Collapse of the regime of victimhood

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DURING the course of my fieldwork in Kashmir in 2009, at some point I found myself in Shopian and Bomai, Sopore, interacting with leaders of localized agitations and families of victims around two isolated events. In Shopian two women who had gone missing the night before were found dead in Rambiar Nalla, with their bodies in a state that lead people to believe that they had been raped and then murdered. In Bomai two unarmed young men from the neighbourhood had been killed by soldiers from the Rashtriya Rifles, long encamped in the village, in broad daylight, soon after they had disembarked from a public transport vehicle.

In both the cases the agitators who had organized themselves into coordination committees sought legal justice from the state. The agitators believed that their struggle would help them politically, regardless of its outcome. If it succeeded, it would help them to establish culpability, get the people involved punished and prevent such occurrences from taking place in future. In case the state failed to provide legal redress, it would help establish its complicity, expose its lack of legitimacy in Kashmir and thus vindicate the ongoing struggle for azadi. However, there was another voice among the people that felt that the very act of seeking justice from the state meant conceding legitimacy to the state. This would in their view amount to strategic as well as ethical under-

mining of the struggle for freedom in Kashmir.

Such voices felt vindicated in Shopian after the policemen involved in botching up the investigation were exonerated, while the state used the Central Bureau of Investigation (CBI) to systematically dismiss the possibility of both rape and murder of the two women. The High Court judge Barin Ghosh, who was seen as sympathetic towards the agitators was transferred. On the contrary, investigations were initiated against the leadership of the agitation, the doctors who had conducted postmortem and established evidence that rapes and murders had taken place, as well as the families of the victims. In response, people mobilized by the agitation consciously withdrew from the state, particularly from its coercive and legal functionaries, and sought to create parallel mechanisms to address problems locally at the community level.

In Bomai though the struggle resulted in partial redress (the RR camp was moved out of the village and legal proceedings were imitated against the officers involved), and the community tried to sustain the structure that emerged as a result of the struggle and use it to spearhead autonomous community action in the village.

I found parallels of this in the stance of Ashraf Mattoo, Tufail Mattoo’s father. In 2010 Tufail, a class nine student, was killed by a J&K policeman who fired a teargas canister directly at his head while he was returning from tuition, splitting his skull open. For over a decade Ashraf sought to get the killers of his son punished. In his view the police and the legal system denied justice to him by deliberately subverting the legal process at all levels and have instead harassed him in various ways. He had asserted right in the beginning of his struggle that if the system failed to deliver justice in his son’s killing, it would establish the complicity of the whole state (including its judiciary and executive) in the murder, and that of 117 other young people who were killed under similar circumstances that year. I met him 10 years later, just after the abrogation of Article 370 in Kashmir, he told me that his lack of faith in the Indian state had been affirmed.

In view of the failure of the state to deliver what people involved would see as justice, it is of abiding interest to understand what kind of affects this failure is likely to generate and to speculate on its afterlife. Here I return to the question in a more generalized form while framing it in relation to victimhood.

Didier Fassin and Richard Rechtman’s elaborate and oft-quoted ethnographic work, The Empire of Trauma, shows how ‘the condition of victimhood’, which is in their view a phenomenon of recent origin, evolved into an ‘unassailable moral category’ of our times. Though the ethnography describes and critiques psychologisation and medicalization of trauma through psychiatric aid that began to be offered to victims and delves on the political discourse that has emerged out of this process, its theoretical implications are far-reaching.

How and why have groups of people come to identify themselves as victims? How and why do states, social movements and other kinds of social interventionists recognize and work with communities and groups of people as victims? My departure from works like Empire of Trauma is that while the latter primarily concerns itself with trauma and its relation to claims for restitution, I seek to locate the origins of victimhood in a wider sense as a political stance, and how it has evolved in relation to a particular form of governance that emerged under colonialism.

It is important to emphasize that regardless of the apparent similarity in the way victimhood is articulated, not all claims of victimhood are the same. Nor has the form of claim making that draws upon victimhood remained unchanged through history. The current form of claim making based on victimhood, and which in my view is declining, has a specific history that must be reckoned with. To reflect on what I call the regime of victimhood, I will broadly trace its origins, the purposes it has served for various groups of people and how it is has been changing over time.

The word victimhood is used in multiple senses. In one sense, victimhood is the experience of having been victimized (most often but not always) by a dominant individual or group of people in the past or the state of being actively victimized by them in the present. Victimhood may also be seen as a stance adopted by an individual or a group of people with respect to the real or imagined entity or regime of power; seeking restitution from an

entity or prevailing regime based on the claim of having been victimized or deprived of status, or access to goods or services that the claimants feel entitled to. The adoption of the stance of victimhood also involves an appeal or presentation of the self to the wider society so as to bolster the moral image of the claimants and to discredit the group against which the claims are made.

To begin with, I wish to make a distinction between claims of victimhood made by the dominant and the ones that are made by the dominated; I will call these majoritarian and minoritarian claims respectively. Though in actuality the line between the two kinds of claims may be somewhat blurred, for conceptual purposes it is useful to tell the impulses that drive them apart.

Even while victimhood is often associated with minorities and them alone, I will begin by explicating majoritarian victimhood which is equally if not more prevalent, for example, in the Hindu majoritarian sense of victimhood in India. This kind of victimhood draws upon a history of perceived persecution and deprivation regardless of objective reality, and is directed against any kind of special constitutional or legal protections or policy measures extended by the state to social, political or cultural entities other than itself.

In order to bolster its claims, the dominant political formations that represent majoritarian interests in India, demonize minorities, particularly Muslims who are arguably the most vulnerable community in contemporary India, conjuring a timeless specter of a jihadi Muslim who threatens their existence despite being economically, socially and politically in a pitiable state. This is not unlike how the Conservative whites in Europe or the United States of America perceive a domestic and global conspiracy against them under-way to undermine their privilege and power, and how they scapegoat blacks, feminists, left-liberals, immigrants or Jews for the purpose. In the same vein, the Jewish regime in Israel sees itself as a victim in relation to Palestinians whom it has historically dispossessed and whose lands it continues to hold under occupation.

While Kashmiri Pandits have been displaced from Kashmir and for various reasons do not find themselves represented in the leadership of the ongoing struggle for freedom in Kashmir, the spokespersons who represent the community interest in the form of writing, in television studios or international forums often present the ongoing struggle against what most people in Kashmir see as Indian military occupation and for political self-determination, and what was earlier on in history a struggle to preserve a modicum of political autonomy in Kashmir, as an unadulterated assault on the community, its (exclusive and exclusionary) claim over Kashmir and by extension that of Hindu civilization or Hindu-India at large.

The personal and the political gets blurred in the representation and articulation of majoritarian victimhood. For example, powerful individuals who are better off than most, like Prime Minister Narendra Modi in India or for that matter President Donald Trump in the United States, routinely claim to have been treated unfairly by the media, the left or the supposed elite opinion makers or academicians. Turning his personal sense of victimhood into a metaphor for the wider undermining of the dominant majority Modi and his political formation claims to represent, he effectively rallies a Hindu mob against differently aligned Dalits, minorities, progressive or non-majoritarian women’s formations or any entity that questions his legitimacy.

To reiterate, majoritarian claims of victimhood spring from a sense of entitlement to privilege – in other words the desire to maintain inherited superiority of access to power or status over others. What animates such victimhood is the perceived sense of having already lost inherited privilege or the fear of losing it in the future. The majoritarian claimants offer justifications for the maintenance of the status quo by buttressing it with claims of real or imagined victimhood suffered by them or their ancestors in the past. Effectively, majoritarian victimhood is a ruse to deny privileges enjoyed by the dominant group to others. It involves nostalgia for the lost sense of superiority and a fear of being rendered vulnerable like other groups whom the group deems to be inherently less worthy, alien or illegitimate.

The dominant majority may claim to speak in the name of the relatively under-privileged or oppressed amongst those whom they see as part of their own selves. For example, for Indian majoritarianism the image of an exiled Kashmiri Pandit, the status of non-Muslims in Pakistan or Bangladesh, serve as effective tools to portray their collective victimhood. They weaponize such suffering so as to punish or delegitimize claims of minority groups and blame them for having done nothing to oppose such suffering. Such exceptions, as a rule, become a good excuse to deny justice to others.

In contrast to the above, the dominated – the blacks, Dalits, sexual minorities, Muslims in India, religious and cultural minorities in Pakistan, Kashmiris in India and Palestinians in Israel have to deal with tangible everyday discrimination and violence. Their claims against the state or the majority are often couched in the language of equality and justice. Any prior legal protections that they may have earned
through a hard struggle in the past are held against them by majoritarian formations that see such safeguards as a source of discrimination against the majority and a threat to its entitlement.

Though minorities may also take recourse to a history of having been victimized in the past, their claims essentially spring from an ongoing experience of victimization. Minoritarian claims spring from a desire to be treated equally and are thus couched in the language of justice as equality rather than justice as an exclusive claim to privileged inheritance.

Often lacking a history of having experienced privilege in the past, the minoritarian claims may also lack a fully formed language of claim making that is recognized by the society or the state. Thus the forms of protest they adopt to press their claims may fall outside the realm of law. Here, the language itself may be in the process of being made, and its incremental development a source of empowerment. Minoritarian assertions challenge the validity of the exclusivist claims of the dominant that are recognized by the existing order, and seek to alter the status quo in favour of an alternative, more egalitarian order.

Though ruling classes (headmen, feudal lords, kings and emperors of yore – more generally the elite) have historically appropriated the privilege to be the arbiters and deliverers of justice, the exercise of this privilege in its present bureaucratic form can be traced back to the inception of colonialism. Multiple impulses inherent in modernity and its necessary accompaniment, colonialism informs the regime of victimhood that has followed. Due to limited space, we will not delve into the causes and effects of all the impulses that are involved. It suffices to say that the diseconomies of control maintained solely through brute force are enough explain why the colonial state may have progressively evolved into a regime of victimhood.

In brief, the colonial state sought to reinforce its legitimacy among its subjects by embarking on a civilizing mission. In the process the state elevated itself to the position of an exclusive mechanism that was to dispassionately deliver justice to individuals and communities under its sway. It rendered them into competing claimants for justice who had to petition the state for justice. The regime thus contained possibilities for the emergence of alternative moral orders and preempt the prospect of consolidated resistance from the colonized subjects.

While it rendered them inferior to the colonizers, the colonial state did not render all its subjects equally inferior. Instead, it forged differential compacts with the existing interest groups from among the colonized who were willing to remain subservient and benefit from the colonial state even while it granted them a degree of leverage and control over their respective fiefs. Simultaneously, the colonial state also enabled limited articulation of competing claims from the below providing a pressure valve to dissipate resentment that may grow among the underclasses. On occasion, when it suited its interests, the state actively intervened in favour of some of the claimants against others, while at most times it sought to maintain the status quo.

The earliest to be patronized by the colonial state was the traditional elite – the princely class, the rajas, the maharajas and the feudal lords and eventually as it emerged, the industrial class. The regime also positioned itself as the defender of various communities/classes and their respective interests – the Hindus, the Dalits, the Muslims, the tribal populations, the women and soon.

While the primary goal of colonialism was to further its interests and ensure its own survival, the form in which it exercised power enabled the emergence of a culture of victimhood in which the dominant and the oppressed could stake their respective claims of victimhood around how they have been deprived by others of what should be rightfully theirs. This necessarily involved the adoption of the stance of victimhood with respect to society as well as the state rather than, say, the stances of honour and dignity that had parallel roots. Justice could be achieved only by appealing to the authority that stood outside society, the sole addressee of the claims made by victims of various hues.

The evidence of how the colonial state extended patronage to various individuals and groups is spread over a substantial archive of petitions addressed to it, the commissions of inquiry reports, the memoranda of understanding, and legal provisions made by the regime for the protection of various interest groups. A substantial portion of postcolonial historiography in South Asia is engaged with this archive. The modes of majoritarian and minoritarian claim making that prevails today can be traced to the competition that ensued among and between various feudal interests and underclasses under the sway of colonialism.

Though in an evolved form, this regime of power and the mode of seek-
the continuity was further facilitated by the new world order that emerged after the end of World War II, embodied in institutions like United Nations and its affiliates tasked by the global regime to supervise and preserve the existing moral order.

The steady rise of alt right and the eventual enthronement of Donald Trump, the exponential rise of Hindutva in India since mid-1980s and its culmination in the form of the ultra-Hindu-majoritarian Modi regime is simultaneous with the undermining of the existing postcolonial moral order at the global level. The process has been simultaneous with the extra-legal military and political interventions that have been carried out at the global level, the rightward shift in domestic policies and the failure or refusal of the dominant global powers to intervene or exert pressure on oppressive regimes with whom their economic and political interests are aligned.

At the moment both the national and international moral orders based on victimhood that have had their roots in colonialism are on the verge of collapse. While the world powers, under pressure from the domestic majoritarian formations on the rise are progressively disinvesting from world bodies, the local westernized elites in the postcolonial World who inherited power from colonial regimes have been replaced by majoritarian formations who overtly represent sectional majoritarian interests. While by force of habit the dominated continue to articulate their claims in the language of victimhood and to seek justice from the state and international bodies as before, what we are witnessing in the present is a steady collapse of the regime of victimhood and its progressive replacement with an exclusivist regime of majoritarianism—the regime of brute force and domination.

The consequences of this change are still unfolding before us. In Kashmir the last remnants of the special protections earned by people through a long and arduous struggle against the colonial regime, and the Indian state, symbolically enshrined in Articles 370 and 35A, other symbols like the state flag, the official marking of 13 July as Martyrs Day and Sheikh Abdullah’s birthday and so on have been effectively dismantled by the state. J&K is no longer a state; it has been split into two demoted union territories. All kinds of political leadership, including the class of political collaborators carefully cultivated by the Indian regime in Kashmir are either under arrest or detention. Six months since the abolition of the J&K state, there is no clarity on whom to approach for mundane services and functions. Basic services of communication have been severely crippled.

Simultaneously the introduction of religious discrimination in citizenship laws (CAA, NRC, NPR), the spectre of disenfranchisement of huge swathes of poor Muslims, Dalits and Adivasis in India who may not have papers to establish their places of origin, while selectively enabling certain religious communities to do so, stares us in the face. Prior to this the state had already enabled an enhanced mob and state orchestrated violence on minorities, implication in false cases and introduced various legal provisions to undermine minority rights. If the trend continues, we are soon going to see persistent attacks on federal arrangements and legal provisions that protect minorities, including the reservations for communities deemed historically oppressed, underprivileged and under-represented in India.

As of now, there is no clarity on whether the new majoritarian regime is sustainable in the long run or if the regime of victimhood will be replaced by a new form of claim making, new methods of seeking justice and assertion of a new moral order. If the current majoritarian regime precipitates a widespread crisis of governance in India, like its counterparts elsewhere on the globe, and there is no space left for the return of the old mode of making claims based on victimhood, what kind of moral regime will replace it?

We may be seeing first glimpses of an emerging change in the eerie silence coming from Kashmir and the ongoing street protests that have spread across India. Communities and demographies that have remained silent for too long in wake of demonization on the grounds of their identity that does not fit the majoritarian ideal are publicly asserting their identity, forming new alliances on the streets, bringing forth new languages of protest and claiming the very symbols of nationalism that have earlier been used to harass them.

10. For example lynching of Muslims by cow vigilantes in North India who enjoy impunity and are protected by the ruling regime.

11. The ruling right wing government in India introduced and passed a legislation called The Muslim Women (Protection of Rights on Marriage) Act, 2019 apparently to protect Muslim women from the threat of unjust revocable instant pronouncement of divorce by criminalizing its practice by Muslim men but allegedly to undermine Muslim Personal Law that enables Muslims a degree of autonomy to conduct marriage, inheritance and several other familial matters in accordance to their religious code.