State power and the Colonial Mindset: Defining state legitimacy in postcolonial South Asia

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Abstract: This paper will argue that the way in which the Pakistani and Indian states have legitimized their rule over the past sixty years is influenced by the legacy British colonialism. This case is made by analyzing and contrasting the way pre-colonial empires legitimized their rule to the British Raj. This investigation has shown that the pre-colonial empires were accompanied by an ideology that sought legitimacy exclusively through the furthering of Dharma. Dharma in the context of state power meant the promotion of “good governance” that was specifically contingent on the fulfillment by the ruler of basic forms of citizenship rights. Absent in these pre-historic documents was an emphasis on “divine rights” or “absolutist” rule that was accorded to state authorities. As such, the administrative structures in India’s pre-colonial empires were highly decentralized and boasted many measures of checks-and-balances on the power wielded by the state. On the contrary, the British ruled India through an ideology that was tinted with a Euro-centric, racist lens. This had the effect of delegitimizing the previous form of Indian rule and promoting a political culture in which post-enlightenment ideas founded on the premises of a powerful and coercive unitary state were imported to replace the pre-colonial political system of layered and shared power. But there was an embargo on the export of rights of citizens of sovereign states to Europe’s colonies. This distortion of ideas of state power and citizenship rights has had fundamental implications in post-colonial South Asia, resulting in a crisis of political legitimization that has plagued the Indian and Pakistani state for the past 60 years. Since this analysis has shown how ideas and discourse can affect the way states legitimize their rule, this paper concludes by arguing that the path to progress for both nations lies in undergoing an ideational shift in the way the states have legitimized their rule.
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I. **Setting the Stage**

It was leading Indian nationalist Subhash Chandra Bose, who in the opening page of the *Indian Struggle* emphasized two features in understanding India:

“First, that its history had to be reckoned not in decades or in centuries but in thousands of years’ and second, only under British rule India for the first time in her history had she begun to feel conquered” (Bose et al.8).

Looking back at history, this argument seems to have accrued a significant amount of merit. After all, it was only after the culmination of the British Rule that the Indian subcontinent split into two different nation-states founded on premises antithetical of their historically defining features. Adding to that, whilst attempting to foster a different path for nationhood, India and Pakistan seem to have converged in the way their states have legitimized their rule. Since this form of legitimation has a colonial legacy, it comes to no surprise that both nations have been subjected to similar stresses and concerns as their colonizers. These include the constant shifts and fluctuations in the balance of power between centre and region and their difficulty in furthering the liberal and cohesive states that their founders set out to carve, causing in many ways a crisis in state legitimation.

It is an intriguing, if not outright bold, statement to make such a claim in light of the fact that the Indian subcontinent has been subject to foreign invasions for thousands of years. Avoiding the risk of sounding overly reductionist, we are required to answer three important questions: Firstly, what exactly made the British different from all other invaders into India? Secondly, why is it that these differences had such a remarkable impact? Lastly, what has been their effect?

To answer these questions, we will begin by investigating the political underpinnings that marked the dynasties that existed in pre-colonial India. These include the Aryan Empire, the
Gupta Dynasty, and the Mughal Empire. Once we establish norms that are typical to all these three dynasties spanning over 2,000 years, we will contrast it with rule of the British Raj and attempt to draw conclusions for these aforementioned questions.

II. **Pre-Colonial India**

The political evolution of India is most often described in terms of four distinct stages: the formation of the Indo-Aryan community, the period of transition to dynastical monarchies and empires, a period of decentralization and decline, and the coming of colonialism (Chakrabarty, 14). In this section we will discuss the first three stages and commence our discussion of the first, Indo-Aryan stage.

Before we commence with our specific investigation of the polities of pre-colonial India (especially the Vedic age), it deserves mention that there is a general paucity of historical documentation on this period. There are two reasons for this. Firstly, while much has been written in the 18th and 19th century on these pre-colonial kingships, revisionists in recent years have concluded that these were often obfuscated by Eurocentric biases. As we shall address in more detail in the proceeding sections, this particular time period saw an emergence of orientalist thought that sought to cast non-Western civilizations as “decadent” and “barbaric.” Due to this, a proper analysis of pre-colonial polities needs to be addressed through the use of primary resources. This brings us to our second point, namely that unlike the Western tradition, there is nothing comparable in detail to the early modes of codified charters and laws. As a matter of fact, up until the Aryan invasion, there is little to no written documentation available.

As such, we are left with certain sacred texts that have been formulated in this time period that are primarily concerned with political thought. These primarily include the *Vedas*, the
Manusmriti (also known as the Laws of Manu) Arthashastra, the Mahabharata, which form the basis of ancient Indian statecraft.

**Aryan Rule: The dispersion of power**

It deserves mention here that when we speak of Aryan advances into the Indian civilization we mean not only to speak of it in terms of a “migration of certain peoples,” but as the extension of the Aryan way of life into the Indian subcontinent. Hence, in accepting Aryan modes of organization the native population became actively “Aryanized.” It serves for our purposes, thus, to emphasize the Aryans as a cultural group rather than simply a racial or ethnic group, whose cultural identity was nativized and established by about 3,000 B.C (Derekmeier, 17).

**Ruling ideology and administration**

While sources on this time period do not spell out distinct modes of administration, they help us understand how the ruling classes legitimized their rule. In order to trace that, we investigate what the early Vedas and the Mahabharata have to say about the “state of nature” and the social contract. We find the first description of a “social contract,” emanating from Aiyareya Bhramana that forms part of the Rigveda, based on a conversation between gods who blame their loss in a battle against the asuras (demons) as a result of a power vacuum in kingly authority (Fukuyama, 153). As such, the gods realize that victory could be realized” only if someone like Indra be given their collective powers” (ibid). The goddess Indra represents the virtues of power and authority and, thus, has the right to go “above and beyond the sacred code when necessary for its protection” (Saraswati, 167). Emphasis in this light is exclusively confined – unlike in Western social contract theory- not in what power is given away towards the
king by the people, but what power is to be given by the king to the people. In this light, the
Shantipura, which is the major source of political commentary present in the Mahabharata, consequently notes the condition of anarchy, matsya-nyaya (law of fishes) as a vacuum of justice in which the “bigger fish are free to eat all the smaller fish” (Pruthi, 110). This state-similar to the Hobbesian conception- is only alleviated through authority of a ruler who is the “heart of the people;” “their glory” and their “greatest happiness” (Woods, 168). Unlike Hobbes’ conception, however, the presence of a ruler who would alleviate the matsa-nyaya would not come vis-à-vis the wielding of absolutist state power. On the contrary, while the Vedas did call upon a powerful ruler, it immediately delineated its power through its primary purpose of furthering “Dharma.” As such, ancient Hindu scriptures locate state power primarily the preservation of “Dharma” rather than in the power vested in the sovereign himself. “Dharma,” in the widest possible definition, came to mean the upholding of “duty” of the society. This “duty,” while flexible in its definition, is best understood as the achievement of a “unifying common purpose.” Many scholars compare this with the Adam Smith’s concept of an “Invisible hand,” where the autonomous pursuit of the individual is seen as resulting in the greater good of the community (Hua, 171). Edgerton notes a neutral interpretation, along the lines of seeing Dharma as “propriety, socially approved conduct, in relation to one’s fellow men or to other living beings (animals or superhuman powers)” (Clarke, 113). Law, social usage, morality, and most of what we mean by religion all fall under this head (ibid, 81). As such, the idea of “law” emanated from God, and Dharma continued to stand above the king, and his failure to preserve it could lead to dire consequences, such as his abdication from his throne.
The Laws of Manu, that offers a discourse on the furthering of Dharma in a political context, denotes that it is “only by performing his duty as a Ksyatria (warrior class) as the protector of the people that the king flourishes” (Roy, 111). The king’s ability to act as an “enforcer” of order and security is thus completely contingent on this criteria; doing so would be “battling dharma” (Roy, 111). The king’s role, as the enforcer of “Dharma,” is understood in the Vedas as a danda (a stick). The danda stands as the king’s ability to punish. As such, the religious texts of the Mahabharata note: “It is the danda that rules the subjects. It is the danda that keeps awake and guards the people when they sleep...and because there can be no dharma without the kings’ power, the learned style of danda itself is dharma” (Roy, 132).

Kautalya’s Arthashastra, denotes specifically that the use of the danda is validated only in light of the welfare of the community. In this interpretation, welfare of the community did not end with security and the furthering of “dharma.” The king and the ministers were also entrusted with ethical discernment (trayi) and the production of wealth (vartta) (Pruthi, 72). As previously noted, these responsibilities were dispersed throughout the layers of village units up onto the king himself. However, as the Shatapata Bhramana (one of the prose texts describing Vedic rituals) denotes, that it is only the “wielder of the danda” through which the law can imposed and all these parts can function. It goes on to describe how the king is touched with a dual symbol: one representing the justice he must provide and the one ensuring that he does not see himself above this justice. The Shantipura compares the ruler who fails to protect his subjects and uphold Dharma as the “barren wife, the dry cow, and the bull that bears no burden” (Derekmeier, 138).

The pre-eminent political thought spelled out in these ancient texts had a profound effect on the organizational structure of these polities. In particular, it fostered a long tradition of decentralization wherein the village would be entrusted as the central political and administrative
unit. During the Aryan age, the village unit was called the *grama*, organized into different tribal units called *visas* headed by one chieftain, the *Gramani*. These village units were highly decentralized autonomous blocs with different individuals performing tasks necessary for self-survival. Thus, the basis for administration, education, defense, and resource started within the patriarch for each family within the *visa*. Consequently, it extended towards the *Gramani* within the tribe who served as the channel through which royal control was exercised and received (Sharma, 147). Importantly, the presence of these autonomous regimes did not signify an absence of a central power. On the contrary, in light of the teachings in the *Rigveda* and the *Atharaveda*, the kings were installed solely to oversee the security of the village units (Derekmeier, 19). Specifically, these religious texts provide rich images of power and rituals associated with his kingship, such as the sacred throne, which was to have a spread of “tiger skin” as a symbol of the king’s omnipotence and supreme strength (Hunter, 261). Importantly, however, absolute power was not identified with kingship. Unlike the absolutist rulers in the West, the king’s power was not conferred through divine right. Rather, the king’s power is defined by his loyalty to his constituents who “present the king with the sacred jewel that is the token of royal power” (Drekmeier, 20). Institutions during the Vedic age, thus, fostered a strong system of checks-and-balances represented in the two assemblies- the *sabha* and the *samiti*. While the sabha was council of elders and the nobility- most often the *gramani*, the “samiti,” included individuals at the local level from different castes and professions. In addition to these two chambers, royal authority was curbed by the power and prestige of the "purohita", who accompanied the king to battle and helped him interpret modes of punishment for misuses of law (Sharma, 87).
The Indo-Aryan social order dominated by the ancient Hindu texts and a highly Brahmanical order proved to be insufficient in upholding and supporting the various interests of a diverse polity. Thus, it came under serious attack by Gautama Buddha and Mahavira giving rise to new religious forms in Buddhism and Janism. This new period saw the rise and consolidation of powerful regional states. These included the kingdom of Magadha with its capital at Pataliputra, which continued to expand under the Gupta dynasty and lasted from 320 CE to the early decades of the sixth century (Bose et al., 13).

**The Gupta Empire: Decentralization and accommodation**

*Administration and ideology*

The Gupta Empire (320-550 A.D.) is often touted as the great period of “decentralization” in India. Just like the *gramani* in Vedic political organization, the chief (*grameyaka*) of these units often acted as the autonomous intermediaries to the imperial government. However, decentralization went further than merely on regional or provincial lines. The kingdom was divided into provinces (*bhuktis*), which were further subdivided into provincial blocs (*vishyas*). Below the vishyas was the district and the villages served as the smallest unit of administration. In this system, almost all the functions of the government, except that of foreign policy and declaring and terminating war, were discharged through the agency of local bodies (Rai, 39). Each village unit (*bhuki, vishya, and village*) was responsible for the maintenance of its own affairs and resources, retaining a great deal of power, which was at best layered and dispersed throughout each kingdom. Such was the autonomy between the central government and the village units that the former was not even directly responsible in the collection of taxes, which was also to be headed by members of the village (Sen, 550). This “layering” of power effectively meant that the king’s strength was conditional to the whim of
each village unit and on separate systems of checks and balances. Hence, the king was supposed to submit any of his plans of reform to a council (*mantra mandalam*). The council then debated and discussed whether these reforms were appropriate and then submitted these ideas to the head of the council (*mantra mukhya*) who decided on its implementation and often acted on the king’s behalf (Dikshitar, 140). Historian Drekmeier even notes that there is “little reason to believe that the king dared to act without consultation or that he could controvert the decision of a cabinet constituting the best minds in his kingdom….he was expected to approve the opinion of the counsel without any questions (184).” In the *Puranas*, the king is even strongly advised against doing so. Even when it came to matters of the law where the king retained the final appeal in the execution of justice, there is little evidence that purports that he did anything to restate the position of the chief judge (ibid, 185). Important to note here is that even at this state, there were no rigid, codified laws. The Law, as in the Vedic Age, continued to be based on “sacred code, custom and the opinion of sages” (Pruthi, 33). This basically meant that it was a flexible quid that depended on the application of earlier precedents and principles (*smritis*) to the needs of time. Apart from the advisory council, a separate entity existed called the *sabha*, which constituted a representative organization intended to give political significance to the local population. Thus, through the *sabha*, which was multi-class, constituents were able to approve some of the decisions made by the king. Interestingly, decentralization also took place at the local level (Hoiberg, 316). Within *bhukti*, decisions were to be primarily solved by the father within the family units. Outside the family unit, matters would be taken to different advisors on the basis of the person’s profession. Thus, for matters of government, the *Prathamakayastha* would be consulted; for the arts and culture, it would be the *Prathamakulika* for issues concerning trade, the *Sarthavaha*, and lastly for issues concerning the urban population at large,
the *Nagarsresthi* (Singh, 499). Only once the matter could not be solved at these levels would it be brought to the *grameyaka*. Outside of making basic decisions on defense and foreign policy, the role of the king was limited *in de jure* matters (ibid). Just as mentioned in the *Shantipurva* of Vedic times, the *Kamandakiya* emphasized the primary role of the king as a protector of his subjects. In the *Puranas*, the state is described as having a broad cultural mission, one that should serve as a great moral example for his people. As such, his office is exclusively justified by serving the interests of the people and protects them from internal and external enemies (Drekmeier, 244). It, thus, invoked the use of the *danda* in matters that endangered “dharma” and discussed the necessity of preservation from disease, flood, fire, economic deprivation, and all other harms (ibid). This “laissez-faire” political system supported a thriving agricultural economy fostered religious, social and political flexibility. Despite there being a resurgence of the Bhramanical tradition, the Gupta Empire openly embraced other religious and social beliefs. As a matter of fact, the high revival of Bhramanical tradition during the Gupta Empire that gave Hinduism its present form coexisted with a diffuse Sharmanik and Buddhist tradition (Bose et al., 14).

From the early sixth century onwards, the Gupta Empire had started to come under increasing strains and pressures, especially from the Huns, the Shakas, and the Greeks. In typical fashion of dynasties in the past, they lacked a strong and unified army and were unable to resist these penetrations for long. Evidence of sudden economic crises, most likely caused by drainages of the treasury to fund the imperial defense, is noted in their debased coinage (Aquique, 172).

The resulting disintegration was followed by a long period of decentralization that saw the rise of autonomous kingdoms scattered throughout the subcontinent. These included those
being set up by the Cholas in the south, and those fashioned by the Mongols, the Afghans, and the Persians in the east. Regardless of their strength, these empires rarely expressed any form of centralized despotism. Sources rather point strong towards loosely structured suzerainties promoting increased mobility and commercial exchange. For a long time, the subcontinent continued to thrive on its vast network of Oceanic trade and, thus, represented an attractive place for migratory groups to settle. Most of these groups were comfortable in carving out their own economic fortunes and integrated themselves within the loosely defined institutional structures (Bose et al., 16). It wasn’t until the penetration of Islam that the Indian society faced a great challenge. Islam, as it was being practice within the empires of the Middle East, represented for the most part a strong conflict between the pre-existing Brahmanical and Buddhist structures. Interestingly, the advent of the Delhi Sultanate and the emerging Mughal Empire proved highly accommodating in preserving the pre-existing substratum. This had led to one of the most remarkable accommodations that have been forged in the subcontinent’s long history-the fashioning of an Indo-Islamic social and political universe.

**The Mughals: Continuation or disjunction?**

Since the early 19th century, many European scholars have looked upon the establishment of the Mughal Empire in 1526 as the prime example of the coming of oriental despotism-a brutal, insatiable Leviathan-which in sucking the economy dry of resources, “…created a backward and static economy that was isolated from the mainstream of international trade” (Hobson, 79). These definitions have seemingly been defined as a result of the empire’s unparalleled wealth, grandeur, territorial expansion, centralized bureaucracy, a sophisticated system of agrarian taxation, and military formation. Historian Richard John, thus, expressed Mughal totalitarian rule on the basis that its static and homeostatic structure has “left an imprint
upon even the most distant locality and region" and consequently changed the formation of pre-existing cultural communities (128).

Nevertheless, recent scholarship has offered new insight into this claim, pointing instead to a complex, nuanced and loose form of central hegemony over a diverse and differentiated dynamic society. Thus, scholars like Blake (2002), Bayly (1988) and Rudolph (1987) have questioned such dispositions and have presented the Mughal Empire as a patrimonial, bureaucratic empire and quite different from the absolute state that emerged within Europe from the fifteenth century onwards. More recently, Mayaram (2003) has recommended a "patchwork quilt" model, rather than the dominant "wall-to-wall carpet" approach, which brings out its regional and local diversity and will not reduce a complex political system to its agrarian fiscal aspects (Mayaram, 123). Part of the controversy and difficulty regarding centralization has arisen precisely because the criterion of evaluation has been largely short-sighted, entrenched in a Eurocentric view. Criterion of evaluation, as Mayaram claims, has been presented either as a despotic regime or as a modern, colonial state. While we will touch upon this feature in the following section, it suffices to say that such a historical interpretation has failed to explain the "synthesis" of cultural, economic and political culture that consequently developed.

As C.A Bayly notes in his book, *Rulers Townsmen and Bazaars*, one can easily underestimate their control, but the Mughal Empire “was more like an umbrella raised over virtually autonomous groups” (10). Notwithstanding decision-making on foreign policy and the collection of taxes, full autonomy in matters of social and political decision-making were still enjoyed by smaller, localized village units. Thus, the laissez-faire system operated like “a grid of imperial towns, roads and markets” with power still as devolved as possible (ibid). The imperial Empire was carved into divisions known as *subahs* and provinces ruled by *subadars* who
usually held high mansabs or ranks. Below the level of subahs, there would be jagirdars and zamindars, whose main task was to collect from taxes from the locality. Thus, the full efficiency of the administration of the empire was carried out by the lower levels of the subahs who existed fairly independent of Mughal rule (Sharma, 810). In matters of justice, the Mughals followed the pattern set by the previous empires, which utilized laws as a “flexible injunction” that were not rigidified. In the past, this had been possible due to the fact that the source of law, Brahmanism, did not provide rigid and codified laws and was based on “what the present circumstances demand.” Islam, however, through the structured underpinnings of Sharia, threatened this foundation of flexibility. Important to understand is that the spread of Islam in India was not accomplished through coercion. Rather, it served as an attractive ideology in those areas where a weak Brahmanical superstructure overlaid the regional substratum, as was the case in Sindh during the eight century and Bengal during the 11th century (Bose et al., 20). As such, it was similar to the rise of Jainism and Buddhism during the Aryan age. It would come as no surprise, thus, that the Mughal Empire saw no qualms in intermeshing the rules of the Sharia within the pre-existing, fluid Brahmanical structure. Thus, the Mughals created a parallel system courts alongside the Islamic ones. Imperial edicts (qanun-e-shahi) allowed Mughal rulers considerable room for administrative innovations. In addition, this also meant that there would be a distinction between the laws applied to the Muslims and non-Muslims (Ahmad, 73). Tori et al.(1993) noted in particular how most communities solved matters of crime, disputes, and financial issues without the intervention of state courts. The only exception remained for those individuals residing outside of village units, within the urban area. For them, the Sharia law was to be applied in theory. However, even in these courts Islamic penalties were not considered mandatory nor were they officially enforced. On those occasions when Islamic laws were
actually enforced according to the prescriptions contained in the treatises of Hanafi jurisprudence, the courts took into consideration a vast set of factors in deciding which opinion to follow, sometimes (one might say "even") dissenting from the opinions of jurists (Calder et al., 10). The fiqh texts were to the qadi a source of moral reference, which opened up different possible applications. The judges were familiar with the context and, on the basis of this context—what Bayly calls "the sense of the neighbourhood"—applied the law (353). One might be tempted to claim that there was no rule of law, but this would not be quite true. What determined the decision was the interest of the community, or maslaha, a term that indicated the desire not to disturb the peace and to avoid all forms of fitna, to which the concept of equity was inextricably linked as a means of preventing one group from prevailing over the other and protecting the most vulnerable sections of the population, albeit without altering the status quo (Hakeem et al., 3). The written prescription was associated with social considerations, but also with a certain empathy for human weaknesses. It is noteworthy that the courts usually paid attention to the good faith of the parties (Briggs 1919, 352), an attitude that often led to cases of clemency (Ahmad, 61, 130, 155). The duality of procedure—the use of custom for ordinary justice and the use of fiqh for extraordinary justice—served to reestablish and reiterate the religious ideal in "prominent" cases. But, as mentioned before, even in these cases, ijtihad was practiced an guided by attention to the context. Thus, the imposition of the Sharia law as a doctrine in fieri, which was meant to respond to the historical context and social considerations, was to observe the ultimate meaning of religious prescriptions (Zaman 201). Legal practice and legal theory, thus, indicate that Islamic law was a fluctuating, elastic quid that accepted internal contradictions and allowed the judge wide decision-making freedom” (Giunchi, 1123). Thus, the Sharia law, which in other Muslim civilizations was used a rigid legal code, was used in India as a set of moral
injunctions to be invoked in the light of certain circumstances. Historians Jalal and Bose, thus, accurately note: “The goal [of the Sharia Law] was to assure the result of equity and justice rather than apply the letter of the law” (35). Even in cases that were brought to the state level, the Emperor had no final authority. It was his judges and administrators who acted as a final court of appeal in disputes between local and elites.

The judicial system was not only flexible, but also highly decentralized. The Emperor through his delegates, the subhedar, aujdar, and kotwalt dealt with political cases. These secular officials punished robbers and other revels who worked in an organized manner. Below that, the qazi dealt with the sharia and his jurisdiction was circumscribed only to questions with religion (Morrison, 260). These included disputes pertaining to marriage family law inheritance, auqaf (trusts), and criminal cases. Hindu cases were outside their jurisdiction, however. Such cases fell under the jurisdiction of the court of Brahmin pundits and caste elders that were administrated according to common law or traditions of the tribes (Bhatia, 67). Importantly, they were neither subordinate to the qazi, nor were they related to Sharia laws. The policing of the rural areas was left to the local populace. This task was performed by local chaukidaars (watchmen) who were employed by the villagers and were servants of the village community. The chaukidaars were neither paid nor supervised by the state. The local villagers were responsible for the safety of their own property and also of travelers by the road (Dodwell, 26).

Greater and unparalleled centralized control, however, was seemingly emphasized in matters of taxation and imperial defense. Here, zamindars (landlords) who often wielded hereditary rights over the land, were to be entrusted with the collection of land revenues that were to be sent to through a strict top–to-bottom fiscal administrative system. Scholars from the Aligarh School have often noted this emperor-zamindari-peasant system as resembling an engine
concerned with “pumping out” revenues from the villages and as a principal instrument of exploitation (Faruqui, 4). On the contrary, however, scholars like Hasan (2004) opt for a more processal approach, arguing complex levels of interconnections that existed between the Mughal state and local power hierarchies based on a process of negotiation (44). The *The Ain-e-Akbari*, or the constitution of Emperor Akbar compiled in 1590, provides perhaps the best explanation. It notes in particular, that when it came to extracting revenues from the zamindars, the central government usually entered into accommodations with the subdars (Bose et al,115). As such it fostered a system of taxation called the *dahsala*. Under this system, exactly one third of the average produce of the previous ten years was to be paid to the central government in cash (Reddy, 266). When the peasants were unable to pay the money due to times of drought or flood, however, it was the state that paid the peasants remission and provided further concessions. Furthermore, the only codified rule it enforced in the legislating of taxes was to ensure that the zamindars were providing loans, agricultural implements, and other financial assistance to their peasants in time of distress (McLane,250). After all, just like the *Puranas* and the *Vedas*, the *Ain-e-Akbari* saw the legitimacy of the emperor solely contingent on accommodating to their subjects. This outlined the duties of the Emperor as based on two premises: *Jahanbani* (protection of state) and *Jahangiri* (extension of state). Effectively what held together the Mughal throne were the advantages it offered to the polity comprising it. Any form of regional uprising would only consolidate the disintegration of the treasury and the consequent decline of the throne, as happened during the latter half of Mughal rule (Bayly, 10). Consequently, any form of centralized control had to accommodate regional concessions. A perfect example of this was the Mansabdari system, which drew the nobility into the task of defense and administration. Previously, the Delhi Sultanate had set up a hierarchical system. This system, however, by its
very nature was fraught with certain shortcomings. Most noticeably, it only made the rank-holders subordinate to their immediate superiors. This in effect meant that they could be strong enough to defy the power of the king himself. Mughal Emperor Akbar changed this shortcoming dramatically, by compelling all the allegiance of the ranks directly to the king. If, thus, a Sar-i-Khail under the Delhi Sultanate was loyal to and controlled by his immediate superior Sipah Salar, having nothing to do with the kind directly, a mansabdar of 10 in Mughals India was to owe allegiance not to his immediate superior but directly to the king (Rai, 125). While this centralized the regional Hindu kingdoms closer to the centre, Akbar negotiated deals with those rajas who expressed their greatest contempt for this system by promoting them to the highest possible ranks. As a matter of fact, his top ranking military general was Raja (king) Mansingh while his highest revenue minister was Raja Todar Mal, who supervised detailed cadastral survey of the far-flung Mughal territories. It was a commonality for Hindu Rajputs to serve such high-serving offices (Rao, 45).

This brings us to an important point. The expansion of the consolidation of the Mughal Empire in India roughly coincided with the rise the Safavid and Ottoman empires in Iran and Turkey. While much can be said of how the Mughal Empire shared some of the tenets with these latter regimes, one important distinction has to be made: In India, the Mughal Empire ruled over a super-majority of subjects that consisted of a different faith. This had the potential effect of creating a “colonial” scenario, in which the faiths of the subjects were to be subjugated over an over-arch ing rhetoric of superiority. However, the Mughals fostered something quite the opposite. The accommodation between Islam with the pre-existing Brahmanical structure fostered the rise of an Indo-Islam culture, one that pervaded in the culture, the arts, architecture, and even in religion. Thus, Mughal scribes and artists often used the Mahabharata and the
Ramayana as sources of inspiration, creating a new Indo-Persian art form. These were showcased in the buildings of Akbar’s capital, where his palace- the Fatepur Sikhri was based on a fusion of classical Islamic and Rajput decorative styles (Patel & Leonard, 17). This fusion extended in the buildings of the Taj Mahal, the Jama Masjid in Delhi, and even the Red Fort (Lal qila). Perhaps appropriately, the combined Indo-Islamic inspired Red Fort later came to symbolize the sovereignty of India (Dalrymple, 341). Furthermore, it was Emperor Akbar who attempted to popularize a new religion called “Din-E-Illahi” which was an amalgamation of Islam, Hinduism and Zoroastrianism – something that could never be conceived by an Islamic ruler anywhere else. In typical fashion, Akbar did not impose Din-E-Illahi as a state religion and did little to forcibly convert anyone despite its failure and decline (Bashir,8).

The composite formed by the Mughal Empire is best summarized by Aurobindo, an Indian nationalist in the following quote:

“A great and magnificent construction and an immense amount of political genius and talent were employed in its creation and maintenance. It was spending, powerful and beneficent, and, it may be added, in spite of Aurangzeb’s fanatical zeal, infinitely more liberal and tolerant in religion than any medieval or contemporary European kingdom or Empire and India under its rule stood high in military and political strength, economic opulence and the brilliance of its art and culture” (Basu, 220).

As the preceding quote alludes to the decline of the Mughal Empire, this path was put in motion during the rule of Emperor Aurangzeb, whose autocratic rule often stood at stark contrast to his Muslim successors. Many scholars have pointed in particular to his imposition of the jizya (tax on non-Muslims), his central consolidation, and exploitation a reason for the agrarian revolts that followed. While these assertions might hold merit, important to take into consideration
remains the penetration of foreign invaders and increased military spending. As such, the
increase of taxes and re-imposition of the jizya might well be a result of fiscal drainage.
Nevertheless, to many scholars’ surprise, recent sources have confirmed revolts to have been
occurring in relative wealthy regions by prosperous zamindars, casting doubt on the validity of
“exploitation.” Research from the 1980s has pointed towards a regional aspect to these revolts,
where the heads of the subahs were “minded to protect their wealth and resist paying for the
empire’s expensive wars” (Bose et al., 38). This paved the way for a period of decentralization
and social change, as was common during the fall of Empires in India. Important to highlight,
however, is the fact that while these subhas became independent in foreign policy and taxation,
they continued to exercise power through Mughal legitimacy. The Mughal shah-en-shah as C.A
Bayly notes was still the “highest manifestation of power” (55). The administrative systems of
these regional kingdoms kept intact the organization of the Mughal village units. On the same
note, the Muslim service and Hindu scribes well-versed in Persian continued to be the mainstay
of the eighteenth century administrative structure (Bose et al., 39). As a matter of fact, the throne
of the Mughal Empire would continue to serve as the symbol of Indian “state legitimacy” well
until the first widespread rebellion against the British Empire in 1857. Taking this into
consideration, -alongside the full measure of prosperity and laissez-faire governance enjoyed by
the Indian polity during the Mughal Empire- gives credence to the more revisionist historical
interpretation of Mughal Rule. This interpretation notes that Mughal rule precisely elevated the
status and well-being of its subjects and, thus, was anything but a despotic regime. Once it failed
to uphold the negotiations that furthered the interest of its subject, it was effectively reduced to a
ceremonial rule. As such, this sheds light on the fact that it was the people and the not the
emperor in whose hands the true source of state legitimacy lay.
Pre-Colonial India: A synthesis

Despite stretching well over two thousand years of history, our previous investigations concerning the administrative practices during the Vedic Age, the Gupta empire, and the Mughal rule point to a converging pattern of state legitimacy on the following five points:

1. A decentralized, laissez-faire system of governance wherein state power was dispersed in layers and de facto power rested within localized village units based on regional and linguistic ties.

2. A high degree of respect and regard for cultural and religious differences, with little to no intervention by the central government.


4. Power invested in the throne exclusively on the basis of its duty to protect and further the interests of its subjects. An absence of “divine rights” with a system of checks-and-balances on the executive.

5. Nativization of the leading elite within the existing culture and practices.

These five premises can best be identified as the pre-colonial “standard of state legitimacy”. At every juncture, any sort of advancements by the ruling elite against these premises were seen as a threat by subjects. Since true economic, social, and military power rested in the hands of local elites, any such threats could be resisted and lead to a disintegration of the empire. As our historical trajectory has shown, every dynastical cycle was immediately followed by even greater decentralization. The continuity of these patterns had an interesting effect of creating an increasing cohesion along linguistic and religious lines on the basis of a shared culture, language,
cuisine, laws, customs, and arts. Apart from enlisting in the imperial army and sending taxes to the central government, there was, thus, little to no cohesion based on an overarching “Indian” identity. Rather, there developed a distinct Gujarati, Bengali, Punjabi or other identity within which there were even greater subgroups based on villages, family ties, and other cultural practices.

About a hundred years of rule by the British, however, brought along certain changes in the way that the state legitimized their power. With it, it also fundamentally attempted to re-shape the identities, structures and systems present during most of India’s rich and diverse history. Its failure in accomplishing this so has caused there to be a “crisis” in state legitimacy, as we shall turn to in later sections of this paper.
III. British India:

a. Company Raj: centralization and disjunction

The British East India Company’s ability to penetrate India can largely be attributed to the period of decentralization following the collapse of the Mughal Empire. Here, regional elites’ willingness to pursue a policy of military fiscalism and autonomy brought about a congruence of interests between the regions and the Company (Bose et al., 42). More specifically, it fostered a system of “subsidiary alliances” in which the British promised foreign capital, protection and measures of autonomy in return for the control of the region’s Diwani (collection of tax revenues). Such was the case in Bengal in 1757 when the ruler Suraj-Aud-Daula demanded an increase of taxes in order to fund his increasing military expansions. Following a common pattern, this was resisted by the local elites. In particular, it alienated his general Mir Jaffar. Striking a deal with the British, Mir’s army looked the “other way” as the British forces crushed Ad-Daula’s army. In return for three million pounds and the right to control the Diwani, the British instilled Mir Jaffar as a “puppet ruler.” These expedient alliances were continued throughout the state of Bengal and by 1756 the British gained control of the entire Diwani of Bengal. With it, they became responsible for the government of twenty million people and the collection of about 3 million pounds in revenue; enough to support its increasing expansion in India (Mehta, 410). Continuing to exploit cracks between the elites of different states, the company utilized a similar technique in Punjab, Sindh, Bihar and Orrissa and much of the Indian subcontinent. By controlling the Diwani of each region, the British fostered a relationship of regional dependency on British capital (Rai, 55). This was important for the Company as it saw India as a viable market for raw materials, which it could use to boost its economic leverage in
other foreign markets. Thus, by 1765 the East India Company was an Indian territorial power, which held legitimacy (through control over the Mughal emperor) and territorial dominion over substantial portions of the South and East of the subcontinent.

*Company administration and rule*

On the outset, the Company did not fashion a centralized state. Rather, the governments they propped up were—as Chhabra (2005) notes—“one where authority was completely divorced from responsibility” (172). Thus, each region was divided into smaller “town councils” with a puppet ruler who retained autonomy over all administrative and social matters but continued to “acknowledge British overlordship” (ibid). The only powers vested in the Governor were the right to craft foreign policy (including trade agreements) and matters of defense. Re-visiting this system of governance, many revisionists have recently claimed that the disjunction between the pre-colonial and the Company Raj era was not really pronounced. As a matter of fact, weren’t the British following in line with the previous empires governed in retaining the eights of defense, foreign relations and demanding measure of taxation?

Such a viewpoint is myopic for it fails to understand the considerable effect the colonial state had in fundamentally bringing about considerable changes in the Indian society. As Jalal notes, “an overemphasis on the process of adaptation to pre-existing network and patterns must not obscure the crucial elements of qualitative change” (53). This point of view gains considerable leverage when one regards certain other factors. For one, the company state had by the 1780’s already fashioned an unparalleled standing army of close to 160,000 men. Not only was this the largest army fashioned by a central regime in India, but it was also one of the largest European-standing armies in the world (Tuck, 54). Alongside this mercenary standing army, the British fashioned a hitherto non-existent centralized civilian bureaucracy in Calcutta consisting
of 400, exclusively British civil servants\(^1\) (Bose, 54). The governor-General together with his bureaucratic regime directly controlled the governors of each region who subsequently controlled the tax collectors at the lowest levels. This deep intervention by the Company further extended in the realm of economics. Not content with simply collecting “Diwani” on the typical “percentage” per quarter basis,\(^2\) the Company fashioned through the Permanent Settlement of 1793 a renewed “Zamindari” arrangement, which settled payments in perpetuity. While this enabled the constant influx of secured payments to the administration, it came at the expense of the thousands of annual peasants who were often unable to make the payments in times of drought (which were very common). Additionally, as many economists have claimed, it contributed to the “de-industrialization” of the agricultural sector it left no incentive for technological innovation (Bates, 291).

The policy of “de-industrialization” of the Indian economy was further initiated through one-sided economic practices. The establishment of British Rule in India coincided with the beginning of the Industrial Revolution of Britain. Earlier, like other Europeans, the British were importing textile goods from India. As a result of the manufacturing of textile goods in Britain, the British government imposed heavy duties on Indian textile handicrafts in Britain while encouraging the sale of British textile goods in India. For example, in 1824, a duty of 67.5% was levied on Indian Calci, and a duty of 37.5% on Indian muslins (Williamson et al.20). As a result of the hostile trade policy and unequal competition of British machine-made products, Indian handicrafts could not survive. In course of time, India became a supplier of raw material to

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\(^1\) While the Lord North’s Regulating Act of 1773 and the Pitt India Act of 1784 attempted to bring the bureaucracy directly under control of the British Parliament, de facto control rested with the British India Company.

\(^2\) As was typical during the Mughal period, especially during the rule of Akbar. As previously noted, the Mughal centre made concessions and even paid remission fees to peasants during times of drought.
Britain and buyer of finished goods from Britain. Adding to that, the Company used its control over Indian territories as a way to enter into trading relations with China that it severely needed to correct its trade-imbalances. This was accomplished through the forced cultivation of indigo and opium, which further came at the expense of the agricultural sector, pushing the peasants and local population through massive famines and economic subjugation (Singh, 43). According to William Digby, the author of *Prosperous British India*, from 1757 to 1815, about 1 billion pounds was drained away from India which seems to be closely linked to British economic preeminence during the industrial revolution (81). A close analysis of the structure and capacity of the company rule, especially in light of its polices of extraction from artisans and peasants alongside its unparalleled military force and racially exclusive to-to-bottom centralized bureaucracy, strongly emphasize its qualitative difference to the pre-colonial states it had subdued. Bose and Jalal note:

“*Having appropriated all that was vital and buoyant in India’s pre-colonial economy, the company state did little to contribute to its equity of growth in the early nineteenth century*”

(58).

Such an interpretation also allows us to infer that any “artificial autonomy” that was granted to local rulers was a matter of political expediency. For one, the servants of the company had not yet gathered a sufficient knowledge and experience to handle the problems of Indian administration. Yet ignorant of the Indian customs and languages and having kept throughout the character of merchants, they could not be expected to change into efficient administrator overnight. Under these circumstances it served in their best interest to let the local authorities complete administrative responsibility. Second of all, it also served as a way to camouflage their true intentions of forging deep economic penetration without incurring local resistance. The
Company went to great extents to accomplish this “artificial “respect and regard. Persian was retained as the official language of the court until 1835 and substantive aspects of the Mughal legal system were retained such as the consultation of Mughal law officers (qazis, muftis, pundits) for local decision-making. In addition to that, special care was taken not to interfere with Muslim and Hindu personal law (Greene, 195).

Since the colonial state could establish a semblance of cultural legitimacy only by appropriating symbols and meanings that commanded authority in indigenous society, this supposed “laissez-faire” technique of separating the public and the private could not be maintained. Once control was formally wrested by the Crown, this difficulty became increasingly apparent.

**Crown Raj: categorization and division**

The Indian subjects were not to be fooled, however. The heavy imposition of taxes and the increasing intervention in state affairs became much resented. Just like in the past, this mobilized local rulers to revolt for independence and consequently allow a new ruling elite to take the place of the British. However, 1857 would prove to be a watershed year in Indian history. For one, it was the first time that a large segment of the Indian population had risen in unison. The spark came after there were rumors that the greased cartridges introduced by British in the army of the “sepoys” (native soldiers) contained either cow or pig fat. “The first, from an animal sacred to the Hindus, and the second from an animal held unclean by the Muslims (Edwardes, 19).” Both groups saw this as a preliminary attempt of forced conversion into Christianity.\(^3\) Secondly, the organized military might and the brutality with which the British

\(^3\) Interestingly, the mutineers established the Mughal ruler (now only in title) Bhadur Shah as the as the symbolic head of the mutiny.
responded assured many that British rule in India would not follow the tradition of “centralization-decentralization.” Records indicate sepoys who were even “suspected” of crimes to be “tied to cannons and torn to pieces.” In only a few days, a mere 30,000 British troops had effectively crushed an army of 250,000 Indian troops (Kaye, 525). This defeat is important, for it signaled an era of great change in which a centralized regime now held more power vis-à-vis the regions. This effectively meant that the legitimacy of the ruling elites was no longer exclusively contingent on its subjects that it ruled.

In August of 1858, Queen Victoria had announced the formal acquisition of India under the Crown. Although she promised the respect of treatises and under conciliatory gestures, there was a sullen mood in India. Mirza Khan Ghali, a great Urdu poet of the time, expressed the somber passing away of sovereignty in this way:

“Previously one laughed at the state of one’s heart, now nothing at all elicits joy or laughter, It is sad that people live on hope, I have no hope of living” (Davis, 52)

Administration

The goal of the British Crown was to make India into an efficient unit of its colonial enterprise. Their willingness to avoid any mismanagement that could spark another mutiny caused them to centralize and categorize India into easily-manageable units that facilitated their control. The first order of business was to establish a separate fifteen-man Council advising the Secretary of State of India within the British Cabinet. This office would serve as a direct liason towards the Governor-general but had the vested powers to make unilateral decisions overriding both the Governor and the Council (Chopra, 124). The Governor at Calcutta, now called “Viceroy” still had to -as during the Company Rule- make decisions alongside an advisory council. However, in the years immediately thereafter (which were also the years of post-
rebellion reconstruction) the Viceroy Lord Canning found the collective decision-making of the Council to be too time-consuming for the pressing tasks ahead, so he requested the "portfolio system" of an Executive Council in which the business of each government department (the "portfolio") was assigned to and became the responsibility of a single Council member (ibid). Routine departmental decisions were made exclusively by the member; however, important decisions required the consent of the Governor-General and, in the absence of such consent, required discussion by the entire Executive Council. This innovation in Indian governance was promulgated in the Indian Councils Act 1861 (ibid, 125).

Judiciary

The emphasis on “efficiency” of governing also set in motion the need for a legislative body to interpret and create new laws. Here, the British Crown set up a twelve member Legislative Council to interpret and devise new laws. In typical fashion, any such impositions required the final clearance from the Secretary of State all the way in London. The creation of this body pre-supposed for the first the codification of rigid laws that were to be followed by all subjects. As our previous investigations have shown, laws were most often solved at the local level through flexible-injunctions. Thus, no rulers in Indian history had sought to intervene in what were considered as the internal matters of the 'jat' or ‘biradari’ organizations of various communities, no matter how far-reaching the changes introduced at the top. For instance, during Mughal rule, the Islamic law explicitly recognized the traditional community-based institutions for resolving disputes. The Mughal court reserved to itself exclusive jurisdiction only in matters they considered crimes against the rulers, as well as in fiscal administration. Most family kinship disputes were not brought before Muslim officials. Rules for dispute resolution differed considerably from one caste to another and from region to region. As such, local judicial officers
struggled to ascertain what law to administer. This was not only due to this plurality of sources but also because the regional governments did not consistently print complete digests of the existing statute law. This not only put legal decisions in contradiction with each other but it also left judicial officers and judges with undefined and broad scope for citing precedent and making decisions. The British saw this “informal” network as a threat to their centralized rule and sought to reform it at their earliest convenience (Kasturi, 141). British administrator William Jones thus emphasized his frustration by saying:

"I can no longer bear to be at the mercy of our pundits, who deal out Hindu law as they please, and make it at reasonable rates, when they cannot find it ready-made" (Davis, 185).

Having come from a society where some aspects of family and community affairs came under the jurisdiction of canon law, they looked for similar sources of authority in India, only to find none. As Kishawar notes,

“There was no single or uniform body of canon law or Hindu pope to legitimize a uniform code for all the diverse communities of India, no Shankracharya whose writ ran all over the country. But that did not prevent the British from searching” (2145).

The search led the British to install “experts” of both the Hindu and Islamic faiths who would interpret and write down specific laws of marriage, inheritance, dispute settlement, caste and others. The issue with this was that pundits and Islamic clerics gave differing and often times conflicting interpretations. This had the effect of creating greater mistrust between the British elite and these religious leaders who then often regarded as corrupt and deceitful - a threat to British order and security (ibid). Furthermore, it confirmed the British to find resulting laws within the two faiths comparable with Justinian’s Corpus Juris or the use of European judges in
India. They were thus determined that “the British should administer to [the Indian people] the best shastric law that could be discovered” and was determined to free the British from their “dependence on the pundits” (Benton, 139). In the same vein, Thomas Macaulay who was installed to administer the process of codification, noted: “What is [currently] administered is not law, but a kind of rude and capricious equity. ... 'The whole thing is a mere matter of chance. Everything depends on the temper of the individual judge” (Alibone, 46). The point to make here, however, is that the maulvis and pundits contradicted themselves precisely because they lacked what had been the mainstay of Islamic and Hindu legal practice on the subcontinent, that is, connection to the context (Anderson 1996). The resulting “codification” led to a strong bias of “Shastric” laws with a strong neo-Bhramanical ruling ideologies based on a rigidly defined caste system. At the same time, the Hanafi Law which under the Mughals had been confined to the urban and gentry groups and interpreted liberally, were seen as a unified “Muhammadan Law” (Giunchi, 1130). These two “schools” of thoughts, were codified without context and infused with Eurocentric biases. What emerged, thus, was not really a “Islamic” and “Hindu” law, but laws of “best convenience” that fitted the narrow viewpoints and interests of the colonists.

In the bigger scale of things, however, the British readily saw the ability to divide their subjects on the lines of “Hinduism” and “Islam” instead of the hundreds of village units scattered around the country. Doing this not only required separate, codified laws but also the mapping of different qualities that could be used as means of “separation”. Thus, colonial impositions set out to map the qualities of the subject population that were “most germane to the business of administration”- not only a group’s productive capacity, its traditional occupation, its efficiency, laziness, but also its criminality, military prowess, truthfulness, litigious tendencies,
rebelliousness and so on” (Gottschalk, 16). Effectively, the British concocted a new-fangled, anthropological theory of marital races and castes that would serve in their ranks in the military and a theory of bureaucratic skill that would serve in their lower orders of administrations. The British Indian army was exclusively recruited from the Sikhs, Gurkhas, Punjabi Muslims, and Pathans – groups they saw as “martial races”. In addition, they also mixed the regiments in such a way that a “Sikh might fire into a Hindu, Gurkha into neither, without any scruple in ‘case of need” (Jalal, 81). At the same time, Hindu Brahmins and Rajputs were seen as skilled bureaucrats and recruited for administrative duties. Such classifications based on race and castes continued into other arenas as well. The materialization of such distinctions took shape when the Census commissioner in 1901 decided to classify “castes” and “communities” all over the country in accordance to their ritual purity and standing in local society. As a report from the Census Commissioner in Bihar notes, “Muslim Rajputs in large numbers ‘suddenly’ took to calling themselves Pathans, the title Singh yielded place to Khan. Practically all… [Muslims] of low degree- weavers, oil-pressers, barbers and so on- aspired to the status of the Sheikh, though ‘the better class Musalmans would not recognize them, nor would they recognize each other as such” (Guha, 72). This census was further given credence through The Morely-Minto Reforms of 1909 and the Montagu-Chelmsford reforms in 1919 which engineered for the first time through the use of a census, “supra-local caste and religious political categories to which the colonial state could distribute differential patronage based on religion” (ibid). Thus, both the “depressed classes” and the “Indian Muslims” were now secured special “minority” seats for election to local and other representative bodies. While dividing the and categorizing their subjects according to new principles of social enumeration, the raj also had, in the words of Rajat Kanta Ray,
“The overriding character of an imperial power which set apart its subjects in a bloc with interests fundamentally antagonistic to those of the rulers” (Bose, 84).

Economics

At the same time, following the policies of the Company, the Crown did little to alleviate India’s indigenous economy. As the late 1890’s and early 1900’s remarked exponential growth in cotton exports from India, there continued to be a succession of famines claiming millions of lives. These famines were especially localized in those areas where agricultural fields for foodstuffs had been converted to cash cropping cotton and indigo. The continued extraction of revenues fixed in perpetuity through the Zamindari system and the continued imposition of excise taxes on Indian goods made matters only worse. According to Mc Alphin, “Famines in the nineteenth century tended to be characterized by some degree of aimless wandering of agriculturalists after their own supplies of food had run out” (149). In total, British rule in India brought close 30 major famines to the country. This was 25 times the average of famines in pre-colonial India, claiming millions of lives at each occurrence (Garrat, 564). These events have inspired economists like Amartya Sen and nationalist Romesh Dutt to cast British policies as causing “artificial famines” and a general “drainage of wealth” (Chaurasia, 408).

Implications and effects

The effects of these highly centralized policies were pronounced. For one, this led to a “reductionist” tendency for typecasting social groups into antagonistic categories that were previously non-existent: Hindu versus Muslim or the “lower-caste” versus the “upper-caste”. Instead of viewing village units and regions as organizable (as the Mughals had) categories, the British saw features typical of Indian life- caste and religion- as the answer. However, as one
anthropologist after the other studying the Indian subcontinent has pointed out, “What constitutes caste? What constitutes religion in India?” (Shah, 221). Far from being anything fixed and obvious- as the British saw it- it was less rigorous, fixed or readily grasped than “village units” could be. The materialization of such distinctions took shape when the Census commissioner in 1901 decided to classify “castes” and “communities” all over the country in accordance to their ritual purity and standing in local society. Issue dimensions, thus, which for a long time rested on regional or linguistic ties, could now find credence along caste or religion.

This is not to claim that the creation of lower and upper caste or Muslim and Hindu identities did not exist previous to British intervention. Scholars such Cynthia Talbot (1995) find evidence of a process of identity formation on the basis of Hindu-Muslim starting in 1000 AD on the basis of the inclusion of “demonic creatures” (symbolizing Islamic invasions) in Indian epics, consequently noting Muslims already at that time to be seen as the other “par excellence”, heightening the Indian sense-of-self (54). At the same time, Karunakaran (1965) notes that “Hindus and Muslims differed almost as North and South Pole” and that “every historical incident in India which reflected glory upon the Muslims brought in a painful memory of humiliation to the Hindus while reflecting a great stimulus to Muslim nationalism (12).” Karunakaran and other scholars on this subject thus note that there was already a “nation-state” of Muslim and Hindus well before British colonialism and that attributing British colonialism for the formation of previously non-existing religious identities would be an ignorant assumption. Such a qualification, however, demands differentiating between “tangible” and “dormant” identities. While the former pre-suppose a rigid, foundation of the “self,” the latter refers to a “self” that is present but too weak to exist as a foundation to all the other more immediate forms of identification. The aforementioned scholars conveniently offer a blurring line between these
two categories. Prior to British penetration, there is very little evidence of any sort of Westphalian identity-formation on the basis of religion. As a matter of fact, most historical records show efforts for a joint Indo-Islamic culture, which pervaded the religion, architecture, poetry and other arts. A strong case can even be made that Islam itself was fundamentally different in India than it was elsewhere in the world, paralleling Hinduism in its remarkable fluid and context-sensitive manner as was seen with the imposition of the Sharia law as a doctrine *in fieri*, which was meant to respond to the historical context and social considerations, while observing the ultimate meaning of religious prescriptions (Hallaq, 258). Legal practice and legal theory, thus, indicate that Islamic law was "a fluctuating, elastic *quid* that accepted internal contradictions and allowed the judge wide decision-making freedom” (ibid). Hence, it was well up to the 19th century that among Muslims, the term “Hindu” meant a resident of India rather than a person holding a certain non-Islamic religious beliefs. When the Vijaynagara kings said they were the sultans among Hindu kinds they were most probably declaring their paramount status among the non-Turkish polities of the peninsula (Guha, 111). That is, to them Hindu meant Indic as opposed to Turkish, not "of the Hindu religion" as opposed to” of the Islamic religion; “Sanskritization” and “Islamization” were means or asserting an identity demanding rights and self-respect, and they challenged the existing social order even as they encouraged religious orthodoxy and “improvement” (Nicholson, 196).

Thus, although in 1858 the colonial power had announced its intention not to interfere in the private realm of “custom” and “religion,” its policies had done precisely that. This “breach” took place the minute that the British to the momentous decision to deploy religious enumeration to define “majority” and “minority” communities. Colonial constitutional initiatives thus lent religiously based communitarian affiliations greater supra-local significance than regional,
linguistic, class and sectarian divergences might have otherwise warranted. Thus, Pandey states, appropriately:” The new ‘communities’ were now often more diffuse than before….historically more self-conscious and very much more aware of the differences between themselves and others, the distinction between “us” and “them” (269). By the 1930’s thus, there were strong efforts by politicians to label opposing candidates outside the pale of the community, and thus to make the nature of religious boundaries themselves a matter of individual conscience. A series of hotly contested Muslim elections in the Muslim majority-city of Amritsar serves as a case-in-point where Muslim candidates repeatedly labeled other Muslim candidates as “kafirs”- a derogatory word to describe “non-Muslims” (Engineer, 49). In response, militant Hindu community made the ritual sacrifice of cows to occupy centre-stage in Indian politics, cloaked in disguise as a “species of sub-nationalism” that “sought to shape and define the community in terms of the ‘supremacy of Hindu custom,’ and thereby excluded Muslims from the primary community of nation” (ibid).

It is important to note that symbolism used in the rhetoric of politicians bore little relation to the grievances themselves. Instead it appealed to an emotive identification with the nation.

Popular activity was thereby imbued with a "nationalism" dimension mainly through the skilful articulation for specific grievances using a generalized language and imagery, incorporating selected ideological characteristics, some of which were derived from ideas about Hinduism. One thing that is notable is that the inter-relationship between the symbols strongly depended on nature of locality and provincial political relationships, as well as the specific context of agent-audience participation (Bhatt, 3). National symbolism also required the invention of a schema of traditions and myths, which would set India and its peoples apart from the rest of the world. A plethora of symbols pertaining to India's physical features, drawn upon
by epics and legends, already existed within the folklore of the Hindu belt. Taking this into consideration, alongside the creation of separate “Hindu” and “Muslim” polities, it is easy to see how Hindu religious symbolism and communitarian interests subsumed within the emerging discourse of the Indian nation. As a matter of fact, the song *Vande Mataram*, which came to signify Indian nationalism, was subsumed largely with “Hindu” elements, referring to India as a “motherland” and utilizing goddess Saraswati as the symbol for freedom (Luce, 155). This, however, had the effect of fundamentally alienating the Muslims from the nationalist struggle. Thus Maulana Mohamed Ali complained to Congress the educated Hindu ‘communal patriot had “turned Hinduism into an effective symbol of mass mobilization and Indian ‘nationality’ but refuse[d] to give quarter to the Muslims unless the latter quietly shuffles off his individuality and becomes completely Hinduized”(Kumar, 314).

These developments were especially noteworthy given that, as our previous analysis has shown, religion at best served a “secondary” if not “tertiary” basis for identity formation. Any issue-dimensions that could be solved on the political level derived a regional or linguistic tie, devoid of a “Pan-Islamic” or “Pan-Hindu” struggle across India. The majority of the revolts against the British, including the infamous 1857 “sepoy rebellion” were multi-class and represented the struggle of all religious groups in India, as was the basis laid by centuries of history. As such, the Muslim League during the initial years found tremendous difficulties in winning the support to be a voice for all Indian Muslims, winning a meager 4.4% of the Muslim vote and virtually rejected by all Muslim provinces in the country. As a matter of fact, sources confirm if it weren’t for a select few members who continue to fund activities of the League, it would long have gone instinct in its early years.
Another implication of British rule was the creation of an unparalleled “unitary” bureaucratic regime that shifted the standard of power towards the centre. For nearly all of history, power was devolved at the local level and as such it was most often the village and council heads in localities that retained the strongest measure of autonomy in decision-making. The strong measure of control and power vested by the British bureaucracy in India effectively reversed this conception. As such, once it was clear that the British were leaving, the seat at the centre became the object to be coveted. The power-struggle between the Congress and Muslim League was precisely on the basis of power-sharing at the centre. Now reduced to “minority” status, Muslims provincial parties felt alienated in a country in which they would never be able to wield any majority proportional represent (Singh, 17). A possible way out of the quandary was to assert that Indian Muslims were a nation entitled to equal treatment with the Hindu nation in the distribution of power and patronage. The League’s insistence that it represented all Muslims provided it with the pretext with which to contest Congress’s claim to speak for the whole of India. Thus, in March 1940, without specifying the exact geographical boundaries, the All-India Muslim League at its annual session in Lahore formally demanded an independent Muslim state in the north-west and the north-east of India on the grounds that Indian Muslims were a nation (Chakravarti, 62). Bose et al note:” The time had, thus, come for Muslims to reject the derogatory label of communalism, once and for all, and advance a vision of nationalism no less valid than that of the Congress” (186). Rising from the ashes of the earlier political defeats, this was Jinnah and the League’s attempt to formally register their claim to speak for all Indian Muslims. An astonishingly bold stance for a vanquished party to take, it drew strength from the rising tide of Muslim antipathy to the prospect of Congress rule at the all-India centre (ibid, 146). It is important to note that the Lahore Resolution should be understood primarily as a revolt
against “minority” status imposed by the British standard of power, which relegated Muslims to a “Cinderella with trade-union rights with a radio in the kitchen by still below-stairs “(Jalal, 70). Whether in this sense, the idea of nationalism on “religious” basis was viable is a matter of debate. What we can be sure of, however, is that any aspirations for unity among different linguistic and religious communities in anti-colonial politics now came to be replaced by assertions of an “Islamic” or a “secular” nationalism. Jinnah himself—as hailed by Sarojini Naidu- had for a long time been an ambassador for Hindu-Muslim unity and maintained little semblance for Islamic customs and practices (Gandhi, 126). Yet his call upon Islam and his invocation of the loosely defined “Pakistan” can best be understood through his fear of losing power at the centre, ant utilizing it to allow League to win 75 percent of the total Muslim vote caste in the provincial assembly elections. The Congress however remained unmoved and refused to advance any concessions for power-sharing with the League, emphasizing an India “above differences of religion or creed.” For the Congress Party, true nationalism consisted in “unlearning what she [India] has learnt during the past fifty years,” which included the concept of “communalism” which it saw as a device of colonial control (Gould, 4).

In many ways, thus, the dialectic between the Congress Party and the Muslim League represented the inherent problem that colonial definition state legitimacy had imposed on India: On what basis would both India and Pakistan legitimize their state? For Gandhi and Nehru, it meant putting aside religious conflicts and returning to pre-modern cultural accommodation offered by the Mughals, The Buddhists, the Rajputs, and all other pre-colonial rulers during “eight hundred years of constant building.” For the Congress, a nation-state could only be built by un-learning all that the British had imposed on the Indian society, seeing those as values aimed at “diverting India from her true mission of a cohesive national unity.” The Muslim
League, and especially Jinnah, sought a more realistic course, necessarily seeing the “minority” label as being constant and fixed, a point of no-return. Faisal Devji has even gone on to argue that Gandhi’s use of a pan-Islamic rhetoric wherein he envisions the Hind Swaraj (Indian Home Rule) on a vision of Islamic Empire is precisely why Jinnah rejected the Congress Party. Devji sees Jinnah as consequently fearing Muslims to be seduced by religious madness and in doing so “destroy their advancement in every field of life by persuading them to abandon their distinct political status and join the Congress in the guise of a religious group….A Hindu Raj would therefore be established by making Muslims religious in a way that threatened their political future precisely by confirming them to the demographically and constitutionally powerless, degraded, and impossible position of a religious minority” (88). As such, his conception of “state legitimacy” lay not in a nostalgic, romanticized notion of the past, but in a pragmatic Westphalian conception of power lying in the centre. When Congress was unwilling to share power at the centre, Jinnah was thus presented with two options: an undivided India without any guarantee of the Muslim share of power at the all-India centre or a sovereign Pakistan carved out only from Muslim majority districts of Punjab and Bengal. It is safe to say that Jinnah would have conceived to continue to press for an all-India federal structure with Muslim safeguards, for this would allow him to ensure power for all Muslims- in both majority and minority provinces. Jinnah’s fears of his own followers and his deep mistrust of the Congress left him with little alternative but to acquiesce on the creation of a Pakistan shorn of east Punjab and western Bengal. In August 14th and 15th of 1947, India and Pakistan were born.
IV. Comparing the Bhratvarsha to the British Raj: An ideological shift?

In discussing the administrative formation of British rule, the previous sections have allowed us to infer that the way the British legitimized their rule in India stands in stark contrast to their predecessors. Instead of evoking the flexible, decentralized rule wherein they saw their role as limited to the Vedic Danda, the British were bent on imposing a centralized, despotic form of governance that did little to further any measures of Dharma for their subjects. As a matter of fact, the British subjugated their colonial subjects below the level of “citizens”, holding an embargo on conferring most forms of basic citizenship rights.

This makes us wonder, why did the British legitimize their rule in this fashion? One of the most well-known arguments perceives such tendencies as the result of 19th century economic necessities. In particular, it looks as imperialism as the natural result of the industrial revolution wherein domestic overproduction fostered the need to find foreign markets. In the case of Britain, many have especially analyzed the necessity of intervention in India in light of the necessity to fix their economic balance-of-trade and carve out spheres of influence in other countries such as China (Greene 2013; Russell 2000; Dunn 2002; Koehn 1994; Coats 1992). This overly simplistic analysis thus perceives British policies of divide-and-rule, economic subjugation and coercive statecraft completely as a result of economic needs. However, this viewpoint leaves out the fact that the Mughals, the Guptas and even the Aryans were able to carve out far more prosperous regimes than the British Empire ever fashioned. Not only were financial institutions progressive and well-developed with interest rates often equivalent to or lower than those in Britain, but individual merchants brought in more capital than the entire British East India company (Hobson, 81). This was accomplished mainly due to the fact that
these pre-colonial ruling elites saw the decentralized structure as advantageous, freeing them from shouldering extensive bureaucratic costs associated with a heavy-handed administration. On the contrary, already in the initial years of the company Raj, the heavy-handed British India administration that included thousands of bureaucrats all the way from London to Calcutta alongside an imperial army that absorbed close to forty percent of the British income in India. Figures estimate over 1.3 million pounds spent in building administrative infrastructures in Bengal alone, and a sweeping 19 million pounds on the formation of an imperial army (Yun-Casalilla et al., 439). These numbers needed to be factored alongside the expenses of the police force that grew in size as local uprising increased in number.⁴ The implications of these figures do not allow us to conclude that intervention in India did not present an economic advantage to the British Empire. Rather, they allow us to question whether similar (if not better) economic benefits in trade could have been accrued by simply following the steps laid out by their pre-colonial predecessors.

A second oft-propounded argument concerns the “clash of civilizations” of Eurocentric form of knowledge and thought. In particular, this argument highlights the pre-supposition that the general modes of thought and knowledge in Britain were fundamentally at odds with pre-existing Indian epistemology for which “grammar is the central mode of thinking that favor typologies and hierarchies that particularize and frame within complex contexts” (Lutgendorf, 248). The demarcation between the differences is best understood by Indian scholar A.K Ramanujan as the difference between the Indian “context-sensitive” and Western “context-dependent” worlds, which are sharply at odds with one another. Ramanujan

⁴ Quelling the Sepoy mutiny cost 36 million pounds (Walsh, 112).
cites numerous examples, ranging from legal statutes (in which penalties for crimes depend on
the social identity of the parties involved) to erotic treatises "the Kama sutra is literally a
grammar of love which declines and conjugates men and women as one would nouns and verbs
in different genders, voices, moods, and aspects" to classifications of time and space that eschew
"uniform units" in favor of contextualized specificities (53). In poetry he cites the "taxonomy of
landscapes, flora and fauna, and of emotions" that establish contexts for poetic imagery, and in
narrative literature he points to the ubiquitous practice of framing, invoking the epic traditions of
"metastory" that frame and encompass subsidiary narratives (48-50). This type of “fluid,”
subjective epistemology has thus in many ways contributed to the flexible interpretation of laws
and the absence of a strong, centralized, bureaucratic state in pre-historic India. On the contrary,
the British, informed by the revolution of the sciences, saw naturally to a “value-free,” and
objective characteristic at organizing Indian institutions. Indologist Max Mueller (1823-1900),
thus assumed that “nature is ordered according to a unitary principle that the ‘order out there”
(15). This type of knowledge, as Inden (1990) claims, “assumes completeness and dreams of a
unifies body of knowledge...” (15). To no surprise, the British easily found such a “unified body”
in the form of categorizing both caste and religion. Mueller after all claims such a classification
to be the point at which “true science begins” and that confirms the world to be composed of
“types” that exist “out there” (20).

This argument furthered by Ramanujan and Inden, has merit but it does not paint the full
picture. For one, it leaves out the well-known fact that the leading English thinkers “steadfastly
opposed codification” in their own country (Kolksy, 633). Furthermore, it doesn’t fully explain
why the British felt the necessity to revise the already well-organized “village units” or why they
were bent on fostering a class of citizens that was “Indian in blood and colour, but English in
tastes, in opinions, in morals and in intellect” neither does it explain why they didn’t extend their “efficient, Western, categorical practices” towards creating legitimate democratic institutions in India (Spielvogel, 452). Most importantly, they don’t explain why the Aryans, the Scythians, the Huns and the Mughals- each coming with their own “standards” and “epistemologies” -were able to conform to the pre-existing standard, while the British failed to do so. This is especially notable when we conceive of Islamic penetration in India, for its standard- just like the European version), had delineated the world according to “Dar al-Islam” (the world of Islam) and “Dar-Al-Harb” (non-Islamic world) (Avari, 189).

Changes in principled beliefs?

Emphasis here must be placed on the a 19th century shift in normative ideas, what Robert Keohane and Judith Goldstein (1993) label as "principled beliefs" (9). These consist of normative ideas that specify criteria for distinguishing right from wrong and just from unjust. These beliefs are often justifies in terms of larger beliefs (...) translating fundamental doctrines into guidance for contemporary human action” (ibid). The 19th century saw, motivated by a racialist viewpoint, brought a fundamental shift in the principled belief of what constituted an appropriate relationship between a colonizer and the colonized. Such beliefs on the conduct towards non-Western countries were a crucial factor in the creation of a colonial ideology. Thus, great powers certainly looked after their military and commercial interest- and we would surely be surprised if they had not-but these interests were fitted into a Eurocentric, racialist framework through a regime of moral and legal justification. Thus, when the British government acquired and exercised colonial justification, it did so in accordance with a Foreign Jurisdiction Act, which did not define Britain's national interest in foreign territory- that was a question of military
and economic expediency determined by the government (Ibahwoh, 58). However, it did define the rules of the game in acquisition and governance of such territory and those rules were enforced by British courts of law. Outside of the legal realm, 19th century Britain justified its model of trusteeship through a racialist underpinning. At this time, when the new science of ethnography defined and ranked the races of man the features of Orientals and Africans altered to resemble those of apes. Childlike Asians and Africans were seen as lacking the character and intelligence that had generated Western technology. Darwin's analysis of natural selection was translated into a celebration of the inevitable ascendancy of Europeans over less "fit" people (Roche, 114). The shift in racial overtones becomes especially pronounced when one outlines the historical European images emanating out of India.

*Changing Images of India*

A few thousand years ago, the Greeks such as Strabo had referred to India as a "nation greater and more flourishing than any other" while Horace called it "opulent India", Dionysius of Phiegegetes wrote a poem in which he said: "India enriches her sons with wealth in every form" and listed as the country's major occupations the mining of gold, the sawing and polishing of elephant tusks, the weaving of linen, and searching for precious stones in Mountain torrents. It is in this light that Herodotus and other Greeks described Indian customs and traits in the following way: “a love of finery adornment paired with the love of simplicity manifested in the marrying multiple of wives and the burning of wives upon the death of the husband's body” (Singer, 13). So strong is the sense of marvelous in the classical reports of India that one is tempted to conclude that the early Europeans found India interesting because of the wonders it purportedly contained. Thus, it was Hegel who remarked:
“India as a Land of desire formed an essential in general history. From the most ancient times downwards, all nations have directed their wishes and longings to gaining access to the treasures of this land of marvels, the most costly of which the earth presents...” (Carter and Harlow, 23).

As the explorations succeed, however, and the Portuguese, Dutch, English, French and other European nations establish colonial settlements in India (and elsewhere in Asia), a significant transformation took place in the European image of India as a dull and otherwise stagnant civilization. It is important to note, that this image was not an exclusively British production, but was laid hundreds of years before the British East India Company began penetrating the Indian shores by the Portuguese. Sources note that when Vasco de Gama was asked at Calcutta what he had come for, he replied: "Christians and spices." He found spices but many more Hindus and Muslims. The Portuguese epic of Empire in Asia "Lusiadas" as translated by Richard Fashawe, tells the story of this transformation, of how Da Gamas search for Christian allies and spices also discovers the "barbarous sect" worshipping "man-beasts" and monsters defied, "whose ruler is without "shame or worth" (Hager, 132). It is in this line that the dominant attitudes of British Missionaries were synthesized in a nineteenth century children's book:

“See the Heathen Mother stand. Where the sacred flower flows with her own maternal hand mid the waves her babe she throws.

Hark! I hear the piteous scream

Frightful monsters seize their prey

Or the dark and bloody scream

Bears the struggling Child Away

Fainter now and fainter sill
Breaks the cry upon the ear;

But the mother's heart is steel

She unmoved that cry can hear.

Send; oh send the Bible there,

Let its precepts reach the heart;

She may then her children spare-

Act the tender mother's part.” (Clothey, 2).

The verse is illustrated with a picture described as inhabited only by “wild beasts" and is said to be a place where "thousands of Hindu mothers have thrown their children into the Ganges to be devoured by alligators. Interesting to note here is the stark contrasts in the way that early Europeans perceived India to their 19th century counterparts. Clearly, there had been a strong ideological shift in the way non-Europeans had been perceived. The White Man's burden's image was, of course, not limited to missionaries. Rudyard Kipling gave us the phrase, and also its sister epithet, "the lesser breeds without the law". Whatever Kipling himself may meant by them; these two phrases quickly came to symbolize European's stance of arrogant superiority toward the colonial peoples they considered inferior to socially, morally and culturally (Singer, 20).

These racialist underpinnings were further legitimized by the drastic “reinterpretation” of Indian history. Thus the historian Indologist Vincent Smith (1848-1920) in writing about India’s history before the Muslim conquest of the twelfth century spoke about a general “decline” after the Gupta Empire (fourth to fifth century AD). He noted India’s natural result to be a “medley of petty stated, with ever-varying boundaries and engaged in unceasing internecine war” (Inden, 226). India was, thus, seen as a “static, decaying civilization”: “In political institution no evolution took place. No sovereign endowed with commanding abilities and capable of welding
together the jarring members of the body politic…even the heavy pressures of Muslim invasions failed to produce effective cohesion of the numberless Hindu States, which, one by one, fell an easy prêt to hordes of Arabs, Turks, and Afghans, bound together by stern fanaticism (Smith, 357). The decline which Smith entailed was not only confined to the state. Literature, he told us had “sunk to the lowest level” and in the sciences “no advance was made” and even in religion a “grave loss” was sustained and the art decayed so decisively that not even one medieval coin deserves notice for its aesthetic merits” (ibid).

The creation of such racialist historical legacies had two major effects. Firstly, it relegated the standard of legitimacy that was enjoyed by empires of pre-colonial India. As such, it framed Indian history as a collection of despotic and barbaric regimes, forging it to be very similar to Europe’s medieval, pre-Westphalian past. This made it easy to rally public opinion into a nationalist, imperial fervor and conveniently made it not only “acceptable” but also a pre-supposed norm not to accommodate into the pre-existing “backward” Indian standard. Europe’s civilizing influence was seen as drawing barbarous and savage humanity out of slavery, poverty and ignorance. As A.P Thornton notes, a colonial realpolitik of the mid-nineteenth century was transformed into the "moral" imperialism of the turn of the century (162). Thus, as was the case with the leading enlightened thinkers, one could easy speak of democracy and liberty in England but at the same time of imperialism and social Darwinism in India. Consequently, this type of thought gave Britain free-reign to pursue a racialist, coercive, subjugating and dominating policy in India, without having to answer to anyone on the hierarchical ladder. This “contradiction” is best witnessed at the trial by the British Government of Governor Warren Hastings during the early years of the Company Raj. Here, Hastings made the noteworthy remark that the ‘crimes’ in India that he was being tried for, such as aggressive
offensive wars against ‘native’ rulers, treaty violations, abuse of judicial authority, among other
were in fact illegal in Britain; however, they were “legitimate exercises of sovereign power in the
new colony” that lay ‘opposed to any of the sovereignty that emanated in the British Parliament”
and thus was “beyond its jurisdiction” (Carson, 15). The pre-supposition that Hastings makes is
one inherent in the form of “colonial legitimacy.” Seeing the political communities they came
into contact with as “barbaric” and “uncivilized” he effectively labeled these territories as “terra
nulis,” ready for their taking and subjugation. This meant that all the laws that were accorded on
the basis of “society” applicable. Morality, justice, recognition were moot and not checked off
with a “not applicable” sign. Such a rhetoric was especially necessary in a post-Westphalian
world in which the European nation-states had organized themselves into an “exclusive club,”
vowing to protect their borders and further territorial integrity through a policy of non-
intervention. By closing this “club” off to the non-Christian, non-Western world, it allowed these
countries to label the rest of the world as “uncivilized” and legitimize their subjugation of the
barbaric world through international law. This type of contradictory rule, fostered a special type
of legitimacy in colonial states: A legitimacy that best resembled what Hobbes called “acquired”
whereby men subject themselves to the contract because “it is Him [the sovereign] they are
afraid of” instead of subjecting to “Him because they are afraid of others” (Goldsmith, 165). This
reversal of the European social contract also meant the reversal of its basic supposition- the
vested requirement for rulers to promote domestic life, security and order in return for absolute
power. Thus, the British also had no qualms in legitimizing their power through top-to-bottom,
despotic approach. This became visible particularly in the rhetoric governing the relationship
between the British and their subjects. In Amritsar during the rebellions against British rule,
military authorities were firm in their response, noting:
Do you want peace or war? We are prepared to fight in every way...Sarkar (the
government) has conquered Germany and is capable of doing everything. The city is in his
possession...You will have to obey orders” (Pathak, 43).

More infamously, during an infamous massacre at Jallianwala Bagh where more than
four hundred unarmed civilians were gunned down, General Dyer-at whose orders the shooting
took place- made clear the logic of domination by underscoring his fear that “they would all
come back and I considered I would be making myself a fool” (Kargiannis, 120). Chakrabarty
clearly poses the question, “Would Dyer personally have made a fool of himself? Or was he
speaking of the authority of the European in India?”, thus expressing the unease but also the
contradiction at the heart of the exercise of colonial power and their claims of legitimacy (41).

This contradiction leads us to the second point. While the British were bent on enforcing
a specific European administrative standard on India, their racialist view conveniently allowed
them to place aside important historical factors that not only contributed but pre-supposed its
development and success. The Treaty of Westphalia and the consequent process of “state
building” along European lines occurred over a process of five hundred years of history that saw
the rise and fall of hundreds of political units. As such, it was only those states that proved to be
“the fittest” in securing “positive legitimacy”, in Robert Jackson’s (1993) terms, remained in
existence. This type of legitimacy was derived from the pre-supposed the fulfillment of empirical
statehood: security and internal unity (26). Through this lens, Jackson has maintained that state
legitimacy began first as “de facto” and then only subsequently was awarded with “de jure”
status. Specifically, the boundaries, leadership, and administrative apparatuses of the state
evolved naturally through the aforementioned process of selection until they reached a point of
equilibrium size, location, and population (Crawford, 98). The result was the enabling of what
Tilly (1975) has described as a full-fledged state, namely “territorial consolidation, centralization, differentiation of the instruments of government and monopolization of the means of coercion” (42). The creation of a post-Westphalian “society” that formalized the institution of mutual recognition and non-intervention among such nation-states was an “after the fact” development in light of these measures of legitimacy already have been secured; a sort of “a sort of juridic baptism” (Crawford, 98). By having done little to foster legitimacy on this basis, the British in effect ensured the failure of the Westphalian standard right from the outset.

**Implications**

British colonialism had completely changed Indian society. New landholding communities had replaced old ones. New occupational groups had arisen. Castes and religions had evolved, multiplied, come together and split up. Most importantly, the legitimacy of state power had been redefined. However, this did not mean that older forms of identity were completely washed away. As our previous analysis showed, the emphasis on region, heritage and tradition came back to the forefront under a “nationalist” banner to resist British colonialism. The problem, however, was that as India and Pakistan were forged into two nation-states, they were essentially thrust back into the “club” (which was now not that exclusive) that adhered to the very standards that had colonized them for over a hundred years. The standard, as previously denoted, pre-supposed two features: One, it emphasized a fermentation of a “national identity”, that gave semblance of a strong, centralized state. Second, and more importantly, it pre-supposed certain measures of “positive” legitimacy which had been absent in Indian discourse. This has

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5This is an important assertion to make because many scholars, most notably Jackson (2002) have often note the emergence of an “international system” as a pinnacle for the recognition of “interaction, exchange and similar norms that postulate coexistence and reciprocity between independent political communities” (168). As such, scholars of this belief emphasize that the new emerged “standard” was a product of the interaction that the West had with the rest of the world and consequently represented a more exclusive and horizontal “standard” that expressed “the
had fundamental implications for post-colonial India and Pakistan. For both nations, the conformity to such a system could only find expression in the method left behind by the legacy of their colonial masters. More importantly, and perhaps ironically, the problem for India and Pakistan was compounded after British departure. Accompanied by an ideational shift on views of colonialism, the British suddenly imposed the external premises of the European standards on their colonial subjects. This measure furthered external legitimacy on the basis of “territorial consolidation, centralization, differentiation of the instruments of government and monopolization of the means of coercion” but did not address the fact that both countries not only lacked internal legitimacy but even the preconditions for its very development (ibid). This effectively meant that both India and Pakistan were supposed to skip a process that had taken the Europeans 500 years of nation-building. This was a process through which the “standard” had not only allowed the European nation-states to define a national-identity, but to forge efficient civil bureaucracies, transparent systems-of-checks and balances, a middle class that pays income tax and allowed them to resolve primary issues of border-disputes and power-sharing (Kaplan, 5). The “standard” that consequently emerged was thus, as previously noted, a capstone or a mere ”pre-supposition” to all of these developments that had emerged in Europe. The standard that went “international” had by now wielded the global pre-eminence of its premises. Security and self-survival in such a world order rested on the ability of new nations like Pakistan and India to immediately adapt to the standard without having the flexibility of undergoing the

morality of difference, recognition, respect, regard, dialogue, interaction, exchange, and similar norms that postulate coexistence” (ibid). As mentioned by Gong (1984), the problem with this assertion is that it leave out the fact that this standard was neither accepted by the third world countries by a process of free-will, nor were countries accepted unless they conformed to its principles (43). In such a way, respect and regard for “a difference in norms” could only exist if there was a coexistence of different “standards”. Once the Western-based standard was seen as the “sole” standard, such a coexistence was, thus, immediately out of the question.
processes and dialogues that necessitated its development. This has had fundamental effect of fostering the fermentation of colonial legitimacy: a heavy-handed, top-down centralized apparatus, that operates in a state of paranoia- perceiving and dealing with any forms of regional or linguistic autonomy as a threat to its self-survival. On the same note, this type of rule has not derived legitimacy from conferring basic “positive” rights to its subjects. Once the various identities unleashed in large part by the British came to the rise in post-colonial India and Pakistan, both nations would respond in ways that lay antithetical to their very inceptions. In recent years, these tensions have given rise to a crisis of political legitimacy.

The case of post-colonial India and Pakistan, thus represents, as Benedict Arnold has written in *Imagined Communities*, a “complex electrical system where the owner had fled“ (164). Consequently, he notes, “The state awaits the new owner’s hand at the switch to be very much its old brilliant self again” (ibid). Jalal, commenting adding to Arnold’s insight, notes, “the new owners of the stately mansions build during the colonial era may have at last laid there hands on the switchboard on the electrical mains; but they soon discovered the short circuits in may of the rooms of the mansions that could easily blow most of the word fuses. In the absence of effective circuit breakers, whole mansions could easily be plunged into darkness” (205). By tracing the process of state legitimization in both India and Pakistan, we shall attempt to understand this very fact.
V. Pakistan and India: New nations, same hands old problems

On the stroke of the midnight hour in August of 1947, India and Pakistan- once part of the same land, culture and community- went about their own ways. From that day onwards, those two nations that are separated by twelve hundred mile frontier, have moved so far apart in their pursuits and in their perceptions, that they seem to be almost antithetical entities. Their stark differences had already been made clear well before independence. For Pakistan, albeit not expressly intended, nationhood rested on the basis of an Islamic ideology that was supposed to hold together an alienated group of peoples separated by thousands of miles who came from different cultures, spoke different languages and had different histories. For India and the Congress Party, it always meant emphasis on the nation’s secular unity and the furthering of Democratic ideals. These differences were further expounded during the Cold-War when each took a completely different direction and further materialized during the three wars fought over Kashmir and Bangladesh. What should strike us as interesting, is that despite these differences, are still susceptible to the regional and communal stresses of their colonial past, thus continuing to grapple with the age-old problem of constant shifts and fluctuations in the balance of power between center and region. Consequently, and most importantly, both states have converged in the colonial way in which they have legitimized their rule.

Pakistan: Born out of blood and fire

Investigating the merit of this statement requires us to take into consideration the realities immediately post-independence. When the project of nation-building had to take place in India and Pakistan, they had to be done in consideration with their power vis-à-vis the International standard to which they were conforming. As such, Pakistan was handicapped from the start.
Congress had inherited the unitary central apparatus while Pakistan was seen as “contracting out of” the “Union of India” (Jalal, 270). This “contraction” came with a price of having to re-create an entire civil bureaucracy, drafting an effective standing military, and having to purchase military equipment from scratch. Furthermore its defense was threatened through border disputes with both India and Afghanistan concerning Kashmir and its Northwestern Frontier (Bose, 169).

Conservative figures from the time note that almost seventy percent of the entire Pakistani treasury was being spent on defense alone. Despite all these shortcomings, what Pakistan did claim was a radical and unprecedented beginning. Of course having nothing to do with the juridical and administrative machinery of the new state, the “radical and new beginning” inferred the legitimacy of the Pakistani state based on one thing: faith. Thus in 1948, during a radio broadcast, Jinnah linked the two wings of his new country audaciously separated by thousands of miles of Indian territory by saying:"

“West Pakistan is separated from East Pakistan by about a thousand miles of territory from India. The first question a student from abroad should ask himself is- how can this be? How can there be unity of government between areas so widely separated? I can answer this question in one word. It is “faith”: faith in Almighty God, in ourselves and in our destiny” (Buckler, 991).

Of course the concept of “faith” and Islam in these terms was itself very ambivalent but also ambiguous. What did it mean, for whom and how? The League had purposely left out any discussion of it during its pre-partition days, fearing that it would jeopardize the necessary support from the Muslim provinces it was trying to court. Thus, (in typical pre-colonial fashion) it constituted different meanings for different people, which were often antithetical to one another. Instead of tracing the differing interpretations, it suffices to underline the fact that at the time, a party based on Islam did not strike to be a strong enough ideology to rally even a bare
minimum of Muslim votes. As previously noted, regional and linguistic ties proved to be the cornerstone of cultural communities well before any measure of “religion” could be evoked. When a vote on the basis of Islam materialized, it was only after it was made clear to the provinces that labeled as a “minority,” it would lose its autonomous power in the face of a Hindu-dominated centre. As such, the unification of India’s Muslims behind the idea of Pakistan did not signal a victory of “religious nationalism” but precisely of regionalism, which it was understood to have thwarted. Taking into consideration the increasing pressures, the Pakistani regime was primarily concerned with self-security within the international system. As such, it could not show any vacillation on the issue of religious nationalism as being a strong enough cornerstone for nationhood. If it was to be taken serious by its international peers and prove to India that it could exist independently, religious nationalism was to be evoked at all costs – even if it meant fostering a version of Islam that was antithetical to what its founders and its people had ever conjured. This meant that- as the British had- the Pakistani central government continued to ignore any differences that social class, sect, language and region could make to Muslim identity in favor of understanding Muslims to constitute a monolith - becoming the intellectual and ideological foundation for their separatism). In order to achieve the goal of assuring the viability of religious nationalism, Pakistan fostered a homogenizing and centralizing relationship between politics and religion that continued to chip away at pluralistic demands through a military bureaucracy that no qualms in using violence to achieve its ends (Jaffrelot, 62). Post-Partition, the League thus immediately worked on establishing a highly centralized state in accordance to the federal structure with a powerful executive and a weak legislature, modeled after the Parliamentary 1935 Government of India Act. The primary result of this action was to immediately weaken the link between the people and the Government whose power was
further consolidated by a highly militarized bureaucracy that continue to chip away at provincial rights towards the centre. When the consolidation of such power was questioned in favor of regional demands, the military has remained primus inter pares, ready to step in at any given minute (Khan, 62). It becomes clear from the outset that instead of consolidating a new, reformed regime away from the tentacles of colonialism, the Pakistani state continued to employ a language entrenched in colonial legacy. This becomes especially clear during the rift between the Eastern and the Western portions of the country.

Case study: The Bangladeshi problem

Such a situation arose immediately when the “Two-Nation” theory pointing to the religious gulf between Hindus and Muslims was to be followed by a second “Two Nation theory” based upon the cultural divided between the Bengalis occupying the Eastern part of Pakistan and the Punjabis in the Western part of Pakistan. These two groups of people united on paper and by an ideology of “Islam”, had for centuries fostered their own cultural identity based on a shared language, tradition, cuisine, culture and literature. Once Pakistan was created, differences among these two entities was further emphasized due to age-old British policies of categorizing “races” (as they called them) with certain professions. Thus the British had declared the Bengali a “non-martial, non-administrative race”. It had preferred among its military recruits Punjabi Musalmans, who ended up comprising nearly all of the newly-formed Pakistani army where it was separated from the British India army (Ahmad, 160). The same pattern prevailed in the navy and in the air force. A report released in 1956 states that in the army only one of sixty officers of the rank of brigadier or higher came from the East Pakistan, the numbers were twelve in 850 for the field-grade ranks of colonel, lieutenant colonel, and major. The same report noted that fewer than 10 percent of the officers in the air force and barely 1 percent of those in the navy
were Bengali. This disproportional representation continued in the field of government administration. Again, most Bengalis traditionally did not enlist within the Indian Civil Service (ICS) so when at Independence, each member of the ICS was given a choice as to which of the new countries he would serve, Punjabi Muslims disproportionately constituted the newly formed Pakistani Civil Service. A study in 1955 showed that of 741 officers of the Central Secretariat, only 51, or 6.9% were Bengalis (Gupta, 241).

All these factors need to be taken into consideration noting that the Eastern wing of the country contained about 56 percent of the total population of Pakistan. Having a lack of representation within the government meant that more than half of the country’s wishes fell on deaf ears. Surely, the previous administration’s workings had been a root cause for much of this disproportion of representation. Nevertheless, emphasis must be placed that the new ruling elite did little to alleviate these ills. Just like the British, they continued to see any sort of discount to the regions (in this case Bengal) as a possible “loss” of centralized power that was to be avoided at every cost. As such, it was bent on ensuring that it retained social, political and economic control. Thus, a parliamentary formula adopted that was expressly on the basis of equal representation and not majority-basis (that would immediately relinquish control to the East), major investment and cash-flow that remained within the West with Western-based firms in full control of economic activities in the east and raking up almost its full export earnings, and the imposition of Urdu over Bengali as the national language. Alongside the fact that the East represented a majority of the country, it is also important to note that it provided the large majority of the export earnings of Pakistan through the sale of its principal commodity, jute. Hence, nearly every fiscal year up until the Pakistani accession, it provided more than half of Pakistani exports. Records show that in no year of united Pakistan did the percentage of export
earnings returning to East Pakistan exceed the percentage returning to the western wing (Burki, 116). The West Pakistani center did little alleviate the concerns and furthermore aggravated the issue by assuring that the two new governments controlled investment groups, the IDPB and PCICI invested exclusively in the West (Newberg, 59). On a similar note, Jinnah made sure that equal status would be denied to Bengali in the face of Urdu, which would be the national language. The only concession the West would make was to allow Bengali be written in the Urdu script, a suggestion that would have significantly lowered the already low literacy rate and was futile considering that it had a different script and literary tradition which would render this impossible (Kachru et al., 138). In the (only) two visits that Jinnah would ever make to the East, he invoked -as the British did when they perceived a threat to their control- a hard line:

"Let me make it very clear to you that the state language of Pakistan is going to be Urdu and no other language. Anyone who tries to mislead you is really the enemy of Pakistan"

(Obeng et al., 20).

As a result, unrest broke out in Dhaka on Feb 21 in 1952 students marched through streets demanding equal status for Bengali. The West called for police and armed forces to quell the protests resulting in hundreds of deaths, foreshadowing the genocide that the West was to embark on two decades later.

At this juncture it had become clear to the Bengalis that the” autonomy” they had voted to retain by joining the Muslim League was an illusion. After all, what were the advantages of leaving the Indian Union if they were to be relegated to a “minority” status anyways? It is essential to emphasize the fact that in the 1946 elections, Bengalis overwhelmingly voted for candidates fielded by the Muslim League party even in face of parties that were based on advancing regional interests by creating a separate United Bengal nation, away from both India
and Pakistan. The suggestion that such a United Bengal would have an autonomous status within India failed to appeal to Bengali Muslims at this crucial juncture of the subcontinent's political history. More than having the foresight that this would never materialize into a reality, Bengali Muslims wanted a political community guided by Islamic values and at the same time to preserve their regional rights as Bengalis, which they feared would be eroded by a “Hindu” center. It is around the exact same issues of regional and linguistic autonomy that political parties in the East eradicated the existence of the eastern wing of the Muslim League and formulated new political programs within Pakistan. One such program was espoused in the 1970's a Bengali reformist by the name of Mujibur Rahman who set forth a policy for the Awami League party on the following six platforms:

1. Establishment of a federal government with free and fair elections.

2. Jurisdiction of the federal government would not extend outside of foreign affairs and defense.

3. A separate currency or a separate fiscal accounts would control the movement from east to west.

4. The power of taxation would be left to the provincial governments.

5. Each federal unit would raise its own militia.

6. A nation of Islam that retained its secular structure (Hua, 134).

    Emphasis here was, thus, on the strengthening of the local/provincial governments and power away from the centre, alongside a version of Islam that would allow a flexibility that was less visible in a Pakistan that continued to radicalize. For a while, it seemed like the Bengalis would be dealing with a flexible leader in Yahiya Khan who considered himself as an "enlightened," albeit temporary, leader whose task was to conduct free elections for a new
constituent assembly. He made some initial concessions through his platform, which stipulated the following five points:

1. Representation would be on the basis of population (thus giving East Pakistan 162 seats out of 300 seats).
2. The state would continue to be federal.
3. Islamic principles would be paramount.
4. Maximum autonomy would be given to the provinces, "but the federal government shall also have adequate powers, including legislative, administrative and financial powers, to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the country" (Adriaan et al. 254).

Notably, Yahya's stipulations were more flexible but also ran counter to some of the dimensions enumerated by Rahman. This “flexibility” seemed, however, to emerge from a confidence on the West Pakistan side that Zulfiqar Bhuto's Pakistan's People's Party (PPP) would win a landslide victory over Rahman’s Awami League (Kapur, 82). Ironically the elections, which were meant to signify the cohesion on the basis of Islam instead reflected the true ugly political reality of the product of the failure of thirty years of Pakistani integration. Emphasizing East Pakistan's sense of victimhood, its anger at the suppression of Bengali language and the exploitation of its rich natural resources by the military rulers of the Western half of the country, the Awami League easily swept the election by winning 167 of its 169 seats in the East. However, the Awami League won a total of zero percent of the votes in Punjab where the PPP won a supermajority. Thus, at best, the Awami League while representing a “majority” only reflected the Bengali vote in the country, which was in essence all that was needed to win the national vote. The result of the election came shocked everyone, especially both Yahya and
Bhutto. Both of them made advanced to Rahman who insisted that since he had won democratically, his agenda would be rightfully implemented. As a result, the West went on a massive crackdown, starting with the suspension of the National Assembly which materialized into strikes held all over Dhaka, especially concentrated at Universities and schools and the closing of shops, offices and even the railroad. Instead of trying to mollify the protestors and work through a compromise, Yahya’s regime barraged into Dhaka with a parade of tanks launching one of the most gruesome acts of genocide. Although the numbers are disputed, it is most probable that the numbers of deaths of the Bengalis are upward three million and the number of rape cases close to 250,000, making it higher than the government sponsored mass murders in Rwanda, Yugoslavia and Sudan (Reilly, 181). The slogans used by the centre to rally support from the locals and from their own troops were a time-tested one: religious nationalism. Once again, the claims of religion, underneath which lay claims of a united Pakistan, allowed for any sense of regional and linguistic union to be dismantled. Of course, this rhetoric was further facilitated by the fact that there was a significant Hindu population within East Pakistan, an easy scapegoat. An American consular official, thus, reported, "Army officials and soldiers give every sign of believing that they are now embarked on a Jihad against Hindu-corrupted Bengalis in Dhaka…a city under the occupation of a military force that rules by strength, intimidation and terror" (Ḥaqqānī, 83). Pushed onto the fringes of the countryside, the East Bengali troops got hold of a radio station and announced the establishment of the "Independent People's Republic of Bangladesh. With the aid of an ever-willing Indira Gandhi who appealed to a humanitarian ethos, ever-willing to open up India’s borders for Bengali refugees and not afraid to use a force that greatly outmatched the capabilities of the Pakistani to match it, freedom was achieved on December 16th, 1971.
It doesn’t take a very deep-founded analysis to quickly note the strong, if not almost identical, similarities in the way that West Pakistan legitimized their rule over the East to that of the British in India. The Pakistani state, just like their British counterparts fostered a colonial relationship, attempting to dominating the East militarily, economically and culturally, exploiting its resources at every juncture and necessarily viewing them through a “White Man’s Burden.” Thus, when the Awami League ended up winning the election, it presented a stark blow to the West, seeing the East as an incompetent bloc incapable of ruling the centre. Sources even note how, in typical British fashion, the Bengali Muslim was regarded by his West Pakistani counterpart as “effete and feminine, and too easily corrupted” (Ballantyne, 117). It deserves mention at this juncture that the very stipulations put forward by Rahman’s “five points” would actually quite well fit Jinnah’s original vision of what Pakistan was to be- a federally governed, secular nation-state with equal representation for all citizens and minorities alike. During his time in the Muslim League in colonial India, Jinnah fought for a India in which identities were shared on the basis of equality, rejecting the Muslim “minority” label that he saw readily subsumed under a Hindu polity. At no point did Jinnah view ‘Pakistan’ so defined as incompatible with a federal or confederal state structure encompassing a united India. In the end the rejection by Congress of the British Cabinet Mission’s proposals of 1946, which protected Muslim interests through powerful provinces that could discipline the centre, extinguished the last hopes for an undivided independent India. As such, Jinnah’s quarrel with the Congress and the basis for creating Pakistan had always materialized on the issue of power-sharing, seeing a solution to India’s communal problems to be solved with certain political safeguards that were antithetical to what the Congress demanded. After all, Jinnah, the product of British education, rarely held himself to Islam, alienated by its practices that he often regarded as bizarre and un-
modern. Most sources, in fact strongly point to Jinnah’s conception of Pakistan as a modern-state based on the premises of Gladstonian Liberalism, a feature that hence attracted so many of the provincial regions (including Bengal) to lend their vote to his party (Asiananda, 180). The validity of these statements seem to be put in question when one takes into consideration Pakistan’s policies to its eastern bloc. How did this supposed “liberal”, “democratic”, secular state turn into a ultra-reformist military apparatus bent on fermenting a version of radical Islam that never existed within the Indian subcontinent?

The Post-Partition deal struck a huge blow to Pakistan, which was orphaned in its very inception. The last thing it needed was a fallout of domestic cohesion and with it the idea that religious nationalism had any merit of survival. Since all of the elites of the Muslim League resided in the West, it was assumed that the centre would rest there from which it would forge a hegemony on the basis of religion, culture, politics and economics, just as was pre-supposed in a strict, 17th century Westphalian conception of a nation-state. With the outward expression of a strong, unified state, Pakistan could give a semblance of its viability and strength, which it so drastically hoped to attain after almost a hundred years of humiliation. This, however, came at the cost of glossing over any sort of pre-existing variations on religious, regional or linguistic ties which lay antithetical to such a central imposition and which ironically created the same “iron fist” rule that the Jinnah and the nationalist movement fought against for decades. Thus, while Jinnah might have hoped to fashion a “liberal state”, he and the League did very little to forge a nationalist organization consisting of fundamental rights of life, liberty, property -as was accorded in other revolutions against oppressive regimes molding into a nation-state on a Westphalian premise. Rather ironically his central government took the role of “oppressors”,

bent on molding Pakistan into a “universitas” with a coercing central authority to which the
Westphalia was precisely the response to. In this way, Pakistan and its relationship with the East
scarcely represented the cohesion and security afforded through the premises of the social
contract, affording anarchy within the state in an attempt to stabilize its relations outside of the
state- effectively reversing the security dilemma. It thus in this vain that Jahan (1980) writes of
East Pakistan as the “natural adversary” of the West, among which conflict was “innate”, a
descriptive feature that would usually be accorded to a relationship between a foreign colonizer
and the colonized, hardly between constituents and its government in a truly cohesive state(30).

Of course, the reason why the secession of the East deserves such a careful analysis is
because they present but a microcosm of the trajectory that Pakistan would continue to take into
its ensuing years. Instead of correcting their mistakes that had cost them their Eastern provinces,
the Pakistani centre increased with great vigor and intensity its centralized control, producing a
green-and-khaki nexus of radical Islam and centralized government control.

In its short history as nation-state, the army has felt the need to seize power four times-in
1958, 1969, 1977, and 1999. Altogether, Pakistan has been under some form of martial law for
one-third of its 63 years as an independent state, and no elected prime minister has remained in
office long enough to hand over power to an elected successor (Korson, 47). At the same time,
its emphasis on Islam has continued to become even more radicalized- hardly a version that
Jinnah and the founding Muslim League would ever embrace. This process ignited immediately
after 1971 when Bhutto’s government went on a top-to-bottom crackdown by nationalizing all
private enterprises and introducing a number of religious reforms. The study of Islam was made
compulsory at all schools while bars, liquor stores, night clubs, race courses and even gambling
casinos were cancelled. The regime when even so far to convert the Red Cross into the” Red
Crescent,” symbolic of the triumph of Islam (Diego, 230). General Zia’s subsequently assumed the mantle of the “defender of faith”, crystallizing a rhetoric denoting “an opposition to him to being an opposition to the faith, and since Pakistanis are Muslims, opposition to the faith became opposition to the people” (Lee, 152). Zia took Islamic reform to a whole new level, in enhancing its authority in the judicial system, and elevating the Qur’an as the country’s supreme law. He even went as far as banning dancing on grounds that it was a "legacy of the Satanic Hindu society", while imposed a coverall on female TV announcers and, decreed the compulsory performance of the obligatory five prayers by all Government officials (ibid). It comes to no surprise that in the decades following the Cold-War, many within the international community started to label Pakistan as a failed-state, pointing to a lack of democratic institutions, a sense of political and social anarchy, and widespread corruption and economic decline. Instead of addressing those particular issues, the central government saw a method of alleviating this label through the same narrow-minded prism that pervaded their successors: more centralized power and more radical Islam. However, this time, the insecurity they promoted no longer rested on an intra-state level, but to the outside world. This has been accomplished through the acquisition of nuclear weapons and by giving rise to an ideology of militant Islam that openly sponsors terrorist especially in the South Asian region. Sources and personal confessions by both Musharraf and General Zia provide conclusive evidence that the state currently operates close to 50 different terrorist camps, provided and continued to provide funding, amazements and security to terrorist groups such Al-Qaeda, Lashka-e-Omar, Lashkar-e-Toiba, Jaish-e-Mohhamad, Sipha-e-Saheba the Pakistani Taliban and most notoriously, Osama Bin Laden. It’s safe to say that these threats imposed by the Pakistani government are no longer localized to its own constituents as it was in the 70’s, a fact especially felt by India that has been the subject of dozens of Pakistani terrorist
attacks in the last decade alone. A country that for decades was a relegated to a status of a “political orphan,” has come to serve- as U.S. Secretary of State Hillary Clinton fittingly argued before the U.S. Congress “a mortal threat to the security and safety of our country and the world” (Murphy, 1).

While the Pakistani “Leviathan” has continued to grow, this has come at a high cost of social capital. Almost 70% of its population lives below $2 a day while its pavements house close to 1.5 million children every night (Pakistan Planning Commission 2001). On the same, Pakistan falls short on every Human Development indicators, from education to child mortality rate to its poor distribution of wealth. Thus, many nations have already started calling Pakistan as a “failed” state, facing a legitimation crisis where it seen retaining legal authority but is not able to demonstrate that its practical functioning fulfills the end for which it was instituted (Held, 120). Taking these facts into consideration, one cannot help but make the case that the Pakistani state’s main concern should be to alleviate its domestic conditions. After all, most of its major concerns stem precisely from the heavy-handed “iron rule” that their government has been so keen on imposing. Instead of spending its resources on acquiring nuclear weapons and funding terrorist groups in Kashmir, its best option at securing its basic mode of self-survival is to finally take on the responsibility, which its constituents had entrusted it in six decades ago

**India: Facing the Goliath of secular nationalism**

In the initial decades of Independence, the Congress-dominated Indian centre, wedded to an Ideology of secular nationalism seemed to be on the path to success. Many states within the international community took with high regard Nehru’s insistence on carving a “third path,” away from the cold-war dominated “blocs.” After all, while through the Non-Aligned Movement new states such as India could flout on the basis of Westphalian legitimacy, non-intervention and
self-determination, they nonetheless risked being political orphans susceptible to the unfortunate consequences of cold-war politics. The fact that Nehru made such confident assertions seemed for many to signal the strength and stability of the Indian Union, and with it the success of Congress’ visions. After all, the fact that India could focus with vigor its attention on International relations seemed must be understood in light of the three facts. Firstly, post-partition, it was India that was seen as the nation that had effectively “won” Independence and thus conferred upon it all the virtues and sympathies that go along with. Secondly, post-Partition, India retained its bureaucracy, its standing military, a police force, and the institutions left behind by the British greatly facilitating its ability of “nation-building”. Lastly it has to be remembered that the Congress leaders and other politicians took part in the provincial and central legislatures the British had set up. Hence, there was a great deal of trust and cohesion between the regions and the Congress dominated centre from the start. With a spread of support in the regions and the confidence that comes from having successfully dislodged the colonial rulers, Congress was able to formalize its goal of a Westminster style of parliamentary democracy within the barely modified structures of British India’s unitary state system (Kohli, 24). The premise of holding “free” elections seemed to lend legitimacy to the liberal conception of a multi-party system wherein the voters assumed the position of exercising the power to oust discredited governments. In this way, India was seemingly following the trajectory of other 20th century Western nations, uplifting their position to their counterparts within the international system. The problem, however, was that Nehru’s India, as much as Jinnah’s Pakistan faced the similar trauma of Partition, which meant that their first imperative was to create a strong central government. It should be remembered that unlike the Chinese Communists, for instance, who set up revolutionary governments in areas they “liberated” in the course of revolution, the Indian
nationalists did not create any alternative centre of power while the nationalist battle to evict the colonial power was on. Whenever popular mobilizations against the British were on hold, they acted through regional institutions. As such, any support for the “Congress Party” was only upheld through the narrow prism of regional interests. The colonial institutions left behind by the British, reminded Nehru that any hope of survival for an Indian “nation-state” thus rested on completely formalizing unitary support towards the Congress centre, even at the expense of regional strides. Nehru, thus, just like Jinnah, borrowed a great extent from the Government of India Act of 1935. The form of federalism that emerged from the Constituent Assembly was highly centralized. In theory the system was so centralized that some critics characterized it as quasi-federal or even unitary (Johnston, 235). Here, the state cabinet and all other members of the Indian Administrative Service served as active agents of the centre, with the centre being able to dismiss any state governments at its liking (a practice that occurred often during the late 1950’s and the 1980’s until judicial restraints were placed). These emergency powers enable India, under certain circumstances, to transform itself into a unitary state. The residual power lies with the Union, and in any conflict between Union and state, Union law prevails. The paramount position of the Center is underscored by the power of Parliament to create new state, to alter the boundaries of existing states and even to establish a state by ordinary legislative procedure without recourse to constitutional amendment Although federal in form, the Indian state structure, borrowing heavily from the British, remained unitary and increasingly centralized in substance (Hoveyda, 61). On the same note, however, it also injected the conception of “social economic and political justice,” “liberty of thought, expression, belief, faith, and worship,” with equality under the heading of “fraternity” it professed to ensure “the dignity of the individual and the unity and integrity of the nation” (Mathur,119). As political scientist Jayal (2010) claims,
“The constitution created a federal democracy with all the juridical and political instruments of individual, federal, local, and provisional self-governance where the nearest experience had been of imperial and princely authority” (20). The constitutional set up that underlined the inexperience of a true democracy alongside the imposition of a heavy-handed centre would seriously restrain any of the original Gandhian visions. Having set up a government structure according to the British colonial traditions, true “universal suffrage” could never be allowed to thrive. Just like the British-imposed centre, the Congress centre would equate any such actions as a threat to what the world saw as India’s supposed “courageous” national cohesion which was at best a “myth,” propagated through a narrow-prism of high-minded Western journalism and thought. Nevertheless, this is the “India” that had gained acceptance into the International system, and this is the India that Nehru had to uphold. As such, the image of genuine “democratization” of Indian politics could only be legitimized in terms defined and limited by the colonial traditions of the British themselves. Understanding this, Nehru felt no qualms about relying on the civil bureaucracy, the police and the military when necessary to buttress central state authority neither did him feel uneasy about committing to a form of social justice that cultivated closer ties to state bureaucrats and the fat cats of Indian capitalism. At the other end of the spectrum, constituents felt that the formalization of democratic institutions combined with the attainment of independence precisely meant a return to the “past” that emphasized ties on the basis of language and region and that would truly foster universal suffrage (Lahiri, 66). Once independence had won, these two competing forces came head-to-head.

Nehruvian tactics: Legitimacy through centralization

On the 20th of October, Potti Sriramulu who was a devout Gandhian nationalist
demanded the creation of a separate state of Andhra based on the eleven Telugu-speaking districts of the Madras province. Interestingly, his method of protest was the utilization of a Gandhian strategy: fasting to death until demands were met. Unfortunately, Nehru remained unmoved by his protest and Srimramalu died of starvation, ironically the same day as the Nehru presented the preamble of his First Five Year Plan for India’s development to parliament, describing it as the “first attempt to create national awareness of the unity of the country” (ibid). Sriramulu’s death not only sparked riots across the country, but also gave rise to a spring of linguistic demands. These include the demands to separate Gujarat from Maharashtra, the creation of a separate Punjabi-speaking state, pleas of secession of Nagaland from the Indian Union and the and the calls to “counterbalance” the dominance of a Hindi-speaking North by promoting a strident Tamil nationalism in Tamil Nadu-all of which Nehru responded through the deployment of coercive state power. Soon, however protests on mass-scales fermented themselves on the basis social inequities as they were in West Bengal, Calcutta and Bihar.

The problem of constant strikes and protests must not be seen through a narrow prism of mundane rituals as part of the immediate post-colonial experience. Rather, they represent a deeper issue that brings to the forefront the type of legitimacy that the states have continuously wielded in India. Thus, responding to a particular incidence of violence by a group of students in Bihar that incited the desecration of national flags, Nehru spoke out in defiance, noting:

“I cannot tolerate this at all. Is India a nation of immature, childish people?...We must behave like an adult, mature, independent nation... no strong nation indulges in throwing stones and behaving like hooligans....What kind of nation are we building?” (Chakrabarty, 36)

What Nehru perhaps failed to notice is that the way the students and all the other protestors were behaving was not very foreign to him. As a matter of fact, their actions utilized
same rhetoric of “emancipation” that the nationalist movement- spearheaded by Nehru himself-engaged in. Breaking the law, engaging in “satyagrah,” stone throwing, flag desecration, communal riots, and going on hunger strikes were all methods of political agitation used during British rule, and were after all, techniques central to Gandhian Nationalism for challenging the legitimacy of British India. What Nehru thus regarded as “improper” and the “politics of those under foreign rule” seems to thus recognize and reflect the kind of nation-building Nehru’s India was engaging in and was engaging for: an extension of colonial legitimacy. It serves us well to reiterate at this point that we defined colonial legitimacy in a previous section as one that in Hobessian’ terms “acquired by force, when men singly or many together for the fear of death, or bonds, do authorize all the actions of that Man, or Assembly, that hath their lives and liberty in his Power”(Hobbes,95). Interestingly, Hobbes thus differentiates this type of legitimacy on the basis of its institution of fear not of “one another” but of the sovereign they subject themselves to”(ibid). The production of a culture “of the fear of rulers” was a central element of colonial rule, materialized through the imposition of a strong, coercive center that was largely interested in its own-self survival and not in providing the wellbeing and security for its signatories. The nationalist movement that resulted as a response appropriated itself into modes of public violence and “disorder” that was characteristic of the insurgency that we saw during the satyagrah movement and continue to see in modern, post-colonial India. It should serve as a reminder that for many Indians, the language of everyday politics during the colonial rule and for thousands of years prior to that, was very limited at best (the provincial governments set up by the British in the 30’s hardly represented but a few elites, hardly the voices of the millions of Indian citizens). It was only in the latter stages of colonial rule, that the majority of the Indian people got a glimpse of political participation. This participation, however, fully synthesized on
the basis of the “warring” rhetoric provided by Gandhian counter-insurgency politics whose sole aim was to put an end to British rule. Thus R. Srinivasan, a professor of political science at the University of Bombay noted:

“The day of victory for India would be the biggest defeat for Gandhi because the spirit of lawlessness, resulting in loss of respect for law, which was inculcated through civil disobedience, would react against the Indian government and people would disobey authority on the lines taught to them by Gandhi” (Wagner,115).

While these assertions have merit, they paint but an incomplete picture, shifting the burden on the reaction without delving into the action. Thus, the response by the people to the government must be traced by understanding the role of the government itself. As previously noted, Nehru’s India retained more of a semblance to the 1935-version of limited autonomy offered by the British colonizers. The Indian constituency is not responding to a vacuum, but is responding to the continuance of a version of colonial legitimacy that continues to impose strong central rule, utilizing communalism to draw centralized strength while doing very little to solve some of the basic issues plaguing the country. Thus while Nehru was keen on espousing the virtues of freedom and world justice around the world and clamping down on calls for linguistic nationalism, he remained unable to make progress combating poverty, illiteracy, and disease. Rather, Nehru’s version of solving issues were rooted in maintaining central power which was sustained through relations with bureaucrats at the provincial level. This effectively gave rise to a red-tape economy, ironically also labeled the “license raj”, facilitating the rise of corruption and bribery while significantly slowing down the economic growth of the country.
India Post-Nehru: Democracy at risk

Nehru’s successors continued this form of state legitimacy. His daughter Indira led a campaign focused on “Garibi Hatao” (get rid of poverty), but her populist rhetoric of reforms for the poor remained only that. Despite a few reforms of substance (e.g. nationalizing the major banks), and some for show (e.g. eliminating the privy purses of the deposed "native princes" From the British period), little occurred to benefit the mass of people in either city or countryside. Indira did bolster her version of colonial legitimacy though. As a response to being tried on charges of election fraud declared a state of emergency- effectively suspending all basic civil liberties. At this time more than 100,000 Indians were jailed without trial, held without due process for more than a year while India was effectively turned into a police state, with every opposition party banned and all newspaper and radio broadcasts censored (Dhar, 373). Consequently, instead of a blockade or a light commando raid to take out the terrorists, Gandhi chose to send a contingency of tanks and helicopters inside of the Golden Temple where Sikh insurgents were to be operating, firing deadly rounds of mortars and missiles killing close to two thousand people- many of whom were pilgrims to the holy site. Ironically, this mass killing took place just a few miles from the Jallianwalla Bagh itself, the very place where Nehru’s Congress party had given birth to its freedom struggle. The consequent days brought forward large-scale communal riots between the Hindus and the Sikhs materializing on the murder of India Gandhi by her Sikh bodyguard. Evidence from the Nanavati Commission of 2005 provide evidence that instead of attempting to restore order, high-ranking members of the Congress easily put aside their version of “secular” nationalism by sponsoring and supported the mass-killing of Sikhs, providing mobs with funding, transportation and also ration and government
voter list that allowed mobs to identify Sikh homes and neighborhoods (Kumar, 1999). On the same note, her son and successor, Rajiv Gandhi viewed Indian society through the same colonial lens that revealed a majority and minority community based on the religious distinction, taking decisions that might have done many of his country’s nineteenth century viceroys proud. On one hand, in order to placate Muslim opinion in the country, he overturned a ruling by the court on the basis of its secular tradition. Specifically, Shah Bano- a Muslim widow- wanted the Court to overrule her ex-husband's claim that Muslim personal law exempted him from having to pay her alimony. The court ruled that, despite the existence of a separate Muslim personal law, the husband was indeed obliged under Indian criminal law to make the alimony payments. The Court's opinion was in line with the ameliorative tradition in Indian secularism. According to this view, state authorities could actively intervene, in the name of supreme public values such as equal justice, to change deeply embedded and historically sanctioned practices, even when some claimed religious sanction for such practices. Thus the laws of modern India had altered Hindu inheritance customs and done away with untouchability. By overturning this ruling, Rajiv Gandhi angered many within the Hindu faction. He chose to improve his image within the Hindu community by taking centre-stage in re-casting the age-old “Ayodhya” conflict (Jindal, 58). This conflict was based on the idea that the Babri Masjid located in Ayodhya was in actuality the birth place of the Hindu God Ram and for years had caused rifts between the Hindu and Muslim community. While dormant for a while, Rajiv Gandhi chose to re-invigorate the issue by ordering the opening of the locks of the mosque, which effectively gave all Hindus access to the holy site. Once this stepping-stone was achieved, it gave momentum to right-wing Hindu parties to mobilize support for building a new temple on that site. Lastly, once again, Rajiv retreated to the Muslim side by implementing a Muslims Women’s Bill, which effectively moved back
matter of religion to leaders of the respective communities (Ghosh, 173). Bose et al thus note on Rajiv’s ploys:

“Apart from giving a new meaning to the dialectic of “communalism” regionalism- an appeal couched in the idioms of Hindu majoritarianism indirectly balanced by recognition of a particular construct of Muslim “minority” interest- appeared to give a new lease to the continued exercise of central authority by the Congress” (Bose et al., 186).

As a way of warding of regional interests, thus, the Congress party at the centre started to turn towards completely shedding its secular ethos, turning towards a religiously based majoritarianism that ironically proved to be their demise, paving a way for right-wing, radical Hindu-based political organization such as the BJP, the RSS and the VHP to emerge as strong political forces. These parties took and continue to take strong overtones against all non-Hindu religious groups and started a cascade of communal riots starting with the demolition of the Babri Masjid and followed in 1992 and in 2002 by one of the most gruesome attacks on Muslim minorities. This all occurred while the central government continued to stand by and did effectively nothing to put a halt, despite having the vested power to suspend the state governments in instances like these.

**Dissecting the Indian problem**

Perhaps one could make the claim, as Donald Rumsfeld reminded us, that “democracy is messy.” Perhaps the cost of nation-building along Gandhian virtues pre-supposes such “sacrifices” in liberty. In recent years, and especially since the process of economic liberalization started under Narasima Rao, the aforementioned issues of communalism, caste and colonialism seem to have supported this view, blinded by modern urban landscapes five-star hotels, luxury malls and skyscrapers. Attention quickly shifted on India’s unprecedented boom of continued
economic growth, matching India’s total GDP to almost 3.2$ billion, the fourth largest in the world. All of a sudden, India seems to attract the same desire and awe as it did during the time of Herodotus, conjuring renewed interest and fables on its opulence and mystical beauty. From the headlines of most major newspapers and political journals, India has almost become an “exemplar” of rising third world countries. Such analyses, however, leave out two important facts. Firstly, the current saliency in international affairs that India is enjoying is largely the effect of the United State’s sudden recognition of its importance in the post 9/11 world. After all, while India has been enjoying economic liberalization since the early 90’s, it is not a coincidence that it wasn’t until over a decade later in 2001 that it suddenly garnered worldwide attention for its “unprecedented growth” and plaudits for its “democratic idealism” that has been its supposed cornerstone since its very inception. Interestingly, and perhaps ironically, the United States has consistently chose to side with the military-bureaucratic regime of Pakistan over the secular, democratic India, making their historical relationship in the pre 9/11 world “frosty at best” (Kapur, 651). What changed was the fundamental idea of where and what constituted global threat. While in earlier years the rise of Kashmiri insurgents and Beijing’s advancements could have been seen as “localized” issues, the post 9/11 world changed that conception fundamentally. All of a sudden, foreign policy realities prompted the United States pursue a relationship with India that was in Bush’s words “closer than ever before”. The problem with this development is twofold. For one, it again places the legitimacy and importance of India in the hands of Western recognition and material interests. This could potentially mean that if the global threat ceases to exist in South Asia, the pre-eminence of India in world affairs could once again wane, as it did before.
Secondly and consequently, this sudden “rise” has said little about the capacity of the Indian state and its willingness to fundamentally alter the way it has legitimized its rule over the people. Despite it’s economic boom, more than 230 million people in India suffer from acute hunger, and India alone accounts for 40 percent of the world’s malnourished children. In addition, close to 70% of India’s entire population continues to live on $2 a day while it continues to house more than 30% of the world’s poor (Gupta, 10) As these rates tell, the government is far off from providing even basic education and access to healthcare- both standing as fundamental basis to a viable government and democracy. So where is most of the advancement coming from? From the people themselves. Most advancement that have been made in the field of education, technology and infrastructure have been largely the result from investment emanating from corporations and NGO’s that have continued to heavily invest in the Indian economy. While for a while the central government seemed to welcome such investment, it has now even come to see it as a threat to its power and standing. Emanating as a response from both the BJP and the Congress has been the Gandhian, swadeshi principle of “self-reliance”, seemingly forgetting that the central government neither has the financial nor technological resources to invest in infrastructure and technology need to sustain its growth on its own (Verghese, 66). Most of the government funded facilities and projects date to the Cold War and continue to entrench in system of government-imposed middlemen, raising the cost of living and the ability for individuals to provide for their basic needs. During the next few years, as India is supposed to grow by double digits, the question remains on whose shoulders this is to take place. For many years, its growth has rallied on the entrepreneurial ingenuity of thousands of Dabbwallas, drivers and IT specialists who are able to find ways to avoid the red-tape bureaucracy and thus not only help themselves but also help others around them (Moore, 1).
However, for superpower growth to occur, the “local” dealings will not be enough, government help is needed. After all, India is poised: it has a strong, young, English-speaking working force, world class educational facilities and the brains and technology to become a leading economic power, even surpassing China. The problem is that in order to spark this growth, the central government needs to play an integral role either by investing in the economy or letting the private sector do it for them- both of which it refuses to do. As such, there won’t be enough infrastructures to support the 10 to 13 million jobs that are ready to lift scores of lower and middle-income Indians out of poverty. Thus, in the last few years, private-sector investment in India has greatly reduced and Inflation has increased exponentially. This has led to an almost halting of economic growth leading many to speculate a return of the Nehruvian license-raj.

Surely, just like in the Amartya Sen spoke about an “artificial” famine caused by the hording of food by the British in colonial Bengal, the policies of the Indian government have similarly created an “artificial” stagnant economy that has led to increased hunger, reduced educational opportunity and unemployment.

Nevertheless, like their Pakistani counterparts, the Indian government has had no qualms about continued spending on defense which amounts to over 2 trillion rupees a year- a figure that keeps growing and has come to represent almost 20% of the total government spending. This percentage is rather large when one compares it to the percentage spent on healthcare (3.4%) and education (12%) (India Health Report, 2010). Interestingly, instead of its nuclear capabilities or its large-standing army, navy and air force providing greater and stability security, India has become more unstable and insecure than ever. Over the past decades It has been subjected to repeated incursions by Pakistan over its border while it has remained largely passive on the more than 50 terrorist attacks it has incurred since 1990’s, and the housing over 800 known operating
terrorist-cells on its own territory (Sisodia, 332). While many might remit to the security/insecurity paradox that posits stability on the nuclear level and instability on the lower level that described the cold-war relations between the Soviet Union and the US, Paul Kapur reminds us that this model does not accurately describe the relationship between a belligerent Pakistan and a passive India. After all, India has a 2:1 advantage in combat aircraft and almost an 8:1 advantage in main battle tanks, effectively having the capability to crush the Pakistani military in a matter of days (137). This makes us belief that the increasing incursions of Pakistan on Indian territory signal a lack of stability at the nuclear level. As the numbers of terrorist attacks have increased, so has the involvement of Pakistani penetration on India. Thus while throughout most of the 1990s, Pakistan restricted its involvement in the Kashmir insurgency to supporting Kashmiri and foreign militants struggling against Indian rule, after the 1998 up to present time Pakistan exceeded those previous limits by starting to openly cross the LoC at Kargil, seizing territory that enabled them to threaten vital Indian lines of communication in Kashmir, mutilating Indian soldiers and provoking a limited Indo-Pakistani war. What makes matters worse is that India’s threats are now not only focused on Pakistan, but also on non-state actors, making India one of the most unsafe country in the world. Despite all of this, India and its leaders show little interest in military or strategic issues. An article in The Economist notes:

“Strategic defense reviews like those that take place in America, Britain and France, informed by serving officers and civil servants but led by politicians, are unknown in India. The armed forces regard the Ministry of Defense as woefully ignorant on military matters; with few of the skills needed to provide support in areas such as logistics and procurement (they also resent its control over senior promotions). Civil servants pass through the ministry rather than making careers there. The Ministry of External Affairs, which should be crucial to informing the
country’s strategic vision, is puny. Singapore, with a population of five million, has a foreign
service about the same size as India’s. China’s is eight times larger” (India as a great power:
Know your strength, 4”). At the same time, much of the workings within the defense budget are
subject to corruptive practices. The defense industrial sector, remaining stuck in state control and
the country’s protectionist past. According to a recent defense-ministry audit, less than 29% of
the products developed by the Defense sector have actually made it to the armed forces).

Just like in Pakistan, in many ways one can analyze the various issues in India as
representing a crisis of state legitimation.

*India: A synthesis of six decades of independence*

Instead of “reinventing” the nation, Nehru’s India of communalism, big government, and
continued lack of emphasis on solving its social problems have hampered the prospects of
equitable development and exacerbated disparities between caste, classes and regions- hardly the
“new” India that Gandhian nationalist hoped for. Instead it has started to look very similar to the
nation dominated by the Viceroy’s of the 19th centuries. This is an interesting development when
one reflects on the fact that national struggle put in motion by the Congress party was precisely
an attempt to respond to the state that derived legitimacy through a centralized, monolithic
approach that it itself ended up becoming. After all, it was the father of the Congress Party-
Mohandas Gandhi- who spoke of a post-colonial India “Hindi Swaraj”, wherein states would
expound their legitimacy by allowing for greater means of self-government. As such, he
emphasized discarding all forms of British rule, especially the one that legitimized state power
on the basis of centralization and coercion. According to Gandhi, the state was a “soulless
machine” which does the “greatest harm to mankind” (Johnson, 227). He consequently evoked
older forms of state legitimacy on the basis of *Dharma* wherein the raison d’etat of the state
would solely be confined to an instrument in serving its subjects (ibid). It stands as a case of irony, that Gandhi’s Congress Party would foster precisely the opposite type of rule in the years to come. Instead, following the colonial model, India has been a nation of contradictions: Invoking constitutional safeguards when it meant bolstering the central government while restraining them during times of genocide and pogroms; feeling no qualms at increasing red-tape bureaucracy in order to move the economy under the auspices of the government, but invoking “self-reliance” when it came to making economic progress for the masses; excessively spending on defense and nuclear technology at the expense of healthcare and education, while failing to provide basic measures of safety for the average citizen. In this way, the Indian state has precisely slowly chipped away at the two features that were to legitimize its rule: secularism and universal democracy. The burdens of these contradictions, as during British colonialism, have in effect always been shouldered by the aam aadmi (the Indian citizen). Thus it makes sense that when millions citizens are instantly mobilized, reacting in a frenzy through rituals of violent protest, hunger strikes, candle marches and so forth, -effectively emulating Gandhi’s “satyagrah,”- they are responding precisely to this form of unjust, contradictory colonial ethos that they have been witnessing for hundreds of years; the type of acquired rule that produced a culture of “fear of rulers” during the colonial years and that continued under the auspices of the Indira Gandhi and BJP led governments. Taking these aspects into consideration, Dipesh Chakrabarty thus makes a fundamental point:

“The war, actually, was not always with just the British. There were ‘wars’ internal to Indian society that contesting nationalism both expressed and fought” (51).
Thus, the problem that Chakrabarty expresses underlines the fact that neither colonial rule nor nationalist offered the basis for the formation of a true Hobbesian society. Unfortunately, it is only through the synthesis of these two factors that the process of nation-building took place and the concept of “democracy” and “secularism” became intertwined. Thus, at the end of colonial rule, India remained, as Foucault would note- a social body ‘perpetually traversed by war- hardly meeting the criteria for any basis of “statehood.”

As history has often reminded us, “rising” powers have never been solely determined by a country’s private sector or defense spending capability. At every juncture, nations and civilizations like the Roman Empire, the British Empire or the United States that have really stepped up in global pre-eminence have boasted strong measures of internal order and cohesion. Unless the Indian state is able to do that, their rise cannot be seen as anything but as an artificial creation contingent on structural changes of global security.

VI. Conclusion

The post-colonial era proves that the trappings of democracy and secular nationalism in India and that of religious nationalism and military authoritarian in Pakistan weren’t so different after all. If anything, both nations displayed the same stresses and strands as one another and have thus also failed to appropriately foster the type of new-strand nation-states that their leaders hoped to carve. Instead, both have continued to step over these dispositions and slowly (but in their own interpretation) legitimized a form rule reminiscent of their colonial masters. This form of rule, however, was invoked by their masters only in the purviews of their colonial subjects, which was motivated through a social-darwinist lens. Consequently, this allowed the British to legitimize a “contradictory” form of Westphalia- one in which they appropriated external
measures of nation-states without addressing the internal measures. As such emphasis must be
given to the contradictory nature of the Indian revolution that gave rise to India and Pakistan.
The process of rebellions to “nation-building” such as those that took place in the United States
and France have marked a transition from the disruptive to the quieter, civilized stage. Thus, it
was Hobbes who posited of justice coming out of disorder that reflected the state of the British
Glorious Revolution through a “social contract” or John Adams who remarked the climactic
moment at the Constitutional Convention of “Thirteen clocks struck as one”. Either way, the
gaining of freedom signified leaving of the state of nature to the entrustment of the body politic
for a better and more peaceful world. In India and in Pakistan, this process has been obfuscated:
the state of oppression, rebellion and chaos continues to exist despite the framing of a
constitution and the coming of an entrusted “body politic,” precisely because the colonial
imposition still continues to exist. While in India its effects are present, they are much more
pronounced in Pakistan where the “entrusted body politic” has fundamentally ruptured any ties
to its signatories, making many posit Pakistan to be a “failed state”. As our previous analysis has
shown, this has created a “legitimation crisis” in South Asia, where the states have been unable
to fundamentally secure the basic measures of welfare, a place where life for many remains
“nasty, brutish and short”. The fact that this has occurred albeit the strong forces of liberalism
and self-rule on the basis of a Hindu Raj expounded by Jinnah and Gandhi respectively, captures
the extent to which the colonial process of legitimacy has constrained both India and Pakistan.

Shedding the colonial mindset: A solution

"Fundamental institutional change happens rarely in political life, but it does happen occasionally (...) and when it happens it usually reflects new ideas, whether conceived within a society or from abroad" (Jackson, 111).
This statement by Robert Jackson reminds us that the changes in the standard of power that India has undergone are fundamentally grounded by shifts in ruling ideologies. Normative ideas in the pre-colonial polities emphasized power as the furthering of Dharma and Masahala. By contrast, the normative ideas imported by British rule sought state legitimacy in terms of a centralized, coercive state apparatus. It in this “shift” of ruling ideologies that we come to understand why the images emanating out of ancient Greece and Roman literature on India are so vastly different than those of their 19th century counterparts, or why there administrative structure of pre-colonial polities starkly contrasted those of their British successors. More importantly, however, this statement reminds us that realities and political institutions are primarily socially constructed. Ideas, thus as Max Weber reminds us, should be conceived as “railway switchmen”; “they can obscure the tracks from view” but they can also “shape our conceptions and the institutions that embody them.” This fundamentally implies that when normative ideas change, they in effect “alter the tracks-and the trains that run along them” (Baird et al., 360). Consequently, as both India and Pakistan are grappling with fundamental issues that threaten their statehood, a conceptual shift is needed to precede a breakthrough in this political logjam. This means fundamentally altering the way in which these nations have previously legitimized their rule by accommodating to the demands that are pertinent to South Asia. This does not mean giving up the process of nation building, but precisely putting it into motion. One way to go about this is to undergo what Goddard(210) has titled as “yoking”- a legitimatization strategy that is culturally inventive, combining existing symbols, histories and rhetoric into new legitimation strategies that can” appeal across traditional boundaries and invoke entirely new identities.” without treading on the very foundations on which these nation-states were founded in the first place(36). South Asians learned the modern concept of unitary, indivisible state power
from the British colonial masters. In 1947, by failing to share power they ended up dividing the land. Now that those countries that traditionally held a monopoly over the international standard are shifting this very conception, this should represent a greater opportunity for change. After all, as the history of South Asia has exemplified, such a change in principled belief is far from impossible.
VII. Bibliography

VIII. Articles

