

THEME SECTION

Toward an anthropology of affirmative action

Edited by

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Dedication



This special theme section is dedicated to the memory of Suvash Darnal (1980–2011). Suvash was a visionary thinker and activist whose commitment to the advancement of Nepal’s *dalit* community was just beginning to realize its transformative potential when he died in a tragic road accident at the age of 31. We benefited from his advice and insight in his capacity as an advisory board member to the British Academy project from which this volume emerges. His future contributions will be sorely missed, and we hope that in some small way the collected writings here will help advance the causes to which he dedicated his life.

The practices, policies, and politics of transforming inequality in South Asia: Ethnographies of affirmative action

Alpa Shah and Sara Shneiderman

Abstract: This is the introduction to a special section of *Focaal* that includes seven articles on the anthropology of affirmative action in South Asia. The section promotes the sustained, critical ethnographic analysis of affirmative action measures adopted to combat historical inequalities around the world. Turning our attention to the social field of affirmative action opens up new fronts in the anthropological effort to understand the state by carefully engaging the relationship between the *formation* and *effects* of policies for differentiated citizenship. We explore this relationship in the historical and contemporary context of South Asia, notably India and Nepal. We argue that affirmative action policies always transform society, but not always as expected. The relationship between political and socioeconomic inequality can be contradictory. Socioeconomic inequalities may persist or be refigured in new terms, as policies of affirmative action and their experiential effects are intimately linked to broader processes of economic liberalization and political transformation.

Keywords: affirmative action; caste, ethnicity and class; ethnography of the state; differentiated citizenship; India; inequality; Nepal

Countries across the world have chosen to address the challenges of “differentiated citizenship” (Young 1989: 258) by implementing a range of policies, among which affirmative action plays an important role. Such attempts to compensate for past discrimination and minimize existing inequalities that persist on the basis of group identity—whether defined by culture, race, ethnicity, language, or other markers of belonging—have become a hallmark of modern governmentality. These mechanisms

may include territorially based self-determination, as in the United States, where Native American claims to sovereignty have made the issue of self-governance a key legal and political question. Other countries focus on a multicultural agenda, where the objective is greater integration into the larger society through the recognition of cultural particularity, as in the framework of “positive action” in the United Kingdom. Some states offer special rights of representation to rectify past marginalization, such



as China's "preferential policies" and India's "reservations", which earmark seats in government and education for ethnic minorities, women, and other disadvantaged groups.

These are both specific applications of the general idea of affirmative action, a term that first emerged in the United States in the 1960s to denote the federal government's responsibility to hire without regard to race, religion, national origin, or gender (Anderson 2005). Popular understandings of affirmative action often conflate this broad definition with the idea of "positive discrimination", as implemented through the narrower concept of numerical quotas, or "reservations" in the parlance of India. There, seats in key institutions are proportionally reserved for members of constitutionally recognized groups, who may also receive other benefits and entitlements. In the United States, where affirmative action remains an important plank of public policy and debate, the Supreme Court has repeatedly ruled such quantitative metrics to be illegal. Affirmative action may therefore refer to a vastly varied set of policy measures, which are united by their intentions to create the conditions for disadvantaged groups to compete equally, therefore advancing the secondary goal of "diversity". We emphasize this wider connotation of the term here.

In tandem with other forms of special rights and recognition, then, affirmative action is one of several mechanisms that states may deploy to address the intertwined dynamics of socioeconomic inequality and cultural marginalization. Yet it has received relatively little anthropological attention in comparison with closely related concepts such as multiculturalism (Bauman 1999; Turner 1993; Hale 2002; Postero 2006). Indeed, although there is a substantial body of social scientific research on affirmative action, most of it has been conducted by economists, sociologists, and political scientists using quantitative methods. These approaches tend to treat affirmative action as a *fait accompli*, a set of already implemented policies whose success or failure can be measured statistically. Political philosophers, on the other hand, have deliber-

ated over the ideals that underpin affirmative action, and its potential social goods, as well as the "politics of recognition" (Taylor 1992) and the discourses of "multicultural rights" (Kymlicka 2001, 2007) that usually shape the political spaces in which affirmative action measures are debated. For the most part, however, these works incorporate little specific evidence about how the discourses and practices of real world affirmative action measures affect ordinary people's lives. In fact, the implementation of affirmative action often triggers nuanced and sometimes counterintuitive transformations in social relations. The dynamics of such processes are very difficult to assess quantitatively. We suggest that they may be unveiled in a more fulsome manner through the in-depth, historically situated approach of ethnography.

This special section therefore promotes the sustained, critical ethnographic analysis of affirmative action measures adopted to combat historical inequalities around the world. In recent years, anthropology has firmly established an agenda for ethnographies of the everyday state and policy making, but the social field of affirmative action remains to be explored as a site of critical anthropological inquiry. This is especially surprising because it is one of the few policy-making domains in which anthropology as a discipline has been used consistently as an instrument of the state, with professional anthropologists employed by many countries to assess claims for recognition and entitlement (see Middleton, this issue). Coupled with ethnographic material that describes the lived experience of affirmative action, analyses of the knowledge produced at the intersection of social science, politics, and policy in the process of formulating such measures can open important new horizons in deepening anthropological understandings of states, citizens, and the relationships between them.

In proposing an anthropology of affirmative action, we suggest an analytical framework that carefully engages the dialectical relationship between the *formation* and *effects* of policies for differentiated citizenship. It works at the intersection of politics, policy, and practice to inves-

tigate how cultural difference is claimed and produced, how the politics of grievance validate and undermine modern identities, and how the resulting transformations shape sociality. At its heart is an ethnographic exploration of a social field constituted by diverse actors, including people demanding recognition, rights, and entitlements; politicians and nongovernmental organizations (NGOs) advocating on their behalf; state administrators charged with responding to those demands; social scientists employed to evaluate them; a range of people debating these issues in the public sphere; and still others who may not know much about the details of the legal measures in question, but whose lives are profoundly affected by them. The anthropology of affirmative action thus considers the ways in which legal regimes are experienced, the class-race-caste-ethnicity-gender dynamics that are produced, the resulting cultural reorientations of identity politics, and the social consequences of policies designed to address inequality.

In this special section, we use the empirical detail of ethnography to reveal that while affirmative action measures may reduce certain inequalities, they may also encourage the persistence of other terms of difference, as well as the production of new forms of inequality. Anthropological approaches thus allow us to see the subtleties of continuity and change in social relations wrought by policies that recognize cultural difference and link entitlements to it, as well as to explore the political-economic transformations that accompany these processes.

The South Asian context

We explore these widely relevant dynamics through a set of ethnographic engagements in South Asia, particularly in India and Nepal. India boasts one of the oldest and most robust systems of affirmative action anywhere, dating back to the colonial period. Nepal, in contrast, is just now considering what its first comprehensive, constitutionally mandated system of affirmative action might look like. This nascent policy making takes place in a period of post-

conflict state restructuring, influenced by the Indian experience but also by broader transnational development frameworks that emphasize the rights of marginalized populations. We focus on the experiences of the most marginalized sections of society in South Asia: the quarter of the Indian population who are classified as Scheduled Castes (SC—commonly known as *dalits* or, formerly, “untouchables”) and Scheduled Tribes (ST—popularly called *adivasis*, tribals, or indigenous peoples), and comparable groups of *dalits* and *adivasi janajatis* (indigenous nationalities) in Nepal.

Indian policies of affirmative action result from a long history of concern over the fundamental inequality between different groups embedded in the caste system. Some groups, notably the *dalits* and the *adivasis*, suffered from disproportionate marginalization and oppression at the hands of the upper castes, being considered the lowest on the rungs of the caste hierarchy: the *dalits* were believed to absorb the impurity of the castes above them, making them “untouchable”, and the *adivasis* were seen as wild and savage like the jungles in which they were found. The concept of reservations, a form of affirmative action that relies on quotas, dates back to colonial policy at the turn of the twentieth century. However, it was the postindependence Constitution of India that in 1949–1950 laid down a comprehensive nationwide system. Under the leadership of B. R. Ambedkar, 15 percent and 7.5 percent of government sector jobs and higher education seats, respectively, were reserved for the SC and ST communities, together called “Backward Classes” (BCs) (Galanter 1984). Seats were also reserved for SCs and STs in the national Lower House of Parliament (Lok Sabha) and in the state legislative assemblies, based on the percentage of their population in each state. These policies were intended to be temporary, but following the recommendations of the 1980 Mandal Commission report, which evaluated the system, in the 1990s the quotas were extended so that 49.5 percent of all jobs in central government services and public undertakings were reserved for SCs, STs, and a poorly defined category of

“Other Backward Classes” (OBCs). As both Moodie and Middleton describe in this issue, successive reports, such as the Chopra Commission report of 2007, have continued to raise questions about various aspects of the reservations system.

These policies result in heated public debate in India on a range of different issues. The criteria for ST/SC and OBC status relies on contentious colonial classifications (see Cohn 1987; Pinney 1990) and are fiercely contested today (Kapila 2008; Middleton 2011). Key questions are whether job reservations are incompatible with institutional well-being, and whether they pose a threat to the principal of equality of individual opportunity. Acrimonious debate persists over the question of whether reservations give caste a new lease on life, benefiting only the better-off among the communities they are set aside for—the “creamy layer” (see Béteille [1983, 1991, 1992] for the key issues, and Parry [1999] for an ethnographic rebuttal). Social movements have even developed for “reservation within reservations” to differentiate sub-castes and tribes who have fared worse than others in the same groups (Balagopal 2000; Teltumbde 2009).

Indian public discourse also influences current debates over similar legislation in Nepal, where between 2008 and 2012 a Maoist-led Constituent Assembly placed affirmative action at the center of its agenda for federal restructuring, nation building, and social inclusion. Although at the time of writing the constitution has not yet been promulgated, provisions for affirmative action have been proposed based on ethnic, caste, regional, religious, and/or linguistic identities—in a country in which it was illegal to discuss such identity differences until 1991, despite the fact that dramatic inequalities based on caste, ethnicity, culture, and language have been prevalent for centuries (Gellner, Pfaff-Czarnecka, and Whelpton 1997; Höfer [1979] 2004). In 2002, the Nepal Foundation for Indigenous Nationalities (NFDIN) Act recognized fifty-nine groups as *adivasi janajatis* (indigenous nationalities) (Onta 2006), and a National Dalit Commission Act identified twenty-two

dalit groups. Drawing directly upon the Indian experience, several *madhesi* groups from Nepal’s Tarai strip along the southern border with India now seek classification as OBCs, while ever more groups clamor for recognition as *adivasi janajati* (see Hangen 2010; Middleton and Shneiderman 2008; Shneiderman, this issue), stimulating debates over the limits of difference and its political purchase.

Taken together, these South Asian cases reveal a paradoxical story. Neoliberal reforms, at a rate second only to that of China, have created a fundamental shift in state-market relations in India. Beginning in the 1980s, liberalization policies have transformed the role of a strong socialist-inspired public sector, as new market forces have influenced most sectors. Foreign investment in India grew and many publically owned companies and sectors, such as education and health, were increasingly privatized. Thus, as shown by Higham and Shah in this issue through a historical analysis of transformations in secondary education in Jharkhand, the possibilities of affirmative action policies restricted to the public sector are undermined. Higham and Shah argue that market-led gains benefiting more advantaged sections of society now outweigh the still predominantly state-led improvements for more disadvantaged groups (in their case, *adivasis*), as the state has lost some of its universal ambitions and is increasingly becoming a “state of the poor” (Mooij 2011; Higham and Shah, this issue). The argument is not that there is a hollowing out of the state, but that, on the one hand, *dalits* and *adivasis* are ever more dependent on the state for their livelihoods, and, on the other hand, the state has nurtured ever more ruthless forms of capital accumulation in the neoliberal era, which undermines the relative position of *adivasis* and *dalits* in relation to other groups.

While the quantifiable entitlements of affirmative action administered by the state sector are decreasing, more and more people are demanding inclusion so that they too may reap the perceived benefits of state recognition. As explored by both Moodie and Middleton in this issue, India has seen a series of violent agita-

tions by groups demanding inclusion in the list of SCs or STs. In 2007–2008, agitations by Gujjars demanding ST status spread from Rajasthan across northern India, and were violently repressed by the police. In the same period, Assam saw protest marches by *adivasi* student associations demanding ST status for Santhals, who in the nineteenth century had been brought from West Bengal and Jharkhand to Assam to work on colonial tea plantations. Although this group holds ST status in their “home” states, they are not recognized as such in Assam, leading to inequalities in perceived access to resources among members of the same group who live in different parts of the country (Ananthanarayanan 2010). This situation highlights the particular challenges of implementing affirmative action policies based on group identity in a federal state with complex demographics, providing a cautionary tale for Nepal, where federal restructuring along ethnic lines has often been portrayed as a panacea for all inequalities in the postconflict era.

Middleton argues that we are seeing a “return of the native” (Kuper 2003) in India as more and more groups (an estimated one thousand communities) are vying for tribal recognition. These claims are measured against criteria established by the 1965 Lokur Committee, which require communities to show five characteristics: primitive traits; distinctiveness of culture; geographical isolation; shyness; and backwardness. Focusing on the role of the “ethnographic state” (Dirks 2001) in assessing such claims, Middleton shows how the working lives of the government-employed anthropologists are characterized by stress generated by the disjuncture between these outdated criteria and the anthropologists’ experiential knowledge of contemporary realities. He also shows that the public performance of the “tribal slot” (Li 2000) is not enough to ensure easy recognition. Costumed dances must be accompanied by hunger strikes, protests, political networking, and lobbying, in which some groups will be more successful than others. In these processes, the use of media and public forums may generate greater visibility, but also bring heightened scrutiny,

compromising the possibility of becoming tribal.

Performing tribality in terms determined by the nation-state is also no longer adequate for groups in other parts of South Asia. In northeast India, where more than 80 percent of the population holds ST status, new categories for promoting positive discrimination draw upon an international discourse of indigeneity. Yet this idiom is used to make state-specific claims, demonstrating how international discourses articulate with national and subnational policy frameworks to generate highly localized configurations of identity. Karlsson shows how in the Indian state of Meghalaya, where 85 percent of the population can claim ST status, the category of “indigenous tribe” is emerging as a preemptive strategy of claiming future rights and entitlements from the state administration against the backdrop of the international indigenous rights movement. Karlsson argues that such projects of self-identification are ontologically different from identities fixed by state-sponsored affirmative action initiatives. While the latter are intended to be ultimately self-eliminating in the Indian case, claims of international indigenous rights come with promises of more permanent safeguards and may give marginalized peoples international standpoints from which to challenge the national frameworks within which they live.

In Nepal, where the terms of difference upon which the affirmative action architecture must be built are only just being debated and introduced, international actors have played a role in setting the conditions of recognition, a point explored by Shneiderman. In comparison to India, Nepal has accorded greater official credence to the concept of indigeneity, as defined in international terms. Unlike India, in 2007 Nepal ratified the International Labour Organization’s (ILO) Convention 169, which promotes the rights of indigenous and tribal people. Alongside the United Nations’ (UN) Permanent Forum for Indigenous Peoples and the ILO, development agencies like the United Kingdom’s Department for International Development (DFID) are now playing important roles in the

classification of populations in Nepal. In some ways, these echo roles that colonial administrators once played in India (Cohn 1987, 1996; Dirks 2001; Pinney 1990). Shneiderman shows how development-driven understandings of identity as a quantifiable resource that can be “strengthened” through technical intervention shape the aspirations and political tactics of ethnic actors who demand affirmative action measures as a key component in a “new”, restructured Nepal. Yet Shneiderman’s ethnographic material also demonstrates that as in the debates over colonialism, contemporary development interventions that seek to classify populations for affirmative action purposes cannot be seen as simply top-down measures. Rather, development actors enter into already well-developed spaces of ethnic discourse and practice in Nepal, augmenting in sometimes unexpected ways the ongoing processes through which local populations come to set the terms of their own recognition, and work to transform the state itself.

In Nepal it is too early to analyze the impacts of these interventions on the objective of transforming inequality. Yet the anthropological analysis of experiences in India over a longer period of time tells a complex and often troubling story. Shah (2010) has warned that the cultural politics promoted by indigenous rights claims may mask the varied concerns of class-differentiated populations, and as such can dangerously misrepresent and hurt the very people they claim to represent. Teltumbde (2010) has argued that the *dalit* movement is so divided by caste differences and the formation of class differences within it that for any meaningful socio-economic change for the majority of oppressed *dalits*, it needs to abandon the idiom of caste and adopt a class idiom, identifying with other oppressed people. Indeed, the articles in this special section show that for many *dalits* in particular, while affirmative action measures have resulted in a marked increase in political impact at the national level, broader transformations in the socioeconomic position of *dalits* vis-à-vis other groups remain questionable (see also Guru and Chakravarty 2005; Jaffrelot 2006).

In Uttar Pradesh, Michelutti and Heath analyze the rise of caste politics, in particular the emergence of the *dalit*-led Bahujan Samaj Party as a major political player in northern India. Michelutti and Heath suggest that while the symbolic resurrection and celebration of *dalit* history, heroes, and culture has created new political spaces for *dalits* and enabled the appropriation of the language of democracy and social justice, it has also created a new polarization between *dalits* and all other castes in which pollution barriers often remain intact. This reflects analyses of the contemporary dynamics of caste that suggest that while the boundaries between Hindu castes may have become more permeable than in the past (Fuller 1996), segregation remains between the higher Hindu castes and *dalits* (Parry 2001, 2007). Increased political visibility and institutional representation does not appear to translate into overall social and economic upward mobility for *dalits* as a group. This analysis is echoed in Still’s ethnographic observations in the southern Indian state of Andhra Pradesh. She argues that while discrimination on the basis of purity and pollution has been “delegitimized” in public discourse (Fuller 1996), the language of reservation itself is now used by dominant castes to express prejudice against *dalits*. Reservations are seen as unfair by members of higher castes because they are perceived to reward typically *dalit* characteristics of laziness and dirtiness. In this case, “reservations” has become a new idiom for expressing the prejudices of caste discrimination in a context in which the old language of ritual hierarchy is no longer seen as acceptable. Following Kapadia (1995), Still argues that the hostility generated by reservations is wholly out of proportion to the benefits they have actually brought to *dalit* populations.

Higham and Shah’s contribution in this issue highlights the need to contextualize analyses of affirmative action within broader histories of political-economic transformation. Challenging the presumption that increased access to resources provided by affirmative action necessarily leads to absolute socioeconomic improvement of the targeted populations, Higham and

Shah show that while a greater proportion of *adivasis* are now educated than in the past, their access to the highest quality of education has actually decreased since the early twentieth century. Focusing on Jharkhand, the Indian state that gained independence from Bihar in 2000 based on a long history of struggle for its *adivasi* populations, Higham and Shah demonstrate how industrialization and liberalization have resulted in the expansion of private sector schools that few *adivasi* can afford. While state schooling offers preferential treatment to *adivasis*, these schools are increasingly seen as lower quality. So while the absolute position of *adivasis* may have improved, Higham and Shah argue that in relative terms the historic inequalities they face have widened. This dynamic is also reflected in Moodie's discussion of the Dhanka STs of Rajasthan, who have benefited to some extent from reserved jobs, but nevertheless live a precarious existence. Moodie's case demonstrates well the problems inherent in evaluating affirmative action measures in purely quantitative terms, especially when such assessments undercut the long-term advancement of target populations by substituting facile measures of unidirectional "success" for a more in-depth understanding of movements both up and down. In the context of a shrinking state, rather than representing the "creamy layer"—as the economic elites within the SC and ST categories are often called in India—they are very vulnerable to sliding right back down the socioeconomic scale.

Similarly, we suggest that India's affirmative action policies as a whole should be treated with a more critical eye than has often been the case in the world at large. Many US-based scholars (Cunningham, Loury, and Skrentny 2002) have highlighted India's "success" in implementing an empirically rigorous model of affirmative action as an example that the United States and other countries should emulate. We argue that while India may have important experiences to offer for countries like Nepal, where affirmative action is very much in the making, it would be irresponsible to implement affirmative action as a corrective to the "lingering effects of past dis-

crimination"—as then chief justice of the US Supreme Court Sandra Day O'Connor famously framed the problem (as cited in Cunningham, Loury, and Skrentny 2002: 837)—without evaluating the potential "lingering effects" of affirmative action itself.

The cases discussed in this volume suggest that although affirmative action policies always transform society, those transformations are not always along the lines expected. Inequalities may persist or be refigured in new terms, as groups strive to frame their demands in the terms required by the states in which they live, and in some cases work to transform those terms themselves. Many scholars have recently pointed out (Comaroff and Comaroff 2009; Hale 2002; Povinelli 2002) that the recognition of limited rights for particular groups that have been marginalized by notions of citizenship predicated on a culturally homogenous political subject is not at all at odds with the neoliberal project. Hale (2002), for instance, shows how multiculturalism is strategically appropriated by neoliberal regimes as long as it does not undermine the more general project of political and economic reform, leaving class-based societal inequities in place, if not exacerbated.

In this volume we hope to have initiated a mode of analysis that situates the social processes surrounding affirmative action in a holistic, empirically rigorous, and historically informed context. Taken together, these contributions show that the calibration between spaces for political mobilization afforded by affirmative action based on group identity, and those spaces from which socioeconomic inequalities can be transformed, is a complex and often counterintuitive puzzle. The increased political visibility of previously silenced marginalized groups promoted by affirmative action may be necessary at particular moments in time. However, these processes of political mobilization can equally promote an identity-based politics that does not necessarily lead directly to a marked improvement in the socioeconomic circumstances of the marginalized groups.

It is these contradictory concerns with which states like Nepal, which are forging new consti-

tutions, must contend. A half-century of experience with affirmative action's potential pitfalls across the border in India shows the need for empirical rigor, sustained debate informed by historical and comparative data, and frank discussion as new policies that attempt to ameliorate vast inequalities are framed.

Acknowledgments

We thank the British Academy for funding the UK-South Asia Partnership on "Inequality and Affirmative Action in South Asia," out of which this collection emerges. We also thank the partners and research fellows in that project in the United Kingdom, India, and Nepal, as well as participants in the sessions supported by that grant at JNU Delhi in November 2009, in Bonn at the European Conference on Modern South Asian Studies in July 2010, and in Kathmandu in July 2012. Finally, we thank the contributors to this volume; the reviewers and editors at *Focaal*; and colleagues at Yale University, the University of London, and beyond for their contributions to this project over time. All errors remain our own.

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