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Source: *Economic and Political Weekly*, Vol. 50, No. 39 (SEPTEMBER 26, 2015), pp. 30-36

Published by: Economic and Political Weekly

Stable URL: <https://www.jstor.org/stable/24482458>

Accessed: 15-04-2021 18:34 UTC

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# Repairing Complex Historical Injustice

NEERA CHANDHOKE

Political theorists no doubt have to take the history of injustice, for example, untouchability, seriously. But, the beginning point of repair of historical injustice is the “here” and the “now,” the democratic context that shapes collective lives and aspirations. Comprehension of how deep the roots of injustice are, is important. But, it is also important not to get trapped too much in the past and in the politics of recrimination and resentment that divides society irretrievably, and prevents the consolidation of a consensus on the need to battle discrimination.

The concept of historical injustice takes note of a variety of historical wrongs such as war-time brutalities, appropriation of land and extermination of indigenous people, slavery, genocide, colonialism and imperialism, killings, mass rapes and mutilations during territorial partitions, apartheid, and extraction of wealth through bonded labour, among others. Some injustices are inflicted on people in times of exception such as annexation and partition, war, riots, and civil strife. Other injustices like slavery and “untouchability” fall into a different category altogether. Though, all cases of injustice cause deep harm and warrant retribution, reparation, public acceptance of wrongdoing and apologies, the second category—past wrongs—continues into the present in some form or the other, and tends to resist repair.

Two reasons might account for resistance to repair. One, not only are the roots of injustice buried deep in history, the injustice itself constitutes economic structures of exploitation, ideologies of discrimination, and modes of representation. Two, the category of historical injustice generally extends across a number of wrongs such as economic deprivation, social discrimination, and lack of recognition. This category is complex not only because of the overlap between a number of wrongs, but because one or the other wrong, generally discrimination, tends to acquire partial autonomy from others. This is borne out by the history of repair in India.

In India, attempts to repair complex forms of historical injustice, specifically untouchability, have produced unanticipated outcomes. Whereas economic deprivation has been addressed, somewhat, and while Dalits have wrested the right to voice from the closed fists of recalcitrant elites, a major part of the

community is still denied recognition. On balance, experience shows that it is difficult, if not outright impossible, to repair every manifestation of complex historical injustice. One or the other aspect manages to slip through the fingers of some very worthwhile projects of redistributive justice.<sup>1</sup> This is particularly true of recognition or the lack thereof. Developing partial autonomy from other forms of injustice, denial of recognition relentlessly pushes historical injustice into the present and, perhaps, into the foreseeable future as well.

Arguably, the disjunction between the three goods that the project of redistributive justice tries to secure for disadvantaged populations—the right to material goods through redistribution, the right to voice and the right to recognition—complicates understandings of how a democratic society can possibly make up for deep harm. The essay tries to deal with these complexities from the vantage point of the past and the present of the Indian experience.

## Complex Injustice in History

Skilled historians lay before us the intricate details of the past in all its richness and intricacies much as Titian’s wonderful Renaissance painting *The Fall of Man* (1550) depicted the minutiae of the exile of Adam and Eve. Political theorists who choose to address present predicaments are generally concerned with why certain forms of injustice continue to be reproduced in the present. History matters, but for the most part contemporary political theory, despite the warnings of Quentin Skinner and his colleagues, does not try to reconstruct the languages and the practices of the past.<sup>2</sup> Most approaches to historical understanding are presentist, perhaps even instrumental. That is we read the past through the prism of contemporary understandings, categories, concepts, and concerns. Irrespective of the methodology we prefer to come to terms with the past, we must know where we have come from, and how we arrived from “there” to “here.” Even as she warned against excessive preoccupation with the history of injustice,

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Iris Marion Young suggested that it is both a mad and dangerous wish to break with the past and make it irrelevant. If we do not face the facts of historical injustice, we may be “haunted by victim’s ghosts and destined to repeat the perpetrator’s wrongs” (Young 2012: 171–72). For this reason, a brief foray into history can be justified.

It is universally accepted that the history of social orders is embedded in injustice done to groups for no reason other than birth into a community typed in various perverse ways. In India, Bangladesh, Pakistan, Sri Lanka and Nepal, a rigid, hierarchical and exclusionary caste system has, for at least two centuries, subjected Dalits to threefold injustice: extreme economic deprivation, institutionalised social discrimination, and lack of voice. The history of the subcontinent brought to the community little but torn feet and bleeding hands. If there is one thing that is worse than birth into a system where caste governs access to opportunities and status, it is birth outside the system.

Witness the irony of our collective life: Dalits performed tasks that were crucial to the reproduction of the Hindu community, from labouring on land to leather work, but the community itself was sequestered socially and spatially. Historians tell us that the caste system was fluid, and members of one caste could, in some circumstances, move to an upper caste. The one feature that prevented the Dalits from doing so was the line of pollution. Nowhere in the hierarchy of caste, suggests Surinder S Jodhka, is the rigidity of the line as sharp. The line of pollution and impurity is absolute (Jodhka 2012: 71).

Practices of discrimination were consolidated over time, even though protest stalked the practice of untouchability, much as Nemesis single-mindedly pursues hubris. In the 6th century, philosophers belonging to Buddhism and the Cārvāka School of materialist philosophy attacked caste and untouchability among other precepts of Brahminical Hinduism. From the 6th to the 16th century, the Bhakti movement of devotional mystics launched a powerful and concerted attack on caste-based discrimination. Till today, the poetry of the 16th century weaver Kabir, who exposed the hollowness

and the hypocrisy of organised religion and its gatekeepers is remembered, recited and sung. “Pandit,” he addressed the Brahmin, “look in your heart to know. Tell me how untouchability was born—untouchability is what you made so” (quoted in Omvedt 2008: 99).

Right up to the turn of the 20th century, a number of social reform groups, driven by the quest for a moral order and the belief that untouchability was a later appendage to Hinduism, tried to retrieve the essence of the religion. Others threw up their metaphorical hands in despair, broke away and established new religions such as Buddhism, Jainism and Sikhism. A “divinely ordained” social hierarchy and practices of exclusion became the object of struggle, the target of social reform movements, and often the butt of ridicule.

Contemporary understandings of untouchability as historical injustice were consolidated in the opening years of the 20th century. Compared to earlier protests, the debate—motivated in part by the liberal tradition of freedom introduced by colonialism, in part by indigenous traditions of protest initiated by seers, social reformers, and the Bhakti movement, and in the main by the political mobilisation of Dalits against the mainstream national movement, the Indian National Congress—acquired a distinctive and sharp political edge.<sup>3</sup> It acquired a sharp political edge because it spoke of the need to ensure equal political status for all in an independent India. A number of legacies went into the making of this critical political sensibility, which began to examine issues of historical injustice and redistributive justice within the society that demanded freedom from colonialism. How would a democratic India go about acknowledging and correcting historical injustice? What were the roads that society had to follow to the realisation of justice?

The context of the debates was, in other words, democracy, political equality, and redistributive justice. For a caste-bound society that had raised inequality and injustice to the status of a binding moral norm, and fine-tuned it as a moral virtue, the issues at stake were politically significant, nothing less than equality in an extremely unequal society.

### Present of Redistributive Justice

In few newly independent countries were equality and redistributive justice given such centrality in the political imaginary. Independent India adopted an ambitious programme of redistributive justice, which sought to turn existing inequities and hierarchies on their head. To accomplish this task, the project had to take cognisance of background inequalities, many of which were composed of little but layers of historical injustice.<sup>4</sup> The project “looked backwards” to identify historical injustices. It simultaneously “looked forward” to estimate how accumulated disadvantages could be tackled through appropriate means, in this case redistributive justice.

Redistributive justice ensures the right of all citizens to privileges, opportunities, income, voice, and recognition. Most of the goods to which people have a right can be summarised in three categories: the right to material goods (vide the route of redistribution), to voice, and to recognition. Within the project of redistributive justice, affirmative action policies guaranteed the physical presence of Dalits in state-maintained educational institutions, in public employment, and in elected bodies. The Constitution and laws criminalised the practice of untouchability, and in the interests of affirmative action, exceptions were made to Article 14 of the fundamental rights chapter of the Constitution that guarantees the right to equality. Undeniably, affirmative action policies that centre on the politics of presence and acknowledgement of harm done, as well as the dynamics of democracy and electoral calculations, have contributed somewhat to the repair of historical wrongs. The advantages of these policies are, however, unevenly spread out. The constituency of affirmative action has benefited, but in bits and pieces.

For instance, we see the making of an educated and professionally qualified Dalit middle class. Magazines run cover page stories on the rise of Dalit millionaires and the establishment of the Dalit Indian Chamber of Commerce and Industry (Khandekar 2013). A Dalit movement has succeeded in prising open worlds that for long had been closed to the community. Activists have seized the

right to voice through collective action, and now influence and even shape public debates. Today, Dalits write their own histories and biographies. A vibrant literary movement denounces the ostracism of an entire community from mainstream society, and chronicles the nerve-racking experience of being treated as an outcaste. Challenging prevailing literary conventions, rewriting the script of literary and poetic production, inserting the community into critical narratives of the Indian nation, and intent on representing their own community, Dalit writers have dented the way we used to think of others and of ourselves.

This genre of literature has gained considerable acclaim, and English translations of Dalit literary works, for example Narendra Jadhav's *Untouchables* (2007), Omprakash Valmiki's *Joothan* (2008), and Baby Kamble's *The Prisons We Broke* (2009) have expanded the canon of postcolonial literature and aesthetics in Indian and Western universities. And, above all, electoral politics, affirmative action, and the space afforded by civil society for mobilisation have enabled a suppressed community to recover agency and speak back to codified power.

In many ways, caste-based practices have changed for the better, at least in urban India. Yet, the practice of untouchability, often palpable, sometimes masked, persists in significant areas of social interaction. Studies have shown that the community continues to be under-represented in industry, and Dalits confront formidable obstacles in the field of entrepreneurship (Iyer et al 2013). In the geographical and the political heart of the country, in "tribal India," members of the community suffer from a triple disadvantage (Chandhoke 2015). In some parts of the country, attempts by Dalits to assert their constitutional right to equality have fetched terrible backlashes and caste riots.

In short, the one vital good that redistributive justice tries to secure—recognition—continues to elude attempts at repair. Empirical work on the practice of untouchability bears this out. In 1969, sociologist I P Desai, presenting the findings of his research project in rural Gujarat, told us that in public arenas governed by law, untouchability was the least

practised. When it came to the private sphere of personal transactions, matters were different (Desai 1976). In the public sphere, Dalits had come into their own as citizens of independent India. In the private sphere, the domain where social transactions not only foster friendship, companionship, and intimacy, but also govern life chances, Dalits are still discriminated against.

In 1999, Shankar Gaikwad, after interviewing 200 employed and college-going Dalits, reported that the attitude of caste Hindus had not changed (1999). Dalit students and colleagues were not invited into homes of caste Hindus and were barred from worlds of friendship and familiarity. In 2006, a research project conducted by scholars and social activists in 565 villages in 11 states of India revealed systematic evidence of untouchability and infliction of atrocities on the lower castes, despite a powerful Dalit movement, and in defiance of laws that render untouchability an offence (Shah et al 2006: 165–66). Matters are not much better nine years on. On 12 May 2015, a Dalit bridegroom was forced to wear a helmet over his traditional bridal headgear. Pelted with stones by upper-caste Hindus because he had dared to mount a horse and lead his marriage procession, our determined bridegroom reached the venue of the wedding under police protection (*Hindu* 2015).

### Disjunctions of Redistributive Justice

The disjunction between the right to basic goods and the right to recognition, despite the fact that Dalits have secured the right to voice, complicates the project of redistributive justice a great deal. The impact of the denial of recognition cannot be underestimated. For one, lack of recognition reinforces other injustices confronted by the community in everyday life, from the politics of the workplace to the politics of the neighbourhood. Two, denial of recognition disrupts social relationships based on the reciprocal obligation to see each other as equal and as worthy of dignity. Three, disrespect and humiliation demoralises and diminishes human beings and erodes their confidence to participate in the multiple transactions

of society with a degree of assurance. Axel Honneth tells us that since the self-image of individuals is based upon experiences of recognition, disrespect carries its own form of injury. That is why individuals describe experiences of non-recognition as insult or humiliation. The consequences are serious, "psychological death" of those whose bodily integrity has been violated, "social death" for victims of slavery, and "scars" for those whose cultures have been denigrated (1995: 131).

Apart from the reproduction of harm caused by discrimination, the disjunction in the outcome of redistributive justice highlights the complex nature of historical injustice, the semi-autonomy one form of injustice acquires from other forms, and the resistance to repair. Jeff Spinner-Halev, who has argued that "enduring injustice" rooted in the past endures over time and over space as well, ruefully accepts that "what makes an enduring injustice particularly perplexing is how difficult it is to repair" (2012: 56).

We have to accept, equally ruefully, that the Indian experience bears out this conclusion. Despite struggles against rank discrimination in words, verse, and collective action since the 6th century, despite acceptance of historical wrong by the leaders of the freedom struggle, despite the mobilisation of the Dalit community, and despite affirmative action, caste-based discrimination continues to relentlessly stalk the political biography of independent India. Sixty-five years after the Constitution and a series of laws criminalised the practice of untouchability, and prescribed affirmative action policies, matters remain grim. Till today, what caste we belong to continues to profile social relations, codify inequalities, and govern access to opportunities and privileges. "Caste is a specter," writes the anthropologist Nicholas Dirks, "that continues to haunt the body politic of postcolonial India" (2001: 17).

It is time to ask what we expect of redistributive justice. The agenda of "redistributive justice as repair" is fairly clear. One, we accept that society has wreaked harm on a section of people for morally arbitrary reasons. The acknowledgement simply holds up a mirror to the ugliness, which societies

are capable of. Two, the text of history is read as a narrative of collective guilt and complicity on the one hand, and collective harm on the other. There are no individual exceptions to this story. Injustice is an integral part of the way society is reproduced over time, and those who benefit from history participate in this injustice. Three, if injustice continues to track the lives of members of the community, society is obliged to support policies intended to repair harm. In a democracy, this is the least we owe to fellow citizens who continue to labour under inherited injustice. Four, affirmative action, which is a group right not an individual one, does not just atone for past wrongs by providing preferential access to certain basic goods. The objectives of the project are much wider. The short-term objective of redistributive justice is to ensure that the triply disadvantaged secure access to goods through affirmative action and through the politics of presence. The long-term objective is to create a level playing field that enables people to participate in the multiple transactions of society as equals.

The generic goal of redistributive justice, in sum, is the realisation of equality by taking note of, and by repairing background inequalities. Marc Galanter, author of an acclaimed work on “compensatory discrimination” in India, argues that the objective of the Constitution was to establish a regime of formal equality, and mitigate prevailing inequalities in wealth, education, and power. The government was forbidden to employ ascriptive categories of caste, race, and religion to realise this goal.

This ban on ‘communal’ measures was subject to a massive and singular exception: the state was empowered to utilise these forbidden categories to remedy the accumulated disabilities suffered by those at the bottom of the caste hierarchy (the Scheduled Castes) (Galanter 2002: 306).

For the makers of the Constitution, the least that Indian society owed to people who had been unjustly wronged is to see that they are given what is due to them. If the norm of equality (in its fundamental avatar of one-person-one-vote) is pivotal to democracy, each person is owed equality of status. This is borne out by the concept of justice, according to which no one will receive more than

her fair share of benefits and no one will be made to shoulder more than her fair share of burdens. That is, every person should be given her due: equality of status, and equal rights to basic material needs, voice and recognition.

It follows that the concept of equality, as a companion concept of justice, is not primarily about the right to *x*, *y* and *z*. That is, the norm of equality cannot be reduced to redistributive justice. Whereas redistributive justice ensures that the burdens and the benefits of society are fairly distributed, its companion concept of equality assures something more than the right to “this” or the right to “that.” It assures equality of status. Certainly, the right to “this” good or “that” good is an essential precondition of equality, but equality is not fundamentally about the distribution of goods; equality is about the status people occupy relative to each other. A person may be skilled and competent, but if she is discriminated against on the basis of caste, religion, gender, or race, she is certainly not equal to her colleagues in the workplace. It seems to me that among the ideals of democratic life priority should be given to equality of status, because it is status that enables people to realise personhood and take part in social, political, economic, and cultural dealings with the confidence that her voice counts, and counts equally. It is counterproductive to reduce equality to redistributive justice.

Jonathan Wolff, intervening in the debate on what came to be known as “luck egalitarianism,” emphasises precisely this point. He suggests that egalitarians should not only be motivated by a concern for fairness, but also by the idea of respect. There is more to a society of equals, argues Wolff, “than a just scheme of distribution of material goods. There may also be goods that depend on the attitude people have towards each other” (Wolff 1998: 104). In cases of conflict between these two values, respect should take priority over equality. Without going into the precise merits or demerits of Wolff’s intervention, I think he has managed to pinpoint the insurmountable obstacles faced by the project of redistributive justice. Let us phrase the core issue as thus: is there any relationship between redistribution of resources/wealth, and recognition?

It is admittedly difficult to establish a relationship between the right to tangible things, such as education, income, and representation, and the extension of respect to others, or recognition. Presumably, however, the deeper logic that informs egalitarian philosophies and policies is targeted towards the inculcation of precisely these sentiments.

The link between redistribution and recognition has, however, proved rather tenuous in India, as well as elsewhere; think of racism in the United States despite affirmative action. This, perhaps, is not surprising. For, not only is recognition an intangible concept inasmuch as it is shaped by human prejudice, attitude, and group identities, it is a matter that is not so easily commanded by politics. Politics can negotiate the distribution of resources. The matter requires vision, courage and commitment; but as history has shown, it can be done. How does politics negotiate recognition? How does it lay down parameters of what human beings owe each other simply because each of us is human? Far too many troubling factors cast their dark shadow on this precise issue, factors that relate to the perverse stereotyping of others. These stereotypes are not easily amenable to political negotiation or intervention. And, for precisely this reason, recognition manages to dodge the project of redistributive justice, leaving the main value of equality unfulfilled.

### Equality and Redistributive Justice

Therefore, the task on hand is to look at whether it is possible to design a project of redistributive justice that validates the precept of equality. Redistributive justice must not slide into the conviction that people should be given enough to eat and offered a subsistence wage, and that their status simply does not matter. In the section that follows, I offer six suggestions on how possibly this link might be forged.

**Vocabularies and Terminologies:** Perhaps we can begin our task by taking a look at the vocabularies we employ to capture the intent of affirmative action. I am not for a moment suggesting that a shift in our conceptual languages, and therefore a change in our linguistic approach

to redistributive justice will solve all dilemmas, but it might be a beginning. Even if the debate on the implications of the linguistic shift from victim to agent and survivor is inconclusive, we can learn a great deal from the preoccupations of the feminist movement. Will casting victims as agents, asks Jennifer L. Dunn, minimise the effects of the forces arrayed against them? "Calling battered women 'survivors,' while granting them agency, may only shift responsibility and attention back to them as individuals and away from the social structures and forces that they must overcome." But, then, she continues, "there is the possibility that the social construction of victims as survivors...will ultimately result in what social movement activists and victim advocates in everyday life increasingly refer to as 'empowerment'" (Dunn 2005: 23–24). The emphasis on the way we frame the issue might just transform the terms of engagement.

What are these terms of engagement? In popular perception, affirmative action policies are understood as compensation for past wrongs, hence the terminology of compensatory discrimination. The terminology is unfortunate. The very idea that "we" who have benefited from history owe "those" who have lost out, raises a host of doubts about the project. The idea that "we" owe something to "them" divides society along the axis of "we-ism" and "they-ism." The term diminished the status of beneficiaries of affirmative action to either victims, a term that breeds nothing but condescension, or recipients of unjustified rewards.

Over time, younger generations have begun to ask the question, how long? Why should our generation be made responsible for the sins of our forebears? And, why should someone whose family has benefited from these policies continue to enjoy advantages? Why, they ask, is intra-caste inequality not worthy of comment, the way inter-caste inequality is? They are not completely wrong, not if we frame the issue in terms of formal equality, or that each gets one. How we should go about framing the problem is dealt with in point three, here I just want to emphasise that affirmative action has to be conceived as part of a larger project, that of equality and redistributive

justice as companion concepts. We have to begin from the here and now, from the democratic context of our collective lives, from concerns about background inequalities that inhibit the realisation of equality and of exploring the past roots of injustice as a guide to practice.

In this project, there is nothing quite as demeaning as the term compensation; it might belong to the school of legality, not to that of ethics. People cannot be compensated for past wrongs; these wrongs will remain as blots on the face of history, howsoever we may read it. All that we can do is to see that they get what is due to them as citizens in a democracy: the right to material goods, voice and recognition. All that we can do is to ensure that structural injustice is destroyed through intentional political action.

And, it is precisely this dimension of social change that is missing in notions of compensation. The object of equality is not to compensate people for their "bad karma" or pay off people for historical wrongs, but to ensure that they can participate in the various transactions of society as equals. Even as we understand the significance of history, we have to begin from the here and the now, from democratic contexts, from the promises of the Constitution, and from the vocabularies of social movements.

**Neutralising Inequalities:** When we begin our reflections on "what is to be done" by recalling our political context, democracy, a compelling case for redistributive justice can best be articulated as an integral part of the generic right to substantive equality, which, of course, is the linchpin of democracy. The notion of one-person-one-vote is not only an electoral ploy; it is shorthand for the equal status persons secure for themselves in highly unequal societies. Persons are equal because each human being has the capacity to make her own history in concert with other similarly endowed human beings. Of course, the histories that persons make will not be the histories they chose to make, but this is not the issue at hand. What is important is that each person possesses this ability. Two implications follow the presumption of equality. One, equality is a default principle. Two, background inequalities or

accumulated historical injustices have to be tackled in order to realise equality. It is, accordingly, incumbent upon the state, as the codified power of society, to take on the responsibility of neutralising background inequalities. It is only then that the precepts of equality and the mandates of redistributive justice can be realised.

**Sharing Resources:** The link between equality and distributive justice can perchance be realised when we shift the terminology of affirmative action from compensation for past wrongs, and conceive of human beings as bearers of rights, including the right to a fair share in the collective resources of society. If in history these resources have been disproportionately monopolised by upper-caste and upper-class groups, and if others have been historically subjected to triple injustice, disadvantaged persons have the right to demand that they be granted their rightful share by virtue of a right. A fair share in the resources of a society can be conceptualised as ownership of enough resources that allow human beings to have a reasonable chance of making their histories, irrespective of the kinds of histories they make. The objective of redistributive justice is to ensure that persons should participate in social, cultural, and political transactions as equals. This is the first stage of realising equal status.

**Affirmative Action:** Once each citizen has secure rights to goods, the special circumstances of groups whose life chances have been impaired by complex forms of historical injustice have to be addressed. To embrace affirmative action policies in the abstract, or in isolation from a political consensus on equality, provokes nothing but acrimony. Arguably, affirmative action policies in India have been embroiled in controversy, and the beneficiaries of these policies subjected to humiliation and disrespect, because policies have been instituted in a political space that is not informed by this consensus. Affirmative action should, arguably, be placed in the second stage in the project of redistributive justice.

**Co-shared, Not Compensated:** If we bring about these two linguistic turns,

dropping the vocabulary of victim and compensation, and adopt the concept that each human being is by right a co-sharer in the collective resources of society, we might accomplish a third linguistic turn. The historically disadvantaged stake a claim to goods not as “victims,” but as bearers of rights that have been unjustly denied to them. Not as people whom fate has consigned to a lowly and inferior place in the caste and class hierarchy, but by virtue of their right to equal status.

The former compromises the tenets of egalitarianism because it reinforces patronising and humiliating attitudes that reinforce denial of recognition. There is, arguably, a considerable difference between collectively participating in the reconstruction of a society that has been unequally and unfairly organised, and demanding compensation for victimhood. The first road to egalitarian democracy may reinforce equality of status, and the second, serves up sympathy, not solidarity.

**Political Intervention:** Howsoever powerfully political theorists articulate the significance of equality and that of redistributive justice, howsoever elegantly they make their case, these norms can hardly be left to do their own work of garnering a degree of social and political acceptance and legitimacy. Political theory is important, constitutional and legislative provisions are important, Supreme Court judgments are important, but they are simply not enough. If the right to equality is violated, citizens should be exercised and agitated about this violation. For this to occur, for society to feel deeply about the right on offer and even more deeply about violations of the right, the incorporation of a right into political thinking, into our values, and into vocabularies that are ritually employed in and through politics, requires a great deal of hard work. Redistributive justice and the companion concept of equality have to be underpinned by a political consensus on the significance of the norm.

The construction and the consolidation of this political consensus is, of course, a project that requires the harnessing of creative imaginations and courage on the one hand, and careful reasoning, persuasion, and dialogue on the other. The task

also demands the investment of rather high degrees of energy and time. But, this is essential because a political consensus on what constitutes, or should constitute the basic rules of society, is central to our collective lives. The political is not a given, it has to be constructed, as Karl Marx had told us long ago, through determined and sustained political intervention.

In any case, reasoning, persuasion, and dialogue constitute far more effective ways of making equality a predominant value and redistributive justice as its companion concept politically acceptable, than mere enactment of laws. Support for the project can only be fashioned through political mobilisation in civil society. Lea Ypi’s suggestion that “once an attempt to develop a fundamentally appropriative normative interpretation of the function and purpose of political institutions has been made, avant-garde agents join the theorists’ activist effort to render normative views politically effective and motivationally sustainable” is well taken (2012: 5). Whether political theorists think that activists should join in at the phase of formulating principles, or at the stage of implementing them is a significant debate, but this is not the issue I wish to take on at this moment.<sup>5</sup>

All I wish to suggest is that it is only a wide-ranging network of social movements that can remind people that denial of recognition is a problem of and for society; not only for the class that is discriminated against. In pre-independence India, such movements had been inaugurated and gained considerable steam. In post-independence India, the onus of battling discrimination has fallen onto the shoulders of Dalits, and the rest of society wends its way through the world without regard for the infirmities to which it has subjected its own people. Redistributive justice and the significance of equal status for people who have suffered historical injustice have to be legitimised by every generation for each generation simply because public memory is short.

We find in India a plurality of social movements, each of which struggles to realise equality for its constituency. The same value can be expressed in different terms and different ways. It is time that

these issues, these terminologies, and these struggles link up in overlapping networks that ensure a regime of equality and of redistributive justice. More significantly the conceptualisation of redistributive justice has to validate the precept of equality of status as the main objective of political theory and political struggles.

In sum, affirmative action as the central plank of redistributive justice can be justified in terms of putative obligations that we owe our fellow citizens, only when the concept is grounded in a political consensus in society that people have a right to “equality” and the right to “justice,” for “this” reason or “that.” If historical injustice or the outcome of background inequalities compels people to live lives that are below our considered convictions of what it means to be human, this should be seen as constituting a serious violation of basic entitlements.

One last word to end the argument: at some point we have to ask whether our task as egalitarians ends with the proposition that people have the right to redistributive justice as a remedy for persistent historical wrongs. Should we disclaim any further responsibility for the historically disadvantaged after providing them with minimum of material needs? Should all of us not be moving constantly towards a shared vision of egalitarian democracy where people can live fulfilling lives, instead of remaining mired in notions of minimal reparation or remedies? Should we not strive to strengthen a political consensus on the desirability of foregrounding the value of equality, of essaying obligations to people whose rights have been seriously hampered, and persuading other citizens to participate in debates on what constitutes a just society? It is only when we concentrate on the construction of a political consensus in society that the uncomfortable distinction between “us” and “them” that bedevils much of the case for redistributive justice can be dissolved.

It might be far better for our task, let me suggest, to situate and to ground the right to remedial justice in a political consensus that in an egalitarian democracy persons have to be treated in “this” way, not “that.” This is the least we owe to people who have been historically disadvantaged.

### Wrapping Up

Communities that have suffered from multiple historical injustices are not only likely to be economically deprived, but also socially marginalised, politically insignificant in terms of the politics of “voice” as distinct from the “vote,” humiliated, dismissed, and subjected to intense disrespect in and through the practices of everyday life. Anyone who suffers from these multiple disadvantages will find it impossible to participate in social, economic, and cultural transactions as equals. Efforts have been made to repair historical injustice. But, the ideology of discrimination continues to dominate independent India despite a multitude of constitutional provisions, laws, affirmative action policies, and political mobilisation.

Ideologies, or so it appears, are just not reducible to the domain of the economy. We cannot assume that redistribution of resources and wealth to benefit people who have been deprived in the past will lead to respect or recognition. The politics of voice can achieve a great deal in the public sphere, but if the ideology of discrimination continues to shape social relations in the private domain, much of the gains are lost. Studies tell us that whereas a Dalit may be able to access the worlds of education and employment through reservations, she may not be able to access the domain of private transactions, that is, friendships, associational life, dining with others, inter-marrying or indeed membership of exclusive clubs. Does the world of the private matter? It matters for two reasons. One, it is essential that no one should be barred from worlds of friendship and intimacy that make for emotional support systems. Two, market exchanges do not always fall entirely in the public domain. Who our friends and acquaintances are, which school and universities we have attended, and which social network we are located in, have a major effect on opportunities or lack of opportunities in the marketplace. Ties of the “old school tie” still count, even in worlds of democracy.

To put the issue starkly, if equality is compromised, the project of redistributive justice has borne inadequate results. One of the most essential goods human beings are entitled to, the right to recognition has not been realised. For this right to be

recognised, social movements that speak the language of equality for their own particular constituencies have to come together and support the idea of building a political consensus on what is due to all human beings, what should be done for them and what should not be done to them.

Undoubtedly political theorists have to take the history of injustice, for example, “untouchability,” seriously. The beginning point of repair of historical injustice is the “here” and the “now,” or the democratic context that shapes collective lives and aspirations. Comprehension of how deep the roots of injustice are is important. But, it is also important not to get trapped too much in the past and in the politics of recrimination and resentment that divides society irremediably, and prevents the consolidation of a consensus on the need to battle discrimination. Iris Marion Young suggests history matters, “but not in order to reproach, punish, or demand compensating damages” (2012: 172). After acknowledging the enormity of harm that complex historical injustice heaped on the backs of groups, we have to move forward to alter what appears to be unalterable, taking as our reference point the main precepts of democratic life.

#### NOTES

- 1 The concept of distributive justice refers to the norms, the laws, and the practices that govern the distribution of various benefits and burdens to individuals/groups in society. Redistributive justice indicates what these norms and these practices should be in order to prevent injustice as inequality or unfreedom.
- 2 Quentin Skinner, along with John Dunn and J G A Pocock, is known as the founder of the “Cambridge School of Political Thought.” Refuting the idea that historical texts such as Machiavelli’s *The Prince* can be studied in abstraction from the context, Skinner in his, by now, famous 1978 work *The Foundations of Modern Political Thought*, Volume I, argued that to understand the meaning of a particular term or concept used by a thinker, for example, “virtue” in *The Prince*, we have to understand what thinkers of that time meant by virtue. What virtue meant in Machiavelli’s time is quite different from what it means today. That is, he advocated the study of, and the resurrection of the linguistic and conceptual contexts in which the particular text is situated. His methodology posed a challenge to the idea that classics were timeless and eternal.
- 3 Valerian Rodrigues suggests that the nationalist movement was a moment when colonial knowledge, India’s complex traditions and present practices, as well as anticipated futures were closely subjected to a critical scrutiny by a body of thinkers in the context of an emerging public (2011).
- 4 Not all background inequalities have their root

in the past; many of them are specific to particular phases of capitalist accumulation, such as dispossession from mineral-rich land that is appropriated by capitalists.

- 5 Rahul Rao in his otherwise sympathetic review of Ypi’s book suggests that in her theory the avant-garde seems less relevant to conceptualising principles of egalitarian justice and more relevant to the construction of forms of political agency that could help give effect to those principles (2013: 105).

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