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**Burning up the Dharmasastras:
Group Identity and Social Justice in the
the Thought of B. R. Ambedkar
(Ambedkar Centenary Celebration,
Columbia University, April 14, 1990)**

On December 25, 1927, a conference of "Depressed Classes" gathered in Mahad, south of Bombay, to prepare a satyagraha, a non-violent struggle, to gain access to the waters of the Chaudar Tank. Earlier that year Dr. B.R. Ambedkar had led a march to the tank, taken a drink from it and set off a powerful reaction of social boycott of untouchables by high-caste Hindus. Now he returned, this time invoking not only the methods of Mahatma Gandhi but the example of the French Revolution. The conference first passed a declaration of human rights, asserting the principle of equality and calling for the abolition of the caste system. This was followed by a resolution condemning the Manusmriti, the classic Hindu code of conduct. Then, in a pit dug out in front of the speaker's platform, these "Laws of Manu" were placed on a pyre and committed to the flames.¹

Twenty years later, Ambedkar was to serve as chief draftsman of India's constitution, but by that time he had declared his intention to secede from Hinduism and Hindu society altogether and to lead those who would follow into another religion and another social order. The religion, finally selected on the eve of his death in 1956, would be Buddhism, and the social order

would be socialism, founded on the solidarity of the working classes.

For Ambedkar the overthrow of Hindu ideology was the necessary condition for the liberation of India's poor and oppressed, but he was not optimistic about the speedy victory of an alternative system. If he left millions of people with a new charter of hope, he himself died bitter and broken.² After the initial excitement of mass Buddhist conversion, the movement is said to have suffered the fate of its historic bhakti predecessors: it was absorbed and compartmentalized within the totality of India's hierarchical social order and came to replicate within itself the structure of that system.³

That despairing judgment of Ambedkar's achievement, however, neglects the opening up of wide domains in Indian life in which the ideology of hierarchy can claim neither legitimacy nor apparent practical effect. The terms of political debate, the institutions of the state, and much of the economy can plausibly be analyzed in terms of liberal concepts of the individual actor or Marxian concepts of class. If hierarchy, in Dumont's sense, retains its hold on India, it is now frequently submerged beneath the level of conscious articulation or masked in utilitarian rhetoric. Furthermore, the units of analysis recognized in Indian political and economic discourse bear an uncertain relation to historic social categories: class or ideological labels may disguise caste or ethnic identities; but caste, language and religion may stand for social consolidations that

are distinct innovations both in terms of their internal relations and their role in society.⁴

One of the great problems in the study of modern Indian society is to map the categories of social groups as "units of analysis" and to relate them to the major "domains" of political and economic life. Ambedkar stood as a radical voice of opposition against the dominant ideology of Indian nationalism which was more concerned with the establishment of a harmonious social order, making the parts fit into a harmonious whole, rather than the achievement of social justice or economic advancement. Disorder and fragmentation have been the great anxieties addressed by the dominant ideologies of Indian history. For this reason, "nation building" was an end in itself. India still stands at a considerable distance from a fully mobilized nation-state, poised to devote the entire energies of its population to an identifiable set of goals. More realistically, India's relatively weak integration places severe limits on the impact of national policy. Whether that kind of nation-state is a prerequisite for further economic and social development is a matter for speculation. Those who seek such development must decide what obstacles stand in its way, and some would say that an ideology of social harmony is one such obstacle. But if the price of change is conflict, what social groups can or should be mobilized into conscious movements for the reallocation of power? Can India as a whole be the primary arena for such conflict? And are there forms of conflict that can lead to something other than

matsyayana, the condition of anarchy in which the big fish devour the small?

Ambedkar and Partition

Muslim separatism has loomed as the paradigm for all politics based on ascribed cultural identity. The fact that the independence of India came simultaneously with its partition on August 15, 1947, serves as a warning against the possibilities of future dismemberments. At the time, partition was undoubtedly a shock even for those who had sought it. Few people had understood what Pakistan would mean: closed international borders, antagonistic armies, the displacement and death of millions, wars and preparations for war. If the goal of Indian nationalism was unity, Pakistan marked, for many, its dismal failure, the "inglorious end," as Gandhi put it, of his thirty-two years of struggle.

Ambedkar was one non-Muslim to support the partition of India, even to the extent of envisioning the exchange of populations that for others was its unanticipated consequence.⁵ The creation of Pakistan would free India from endemic Hindu-Muslim controversy, which only served to reinforce the authority of religious orthodoxy and inhibit radical social change. In separate countries, both Hindus and Muslims could devote themselves to matters other than their mutual enmity.

Ambedkar's argument for Pakistan was founded on the assumption that the "religious beliefs. . . of the Hindus and Muslims. . . constitute the motive force which determines the

lines of their action."⁶ A contrary view was expressed by Jawaharlal Nehru: "The new development of communalism had little to do with religious differences. . . . It was a political conflict between those who wanted a free, united and democratic India and certain reactionary and feudal elements who, under the guise of religion, wanted to preserve their special interests."⁷ According to Nehru, this use of religion was initially bound up with the British strategies for undermining the unity of India.⁸

The comments of Ambedkar and Nehru represent the two dominant interpretations of the nature of ethnic conflict in modern India. One is concerned with indigenous, primordial identities of religion, language and caste, which define clearly bounded populations. These separate social groups, held together by perceived commonalities of culture, mutual loyalty and practical interest, may be locked in conflict or mutually accommodated, but they are the "givens" of the Indian scene. The opposing view maintains that institutional changes, initially introduced during the colonial period, established new arenas of competition and defined the groups that were in a position to compete. Under these circumstances "elites" in the indigenous society "manipulated" symbols in order to pursue the sorts of political and economic goals that characterized these new institutions, namely the maximization of private interest.⁹ This debate about the priority of cultural constructs as opposed to economic motivation was not, however, confined to Hindu vs. Muslim in the development of conflicting nationalisms, but also, in complex

ways to what was more salient in Ambedkar's program of cultural revolution, the issue of caste.

From Caste to Ethnicity

In his search for equality, Ambedkar was attracted at various times to the strategies of Muslim separatists, from separate electorates to migration and territorial independence. As law minister and chairman of the drafting committee of independent India's new constitution, B.R. Ambedkar was in a position to inscribe the transformation of social principles that he had campaigned for since 1919. In Part III of the constitution a lengthy statement of "Fundamental Rights" gave legal force to the declarations anticipated at the Mahad Conference. The language of these constitutional articles posited a society made up of equal, individual citizens. It also forbade any form of discrimination on grounds of religion, race, caste, sex or place of birth. Not only the state, but private individuals and groups were barred from practicing such discrimination "with regard to--

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort. . . .

There were provisions for "equality of opportunity," banning discrimination in employment. More explicitly, Article 17 declared: "'Untouchability' is abolished and its practice in any form is forbidden." The articles guaranteeing freedom of

religion excluded the right of "Hindu religious institutions" to restrict access to any Hindu.

Nevertheless, the Fundamental Rights provided for considerable cultural autonomy, not only for religious groups but for those claiming "a distinct language, script or culture." This included the right to establish educational institutions. Beyond this recognition of the negative liberty of religious and cultural groups, Part XVI of the constitution made provision for active intervention by the state in favor of "certain classes": "Scheduled Castes and Tribes," "the Anglo-Indian community," and "other backward classes" to be designated by legislative and administrative procedures. The Scheduled Castes were entitled to reserved seats in the central and state legislatures in proportion to their share in the general population and were to be allocated quotas in government employment and educational institutions. Unlike similar arrangements during the colonial period, reserved seats did not entail separate electorates. Nor were similar provisions made for religious groups. The new constitutional provisions were to be temporary and transitional, aimed at redressing past inequalities, rather than permanently encapsulating ascribed group identity.

The task of defining membership in these classes had long been an issue of controversy, and once again the role of British administered social statistics and the British definition of social categories provided the framework for the debate. The fluid, interactional nature of group identity and ranking was, as

Bernard Cohn has shown, replaced by a concept of bounded corporate groups that one could count and rank in a fixed linear arrangement.¹⁰ Administrative definitions, based on census data, reified the status of "untouchability" in a list or schedule issued by order of the Government of India in 1935. Despite considerable regional and situational variation, this schedule took concepts of hereditary ritual pollution as the defining criterion of untouchable group membership. Certain named categories of people, as tabulated in the 1931 census, were then bracketed into a single class, "the scheduled castes." It was on this foundation that the independent Republic of India built an elaborate system of what Marc Galanter calls "competing equalities." The criteria were entirely ascriptive and eschewed considerations of actual poverty, illiteracy or other deprivation outside birth into the designated categories.¹¹

In the late nineteenth century there had arisen in virtually every part of India organizations that have come to be known as caste associations. Although generally using familiar jati designations that denoted attributed occupation or ritual status, these associations were in fact coalitions of diverse groups that previously had no significant interaction. They were virtual realizations of British census categories, as were the military regiments the British founded on "caste" or "racial" lines. Winning government recognition for higher status claims was one important function of the associations; more concretely, they were concerned with developing educational institutions and

receiving government patronage such as official employment. In many cases the associations pursued a strategy of promoting changes in social practices in consonance with Brahmanical norms ("sanskritization"), but more important was the development of a sense of shared community and shared interest among the members. Membership was voluntary, usually by subscription, and the organizations followed models that superceded jati and even combined with untouchable groups like the Mahars (the community to which Ambedkar belonged).

One of the great nineteenth century leaders of movements of self-assertion from among lower status groups was Jotirao Phule (1827-90). Influenced by writers like Tom Paine as well as bhakti poets like Tukaram, Phule nonetheless drew from the repertoire of caste ideology in forging his alliance. The non-brahman groups of Maharashtra were the original Kshatriya inhabitants of the land, who had been brutally conquered and exploited by Aryan Brahman invaders. Brahmans were the enemy. Under the British they monopolized official positions of the state as well as their former roles as priestly deceivers and exploitative landlords. They now were using the nationalist movement to further entrench their power, so it was in the interest of the lower castes to support British rule, which opened up new opportunities for education and economic enterprise.¹² Phule, who despite his Mali origins was descended from a long line of service gentry and was a prosperous urban contractor as well as rural landowner, nonetheless took on the dress and language of the peasantry to

