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Burning up the Dharmasastras:
Group Identity and Social Justice in the
the Thought of B. R. Ambedkar
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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

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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

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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

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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

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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

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symbolize that he partook of the soil and substance of Maharashtra.[13] Shared ancestry and shared substance were bound up with Phule's populist movement, but it was an explicit denial of hierarchy. Those who fell outside the boundaries were enemies and outsiders and were to be driven away.

Like Phule, Ambedkar had to balance the claims of particularistic ethnic solidarity with aspirations for a universalist ethic of human equality. Born in 1891, the son of a soldier who was both a devotee of the _bhakti_ sect of Kabir and a follower of Jotirao Phule, Ambedkar received a uniquely privileged education that culminated in doctorates from Columbia University and London.[14] During the enquiries, conferences and negotiations of the 1920's and '30's concerning constitutional arrangements, Ambedkar stood forth as defender of the untouchables, for whom he demanded electoral privileges along the same lines as those claimed by Jinnah for Muslims. Untouchables, who on one common calculation accounted for twenty per cent of the population, would stand apart from caste Hindus in the division of representation. The proposal was warmly supported by Muslim leaders, who saw it as a way to undermine the Congress and what they conceived otherwise to be a monolithic Hindu majority.[15]

Ambedkar's main antagonist was Mahatma Gandhi, who declared at the 1932 Round Table Conference in London, "I claim myself in my own person to represent the vast mass of the untouchables." But Ambedkar, who was also there, prevailed. In August of that

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year, the British Prime Minister, Ramsay MacDonald, issued his "Communal Award" under which untouchables would get separate electorates in districts of particularly high concentration; they would also vote in the general electorate. Gandhi's response was a "fast unto death." Under intense public pressure, Ambedkar entered into negotiations with Gandhi, who was under arrest in Pune. The result, as Ambedkar put it, was that Gandhi "saved his life" by agreeing, after twenty-one days, to the Pune Pact. Untouchables would vote separately in nominating primary elections for candidates who would then be selected by the general electorate.[16] In a book Ambedkar subsequently wrote, What Congress and Gandhi Have Done to the Untouchables, he documented Gandhi's long ambivalence toward caste and untouchability, his praise of hereditary callings and his paternalistic condescension to the people he called harijan (children of God, or more precisely, Krishna people).[17]

Ambedkar's aspirations were greater and his achievements far more constricted. He consistently called for a casteless society, and the political parties he led, the Independent Labour Party before independence and the Republican Party afterwards, were to be class-oriented and ideological, not particularistic. Buddhism stood forth as a great world religion that explicitly denied hereditary divisions among humanity. Yet Ambedkar's actual following was largely confined to Mahars, with a few significant exceptions such as Chamars of U.P. Regionally based, Mahars coalesced into a large ethnic collectivity under

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Ambedkar's leadership, separate not only from caste Hindus but from other Maharashtrian untouchables. The boundaries around them were all the more sharply drawn.

Territorial Boundaries and Political Mobilization

The constitutional provisions for fundamental rights, and compensatory discrimination in the constitution and subsequent legislation, along with reserved places in the legislature, were victories for this strategy of ethnic power. But on a number of occasions Ambedkar floated speculatative schemes to separate off untouchables into protected territorial enclaves on the model of contemporary religious and linguistic separatism. One idea was a mass migrations to underpopulated areas of Sind; another was the establishment of scheduled caste mini-states within the larger Indian federation.[18]

Even the largest caste associations tended to be restricted to provincial boundaries, which were their major fields of political action, and to a shared literary language. Most religiously-linked communal movements were also bounded by political geography and language, although English and the spread in the nineteenth century of newly standardized forms of Hindi and Urdu enabled some movements to claim a far more widespread following. Making political boundaries conform with linguistic ones was one more source of the "fissiparous tendencies" that characterized modern Indian politics.

By the early twentieth century regional linguistic "nationalisms" had arisen in many parts of India, demanding

separation and regrouping of the multi-lingual provinces on principles of linguistic homogeneity. When Lord Curzon divided the sprawling presidency of Bengal in 1905 according to Hindu-Muslim population distribution rather than language, he unleashed the first mass swadeshi ("nationalist") movement, in the name of Bengali linguistic unity. Not only was the division of Bengal rescinded in 1911, most of the non-Bengali territory of the old province was excluded.[19]

In 1921, under Gandhi's leadership the Congress looked back on the work of the previous century and listed the major languages of India and their territorial provenance. It then reorganized its local and regional party units along these lines and called for a similar demarcation of Indian provinces in any future constitutional arrangement. After independence, however, a commitment to national unity and the free-flow of personnel caused the Nehru government to postpone and even renege on the pledge to establish linguistic states. Controversies about border areas and the disposition of the great multi-lingual cities of Madras and Bombay, considerations of financial viability of provincial units, and calculations of Congress partisan advantage in maintaining the old units were all part of this hesitancy.[20] Ambedkar concluded that only a strong central government would be in a position to protect vulnerable minorities, and he was unsympathetic to the movements for linguistic states because they would tend to weaken central authority. At one point he advocated redrawing the state

boundaries on linguistic lines only if they would all agree to use Hindi as the official language. Later he called for subdividing the states to prevent them from getting too strong.[21]

The Social Distribution of Ideology

In the spirit of Nehru's critique of Muslim separatism, considerable effort has been expended in recent years to demonstrate the ways in which religion, caste or language have served as disguises for economic interest. For those who might be called, in Marx's words, "mechanical materialists," the task of the historian or anthropologist is to peel away layers of ideology to a hard core of pure economic relations.[22] Others, at least, are willing to concede that the explanatory power of economic interest has a history, that what counts as economic interest and for whom, what individuals or groups, is not obvious. Defining units of analysis, domains of action and the outer boundaries of a social system does not start afresh with each generation. The definitions certainly change over time, but only after they have been negotiated or contested from the given situation of the historical moment. The assumption here is that people act out of their understanding of the world.

The history of modern India for at least the last hundred years has been characterized by an explicit contestation of ideologies. These conflicts have spread unevenly over time into different sections of the population and different aspects of life. At issue is not so much the legitimate existence of

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"primordial" groups, defined by religion, caste or language, as the nature of their relation to each other. Only occasionally and very imperfectly have these sorts of identities manifested themselves as clear-cut vehicles for anything like class interest. There is no reason to believe that Indians are so gullible as to fall in simply with the schemes of manipulative elites. The significance of changing economic relations is surely not to be found in mere chicanery.

In the last years of his life Gandhi finally gave up his embattled attachment to caste and advocated not only marriages between castes, but between Muslims and Hindus as well. At the same time he advocated a universal ban on beef and liquor and the adaption by everybody of hand-spun, khadi, clothing.[23] What was missing, however, in the major nationalist ideologies of "unity in diversity" was a genuine place for difference. One reason Sayyid Ahmad Khan had opposed Congress demands for representative government in 1887 was that he feared the power of a monolithic Hindu majority. Assuming that Hindu-Muslim lines of division would determine political partisanship, he argued that democratic forms of government could not work with a permanent majority. A generation later, Ambedkar expressed the same fear of the dominance of "caste" Hindus.

What has saved India so far, at least at the national level, from this kind of tyranny of the majority has been the sort of social mechanism foreseen for the United States by Madison and de Toqueville: the great multiplicity of associations within India

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as a whole and the situational, transitional character of their emergence and demise. The idea of distinct, bounded groups must compete with the fact that group identities overlap, factions emerge, networks expand and contract according to the situation. Whether religion, caste, language or class consciousness apply to a given occasion, and at what level of generality, is not a constant condition of Indian life. Much of modern Indian history has consisted of negotiating or fighting over priorities with regard to group loyalty. What prevails, usually imperfectly, at a particular time may well color future occasions, but other considerations, like control of economic resources or access to information, may realign coalitions. Unless partitions or unforgivable mass murder intervene, and maybe even then, social alignments are open to challenge and negotiation.

If Indians are thus protected at the national level from a totalitarian uniformity, this is certainly not the case at more local levels, where the flexibility of the system often does not intrude very effectively and some overarching authority is unable to intervene. One price of India's "galactic" pluralism is that the resources of the central government to protect the weak, even when it is so inclined, are limited. And this is just one aspect of India's difficulty in finding and pursuing a consistent, conscious national program. But Ambedkar's call to expurgate Manusmriti, if it has not prevailed, has had its effect. For all his own personal disillusionment at the end of his life, the

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orthodoxies that he contested have been permanently weakened by the power of the counter-ideology he worked to establish in law and in the hearts of a large section of India's people.

Notes: Burning up the Dharmasastras

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3. Jayashree B. Gokhale, "The Sociopolitical Effects of Ideological Change: The Buddhist Conversion of Maharashtrian Untouchables," The Journal of Asian Studies, Vol XLV, No. 2 (February, 1986), pp. 269-292.

4. Myron Weiner, The Politics of Scarcity (Chicago, 1962), pp. 36-72; Lloyd I. Rudolph and Susanne Hoeber Rudolph, The Modernity of Tradition (Chicago, 1967), pp. 29-87; cf. Richard G. Fox, "Avatars of Indian Research," Comparative Studies in Society and History: 12 (1970), pp. 59-72.

5. B.R. Ambedkar, Thoughts on Pakistan (Bombay, 1941).

6. Ibid., p. 304.

7. Jawaharlal Nehru, An Autobiography, Reprint ed. (Bombay, 1962), p. 606.

8. Ibid., pp. 458-72.

9. These are the positions respectively of Francis Robinson, "Islam and Muslim Separatism," pp. 78-112 and Paul R. Brass, "Elite Groups, Symbol Manipulation and Ethnic Identity among the Muslims of South Asia," pp. 35-77, both in David Taylor and Malcolm Yapp, eds., Political Identity in South Asia (London, 1979).

10. Bernard S. Cohn, "Notes on the History of the Study of Indian Society and Culture," in Milton Singer and B.S. Cohn, eds., Structure and Change in Indian Society (Chicago, 1968), pp. 3-28.

11. Marc Galanter, Competing Equalities: Law and the Backward Classes in India (Berkeley, 1984), pp. 121-53.

12. Rosalind O'Hanlon, Caste, Conflict and Ideology: Mahatma Jotirao Phule and the Low Caste Protest in Nineteenth-Century Western India (Cambridge, 1985), pp. 15-49.

13. Ibid., pp. 105-273.

14. Zelliot, op. cit.; Keer, op. cit.

15. Ibid.; Galanter, pp. 29-40.

16. *Ibid*.

17. Second ed. (Bombay, 1946).

18. Zelliot, *op. cit*.

19. Leonard A. Gordon, <u>Bengal: The Nationalist Movement, 1976-1940</u> (New York, 1974), pp. 77-100.

20. Ram Gopal, <u>Linguistic Affairs of India</u> (Bombay, 1966).

21. B.R. Ambedkar, <u>Maharashtra as a Linguistic State</u> (Bombay, 1948); Keer, pp. 406-7.

22. Claude Meillassoux, "Y a-t-il des castes aux Indes?" in his <u>Terrains et Theories</u> (Paris, 1977), pp. 277-311; Burton Stein and David Washbrook, "Eighteenth-century India: Historiography, Perspectives and Propositions," unpublished paper, 1985.

23. <u>Harijan</u>, July 7, 1946; Robert Duncan, ed., <u>Gandhi: Selected Writings</u> (New York, 1971), p. 171.