

Comment on Ashwini Deshpande

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Ashwini Deshpande's essay addresses current debates about the how to measure social inequality and economic deprivation in India today along the parameters of caste. Her essay intervenes in multidisciplinary discussions about caste's importance as a key indicator of socioeconomic mobility, and an organizing mechanism for wide ranging policies of social welfare instituted by Constitutional fiat after decolonization and the partition of the Indian subcontinent. Deshpande's essay addresses caste's role in the reproduction of social exclusion and inequality from the perspective of an economist interested in measuring relative deprivation. Central to the essay are a set of paradoxes that have emerged in the wake of difficulties in measuring contemporary manifestations of caste inequality, and conflicts over the rightful of beneficiaries of meliorative social welfare policy. Below, I contextualize Deshpande's essay by discussing India's reservations regime, that is, the distinctive architecture of Indian affirmative action which governs how the state approaches caste as a socioeconomic indicator of relative deprivation, and end with brief remarks about how comparative work on inequality and social exclusion might take up caste and race as comparable regimes of inequality and historic discrimination.

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The current Hindu majoritarian regime is fast chipping away at the rights and entitlements for caste oppressed communities put in place by public policy and legislated protections in postcolonial India. However, this does not mean that caste is no longer associated with historical discrimination and persistent inequality. Nor does it mean that the politicization of caste is no longer a significant aspect of contemporary India's social life. Ashwini Deshpande's

essay takes up a question that all of us who work on caste think about: why does caste persist as a form of social hierarchy and economic inequality under conditions of democracy, globalization, and modernization, especially when there are robust mechanisms in place to undo its negative impact. In particular, her essay focuses on how to analyze and quantify the changing relationship between caste and social stratification.

We should start by noting that caste is a complex, pernicious, and longstanding system of social stratification tied to inherited status. There exists a vertical hierarchy of caste distinction, and a horizontal diffusion of caste across various geographical zones. Social status and economic worth are related, but it is not the case that economic worth and status always align, or that economy trumps status. This is what makes caste distinctive: it has changed and modernized, but it also has roots in a religious/ritual Hindu order that justifies *graded* hierarchy, and social stratification. Caste governs rules about marriage and intimacy, it operates as an economic barrier to accumulation and legitimizes occupational segregation, and it is a social and political identity.

British colonial administrators saw caste and religion as indigenous forms of social difference and community formation which were consequential for public, political life. They enumerated different castes, demarcated the ratio between one caste and the other, and also defined caste as a political identity that was salient for purposes of representation. In the process, they transformed caste into an important element of governance and bureaucracy. The political scientist, Christophe Jaffrelot has argued that Indian society was democratized through caste after political independence (Jaffrelot 2003). What does Jaffrelot mean? The combined impact of universal franchise and the institution of the “reservations regime” enabled social mobility for the lower castes through a combination of political rights, access to social entitlements and

economic resources through caste quotas, and legal protections against exploitation and violence. The Indian Constitution focuses on the plight of the outcastes or “untouchables” known in bureaucratic parlance by the term Scheduled Castes, and tribal, or indigenous peoples, who are defined as Scheduled Tribes, but there are reservations policies in place for lower-caste communities termed Backward, and Other Backward Classes. Since 2019, the introduction of the EWS category [Economically Weaker Sections] has functioned as a form of affirmative action for the upper castes that cuts into caste-based reservations by introducing economic backwardness as orthogonal to inequality based on caste identity.

Ironically, *governance by caste* is framed by a powerful paradox: there has been little effort to quantify caste populations or to measure the relative strength of different caste communities in relation to each other except for counting the Scheduled Castes and Tribes. India has not had a caste census since 1931. The reason for this, we might note, is the belief that defining communities by their caste identity was itself stigmatizing and an indication of national backwardness even though affirmative action policies are predicated on caste identity!

Deshpande notes that the “OBC [Other Backward Class] quotas in particular lack granular data, making India’s affirmative action regime exceptional in passing ameliorative policies “without a sense of the demographic census data.” (p. 7) How does one operate in a situation of data darkness? This is a key question posed by Deshpande: can we ameliorate inequality without the measuring it? In order to generate a provisional picture of relative caste deprivation, Deshpande and her collaborators combine census data with other available aggregate data. However, the question persists about the deteriorating quality of available social data today especially in light of the high quality of statistical data that Indian institutions earlier produced.

Next, Deshpande asks whether caste deprivation resembles, or is increasingly giving way to distinctions of economic class. She answers in the negative noting the ongoing impoverishment of the Scheduled Castes *as a group* along various indicators—gender, education, economy, and social segregation. She also notes that the practice of untouchability—an extreme form of social stigmatization which operates as a limit case for possible comparisons between caste and class—is prevalent amongst Christian and Muslim communities and not just amongst Hindus, suggesting that caste inequality that exceeds economic marginalization and operates across religious difference.¹

How, then, should we understand the centrality of caste (and the practice of untouchability) to policies of historical redress and remediation in India today given the dilemmas of using caste as a measure of relative deprivation *between* socially existing castes, on the one hand, and as a generative rubric for understanding social stratification comparatively on the other? Below, I provide historical context for how we might understand both the specificity and the generative capacity of caste for policy discussions about inequality and social

¹ Arguing that untouchability operates across religious difference might occlude other important transformations, however. In 2006, the Sachar Committee Report provided evidence that social stratification among Muslims was worse than among the Scheduled Castes, that there had been a relative decline in the socioeconomic status of Muslims. There are forms of legislated exception for Muslims such as trust holdings (waqf), personal status laws, and funding for educational institutions. *However, these are on the grounds of religious difference and not socioeconomic deprivation.* The ongoing ghettoization of Muslims is distinct from stratification by caste, while caste also operates amongst Muslims.

stratification. My focus is less on the current impasse in operationalizing caste as a measure of social inequality in India today, which is the topic of Deshpande's essay, and more on providing key context for how we got here.

Caste and Constitution

In marked difference to the contentious, incremental process of franchise expansion in the West, the Indian Constitution instituted adult universal franchise in the context of mass illiteracy and myriad social inequalities. Another temporal compression was also evident: enfranchisement and affirmative action policies were adopted nearly simultaneously. *While EuroAmerican liberal democracies have typically committed to the sanctity of procedure to guard against bias, India's emergent democracy specified desired outcomes.*² Vulnerable populations were “enframed” by a constitutional vision: the Indian Constitution recognizes unmarked citizens, but they are also named as subjects defined by the markers of caste, poverty, and religion. In particular, the status of Scheduled Castes and Tribes is mentioned in the Constitution as requiring remediation.

In his important 1984 text, *Competing Equalities*, the legal theorist Marc Galanter made the signal claim that compensatory discrimination was “very much a domestic product, produced with little guidance or borrowing from abroad,” a unique kind of civil rights law that addresses caste (like race in the United States) as a collective structure of deprivation and impoverishment (Galanter 1984 and 2002). Indeed, Indian affirmative action is uniquely Indian, though it

² These commitments are articulated in the Directive Principles, and the Fundamental Rights clauses.

resonates with similar projects of remediation. For this reason, it bears thinking about the project in its specificity, as well as for its comparative relevance.

In the United States courts are tasked with negotiating preferential treatment as a policy that must align with the constitutional commitment to “due process” and “equal protection.” Interpretational leeway in balancing preferential treatment against equal protection—note that this is the origin of the simplistic group vs. individual paradigm that governs much civil rights law in the United States—exists in the degrees of scrutiny (strict, intermediate, or minimal) that is afforded to judges as they decide case law.

In contrast, commitments to individual rights, poverty alleviation, and group equalization are embedded in the Indian Constitution as concurrent projects of state action. Compensatory discrimination is primary: government is tasked with ensuring preferential treatment, and not merely the courts. “The Indian Constitution thus defines the duty of preferential treatment not through the rights of equality of opportunity and non-discrimination, but rather, as an *exception* to them.... *Compensatory preferential treatment, thus, does not have to be rendered consistent with non-discrimination.*” (Galanter 1984, 947)

Legislation for Scheduled Castes [SCs] and Scheduled Tribes [STs]—beginning with Article 17’s abolition of the practice of untouchability—forms the juridical limit through which entitlements for lower castes—that is, those who are neither classified as Scheduled Castes, nor Scheduled Tribes—can be framed. Article 15(4) specifies that the state must make special provisions for the advancement of any socially and educationally backward classes of citizens, or for Schedules Castes and Scheduled Tribes. Article 46 of the Constitution, which is a Directive Principle, stipulates: “The State shall promote with special care the educational and economic

interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and forms of exploitation.”

The legislation for SCs and STs is of two kinds: a set of unusual provisions in criminal law that seeks to protect them from violence, combined with policy measures enhancing their socio-economic development. The latter has enabled three *kinds* of reservation, each focused on the provision of dignified livelihood: (1) in legislative bodies, government service, educational institutions, and milder forms in housing and land allotment; (2) through provision of scholarships, grants, loans, health care, and legal aid; and (3) special measures, mostly legislative, to protect SCs and STs from practices such as bonded labor, untouchability, and land alienation. Finally, caste’s association with Hindu religion is recognized. Temples were thrown open to all Hindus, and a range of court cases around religious access in the first decades after independence defined the parameters of a Hinduism conceived primarily as juridical construct.³

- 1) Caste was translated into the language of socio-economic deprivation, that is, it became “class-like.”
- 2) Article 16(4) advocates “any provision for the reservation of appointments or posts *in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.*” [my italics]

³ In India, secularism as state policy is tasked with the equal protection of all religions, rather than a retreat of the state from the domain of religion. Debates about religious rights are a public issue, and the site of state intervention.

3) In response, studies of caste stratification, e.g., the Elyperumal Report, the Kaka Kalelkar Report, and others culminated in the government's decision to implement the Mandal Commission Report in 1989, which led to the implementation of reservations for the OBCs. (Note: this is the caste category for whom we lack census data.)

The tension between individual autonomy and group rights is baked into the Indian Constitution. Do affirmative action policies resolve a socio-political contradiction at the heart of the republic. Or, do they permanently mark a rift in the social body that policy cannot resolve? The political theorist Iris Marion Young has argued that debates about group preferences tend to convert questions of historic injustice, which are essentially political questions, into demands for distributive justice predicated on perfecting policy design (Young 2011). She argues that affirmative action constrains our interpretation of historic harm, as much as it produces visibility for them as redressable wrongs. Young is right to alert us to affirmative action policy as a form of de-politicization. However, efforts to define (and expand) the beneficiaries of meliorative policies have been waged through both policy and politics. In India today, we see two things occurring simultaneously, each at odds with the other. We see an extension of the logic of affirmative action across caste groups (including for upper-caste beneficiaries), while the socioeconomic deprivation of the untouchable communities remains relatively constant and exceptional. Without demographic data on the comparative weight of castes relative to each other as well as details about how individual caste identity affects socioeconomic mobility, one is hard pressed to arrive at a comprehensive understanding of how caste structures *intra* and *inter* group outcomes. Increasingly, reservations policies have rendered the division between those suffering

discrimination and those demanding social entitlement fungible, and thus politicized redistribution and historical repair in the process.

Caste-Race Comparison

Do caste and race operate as comparable regimes of inequality characterized by status hierarchy, rank order, and socioeconomic stratification? It is worth thinking about different levels or scales of analysis where comparison has proven useful: in politics and activism where solidarity and allyship has animated internationalisms of varying stripes; for modern democracies which seek to redress historical discrimination through legal and policy means; and in social scientific discourses in the academy where race and caste each represent heritable hierarchy and embodied inequality, albeit in different ways since caste's association with culture, tradition, and religion distinguish it from more "secular" understandings of race. Caste is not race and vice versa. It is worth noting, however, that in her widely read book, *Caste: Its Origins and Discontents*, Isabel Wilkerson inverts the focus on race as transhistorical signifier to argue that it is caste that is anterior and structuring; that caste presents us with form of heritable hierarchy and durable inequality that is both traditional and modern, old and new. To my mind the implications of the argument are less about direct comparisons of caste and race, and more to do with understanding global processes of inequality and subordination.

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