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Title: *Imperialism, Colonialism and Sovereignty in the (Post) Colony: India and Kashmir*

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Abstract: Examining a classic formulation of the relationship between colonialism and postcolonial nationalisms in postcolonial theory, as well as its recent critiques, this article puts forward a thesis that contemporary colonialisms and imperialisms may be best diagnosed through the lens of identifying forms of sovereignty rather than relying on the geopolitical framework of West/non-West recognizable in the conceptual vocabulary of postcolonial theory.

Focusing on the disputed issue of Indian sovereignty over Kashmir, this essay asks the following questions: What forms of occupation by postcolonial nation-states remain concealed by ways in which extant postcolonial approaches assume geopolitical divisions? Why is it necessary to rethink the parameters of imperialism and colonialism for a contemporary era?

Keywords

Postcolonial theory; sovereignty; Indian nationalism; Kashmir; imperialism; colonialism

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Introduction

In the rhetorical question, ‘Whatever Happened to Imperialism?’, we may expect to be ushered into a debate regarding the necessity of a renewal of Marxist diagnosis of Western economic imperialism and its effects on the global South. This essay has a slightly different imperative. I explore the necessity of rethinking the parameters by which we use terms such as imperialism and colonialism in a postcolonial geopolitical context in order to make visible the coloniality of the (post) colonial nation-state.

More specifically, I discuss this issue in the context of India’s relationship with Kashmir (shorthand for the State of Jammu and Kashmir). While there is an assertion in scholarship regarding India as an occupying and/or imperial power in relation to Kashmir,¹ this article explores postcolonial theorisation of the relationship between colonialism and nationalism so that this assertion may be substantiated. Dibyesh

Anand has made an important argument regarding the need to rethink India and China as ‘postcolonial informal empires’ through the nexus between ‘postcolonial, national, and imperial impulses’.² Anand’s argument engages with macro political and economic theories and histories about and of China and India. He argues that China and India’s imperialisms stem from a ‘majoritarian civilizational-national core’ in relation to ‘peripheral identities,’ which may be considered ethno-nationalisms.³ This article follows a slightly different trajectory; I engage specifically with postcolonial scholarship, and argue for the necessity of the lens of sovereignty in thinking about (post) colonial imperialism and colonialism. Thus, Anand’s discussion of formal equality within a nationalist framework and informal imperialism may not be a necessary distinction to make where popular sovereignty is denied. I begin with a recent online debate about Indian nationalism that will demonstrate why such a rethinking of parameters is a necessary.

In 2015, Partha Chatterjee, the Subaltern Studies scholar, published an essay in *Savage Mind*, supporting the boycott of Israeli institutions. In outlining Israel’s coloniality in relation to Palestine, Chatterjee defensively clarifies ‘lest he be accused of double standards’ that he has not ‘failed to see the signs of colonial superiority in the country of which I am a citizen’ – meaning India.⁴ He then implies that he has some knowledge of the oppression of Kashmiris and the indigenous people of Tripura by Indians, but does not indicate much else. In response to this curious reference, Huma Dar, a US-based Kashmiri anthropologist, deconstructs Chatterjee’s political move. Dar questions why it is that a ‘colonial occupation of Kashmir’ remains ‘mostly unquestioned by, and invisible to, even the most critical of Indian intelligentsia, thus pointing to perhaps a subtle unacknowledged, uninterrogated nationalism amongst those otherwise apprehensive of nationalism.’⁵ For Dar, the signs of Indian colonialism are evident in the state violence that she hyperlinks to - in terms of unmarked mass graves, routine sexual violence and torture, massacres and enforced disappearances and “fake encounters”.⁶ Her question makes visible this strangeness of silence on the struggle for Kashmiri sovereignty given a critical intelligentsia’s support for Palestinian sovereignty.

In response, Chatterjee endorses Dar’s critique and explains that he raised the issue of ‘double standards’ in order to explain his negotiation of ‘the terrain of colonial and

national power relations in which one is necessarily implicated.’⁷ He states that he had not visited Kashmir or Tripura because he would ‘feel powerless’ – presumably to act upon the knowledge of the signs of occupation or colonialism.⁸ One must remember here that the context of this conversation is Chatterjee’s discussion of the boycott of Israeli academic institutions in relation to Palestine’s struggle for self-determination. Hence, Chatterjee seems capable of acting upon his knowledge of Palestinian oppression, which he lists, even though he has not visited the place. But for some strange reason, as an academic with a rather powerful voice, he felt powerless or unable to articulate a critique of Indian colonial nationalism and its violent effects in the context of Kashmiri struggle for self-determination in that particular moment.

Chatterjee’s uncomfortable position has been seemingly rectified in subsequent opinion pieces (*The Telegraph*, July 21, 2016; *The Wire*, June 2, 2017). After the large scale Kashmiri uprising in 2016 -- following the death of the Hizb-ul-Mujahideen militant Commander Burhan Wani and the Indian state’s brutal violence through a 100+ killings and a 1000+ partial and complete blindings including those of teenagers and children⁹ -- Chatterjee argued in *The Telegraph* that the uprising was a consequence of a ‘recipe for treating Kashmir as a colonial possession.’ By using the term recipe, Chatterjee suggests that colonial possession could be the outcome of the current state actions. Similarly, after the use of a shawl weaver, Farooq Dar, as a human shield by the Indian army in the 2017 local elections in Kashmir, Chatterjee has stated that the Indian army is behaving ‘like an occupying force in a conquered colony’ (emphasis mine). While Chatterjee has likened the situation to colonialism, he appears to shy away from suggesting that Kashmir has been experiencing colonial treatment or occupation since 1947 – at a time when India and Pakistan were involved in the struggle over the princely state of Jammu and Kashmir. The tenor of these articles is a critique not of Indian colonialism in Kashmir, but of Indian nationalism. It is telling, for example, that in *The Telegraph*, Chatterjee critiques the ‘bankruptcy of the politics that has tried so far to accommodate Kashmir’s national aspirations within the Indian federal system.’ So, the question is, if Indian nationalist politics were not bankrupt, could Kashmir’s national aspirations be accommodated within the Indian federal system? This is a moot point and it depends on a perspectival reading of

Kashmir's history regarding the 1947 instrument of accession and its subsequent legacy – a debate which I will discuss a little later in the paper.

In terms of the scope of this paper, Dar's thesis regarding 'uninterrogated' nationalism even as postcolonial and subaltern scholars critique Indian nationalism and risk being called 'anti-national' by a Hindutva regime under Prime Minister Modi's leadership,¹⁰ I suggest, necessitates further scrutiny. The broader problematic has to do with the structural concealment of the relationship between postcolonial nation-states and their possible imperial or colonial arrangements? To address this issue, the paper will forward the thesis that the lens of sovereignty studies, rather than a postcolonial focus on a West/non-West divide may shed light on the forms of colonialism, imperialism and occupation by the postcolonial state. Mridu Rai has outlined a historical account of the operation of a Hinduised sovereignty in Kashmir.¹¹ Kamala Visweswaran references the poststructuralist conceptual scaffolding of sovereignty in thinking about occupation in Kashmir.¹² Visweswaran's question as to how the question of occupation may force a 're-reckoning with the body of postcolonial theory', in effect, guides this examination.¹³ I turn to Partha Chatterjee's classic formulation of anti-colonial nationalisms to address the problem of coloniality in Indian nationalism.¹⁴

Theorising Postcolonial Nationalisms

In theorizing postcolonial nationalisms, Chatterjee argues that both conservative and progressive scholars of nationalism such as John Plamenatz, Elie Kedourie, Ernest Gellner, Anthony Smith and Benedict Anderson suggest that postcolonial nationalisms are derivative – 'modular' in Anderson's discussion.¹⁵ Chatterjee's central critique of these scholars, however, is not so much that they state or assume that 'Eastern' nationalisms are derivative of Western ones, but that none of these scholars are able to formulate the research problem of the contradictions of nationalism in the anti-colonial context. Or as Chatterjee states – neither liberal nor conservative bourgeois – rationalist thought can pose the theoretical problem: 'why is it that non-European colonial countries have no historical alternative but to try to approximate the given attributes of modernity when that very process of approximation means their continued subjection under a world order which only sets their tasks for them and over which they have no control?'¹⁶ For Chatterjee, the

answer to this question lies not just in military power or ‘industrial strength’, but in the power of thought ‘which can dominate and subjugate.’¹⁷ And to pose such a question, Chatterjee argues, would be to ‘approach the field of discourse, historical, philosophical and scientific, as a battleground of political power.’¹⁸ In other words, Chatterjee is referencing colonial and imperial thought as responsible for the continued subjection of the postcolonial subject in the context of nationalism. This discursive problem leads to Chatterjee’s formulation of the distinction between the problematic and thematic of Indian nationalism, which Chatterjee argues is generalizable across other anti-colonial and postcolonial contexts.

A brief recounting of the problematic and the thematic may be necessary here. In the anti-colonial context, the problematic has to do with the claims of the ideology of a nationalism which posits certain historical possibilities – that of the repudiation of colonialism’s Orientalist understanding – as Anouar Abdel-Malik (1963) has argued - of the colonized or the ‘Orient’ as “non-active, non-autonomous” and “non-sovereign.”¹⁹ The problematic, therefore, is the point of departure from the Orientalist thought of colonialism – nationalist discourse offers a horizon of political possibilities where the colonized can assert themselves as active and sovereign. The thematic, however, appears to be a more complicated issue; it references ‘the epistemological as well as ethical system which provides a framework of elements and rules.’²⁰ The thematic, while not necessarily derivative, depends selectively on colonial thought and practice – in other words, on colonial practices of development and modernity. A national bourgeoisie is dominated by the need to work within this thematic, within colonial epistemology and ethics regarding the development of the nation-state. Or as Chatterjee asks: ‘Can nationalist thought produce a discourse of order while daring to negate the very foundations of a system of knowledge that has conquered the world? How far can it succeed in maintaining its difference from a discourse that seeks to dominate it?’²¹ In asking this question, what Chatterjee seeks to explore is not so much the idea that nationalist thought is colonial in some simplistic manner, but to examine how Indian nationalist thought and power, led by the Indian national bourgeoisie, produces a different rather than a purely derivative form of nationalism through the contradictions that the problematic and the thematic generate.

In Chatterjee's analysis, the Indian nationalist bourgeoisie proceeds to address the contradictions between the problematic and the thematic by engaging in the classic Gramscian 'war of position' so that it can 'bring under the sway of a nationalist ideology and political programme the overwhelming part of the popular elements in the nation, and particularly the vast mass of peasants.'²² Specifically, Chatterjee argues that 'Gandhian ideology' – which attempts to function outside the thematic of post-Enlightenment thought - in effect becomes 'the historical possibility' for the 'political appropriation of the subaltern classes by a bourgeoisie aspiring for hegemony in the new nation-state.'²³ Gandhian ideology, or Gandhism as Chatterjee calls it, is able to appropriate the subaltern classes because of his moral authority and his invocation of a version of the Hindu understanding of *RamaRajya* (rule of Ram). If we examine the tenor of Chatterjee's critique, his anti-Orientalist defense of the 'content' of Indian anti-colonial nationalist politics through the contradictions of the problematic and thematic of Indian nationalism becomes apparent. Chatterjee is critical of the appropriation of the revolutionary potential of India's subaltern politics by its national bourgeoisie – their instrumental use of Gandhism - through the war of position. But this study of Indian nationalism is both a defence of it against Western scholars who would treat it in an Orientalist manner and a critique of India's native bourgeoisie for preventing a genuine national revolution. And Chatterjee is arguing to a certain extent, even though he does not articulate it in this way, for an anti-Orientalist understanding of nationalist leadership and discourse as possessing the capacity for a *decolonizing revolutionary sovereignty* even though this sovereignty is not independent of the larger context of colonial discourse of development and modernity.

Absent in the above account, however, is the idea that the newly formed nation-state could itself behave in a colonial or imperial manner during the transition from colonial to national rule. In relation to the territorial borders of the nation-state, there has been a great deal of the scholarship on the partition of the subcontinent and the violent legacy of British colonial rule. Some of the debates remain centered around British culpability regarding partition, while other accounts such as Ayesha Jalal's lays some responsibility on the shoulders of the soft *Hindutva* or Hindu nationalist discourse of the Indian National Congress.²⁴ Historians have outlined the negotiations, arrangements, and decisions regarding princely state territories in India

and Pakistan.²⁵ Yet, what remains underexplored is the manner in which postcolonial nationalism is also an expansionist project. The argument that the techniques of colonial sovereignty are frequently used with reference to law and governance is present in critiques of Indian nationalism.²⁶ Yet, these arguments suggest a reliance on British colonial sovereignty rather than an *expansion* of Indian sovereignty. If this is the case, then a critique of a postcolonial theoretical approach becomes necessary not only from Marxist perspectives as has been dominant in recent discussions of Indian nationalism, but from the theoretical and political trajectory of sovereignty studies.

I would like to discuss two Marxist critiques of Chatterjee's discussion of Indian nationalism to suggest the importance of critique from the perspective of the literature on sovereignty. Vivek Chibber has offered a strident critique of Chatterjee and the Subaltern Studies collective in general, making the case for a Marxist understanding of universal history rather than a defence of postcolonial difference.²⁷ Chibber's main critique appears to be two-fold. Firstly, he suggests that radical Marxist intellectuals had already theorized the form of the nation as a colonial project (in terms of it as a colonial thematic) before Partha Chatterjee's discussion of it, and secondly that Chatterjee's discussion of anti-colonial nationalism as relying on the structures of Enlightenment thought is in fact an Orientalist one. For example, Chatterjee's critique of Nehru's program of economic modernization relies on the idea that Nehru takes up colonial ideas of development based on Enlightenment reason. Chibber argues that Nehru may have taken on a program of modernization not because it was an internalized colonial ideology, but it was an imperative, a response to capitalist 'influence on global affairs.'²⁸ Or as Chibber suggests, 'even if Nehru had never been exposed to the colonial thematic . . . even if he had detested the idea of modernization, he would have good reason to accept it anyway.'²⁹ This thesis is substantiated by the idea that 'even European nations, which never underwent colonial subjugation, felt compelled to adopt a similar agenda.'³⁰ So Chibber rejects the idea that it is colonial thought or ideology that is part of the thematic contradiction for a postcolonial nation-state. Chibber blames Partha Chatterjee and the Subaltern Studies Collective for an Orientalist relegation of 'Reason' to colonial Enlightenment thought. In doing so, Chibber ascribes a sovereign (even if dependent on a modernization imperative) agency to the postcolonial nation-state. Yet, in Chibber's

account, the postcolonial nation-state, while charged with a bourgeois capitalist imperative, remains innocent of its own colonial and imperial techniques. The idea of ‘internal colonialism’ within postcolonial nation-states, is of course, known within Marxist scholarship. Drawing on Latin American Marxism, world systems theorist Andre Gunder Frank has addressed the issue of ‘internal colonialisms’ to describe the phenomenon of uneven development.³¹ But the very phrase ‘internal colonialism’ assumes the unity of the nation-state. In other words, the nation-state may be seen as colonising those within its borders, but the borders of the nation-state are assumed as given. What remains unaccounted for is the theorization of the postcolonial nation-state as engaging in its expansionary colonial projects.

Pothik Ghosh’s recent Marxist critique of Chatterjee and the Subaltern Studies collective’s is a bit more convincing in that he acknowledges Indian nationalism’s colonial and capitalist interest in Kashmir. In particular, Ghosh critiques Chatterjee’s theoretical inability to discuss the Indian nation-state for its colonial occupation of Kashmir. Ghosh argues that for Gramsci, the theorization of the subaltern has more to do with ‘subalternity as a necessary condition – an objective position in the concrete – that has in it the potential for generating a revolutionary-proletarian subjectivity’ in the context of a ‘crisis of the horizon or structure of valourisation, measure, distribution and/or representation.’³² A subaltern position would thus be a position ‘from where a revolutionary-proletarian politics that would suspend this structure of constitutive redemption or duality could possibly be constructed.’³³ Thus subalternity, according to Ghosh’s reading of Gramsci, ‘is crucial only insofar as it marks, in and through its diverse concreteness, subject-positions that are potentially proletarian.’³⁴ Ghosh argues that Chatterjee and the Subaltern Studies Collective make the error of simply affirming subaltern positions in their historical diversity and so continue the politics of passive revolution, a politics that Chatterjee accuses the Indian bourgeoisie of at the moment of their appropriation of subaltern politics. In this sense, Ghosh argues that Chatterjee can only read Kashmiri nationalism as an ethno-nationalism within an Indian federalist nationalism when he ought to be critiquing the political economy of India’s colonial occupation in Kashmir. Or as Ghosh states, Indian nationalism’s ideology ‘serves its imperial project of politically managing the South Asian moment of the globalising late-capitalist conjuncture.’³⁵ Such a critique, drawing on Gramsci’s understanding of the subaltern is promising. And to articulate

Indian imperialism, it would need to pay attention to the question of territorial and political sovereignty, so frequently articulated in the phrase ‘Kashmir is an integral part of India’, which is not explicable *only* through the Indian state’s attempt to manage a ‘globalising late-capitalist conjuncture.’³⁶

A focus on sovereignty in the context of postcolonial nationalisms, I would argue, would go further than the contradictions of the ‘problematic’ and the ‘thematic’, it would go beyond the Fanonian articulation of bourgeois collaborations between a colonial and a native elite, and beyond the Gramscian understanding of the coopted revolutionary potential of subalternity.³⁷ The importance of drawing on sovereignty studies becomes visible if we ask the following questions: how do postcolonial nation-states acquire territories without the popular consent of the regions that they rule? What sovereign decisions are required to acquire these territories? How do these acquisitions demonstrate the use of imperial or colonial techniques by postcolonial nation-states?

Colonialism and Sovereignty through a (post) colonial lens

Definitions of sovereignty, colonialism and imperialism might be useful in order to think through the relationships between these concepts in relation to the scope of this paper. Drawing on Thomas Hobbes, Jean Bodin and Carl Schmitt, Wendy Brown has usefully pointed out that a poststructuralist understanding of sovereignty’s ‘indispensable features’ include ‘supremacy (no higher power), perpetuity over time (no term limits), decisionism (no boundedness by or submission to law), absoluteness and completeness (sovereignty cannot be probably or partial), non-transferability (sovereignty cannot be conferred without canceling itself), and specified jurisdiction (territoriality).’³⁸ Nasser Hussain reminds us that the figure of sovereignty is an archaic one that was thought to have disappeared in the ‘rule-bound format of a modern electoral democracy.’³⁹ Yet, in theorizing forms of power in modernity, Michel Foucault points to the role of sovereignty as having a ‘historical link’ to the ‘problem of choices of government.’⁴⁰ Foucault, as is well known, attempted to displace the figure of sovereignty in theorizing the microphysics of power. Yet, in his later work, he suggested the triangle of ‘sovereignty-discipline-government’ as a more useful way of about thinking about the exercise of power.⁴¹ The features that Brown describes may be said to be fictions of the authority of sovereignty and its evolution in

that they are continually subject to politics, to war, and to relations of power. In the colonial context, sovereignty by conquest and appropriation of resources remains a classic description. Achille Mbembe's *Necropolitics*, for example, describes colonial sovereignty as 'a formation of terror.'⁴² Mbembe argues that for the European juridical order, the world was divided into two parts, the sovereignty of European states on the one hand and 'those parts of the globe available for colonial appropriation.'⁴³ While this description of colonial sovereignty is appropriate for the classic European colonial period that Mbembe is referring to, I would suggest that in the context of postcolonial nationalisms, we may need to rework this understanding of colonial sovereignty and its West and non-West demarcation – which was made by the European colonial project.⁴⁴

A poststructuralist emphasis on the supremacist, decisionist attributes of colonial sovereignty, I would argue, does allow for the study of the relationship between sovereignty, imperialism, colonialism and postcolonial nationalisms. But a brief glance at some classic postcolonial texts shows that this relationship remains underexplored. Edward Said references sovereignty and governmentality through the idea that 'imperialism' means the practice, the theory, and the attitudes of a dominating metropolitan centre ruling a distant territory; 'colonialism', which is almost always a consequence of "imperialism" is the implanting of settlements on distant territory.'⁴⁵ We get a sense here of the meanings of sovereignty by conquest but also governmentality through imperialism – where governmentality ensures the non-autonomy of distant territories. For Said, the imperialism referenced here would mean former colonies. In particular, Said explores the relationship of the West to the Middle-East and North Africa. In this sense, Said's discussion of imperialism and colonialism remains within the West/non-West Orientalist divide and early 20th century understandings of colonial and racial difference. Said argues that 'direct colonialism has largely ended; imperialism . . . lingers where it has always been, in a kind of general cultural sphere as well as in specific political, ideological, economic, and social practices.'⁴⁶ Said, of course, does not reference the settler-colonial contexts of the US, Australia, and Canada where, in various ways, both direct and indirect colonialisms, one could argue, still remains effective. And an understanding of the end of direct colonialism may need to be rethought especially in a post 9/11 era where economic or political imperialism and colonial occupation needs to be seen in tandem

with the ways in which technologies of surveillance and warfare transform or perhaps even blur the lines between imperialism and colonialism. So, for example, US drones over Pakistani airspace cannot only be classified as a case of US imperialism, but could be read as an expression of colonial sovereignty – i.e., US occupation of Pakistani airspace. Sovereignty and governmentality are referenced through V.Y. Mudimbe's classic definition of colonialism in relation to the African continent. Mudimbe defines colonialism as 'the domination of physical space, the reformation of natives' minds, and the integration of local economic histories into the Western perspective.'⁴⁷ Mudimbe's study references and relies on Marxist scholarship which articulates the process by which European colonialism and imperialism created the underdevelopment of non-Western worlds.⁴⁸ Mudimbe's study too invokes the West/non-West divide.

From a legal studies perspective, Nasser Hussain addresses the exercise of colonial sovereignty more directly through the 'tension between political exigencies and legal rule' and its 'corresponding effects upon the structure of both the colonial and ultimately the postcolonial state.'⁴⁹ In the 19th century, the British empire 'required a new conception of sovereignty, one that was neither despotic nor democratic' in order to rule subjects who were not slaves (as in settler-colonies such as the US).⁵⁰ Colonial sovereignty, as Hussain explains it, based as it was upon conquest (at first mercantile then Crown) in India, had to depend on the legitimacy of the rule of law. So 'colonial lawful rule emerges as a median category.'⁵¹ Hussain argues that the rule of law becomes a form of 'sovereignty and governmentality: rule that is lawful, as it lays claim to legitimacy through law, but also one that is literally full of law, full of rules that hierarchalize, bureaucratize, media, and channel power.'⁵² And yet, the rule of law also depended on colonial and racial difference as Partha Chatterjee⁵³ has pointed out. It is this colonial and racial difference that also necessitates the Schmittian movement between the creation of the rule and its exception. Or as Hussein points out, 'colonialism is the best historical example for any theoretical study of norm and exception, rule of law and emergency.'⁵⁴ The relationship between imperialism, colonialism and sovereignty, therefore, was justified with reference to the rule of law but such a justification was continually exposed by colonial sovereignty's movement between the rule of law and states of exceptions. The legitimacy of anti-colonial nationalist movements, relying as they did on mass mobilisations of people –

indicating popular will, often depended on pointing out the ways in which colonial and racial difference was at the heart of this exercise of colonial sovereignty.

From a political philosophy perspective, Achille Mbembe's discussion of postcolonial sovereignty in the African context addresses a more contemporary relationship between colonial and postcolonial sovereignty.⁵⁵ Paying attention to the ways in which the relationship between colonial sovereignty and postcolonial nation-states has been theorised and discussed, Mbembe critiques some of the scholarship on state and power 'inspired by Foucauldian' and 'neo-Gramscian' paradigms which merely emphasise discourse and representation or the 'rediscovery of the subaltern subject' through the conceptual paradigms of hegemony, moral economy, agency and resistance.⁵⁶ In saying this, Mbembe is not arguing against the use of concepts such as discourse or representation, but suggests that 'discourses and representations have materiality.'⁵⁷ Mbembe's overarching argument in the book is the necessity to pay attention to what 'African states, societies, and economies' *are* rather than what they are not.⁵⁸ In this context, Mbembe argues for understanding the postcolony as having 'multiple *durées* made up of discontinuities, reversals, inertias, and swings that overlay one another, interpenetrate one another, and envelope one another: an *entanglement*.'⁵⁹ In this entanglement, through various case studies of nation-states in different African countries, Mbembe reads postcolonial regimes as having 'several cultures, heritages, and traditions of which the features have become entangled over time.'⁶⁰ These regimes have the 'look of "custom" without being reducible to it, and partakes of "modernity" without being wholly included in it.'⁶¹ For Mbembe, 'colonial rationality' is a part of postcolonial 'rationality or knowledge.'⁶² He argues that 'postcolonial state forms have inherited' the 'regime of impunity' that was part of colonial sovereignty'⁶³ Thus Mbembe's thesis goes a bit further than Said and Mudimbe in arguing for examining the entangled ways in which postcolonial nationalist sovereignty is exercised in African nation-states.

Yet, despite some of their differences, these arguments account for the operations of postcolonial sovereignty with reference to Europe's colonial sovereignty whether these may be imperial, colonial or entangled relations. I do not suggest that we do away with the lens that provides a diagnosis of imperial or colonial relations between the West/non-West as this framing may be valid in many contexts. But perhaps it is

important to recognize why it is that the accounts of the relationship between sovereignty, imperialism and colonialism remain characterized by this binary even when it may not be entirely relevant. For theorists like Said or Mudimbe, economic and political dominance of the ‘West’ disallows the autonomy of post-colonial nation-states. For Hussain and Mbembe, the inheritance of a legal and political infrastructure and the practices of postcolonial sovereignty point to the failure of the promise of decolonisation. And, what is assumed, even if unsaid, is the capacity of postcolonial nation-states to pose a decolonising challenge to Western colonial and imperial interests through postcolonial nationalisms. It is perhaps this promise that ensures the lack of attention by theorists of colonialism or postcolonial nationalism to the capacity of postcolonial nationalisms to generate their own forms of colonial or imperial relations through attention to territorial and political sovereignty. In this sense, many postcolonial theorists appear to explore the disjuncture between the promise of racial, economic, and political liberation by postcolonial nation-states and their failure to overthrow Western colonial and imperialist sovereignty in the 20th century. However, precisely because there exist a variety of sovereignty struggles within postcolonial contexts (i.e., Kashmir or Manipur in India, Balochistan in Pakistan, Aceh in Indonesia), I suggest that a different lens drawing on sovereignty studies may reveal a more complex diagnosis of contemporary geopolitical relations than sole reliance on a postcolonial theoretical approach. To this end, the next section explores the issue of the techniques of Indian nationalist imperial and colonial sovereignty in Kashmir.

(Post) colonial India and Kashmir

It is interesting to note that Nasser Hussain’s study of the exercise of British colonial sovereignty in India in the 19th century could be slightly reframed in thinking about the relationship between (post) colonial India and Kashmir. Hussain’s phrasing regarding ‘a new conception of sovereignty, one that was neither despotic nor democratic,’ may be pertinent in thinking about the ways in which Indian sovereignty functions in Kashmir.⁶⁴ The key here is the reference to a justificatory narrative that allows for undemocratic and/or despotic practices of (post) colonial sovereignty. In the following section, I explore postcolonial India’s undemocratic practice of postcolonial sovereignty through the justificatory narrative of Kashmir’s accession to India.

If we explore the history of the princely state of Jammu and Kashmir and its accession, something of the nature of denied Kashmiri sovereignty begins to become visible. Major historians of Kashmir differ in emphasis or understandings of the accession of Jammu and Kashmir to India, but outline a fairly consistent chronicle of pre-1947 and post-1947 events, which has resulted in current fraught relationship between the Kashmir Valley and the Government of India. From the time of the Treaty of Amritsar (1846), when the British sold the Valley of Kashmir to the Dogra ruler of Jammu, Gulab Singh, to Kashmir's accession to India by the unpopular Maharaja Hari Singh, the consistency lies in the narrative of Kashmir as the accession of territory and people from one regime to another without the assent of the people of Jammu and Kashmir.⁶⁵ This story has a longer history if we reference the 15th century invasion of Kashmir by the Emperor Akbar, and the subsequent occupations or arrangements of power by Afghani and the Sikh empires.⁶⁶ However, the 1846 Treaty of Amritsar in the aftermath of the Anglo-Sikh war provides the most direct link with the contemporary history of Kashmir where the British East India Company sold Kashmir to Gulab Singh for 75 lakhs and an annual token recognition of supremacy (sovereignty) of 'one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of Cashmere shawls.'⁶⁷ This event occurs ten years before the 1857 Sepoy Mutiny, after which the British Crown takes over the territories amassed by the British East India Company. A hundred years later, Gulab Singh's grandson, Maharajah Hari Singh waits to decide whether to remain independent or to accede the princely state of Jammu and Kashmir to Pakistan or India.

The realpolitik story that shaped Kashmir's accession to India follows a number of twists and turns. Sumantra Bose states that the Maharaja of Kashmir had made a deal with Pakistan due to the Kashmiri National Congress's (led by Kashmir's first Prime Minister Sheikh Abdullah) links with the Indian leadership and the threat that the Poonch uprising posed in early 1947 to the state due to its harsh taxation practices.⁶⁸ Christopher Snedden's research emphasises a number of Kashmiri challenges to Dogra rule since the 1930s, motivated by improving the lot of the oppressed Muslim majority under the Maharaja's rule, which informed the Maharajah's indecision as well as his hurried decision to accede to India.⁶⁹ A dominant narrative of the circumstance of accession is that of the raid of Pukhtoon tribes on the 22nd of October

1947, propelled the Maharajah to appeal to the Indian government for help. The raid, according to Alastair Lamb was not initially perceived to be either a major threat or instigated by Pakistan by the officials of the state of Jammu and Kashmir. The 'main danger' appeared to be 'that the crisis would be exploited in the Vale' (Kashmir Valley) 'by opponents of Dogra rule.'⁷⁰

However, once the situation was presented to the Indian Defence Committee, the raid was presented as 'an invasion of tribesmen from the North-West frontier, sponsored by the Government of Pakistan.'⁷¹ As Sumantra Bose argues, following the Maharajah's appeal, Nehru, Patel and others were advised by Lord Mountbatten (the departing British governor General) not to send in troops without securing Kashmir's accession to India.⁷² Alistair Lamb and Victoria Schofield argue that it would have been impossible for the instrument of accession to be signed before the landing of Indian troops in Srinagar on October 27, 1947. They base their claims on the archival record of a letter from Acting British Deputy High Commissioner, Alexander Symon, in Delhi to Archibald Carter, the Head of the Commonwealth Relations Office. This letter disputes V.P. Menon's published account that he flew to Jammu on the evening of October 26 to get the signature of the Maharajah on the accession document.⁷³ Symon's letter states that Menon had been unable to fly to Srinagar that evening. The landing of Indian troops in Srinagar before the accession was signed by the Maharajah makes the act an invasion of Kashmiri sovereignty according to international law.⁷⁴ The significance of the inconsistency between Menon and Symon's account, Schofield argues is India's claim 'for a legal right to be in Kashmir, including the ability to control the circumstances of holding a plebiscite.'⁷⁵ Based on archival research of letters, memos and speeches, A.G. Noorani goes further than all the above accounts in making the case that Jawaharlal Nehru was 'active' and assertive before 1947 that 'Kashmir had no other choice but accession to India.'⁷⁶ In Noorani's account, India's Prime Minister's promise of a plebiscite for Kashmiris was based on the support for accession to India.⁷⁷

Noorani's account is corroborated by Masrook Dar. Dar cites Jawaharlal Nehru's promise broadcast on All India Radio on the 2nd of November, 1947:

‘We have declared that the fate of Kashmir is ultimately to be decided by the people. . . We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just Reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer.’⁷⁸

Dar’s account of this promise is that it remained on paper. In realpolitik terms, the issue of the plebiscite was premised on the Indian government’s confidence as to whether India could win the plebiscite. The subsequent fraught relationship between Sheikh Abdullah, Chief Minister of Jammu and Kashmir and Prime Minister Jawaharlal Nehru ensured that the plebiscite never took place. In 1950, as Dar reads it, United Nations Representative, Sir Owen Dixon had a plan (following UN Security Council Resolution 80) for demilitarization and the administration of a plebiscite. The plan involved dividing Ladakh and Jammu between India and Pakistan and allowing for a plebiscite in the Kashmir Valley. India did not accept the plan even though Pakistan agreed to it. Subsequent to the events of 1947, and the wars between India and Pakistan, India ensured a special autonomous status for the state of Jammu and Kashmir through article 370 in the Indian constitution. The status of Kashmir as an international dispute continued in the international arena and UN resolutions (1948, 1951, 1957) recommended a ‘fair and free’ plebiscite for Kashmiris. But by 1956, Home Minister Gobind Ballabh Pant publicly articulated the idea that ‘Kashmir is an integral part of India.’⁷⁹ In these accounts of the accession of the princely state of Jammu and Kashmir to India and subsequent historical events, what becomes evident is that popular Kashmiri sovereignty has never been facilitated or enabled. They suggest a transfer from the despotic sovereignty of a princely state to the undemocratic sovereignty of a postcolonial nation-state. Yet what is important to note is that these historical accounts are often invoked in order to make the case for *solving the Kashmir dispute for geopolitical reasons*, rather than outlining the ways in which the postcolonial nation-state’s relationship with Kashmir could be described as either an imperial or a colonial occupation.

The above discussion regarding the accession of Kashmiri sovereignty suggests the necessity of paying attention to the colonality of (post) colonial sovereignty. Could we say that rather than the conventional anti-colonial narrative of Indian Independence from British colonialism, that moment of Independence simultaneously

needs to be understood as the moment of the acquisition of sovereignty in some regions without popular consent? A Marxist perspective might emphasise a bourgeois transfer of power from the colonial state to the native elites assuming the territory of the nation-state as a given. However, a postcolonial nationalist leadership also engaged in transfers of sovereignty in the context of princely states. A similar account could be chalked out for the Northeastern states of India, for the princely state of Hyderabad, or the Portugese territory of Goa, as each of these contexts have their own histories of the transfer of sovereignty.⁸⁰ The Indian army, for example, invaded Goa as well as Hyderabad. In this context, it may be a self-deluding exercise to suggest that postcolonial nation-states bore the promise of an anti-colonial or decolonising project at the moment of independence as postcolonial theorists often assume. Through the lens of the transfer of sovereignty not legitimated by popular will, we could argue for the thesis that Indian independence also meant the use of imperial and colonial techniques of power exercised by Indian nationalist sovereignty.

Mohamad Junaid's discussion of occupation and resistance in Kashmir teaches us something of the hybrid strategies of Indian colonial and imperial power in a post-1947 Kashmir. Before the 1990s, Indian rule involved 'the manipulation of elections', the arrest of political opponents, and the creation of a 'small wealthy clique with interests wedded to the Indian control over Kashmir.'⁸¹ After the 1990s, 'a more militarized process' was put in place 'primarily aimed at controlling space and enforcing this control through violence.'⁸² This post-1990s transformation is described 'as an ensemble of spatial strategies and violent practices that the occupier state employs to dominate physical space in a region where its rule lacks, or has lost, popular legitimacy and thus faces an imminent challenge of being popularly supplanted.'⁸³ With a fine eye of detail and a nuanced understanding of occupation means in Kashmir, Junaid reflects on the relationship between democratic nation-states and the fundamentally undemocratic practices of occupation. He describes 'three faces of democracy' – 'as an institutionalized process in the occupier state'; 'the undemocratic nature of rule in the occupied regions' and the 'floating image of democracy (democracy as the "pure sign") as it hovers, without ever touching the ground, in occupied regions.'⁸⁴ This rather powerful description of democracy's three faces does a particular kind of labour for the Indian nation-state. It lets it 'escape international (Western) censure for its conduct in Kashmir, but also creates among its

own citizens an image of Kashmiri demands as principally undemocratic.’⁸⁵ In this sense, Junaid argues that ‘Democracy is made to serve territorial nationalism, a discourse within which occupation, as an ongoing war on the frontiers of the state, plays the role of a kind of nationalistic glue that artificially binds the nation together.’⁸⁶ And Kashmir, as Junaid argues, ‘is made to appear as the prime concern for India’s “national unity”, and this prime concern is ‘used to paper over the unfulfilled needs and demands of postcolonial India’s own disempowered people.’⁸⁷

Junaid’s discussion of Indian occupation of Kashmir points to the ways in which its undemocratic sovereignty draws on the alibi of democracy as a justificatory narrative, recalling Nasser Hussain’s discussion of British justification for colonialism through the rule of law. The conceptual and discursive terms of postcoloniality, sovereignty, and democracy form a closed circle which disallows the acknowledgement of Indian imperialism and/or colonialism against different sovereignty struggles, while a much easier discourse of Western colonialism and Indian anti-colonialism can be deployed by both left progressive as well as right-wing fascist narratives. Through an analysis of these strategies, Kashmir’s status as an occupied territory where popular sovereignty was never facilitated by the Indian nation-state in 1948 becomes visible.

Beyond these descriptions, the context of Kashmir necessitates a rethinking of the ways in which we may make visible or analyse the techniques of imperialism and colonialism in a contemporary era. It may not be adequate to assume that the parameters of analyzing colonial sovereignty depend only on the West and the non-west divide. It is important to note that Euro-American colonial or imperial forms of sovereignty may differ from a more classical colonial era in the 15th or the 19th or the 21st centuries. But alongside these studies, it is necessary to think through contemporary forms of colonialism and imperialism exercised by postcolonial nation-states. The Kashmir case demonstrates that India’s ‘anti-colonial capital’ as having successfully fought the colonial British, and its current status as a liberal democracy, leads to a certain geopolitical framing of Kashmir: as ‘an integral part of India’ or a ‘bilateral dispute’ between India and Pakistan. This discursive framing forecloses the ways in which colonial and/or imperial techniques of power are exercised in the (post) colonial nation-state. If, however, we understand the moment of the emergence/independence of postcolonial nation-states as also the expansion of

sovereignty over territories not popularly ceded, then we begin to open up space for rethinking what we mean by contemporary forms of colonialism and imperialism. Such a rethink may enable a more just geopolitical discussion of Kashmiri aspirations for self-determination or a future based on popular sovereignty rather than clichéd phrases of ‘bilateral relations’, ‘internal matter’, and ‘integral part’ that are echoed time and again by India’s colonial justifications of holding on to the territory and sovereignty of Kashmir.

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¹ See Anderson, *The Indian Ideology*, which explicitly mentions the imperial acquisition of Kashmir, but does not reckon with postcolonial theory. Partha Chatterjee, Sudipta Kaviraj and Nivedita Menon address Anderson's Orientalism and lack of Marxist scholarship in *The Indian Ideology: Three Responses to Perry Anderson*. However, they don't address Anderson's charge of Indian imperialism in relation to Kashmir. More recently in 2016, Nivedita Menon has called Kashmir's occupation by India illegal (*The Times of India*, March 9, 2016). See also, Ali et. al. *Kashmir: The Case for Freedom*, ; Kak, *Until My Freedom Has Come: The New Intifada in Kashmir*, Mathur, "Life and Death in the Indian Borderlands"; Junaid, "Death and Life Under Occupation."

² Anand, "China and India: Postcolonial Informal Empires in the Emerging Global Order, 68."

³ Ibid., 79.

⁴ Chatterjee, "Why I Support the Boycott," 6.

⁵ Dar, "Dear Prof. Chatterjee," 6.

⁶ Ibid.

⁷ Chatterjee, "On Kashmir, Tripura and Other Such Places," 2.

⁸ Ibid.

⁹ Brighter Kashmir, "JKCCS releases Human Right Review," 4; see Mirza Waheed's essay, "Is this the World's First Mass Blinding" (*Guardian*, November 8, 2016) for the technique of blinding of Kashmiris by Indian security forces.

¹⁰ See note 1; scholarly critiques of Indian nationalism are too exhaustive to mention in the context of Hindutva politics. But they can generally be grouped into gendered, deconstructivist, caste-based, tribal, and Marxist perspectives.

¹¹ Rai, *Hindu Rulers, Muslim Subjects*.

¹² Visweswaran, *Everyday Occupations*, 5 -6.

¹³ Ibid., 7.

¹⁴ Chatterjee, *Nationalist Thought and the Colonial World*

¹⁵ Ibid., 21.

¹⁶ Ibid., 10.

¹⁷ Ibid., 11.

¹⁸ Ibid.

¹⁹ Ibid., 36.

²⁰ Ibid., 38.

²¹ Ibid., 42.

²² Ibid., 48.

²³ Ibid., 100.

²⁴ Khan, *The Great Partition*; Jalal, "Exploding Communalism", 103.

²⁵ See Ernst and Pati, *India's Princely States*; Bangash, *A Princely Affair*.

²⁶ Mathur, "Life and Death in the Indian Borderlands", 35 – 36.

²⁷ Chibber, *Postcolonial Theory and the Spectre of Capital*. see Subir Sinha and Rashmi Varma (2016) for an outline of the debates between Marxist and Postcolonial scholarship.

²⁸ Chibber, *Postcolonial Theory*, 263.

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- ²⁹ Ibid.
- ³⁰ Ibid.
- ³¹ Frank, *The Development of Underdevelopment*.
- ³² Ghosh, "A Critique of Subaltern Studies," 2.
- ³³ Ibid.
- ³⁴ Ibid.; see Uday Chandra. *Rethinking Subaltern Resistance*, 2015, for another set of essays addressing contemporary concerns regarding subalternity.
- ³⁵ Ghosh, "A Critique of Subaltern Studies," 3.
- ³⁶ Ibid.
- ³⁷ Fanon, *The Wretched of the Earth*.
- ³⁸ Brown, *Walled States, Waning Sovereignty*, 22.
- ³⁹ Hussain, *The Jurisprudence of Emergency*, 13.
- ⁴⁰ Foucault, "Governmentality," 102.
- ⁴¹ Ibid.
- ⁴² Mbembe, "Necropolitics," 23.
- ⁴³ Ibid., 24.
- ⁴⁴ Said, *Orientalism*.
- ⁴⁵ Said, *Culture and Imperialism*, 8.
- ⁴⁶ Ibid.
- ⁴⁷ Mudimbe, *The Invention of Africa*, 2.
- ⁴⁸ Ibid., 3.
- ⁴⁹ Hussain, *The Jurisprudence of Emergency*, 7.
- ⁵⁰ Ibid., 25.
- ⁵¹ Ibid., 32.
- ⁵² Ibid.
- ⁵³ Chatterjee, *Nationalist Thought and the Colonial World*.
- ⁵⁴ Hussain, *The Jurisprudence of Emergency*, 31.
- ⁵⁵ Mbembe, *On the Postcolony*.
- ⁵⁶ Ibid., 5.
- ⁵⁷ Ibid.
- ⁵⁸ Ibid.
- ⁵⁹ Ibid., 14.
- ⁶⁰ Ibid., 25.
- ⁶¹ Ibid.
- ⁶² Ibid.
- ⁶³ Ibid.
- ⁶⁴ see note 51.
- ⁶⁵ Lamb, *Incomplete Partition, Birth of a Tragedy*; Bose, *Kashmir: Roots of Conflict*; Rai *Hindu Rulers, Muslim Subjects*; Dar "Negotiations on Kashmir"; Schofield, *Kashmir in Conflict*; Noorani, *The Kashmir Dispute*; Snedden *Understanding Kashmir and Kashmiris*;
- ⁶⁶ Rai, *Hindu Rulers, Muslim Subjects*.
- ⁶⁷ Ibid., 27.
- ⁶⁸ Bose, *Kashmir: Roots of Conflict*, 31.
- ⁶⁹ Snedden, *Understanding Kashmir and Kashmiris*.
- ⁷⁰ Lamb, *Incomplete Partition*, 142.
- ⁷¹ Ibid., 145.
- ⁷² Bose, *Kashmir: Roots of Conflict*, 36.

⁷³ Lamb, *Incomplete Partition*, 157; Schofield, *Kashmir in Conflict*, 55-56.

⁷⁴ See note 73.

⁷⁵ Schofield, *Kashmir in Conflict*, 56.

⁷⁶ Noorani, *The Kashmir Dispute*, 13.

⁷⁷ Ibid.

⁷⁸ Dar, "Negotiations on Kashmir", 3.

⁷⁹ Ibid., 8.

⁸⁰ See note 26.

⁸¹ Junaid, "Death and Life Under Occupation," 160.

⁸² Ibid., 161.

⁸³ Ibid.

⁸⁴ Ibid., 165.

⁸⁵ Ibid., 165-66.

⁸⁶ Ibid., 166.

⁸⁷ Ibid.