). The significance of collective action in contestations around citizenship rights has consequently been a recurring theme in the literature and draws attention to the significance of group affiliations and associational forms as factors which promote or inhibit such action. As Ibrahim (1997) points out, there is nothing inherently democratic about associations and not all groups necessarily promote democratic rights. Many can be divisive, with authoritarian and anti-democratic aspirations and modes of operation. Equally, however, others can help to expand the space available for democratic activity. These groups may not necessarily operate in the political sphere, but they become 'democratically relevant' (1997: 19) when they seek to contest relations of dominance within their own sphere of operation.

All forms of struggle against the arbitrary exercise of power by those who are placed in a position of authority (managers, landlords, party bosses) contribute to the struggle to expand democratic space. Indeed, women's struggle to obtain recognition and respect within the household, when it takes a collective form, is also part of this wider movement to democratise society. Having a say in the way one is ruled is part of the process by which recognised procedures for participation and accountability are established. Where these are not established by those in authority, they have to be obtained through struggles "from below". In addition, and this harks back to Marshall's analysis, struggles to improve the public provision of social services, to render them more responsive to the needs of the poor, may also be counted as a part of the process of building and strengthening citizenship identity, as the case study of Nijera Kori in Bangladesh shows (Kabeer 2002; forthcoming). Thus, it is not simply the formally constituted political organisations which are relevant to the practice of citizenship, but all forms of organisation and interest-groups who succeed in building the conditions which would enable citizens to act as citizens.

Clearly then a third strand of the proposed research agenda should explore forms of association and collective action in different contexts which are likely to have implications for opening up, or closing down, the democratic space for citizenship activity. There are different ways of classifying these different associations, depending on the research context and the questions to be explored: some of these are discussed in relation to social exclusion by Kabeer (2000). However, as the paper points out, democratic societies tend to be characterised by a *diversity* of associational forms in which "chosen" forms of affiliation predominate over ascribed ones. The principles around which groups come together and

undertake democratically relevant collective action, the forms of action they undertake and the consequences of their actions will all have a bearing on how directly or indirectly they impact on exclusionary patterns within a society.

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