

GROUP RIGHTS IN THE INDIAN AND INTERNATIONAL DISCOURSES

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Certificate

Certified that the thesis entitled "**Group Rights in the Indian and International Discourses**" submitted by **Arpita Anant** for the degree of Doctor of Philosophy, is a bonafied work of the candidate carried out at this Centre. It is further certified that the thesis, to the best of our knowledge, has not been previously submitted in any form for any degree of this or any other university.

It is recommended that this thesis be placed before the examiners for evaluation for the award of the Ph.D. degree.

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For my Parents

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INTRODUCTION

The idea of international politics as a discipline of study relating only to the practices of states has long been contested. Since the 1970s, scholars of international relations have challenged the state-centredness of neorealism that works with the assumption of anarchy and power politics. This thesis is an attempt in a similar direction. It examines the concepts of group rights in the international and Indian discourses and their mutual interactions. The aim is to refine existing theoretical frameworks and develop them further in order to better capture the nature of global politics.

Theories of International Relations (IR) have to a limited extent looked at the domestic-international interaction. Prominent studies on 'linkage politics' have examined the influence of domestic factors on foreign policy, foreign economic policy and security policy of a country. Normative studies in IR have made a strong case for transfer of the domestic legal and moral order to the international level in order to privilege the study of the individual as the subject of IR, thereby providing a lead in understanding the relationship between political theory and IR. Critical theorists have investigated the ontological and epistemological foundations of IR theorizing, and in this process suggest a move away from positivism towards historical/contextual analyses and theorizing. Scholars writing in the constructivist tradition have taken the lead in investigating the role of ideas in shaping international politics.

On the other hand, theoretical writings on issues of group rights have situated their debates in the domestic realm. While the international aspect has been the focus of attention in cases of irredentism or where there has been a spill-over of the domestic problem into neighbouring countries, these studies have been empirical and have not become part of theorizing.

The following discussion of the theoretical and empirical literature seeks to make an argument for the need to study the domestic as well as international dimension in order to understand the range of issues affecting group rights.

Transnationalism and Linkage Politics

Writings on the phenomenon of transnationalism and linkage politics were the earliest attempts at understanding the interaction of domestic and international arenas. Most of these works have focussed on the issue areas of political economy and security.¹ Michael Clarke's analysis of transnationalism describes it as 'a phenomenon of interdependence, integrationism, international regime construction and, possibly at a higher level of abstraction, systems transformation and world order theories.'² Clarke discusses the debate on the comparative value and increasing levels of transnational relationships between the proponents of transnationalism such as Robert Keohane and Joseph Nye (1971) and Richard Rosenkrance and Arthur Stein (1973) and the doubts expressed by Hedley Bull on this score. He argues that for Bull, it is just as likely that the state system had 'extended its tentacles over world politics' to intrude into areas of non-state activity that had but recently become politicized.³ He argues that what appears to be a stark disagreement between 'American transnationalists and avowed traditionalists' is not a great conflict and, following Wolfram Hanrieder, concludes that there has been a concomitant increase in transnational forces and the power of the state.⁴ Highlighting the structural aspects of transnationalism, he illustrates the manner in which transnational forces have challenged the pre-eminence of the state in the international system.⁵ He also dwells on the declining preeminence of the state due

¹ Thomas Risse-Kappen, ed., *Bringing Transnational Relations Back-In: Non-State Actors, Domestic Structures and International Institutions*, Cambridge: Cambridge University Press, 1995, note 42, p.19.

² Michael Clarke, "Transnationalism" in Steve Smith, ed., *International Relations: British and American Perspectives*, Oxford: Basil Blackwell, 1985, pp.146-170 at p.146. Clarke states the following reasons for the growth of study of transnationalism: 1. A qualitatively different role of transport and communications. 2. Post WW II Pax Americana which brought with it global stability and economic expansion (Gilpin specifically points to two 'crucial relationships', those between the United States and West Germany and the United States and Japan, that provided the political prerequisite for transnational economic activity after 1945.) 3. The growth of quantification and behaviouralism or 'scientism' as methodological innovations in the discipline, pp.147-148. The pioneering work on linkage politics is James P. Rosenau, *Linkage Politics: Essays on Convergence of National and International Systems*, New York: Free Press, 1969.

³ *Ibid.*, p. 148.

⁴ *Ibid.*, p. 152.

⁵ *Ibid.* Drawing on Richard Falk (1971), he delineates a derivative strand of this perspective that focuses on demographic and ecological dimensions of the world. Falk, in his turn, had identified four dimensions of 'planetary danger', namely the 'war system' 'population pressure', 'resources', and 'environmental over-load' as factors necessitating the study of global as opposed to international politics, p. 151.

to the growth of economic actors playing an international role alongside it and sometimes in opposition to it.⁶ He considers the growth of regimes as yet another structural manifestation of transnationalism and asserts that:

(W)hether or not the state's role is fundamentally altered by the forces of modernization, it is generally agreed that it does share the political arena with a number of other types of actor (sic). The resulting conglomeration of rules, norms and institutions is frequently defined as a regime, and the study of regimes has become an object of much interest in international politics.⁷

He identifies interdependence, linkage politics and assumptions of system transformation limited to social and economic issues as the process effects of transnationalism.⁸

Another prominent work in this tradition, Thomas Risse-Kappen (1995) argues that domestic structure approaches are very well suited to account for the variation in the impact of transnational actors on state policies. He proposes that :

under similar international conditions, *differences in domestic structures determine the variation in the policy impact of transnational actors*. Domestic structures mediate, filter, and refract the efforts by transnational actors and alliances to influence policies in the various issue-areas.⁹

⁶ Ibid.

⁷ Ibid., p. 154.

⁸ Ibid., pp. 158-169. Andrew Linklater also gives credence to this line of thinking. For detail see Andrew Linklater, *Men and Citizens in the Theory of International Politics*, New York: St. Martin's Press, 1982. Linklater argues that the initial case for the political theory of international relations is derived from the need to undertake certain philosophical tasks, which are often omitted from the scope of orthodox, more state-centered, social and political theories. 'The argument that increased economic and social interdependence, and even integration of formerly discrete parts of the states-system, provides the basis for the development of a political theory of international relations must deserve serious consideration... (A) considerable body of literature provoked for example by the neo-functionalist objective of proceeding 'beyond the nation-state' is created without the active and conscious involvement of political philosophy. Neo-functionalist thought approaches international cooperation without any utopian assumptions on the grounds that empirical knowledge reveals that personal political loyalties are the result of satisfaction with the performance of critical functions by an agency of the government...(T)he erosion of universalistic ethical reasoning has its origins within the rationalist theories of natural law of the seventeenth and eighteenth century.' (pp. 5-7.)

⁹ Thomas Risse-Kappen, ed., op.cit. By domestic structures the author means political institutions, structure of demand formation in civil society, policy networks linking state and society and norms regulating the coalition building processes in these networks, p. 25. Italics in original.

However, there is no discussion of the impact of domestic structure on the policies and agenda of transnational actors.¹⁰

Barry Gills and Ronen Palan's edited book entitled *Transcending the State-Global Divide* represents yet another work on social forces as constituent elements of the international system and the relationship between internal and external causes of behavior. It draws on the classical tradition of political economy and theorizes the interaction in very structural and economic terms.¹¹ In similar vein, Zeev Maoz (1996) makes a case for studying the intimate links between domestic political processes and international processes, with each having important implications for the other.¹²

Normative International Relations Theory

Most works that attempt to present a normative dimension of IR do so by combining political theory with IR. Moreover they use the domestic analogy.

Charles Beitz's *Political Theory and International Relations* is one of the earliest attempts at normative theorizing in IR. While criticizing the traditional view of IR as a Hobbesian state of nature in which no moral judgements are possible, Beitz argues that the distinction made by political theory and IR theorists between domestic society and international society is false.¹³ Criticizing the 'morality of states' thesis, he argues that this argument is based on an inappropriate analogy between states and persons in domestic society in 'having rights of autonomy that insulate them from external moral assessment and political interference'.¹⁴ He concludes that a more satisfactory theory of international politics should include a notion of state autonomy explicitly connected with

¹⁰ The author admits that the volume does not investigate how transnational actors affect international institution- building and/or state compliance with international regimes, p.30. He also states that the interaction between international norms and the institutions on the one hand, and domestic politics on the other, is not yet fully understood; work in this area has just beginning, p. 31.

¹¹ Geoffrey R. Underhill "Transcending the State-Global Divide: A Neo-structuralist Agenda in International Relations", *International Journal*, Vol. 52, No.1, Winter 1996/97, pp. 171-172.

¹² Zeev Maoz, *Domestic Sources of Global Change*, Ann Arbor: University of Michigan Press, 1996.

¹³ Charles Beitz, *Political Theory and International Relations*, New Jersey: Princeton University Press, 1979 (1999 Edition). The larger concern is voiced by Risse-Kappen by calling for 'bringing transnational relations back in'. His argument against the statist approach is that it treats states as if they were identical across time and space, pp. 18-19.

¹⁴ *Ibid.* Conclusion, p. 207.

considerations of domestic social justice, and principles of international distributive justice that establish a fair division of natural resources'.¹⁵ Beitz calls for an application of the Rawlsian theory of distributive justice to the international arena.¹⁶

Chris Brown (1992) also contests the separation between domestic and international politics. Brown argues that Martin Wight's characterization of international relations as not being amenable to theorizing is due to his emphasis on state sovereignty and the belief in progress in political thought. Therefore for Wight, the domestic realm is considered to be the basis for political theorizing and since the international system is nothing like domestic politics, it is considered as not being amenable to theorizing.¹⁷ Brown on the other hand asserts that:

...the theory of international relations is not a long-lost, newly invigorated twin of political theory but an integral part of the latter discourse. Wight's mistake was not to misunderstand international theory but to mischaracterize political theory...Wight sets up political theory in such a way that international theory is inevitably a marginalized twin discourse, doomed to insignificance.¹⁸

Brown traces the origins of normative theorizing in IR to the post-behavioral revolution in America that led to an interest in the real problems of the society and re-legitimized normative issues. However it was the questioning of legitimate use of force in Vietnam, as against the justness of the Israeli aggression in the Arab-Israeli war of 1967, that provided the real world impetus to the development of normative IR.¹⁹

Using the domestic analogy has been an important component of IR theorizing and a leading work commenting on IR theory from this perspective is Hidemi Suganami's *The Domestic Analogy and World Order Proposals*. According to Suganami, the 'domestic analogy' is 'presumptive reasoning which

¹⁵ Ibid., p. 179.

¹⁶ Thus Beitz is a cosmopolitanist. For similarities with the welfare internationalism of Jenks see Hidemi Suganami, *The Domestic Analogy and World Order Proposals*, Cambridge: Cambridge University Press, 1989, pp. 144-146.

¹⁷ Chris Brown, *International Relations Theory: New Normative Approaches*, New York: Columbia University Press, 1992, p. 6.

¹⁸ Ibid. Wight characterizes political theory as the theory of the sovereign state and IR as a study of the interaction of state, pp. 6-8.

¹⁹ Ibid., p. 10.

holds that there are certain similarities between domestic and international phenomena; that, in particular, the conditions of order within states are similar to those of order between them; and that therefore, those institutions which sustain order domestically should be reproduced at the international level.²⁰ He cites Morgenthau as giving a clear periodization of the way in which domestic liberalism became an international phenomenon:

While domestic liberalism converted public opinion in the eighteenth century and conquered the political institutions of the western world during the nineteenth, it was not before the end of the Napoleonic Wars that important sectors of public opinion demanded the application of liberal principles to international affairs. And it was not before the turn of the century that the Hague Peace Conferences made the first systematic attempt at establishing the reign of liberalism in the international field. Yet only the end of the First World War saw, in the League of Nations, the triumph of liberalism on the international scene.²¹

Suganami argues that the domestic analogy informs the assumptions of neorealist scholars such as Kenneth Waltz who attributed the instability of the international system primarily to its decentralized structure.²² Following Schiffer, who argued that the establishment of the League of Nations and United Nations were the results of the desire that international society should become more closely analogous in its structure to domestic society, Suganami concludes that most world order proposals from the nineteenth century onwards follow the domestic analogy.²³ The idea of a regular conference, a security guarantee, an international court of justice, and the mandates system which were the pillars of the League system were

²⁰ Hidemi Suganami, *op.cit.*, p. 1.

²¹ *Ibid.*, quoting Morgenthau, p. 2.

²² Suganami, *op.cit.*, p. 9.

²³ *Ibid.* Schiffer argues that '...the natural-law doctrine that there is law independent of any connection with a state made it possible to hold the view that the relations of states are governed by law despite the absence of universal state like organization above the states. Certain positivist writers despite their explicit rejection of the natural-law doctrine inherited this idea. The essence of the modern patterns of thoughts concerning world organization is that international law and order can be maintained by a League-type institution, that is, by an association of sovereign states which is not itself a state. Such a pattern of thought could not have arisen unless it had been assumed that there existed or could exist a legal order binding upon independent states. Such an assumption has its historical origin in natural-law doctrine, and when combined with the idea of progress, contributed to the emergence of the League of Nations.' (p. 151.)

all based on the domestic analogy.²⁴ The advocates of federalist arrangements in the inter-war period such as William Ladd and Fredrik Schuman as well as advocates of welfare internationalism like E.H. Carr, J.L. Brierly and functionalism of David Mitrany also used the domestic analogy.²⁵

Suganami traces similar reasoning in the discipline of international law. He identifies James Lorimer as the foremost supporters of the domestic analogy in Britain. Lorimer had propounded one of the most detailed proposals for international government in which he argued that the solution to maintaining order in international relations lay in finding international equivalents for the factors known to national legislation, adjudication and execution.²⁶ Hirsch Lauterpacht also belonged to the legal school of international law that wanted international law to develop more along the lines of domestic law while the diplomatic school (following Bull) preferred international law to exist in the form of diffuse principles rather than acquiring the form of firm and precise rules in the manner of domestic laws.²⁷ Besides using the domestic analogy, international legal theorists also conceded that international legal rules affected state behaviour and that 'law and power interacted in some way, rather than marking opposite ends of the domestic-international spectrum.'²⁸

Arguing in a reverse fashion, Howard Williams (1992) claims that political theory always consisted of the 'international' element. Williams re-reads the works of Plato, Aristotle, Augustine, Aquinas, Machiavelli, Hobbes, Rousseau, Kant, Hegel, Clausewitz and Marx from the perspective of IR.²⁹ In a subsequent study, Williams argues that political theory is being pressed in the international direction by political and social circumstances and examines the implications of this for political and international political theory.³⁰ Thus, he points to Immanuel Kant's characterization of the secular Protestant ethic having universal application to all

²⁴ Ibid., pp. 79-93.

²⁵ Ibid., pp. 95-113.

²⁶ Ibid., p. 16.

²⁷ Ibid., p. 17.

²⁸ Anne-Marie Slaughter Burley, "International Law and International Relations Theory: A Dual Agenda", *American Journal of International Law*, Volume 87, No.3, July 1993, pp. 205-239 at p. 209.

²⁹ Howard Williams, *International Relations in Political Theory*, Philadelphia: Open University Press, 1992.

³⁰ Howard Williams, *International Relations and the Limits of Political Theory*, London: Macmillan, 1996, p. viii.

individuals everywhere, Nietzsche's individualist philosophy that moved away from nation-centeredness and Hegel's comparative assessment in arriving at the 'norm' of the state. Williams also applies Habermas's idea of 'law-making as an ongoing debate' in the democratic society to the making of international law. He dwells on the manner in which models of democracy and freedom are influenced by international considerations. Commenting on international political theory, he points to the Grotian natural law thesis that brings together domestic and international viewpoints and John Locke's extension of the 'state of nature' and the 'labour theory of property' to all nations. He also points to the inadequacy of nation-centric conceptions of justice in political theory in post-communist East Europe.³¹

While Beitz and Brown break down the artificial separation between the domestic and international arenas by using a domestic analogy, they foreclose the possibility of studying the interaction of the two spheres. Using Risse-Kappen, such theorizing may be criticized from the perspective of transnational relations thus:

Confusing the impact of transnational relations on world politics with "society-dominated" view of international relations leads one to overlook the more interesting question of how inter-state and transnational relations interact. One does not have to do away with the "state" to establish the influence of transnational relations in world politics.³²

Critical International Relations Theory

Given the emancipatory focus of critical IR theory, it has been concerned with the ontology and epistemology of International Relations, which it feels, stands in the way of it focussing on issues of justice. Andrew Linklater's *Men and Citizens in the Theory of International Relations* is one of the earliest works in this genre.³³ Linklater seeks to develop a non-rationalist foundation for the traditional belief in obligations to humanity, and for the recovery of the critique of the international states system.³⁴ He asserts that case for international political theory rests not upon questioning the cultural inhibitions of mainstream political thought

³¹ Ibid., paraphrased from the Introduction, pp. viii-xiv.

³² Risse-Kappen, op.cit., p. 15.

³³ Andrew Linklater, op.cit.

³⁴ Ibid., p. x.

but upon defending or reconstructing the assumptions associated with much international theory in the past.³⁵ He concludes that:

(W)hat was unique about the modern structure of international society was its superimposition of the universalist ideal upon a recovered commitment to political separateness and a revived acceptance of citizenship...The problem of reconciling men and citizens was the point then at which the uppermost concerns of an important tradition of domestic political theory overlapped with recurrent issues of a central strand of international thought.³⁶

For Linklater, most theories of international relations that make a sharp distinction between the domestic and international are ahistoric and mechanistic. The more important point he highlights is that a similar distinction is maintained by political theories regarding the domestic community. Thus:

...theoretical attempts to make good citizens out of modern men failed to the extent that they formulated their solutions in such a way as to exclude the concurrent problem of international relations. When characterized adequately, the conflict between citizenship and humanity reveals dissatisfaction with the impediments to human freedom which issue both from the character of the sovereign state and the constitutive principles of the international states-system.³⁷

Linklater therefore argues that 'any political theory, which ignores the problems created by our double existence as men and citizens is no longer adequate to the conditions of modern political life; for it fails to attempt to harmonize all aspects of modern moral and political experience. A political theory acquainted with the problem of men and citizens should proceed to construct a vision of an integrated social and political life within a theory of the international system. On the other hand, a theory of international relations which overlooks the fact that modern citizens possess concepts of humanity fails by offering only a mechanistic interpretation of the states system.'³⁸

³⁵ Ibid., p. 10.

³⁶ Ibid., p. 23.

³⁷ Ibid., p. 34.

³⁸ Ibid., p. 36. Also see Suganami, *op.cit.*, p. 147. According to Suganami, this is the gist of Linklater's essentially non-analogical, cosmopolitanist thesis. He contends that both Linklater and Charles Beitz argue that values such as distributive justice, human rights and freedom can

Mark Neufeld (1995) has argued that the positivist epistemology of international relations prevents it from developing an emancipatory content.³⁹ He argues that it is no longer possible to sustain international relations as a distinct area of study separate from social and political theory since it is confronted with theoretical challenges that it cannot meet on its own such as:

(i) calls for ways to promote meaningful discussion and debate in a discipline increasingly marked by paradigmatic pluralism, (ii) calls for a theory which is as competent and comfortable in theorizing change in the world order as it is in analyzing continuity and, (iii) calls for theory to guide practice which can address normative concerns as well as questions of practical efficacy.⁴⁰

Neufeld identifies the three defining characteristics of emancipatory theory as theoretical reflexivity, the creative role of human consciousness and engagement in social criticism in support of practical political activity oriented toward societal transformation.⁴¹ These in his opinion would help overcome the biases of the positivist research agenda and consequently, the manner of theorizing international relations. He characterizes reflexivity as self-consciousness about underlying premises, recognition of the inherently politico-normative dimension of paradigms and the normal science tradition they sustain and the affirmation that reasoned judgements about the merits of contending paradigms are possible in the absence of a neutral observation language.⁴²

Neufeld argues that it is only at the margins of IR theory that one witnesses the tenets of reflexive theorizing: in Gramscian inspired Marxist IR (Robert Cox), Postmodern IR theory (Richard Ashley and R.B.J. Walker) and feminist IR theory

be pursued in both arenas and so they do not make a functional difference between the two arenas. However, both don't suggest institutional structure like world order models proposals of Richard Falk, Rajni Kothari, Ali Mazrui, Johan Galtung, pp. 148-157.

³⁹ Mark Neufeld, *The Restructuring of International Relations Theory*, Cambridge: Cambridge University Press, 1995, p. 1.

⁴⁰ Ibid., p.3. Neufeld draws on the research strategy of Richard Bernstein in *The Restructuring of Social and Political*, which is based on philosophies of science, phenomenology and hermeneutics and called for abandoning the positivist methodology of the social sciences. 'In addition to not neglecting empirical analysis, it combined with it an attempt to achieve interpretive understanding of intersubjective meaning and criticizing with the aim of achieving human emancipation.' (p.4)

⁴¹ Ibid., p. 20.

⁴² Ibid., p. 40.

(Anne Runyan and Spike Peterson).⁴³ Ashley and Walker frame their theorizing in terms of an 'ethics of freedom', thereby defining the goal of postmodern IR theorizing as that of aiding persons occupying marginal sites. 'Walker champions a postmodern politics of resistance and directs attention to struggles of critical social movements: movements in the North and South engaged with a multitude of issues....movements that seek to extend processes of democratization into realms where it has never been tried: home, work place and processes of cultural production.'⁴⁴ The usefulness of critical theorizing in IR is further elaborated by Wayne Cox and Claire Turenne Sjolander (1994). The authors argue that the first and second great debates in IR did not question the epistemological and ontological foundations of the discipline.⁴⁵ 'Whereas the First Debate, with its preoccupation with the subject of international relations, suggested a theory of being, and the Second Debate around methodological considerations proposed a theory of doing, international relations has only skirted the essence of a real third debate, one that would preoccupy itself with a theory of knowing.'⁴⁶

E. Fuat Keyman argues that critical theorists have also succeeded in problematizing the idea of the unitary state in international relations theory.⁴⁷ He argues that state-centric theorizing in IR ignores the societal dimension of state. Both state and society must be objects of theorizing. The 'either/or' logic leads to a false dichotomy between the state and society since the state constitutes not only 'the sovereign place within which the highest internal laws and policies are enacted and from which strategies toward external states and non-state peoples proceed', but also 'the site of the most fundamental division between inside and outside, us and them, domestic and foreign, the sphere of citizen entitlements and that of strategic responses.'⁴⁸ '(I)n this sense, the both/and logic (as against the either/or

⁴³ Ibid. For a critical discussion of each of these see pp.57-69. For a more elaborate discussion see Neufeld, "Reflexivity and International Relations Theory" in Wayne S. Cox and Clare Turenne Sjolander, eds., *Beyond Positivism: Critical Reflections on International Relations*, Boulder and London: Lynne Rienner Publishers, 1994, pp. 11-58.

⁴⁴ Ibid., p. 110.

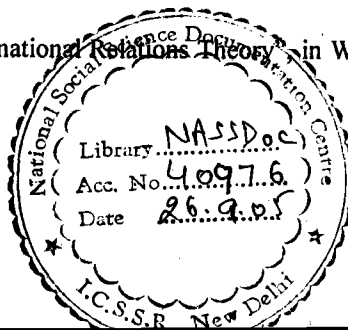
⁴⁵ Wayne Cox and Turenne Sjolander op.cit. The first debate centered on idealist and realist conceptions on global politics while the second debate was on the validity of interpretive methods versus behavioral science. (p. 1.)

⁴⁶ Ibid., p. 4.

⁴⁷ E. Fuat Keyman, "Problematizing the State in International Relations Theory" in Wayne Cox and Turenne Sjolander, op. cit., pp. 153-181.

⁴⁸ Ibid., p. 154.

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logic) enables one to take into consideration not only the geopolitical dimension of international relations but also the economic and discursive/cultural practices integral to the process of the constitution and reproduction of world orders, states, and societies.⁴⁹ He argues that instead of taking the state as an object of theoretical inquiry, international relations theory has uncritically accepted it as the primary actor, 'as an ontological entity' and 'as an observable given institutional entity'. As a result the realist paradigm tends to reduce the state to the decision-making process whose primary objective is to protect national interest defined as 'the struggle for national power'. As he observes:

In this sense, the decision-making process is considered to be independent of domestic society, thereby defining the autonomy of the political sphere characterized by state action and power. The autonomy from domestic politics accorded the state by realism, as well as the struggle for national power (its primary historical function), makes the state an unproblematic entity exempted from scientific (falsificationist) or any other kind of critical inquiry.⁵⁰

Historical sociology also problematizes the idea of the state with regard to civil society to a certain extent. Citing the writings of Theda Skocpol, Anthony Giddens, Michael Mann and Fred Halliday, Keyman argues that common to their proposals were the assumptions that a proper theory of the state should be historically defined, that is, placed in a historical process that is both national and international in nature. In other words a proper analysis of the emergence, development, role, and functions of the nation-state would necessarily entail taking into account the international dimensions of state behaviour, state power, and state action.⁵¹ Theda Skocpol's attempt to 'bring the state back in' is aimed at explaining the autonomy of the state, giving agency to the state, and then to look at local-global relations within the dialectic of the structure and agency. She argues, following Weber, that it is the territoriality of the state that makes the state operate outside and above civil society, that gives the state its own history (thus each state is different). Also following Hintz, she argues that the state constitutes a 'dual anchorage' between socio-economic structures and an international system of

⁴⁹ Ibid.

⁵⁰ Ibid., p. 155.

⁵¹ Ibid., p. 156.

states. Moreover that the international state system antedated the rise of capitalism, providing a historical space where the state could gain potential autonomy vis-à-vis the social formation to which it belonged. This is the basis of her critique of world systems theory, which fails to appreciate the independent efficacy of the state by reducing the state to the system.⁵²

In *Rethinking International Relations*, Fred Halliday argues that:

(T)he growth of a historical sociological literature around issues of international competition and state formation, itself engaging critically with Marxism, provides a particularly fruitful opportunity for new work on exogenous-endogenous relations and on the ways in which states interact with the world system. This literature has made it possible ...to discuss perhaps the most deeply embedded and neglected element in realism, namely the legal territorial conception of the state it uses...Much of the debate between realism and Marxism has revolved around the question of the state, yet it has too rarely been recognized that this involves two quite distinct conceptions of 'state': the legal-territorial concept borrowed by IR from law and traditional political science, enables one set of questions to be addressed and theorized; the alternative concept however, borrowed from Marxism and Weberian sociology, in which the state is seen as an administrative-coercive entity, an apparatus within a country or society rather than that country as a whole, allows a very different set of questions to be analyzed. These include the vexed issues of how the international and the domestic interact, and how changing relations of states to peoples are affected by international factors, be these the role of states in warfare, or shifting international standards of what does or does not constitute legitimate government.⁵³

Halliday makes this argument to explain the rise of nationalism and concludes that 'the 'international' is not something 'out there', an area of policy that occasionally intrudes in the form of bombs or higher oil prices' but can usually be ignored. The international predates and furthermore plays a formative role in shaping the emergence of the state and the political system. States operate

⁵² Ibid., p. 160.

⁵³ Fred Halliday, *Rethinking International Relations*, London: Macmillan Press Ltd., 1994, p. 18.

simultaneously at the domestic and international level and seek to maximize benefits in one domain to enhance their positions in the other.⁵⁴

R.B.J Walker is yet another critical international relations theorist who has worked extensively on the implication of maintaining the domestic-international divide. He has analyzed the discipline of IR for its treatment of the separation of the domestic and international spheres.⁵⁵ He contends that most social and political theories are about the schism between natural and social world. Martin Wight's "Why is there no international theory?" gives two reasons for the moral paucity of IR theory – the intellectual limits posed by the sovereign state and the fact that international politics is not amenable to a progressivist interpretation. This distinction is based on a separation of the domestic and the international and he therefore calls for different methodologies to study the two arenas.⁵⁶ Wight argues that E.H. Carr's objection to utopianism rested on the classical resistance to any confusion between domestic and international politics, and the importation of political thought from the former to the latter. For Wight, this inability to reconcile power and morality is the defining feature of realpolitik tradition.⁵⁷ Further, Walker comments that the traditionalist attempt to give an account of the domestic/international distinction in terms of epistemological or methodological prescriptions is simply untenable. Since the behaviouralists were more concerned by the division between natural and social world, they did not address the issue to domestic/international division. They were engaged in studying the methods of science and their applicability to the social world. Both traditionalists and behaviouralists were positivists, and their work was characterized by a 'dualism' between the subject/object (epistemological), mind/body (ontological), and axiological, sociopolitical and methodological variety. However, they did not address the issue of domestic/international distinction, which, for Walker, is the primary ontological and conceptual dichotomy yet to be addressed.⁵⁸

Walker cites several historical attempts to overcome the domestic/international divide as a positive trend. These include claims of Christian natural

⁵⁴ Ibid., p. 20.

⁵⁵ R.B.J. Walker, *Political Theory and the Transformation of World Politics*, World Order Studies Programme, Occasional Paper No. 8, Princeton: Princeton University Press, 1980.

⁵⁶ Ibid., p. 16-17.

⁵⁷ Ibid., p. 28.

⁵⁸ Ibid., p. 29-32.

law over all realms of human activity and of liberal utopians that made an analogy between order within states and order among states. He concludes that the empirical reality of the twentieth century evidenced in the proliferation of nuclear weapons and multipolarity, the rise of non-state actors of supra and sub-national varieties, European integration, international institutions, relations between NGOs, terrorism and assertions of ethnic autonomy strengthen the argument for blurring the distinction between international and domestic politics.⁵⁹

According to Walker, the attempt to dissolve the domestic/international dichotomy has also been stimulated by a critique of the distinction between politics and other aspects of social life, particularly economics. The inseparability of high politics (diplomacy and military strategy) from the low politics of functional, cultural and economic interaction has been argued by Stanley Hoffman through his exploration of the concepts of liberal political economy and liberal functionalism. Hoffman argues that:

IR was the empirical state of nature against which liberal conceptions of domestic politics were defined.... When they (theorists in the liberal tradition) imagine the possibilities of replacing the fragmented state system with a less anarchic alternative, the liberal domestic state provides the model. The pluralism of autonomous states becomes the pluralism of modern liberal theories of states. The decomposable groups, which according to the new liberal orthodoxy are supposedly interdependent, bear a distinct family resemblance to the plural groups that are said to characterize the modern democratic (specifically American) state. And the resemblance lies precisely in their common heritage in the liberal tradition of thought. Conceptions of Political Economy for example which are sometimes championed as a radical departure in thinking about international relations have been a part of the liberal enterprise since at least the 18th century.⁶⁰

⁵⁹ Ibid., p. 36. 'There has been a shift in the concerns of international relations from 'national interest' and 'sovereignty' to behaviouralist concepts such as "penetrated system", "linkage politics", "complex interdependence", "turbulent fields", "fragmented issue area", and to issues over state actors...In place of the fragmented pluralism of the state system, the state itself has been theoretically fragmented into different kinds of interests, which in turn interact with other fragmented interests in other states and organizations.' For an advanced analysis see R.B. J. Walker, *Inside/Outside: International Relations as Political Theory*, Cambridge: Cambridge University Press, 1993.

⁶⁰ Ibid., p. 44. Similarly, although the tradition of economic structuralism often presents itself as an entirely separate and radical alternative to the liberal pluralist tradition, its historical development is inextricably intertwined with it, often sharing many of the most important assumptions.

Hoffman concludes that such recent developments in the traditional concerns of world politics suggest that the current debates are being conducted in the discourse borrowed from the domestic context. 'Although international politics is only rarely discussed at all directly by Machiavelli, Hobbes, Locke, Rousseau, Kant and others, it does form a major aspect of their position, and external realm against which their conception of *res publica* is defined.'⁶¹

Constructivist Approaches to International Relations

In their *Theories of International Regimes*, Andreas Hasenclever, Peter Mayer and Volker Rittberger have examined the gradual change in theories of regime-formation in international relations from interest-based and power-based explanations to, more recently, cognitive/constructivist explanations.⁶² Such change has also occurred in the characterization of the human rights regime. In his analysis of human rights regimes entitled *Sovereignty, Regimes and Human Rights* Stephen Krasner has argued that these regimes clearly differed from the liberal institutional cooperation regimes as well as regimes created and maintained 'as a function of the distribution of power and interests among states.'⁶³ His argument is based on the four attempts of enforcement of human rights norms among states since the seventeenth century. He argues that enforcement by a hegemon is crucial to the creation and effective implementation of the regime. He substantiates his case based on the successful abolition of slave trade in the nineteenth century as a result of the enforcement of the anti-slave trade regime by Britain. In comparison, enforcement of religious tolerance in the seventeenth century and of liberal human rights in the twentieth century were only partially successful, and the minority rights provisions made in the late nineteenth century and early twentieth century were a dismal failure due to lack of enforcement by a hegemon.⁶⁴

Scholars writing in the cognitive tradition, prominent among them being Thomas Frank, Friedrich Kratochwil, John Gerard Ruggie, Alexander Wendt and

⁶¹ Ibid., Hoffman cited on p. 46.

⁶² Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes*, Cambridge: Cambridge University Press, 1997.

⁶³ Stephen D. Krasner, "Sovereignty, Regimes and Human Rights", in Volker Rittberger, ed., *Regime Theory and International Relations*, Oxford: Clarendon Press, 1993, pp. 139-167 at p. 140.

⁶⁴ Ibid., p. 141. Elsewhere he argues that powerful states become sources of many norms that transnational actors promote. Risse-Kappen, op. cit., pp. 287-288.

Robert Cox have made an attempt to refine power/interest based analyses.⁶⁵ These writers challenge the rationalist thinking of creation of regimes represented in the interest-based regime framework of Robert Keohane and Oran Young and the power-based regime framework of Krasner and Joseph Grieco. They posit that it is the 'logic of appropriateness' rather than the 'logic of consequentiality' that determines rule-driven state behavior in the case of the creation of regime. The statist bias of cognitivist regime theory is further challenged by constructivists like Margaret Keck and Kathryn Sikkink who focus on the role of transnational advocacy networks and domestic non-state actors.⁶⁶

Yet another attempt at redefining the concepts of power and hegemony in the context of the human rights regime has been made by Jack Donnelly, who argues that the element of power as it has been traditionally used in IR is inappropriate in understanding the creation and maintenance of the human rights regime.⁶⁷ He proposes that the Gramscian notion of ideological power of the concept is a better analytical tool. For, Gramsci, hegemony was not the result of dominance of one state over another; rather it was based on consent, which in turn was a function of ideological affinity and intersubjectivity. In this sense, the broadening of the human rights regime may be seen as a result of a broad consensus on liberal democratic ideas of human rights among marginalized communities.

⁶⁵ Their classification as strong cognitivists is borrowed from Andreas Hasenclever et al. op.cit. Yet another attempt at redefining the concepts of power and hegemony in the context of the human rights regime has been made by Jack Donnelly, who argues that the element of power as it has been traditionally used in IR is inappropriate in understanding the creation and maintenance of the human rights regime. Rather, the Gramscian notion of the ideological power of the concept is a better analytical tool. For Gramsci, hegemony was not the result of dominance of one state over another; rather it was based on consent, which in turn was a function of ideological affinity and intersubjectivity. In this sense, the broadening of the human rights regime may be seen as a result of a broad consensus on liberal democratic ideas of human rights among marginalized communities.

⁶⁶ See Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca and London: Cornell University Press, 1998, pp.79-120. Also see Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press, 1999. For the interaction of the domestic human rights groups and (west European) transnational coalitions see Patricia Chilton, "Mechanics of Change: Social Movements, Transnational Coalitions, and the Transformation processes in Eastern Europe" in Risse-Kappen, op.cit., pp. 189-226.

⁶⁷ Jack Donnelly, "International Human Rights: A Regime Analysis", *International Organization*, Vol. 40, No. 3, Summer 1986, pp. 599-642.

Taking a step further, Gary Goertz (1994) seeks to understand the spread of decentralized norms such as that of decolonization/self-determination. According to Goertz, power creates norms, but once created norms have their 'inertia' that perpetuates them. He calls this the deontological facet of a norm, and argues that it helps us understand how relatively powerless groups that represent powerful values have an important impact on the creation and effectiveness of international norms. This leads him to the idea of decentralized norms, which he argues are more typical of international relations since they emphasize the lack of a central enforcement agency.⁶⁸ Similarly, R. J. Vincent claims that the principle of self-determination also illustrates this process at work. Although primarily a western principle that had its origin in the French Revolution, it was increasingly used by the new states to claim independence against colonizers. 'In this respect, the common cosmopolitan culture has been received and then added from beneath, not imposed and entrenched from on top. It is possible to interpret the whole of the international law of human rights as an example of the operation of this process of adaptation.'⁶⁹

Towards a similar conclusion, some social constructivists have argued that power-based and interest-based, as well as domestic politics-based explanations, need to be complemented by a study of ideas and communication in order to understand the constructed nature of state identity, interests and preferences. Such an exercise problematizes state identity as not being the neutral category that it is made out to be.⁷⁰ Detailing the idea of 'collective intentionality', they argue that it has an interpretive function (as in the case of international regimes) that limits the strictly interest-based self-interpretation of appropriate behavior by their members and creates rights and responsibilities in a manner that do not simply determine the material interests of the dominant powers. It allows for the transformation of the regime by transnational NGOs as argued by their authors.⁷¹ In a recent book based

⁶⁸ Gary Goertz, *op.cit.* Goertz asserts that the real world of international politics lies perhaps between the hegemonic and the decentralized one, what one might call the "oligarchic norm". (p. 223.)

⁶⁹ R.J. Vincent, *Human Rights and International Relations*, Cambridge: Cambridge University Press, 1986, pp. 52-53.

⁷⁰ Thomas Risse, *op.cit.*, pp. 6-7.

⁷¹ For a good description of this deontic function and an over-view of the work constructivist scholars see John Gerard Ruggie, "What makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge", *International Organization*, Vol. 52, No. 4, Autumn

on constructivist logic, *The Power of Human Rights: International Sources of Domestic Change*, Thomas Risse et al. contend that there is 'spiral model' of the socialization of international norms in the domestic arena. They argue that it is not the increasing institutionalization of transnational resources nor economic power alone is decisive for the policy impact of transnational actors. 'In the human rights area, loose coalitions of anti-apartheid activists in various countries and human rights INGOs prevailed over MNCs in convincing powerful western states to institute economic sanctions against South Africa which substantially contributed to bringing down the apartheid regime.'⁷²

Alison Brysk goes a step further in her study of the indigenous people's movement in Latin America. In *From Tribal Village to Global Village* she argues that 'in demanding international recognition and representation, the Indian rights movement has changed agendas, discourse and rules.'⁷³ The movement has 'introduced new terms such as "ethnocide", manipulated the meanings of commercial exchanges, contested the plausibility of "self-determination" by applying it to internal colonialism, introduced new practices of non-state participation in international bodies in tandem with a new labeling of NGOs, and constituted the new category of "indigenous peoples" as a political subject.'⁷⁴

While constructivists have quite successfully integrated the ideational element in the formation and subsequent empowerment of the norms of a regime, most of these norms are understood as being quite non-problematically embodied in the international human rights discourse. Brysk's work is the only one that looks at the transformation of the normative content of the human rights discourse as a

1998, pp. 855-885. The author discusses the work of Katzenstein, Martha Finnemore, Stephen Gill, Alexander Wendt and Kathryn Sikkink.

⁷² Quoting Audie Klotz, in Risse-Kappen op.cit., p. 13.

⁷³ Alison Brysk, *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America*, Stanford, California: Stanford University Press 2000, p. 249. See section entitled 'Impact on the Global Village' for details, pp. 249-253.

⁷⁴ Ibid., p. 32. For further arguments in favour of norm empowerment from beneath based on the cases of Bolivia, Philippines, Korea, East Europe, South Africa and Paraguay see A. M. Weisburd, "Implications of International Relations Theory for the International Law of Human Rights", *Columbia Journal of Transnational Law*, Vol. 38, No. 1, 1999/2000, pp. 45-112. For alternate reasons for adoption of international norms and their differential impact see Christof Heynes and Frans Viljoen, "The Impact of the UN Human Rights Treaties on the Domestic level", *Human Rights Quarterly*, Vol. 23, No.3, August 2001, pp. 483-535.

result of the signing-on of marginalized groups to the existing discourse.⁷⁵ This thesis attempts to make a similar contribution based on the case of Dalits and religious minorities of India.

Very little work has been done on the problem of theorizing identity in an international context. Jill Krause and Neil Renwick's *Identities in International Relations* is an important work in this genre. The authors contend that '(I)nternational Relations is limited by the fact that what are presented as its principle mainstream theories...– neorealism and neoliberalism – seem unable to shed much explanatory light on the problems of identity.... Neither of the two orthodox theories of IR sees identity as a major analytical or political problem. Although their principle foci – problems of anarchy, international cooperation, security, international political economy, institutions and state capabilities – are each constituted or at least influenced by the nature and content of political identity, the construction of this identity is assumed to be unproblematic, beyond the analysis, neorealism and neo-liberalism both take as the basic unit.'⁷⁶ Further problematizing the theory, they argue that '(N)eorealism is not interested in individual or sub-state levels of activity, except perhaps where these activities would have a direct and immediate impact upon the capability of a state for international interaction. It accepts as unproblematic that the prime identity of those who inhabit a state is provided by that state itself, therefore there is no need to move 'below' the level of the state...'⁷⁷ They argue that this has become problematic in an age where identities are being 'formed and transformed' by global processes.

Theorizing 'Groups' in International Relations

The study of non-state groups has been a deficient area in the international relations. This lacuna may be attributed to the cold-war preoccupation with issues of interstate-conflict and systemic order. However the proliferation of ethnic conflicts in many parts of the world, and their impact on regional and international

⁷⁵ For an overall critique of constructivist studies in IR see Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory", *World Politics*, Vol. 50, No. 2, 1998, pp. 324-348.

⁷⁶ Jill Krause and Neil Renwick, eds., *Identities in International Relations*, Hampshire and London: MacMillan Press., 1996, p. xviii.

⁷⁷ *Ibid.*, pp. xviii-xix.

relations, has received increased scholarly attention. Prominent studies of groups in IR have used the conceptual framework of ethnicity.

The treatment of ethnicity in these studies has taken the following three forms. First, there are studies that have focussed on the ethnic, and therefore cultural, origins of nations. Thus, Ernest Gellner (1983) argues that the nation is a 'fusion' of will, culture and polity and is engendered by nationalism.⁷⁸ In this process, nationalism radically transforms the cultural inheritance of a community. It revives dead languages, invents traditions and restores fictitious pristine purities.⁷⁹ However, Gellner asserts that this does not detract from the concrete nature of the resultant nation:

...this culturally creative, fanciful, positively inventive aspect of nationalist ardour ought not to allow anyone to conclude, erroneously, that nationalism is a contingent, artificial, ideological invention, which might not have happened, if only those damned busy-body interfering European thinkers, not content to leave well alone, had not concocted it and fatefully injected it into the bloodstream of otherwise viable political communities.⁸⁰

Gellner also reinforces the idea of the cultural homogeneity of the fabricated national entities and says that this notion has strengthened by the industrial revolution.⁸¹

Contesting Gellner's portrayal of the nation as being false and fabricated, Benedict Anderson (1983) argues that nations are imagined inventions.⁸² According to Anderson, the nation is an imagined cultural community. Central to this 'imagination' is the idea of it being confined to a particular space and as being sovereign within such space. Tracing the origins of the nation, Anderson says:

This cultural artefact is a creation of processes of territorialization of religious faiths, the decline of antique kingship, the interaction between capitalism and print, the development of vernacular languages-of-state,

⁷⁸ Ernest Gellner, *Nations and Nationalism*, Oxford: Basil Blackwell, 1983 (1990 Reprint), pp. 55.

⁷⁹ *Ibid.*, p. 56.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, pp. 139-143.

⁸² Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, London: Verso, 1983 (1991 edition), p. 6.

and changing conceptions of time.⁸³

In another prominent study, Eric Hobsbawm (1990) explores the origins of nationalism and questions the unitary conception of the nation. He argues that 'national consciousness develops unevenly among the social groupings and regions a country.'⁸⁴

A second manner in which ethnicity has been theorized is that of a 'problem' in international relations. For instance, Michael Brown (1993) engages in a study of ethnic conflicts to understand their implications for international security.⁸⁵ He identifies systemic, domestic and perceptual causes of ethnic conflicts and the modalities through which they affect international order and peace. In a subsequent edited book, Brown looks at internal conflicts in their international dimension.⁸⁶ His central concern here is the role of neighbouring states in escalating regional instability and international efforts to end conflicts. Robert D. Kaplan (1997, 2000) has studied the rise of ethnic conflicts as representing the new anarchy in the post-Cold War era.⁸⁷

A third way in which ethnicity has been theorized is as a trend countering the globalization. Thus Benjamin Barber (1995) argue that *Jihad*, which is an extreme manifestation of the politics of identity and multiculturalism, coexists with liberalized global markets that he terms as the *McWorld*.⁸⁸ Barber however uncovers the manner in which the two, apparently contradictory phenomena, reinforce each other and highlights the similarities between them. While undermining the sovereignty of the nation-state:

Each eschews civil society and belittles democratic citizenship, neither seeks alternative democratic institutions. Their common thread is indifference to

⁸³ Ibid.

⁸⁴ Eric J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*, Cambridge: Cambridge University Press, 1990, p. 12. Also see, Anthony D. Smith, *The Ethnic Origins of Nations*, Oxford: Blackwell, 1986.

⁸⁵ Michael E. Brown, ed., *Ethnic Conflict and International Security*, Princeton, New Jersey: Princeton University Press, 1993.

⁸⁶ Michael E. Brown, ed., *The International Dimensions of International Conflicts*, Cambridge: Massachusetts: The MIT press, 1996.

⁸⁷ Robert D. Kaplan, *The Ends of the Earth: A Journey to the Frontiers of Anarchy*, New York: Vintage Books, 1997 and Robert D. Kaplan, *The Coming Anarchy: Shattering the Dreams of the Post-Cold War*, New York: Vintage Books, 2000.

⁸⁸ Benjamin R. Barber, *Jihad vs. McWorld: How Globalization and Tribalism are Reshaping the World*, New York: Ballantine Books, 1995.

civil liberty. Jihad forges communities of blood rooted in exclusion and hatred...McWorld forges global markets rooted in consumption and profit...⁸⁹

Similarly, Thomas Friedman characterizes ethnic clashes, in addition to power politics, chaos and liberalism, as the 'old passions and aspirations' in the economically globalized world.⁹⁰ He uses the symbols of the *lexus* and the *olive tree*, respectively, to define the nature of the contemporary world that is witnessing modernization on the one hand and the rise of primordial affinities on the other.⁹¹

Thus the theoretical treatment of issues of groups in IR is deficient and does not reflect the concerns of groups in terms of protection of their rights.

Objectives and plan of the thesis

On the basis of the foregoing survey of international relations theory it may be concluded that there has been a discernible enlargement of the scope of the discipline and various new issue-areas are now being studied as issues of international relations. However, most of these studies are state-centric. Moreover, IR has not focussed adequately on the 'second image reversed' kind of studies, barring studies on the transition to democracy.⁹² Moreover, it is particularly deficient in areas that have not been a traditional concern of international politics. The primary objective of this thesis is to focus on one such issue area, in this case that of group rights, and to understand the implications of this for international relations theory.

This thesis seeks also to provide an insight into theorizing identities in international relations. It is informed by the concerns of critical theory as regards over-coming the domestic-international divide, its engagement with the thesis of the unitary state and its emancipatory agenda reflected in its engagement with matters concerning the predicament of marginalized groups. While, most analyses of the phenomenon of transnationalism have been confined to understanding of economic and security issues, this thesis will focus on normative transnationalism, as well as interaction of domestic and international normative discourses. While a

⁸⁹ Ibid., pp. 6-7.

⁹⁰ Thomas L. Friedman, *The Lexus and the Olive Tree*, New York: Anchor Books, 2000.

⁹¹ Ibid., p. 31.

⁹² See Laurence Whitehead, ed., *The International Dimension of Democratization: Europe and the Americas*, Oxford: Oxford University Press, 1996.

number of studies have been conducted on minorities from political, sociological and international perspectives, the evolution of a common discourse by the interaction of these has not been studied. Moreover, domestic studies on these issues have more or less ignored their international aspect. This study will attempt to study a wider range of issues in the context of the international system with the aim of contributing this crucial dimension to the study of domestic issues.

In international relations, scholarly interest in understanding issues concerning minority groups was a result of the increase in the number and magnitude of ethnic conflicts. Studies on ethnic conflicts, however, ignore the very fundamental issues relating to minority groups, i.e. those regarding rights of groups in law. This focus will enable a shift away from state-centric understanding towards law/knowledge-centric understanding and theorizing in IR. It will enable IR theorizing in an area that has been a prerogative of political theory.

International concern for minority groups was reflected in the setting up of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1945 under the aegis of the Economic and Social Council of the United Nations. The Sub-Commission appointed several Special Rapporteurs who have periodically conducted empirical studies regarding the situation of minority groups in different parts of the world. In addition, the covenants and declarations of the United Nations related to human rights have also addressed the concerns of minorities. There are several comparative studies on the situation of minorities in situations of ethnic conflicts, irredentism and secession. These studies have also analyzed the impact of international politics on ethnic conflicts. There exist excellent theoretical and philosophical defenses of the rights of minority groups that have been written on the basis of experiences of safeguarding the rights of minority groups with the help of liberal democratic institutions.

This thesis draws on the above-mentioned literature in order to overcome the deficiency in IR theorizing on this score. It argues that the notion of international relations as a field of study pertaining to the 'international' dimension of state practice may be problematized based on the manner in which domestic and international non-state actors as well as norms influence the manner in which international politics is conducted. Further it seeks to reinforce this point by studying the manner in which minority and marginalized groups in a particular country, in this case India, use the external discourses on group rights to strengthen

their claims for rights *vis-à-vis* the state and other social groups. It also examines how the 'external' becomes a crucial element in determining state policy. Finally, it makes the case that it is impossible to study the discourse on minority rights in a country without reference to the external debates on this issue.

With this aim, Chapter I of the thesis examines the theoretical and legal discourse on group rights in the international arena and juxtaposes it with prominent developments in the Indian context over the period of the twentieth century. The other substantive chapters are case studies pertaining to two prominent groups in India, namely the Dalits and the religious minorities. These groups have been selected since the issues of their identity and rights are contested despite constitutional recognition of their rights, unlike those of linguistic groups and minorities. Thus, Chapter II analyses the changing discourse on Dalit rights in the light of the changing external discourse on discrimination. Chapter III engages in a similar analysis with regard to the three prominent religious minorities in India, namely the Christians, the Muslims and the Sikhs in the light of the external discourse on rights of minority groups. The issue of language has been engaged with only to the extent that it became an issue for the mobilization of the religious minorities.

Based on a study of the rights of marginalized groups this thesis will argue that the issue of group rights impinges on two related themes in international politics and hence IR theory. First, the issue of domestic factors influencing the international environment and second, the constructed nature of the human rights regime. Therefore, firstly, it will examine the interaction of the domestic and international discourses on group rights as yet another issue transcending the 'inside/outside' assumptions that underlie both political and IR theory, thereby allowing for complementing political theory with an IR perspective and vice-versa. Secondly, it will interrogate the characterization of the human rights regime as a power-based regime enforced by a hegemon and leads us towards considering it as a cognitive/knowledge based regime with the marginalized/subaltern at its core.

There are of course, excellent historical and conceptual studies pertaining to each of these groups in India and the nature of their relationship with state and society in India. Only those aspects that had a discernible 'external' angle are the focus of this thesis. Internal differences within each group have been commented upon briefly, and only when they have made a significant impact in the subject

matter of this thesis. Further, this is not a denial of the importance of local/indigenous forms of resistance and sources of identity-formation. Rather an attempt has been made to understand these local mobilizations in an international context.

There are two other aspects of this research area that could have been a part of this thesis, but were deliberately left out in order to delimit the research focus. The first of these is a study of the Indian contribution to the discourses on group rights in other countries and on international legal precepts and practice. The second excluded area is the study of how the international impact on group rights in the domestic realm challenges extant political theory.

The focus through out has been upon the marginalized groups and their perceptions of their existential reality, not others perception of them.