Contesting Citizenship during Covid -19 Pandemic

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Introduction:

Citizenship is defined in its classical sense as the legal membership of the State. In a modern society, a citizen can identify with various types of citizenship based on their ethics, morality as well as their daily practices in the society. But the absence of a legal membership to a nation-state, according to the critics, makes their identity insubstantial. However, the freely movement of capital in a global world has placed the people on the border of the nation-state. The inclusion and exclusion of people is conditional based on the sovereign power's decision of who should be inside the society, enjoying the political rights and who should be outside the border. Covid- 19 pandemic has given rise to the question of citizenship based on this inclusion/exclusion dichotomy of the nation-state. The pandemic has appeared as a social and health crisis in India, and an unplanned lockdown as a preventive measure has turned out to be a disaster for a large number of people, a lot of whom are the internal migrants. This unplanned lockdown resulted in large scale displacement, loss of livelihood and an exhibition of State violence with impunity. This paper tried to understand the situation through a critical lens in line of Giorgio Agamben's concept of *Homo Sacer*, biopolitics and the State of Exception.

Agamben's concept of *Homo Sacer*

Several scholars have adopted the concept of *Homo Sacre,* developed by Giorgio Agamben, to describe the condition of the migrants in 'camps' and the role they play in the current western social order [(Ramadan 2013); (Prem Kumar and Grundy-Warr 2004); (Khosravi 2007); (Dines, Montagna, and Ruggiero 2015)] *is* the personification of sovereign power's construction of what Agamben calls 'bare life'. The sovereign state's creation of 'bare life' and the figure of*Homo Sacer*is intently attached to Agamben's interpretation and usage of 'Biopolitics' and the 'State of Exception'. Both of these conceptions have huge significance concerning human life and the production of subjects inside and outside the state respectively.

Inspired by the Classical Grecian literature, Agamben described human life into two parts: *Bios* and *Zoe.* In ancientGreece the life of every citizen was comprised of these two aspects which gives ground to their existence in society. *Bios* is described as the legitimate social life – a life in society, which,

according to the Greeks was the Political life. And *Zoe* was the bare life or the animal life, a sacred life, a gift from God, which was domesticated and confined within the walls of 'home'. (Agamben, G 1998). Since, in ancient Greece the women, children and the senile were not considered as part of the political life, hence the term *Bios* was not ascribed upon them.

Homo Sacer, on the other hand, according to the ancient Roman society, was an individual who was exiled from the society of Men as a form of punishment. He was stripped of his political rights and was reduced to his bare life like the life of an animal meant to be sacrificed i.e. *Zoe*. But the difference between a bare life and that of *Homo Sacer* is that the *Homo Sacer* was purposefully stripped of his political rights as a form of punishment and cast outside the society, his life was not meant to be sacrificed, nor meant to be murdered, just left to die without a concern. According to Agamben, the *Sacer* or the Sacred life was not meant to be protected by any means. He was simply put in a place outside the realm of society, based on the dichotomy of inside/outside and included/ excluded, which was always present in the society as part of the normative structure. These outside elements comprised of the priests, hermits and the sacrificial, who are included within the society through their exclusion.

Agamben followed up on the term biopolitics described by Foucault as a Sovereign body with the power to "make live and let die" (Foucault 2003). Sovereign means who has the right to kill. In the ancient society this power was held the king or the monarch entrusted upon by God forming the perfect triangle of social order. But in the modern society this power to kill has been shifted into thecollective hands of the nation state, the sovereignty was scattered into several constituencies but it retained its character of right to kill. In modern society the nation state has conferred the political power in the hand of its citizens hence the *Bios*. But that power can be stripped of and the citizen can be reduced to the bare life of *Zoe*. The modern power over life is what Foucault called biopolitics, which comprises of procedures and mechanisms pointed towards reinforcing and administering the natural prosperity of the populace in general which can be described as 'make live '. Foucault analysed the concept of 'letting die' through the lens of racial hierarchy, where the selected race would be granted the privilege of living over the inferior race, as a means of purification of better race. (Foucault 2003). This was totally different than killing the adversaries during a war, but a political annihilation of a specific community, based on race, by the nation state. (Foucault 2003).

Agamben's understanding of biopolitics however has shifted from Foucault's notion of "make live and let die" into "the production of biopolitical body" as the "original activity of sovereign power" (Agamben 1998).According to Agamben, the introduction of biology has reduced man into its animal qualities and secondly, it has introduced the concept of norm, hence the idea of normal and the other than normal,based on the dichotomy of included / excluded, thereby, reducing people into objects of bare life i.e. *Zoe*. However, the nation-state has assigned its citizens as subjects with political power,

hence *Bios*. Therefore, under this circumstance, the citizen is both the subject as well as the object within the system, a biological object. The sovereign which is determined by the nation state has total control over the populace instead of its territory, the physical control and the determination of its identity. This according to Agamben is biopolitics, "the political control of bare life" and also "the political control of death".

However, Agamben has identified that in modern political scenario it is not the biopolitics but the state of exception that is becoming the standard manual of rule. Agamben derived the term State of Exception from Carl Schmitt's idea of Sovereign, "a Sovereign is he who decides on the exception" (Schmitt 1985). Therefore, just like the *Homo Sacer* the citizen could easily be stripped off its political life, that is the right of citizenship and reduced to its bare life of animal. Then it would be effortless to rob them of their physical life. According to Agamben's understanding, the exception is the "kind of exclusion" from the standard order. It means that the existence of the exception gives the juridical-political order to define "the normal" and "the realm of its own validity" (Agamben 1998). It is through this state of exception that the power structure decides when the general rule does not apply, not only that they even decide the criteria of who or what should be outside the law and who or what should be considered to be inside. The sovereign power, according to Agamben, rests on "the production of biopolitical body"through the exclusion of *Zoe* (the natural, physical life) the inclusion of the *Bios* (the qualified political life) and the ultimate creation of the *Homo Sacer*, the bare life, stripped off their political life and therefore becomes eligible to be sacrificed on the way.

In Relation to migrants, this paper will try to use Agamben's concept of Zoe, Bios and Homo Sacre to understand the condition of the migrants during the nationwide lockdown due to Covid –19 pandemic. Scholars like Rajaram & Grundy-Warr and Khosravi have identified migrants to be devoid of any political identity within the state, i.e. not having *Bios*. They are "included through their exclusion" (Hansen and Ravn 2017), therefore they are not completely *Zoe* but more like a *Homo Sacer*, who are under the grace of the Sovereign, either to be incarcerated or left to die. Citizens, on the other hand consists of natural life, but their political identity is recognised by the State. They are not considered in "the State of exception" and are not incarcerated in places which Agamben called 'Camps'. The citizens, however, are also under the biopolitical power of the Sovereign like the migrants but it is the Sovereign power which decides who would remain within the rule of law, juridical and political power structure and who would be outside (state of exception). (Hansen and Ravn 2017).

Agamben's understanding on the politics of bare life is significant in this situation because the political agency of the migrants is considered by the sovereign state by placing them within the state of exception, in this case the Streets.

The Street as 'Camps'

Before analysing the 'Streets' as camps let us first take a look how Agamben understands 'Camps' as a State of Exception. The State of Exception, according to Agamben, is a 'political act' which is integral to the composition of the sovereign power, having the exclusive decision-making power to dispense with the rule of law in order to disconnect the state of exception i.e. the Camps and the normal condition i.e. the society within. (Hansen and Ravn 2017). Alexandria Innes and Didier Bigo from the Paris School have expressed a different opinion from Agamben with reference to highlighting the Sovereign power as the sole decision-making body regarding the state of exception (Innes 2015). Bigo called attention to an exercise where the whole society becomes active in 'reproducing' and thus 'normalising the ban of certain people'(S. Hansen and N.Ravn 2017), where the managing system 'defines' a group of people as outsiders, and a threat to the society, henceforth, convince the citizens regarding their impending insecurity. Agamben's understanding of the state of exception, in line with the Copenhagen School and to some extent the Paris School have focused on the process by which the government normalises the legitimation of the ban of certain people, in this case the migrants, in the places of exception i.e. the Camps.

Agamben obtained the concept of 'Camp' from Auschwitz in Nazi Germany (Mezzadra and Neilson 2003). But Mezzadra clearly distinguished the Nazi Camp from the colonial camps of South Africa or Cuba called *lager* which was 'an administrative space where men and women who have not committed any crime are denied their right to mobility'. Therefore, Mezzadra's understanding of *lager* as camps were appropriate in case of associating it to the refugees and the migrants. (Walters, 2013).

The nation-wide lockdown on March 24, on a four-hours' notice, witnessed a massive exodus, since the time of partition, comprised of migrant labourers from all over the country. The Indian Government announced this lockdown without any supplementary 'economic package' for those who lost their livelihood during this time. Meanwhile, the lockdown was extended four times and was tentatively lifted on June 8. The nation-wide lockdown has been the principle general wellbeing technique of the Indian state to manage the pandemic. However, in its usage, the state neglected the lockdown's effect on the lives of the migrant labourers. It is assessed that there are 120 million internal migrants who look for their business away from their towns in the development area, homegrown work, material ventures, horticulture, brick kilns, transportation, mines, peddling, and arrangement of administrations. While their work is utilized for neo-liberal monetary development,

they acquire low wages, live without government backed retirement benefits, live in casual lodging and with little admittance to public resources.

World-Bank estimated that due to the unplanned national lockdown, at least 40 million migrant workers were affected deeply. (The Hindu 2020). Confronted with the unexpected loss of business, little reserve funds, and the supply of credits gracefully diminishing from the neighbourhood stores, the migrant labourers started their return journey back to their hometowns. Many were left without a roof above their head as the landlords, upon following the mandatory government protocol of social distancing in a squeezed settlement, decided to remove them from their temporary homes. Labourers in the farming and development areas were denied of income as subcontractors wouldn't pay their wages. Without financial help from the state, a large number of labourers started a reverse migration to their hometowns. The total number of uprooted migrant workers is still unknown.

Severe travel limitations were actualized and labourers heading home succumbed to inept law enforcement agency who mercilessly indulged in public caning, embarrassments and beating. The Supreme Court wouldn't perceive the situation of labourers and dismissed petitions regarding the planning for necessary help. Due to the absence of adequate transportation, under-sustained, helpless transient labourers took a chance with their effectively delicate wellbeing by strolling a large number of kilometres alongside their families, which included women in advanced phases of pregnancy, youngsters, babies, old people, and handicapped persons. During this unsafe return venture, hundreds kicked the bucket, and there were instances of on-road delivery. In spite of the fact that labourers wanted to re-visit their homes to get away from ailment and hunger, the Indian state interpreted it as a silly interest and considered them liable for their wretchedness and passing. The legislature stayed in condition of disavowal for over five weeks before the Shramik (Labour) trains began to ship labourers to their home states. From that point onward, state hesitance converted to lack of care: there were disagreements regarding instalments of train admissions; labourers needed to sit tight for a few days and weeks before they could get a seat; trains took diversions of many kilometres without illuminating the labourers and showed up late to days. Fatigued, famished, exhaustion, and sickness incurred a significant damage. There was a case that has become emblematic of the heart-breaking predicament of female labourers and youngsters, an image of a young woman dead on the railroad tracks while her baby played close to her carcass.

UNICEF in 2012, published a report (UNICEF 2012), which had identified several gaps and suggested necessary revisions in the Regulation of Employment and Condition of Service Act, ratified on 1979.

- The Act focused only on migrants crossing state limits and, accordingly, a huge segment of migrants is rejected from itsextent.
- It doesn't keep track of unregistered contractors and foundations.

- It doesn't have any provision for education facilities for young children of migrant labourers as well as portable clinical units for the workers.
- The Act lacks specific guidelines for inter-state cooperation.
- It covers only regulation of employment and conditions of service of migrants and does not address access to social protection of migrants, their right to the city and the special vulnerabilities of children and female migrants.
- Significant arrangements of the Act, for example, the lowest pay permitted by law, relocation stipend, clinical offices and protective attire were not mentioned.

Based on the UNICEF report and the identification of the possible gaps in the Act of 1979, it can be said that the nation state has left no stone unturned in keeping a large section of population outside the purview of the Constitutional rights of enjoying citizenship.

Social stigma towards the Outcasts

The Covid 19 pandemic has witnessed a series of events reported in the newspaper regarding the ill treatment of migrants in the cities far away from their hometowns. And that mistreatment is not limited to the disenfranchised labourers alone, but to the people from specific communities. Although this is not new, the migrant labourers have been an object of identity politics almost everywhere in the country. They are viewed as "untouchables" and made patsy for all the social and monetary issues confronting individuals; generally, joblessness. In erstwhile Bombay (presently Mumbai), the Shiv Sena had focused on migrant labourers a few times; in the North-East States the migrant worker is an objective of physical assaults and the migrant labourers have been attacked in Kashmir also.

There was a news of a Muslim village, getting burned down, in West Bengal during the lockdown period, due to stigmatization, which fuelled anger and hatred among the people who were neighbours for years. (Lahiri and & Deb 2020). A rumour that some of the inhabitants were the possible carriers of the corona virus, which they acquired due their active participation in the Tablighi Jamaat, held in February at Delhi had instigated violent clashes among the inhabitants of both the religious communities, resulting in the burning of an entire village.

Another news of two women from North-East getting publicly harassed in Pune by some locals (*Nagaland Express* 2020), actually shows that fear and sense of alienation towards the Outsiders has only fuelled the stigmatization towards the migrants. The women who were harassed did not get the support of the authority who were reluctant in even accepting the incident as a matter of importance.

Both of the above incidents can be analysed in light of the conceptualization of the 'State of Exception' as examined by the Paris School. The standardization of shunning depends on what Bigo coins the 'governmentality of unease', wherein security experts, who have the position to produce 'reality', make a story based on the administration of fear. This administration characterizes the 'untouchable', for example, migrants, as a danger to the society, persuading the residents that they are shaky and attempts to 'recapitalize trust in the state' not by consoling but rather by agonizing people over what's going on both at the outer and inner levels.(Bigo 2002). The women who were harassed in Pune were on the receiving end based on the double burden of having a specific feature, resembling the country people which the popular media speculated the possible origin of the virus, and for being women, a highly prioritised and soft target based on the patriarchal character of the Indian society.

This actually opens up another aspect of the pandemic situation, the gendered nature of the vulnerability of the migrants and the erasure of the female migrants from the mainstream media.

Gendered nature of the Pandemic and the erasure

For a while the mainstream media was overwhelmed with the news of the long procession of the migrant workers making their way back to their home town. But the popular narrative was surprisingly gender blind. The stories of female migrants that received mainstream media attention were so limited that it could have been easily overlooked. As per census 2001, at least 70.7% of internal migrants are women. But when the popular discourse only considered them as another face of the massive crowd. There were only mention of some individual stories of a twelve years old Adivasi girl, walking to her home town in Chhattisgarh from the chilli fields of Telangana. After walking 140 km for three days she finally collapsed about 60 km away from her home, due to exhaustion and dehydration. There was a story of a woman who gave birth on the road before continuing her long and perilous journey after a few hours rest. There was another story of a migrant woman who was seen dragging her suitcase down the road, on her way back to Madhya Pradesh, with her toddler sitting above the bag. The story of Arveena Khatoon, a migrant labourer from Katihar, on her way back from Ahmedabad, collapsed and died on the Shramik Train due to excessive exhaustion and fatigue. 'Times Now' reported the story with a video of her toddler playing on her corpse. The story of Jyoti Kumary, 15 years old cycling all the way from Gurgaon, Haryana to Darbhanga, Bihar with her injured father received the spotlight for a completely different reason. A story which was supposed to be of failure of administration received praise and were carefully turned into a story of women empowerment, and was lauded with the title of 'cycle girl', thereby changing the narrative entirely.

There was no dearth of news reports regarding the exodus of migrant workers, the stories of their unemployment, helplessness and the news of their unfortunate deaths, but that news only received the spotlight based on the gruesomeness of the manner, as a spectacle. Therefore, the struggle of the migrant workers was erased, they were stripped off their agency and were reduced to a mere number. And the plight of the migrant women was much worse. 'They belong to the lower echelon when it comes to the visibility of their trauma' (Thapliyal 2020). The masculinist discourse of endurance has deliberately ignored the hardships faced by the women during their travel. The lack of hygiene and sanitation in those lost Shramik trains took a heavy toll on the women who had to endure the filth of uncleaned toilets for 48 hours. The large number of workers waiting in the stations for days made news in the mainstream media but how would the large number of women relieve themselves, maintaining dignity, was swiftly ignored by the media house as an unworthy news item. Large number of workers lost their livelihood during this short notice lockdown, but the women faced the worst of the situation. They were the ones who were let go on the shortest notice, received less or no payment during the lockdown (ActionAidIndia 2020). They are most likely to be the victims of trafficking, sexual violence in the hands of the contractors, supervisors and employers. (Mazumdar &Neetha et all. 2020). The story of two Santali speaking women from Jharkhand, of being trafficked and kept imprisoned for over a year, received only a footnote in the mainstream media. A possible reason might be of similarity of this news with everyday stories of gender-based violence, which has been so normalised that it hardly receives any special interest.

Therefore, all the stories of the migrant workers and their treatment by the government, by the mainstream media and the public eye, actually speaks of the Agambenian understanding of the state of exception, where the migrants are deliberately outcasted, alienated. They are included in the society as fruits of their labour are an important part of the neoliberal economy, but they are also carefully excluded from the society. With limited relief packages and insufficient transportation system the migrant labourers are left to die on the streets. Here, the notion of 'Camp' according to Agamben can be materialized in the "Streets", where they are sacrificed by the Sovereign.

Agency of the Non-Citizens

Along with another important aspect of citizenship studies besides Agamben's concept of *Homo Sacer,* sovereignty and biopolitics, there is another aspect which has huge relevance is the notion of autonomous migration. A great deal of the works by scholars like Betts, Greenhil and Suhrke on migration, versatility, security and citizenship has zeroed in on the states and top-down counteraction of movement by border controls and diverse overseeing and directing strategies. But they fail to understand the agency of those excluded from the society and how they utilise their agency in the process of change (Papadopoulos, Stephenson, and Tsianos 2008). The diagnostic tool we apply

during this analysis depicts autonomous migration viewpoints and perspectives as migrants who are not simply latent creatures, who inactively acknowledge their situation in a State of Exception, rather, migrants are dynamic operators exploring the frameworks of control and regulations. (Hansen and Ravn 2017).Autonomy of migration do not depict the migrants as a sovereign power. Rather, it proffers the point of view "that the migrants are not just objects of state control – that migrants challenge controls and oppose bigoted racist discrimination" (Kanak Attak- Speaking of Autonomy of Migration... Racism and Struggles of Migration" n.d.).   Instead of being latent casualties, migrants are viewed as specialists of significant social change (McNevin 2013). Researchers related with the autonomous migration approach are keen on the political territory among force and opposition, control and versatility. (McNevin 2013). Walters have mentioned how lots of autonomous migration literature have unintentionally documented various approaches where the migrants have actively 'negotiated the world of borders, work, social relationship, bureaucratic entanglements, refugee hearings and much else. (Walters 2008).

Women, and especially female migrants, displaced people, and those engaged in casual labour, are among the most intensely impacted group of the COVID-19 pandemic, however they are likewise driving the route for finding practical arrangements, opposing injustice, upgrading solidarity, and hence making their networks stronger to this emergency, and others to come. Women activists, grassroots movements, and associations everywhere on the world are working vigorously to achieve change in spite of development limitations, shortages of assets, and vulnerabilities about uncertainty of what's to come. (Hinz, Kristina and Zubek 2020).

The story of two North-Eastern women who faced a racist attack in Pune in the hands of the locals deserves special mention in this segment. In the face of such racist and gendered atrocities, these women did not cower back, instead they lodged a formal complaint to the authorities and even did a follow up regarding the case, although with little results. But still even the slightest gesture of a minuscule agency, opposing injustice, and negotiating their non-citizen status with the sovereign power (in this case, the police as well as the representative of the normative patriarchal structure of the nation-state) builds up movements in the grass root level.

With the nation on lockdown, vulnerable migrants didn't fear infection but dread hunger and precarity. Normally, with the awareness about this subject, numerous non-benefits and different associations have attempted to address some immediate measures for the labourers, by setting up crowdfunding activities, specifically. Numerous foundations are revealing that numerous helplines for abandoned migrant workers typically get calls for food and basic provisions. (Ekkanath 2020).

Numerous soup kitchens have been informally set up in numerous Indian urban areas to accommodate migrant labourers and feed them, in any case, this has just been started in a small bunch of states and its entrance is very restricted because of the limitations on development. Numerous community

kitchens, although they have additionally been blending and moving everywhere to build up human solidarity, serve dinners to the poor during the lockdown. Several civil society groups and associations are reacting to the emergency on the ground by giving help to these poor with minimized networks. ActionAid Association has been involved in providing dry as well as prepared food, and as of 8 April 2020 had the option to provide relief to 1,40,000 families across 18 states, beside working with local organizations, encouraged the supply of dry rations and prepared food for at least 50,000 families.

Possibilities of 'Transformative Citizenship'

Transformative citizenship, a term explained by Mezzadra regarding the political struggle of the migrants (Mezzadra and Neilson 2003). The sovereign imagination of power constantly working on the strategies to determine who should be included within the society and who should be kept outside the border of the nation-state, therefore engages in a constant political struggle with the non-citizens, devoid of certain citizenship rights, who in turn, in order to retain their political life, constantly renegotiate terms with the sovereign power.

The essential obligation regarding the government assistance of the migrants lies with the Government; as required for all its citizens. Notwithstanding, in case of India, the Centre reported the lockdown without notice, and thus, the migrants got jobless on very short notice, and ended up without food or roof above their head. At that point the Central Government attempted to move the weight of shipping the migrants on to the state governments; and there were clashes between the host state government and the states in which the migrants were working. The pandemic has drawn out gaps in Indian federalism. In the battle between the Centre and the states, it was the migrant labourer who was the focal point in the Indian Constitutional crisis, and a weak casualty (Haksar. Nandita 2020). Despite the notification of the Central government and that of the Supreme Court orders later, a large number of migrant workers were stripped off from their temporary shelters by their landlords. many workers were paid less or absolutely no pay by their employers/contractors, because the owners had the privilege of being included in the society, whereas the worker was included within the society via its exclusion.

There was a visible discrepancy on part of the Government regarding the management of the pandemic situation, of its attitude towards the rich, middle-class citizens, stranded abroad. Special chartered flights were issued for their safe return. Besides, the students and the pilgrims trapped in various parts of the country were also brought home safely. But the government apathy towards the plight of the migrant workers is humiliating for their existence. Since the travel restrictions were implemented the workers were left to fend for themselves, since the employers refused to take any

responsibility. Afterwards, reverse migration stoked up fear of labour shortage, consequently the administration tried to stop trains, block roads to constrain workers. The state machinery ultimately decided to stand by the Big Corporations in time of crisis and ethical conflict.

The pandemic in this country also witnessed a different kind of familiarity among people of different strata. We have already seen the plight of the migrant workers, who are the most disenfranchised, then there are also the people of North-East who are constantly subjected to xenophobic slurs, due to the stigma attached to their physical features. Then there are the people of Islamic community who are also subjected to similar kind of stigma with possible alignment to Tablighi Jamaat. But besides the usual alienation there was a different form of 'Othering' faced by the Health Care workers, who risked their lives daily, with no promise of increase in pay or promise of health security. In general, the people of health care are revered in our society and are considered to be within the society. Due to the contagious nature of Corona virus, it was the health care professionals, who came in direct contact with the Covid- 19 infected, suddenly discovered themselves to be stripped off their political life, and are reduced to bare life of *Homo Sacer*, there were stories of young medical professionals being homeless overnight because of possible stigma. They are also meant to work in a rigorous environment with tremendous health hazard and limited safety measures. Yet, the medical professionals are inherent during this crisis. Therefore, following Agamben we can clearly explain this situation as a State of Exception.

Conclusion:

The Covid – 19 pandemics, as a social and health emergency in India, have prompted large scale displacement, loss of livelihood, institutional double crossing and state viciousness. The unanticipated nationwide lockdown on march 25 had witnessed a mayhem throughout the country, which had a severe impact on the poor and the marginalized section of the country that are mostly disenfranchised internal migrants. This pandemic was supposed to be a collective battle. During the opening briefing of Covid – 19, on 28 February, 2020, WHO Director General sent a very important message: "Our greatest enemy is not the virus itself. It's fear, rumours and stigma. Our greatest assets are facts, reason and solidarity". The sovereign nation-state, based on its normative vision of citizenship would always try to create a discrimination among the population, for the purpose of management and control. It would create a distinction between citizens, of who would be included within the society and who would be stripped off its political life and reduced to its bare animal life, left to be sacrificed. It is up to the human beings to decide whether to be an active citizen, following the norms of the society or to be an activist citizen, creating rupture to the prevalent structure.

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