

**Realizing Dignity:
Dalits rights, land reform, and the learning of democratic citizenship**

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Abstract

This dissertation addresses the questions: When, and how, are durable inequalities disrupted and democratic citizenship deepened in societies that are politically committed to liberal democracy but have substantial social inequalities? How do law and social movements influence and shape this process? I develop answers by examining a successful case of land reform in Surendranagar (Gujarat, India), which was the result of socio-legal mobilization spearheaded by a local human rights organization called Navsarjan Trust. My main argument is that by working with Dalits in Surendranagar Navsarjan caseworkers helped articulate and popularize what philosopher Martha Nussbaum has called the “public myth of equality.” I develop this main argument by developing responses to four questions.

First, what was the role of emotions and reasons in shaping the organizational strategy and praxis of Navsarjan? I show that the robustness of Navsarjan’s strategy came from strategic deployment of emotional energy. Second, is the land redistribution implementation better understood as “top-down” or “bottom-up?” By showing how under unanticipated circumstances, Navsarjan partnered with the local bureaucracy, I argue that the implementation process transcends neat categorization into either category. Third, how do constitutional expressive norms—abstract principles that are supposed to order and restrain the state—matter in the shaping Dalit politics? I show that constitutional expressive norms matter fundamentally but contingently. Fourth, was law merely used instrumentally to mount resistance to upper caste oppression or did it also create a “moral deepening” within the Dalit community? I argue that while for many land reform beneficiaries law was a strategic choice, once they expressed loyalty to it, they publicly bound themselves to its moral commitment. This was used strategically and purposively by Navsarjan caseworkers that pressured community members to live up these moral commitments in their social relations. In conclusion, I argue that the project of “realizing dignity” is likely to continue in Surendranagar because Navsarjan’s efforts have not only created a narrative of hope in the Dalit community but also helped its members develop the skills, knowledge, and networks that are needed to put rights to work and achieve positive results.

Acknowledgments

In the initial years of my PhD, peers who were ahead of me had warned that the dissertation research and writing process can be very challenging: during the process, they said, one is lonely and often unsure of whether their writing is interesting or useful. My experience was not very different overall but there were many happy deviations from the prescient script. It was during this rather lonely process that I realized, more than ever, the importance of community and friends. Fieldwork, which was physically quite challenging, helped me explore a part of my home country (Gujarat) that I was not familiar with. During fieldwork, I made many new friends and developed professional relationships. I would have literally gone nowhere in the field if it were not for the kind support, thoughtfulness, and genuine warmth of the facilitators and informants who were incredibly generous with their time and opened up their lives (and in many instances, their homes too) to me. I thank Martin Macwan, Jignesh Mewani, (late) Girish Patel, Anand Yagnik, Ishwarbhai, Yash Makwana, Nita Mahadev, Sagar Rabari, Revati Laul, Dineshbhai, Maeshbhai, Babubhai, Dahyabhai, Kailasbehen, Manjulabehen, Shaileshbhai, Nattubhai, Nagarbhai, Jaswant, Vinodbhai, Valjibhai Patel and all my other informants who I cannot name here. Their commitment to social justice and personal generosity towards me has reinforced my faith in human agency and the importance of collective action to fight for a more just order.

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Chapter 1: A story of change

Traveling to Sayla

After about two and a half hours of riding my motorbike on National Highway 47 from Ahmedabad, I was nearing a small town called Sayla. About fifteen miles out, I started seeing dumper trucks on the road, which seemed to be loaded with stone. Their numbers increased as I traveled further towards Sayla. Soon, the air became heavy with dust. I turned right at the roundabout that marks Sayla on the highway and headed towards the town to meet a person called Mukeshbhai. He is a Dalit¹ social activist who has worked in Sayla with a Gujarat-based Dalit rights organization called Navsarjan, for the last twenty-five years. I had met several of Mukeshbhai's colleagues from Navsarjan over the last month as I tried to understand the Dalit quest for implementation of land reform laws, establish social equality, and realize justice in Gujarat. From them, I had learned that he had played a key role in getting several hundred Dalit families in Sayla possession of lands that were illegally occupied by powerful upper caste landlords. This was an incredibly impressive fact given that this area is known for violence against Dalits by the upper castes.

The way Mukeshbhai's colleagues talked about him gave a sense that he is highly respected and revered – a living legend of sorts. I had been curious to meet him in person. I was a little surprised when I saw him in person that day. I had imagined Mukeshbhai to be an individual with big physical stature and an imposing presence. As I approached the meeting place, a short and slim man with sunglasses waved at me. I parked the motorbike, shook hands and greeted him with “Jai Bhim!” – the popular slogan of Dalit power, which celebrates Bhimrao Ambedkar – a Columbia University educated Dalit and the chief framer of the Constitution of independent India. The handshake was firm and Mukeshbhai quickly pulled out a plastic chair for me to sit. My first thought was, “Is this really the person I have heard so much about? Is this the man who took on powerful upper castes?”

¹ Dalit (lit. “broken”) is a term used to refer to lower caste Hindus who have historically been considered impure and inferior by the upper castes. Legally, Dalits are identified as “Scheduled Castes,” an official designation that was first adopted in 1935 (as part of the Government of India Act) to identify the exploited “untouchable” castes and was carried over in independent India (Galanter 1984, 119–46; Heredero 1989, 18–20). It was popularized in the 1960s by Marathi-speaking literary writers who began to use it instead of Harijan or *achhuta* (lit. “untouchable”).

We had met at a shop in a small market area on the outskirts of the town of Sayla. The market area comprised a row of one-room shops that were used for motley small enterprises ranging from chai shops to photocopy kiosks. Mukeshbhai told me that he had owned the shop for several years but it had remained vacant. He recently rented it out to a friend who runs an automotive repair business there. After talking to him for a few minutes off the record, I took out my recorder and asked if I could tape the discussion. I began by reading the terms and conditions required by my university for research involving human subjects. Part of the script was ensuring anonymity of the subjects I would interview so that no harm could come to them as a result of participating in the study. As soon as Mukeshbhai heard this part, he said:

We don't want fame ... but we are not afraid to speak out either. We can go to the village square with a microphone and say these things ... [by now] our social image has become strong enough to be able to do this. We may not be the force to be reckoned with but at the same time, we are not under anyone either. There is equality.

This was a short but telling introduction to the self-confidence that Dalits have developed in this area of India. It is a surprising development because Dalits are a social group who have been historically subjected to exclusion, oppression, and ridicule at the hands of upper castes. Traditional Hindu caste law relegates Dalit castes to menial and dirty jobs such as skinning dead cattle, tanning, and manual scavenging. Dalits, formerly called “untouchables” in the prevalent Hindu caste hierarchy, constitute one of the poorest, historically landless, and socially marginalized groups in India (Guru and Chakravarty 2005). In this sense, caste is a vector of what sociologist Charles Tilly called a “durable inequality” (Tilly 1998). Tilly had also argued that one way durable inequalities could be disrupted was by expansion of citizenship and rights. My introduction to Mukeshbhai made it look like that a strong start had been made in that direction here.

I had come to Gujarat in late 2016 following the call for implementation of land redistribution laws for landless Dalits given by Jignesh Mewani, a firebrand Dalit politician who shot to instant national fame following his leadership of the protests that arose in response to the public flogging

of Dalits in Una, Gujarat (The Indian Express 2016). Mevani aimed to start a social movement to pressure the state government to transfer the (promised) land to Dalits. The post-independence state in India took up land redistribution as one of its first major agrarian developmental projects. Soon after independence, governments in various states of India enacted laws to change land ownership patterns. These laws had dual aims: to bring about social justice by transferring land from the landed to the landless and to ensure agricultural surplus in the country (Varshney 1998).² Barring the example of a few states where Communist parties were elected to power, the land redistribution project almost entirely failed to be implemented (Kohli 1987; 2010).

Gujarat, too, had its share of progressive land legislation but the benefits did not flow equally to different caste groups. The first phase of land reforms, starting late 1940s and continuing to mid-1950s “tenure reforms,” based on the idea of “land to the tiller.” These laws sought to remove intermediaries such as zamindars and give land to the tillers. At the time of independence, in Saurashtra region of Gujarat, people belonging to the Patidar community – which comprises a number of castes that are classified as “Other Backward Castes” (or OBCs) – tilled the land owned by various kinds of feudal landowners. The Patidars are politically significant, comprising about 25 percent of voters. Patidars were an early beneficiary of tenure reforms in what is present day Gujarat (Sud 2007). This early windfall allowed them to improve their economic status, which over time also bolstered their social status (Navsarjan Trust 2000). In 1960, the Gujarat government enacted the Gujarat Agricultural Land Ceiling Act 1960 (ALCA). This law aimed at land redistribution by putting a ceiling on the amount of land a family could own (irrespective of family size) and redistribute the “excess lands” acquired by the government to landless peasants. Dalits were given high priority in getting these land awards. Later, through the Government Lands Program, that was officially added to the ALCA, the government also brought “wastelands” into the land redistribution legal system. Through these laws, a large number of Dalits in the state have become landowners. Ironically, though, they remain landowners only on paper.

Despite the enactment of progressive land reform legislation, data from the 70th round of Land and Livestock Holdings Survey of the National Sample Survey Office (NSSO) indicates that

² In chapter 3, I survey the history of land reform in India and Gujarat.

more than half of all Dalit households in the country do not own any land other than homestead land. In Gujarat, landlessness among Dalit households is 1.7 times the total landlessness across all social groups (Anand 2016). In the state of Gujarat, for instance, scholars and activists have estimated that Dalits have received actual possession of only between 10 and 40 percent of the land supposed to be given to them under land ceiling laws (Pathak 2016; Dhar 2016; Laxman 2019). In other words, these individuals are landowners but only on paper. In many cases, the possession is still with the original owners, who belong to dominant castes. In other cases, government agencies have not completed surveying and mapping of the lands – a necessary step before possession of land can be given to the beneficiaries (Laxman 2019).

Soon after arriving in Gujarat, I learned that while Mr. Mevani's call for land redistribution had made headlines in the media and he was standing firm by it, he still had to give shape to actual grassroots campaign for land. All of a sudden, I was without a case to study. As a result, I started looking for other cases where Dalits had received land through struggle. I interviewed social activists, leaders of the farmers' movement in Gujarat, journalists, and lawyers to find out if there were any areas in Gujarat where land reform had been implemented at a significant scale for Dalits. From several sources, I learned that Navsarjan Trust, a Gujarati Dalit human rights organization, had been successful in getting Dalits the possession of land that they owned. Martin Macwan – a Dalit – founded Navsarjan in the late 1980s in the aftermath of the massacre of Dalits by upper castes because the former had demanded rights. Macwan has since become well known in India and beyond as a leading actor in the Dalit movement for justice and rights. At its peak, Navsarjan employed a staff close to three hundred in Gujarat. Mukeshbhai was one of the six senior caseworkers in the Surendranagar area. According to Navsarjan's website:

Navsarjan is a grassroots organization dedicated to ensure human rights for all. Our mission is to eliminate discrimination based on untouchability practices. We also campaign for equality of status and opportunities to all, regardless of caste, class or gender, and ensure prevalence of the rule of law. Navsarjan is one of the largest grassroots organizations in Gujarat, active in more than 3,000 villages, as well as in major Gujarat cities. A field staff of about 80 women and men — most of whom come from the

communities in which they work — keep Navsarjan in tune with the needs of the people.
(Navsarjan Trust n.d.)

In particular, sources mentioned Surendranagar as a place that Navsarjan had been able to get land reform implemented at a significant scale for Dalits. I decided to head to Surendranagar to understand more. Navsarjan started working in Surendranagar in 1996. Soon after, they identified land reform implementation as a focus area. Through intervention and struggle spanning many years, which involved social and legal mobilization spearheaded by Navsarjan caseworkers, a large number of Dalit families (more than 750, out of a total of 2,300 who had received title to land) in Surendranagar were able to take possession of the land, which until then belonged to them only on paper. I conducted extensive fieldwork in this area for eight months between 2016 and 2017 and then for again for a month in January 2019.

In a dramatic turn of events, on December 19, 2016, the Indian government revoked the permission given to Navsarjan to receive foreign funding under the Foreign Contribution (Regulation) Act 2010 (S. K. Ahmed 2016; Ahmedabad Mirror 2017). Macwan argued that this was done because Navsarjan had become a vocal critic of the Bharatiya Janata Party, which led the government in New Delhi (Pathak 2016). As a result of cancellation of permission to receive foreign funds, Navsarjan leadership had informed the caseworkers that the organization could not pay them salaries any longer. It had already been a few weeks since this development when I met Mukeshbhai in Sayla. He was no longer a salaried employee of Navsarjan – an organization under whose banner he had worked for two decades. As I would later find out, Navsarjan had become part of Mukeshbhai's – and his other colleagues' – identities; leaving it was a very painful and emotional process for them. Even though Mukeshbhai and many of his colleagues were no longer financially remunerated and officially associated with Navsarjan, most of them still continue to identify very strongly with the Dalit movement for rights and justice. In Mukeshbhai's case, he has remained active as a Dalit leader in Surendranagar even after formally leaving Navsarjan.

Visiting Kanjibhai

Later that evening, Mukeshbhai and I traveled to a village called Kanpar, about 10 miles from Sayla, to visit a Dalit man called Kanjibhai. Kanjibhai participated in Navsarjan's mobilization for implementation of land reform laws. In rural Gujarat, as in many other parts of India, there is de facto spatial segregation based on caste. Dalits can only live in the "Dalit neighborhood," called *Dalit vaas*. There is nothing in the law that prevents a Dalit from buying a house in any part of the village but members of other castes do not prefer to sell land or property to Dalits. We reached Kanjibhai's house in the *vaas* but since we had come unannounced, we did not find him at home. His family members – women of different ages – greeted us. Mukeshbhai's visit to the house was clearly a happy surprise for the hosts (this became a pattern during each one of our visits to Dalit homes in the region). A number of children were playing in the semi-public space in front of the house. Mukeshbhai recognized a couple children and commented to the elders how quickly they had grown up. He asked one of the older women he knew to identify the rest of the children. I was able to quickly surmise that Mukeshbhai's relationship with the family was one of great warmth and deep familiarity – qualities one would expect from a relationship between good friends or next of kin.

Mukeshbhai told me that he was visiting this village and Kanjibhai's house after a long time although he said he meets Kanjibhai more frequently during the latter's visits to Sayla. He used to visit Kanpar very often when he worked closely with Kanjibhai to raise the demand for implementation of land reform. He would stay at the house, travel to government offices, and negotiate with the upper castes that were illegally occupying the land that had been transferred to Kanjibhai's father under land redistribution laws. Over the next few months, with more visits to Dalit homes, it became undoubtedly clear to me that the Dalits Navsarjan caseworkers had worked with treated them love, admiration and respect. In the language of social science, Navsarjan caseworkers embody substantial social capital in the Dalit community.

Someone from the family made a phone call to Kanjibhai informing him of our arrival. Fortunately, he was nearby and showed up quickly. He greeted Mukeshbhai with the customary "Jai Bhim!" I did the same and shook hands with him. Kanjibhai was middle-aged, probably in his mid-forties. He was wearing an untucked shirt and trousers. The clothes were not dirty but

they were not clean either; the skin on his hands was tough – it was apparent that hard manual labor was part of Kanjibhai’s life. I explained that I was doing research on implementation of land redistribution and Dalit politics. He asked if we would like to go to the land he received and talk there. We agreed and followed Kanjibhai on our motorbike for about a mile until we reached his field. Crop was standing on the field and the whole thing looked especially lush in the diffused dusk light. We entered the field through a narrow walking path, with Kanjibhai pointing in different directions identifying the crops including maize, millet, and vegetables. A couple boys aged about ten and fourteen, presumably related to him, appeared on the field. Kanjibhai pulled out a charpoy for us to sit. We started talking about his experience with land redistribution laws.

Kanjibhai is one of four brothers. In the late 1980s, his father, Kodabhai, a life-long agricultural worker, received title to land under the Gujarat Agricultural Land Ceiling Act 1960. This land originally belonged to a member of a socioeconomically dominant local feudal family. These families are colloquially referred to as “State” – referring to the various erstwhile princely kingdoms or “states” that made the erstwhile Saurashtra state, which was later merged with Kachchh and parts of Maharashtra to form the present-day state of Gujarat. Getting land through land redistribution requires a series of bureaucratic steps. First, the recipient receives a paper with details of the land that they are given. In Gujarati, this is called the *hukum*, which means “order” in English. The *hukum* mentions the beneficiary’s name, parcel number of the land that they have been allotted, and its total area. Then, the recipient is supposed to pay the revenue tax, called *mehsul* in Gujarati. After *mehsul* is paid, government officials are supposed to visit the actual land that has been allotted to the recipient in the presence of the recipient, measure and delineate it, and hand over possession to the recipient. Thereafter, a “possession letter” is issued to the recipient, completing the official process of land redistribution.

In Kodabhai’s case, the *hukum* was issued and he paid the *mehsul* but the measurement and possession of actual land had not been done. As a result, he had no idea which piece of land exactly belonged to him. Kodabhai learned that the land he was allotted belonged to the local “State” family. After waiting in vain for many months for the measurement to take place, he cautiously approached the original owner. The original owner was apparently benign and offered to give him a piece of land equal in area to the amount allotted to Kodabhai, but this was not the

land that was actually allotted to Kodabhai. Not sure if arguing with powerful original landowner was prudent, Kodabhai accepted this alternate piece of land. This land was not very fertile and Kodabhai was only able to raise one crop a year. He used work as a wage laborer to supplement his income.

One of the first campaigns that Navsarjan took up when it started working in Surendragar in the mid-1990s was implementation of land reforms. The organization realized that becoming landowners would help Dalits gain a firmer foothold both economically and socially. In 1998, Navsarjan caseworkers carried out a detailed survey to reconcile the legal status of land ownership of Dalits and the status of possession of land. They went to each and every Dalit household in rural Surendranagar (a total of 726 households), who had received legal title to land under land redistribution laws (as per government records), and enquired if they actually had possession. This survey showed that xx percent (plug number from survey sheet) of new Dalit landowners did not have possession of the land allotted to them. On the basis of the survey, Navsarjan undertook social and legal mobilization to get actual possession of land to the de facto landless Dalits. It was during the survey that Mukeshbhai visited Kanpar and met Kodabhai. When Mukeshbhai and his Navsarjan's colleagues dove into details of the land owned by Kodabhai, they realized that he had been befuddled by the original landowner and scammed into taking the less desirable parcel of land. Moreover, the land that Kanjibhai's father possessed was technically illegal. Mukeshbhai urged Kanjibhai's father to take possession of the land he actually owned.

Initially, Kodabhai was worried that if he raised a demand against the upper caste landlord to take better quality land from him, the landlord and his allies might harm his family. Therefore, he was inclined to keep quiet and carry on with things as they were. Mukeshbhai explained, "his father told me, only one of my four sons [Kanjibhai] lives with me in the village with me ... I do not want to lose him for this land." He countered Kodabhai by showing him that there was good reason to rise up and fight: "we told his father that the land legally belonged to him ... the other person [upper caste original landowner] did not have any basis of ownership ... we told him that our method [Navsarjan's method] was not one of violence, and even if violence were to break out, it would be us who would be harmed because we will take the lead." Over the course of

repeated visits, Mukeshbhai and other Navsarjan activists gradually convinced Kodabhai that he should ask for what was due to him – the actual parcel of land allotted to him. The piece of land was very valuable: it was fertile, close to the village, and abutted a state highway. It is unsurprising that the original landowner was loath to part with it. Kanjibhai, who was in his early twenties at the time, joined his father in this process with Navsarjan. A few years after Navsarjan started the campaign for implementation of land reform laws in Surendranagar, the government was pressured to conduct the all-important measurement of lands that were allotted to Dalits.

The original landowner, who had illegally occupied the land for many years while Kodabhai legally owned it, first tried (once again) to befuddle Kodabhai by offering an alternate piece of land. Kodabhai, this time more confident in his ability to stand up and fight, and more informed, said that he would accept land in a different location but the amount of land had to be twice as much as his land. The original landowner realized that befuddling would not work this time. Instead, he said that he had spent Rs.50,000 to improve the land and make it more fertile. He demanded that Kodabhai first pay him this amount and then he would hand over possession. Kodabhai countered this by saying he would pay the sum but only if the upper caste original owner pay him rent for occupying land that was his for so many years. Eventually, the original owner gave up, and just requested that he be allowed to harvest the standing crop before handing over possession to Kodabhai. At this point, Mukeshbhai said, they understood they had won and pragmatically allowed the original owner to harvest. After the harvest, Kodabhai took possession of the land, which since then has remained in his family. Dinesbhai proudly told me that Kanjibhai is a Navsarjan volunteer since and provides leadership in the village to Dalits.

Over the years, Kanjibhai's life has changed in many significant ways. Since becoming landowners, the family's dependence on wage labor has reduced. All three of his brothers returned to the village and are now primarily agriculturalists. More recently, Kanjibhai applied once again to receive land under land redistribution schemes. All four brothers were each allotted two acres³ more, in addition to the land they already owned. Mukeshbhai explained that the local administration gave them preference because they are associated with Navsarjan. The table

³ 1 acre is equal to 4046.86 square meters, or 43,560 square feet.

turned: the Dalit that upper castes did not take seriously had become an important actor in the political and social spheres. The changes in Kanjibhai's life are not just material (economic). He feels more efficacious as a political actor. His perception of how others in the village perceive him has changed too. During our conversation that day, he told me:

We always wanted to be independent but our wish was not accomplished until we got possession of this land. Back in the day, when we saw other people's farms, we used to dream of having our own farm with its own irrigation. We did not desire to snatch someone else's land. With the help of Navsarjan, we were able to realize our dream. In the village, people respect me now. They cannot take me lightly. They consider me a man of knowledge, law, and legal rights.

He believes that he is not a man that others – especially the upper castes – can take lightly. This was not the case ten years ago when he first became associated with Navsarjan and made efforts with his father to take possession of their land. Since he is now a landowner and raises two crops a year, he does not have to look for agricultural wage work on other people's farms. Earlier, he had to ask for work from other landowners in the village, most of who belonged to majority caste groups. They often treated him with disrespect and humiliated him but he had no choice but to put up with it. He recounted how, earlier, an upper caste landowner would come to his house and rudely order him “to show up tomorrow” with no negotiation about the wages to be paid of the kind of work that was required. Today, people belonging to majority caste groups come to him and ask for work on his field. Over the last few years, non-Dalits from his village have worked his land as contract farmers. He maintains congenial relations with people from all castes in the village. I asked him if he thinks the upper castes, who considered him to be beneath them, have accepted his equal status. He doubts it, and explains that they are forced to respect him because he is a man of economic and legal means now. All of this makes him feel more confident. Importantly, he has become conversant in the language of human rights and law. He has learned what Ludwig Wittgenstein (2009) called a “language game;” in this case the language game of equal citizenship and rights.

With pride in his voice, Mukeshbhai told me, “he is our volunteer in this village ... now he doesn’t need our guidance ... when there is an issue in the village regarding Dalits, Kanjibhai organizes community action on his own.” In short, Kanjibhai’s life has changed in socioeconomically pertinent ways. In rural Surendranagar, I met over four-dozen Dalits whose story is similar to Kanjibhai’s. Importantly, my field investigations in Surendranagar indicate that such economic-psychological changes have staying power because of two kinds of entrenchments: First, a large number of Dalits have consolidated property rights through land redistribution laws. Former landlords who illegally occupied Dalit lands for decades cannot easily displace them. Second, there is deep psychological internalization of the idea of equality and equal moral worth. This internalization is made robust by the entrenchment of the practice of asserting rights and equality claims in the public domain, which has translated into a huge boost in the confidence of Dalits as capable political and moral agents.

These initial investigations in the process of land reform made it clear to me that a much more significant change had happened in the lives of Dalits in this area. In the process of staking claims to land and taking possession, Dalits had become confident rights-bearing subjects – many of who are now active agents of social change. Thus, my project became much larger than just finding out how land reform happened in Surendranagar. It became about telling the story of changes in the economic life, political subjectivities and psychological-moral nature of the lives of Dalits in this area.

There are some key actors and institutions that played crucial roles in this story of change. The story of land reform (in the time period I will analyze) starts with Navsarjan Trust, an NGO that organized a social movement for equality. Its caseworkers organized Dalits, worked with the local bureaucracy, and created legal capabilities in the Dalit community. Law was the main institutional framework that served as a discursive terrain on which much of Navsarjan’s activities (resistance, collaboration, capability creation) unfolded. And finally, there is the Dalit community, whose members became closely associated with Navsarjan. In short, this dissertation is about the interaction between the actors and institutions that reconstituted power, social relations, and political psychologies in a way that enable Dalits to lead more dignified lives today.

Significance of the change

These marked improvements in the economic and psychosocial lives of Dalits are important for several reasons. First, in a society where caste is a key vector of institutionalized economic exclusion and social oppression (World Bank 2011), this transformation is a surprising example of a break, albeit at the local scale, from the strictures of “durable inequalities” (Tilly 1998). Charles Tilly showed that inequalities are produced through exclusion created by categorical binaries, e.g. black/white, man/woman, upper/lower caste, etc. Similarly, this transformation is also an example of the disruption of “social dominance” (Sidanius and Pratto 2001) of powerful groups (majority caste groups) by a weaker group (Dalits). Questions such as: “In this case, how was the durability of pathways of inequalities disrupted?” and “How was the social dominance of majority caste groups challenged and tempered?” therefore become important.

Second, there is a growing body of literature from new institutional economics, which argues that democratic institutions matter for long-run economic growth (North 1991; Weingast 1995; Acemoglu, Johnson, and Robinson 2005). New institutionalists have highlighted that large income inequalities perversely affect long-run economic growth (Guerrero, López-Calva, and Walton 2006; Walton and Levy 2009). Research in development economics has shown that equitable patterns of ownership and control of land positively correlate with long-run trajectories of growth and development (Banerjee and Iyer 2005). Research in behavioral economics has shown the economically deleterious effect of caste, especially for those lower in the hierarchy. For instance, Anderson (2011) has shown that caste is an impediment to trade and economic exchange. Under similar economic incentives, lower caste students have been found to underperform in tests when their caste information is made public to the group of test takers, which includes students of upper castes (Hoff and Pandey 2006). Interestingly, similar negative effects are not observed for upper caste students when the caste identity is made public. From their experiment’s results, Hoff and Pandey (ibid.) conclude that when caste identity is public information, low-caste subjects anticipate that their effort will be poorly rewarded. Social stigma and low self-confidence, in other words, seem to hinder full utilization of human potential, which in turn, affects human (and economic) development. Importantly, scholars have also argued that

land redistribution is directly related to poverty reduction (Besley and Burgess 2000; Deininger, Hoozevee, and Kinsey 2004).

Research also suggests that the social cleavages created through the caste system negatively impact the possibility of cooperation in society, which in turn could impact the provisioning and maintenance of public goods, especially in rural areas. Waring and Bell (2013) have shown that caste-enabled social dominance hinders cooperation (for upper caste groups) in irrigation resource maintenance at the village level. On a more general note, Pokharel (2015) has shown that cooperation is sustained over longer periods of time when the participants perceive societal rules to be fair. Reduction in perception of injustice on the part of players should, therefore, help increase chances of cooperation, which should play a constructive role in enabling well-being and economic development. Thus, it is important to investigate if becoming landowners has impacted Dalits' perception of fairness (or the lack thereof) in society.

Third, this is a case of progress towards deepening substantive democracy. Gurpreet Mahajan (1999) argues that even though many postcolonial democracies endowed citizens with formal rights, the “associational playing field” is distorted because of inequalities, which produces a range of exclusions. Writing on the evolution of citizenship in India, Nirija Gopal Jayal (2013, 4) observes, “despite its admirable strengths in creating a reasonably robust electoral democracy, India has made less than significant progress in consolidating democracy in the substantive sense.” Charles Tilly (1999) theorized a “thin” and a “thick” conception of citizenship. The “thin” conception refers to citizenship as a legal relation between states and citizens whereas the “thick” conception is more performative and political in nature – including playing out of “roles and desirable activity” (Jayal 2013, 3). Building on this distinction, contemporary political sociologists refer to the expansion of substantive democracy as “democratic deepening” (Fung and Wright 2003; Fung 2009; Heller 2009) or entrenchment of participation by citizens in civil society to conduct meaningful deliberation under conditions of freedom and to arrive at aggregated preferences regarding substantive matters of social well being.⁴

⁴ Drawing on the Brazilian case where the federal agency responsible for implementing land reform relied on participation from social movements pushing for reforms, Wendy Wolford (2010) has argued that participatory democracy emerges “by default rather than by design.”

Democratic deepening needs two components – the vertical and the horizontal (Heller 2009). The vertical component involves the relationship of citizens with the state. The horizontal component “refers to the Toquevillian view of democracy which focuses on the quality of associational life.” In this view, for a democracy to function well, citizens have to recognize each other as rights-bearing citizens. Two decades ago, Dalits in Surendranagar area reported having substantial psychosocial impediments, which hindered their effective participation in local democracy. Today, for a majority of Dalits I interviewed in this area, this is not the case. With increased self-confidence, greater knowledge of constitutional rights, and the willingness to assert equality, the Dalit community in this area is much better conditioned to participate in public life as equals.

These changes have a profound bearing on the realization of democracy. In contrast to the political and sociological question, which asks how preferences are shaped and aggregated, the philosophical-moral question is about how preferences are formed in a democracy. For Amartya Sen (2000), the articulation of public preferences in a free and fair manner, through deliberation, is the foremost condition of democracy. A strong sense of justice, the right to equality, freedom, and dignity are the basic non-negotiable political and psychosocial requirements in John Rawls’s (1971) concept of “justice as fairness.” In short, one can argue that the substantive changes in Dalits’ lives in Surendranagar go beyond just the creation of conditions conducive to economic growth, or the possibility of aggregation of public preferences through effective deliberation. On the liberal view (Rawls 1971; Waldron 1993; Sen 2000; Rawls 2005; Anderson 2014), it is an example of advancement towards achieving democracy and justice.

Caste and politics in India

There is a vast literature on caste in India. The themes explored in book-length works range from early descriptive ethnographies of caste in rural as well as urban India, e.g. Srinivas (1962), Beteille (1965, 1992, 2012), Dumont (1970), Fuller (1976), Khare (1984), Fuller (1996); socio-indological studies, e.g., Das (1982); historical political sociology, e.g. Ambedkar (1945; 2013), Omvedt (1994); contemporary political sociology of caste, e.g. Gupta (2000), Gupta (2004),

Teltumbde (2010), Jaffrelot (2010), Guru (2011a); law and caste, e.g. Galanter (1984); social science, theory and the Dalit experience, e.g., Guru (2002), Sarukkai and Guru (2017); autoethnographic accounts, e.g. Gidla (2017); colonial historiography and caste, e.g. Dirks (2001), the history of caste subalterns, e.g. Rao (2009); and caste-based economic discrimination, e.g., Thorat and Newman (2009). I have two key takeaways from this vast literature.

First, there are “competing narratives” (Desai and Dubey 2012) regarding caste as a system. The fault line runs between the “caste as internalized hierarchy” versus the “caste as competing hierarchy” camps. The classical work in the caste as internalized hierarchy is by Dumont (1970), who claimed that the caste system, founded on the system of Hindu religious doctrines, is characterized by a willing acquiescence of lower castes regarding their status. It conceptualizes caste as a pre-political category that is historically rigid. According to Gupta (2005), others before Dumont (ibid) such as Bogle, Ghurye, Leach, Marriot, Milner, and Moffat would have concurred with Dumont’s (1970) general position regarding social hierarchy based on the purity/pollution principle ordained in Hindu scripture. Dumont’s innovation was to give this view theoretical underpinning “by insisting that a pure hierarchy is a state of mind to which all those in the caste system would acquiesce.”

Appadurai (1986) and Beteille (1987) have argued that this picture is orientalist, essentialist, and totalizing. Khare (1991) and Gupta (1992, 2000, 2004, 2005), among others have argued that caste is a hierarchical system but there has never been servile acquiescence on the part of the lower castes regarding their caste position. These authors claim that all castes, irrespective of where they are ranked in the Hindu caste order, have origin stories that claim their superiority over others. In other words, servility and acquiescence on the part of the lower castes was a concoction of the orientalists. In reality, these authors claim, castes have always been in competition and therefore research on caste should not lie in essentialist reading of Hindu scripture and culture. Such competition can lead to, and does lead to, intra-Dalit loyalties that and discriminatory practices. In these circumstances, forging a universal emancipatory project takes human equality as its central philosophical underpinning rather than particularistic difference, becomes an important task (G. Shah 2001). Navsarjan faced this serious problem when trying to instill an egalitarian social ethos among the Dalit community in Surendranagar.

My second takeaway from the literature on caste in India is about the material reality. Irrespective of the choice of theoretical-ideological lens to conceptualize caste, research shows that compared to upper castes, the lower castes in India significantly lag on all socio-economic indicators (Thorat 2017). Compared to forward castes, “Dalits and adivasis are less likely to own land, have fewer years of education, have lower household size, and have fewer important social connections” (S. Desai and Dubey 2012). India has had affirmative action policies for Dalits, intended to gradually improve their socioeconomic status compared to upper castes by reserving a certain percentage of jobs in the public sector. In the late 1980s, following the recommendations of the Mandal Commission constituted by Prime Minister V. P. Singh, “Other Backward Castes” (OBCs) were also brought under the purview of affirmative action policies. Research on occupational mobility in India shows a relatively stable picture (Kumar, Heath, and Heath 2002b, 2002a; Deshpande and Palshikar 2008; Vaid and Heath 2010). McMillan (2005) studied the social mobility of the intended beneficiaries of affirmative action policies in India, with special emphasis on electoral reservations. Findings indicate that while there is some level of absolute social mobility, when compared to non-Scheduled Caste (SC)/Scheduled Tribes, SCs and STs have not been able to compete, “and their relative disadvantage has got worse.”⁵

Social discrimination in the form of untouchability continues to persist. In 1976, I P Desai (1976) published his (now-classic) study of untouchability in rural Gujarat, which identified 85 percent of villages as practicing some form of untouchability in the private sphere (e.g. barring entry to upper caste house, barring entry to temples), 47 percent villages practiced untouchability in economic transactions and market exchange, and 18 percent villages practiced untouchability in the public sphere (e.g. schools, public transport, village government assemblies). Navsarjan Trust and Robert F. Kennedy Center for Human Rights conducted a joint study of untouchability in 1,589 villages in Gujarat in 2006. The study found very high incidence in different forms of untouchability practices. The highest prevalence was in private sphere. For instance, 98 percent non-Dalit households were found to discriminate against Dalits, serving tea in specifically

⁵ A total of 36 castes in Gujarat are currently designated as Scheduled Castes, several of which are made of multiple sub-castes (<http://socialjustice.nic.in/writereaddata/UploadFile/Scan-0004.jpg> accessed November 2, 2019). “Dalit” is a political and colloquial term that has been commonly used by the Scheduled Castes to identify and assert themselves.

designated utensils. However, untouchability also persists in aspects of public life such as discrimination against Dalit children in mid-day meals in schools (53.8 percent), discrimination in access to common grazing lands (49.3 percent), the lack of access to village burial grounds (97 percent), among other forms of caste-based discrimination (Armstrong et al. 2010).

While the improvements in the socio-economic status of Dalits, compared to forward castes, have been less than impressive, the situation on the politics front is positively different. Affirmative action policies provide quotas for Scheduled Castes (SC) and Scheduled Tribes (ST) in government jobs as well as electoral politics. Jaffrelot (2003) provides an account of the rise of lower caste leaders in Indian politics at the regional as well as national levels, calling the ascendancy of lower castes in India “the Silent Revolution.” Indian socialists championed anti-caste politics in the late 1970s, which ultimately culminated in several lower caste leaders being elected to high political offices. Since then, “Bahujan politics” has become a force to reckon with in Indian politics. Yogendra Yadav (2000) has called the rise of Bahujan parties in northern India the “second democratic upsurge.” Writing about the impact of affirmative action policies, Jaffrelot (2006) notes:

“Empowerment” was the watchword of this [affirmative action for backward castes] political program. Hiring quotas did not have a redistributive vocation in favor of these under-privileged categories, but were instead intended to give them access to the management of public affairs and mobilize them politically. For V. P. Singh, Mandal was not an employment scheme.

Mandal Commission had a well thought-out strategy regarding the use and importance of affirmative action. The Commission saw the quota system for lower and backward castes not just as providing direct economic benefits to the marginalized but also anticipated that economic benefits would result in psychological changes in the minds of the weak and marginalized. Seeing members of their community work in dignified, authoritative, and socially worthy positions would induce a sense of pride and efficacy in members belonging to the historically marginalized groups. This would galvanize a politics of the marginalized aimed at achieving social equality.

The Mandal Commission understood fully well the importance of the subject's perceived efficacy for social and political action.⁶

Gopal Guru (2007) has argued that the idea of democracy, “which somehow managed to emerge in the nationalist imagination in India, seems to have provided the context for two different sets of language: the language of self-rule and national pride representing nationalist elites, and the language of self-esteem and self-respect that different marginalized groups deployed for the articulation of their normative aspirations.” For Guru (2011b), self-esteem, equality before the law, equal civil and political rights, equal moral worth – the cornerstones of the liberal conception of justice – were the cornerstones in the Dalit struggle for emancipation. He argues that assessing the efficacy of liberal democracy in India solely from the perspective of changes in material inequality would be incomplete. It is essential to focus on how the liberal democratic structure has allowed for the development of self-esteem and self-respect among Dalits in India. The central question he poses is “to what extent has liberal democracy, through institutional intervention at various levels, created opportunities for Dalits to enhance their self-esteem and gain self-respect?” (Guru 2011b, 102)

Guru (2009, 2011b) has acknowledged that the actual realization of the idea of equal moral worth – an objective at the center of the ethic of the Indian Constitution – for Dalits has been an uphill battle because the upper castes have have been reluctant to recognize Dalits as equals. However, Guru (2011b, 103) argues that the opportunities given to lower castes as part of affirmative action in India, which led to some Dalits assuming respectable government jobs, has led to “a vicarious sense of empowerment for those who are not themselves in position of power but are successful in deterring an upper-caste local adversary by making reference to the Dalit

⁶ From the report of the Mandal Commission (constituted by Prime Minister V. P. Singh to review the situation of caste-based systematic backwardness in the country and make policy recommendations) Jaffrelot (ibid) cites:

It is not at all our contention that by offering a few thousands jobs to OBC candidates we shall be able to make 52% of the Indian population as forward. But we must recognise that an essential part of the battle against social backwardness is to be fought *in the minds* of the backward people. In India Government service has always been looked upon as a symbol of prestige and power. By increasing the representation of OBCs in government services, we give them an immediate feeling of participation in the governance of this country. When a backward class candidate becomes a Collector or a Superintendent of Police, the material benefits accruing from his position are limited to the members of his family only. *But the psychological spin off of this phenomenon is tremendous; the entire community of that backward class candidate feels socially elevated. Even when no tangible benefits flow to the community at large, the feeling that now it has its “own man” in the “corridors of power” acts as morale booster.* (emphasis added)

who is in fact in power” - thus playing out the hopes of the authors of the Mandal Commission report.

These studies typically investigate changes in society and politics through focusing on corporate entities such as political parties, formal caste associations, and so on. It is common for these studies focus on larger geographies such as regions or the entire nation.⁷ While the choice of the units of analysis is understandable, it comes at the cost of subsuming individuals and their histories in the respective corporate entities. As a result, the complexities, tensions, and contradictions that corporate entities embody are overlooked. How are these corporate bodies created? Who are the people they are made of? Why do individuals join them? What sustains their involvement in challenging environments and often with little or no pay? What do answers to these questions tell us about why some corporate bodies are successful and effective while others are not? Acknowledging and analyzing the interplay of these contradictions and tensions is crucial to explaining the agenda formation, strategy, praxis, and ultimate success or failure of political projects.

Akeel Bilgrami (1997) has noted: “any methodological holist position or any position that stresses structural determinist explanations of historical phenomenon can leave out the moral psychology of their subjects only at the cost of becoming desperately implausible, to the extent that they are not entirely hazy.” I take Bilgrami’s advice seriously. Therefore, this study focuses on individuals’ stories and probes the shaping of political and moral psychologies. This is especially relevant because dignity, self-esteem, and “rights consciousness” are both inward as well as outward looking phenomenon. These concepts have as much to do with the social as they do with the personal. On this note, I must clarify that while I take individuals’ stories seriously, I locate them as part of a wider social and political narrative.

Second (and very crucially), studies on caste overlook the role of the law in shaping opportunity structures for subaltern groups like lower castes struggling to gain basic desirable characteristics of human life such as dignity and respect. This is a general problem because social scientists (at least those working on India) have tended to view law as epiphenomenal. Those who have taken

⁷ Jeffrey et al (2008) also make this point.

law seriously (Randeria 2002) have focused on legal pluralism, highlighting the use of customary law and village associations as powerful non-state adjudicatory bodies such as caste associations and councils of elders. In the case I analyze, these non-state adjudicatory bodies were of little help for Dalits to access land or resist humiliation at the hands of upper castes. Resorting to formal law resulted in a substantive and sustained challenge to upper caste hegemony in rural Surendranagar result. Third, the question of how (if at all) durable inequalities can be disrupted in geographies where the lower castes are a political minority has not received much attention.

Through this study, I add to the existing literature on social change in India in several ways. First, I take law seriously. Law is treated not just as epiphenomenal but as a powerful institutional structure that plays instrumental, pedagogical, and moral roles. I analyze the ways in which Navsarjan utilized all three roles not only to challenge caste-based durable inequalities but to shape itself into a strong and venerable organization. This study shows how a different path to challenging upper caste hegemony is possible: instead of looking at electoral politics, I show how law is used to do “politics by other means” (Abel 1995). Second, by drawing on details of the experience of individuals who played important roles as social mobilizers and movement participants, I describe the complex terrain – interspersed with idealism, contradictions, dilemmas, and unknowns – that social movements have to navigate. Third, this work analyzes a case of organizational success in achieving social change goals.

My analysis of this transformatory change will be informed by a set of qualitative questions. They are: Is this a case of ideas and plans being imposed from the top-down or is it a case of bottom-up mobilization? What does this case tell us about the efficacy of the state versus the efficacy of non-governmental organizations in catalyzing social change? Is this a case of movement success due to contagious “passionate politics” or is it a case of calculative rationality and planning for success by key actors? Is the overall approach of the mobilizers to be understood as pragmatic or idealist? Is this a case of entrenchment (or, “internalization”) of liberal legal morality or is it a case of mere instrumental use of law towards realizing material interests? Drawing on evidence from the field, I will show that these either-or questions are false contrasts with reality lying somewhere in between.

Analyzing Navsarjan's work and the transformations in Dalit lives in the light of these questions will, I believe, enrich, nuance, and round-out the story of Navsarjan's success in challenging durable inequalities in Surendranagar. These questions will also help me draw more general lessons from Navsarjan's role as a catalyst of change, which I believe will have not just theoretical import but also practical relevance. It is my hope and aim that this dissertation is of interest and relevance not only for academics but also for actors trying to create positive change in society (including social activists, planners, politicians, public policy experts, and bureaucrats). For this reason, I am as much interested in explaining the sociopolitical outcomes as I am in explaining the organizational reasons for success. The dissertation is composed of four substantive chapters, complemented by the introduction (this chapter) and the conclusion. The structure of the rest of this chapter is as follows: In the following section, I will moor the project in political and social theory. Next, I will describe the methods, case selection, and a selection of salient observations from the field. Finally, I will present the outline of chapters and key arguments.

Role of learning and emotions in theories of democratic citizenship

Citizenship in liberal democracies is underpinned by the idea that human beings have equal moral worth and that a meaningful life requires individual autonomy, dignity and respect (Waldron 1993). John Rawls (1971; 2005; 1985), John Dewey (2004; 2007; 2012), and more recently, Martha Nussbaum (2003; 2013) has argued that the realization of citizenship in liberal democracies needs particular psychological conditioning. In the canonical work of contemporary liberal political philosophy in the 20th century, John Rawls (1971) set out to "to discover the most appropriate moral conception of justice for a democratic society wherein persons regard themselves as free and equal citizens." He argues that rational individuals, blind to their position in society and future prospects, through a deliberative process called "reflective equilibrium," will agree that the preferred basic structure of society would include the right to liberty, free speech, equal treatment before the law, and the option to run for political office. These (imaginary) individuals would also agree on a redistributive principle, which Rawls called the "Difference Principle," that says that inequalities in society would be tolerated only to the extent they work in favor of the least well off.

Rawls's conclusions regarding the basic structure of a just society are echoed in the stated (albeit unrealized, or partially realized) moral and public policy aims of virtually all the modern nation states, including India.⁸ Dalit claims to democratic equality⁹ – the desire to live as equals without oppression and subjugation of upper castes – echo Rawls's conclusions regarding the basic system of rights and liberties (which he calls “primary goods”) that individuals would demand in the constitutional structure in a society based on his “justice as fairness” principle. Moral psychology is central to Rawls's theory. He distinguishes between “thick” and “thin” conceptions of moral psychology. The “thin” version, which Rawls refers to as our “moral capacity,” is the innate cognitive capacity to sense justice and injustice. Rawls uses conception of “thin” morality to derive features of the basic structure. However, once the basic structure has been fully described, he reasons why a society governed by this basic structure would be stable for “the right reasons.”¹⁰ For this, he turns to “thick” morality in part III of *A Theory of Justice*.

He draws on cognitive and social learning theories of Jean Piaget and Albert Bandura (1969) to develop an account of how individuals growing up in a society governed by the “justice as fairness” principle would develop moral sentiments (“thick” morality) necessary for the stability of the basic structure. He describes how the moral development of a young child raised by parents who provide loving care would lead to the development of self-confidence. This self-confidence would provide the child with a capacity for affection, friendship, and trust outside the family. The child, now a teenager, is able to form trustworthy friendships with his peers. Finally, as a young adult, this well cared for former-child and well-trusted friend now begins to internalize a “sense of justice” particular to this society. If members of this society treat others with dignity and respect, this person learns – as a principle – to behave the same way. Under such society-wide shaping of morality, doing the right thing would come naturally to individuals. As a result, individual behavior would become congruent with “society's right.”

⁸ This is partially because Rawls aimed to provide philosophical justification for social democratic states that espoused egalitarian liberal principles. For historical account of the evolution of postwar liberal political philosophy and John Rawls' central role in it, see Forrester (2019).

⁹ Here, I am referring to accounts of Dalit claims present in Omvedt (1994), Gopal Guru (2011a), and Ambedkar (2013), Waghmore (2013) as well as the claims by the Dalits I interviewed in Surendranagar.

¹⁰ Right reasons, for Rawls, mean motivations that are chosen freely. The opposite of right reasons would include indoctrination and acting under force.

Like Rawls, John Dewey considered democracy to be a legitimate form of government only when it grows from a moral and social association of equals. Dewey distinguishes democracy from hierarchical systems such as aristocracy or caste society because in a democracy, every human being is “capable of personal responsibility and individual initiative” (Bernstein 2010). Dewey’s democratic ideal rests on the “faith in the capacity of human beings for intelligent judgment and action if the proper conditions are furnished” (ibid). He believes that democracy was radical because “it requires great change in existing social institutions, economic, legal, and cultural.” Dewey prefers “social intelligence” or “intelligence” rather than “reason.” Intelligence was not a faculty; “it was a set of dispositions that involve imagination, sensitivity to complexities of concrete situations, the capacity to listen to other opinions, and a fallibilistic attitude to solving problems” (ibid). Importantly, for Dewey, the faculty of reason cannot be distinguished from emotion and our affective lives. In this sense, he was a precursor of the field of situated cognition, which honors the situated nature of knowledge and experience (Brown, Collins, and Duguid 1989). Dewey insists that education is the fundamental method of social reform and the achievement of democratic ideals.

Bhimrao Ambedkar, who was Dewey’s student, the leader of backward castes and the principal framer of the Constitution of India, drew heavily on the latter’s writings, especially *Democracy and Education*, in his political work (Stroud 2017). Ambedkar espoused and extended the Deweyan stress on pedagogy that aimed to create informed, critical, thinking people, capable of participating in society as free but responsible citizens. Ambedkar argued that political democracy would have no meaning unless there was equality in the social realm as well. Ambedkar imagined the Constitution of India to be a necessary but not sufficient condition for Indian society, which for him was an amalgam of castes of communities without a tradition of democracy, to transform into a polity that actually practiced democracy (Beteille 2008). Like Rawls and Dewey, Ambedkar too, believed that democracy was a practice that had to be learned, through experience. In the Constituent Assembly on November 4, 1948, Ambedkar said:

Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that people have yet to learn it. Democracy in India is only a top dressing on an Indian soil which is essentially undemocratic” (Bhagwan Das 2010; Roy 2017).

From Dewey’s teachings, Ambedkar understood that the locus of critical education is not necessarily inside a school but instead, in the total environment, which offered informative and educative experiences. This led him to take the struggle for social equality to the streets (Stroud 2017). Today, the Dalit movement started by Ambedkar is a formidable constituent of modern Indian politics.

On the face of it, Rawls’s sources of normativity are rationalist in the Kantian sense: in the *Original Position*, he elevates rationality as the expression and realization of our true individual autonomy over and above the other faculties such as emotion and passions. This assumption makes Rawls’s Kantian construction of reflective autonomy seem an exercise driven only by calculative rationality of selfish individuals. However, an alternate interpretation locates Rawls’s sources of normativity between the rationalist and sentimentalist views of human behavior. Michael Frazer (2007) has argued that Rawls’s conclusions about the agreement individuals in the original position reach are impossible without the individuals letting their “natural sentiments” (as opposed to just “rationality”) do part of the work. Emotions commonly experienced by humans in the real world such as empathy, anger, love, and sadness, must play a role in achieving our considered convictions in reflective equilibrium.

Martha Nussbaum (1992; 1996; 2003; 2004; 2013) has brought emotions to the center in the study of virtue ethics and law. Drawing on Aristotle’s ideas, and recent advancements in cognitive science, Nussbaum (1992; 2003; 2004) has argued that emotions are intelligent cognitive appraisals and should have normative import for law and justice. In her view, while the biology that produces emotions is innate, it can be shaped and trained by the environment (society). Nussbaum (2009; 2013) has applied the study of emotions to political and legal philosophy. As part of this project, she has revived the Rawlsian concern regarding moral sentiments and the stability of just institutions. In *Hiding from Humanity*, Nussbaum (2009, 16)

builds on the emotion-centered approach to law¹¹ and argues that while just institutions are “sustained by the psychology of real people [...] they also embody, teach, and express a political psychology, through norms of the reasonable citizen and the proper role for law.” In other words, the articulation of the norms of reasonable citizenship and proclamations of the “proper role” for law also teach and express a political psychology. The main questions for her are “what sort of public and legal culture will embody the “political psychology” appropriate to a liberal regime? What norms of reasonableness in emotion are the right ones to build into the law, both expressing and nourishing appropriate emotions in citizens?” She argues that to realize justice, a “public myth of equality” must be created (2009, 17), and both public morality and legal morality can help in doing this.

In *Political Emotions*, she continues to expand on the relationship between the “real political psychology of the citizens” and the question of stability of a pluralistic liberal regime. In this book, she shifts focus from looking at the role of law in teaching virtuous morality to the role of political and cultural leaders in shaping political emotions in the public. She argues that a public morality that positively values tolerance (to differences of opinion, race, ethnicity), equality, and liberty – is central to realizing and sustaining a pluralist liberal ethos in society. Nussbaum argues that political and literary stalwarts have an important role in achieving this because of their unique position in society that allows mass contact with the public. She focuses on key figures in the United States and India – iconic statesmen and poets like Abraham Lincoln, Franklin D. Roosevelt, Martin Luther King Jr., Walt Whitman, Jawaharlal Nehru, Mahatma Gandhi, Rabindranath Tagore, among others – to show how they were able to lead a deliberate public pedagogical project through their speeches, writings, and aspects of personal life, to shape a political emotions that valorized tolerance, pluralism, equality, and liberty. She also talks about the role of cultural phenomenon such as comic festivals and public art, which help mold a resilient moral personality – a temperament that lends support to just institutions. The unit of analysis for Nussbaum is the nation and the leaders inculcate emotions in the public, so to speak, “from the top.”

¹¹ Maroney (2006, 125) defines the emotion-centered approach to law as “to analyze how one emotion—including theories of its origin, purpose, functioning, embedded values, and appropriateness—is, or should be, reflected in law.”

To summarize, liberal political philosophers have argued that particular shaping of moral psychologies of citizens is an integral part of providing stability in a system of shared cooperation. The most “theoretical” of the philosophers, Rawls, in particular, was concerned with the stability being created for the right reasons – that is, not through indoctrination or unjust pressure on individuals to acquiesce to society’s basic structure. Dewey, Ambedkar, and Nussbaum have also shown that democratic life needs psychological conditioning. Martha Nussbaum has shown the interdependent and co-constitutive relationship between the law, emotions, and the entrenchment of democracy.

Before we reach the question of stability of just political institutions, we have to deal with the question of the creation of rights-bearing subjects. For that, psychological conditions, different from the ones Nussbaum discusses, need to be met. Citizens need to internalize that rights are important guarantors of dignity; and that they have rights, which can be used to protect their political, social, and economic interests. In addition, they need to have a minimum level of confidence in their ability to intervene against injustice by invoking their rights. From a realist perspective, this is especially necessary in societies where historical marginalization leads excluded groups to lose hope in the all-important “public myth of equality” (Nussbaum 2009, 17). My focus, therefore, is on the political and moral psychology of the weak and marginalized groups in society. Elizabeth Anderson (2014, 24) has observed that, “moral arguments, however persuasive, are not reliable in the absence of experiments in living that vindicate them.” Navsarjan’s work to eradicate caste-based untouchability and oppression of Dalits in Surendranagar constitutes a normative project that at its core is an “experiment” in a new way of living and associating with each other.

I argue that by working with Dalits in Surendranagar – introducing them to the moral content as well as the political power of law – Navsarjan workers actually helped articulate, resurrect, and popularize the “public myth of equality” (Nussbaum 2009, 17). Combined with the demonstration effect of the power of law to restrain majority caste oppression against Dalits, Navsarjan’s work has created a feeling of self-respect and confidence in Dalits and a willingness/desire to assert their voice in the social and political spheres.

In other words, Navsarjan's workers have helped create a rights-bearing citizenry among the historically marginalized Dalit population in this area. I want to clarify two important points here: In arguing that a democratic citizenry was created in Surendranagar, neither do I not imply that this transformation is complete nor do I propose that it is a "natural" movement towards a given "western modernity." On the "completeness" aspect, I join Nussbaum (2009, 17), who has argued for recognizing that this normative project will never be fully realized in practice, but moral entrepreneurs (H. S. Becker 1997) committed to it still make sincere efforts to realize it.¹² Postmodernists and their kindred counterparts in postcolonial theory often complain about a western-imperialist bias at the mention of concepts like "democracy," "modernity," and "rationality."¹³ While my normative convictions are rationalist, in stating that "there has been a movement towards democracy among Dalits," I simply mean that psychosocial and material conditions were created in the Dalit community in Surendranagar that enabled their fuller participation in a society governed by a liberal democratic constitution. In other words, the statement is descriptive not prescriptive.

Case selection, method, and empirical findings

I decided to base my study in Surendranagar because it offers a successful case of land reform implementation. It is a success in two theoretically pertinent ways. First, it is a success because Dalits actually received possession of land through land reform laws. This, in itself, makes it worthy of study considering that a large majority of land that came to Dalits through land redistribution in Gujarat is currently not in their possession. Second, the implementation was a result of socio-legal mobilization by Dalits, which has ostensibly changed the way ordinary Dalits relate to the state and other groups in society. The total population of Gujarat in 2001 was 50.6 million out of which about 3.5 million (about 7 percent) were Dalits. Among Dalits, the predominant castes are Mahyavansi-Vankars (43 percent), Bhambi-Chamaar (29 percent) and Bhangi-Valmikis (11 percent). The Vankars are the highest-ranking caste, the Bhambis in the

¹² Nussbaum (2009, 17) notes, "What I am calling for, in effect, is something that I do not expect we shall ever fully achieve: a society that acknowledges its own humanity, and neither hides us from it nor it from us; a society of citizens who admit that they are needy and vulnerable, and who discard the grandiose demands for omnipotence and completeness that have been at the heart of so much human misery, both public and private."

middle, and Bhangis are the most oppressed (Arvindbhai M. Shah 2010, 150). Surendranagar has a population of 1.7 million of which about 11 percent belong to Scheduled Castes. Even though the percentage of Dalits in Surendranagar is about 4 percent higher than the state average. The district is predominantly rural with around 72 percent of the population living in rural areas (Census of India 2011).

I visited Surendranagar (and Gujarat) for fieldwork between November 2016 and June 2017. This was followed with another month-long visit in January 2019. Following an inductive and exploratory research framework, I conducted detailed interviews with two main types of informants: 1) Navsarjan workers (n=10), who have been active in the area since the organization started work in the area. These individuals were the main mobilizers during the movement for implementation of land reform; 2) Dalits (n=60) who participated in the land reform movement and took possession of land that was formerly theirs only on paper. In addition, I also conducted interviews with local-level Land Revenue Department officials who oversee the land bureaucracy in the area.¹⁴

Out of the ten Navsarjan workers I met, I had extended interactions with four. I stayed at their homes, shared meals, and traveled around the area with them. These individuals, who are still active in Dalit mobilization, also introduced me to Dalit families who participated in Navsarjan's campaign for land reform implementation and received possession of land. I did not randomize the sample, opting instead for targeted sampling. This was done on purpose because I was interested in focusing on those Dalits who participated in the socio-legal mobilization, were in contact with Navsarjan (or were its volunteers), and had received land under land redistribution laws. I have continued to remain in contact with many of them remotely. This allowed me to return to them to clarify statements and the chronology of events in addition to continuing the conversation about their lives.

Typically, my formal interviews in the field lasted about an hour and a half. This observation does not describe the cases of repeated contact and interaction in which case the "method" is

¹³ See, for instance, Chatterjee (1998; 2011).

¹⁴ To protect informant's identities, I have anonymized most names.

better described as participant observation. I followed a semi-structured interview approach, giving the informant partial control over the discussion: I encouraged them to bring in themes, questions, and thoughts they considered relevant to the main questions I posed. I followed a diachronous approach, meaning I asked questions about how events unfolded during the mobilization for land reform (organized between 1997 and 2001), and how things work today. I started the interviews by introducing myself and asking for permission to interview. Upon receiving consent, I would start by asking how much land the family owned, how long they had possession, how they received it? Interlaced with these questions were other questions such as: if they received the land after Navsarjan intervened, what prevented them from taking possession? How were they introduced to Navsarjan? What was the mobilization process like? Did they know Bhimrao Ambedkar's political and social thought? How did they gain this knowledge? In what (economic, social, psychological) ways have their lives changed after getting possession of land? How did their association with Navsarjan caseworkers affect their lives and thinking about rights? Quite often, I spent the night at the homes of the informants, in which case the interviews were extended. Spending time in Dalit homes was an opportunity to observe and better understand their lives. This allowed me the opportunity to observe gender relations, religious practices, and other interesting details of their lives.

I also had opportunity to understand the sociopolitical lives of Dalits in Gujarat by participating in public meetings and protests organized by Navsarjan in Surendranagar and Ahmedabad. These data form the main empirical basis of this dissertation. I supplement these data with another source: court judgments from cases involving Dalits' rights. I will be following an inductive approach to analyzing this data, making inferences by abstracting and highlighting the main thrust that I identify in the data.

The units of analysis in this study vary, ranging from "the Dalit community" to individual Dalits, to law, emotions, and morality. In large part, I will be drawing on data from interviews with individuals. I will use this data to develop and support arguments about changes that have taken place in Surendranagar. As far as basing arguments on individual narratives is concerned, my effort is to locate them as parts of the overall voice of the Dalit collective. In addition to drawing

from individual interviews, I will also use data from ethnographic observation, at least some of which comes from participating in and observing collective Dalit life.

There are two important points with methodological and epistemological import that I want to note here. First, as I have already mentioned (see footnote 4), Dalits, or as they are legally categorized, “Scheduled Castes” comprise a large number of castes. These castes have their own histories, traditions, and hierarchy. The extent and mode of their exploitation and humiliation by the castes “higher” than them in the graded hierarchy are also different. As I will note at different junctures, there are tensions, fissures and differences (as one would expect) within these varied groups that come under the umbrella term Dalit. Owing to the variation and complexities arising from it, scholars have cautioned against collapsing the stories of exploitation of lower castes in the category called “Dalit” or “untouchable” (Arvindbhai M. Shah 2010, 151). The idea of appropriating the term “Dalit,” which originated in the Dalit Panther movement of the 1960s and 1970s, was to establish an emancipatory political project by bringing together lower castes on the basis of their shared history of suffering. Following Bhimrao Ambedkar’s dictum of “annihilation of caste,” there was a revolutionary ethic of equality in “Dalitness.”¹⁵ Navsarjan, as an Ambedkarite organization, has aspired to realize the philosophical ideal of this emancipatory project. It actively worked to resist untouchability practices within Dalit castes.¹⁶ For the caseworkers I closely observed and whose work I tried to understand, any exploited person is a Dalit. Therefore, while I am cognizant of the differences that exist between the different castes, for most of this writing, I have used the nomenclature that Navsarjan has used to refer to people they work with – identifying former “untouchable” castes as “Dalits.” Exceptions to this general rule are made only in cases where I discuss Navsarjan’s role in helping the oppressed of oppressed castes – such as Bhangi-Valmikis –to improve their status with respect to other “upper” Dalit castes.

¹⁵ Pushing back against arguments that the appropriation of the word Dalit was reactionary, Gopal Guru argues that it has revolutionary import. He writes: “[the Dalit Panthers] view it [Dalit] as a revolutionary category for its hermeneutic ability to recover the revolutionary meaning of the historical past of the Dalit and its great capacity to reach out to larger sections of people. Not a mere linguistic construction, it is based on a material epistemology.” (Guru 2001, 98–99)

¹⁶ I deal with this in Chapter 5.

Second, just around the time I was starting fieldwork in November 2016, Navsarjan suffered a serious revocation of the permission given by the Government of India to receive foreign funds. With the cut in important sources of funding, Navsarjan leadership announced that the organization could not pay caseworker salaries and therefore had to let all staff go.¹⁷ At the time I began fieldwork, most of the recently laid-off caseworkers were participating actively in the Dalit movement. As a severance package, caseworkers were offered three months of salary in addition to their Provident Fund savings. This sudden change has led to consternation and critique from the laid-off caseworkers (Ahmedabad Mirror 2017). Over the last three years, some former caseworkers have emerged as *naya netas* (new leaders) (Krishna 2002; 2011) who help mediate and facilitate access to the government and public services for Dalits and poor people in the villages and towns they live in. At the same time, owing to financial constraints, some former caseworkers have been forced to cut back on the time they are able to devote to activism. I will have more to say on this in Chapters 3 and 6. For now, I just want to highlight that while these are important changes, my analysis and claims are made in the context of the work Navsarjan did up until these changes were forced upon it. I believe that my claims hold despite the internal tensions that have recently emerged in the organization.

Empirical findings

Based on the data I collected, I identify three salient observations that are pertinent to informing the principal questions of interest in this dissertation. These observations further help clarify, nuance, and better specify the questions. There may be casual relationships between these observations but they also stand on their own. The observations are as follows. First, becoming landowners has resulted in economic improvement of the Dalit household, which has had other spillover effects. Owning land led to increase in incomes and reduction in forced migration of Dalits in this area. As a result, Dalits have built better-quality dwellings, their children receive better education, they are able to afford modern appliances and technology, and so on. This has

¹⁷ “As much as half of the funds received by the NGO, according to Macwan, were used to pay staff’s salary, while the rest was spent on social activities and programmes of the organisation” (S. K. Ahmed 2016).

also led to bolstering of confidence and an increase in the ability to participate in public life as capable agents.

Second, Dalits in Surendranagar have become well versed in the moral language of rights, and have advanced in realizing them in their day-to-day practice of citizenship. Interviews with individual Dalit families that participated in the movement and successfully took possession of land show that there is marked improvement not only in material conditions of life but also in psychological and subjective conditions. Dalits stated feeling more confident and competent taking on their oppressors – members of other castes – both in the courts and police stations, as well as on the streets. They spoke of the moral importance of the idea of human rights; the idea of equal moral worth, and so on. I argue that the experience of participating in the struggle over several years was key to catalyzing the realization of self-worth and confidence in Dalits, which created the necessary subjective conditions for them to start speaking the language of rights and equality, and to ultimately marshal the courage to meaningfully resist upper caste domination through utilizing the institutions and spaces a democratic constitutional structure enables. In other words, a process of experience-based learning produced the “rights-bearing” and “rights-speaking” Dalit citizenry in Surendranagar.

Third, the entrenchment of the idea of equality and the prevalence of “rightful” reasoning did not just happen to imbue the Dalits in Surendranagar suddenly. It seems to be a result of a combination of reasons. Intuitive responses to injustices (such as humiliation and degradation), the rights- and equality-centric moral-pedagogical push from Navsarjan, the existence of progressive laws such as affirmative action legislation, intervention by the courts, and a demonstration of the efficacy of rights and the law to end long-standing oppression of Dalits – all came together to entrench the idea of rights in the minds of Dalits as a principal ideological-moral-practical framework for ordering their relationship with the state as well as other groups in society.

Navsarjan was an important actor in raising rights consciousness in the Dalit community. It carefully designed and strategically implemented the project of equality through rights. Organizational capability and strategy was critical in ensuring success. Detailed interviews with

caseworkers of Navsarjan who led the movement in Surendranagar lend support to this argument. The caseworkers, themselves Dalits from Gujarat, first underwent rigorous training in human rights, land governance, Indian Constitution and law. They were then sent to work in the field. The caseworkers carried out meticulous field surveys in the initial years in Surendranagar to understand the extent, sources, and reasons for oppression of Dalits. At the same time, they made efforts to gain the trust of the Dalit community in the area by working to solve day-to-day problems of oppression against rural Dalit by members of other castes. The caseworkers' ability to use law to make the oppressors apologize to Dalits (or get the oppressors sentenced to time in prison) bolstered their social position. As a result, they built up substantial social capital that they then leveraged to establish the “myth of equality.”

Overview of chapters

Chapter two describes the evolution of Navsarjan's political commitment, organizational form, and early interventions in Surendranagar. The central analytic I take up in this chapter is whether it is “passionate politics” (emotions) or “calculative rationality” (reasons) that explains Navsarjan's organizational form and intervention strategy. My argument is that it is a combination of both that explains the outcomes. I also argue that we need to pay attention to the details and specificity of the combination of these often-opposing modes of motivation and action – passions and reasons – to understand successful organizational trajectories. Navsarjan wasn't created out of a blank slate: Its organizational form, social mobilization tactics, and most importantly, its grit, were the outcome of a particular history: the history of its founder, Martin Macwan, who had grown up in a Dalit household that faced caste-based discrimination as well as economic hardships, and who later worked for a Jesuit organization whose praxis was based in liberation theology.

Macwan's experience working with the Behavioral Science Center (BSC, the Jesuit organization based at St. Xavier's College, Ahmedabad) was an important learning experience. It taught him the relationship between organizational form and organizational efficiency. The Jesuit organization was driven by a sense of purpose, had a well-disciplined and ideologically-driven

cadre. As a BSC worker, Macwan worked in rural areas of Gujarat to raise social consciousness among Dalits and build a movement to resist upper caste oppression. Things took a very unfortunate turn with the murder of his close associates by upper castes in the area he worked. Macwan describes this as a very emotional moment for him – filled with sadness, frustration, and anger. He channeled these emotions constructively and decided to take the problem of caste discrimination head-on by founding Navsarjan.

Navsarjan, which means “a new beginning” in Gujarati was formed with the objective of eradicating untouchability from society and implementing the rule of law. Thus, the “passions” were what motivated the formation of the organization. There were three learnings in particular that Macwan gained while working at BSC, which he used a few years later to shape Navsarjan’s organizational form and intervention strategy. First, suffering was an important and transformative experience: true understanding of the injustice of suffering is only available to those who have suffered themselves. Those who haven’t suffered cannot be expected to have the same kind of drive (passion) to fight caste. Therefore, he decided to staff the organization primarily with people who had themselves suffered the injustices perpetuated by caste. Second, he learned that caste was a systemic issue and the fight against it had to be properly organized. This meant critiquing and mobilizing against caste oppression in a systematic manner. Caste-based violence and oppression had to be put in the public domain as a systemic problem and not as isolated/sporadic incidents. This meant building organizational structure to reflect this system. Navsarjan staff were given well-defined areas to manage and were tasked with organizing Dalits in their respective areas and with being first activist responders in cases of caste-based violence.

Third, Macwan learned that it was important to build a narrative of success and hope. The Dalit community is well aware of stories of failure: failure to challenge upper caste hegemony, failure of the state to offer the protection from unfair treatment it promises citizens, failure to receive promised land, and so on. Building a narrative of hope was key to motivating the Dalits to act. The burning desire to create social change would come from suffering (passions), its channeling into an organizational action strategy came from planning (reasons), while the focus on creating a feeling of hopefulness was to provide the Dalits a reason to believe in the transformative potential of their emotions. To illustrate how Navsarjan founders went from “passion” to “plan,” I will

describe the caseworkers recruitment, training, and early experiences with law in challenging caste oppression.

In chapter three, I will present two stories of Navsarjan's successful interventions in Surendranagar. The first story is of implementation of land reform in Surendranagar. This will include the account of Dalit mobilization at the district (Surendranagar) level as well as the subsequent legal mobilization led by Navsarjan that led to intervention by the High Court of Gujarat. The High Court issued a time-bound order to the Gujarat state government to implement land reform in Surendranagar.¹⁸ Over the following years, possession of over 4,500 acres of land was given to more than 700 Dalit families in Surendranagar (G. Shah 2008).¹⁹ This was a huge success for Navsarjan and the Dalit landowners. In the process, Navsarjan's image was bolstered; it came to be recognized as a decisive and effective actor that had succeeded in challenging upper caste dominance and control of land.

After the Gujarat High Court ordered that land reform implementation be completed within six months in Surendranagar, the state and district administration swung into action. The shortfall of land surveyors was supplemented by the state government deputing staff from nearby districts to Surendranagar to help with land survey and measurement. A large-scale mapping and measurement exercise was launched in Surendranagar to hand over possession of lands to Dalits. Things took an unexpected turn for Navsarjan caseworkers in this process. The District Collector of Surendranagar sought their active cooperation in the implementation process. To guarantee that accusations of not implementing the court's directive arose against him in the future, the District Collector requested Navsarjan representatives to co-sign the possession certificate at the time of the handover of land. Navsarjan agreed. They accompanied the government team, which included officials from the land revenue department, land survey department and the local police - to every location where land had to be handed over to Dalits. As a result, the caseworkers developed close working relationships with the government – something that would make them

¹⁸ Navsarjan Trust Vs State of Gujarat, S.C.A. 2860 of 1999, H. C. Guj.

¹⁹ Claims about the amount of land transferred to Dalit families in Surendranagar during this period vary in different accounts. According to Shah (2008), 4,500 acres were transferred. According to Martin Macwan, founder of Navsarjan, possession of 6,000 acres was transferred (Franco, Macwan, and Ramanathan 2004, 318). According to local caseworkers that participated in the actual implementation on the ground, most of the 6,000 acres was

especially effective in day to day problem solving for victimized Dalits. Navsarjan caseworkers emerged as co-creators of citizenship.

The central concern for me in this chapter is to explain the modality and underlying mechanism of changes in land ownership and control, and the positive organizational developments in Navsarjan. How should we understand what happened? On the face of it, it might seem like a community-led “bottom-up” effort – Navsarjan caseworkers did the work, mobilized Dalits, went to the court, and pressured the government to act. But closer examination reveals the multi-layered involvement of the state. My argument in this chapter is the following: Navsarjan could not achieve what it did the way it did it if it were not for the availability of a land reform law that prioritized Dalits, a judiciary willing to read the law in its progressive spirit, and the happenstance act of the District Collector who invited Navsarjan to collaborate in the official process of land reform implementation. In other words, a process that started with a “community actor” agitating for the fulfilment of an unmet promise by the state, with the backing of an all-powerful state actor (the judiciary), ended up with the community actor becoming substantially involved with the state to fulfil the promise. Critics of NGOs accuse Navsarjan of falling into the trap of playing by the state’s rules, which are hopelessly limiting for actually transforming the distribution of power in society, thereby changing social relations (Kamat 2003; Teltumbde 2010a). I argue that we need to discern between “playing by the state’s rules” and playing the state’s rules.

The second story also supplements my arguments about the blurring of “top-down” and “bottom-up” pathways to resistance and change. This story is about Navsarjan’s role in a tense intercaste feud in rural Surendranagar that started because Dalit parents objected to the practice of caste-based segregation of children in the public school. In this case, the Dalit community in village of Bhojapari faced social and economic boycott at the hands of the upper castes. By cutting off (local) supply of essential goods to the Dalit community, the upper castes thought they could pressure Dalits to acquiesce. Navsarjan helped set up a community grocery shop and a flour mill to ensure self-sufficiency of Dalit households. They also pressured the police to take

transferred between 2000 and 2003. This apparent discrepancy in accounting notwithstanding, according to several different sources, a large portion of the land that Navsarjan pushed be transferred, was transferred.

strict and quick action against the upper castes who openly threatened physical violence against the Dalits.

In brief, I argue that the initial training the caseworkers received in topics such as public administration, law, and human rights, made them skilled elites in their areas of work. They rapidly developed social capital within the Dalit community. Their social capital was further enhanced when they emerged as quasi-governmental agents and co-signed land possession certificates during the implementation of land reforms. The caseworkers also came to be recognized as powerful actors by the upper castes. The cumulative effect was that Navsarjan became a brand people – both followers and adversaries – knew, revered, and respected. Being the local brand ambassador was a matter of pride for the caseworkers. Importantly, a critical mass of caseworkers formed in Surendranagar for there to evolve a political, professional and “epistemic community” that frequently came together to reflect, protest, and even recreate (there were regular annual retreats for the caseworkers to different places in India). Finally, being part of Navsarjan also meant forming connections with government officers. In Surendranagar, I found evidence that aspects of the caseworkers’ day-to-day lives became easier due to the connections they formed with local bureaucrats and politicians.

In chapters four and five, I shift my primary focus from the workings of Navsarjan (the organization) to claim-making by rural Dalits (individuals) who became associated with Navsarjan. In chapter four, I turn to the analysis of expressive norms such as dignity, equality, and rule of law in the constitution and their interpretation by Dalits on the ground. I argue that scholarship on the politics of the Indian Constitution is frustratingly narrow. It has restricted itself to analysis of the constitutional interpretations of expressive norms by judges, leading statesmen, and legislative politics. These studies have failed to analyze how, if at all, the constitution provides a meaning- and claim-making terrain for ordinary people. Contrary to what constitutional law scholars think, ordinary people can develop sophisticated juristic faculties and form strong justificatory frameworks for developing a political praxis on the ground. I show this through the point of view of Dalits who became associated with Navsarjan. Consistently, I found that these ordinary people make claims to equality using the language of constitutionalism.

In chapter five, I continue the analysis of normative claim making. In this chapter, I analyze whether Navsarjan's efforts to conscientize Dalits about rights created "moral deepening" or whether it was a case of strategic instrumentality on the part of the Dalits. In other words, did the Dalits internalize the morality of law that served them so well, or did they go along with the rhetoric of liberal legality merely for the sake of achieving their material interests? It is hard, if not impossible, to satisfactorily measure "internalization" of moral principles. Here, I take changes in the relations within Dalit castes that were marked by internal casteism as a proxy for estimating internalization of moral norms. However, I do not take up the question of moral deepening in society, i.e., if there has been moral deepening in non-Dalit castes as well.

I draw on Jon Elster's (1999) idea of "the civilizing force of hypocrisy" in politics. The basic conjecture is that once an individual or a group becomes successful in making some kind of socially-recognizable gain (material, psychosocial) on the basis of a universal moral claim (e.g., the argument for equality of opportunity on the basis of fundamental equal moral worth of all humans), they open themselves up to critique if they themselves do not uphold this norm in their public behavior and actions towards others. The gain has to be socially-recognizable and somewhat successful. The caseworkers played, and continue to play, an important role of putting the civilizing myth of hypocrisy to work. I argue Navsarjan caseworkers used their social capital to challenge intra-Dalit untouchability instead of using law as a disciplining tool of the state.

Caseworkers used their respect and instrumental worth (social capital) in the community of Dalit constituents to break the taboo of an upper caste Dalit not interacting without discrimination with a lower caste Dalit. Purposefully, the caseworkers would organize village meetings in the houses of lower caste Dalits. The hesitant upper caste Dalits would come to these meetings out of respect for the caseworkers and out of fear of appearing hypocritical (because they had already shown firm commitment to the normative ideal of anti-casteism and human equality). In this process, the taboo of a higher-up Dalit visiting the home of a lower caste was broken. Once that had happened, moral deepening could take place. Over time, with continued social intercourse, those who were scornful towards Dalits of a lower caste realized that it is unreasonable to discriminate against fellow human beings. As a result, the interactions between the local "upper" caste group and "lower" caste group began resembled interactions among equals.

Chapter 2: Emotions or Rationality?

“There is no action without emotion.”

– Richard A. Posner (1999, 310)

A shared history of stigma, humiliation, and socioeconomic exclusion animates much of modern Dalit politics. Naturally, this politics is emotional. Emotions are even central to the founding of modern Dalit politics: the word “Dalit,” which means “broken,” is a marker of the painful history that the stigmatized castes have endured over centuries. But the adoption of a word marking pain and suffering — concepts that can evoke various emotions such as anger, frustration, sadness, grief — is also strategic. It is aimed at building a pan-lower caste identity (labeled “Bahujan” by leaders of the Dalit movement, which, in *Pali* means “the many”) based on the shared history of exclusion and humiliation, which in turn is to mobilize an emancipatory political project. The venerable Dalit leader Kanshiram once remarked, “This is not sentimental. Our one and only aim is to capture [political] power” (Omvedt 1991). Kanshiram’s stoic and seemingly calculative statement masks the role of emotions like anger, frustration, and hope. I did not have to search the literature or the archives to be convinced that emotions animate Dalit politics; the fact was in my face throughout fieldwork. Anger and frustration were apparent in Dalits’ voices when they talked about experiencing stigma, humiliation, and oppression. But there was also hope in their voices when they spoke of resisting marginalization, humiliation, and oppression. The degree of emotional fervor varied depending on the time, the setting, and most importantly, if there was a recent trigger.

Emotions at work in Dalit politics

While I was conducting fieldwork in April 2017, violent clashes broke out between upper caste Thakurs and lower-caste Dalits in Saharanpur, a district in the state of Uttar Pradesh. Many Dalit homes were set on fire by a mob of rioting Thakurs (the “warrior” caste).²⁰ News of the riots gained national prominence. In response, in Gujarat, Navsarjan organized several demonstrations to condemn the incident and express outrage. I participated in the protests in

²⁰ Hindustan Times (2017) and Sagar (2017).

Surendranagar. The first event I attended was held in a public hall near Ambedkar Chowk in downtown Surendranagar. About two hundred people attended the meeting, including Navsarjan caseworkers and volunteers. The purpose of the meeting was two-fold: to discuss what had happened in Saharanpur and to convince Navsarjan's core cadre to mobilize their networks and ensure high participation of Dalits in the demonstrations planned the following week.

Navsarjan founder Martin Macwan opened the meeting by reading an excerpt of the speech given by Bhimrao Ambedkar during the *Kala Mandir Satyagraha* of 1930. The article was full of emotion – anger at the humiliating ways in which the upper castes exclude Dalits, inflicting deep psychological trauma on them. By reading Ambedkar's furious account of the humiliation caused by discrimination towards Dalits, Macwan was putting the present in historical perspective. On the one hand, he was reminding the audience that even after almost a hundred years since Ambedkar launched the modern Dalit movement in India (and 70 years after independence), systematic injustice and violence towards Dalits continues. Macwan put up a stoic front but his pauses, emphasis, and intonation conveyed the emotions he was feeling. He was angry, frustrated, and hopeful – all at once. Several other caseworkers and volunteers spoke at this meeting expressing anguish and frustration at continued caste-based atrocities.

One of the speakers was a young activist, probably in his early 20s. A remarkable example of what Antonio Gramsci termed “organic intellectual,” this person presented a normative thesis: he said that while the religious books give codes that are exclusive to their followers – the Quran for Muslims, the Bhagwad Gita for Hindus, the Bible for Christians – the Constitution of India gives a moral code for all citizens of India, irrespective of their caste, class, gender or creed. He said that the message of equality for all in the Constitution was the essence of Ambedkar's political and moral philosophy – something that was under attack by the right-wing Hindutva forces currently ruling India [the Bharatiya Janata Party]. The political message was clear: constitutional normativity that guarantees equality of humans irrespective of caste, class, gender, or creed is over and above other sources of normativity that govern (or aim to govern) individual and collective life. The speech was passionate and it concluded the meeting with loud chants of *Jai Bhim!! Jai Bharat!!* (“Long live Ambedkar!! Long live India!!”).

Listening to this young adult talk about his preferred moral theory, I was reminded of John Rawls's account of how and why reasonable people with different conceptions of the good life (what he terms "comprehensive doctrines"), when deliberating the basic rules of social cooperation, would choose a scheme that will ensure individual freedom and relegate comprehensive doctrines to the private realm, provided they do not infringe on individual autonomy (Rawls 1971; 2005). Rawls called this *Political Liberalism*. The young Dalit speaker at the meeting was ostensibly supporting such a conception: the Constitution of India, which guarantees equality and autonomy to all citizens is valuable because it recognizes individuals as equals simply by virtue of citizens being humans irrespective of their caste, gender, or religion. This person's aim, though, was not merely to express his support for his preferred theory. He was making an emotional appeal for political action by the oppressed citizens to realize this normative vision.

There was a discernible contrast between Macwan's and the young adult's speech. Both speeches were emotional but the emotions were different: while Macwan's speech was full of anger and frustration, the young adult's speech was imbued with "compassionate hope" (Nussbaum 2015). This contrast is telling us something important about the role of emotions in collective political action. Anger and hope are motivational forces. It is commonplace to hear "angry protestors take to the streets." Hope is less easy to define as an emotion. Richard Lazarus (1999) defined hope as the belief "that something positive, which does not presently apply to one's life, could still materialize." In the two speeches, we see emotions interact with the aim of galvanizing collective corrective action. In reflective individuals, the interaction between emotions will be mediated by instrumental rationality – a cognitive faculty that helps rational actors weigh costs and benefits of their intended actions. To understand collective action in cases of moral outrage, then, the following questions become important: How do different emotions (passions) and reasons (instrumental rationality) interact? What is the role of law in shaping this interaction? Why do Dalits still have hope even though systematic injustice continues against them after over 100 years of struggle in independent India? Under what conditions does the interaction between opposing emotions and instrumental rationality produce sustained collective action against perceived moral wrongs? I will try to answer these questions in this chapter.

A simple savory rice dish was served for lunch after the speeches concluded. Two men who were seated behind me during the talk came up and started talking to me. One of them, who seemed to be in his mid-30s, said he noticed that I was taking notes during the speeches. He asked if I was a journalist or a student. I explained why I was there and we struck up a conversation. The man, who I will refer to as Vijaybhai, is a public school teacher; he is a Dalit and teaches various subjects to middle school students. He grew up in a village in Chotila, which is sub-divisional town in Surendranagar. He had been politically conscious for many years and, in his role as a public school teacher, tried his best to ingrain the idea of equality of all human beings in the minds of his students. Vijaybhai said that he makes a decent salary as a government teacher, which means that he is not forced to participate in politics in order to press demands to make economic gains for himself. He said he feels deep pain when he sees the kind of humiliation that the caste system produces for Dalits. "I don't like what I see around me. It pains me deeply. Sometimes, I feel like leaving this society ... it is wretched ... it makes me sick. But then I feel that I have to try to change it." It is hard to put into words how emotional this person became when talking about the humiliation and inhumaneness of belonging to a "lower caste." He said he knew about Navsarjan since he was a teenager but this was the first time that he was attending a Navsarjan meeting as an adult. He was particularly moved by the recent riots in Saharanpur and wanted to participate in public action to do something about it. Vijaybhai was morally outraged and had decided to act.

The second demonstration, which happened a week after the meeting in Surendranagar, was in a place called Jhanjharka. A crowd of about 500 people, mostly Dalits from villages in the Surendranagar area, participated in the demonstration. This time, again, Macwan read the excerpt from Ambedkar's speech but to a much larger audience. After Macwan, an old colleague of Macwan's from Navsarjan, Manjibhai took the microphone. It was not just the body language but literal words that came out of Manjibhai's mouth that made the emotions clear. Losing his voice because of the overwhelming emotions he was feeling, Manjibhai said, "I am very very angry at the violence against my Dalit brothers and sisters in Saharanpur. How long will this continue? Just how long?" The crowd looked on in rapt silence. It was a hot summer day. The crowd of protestors had assembled out in the open under the blazing sun. As is customary, the organizers had provided cold drinking water at the venue. The water dispensers were kept on the

ground next to a pickup truck. The pickup truck also doubled as a moving billboard. On the side facing the crowd) was mounted an 8x5 feet banner with three color-coded sections that were overlaid with text.



Above: A “moving” message mounted on a truck.

The choice of colors was somber: red, navy, and black. The headline read, “Want to know about the status of ‘reserved’ Dalits?” The three sections below the heading each had list of villages where hate crimes against Dalits had taken place in Gujarat over the last year. The categories were, “murders,” “migration due to social ostracization,” and “rape.” The number of villages mentioned under each heading ran into hundreds. This was a roving billboard designed to move from place to place, serving as a stark reminder of important (and gruesome) facts. It was meant to show the scale at which crimes against Dalits still occur in Gujarat. It was meant to evoke emotions – anger – in Dalits at the state of society. At the bottom was written, “Why are you silent?” It was a call to speak up, to organize and to struggle.



Above: Portrait of Anger and Hope

Just like at the first meeting, along with a display of anger was also a display of hope. In front of the somber billboard were two portraits—of Ambedkar and Gautam Buddha—side-by-side. These icons represent hope. The portraits provide not just an identity (“these Dalits are followers of Ambedkar and Buddha”) but also principles and method (constitutional principles, escaping caste by converting to Buddhism). As these examples make clear, emotions are everywhere.

My interest in emotions is not limited to highlighting them as mere facts of Dalit political life. I am interested in explaining how the interaction between emotions and instrumental rationality has shaped Navsarjan’s political project. Since politics involves individuals acting together on issues that matter to them, my analysis will engage both scales—individual and group—to explain how they shaped Navsarjan’s political project. More specifically, though, in this chapter, I will use individual-level analysis to explain organizational outcomes for Navsarjan. In chapters 4 and 5, I will focus more specifically on how individual lives and subjectivities have changed as a result of participating in struggle for land, dignity, and rights led by Navsarjan. The two examples I have presented so far show the ways in which emotions manifest and operate at the individual as well as the organizational level in Dalit politics. For the teacher (Vijaybhai), emotions are cognitive appraisals: he feels anger and sadness when he reflects on the treatment

meted out to Dalits by non-Dalits. Macwan (and Navsarjan), on the other hand, are reminding Dalits of the history of oppression against them and presenting hard-hitting facts to make Dalits cognizant of the situation as it has existed and continues to exist. The movement leaders are making Dalits angry. But they are also strategically deploying symbols that signify hope and strength. What are sources of anger and hope? What is the role of instrumental rationality in leveraging emotional motivations? What explains the longevity of the emotional project that Navsarjan has built in Surendranagar?

Emotions and social enquiry

Emotions have gained importance in the explanation of social and political phenomenon as well in descriptions of normative visions of society. Over the last two decades, emotions have emerged as a subfield of study in several disciplines such as law (S. Bandes 1999b; E. A. Posner 2000; Maroney 2006; S. Bandes and Blumenthal 2012), social psychology (Haidt 2001; 2003; Barrett et al. 2007; Haidt 2007; Barrett and Russell 2014), neuroscience (Damasio 1999; 2006), cultural anthropology (Lutz and White 1986; S. Ahmed 2013; Russell et al. 2013), philosophy (De Sousa 1979; 1990; Nussbaum 1992; Elster 1999; Nussbaum 2003; Solomon 2008; Nussbaum 2013), and sociology (Hochschild 1979; Thoits 1989; Jasper 2011; Goodwin, Jasper, and Polletta 2001; Hochschild 2015). The literature is vast and there is often considerable overlap between different sub-disciplinary fields that take emotions seriously.

The study of emotions and collective action (such as in social movements) has gone through three phases. Early research on social movements dismissed social protests as unintelligent acts of irrational mobs. From the 1960s to the 1990s, emotions disappeared from North American social sciences, with rational self-interest taking center stage in explaining collective behavior. For instance, Mancur Olson in his famous book *The Logic of Collective Action* (Olson 2009) argued that collective action would be plagued by the free rider problem (people not investing time and energy in social movements but benefiting from them if they are successful). Hence, Olson argued that collective action would rationally take place in closed spheres such as membership-based organizations such as trade unions. Emotions made a comeback in the 1990s with scholars

exploring the role of emotions as causal forces that shape social behavior. I will use the working definition of emotions presented by Susan Bandes and Jeremy Blumenthal:

Emotions are a set of evaluative and motivational processes, distributed throughout the brain, that assist us in appraising and reacting to stimuli and that are formed, interpreted, and communicated in social and cultural context. They influence the way we screen, categorize, and interpret information; influence our evaluations of the intentions or credibility of others; and help us decide what is important or valuable. Perhaps most important, they drive us to care about the outcome of our decision making and motivate us to take action, or refrain from taking action, on the situations we evaluate. (S. Bandes and Blumenthal 2012, 163–64)

According to this definition, emotions are cognitive evaluations, which have motivational force. This is what makes them relevant for studying collective action. This definition also implicitly suggests that emotions are rational. However, there is a long history of construing emotions in opposition to rationality. Hegel, for instance, used the master-slave analogy when referring to reasons and emotions – emotions were an undesirable force that had to be mastered by reasons. The mind-body dualism that has pervaded western social science is responsible for the long-standing emotion-rationality dualism (Calhoun 2001). Recent enquiries into the structure, social psychology, and sociopolitical ramifications of emotions have transcended this dualism arguing that “feeling” and “thinking” are intimately related, if not the same process (Haidt 2001; Damasio 2006). While feeling may be a way of thinking, not devoid of rationality per se, the “epistemic question,” i.e. the context and framing, determine what we conclude from our feelings and emotional responses to particular situations. In the vignettes of passionate politics in Surendranagar I presented, the mobilizers are cleverly framing the context. They juxtapose the persistence of caste oppression with guarantees of freedom and dignity found in the constitution. By reminding their audience of the historical legacy of resistance to caste oppression by emancipatory figures such as Bhimrao Ambedkar, they invoke another “frame” (Goffman 1974) – one that lends hopefulness to their political project. In other words, “feelings are context sensitive and malleable” (Schwarz 2011). Therefore, the way feelings are shaped and to what end is crucial to understanding a movement’s success or failure.

Social movement theorist James Jasper (2011) has noted that “virtually all the cultural models and concepts currently in use (e.g., frames, identities, narratives) are misspecified if they do not include explicit emotional causal mechanisms. Yet few of them do.” In important theorizing of Dalits and humiliation (Guru 2011a), detailed analysis of emotions is missing. There are relatively few studies that have analyzed the role of emotions in Dalit politics. Jaoul and Blom (2008) and Jaoul (2008) are among the few that have looked at emotions and Dalit politics. Jaoul (2008) analyses how Dalit activists created a “righteous anger” in the aftermath of the infamous Khairlanji Massacre in Maharashtra in 2006. He examines the role of local social networks and media (photographs, documentaries) in the production of this “righteous anger.” Law, which the author acknowledges in passing, is not considered as a relevant institution that may have played a role in constructing and legitimizing the “righteousness” of anger. Scholars have, after all, debated the relationship between law, social movements, and social change for several decades (S. Banes 1999b; Sarat 1990; E. A. Posner 2000; Nielsen 2004; Nussbaum 2009). Why overlook its centrality in Dalit mobilization?

Law, social movements, and change

Navsarjan used law in several important ways. It was a powerful disciplining tool that was used to protect Dalits from abusive upper castes. The same laws were also used to mount pressure using the threat of litigation against abusive upper castes to change their behavior (in many cases, instead of actual litigation). They used the language of rights that flows from the Indian Constitution to legitimize their demands and bolster their aim of raising rights consciousness in the Dalit community. In short, law was central to Navsarjan’s praxis.

Legal scholars, especially those associated with the Critical Legal Studies (CLS) tradition, have long debated the role of law in constituting social order as well as its transformative capacity. Duncan Kennedy (1991) drew on Robert Hale’s (1923; 1935; 1952) analysis to critique both the Marxist (law as superstructure) and the Foucauldian (law as an “authorless strategy” to “discipline and punish”) explanations of law. Neither tradition of thinking about law takes it to be

an institution that constitutes society. Arguing against this either-or view, Kennedy suggested that if anything, Robert Hale taught us that the “stakes of law” are very high, especially when it comes to distributional outcomes.

While CLS scholars are cognizant of the institutional and social-constitutive power of law, they are deeply skeptical of the progressive transformative potential of liberal law. They argue that social movements that pin their hopes on liberal law are bound to be disappointed, or even worse: “engaging in the ideology of liberal legalism ultimately legitimates the very inequality and oppression that the extension of legal rights claims to redress” (Levitsky 2015, 384). This critique is based on a straightjacket reading of liberalism in its classical liberal-libertarian variety, and drawing primarily on the political experience of the United States.²¹ For Mark Tushnet (2004), “rights are inherently unstable, contingent, and manipulable.” Sociolegal scholars such as Gerald Rosenberg (2008) have been deeply pessimistic of law’s usefulness for social change. Analyzing the record of the Supreme Court of the United States on civil rights, Rosenberg concluded that social reform litigation was bound to be frustrated because the court system is “largely impotent to getting large masses of people to obey the norms they oppose” (Levitsky 2015, 385).²²

Critical Race Theory and Feminist scholars, in turn, critiqued the CLS critique of rights. Pushing back against the idea that the law and rights do not matter because they are manipulated by the powerful to serve their interests, these scholars argued that precisely because rights are manipulable and socially constructed, they matter for traditionally disadvantaged groups struggling to establish their equality claims (Delgado 1982; 1987; Ewick and Silbey 1991; Young 2000). Rights serve as a common ground of discourse for traditionally disadvantaged groups (Minow 1987; Milner 1989; Nielsen 2004). Michael McCann (1994; 2006; 2017) has also argued against a totally pessimistic view on law’s potential to enable progressive social change. These scholars take a more expansive view of law “as a set of meanings beyond regulatory control”

²¹ Kennedy (1991, 333) writes, “In the liberal model, law plays a major role in the form of “the rule of law,” a defining element in the liberal conception of a good society. But the content of the background of legal rules is seen to flow either as a matter of logic from regime-defining first principles (rights of bodily security, private property, freedom of contract) or from the will of the people, or from both together in some complex combination. The distributive issue is present, but understood as a matter of legislative intervention (e.g. progressive taxation, labor legislation) to achieve distributive objectives by superimposition on an essentially apolitical private law background.”

(Levitsky 2015, 385). This literature focuses not so much on the regulatory power of the law but instead on the power of law to constitute meaning and identities. McCann has argued:

Legal mobilization does not inherently disempower or empower citizens. How law matters depends on the complex, often changing dynamics of the context in which struggles occur. Legal relations, institutions, and norms tend to be double-edged, at once upholding the larger infrastructure of the status quo while providing limited opportunities for episodic challenges and transformations in that ruling order. (McCann 2004, 519)

Consequently, the law and social movements literature has investigated how law matters for social movements. Engels and Munger (2003) show that law provides the discursive field on which disabled people construct a respected sense of self. Similarly, McCann (1994, 65), argued that “the legacy of egalitarian rights embodied in antidiscrimination law provided a compelling conceptual frame for making sense of existing injustices and for demanding remedial action.” Richard Abel (1995) has showed how law formed a “potent orienting frame challenges to apartheid in South Africa” (McCann 2006, 20). Stuart Scheingold (1974) argued that there is a qualitative difference between asking for help and demanding one’s rights. Levitsky (2015, 386) has argued that “the extent to which social movements draw on rights discourse to frame their demands can have profound consequences for the movement.”²³ Scheingold (1974) and Handler (1978) have highlighted the “normative symbolic power of rights claims” which defiant groups can leverage to “compel concessions even in the absence of clear judicial or other official support” (McCann 2006, 29). Indeed, psychological-symbolic politics in the “shadow of law” was an important tool in Navsarjan’s day-to-day engagements with members of the upper castes on behalf of victimized Dalits. Overall, this body of sociolegal scholarship has analyzed law as an institution that is enmeshed in power relations. Some scholars doubt whether liberal law can ever serve as a framework for meaningful and sustained progressive social change. Others have doubted the nihilism of the CLS critique of law and argued that law can serve as a discursive framework that contains the potential for traditionally marginalized groups to realize justice. One limitation, as I see it, in this diverse body of work is that it overlooks the role of emotions.

²² Citing Handler (1978) and Rosenberg (2008).

Some social movement theorists, by contrast, have focused specifically on emotions as causal factors in shaping the formation, tactics, and life cycles of contentious social movements (Jasper 1998; Goodwin, Jasper, and Polletta 2001; Calhoun 2001; Jasper 2011; 2014). Relatedly, social movement theorists have developed a “cognitive approach,” which draws on the sociology of knowledge to explain the role of cognition in shaping consciousness and giving particular meaning to collective social action (Eyerman and Jamison 1991). Eyerman and Jamison analyze the role of movement intellectuals in shaping the movement’s consciousness, providing them meaning, etc. These authors do not pay particular attention to the law. This absence is surprising given that law is a powerful institution that is “imbued with emotion” (S. Bandes 1999a). Given this gap in scholarship on social movements, law, and emotions, we can add a more pointed question to the more general research questions I introduced earlier in the chapter: How did law shape the formation and praxis of a social movement that aimed to reduce conditions of gross unfairness that Dalits experience in their daily lives to a relatively fair system in which they are able to realize at least some measure of dignity and respect? What was the role (and position) of law in the interaction between emotions and rationality?

In this chapter, I shall argue that both emotions and reasons are central to explaining Navsarjan’s success. More specifically, building on Martha Nussbaum’s (2015; 2016b) idea of “transitional anger,” I shall argue that Navsarjan channeled emotional energy rationally: it focused emotional energy at creating systemic change instead of one-off retributive action against upper caste victimizers. Law played a central role in this process of channeling anger into a hopeful project of social justice. Navsarjan made symbolic acts an integral part of its political strategy: breaking inter-caste taboos such as sharing of food and water, and the acceptance of guilt (by upper castes) and forgiveness (of upper castes by Dalits) formed an important part of Navsarjan’s intervention strategy. Crucially, all of these processes operated in the shadow of law, which gave Dalits bargaining power. The act of breaking social taboos and performing forgiveness helped ensure moral high ground for the Dalits while also establishing their credentials as rights-bearing and legally capable actors. Overall, this had the effect of creating a hopeful project of realizing Dalits’ dignity. To substantiate these arguments, in the rest of this chapter I will focus on the story of Navsarjan’s evolution and their early intervention efforts.

²³ Drawing on (Leachman 2013; Hull 2001; Pedriana 2006).

Deeply emotional yet rationally hopeful: Navsarjan’s backstory²⁴

In the *Art of Moral Protest*, Jim Jasper argues that an integral part of the “basic dimensions of protest” is “biography,” which includes the formation of “individual constellations of cultural meanings, subjectivities, and sense of self” derived through life experiences of individuals (Jasper 2008, 44). Following Jasper’s lead, I focus on a defining biographical sketch – that of Navsarjan founder Martin Macwan – in explaining the formation and evolution of Navsarjan. This causally relevant backstory speaks directly to the questions I seek to answer in this chapter.

Navsarjan was established as a Non-Governmental Organization (NGO) in 1989 by Martin Macwan, who is now a prominent voice in the Dalit movement in India. In 2000, he was awarded the Robert F. Kennedy Human Rights Award for his work to eradicate untouchability and ensuring the realization of the rights of Dalits (Robert F. Kennedy Human Rights, n.d.). In 2001, at the famous UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, Macwan made the case that caste-based untouchability was India’s version of slavery.²⁵

Macwan, a Dalit, comes from humble origins. He was born in a poor family in Nadiad, a small town in Kheda district of Gujarat. His mother was an agricultural worker and his father a small-time contractor. He recalled growing up in “a very, very small house, mud walls, tiles, the width of the house was six and a half feet half.” The family had converted to Christianity ostensibly as a way to escape caste and access better educational resources offered to a select group (Christians) by the missionary institutions. Humiliation continued to be a fact of life for Macwan, even as his family assumed a Christian names. A missionary school admitted him tuition-free but he had a bitter experience there. In exchange for not paying the fee, he, along with other former lower caste convert students, were expected to sweep the floors of the school. This deeply hurt the young students’ sense of pride. Macwan’s interest in attending classes waned and he started

²⁴ I have drawn freely on historical accounts in Franco, Macwan, and Ramanathan (2004), Heredero (1977; 1989), and Macwan (2012; 2014), Menon (1986) and in-person interviews with Martin Macwan (multiple occasions between November 2016 and January 2019) to develop the account in this and the following sections.

²⁵ See Macwan (2001).

bunking school. The staid teaching he encountered at the school did not interest him. Moreover, he was concerned about the hardship his mother and grandmother had to go through on a daily basis to keep the family together.

Macwan's lack of interest in attending school angered his father. In response, he ran away from home, only to be found at a temple nearby. In turn, his father forced him to join a missionary boarding school, St. Mary's. Macwan stayed there till he graduated from high school. At this institution too, he experienced a discomfiting truth: inequality between students and faculty ran deep. While some inequality is to be expected between students and faculty members at any educational institution, the nature and extent of the inequality at Macwan's boarding school was glaring and discomfiting. There were vast differences in living standards between the Jesuit priests who ran the place and the poor students like him. According to Macwan, the students were served really sub-standard food. Since they had limited economic means, these students had no choice but to accept the food given to them at the cost of hurting their sense of self and pride. The unequal treatment probably hurt Macwan and the other poor students more because of their lack of independence compared to the priests. Perhaps they also expected the missionary school, which claimed to be a place imbued with compassion, to practice what it preached. These experiences, Macwan recalls, "really raised some disturbing questions" in him (Franco, Macwan, and Ramanathan 2004, 307).

Ironically, however, it was at a Jesuit institution that Macwan learned important lessons about empowerment of the oppressed. After graduating from high school, Macwan joined St. Xavier's College in Ahmedabad, where he was inspired by the ideas and personality of a Spanish-transplant in Gujarat, Father James Heredero. This scholar-priest belonged to the Jesuit liberation theology tradition that has a progressive stance and valued grassroots work. A follower of the pedagogical theory of Paolo Freire, Heredero headed an action research center affiliated to St. Xavier's College called the Behavioral Science Center (BSC). The BSC was involved in experimenting with Freire's ideas on emancipatory pedagogy. This is where Macwan would hone his organizational and fieldwork skills. At St. Xaveir's College, Macwan was so inspired by Heredero that he decided to join the Jesuit order. For three years, he was in a Jesuit Prenovitiate, eventually dropping out because his family came under economic hardship. To support his

family, Macwan worked several jobs in parallel: he worked as a librarian at St. Xavier's College in Ahmedabad, and also as a part-time private tutor. During his time at the Prenovitiate and later as an employee of St. Xavier's College, Macwan observed the organizational meticulousness of the Jesuit educational system. He learned that organization and systematization was key to efficiency. He would later apply these learnings in building Navsarjan.

A few years after quitting the Prenovitiate and working parallel jobs, Macwan joined the BSC. Father Heredero, his boss, was strict and exacting but Macwan continued to learn valuable lessons from him. Key learnings included the importance of fieldworkers leaving their egos behind and becoming genuinely interested in listening and learning from the people they serve. In his book *Rural Development and Social Change*, Heredero (1977) explains the experimental and field-based approach. At one point, Macwan was sent to work in a district of Gujarat called Deesa. His focus was to help improve the socio-economic conditions of a very poor tribal group called the Majiranas. After this, he was sent to the Bhal regional in Khambhat to work with the Vankars, a dalit caste. Macwan recalls:

And for the first time here I became conscious of caste. It is one thing to talk about caste, but when you try to challenge it, then it is a different story. Then my memories started coming back to me of the time when I used to work as a child laborer in the vacation, and of how, when we worked in the farms, water was poured for us from above, and of the comments that used to be passed. All that came back to me later. (Franco, Macwan & Ramanathan 2002, 310)

In an article published in the Huffington Post in 2009, Macwan recalled the state of upper-caste dominance in Gujarat that he witnessed during early days as a Dalit activist:

The Dalits are not allowed to ride a bicycle. If somebody has died in a family, you can't pass with the dead body from the main village ... The so-called upper caste men would enter any house of the Dalits that they wanted and do anything with the women they wanted and nobody could say a word ... So, for example a ... higher caste man has come and entered the house where a woman is alone ... His shoes are outside the house. If the

husband comes from market and sees the shoes, so he won't go inside. He will leave him alone with the wife. (Cose 2009)

In the mid-1980s, on BSC's behalf, Macwan was sent to with the Dalit community in Kheda district of Gujarat in an effort to raise social and political consciousness. When the BSC team mooted the need to resist upper caste dominance, local Dalits responded by reminding them that they were economically dependent on the upper castes for livelihoods. They understood the injustice in the way they were treated by the upper castes but could not afford to rise up against the very people on whom their lives depended.²⁶ As a result, the BSC team decided to focus on employment generation for the community. Macwan helped establish an agricultural cooperative in a village called Vadgam. This cooperative was able to obtain waste land from the government under the Gujarat Wasteland Act. As is often the case with land given under the GWA, the land the cooperative received was not very fertile. However, with planning and labor, it was transformed into fertile land and soon, cultivation could begin. According to Macwan, the cooperative compensated workers at the government-approved rate, which was seven times agricultural work wages paid by upper caste land owners. This resulted in reduced dependence of Dalits on upper caste land owners and a greater semblance of job security, now that their own community cooperatively held land. For the first time, Dalits began to refuse to work for the upper castes. The success of the Vadgam cooperative was contagious. The following year, nine other Dalit-run cooperatives became active in the region.

Turning Point: The Golana Massacre

One such cooperative came up in a village called Golana. It produced charcoal from tree plantations. According to Macwan, "there was a class within the Kshatriya community ("warrior caste") that was increasingly wary of the rising power of the Dalits, realising that the power balance in the area was no longer in their favour but was actually tilting against them. They thus decided to eliminate the Dalit leaders." Ironically, it was the so-called "lowest castes" – the Valmikiis – who were initially used by the Kshatriyas to attack Vankars. Caste-based

²⁶ This should not have come as a surprise to the senior researchers at the Behavioral Science Centre. By the mid-70s, the Centre had learned already learned that economic independence was important if the lower castes were to rise up against upper caste excesses (Hereadero 1989, 5–6).

discrimination is not just practiced by so-called “upper castes” towards so-called Dalits or “lower castes.” There are rankings within Dalit castes, such that so-called Dalit “upper castes” such as the Vankars practice caste-based discrimination towards so-called “lower castes” like the Valmikis. This was true in Golana as well.²⁷

The Vankars had excluded the Valmikis from membership in the cooperative because the latter were considered inferior and impure. Being left out led to the Valmikis becoming disgruntled and jealous of the Vankars, especially since the wages paid by the cooperative were many times that of the prevailing agricultural wage. Members of the Kshatriya community exploited this contradiction in the Dalit community: they stoked jealousy in the Valmikis, telling them that the Vankars were excluding them on purpose, and needed to be taught a lesson. Unfortunately, some Valmikis were sufficiently agitated and early morning on January 25, 1986, some members of the Valmiki community physically attacked Vankar homes in Golana (Macwan, year)

The Vankars fought back and one person from each community sustained injuries. During the clash, the Valmikis were seen running towards the Rajput (Kshatriya) neighborhood; this set off alarm bells and the Vankars decided to go to the police. Before they could leave their neighborhood, a large Rajput mob armed with guns encircled them and attacked. Four Vankars, who belonged to the cooperative, were killed; eight others were seriously injured. The murders were brutal. The postmortem report showed almost a hundred pellets (from gunshots) lodged in the body of Pochabhai Parmar, one of the main leaders of the cooperative and a close associate of Macwan. He had been shot, repeatedly, even after he died.

Following the massacre, thousands from all over Gujarat came to Golana to express solidarity and support for the Vankars, many contributing in cash and kind to the victims and families. Macwan spent a full month continuously living in the village. Amarsinh Chaudhary, the first backward caste Chief Minister of Gujarat, visited the village and assured the community that justice would be done. The police swung into action and quickly arrested 30 accused Rajputs.

²⁷ On caste hierarchy in Gujarat, see Shah (1982). On caste relations in Saurashtra, see Tambs-Lyche (2004, 304–30). On relations between Vankars and Valmikis, see Macwan et al (2010). Among the major Scheduled Caste groups, Vankars are the most populous at around 43 percent while Bhangi-Valmikis are only about 11 percent (Census of India 2001).

For Macwan, the brutal killing of Dalits in Golana was not just a socially relevant fact that exemplified of caste oppression, but also a personal loss. In such a moment, the emotions of grief and anger are natural. The idea of forming Navsarjan took shape in this period of emotional tumult. Macwan said:

The Golana massacre changed my personal life. This incident shook me like nothing before and for the first time, I realised the need for a broad-based organisation to deal with the problem of caste-based oppression, which was not merely a fight between two persons or two groups in a village but was rather a systemic phenomenon or scourge in society. I also learnt the importance of developing grassroots leadership for sustaining the struggle against caste. (M. Macwan 2014, 197)

The perpetrators were tried in the Gujarat High Court, and ultimately sentenced to life in prison. This was a huge victory for the Dalits in Gujarat. Macwan's engagement with the Dalit cause did not end with the sentencing. Instead, it was the provocation for him to start something bigger and more ambitious. He knew there was a much bigger battle to be fought to resist untouchability and caste-based oppression.²⁸ A few years after the massacre, in 1989, he established Navsarjan Trust – an organization with the explicit goals of eradicating untouchability and demanding the implementation of the rule of law. Over the years, Navsarjan would grow to establish presence in almost all districts in Gujarat.

Explaining action: Between Emotions and Rationality

I learned Navsarjan's founding story over several conversations with Macwan. In one of these conversations, Macwan told me that Pochabhai Parmar – one of the Dalits murdered in Golana – was his close friend. Recounting Pochabhai's death, Macwan was nearly in tears. He said to me, "we are not afraid of anyone ... I had formed Navsarjan after taking oath on the dead bodies of my friends that we will eradicate untouchability." I put myself in his shoes as I listened. As he

²⁸ Macwan was cognizant that intra-Dalit caste-based discrimination was a scourge to Dalit unity. After all, it was Dalits (Valmikis) who had been convinced to attack Dalit (Vankar) homes. I will comment on how Navsarjan caseworkers deal with the intracaste discrimination through their work. See Franco, Macwan, and Ramanathan (2004, 313–14).

narrated the events, I felt such strong emotions including anger and sadness. Emotions, both as historical facts of Macwan's life as well as in the present moment, were clearly on display during the interview. He had gone through considerable pain: the pain of growing up poor, the pain of feeling shunned in school, the pain of realizing the horrible nature of caste-based discrimination, and finally, the pain of seeing friends and close associates murdered because members of upper castes could not stand a lower caste person speaking up for the rights of Dalits.

It would appear that establishing Navsarjan was a natural emotional reaction to Macwan's psychological pain accompanied by anger and frustration at the state of society. But his post-Golana actions cannot be explained just on the basis of painful emotions (anger, grief, frustration). These emotions could have resulted in several outcomes; for instance, he could have become depressed and receded. Scholars have argued that depression can often lead to heightened realism: chronically depressed individuals have been reported to have a more accurate understanding of relationship between actions and outcomes than non-depressed individuals (Alloy and Abramson 1979; Pham 2007). In such a situation, it is easy for a person at a relative disadvantage to become so emotionally overwhelmed as to lose agency. Heightened realism may induce pessimism because the depressed individual sees the world as it really is and consequently, inaction. What explains then, the emergence of a specific organizational form (Navsarjan) with an abiding commitment to social change during a period of emotional turmoil? To answer this question, a good starting point is to consider Macwan's key learnings from his experience as an activist and a Dalit until the Golana incident. By his own admission, these lessons were instrumental in Macwan's decision to form Navsarjan; they also shaped the organizational strategy (Franco, Macwan, and Ramanathan 2004). What were these learnings?

Macwan's learnings

First, he realized the importance of suffering as a historical-sociological fact with moral and political valence: "leadership [of a emancipatory movement] is best when it comes from the people who have suffered because energy comes from the suffering" (Franco, Macwan, and Ramanathan 2004, 311). Mari Matsuda (1987) has argued that victimized communities, because of their experience, are uniquely capable of radically appropriating "standard texts" such as law

that typically serve the interests of the elite. Dalit scholar Gopal Guru (2012) has argued that the humiliation Dalits face in their day-to-day lives is painfully unique. For Guru, only a Dalit can understand his suffering. Therefore, it is Dalits who should speak for or about the Dalit condition. Along similar lines, Macwan (Franco, Macwan, and Ramanathan 2004, 312) draws a distinction between those who have actually suffered and those who have not but are genuinely sympathetic to the sufferers. According to him, the latter can be allies but the leadership (of Dalits' fight for justice) should come from those who have suffered. Here, Macwan is articulating an important insight based in understanding of human behavior: since leaders need to be motivated and energetic, and suffering is a source of energy, the leadership of a movement for Dalit emancipation should come from Dalits. Put another way, Macwan learned that *rational deployment of emotional energies of those who have suffered is important to creating a successful social movement.*

Macwan's second learning was that the various manifestations of caste-based discrimination were not local or isolated issues. The exact manifestations may vary but at its core, caste-based discrimination and oppression was a universal and systematic feature of Indian society. He noted:

[It is] not between families, or even two communities staying in a village. It is a systemic issue. Certain things are bound to happen. If you [a Dalit] try to sit on a chair in the panchayat office there is bound to be violence. You try to ask him about minimum wages, there will be violence. You resist untouchability, there will be violence. (Franco, Macwan, and Ramanathan 2004, 312)

Therefore, he realized that the fight against caste had to be broad-based and systematic. Issues had to be strategically clubbed together and fought as matters of principle (equality). Mukeshbhai explained that before Navsarjan started working in Surendranagar, the Dalit community was not organized around a political project. They had little political and social weight. As a result, they were afraid to raise their voice against traditionally dominant castes. Dalits knew well that their exclusion and oppression was unfair but many accepted it as a fact of life. When Dalits were victimized, the efforts to retaliate were fragmented, spontaneous, and unorganized. For instance, when a hate crime against Dalits occurred, they would look for the best help, which might be from a politician, village council, or community elders. The victims would raise their voice with

the help of whichever supporter or forum they could access. But such action was typically undertaken at the individual (household) level and seldom involved action at the level of the entire Dalit community in the district. Therefore, the resolutions, if ever they delivered a semblance of justice, affected the individual family and did not herald victory for the wider Dalit community. According to Mukeshbhai, a major contribution of Navsarjan in Surendranagar was to organize the Dalit community and raise rights consciousness.

Third, Macwan learned that it was extremely important to focus on creating hope in the Dalit community. He reasoned that marginalized communities such as Dalits do not need to be told about failures: the failure to realize dignity and justice is a fact of life for most Dalits. Instead, efforts should be made to create hope in the Dalit community by focusing on stories of successes, however partial they may be. As a result, Macwan decided that Navsarjan would be led by Dalit caseworkers. It would deal with caste oppression against Dalits legally; the implementation of the rule of law would be one of its chief aims. The organization would aim to instill rights consciousness in ordinary Dalits so that they would not only recognize their rights but also have the knowledge to use law with confidence. By the late 1990s, Navsarjan was involved in over 1,500 legal cases annually, which probably made it the only NGO in India to use law at such a scale (Franco, Macwan, and Ramanathan 2004).

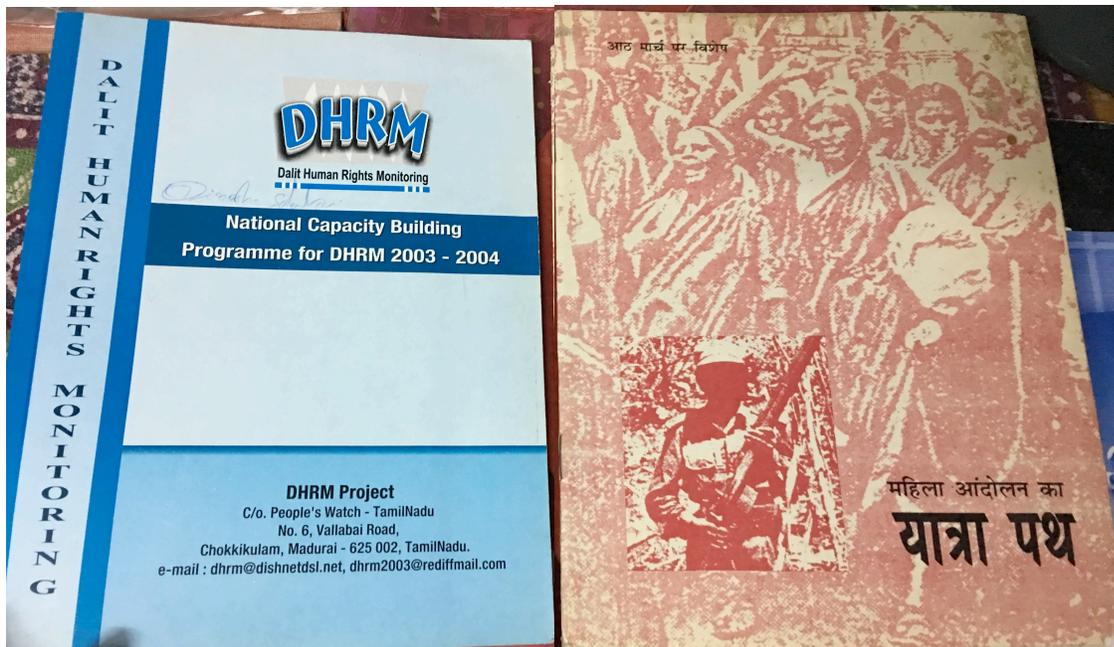
Building Navsarjan: Recruitment and training of caseworkers

The Navsarjan caseworkers I engaged with during my fieldwork were from the “mid-90s” batch of Navsarjan. This was the period in which Navsarjan expanded rapidly. These caseworkers, who are all in their late 40s to early 50s today, had joined Navsarjan in the mid-1990s as twenty year olds. They had all finished high school but few had gone on to further studies. Macwan built Navsarjan with the organizational efficiency he learned working at the BSC. Navsarjan started recruiting young Dalits in the areas where it wanted to work.

Yuvrajbhai, who has worked with Navsarjan since 1996-97, explained the process. He said that Navsarjan members came to his village, in Surendranagar and met the dalits they knew there

and asked them to identify potential recruits. His elder brother's name was suggested but he had just secured a government job, which he was loath to give up. As an alternative, Yuvrajbhai expressed interest in the position. Macwan interviewed Yuvrajbhai. He recalled asking Macwan during the interview why Ambedkar, at the time of drafting the constitution, did not write Dalit landownership into law. Yuvrajbhai said that Martinbhai (Macwan) was impressed with his drive and questioning nature, and he was offered a job. The other recruitment stories I heard were similar. The new recruits were first put on probation.

The probationary recruits underwent a part-time but long process of training, which included a mix of classroom teaching, field experience, and written exams in which the recruits had to qualify with a minimum grade. The classroom syllabus comprised basic understanding of legal statutes, knowledge of constitutional rights, human rights, and public administration. All of these aspects were given equal importance. After the initial classroom teaching (in Ahmedabad), the recruits were sent, as caseworkers, to work in different districts of Gujarat. For the new caseworkers, the first order of business was to familiarize themselves with the situation in the villages and build rapport with the Dalit community. Gradually, they were supposed to start helping rural Dalits resolve issues related to caste-based discrimination. The training period ended about a year after recruitment. Before they were inducted as permanent members of Navsarjan staff, the caseworkers had to pass tests on their classroom training.



Above: Literature on Human Rights and the Women's Movement.

Over the course of their work in Navsarjan, there were regular refresher workshops, classrooms, and trainings, in which the caseworkers learned more about specialized concepts such as the women's movement and human rights. It was a huge collection of documents including handbooks on human rights and social movements, legal paperwork relating to land redistribution, First Information Reports filed for Dalits against whom hate crimes were committed, and a plethora of other documents. Pictured above on the right is a "Letter of Women's March" – some kind of academic-activist literature on the achievements of the gender and women's rights movement. This document was focused on the history of "International Women's Day (March 8)." It contained an exposition on the global history of women's rights and the significance of the international women's movement. On the left is a National Capacity Building Program report from 2003-2004 published by the Dalit Human Rights Monitoring Project. The report contained a review of concepts in human rights and a detailed fieldworker's guide to monitoring the state of human rights on the ground. The transnational nature of this document was clear: the corresponding address mentioned was of Human Rights Watch in New York City. The caseworker has never traveled outside of India. He does not have a college education and has very basic understanding of English. Yet, he was well informed about the basic tenets of human rights; he knows that they are a popular international concept that has received

support in forums such as the United Nations. The caseworkers that Navsarjan molded are indeed the local translators of the global discourse of human rights. Sally Engle Merry (2006) has called such people “mappers of the middle.” For the caseworker, though, translating human rights was easy. On multiple occasions, he told me that *dalit adhikaar* (dalit rights) and *manav adhikar* (human rights) are the same thing: both arise from the fundamental idea of equal moral worth.

The caseworkers I got to know over the course of fieldwork have mastered knowledge of the law and public intervention strategies. Their expertise is such that today, professionally trained local lawyers frequently defer to their opinion on matters of legal strategy and knowledge of law. This became clear beyond doubt to me on two occasions with Mukeshbhai. In the first instance, while visiting Chotila with Mukeshbhai, we met a friend of his who was a former junior colleague from Navsarjan. We met in the compound of the Revenue Office. Nayna had worked with Navsarjan for a few years as a caseworker and now practices as a law in Chotila. At the time of our meeting, she was working on a case relating to land possession and wanted to get Mukeshbhai’s opinion on how to frame a winning response. The reason? She knew that Mukeshbhai had worked extensively on the land issue; he not only had knowledge of what the laws were but also practical knowledge of what would work. She handed him a file with papers; he took a quick look and offered his opinion. The scene resembled a senior colleague – a teacher of sorts – quickly pointing out to a junior colleague something they had missed to see in a puzzle. Nayna perked up immediately and nodded. It seemed like Mukeshbhai had solved an important problem for her. He returned the file and chatted for a few minutes after – catching up on social and life events. Soon after, we were back on the highway to Sayla. Mukeshbhai told me he could make decent money giving legal advice but he does not do it, especially if the person seeking advice belongs to a marginalized category – a Dalit or a woman for instance. He offers advice for free. On the second occasion, a young Dalit organizer, also in Chotila, approached Mukeshbhai. This organizer, along with other members of his team, has established a school in Chotila that caters especially to poor and Dalit students. This person was facing hurdles with taking possession of some land that belongs to him. He asked Mukeshbhai for his opinion, which, again, was given immediately and for free. Mukeshbhai is an expert at leveraging his knowledge capital to build social capital.

The social (and legal) construction of hope: Navsarjan in Surendranagar

When Navsarjan started work in Surendranagar, each caseworker was asked to select five villages where they could work most effectively. Selection criteria included distance from the caseworkers' own village/town (so that making regular visits was relatively easy), and knowing someone in the village who could introduce them to the community. When they first went to the villages as Navsarjan caseworkers, Mukeshbhai explained, they introduced themselves as people who wanted to "understand what happens in the villages, how things work." I asked why they did not start with their political message, the Constitution, etc.? With a laugh, he responded, "had we done that at the start, our entire movement would have gone wrong." Instead, he would say:

I am Mukeshbhai. I am a Dalit. I live in Sayla. I have just finished my studies and I have joined an organization called Navsarjan that wants to work in the interest of Dalits. The organization was formed in the aftermath of, and as a response to, the Golana massacre. We want to fight for the rights of Dalits. If you have any need or face problems, we are ready to help/work with you.

Initially, the response was lukewarm. Mukeshbhai said initially some Dalits told him that in the past, people with similar agendas and messages had approached them but disappeared quickly after without living up to what they promised. The Navsarjan team responded by empathizing with the negative past experiences of Dalits. Caseworkers did not try to tell the Dalits they might be gullible and mistaken non-serious folks for serious ones. However, they asked to be given a chance to prove their commitment to help. The team knew that winning trust of Dalits in the villages was key. Caseworkers traveled to the villages at least once a week and while there, went from house to house talking to people. Sometimes, they met with all the Dalits in a village together. Through regular face-to-face meetings, people realized that Navsarjan caseworkers were different from the other groups that had quickly disappeared. Gradually, Dalits started coming to Navsarjan's office, individually as well as in small groups, bringing complaints of harassment with them. Complaints included but were not limited to sanctions on drawing water

from the village well, barring Dalits from certain areas of the village, forced labor and non-payment of wages, segregation of Dalit children in schools, among other issues.

The Navsarjan team leveraged the psychological power of strength in numbers: The entire district team of caseworkers – which had expanded to close to 20 in a year – would travel in a posse to government offices and to important meetings in villages. The idea was to appear organized and impressive. A caseworker from Surendranagar recalled, “the Dalits [in the villages] started thinking ‘Nagarbhai is not alone ... he has colleagues backing him.’ We also thought that we were not alone ... there were a lot of people behind us.” In the initial period of one and a half year, the caseworkers successfully resolved quite a few complaints of harassment against Dalits brought to them. Their responses included filing First Information Reports (FIR) with the police and overseeing Dalits’ negotiations with upper castes. In some cases, they also approached senior government bureaucrats including Superintendent of Police and the District Collector. All along, they continued practicing the “strength in numbers” strategy. The caseworker recalled, “the individual or family (Dalit) would be very impressed ... that so many Navsarjan workers are showing up to support just one person. This way, gradually, we increased the level of trust with the Dalit community in the area.” By taking even small cases seriously, and treating their constituents – who often happened to be at the receiving end of hate crimes – with great respect, the caseworkers started to gain trust from the community.

Navsarjan began working in Surendranagar with three caseworkers in 1995. The caseworkers were asked to take one of their other caseworker colleagues to their five villages and introduce them. This way, over a relatively short period, the three caseworkers in Surendranagar each came to have introductions and a network of Dalits in fifteen villages. At the same time, Dalits in the fifteen villages came to know not one but three caseworkers from Navsarjan. They realized that Navsarjan was not a one-person show but was actually a bigger and more involved organization with proper staffing. While maintaining informal friendly relationships, they also brought in a professional side by establishing field offices and holding weekly “office hours” in them once or twice a week. Mukeshbhai said, “we would give ‘our new address’ and tell people that we wanted to work in this area with and for Dalits and so [they] could approach us at our office with any issues they wanted at given times of the week.”

Destabilizing Caste

Navsarjan started relying on prevention of atrocities law²⁹ to bring criminal cases against upper caste people who treated Dalits unfairly or did not cede their land. A wide range of derogatory, humiliating, and unfair treatments by majority castes were recounted by Navsarjan case workers, to which they reacted by bringing legal action against individuals belonging to majority castes. These included deliberate dumping of trash outside Dalit homes in the villages, overt degradation and humiliation of Dalits in public, not giving the possession of land to Dalits, among other reasons. According to the caseworkers, the news of an anti-atrocity case being filed against them would make the majority caste people tremble with fear. This was due to a number of reasons including: stringent provisions against the accused in the anti-atrocity law (including issue of non-bailable arrest warrants), Navsarjan's resources and ability to quickly bring criminal cases against majority castes, and majority castes' fear of the law.

Navsarjan activists proudly recounted that they made even the strongest and most arrogant majority caste individuals really afraid once they started legal proceedings against them. Having made the "stronger party" vulnerable, Navsarjan workers would then ask the accused to "come to their office" to talk if they wanted to soften the legal proceedings. Afraid of going to prison, the adversaries from the majority castes – those who regularly treated Dalits as sub-human and not worthy of respect – would agree to come to the Navsarjan office. This was almost revolutionary and unthinkable to ordinary Dalits, who were used to being summoned to take orders from the majority castes. At this stage, Navsarjan had won the first psychological battle: they forced majority caste individuals to come to their office to talk.

Traditionally, as a mark of their lower status, Dalits were expected to sit on the floor in the presence of individuals from majority castes. Not so when the majority caste person visited the Navsarjan office to negotiate. During fieldwork, I regularly slept in many of these local offices. These buildings typically have one room, which has cotton filled mattresses on the floor as the sum total of furniture. It was in these offices that the meetings with majority caste members took

place. Navsarjan case workers would make their adversaries sit on the floor with them. They told me that initially this even startled the Dalits at first.

With everyone was seated at the same level, the Navsarjan workers moved to step two in the psychological politics of symbolism. They would offer the visitor-adversary tea and water. Offering tea to visitors is customary in Gujarat, as it is in many other parts of India. With a laugh, some Navsarjan workers told me, “[when we offered tea] sometimes, they would say that they didn’t want tea or water because they had just had it before leaving home. They were afraid of accepting food and water from the hands of a Dalit.” In Gujarati culture, guests never refuse tea, and even if they do, in the spirit of hospitality, the host can force it upon them. However, since majority castes considered Dalits impure, they would not accept food or water from Dalits. Typically, when a Dalit visited an upper caste household, if they were offered tea or water, it would be served in a utensil exclusively designated for them. The majority caste person would never eat or drink from that utensil. In fact, as if to keep the impurity away, this vessel was normally kept near the entrance of the house, reflecting the Dalits’ peripheral position in the village. During these meetings, the (afraid and vulnerable) majority castes had no choice but to behave nicely and accept what was offered. Referring to the moral-political aspect of this symbolic act, the Navsarjan workers observed, “We knew exactly what we were doing. *We were trying to destabilize caste.*”

Sabel and Simon (2004) presented the idea of destabilization rights as “claims to unsettle and open up public institutions that have chronically failed to meet their obligations and that are substantially insulated from the normal processes of political accountability.” They argue, “the effect of the court’s initial intervention is to destabilize the parties’ pre-litigation expectations through political, cognitive, and psychological effects that widen the possibilities of experimentalist collaboration.” The example of Navsarjan destabilizing caste relations and social inequality using law shows that destabilization rights can be extended in scope, going beyond bringing public agencies to accountability. This is just one example of how law not only provided the formal framework to assert moral equality but also opened up a discursive field on which

²⁹ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Full text available <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93591/109465/F1572729203/IND93591.pdf>

“politics by other means” (Abel 1995) could play out. I call the small wins “demonstration effects,” which created a sense of hope and agency.

Three theses on Navsarjan’s formation and practice

1. The Hiding Hand

There are three “intuition pumps,” to borrow Daniel Dennett’s (2015) phrase, which we can use to answer the questions posed earlier in the chapter. First, is Albert Hirschman’s (1967) idea of the “Hiding Hand.” Originally, Hirschman used the idea to explain why planners in developing countries embark on ambitious development programs in the face of huge impediments. Hirschman argued that it was a mix of rational thinking coupled with ignorance about the number, nature, and scale of problems the plans were likely to face during the course of implementation that explains the initiation of plans despite seemingly-insurmountable odds. In other words, it is what, in hindsight, some would call misplaced optimism that led to action in the first place. I would argue that something similar was at work in the case of Macwan taking up an ambitious project. Instead of “misplaced ignorance,” in this case, hope and anger were guiding emotions. One could counter this with a reminder that Macwan and his Navsarjan colleagues were not exactly naïve about the durability of caste, and the amount of effort it would take to mount a serious challenge to dismantle it. After all, Macwan and his colleagues had personally experienced the horrors of caste.

Still, had Macwan and his colleagues undertaken a review of the scholarly “critical” literature that decries the efficacy of using law for social change, their hope in the constitutional-legal route to challenging caste would have all but dissipated. In that case, they might have chosen some other means of resisting caste such as civil disobedience and/or militant action, among other means. Or, as explained earlier, deep realism could have created enough pessimism to lose hope and accept given reality, giving up any program of social change. In a time of emotional turmoil suffused with anger, Macwan retained hope. In fact, as his self-attested list of lessons learnt show, he sought to instill hopefulness in the Dalit community as a way to create change. What explains

the hopefulness in a potentially debilitating moment? The answer, I believe, is again between emotions and reasons.

During fieldwork, I asked the caseworkers to explain why they chose the constitutional-legal framework as their preferred method of resisting caste. The answers, every time, were squarely in between “emotions” and “reasons.” It was rational to adopt the constitutional-legal framework because it was a powerful opportunity structure, which could be used instrumentally to get “what was due” to Dalits. These “dues” include both material (land, government jobs, education) and non-material “primary goods” (respect, dignity, and self-esteem). Law was also an orienting frame, which provided authoritative moral language, in which they could make their equality claims and resist caste-based discrimination. Their choice of remaining committed to law isn’t blind optimism either: after decades of work with Navsarjan, the caseworkers know well that law has limitations. They know that people in power use law to serve their interests. Getting things done using law takes a long time. In addition to the intellectual and organizational labor of planning campaigns, execution of public policy by relying on state institutions takes a long time and is physically very demanding. For instance, as I will describe in more detail in the following chapter, it took the caseworkers over six months, working full time every day with the government team to complete the first phase of land survey and measurement exercise and transfer possession of land to the Dalit landholders. These facts notwithstanding, they believe that law is the best choice from the point of view of pragmatic as well as normative considerations.

While the choice of the constitutional-legal route is rational in the “calculative” sense of the word, it is not merely that. Dalits share a deep attachment to the figure of Ambedkar. I use the phrase “the figure of Ambedkar” because most Dalits I interacted with were not acquainted with primary sources on Ambedkar (his writings or biographies). Instead, Dalits learn about Ambedkar through rituals and memorialization. Ambedkar Jayanti (Ambedkar’s birthday) is celebrated across India in Dalit communities as a full-blown festival. On these occasions not only do Dalits honor and celebrate Ambedkar but also publicly express their political resolve to follow his path. In Dalit homes, it is common to find portraits of Ambedkar, often right next to framed photographs of Hindu gods (a practice that would make Ambedkar turn in his grave, given that he despised the Hindu religion, which he taught his Dalit brethren to shun). The choice of

committing to law as a way of self-assertion and emancipation, therefore, is both emotional as well as rational. In fact, I would argue that that there is a general principle that stability of emancipatory political projects is strongest when the choices made under rational instrumental evaluation and emotional evaluation overlap. Thinking instrumentally, resorting to law makes sense, as it is a powerful tool that beholds the state to protect citizens' rights. Thinking emotionally, law offers hopefulness to Dalits aspiring to equality. It is also a "gift of Ambedkar to Dalits" (as described by a caseworker) and therefore a symbol of Ambedkar's legacy. As long as law is successfully mobilized, even to achieve small victories, the Hiding Hand will contribute to perpetuating the hopefulness. Hope, it turns out, is crucial to keep the action going.

2. Moral Batteries

An integral part of the explanation of why Macwan acted the way he did lies in understanding hopefulness. Social movement theorist Jim Jasper (Jasper 2011; 2012) has coined the idea of "moral batteries," to explain how interaction between different emotions produces action. The basic idea is that when negative and positive emotions interact, just like negative and positive poles of an electric battery connected with a conductor, we witness a flow: In the case of an electric battery, the flow of electrical current; in the case of a social movement, action. Jasper takes pride-shame, hope-suffering, and pity-joy as some of the positive-negative pairs that constitute moral batteries. Taking the analogy literally, one could argue that the greater the "potential difference" between positive and negative poles of the battery, i.e., the greater the "debilitating" and "uplifting" difference between the negative and positive poles of a moral battery, the more intense the resultant action. Randall Collins (2004) has shown that emotional energy generated in one interaction builds confidence in people that they can leverage in the next interactions "especially when they can create symbols to remind them" (Jasper 2011). Building on this idea, Jasper argues that *Brown v. Board of Education* served to build confidence in the civil rights movement activists that they could assert their rights even in a racist society. This hope, symbolized in *Brown v. Board of Education*, Jasper (2011, 296) argues, "operated as the positive pole of a moral battery."

In Macwan's case, anger, built up over decades, and amplified by the killings of his colleagues in Golana, formed the negative pole of the moral battery. The positive pole, on the other hand, was a hopeful belief that Dalits could improve their social position through organized struggle. Together, the two emotions interacted synergistically to prod Macwan into action: he formed Navsarjan. Neither of these emotions emerged out of thin air: existing social institutions created them. Caste created the humiliation and injuries, which in turn, created the anger and resentment. These emotions were balanced by positive/hopeful experiences. First, he was able to improve his own social position through education and association with an important and socially driven organization (the BSC). As a Dalit employee of the BSC, Macwan was introduced not only to the challenges in improving the lives of the poor and marginalized but also the possible strategies of change. He learned that law could be mobilized to enable access to important resources such as land for the poor. In the aftermath of the Golana Massacre, the perpetrators were brought to justice using law.

Important and brave as Macwan's actions were, I do not want this analysis to be read as "tall man" history. His brave and admirable actions were made possible in an environment that, while hostile to people of this identity, also had sources of empowerment. Had he not worked at the BSC and if strong guarantees of rights and provisions for special protection of lower castes did not exist in the law, I argue that the positive pole of "hope" would not have formed easily. Once Macwan formed Navsarjan, he continued to work the moral battery as a mobilization tool. Following meticulous planning, he raised a cadre of Navsarjan caseworkers in a very similar way to what he experienced at the Behavioral Science Center as a trainee. Through successful legal and community mobilization, these cadres deepened their hopefulness as well. Even though Navsarjan does not employ most of the caseworkers since the government revoked permission to accept funds from foreign donors, they retain the hopeful commitment to a better future for Dalits through legal and social empowerment.

3. From anger to forgiveness

For Paolo Freire (1968), the process of emancipation of the oppressed, done properly, should also lead to emancipation of the oppressor. In the process of emancipation, the oppressed realize that causing oppression means a loss of their humanity; this realization ends their cycle of misdeeds. Father James Heredero was a committed Freirean and probably exposed Macwan to the idea of mutual emancipation. During the early years of Navsarjan, Macwan put the idea to work. In the first few years of its existence, Navsarjan had built a reputation of using law effectively against abusive upper castes. Therefore, when an upper caste person received a letter from Navsarjan stating that it had received a complaint of abuse and would initiate legal action against them if they did not explain, the person perceived a real threat. The “accused” would desperately try to find a way out. In many instances, Navsarjan, along with the victimized Dalit, would accept to solve the problem by discussion (instead of initiating legal proceedings). But the talks would happen on the Dalits’ terms (and turf). As described earlier in the chapter, in practice, it meant that the upper caste person would have to come to Navsarjan’s office, accept food and water, and sit at the same level as Dalits, among a host of other taboo- and boundary-breaking acts.

Such talks would often conclude with a written apology by the upper caste person (or persons). The apology was composed in the spirit of the mutual emancipation idea of Paolo Freire. In addition to the date, place, and other temporal details, the apology letter consisted of three statements. First, it stated that the upper caste person accepted their transgression against the Dalit (or Dalits). Second, they apologized to the Dalit for the transgression. Third, the Dalit recognized the mistake made and the apology offered; *they accepted it and forgave the upper caste transgressor*. These letters stood for dual-emancipation: emancipation of the Dalit because they were able to successfully fight against the power that had historically oppressed them in particularly hurtful ways. Through acceptance of guilt, it also symbolized the (potential) emancipation of the upper caste from their cycle of misdeeds.

I do not know if these symbolic acts of forgiveness truly emancipated the oppressor (as Freire hypothesized). The upper caste oppressors might very well have signed these letters under threat of legal action. But these symbolic acts surely served as learning experiences for both parties. For the upper caste oppressors, the learning was that times had changed: Dalits were organized now; the community was backed by a committed and professional organization that was helping Dalits

exercise their legal rights to realize a dignified life. The Dalits, who had been wronged and abused over time, also learned this fact about their own selves and their community: there was something called a right that could be invoked to resist abusive upper castes. But the act of forgiveness did something that merely “invoking a right” for retribution against a harm couldn’t do. By practicing forgiveness, they were able to claim a spiritual, higher moral ground – an outcome that would not result had the transgression been responded to with formal legal action. Without “doing much,” Navsarjan created agency in Dalits and possibly put them on higher moral ground. This act, I argue, played its own unique role of transforming the emotion of anger into an emotion of “compassionate hope.”

Martha Nussbaum has noted that the philosophical tradition holds that anger is a “retributive and hopeful outward movement that seeks the pain of the offender *because of and as a way of compensating for one’s own damage*” (emphasis in the original) (Nussbaum 2015, 47). She argues that such an understanding of anger is normatively irrational because it relies either on magical thinking or defective values. The “magical thinking” involves the belief that retribution against the alleged perpetrator of the anger-producing event is going to somehow undo the wrong. She uses the example of the legendary basketball player Michael Jordan who was interviewed on TV after his father’s murder. The interviewer asked Jordan if he would like to see the murderer executed. Jordan, with apparent sadness, replied: “Why? That wouldn’t bring him back” (Nussbaum 2015, 47). It took a person such as Jordan, whose masculine credentials were firmly established, to accept that retribution against his father’s killers would not make the situation right (ibid). Nussbaum argues that in practice, people are hardly ever confident enough of their agency that they can let go of retributive anger. Retribution becomes a way to validate their agency. On the other hand, giving up retributive anger takes an immense amount of courage, character, and clarity of thought.

Nussbaum argues that anger as an emotion, at best, only has value in a transitory sense. It is useful to the extent that it signals that something is amiss and motivates us to take action. Beyond that, anger directed at retribution has no use. Rational individuals, she argues, would not choose to take a retributive route against the objects of their anger because it does not help remove the root causes of the anger-producing problem. Upon rational reflection, individuals would realize

that anger should quickly give way to “compassionate hope,” which directs individuals to think of ways to live together with equality, dignity, and brotherhood.³⁰ In other words, Navsarjan convincing Dalits to forgive their oppressors was an act of courage rather than servility. It is in acts like this, which are performed behind the scenes – away from the loud sloganeering of public protests – where emotions are shaped and transformed. It turns out that anger can give rise to compassion and hope.

³⁰ The futility of retributive anger does not imply that abusers go unpunished. Nussbaum (2015, 50) argues that the

Chapter 3: State or Community?

Land reform was an integral part of the agrarian model crafted by policy makers and planners in newly independent India. The land reform program comprised two sub-programs: tenure reform and land redistribution. Tenure reform included awarding tenure rights to those who tilled the lands while land redistribution included the state enacting “land ceiling” laws empowering it to take “excess” land away from large landholders and subsequently redistributing smaller parcels of the land so acquired to landless households. Understandably, this model required an active interventionist state. The agrarian model of “new India” made a critical assumption: in addition to enabling legislation to redistribute land from the landed to the landless, planners assumed that electoral democracy at the local level would play a key role in ensuring local and state-level government accountability and effective implementation of the land reform program. Since majority voters in India were landless at the time, the reasoning was that they would use their electoral strength to ensure that the land reform laws would be implemented in a way that safeguarded their interests. It is received wisdom that the land reform program in India failed to be implemented successfully.³¹

Historians and political scientists have argued that the national land reform project was frustrated by national and state-level politics that favored status quo in land ownership and control. What, then, explains the success of land redistribution in Surendranagar? What was special in Surendranagar that despite the noted lack of land reform implementation in Gujarat, the land redistribution project was relatively successful here?

There is a large literature, broadly categorized under the “developmental state” rubric, that highlights key role that centralize states have historically played in ushering economic development and industrial growth. The archetype developmental states are those that presided over the period of rapid industrialization in Japan (Johnson 1982) and South Korea (Amsden 1992). These states actively planned and managed their economy as well as society while steering the process of industrialization-led development. As part of their development program, both

role of punishment should be “ameliorative rather than retaliatory.”

³¹ Rudolph & Rudolph (1987), Herring (2003), Rawal (2008). On the politics of redistribution in India, see Kohli (2010).

Japan and South Korea carried out highly successful land reforms. The proponents of the developmental state accord both historical and instrumental importance to “state-directed” development.

Developmental states are powerful actors that discipline capital, firms, and labor. Writing about the South Korean state that created a high growth trajectory for the nation, Atul Kohli (1994, 1270) observes: “Korean state under the Japanese influence was transformed from a relatively corrupt and ineffective social institution into a highly authoritarian, penetrating organization, *capable of simultaneously controlling and transforming the Korean society* (emphasis added).”

Authoritarianism has been a typical feature of the successful developmental states, South Korea’s using centralized power to dictate capital allocation to firms and quash any dissent by labor being case in point (Choi 1989, 88–89). Another more recent example is the Chinese state, which controls many aspects of Chinese society while the process of industrialization unfolds. While the now-classic developmental state literature focused on the role of the state in inducing rapid economic growth by drawing on the political history of East Asia, new research by political scientists and economic historians has extended the developmental state thesis by showing that top-down state intervention played a crucial role in the development of now-industrialized countries such as the United States of America.³²

By contrast, there is another view of development that we can call “development from below.” Its intellectual and political lineages can be traced to several sources that over time have influenced each other. Mohandas Gandhi’s political philosophy is an important source of twentieth century thinking on development from below. In his famous book *Hind Swaraj*, Gandhi (1921) conceptualized villages as micro republics, which are the basic unit of development. In this view, traditional practices are informed by a wisdom that is appropriate for the local context: village communities, over millennia, had figured out the best ways of sustaining themselves in a harmonious way. They had also figured out an optimal division of labor that created predictable social functioning. Political thinkers such as Bhimrao Ambedkar (1945) forcefully criticized Gandhi’s positive view of the social practices prevalent in the villages, especially the strict caste-

³² Mazzucatto (2015), Block and Keller (2015).

based division of labor, which forced the lower-castes in degrading and menial occupations.³³ While arguing for retaining the caste system, Gandhi sought to bring respect to the lower castes, christening them *Harijan*, meaning “children of God.” This was an important source of contention between Gandhi and Ambedkar, with the latter refusing to agree that doing society’s dirty work could ever be a source of pride and dignity.³⁴

As a staunch critic of western-style modernity, Gandhi was opposed to industrialization and other modernist ideas and practices that were part and parcel of the state apparatus and nation building. In this view, the state’s role was limited to giving autonomy to villages and letting village societies continue their traditional productive and social practices. Whatever reform was to come, in this view, would come autonomously from the ground-up. The western ideals of justice, popularly conceptualized as guarantees of individual rights and equality before the law, were not required in Gandhi’s view of harmonious communitarianism in the village republics.³⁵

The Indian National Congress – the political party that led India’s freedom struggle from Britain – had two main factions at the time of independence. One influenced by Mohandas Gandhi and the other influenced by Jawaharlal Nehru. The latter emerged victorious as far as development policy was concerned. Gandhi was assassinated six months after independence. Nehru was a Fabian Socialist who was inspired by the centralized planning and development activities in the Soviet Union. Nehru believed that the state had an important role to play in managing the economy. On becoming the first prime minister of India, he declared dams to be the new “temples of modern India” and state-led industrialization a key focus of development planning. Nehru also presided over the formulation of the agrarian model for new India and land reforms were an integral part. Under Nehru, the Indian state had developmental ambitions.

³³ For analysis of the relationship between nation and village in Gandhi, Ambedkar, and Nehru’s thought, see Jodhka (2002).

³⁴ On the differences between Gandhi’s and Ambedkar’s views on politics and social development, see Roy (2017). For comparative analysis of political ideologies of Gandhi and Ambedkar, also see Kumar (2015).

³⁵ “[Gandhi] generally disliked “rights-talk” of all kinds, associating it with the self-indulgence of the modern age ... [he] preferred to frame his rhetoric in terms of “duties” and kept his distance from 1940s human rights campaigns” (Cmiel 2004, 119).

Fast-forward five decades: scholarship on development and the state – particularly by anthropologists – shares a Gandhi-like negative view of the modern state. The classic examples include Arturo Escobar’s *Encountering Development* and James Scott’s *Seeing Like a State* (1998). Expert-driven top-down development, in this view, is authoritative and violent (Escobar 1994), and the high-modernist plans of the developmental state were bound to fail (Scott 1998). These theorists do not explicitly offer an alternate development paradigm but their writing suggests that somehow, communities at the grassroots, freed from the meddling and destructive control of modern nation states and their “techniques of governance,” would be more just and harmonious. In other words, in this “post-developmental” view, like in Gandhianism, development is best left to spontaneous community action at the grassroots.

Over the last few decades, the idea of development from below has become mainstream in international development. Today, community participation and deliberative democracy have become the cornerstones of virtually all development plans. A major push for this change came from the work of Amartya Sen and Martha Nussbaum who argued that the main aim of development should be the expansion of human capabilities (Nussbaum and Sen 1993; Nussbaum 1997; Sen 2000). It was the duty of the state to create and enforce an institutional paradigm that ensures freedom to individual to expand their capabilities. Sen and Nussbaum drew on John Stuart Mill’s ideas of governance and Aristotle’s concept of human flourishing to develop their capabilities approach (Nussbaum 1993). This included legally sanctioned rights including the right to vote, the right to free speech, the right to free association, the right to public office, the provision of public education and appropriate healthcare.

Unlike the Gandhian paradigm, the state has an important role to play here as the upholder and enforcer of these rights. The idea is that once people have the “basic entitlements” ensured through rights, then government/governance by discussion and deliberation will result in the formulation of public policies that ensure the continued development of human capabilities and freedoms. These ideas had considerable influence on important development agencies such as the World Bank (Mansuri and Rao 2004).³⁶ For instance, Amartya Sen lectured economists at

³⁶ Mansuri and Rao (2004, 5) note: “[Amartya] Sen’s (1985, 1999) influential effort to shift the focus of development from material well-being to a broad-based “capability” approach also deeply influenced the development

the World Bank arguing that the role of law was to provide the institutional architecture that helps individuals expand their capabilities.³⁷

In the context of these contrasting perspectives on the pathways to development, in this chapter, I take up analysis of land reform implementation in Surendranagar. I will complement the story of land reform implementation with another contentious story involving segregation of Dalit children in a primary school (“Bhojpari episode”) in Surendranagar. While this second story is not about land reform, it involves Navsarjan caseworkers as key actors who worked with both the local state and the Dalit community in contentious caste conflict. The Bhojpari episode will enrich our understanding from the land reform implementation case of the interactions between state and society and Navsarjan’s role as an agent “in the middle” (Merry 2006).

My point of departure is the question: Does the story of land redistribution implementation in Surendranagar vindicate one or the other opposing views on development and change? Is this an instance of “bottom-up” organizing by the Dalit community to implement land reform or is it an instance of “top-down” of unimplemented plans finally being implemented by the land revenue bureaucracy? How are “state” and “community” involved in producing the outcome of land reform in Surendranagar? Analyzing the process of land reform implementation and the Bhojpari episode in Surendranagar, I will argue that these cases defy the straightjackets of “top-down” or “bottom-up” approaches to development and change. The actors at the “top” (the judiciary, the district and state administrations) and the “bottom” (Navsarjan, the Dalit community) interacted throughout the process – at times in opposition while at other times in synergy – to produce an outcome that under the given macro-political conditions in the state was impossible (or, at least, very hard) to be achieved only from the top (state) or bottom (community). I believe that this analysis tells us something very important: Change takes place in complicated and unanticipated ways and successful actors are focused and committed to their objective, yet flexible in their approach. Navsarjan’s example shows us that the key to success for a political actor is to leverage all kinds of capital available: political, cultural, knowledge, and social.

community. Central to this approach were strategies to “empower” poor people, an agenda taken on by the World Bank and other donors as part of their response to critiques of top-down development.”

³⁷ See Sen (2006).

I will also argue that this example shows the limits of mainstream politics (electoral party politics) in safeguarding the rights and interests of minority populations. In this case, members of the electoral minority could not depend on support from electoral representatives of political parties to pressure the land revenue administration to implement land redistribution. The latter were beholden to their main voter base that comprised dominant castes whose members happened to be among the illegal occupiers of Dalit land. In Bhojpari, local politicians remained peripheral to resolving the contention between Dalits and upper castes regarding segregation. I conclude that for minority groups, a rights-based approach – of the kind abhorred by Gandhi – offers a more advantageous opportunity structure provided the state serves its role as the upholder of rights and the minority groups have the capacity to mobilize these rights in the social and legal domains.

Next, I will briefly describe the relevant history of land reform policy and main explanations of its implementation failure. Then, I will turn to the story of land reform implementation in Surendranagar.

Land reform in India: Policy, politics, and implementation challenges³⁸

Planners in the newly formed central government of independent India were aware of the problems posed to national development by the skewed land ownership in the country. At the time of independence, the “land to man” ratio in rural India was a mere 0.92 acres (per person): 22 percent of rural households were landless while another 25 percent owned less than an acre. Absentee landlordism was common, especially in the North, where *zamindars* (landlords) preferred living in the cities while leasing out their lands in the countryside to tenants. The tenants with large land leases would sublease smaller chunks to others. The leases were often oral agreements, with no legal paperwork. Agricultural productivity was low; planners knew that increasing productivity was key to national food security, which in turn was key to supporting industrialization.

³⁸ This account is primarily based on Herring (1983), Varshney (1998), and Sud (2007).

Leaders of the ruling party – the Indian National Congress – agreed on the urgent need to improve agricultural productivity but they disagreed on the public policy choice to achieve it. The left-leaning members favored land reforms, which they saw as realizing the cause of social justice and freeing the poor from exploitation while the right-leaning members favored a “technocratic” approach that was dependent on using higher quality seeds and agricultural technologies to increase output. The group of leaders led by Jawaharlal Nehru (a self-avowed socialist) ultimately prevailed. Ashutosh Vashney has described the Nehruvian agrarian model as “synthetic:” a multi-pronged institutional strategy that comprised land reforms, farm service cooperatives, and local self-government at the village level. The “land reforms” would comprise setting agricultural land ceilings, transfer of land to landless households, tenancy reform and/or abolishment: By setting a ceiling on holdings (ceiling reform), by securing tenancy rights (tenancy reforms), or by restoring land to the tiller (abolishing tenancy), land reforms would provide incentives to the actual tiller to produce more.

Nehru’s preference for land redistribution was not just due to his socialist ideological leanings. It was also informed by economic instrumentalism. He believed that more widespread land ownership (and tenure) would provide the incentives to individuals to produce more. The economic development that India aspired to needed agricultural surpluses so that the country could be food secure and labor could be diverted to heavy industries. Nehru clarified his reasoning thus:

There is good deal of talk these days about (land) ceilings, and one naturally tends to agree with it because one wants to remove disparities. But one has always to remember that the primary function of a growing society is to produce more wealth; otherwise it will not grow, and one will have nothing to distribute. *If in the process affixation of ceilings or in any other method of producing some kind of equality, you stop this process of wealth accumulation, then you fail in your objective.* Therefore, whether it is in industry or agriculture, the one and the primary test is whether you are adding to the wealth of the country by increasing production . . .
(Varshney 1998, 33)

The cooperatives at the village level were supposed to help local farmers efficiently pool resources and access credit and other essential production inputs. Interestingly, Nehru did not trust the local bureaucracy alone to carry out the reforms. For this reason, local self-government was included in the three-pronged agrarian model. Varshney notes:

Principles of universal suffrage and majority vote would enable the poor to translate their numerical strength into political power, thus ensuring that their rights were respected and measures intended to benefit them were actually implemented. (Varshney 1998, 32)

Over the following years, Nehru's strategy did not translate well into practice at the local level for a number of reasons. First, there was factionalism within his party. At the time, the Congress was an umbrella party, comprising many political ideologies and opinions. The party had powerful "state bosses," many of whom came from upper castes and were conservative in matters of economic and social policy. They were the principal opponents to Nehru's "institutional" model of agrarian development. While these state leaders could not prevent Nehru's ideas on agrarian development from translating into policies, they went for the "second-best" strategy: active opposition to Nehru's policies during debates in the Congress; they tried to "water down" the policies.

This was complemented by subversion of the implementation of undesirable aspects of Nehru's proposal by using their alliances at the state level. Agriculture was, after all, a state subject. Varshney writes, "In the process, Nehru would essentially win the battle for policy formulation; he would, however, lose the battle for policy implementation" (1998, 44). There was another important reason for the failure of strategy implementation. The "bottom-up" demand for land reforms, following the passage of laws, was more or less absent.

Ronald Herring (1983, 45) has argued that there was "rationality" in peasant quiescence regarding non-implementation of (land) tenure reform. The institutional model "assumed that, encouraged by the government, the tenant would revolt and report to the government the 'truth' about how long he had been a tenant and what rents he paid." The peasant had been part of a long-standing relationship with the local landlords – a relationship that was both "moral" and

“rational.” The moral norms followed in the relationship may not have been fair by today’s normative standards, but they were reciprocal and provided stability to peasant life. For the peasants, revolting against the landlords only had (apparent) disincentives. If the tenant wanted to go against the landlord, they would have to navigate the state machinery, which was challenging: “... the state machinery as it existed at the local level had few mediations between the landlord and the state. The local police and village-level bureaucracy often came from the high castes, shared the biases of a hierarchical social structure, and tilted in favor of the high castes and against the lowly peasants” (ibid). Under these circumstances, quiescence was the rational choice. The takeaway here is that the legality of property is not a relationship between “people and things” but “people and people.” That is, legal relations are intimately enmeshed in horizontal social relations (between citizens) and vertical state-society relations. With deep economic and social inequality, and a state unwilling or incapable of disciplining powerful interests, the enactment of progressive laws did little to change the situation on the ground. In other words, Nehru’s strategy ran against the realities of Indian politics and society.

By the 1960s, the strategy was in serious trouble. While the very first round of land reforms (giving tenure to tillers) had been relatively successful, further progress on tenure or ceiling reforms could not be achieved. The elites captured local governments and used them for their own benefit rather than helping the poor and marginalized. The cooperatives did not scale up to the level assumed by the planners. Nehru expressed frustration both at the policy making class (the politicians) as well as the backwardness of the Indian peasant. Two severe droughts in the early 1960s further exacerbated the need to change policy and increase agricultural output in the country. Nehru’s death in 1964 further changed the fate of India’s “institutional” agrarian growth model. Nehru’s successor, Lal Bahadur Shastri’s brief tenure as the Prime Minister of India, saw important changes in the agrarian development model: it went from focusing on the dual-aims of social justice and broad-based economic development to a more technocratic model focusing on increasing agricultural productivity through fertilizers and other agricultural improvement technologies.

In the history of independent India, only two states are said to have carried out serious and substantive land reforms (Herring 1983; Kohli 1994; Jannuzi 1994) – West Bengal and Kerala.

The failures and successes are largely explained by interest group formation and politics at the state level. Communist parties came to power in Kerala and West Bengal. These parties had ideological commitment to land reform and they used their electoral mandates to see the reforms through. However, The reforms in Kerala exempted large plantations from ceiling reform because they were crucial to the state's economy and the Communists' aim was to dismantle feudalism, not capitalism (Jannuzi 1994). In the case of West Bengal, there was also a long list of cultivations that were exempted such as tea gardens, mills, etc. The main argument in the literature on land reform implementation in India is that it was a failure because state governments, under whose jurisdiction implementing land reform lay, were captured by groups that were opposed to land reform. The exceptions were the states of Kerala and West Bengal where communist political parties captured power and implemented the reforms.

Land reform in Gujarat

Gujarat is one of the many states in India where land reform, especially land redistribution, is more of a failure than a success. Nikita Sud (2007) has provided a detailed historical account of the political economy of land reform implementation in Gujarat. I will not repeat her entire account here but summarize key points that are relevant for our discussion. Prior to 1960, present day Gujarat comprised of three areas: mainland Gujarat that was part of Bombay province, Peninsular Gujarat called Saurashtra (a state), and the Kachchh region (under the Indian Union). She argues that the first phase of land reforms (land tenure reforms) was successful in Saurashtra and Kachchh, These reforms benefitted the Kanbi-Patidar, the landless tillers in the state and a substantial electoral majority. The landed classes in Saurashtra, though, came from the Rajput caste. They were small in number and not closely linked to the Congress party which was then in power. As a result, the government was relatively easily able to give the land to the tillers – the Kanbi-Patidars.

By contrast, in mainland Gujarat, the tenancy reforms were not very successful: here, “the caste configurations and political considerations aligned the Brahmin, Baniya and Kanbi-Patidar bureaucratic and political machinery with the landowners.” Local and provincial bureaucrats in this region did not want to unsettle social relations by transferring land (and power) from the

landed class to their tenants. In 1960, the state of Gujarat was created by merging Saurashtra and the Gujarati-speaking part of Bombay Province (which, by now, also included Kachchh). The next phase of land reforms in Gujarat was in line with the Second Five Year Plan begun in 1956. This plan recommended imposing ceilings on land ownership and redistributing the surplus land acquired.

The government of the newly formed state of Gujarat enacted the Gujarat Agricultural Land Ceiling Act 1960. This move was not welcomed by the politically powerful upper and middle class landed groups. These groups quickly subdivided land between family members to avoid hitting the ceiling limits. Legal hurdles were created for the government in court; the beneficiaries of surplus land encountered resistance when they tried to take possession of their lands. The legislation remained in place but the implementation was lackadaisical.³⁹

In short, in Saurashtra and Kachchh, the Kanbi-Patidars were the main beneficiaries of the early land tenure reform in Gujarat. Over time, these newly minted former-tillers-now-owners, who were electorally significant (accounting for about 27 percent of the state's electorate), accumulated surplus capital and improved their socioeconomic condition. Slowly but surely, they became a political force to reckon with. In the decades that followed, this group joined the legacy landed groups in successfully thwarting the attempts of successive governments to implement land redistribution programs that would have benefitted the poorest sections of society comprising Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis). Interestingly, according to Sud, these electorally and economically powerful groups were able to oppose efforts of governments elected to office on the "KHAM" (Kshatriya, Harijan, Adivasi and Muslim) platform. In the era of liberalization that started in the mid-1980s and gained momentum in the late 1990s, industrialists and big businesses also added their oppositional weight to land reform, arguing that it would thwart the process of economic development.

According to government data, 2,37,976 acres of land was declared surplus under ALCA as of 2015. From this, the government claims that 1,82,447 acres have been acquired by the

³⁹ "[Statistical Atlas of Gujarat] shows the area of surplus land acquired till 1981 was 74,877 hectares of which possession was taken of 38,995 hectares" Sud (2007, 611).

government. Further, from the acquired land, government figures show that 1,65,350 acres of land has been distributed Laxman (2019). Scholars and activists have raised serious doubts about the reliability of these figures. In 2016, the spontaneous mobilization of Dalits in Gujarat following the flogging of Dalits in Una, Gujarat (The Indian Express 2016), the newly-risen firebrand Dalit leader from Gujarat, Jignesh Mevani made land reform implementation for Dalits a key demand (Dhar 2016). This demand follows several years of work Mevani had done on the land issue in Gujarat. In 2012, a public interest litigation was filed in the Gujarat High Court by *Jan Sangharsh Manch* of which Mevani was a part, highlighting the fact that land redistribution process under ALCA remains incomplete for Dalits.⁴⁰ The case is still ongoing. Meanwhile, landlessness among Dalit households in the state continues. Dalit households are 1.7 times more likely than other social groups to be landless (Anand 2016).⁴¹

Ashutosh Varshney, writing on early land reform policy in India, has highlighted the impediments created by state-level politics for Nehru's model of agrarian development, which included land reforms as a key component. Nikita Sud's explanation of the political economy of (the failure of) land reforms in Gujarat substantiates Varshney's argument by showing how powerful interest groups at the state level prevented land reform from actually benefitting the poorer sections such as Dalits and Adivasis. These authors explain the outcomes of land reform programs at the macro level; their unit of analysis is the country, or particular states. Since these authors are interested in explaining the aggregate-level outcome, they do not consider "outlier" cases within states that go against the overall trend. Writing on Gujarat, for instance, Nikita Sud does not comment on the positive outcome of land redistribution for Dalits in Surendranagar. Important changes at the district-level may fly under the radar (of academics, analysts, the media, etc.) because these changes are perceived to be insignificant, just one exceptional case.

The elimination of outlier "exceptional" cases is an issue of concern in social science research: while explaining broad trends, scholars tend to overlook outlying cases because they do not fit the aggregate trend. In fact, research that draws on statistical methods of analysis explicitly omits outlying cases to make the data fit the aggregate predictable trend. This comes at the cost of

⁴⁰ Jan Sangharsh Manch v. The State of Gujarat & Others, W.P. 163 of 2012 (P.I.L.), H.C. Guj. Copy of the petition is on file with the author.

⁴¹ Landlessness is defined as not owning any land other than homestead land.

discovering clues for alternate strategies of development and change. The literature on the developmental state, which examined exceptional cases, opened up a whole new “alternate explanation” of how large-scale transformations take place: instead of only looking at nations that followed the “free market” approach that was favored by neoliberal economists and mainstream international development establishment, scholars like Alice Amsden (1992) looked at outliers such as South Korea that had performed much better than their peers by following an activist interventionist strategy for economic development. I believe that taking extra-ordinary “outliers” seriously is an important task: in addition to analyzing outcomes at the aggregate/macro level, it is important to consider such outliers because they may reveal important lessons of how progressive policy changes can happen *despite the odds* posed by political economy at the state or national levels.

Surendranagar as outlier

There are several facts about the state of land reform implementation in Surendranagar that are different from the macro-political story presented by scholars such as Nikita Sud. Navsarjan initially started working in Surendranagar and decided to focus on land reform implementation. As a first step, its caseworkers conducted an extensive survey to understand and record the actual state of implementation on the ground. The survey was carried out between 1996-97. This was during the time that land regime in Gujarat had “liberalized” and the government’s focus had supposedly shifted from land redistribution for landless peasant to land transfers to corporates for industrialization. Despite this general trend in the management of land in Gujarat, Navsarjan’s survey showed land awards for Dalits as recent as 1991. Whatever may have been the reason for these new land awards (which, to be sure existed alongside awards from the 1960s), they were made during a period when scholars believe that the project of land reform in the state had all but died.

Another deviation from the macro-political explanation was that many Dalits’ lands, as recorded in Navsarjan’s survey, were actually (illegally) occupied by the original landowners who typically belong to Darbar castes. The macro-political account suggests that Darbars did not have links to the main political parties that ruled Gujarat and hence, the government could transfer tenure of

land to the landless tillers without fear of upsetting constituents that mattered electorally. Still, other lands were illegally occupied by members of an OBC caste, the Koli Patels. Here, it is worth noting that Kanbi-Patidars – the castes that were the main beneficiaries of early land tenure reforms in Saurashtra – are not represented in a significant number in Surendranagar. It is the Koli Patels who form a substantial group.

In short, members of castes not considered particularly powerful in the mainstream literature were illegally occupying Dalit land. And, most importantly, a large number of Dalit families in Surendranagar did indeed receive possession of land that was transferred to them under land reform laws in the period when the land governance regime was tilting towards a phase where industrialization led by corporates was supposedly favored over land redistribution to individual landless peasants. What are we to make of an exceptional case such as this – a “view from the margin” so to speak?

Based on close examination of the process of implementation of land redistribution in Surendranagar, I argue that this case holds important lessons for scholarship on politics and social change by showing that progressive social change can be achieved even under challenging circumstances. I would argue, *pace* macro-political explanations of the failure of land reforms, that paying attention to exceptions is important to learn about how normatively desirable outcomes are realized without large-scale revolutions or major changes in the regional political economy. Besides, even if there were to be a revolution or changes in macro-political alignments favorable to shifting the focus of public policy to deliver on land reform, some agency (or a group of agencies) would still have to implement the policies on the ground. Navsarjan’s experience in Surendranagar shows that successful social movements are creative, persistent, and they leverage opportunity structures wherever they lie.

Navsarjan found the law to be an important opportunity structure, which it successfully mobilized to perform “politics by other means” (Abel 1995). In addition to using public interest litigation to pressure the state to deliver on its promise (transfer land to Dalits), Navsarjan workers collaborated with the local administration to co-produce Dalit ownership of land. Navsarjan’s interventions show the art of swimming in the best way possible in a very sticky and

choppy ocean that is a society entrenched with caste-based graded hierarchy. This example shows the art of the possible. Let us take a closer look at how Navsarjan engaged the land question.

The long arc of getting things done: Navsarjan's mobilization for implementation of land reform

As I described in the previous chapter, Navsarjan's founder Martin Macwan had learned about the importance of land ownership and the conflicts that arise over it early in his activist career. He knew well both the benefits and the potential negatives of Dalits demanding the implementation of land redistribution laws. Four of his close associates had been murdered by members of upper castes in the village of Golana because the former had succeeded in pressuring the government to implement the land redistribution laws. Over the course of a couple years since the Navsarjan team started working in Surendranagar (in 1994-95) Dalits had brought complaints regarding the illegal occupation of their land by upper castes. The caseworkers had successfully dealt with these cases; they had used law as an important tool to pressure the upper caste occupiers. About a year and a half after the caseworkers started working in Surendranagar and had these early successes, Navsarjan decided to take up land reform implementation as its main project.

Dalits in Surendranagar were poor. Many did not have possession of land, i.e., they were practically "landless," even though on paper they were landowners. Given that Surendranagar did not have much by way of economic opportunities other than agriculture, the landless Dalits were dependent on the landed castes for economic livelihood. This meant that there was a deterrent to standing up against the upper castes for justice and rights. In addition to this dependent relationship, when agricultural jobs were not available, the Dalit families were forced to migrate. During the first year of his caseworker training in Surendranagar, one Navsarjan caseworker recalled seeing many empty Dalit homes with makeshift barriers made of thorny stems at the entrances. This, he learnt, was a sign that the family had migrated for the lean season. In cases where entire families migrated seasonally the children's schooling would be disturbed.

During this period, the team of Navsarjan workers used to meet, all together, with Martin Macwan for weekly check-ins. The meetings were a time when the entire team reflected on their activities and updated each other on the learnings from the ground. During these meetings, the team reasoned that if the landless Dalit households received possession of their lands, it would have multiple positive effects on their overall socioeconomic situation. Further, the Navsarjan caseworkers already knew that the land redistribution laws allowed for this and that many Dalits were landowners but did not have possession.

The Land Survey

Navsarjan decided to launch a door-to-door survey of Dalit households in Surendranagar to collect detailed data on the ground reality of the land redistribution implementation. But there was a problem: they did not know who had officially received land under the land reform laws. The information was not in the public domain. The year was 1996 – a time that predated the enactment of the Right to Information Act, which entitles citizens to access public records on demand. The caseworkers approached the District Collector’s office to get a copy of the official list of land redistribution grantees. They were told that the records were off-limits to the public.

As a workaround, the caseworkers decided to approach a Dalit individual, who worked as a junior official at the Collector’s office, for help. This person, being a Dalit himself, was sympathetic to the cause. While he could not allow Navsarjan caseworkers to take the official list of land grantees outside the District Collector’s office to make photocopies, he would allow them to access it and manually copy the list. Two Navsarjan caseworkers sat in the Collector’s office and quietly copied the entire list. One of these caseworkers recounted, “By the time we were done copying, we had a list spanning about 250 villages and 1,200 Dalit landowners.” This action of the Dalit government official (who has now moved up the ranks to become a Deputy *Mamlatdaar* in Surendranagar) made Navsarjan’s mobilization for land reform implementation possible at that time.

Armed with the landholder names, villages, and details of the land awards, the Navsarjan team started their door-to-door survey. They selected four of the nine administrative blocks of Surendranagar – Limdi, Lakhtar, Wadhwan, and Chotila – as the initial focus/survey area. Macwan and the caseworkers collaboratively planned and strategized. The team created a questionnaire based on their knowledge of how the land redistribution system functioned. They tested the questionnaire by piloting it in a few villages. It was revised and expanded based on input from Dalits in the villages in the pilot survey villages. By then, each Navsarjan caseworker in Surendranagar had worked for at least a year in their designated field areas and built relationships with rural Dalits. The caseworkers were paired up and assigned areas to survey. The pairs began going through the list, door-to-door, to Dalit homes.

During the period between 1994 and 1996/97 Navsarjan's caseworker count sharply went up: from 6 in 1994 to 36 in 1996/97. By the time the survey began, Navsarjan had enough manpower to take on an ambitious project like the survey of Dalit homes in rural Surendranagar. Based on their past experience, the caseworkers identified villages where the upper castes were relatively more aggressive and could try to cause trouble during the survey exercise. It was decided that caseworkers would travel in a large group to the "dangerous villages" to conduct their research. The entire team used to meet in Navsarjan field offices once a week to review progress, modify the strategy, and exchange notes.

The caseworker teams decided among themselves who would do the talking and who would take notes/enumerate, so that they could keep their interviewees engaged and also collect data accurately. Even though the caseworkers had worked in the Surendranagar area for a year, the survey took them to many villages for the first time. In these villages, they had multiple tasks: introducing their organization, building trust, and collecting correct data. The land question helped them in this. It was a concrete issue that immediately attracted attention from rural Dalits. To build trust, the caseworkers leveraged the strength of their team. If someone in the Navsarjan team of 36 workers had contacts in the new villages another teammember had to survey, the already-connected member would make introductions. The newly-introduced caseworkers took on from there. A caseworker said that building trust with just one Dalit family in a village was often all it took to establish trust with dalits in that village (and sometimes, even

multiple villages). This was because Dalit households in the villages were typically related through kinship, especially in the smaller villages. The caseworkers snowballed their way through.

Building trust with the interviewees was crucial: while the land question interested the rural Dalits, many whose land was under illegal occupation by upper castes were afraid to speak out for fear of repression. In addition to using introductions from common parties, the caseworker-surveyors were generally tactful in their interview approach. They tried to keep the conversations informal and relaxed. The caseworkers deliberately did not tell the interviewees that they had the official list of land grantees, lest the interviewees be alarmed at the sight of a roster of names and other official details. Recalling the interviews, a caseworker-surveyor said:

We would get them [Dalits] to talk about the difficulties with taking possession of their land by asking why they were not farming it, or why they were not paying the land tax failing which their ownership would lapse. This would get them to start talking ... they would tell us that they were landowners only on paper ... that they only received possession on paper. Some Dalits knew they had received land but they didn't know where it was. Others knew they had received some land from the government, they had the title documents and knew whose (former) land had become their's; but they didn't have possession. The former landowners [illegal occupiers] would intimidate, threaten, or physically harm the Dalits if they tried to take possession.

The survey collected data on the status of land reform implementation and compared it to the official record. The interview/data collection method resembled what in academic social science jargon would be called "extended semi-structured purposive interviewing." The survey yielded both qualitative and quantitative data. The meticulous organization Navsarjan founder Martin Macwan had learned from working with the Behavioral Science Center, especially Father Heredero, is clearly on display. The document was professional-looking and contained detailed information on the status of implementation of land redistribution. As I will describe over the next sections, this document played a crucial role when Navsarjan filed a Public Interest

Litigation in the Gujarat High Court to demand implementation of land redistribution in Surendranagar.

Going beyond “data:” Learnings from the survey exercise

The survey exercise was not just a “data collection” drive. Drawn over a year and a half, this exercise offered the caseworkers an opportunity to understand the how the process of land redistribution actually worked in practice. This in-depth understanding would give the caseworkers immense informational advantage not only over the individual landholders (who, at times did not even know all the details of the land they owned) but also the government officials (who had not taken particular interest in making sure that rightful owners received possession of lands). During the survey, the caseworkers learned that the government had given landowners holding more than 54 acres of agricultural land the option to choose the portion of their “excess land” they wanted to give up.

Obviously, the landowners did not want to part with their best quality land, so they chose to give up the less fertile portions. The government paid compensation to the landlords at the officially mandated price, and became the formal owner of the “excess land.” The government, for official purposes, assumed that this land was available for redistribution. The details of the land so “acquired” by the government was entered in the official record of the excess vacant land available under the government’s possession. So, in theory, the government kept accumulating land, whose on-the-ground possession it did not have.

This imaginary land was entered in the excess land register under survey numbers. However, the crucial next steps of measurement, mapping, and survey of the land entered in the official records as “excess land” was not done. In other words, the government created land out of thin air – an impossibility. Periodically, the officials in the social justice department would assess how much land the government owned and decided how many applications for land redistribution awards to accept. The District Collector’s office would then instruct the *Talatis* (village record keepers) to announce in their villages that landless individuals could apply to receive land under these schemes. Applications would be received and the land officially transferred to landless families.

The land title transfer process started with a document called *Saat-Barah* (which literally means “Seven-Twelve”) being issued to the new landowners. This document contains the name of the new holder, the land area, the name of the village, date of registry, and the land survey number. Just as it was common practice for the government officials to “acquire” land under particular survey numbers without actually taking possession, it was also common practice for them to subdivide this hypothetical land when they “redistributed” it via the *Saat-Barah*.

As an example, in one village, a land award order showed the land to be survey number 235-B. In this village, survey number 235 was the placeholder survey number under which the government had registered all the land accumulated under Gujarat Agricultural Land Ceiling Act 1960. The survey number 235-B was a subdivision of the “mega block” of land assumed to have been acquired in this village. The order mentioned the new survey number (235-B) and the amount of land included. The big landowners would wield considerable influence over the *Talati* and the *Gram Panchayat* (village assembly) used to be under the influence of the big landowners. These landowners would pressure the *Talati* to not give clear information to the Dalits about the land they had received on paper (i.e, the land mentioned in the *Saat-Barah* for the parcel 235-B). In the worst cases, no information was provided to the Dalit by the *Talati*. If the Dalit pursued and asked for the location of his land, an ambiguous answer would be given, or they were directed to the higher bureaucracy, which ordinary Dalits found challenging to access. In these circumstances, the newly-minted landowners gave up hope of taking possession of their land. The government, on its part, claimed that it had redistributed land. But the landless, who were now landowners, possessed the *Saat Barah* but not the land.

The survey also showed that in many cases, the possession of the lands acquired (and later redistributed by the government) continued to be with the original landlords. These families enjoyed both economic as well as social dominance and their control over the lands could not be easily challenged by Dalits who for centuries had lived under their dominance. In other words, many former landlords, who “gave up” land in the so-called land ceiling, and received compensation, in the end kept the compensation as well as the land! It was not until the Gujarat High Court directed the state government to immediately complete the implementation of land redistribution that officials from the Directorate of Land Records carried out actual land

measurement and surveys. But I am jumping ahead. The path to implementation was not straightforward.

From information to action: Building a social movement for land reform implementation

During the survey, the caseworkers recruited local Dalits as volunteers for the land rights campaign. Between two and four Dalit volunteers were selected in every village where Dalits faced land issues. The caseworkers selected individuals to volunteer based on natural leadership traits and exhibited interest in fighting for Dalit rights. The groups of village-level volunteers together formed the block-level land rights action committee. Similarly, the block-level committees all together formed the district-level committee. The committees worked under the banner of *Jamin Hit Rakshak Samiti* (Council for the Protection of Land Rights). The formation of volunteer committees was crucial for Navsarjan's efficacy in the long-run. Traveling in the Surendranagar area with Navsarjan caseworkers, we would often stop mid-way when the caseworker saw someone waving. After a brief conversation, more often than not, they would tell me that this was a volunteer who they had befriended during the land rights campaign.

The volunteers assumed the role of Navsarjan representatives in the villages. Even twenty years later, they continue to be loyal to the organization and share close relationships with the Navsarjan caseworkers. I was told that these people are often the first local responders when a Dalit needs help. Even though Navsarjan was formally registered as a non-profit non-governmental organization, it is interesting to note that its caseworkers often use the term "movement" when describing their work. Not even once did I hear a Navsarjan caseworker refer to their land campaign as NGO work. All of them referred to it as a "movement." The choice of word-description, I believe, is telling of the self-understanding of the caseworkers: they were involved in something big, something creating social mobilization and change.

The survey went on for a year and a half. By the time it was done, the Navsarjan workers thought that they understood the land redistribution issue well and had built a decently capable group of volunteers; they were ready begin the public part of the campaign. The first step was to

show the systemic nature of Dalits' exclusion from their land. Recall from the previous chapter that Macwan believed that the strategy of his organization should be to tackle issues being faced by Dalits as systemic issues – not just as local instances of problems here and there. As a result, the first steps were public meetings with the Dalit community to share the findings from the survey. Volunteers of the Jamin Hit Rakshak Samiti organized public meetings in each of Navsarjan's field offices. The Navsarjan team and volunteers also made visits to the sub-divisional (block) branches of the District Collector's office and submitted applications to the sub-divisional Magistrate reporting findings from their survey

The assumption was that mobilizing the landless Dalits along with reporting the appalling state of land redistribution implementation on the ground to the district administration would pressure the latter to act. It is important to note that it was not only Navsarjan caseworkers were directly involved in this activity but also the volunteers. The volunteers I interviewed recounted these experiences being crucial in making them conscious of their agency/rights; this period served to familiarize them with navigating the bureaucracy. They also developed on-going working relationships with government officers, which later served them in successfully navigating the bureaucracy to avail welfare. I will describe one such story in detail in a later chapter. The bureaucrats told the members of the Samiti that they would take action on the issues highlighted by the survey. Three months passed since the assurance and still no visible action on the ground was reported.

That is when the Samiti decided to up the pressure by engaging directly with the District Collector. The Samiti organized a large rally that marched through Surendranagar town and reached the District Collector's Office. The actual office sits in a large compound. The rallyers turned into demonstrators in this compound, encircling the building. Reportedly, a crowd of almost 5,000 Dalits were present. This was the first time ever, I was told, that such a demonstration by Dalits demanding land redistribution took place in Surendranagar. Several of the Dalit interviewees told me that this was the first time they had gone to the District Collector's office as part of an organized protest. Interestingly, at the time, the Collector of Surendranagar was also a Dalit. He gave assurance in writing to the agitating Samiti members that the administration would resolve all the matters they had highlighted. The caseworkers argue that

politicians pressured this Collector from acting on his promise. I was not able to assess the veracity of this claim.

Over the next six months, not much by way of resolution happened. A caseworker recalled, “some Dalits who had not received paperwork of their landholdings received it but not much else happened.” In the meantime, the Collector was transferred and another individual, who was not a Dalit, took charge. This new Collector questioned the veracity of Navsarjan’s survey findings. Copies of the survey were sent to the *Mamlatdaars* and they were asked to investigate if the findings were true. The *Mamlatdaars*, in turn, reached out to the *Talatis* to do this. The *Talatis* started their investigations. In cases where illegal encroachment was reported in the survey, this was done with both parties present. Intimated by the presence of the upper caste encroachers, some of the Dalits lied saying that there was no problem: they had possession of the land given to them by the government. The *Talatis* reported these contradictory findings to their superiors. This created a dent in Navsarjan’s claim. The Navsarjan team did their own investigation, meeting the Dalit families who had changed their answer. Once they understood what had happened, they met the District Collector again to explain why the *Talatis* reported contradictory findings.

The Collector gave a sympathetic hearing and proposed a different method of verification. He asked if Navsarjan caseworkers could bring the Dalits to the *Mamlatdaar’s* office for another round of interviews. This was an important change: the *Talati* lives in the village. He is a member of the village community who is intimately tied to the social fabric of the village. It is no surprise that Dalits were afraid to speak out in front of a person who they knew met the upper caste encroachers regularly. The Navsarjan team went back to the villages and told the Dalits that they had one more opportunity but this time, they would only support the Dalits if they spoke up. During an interview with a Dalit beneficiary of land reform, Mukeshbhai explained:

The land belonged to his father. The father was very afraid of speaking up because he thought the upper caste encroachers would attack his sons ... I told him that I would be the first one to die before his sons because I’ll be the one organizing legal-governmental action against the upper castes ... but he had to make the effort to speak up first.

Over the next six months, interviews were conducted at the *Mamlatdaars'* offices. Other than the change of the interview location, Navsarjan team requested another change in the modality of the interviews in another important way: they asked if all the Dalit land recipients from a village could be interviewed as a group. They knew that numbers would provide strength to speak up. The Dalits again changed their statements, and accepted that they were intimidated by the upper caste encroachers when the *Talati* had asked them about the situation. They had lied out of fear.

A number of things had to come together at the right time for the Dalits to overcome their fear of the upper castes in that situation and speak up. The District Collector had to be open to another round of investigation and he had to allow for the interviews to happen with a higher-level official (the *Mamlatdar*). Navsarjan caseworkers had to give an ultimatum to the Dalits to speak up or lose Navsarjan's support and their land. The interviews had to be done in groups. In this new environment in which the second round of interviews took place, Navsarjan was able to get the Dalits to speak up. It is interesting that the Dalits were more afraid of telling the truth to the *Talati* but not to the *Mamlatdaar*. Perhaps they felt more safe with the *Mamlatdaar* because this official represented a powerful government office, which was removed from the everyday politics and social life of the village. Navsarjan caseworkers gave another explanation of why the Dalits spoke up:

This was a learning experience for us. We learned that individual Dalits found it hard to speak up in front of Darbars who are basically wronging them. They found it easier to speak up when in groups of 5-6 (all the Dalits from a village who had been given land). Being in a group reduced the psychological pressure they face.

By the time the interviews were completed and the facts verified, over one year had passed. Now the onus was on the Collector to ensure that Dalits actually received possession of land. As I highlighted earlier, land measurement and mapping had to be done before possession could officially take place. Confronted with the magnitude of the problem, the Collector conceded that Surendranagar did not have the requisite manpower in the Directorate of Land Records Office to carry out the survey on each plot of land under consideration. Yuvrajbhai, a caseworker, told

me: “He [the Collector] told us to have patience but we had run out of patience so we decided to approach the Gujarat High Court.”

Legal Mobilization

Navsarjan decided to file a Public Interest Litigation (PIL) in the High Court of Gujarat. On behalf of the Dalit landowners, Navsarjan filed *Navsarjan v. State of Gujarat* (Special Civil Application no. 2860) on April 16, 1999 in the High Court of Gujarat. The petition invoked Articles 14 (Equality before law), 15[4] and 16[4] of the Indian Constitution, which authorizes special provisions by the State for advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. Data from the survey was one of the key pieces of evidence that the petitioners presented to the judges along with their petition.

Along with this data, the petition also included copies of the memoranda presented to the District Collector of Surendranagar at various stages since Navsarjan took up land redistribution implementation as its focus. The lawyer for the petitioners requested the court to order a speedy land redistribution implementation process so that Dalit landowners could sow the land for the next crop. The High Court of Gujarat issued its final judgement on November 3, 1999, eight months after the case was filed. The judges ordered “that the authorities will undertake the said work immediately and will try to complete it before June 15, 2000 and will handover the possession to the respective allottees. Rule is made absolutely to the aforesaid extent.”

The victory for Navsarjan in the High Court was a turning point for its push for land redistribution implementation in Surendranagar. The state government directed the district administration in Surendranagar to ensure that Dalits received possession of their lands immediately. The District Collector of Surendranagar had been under pressure since the PIL was filed but with the High Court judgment, the pressure increased significantly. In the words of caseworkers, the Collector realized that Navsarjan was determined to get the job done and had the capability to engage higher levels of government and the judiciary. The caseworkers, on the other hand, saw their social profile increase. After the High Court’s verdict, the Navsarjan team

met with the Revenue Secretary in Gandhinagar, the state capital. The official assured them that the Dalit landowners would be given possession of their lands soon.

Unintended consequences: Caseworkers as Co-producers of Dalit Citizenship

The caseworkers proudly recalled that after the Court's decision, they began to enjoy direct access to the District Collector in Surendranagar. Yuvrajbhai recalled:

When the measurement and process of giving possession was going on, we met the Revenue Secretary of Gujarat. He told the district administration that we would work directly with them. We didn't need appointments or anything to meet with the Collector or *Mamlatdaar*. We could go directly. *We didn't have to bother at the village level with the Talati.*

I have emphasized the last sentence in his statement because it is telling of important relational changes that took place for Navsarjan caseworkers in Surendranagar as a result of the legal mobilization. While the founder, Macwan, was known to be the leader who maintained working relationships with important people including those higher-up in the government, developing a relationship with the District Collector for the district-level Navsarjan caseworkers was a big deal. In that moment, they had shown their capability. They had risen above having to bother with the village-level government functionaries, getting direct access to the top bureaucrat of their district. Even today, twenty years later, as the caseworkers narrated their accounts to me, their voice came alive with pride and confidence when they went over the details of getting direct access to the District Collector.

Someone analyzing only macro-political trends – like political scientists do – would not capture the importance of outcomes like this in explaining why some movements and social actors are able to sustain, pursue their objectives, and produce change while others do not. Being treated with respect by a high-level government functionary matters hugely to people who have borne historic trauma and social exclusion. When he was growing up, Yuvrajbhai told me he used to polish shoes. Often, upper caste customers would throw money at him after he finished the job. He said it would get him riled up at the offensive act but all he could do was to refuse money

thrown at him. Today, the same individual had a respectful and working relationship with the top bureaucrat of his district. Naturally, his self-esteem and sense of agency increased. I will return to this point again shortly.

As I described earlier, measurement and mapping of lands given to Dalits was an important crucial step that had to be done before possession could be given. The Directorate of Land Records (DILR) office, which is responsible for carrying out land mapping and surveys, was indeed short staffed in Surendrangar to carry out the project in the allotted time. The state government deputed DILR staff from Bhavnagar and Ahmedabad – two neighboring districts – to Surendranagar to carry out the land measurement and mapping. With the arrival of staff reinforcements, the process of handing over possession to Dalits began in full swing.

This process had one very important unintended outcome, which further reinforced Navsarjan's social profile: the District Collector anticipated a situation in which Navsarjan would take the government (including the District Collector) to court again arguing flaws and lapses in the land possession handover process. The District Collector figured out a way to protect himself in this eventuality. He asked if Navsarjan members could collaborate in the process of land redistribution. He also asked if Navsarjan members could co-sign the land possession documents along with the government officials. Under normal circumstances, only the government official would have signed this document. But because the District Collector wanted to insure in case of future legal action, he reasoned nothing would be better than having a document signed by Navsarjan representatives themselves showing that the government did its job. Assisting in the actual land redistribution process meant a lot of work for Navsarjan caseworkers but they were determined to take their campaign to its conclusion. Thus, they accepted the request.

It is a monumental act when a powerful person, who for decades had refused to relinquish land control to someone who legally owned it, to actually transfers their possession. In this moment, in the act of signing, the power relationship changes, even if just symbolically – the signatory-authors claim their position of power and assert the right of the historically oppressed to justice, and claims of citizenship. The act of signing on the government document that authorizes and records this monumental change is in and of itself a moment in which the signatory-authors

Over the next six months, this process went on every day from morning to evening. The caseworkers said they decided to go to the “more dangerous” villages first, where the people encroaching Dalits’ lands were the most threatening and stubborn. I asked why they decided this. The reason was that they wanted to set an example of the rule of law and assertion of Dalits’ rights as soon as possible. They said that this would serve as a good example for the rest of the region. “If we could take away land from the most powerful, we could do anything,” a caseworker recalled the logic behind the strategy. As in the past, caseworkers would go in a large group to the dangerous villages. This time, though, they had a full team of government officials as well as a police team, so safety was not really a real issue but larger groups showed strength. The Navsarjan team knew the schedule mapping and survey schedule. They used the information to ensure that the Dalits whose lands were to be measured on particular days were available at home on those days. Despite efforts towards ensuring efficiency and timeliness, there were delays. Sometimes, the recipient of the land would not be available at home and it was Navsarjan members’ duty to find them. Bit by bit, the land possession handover process continued. More than 700 Dalit families received possession of at least 4,500 acres of land that they owned during this period.⁴²⁴³

Bhojpari episode: Resistance and the birthing of not so hidden transcripts

Bhojpari is a small and remote village in Chotila tehsil of Surendranagar. It is so off the grid that a search on Google for “Bhojpari village Gujarat” does not result in even a single photo of the place. Only the name of the village shows up in some government enumeration records available online. It is one of those places nobody other than those who live there seem to know or care about. According to the census in 2001, Bhojpari had a population of 738 of which 105 were Scheduled Castes (14 percent). The proportion of SCs to upper castes has not changed over the decade. The Census of 2011 reported a population of 896 of which 131 people were Scheduled Castes (15 percent). In 2003, Bhojpari was the site of a major confrontation between local Dalits

⁴² See note 17 in Chapter 1.

⁴³ After this first round of legal mobilization and implementation of land redistribution, Navsarjan expanded its work on land in other parts of Surendranagar including the tehsils of Chotila, Halwad, Muli, and Dhangadhra. Two other cases were filed in the Gujarat High Court: Navsarjan Trust vs. The State of Gujarat & Others, S.C.A. 9158 of 2009, H.C. Guj. and Navsarjan Trust vs. The State of Gujarat & Others, S.C.A. 10922 of 2009, H.C. Guj. I have not analyzed the effects and outcomes of these litigations. It remains a task for future research.

and the upper castes over segregation of children during mid-day meals in the public school. Several Navsarjan workers had told me that this was an important, historic struggle for them (and, more crucially, for the Dalits in the village) – one that tested their tenacity, organization, and tactical strength. I was told by several people, including Navsarjan caseworkers, that the Dalit victory in this confrontation provided a significant boost to the confidence and social image of Dalits as powerful and assertive actors.

On my first visit, I was accompanied by a Navsarjan worker by the name of Babubhai. He was a stocky middle-aged man with a moustache. Babubhai had joined Navsarjan in 1999 and has visited Bhojpari off and on ever since. I felt a sense of friendly warmth when I met him. We shook hands and exchanged “Jai Bhim!” He told me that the route to Bhojpari was long and winding and suggested we have tea before we left for Bhojpari. He hopped on my motorbike and directed me to a chai shop. On the way, Babubhai saw someone in the market, and asked me to stop. It was a cop. First, he shook hands and greeted him. Then, I did the same. They exchanged small talk and then the cop asked him about me. Babubhai explained that I was doing research and he was taking me to Bhojpari. Their demeanour was friendly; they clearly shared a good rapport. After a few minutes, we continued towards the chai shop. I asked Babubhai if the cop was a Dalit. He was not. Babubhai told me he had befriended the cop during the course of his work. The chai shop owner was also a friend of Babubhai. After finishing our tea, when I offered to pay, he refused to accept it saying that he could not charge “Babubhai’s guest.” Traveling with Navsarjan workers in the areas they work quickly gives you a real sense of their popularity and embeddedness in the local environment.

Bhojpari is about twenty miles from Chotila town center. A few kilometers after leaving Chotila, the road narrows. After passing many fields and a few villages, rolling hills appear and the road starts to gently climb. We reached a tabletop with beautiful vistas. Bhojpari is only a few kilometers away. The tabletop land is well suited for harnessing wind energy and over the last few years, a private company has installed several dozen windmills. The village of Bhojpari is idyllically located on a small hillock overlooking the tabletop dotted with windmills. Over the course of field research, I was lucky to witness a few sunsets from vantage points in Bhojpari.

In Bhojpari, we headed to the house of a person called Jethabhai. We had showed up unannounced; Jethabhai was away. I met his son, Rahul. He seemed to be in his mid-twenties. He was a student, seven years old, when the confrontation started at his school. During another visit, I also interviewed other Dalit families, including three of Rahul's uncles and his cousin Jitin, who was also in the school when the confrontation happened. When I asked Rahul's uncle if I could record the conversation, I told him that to ensure no harm came to him as a result of talking openly, I would change his name in the text. In an assertive tone, with confidence, he insisted that I include his real name. Like several other people I have introduced in this dissertation, Rahul's uncle too wanted to tell me – and the world – that he was not afraid.

The Dalits in Bhojpari all claim to belong to the same “kutumbh” or family. Several generations ago, the great grandparents of the current Dalit community were “brought” to the village by the upper caste Darbar, from their original village about 35 miles away. According to the uncle, Bhojpari did not have Dalits, and the upper castes needed them to do “polluting” and menial service jobs. Such displacements of Dalits were not uncommon at the time. Surprisingly, in this case, according to the people I interviewed, the terms of displacement were respectful. The patriarch of the Dalit family that was moved asked the Darbar to allot him some land and give him a cow in return. The darbar agreed and the family moved. The Dalits in this village therefore have historically been landowners but over the generations, the original plot of land was subdivided and the individual family holdings became meager.

In the middle of 2003, two Dalit men began their jobs as teachers at the public school in Bhojpari. They were not from Bhojpari but came from other villages in Surendranagar. It so happened that Navsarjan had worked for several years in one of teacher's original village. In August of 2003, some individuals belonging to upper castes (Koli Patel, a caste belonging to the OBC category) pressured the mid-day meal service staff at school to seat Dalit children separately during the meal service. Girishbhai Wadher, one of the newly appointed teachers, was appalled at this demand; he resisted it (Zee News Network 2003; John 2003).

Together with his other Dalit colleague, Wadher instructed the midday meal staff to seat the Dalit students along with the rest. Jethabhai's son, Rahul, who was one of the Dalit students at

the school at the time, recalls that “the problem started soon after they [Dalit teachers] made us sit back together.” The village *sarpanch* (head of the village council) came to the school a few days after the students were made to sit back together. He was visibly angry. The *sarpanch* had an altercation with Wadher and his colleague. Things became heated and the *sarpanch* slapped Wadher in front of the students. Rahul returned home and told his father, Jethabhai, about the incident. Jethabhai had anger in his voice as he recounted learning about the humiliation Rahul faced at school.

Navsarjan workers had developed a relationship with the Dalit community in Bhojpari during the land reform survey they carried out in Surendranagar in 1999. Babubhai, who lived in Chotila, had been in regular contact with the Dalit community in Bhojpari. The news of the incident at school quickly reached Babubhai, who immediately informed his colleagues. Navsarjan workers became the key social and legal mobilizers of the Dalits during the confrontation. First, a complaint was filed against the *sarpanch* who assaulted the teacher in school. Mukeshbhai said that they wanted to file a First Information Report, but the teacher was hesitant, fearing backlash. When the police team visited the village to enquire into the incident, the upper castes, Koli Patels, put up a united front and they remained openly defiant. They told the police team that they would not accept the end of segregation in the school. The police team left after giving a warning to the *sarpanch*. This only enraged the Koli Patels more against the Dalits and was the beginning of a three-month long confrontation. Parents on both sides – Dalit as well as upper caste – stopped sending their children to school. Recounting the turn of events during the school segregation confrontation, Jethabhai said that without the active involvement of Navsarjan workers, he would not have expected the local police to act as swiftly as it did to their initial complaint. He said that Dalits in Bhojpari did not know about the legal provisions that they could leverage to safeguard themselves and fight the upper castes during the crisis.

The Koli Patels launched a social boycott of the Dalits to “teach them a lesson.” They refused to let Dalits draw water from the wells and community taps, refused to sell them groceries, and even refused to mill their wheat. Members from the upper caste community made open threats of violence against the Dalits if they dared to stand up against them. In the meantime, Navsarjan workers got more intimately involved with the village Dalit community. Navsarjan workers

including Mukeshbhai, Babubhai, and several others camped in the village almost continuously through the three month confrontation. They stayed in the Dalit homes, organized meetings, and carried news about the confrontation to the wider Dalit community in Surendranagar.

Mukeshbhai told me that they “decided to give the upper castes a fitting reply” during the confrontation. To render the social boycott ineffective, they decided to end the reliance on upper castes for day to day affairs. Navsarjan workers helped pooled money from Dalit families in Bhojpari and bought a wheat mill that was installed in one of the homes. They also helped Dalits in the village set up a small grocery store. Supplies would be procured from the shops in Chotila for sale and consumption by Dalits in Bhojpari.

During the three month-long confrontation, the Dalits in Bhojpari, on the advice of Navsarjan workers, decided to stop skinning dead cattle. This move had two aspects: it sent a strong message to the upper castes that Dalits could assert their agency to their face as well as burden them with the hassle of disposing their dead animals (which, until then, were comfortably left by the upper castes for the Dalits to dispose). This option could not have been exercised by the Dalits a few decades ago because there were not many alternative livelihood opportunities for them. By the early 2000s, many of them had become agriculturalists, thanks to implementation of land reform laws (enabled through Navsarjan’s intervention). The Dalits in this village had also become successful dairy farmers. In other words, in Bhojpari, Dalits were no longer economically dependent on upper castes. The incident in the school and the ensuing open onslaught against Dalits by upper castes created the right emotional-political conditions for them to come out and openly assert their claim to moral and social equality.

The Dalit community’s defiant response to the social boycott further enraged the upper castes; they could not deal with people who they considered inferior and subservient standing up to them. Sometime in September 2003, a month after the confrontation began, some Dalits were beaten up by a large group of upper caste people in Bhojpari. The group was led by the sarpanch who had assaulted the Dalit teacher in school. The Dalit neighborhood was encircled by this group. The Dalits, for their part, resolved to fight. Jitin’s father said, “we had resolved that we will either live with dignity or die. We were ready to fight.” The Dalits started gathering

whatever arms they could, which mostly consisted of farming implements. Navsarjan workers, on the other hand, immediately called the police, who arrived soon on the scene. However, this police team was not enough to control the upper caste mob. The mob continued to deliver threats against Dalits in front of the police team. That day, even the police felt unsafe in front of the belligerent upper caste mob. Mukeshbhai mentioned, “we got the feeling that even the police may get attacked by the mob.” Reinforcements were called by the police.

Once more police arrived, the upper caste mob dispersed. A First Information Report (FIR) was filed against 41 upper caste people from the village by the Dalits. The next day, 41 upper caste people named in the episode were arrested from their homes in Bhojpari. Jitin’s father recalled, “for the first time, this village saw police arrest and take away 41 members of the upper caste at once!” The tone of his voice exuded power, pride, and proof of Dalit power. Over the next week, there was constant police presence in the village. Those arrested were able to get bail the next day. They still remained adamant with their demand for segregation of Dalit children. Their group held a protest outside the Directorate of Primary Education Office in Chotila demanding that the Dalit teachers be transferred. Navsarjan workers explained to the police that with the accused members out on bail, the safety of Dalits in Bhojpari was in question and they should be given police protection. Rahul pridefully recalled, “there was a police officer stationed outside our door 24x7.”

The police did not take the threatening attitude of Koli Patels lightly. According to Mukeshbhai, over the next week or so after the mob attack, the police “dragged each and every upper caste person out of their homes, except women and children, and thrashed them.” While this may not be entirely true, all of my interviewees corroborated that a large number of Koli Patels – those who threatened them and the police – were beaten in public by the police. The Navsarjan workers I interviewed who were involved in the Bhojpari confrontation said that the police inspector in charge of Bhojpari was helpful and handled things in an unbiased way.

Dalit informants from Bhojpari explained that the police presence made a big difference. The social boycott still continued but the open threats by the upper castes subsided. At the same time, Navsarjan helped initiate a case against the sarpanch under the Scheduled Castes and Tribes

(Prevention of Atrocities) Act 1989 (PoAA). The exact timeline of the case proceedings remain nebulous even after repeated interviewing but in summary, what I understood is that the social boycott continued for about three months. The boycott of Dalits by upper castes was largely ineffective and they were able to remain largely self-sufficient because of alternative arrangements for daily needs that Navsarjan workers helped organize. The *sarpanch* of the village, who had a case registered against him under the PoAA realized that action against him was imminent. Mukeshbhai explained, “with the case proceedings against him registered, he started feeling the heat. He understood that the Dalits were for real in their resistance. We were not messing around.” Rahul recalled going to the courthouse to record his testimony.

With the legal proceedings against the *sarpanch*, the entire village community realized that the Dalit community was not going to take things lying down. Most importantly, they had the support of Navsarjan, which had the legal and organization skills needed to mobilize both the legal and administrative organs of the state. I got a sense that the fearlessness of the Navsarjan workers was an important factor in their being trusted by the Dalits in Bhojpari as well as revered by the upper castes and state actors. Against this backdrop, “pretty quickly,” explained Jitin’s father, “cracks started to appear in the upper caste community ... they were all afraid of being legally implicated for atrocities against Dalits ... now everyone wanted to steer clear of the case.” As a result, there was a sudden turnaround in the attitude of upper castes towards Dalits in Bhojpari. Dalits were approached by the upper castes, who until recently had been leading a virulent organized effort against them, with a request for reconciliation and peace.

I was very curious to know how the Dalit community in Bhojpari responded to this. Jitin’s uncle explained in a matter of fact way, “we said [to the upper castes] that listen, ‘all of us have to live in this village, so yes, we would like peace, but nothing can be done about the case against the *sarpanch* – we will not withdraw it.’” Navsarjan workers also advocated for this position. Members of upper caste dominated the village *panchayat*. As a way to appease the Dalits, they vacated their positions, and quickly elected a Dalit member as *sarpanch*! But the Dalits did not change their position on upholding the case against the *sarpanch* who had assaulted the Dalit teacher and instigated violence against them. I visited the home and interviewed the man who was elected

sarpanch in the aftermath of the confrontation. Mukeshbhai, Jitin, and Jitin's father accompanied me.

Virjibhai, now in his 60s, is a tall man with a full moustache. We found him sitting on the patio outside his house, wearing a white turban and white kurta pajama, smoking a hukka. He had a very confident and authoritative demeanour. As a mark of respect, he got up as soon as he saw Mukeshbhai approach the house. Another man, similar in age, was sitting with Virjibhai and recognized Mukeshbhai. He reminded Mukeshbhai that he was a relative of Virjibhai and had met Mukeshbhai several times during the confrontation. He lives in a village about 50 kilometers away and had come to support his relatives and fellow Dalits during the confrontation with upper castes.

On hearing this, Mukeshbhai recognized him. Virjibhai told me that several negotiation meetings had happened in his house. He pointed to the courtyard inside the house, and said, "That is where we met." Mukeshbhai continued, "the local MLA [insert what this stands for] who was a Koli Patel, the son of the local State [erstwhile princely family], and senior members of the Koli community came to meet us several times to negotiate a peace deal. We maintained our stance that we wanted peace but were not going to take the case back." At this point, the visiting relative jumped in the conversation and said, "I still remember all these people came and Mukeshbhai asked them to sit on the floor at the same level as us." Mukeshbhai responded:

I knew that we had an edge over them and this was a time to put our ideal in practice -- equality. When they came to this house, they were expecting to be given a pedestal to sit on but I told Virjibhai to just pull out a large rug and announced that everyone would sit on that. They were stunned, but they had no option, and quietly sat down. Then, I asked Virjibhai's wife to make tea for the guests. Again, they were stunned because how could an upper caste accept food from Dalits. But they had no choice and accepted our food and water. This is how we conducted negotiations.

Ultimately, four months after the confrontation started in school, peace was brokered between Dalits and upper castes in Bhojpari. About a year after the *sarpanch* assaulted the Dalit school teacher, he was sentenced to one and a half years in prison and also had to pay a fine.

All the Dalits I interviewed in Bhojpari (five locals and one visitor who was present in the village during the episode), gave credit to Navsarjan workers for the victory. The relationship between the Bhojpari Dalits and Navsarjan workers was clearly marked by a lot of respect, trust, and a high level of camaraderie. Mukeshbhai explained, “during those three months, I cannot tell you how much solidarity there was ...they trusted us [Navsarjan workers] fully and would immediately spur into action and follow whatever I told them to do. Even though they are giving us [Navsarjan] the credit for the victory, in the end, it was a result of their [Bhojpari Dalits] daring.”

The Bhojpari incident was historically important in Navsarjan’s efforts to empower Dalits. The episode had multiple effects. First, it was an exercise in learning to assert power and fight the upper castes for the Dalits in Bhojpari. Although it wasn’t the first time that the Dalits in Bhojpari learned how to resist upper caste’s power and dominance, this was the first time legal mobilization was used effectively by the Dalit community and resistance was at least partially predicated on liberal-constitutional language of rights and equality. Dalits in Bhojpari told me that today things are by and large peaceful between different caste groups. The next generation of Dalits in Bhojpari -- which includes Rahul and Vipul – are more conscious of their rights and are not afraid of invoking them. These young adults, both having gone to courts at a young age, are not afraid of an institution that may seem very daunting and intimidating to the uninitiated. They reported still having problems getting Dalit grievances be taken seriously by the police, but did not attribute it to their “Dalitness.” They gave an example of a recent instance where an upper caste member tried to assault Dalits during a celebratory parade on the occasion of Ambedkar’s birthday last year. The police did not give them a very sympathetic hearing and the case is still pending. However, they do not think that this lack of interest of the police is because they are Dalit. They explained that this is how the police behaves with almost everyone. They said, “the police only acts when we show up in large numbers ... then they feel pressured.”

Second, this episode was an important learning experience for Navsarjan activists. They were still early in their careers as rights workers. Both Mukeshbhai and Babubhai said that this was the closest they came in their careers to witnessing mass violence break out in a village. The situation was very tense and yet, they were able to successfully steer the situation and ensure a Dalit victory. Third, and this is one of the most important outcomes of the episode, “The thing that happened in Bhojpari [to the upper castes]” became a popular paradigmatic expression of Dalit power in the region. Not only those I interviewed in Bhojpari including Rahul, Jethabhai, Jitin, his father, the *sarpanch*, but also Dalits in villages in other blocks of Surendranagar told me that the the expression, “don’t mess with them [Dalits] ... otherwise, that thing which happened in Bhojpari will happen to you” became a commonly used warning to members of upper castes. I could not verify whether this term was didactically used by the upper castes as well, but it is clear that it was very popular among the Dalits as a pithy way to capture and express their increased social power.

State or Community?

I now return to the question posed at the beginning of the chapter: Does the story of land redistribution implementation in Surendranagar vindicate one or the other opposing views on development and change? Is this an instance of “bottom-up” organizing by the Dalit community to implement land reform or is it an instance of “top-down” of unimplemented plans finally being implemented by the land revenue bureaucracy? How are “state” and “community” involved in producing the outcome of land reform in Surendrangar? The answer, I argue, is a combination of the two. A crucial role was played by Navsarjan, an actor that we can reasonably describe as “somewhere in the middle,” connected both to the “top” and the “bottom.”

The Indian state never really became a developmental state like South Korea or Japan (Chibber 2003). If we follow Atul Kohli’s political taxonomy, the Indian state is a “fragmented multi-class state” – a formation in which the state commands authority and power, its leaders are held accountable for poor performance yet public authority is fragmented and rests on a broader class alliance (Kohli 2004). Policy formulation and implementation in fragmented multi-class states is

often politicized because of intracaste conflicts or because state power is not strong enough to penetrate the lowest classes and contain them. These states tend to “become obsessed” with questions of legitimacy and when faced with political and social mobilization on questions of public policy, they resort to “overpromising” even though they have very limited organizational capacity to deliver on the promises (Kohli 2004).

Seen from this view, the Indian state overpromised on the subject of land reform to legitimize itself (as *the* authoritative actor that cared both for social justice and economic growth).⁴⁴ However, its capacities were limited and the fractured nature of political mandates meant that class alliances at the state and local levels actually determined which policies were implemented and who received most of the benefit of the implementation. The architects of the land reform model in early independent India had assumed that a combination of progressive laws that disrupted the monopoly of traditional landowners over land, complemented by electoral democracy at the local-level, would translate into effective implementation of the law and the achievement of socioeconomic as well as moral goals. Since substantive democracy did not get a real chance at the local level, elites could silence the non-elite and capture the decision-making process. They prevented the marginalized from realizing their rights (in this case, the right to land).

In Gujarat, as Nikita Sud’s (2007) historical account shows, the state carried out land reforms but only to benefit the castes and classes that mattered electorally (the Kanbi Patidars). Since Dalits – who comprise the most marginalized and economically weak sections of society – were not a politically significant group, the state’s attitude was lackadaisical when it came to ensuring the land redistribution was actually implemented to benefit them. While fragmented multi-class states often cannot deliver on their promises, it is precisely the “fragmented” nature that allows subaltern social actors, acting collectively, to find entry points to press for already existing pro-subaltern policy implementation.⁴⁵ This is the space that Navsarjan exploited using a

⁴⁴ Some commentators consider that the Indian state has been casteist right from the start, exacerbating caste inequality through modernist policies. For instance, Teltumbde (2010b, 48) writes, “The Indian state has had a central role in shaping caste and caste contradiction as they prevail in the country today, for it is its modernist policies which have reinforced caste and accentuated its viciousness as never before.”

⁴⁵ By contrast, in authoritarian “developmental” states, which in Kohli’s (2004) taxonomy are called “cohesive capitalist states,” these entry points for subaltern actors are few, if any.

combination of social mobilization, legal mobilization, and finally, collaboration with the state agencies for actual implementation of land redistribution policies. Can we, then, conclude that it was “community” acting from the “bottom up” that resulted in effective implementation of a progressive public policy in Surendranagar?

Before we can intelligibly answer this question, we must define who we have in mind when we say “community.” Let us assume that the word “community,” in this case, corresponds to the group of Dalits in Surendranagar who legally owned land but did not have possession. Did this community get the land redistribution policies implemented? The answer is a qualified yes. They played a role in pressuring the government to implement the policy. However, as my description of how the events unfolded regarding land redistribution shows, the Dalit community did not act decisively and in a coordinated manner until Navsarjan entered the scene. Many landowner Dalits did not know the details of their ownership. Some who knew about the ownership were too afraid to ask. Others were clueless about who to ask and how to ask. Some had tried to obtain possession of their land but not been successful. We can reasonably conclude that without Navsarjan’s leadership, support, and knowhow, this “community” would not have realized its right to land. The importance of Navsarjan’s intervention in Surendranagar is illustrated by the fact that in most other districts in Surendranagar where such intervention was missing, Dalits have not received possession of land they received title to under ALCA.⁴⁶ This has both positive and negative aspects. On the positive side, it indicates Navsarjan’s effectiveness in Surendranagar. On the negative side, it highlights the limitations commonly attributed to NGOs (Kamat 2004; Teltumbde 2010a).

But why should Navsarjan not count as “community?” Its caseworkers in Surendranagar, after all, are local Dalits. Even though many of them live in the town centers of the district (Limdi, Chotila, Sayla, Surendranagar city), all of them grew up in the villages of Surendranagar and still maintain strong connections to the hinterland. If the common experience of suffering as a result of being “lower caste” is the glue that binds a group of people into a common identity, then Navsarjan caseworkers should count as “community.” Drawing the exact boundary of the

⁴⁶ A Public Interest Litigation is currently ongoing, *Jan Sangharsh Manch v. The State of Gujarat & Others*, W.P. 163 of 2012 (P.I.L.), H.C. Guj. regarding the lack of implementation of ALCA for Dalits in Gujarat. Copy of the petition is on file with the author.

“community” is a subjective, ethical, and political exercise, which makes me – an outsider – hesitant to undertake it. On the basis on limited insight (through ethnographic observations) in Surendranagar, I think the caseworkers are both inside as well as outside the local rural “Dalit community.” Sociologically speaking, I would argue that this is why they are successful at what they do. The spatial distancing that comes from living in the town centers, the social prestige that comes from being “musclemen of law,” the political capital that comes from maintaining connections with local government officials, the transnationality that comes from speaking the language of human rights, and the social network they represent working with a powerful organization like Navsarjan—while speaking the local language, sharing the Dalit identity with their client-comrades-fellow Dalits, being a dependable resource whenever needed—together make the caseworkers highly sought-after, respected, and trusted “insider-outsider” members of the local Dalit community. The same reason makes them valuable resources and often partners for local government officials: the officials know that these people have a permanent check on the pulse of the Dalit community in the district. Like much of social life, these facts make it hard to classify the caseworkers as belonging to neat categories like “state,” “community,” or “civil society.”

Since Navsarjan was an aggregation of the caseworkers, the organization – from the point of view of social life of the organization at the “grassroots” – also defies categorization in neat categories. On one hand, it is organized as an “apolitical” Non-Governmental Organization. On the other hand, its work is political in the truest sense of the word. As a committed counter-hegemonic organization, it fully leveraged the latitude and legitimacy that the state’s sanction to be a member of “civil society” allows. Given its principled focus on increasing legal consciousness and the rule of law, it developed a practice best described as “deep democracy” (Appadurai 2001) that extended the horizon of politics by bringing the excluded into the domain of rights. Some of its caseworkers in Surendranagar contested local *panchayat* elections and were elected. At the time of my fieldwork, one caseworker was preparing to contest village council elections for the post of *sarpanch*. Other caseworkers, who have not participated in electoral politics themselves, still play important roles as *naya netas* (new leaders) (Krishna 2002; 2011), helping mediate access

to public services to Dalits and poor people.⁴⁷ In these ways, the organizational practice (distinguished from nominal organizational form, which happens to be “NGO”) of Navsarjan, as I observed on the ground in Surendranagar, defies the criticisms of NGOs employing local leaders in “apolitical” and non-radical projects. The multiple roles Navsarjan actually assumed was aptly described by a caseworker who said, “they [Navsarjan founders] told us we were going to work for an NGO. What they did not tell us was that we were actually going to work for a social movement.” In other words, Navsarjan, an “NGO” strategically used the benefits that come from being a legally recognized NGO (legitimacy, fund raising, connections to transnational networks, etc.) to also operate as a social movement.

So far, I have argued that: 1) the state “overpromised” and underdelivered especially from the point of view of the Dalits, 2) even though it is fractured, the state still enjoys legitimacy as an authoritative actor, and 3) Navsarjan, through its caseworkers, was both inside and outside the Dalit community. There is one obvious question that I haven’t answered yet. What about the role of local politicians?

During fieldwork, I was surprised that neither the caseworkers nor the Dalit beneficiaries of land reform mentioned local politicians⁴⁸ even once by themselves while narrating how land reform implementation was achieved. Electoral democracy, after all, was supposed to be the safeguard in Nehru’s agrarian model to ensure that the local bureaucracy actually implemented the policies. More recently, scholars have argued that local politicians actually serve as important “mediators” between their constituents and the state. Local politicians help solve their constituents’ grievances and enable delivery of public services (Berenschot 2010; Piliavsky 2014). Ward Berenschot (2010) has argued that such mediation shows how the boundaries between the state and society are blurred – something scholars such as Akhil Gupta (1995), Sudupta Kaviraj (2001), and Partha Chatterjee (2004) have also argued regarding politics and society in India. Berenschod even has a title for this phenomenon: he calls it the “mediatory state.” Berenschot suggests that the need for politicians to play the role of everyday mediators arises because of lack of state capacity. Since the

⁴⁷ While many former caseworkers continue to participate actively in the politics of Dalit rights, it is also true that some former caseworkers have been forced to reduce the amount of time they can devote to activism. I know of three cases where the activism has taken a backseat due to economic compulsions.

⁴⁸ By “local politician,” I mean individuals (affiliated to political parties) who participate in electoral politics as members of the Zilla Parishad (District Council) or Vidhan Sabha (State Legislature).

state is weak, overburdened, or disinterested to provide essential services to the poor, they approach their elected local representatives for help.

Scholars such as Partha Chatterjee (2004; 2011) have gone to the extent of claiming that in India, “civil society” is the domain enjoyed by English-speaking urban elite. This domain is not available to marginalized groups who, in their everyday lives, instead depend on a different domain of power called “political society.” In this domain, poor populations rely on local musclemen – including local politicians – who get them “temporary” relief in return for votes. While civil society is the domain of rule of law (and all the benefits comes with it), political society is the domain of weak laws, informality, and illegality. Chatterjee and his followers consider the prevalence of political society (and its associated illegality) to be *the* defining characteristic of politics and society in India. If indeed political society is so effective, why were rural Dalits not able to get their problems solved through it? Why were so many landless Dalits not able to use their collective strength to lean on local politicians and get possession to their land? In this case, the politicians would not even have to bend the rules to get Dalits what they wanted: they just had to instruct the local bureaucracy to implement the law.

The “political society” route was not really useful for Dalits because local politicians were reticent in openly coming forward in support of Dalits. They were afraid of displeasing their electoral base, which comprised the very castes that a Dalit would complain against. According to the caseworkers, this was applicable to both general category politicians as well as Dalit politicians who came to power. Initiating action against members of their voter base was not a good idea for any politician interested in getting elected (or reelected). In other words, populist political calculations kept even the sympathetic politicians from acting in Dalit interest. Moreover, even if a politician came to the support of a victimized Dalit, it did not mean that the issue would be resolved. Mukeshbhai drew a distinction between “raising an issue” and actually getting things done. The former was easy: a politician could express sympathy with the Dalit individual and promise to help. In reality, however, given the complexities of giving possession of land to Dalits, the promise remained unfulfilled. Even if a local politician wanted, for whatever reason, to implement land reform, they just did not know how to actually get it done. As described earlier in this chapter, it took a strong intervention from the state government, which made extra staff

available to the Directorate of Land Records in Surendrangar, to carry out the land surveys. In short, political society at the local level remained unavailable to Dalits as far as obtaining their promised lands was concerned.⁴⁹

Generally speaking, Navsarjan made an effort to maintain a distance from all politicians and political parties. The organization also took a conscious decision not to extend invitations to the prominent local politicians to events. Mukeshbhai said, “we did not want them to come and take the stage because they were interested in making everything about themselves whereas we wanted the events to be about Dalit rights. If the politicians wanted to support us, they were welcome to our events but only as an ordinary participant with no special treatment.” This distancing meant that no politician could think that they enjoyed special status with Navsarjan. One of Navsarjan’s main achievements in Surendranagar, according to Mukeshbhai, is that the organization connected Dalits to one another and instilled rights consciousness. As I described in the previous chapter, raising abuses against Dalits as “systemic” (as opposed to random) problems was one of Macwan’s main aims. With the Dalit communities in Surendranagar well networked through Navsarjan’s efforts, gradually, a transformation took place: Dalit issues were no longer only village-level problems. These issues became district-, and even state-, national-, and international-level problems.⁵⁰ Navsarjan built good rapport with the local media, which according to the caseworkers, was supportive in highlighting Navsarjan’s demands and activities. All politicians had to be ready for Navsarjan to expose their missteps in matters concerning Dalit interests.

Another important organizational reason that the politicians feared Navsarjan was that its cadre was local. All the caseworkers hailed from Surendranagar. Since the late 1990s, Surendranagar voters had elected politicians belonging to the Bharatiya Janata Party to the state assembly and the national parliament. Navsarjan has been principally opposed to the values and politics BJP stands for (right-wing Hindu nationalism). This opposition notwithstanding, BJP leaders never

⁴⁹ Scholars have criticized Chatterjee’s arguments on analytical as well as normative grounds. Nissim Mannathukkaren (2010) has argued that Chatterjee’s binary of civil and political society (and the privileging of the latter) breaks down when put to empirical test and are also counter productive to the goal of democratization. Suryakant Waghmore (2013) has a similar critique in the context of Dalit politics in Maharashtra.

tried to meddle with the Navsarjan's activities. Girishbhai, a senior Navsarjan caseworker told me:

They couldn't do that [meddle in Navsarjan's work]. We are locals here who know everything. They couldn't afford to get in our way. If we were outsiders, they could have created hindrances but because we are locals, they didn't get in our way.

These facts notwithstanding, those whose occupation of land was revoked by the government officials could have leveraged their connections with local politicians. These politicians could, in theory, have leaned on the local officials to somehow soften the blow. In other words, those who were about to lose control of land, could have leveraged their capital in "political society;" perhaps some local politician would have "mediated" and ensured that the land stayed with the illegal occupant. Such actions did not materialize in a significant way. To understand why the local politicians, who scholars have argued are responsible for impeding land reform in India, were not able to thwart the transfer of possession of land to Dalits – who scholars have argued are responsible for impeding land reform in India – it is important to understand Navsarjan's positional advantage. While local politicians could not favor Dalits over non-Dalits for fear of displeasing their voter base, they could not be seen blatantly supporting illegal occupation of Dalit's land. If they did that, Navsarjan would have done its best to tell the world that elected representatives were actively harming the Dalits. Effective organization by Navsarjan meant that anti-Dalit acts by politicians would be publicly exposed and shamed. Doing this might not only bring bad press, it could also have meant losing whatever support base they had among Dalits. And finally (perhaps most importantly) after the High Court order, if a local politician tried to intervene to cancel land reform implementation, they would be in contempt of court. During the process of giving possession of land to Dalits, Navsarjan made a calculated and clever move: it decided to take up the most "dangerous" villages first. As Macwan told me, one of the first lands whose possession was handed to Dalits was actually illegally occupied by a Member of Legislative Assembly (a local politician). By getting a politician to relinquish control of the land they had

⁵⁰ Much to the Government of India's chagrin, at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) held in Durban, South Africa in 2001, Martin Macwan argued that caste was a form of racism. See Macwan (2001) and Narula (2001).

occupied, Navsarjan wanted to set an example for the remaining illegal occupiers. If the politician could not do anything to keep control over the land, commoners couldn't either.

There were a few cases where the occupiers tried to interfere and push back against the transfer of possession. They were accosted by the police and district administration officials, who reminded them that the land belonged to the government, which had given it to Dalits under land reform laws. If they tried to interfere in the process, they would be charged. The illegal occupiers, who enjoyed social dominance over the Dalits in the village, were helpless in front of government officials. But in most cases, the caseworkers reported that the illegal occupiers did not dare to even show up on site when the measurement and possession handover took place; they were too scared. It was as if the illegal occupiers had no power left to continue to maintain control of the land. Speaking about Dalits taking possession in Surendrangar, one of the caseworkers said emphatically:

Earlier they [Dalit landowners] were afraid ... they were afraid! But when they took possession and nothing happened, they got over the fear ... and the upper castes who occupied Dalit land understood that their game was over!!

Perhaps this sounds too simplistic and biased an assessment. After all, the caseworker would want to put themselves in a positive light to someone [me] interested in writing about their work. However, it does seem that the land transfers took place with surprising ease. According to Macwan's published account (M. Macwan 2012), he took possession of the land that belonged to the Dalit cooperative but was illegally occupied by upper castes in Golana with just a couple of cooperative members present with him. A group of upper caste persons had assembled to prevent him from taking the land but ultimately when Macwan and his colleagues drove their tractor onto the land, the upper castes did not do anything. Some of the Dalits who actually took over their land in this process explained that all they had to do in the process was to actually take possession. As they did it, they got over their fear almost instantaneously. In the case of land redistribution in Surendranagar, the unintended consequence of Navsarjan collaborating with the local government probably significantly contributed to emboldening Dalit landowners and cautioning upper castes against trying to harm Dalits who took possession of land. After all, the

Golana massacre and its aftermath had occurred not too long ago. Everyone in the area knew how the story ended for the upper castes who had murdered Dalits.

To conclude

I am going to conclude my answer to the main question by arguing that Navsarjan's effectiveness came from its capacity to work in the middle and pragmatically assume a multiplicity of roles. In many ways, Navsarjan performed roles that "bottom-up" actors are typically supposed to be good at: building trust with the community and bridging information gaps. In the process, it emerged as an effective voice for issues faced by rural Dalits. In its "social movement" role, Navsarjan organized public protests in the district to demand rights. At the same time, Navsarjan also pursued strategies that are typically associated with "top-down" planning and action: it created a cadre of bureaucrats who had knowledge of law and operated from "field offices;" the cadre sent "show cause notices" to abusive upper castes on "official" stationary (refer to Chapter 2); it collected detailed data on the Dalit population through the survey (among other state-like practices); it went to the courts to litigate on behalf of the community. In other words, Navsarjan turned governmentality (understood as a set of discursive practices intended to govern a population through a system of official practices) on its head, instead appropriating it as a counterhegemonic strategy (Appadurai 2001; de Sousa Santos and Rodríguez-Garavito 2005; Rajagopal 2005; Evans 2012).

Navsarjan caseworkers evolved both as community leaders as well as street-level bureaucrats that discharged important welfare and adjudicative functions. They did not hesitate to perform these roles because of ideological aversion to working with the state. In fact, Navsarjan's political project looks very hopefully at the state and the constitutional system as the guarantor of rights and freedoms especially for the weak and marginalized. Some of the crucial make-or-break reasons for the success of the land redistribution process as well as Navsarjan's overall success was that it rose to the occasion when the local administration asked it for support. The process went much faster with the Navsarjan cadre using their in-depth knowledge on the ground to guide the administration's efforts to measure the land parcels and hand over possession formally to the

Dalit landowners. Navsarjan had enough personnel on the ground with sufficient knowhow of the situation to make this collaboration meaningful and effective. That Navsarjan's cadre was all local and all Dalit meant that they were personally invested in realizing their aim of making Dalits independent and respected members of society.

Compare this with a (hypothetical) scenario in which another NGO, staffed by a handful of well-meaning but clueless folks who took up the cause of land reform implementation for Dalits in Surendranagar. This NGO decides to go to the High Court and asks justice for Dalits. This organization does not present proof that Dalits are indeed landless (something like Navsarjan's survey document). Even if the court takes the plea seriously and asks the government to implement land reform, there was no real way for this NGO to substantively collaborate with the district administration or monitor progress of the actual implementation.

To conclude, I argue that Navsarjan succeeded in the way it did with the demand for land reform implementation in Surendranagar not because it was "on the right side of history" or had the right ideological stance. Organizationally speaking, it was successful in implementing land reform because it took advantage of opportunity structures – most importantly, the law – and did not hesitate to extend support to the local administration to carry out the actual implementation of the policy on the ground. It was successful because it emulated the organizational practices associated with the state (cadre of bureaucrats, detailed information about citizens, regular contact with the public through "official" channels such as office hours, etc.). In Bhojpari, the caseworkers leveraged the resources of the state as far as possible to ensure that Dalits were protected and they maintained the upper hand. Once the upper castes were forced to come to the negotiation table, Navsarjan caseworkers used the opportunity to force the elected political leaders – who are typically given special treatment by people – to follow their ethical code of equality: they forced them to sit on the ground at the same level as the Dalits, share food and water. The message to the Dalit community (and also others, especially upper castes) from these actions was that Navsarjan was a powerful yet principled organization. The overall outcome of these efforts was not just the implementation of land reform law or the emergence of a narrative of power in Surendranagar: Navsarjan caseworkers emerged as quasi-governmental agents, which led to an increase in their social profile in the eyes of the Dalits as well as the upper castes.

I am not sure if development from below is entirely a myth (Sanyal 1998) but these accounts suggest that “bottom-up” and “top-down” are not as clearly differentiated as we might assume. Perhaps Macwan is right: With knowledge and effective organization, you can achieve a lot.

Chapter 4: How does the Constitution matter?

The Indian Constitution and its performance have recently attracted increased interest from scholars. Over the last few years, comparative constitutionalism (Vieira, Baxi, and Viljoen 2013; Tushnet and Khosla 2015b) constitutional performance (Sircar 2011; Ginsburg and Huq 2016), transformative constitutionalism (Bhatia 2019), and the “everyday life” of the Indian Constitution (De 2018) are some of the themes that have been explored by scholars writing on the Indian Constitution and polity. This recent scholarship on the Indian Constitution and its performance has some shared characteristics. First, the analysis is predominantly historical, focusing on the social and political histories that birthed the Constitution. Second, the analysis is almost exclusively focused on analyzing the jurisprudence and politics of apex courts. Third, scholars have tried to explain constitutional performance at the macro level – focusing on political trends, history, and socioeconomic aggregates at the national level. These characteristics are common to scholarship by authors across ideological persuasions – including liberals, radicals, and everyone in between. This emphasis on macro-level analysis – which is historical in nature, and focused on apex court jurisprudence – has come at the cost of missing crucial aspects of the significance and “resilience” engendered by the constitution at the meso and micro levels. For instance, we do not know how the constitution – as a legal as well as moral text – is actually received by poor and marginalized people at the grassroots, and how it enables opportunities to not just transform their relationship with the state but also with those groups that have historically maintained a position of dominance over them.

I argue that a realist approach to evaluating the resilience of a constitutional democracy calls for investigating whether the fundamental moral and political norms enshrined in the constitution are realized in practice over time. Such an investigation would have special salience in cases where individuals or social groups that have been historically deprived of basic constitutional guarantees were able to claim them using constitutional means; it would represent a case of constitutional success and resilience. Such an investigation needs to be rigorous, empirical, and engaged with real lived experience of the poor and marginalized groups. Three decades ago, Mari Matsuda urged legal scholars to “look to the bottom” to understand how “standard texts”

such as constitutions are appropriated by the most marginalized to realize justice (Matsuda 1987).⁵¹ Following Matsuda, I take up such a task in this chapter.

The chapter is divided in two substantive sections. First, I will review the recent writings on constitutional performance in South Asia, highlighting the general arguments of this scholarship. I will briefly comment on what is missing and should be included in it. In the second half of the chapter, I will turn to empirical analysis and show that constitutional norms served as authoritative sources for the Dalit claim to land reform implementation, dignity, and respect. The centrality of the constitutional norms is clearly visible in the way Navsarjan caseworkers and Dalits who joined Navsarjan's campaign construct their claims to equality. In particular, I will argue that the Constitution matters *constitutively but contingently*. Whereas in the previous chapters my focus was on understanding Navsarjan as an organization and the reasons for the efficacy of its caseworkers, in this (and the following chapter) I will focus on explaining how Navsarjan's interventions have shaped the political, social, and moral lives of Dalits that the organization influenced.

Constitutionalism Reconsidered

Over the last few years, several edited volumes have been published on comparative constitutional performance, with focus reference on South Asia. While these are not the first forays in constitutional scholarship in South Asia, they are distinguished in being thematically assembled under the rubric of comparative constitutional law and represent serious attempts at defining and gauging constitutional performance.

In *Assessing Constitutional Performance*, Tom Ginsburg and Aziz Huq (2016) sketch the programmatic topography of such evaluation. In their schema, “internal” versus “external” criteria feature as key determinants that an evaluator must choose in order to evaluate constitutional performance. “Internal” criteria refer to the objectives a constitution sets for itself

⁵¹ Matsuda writes, “When notions of right and wrong, justice and injustice, are examined not from an abstract position but from the position of groups who have suffered through history, moral relativism recedes and identifiable normative priorities emerge” (Matsuda 1987, 325).

while “external” criteria refer to some other normative benchmark that an evaluator might choose. The authors recognize that properly identifying the internal criteria is a challenging task. It involves discerning the relevant goals in the constitutional text, which would have to be derived “from the circumstances of the constitution,” or deduced “from the writings of specific constitutional framer.” To complicate matters further, in the case of multiple framers of a constitution – which is usually the case with constitutions – one would be hard-pressed to coherently identify the precise internal criteria. “External” criteria, on the other hand, would be chosen on the basis of normative preference. Ginsburg and Huq recognize that “internal” and “external” criteria may be congruent but they are achieved based on different reasons.

Martha Nussbaum echoes Ginsburg and Huq’s concern that properly interpreting the meaning of constitutional text (“internal” criteria) is an important but difficult and time-consuming task. It requires in-depth historical research, and even then, the conclusions may remain ambiguous. As a pragmatic workaround to challenges of finding “originalist” constitutional meaning for assessing the performance of the Indian Constitution, Nussbaum settles on asking how successful its principal framer – Bhimrao Ambedkar – was in achieving his own stated political goals by creating the necessary constitutional architecture for promoting them (Nussbaum 2016a).

Using aggregate data on socioeconomic indicators and broad trends in Indian political culture, Nussbaum argues that overall, constitutional performance has been less than satisfactory and Ambedkar’s main political objective of “annihilation of caste” remains unfulfilled. The provisions he made to achieve this aim, including caste-based reservations in political offices, have backfired as they have facilitated the persistence of caste rather than its annihilation. Quotas in government jobs and educational institutions have been implemented half-heartedly and therefore failed to make socio-economic mobility for Dalits a reality.⁵² In other works (not explicitly on constitutional performance), scholars such as Gopal Guru have made similar arguments (Guru 2011b).

Nussbaum’s recommendation is to study the normative vision embodied in the constitutional text and assess how it has fared over time and how the “textual choices” have “played out in the

⁵² “Dalit,” which literally means “broken,” is a term used by members belonging to the lowest castes in India. Officially, they recognized as “Scheduled Castes” in the India.

realm of law”(Nussbaum 2016a, 302). Nussbaum argues that, “specific normative commitments of the Constitution, *as subsequently understood*, had some legal value and a broader *social expressive value* in connection with Ambedkar’s announced goals.”⁵³ She does not pursue or analyze exactly how the expressive value function/mode of the constitution has worked in India. This is an important question, which represents a gap in the scholarship on comparative constitutional performance in South Asia. How do constitutional expressive norms matter? Under what conditions do these norms penetrate political psychologies, especially of the oppressed and marginalized? Does their interpretation depend solely on judges? And, finally, what do the answers to these questions tell us about constitutional resilience in India? These are some of the questions that I develop answers to in the second half of this paper.

Elizabeth Anderson and Richard Pildes define expressive norms as “rules that regulate actions by regulating the acceptable justifications for doing them” (E. S. Anderson and Pildes 2000, 1511). Expressive theories of law are supposed to evaluate state action by subjecting it to the regulative principles flowing from expressive norms. Cass Sunstein has argued that the “expressive role” of law, in large part, is “to shift social norms and social meaning.”⁵⁴ Recently, Tarunabh Khaitan has argued that the ideal of dignity is best realized in law as an expressive norm. Reading constitutional court judgments from the United States, Khaitan shows that judges already have defended dignity by construing it as an expressive norm. While legal theorists like Tarunabh Khaitan, Matthew Adler, Elizabeth Anderson and Richard Pildes have looked at expressive norms as they matter in judicial adjudication/evaluation of state action, I want to bring the focus to how expressive norms (such as equality) also enable politically conscious, ordinary citizens to establish their normative claims in the public sphere.

Evaluation of state action by judges, on the basis of expressive norms (E. S. Anderson and Pildes 2000) (which are informed by moral “attitudes”), signal to members of the public *a morality*. Judges, based on the constitution, interpret the “moral attitude”. If the legal system has at least some semblance of legitimacy in society, and members of the public perceive it to have at least some disciplining force, then the expressive norms that regulate evaluation of state action will

⁵³ *ibid* (emphasis added).

also have at least some moral (and political) force in society. This is perhaps what Nussbaum means by the “social expressive value” of normative constitutional commitments as “subsequently understood” in the Indian case. As I have mentioned earlier, the analysis of “subsequent understanding” of the constitution has so far largely been restricted to the study of apex court jurisprudence and national politics. This chapter speaks to this literature by analyzing how marginalized groups use constitutional expressive norms to legitimize and justify their normative (political) claims.

In a publication contemporaneous to *Assessing Constitutional Performance*, Mark Tushnet and Madhav Khosla develop the idea of *Unstable Constitutionalism*. The authors use it as a term that captures the “the difficulties that the law faces in mediating between legal norms and sociopolitical facts” (Tushnet and Khosla 2015b). The central concern here for the authors is not “interpretative debates about a constitution’s text ... rather, it is questions of constitutional design and negotiation that can address and resolve pressures on the overall system and the domestic risks to which it is exposed” (Tushnet and Khosla 2015a, 5). Tushnet and Khosla make the point that while politics is central to investigating the tensions inherent in sociopolitical facts, law is equally important to understand sociopolitical outcomes. In this volume, writing on “How to do constitutional law and politics in South Asia,” Sujit Choudhry highlights a gap in constitutional law scholarship in South Asia: on the one hand, the political scientists and historians who have studied the process of constitutional development in-depth have presented “highly truncated” analysis of constitutional jurisprudence (Choudhry 2015); on the other hand, the analysis of constitutional jurisprudence in South Asia by legal scholars, he argues, is formalistic and doctrinal.

For Choudhry, this gap in south Asian constitutional scholarship can be bridged by close readings of apex court judgments in relation to politics. He argues that close examination of “leading judgments,” will shed light on how “the broader constitutional politics was presented in terms cognizable under formal legal categories to the court.” Read in this context, judgments become key political acts, and, judges become important political actors. To demonstrate by

⁵⁴ “When the Court makes a decision, it is often taken to be speaking on behalf of the nation’s basic principles and commitments.” (Sunstein 1996, 2031)

example, Choudhry uses two vignettes: the *Basic Structure* doctrine formulated by the Supreme Court of India and constitutional jurisprudence on affirmative action policies. Other contributors in the volume build their arguments on the causes of unstable constitutionalism by analyzing the actions of political parties (at the national and state levels), courts and judges (at apex courts), and other important state actors (e.g., the military). In other words, the study of constitutionalism and resilience, for these authors, remains limited to elite actors – courts, judges, political parties, and militaries. Constitutional design, which is an important theme, is important only to the extent it defines and shapes the relationship of these actors to one another.

In addition to these recent works that taxonomically self-identify as scholarship on “constitutional performance,” there are other—recent as well as not so recent—scholarly engagements that broadly fit the “constitution, law, and political history in South Asia” moniker. In his analysis of the Supreme Court of India’s jurisprudence, Balakrishnan Rajagopal has argued that, historically speaking, while the court has maintained pro-human rights rhetoric, its jurisprudence has consistently been anti-poor (Rajagopal 2007). Except a brief interlude in the 1970s when the court took “suffering seriously,”⁵⁵ its jurisprudence has sided with the state and hegemonic conceptions of “Development,” which negatively impacted poor and marginalized groups.

Relatedly, in a scathing critique of the Indian Constitution (referred to by the author as a “spectacle of emancipation,”) Oishik Sircar concludes that constitutional law and the practice of Indian constitutionalism are concerted exercises of liberal statecraft that aim to befool the poor and marginalized by offering the promise of emancipation while keeping them subjugated and legitimizing state power (Sircar 2011). Sircar uses examples of military action against poor people’s struggles by the Indian state as proof that constitutional guarantees mean little and expose the totalitarian nature of the so-called liberal constitutional state. I agree with Sircar’s observation that the Indian state has a history (as do most other modern nation states) of cruel militaristic responses to militant political movements that have tried to mount an existential challenge to it. But, jumping to Sircar’s broader conclusion based on this observation risks losing the forest for the trees.

⁵⁵ See (Baxi 1985)

If the constitution is nothing but a mere “spectacle of emancipation,” then no substantive gains can come from it to the oppressed. This reading forecloses enquiry into the role played by the constitutionally-enabled framework of laws and rights that the poor and marginalized might use to better their socioeconomic conditions. Such a conceptual foreclosure would be empirically mistaken and unfortunate for progressive politics. However “inherently unstable, contingent, and manipulatable” they may be (Tushnet 2004), constitutionally sanctioned rights and entitlements are one of the most powerful weapons that marginalized groups have to legitimize their political claims and mobilize around them.⁵⁶ There are plenty examples in modern Indian politics, including the one that I present in this chapter, which show that the Indian Constitution and the expressive norms that are enshrined in it, the laws that must constantly be subject to these norms, and the political ethics that flow from it, serve as important “opportunity structures” that empower and legitimize the struggles of marginalized and discriminated groups in their protean struggles for equality.

Rajeev Bhargava has lamented that “current academic fashions” treat law as “epiphenomenal,” which results in the constitution not being read as a moral text, “to be understood and interpreted in terms of values and ideals.”⁵⁷ *Politics and Ethics of the Indian Constitution*, edited by Bhargava, sought to correct this misguided lapse in scholarship. Chapters in the book cover a wide range of topics including “Citizenship and the Indian Constitution,” “Democracy and Constitutionalism,” “Constitutional Justice,” “Religion and the Indian Constitution,” “Affirmative Action for Disadvantaged Groups,” among others. Constitutional performance or resilience is not an explicit theme or focus here but evaluative statements regarding the constitution are present throughout the book. The analysis of constitutional performance—implicit as it is in this volume—is best described as what Sujit Choudhry calls “highly truncated” (Choudhry 2015, 20).

⁵⁶ Based on the detailed account of law and social mobilization by *Narmada Bachao Andolan* in India, Balakrishnan Rajagopal (2005) has argued that law offers an important opportunity structure that allows counter-hegemonic mobilization and resistance. He writes, “it is clear that law is very relevant to social movement struggles both in shaping the political opportunity structures that movements have at specific moments and also in sanctioning and legitimating the identities and strategies that movements deploy” (Rajagopal 2005, 384). Following his cue, in this chapter, I focus specifically on how constitutional expressive norms were mobilized by Navsarjan caseworkers at the local level to “sanction and legitimize” Dalits demands for equal treatment and dignity.

⁵⁷ Bhargava (2009, 4) cites the works of Shibani Chaube and Shobhanlal Datta Gupta as examples of scholarship that sees law as epiphenomenal. See (Chaube 1973; 2009; Datta Gupta 1979)

The explanations and arguments presented are historical and draw on reading jurisprudence in relation to national-level politics (animated by political parties and in some cases, focusing on the politics of founding fathers).⁵⁸ Upendra Baxi's attempt at outlining a "Theory of Practice" of the Indian Constitution is pregnant with theoretical arguments. Analysis of the details of actual practice – in particular, accounts of how ordinary citizens relate to and practice constitutionalism – are unfortunately (and ironically) missing (Baxi 2009). If constitutionalism "provides contested sites for ideas and practices concerning justice, rights, development, and individual associational autonomy" (Baxi 2012, 180), then surely the analysis of constitutional performance and constitutional resilience must go beyond the study of courts, judges, jurisprudence, and political parties. On this view, the study of constitutionalism – including constitutional performance and resilience – must be understood in terms of how people receive, understand, and deploy constitutional principles in their everyday lives.

To sum up, the scholarship on Indian constitutional performance, and its political and moral import (Baxi 1985; 2007; 2017), while hopeful for better outcomes for marginalized groups,⁵⁹ has focused exclusively on what judges and politicians do rather than what marginalized groups do. It does not offer an account of how expressive norms enshrined in the constitution enable mobilization by marginalized groups on the ground to establish democratic essentials such as substantive equality and dignity. I believe that the scholarship on constitutional performance and resilience has much to gain by incorporating and reflecting on perspectives of constitutional performance "from below." The case study of dalit mobilization for implementation of land reform in Gujarat offers a window into understanding constitutional performance and resilience from a different vantage point and with different actors. Instead of focusing on the usual characters in the constitutional studies plot – judges, courts, political parties – my analysis will draw on the lived experience of ordinary Dalits in Surendrangar, Gujarat, who participated in socio-legal mobilization to obtain possession of land that they had come to own under land reform laws. Using data from the case study, I will show that expressive norms enshrined in the constitution penetrated popular Dalit psyche, which opened up a terrain for politics in the

⁵⁸ The same observations hold for older works such as (Galanter 1984)

⁵⁹ The most critical commentators, of course, do not share this hopefulness. Sircar (n 2).

“shadow of law”(Mnookin and Kornhauser 1978). The realization of this politics played a major role in entrenching confident selfhood in Dalits and has continued to bolster their claims to substantive equality. In this chapter, I will also attempt to theorize the relationship between the concept of constitutional performance/resilience, the social life of abstract expressive norms such as dignity and equality, and the realization of democratic citizenship in practice.

Looking to the Bottom: Dalits and Land Reform in Surendranagar

Gopal Guru has argued that the idea of democracy, “which somehow managed to emerge in the nationalist imagination in India, seems to have provided the context for two different sets of language: the language of self-rule and national pride representing nationalist elites, and the language of self-esteem and self-respect that different marginalized groups deployed for the articulation of their normative aspirations.”⁶⁰ He argues that assessing the efficacy of liberal democracy in India solely from the perspective of changes in material inequality would be incomplete. It is essential to focus on how the liberal democratic structure has allowed for the development of self-esteem and self-respect among Dalits in India. The question he poses is: “to what extent has liberal democracy, through institutional intervention at various levels, created opportunities for Dalits to enhance their self-esteem and gain self-respect?” It is surprising that scholarship on Dalit politics has not taken law, and specifically, the everyday life of law, as a topic of study. It is even more surprising that this aspect is missing in accounts of the role of emotions, rhetoric, and morality in Dalit politics such as in the recent scholarship by Suryakant Waghmore (Waghmore 2013) and Nicholas Jaoul (Jaoul 2008). The “sources of normativity,” so to speak, are somehow just assumed as givens in these accounts. While there is good reason to expect disrespect and ridicule to evoke anger in the victimized, the language and consequent action (if at all) that follow is not a given. I would argue that these particulars depend on sociocultural factors and the availability of opportunity structures. “Everyday constitutionalism,” as I will show in what follows, played a central role in Surendranagar, where Dalits – who had traditionally lived under upper caste hegemony and experienced serious hurts to their self-esteem because of caste-

⁶⁰ (Guru 2007) cited in (Guru 2011b).

based exclusion – made progress in realizing dignity and self-esteem (in addition to many of them becoming landowners). I will illustrate this using four empirical examples.

Case 1: Law and economic empowerment

I am going to return to the example of Kanjibhai, who I introduced in the first chapter. Here is what he told me during the interview on his farm:

We always wanted to be independent but our wish was not accomplished until we got possession of this land. Back in the day, when we saw other people's farms, we used to dream of having our own farm with its own irrigation. We did not desire to snatch someone else's land. With the help of Navsarjan, we were able to realize our dream. In the village, people respect me now. They cannot take me lightly. They consider me a man of knowledge, law, and legal rights.

Kanjibhai is now a petty producer instead of a wage laborer. His household income has gone up considerably. His family now lives in a bigger and better house. Since he is not forced to migrate for work, his children attend school regularly and are being better educated. He also feels more efficacious as a political actor. Also importantly, his perception of how others in the village perceive him has changed too. This was not the case ten years ago when he first became associated Navsarjan and campaigned to take possession of his land.

Since he is now a landowner and raises two crops a year, Kanjibhai no longer must look for agricultural wage work on other people's farms, most of which belonged to majority caste groups. His employers often treated him with disrespect and humiliated him but he had no choice but to put up with it. Today, in fact, some persons belonging to majority caste groups come to him and request employment. Over the last few years, non-Dalits from his village have partnered with him to work on his land as contract farmers. All of this makes him feel like a more confident individual. Interestingly, he has become conversant in the language of human rights and law. He has learned what Ludwig Wittgenstein called a "language game" (Wittgenstein 2009) – in this

case the language game of law and rights. Kanjibhai is a voice for Dalits in his village and is also an active volunteer of Navsarjan.

In short, Kanjibhai's life has changed in economically and politically pertinent ways. I heard similar accounts from several people I interviewed. My original objective in going to Surendranagar was to investigate how the Dalits – a politically weak, economically backward, and socially marginalized group – were able to take possession of their land held by socially dominant upper caste groups. Soon after beginning field research, I realized that the process of socio-legal mobilization for land reform had changed the political subjectivities of those who participated in the mobilization.

One common feature in the interviews was that the speakers (Dalits) legitimized their arguments on the basis of the constitutional norm of equality. It was as if they had become constitutional adjudicators unto their own. While adjudication is an everyday occurrence in our lives (people make decisions on right and wrong every day), what made the Dalits' adjudicative (political) arguments special was that they were based on the constitutional "expression" that all citizens have equal moral worth. Over the course of field research, I found that the development of a "constitutional" conscience was the outcome of a deliberate mobilization and capability building strategy that Navsarjan followed.

In the early years of its work, Navsarjan prioritized the organization of legal education workshops. Instead of asking rural Dalits to come to the town center for the trainings, Navsarjan organized them in the villages. Importantly, the workshops included not just men as participants but also women and children. In these workshops, Navsarjan team talked about the constitution, Ambedkar's ideas, and the various provisions in Indian law meant to safeguard Dalits from oppression and exploitation from the upper castes. Summarizing the basic message in their efforts to spread constitutional conscience among Dalits in the area, a Navsarjan worker told me:

We told our Dalit brothers and sisters that the constitution, rights, and legal provisions such as Anti-Atrocity law⁶¹ were Babasaheb's [Bhimrao Ambedkar's] gift to us.

⁶¹ The Scheduled Caste and Tribes (Prevention of Atrocities) Act, 1989. Henceforth referred as AAA.

Ambedkar also said that living like a slave is not a good thing. We don't talk in terms of Hinduism. Instead, we spoke of realizing the rights that are given to us by Babasaheb in the Constitution. We were not trying to fight with swords. We wanted to stay within the legality of the Constitution because that is our method. However, we know that these rights cannot be realized without struggle and persistence, so we have to keep trying. This is the first thing we put forth in every village we went to. We told people [Dalits] that if they respected Babasaheb, they had to fight for what he gave them [rights, land]. It was imperative for them to fight for the land that they had been given because of their rights. Why not take it? That is basically what we said to them.

Kanjibhai corroborated, saying the "I used to go to the meetings regularly. We used to discuss issues. They taught me about the law ... they asked me why I was so afraid of them [upper castes] ... they said we are all human beings and deserved equal respect." It took Kanjibhai a few years to completely get over his fear and reticence to raising his voice against upper castes. After some prodding, he put a timestamp on when he thinks he lost this fear: the year 2001 (two years after his association with Navsarjan began). He said, "By then, I had come to realize that there was no reason to be afraid of them. We are all equals. That is what the constitution says." It is interesting that this was the year he also received possession of the land that belonged to him but was illegally occupied by an upper caste person.

Case 2: Law as inspiration

An acquaintance I made during a public meeting organized by Navsarjan in Surendranagar later invited me to a meeting that he said involved a "group of Dalits in Surendranagar actively working to eradicate untouchability." I was to meet them at a public hall in a majority Dalit neighborhood of Surendranagar. Upon reaching, I saw that tutoring sessions were being conducted for what looked like high school students. I learned that this was a camp run by a group of Dalits who are in professional vocations for Dalit high school students who plan to take competitive exams to enter professional educational institutes to study medicine and engineering. The group of Dalits I met here is involved with BAMCEF, which stands for "Backward and Minority Communities Employees Federation," an organization formed by the famous Dalit

leader Kanshi Ram in the 1980s. BAMCEF aims to fight caste-based inequality and untouchability. Politically, it is aligned with the Bahujan Samaj Party, which gained electoral political ascendance in the northern state of Uttar Pradesh. BAMCEF is active in the Surendragar area and, according to the other members I interviewed, carries out “political awareness campaigns” for Dalits. Initially, I interviewed the entire group, about 12 people, all of whom were men.

Among the group was a person named Rajesh (name changed). He is a soft-spoken 26 year old Dalit who works as an English teacher in Surendranagar. He was dressed smartly, even though it was a Sunday – shirt tucked in, ironed fitted slacks, polished leather shoes. An hour or so into the group interview, I realized that I needed to engage one-on-one with Rajesh because he mentioned a transformation in him at a young age; he overcame his fear of upper castes and caste domination. He also mentioned “Navsarjan came to my village when I was young.” As I started the interview with Rajesh, I read the required “recruitment script” stating that the interview was voluntary, and I would anonymize the person’s name to protect identity. Rajesh immediately interjected that he wanted me to use his real name. He said, “[what I am going to tell you] a lot of Dalits here have felt [experienced] it, but they haven’t found an avenue to tell their story... I want to tell my story, which is also the story of the Dalit experience here.” According to him, there was misrepresentation in the mainstream (media) accounts of the Dalit condition, which often reports caste-based exclusion as a thing of the past, while in reality, serious issues persist. Rajesh was ready to present his critique of society (which he argues is fundamentally unjust because of the caste system) without worrying about threats to his safety. Why? Because he was convinced that it was morally imperative to do so.

Rajesh said he has been involved in BAMCEF for a few years. He teaches English at a government-run school near Surendranagar city. To help the Dalits move up the socioeconomic ladder, he contributes his time at the preparatory tutoring camp for Dalit students who are aspiring for higher education and professional careers. He believes that Dalits can move up in society if they become well educated. He told me that he is one of the organizers of a large and well-knit group of Dalit government school teachers in the Surendranagar area. The group communicates frequently using Whatsapp (a free, cross-platform instant messaging app). Rajesh

has led fundraising efforts in this group to fund the preparatory camp for Dalit students. Clearly, Rajesh is a politically aware Dalit who is proactively involved in efforts aimed at the socioeconomic advancement of Dalits. When Rajesh first started talking about this in the group interview, I assumed that his politicization must have happened as a result of joining BAMCEF.

Rajesh grew up in Kherali, a relatively large village about four miles from Surendranagar town center. It has about 3,000 households of which about 300 are Dalit. I asked him about his earliest memory of caste-based discrimination. He said he felt it when classmates in his school (sixth grade, he recalled) used to refer to him as *dhed*. He described *dhed* as a slur, meaning “animal,” that is used by non-Dalits (especially Kshatriyas) to humiliatingly address Dalits.⁶² Until he entered the sixth grade, he lived with his relatives in a village about 15 miles from Kherali. He did not experience caste-based discrimination at the school in this village but as soon as he moved to Kherali and started school there, his humiliation began. At first he did not understand what his classmates meant but when he did realize, he felt sad and angry. Rajesh said that upper castes enjoyed social dominance and hegemony in Kherali. For instance, he recalled that an upper caste person could show up at a Dalit household and bark orders. For instance, they might rudely order the Dalit to show up for work on the person’s field the following day. Or it could be some other task they wanted done. Several other common ways of humiliating Dalits were also used by upper castes. Dalits were required to walk their bicycles, not ride them, in the non-Dalit neighborhoods. During public functions, such as Independence Day and Republic Day, Dalits were not allowed to sit on chairs and other furniture designed for sitting. Instead, they were required to sit on the floor. Flying in the face of the legality, Dalits elected to the village governance council were made to sit on the floor during official meetings of the council in the village. Rajesh repeated: “the elected village headman was made to sit on the ground while unelected upper caste participants would sit on chairs, above their elected public official!” For their part, the humiliated Dalits, fearing ostracization and retribution by the upper castes, accepted their humiliation and continued to live their life. When Rajesh questioned his parents’ acquiescence to these serious injustices, they told him, “why take on unnecessary trouble when we can just continue to live our lives.”

⁶² It is interesting that Rajesh interpreted Dhed as meaning “animal.” Bawa-Dhed is an officially recognized Scheduled Caste in Gujarat whose members are mendicants, scavengers, and leather workers (Arvindbhai M. Shah 2010, 150).

When he was still in middle school, he recalls that Navsarjan caseworkers came to Kherali and introduced themselves. They organized several legal and political awareness camps for Dalits in the village. Rajesh said that at first, the camps did not draw much interest from Dalit adults in the village; a few went but most of the adults stayed away. However, he said that teenagers like him were drawn to the workers. The caseworkers were warm, friendly and respectful. They invited the children to attend the workshops and Rajesh attended regularly. He recalls that the workshops included explanation of the idea of rights, overview of the constitution, and legal provisions and safeguards to protect the rights of Dalits. All of this was done in clear and simple language. What he heard inspired him. Rajesh believes this “training” was critical for pushing him into action. He, along with a group of friends his age who also participated in the workshops, actively started intervening in the village during instances of humiliation of Dalits by upper castes. For instance, during public functions, when upper caste people tried to make Dalits sit on the ground instead of on chairs, Rajesh and his friends objected. He said that would tell them that the constitution prescribes equality for everyone so it was wrong to force someone to sit on the ground to ridicule them because they happened to belong to a “lower caste.” In fact, he said that they would recite articles from the constitution (that they had learned about in the training camps) to the upper caste members who wanted to “keep Dalits in their place.”

Interestingly, he said that he always maintained that he was not asking for more than what was due to him (and other Dalits) according to the constitution and law. In case what was due was not given – if it was held back because of the belief in inequality held by upper castes – he said he would tell them [the upper castes] that they were wrong. He said, “I would tell them, please don’t do the wrong thing.” This met with verbal rebukes from the upper castes. However, since these were teenagers after all, the upper caste adults could not do much more than express displeasure and mild rebukes! The upper caste people would instead direct their anger at Rajesh and his friends to their parents, telling them to keep their kids in line. Initially, the parents tried to control their teenage children but that did not stop them from taking political stands both at home as well as in public. Gradually, this piqued the curiosity of the women in the Dalit households. They decided to attend meetings organized by Navsarjan as well. Following that, the men joined.

Rajesh said that the process took about two years but by the end of it the Dalit community in the village became well versed with law and the constitution. As a community, they began to take political stands in public, making claims to equal moral worth in accordance with the constitution. Often, to drive his point home, Rajesh would read to people – both Dalits and non-Dalits – relevant parts from the handouts given out in Navsarjan’s workshops. When the Dalit community in the village took steps that broke the accepted social code, such as riding their bicycles through areas where it was banned, they were met with threats and intimidation by the upper castes, often with sticks. Rajesh said that he (and members from the dalit community) was not afraid. They had been assured by Navsarjan caseworkers that if an upper caste person tried to harm them, they would bring legal action against them. Also, by this time an in this area, Navsarjan had built a formidable reputation of being effective in using law to bring upper castes to justice.

As a result, even though the upper castes threatened, physical violence never broke out. Rajesh said, “To be completely honest, our village was never a violent place. The upper castes would dominate us but physical violence never occurred.” He said that in standing up for their dignity and rights, the Dalit community followed a clever and pragmatic strategy: they never tried to escalate tense situations. Rajesh said, “If, for instance, I rode my bicycle through an area where the upper castes did not like me, and if I saw them gathering to intimidate, I would tell people in my neighborhood to exercise caution on that route on that day. Others did the same.” Slowly but surely, Dalits in Kherali were able to overturn many humiliating social codes. Today, while the village is still spatially segregated along Dalit/non-Dalit lines, Dalits live with much more dignity than before. Rajesh said that the Dalits are very well organized now, something that has been strengthened and facilitated with the advent of affordable telecommunication and internet access on smartphones. He said that if he wanted to organize a meeting in the village on some issue, all he had to do was to send a message on Whatsapp to the Dalit youth group, and word would quickly get around. The ones who didn’t have access to Whatsapp or a cellular phone would hear about it from someone who did. According to Rajesh, a couple hundred Dalits could be brought together for a meeting at very short notice. He credits his political awareness and the development of the drive to improve the lives of Dalits in his district (Surendranagar) directly to Navsarjan and learning about the constitution.

Case 3: Law and hopefulness

In a village called *Doliya*, a Dalit family had received title to a piece of land under land redistribution laws a couple decades ago but never received possession. Like most other landless Dalits in the area, the family worked as agricultural wage laborers. The land this family received on paper was formerly owned by a member of a caste of feudal lords in erstwhile colonial India, so they owned a lot of land. The Dalit in this example was afraid of the former landowner. The few times he tried to claim his land, the former landowner told him to go away or be beaten up. He had been to a few Navsarjan rallies and heard their narrative on equality and constitutional rights of dalits, but had not joined them with seriousness

Initially, when Navsarjan activists invited him to join the mobilization for implementation of land reform, he was nervous. He joined hesitatingly. Subsequently, he started to participate in meetings, rallies, and demonstrations that Navsarjan organized. Navsarjan caseworkers helped file a petition in the district court on his behalf to obtain his land. According to the Navsarjan caseworkers that were involved, the former landowner bribed the judge at the district court and received a favorable verdict. They decided to appeal in the Gujarat High Court. Navsarjan caseworkers helped the Dalit family obtain free legal counsel through a Government of India program. They received a favorable verdict in the Gujarat High Court. The former landowner, who felt slighted having lost a case to a Dalit – someone he considered inferior and less deserving of a good life than him – challenged the Gujarat High Court’s judgment in the Supreme Court of India, claiming that the acquisition of the land from him under the Gujarat Agricultural Land Ceiling Act was unlawful.⁶³

Until then, no one in this village had ever gone to the Supreme Court of India, let alone a Dalit. Initially, the family was really hesitant to take the battle further – going to the Supreme Court seemed too daunting to them. The Navsarjan caseworker, who by now was very close to the family, convinced them to fight. Like before, Navsarjan helped arrange free legal council in the Supreme Court hearing. Finally, a year later, the matter was settled in the Supreme Court, which

⁶³ Dalwadi Trikambhat Talsibhai v State of Gujarat & Others (2013) SC 9171.

ruled against overturning the Gujarat High Court's judgment. The Dalit families returned home victorious.⁶⁴

Not only in their village but also in the neighboring villages, people came to know that this Dalit family went all the way to the Supreme Court and won a case against an upper caste. This was a huge boost to the confidence of this family. Navsarjan activists told me that this encouraged other Dalits in the area who were afraid to demand their rights until then. Several of these newly enthused Dalits are reportedly now looking for ways to take possession of land they have title to. This story shows the power of demonstration effects to build hope and raise consciousness regarding rights and justice in an oppressed community.

At the end of a long interview with this Dalit family my final question was, "You must still run into the previous landowner in the village once in a while ... how does he behave towards you now, given the history of his transgression and your victory?" The man in the family replied, "He is afraid of us now. When he sees me approaching, he changes course [to avoid running into me]." As I left the house, the man came to see me off to the door. In a clearly emotional moment for him, he raised his fist and said "uske paas danda hai ... magar hamare paas qaeda hai" (In English: "He [the former landowner] has the baton [to beat us dalits] but we have the Constitution.")

Case 4: Law and social status

Navsarjan founder Martin Macwan, in talking to me about social change, the law, and the Navsarjan experience, recounted a story of how legal knowledge helped the Navsarjan cadre raise their social capital in the village, which in turn contributed to their becoming efficacious actors. Macwan's statement deserves to be quoted at length.

⁶⁴ Actually, this family was one of the several respondents in the case. The previous landlord had challenged the State of Gujarat claiming that the acquisition of the land from him under ALCA was unlawful. Even though this dalit family was one of several respondents (and not the main respondent), when the Supreme Court upheld their claim on the land, in their own as well as in others' eyes, they returned home victorious.

You met our caseworker, Ramabhai, right? In this village, during the first training in 1992, I used to go and drop him back in his village every day after we were done with work. The other workers who were at the training would take their own transport back but I decided to take Ramabhai personally to his village because *kshatriyas* [upper castes] were trying to take revenge on him for raising a lot of issues against them. He was not safe. I used to drop him at his village that was 20km from Nadiad, where I lived. The upper caste used to call him Rameya – a derogatory “slang” version of his name invented by the upper castes. After six months into the training, an old man, a *Khsatriya*, came to Ramabhai’s house and said, “is this Ramabhai’s house?” His sister said yes. Rama came out and asked what the issue was. The old man said he had received some kind of letter from the government but he did not know what it was. He requested Rama to help him understand it. Rama agreed and asked the man to sit. He asked his sister to bring some water for the old man. Rama knew exactly what he was doing. The old man, since he was a visitor to Rama’s house, and was there to seek help, could not afford to displease Rama. So he accepted the water. [For Kshatriyas] *Rama had become Ramabhai*. Word spread around the village that this is a man who knows the law and the procedure. He was instrumental in sending several people behind bars and fighting cases. Suddenly, he had become a well-respected and feared man. In this time, did he grow physically? No. Does he carry a revolver? No. His power came from the knowledge that he has. Power, in society as we understand it, does not come from caste. It comes from knowledge. With knowledge, you can break caste.

How did the Constitution matter?

I argue that Navsarjan’s interventions and their effects on the socioeconomic status of Dalits are an important example of constitutional politics at the grassroots that enables “rights-resiliency” for the most marginalized in society. Social and political life in Surendranagar is much more democratic from the point of view of Dalits than it was two decades ago: Dalits participate in social and political life as more able and “rightful” participants. One Dalit after another that I interviewed shared a view similar to Kanjibhai’s. Each felt more empowered and confident now

compared to before. Understandably, factors other than Navsarjan's intervention may have contributed to the changes in Dalits' sense of self. After all, the last two decades have seen important changes in the overall socioeconomic condition in India. Education, per capita income, and other quality of life indicators have improved across the board. Information and communication technologies have improved and smartphone penetration is high even in rural areas. All of these changes have the power to alter social relations. However, none of these changes can fully explain the specific transformation in the sense of self of Dalits in Surendranagar.

Take education for example. Improvements in access to education can increase individual capabilities. As a result, individuals may be able to read and write, enhance their skills and move up in the production system of the economy. This could mean an increase in incomes and a better standard of living. That, in turn, could translate into the development of social prestige and respect. This line of reasoning assumes freedom of choice of occupation – something that the caste system specifically seeks to limit. There is evidence that stigma does not leave Dalits as they climb the socioeconomic ladder. A recent example is the case of Rohith Chakravarti Vemula, a doctoral candidate at the University of Hyderabad, who was hounded by upper caste faculty and students at his university for being a Dalit. This ultimately led Vemula to commit suicide on January 17, 2016 (Farooq 2016). These disturbing facts notwithstanding, in theory, it is possible for education and technology to change social relations. But these changes alone do not determine the moral narrative (or a framework of justification) that an individual (or a group) would use to make claims in the political sphere. The framework must have a moral narrative and the capacity to generate meaning. In the case of Dalits in Surendranagar, the constitutional rights framework served as the dominant moral narrative. With its expressive norm of equality, the constitution serves as a powerful meaning generating and justificatory framework that appeals to marginalized populations as the framework of choice on which to base their emancipatory politics.

Let me return to a question I posed earlier: How do expressive norms like “dignity of individuals” and “equality of all before law” enshrined in the constitution matter in making this resiliency possible? My answer is that *they matter constitutively* yet *contingently*. We cannot explain the kind of

politics successfully practiced by Navsarjan in Surendranagar without taking into account the various ways in which these norms were invoked and deployed by the caseworkers. Notice the construction of the argument given by a veteran Navsarjan caseworker to Dalits whose land was occupied illegally by upper castes:

We spoke the language of law. We told them that the land wasn't their father's [*tumhare baap ki zameen nahi hai*]. We told them that the land was given to us Dalits by the government under the constitution. We told them that our fight was not with them. We were just trying to get what was *rightfully* ours. We also told them if they didn't comply with the law, they would go to prison. They understood this could indeed happen. A few people didn't listen to us but most of them did. The upper castes were *psychologically afraid of us*. We had been able to go to the top levels of the government and obtained orders to supersede the power of the local elites ... they were helpless, for once. The local government officials, who might otherwise have let the illegal encroachment continue, were bound by the court order. They would tell the upper castes that they would go to prison if they didn't hand over possession to the Dalit landowners.

Similarly, the beneficiaries of land reforms could not describe their claims without referring to constitutional norms. Dalits articulated their confidence and sense of empowerment by talking about themselves "as men with rights." Talking about why he felt confident taking on a powerful and wealthy local contractor (upper caste), a middle-aged Dalit couple in Thoriyali village remarked, "The upper caste person has money and bulldozers and political influence ... we don't have much but the way shown by Babasaheb. Using this pen that costs five rupees, I can invoke my legal rights against him." The longer story here was that an influential local contractor who operates in the Thoriyali area sent earth movers to illegally occupy vacant government-owned common grazing land adjoining the Dalit couple's house. The husband and their teenage children were away. The wife, who was home, was not afraid: she climbed on the roof and told the contractor's men to leave "or she would go to Gandhinagar [the state capital] and get them behind bars." According to her, this scared the goons and they left.

The argument I am making here does not require her account to be completely true. What is important is the way the claims are being constructed and what they are broadly doing in the social sphere. The claims are directly based on expressive norms. The claimants recognize them as being derived as such. They are popularizing what Martha Nussbaum calls the “public myth of equality” in the public sphere (Nussbaum 2009, 17). How is this not an example of transformative rights-resiliency at the grassroots created by the constitution? Critics who write the constitution off merely as a “spectacle of emancipation” or construe rights to be “whatever people in power say they are” also write off the generative meaning making that it offers people at the margins on which they can build radical claims to equality. Indeed, constitutional principles offered Navsarjan caseworkers and the Dalits associated with them an “outline of a theory of practice” (Baxi 2009).

Thus far, I have argued that constitutional norms matter constitutively to bringing rights-resiliency for marginalized populations fighting for justice. Now, I want to qualify this salubrious account of constitutional performance (the “contingency” aspect). Under what conditions do the constitutional norms and ideals appeal to the marginalized populations and penetrate their political psychologies? The answer includes understanding hopefulness and the role of effective translation. One of the three founding principles recounted by Navsarjan’s founder, Martin Macwan, was “to be very positive in life because problems are galore. What one needs, especially the poor, are hope and success. We have enough failures, enough bad things in life, enough problems—one doesn’t want to hear about them, one wants to hear success stories.” At the time of Navsarjan’s founding, Macwan (hopefully) decided that caste oppression would be challenged legally. Had Macwan and his colleagues undertaken a review of the scholarly “critical” literature that decries the efficacy of using law for social change, their hope in the constitutional-legal route to challenging caste would have all but dissipated.

To ensure success, Macwan raised a legally informed and efficacious cadre of caseworkers. The caseworkers spent several years training in the field – understanding the situation in the villages, and spreading knowledge of law and rights while building trust with the dalit community. The reliance on constitutional norms for making political claims gave the caseworkers legitimacy in front of all parties: Dalits, non-Dalits, and the government. They leveraged their knowledge of

the law in conjunction with their legitimacy to first win small successes. New successes built on the earlier ones, and over a period of less than five years, Navsarjan had mounted enough pressure on the government machinery to transfer possession of 6,000 acres of land that legally belonged to Dalits but was either encroached by upper castes or other bureaucratic-legal reasons kept them from taking possession. This was no small feat and from start to end, Navsarjan worked with a firm commitment to constitutional norms of equality, dignity, and rule of law.

To conclude, my plea to scholars of constitutional resilience and constitutional performance is to pay attention to how the constitution – both as a legal and a moral text – matters in everyday politics for those at the margins, instead of limiting the focus to what judges and legislatures do at historical junctures. I also invite the more “radical” skeptics to take into account examples where the constitution (and constitutionalism) has mattered positively in emancipatory struggles. Taking cue from Austin Sarat (Sarat 1990) and Balakrishnan Rajagopal (Rajagopal 2005, 348) who have noted that even though law is a tool of domination it also opens up a terrain for resistance, in this chapter, I have attempted to show that constitutional norms played an important role in lending legitimacy, inspiration, and agency to individuals and movements that aim to unsettle given (unjust) social relations. I have shown that a lot of important factors that bear (or should bear) on what we would consider “constitutional performance” or “constitutional resilience” goes on in the shadow of law. That is, law does not need to be formally invoked every time to put pressure on the infracting party. In this process, the role of translators – the so-called “mappers in the middle” (Merry 2006) – becomes very important in ensuring that constitutional norms do not remain a fiction but are understood and mobilized by marginalized groups to realize justice.

Chapter 5: Self-interested instrumentalism or moral deepening?

In the previous chapter, I argued that constitutional expressive norms served as the principal justificatory framework for Dalits to demand justice and rights. In the chapter on “state and community” (Chapter 3), I showed that law was deployed by Navsarjan to ensure delivery of a commodity (land), which had been promised to Dalits by society (through laws enacted by elected representatives). These two arguments represent distinct uses of law: in the former, law is deployed principally as a moral framework with authoritative purchase; in the latter use, law serves as an instrument to lay claim on an economic resource. Building on this analysis, in this chapter, I take up a related question: Was the use of law by Dalits out of self-interested “instrumentalism” (hiding behind the language of rights) or was it due to moral reasons such as the desire to realize equality, dignity, and freedom? Navsarjan as an organization has been explicitly committed to realizing a particular normative vision – one in which arbitrary and humiliating discriminatory institutions such as caste have no place. Navsarjan’s various campaigns were committed to achieving these objectives. These campaigns used the language of rights, legality, and law. I am interested in finding out if the moral valence of this campaign influenced those who participated in it or if their participation was merely for self-interested gain?

This question is important for several reasons. First, if society is to be stable for the right reasons, then citizens must perceive social norms to be fair. Fair norms would include the norm of equal recognition through which individuals, irrespective of caste, creed, or gender (among other markers of difference) respect one another. This is an important normative commitment of liberal law but in practice, as I have shown, respect and equal status have remained elusive for lower caste citizens. To answer this question, I will analyze how intra-Dalit relations have been transformed for those who have been associated with Navsarjan’s campaign and its caseworkers. Caste-based practice of untouchability is common within Dalits as well.⁶⁵ Navsarjan made conscious efforts to combat it as part of its campaigns and day-to-day work. If indeed Navsarjan’s efforts are a social “experiment in living” (E. Anderson 2014), to what extent and how have they succeed in achieving the aim of living morally? Answering this complicated question will shift our

⁶⁵ See for instance Martin Macwan’s observations on this issue (Franco, Macwan, and Ramanathan 2004, 313–14). Also see Trivedi (2018) and Dasgupta (2010).

focus regarding the “learning of democracy” to ordinary Dalits (instead of movement leaders who I focused on in chapters two and three).

Before proceeding further, I want to clarify two things. First, “law,” in my analysis is understood not only as the enforceable technical rules regarding duties and obligations that seek to regulate horizontal and vertical relations in society but also a moral corpus of expressive norms institutionalized in legal text. Additionally, when I say Dalits “used” law (or “committed” to law), I have two processes in mind. First, Dalits, individually or as a group, may have been involved in directly using law. Examples of this pathway to committing include Dalits being directly involved in pursuing legal action or using the threat of legal action against abusive upper castes or explicitly being supportive of Public Interest Litigation initiated on their behalf. A second way Dalits may have committed to law could be by associating with Navsarjan’s campaign. As I have described in detail in the earlier chapters, this campaign was legalistic in both senses of law – technical as well as non-technical/normative. The plan for the chapter is as follows. First, I will review literature on the interaction between law, instrumental rationality, culture and human behavior. Following that, I will state my arguments and then present detailed empirical evidence from the field to support it.

Instrumentalism and Moralism: Taking stock of rival views

The subfield of law (imaginatively) labeled “Law and Economics” brings economic analysis to bear on questions of law. Pioneers of this subfield have been associated with the University of Chicago, including Nobel Prize in Economic Sciences winners such as Ronald Coase (1960) and Gary Becker (1993) as well as other prominent proponents such as Richard Posner (1983; 2014). This subfield analyzed the economic effects of legal regimes. Based on these analyses, law and economics scholars took up normative modeling of the legal system. It has been debated whether Law and Economics has a “core” (Ellickson 1989) but it is generally agreed that the “economics” in Law and Economics follows neoclassical economic model. Therefore, the basic assumptions regarding human behavior include: individuals are rational actors, they have well-defined utility

functions based on endogenously formed preferences. Law and Economics has been critiqued primarily for reducing human beings to self-interested automatons.⁶⁶

The law and economics prediction for the usefulness of law for Dalits in Surendranagar would be pretty straightforward: This line of reasoning would predict that given the land redistribution laws that exist in India, it would be rational for landless Dalits to improve their economic condition by utilizing these laws in their favor provided they have appropriate information about the laws and that the cost of getting land through legal means (i.e., the transaction cost) is lower than the perceived value of land that they would receive. This line of reasoning and prediction of human behavior can be complicated by going into the details of how individuals would calculate the value of land, or calculate the costs. At a fundamental level, though, a pure analytical law and economics approach would predict strategic instrumentality given a set of laws (redistribution laws) and pervasive landlessness of agents (Dalits).

The law and economics prediction that rational utility maximization by exercising the option of acquiring property in land provided by law is a good reason for Dalits to act is joined by an unlikely ally – from the Marxist camp. Pushing back against what he calls “bourgeois practical philosophy,” Brian Leiter (2002; 2015) has argued that from the Marxist view, basic facts of biology and psychology are enough for exploited individuals to take steps to end their misery provided they have accurate information about what is causing the misery.⁶⁷ Noting the similarity between the Marxist and neoclassical economics models of human motivation and action, Leiter (2015, 27–28) writes, “It is important to emphasize that the agent of revolutionary transformation in the official Marxian view is largely indistinguishable from the agent of bourgeois economics in the 20th century neoclassical tradition: he has certain basic desires, and he is instrumentally rational in pursuit of their satisfaction.”

⁶⁶ The early critiques of Law and Economics include Arthur Leff (1974) who questioned the naïve nominalism regarding human behavior, Mark Kelman (1983) and Robert Ellickson (1989) who expanded Leff’s critique. More recently, Martha Nussbaum (1997) has offered “foundational” critique of Law and Economics. Among other things, Nussbaum takes issue with assumptions regarding preference formation, reasons for human motivation, and the one-dimensional/abstract characteristic of “utility.” Also see Elster (1996; 1998) and Sunstein (1993).

⁶⁷ Leiter (2015, 28) writes: “Instrumental rationality and some assumptions about human desires are all one needs by way of a psychology of revolution. Agents do not need to know what justice is, or fairness, or morally right action.”

The “genius” as well as the problem, with neoclassical economics however is that it only allows for only one institutional arrangement (the free market) using which one chooses to satisfy one’s ends, with the “latter immune to rational deliberation” (Leiter 2015, 27). Leiter thinks that it will be “plainly obvious” to a worker that he is being exploited by the capitalist system when he sees his economic condition worsen at the same time that his productivity and hours of work keep increasing. This exploited worker does not need an elaborate “moral theory” to realize the fact of exploitation, and consequently, the need to take self-preserving measures. While attributing instrumental rationality to individuals, as a committed Nietzschean, Leiter is very careful to not attribute a naturalistic “morality” to them. Other readers of Marx on the topic of morality and human behavior such as Kate Soper (1987)⁶⁸ hesitatingly concede that Marx would have to be committed to at least some “form of Kantian argument” that proposes a trans-historical moral sensibility for all human beings. It is this sensibility that allows for individual moral adjudication.

In other words, in Soper’s reading of Marx, there is at least some measure of moral essentialism. This is not very far from the assumption John Rawls makes about the existence of an innate moral faculty in all human beings, before proceeding to construct the rules of the basic structure of a just society in *A Theory of Justice*. For Rawls (1971, 46), “moral capacity” is the adjudicative capacity in all humans that helps them arrive at ethical judgments. Rawls compares the moral capacity to the concept of innateness of the linguistic capacity developed by Noam Chomsky (1965). For Chomsky (ibid), innate cognitive capacity – unique to humans – allows them to create an infinite number of sentences from limited knowledge of words. In other words, no one memorizes the infinite number of sentences possible but is capable of producing them. Rawls speculates that the case is similar with the “moral capacity.” That is, humans possess the capacity to judge the justice/injustice in an infinite number of scenarios. Noam Chomsky has speculated that “it seems ... that on the most elementary and uncontroversial assumptions, it is fair to

⁶⁸ Soper is responding to Steven Lukes’ (1986) argument that Marx creates a logical fallacy briefly described as: Marx argues that the concern for justice is a particularly bourgeois capitalist concern. In a community society, the concept of justice would not be necessary because the conflicts due to which the need to think about justice arises in a capitalist society would have disappeared. Lukes argues that no matter how saintly and utopian a society becomes, the need to arbitrate on matters of justice will not go away: People will always hold different opinions on questions of fairness. Norman Geras (1983; 1985) has made a similar argument.

conclude that concepts such as justice, right, power, etc., are drawn from a highly structured innate system.”⁶⁹

Social psychologists and cognitive psychologists have begun to engage with this question seriously. Building on the social intuitionist approach to moral judgment developed by Jonathan Haidt (2001), Haidt and Joseph (2004) have argued that the meeting point for those working with sociological facts and those working with biological facts is in the psychological realm, specifically in the intuitions. They propose that human beings come “equipped with intuitive ethics, an innate preparedness to feel flashes of approval or disapproval toward certain patterns of events involving other human beings.” In other words, moral capacity is automatic and intuitive. They argue that virtue theorists, who conceptualize virtues as “dynamic patternings of perception, emotion, judgment, and action (Dewey 2002), offer the most psychologically sound approaches to morality. They write, “such theories fit more neatly with what we know about moral development, judgment, and behavior than do theories that focus on moral reasoning or on the acceptance of high-level moral principles such as justice.”

The fundamental problem with virtue theories, argue Haidt and Joseph, is that many of them take the virtues as an outcome of environmental factors only. In other words, they suffer from the same criticism of behaviorism by nativists such as Chomsky (1959). Haidt and Joseph argue that while “virtues are indeed cultural achievements ... they are cultural achievements built on and partly constrained by deeply rooted preparednesses to construe and respond to the social world in particular ways.” They align with Aristotle and Martha Nussbaum’s (1993) approach to the development of virtue ethics, which is nativist albeit “one that locates the innate moral content in both the organism and the environment.” Moral learning is an outcome of cultural forces acting on a biologically universal human nature. Lending support to this thesis, Steven Pinker (2000; 2003; 2004) has argued that while cognitive science and molecular biology can tell us a lot about the way “nature” – i.e. biology – affects human development and behavior, “nurture” – i.e., the sum total of the non-biological factors that humans interact with including all that culture includes – is an important factor that interacts with nature to produce outcomes, which neither factor could produce alone.

⁶⁹ Cited in Wilkin (1997).

Empirical insights from sociology and anthropology have shown that culture and history indeed shape morality. This analysis is typically offered at the macro-level and therefore the focus is on moral norms instead of individual morality. Michele Lamont and Laurent Thevenot (2000) have shown that historical and cultural lineages endow nations with “repertoires of evaluation.” More recent work in sociology has identified a host of reasons for moral variation including variables such as nation, class, religion (Inglehart and Baker 2000; Lukes 2008; Black 2011). Morality, initially shaped by culture, can be a force that in turn shapes culture. Research on emotions and social movements (mobilization tactics and outcomes) shows this: morality as an independent variable to explain social phenomenon (Jasper 1998; Goodwin, Jasper, and Polletta 2001; Flam and King 2005; Flam 2005; Jasper 2008; Polletta 2009). This literature builds on the social construction of emotions approach pioneered by Arlie Hochschild (1979; 1990; 2015) in *The Managed Heart*. Discerning between the different types of emotions Goodwin, Jasper, and Polletta (2001) claim that political emotions fall in the “constructed cognitive” area of the spectrum.

To recap, the perspectives discussed so far point to some key arguments that stand in tension with one another: humans are self-interested beings who possess the capacity for instrumental rationality that they use to make decisions. One line of thought (law and economics) argues that the decisions are made using an endogenous set of preferences. Some scholars assume that humans possess a special moral capacity – a cognitive faculty that enables them to make decisions regarding questions of right and wrong. Other scholars add to this: while this basic innate moral capacity is universally available to humans at all times, it can be shaped in particular ways. This shaping is what creates moral variation. The biochemistry of how the shaping happens is still a subject of research at the frontiers of science but from existing research and empirical evidence, we can conclude that both nature and nurture matter in the shaping of our moral attitudes. Responding to Steven Pinker, Richard Rorty (2004) has argued that even if neuroscience and molecular biology can tell us how genes affect development and behavior, the hard sciences cannot foreclose the “cultural role” of philosophy because we will still need reasonable guides for which normative and moral paradigms to follow.

Ruth Benedict (1934) claimed, “morality is a convenient term for socially approved habits?” According to this (broad) definition, morality would include all social norms thus making the study of morality the same thing as the study of society. Providing more specificity to moral norms, Elizabeth Anderson (2014) has identified four features of moral norms that can help discern them from all the other social norms. She writes:

First, they purport to carry the force of authoritative command, and are typically expressed in the form of demands or orders to comply, as opposed to weaker sorts of claims such as requests, supplications, and expectations. Second, conformity with moral norms may be *exacted* from people. Failure to comply is liable to lead to coercion, condemnation, blame and punishment, above and beyond other sorts of social sanction, as of disapproval or nonmoral penalties (as when a fouled basketball player gets a free throw as a penalty on the fouling team). Third, the authority of moral commands does not depend on any immediate or direct good that the person addressed happens to want. Finally, shared moral expectations are colored by shared emotional dispositions. Within the group accepting the moral norm, members approve of conformity, are angry at violators, resent the violation if they are injured by it, and feel shame or guilt at violating the moral norm themselves. (E. Anderson 2014, 4)

These perspectives from economics, philosophy, law, psychology, sociology, and anthropology offer ways of thinking about the main questions in this chapter. What do we make of Leiter’s claim regarding the superfluity of “moral theory” and the integrity of instrumental rationality for the oppressed? What are the mechanics of instrumental and moral motivations for Dalits to associate with law? How did the engagement with law and Navsarjan affect moral norms in the Dalit community in Surendranagar? If indeed there has been a change in moral norms, how sustainable is this change? And, based on the answers to these questions, what can we say about the sociological conditions under which moral change happens?

I will respond to these questions by advancing the following arguments. Law was used (at least by some Dalits) as an instrument to improve their economic condition. Until the time Navsarjan caseworkers showed up on the scene in rural Surendranagar, though, the cost of using law was

simply too high or there were too many unknowns for Dalits (which made the cost a black box). As a result, the Dalit community did not resort to systematic use of law to protect and advance their interests in land till the time Navsarjan entered the scene. Before the engagement with Navsarjan (and the law) began, the facts of their exploitation and exclusion were well known to Dalits. They did not require “a moral theory,” so to speak, to make qualitative judgments about the injustices they faced: the experience of being slighted and ridiculed by members of the upper castes made the fact obvious. Some people seemed to have tried to come to terms with the situation by rationalizing their marginalization and oppression as destiny or divine ordination. However, even these individuals reported feeling that even if things had to be this way, they were not fair. What the Dalit community did not have prior to associating with Navsarjan and engaging law was a language that was moral, authoritative, and emancipatory (all at once), which they could use to publicly express the facts of injustice and make the case for equal treatment. Law, in its expressive mode, offered such a language.

This language, which Dalits immediately professed affinity for, has created a “thick” moral concept (Williams 1985) of “constitutionality,” which stands for fundamental commitment to equal moral worth.⁷⁰ This is apparent in the terms of recognition between different Dalit castes. Many Dalits belonging to “upper castes” practice untouchability towards Dalits who are members of “lower castes.” Once upper caste Dalits pledged allegiance to law (which they could very well have done for instrumental economic reasons), they became subject to what, following Jon Elster (1999), I call the “civilizing force of moral hypocrisy.” In practice, this meant that upper caste Dalits could not get away with treating the lower caste Dalits the same way as before.

However, this “civilizing force” would not have been effective (to the extent they have been) if three conditions were not met. First, consolidation of a common identity: The common identifier—Dalit—serves a unifying function that makes people from different castes to identify as a common. This commonness was amplified as a result of the organizing and public campaigns for rights led by Navsarjan along with, and on behalf of, different communities considered impure in the dominant Hindu caste order. Second, Navsarjan caseworkers who command respect and admiration in the Dalit community acted as moral entrepreneurs (H. S.

Becker 1997). These moral entrepreneurs, who shared the common Dalit identity with the rest of the community, were key to enforcing the moral norms. Over time, the moral norms – at least in the Dalit community – seem to be gradually changing for the better. We can say that there has been moral progress as far as recognizing each other as moral equals in practice is considered within the Dalit community.⁷¹ Interestingly, the very reason that caused the earlier discriminatory norms to persist in the Dalit community – namely, the inertia of social norms – seems likely to be the reason why this moral improvement may endure the test of time. Let me substantiate these claims with evidence.

Perspectives from the field

I must confess that making assessments regarding a tricky subject (dealing with the inner workings of the mind) like self-interested instrumentality or moralistic motivations for choosing law is tough. Asking someone “did you act out of self-interest or did you have moral motivations?” was not likely to get me the most truthful or accurate answers. People may feel shame in admitting that they acted out of self-interest and self-interest alone. As a result, they may purposely provide inaccurate facts about their practices and attitudes. Moreover, the question may be confusing for they may have had both reasons for choosing their particular actions.⁷² Therefore, I decided to instead use different questions to find answers. For instance, I would ask: “Why did you choose to get affiliated with Navsarjan? What kept you from demanding what was yours (land) until then?” In addition, my discussions with Navsarjan caseworkers who continue to be firmly embedded in the Dalit community in Surendranagar and still intervene in instances of caste-based atrocities and land redistribution provide valuable insights to answer these questions. Ethnographic observation of relations between Dalits from different castes has also provided interesting empirical evidence to make reasonable conclusions on the issue.

⁷⁰ Bernard Williams’s (1985) described a “thick” moral concept as both “action guiding” as well as “guided by the world.”

⁷¹ I do not claim that other communities (non-Dalits) have started to recognize Dalits as moral equals.

⁷² On this problem, see generally Elster (1998).

The case for self-interested instrumentality in explaining action:

There were plausible self-interested instrumental reasons for Dalits to use law as the principal claim-making framework. Navsarjan literally came to them and provided legal counsel for free. They willingly served as a liaison between the state and the Dalits. The caseworkers even took on risks to their personal safety to get what was rightfully due to Dalit families. Who, in their right minds, would not recognize the instrumental benefit of allying with such a magnanimous advocate-ally? When I asked one beneficiary of land reform who lives in a village called *Vanta Vachh*, “Navsarjan does not have guns. It is not police. Why did you feel safe taking on the upper castes with their support?” he replied, “They are the musclemen of law. We understood that Navsarjan were our friends. We felt that they would help us. We took their support and gradually, we developed courage.” Friendly musclemen willing to get you the piece of land that you have been afraid to claim for years even though it is legally yours: Why would you not take their support?

Another fact points to self-interested instrumentalism being a key reason for many Dalits to join Navsarjan’s socio-legal campaign. While discussing why it is hard to get another large social movement to demand implementation of land redistribution laws in the villages where it remains incomplete, caseworkers told me that they found it hard to get people excited to build a new movement for land justice. Since getting possession of their lands, many previously landless Dalits who joined Navsarjan’s initial campaign for land reform, no longer show interest in actively joining a new campaign. These individuals joined when they had self-interested reasons, i.e. joining could result in economic gain. Once their objective was achieved, they left. Consider the following statement by a caseworker that illustrates this point.

The matter is cold right now because whoever received land earlier is busy working it. Whoever did not receive it, is not very interested in it. They ask us to do all the work going to the collectorate, etc. to get them the land. It wasn’t like this before because the Dalits were together. Because hundreds of Dalits received land, they are no longer a part of the landless group.

This explanation highlights a few important things: There is a lack of interest in raising demands for land justice for the collective (the Dalit community). When the caseworker spoke to me about this, there was a tone of negative judgment in his voice. He was critiquing the group of landless Dalits who treat the issue of land justice not as a principled matter of justice but merely as a way for self-gain. He sounded disheartened that members of the Dalit community just want Navsarjan activists to do all the work for them. The caseworkers' understanding of their project is different. They are aware that their approach is principled, philosophical, and political. This was put very clearly by Girishbhai, another veteran caseworker from Limdi:

Our main objective was to raise Dalit consciousness in this area [regarding rights]. We succeeded in doing that. We have also readied volunteers who are aware of their rights and know the law ... so now their issues have become important. We tell the Dalit community in the village that they need to mobilize and form a movement if they want land. If they have questions or need advice, our doors are open for them. We are ready to guide them at each step.

Navsarjan's intervention (at least the way the caseworkers understand it) was a principled commitment to raising legal and rights consciousness. For them, getting Dalits what was due to them (land, dignity, respect, self-esteem) was first a moral-political question and then, if at all, an instrumental question. They believed in increasing the capabilities of the Dalit community to make claims in the political and social sphere using the *right reasoning*. As I argued in the previous chapter, the "right reasons" for Navsarjan were those that flow from the moral vision of the constitution.

The case for primacy of morality motivations in explaining action:

I tried to understand the historical trajectory of Dalits' moral responses to humiliation and degradation that caste-based exclusionary practices subjected them. In particular, I asked my interviewees when and how they realized that the humiliating and derogatory behavior of the

upper castes was wrong. All of my (60 plus) Dalit interviewees reported feeling humiliation and injustice at caste-based discrimination during their youth, which, for many was long before they became affiliated with Navsarjan and gained “legal consciousness.” To quote Rajesh, who I introduced in the previous chapter:

When I was in the fourth grade, I remember some of my non-Dalit classmates mockingly call me ‘dhed.’ At that time, I did not fully understand that this was related to my caste but I knew that these classmates were humiliating me. It made me feel really bad.

Dhed, which means animal in Gujarati, is a derogatory slang word used by Kshyatriyas (“warrior” castes) for Dalits. This young child did not need sophisticated “legal consciousness” or a “moral theory” to realize that being called an animal in a mocking tone was derogatory. As I described in the previous chapter, this person now actively helps Dalit children receive a good education so that they can become upwardly mobile. The history of his childhood, I believe, is the key to explaining his current involvement in campaigns for social justice: it is a response to the pain of humiliation and injustice that he went through as a child combined with the capabilities he has realized because he is educated and has a good job. But the explanation does not complete with caste humiliation during childhood and availability of intellectual and economic resources to participate in politics today. As I argued in Chapter 2, anger at humiliation could result in retreat to inaction. Becoming educated and getting a good job could have meant that he continues to live his comfortable life. Just these factors do not explain his actions today. Being exposed to Navsarjan caseworkers who introduced him to the idea of rights and constitutionalism as *the right way* to govern the collective (society) is an important part of the story.

In some cases, the interviewees reported feeling emotionally disturbed by humiliation more strongly than others. For instance, recounting his childhood, an interviewee said:

As a child, I used to help my father who was a cobbler. As part of the job, I used to polish shoes ... others [belonging to his caste] in the trade would take the shoes after polishing to the customer [typically, customers belonged to upper castes] and make the customers wear the shoes with their hands. I never did this! It was normal for these majority caste customers to throw

money at us for polishing their shoes. I hated it. If they threw money at me, I would not take it. I would tell them to leave the money on the table. *I was like this from the inside* [emphasis added]. My father was like this too ... with a strong mind.

Notice how this interviewee ends the description by attributing his moral judgment to psychological-cognitive aspects (“he had a strong mind”). Intrigued, as a follow up, I asked how come his response to members of the majority caste was so bold, especially at a young age. I prefaced this question saying I had not heard of such firm responses against caste-based ridicule from others when I asked them about their childhood. He replied:

We belong to the *Chamar* caste. The *Chaaaar* caste is known to be aggressive and hotheaded. We can easily tear skin and shed blood.

In rural areas, when cattle die, *Chamars* are called to carry the dead animal away. They move the animal, skin it, and dispose the unwanted parts. The reward is the animal’s hide, which can be sold for making leather. This self-description of the valiance and hotheadedness of *Chamars* probably arose because the caste deals with the goriest of jobs: cutting up dead beasts. What this statement shows is how socialization into an identity story shapes the description of mental states and emotional responses. What is even more interesting, though, is the transformation in this person’s preferred story of self-assertion and self-realization. To put things in perspective, these quotes are from an interview Yuvrajbhai, a veteran Navsarjan caseworker who played a key role in the mobilization for land reform in Surendranagar. Yuvrajbhai, who described himself as belonging to a hotheaded, valiant, and gory lineage, is not known for causing physical violence. Instead, he has practiced resistance against caste oppression using liberal law.

Why did Yuvrajbhai, who claims to belong to a lineage of hotheaded men, choose liberal law as his preferred method of resisting oppression and express his selfhood? He could have chosen to make claims using the language of tradition: he could have built his equality claim (or, for that matter, superiority) claim on the basis of valiance and hot headedness – a masculine trope that “warrior” castes employ to express their superiority (Singhji 1994). For one, irrespective of how valiant and honor-worthy his caste’s history and identity is to him, self-worth does not amount to

much unless it is recognized and valued accordingly by members of society. That recognition is hard to come by for jobs that are considered dirty. While Yuvraj's identity story is one of stoic strength in disposing dead beasts, it is not exactly a story that under given social conditions would be considered worthy of bringing respect. When Gandhi sought to dignify dirty jobs that the "untouchables" were forced to do for centuries, Ambedkar had reminded him that untouchables could never find dignity in cleaning other people's feces. I think his choice of using liberal law as the way to resist caste is underpinned by both moral and instrumental reasons. I offered an answer to puzzles regarding morality in Chapter 2. In the chapter, I argued that it is when decisions based on instrumental rationality are congruent with decisions based on moral motivations that a robust behavioral pattern (or practical strategy) emerges. According to this reasoning, it was logical for Yuvraj to feel attracted towards law because his moral motivation (desire for equal recognition, respect, dignity) was congruent with the "non-technical" normative commitment of law. At the same time, in its "technical" mode, law was an opportunity structure that could be used instrumentally to realize the desire for recognition and dignity.

In this section, I have argued that individual Dalits had moral-emotional motivations to resist the injustices they faced using law. Their actions cannot be explained completely by appeals to self-interest alone. Law, especially in its "expressive" role, offered a moral framework that could be used to legitimately make political claims against upper caste domination. But even in its non-technical normative mode, I have said that law was still used *instrumentally* to achieve dignity, respect and some measure of social power for the Dalits. In other words, many Dalits may have used normative commitments of law to ask for equality for themselves *while not being fully committed to the normative ideal themselves*. This would mean not holding oneself to the same moral standard as one desires others to hold when interacting with them. In practice, this could mean practicing untouchability towards one considers "inferior" (on the basis of the caste order) after having made claims for your own self to be treated equally by those who consider themselves "superior" to you. In short, it would amount to hypocrisy. Why should we be concerned with such questions? Is it not sufficient that Dalits, as a group, rose up against their oppressors? From the point of view of normative ethics, the answer is no.

Paolo Freire (1968) has warned us that if the oppressed follow the behavioral model set by the oppressors, the former may turn into the latter in the process of emancipation. The logic behind this conclusion is similar to Rawls's (1971) reasoning regarding the development of individuals' moral psychologies under conditions of fairness. Growing up in a society governed by the principle of justice as fairness, Rawls believes that people will see good reasons to be fair to others and to support the basic institutions that enable the fair system of social cooperation that they enjoy. Freire, on the other hand, with a similar reasoning (based in psychology and social learning) applied in a context where social relations are oppressive and unjust, arrives a different conclusion: he thinks that under conditions of unfairness and injustice, the oppressed may learn that the only way to realize their selfhood and live a desirable life is by oppressing others. If we care about social stability *for the right reasons* – as I believe the political project launched by B. R. Ambedkar does – then the question of whether the basic normative commitments that marginalized groups construct their politics on are realized in their own practices to each other is a question worth our attention. Further, this question is also empirically relevant because Navsarjan's commitment, following Ambedkar, was to construct a caste-free society. The organization made conscious efforts to eradicate untouchability and caste-based discrimination not only between Dalits and non-Dalits but also within Dalit castes. How did these efforts play out?

Moral deepening?

Michel Moody-Adams (1999, 169) has argued that “moral progress in practices results when some newly deepened moral understanding is concretely realized in individual behavior or social institutions.” Drawing on the idea of “semantic depth” developed by Mark Platts (1988), Moody-Adams argues that moral progress in beliefs consists of grasping the semantic depth of moral concepts which involves coming to understand more fully the richness and range of a moral concept (Musschenga and Meynen 2017).

So far in the dissertation, I have referred to “the Dalits as though they are a monolithic social entity. (One exception is in chapter 2 where I discuss the rift between disgruntled Valmikis who

attacked Vankar homes before the Golana Massacre.) The militant Dalit Panther movement in Maharashtra popularized the word “Dalit,” which means “broken.” The idea was to forge a common identity for all “lower” and “impure” castes. In reality, many different castes make up whom we call (or who call themselves) “Dalit.” Icons of Dalit emancipation such as Bhimrao Ambedkar had imagined a future in which caste itself would have been “annihilated” and people would just identify as people, not as castes (B. R. Ambedkar 2013). Unfortunately, the various castes that make up the category “Dalit” themselves have a system of graded hierarchy: some castes are at the top and others at the bottom. For instance, in Saurashtra, the Vankars, who have traditionally been weavers, are considered to be “upper caste” while the Valmiki, who have traditionally been the village janitors, are considered to be the lowest caste. Caste-based discrimination continues to be an ironic and unfortunate fact within the Dalit community (J. Macwan and Ramanathan 2010; Dasgupta 2010; Trivedi 2018).

Navsarjan, as an organization committed to a normative vision of justice in which discrimination between humans based on caste, gender, or faith is a non-negotiable, has grappled with these moral contradictions both within itself as well as in its engagement with the larger Dalit community (which it aims to emancipate). I believe that the examples of Navsarjan’s efforts to reform the Dalit community offers an opportunity to analyze if there has been real moral deepening or not. I am going to argue that there has indeed been moral deepening in the Dalit community although it is partial and incomplete. The partial and incomplete aspects of moral deepening are not a negative commentary per se on Navsarjan’s performance. Scholars who have assessed other similar moral-political projects (e.g. civil rights movement in the United States) have invariably found moral deepening to be partial, imperfect and incomplete (Moody-Adams 1999; E. Anderson 2014; Hermann 2019).

Based on ethnographic insight, interviews with Dalits from different castes, and Navsarjan caseworkers,⁷³ I have identified two ways in which cross-caste associational behavior has changed in a way that can be called moral progress. First, some people change their attitudes because they begin to understand semantic depth of moral concepts better through experience and observation. Second, Navsarjan caseworkers served as moral entrepreneurs who not just brought

⁷³ All the caseworkers I interviewed are Dalits.

deeper understanding of moral concepts to the Dalit community but also played the role of “rule enforcers” (H. S. Becker 1997, 155) who used the “civilizing force of hypocrisy” (Elster 1999, 349) to challenge discriminatory behavior between members of upper and lower Dalit castes.

Moral deepening through learning, observation, and reflection

During the second round of fieldwork in Sayla in January 2019, Mukeshbai mentioned a group of young Dalits in Chotila, who are actively involved organizing Dalits in progressive politics. (Chotila is a sub-divisional town center of Surendrangar, about 25 miles from Sayla.) He said that this group represented the next generation of prominent Dalit activists who will play an important social and political role leading Dalits. As a person with a critical outlook towards social institutions and political parties, Mukeshbhai was full of praise for this group.

Institutionally, the group is associated with the Samata Sainik Dal (SSD) [literally: Soldiers for Sameness (equality)], a volunteer organization founded by Bhimrao Ambedkar in 1924 to safeguard the rights of oppressed sections of society. Politically, the SSD is affiliated with the Republican Party of India – the party that Bhimrao Ambedkar helped found. Even though he is not a member of any political party or their affiliate organizations, Mukeshbhai supports and often collaborates with organizations that he thinks are genuinely working in the interest of Dalit rights. This was one such group. I was told that they have recently started a school in Chotila. We decided to visit.

We met Yash (name changed), the main leader of the group, in Chotila town center. He was a bespectacled man and seemed to be in his late twenties. We followed Yash on our bike towards the school. In a few minutes, we parked our bikes in front of a four-storey building in a residential neighborhood. There was a board outside, which said, “Promise School.” A group of five or six other people – all men of roughly the same age as Yash – immediately came to the entrance to greet Mukeshbhai and me. This group started the school two years ago. Promise School, which was in session at the time of our visit, has about 200 pupils from grades first through eight. We were invited to the principal’s office. A few more men, who were part of the Dalit group, arrived at the school and joined us. Everyone knew Mukeshbhai and they all seemed very happy and

honored to have his company. There was visible excitement among them to receive a “PhD scholar” studying at a prestigious university abroad at their school. The building was relatively new, with rooms organized around a small courtyard. The school runs in two shifts – from morning until afternoon for grades one to four, and afternoon till evening for grades four to eight. After everyone was introduced and the group exchanged pleasantries with Mukeshbhai, we started talking about the school. Yash explained that their group has been active in Chotila for several years.

As Mukeshbhai had mentioned to me, several of the group’s members work as cadres of the Samata Sainik Dal. They have been involved in raising awareness of Dalits in the villages around Chotila. They hold meetings in different villages every week to talk about the need for resisting caste oppression. The group had been considering doing something that could create sustained social change over the long term. Starting a school with a curriculum and an environment that emphasized equality, taught students about important figures in the history of emancipatory politics in India, while also delivering high quality modern education seemed to them to be a good option. A well-off member of their group who made a small-time fortune in the building materials trade in Chotila made the capital investment for the school. The school charges tuition from most students and uses that to provide scholarships that cover tuition and board for Dalit students from low-income backgrounds. There was a small dorm on the top floor of the school building where the boarding students live. These are mostly Dalits who come from villages nearby and receive scholarship.

In the courtyard, paintings of icons from the Dalit pantheon – Bhimrao Ambedkar, Gautam Buddha, Savitribai Phule, and Bhagat Singh – adorn the walls. The classrooms also had Ambedkarite imagery. The school curriculum and culture involves learning about historical injustices done to Dalits, and about thought, ideas, and political campaigns led by Dalit icons such as Bhimrao Ambedkar, Jyotibha and Savitribai Phule. It is an attempt to memorialize emancipatory Dalit struggles and use it to inspire the pupils to aspire for the moral and cultural path shown by these icons of emancipation. With such pronounced and strong Dalit imagery at Promise School, I thought that it was mostly Dalit children who studied there. I was surprised to learn that the school had many students from non-Dalit families. Yash explained that the

proposition of sending their children to a school with overall better quality education compared to other options in the area make Promise School the preferred choice for many non-Dalit parents.

The founders also express a strong desire to valorize and instill love for reasoning and rationality in the students. “The strongest weapon we have to fight inequality is reason ... we have to instill the spirit of giving good reasons for making the equality argument in the children today ... education gives you the method of coming up with reasons,” Yash said to me. Like in the case of Rajesh who I introduced in the previous chapter, at first, I thought Yash’s “moralization”/“politicization” happened as a result of working with the Revolutionary Party of India and SSD. Shortly after first observing him, I was to find out that his political and moral attitudes had been shaped directly as a result of interactions with Navsarjan caseworkers.

After the visit, we had lunch at a local dhaba in the town center. Subsequently, Yash invited Mukeshbhai and me to his house. He lives in a Dalit neighborhood in Chotila. His main occupation is running photography and videography business, offering services for wedding photoshoots. The living room in which we sat had framed photos of Bhimrao Ambedkar, Dalit leader Kanshi Ram (the founder of the Bahujan Movement and BAMCEF), and Mayawati (the leader of the Bahujan Samaj Party). We started talking about when he became politically aware and felt like doing something about injustices faced by Dalits. He said he owed it all to Mukeshbhai and his Navsarjan colleagues. This confused me because Mukeshbhai had explicitly said he was not involved with SSD. Elaborating, Yash said that when he was growing up, Navsarjan’s Chotila office was a few doors down from his house. He said that he and the other Dalit children in the neighborhood literally grew up in “Navsarjan’s shadow.” Yash said that after coming from school, he would often hangout at the Navsarjan office, which always had its doors open. He said that he and a good number of his friends participated in activities organized by Navsarjan, and as they grew older, familiarized themselves with more advanced topics such as the constitution and the idea of rights. Emphatically, he told me:

To the extent I am a politically aware and rights-conscious Dalit, it is because of Navsarjan, and this man here [pointing to Mukeshbhai]. Without their influence

[Navsarjan's influence], I would not be doing what I am doing today. I have learned everything from them. They taught me how to reason and think.

He then continued to talk more about the importance of rationality and reason, saying that the superstitious and god/scripture-fearing temperament that perpetuates the institution of caste has to be fought on the basis of rationality and reason. Yash told me a meeting of the Dalit group was scheduled that evening, at his house, and that Mukeshbhai and I should stay back to attend. We had to be in Sayla for some other work, so we took his leave. As we left Yash's house, Mukeshbhai pointed to a plain-looking building where Navsarjan's Chotila office used to be. This case is illustrative of the normative-pedagogical power of law in its normative mode. This case tells us something important: While the oppressed may not need a moral theory to register the fact of their oppression, the course of action they take to build an emancipatory practice to end it, is informed by "theory." People hardly, if ever, live in a "theory-free" space (Nussbaum 2007, 954). In his case, Yash was introduced to a theory – embodied in the cultural and political practices of Navsarjan caseworkers (and also the broader Dalit community) including the narrative of law and rights – that is traced to Ambedkar. It served as a philosophical narrative of social hope (R. Rorty 1999) that has helped Yash, along with his Dalit comrades—to come up with their own strategy for creating an alternate experiment in social living (E. Anderson 2014). To the extent that moral progress involves the "cultivation of imagination" (Nussbaum 2007) and gaining a more accurate understanding of the semantic depth of moral concepts, this example shows that: 1) there is moral progress, and 2) theory is important to moral progress.

What I believe is important, and what makes this internalization of moral theory particularly effective is the embodiment and enactment of theoretical principles. Just talking about the importance of equality and rights would probably have meant little to Yash. Experiencing "theory" put into practice by the caseworkers (also by other Dalits in the area) probably made it all too real. Combined with the fact of humiliation that the Dalit community continues to face in India, it made logical sense to Yash to embrace it.

People sometimes change their support for social norms based on reasoned reflection.

Mukeshbhai recounted a personal experience that illustrates this. A milk vendor had delivered

milk to his house (in Sayla town) for a very long time (several years). The vendor belonged to an OBC caste that ranks above Dalit castes in the hierarchy. Even though this person and his associates would happily do business selling milk to Mukeshbhai (not just selling, but showing up at his door every day to deliver the milk), they maintained a caste-based distance. The milk vendor would not accept water from Mukeshbhai because the latter was a Dalit. To him, Mukesh was inferior and impure. According to the caste hierarchy, the vendor was (relatively) superior and pure. Therefore, he could not accept food or drink from the former.

Mukeshbhai said, “even though I knew this, I never pressured this person to accept water or food from me.” Many years after the milk vendor started delivering milk to the Solanki household [Mukesh’s family], on a hot summer day, the vendor came to his house, per usual, to deliver milk. To Mukeshbhai’s surprise, the vendor asked him for drinking water. Mukeshbhai did not express surprise and simply brought a glass of cold water. After the vendor finished drinking, Mukeshbhai asked him how come he finally asked a Dalit for water, having avoided it over the years until then? He told the vendor that he could have waited till he reached the house of a fellow caste member (which was not very far away) and could have avoided accepting water from a Dalit. To Mukesh’s surprise, the vendor told him that he had changed his mind about purity-impurity/touchability-untouchability. He said that over the years, he had noticed how clean and well-kept Mukeshbhai’s house was. The vendor said that he had observed that most non-Dalits do not keep their homes so clean. When this person put directly observed reality against the justification/reasoning he had learnt for why upper castes should abstain from coming in physical contact with lower castes (because the lower castes are impure sources of pollution), the conclusion failed: he found out that the assumptions in the justification were wrong: this Dalit’s (Mukeshbhai) house was in fact less polluted than some upper caste homes. This made him rethink change his attitude towards Mukeshbhai. It is possible that this person still maintains untouchability with other Dalits who he continues to believe are “polluted.”

Even though Mukeshbhai specifically did not mention this but it is plausible that the material aspects of his household (it is relatively big, made of concrete, plastered and painted well, and has many modern appliances) played a role in changing the vendor’s perception as well. To add to the list of social markers of prestige and power, Mukeshbhai had emerged as an important social

activist and local leader in the area. Of course, this is a lone example, like many of the other examples I have worked with. Moreover, there could be several other reasons that made the vendor change his practice. And finally, scholars who have argued that castes do not represent a fixed hierarchy and have always been in competition (D. Gupta 2000; 2005), could respond to this example saying, “We told you that caste hierarchy was not static. The relative status changes through history depending on who corners more power.” These would all be valid observations.

Such observations notwithstanding, the examples of Yash’s moral evolution under Navsarjan’s tutelage and the example of the milk vendor show us that people can and do change their attitudes towards moral norms through rational reflection. They see good reasons, based on rational reflection, to treat each other as moral equals. To paraphrase John Rawls, these people have learned to do the right thing for the right reasons. But, as Martha Nussbaum (2001) has argued, “goodness” is fragile. Human virtue can easily slip into vice and therefore, must be carefully cultivated and preserved. In the next section, I will show how Navsarjan caseworkers worked to cultivate a morality that would support their moral-political project.

Section 2: Cultivating moral deepening

The Teapot Revolution:

A few years after its formation, Navsarjan consciously started transforming itself from an all-male to a gender-balanced organization. Through an effort led by a brilliant (first) woman employee of Navsarjan – Manjula Pradeep – Navsarjan hired a batch of 32 women caseworkers in a short span. The number of women caseworkers went from 1 to 33 during this time. Macwan recalled a story including a gendered tussle between Navsarjan caseworkers in their field office in Mehsana. He had just finished the training program with the new women recruits and some of them had just been deputed to work in Mehsana. People from villages would come with their cases and grievances to these field offices where the caseworkers were present along with a lawyer to discuss the cases and offer help. Navsarjan’s field offices typically had a small stove, utensils, and other things for making tea for the staff and visitors. In this particular field office, for the first time,

there were two female workers, in addition to the four male workers who had worked there for some time.

At teatime, a male worker said to a female worker, “behen, zara chai bana do na” [“Miss, please make some tea”]. The female worker agreed and made the tea. When it was time to leave the office for the day, the male workers told the women workers, “wash the tea utensils so we can lock the office and leave.” One of the female workers said, “look, we have just returned from the training program and Martinbhai told us that we are all equals. Since we made tea in the morning, we think it is only fair that you wash the dishes.” The male worker got very angry and started shouting. He happened to be the district coordinator – superior in rank to the woman who argued with him. The female worker told him that Martinbhai has told her that even if someone shouts, she should stick to what she believes. According to Macwan, both female workers stood their ground on this point. They closed the office and left. Next week, when the staff returned to the field office, the utensils were still dirty. Again the same quarrel broke out, and went unresolved. In the third week, the workers took some money from the petty cash box and decided to buy tea from a vendor. The women, adamant on not relenting on their equality claim, did the same. They told the men, “Martinbhai has said that we are equals so the tea money is for everyone.” Slowly, this tension reached the villages as well. Macwan said:

People came to know and started laughing about it. I came to hear about it. It reached a level when they were not even looking at each other. I called the coordinator for a meeting. I told him I was making a museum of the Dalit Movement so I want the utensils ... the one you use to make tea at the office. He was like what use is that? I told him that equality was inscribed in that vessel now. He got my point, rushed to Mehsana and made things right ... I call it the “teapot revolution.” The women there stuck to their ground for two months and in the meantime, the news reached all 37 offices of Navsarjan that men and women needed to divide chores equally.

It is possible that the women caseworkers who took this moral stand against their male peers were, for some reason, predisposed to taking it. In other words, it is likely that they were aware of gender injustice and had a burning fire to fight it. In fact, they may have self-selected to work

with Navsarjan in order to do so. This potentiality notwithstanding, the point to appreciate here is that it was the moral norm upheld by Navsarjan that allowed these women to take the stand that they did in the way that they did. These pioneering women creatively put the moral language of equal rights to use. Their stand was supported by the presence of a proactive and hegemonic enforcer, in the form of Navsarjan founder Martin Macwan. The induction of more women caseworkers and the appointment of a woman as the Executive Director of Navsarjan seems to have normalized relatively more equal status of women workers in the organization. During fieldwork, I interacted and traveled with both male and female Navsarjan caseworkers. I stayed at the homes of several caseworkers, which gave me an opportunity to understand the dynamics of their domestic lives.

Generally speaking, I observed that the women caseworkers were doubly-burdened in that many of them also had greater household responsibilities (cooking, taking care of children, cleaning, keeping things in order) compared to the male caseworkers. However, the male caseworkers spoke of their female colleagues with the same respect as they spoke about their male counterparts. I did not hear, even once, remarks that either directly or indirectly conveyed that the male caseworkers considered the female caseworkers as anything less than equal. In other words, even if women continue to have unfair disadvantages, in the world of Navsarjan caseworkers that I participated in, there has been at least partial moral progress.

Deliberate strategy to counter intra-Dalit untouchability:

On within-Dalit untouchability, Navsarjan's policy was very clear: The organization refused to support Dalits who practiced any kind of untouchability. When upper caste Dalits would come to ask for their help, one of the first things the caseworkers would make clear was that they would only support the person if they declared giving up the practice of untouchability.

When I probed Mukeshbhai to help me understand how and why people change their attitudes – in this case the attitude of inter-caste untouchability between Dalits – his answer again pointed to a kind of “empiricist reasoned reflection” that at least some people he worked with were able to accomplish. For many people belonging to “upper castes,” both Dalit and non-Dalits,

there was an irrational fear of something terrible happening to them if they broke the traditional practice of maintaining untouchability with members of lower castes. Stories of divine punishment are popular in village communities including parables in which an upper caste person gets a terrible illness and dies, or their lives take a turn for the worse, just because they touched a lower caste person or accepted food and water from them. Navsarjan workers, who were generally respected and admired in the villages due to their candour, knowledge of law, and collaboration with the government, served as important “empirical samples” that clarified to many people that their beliefs were mistaken. Mukeshbhai said:

they [Dalits] saw that nothing but success come to us even though we maintained close friendships with members of the so-called lowest of low castes ... according to what these observers knew about consequences of maintaining relations with lower castes, terrible things should have happened us. But we only became more and more successful and famous. This made our upper caste Dalits see the point.

While reasoned reflection influenced some upper caste Dalits to change their discriminatory mindset towards lower caste Dalits, Mukesh accepted that a significant number did not change their practices that way alone. He said that the caseworkers made conscious efforts to change discriminatory practices within Dalits by leveraging their social capital. An example of these efforts is that when caseworkers met the Dalit community members in their villages, they would try to hold the meeting at the house of the lower caste Dalits. This meant that upper caste Dalits were forced to show up to the meeting at this person’s house. If they did not, they risked losing out on the benefits that might come from being involved with Navsarjan’s campaigns. No social gathering in Gujarat is complete without the consumption of tea. At these meetings, too, water and tea would be offered by the host (lower caste Dalit) to the guests. Here, again, those who held discriminatory attitudes towards the lower castes – and would generally be unwilling to accept food and drink from them – were pressured to accept water and tea. In the presence of the caseworkers, they could not discriminate openly even if they wanted. In doing so, they would appear hypocritical towards the principle of equality of all humans – the bedrock of Navsarjan’s politics that they had explicitly or implicitly accepted when associating with the organization.

Mukesh accepted that many upper caste Dalits who he worked with only upheld the moral equality of lower caste Dalits as long as they were beholden to Navsarjan. Once they received Navsarjan's support and got what they wanted (e.g., land), these people again went back to practicing untouchability towards the lower caste Dalits. In other words, they applied self-interested instrumental rationality and "gamed" Navsarjan. Mukeshbhai accepted that intra-Dalit caste-based discrimination remained a challenge but he sees the glass as half-full rather than half-empty. He thinks that the overall change is more positive than negative especially because the younger generation of Dalits – both upper and lower castes – are more respectful and inclusive of each other. I witnessed this (change) in person as well. The younger Dalits (in the 18-30 range) I interviewed at length (15 individuals), all reported feeling less bound to caste rules and more unified as "one" Dalit community. The question remains as to how far the caseworker's efforts have resulted in moral deepening? Let me illustrate this with an example: Niteshbhai, a Valmiki Dalit who has moved up the socioeconomic ladder. Pivotal here, as we will see, is the role of Navsarjan caseworker Mukeshbhai. This example speaks directly to the key themes and questions I have grappled with in this chapter.

Niteshbhai:

Mukeshbhai invited me to his house for *Makar Sankranti*, a festival that marks the end of winter sowing season. It is tradition to fly kites on *Makar Sankranti*. The idea was that we would watch Mukeshbhai's son fly a kite and have tea. He told me to come around ten o'clock in the morning. I called him at 10:15am on *Makar Sankranti*. He said I should come a little later because he had some work to do. Half an hour later, he called me and asked me to come. Instead of meeting at his house, he asked me to meet him at a chowk in Sayla town market. On reaching the location, he told me that we could meet a friend of his who runs a business in Sayla market. The suggestion was purposive: Mukeshbhai told me that this friend belonged to Valmiki caste – a Dalit caste whose members have historically been delegated to perform manual scavenging. Because of the nature of their occupation, they are among the most stigmatized castes. In less than a minute, this person appeared, carrying plastic water bottle for us. The man seemed to be

in his forties, and wore a red casual vest over his shirt. We walked to his shop, which was nearby. He opened it on a holiday, especially for us. Once we were seated, he started with the following:

I grew up here [in Sayla]. My family is Valmiki and traditionally we are the village janitors. My mother used to clean the panchayat office here. I went to college and got Bachelor of Commerce degree. After that, I went to Rajkot and learned how to repair mobile phones. They had just been introduced in the India. Siemens was a prominent brand and Motorola had just entered the market. I returned to Sayla [after college] and was looking to rent a shop to start a business selling and repairing phones. Nobody was willing to rent to me because I am a Valmiki. I was willing to pay money, of course, but still they wouldn't let me rent. Even if an individual would be willing to rent to me, they would be pressured by the neighbors, who belonged to upper castes to not rent to me because they considered me unclean. I was so frustrated and sad.

Around that time (in the year 2004), he happened to meet Mukeshbhai and in the latter, he found a supportive “elder brother.” Mukeshbhai said that when he saw this vocationally-trained Valmiki struggling to find a foothold, he realized it was imperative to help. He said, “I felt obligated to help a struggling Valmiki-Dalit. Plus, I knew that it would be great for encouraging caste mobility to have a technically-trained Valmiki-Dalit run a phone repair shop in Sayla ... I saw great promise.” Notice here how moral and instrumental reasons are intertwined: Mukesh wanted to help Nitesh because it was morally incumbent on him to do so but he also realized that this help would be instrumentally important for encouraging caste mobility (which, again, for him is morally important). This instrumentality (aimed at achieving a moral goal) is different from the instrumental rationality of the *homo economicus* of neoclassical economics. Acting on his moral commitment would come at a price for Mukeshbhai. At the time, Mukeshbhai had a competing offer from an upper caste Darbar to rent the shop. This person was willing to pay Rs. 30,000 more than what Nitesh could pay. However, Mukesh decided to rent it to Nitesh out of moral considerations. He took a personal loss of income to ensure that a qualified but struggling Dalit from the most stigmatized of castes would get a headstart.



Above: Landlord and Tenant (Mukesh and Nitesh) at the shop

While this is an example of impressive moral commitment (how many of us, especially those who claim to be “radical” or “progressive” actually make substantial sacrifices to advance some of the things “we believe in?”), I want to put it in the institutional and organizational context.

Mukeshbhai had received ownership of the shop through a preferential allotment scheme of the local government. Of his own admission, he was able to achieve this because of two reasons: 1) he had proficiency in law, rules and regulations, and 2) he had developed familiarity and in some cases, friendly relationships with local government officials. Both of these developments, in turn, were possible because he worked with Navsarjan. His relationships are stronger with lower level officers. I traveled to several local government offices with him over the course of fieldwork. He enjoys direct access to many lower-level officers (personal assistants to senior officers, clerks, etc.). These officials may not officially hold as much power as the senior officials (e.g., District Collector or Deputy Collector) but that does not mean they cannot influence decisions on particular cases. As I observed during multiple visits to the District Collector’s office in

Surendranagar, the higher-ups rely on the lower-level staff for smooth functioning. Shrewd higher-ups know that the lower-level staff must be kept happy lest they resort to tactics we know from James Scott that the weak employ including foot dragging, back talking, etc. (Scott 2008). Therefore, relatively small requests such as that made by Mukesh for allotment of this shop can be effectively promoted with the help of lower level governmental officials (who he befriended).

In this case, Mukesh was able to help Nitesh in the way he did because the former had legal knowledge and had developed relationships with local government officers. Additionally, welfare schemes existed that allowed an “in” for Mukeshbhai who does not come from a privileged background. In this case, it was not so much his salary as a Navsarjan employee (which, at its highest was less than Rs.15,000) but the relationships he developed as part of his work as an organizer in Surendranagar. A humble one-room shop may not seem like something that would amount to much in terms of spurring social change but the way it was used has proven otherwise. The relationship with Mukesh has served Nitesh very well. Not only has the latter moved up the economic ladder but also he has become an agent of social and moral change at the local level.

Niteshbhai was the first person in the village to start a mobile repair shop. Later, he moved to selling mobile phones. Now, he is a leading retailer of mobile phones in Sayla. Compared to a big city, his business operation may be humble but in Sayla, he has weight. In addition, he described himself as being involved working with “phone software.” He said that all the other business owners come to him when they need help with updating and working with the software in phones. According to him, no other seller of mobile phones in Sayla has his level of expertise. He seems to have had a first mover advantage in this trade in Sayla, which has helped him reap good benefits. As a result of his good performance, he was recently elected to head the “Telecom Business Owners Association” in Sayla. Niteshbhai – the son of a janitor – has been able to accumulate capital and now owns houses not just in Sayla but also Surendranagar and Rajkot.

His entrepreneurial activity has not only meant economic advancement. Importantly, it has helped break caste-based taboos in inter-personal conduct and discriminatory boundaries. *This is where the instrumental meets the moral.* Niteshbhai offered an account that indicates intra-Dalit discrimination in Sayla has waned. According to him, Dalits in Sayla have started to genuinely

believe in equality of all Dalit castes. He offered a “strength of weak ties” (Granovetter 1977) kind of argument. Due to his relationship with Mukeshbhai (who refers to Nitesh as “his brother”), he was introduced to a much wider Dalit community through Mukeshbhai than he knew earlier. Many of them were upper caste Dalits. On initial contact, out of their respect towards Mukeshbhai, these people treated Niteshbhai with respect. Mukeshbhai’s social and political position in Sayla becomes clear when I travel around with him in Sayla as well as the villages nearby. People greet him virtually on every street, *chowk*, and corner. He is a well-known man in Sayla and is especially popular in the Dalit community. Based on his life experience, Niteshbhai thinks that he would not have gotten the respectful treatment from the upper caste Dalits he was introduced to if it were not for his friendship with Mukeshbhai. The latter, for his part, was involved in a purposive activity: he wanted Nitesh to break caste taboos; he knew that the upper caste Dalits could not refuse Nitesh entry to their homes if he was accompanied by Mukesh.

Gradually, Nitesh built his own friendships with the Dalits he met through Mukeshbhai. His rising economic status was also helpful in getting the respect of other Dalits, including non-Valmiki Dalits who otherwise considered him inferior and impure. (Remember, Nitesh’s caste occupation has traditionally been cleaning of dry latrines.⁷⁴) Over time, he was invited to visit their homes, share food and drink. With his relationship established on equal terms with members of other Dalit castes, and Nitesh being a regular visit to their homes, he started taking other Valmiki friends with him to their homes. The same logic that worked in the case of Mukeshbhai taking a Valmiki along with him to non-Valmiki Dalit homes also worked when Niteshbhai took other Valmikis to the non-Valmiki Dalit homes. The taboos were gradually broken and a new agent of social change appeared in the form of Nitesh.

With Mukeshbhai acting as one of the main focal points of Dalit unity and organization in Sayla, the Dalit community (all sub-castes) come together during protests and solidarity marches from time to time. The overall effect of this was that non-Valmiki castes started to accept Valmikis. Niteshbhai believes that today, the Valmikis are relatively more respected by non-Valmiki Dalit castes, atleast in Sayla. I discussed this theory with Mukeshbhai later in the day, after we left Niteshbhai’s shop. He said that he, and Navsarjan caseworkers in general, followed a policy of

⁷⁴ On manual scavenging in Surendranagar area, see Arpels et. al. (2008).

promoting the lowest caste Dalits in their networks among the so-called “upper caste” Dalits. This was a deliberate pragmatic strategy to reduce caste-based discrimination within Dalits. The non-Valmiki could not ask Mukeshbhai to not bring Niteshbhai along. Niteshbhai also rose in economic status through his very successful telecom retail business in Sayla. Mukeshbhai said that at a wedding in his family, he not only invited Niteshbhai as a guest but also invited him to join the food server team (the team comprised members of his family and close friends). No one who came to the wedding could refuse to accept food from Niteshbhai out of respect for Mukeshbhai or fear or displeasing him by refusing to accept. What these accounts indicate is that once taboos are broken and parties in the relationship gain an equal (or near equal) footing, change has begun. Over time, equality norms tend to become normalized. Unless something drastic happens, this change (which, those of us who believe that something called “moral progress” exists, can call it that) is not likely to revert to the earlier unequal form. In other words, cultural inertia will provide sustainability to the change.

Niteshbhai’s mother worked as a janitor all her life in the municipal government complex in Sayla and had retired recently. He told me that the janitors employed by the municipal office, had not been paid wages for the last year. All the janitors, (unsurprisingly) belong to the Valmiki caste. Niteshbhai, in collaboration with Mukeshbhai, organized a public protest outside the office demanding unpaid wages for the janitors. Together, Mukeshbhai and Niteshbhai were able to get the support of not only the Dalit community but also the Telecom Business Owners Association, of which Niteshbhai is an active member. They were also able to get brief participation from a local Member of Legislative Assembly. He showed me several photos and a video of the protest. The photo showed about twenty people sitting on the ground outside an office (government office) with a photo of Gautam Buddha and Bhimrao Ambedkar in the background. Niteshbhai, who was in the photo himself, pointed to another person in the photo wearing a white kurta. This was the local MLA. There was also an elderly person with a beard and skullcap worn by Muslims in the photo. I asked if Muslims joined the protest too and Niteshbhai replied with an emphatic yes.

He said that the Sayla Mobile Phone Traders Association members come from all castes, with majority being from upper castes, and yet, they all joined the protest. A video recording of the

protest showed a heated debate between protestors and the Block Development Officer over non-payment of dues to the janitors. In the video, Mukeshbhai was in the center of the crowd trying to calm down the protestors who were visibly angry. He appeared as the experienced negotiator among the crowd. Several people, apparently the workers or workers' kin, had surrounded this officer, and were loudly expressing their demands – almost berating the officer. The matter remains unresolved but Niteshbhai told me that the janitors have now moved their protest to the High Court. The case was filed recently and they are looking forward to resolution through judicial intervention.

While there are many positive aspects in this account of change, some of its aspects show how difficult it is to change concepts that people internalize over time. While Nitesh reported feeling like an equal in the Dalit community, he feels that non-Dalits still discriminate against him. He told me that people of all castes come to his shop now but this was not the case a decade ago. I asked him if the upper castes he deals with in his business and social life have really had a change of heart regarding Dalits/Valmikis. According to him, most of them have not. They interact with him out of compulsion: he is the only player in town with the resources and the know-how on crucial matters of the trade, and he can compete effectively with other businesses on price. Some people belonging to forward castes, he believes, have given up casteist thinking and consider Niteshbhai an equal. However, even these people hesitate to openly share food and drink with Niteshbhai at their homes. He concluded the thought by saying that he knows that broadly speaking, untouchability and casteist thinking still exists in the society in which he lives. The forms of manifestation of casteism have changed. In the past it was overt and explicit. This has transformed into an undercurrent; a logic that is implicit but which shapes human behavior and caste relations.

The mechanics of moral change

The three examples of moral deepening influenced by Navsarjan's deliberate efforts ("Teapot Revolution," caseworkers in villages, and Niteshbhai) share common mechanics. In each case, there are three actors (or groups of actors). We have a community whose members transact with

each other in social, economic, and cultural space. Some members from this group hold discriminatory attitudes towards a group of individuals who have been historically marked as inferior and impure. The “community,” therefore is divided in two groups: those who discriminate and those who are discriminated. In these three cases, the discriminating groups comprise male caseworkers of Navsarjan (in the early phase of the organization’s history) and upper caste Dalits. The discriminated groups in the examples include newly recruited Navsarjan women caseworkers and lower caste Dalits. The third actor comprise the moral entrepreneurs (H. S. Becker 1997). In our examples, the moral entrepreneurs are Martin Macwan and Navsarjan caseworkers. Moral entrepreneurs are interested in the “content of the rules” (H. S. Becker 1997, 10). They find the current rules morally unacceptable and crusade to change them. In our examples, Macwan and other Navsarjan caseworkers found caste-based discrimination rules unacceptable. They people were passionately driven to change the rules. They display characteristics expected of moral entrepreneurs: passion, stubbornness, and fervour to change society at the cost of personal risk to self. Moral entrepreneurs to occupy a higher spiritual and intellectual plane, which puts them in a position of authority. In this case, the higher spiritual ground for the entrepreneurs came from their taking personal risks to fight for the right to live a life of dignity and the economic advancement of Dalits.⁷⁵ The entrepreneurs strategically leveraged this “capital” that was embodied in them to pressure the upper caste Dalits to change their behavior. Crucial here was the implicit invocation of the “civilizing force of hypocrisy” (Elster 1999). Jon Elster has argued that acting out a desire for self-esteem, individuals may commit themselves to impartiality. This creates a path-dependence that may later prevent the same individuals from changing their public stance on impartiality when it no longer works in their favor.⁷⁶ Drawing on historical examples, Elster argues that through the civilizing force of hypocrisy, good motives generally drive out the bad. In our case, the “good motives” needed support from authoritative actors (caseworkers) to drive out the “bad motives.”

I would argue that without the moral entrepreneurs, moral deepening would not have resulted. This is not to say that the exploited (lower castes) would not have fought back. But with these

⁷⁵ A Dalit beneficiary of land reform said to me, “Mukeshbhai is like god to me. He fought for my rights and did not charge a single rupee. If he wanted, he could have made a lot of money himself but he did not.”

⁷⁶ “The same need for self-esteem that caused us to justify self-interested behavior by impartial considerations in the first place may also prevent us from changing our conception of impartiality when it no longer works in our favor.” Elster (1999, 348)

particular values (or “theory”) amiss, the outcome may not have been a concerted push towards realizing dignity based on the principle of equal moral worth of all humans. Alternate theories could have emerged and taken hold. For instance, right now, the conservative right-wing Hindu nationalist party in India – the Bharatiya Janata Party – which has traditionally been dominated by trader castes has been making effort to take Dalits in its electoral and ideological fold. The “theory” that BJP’s moral entrepreneurs, if they were to emerge, will follow will be constitutively different from the theory Navsarjan followed. As Martha Nussbaum has observed, we hardly, if ever, live in a “theory-free” space. Therefore, *pace* Leiter, I would argue that theory matters in determining the qualitative aspects of social and moral change.

A project in progress

One day, on the way back from the District Collector’s office in Surendranagar, Mukeshbhai and I started talking about the importance of freedom to making human life meaningful. I said that in a just world, individuals would be free to choose their life paths as they see fit. In the context of the Dalit movement for justice and rights—a movement he has been part of for the last twenty years—he was in agreement with me on the issue of freedom and autonomy. But then, things quickly became complicated. To make my arguments concrete, I said that in a fair and just world, young adults should have the freedom to choose their life partners (just as they should have freedom to choose career and life paths as they see fit). I said, expecting agreement, that his daughter – who was a college freshman at the time – should have the right to choose her life partner. He surprised me by saying that he would not give her this freedom. He argued that it was more appropriate if he, in consultation with his wife and other elders of the family, made that choice for the girl. I was a little surprised given his radical commitment to moral equality of Dalits, and human rights. His demeanor and attitude toward his female colleagues and generally speaking, his ideas on gender relations, seemed fairly progressive. (There is a clear division of labor at his house, though, with the wife doing the cooking and household chores, while he is the breadwinner.) I expressed surprise at his comment and pushed against it, arguing that his daughter should have the right to make this decision for herself. I told him that the important philosophical imperative of equality should not just apply at the group level (Dalit vs. non-Dalit)

but also apply at the individual level. Therefore he should allow his (adult) daughter the autonomy to make decisions that have an important bearing on her life. He said that equality claims notwithstanding, he was unsure that his daughter had the knowledge and wisdom needed to make a good decision regarding who she wants to spend her life with. I asked him if he meant to say his daughter was not intelligent enough to make a good decision (when the time came). His daughter is biology and chemistry in college: there is little doubt that she is intelligent. Mukeshbhai said he knows that his daughter is smart as far as education is concerned but he is unsure that she will have the requisite “wisdom,” which comes with living a long life, at the relatively young age she will choose a life partner.

He said that because his daughter was young she does not appreciate all the parameters on which a life partner has to be evaluated, especially the important ones. The choice must be such that the relationship (and his daughter’s well-being) remains stable and secure over a the course of life. He also said that she might not take “social expectations” into account if she takes the decision herself. To avoid such mistakes, he thinks that elders are justified in making this decision for the girl. One reading of this discussion might construe Mukeshbhai as a protective father who is genuinely concerned about his daughter’s well-being. Many parents make efforts – directly and indirectly – to influence their children’s lives for the better. It is important to note that Mukeshbhai did not justify his decision to not allow his daughter to make this decision on her own by expressing concern regarding “what would others in society think if my daughter marries someone who is not appropriate.” He justified his decision on the basis of protecting and caring for his daughter. He did not say, for instance, that he was afraid of adverse reaction from conservative members of society. On the other hand, his reasoning is very similar to the reasons given by colonial apologists for maintaining (unjustified) dominion over India (Mehta 1999). These apologists had compared Indians to children – incapable of forming responsible democratic government on their own – thereby legitimating Britain’s “benevolent despotism.”

Since Mukesh is aware of the morally-positive work he has done in his community, he is especially susceptible to a counter-intuitive form of moral failure. Daniel Batson and his colleagues have shown that people who are otherwise moral often fail to do the right thing precisely because they are self-assured of their moral uprightness (C. Batson et al. 1999; C. D.

Batson and Thompson 2001). Fallibility is an essential human characteristic. Therefore, one should not be surprised if Mukeshbhai cannot come around to thoughtfully extending the freedoms his adult daughter should have (by virtue of being an adult human). While I cannot say with much certainty if he will ever come around to doing this, based on what I have observed and learned about the intertwined nature of instrumental and moral motivations of human action and the creative ways in which individuals put them to use to resist unfair treatment, I can say with much more confidence that just like the new female recruits of Navsarjan who rebelled against unfair treatment by the male caseworkers, Mukeshbhai's daughter (in the not so distant future) will use the moral arguments she has grown up hearing from her father, along with the empowerment and independence that comes with becoming educated, to argue against (the unjust) foreclosure of the freedom to autonomously choose her life partner. If and when that happens (in Mukeshbhai's or someone else's household) another step would have been taken in the long arc of realizing justice. For now, the project remains in-progress but is full of hope.

Chapter 6: Realizing Dignity

Just a few months before the Indian Constitution was inaugurated in January 1950, in November 1949, Bhimrao Ambedkar had sounded three warnings, one of which was that political democracy would have no meaning unless there was equality in the social realm as well. His famous observation was, “Democracy in India is only a top dressing on an Indian soil which is essentially undemocratic” (Bhagwan Das 2010; Roy 2017). History has proven Ambedkar right: more than seventy years after independence, the nation continues to be fractured by deep divisions along caste, gender, and religion. Equality in the social realm has been elusive for a large number of Indian citizens, especially those who bear the historical mark of being untouchable. The “untouchables,” though, have waged (and continue to wage) a remarkable struggle for achieving social equality.

In this dissertation, I have told the story of one such struggle, which I believe was quite successful in moving towards a more just social order. It was with purpose that I chose the term “Realizing Dignity,” instead of “Realizing Equality” as the defining theme of this story. Equality can be construed as meaning “sameness” – a flattening out of difference – which is not an ideal worth aspiring to in all aspects of social and cultural life, especially in plural societies. Dignity, on the other hand, has recognition and respect built into it.⁷⁷ In Bernard Williams’ term, it is a “thick” moral concept, which is “guided by the world” and is also action-guiding (Williams 1985, 140). Two people can have equal amounts of economic resources and still one of them may not treat the other with dignity. On the other hand, two people can be unequal in economic terms but if they treat each other with dignity, they recognize their common humanity and moral equality.

⁷⁷ Scholars have debated the idea and usefulness of the idea of dignity. Scholars such as Steven Pinker (2008) are skeptical; hold that dignity is nothing more than a pompous name for autonomy, and is therefore, redundant. Similar arguments have been made by Ruth Macklin (2003). Michael Rosen (2012) has presented a historical account of the idea of dignity. He argues that there are four senses in which dignity has been historically understood: as a status term, as a recognition of intrinsic worth, as a way of behaving (“dignified” conduct), and treating people with respect (not degrading human beings). The semantic dispute between dignity-autonomy notwithstanding, Rosen’s classification shows that “dignity” has had a multi-dimensional and multi-faceted career. In the case of Dalit struggle for dignity, I believe that the justification for why there should be dignity closely resembles the second conception (dignity as intrinsic worth). In western political thought, Immanuel Kant (especially his *Groundwork of Metaphysics of Morals*) is considered responsible for describing and popularizing this understanding of dignity.

Does this mean that as long as societies establish dignity, that is, a respectful recognition of all human beings on account of their humanity, we have no reason to worry about material (economic) inequalities? The answer is no; we have good reasons to care about economic inequality. John Rawls provided arguments for why a society governed on the principle of justice as fairness would only tolerate economic inequalities to the extent that they worked in the interest of the most marginalized. Thomas Scanlon (2018) has provided related egalitarian arguments for why we should care for economic inequality. My point is that societies that care about justice will seriously care about dignity because it comprises what Rawls called “primary goods,” including self-esteem and respect. Relatedly, Nancy Frazer and Axel Honneth (2003) have clarified why considerations of recognition (dignity) and considerations of economic redistribution should both be equal components of the politics of justice. Ambedkar, too, was concerned about the need for redistribution, especially from the point of view of ensuring a dignified life for the untouchables, but he did not go to the extent of trying to socialize property in the Constitution (Omvedt 1994).

In Surendranagar, the politics of dignity and the politics of redistribution went hand-in-hand, but if I were forced to classify the order of priority of the two considerations, I would argue that for Navsarjan activists, the politics of dignity and moral equality is prior to the politics of redistribution. As a pragmatic matter, though, the movement leaders knew that dignity could not be realized while Dalits were economically dependent on upper castes. Therefore, they focused on the politics of (land) redistribution to facilitate economic improvement of Dalit households. Most importantly, they wanted Dalits to be free from economic dependence on the upper castes. In Chapters 2-5, I analyzed various facets of Navsarjan’s interventions in Surendranagar for dignity and redistribution including: the role of emotions and reasons in shaping Navsarjan’s formation and its praxis (Chapter 2); the relationship between community activism at the grassroots and state institutions that was crucial for implementing land reform on the ground (Chapter 3); the role of constitutional expressive norms in shaping not just the rhetoric of the movement for land reform but also justifications that ordinary Dalits give in making claims about social and economic rights (Chapter 4); the “internal” politics of recognition in the Dalit community and the role of “entrepreneurs” in moral deepening (Chapter 5). I concluded Chapter 5 on a hopeful note: I argued that this moral-political project was likely to remain robust

and stable over the long term, gradually “expanding the circle” to include more marginalized groups in the ambit of dignity.

This claim can be questioned given that Navsarjan no longer formally operates in Surendranagar since the Government of India revoked its permission to accept funds from foreign donors.⁷⁸ In this chapter, I will explain why, despite this change, I still think this claim is likely to stand the test of time. Before I present my reasons, let me clarify what I mean by “the project will continue.” By this I mean that the political-moral project of struggling for dignity will continue in the Dalit community in Surendranagar. I do not mean to say that the modalities and organizational design of the project will be the same as before. With Navsarjan Trust no longer paying caseworkers salaries, they have been forced to look elsewhere for livelihood. Among the caseworkers I know, the urgency to work for a living varies. Some have been forced to take up odd jobs like working at a local milk distribution shop and becoming a cab driver. These are individuals who have recurring liabilities but no alternate sources of income than wage labor. Others, though, are in relatively comfortable positions. Mukeshbhai, for instance, takes in modest rent from the two shops he rents out. As a result, he is not forced to look for a job. The caseworkers that are professionally qualified have turned to their professions. For instance, a former caseworker who is a trained lawyer has turned to practicing law in Chotila. If key protagonists – the caseworkers – are no longer available for organizing the Dalit community and helping them with day-to-day problems, how would the project will continue?

At the most fundamental level, as long as Dalits are humiliated and oppressed, they will demand justice. Gujarat-wide protests in the aftermath of public flogging of young Dalits in Una is evidence of this. But this is almost like stating a truism: protest against injustice is to be expected in a democracy. However, in Surendranagar, especially in the community of Dalits influenced by Navsarjan, I believe the struggle for dignity will continue to have the “rights-tone-and-moral-tenor,” informed and inspired by Navsarjan’s praxis. This is because the organization, through its various pedagogical and instrumental practices, has *taught members of the Dalit community how to be rights-bearing citizens of a constitutional democracy*. Principally, this “teaching” has two *essential* components. First, Navsarjan’s intervention bolstered the narrative of moral equality *in*

⁷⁸ Navsarjan laid off all its staff in December 2016. See Ahmed (2016).

constitutional terms. Second, it created the skills and capacities in members of the Dalit community to put abstract “rights talk” into practice to produce tangible results. Together, these two components will mutually reinforce each other, thereby lending sustainability to the project of realizing dignity.

The narrative of the “public myth of equality:”

Narrative is, as Jerome Bruner (2002, 89, 93) wrote, “serious business” for it is through narrative that “we construct, reconstruct, and in some ways reinvent yesterday and tomorrow.” Narrative is central to Dalit politics. Its centrality was on display in the rallies and public meetings organized by Navsarjan (I describe one instance in detail in Chapter 2). It was also apparent in the way Dalits justified their actions and claims. For instance, Yash, who recently started a school in Chotila, aims to impart academically high-quality and socially conscientious education to children in his hometown, taking inspiration from the narrative. He understands it to be both a historical fact about how society has treated his community and a philosophical invitation to act politically. The narrative, which he learned under Navsarjan’s tutelage (Chapter 5), in other words, is both a theory of history and a theory of political consciousness.

This narrative is deeply political, empirical, and emotional. Politically and philosophically, it holds that the fundamental moral worth of all human beings is the same, and therefore, caste-based inequalities are amoral. It is empirical in that it uses real examples of injustices done to Dalits – both contemporary and historical – to make principled political demands. The empirical content makes the narrative real and relatable to Dalits. The narrative is emotionally charged – with anger and frustration – yet, it has hope. It is hopeful and aspirational in that it aims to create a “public myth of equality” that Martha Nussbaum (2009, 17) considers central to achieving a humane and just society.

The narrative draws normative force from constitutional expressive norms. As a participant observer in protest rallies and public meetings organized by Navsarjan, I consistently noted the invocation of constitutional commitments (the fundamental right to equality) and Ambedkar, as

the emancipator-author of these rights. My interviewees repeatedly referred to the *Qaeda* (which means Law) as a legitimizing source (“take my claim seriously because the law says this is my claim”) as well as a key instrumental source of empowerment (“take my claim seriously or I will invoke my legally-sanctioned negative right against you”). It is through this narrative of equality that linguistic valence of injustice enters the cultural construction of the past.

Critical race and legal theorist Richard Delgado (1989) argued that “stories, parables, chronicles, and narratives are powerful means for destroying mindset – the bundle of presuppositions, received wisdoms, and shared understandings against a background of which legal and political discourse takes place.” Using a hypothetical example of how professors and students talk about an African American student in an American law school and how the student responds to the representation with his own “subversive narrative,” Delgado shows how storytelling and narrative, through interpretation and linguistic choice, renders “reality” differently. He urged “outgroups” (minorities, subalterns, and the oppressed) to tell subversive stories that first reconstructs their own, and eventually, the public’s political and moral imaginaries.

Responding to this explicitly political project centered around the importance and efficacy of narrative, Patricia Ewick and Susan Silbey (1995) argued that “because narratives are situationally produced and interpreted, they have no necessary political or epistemological valence but depend on particular context and organization of their production for their political effect.” They outline the conditions under which hegemonic and counter-hegemonic narratives arise. Subversive narratives – which challenge the “taken-for-granted hegemony” – make visible the “explicit connections between particular lives and social organization” (Ewick and Silbey 1995, 197). Arguing that narrative matters to politics is like saying fuel matters to driving an automobile. How it matters, how it can be leveraged, and the conditions under which a “subversive” narrative will be successful are more relevant questions. I argue that the “master” narrative of equality, based on constitutional norms, allowed the development of derivative subversive stories. This was the case in the aftermath of the Bhojpari incident where the victory of the Dalit community over upper castes in the school segregation case set forth a narrative of Dalits teaching a lesson to upper castes. In addition to allowing the development of subversive stories, the narrative of constitutional equality allows for the creation of hope.

Albert Bandura (1977; 2002), whose ideas John Rawls (1971) drew on in his account of the development of moral psychology, argued that “human behavior is socially situated, richly contextualized and conditionally expressed” and that “without a robust sense of self, people are easily overwhelmed by adversaries in attempts to change their lives for the better through collective effort.” In other words, an individual’s belief in the ability to change their life situation is what motivates them to act. In the social cognitive model of agency, efficacy beliefs are not confined solely to the individual’s judgment of their capabilities. Individual efficacy beliefs inform collective judgments of efficacy. Fernandez-Ballesteros (2002) and colleagues write, “A strong sense of personal efficacy to manage one’s life circumstances and to have a hand in effecting societal changes contributes substantially to perceived collective efficacy to shape their society’s social future.” Crucially, collective efficacy beliefs are not just the sum of individual efficacy beliefs; rather, “it is an emergent group-level property that embodies the coordinative and interactive dynamics of group functioning” (ibid, 271). Collective agency works through a mechanism similar to individual agency.⁷⁹

I don’t mean that Ambedkar’s political thought and the Constitution are the only sources of normativity for Dalits? Individuals and groups draw from different kinds of narratives including folk stories, religion, and science, among other sources. The constitutional narrative of equality is one of the many sources available to Dalits (or, for that matter, to anyone) for making political claims. When it comes to arguing for the right to equality, other sources of normativity, such as religion, are not as appealing to Dalits associated with Navsarjan because those sources are understood as the tools that were used to justify their oppression for millennia. This does not mean that Dalits have given up Hinduism. Most of the homes I visited and stayed in have photos of Hindu deities alongside a photo (or two) of Ambedkar. In the story of Navsarjan’s work, though, both from the caseworkers and the Dalits who the caseworkers worked with, I did not hear of religion as a source of dignity in the same way that they spoke of the constitutional narrative as a normative source. Influential figures like Gandhi tried to reform Hinduism to rid it

⁷⁹ “People’s shared beliefs in their collective efficacy influence the type of futures they seek to achieve through collective effort; how they use their resources; how much effort they put into their group endeavors; their staying power when collective efforts fail to produce quick results or meet forceful opposition” (Fernández-Ballesteros et al. 2002, 271).

of untouchability while retaining the caste system. This move was strongly refuted by Ambedkar who argued that cleaning someone else's excrement could never be a dignified calling. Albert Bandura argued that "belief systems function similarly regardless of whether the political activism is by United States' citizenry or Costa Rican peasants seeking social reforms" (Bandura 2002). The site and form of protest is chosen by groups depending on which institutions they think can be leveraged to achieve desired goals. Seen from this perspective, the affinity for constitutional norms and the institution of law makes logical sense for Dalits to argue for dignity.

Marshall Ganz (2008; 2011), building on the work of Martha Nussbaum (2003), Jerome Bruner (1986), and his own experience as an organizer, has highlighted the important role of public narrative for successful organizational outcomes. He argues that hopeful narratives are the key to successful mobilization.⁸⁰ In Chapter 2, I analyzed the role of hope in Navsarjan's strategy and praxis. Navsarjan founder Martin Macwan had consciously included "being hopeful" as a core part of his organizational strategy. In that chapter, I argued that successes, no matter how big or small, were crucial to making sure that hopefulness remained an integral part of the narrative. I used the example of bargaining in the shadow of law as the key mechanism through which Navsarjan achieved early small wins. These wins created something like a self-fulfilling cycle that kept Navsarjan's caseworkers as well as the Dalits they worked with hopeful. Despite the caseworker layoffs, the project of realizing dignity through the pursuit of (hopeful) narrative of equality will endure because for so many ordinary members of the Dalit community, the constitutional narrative has become the go-to narrative for constructing and justifying their political claims. Crucial for endurance of this narrative, these people have also learned the skills and developed the networks that will enable them to put the moral narrative to work in practice. As a result, they are effective agents of change. An important reason why these agents will continue to uphold and practice the narrative is that it has become a part of their identity. The narrative, and their agency as embodiment of the narrative and its power, has become a part of their sense of self. Let me present one final story from the "grassroots" to substantiate my hypothesis.

⁸⁰ "Our dispositional system operates along a continuum from depression to enthusiasm, or from despair to hope. If we experience anxiety in a despairing mode, our fear will kick in, producing withdrawal, rage, or freezing. However, hope inspires curiosity, leading to exploration that can yield learning and creative problem solving" (Ganz 2011, 276).

Rameshbhai & Savitribehen:

I met Rameshbhai, a Dalit, in his village called Thoriyali about 10 miles from Sayla. Mukeshbhai and I reached Thoriyali around half past five in the evening. Rameshbhai asked us to meet him at the village primary school. We found him sitting on a matted floor in a classroom. There were about twenty children, aged between four and eight, around him who were engaged in a creative exercise to build objects with wooden blocks of different shapes. Rameshbhai said he runs workshops as community service in the village every day after school. The children in his workshops belong to several different castes, both Dalit and non-Dalit. Over the next few days, I learned that Rameshbhai and his wife Savitribehen's efforts to improve the educational experience of the village children are recognized by the village community.

Rameshbhai told me that even though many upper castes do not consider him an equal, they still send their children to his after-school workshops because they want a good education for their children. Rameshbhai recently organized lectures on *Babasaheb's* (Bhimrao Ambedkar's) thought in five government-run primary schools in the area. His aim is not just to educate Dalit children about Ambedkar and his ideas but also educate non-Dalit children. I asked if the upper caste parents object to his focus on Babasaheb, since talking about Ambedkar also means talking about the history of caste oppression and the project of "annihilation of caste." Rameshbhai said that they cannot object because of the way he frames Babasaheb as a "founder of the nation," not just an "icon of Dalit liberation." If the upper caste parents object, they would have to accept that they are not patriots. It is a clever strategy to avoid confrontation while performing a subversive narrative in public.

Rameshbhai grew up in Thoriyali. According to the Census of 2011, the village has a population of 2,229 out of which 365 are Dalits (16 percent) (reference). The village does not have many "general" category households and is populated mostly by people belonging to OBC castes. Among the Dalits, Rameshbhai told me that all households but one belong to the Chamar caste, whose traditional occupation is skinning dead cattle and tanning. I was told, however, that Dalits

in this village gave up their traditional occupation several decades ago and mostly work in the stone quarries nearby. As a result, they are not dependent on the OBC landowners for economic sustenance. Rameshbhai's father owned five acres of land, which he received under the Gujarat Wasteland Act. The land was not very fertile and since it did not have irrigation, his father could only raise one crop a year. It did not yield enough income to support the family. As a result, to supplement income, his father had to work as a wage laborer on other people's farms.

His father was caste-conscious. From a young age, he encouraged Rameshbhai and his three brothers to find careers outside the village. "My father wanted us to end the slavery," Rameshbhai told me. To make it a reality, his parents made sure that their children received as good an education as possible. They studied till class twelve in government schools. After that, Rameshbhai found a job working as a supervisor in a stone quarry nearby. When the time to get married came, Rameshbhai insisted on getting married to a girl who was at least as educated as he. The problem was that not a single Dalit woman in the village had studied till class twelve. After searching for a while, his family managed to find the person, Savitribehen, now his wife, in Himmatnagar (about 130 miles from Thoriyali). When she came to Thoriyali after marriage, she was the most highly educated woman.

Soon after they got married, the couple met Mukeshbhai, who had started working with Navsarjan and visited their village as part of Navsarjan's campaigns. Even though Rameshbhai and Savitribehen were politically conscious, they did not know much about the law. In other words, while they had "political consciousness" derived from a critical understanding of social and political relations, they did not have "legal consciousness" derived from an understanding of legally-sanctioned rights. They started attending Navsarjan meetings, workshops, rallies, and protests. In the process, the couple learned about rights, the law, and the importance of organizing. Rameshbhai said, "[before meeting Mukeshbhai] we thought that it was not really possible to fight *for and with* dignity. When he came and started talking to us, he told us that "we would die but not take oppression and discrimination lying down. We had to fight."

Mukeshbhai told me that after he developed a relationship with Rameshbhai and Savitribehen, he encouraged them to assume a leadership role in the Thoriyali Dalit community. The couple

organized many “public hearings” in Thoriyali to condemn atrocities against Dalits in Gujarat. Savitribehen joined Navsarjan caseworkers in the campaign for gender equity in the village. Their house is a frequent meeting place for gatherings of the Dalit community. I wondered if they feared backlash from the forward castes for their open defiance and protest. Mukeshbhai explained that they were mindful of possible retribution for their actions. So as to not put Ramesh and Savitri in danger, they waited two years to start open activism for Dalit rights after which they were reasonably confident of their strength and their ability to take on the potential backlash from upper castes. The timing of start of Ramesh and Savitri’s activism coincided with Navsarjan’s rise in Surendranagar. This (early 2000s) was the time that Navsarjan had successfully led the land reform campaign. As I explained in Chapter 3, the process of land reform implementation also brought the caseworkers in close contact with the local government officials. The caseworkers were riding a new wave of confidence.

My interviewees in Bhojpari had told me that the story of school segregation incident and its aftermath had produced a “local pithy” that became popular in the Dalit community. It went like, “don’t abuse Dalits because if you do, *Bhojpari will happen to you.*” I was told in Bhojpari that this pithy had become part of the narrative of Dalit power. When I heard this, I thought it was more like a “hidden transcript” – a story of power that “weak” Dalits tell each other behind the scenes (Scott 2008). In Thoriyali, though, I found evidence that this pithy was “globalized” and no longer “hidden.” Ramesh and Savitri knew the Bhojpari incident in detail. In fact, they said the news of Bhojpari had spread very rapidly in the area.⁸¹ It was in the local newspaper and everyone – Dalits and non-Dalits – knew about it. “Paramilitary forces had camped in Bhojpari for a week to protect our community,” he said. Mukeshbhai chimed in, “they [upper castes] became immediately aware of our power.”

While talking about segregation of Dalit children during mid-day meals in the village, Rameshbhai and Savitribehen both mentioned that, on occasion, they had told the upper castes

⁸¹ While talking about their experience working in the public school in Thoriyali, I had asked them if they knew what had happened in a public school in Bhojpari in 2003. I did not tell them the extent of my knowledge of the incident. Mukeshbhai was there as well but he kept quiet when I asked this question. Ramesh and Savitri said they knew the incident and then started talking of it in almost the same detail that I had heard from actual Dalit participants of the confrontation in Bhojpari. It was clear that Ramesh and Savitri had detailed knowledge of what had happened in Bhojpari.

that if they tried to demand segregation in the school, “*Bhojpari would happen to them.*” Today, Rameshbhai and Savitribehen are confident residents of Thoriyali who are not afraid of powerful upper castes. It was remarkable to see Savitribehen, a woman, talk of her agency. She recounted a recent incident:

The land behind my house is owned by the government. However, a *dabang* [local strongman] belonging to *Rabari* [an upper] caste has illegally occupied it. A few months ago, he brought about 100 people with him and brought JCB [earth mover] machines ... they wanted to build a new access road on the land behind our house. It would have affected my house and living space. The men in my house were all away and I was alone with my daughters. I climbed on the roof and shouted at them. I told them, “go away or I would go to Gandhinagar and have you arrested.” They left and did not return.

Continuing, Rameshbhai said, “My brother, it doesn’t matter how economically and socially powerful the oppressor is. They have money, we have the Constitution. We have Babasaheb. He [the oppressor] may be a millionaire, it does not matter.” Mukeshbhai interjected, took out the pen that was in his pocket and said, “We can take him on using just a sheet of paper that costs 50 paisa and this pen. That is our power.” As we got ready to leave the house, Savitribehen invited me to visit the school where she works as a mid-day meal cook.

The following morning, I went to the school around 10am. It was a Saturday so the school was on half-day schedule, which meant that the meal would be served at 10:30am. Savitribehen was busy making preparations to serve food. She greeted me but kept working. As I took a few minutes to survey the area, Rameshbhai appeared. He told me that he too works as a paid employee of the school. He helps run errands for the school and does other odd jobs. He also helps transport groceries (bought in bulk) for the mid-day meals. By now, children had started lining up to receive food. They seemed to be between four and six years old. On the menu that day was *khichdi* (a dish made with rice and lentils) and mild-spiced chickpeas. Girls and boys lined up separately and even sat separately during the meal on a stone-paved patio. After she served the children, she offered me some food. It was flavorful. Rameshbhai, who was helping with the

meal service, told me that students often say that they like Savtiribehen's cooking over their mother's.

Savtiribehen has worked at the school since 2008. I asked how she got this job, especially since at least some upper castes would object to a Dalit to serve food to their children. Before Savtiribehen took over, a woman belonging to Darbar (OBC) caste was the mid-day meal cook. According to Ramesh and Savitri, this woman was very bad at maintaining hygiene in the kitchen and often missed work. She was reprimanded on several occasions during surprise visits by the *Mamlatdar* but did not change her ways. Eventually, she was fired, and thus, a vacancy for mid-day meal cook opened at the school. The *Mamlatdar*, who was also a Dalit and knew Rameshbhai, called him and asked if his wife would like to work as a cook at the school. The two of them went to the *Mamlatdar's* and Savitri applied for the job. With a smile, Rameshbhai told me that there were a total of 31 applications but Savtiribehen was chosen by the *Mamlatdar* for the job. Apparently, knowing the *Mamlatdar* helped her secure the job. When I asked how he knew the *Mamlatdar* so well, I learned an important backstory.

According to Rameshbhai, there were two reasons for his relationship with the *Mamlatdar* and Navsarjan played a role in both. First, his activism with Navsarjan meant that he went to government offices to help Dalits with their issues. In the process, he came to know some local government officials. He also liaised with the officials when they visited Thoriyali for work. Second, in the late 1990s, his cousin was murdered by an upper caste (belonging to a *Darbar* "warrior" caste) over a land dispute. Together with his caseworker colleagues, Navsarjan founder Martin Macwan personally supported Rameshbhai's family in dealing with the police and the court proceedings to bring the guilty to justice. The case went on in court for two years. In the meantime, Ramesh's family was threatened by the accused, who wanted them to withdraw their case. With the support they had from Navsarjan, the family persevered. Since the family's safety was under threat, Macwan and his colleagues helped them get round-the-clock police protection until the case ended and the accused was sentenced. Along with police protection, the district administration deputed the *Mamlatdar* to keep a check on the safety and well-being of the household. In the process, Ramesh and his family became known in the area, especially to the government officers who visited the house regularly. These relationships, formed under exacting

circumstances, have served the household in unanticipated ways in the following years. When the opportunity came, his wife landed a government job at least in part due to these connections. Eventually, even Rameshbhai got a job at the school. Both Ramesh and his wife highly value good education. Therefore, they devote time and effort (beyond what their jobs officially call for) to make the schooling experience as interesting, compelling, and exciting as they can for the children in their community. They told me they are convinced that education is the most important method for advancement of Dalits.

Rameshbhai told me that when he started working for the mid-day meal program, the ground where the students sit and eat was unpaved. As a result, the children were forced to have their meals sitting on the ground with a good amount of dust in the air (stirred up as a result of children lining up and walking around for meal service). Rameshbhai and Sonelbehen thought it was undignified for the children to eat like this. They used their own funds to pave the ground. They also planted trees around the dining area, which, over the last ten years have grown into fresh and shady canopies.



Above: Mid-day meal service in public school in Thoraliya. Savitribehen on the right.

Until recently, the school asked students to bring plates from their homes for the mid-day meal. The couple told me the children from less well-off families would bring plates of inferior quality than the children from well-off families. For Ramesh and Savitri, this was a problem because it could negatively effect the self-esteem of children from low-income backgrounds. The couple, who had earned respect of both the parents and the children, started a campaign to get the school to buy plates. The school administration said it was short on funds so Ramesh and Savitri lobbied in the village for the school to have its own plates. Help came from a local politician who was running for the local panchayat elections. When the candidate came to Rameshbhai to ask for endorsement (Rameshbhai is a Dalit influencer so his house is a compulsory stop for local politicians during electoral campaigns), one of his demands was that the politician contribute to buying plates for meals at the school. The demand was accepted on the spot. Today, the school has its own 250-odd shiny steel dishes in which the meals are served (see photo) and all students eat from the same type of plate.

Rameshbhai explained that the OBC castes often find themselves at his doorstep, asking for help. Rameshbhai tutors their children after school. His wife cooks meals in the school that students like more than their home-cooked food. He uses his knowledge of the how the bureaucracy works to help people from all castes with government-related matters. He explained that he had become indispensable for many upper caste people in the village; they were better-off being on good terms with him – who he thinks do not really consider him to be their moral equal – rather than not. Ramesh and Savitri's household is economically independent: between the husband and wife, the monthly income is Rs.30,000.⁸² Their children have better educational opportunities than they had: their eldest daughter is in the third year of Bachelor of Computer Applications course, their son is doing a vocational Information Technology course in the local town center, and their youngest daughter is in high school.

Arjun Appadurai (2004; 2007) has argued that the realization of democracy for the poor and the marginalized involves the development of a “politics of hope.” Appadurai (2007, 30), notes that “hope is circumscribed by the metrics of the possible” and has become “essential to democratic theory and practice on the ground.” The politics of hope is predicated on the development of a

“cultural capacity to aspire.”⁸³ This capacity is a carefully curated form of “voice” (Hirschman 1970), which engages with the sociopolitical and economic issues in terms of “ideologies, doctrines, and norms which are widely shared and credible.” In my understanding, for Navsarjan and the people it has influenced, the politics of hope is synonymous with the politics of dignity. In addition to more pronounced achievements, such as pressuring the government to implement land redistribution for Dalits, Navsarjan’s less well-known but equally important achievements include helping people like Rameshbhai and Savitribehen develop into confident individuals who possess the “capacity to aspire” that Appadurai talks about. Not only do they possess the capacity to aspire in their own selves, they also help other Dalits around them develop this capacity.

There is little doubt that people like Rameshbhai and Savitribehen are morally committed to the idea of equality and the project of realizing dignity. They have learnt the script of the constitutional narrative, which they swear by. What distinguishes them, though, and makes them special in terms of being able to effect change, is not only their commitment to the script. They have also come to possess the capacities to be effective on the ground. The development of these capacities can be traced to several sources: their experience as Dalits who are discriminated by society; parts of the welfare state (which provided education, political participation, the courts, and the police), and Navsarjan (which not only introduced them to law and the idea of rights but also helped them access the state and develop important networks). I have shown how people like Ramesh, Savitri, Mukesh, Yuvraj, Yash, and Nitesh are continuing the project of realization of dignity even after Navsarjan has been forced to withdraw from active intervention as a professional NGO.

In closing, I would like to remind the reader that the story of the project of realizing dignity through the efforts of Navsarjan that I have told and analyzed could very easily be missed by scholars who only look at macro trends. From the macro point of view, positive changes would look impossible unless substantial changes in the political economy take place. Until then, as the scholars of state and society have described (Chapter 3), the poor and marginalized have little hope for a better future. The state of affairs (for instance, with regards to land redistribution from

⁸² At the time of the interview 1 US Dollar was equal to 71 Indian Rupees. Their family income at the time, therefore, was equal to 422 US Dollars per month, which they claim allowed for comfortable life in the village.

⁸³ Drawing on Albert Hirschman’s famous treatise *Exit, Voice and Loyalty* (Hirschman 1970)

the point of view of Dalits) look dismal at the aggregate level. However, when we look at the meso and micro levels, we see incremental stories of change, which, upon closer examination, reveal radical ramifications. The Dalits who shared parts of their life with me seem to live differently today, ostensibly with much more dignity than before. Perfect justice may not have been achieved. It perhaps never will. But substantial changes have taken place, in the cases I described through the efforts and influence of Navsarjan, that should give us reasons for being cautiously optimistic about the future being better than today as far as the dignity of individuals in the Dalit world is concerned.

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