# Democracy, Disagreement and Merit

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The current dispute over extending reservations for OBCs in central institutions has raised a question that is being little discussed. The question is this. Assume that many people agree on the objective of creating a socially inclusive education system, where students are not deprived of the relevant opportunities because of their financial and social backgrounds. But assume further that even serious minded people disagree over the best instruments to use for this purpose. How should this agreement be accommodated in a democratic polity? How does one move beyond the banal statement that reasonable views must be respected, and give these views some institutional space. It seems that, at this juncture at any rate, this question requires some consideration. Unfortunately in the reservation debate, the distasteful attribution is made that people hold the views that they do because of their caste identity. But let us assume that there might be reasonable disagreements over the subject even when people make good faith arguments.

Although the empirical data on this subject is deeply inadequate, I suspect that in the end even empirical data is not going to do too much to resolve these disagreements. This is partly because we seem to have gone from the presumption that in a democracy everyone is entitled to their opinions to the assumptions that everyone is entitled to their own facts as well. We need to reflect on why reference to empirical argument has become more of a rhetorical tool than a serious exercise in reflection. But it is also likely that data may underdetermine policy options. We can always turn any argument on its head. If we find that existing quotas are not being fulfilled, we can see this as a failure of quotas, or evidence that there is no will to enforce them. Perhaps like the divisions over religion, divisions over this matter will be irresolvable and deep. I do believe that nothing is more dangerous for sound policy than the assumption that anything goes under the name of social justice and that there are no such things as relevant facts and cogent arguments. But in the final analysis, we cannot deny the possibility of fair minded disagreement.

## Gamut of Issues

After all, our disagreements on affirmative action run the gamut of issues. While we can all agree that we share the same goal, building a more socially inclusive education system, we disagree over the most effective instruments for doing so. There are also disagreements over the objective of affirmative action policy. Some think that the creation of equal opportunity should be limited to anti-discrimination measures. On this view, we need to ensure that, other things being equal, no candidate is discriminated against for being who they are. This is probably a baseline aspiration on which all can agree. But beyond this aspiration things get more complex. Some think of reservation as, rather implausibly, an instrument to fight poverty. Some think of it as creating equality of opportunity. Others still think that it is simply an instrument for creating a middle class of dalits and OBCs even though reservations do not achieve a generalised equality of opportunity. Some think that we must go beyond equality of opportunity to something closer to equality of outcomes. It is intrinsically desirable that jobs and educational institutions roughly mirror social cleavages in society. It is not simply enough that certain disadvantages be compensated for, or certain obstacles to opportunity be removed, but that the only test of success is that institutions are literally mirror of society. We also disagree over exactly how much weightage to grant different forms of deprivation. We can debate whether these are the aspirations we should have, and we can debate whether reservations are a plausible way of achieving these goals. But there is no doubt that at the moment, there is serious disagreement.

We also disagree over the consequences of reservation as practised. Does it produce more social integration by giving access, or does it re-entrench caste by making it an axis of social distribution? Does reservation extend a genuinely helping hand, or is it merely a politics of condescension? Is it a way of saying to backward castes, "We don't think giving you resources and removing the obstacles that stand in the way of realising your talent will be enough." You will also require these additional "crutches" as one scholar has called them. Does being identified through a caste tag harm the interests of those students from backward classes who are able to make it in the general merit list? The list of relevant questions could go on. We also disagree over the relevant target groups that should be included. Are the claims of SC/STs the same as those of OBCs? How much sub-group differentiation should there be? How are intra-caste differences as opposed to inter-caste differences to be accommodated? What are the other groups that need to be brought into the discussion of deprivation? Or further still, what do we mean by merit? How do we weigh the relative importance of granting autonomy to institutions to experiment, with the objectives of social justice?

There is one way of diagnosing these disagreements. This is simply to assume that our positions in this debate are structured by our caste or class interests. While there is no doubt that many individuals and groups strategically seek to advance their interests, the idea that all our disagreements can be traced to who we are is insidious for a democracy. It makes reasoned discussion and argument, reciprocity and mutual acknowledgment almost impossible. If we are so sure from the start that our identity structures our arguments why even bother having discussions at all. Are all of us going to be diminished and miniaturised, because we have no possibility for speaking for any identity or interest other than our own? If all our concepts are mere ruses of power, is there going to be any possibility of public reason? The way that arguments over reservation have proceeded over the last few weeks makes this question unavoidable. It is not that there are no better or worse arguments; public reason would not survive if we did not believe that. But in these complicated matters, there are so many underlying causal assumptions and judgment calls about how the world works, so many diverse ways in which our experience

impinges upon us, that it would be fatuous to expect agreement. At this juncture, even before we discuss what effective access policies should look like, we need to clear some space and ask: How will we handle disagreement in this domain? For fundamentally, the reservations debate has become a debate about the character of democracy, in more ways than we recognise.

It would be too easy and tempting to give a moral psychology for why disagreements on this subject are so deep and passionate, but I think it is time that we reflected on one aspect of the way in which this debate is structured. Part of what gives the reservation debate such an edge is the fact that it has become an all or nothing affair. It proceeds on the assumption that there is one correct model of affirmative action policies, and this model should apply more or less to all institutions across the board. Whether this model is numerical quotas, or numerical quotas minus creamy layer or whatever, the assumption is that almost all institutions, other than minority institutions should adopt this model. It is a "winner takes all" approach to public policy. So the stakes in the debate are extremely high. Perhaps more than arguments for or against reservation, we need to work out mechanisms for lowering the stakes in this debate. By lowering stakes I do not mean minimising the importance of the question about how to build socially inclusive educational systems; by lowering I mean simply that different sides have space to try out different experiments, and not feel institutionally shut out.

## Diversity

It is something of a mystery that the one thing we seem not to acknowledge is that a concern for diversity is a concern for a diversity of institutional forms. Diversity need not be limited to a diversity of opinion where we say to each other, without quite meaning it, that we respect each others' views. Surely there is more room to have those views, within some baseline limits, express themselves in diverse institutional forms. What those baseline limits are can be a subject of debate. They should not be set so low that serious moral values like non-discrimination are compromised. But they should not be set so high either that the range of permissible options shrinks to zero. Why should all institutions adopt exactly the same model of admissions? Why should they all perform exactly the same social role? Could we not think of different institutions as performing

different roles and catering to different needs and demands? For instance, there could be institutions where the state feels numerical quotas are important, there could be institutions were other kinds of deprivation indexes are used, there could be institutions that have open admissions and take it upon themselves to admit anyone who cares to show up, and there could be institutions that have very stringent criteria of entry. The lack of diversity in institutional forms in higher education extends beyond access policies as well; arguably ours is amongst the most homogenised large education systems in the world. For a country that prides itself on its diversity, there is a surprising fear of institutional diversity on any measure of the term diversity. We have reduced the idea of diversity to the idea of recognising different identities, but not recognising that they can be accorded recognition in different ways.

How might bringing this form of diversity into the debate help? For one thing, it would be a more honest acknowledgement of the standing of all the parties in the debate as citizens. It will be a truer reflection of views in society. It appears to me that this would be a more honest way of not only dealing with our genuine disagreements, but will foster more creativity and encourage pedagogic honesty. Second, it will lower the intensity of the debate, at least somewhat. It would be possible for all kinds of institutions to exist simultaneously. If some feel strongly that numerically mandated quotas are the only way

to express commitment to social justice, they can express this commitment in the institutional forms they choose; if others find this notion anathema, they could have their own institutional forms that express their preferred mode of social justice. Some might have reservations for 33 per cent, some for 50; some might target dalits, some OBCs. The diversity of institutional forms was a default position of institutions in India, which has been progressively eroded. What the current quota proposal, of extending reservations to OBCs in all central institutions does – and the reason it elicits such opposition – is that it threatens to erode the pockets of institutional diversity.

The third advantage of bringing the diversity of institutional forms into the debate is this. One of the weaknesses of current affirmative action programmes is that institutions simply do not respond to the presence of socially marginalised groups in the way they should. Even in India's top universities (or rather one should say especially in top universities) there is a conspiracy of silence around the problems of students who arrive through affirmative action. Some of them will do well, but in many cases the system will pass these students through. There is a glaring contradiction in the self-image of these institutions. On the one hand they think they are being bastions of social inclusiveness just because they have given access to socially marginalised groups, but whether they effectively help these students take

full advantage of the opportunity that access gives is another matter.

## Relating with Students

There are several reasons for this. Most of the pedagogic techniques in Indian universities are not aimed at the specificities of different students. We talk at students rather than talk to them and so are unable to discover or respond to the appropriate level a student requires. There is frankly no way of flexibly responding to the needs of students in ways that are appropriate for them. What goes by the name of remedial programmes and support systems are frankly a joke that often infantilise students who go to them. So we violate the first canon of good teaching namely that you have to start at the point the students are at. The problem is that the greater the disparity of starting points in the classroom, the more likely it is that students are likely to be left out of real teaching. In our debates, while we have recognised the importance of diversity of identities, we underestimate the challenges huge disparities in starting points produce in the classroom. Our answer to this challenge is simply to ignore it; to shuttle people through.

A diversity of institutions can help address this huge but unacknowledged problem in our education system. Rather than clubbing all institutions under one rubric, institutions will become more self-conscious of the kinds of institutions they are, the kinds of students that come to them, and the pedagogy appropriate to those student bodies. For instance, in California, the higher end of the state system, the Berekelys, etc, teach in one way; while the Long Beach model, which is required to admit every student with minimal qualifications teaches another way. But both address their students rather than shunt them through.

Is there a danger that this plea for diversity will promote unintentional ghettoisation of students? Not really, at least if some background conditions obtain. Nothing in this plea for diversity should be read as suggesting that the state will not have to provide adequate resources at all levels of education so that no child is deprived of the education she deserves because of financial or social disadvantages. If even a modicum, and not a full measure of those background conditions obtain, you would expect students from different groups being able to make it to different institutions. If these institutions are, within their own premises, well run, they will attract all kinds of students, privileged and not so privileged. Second we would have a more refined concept of equal opportunity. Equal opportunity does not necessarily imply that every student should have access to the same kind of institution; it implies that every student should have access to the institution most appropriate to them. The important thing is that the institution contributes to a substantial enlargement of opportunities and abilities. It does not let the student simply pass through, knowing that there is no accountability at all. Third, nothing in this proposal is prejudging which institutions will be good and successful. It may turn out that institutions with reservations are better if not as good as institutions without; and there is more demand for them, rather than less. Nor is this proposal suggesting that some these institutions should be endowed on the criteria of the kinds of policies they adopt. Indeed, there is something unjust about the current allocations, where a handful of IITs get more than 15 per cent of central allocation on higher education, while institutions that cater to much larger numbers are starved of resources. It need not necessarily follow that institutions of particular types be funded more than others.

Finally, this diversity will help us get around the confused thinking we have on merit. Let us assume that merit is randomly distributed across castes and classes, a baseline assumption no democracy can reject. Given the right institutional conditions this merit can be discovered and nurtured. But both sides in the affirmative action debate have a valid point. Proponents of reservation argue, rightly, that relaxing standards in admission is not necessarily incompatible with merit. Opponents of reservation argue, plausibly, that relaxing standards at admissions leads to inferior outcomes on the output side. Both observations may be true if one condition obtains, namely the institution does not contribute to development but is simply a screening device. So if institutions do not help less qualified students improve their abilities, then they will go out as they came in. What is the evidence of this phenomenon? Frankly, this is an area that does need more empirical investigation. But some studies suggest that institutions do not in fact contribute to improvement; relaxed standards in, relaxed standards out.

## 'Output' Merit

If this is happening then we need to interrogate the pedagogy in our institutions more. But the fundamental point is this: what is the appropriate point at which merit should be measured, assuming it should be. The peculiarity of the Indian debate is that we lay inordinate stress on measuring merit on the input side; whereas the genuinely relevant measure should be on the output side. For society what matters less is what marks someone got it with; what matters more is the competence they graduate with. Unfortunately, in professional schools for instance, output testing is less stringent. The result is that even well-to-do students, from recognised institutions get off scot-free. But if our output licensing requirements were credible, it would matter less what criteria students got in with. The important thing is that institutions be held accountable for the outputs. Unfortunately, if the chain of reservation extends from education to jobs, and reserved students can easily get access to reserved jobs, the chain of accountability on the output side breaks down. This is not to suggest that these students are necessarily inferior in quality; it is simply that there are no credible signalling mechanisms that can validate them. I suspect the advantage of more stringent output testing rather than an obsession with criteria for admission would be a far fairer picking out of potential.

The practical difficulty in a scheme that has the buzzword diversity is that it still leaves us with difficult questions about allocative decisions. How many institutions of what kinds should there be? Are there principled criteria by which we can determine which institutions should have what kinds of policies? This question is particularly acute since most institutions are likely to be state institutions, and the state needs some criteria to allocate funding. But the fact that this question is not easy to answer is no reason to suppose that a one-size-fits-all solution is an honest answer to our problems. Allowing for a diversity of institutional forms, is a better and more honest way of encouraging innovation, creativity and pedagogic appropriateness. I have my views on what kinds of policies will produce better access than numerically mandated quotas. But the pressing call of our democracy at the moment is to remember that honouring diversity may well be the best way to mitigate conflict. Freedom does not always produce perfect social justice, but it can help lower the intensity of conflict, the urgent step required in this debate. But no society that fears freedom and diversity is likely to end up with social justice. ▇▇▇

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