

# Equality and Universality

*The distinction between equality and universality is important theoretically as well as in matters of policy. With the example of education, the author shows the limits to which universality can be taken and beyond which inequalities are bound to come into play. Sometimes it serves the public interest or at least the interest of the most disadvantaged sections better if inequalities are allowed to increase instead of being artificially reduced. A strongly competitive system of higher education may be to the general social advantage rather than one that discourages competition on the ground that it encourages inequalities.*

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If we divide public intellectuals in India into those who are egalitarians and those who are not, the egalitarians will vastly outnumber the others. To be sure there are able, well-placed and successful persons who will say in private that equality goes against nature since the natural talents of individuals are highly unequal; I have shown elsewhere that the argument about natural inequality is generally confused and on the whole mistaken [Beteille 1987:7-32]. At the same time, whatever the believers in natural inequality may think or say in private, in public they will go along with the general argument in favour of equality or else keep their counsel.

When they speak in public, legislators, judges, vice-chancellors, editors and the multitude of social activists can be counted upon to speak strongly if not eloquently in support of equality. There is something paradoxical in this because the practice of inequality is widespread if not all-pervasive in Indian society where it may be encountered in all sectors and at all levels. It is difficult to believe that public intellectuals are themselves entirely free from practices that are so widespread in their own society. In my limited experience, where it concerns the equal treatment of others, the conduct of legislators, judges, vice-chancellors, editors and even social activists is scarcely different from the conduct of other Indians. We are servile towards those deemed to be socially superior and expect servility from those deemed to be socially inferior; yet in public we never tire of advocating equality.

Many lend their voice in support of equality because they feel that that is in

keeping with the spirit of the age. In our time the support of equality does not call for any special justification; it is the opposition to it that does. Democrats, socialists, secularists, nationalists and humanists, however much they may differ on other matters, all tend to base their respective cases on the premise of equality. In the event, it is not surprising that equality has come to mean all things to all persons. It sometimes happens, as it did in the days of the Great Mandal Agitation, that persons standing at opposite extremes argue with the same intensity that their objective is to secure greater equality.

I believe I have said enough to indicate that I do not count myself among the egalitarians. This does not mean that I support every form of inequality as a desirable or a necessary condition of existence. It also does not mean that I am opposed to equality as being undesirable or unattainable. But it does mean that my support of equality is not unconditional. The pursuit of equality may be desirable or even necessary, but not in all circumstances or at any cost.

The true egalitarian recognises that our social practice is permeated by inequality, but he maintains that it can and should be brought in line with the principle of equality: the fact that our practice falls short of our ideal cannot be an argument for not having the ideal. Egalitarians will readily concede that there are other values – other ends of life – such as liberty, amity, concord and so on, but maintain that those values can be harmonised with equality, or else they have to be subordinated to it. Many ingenious arguments have been made

about the harmony between equality and liberty, or between equality and efficiency, but I have not found them very convincing and therefore I do not view myself as an egalitarian.

Some authorities believe that different social values can be fully harmonised and others that they cannot. Since I incline towards the second point of view, I would like to quote Sir Isaiah Berlin's classic statement of it:

Equality is one value among many: the degree to which it is compatible with other ends depends on the concrete situation, and cannot be deduced from general laws of any kind; it is neither more nor less rational than any other ultimate principle; indeed it is difficult to see what is meant by considering it either rational or non-rational [Berlin 1978:96].

Berlin was by no means an opponent of equality but he believed that there were other ends that were just as compelling and that sometimes collided with it.

It is not simply that the demands of equality are difficult to harmonise with other cherished values such as liberty or amity. Those demands are themselves diverse and not always easy to reconcile with each other. These are what I call the antinomies of equality [Beteille 1999]. If our everyday practice carries so many marks of inequality, part of the reason lies in the contradictions, oppositions and tensions inherent in the social ideal of equality itself.

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Isaiah Berlin was right to point out that the choice of an ultimate end or the primacy assigned to one of those ends over

the others cannot, and indeed need not, be justified by rational argument. Today the pursuit of equality has become its own justification. Yet this was not always so, certainly not in our society. When Nehru (1961:521) wrote on the eve of independence that the spirit of the age was in favour of equality, he was pointing to a new prospect that had appeared on the horizon. Those who wrote the Constitution of India with its many guarantees of equality believed that they were making a break with the past; certainly, Ambedkar, who piloted the document through the constituent assembly, did so.

It is this sense of a break with the past that gives its peculiar urgency to the modern Indian's quest for equality. Indian society is not unique in undergoing a break with its hierarchical past. The break with hierarchy in the direction of equality was made in the west in the 18th and 19th centuries. It is this that Alexis de Tocqueville described as the passage from aristocratic to democratic society although no one will claim that even in the west the passage has been completed. India's adoption of equality in place of hierarchy on the attainment of independence signalled its entry into the modern world.

The passage from hierarchy to equality marked by the Constitution of India appears more dramatic in this country than in the west for two important reasons. Firstly, it is being compressed within a much shorter span of time. Secondly, the social hierarchy in India was more comprehensive and more deep-rooted than in the west or in any other society. The hierarchical conception of society, if not the social hierarchy itself, had a continuity and a legitimacy that is unparalleled in human history. Attempts to question the hierarchy were no doubt made from time to time in the ancient as well as medieval periods, but no sooner did they acquire an organised form than they were co-opted into the system.

The two most pervasive forms of inequality from ancient to modern times were those based on caste and on gender [Sivaramayya 1984]. These inequalities which were accepted as a part of the natural scheme of things both appear odious to modern eyes. There was a consensus in the constituent assembly to deprive them of the legitimacy they had enjoyed since time immemorial. Many spoke in praise of the Indian tradition but none sought to defend the traditional social hierarchy. Some sought to deny the importance of hierarchy

in the past and to argue that true democracy had existed for centuries in India in the form of village republics; they were given short shrift by Ambedkar.

The adoption of a Constitution with plenary provisions did not change everything. Whereas the law today is all for equality, the bias of custom supports many inequalities in the relations between castes and between men and women. Where legislation is completely out of tune with the habits of the heart, its very purpose tends to be defeated. In the last 50 years too much has been attempted through legislative enactments many of which have come to grief on the shoals of established habits and practices.

All this is not to say that only the law has changed and custom has stood still. There is no society in which custom remains at a complete standstill, but changes in custom occur slowly through subterranean movements that are difficult to understand or control. If we look at Europe over the last 200 to 300 years we will find innumerable changes in the customs regulating the relations between classes and between men and women; in some matters custom even moved ahead of legislation. In India too custom has changed in the last 150 years although the change has been of a highly uneven nature. Though many inequalities remain, the social hierarchy today is no longer what it was in the middle of the 19th century.

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Law and custom have both changed in regard to caste as well as gender. This change is most conspicuous among the rapidly expanding middle classes particularly in the metropolitan cities. Among educated persons in professional, administrative and managerial occupations many elements in the treatment of women by men or of inferior by superior castes that were a part of everyday life in the past would now be condemned as reprehensible. In public institutions such as universities, hospitals and banks those who are deemed to be socially inferior no longer have to bear the kinds of social indignities that were a part of their common lot in the past.

Caste practices changed substantially in the course of the 20th century. Caste movements, of which there has been a great proliferation, have in many cases strengthened caste identity but they have also questioned and undermined the legitimacy of caste hierarchy. The fact that castes have begun to operate, along with other

communities of birth, as ethnic groups in the political arena itself signifies a change in the traditional hierarchical order.

Interactions between castes and caste identities themselves were in the past expressed largely through the ritual idiom of purity and pollution. Customs relating to purity and pollution have weakened in all parts of the country, in rural as well as urban areas, and in all classes and communities. Social exclusion on the basis of caste is still practised but less extensively and less rigorously than in the past, and less among the urban middle classes than among the rural peasantry. Marriages are still arranged largely within the caste if not the subcaste but the rules of commensality have broken down substantially.

The practice of untouchability, which carried the idea of pollution to its furthest limit, has undoubtedly declined. This has happened irrespective of changes in the material conditions of the scheduled castes. Even now there are cases where members of these castes are made to undertake defiling tasks against their will because that was the custom in the past, but such cases are becoming less and less common. Residential segregation is less strictly imposed and interdining between members of 'clean' and 'unclean' castes is not uncommon even in the villages. Schools have now become open to members of the scheduled castes as both pupils and teachers, and the school is one public arena where even in the villages untouchability is not generally practised. However, it must also be noted that, while the practice of untouchability has definitely declined, atrocities against the scheduled castes appear to have increased [Beteille nd].

Changes are also taking place in the position of women although such changes are difficult to measure or evaluate. There have been changes in the legal position of women, and 'the perpetual tutelage of women' which marked the traditional law of the Hindus has been eased, although custom has not moved as far as the law demands. Again, here custom has changed the most in the middle and the upper middle classes where education and professional employment have given women a voice they did not have before.

Intercaste marriages do take place although they are still uncommon. Perhaps the most striking change in society as a whole is the secular trend of increase in the age at marriage for women. The obsessive concern for the purity of women led to early

marriage; and the ideal of pre-puberty marriage reinforced the perpetual tutelage of women. This concern has declined substantially and it is noteworthy that the decline had gone furthest among the upper strata of society where until 100 years ago the rules relating to the purity of women were the most zealously observed.

The decline of traditional hierarchical values and of the ritual idiom of purity and pollution in which those values were expressed has been accompanied by the rise and growth of a new middle class. This class is steadily increasing in size, and its social and political influence exceeds its numerical strength. Recruitment to it is through education and employment and not, as in the case of caste, by birth. The middle class has a distinct culture which cannot easily accommodate the segregation of men because their ancestors performed defiling tasks or of women because they are subject to monthly periods. The growth of the middle class will not eliminate caste but it will substantially alter its character and significance.

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There can be little doubt about the many changes that have taken place in Indian society from the middle of the 19th century to the present. It is no longer a hierarchical society in the strict sense of the term [Dumont 1966; Beteille 1987:33-53], although large inequalities still remain. On the plane of legal and political values, hierarchy has been replaced by equality: this can be seen by contrasting the *Manusmriti* which may be viewed as the charter of traditional Hindu society with the Constitution of India which is the charter of modern India. At the same time, the situation is different on the plane of actual social existence: there one form of inequality based on caste and gender is yielding to another form of it based on education, occupation and income.

It is essential to underline the distinction between the two forms of inequality because they are very different in their operation and consequence. Caste and gender are fixed at birth and where inequalities are governed mainly by them – or by race – the individual has little or no prospect of attaining a better social position through his or her own effort. Where the individual's standing on the social ladder is governed mainly by education and occupation, advancement through individual effort is always possible, although the scope of such advancement should not be exaggerated. In the first kind of society,

which may be designated as hierarchical, individual mobility is disallowed or at least disapproved; in the second kind, which may be called egalitarian, individual mobility, though not always easy, is socially approved.

Indian society is changing from the hierarchical to the egalitarian kind although the change is highly uneven. It is most conspicuous on the constitutional and legal plane where hierarchical norms have been replaced by egalitarian ones. But whereas the law has changed in favour of equality, custom is still largely biased towards hierarchy. Caste bias and gender bias strongly effect the life chances of the individual and restrict the scope of individual mobility. At the same time, the functional requirements of the new educational and occupational systems make the practice of caste discrimination and gender discrimination increasingly anachronistic.

We can understand better the transition that has been taking place in India by viewing it in a comparative perspective. A similar transition took place in the west from the end of the 18th century onwards. Because it took place over a much longer stretch of time, we can see in it, in slow motion as it were, some of the processes that are unfolding in India at the present time.

The transition in the west was recorded in the first half of the 19th century by Alexis de Tocqueville (1956). The past was represented for him by France during the 'ancien regime' and the future by the US. He believed that the movement from hierarchy to equality – or from aristocratic to democratic society – was providential and irreversible, and that the US was showing to the rest of the world, or at least the rest of the western world, only the image of its own future.

Born into an aristocratic family, Tocqueville had a fine sense of the inner workings of aristocratic society – its manners, attitudes and sentiments, its deeply-rooted habits of the heart. In America he encountered a social imagination that was quite different from the aristocratic imagination. There not only was the law in favour of equality but the bias of custom was also in its favour. Tocqueville was struck by the extent to which, barring race and gender, human beings treated each other on an equal footing in public, irrespective of wealth and position. The situation in France was more ambiguous. Whereas the law had changed radically in

favour of equality, the old habits of the heart rooted in the aristocratic imagination were still pervasive. But the direction of change was clear: equality in social interchange was to replace disdain on one side and servility on the other.

His fascination with changes in law, custom and manners led Tocqueville to believe that equality was advancing on every front. But it was not. He had a sharp eye for the kinds of inequality that were characteristic of a society of estates and those certainly were in decline. But a new economic and social order was emerging with its own inequalities whose enormous significance largely escaped Tocqueville. Throughout the 19th century the advance of legal equality was accompanied by an increase and not a decrease in the inequality of income.

From the present point of view the most momentous changes throughout the 19th century were taking place not in the structure of property but in the occupational system and the educational system closely related to it. In the last 200 years there has been a continuous differentiation of occupations in the industrially advanced societies. In the 20th century this differentiation followed broadly the same pattern in the capitalist and the socialist societies, and it may now be seen at work in countries like India as well. Increasingly one's occupation has become the basis of one's social identity, although even in the world's most advanced economy, the US, race and gender are also of great significance as is caste in India.

The modern occupational system is a highly differentiated one in which the individual occupations run into tens of thousands. The classification and ranking of occupations is a major field of investigation among students of social stratification [Goldthorpe and Hope 1974]. There is no 'official' or formal hierarchy of occupations as there was of 'varnas' in India or of estates in Europe. 'Officially' all occupations are of equal utility and worth. But in fact all occupations are not equally esteemed nor do they all command equal authority or enjoy equal remuneration. The social ranking of occupations is determined through opinion surveys that involve complex technical procedures. These procedures have been developed and applied in Britain and the US over the last 50 years, but very little advance has been made in this regard in India.

In all modern societies occupations are socially ranked as superior and inferior

even where the social ranking or occupations is contrary to the official ideology. This is very well illustrated by the case of the Soviet Union (and other socialist societies) in the last three quarters of the 20th century. There labour, and in particular manual labour as the creator of all values, was assigned pre-eminence in the Leninist ideology; nevertheless, non-manual workers or the intelligentsia, and in particular professionals such as scientists, engineers and doctors enjoyed much higher status than manual workers. In India, middle class ideologues who argue that all occupations are of equal worth and dignity nevertheless choose occupations of only a particular kind as the preferred careers for their children.

The fact that occupations are unequally ranked does not mean that there is no disagreement about the ranking of particular occupations among members of the same society. Such disagreement is inevitable for two reasons. Firstly, new occupations are continuously emerging and displacing old ones; and secondly, the number of occupations has grown so very large that it is impossible for the average member of society to even know the names of more than a small proportion of them. But while there may be disagreement over adjacent occupations, such as typist and telephone operator, there will be general agreement that occupations like judge, ambassador or scientist are superior to others such as porter, cleaner or agricultural labourer.

There is a close but complex relationship between occupation and education in all modern societies. In the last 200 years education has become institutionalised to an extent unknown in human history; more persons of both sexes spend more time, both absolutely and relatively, in school, college, university and other specialised institutions of education and training than they ever did in the past. The expansion and institutionalisation of education has been closely linked with the emergence and growth of the new occupational system. Education provides not only the skills but also the credentials necessary for entry into certain occupations, and one's educational career often foreshadows one's occupational career.

The expansion of education leads to the creation of new opportunities although not all members of society can benefit from those opportunities or benefit from them to the same extent, hence education can also be a source of inequality. This point

hardly needs emphasis in a country like India where even elementary education, not to speak of higher education, is outside the reach of large masses of the population. Even in those countries where elementary education has become universal, not everyone can expect to go to the same kind of institution for secondary or higher education. Hence there are clear and distinct inequalities of educational attainment even in countries like Britain, France and the US, and these have important implications for the life chances of individuals.

Detailed empirical studies have shown that in Britain the gap in educational attainment between the working class and the service class consisting of professionals, administrators and managers has not been significantly reduced in the last 50 years despite the substantial expansion of education brought about by the welfare state during that period [Goldthorpe 1996]. At the same time, the gap in education between girls and boys has been reduced in each of the major social classes. It will bear repeating that education contributes to social mobility as well as the reproduction of inequality, paradoxical as it may sound.

The way in which high quality education contributes to a successful career may be seen most clearly at the top of the occupational pyramid in France. There a set of elite schools known as the 'grandes ecoles' such as the Ecole Polytechnique and the Ecole Normale Superieure is tightly linked to a set of elite services known as the 'grands corps', such as the Inspection des Finances, the Corps des Mines and the Conseil d'Etat: "A successful academic career in one of the top grandes ecoles leads to a career in one of the grands corps, which then facilitates the choice of a number of other possible careers within the outside state service" [Suleiman 1978:11]. It is with reference to this combination of grandes ecoles and grands corps that Pierre Bourdieu (1996) has spoken of a state nobility.

The French administrative system is reputed to be one of the most efficient in the world and also one of the most elitist. It owes a great deal to the foresight of Napoleon who shaped the grandes ecoles to give effect to his objective of 'careers open to talent'. Napoleon wanted to turn his back on the social hierarchies of the ancien regime and he was determined to select the best in the land through open national competition. That is how the

grandes ecoles still select their entrants. But equality of opportunity means at best that there is equality *before* the competition, not *after* it. Napoleon is not likely to have been disheartened by the discovery that the consequence of his system was a meritocracy.

Equality of opportunity of 'careers open to talent' has promoted equality in one sense but not in every sense. Even as a formal principle, its application was limited in the 19th century. It did not apply to women in France where the 'concours general' (or general competition) for admission to the grandes ecoles was open only to men. In the US race was an additional impediment to free and open competition throughout the 19th century and well into the 20th. But in course of time the impediments of gender and race came to be formally removed as did those of caste.

Despite the removal of formal impediments such as those of race, caste and gender, the competition for superior positions in both the educational and the occupational systems favours some segments of society over others. Children from families that are well endowed with material, cultural and social capital will generally do better than others in any system of free and open competition although there will always be openings for the others if they are specially gifted or are favoured by luck. All of this is disturbing to the true egalitarian.

Even a brief reflection on the complex institutional structure of modern societies will show that, the spirit of the age notwithstanding, inequalities of esteem, authority and income are an integral and perhaps inescapable part of their operation. One cannot think of a scientific profession in which all scientists will enjoy equal esteem or a hospital in which all functionaries will exercise equal authority.

While it is impossible to eliminate inequalities from modern societies which favour free competition and individual achievement, it should be possible to regulate them. Indeed an important concern of social policy in the welfare state has been with the regulation of inequality through progressive taxation and through social security and various other measures of social welfare. They seek not only to keep within limits the distance between the base and the apex of the social pyramid but also to stimulate social mobility. At the same time, social mobility is meaningful only in a society in which social po-

sitions are graded in terms of income, esteem and authority.

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It is impossible to root out inequality from society, particularly a dynamic modern society where inequality is both a product of change and a stimulus for it. But is it impossible to eliminate or at least to reduce substantially and continuously poverty, hunger, homelessness, illiteracy and ill-health? It is not possible to eliminate and sometimes even to reduce significantly inequalities of income; but it should be possible to substantially reduce if not to eliminate poverty. It is not possible to ensure equal attainments or even equal facilities in higher education for all; but it should be possible to make elementary education universally available to all. It is not possible to provide every kind of medical treatment on an equal basis for all members of society; but it should be possible to make elementary health care universally available to all.

The observations made above lead us to draw a distinction between equality and universality. This is an important distinction theoretically as well as in matters of policy. Because the idea of equality has acquired such a wide appeal in the contemporary world it tends to be overused. Its use in and out of context opens the way to confusion. When we want universal elementary education we should say that that is what we want instead of declaring that we want equal educational facilities for all.

When we want the elimination of poverty we should say that that is what we want instead of training our guns on economic inequality. A reviewer of a book entitled *Inequality Re-examined* has observed:

Now although Sen's official topic is inequality, his motivating interest is poverty, which appears, when it does, at the downward end of the spectrum of advantage, and which is a phenomenon distinct from inequality, since everyone might be equally poor, and since there is (at least) money inequality between millionaires and billionaires [Cohen 1993:2156].

Attacking inequality and waving the flag of equality have acquired a certain intoxicating power at least in India.

Many modern writers on equality have taken Kant's injunction to "treat each man as an end in himself and never as a means only" as the starting point of their discussion of the subject. But that is more a prescription for universality than for equality. To say that human beings should be

treated as human beings – and not as objects – is to say very little about how authority or esteem or income should be distributed among the members of society. To adopt a distinction proposed by Dworkin (1977:227), it asks at best for the treatment of human beings as equals, not their equal treatment.

The obligation to treat all men and women as human beings and not as objects has been acknowledged by most of the great religions, although it has not always found a very effective social expression. Even the Hindu dharmashastra recognised the validity of 'sadhara nadharma' or 'samanyadharma', i.e., rules governing human beings as such as the substratum of 'varnashramadharma' or rules varying according to social station. But in course of time what came to govern everyday life were largely the specific and not the universal codes of conduct.

The principle of universality appeals to the common humanity of all human beings. It reminds us that human beings are owed a certain consideration simply because they are human, because they are capable of suffering pain, loss and separation and of experiencing and expressing affection, fellow feeling and loyalty. It does not mean that the national product, or even the benefits and burdens of society should be equally distributed among all its members without consideration of ability, aptitude or need. It does not say that valued objects or activities should not be enjoyed by some unless they can also be enjoyed in the same measure by all. The principle of universality cannot wish out of existence the principle of scarcity [Hirsch 1977].

The sociologist will readily concede that social arrangements may be considered from more than one point of view. In a well known essay on equality the philosopher Bernard Williams has urged the case for considering them from the human point of view. He insists that the argument that all human beings should be considered from the human point of view is not trivial:

For it is certain that there are political and social arrangements that systematically neglect these characteristics in the case of some groups of men, while being fully aware of them in the case of others; that is to say, they treat certain men as though they did not possess these characteristics, and neglect moral claims that arise from these characteristics and which would be admitted to arise from them [Williams 1964:112].

To say that all human beings – blacks, untouchables, women, etc – are human and have to be treated as such may not appear today to say very much; but it is not to say nothing.

When it was acknowledged in past times, the principle of universality often remained on the plane of moral sentiment. A major step forward is taken when it becomes the basis of a whole legal system.

It is in the modern legal system that we find the principle of universality most clearly acknowledged, although the language used is often the language of equality. When lawyers speak of 'equality before the law' or 'the equal protection of the laws', they have in mind certain rights, capacities and immunities that should, at least in principle, be universally available to all, irrespective of race, caste, gender or any other personal quality of body or mind. When, on the other hand, we speak of equality (or equalisation) of income, we have in mind inequalities that can be measured and that are perhaps felt to be increasing when they ought to be decreasing. When people say that they are for equality, what they often mean is that they simply want certain basic things to be made universally available to all; but they sometimes also mean that they want every sort of inequality to be eliminated or at least reduced; and the two meanings tend to be frequently confused.

The clearest constitutional expression of the principle of universality is in the concept of citizenship. Citizenship is a modern concept, and a social order based on the rights – and obligations – of citizenship is very different from one based on the privileges and disabilities of estates or of castes. Today in India we are inclined to take citizenship for granted, ignoring its very recent adoption and its infirm social and political base. During the long period of colonial rule Indians were subjects rather than citizens, and before that citizenship in the modern sense could hardly have existed in a world in which discrimination on the basis of community, caste and gender was the basis of the legal and political order.

An essential component of citizenship in India, as in all modern democracies, is universal adult franchise. The universalisation of the franchise, which was spread over two centuries in the west, was achieved at one step with the adoption of the Constitution after independence. Universal adult franchise is not only the basis on which the national parliament and the

state assemblies are constituted, it is also the basis for the Constitution of all organs of local government, including the village panchayats. The novelty of this principle at the village level should not be lost to sight. It is sometimes said that panchayats are a part of the ancient democratic heritage of India. This is misleading because what was common in the past was the caste panchayat and not the village panchayat in its modern form, the village panchayat of the past being generally the panchayat of the dominant caste of the village.

The idea behind the universalisation of the franchise is that each person is to count as one and no person is to count as more than one. This was certainly not the basis on which public affairs were conducted in the traditional Indian village. Even the principle of 'one man, one vote' would appear strange in a caste-based (or an estate-based) society, and the idea of an electoral system based on the equivalence of men and women would appear contrary to the natural scheme of things. The romantic image of village democracy created during the nationalist movement has very little basis in historical or sociological reality, and this was understood by none better than B R Ambedkar who played such a significant part in the making of the Indian Constitution.

As a principle, universal citizenship was either absent or inoperative in the medieval world not only in India but also in the west. In France it asserted itself as a fundamental political principle with the revolution of 1789 although its beginnings may be traced back to the preceding century in Britain. In the west the idea of citizenship was no doubt well known in classical antiquity, particularly in Rome which provided so many images and metaphors to the makers of the French Revolution. But it must not be forgotten that the Roman idea of citizenship was always and in principle one of limited and not universal citizenship from whose ambit large numbers of men and women in general were excluded. And even that idea of limited citizenship was largely extinguished with the onset of the Middle Ages and the creation of a social order that was hierarchical in both practice and principle.

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The idea of universal citizenship did not emerge fully formed in the west at the end of the 18th century. It has developed slowly and gradually in the course of the last couple of centuries, and no one will say

that it has reached a final form as yet. But compared with other parts of the world, the realisation of universality through the growth of citizenship has achieved impressive results in the west.

The quantitative and qualitative expansion of citizenship in Britain from the 18th to the middle of the 20th century was examined in a seminal paper by T H Marshall. He traced this development primarily in the language of rights. "Citizenship is a status bestowed on those who are full members of a community. All those who possess the status are equal with respect to the rights and duties with which the status is endowed" [Marshall 1977:92]. The content of citizenship was enriched by the addition of new rights from one century to the next: civil rights in the 18th century, political rights in the 19th and social rights in the 20th century. Marshall saw some kind of culmination of this process in the creation of the welfare state which sought to provide all citizens with the basic amenities of civilised living.

In Marshall's view there has been a fundamental reconstitution of status in British society. Whereas in the past status was viewed primarily in terms of the hierarchy of estates, it has come increasingly to be viewed in terms of the entitlements of citizenship. But even the fullest expansion of the entitlements of citizenship does not and cannot lead to the elimination of the inequalities of class. As Marshall saw it, the rights of citizenship have a bias for equality which keeps in check the tendency towards inequality inherent in the market.

Certainly, the creation of new rights for all citizens contributes to the regulation if not the elimination of invidious social distinctions. This was the objective with which many rights were guaranteed to the citizen in the Constitution of India. A bill has been prepared to make elementary education a fundamental right. Some time ago it was proposed to create a right to work for all members of society, and more recently a former prime minister of India has called for housing to be made a fundamental right.

International agencies too have begun to stress the need for protecting and promoting human rights with increasing urgency. Development itself, which in earlier decades was conceived somewhat narrowly in terms of economic policy, is coming to be defined in terms of rights. The United Nations has initiated a move to treat the

right to development as a human right, i.e., a right that should be universally available to all human beings everywhere. This kind of international awareness creates a sense of urgency regarding the universalisation of rights, particularly in countries where large sections of the population have for long remained disprivileged and disadvantaged.

At the same time, the mere multiplication of rights is not likely by itself to lead to either equality or universality. Such multiplication soon reaches the point of diminishing returns and then becomes counter-productive. The Constitution of India is a fragile instrument and its fragility has become increasingly apparent since 1975. It is likely to be weakened rather than strengthened by adding more and more rights that remain unenforced and are perhaps unenforceable. Development cannot be carried very far solely on the basis of rights, it also requires resources; and while the United Nations may be very strong on good intentions, its capacity to mobilise and distribute material resources is severely limited.

Universality cannot be made only a matter of right, it has also to be a matter of policy. It is not quite clear that the recent shift from the language of policy to the language of rights in the discourse on development is a step in the right direction. The Constitution of India makes a distinction between matters of right, which are mainly in Part III, and matters of policy, which are in Part IV. This is a wise distinction and to introduce confusion into it will be a disservice to our democratic political order. It is true that many policy directives have been ignored or treated half-heartedly if not casually by the executive government. But it will show little judgment to try to instil a sense of urgency into those directives by turning them into rights, particularly when it is almost certain that those rights will remain largely unenforced.

The attainment of universality on even a very limited scale requires not only the removal of disabilities but also the creation of abilities. Intelligent policy can contribute something to the creation of those abilities, but not without consideration of the resources available to a society. However compelling the demands of universality may be, they cannot disregard the constraints imposed by the scarcity of resources. The presumption that a poor country can create for all its members the same facilities that are universally

available in a rich country cannot be a basis for sound policy. The rhetoric of equality among citizens and among nations should not become a drain on the unremitting effort required for formulating and carrying through realistic and sensible policies.

The neglect of elementary education has undoubtedly been the most costly failure of policy in the period since independence. India contains a very large proportion of the illiterate population of the world, despite its considerable material and intellectual resources. It is not that these problems were ever wholly forgotten by the policy-makers: what was lacking was not the capacity to formulate the required policies but the will to carry them through. The resources allotted to elementary education were paltry, and even those paltry resources were wastefully used.

More than 50 years after the adoption of the Constitution the literacy rate now shows signs of picking up, even in the most backward regions of the country. If the proposal to make elementary education a fundamental right leads policy-makers to put more resources into it and to ensure more effective utilisation of those resources, it may well appear peevish to complain against the move. But one thing should be clear: even after elementary education has become universal, inequalities will remain in the quality of what is available to children from the different strata of society. Even at the level of elementary education, universality does not mean equality.

The universalisation of elementary education will not lead automatically to the universalisation of secondary education, and it certainly will not place higher education within the effective reach of all members of society. In the kind of society envisaged in the Constitution entry into elementary school should not be by competition; it should be open to *all*, irrespective of race, caste, gender *and* merit or means. Entry into secondary school should also be without consideration of race, caste and gender, but it is difficult to be categorical as to merit and means, particularly in a poor country. If there are more applicants than places – as may well happen in a poor country – some combination of merit and means will govern the process of selection. In publicly-funded schools merit should be the criterion of selection where admission cannot be provided to all; but will it be reasonable to prohibit private schools in which parents who have the means will

be able to secure education for their own children even when they are of average or somewhat less than average ability? Should we make it a condition that secondary education should not be available to any except on the basis of merit unless it can be made available to all on identically the same basis?

As we move from lower to higher levels, educational institutions become increasingly differentiated and specialised. Those who have better abilities and better means go to the better secondary schools which equip them better for the competition to take the limited places available in the institutions of higher learning. We cannot say that admission to institutions that provide education for professions such as medicine, engineering and management should be open to all without consideration of merit or means because no state has the resources to sustain such a policy. Here what can be offered at best is equality of opportunity for those already qualified for admission, and this leads inevitably to inequality of outcome.

I have tried to show with the example of education the limits to which universality can be taken and beyond which inequalities are bound to come into play. These limits are not the same for all societies, being dependent on the resources available to each society, and the ability and willingness to use those resources in the interest of universality. The same argument could have been made by taking healthcare or some other generally desired end as an example. Universality is an important principle, distinct from equality, and to point to the limits of its operation is not to take anything away from its significance in a democratic society.

I have tried to underline the distinction between equality and universality because I believe that sometimes it serves the public interest or at least the interest of the most disadvantaged sections better if inequalities among the better-off sections of society are allowed to increase instead of being artificially reduced. A strongly competitive system of higher education may produce better scientists, better engineers and better doctors to the general social advantage than a system that discourages competition on the ground that it increases inequality. This is not very different from the position of Rawls who would argue that although the bias of policy should be towards equality, an increase of inequality

overall is justified if it benefits the most disadvantaged members of society [Rawls 1972:75-83]. In reality those who are strong advocates of equality for its own sake do not always keep the interests of the most disadvantaged sections of society in mind. **[EW]**

[This is a substantially revised and expanded version of a paper published originally under the same title in *Cambridge Anthropology*, Vol 17, No 1, pp 1-12, 1994. It was published in response to a paper in Vol 16, No 1 of the same journal by Alan Macfarlane to whom I am grateful for the stimulation. I have used the ideas in the present paper as the basis of my John Barnabas Memorial Lecture delivered under the same title at the National Institute of Public Cooperation and Child Development in Delhi on December 27, 2000.]

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