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## **Caste studies today: Imaginary victims and perpetrators**

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### **Abstract**

Starting with an individual report in a leading British periodical of higher education, this article fans outwards to show how the contemporary field of caste studies reflects the degeneracy of its methods and claims. Rather than producing knowledge about India and the so-called caste system, caste studies has worked itself into a corner by creating a set of imagined victims and perpetrators of caste oppression, atrocities, violence and discrimination, and by making unsustainable claims on legal systems and other institutions. The manifold and insurmountable problems of contemporary caste studies include its basis in the European framework for the study of India founded upon Christian theological claims, the carry-over of this account into the secularized humanities and social sciences, and its engagement in corrupted academic practices of the kind that typify grievance studies today. That an alternative account exists in the form of the research programme of SN Balagangadhara, which inspires the articles in this special issue, is good reason for rethinking and revision of the field.

### **Key words**

Caste system; jati; caste studies; caste discrimination; Brahmins; SN Balagangadhara; Ghent school; grievance studies; India; United Kingdom; United States; corruption

### **Resumen**

Comenzando con un informe individual en un importante periódico británico de educación superior, este artículo se abre para mostrar cómo el campo contemporáneo de

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los estudios de castas refleja la degeneración de sus métodos y afirmaciones. En lugar de producir conocimiento sobre la India y el llamado sistema de castas, los estudios de castas se han arrinconado al crear un conjunto de víctimas y victimarios imaginarios de la opresión, las atrocidades, la violencia y la discriminación de las castas, y al hacer reclamaciones insostenibles sobre los sistemas jurídicos y otras instituciones. Los múltiples e insuperables problemas de los estudios de castas contemporáneos incluyen su base en el marco europeo para el estudio de la India basado en afirmaciones teológicas cristianas, la transferencia de este relato a las humanidades secularizadas y las ciencias sociales, y su participación en prácticas académicas corruptas que tipifican los estudios de agravios en la actualidad. Que exista un relato alternativo en la forma del programa de investigación de SN Balagangadhara, que inspira los artículos de este número especial, es una buena razón para repensar y revisar el campo.

### **Palabras clave**

Sistema de castas; jati; estudios de castas; discriminación por casta; brahmanes; SN Balagangadhara; escuela de Gante; estudios de agravios; India; Reino Unido; Estados Unidos; corrupción

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## 1. Imagining victims and perpetrators

In its January 7, 2021 issue, the Times Higher Education (THE) published an article ‘Caste discrimination is a global problem’ by Saikat Majumdar (Majumdar 2021). It appeared to make unsustainable and erroneous claims, and was silent on issues that one might expect should have been raised. But was my assessment mistaken? THE’s Deputy Features Editor, Jack Grove had, after all, recommended it to readers as a “powerful account” in his email round up. In correspondence, Grove dismissed my allegation that a distinguished novelist and professor at an Indian university could lack knowledge of what he had written. Majumdar’s chief claim is that caste discrimination was now a global problem and that is because of the Indian diaspora’s concentrated presence in countries such as the United Kingdom and United States. He is quite sure of this: “There is clear evidence that the vast Indian diaspora has led to the globalization of caste discrimination, notably to countries such as the United States and United Kingdom, where there is a high concentration of people of Indian origin but where caste oppression has struggled for legal and social recognition.” Following the account by Shubranshu Mishra (2020), lecturer at the United Kingdom’s Exeter University, he adds that this discrimination will be augmented because the number of students from India studying abroad has vastly expanded.

Majumdar’s claim is notable for several reasons. It was published in and defended by a leading higher education periodical in Britain, which is a destination for a significant percentage of Indian students abroad. Taken at face value, it means that the ever-increasing number of Indian undergraduate and graduate students abroad, a large section of whom choose to go to Anglophone countries like the United Kingdom, pose a real risk because of the caste discrimination they bring with them.<sup>1</sup> As we will see, Majumdar also points to the United States as susceptible to a similar risk. Majumdar’s and Mishra’s suspicions of the proneness of Indian students to committing caste discrimination are shared by fellow academics (Kent 2005). The students in question would likely be unable to refute the claims being made about them because they are socialized within an educational milieu which teaches the account of India as a society marked by caste oppression, while the same views of India are dominant in their destination countries (see Rosser 2001, for the United States). Similar claims of students from other countries bringing patterns of discrimination are hardly ever heard. India is the focus of attention because of the kind of social disease which the caste system is said to bring with it. These claims about Indians abroad are far from being isolated, and the suspicions extend to other than those who are present as students (Subramanian 2019, Krishnamurthi and Krishnaswami 2021), and are backed up by similar observations expressed for nearly two decades within the human rights bodies of the UN (Eide and Yokota 2004, Izsak 2016).

One technique Majumdar uses to substantiate his claim of the prevalence of caste discrimination or oppression is the presence of Dalits in the incidents he describes. Often

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<sup>1</sup> For Indian students going abroad, see, among many sources Bothwell (2020). According to the Higher Education Statistics Agency (HESA), the number of Indian student enrolments in the United Kingdom in 2020/2021 was 84,555. This was a significant jump from the number in 2019/2020 of 55,465, a greater than 50 per cent rise, which isn’t explained by the COVID pandemic: <https://www.hesa.ac.uk/data-and-analysis/students/where-from>

translated as “oppressed”, “Dalit” is the neologism which generally refers to those who belong to a “Scheduled Caste” or “untouchables” in India, so described because of their legislative status. The listing of castes or jatis within legislation derives from a British colonial practice. The criteria for inclusion on these lists are elusive (Dushkin 1972, pp. 169–173; Galanter 1972, pp. 243–246, 1984, pp. 121–153; Bhat 2017, p. 178; De Roover 2017b; Fárek 2023). Despite this difficulty of knowing just what makes them a unit, the jatis appearing on these lists have since been treated as belonging to the larger groupings, whether known as Scheduled Castes, untouchables or Dalits, who are then generalized as suffering from caste oppression. Just as “Dalit” conflates many jati groups into what is now assumed to be a unified oppressed group (often labelled as *a* caste), so it is assumed that those from jatis not listed in the Schedules are “upper castes” and therefore “privileged”. Further evidence is seemingly not required to establish these claims, and the pattern emerging from recent research shows a laziness in labelling and drawing conclusions about these groups without interest in researching the thousands of jatis that populate India and present among Indians abroad (see Venkat Rao 2014, pp. 307–330). As Keppens (2015) has shown, the plausibility of these claims today relies on how, by the middle of the 19<sup>th</sup> century, the conjecture with respect to the Aryan invasion, with its postulation of two races in India, one dominating the other, had acquired the status of a fact in theorizing about India.

Majumdar’s technique of citing the mere presence of Dalit individuals in certain events as demonstrative of the oppressive role the caste factor plays does not help readers to understand exactly what took place and why. He therefore fails to enlighten readers as to why the events are indeed incidents of discrimination and how they cast light on his broader claims of the prevalence of caste discrimination in India or among Indians abroad. In effect, Majumdar fails to help the reader to understand what caste discrimination is. Given that one of his aims is to convince readers of the necessity of legislation against caste discrimination, not being able to identify what type of incident such a law should capture seems like a serious shortcoming. But this criticism should not be read as *ad hominem*, or that Majumdar is the only example of this tendency. If that was the case, it would not be very interesting or worthwhile noting. Far from being untypical, his discussion is part of a larger pattern of how scholars, activists, officials and others speak of caste today. As the authors in this special issue show, the state of caste studies is such that even though it is the subject of laws in several countries, and has gained the interest of UN human rights bodies for several decades, it is not at all clear what phenomena caste and caste discrimination are (Fárek 2023, Shah, 2023), or what caste violence or atrocities are (Sashittal 2023).

Drawing on an Oxford doctoral student’s description, among the incidents Majumdar cites as “institutional murder”, is the death of another doctoral student, Rohith Vemula, at Hyderabad University in 2016.<sup>2</sup> It is unclear what they mean by “institutional murder”, though, and why they use this epithet given that, by all accounts, Vemula had taken his own life. This is an example of a “legalistic mistake”, which involves using legal notions outside of legal contexts in ways that can mislead (Azevedo 2019). However, we can grant that Majumdar and his sources do not have a legal background,

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<sup>2</sup> The description “institutional murder” may in turn be drawing on that given by poet K. Satchidanandan (The Hindu 2016).

and “institutional murder” need not be read as a term of art but as a sort of rhetorical device. Rohith Vemula’s suicide note does not mention caste oppression (De Roover 2016), although a host of commentators from politicians to academics tried to paint the caste system as the cause of his suicide (see similarly, Dhawan *et al.* 2022). Telangana police said at one point that he wasn’t a Dalit, which puts in doubt his position in any claimed caste hierarchy (Express News Service 2016). While caste could be one among other factors in the reportedly large number of suicides among students in India, can it be said that it is the only factor of concern and what else might explain them? Clearly, the issue of student suicides is important, but making assumptions about their causes by merely tagging them by their (alleged) caste grouping is misleading and entails another fallacy, “oversimplification” (Burkett 2019). Citing one ambiguous case is forgivable, but Majumdar has further examples. A Professor of English and Creative Writing, he says that “India sits at the pall of the brutal rape and murder of a 19-year-old Dalit (“untouchable” in the caste system) woman” in Hathras, Uttar Pradesh. Although four persons were charged for rape and murder in this incident, at that stage, the facts were disputed even among the police, the administration and India’s Central Bureau of Investigation, and various accounts of the incident conflicted with each other. As with the other cases he cites of student deaths, there is no certainty regarding what role caste played in the death. Majumdar’s telling of this incident follows a pattern that is typical of all the examples he discusses: without acknowledging the obvious uncertainties of the cases, Majumdar enlists them for his general account of caste oppression in India. This leads him to commit further fallacies of reasoning involving “confirmation bias” and “suppressing evidence” (Johnson 2019a, 2019b).

For evidence that caste discrimination has reached American and British universities, Majumdar cites three other cases. One is a case of a (now) senior fellow at Harvard, Suraj Yengde, who claims to have been a victim of a hate crime while a graduate student in England, in an incident which the police apparently failed to understand. In another case, there is an allegation of how a former Boston student was excluded from a house-share by college roommates after his low-caste origin became known. The third is a case of the rejection of an applicant from a doctoral science programme at the University of Alabama after a “caste-check”. As with the cases he talks of in India, we aren’t told by Majumdar exactly how they betray caste-based discrimination or violence and how caste was an explanatory factor leading to the complained-of incidents. Despite the ambiguities, Majumdar evidently wants to use these cases to persuade his readers that Western universities need to attend to caste and that there needs to be legislation so that law-enforcement agencies can fully understand caste-based violence. We therefore see a peculiar way of arguing which is more widely reflected among those making the case for laws on caste discrimination in Western countries (Dhanda *et al.* 2014, pp. vii, 19; Waughray 2014, p. 377). Rather than advocating that a phenomenon like caste-based violence or discrimination must first be unambiguously understood and only then legislated upon, they have the reverse process in mind. There has since been a wave in the United States of universities and their student bodies adopting codes on caste

discrimination, including one at California State University, which is currently being challenged in the United States federal courts.<sup>3</sup>

As “clear evidence” of his claim that caste discrimination has been transported abroad, Majumdar introduces the case against the firm Cisco Systems, one of the prominent firms in the Silicon Valley landscape, brought by California’s Department of Fair Employment and Housing (DFEH) (which has since been renamed the Civil Rights Department (CRD)). The litigation comes amidst broader concerns about the issue of H1-B visas in the United States, which is claimed to create detriment to American workers by favouring lower-salaried foreign workers (Kandel *et al.* 2022). Demands for training on caste and to have caste reflected in anti-discrimination policies have since spread to other firms in California’s tech sector (Dave 2022). The factual background to the litigation isn’t discussed by Majumdar though. While some preliminary hearings have since taken place, the main arguments regarding whether claims for caste discrimination fall within California legislation, and whether discrimination was actually present, have yet to be heard. However, Cisco had been making its stance known, at the time arguing that the two internal reviews already made of the complaint were thorough and did not find any caste discrimination (Chandler 2020). They further argued that the manager against whom the vast majority of the allegations of discrimination and harassment were made was the same manager who hired, gave leadership opportunities, and provided top compensation, including special bonuses, to the complaining employee, all the while knowing the complainant’s caste because their relationship dated back to their studies together in India.<sup>4</sup>

Majumdar again enlists in support Mishra (2020), who says: “this case [Cisco] bares open the proximity of upper-caste communities that aspire to whiteness and ally with white supremacy and thereby punctures the tendency to represent the South Asian diaspora as monolithic, homogenous and casteless.”<sup>5</sup> Although Mishra claims that South Asians are represented as monolithic or homogenous, one can find plenty of academic work that does the opposite, by emphasising differences among them. True enough, the Cisco case demonstrates that the South Asian diaspora is hardly casteless, but it seems hyperbolic or just wrong to say that it would puncture a commonplace tendency. Academics working on the South Asian diaspora routinely reference caste (see Shah 2023), while evidence from American schools shows that schoolchildren are told about India’s caste system (Rosser 2001). Earlier, on 24 June 2020, in the same year that Mishra wrote his article, Priyamvada Gopal, professor at Cambridge University’s Faculty of English, had announced on Twitter that: “I’m from a Brahmin family. That makes me a Brahmin. I will say this too then, since Brahmins are the whites of India. Brahmin lives don’t matter—not as ‘Brahmin’ lives. Abolish Brahmins and the upper castes.” Another

<sup>3</sup> The case is *Kumar and Sinha v Koester et al.* Documents available at <https://unicourt.com/case/pc-db5-sunil-kumar-ph-d-et-al-v-dr-jolene-koester-in-her-official-capacity-as-chancellor-of-california-stateuniversity-et-al-1317416>. The Equality and Diversity training at my university alerts staff to caste discrimination as being unlawful under the UK’s Equality Act 2010, although, as far as I know, it has not been complemented by the adoption of a broader policy among staff or students.

<sup>4</sup> *Department of Fair Employment and Housing, v. Cisco Systems, Inc., Sundar Iyer, and Ramana Kompella*, Case No. 20CV372366. Although the case had an individual ‘claimant’, the DFEH/CRD claims that the action is on behalf of a class, a fact which is itself at issue in the litigation.

<sup>5</sup> For a criticism of stereotypes of Asians in the United States for “white-adjacency” or “proximity to whiteness”, see Xu (2021, pp. 39–41).

followed that tweet on the same morning: “For those at the back: I’m a Brahmin. My Brahmin life does not matter/Abolish Brahmin-ness.” Gopal’s desire to erase her own Brahminness, and that of others, continued to be expressed in subsequent tweets. Sure enough, Brahmins have been the group most targeted for verbal (and often physical) assault, although as Jalki and Pathan (2017) have shown, they are remarkable for their absence as perpetrators in caste atrocity reports. The Ambedkar International Centre’s application to file an amicus curiae brief in Cisco, signed by a number of academics and NGOs, says the following (“John Doe” being the anonymized name of the former Cisco employee):

The employee at issue in this case, John Doe, was perceived as different by his Cisco supervisor with respect to several of these protected characteristics because that supervisor is a Brahmin, a member of India’s most privileged caste, while Doe is a Dalit, a member of India’s most downtrodden caste. Doe was then treated unfavorably because of those perceived differences.

This application does what it ought not to be doing. In advance of the conclusion of the case, it assumes a set of facts concerning the perception of John Doe’s supervisor and Doe’s treatment consequent to that perception. How would those making the application have been privy to what the supervisor perceived? It carries familiar but falsifiable assumptions about Brahmins and Dalits, while both groups are wrongly described as being a “caste”, if what is meant by caste is jati. If one translation of Dalits is the “downtrodden”, then the claim carries a tautology since it may as well have read that Doe “is a downtrodden, a member of India’s most downtrodden caste”! In line with a practice we have seen already, here again we have the mere postulation of a claimed Dalit victim standing in for caste discrimination.<sup>6</sup> One could regard this as yet another fallacy in caste studies, the fallacy of presumption (Arp *et al.* 2019, pp. 22–24), which makes it inevitable that the mere co-presence of Dalits and Brahmins involves discrimination or oppression because of the latter’s perception. While the Ambedkar International Centre’s application is in part a response to the defence, and therefore can be assumed to have been written in awareness of the defence arguments, it does not mention that according to those arguments Dalit employees were promoted to senior positions and that John Doe had himself been offered a senior role. The application therefore also betrays the fallacies of suppressing evidence and confirmation bias.

As with Gopal’s likening of Brahmins to whites, neither is it obvious why Mishra thinks that the upper castes among South Asians are aspiring to whiteness and allying with white supremacy, and how the case against Cisco would lay that open. In fact, if one accepts the claims being made by the DFEH (CRD) in the Cisco litigation, then the very opposite would be the case. If upper caste or Brahmin managers at Cisco were indeed discriminating against fellow employees, wouldn’t it highlight their Indian-ness rather than their whiteness? After all, haven’t generations of observers over the last two centuries held the view that caste is quintessentially Indian or Hindu? Even Isabel Wilkerson (2020), who has tried to make the case that caste exists in the United States, and did so under Nazi Germany, has recourse to the “lingering, millennia-long caste

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<sup>6</sup> Among the group of signatories were the scholars Kevin D. Brown, Ajantha Subramanian, Shailaja Paik, Annapurna D. Waughray, Hari Bapuji, Scott R. Stroud, Meena Dhanda, Gaurav Pathania and Tanojkumar Meshram.

system of India” as its paradigmatic instance. These propositions can be seen as an instance of another fallacy, that of *reductio ad Hitlerum* (Scalambrino 2019), which puts adherence to caste beyond the pale by association with grievous abuses. That is not all though. Wilkerson’s analogy between caste and race, the claims of proximity to whiteness by Mishra, and Gopal’s “white” Brahmins, all betray that they are the beneficiaries of a current of thought produced by European Orientalists, which American and Indian sociologists eventually took on, with consequences lasting into our time. This link is exposed in this special issue by Martin Fárezek (2023).

Then there are some odd absences from Majumdar’s article. The plaintiff DFEH’s (now CRD) brief reveals that in the background of the Cisco case is the fact that “John Doe”, the former employee, may have got admitted to one of the Indian Institutes of Technology (IITs) on the basis of a caste reservation, which the DFEH describes as “an affirmative action program”. Fellow employees got to know that the complainant was an entrant to the IIT as a beneficiary of a caste reservation quota. This might have meant that he was admitted on lower entrance requirements than non-beneficiaries. Even though John Doe claimed that his reservation-beneficiary status was allegedly “outed” to his fellow employees, Majumdar does not link the Cisco case to the ubiquitous system of caste quotas that go into the public sector university admissions process in India. While he mentions it elsewhere in his article, he does not relate the Cisco case to this extensive system of birth-based discrimination in favour of persons who find themselves on certain caste lists, and who compete with others for university admission on an uneven footing, as they can for university staff posts, government jobs, and seats in Indian legislatures. Although the facts of the University of Alabama case Majumdar mentions are very thin, could it also have been a result of doubts created as a result of the applicant previously benefitting from a caste reservation? While based on vaguely conceived justice grounds (Balagangadhara 2017), in effect, this system of selection was regarded by its votaries as justifiable because they saw it as a “compensatory” form of discrimination (Galanter 1984), although it is far from certain what the claimed compensation is for. While a candidate may not want it known that she or he is a beneficiary of a caste reservation, would it not be in the interests of a university, employer or manager, or a customer to know whether a candidate is or was such a student? There is an inevitable tension between the two sides given that less qualified persons are accorded privileges on dubious grounds. It does not seem realistic or reasonable to reduce the resulting educational or workplace frictions or resentments to caste-based discrimination or harassment, as Dhawan *et al.* (2022) and Paliwal (2023) also do more recently.<sup>7</sup>

Caste reservations or quotas are based only on caste membership without any test of disadvantage or merit. As such, they constitute a form of direct, birth-based discrimination. This observation should not be read as affirming the claim that caste is a birth-based institution but only that it is widely regarded as such. For instance, the Ambedkar International Centre’s application to file an amicus curiae brief in Cisco

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<sup>7</sup> Dhawan *et al.*’s article, the result of a study funded by the Indian Ministry of Human Resources, was summarized by *Times Higher Education* without criticism of its claims, while conveying a false dichotomy in its title. See Lem (2022). It remains an open question whether the foreign universities which are to be able to establish campuses in India would have to adopt caste reservations for student admissions and staff positions.

mentions John Doe's birth in a Dalit family on several occasions. Caste reservations are different from the affirmative action regimes that operate in universities in the United States where, since the *Bakke* case (438 U.S. 288, 311 (1978)), legally permitted race-conscious admissions may be only a part of an overall candidate evaluation, a methodology that is itself currently under challenge in the United States Supreme Court (Brooks 2022, pp. 427–456). The underlying justification of affirmative action, that it corrects the disadvantages that occur as a result of descent from slavery, has no parallel in India. The DFEH/CRD claim in Cisco that reservations are affirmative action programmes is therefore misleading, although theirs is far from being the only instance of this erroneous equivalence. As Fárez (2023) discusses, the equivalence of race and caste, which is currently experiencing a revival (Wilkerson 2020, Dhandra 2022, Ranganathan 2022, Yengde 2022), was only made when European Orientalists imputed a link between caste and slavery in India. The lack of data or research on the advantages of reservations to their beneficiary castes or Indian society more broadly (Waughray 2022, pp. 84–87) suggests that any resulting benefits are not the reason for their retention and expansion. This makes it plausible to ask whether they exist because of their net benefits, or because they are an artefact whose dislodging is politically too risky, while their continual extensions, say to Other Backward Castes (OBCs), may yield rewards for politicians. On the reading of the UN Convention on the Elimination of Racial Discrimination that its supervising Committee supports (i.e. that the Convention's provision on descent extends to caste (Keane 2005, Waughray 2022, pp. 105–134)), caste quotas should be deemed unlawful and would not be saved by the provision on special measures in the Convention's Article 1(4).<sup>8</sup> The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, which all prohibit discrimination on the basis of birth (Waughray 2022, pp. 101–105), also make the reservation system in India potentially unlawful from a human rights perspective. The network of criminal laws in India, notably the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, which creates exclusive victim groups based on birth, are also vulnerable under these human rights provisions. Furthermore, as Sashittal (2023) shows, not only has this legislation been vastly expanded, but it has happened without any provable special vulnerability of these groups to violence because of their caste.<sup>9</sup>

Another unexplained absence in Majumdar's discussion is the current legal precedent on caste discrimination in United Kingdom law. This is the *Tirkey v Chandhok* case ([2014] UKEAT 0190\_14\_1912, judgment of 19 December 2014) brought on behalf of a Bihari Christian tribal woman that concluded with the finding that her employers, who had hired her in India as a domestic servant, discriminated against her on grounds of caste, as well as religion, while she worked for them in the United Kingdom. The case was heard by an Employment Tribunal, then on appeal by the Employment Appeal Tribunal,

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<sup>8</sup> In fact, after the UN Convention on the Elimination of Racial Discrimination entered into force, the Indian government was for many years making detailed submissions on caste reservations, all the while holding to the view that the Convention did not extend to caste!

<sup>9</sup> Both reservations and the caste atrocities legislation in India are also vulnerable because they tend to discriminate against those who are not Hindus which, from a constitutional and legislative perspective, includes Buddhists, Sikhs and Jains. While it is not known for Jains or Parsis (Zoroastrians) to benefit from reservations, Christian and Muslim jatis are not eligible to join the lists of Scheduled Castes and Scheduled Tribes at central level, but they are often added to lists at state level.

and was then returned for final decision to another Employment Tribunal. Mishra, whom Majumdar cites in support, is of course correct to claim that the United Kingdom government decided not to extend the Equality Act 2010 to caste after the government's public consultation concluded in 2018. However, in another instance of suppressed evidence, both fail to state that the United Kingdom government had argued in justification that judicial interpretation in the *Tirkey* case had already accomplished legal protection for caste-based claims because of the finding that the existing provision on race (ethnic group) covers caste. When announcing its decision, the United Kingdom government also said that it would support a future case to reinforce the *Tirkey* judgement (Government Equalities Office 2018). Perhaps Majumdar fails to mention the crucial *Tirkey* case because of his dependence on Mishra's version of events. It is not only that the case was a key part of the reasoning of the British government's response to the public consultation, but it has also begun to spur developments that remain under the radar for want of public debate. As a result of the *Tirkey* case, the Crown Prosecution Service for England and Wales has extended its prosecution guidelines to caste.<sup>10</sup> This relatively informal development has occurred without any consultation or public debate, but results in a British version of the caste atrocities law. Majumdar mentions neither this somewhat covert criminal law development in the United Kingdom nor the Indian legislation, which discriminates on birth grounds as it permits only members of stipulated victim groups, the Scheduled Castes and Scheduled Tribes, to bring complaints to the police, while rewarding them financially merely for reporting.

Again following Mishra, Majumdar mentions that the British government's decision was down to "powerful Hindu lobbies (...) led by caste-privileged Hindus". This sort of canard has been used previously by the National Secular Society as it has by the British media during the height of the discussion on the British caste law (Shah 2015a, pp. 35–40). It entails a version of the "No true Scotsman" fallacy (Manninen 2019) as it presumes that caste and religion determine a person's stance on an issue such as the legislation against caste discrimination. Neither Majumdar nor Mishra, one presumes, conducted research to justify the tag "caste-privileged" or the claim that those Hindus opposing the legislation did so because of their low caste backgrounds. Rather than resorting to a vague, and rather insulting dog-whistle notion like that, the authors could have given some credit to the opposers who might have quite good and rational grounds for their opposition to the legislation, given its effect on employers, professionals, businesses and community organizations, as I have tried to detail (Shah 2015a).<sup>11</sup> It is true that extending the legislation was opposed by many Hindus, but Sikhs and Jains also opposed it, though we do not know how many in any group supported it, opposed it, or were merely indifferent about it.<sup>12</sup> Those Sikhs at a seminar held on 14 July 2017 at Birmingham University that I happened to address were unanimous about the need to

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<sup>10</sup> The Guidance is available at <https://www.cps.gov.uk/legal-guidance/racist-and-religious-hate-crime-prosecution-guidance>.

<sup>11</sup> Xu (2021 p. 41) says that the "application of the word "privilege" to Asians is a dog whistle – but not for the Right. In Left-speak, when a class is considered "privileged," taking things from them is morally legitimate."

<sup>12</sup> In the case of Britain, where I have been investigating developments around the law on caste discrimination since 2013, the vast majority of interlocutors within the Indian community had no idea of what the actual target of any caste law would be and were unfamiliar with terms such as "Dalit" and even "caste".

oppose the legislation. The first event I organised to bring light to the problems of the caste legislation back in 2014 was hosted by a Jain organization.<sup>13</sup> However, many in these groups also supported the retention of the case law discussed above. As a result, the largest group of respondents to the British government's consultation favoured retention of the case law as the basis of remedy against caste discrimination (Government Equalities Office 2018). No clear-cut case can be made, therefore, that only Hindus in the United Kingdom, or only upper caste Hindus, were against the legislation or that they favoured removing all remedies against caste discrimination. Instead, as the articles in this special issue remind us (Fárek 2023, Raghuvanshy 2023, Shah 2023), this sort of labelling of Hindus or upper caste Hindus tells us about the parasitic dependence of the contemporary writing on caste on Europe's experience of India.

Along with the *Tirkey* case, I have discussed elsewhere the British developments on the law of caste discrimination (Shah 2015a, 2015b, 2017). Even though the second Employment Tribunal ended up making a finding of caste discrimination in *Tirkey*, the evidence does not justify the conclusion of caste discrimination, while the claim that the Equality Act extends to caste is not justified by the ordinary rules that apply to statutory construction (Shah in Pandit 2017, Shah 2017). Instead, the pre-existing belief that Indians have a caste system with discriminatory and oppressive features or consequences seemed to play a crucial role. However, of primary interest for the present discussion isn't that the *Tirkey* case represents the legal equivalent of "match-fixing". Rather, it is the conspicuous silence regarding its existence, even though the British government cited it as an answer to the claim that legislative extension was required to fill the remedial lack in the United Kingdom's legal system. While some advocates held up the *Tirkey* case as testament to the presence of caste discrimination in Britain, Majumdar does not follow this line of argument. Majumdar is not alone in masking the existence of the *Tirkey* ruling and he (and Mishra) falls in line with a pattern repeatedly displayed by anti-caste activists, whose efforts to pursue legislation would be weakened if the case law were mentioned.<sup>14</sup>

In the mid-2000s, the United Nations Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights had begun to refer to the export of caste from India to its diaspora, particularly in Britain and the United States. The quality of the data in the ensuing expanded working paper is thin and based mainly on individual statements (Eide and Yokota 2004). In what has now become a typical method, mentions of caste are taken as referring to the caste system, implying that they necessarily carry discriminatory or oppressive features. Lobbying subsequently began in earnest to get legislation on caste discrimination enacted in the United Kingdom and other countries (Bob 2007). As seen, so far, this attempt has not succeeded in the way expected by the anti-caste activists, which include an array of academics, churches and secular bodies, despite their ability to perform some level of institutional capture. Although they managed to get a mention of caste inserted into the Equality Act 2010, as discussed, they could not (yet) succeed in having it implemented. We have noted that

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<sup>13</sup> Conference on Caste: Critiquing Colonial and Contemporary Constructions, Oshwal Centre, Potters Bar, 5 April 2014.

<sup>14</sup> A BBC documentary, *Hindus: Do we have a caste problem?* Broadcast on BBC1, 12 February 2020 in which anti-caste activists discuss litigation against allegations of discrimination also fails to mention the *Tirkey* case.

the scene of action has now moved to the United States where, besides some public authorities, universities have become involved in ways they had yet to do in the United Kingdom. The need expressed for legislation, not merely in the United Kingdom, but also the United States is a notable feature of Majumdar's article. With this aim in mind, he seems aware that existing legal strategies, exemplified by the *Tirkey* case in Britain, have not had unambiguous results. One of the leading British legal academic activists, who also happens to be a signatory to the Ambedkar International Centre's application for an amicus curiae submission in the Cisco case, also expresses concern about the possible ambiguity of the *Tirkey* case (Waughray 2022, pp. 240–241). A different strategy and a diversity of locales may have been identified, universities being one such site. From the point of view of the anti-caste camp, this seems perfectly sensible. It is, after all, in the United Kingdom and the United States, where there is an entrenched culture of grievance studies, that they will find students and academics most open to the kind of claims we have seen about India's caste system, and an available structure of anti-discrimination law upon which to pin their hopes. Such claims would be supported not only by some Indian students in these countries but also by a coalition of others. In this light, we can read Majumdar as effectively announcing the next stage in the campaign to have legislation against caste discrimination eventually passed in the United Kingdom, the United States, and perhaps other countries. Further down the line would be the kind of legislation laid out in the draft Anti-Discrimination and Equality Bill 2016 produced by Oxford scholar, Tarunabh Khaitan, and introduced in 2017 into India's Lok Sabha (the lower house of parliament) by Shashi Tharoor (Waughray 2022, p. 90). Thus, India too would have an anti-discrimination law that not only covers caste, but invidiously panders to the prejudice that food preferences are also laden with caste oppression.

## 2. Caste studies degenerated

The footloose way in which events are commandeered by Majumdar and THE's endorsement of his reading as "powerful" surely needs some explanation. It would be easy to dismiss his account and those he relies on as being "economical with the truth" or careless. Have standards declined so badly in Britain that its leading periodical of higher education would allow through such poor coverage while presenting it as important? The way Majumdar uses the set of examples he does confirms something that he, the THE and others already have a strong belief in. Besides the well-recognized fallacy of confirmation bias, it displays many other fallacies of reasoning. But this only begs the question of what generates the proneness towards these fallacies. Stanovich *et al.* (2013) have researched a form of confirmation bias known as "myside bias" which occurs when people evaluate evidence, generate evidence, and test hypotheses in a manner biased toward their own prior opinions and attitudes. However, they found no particular relation between myside bias and intelligence or cognitive ability. This suggests we might have to look for an explanation that is independent of intelligence or cognitive ability.

Something like two centuries ago, the British began to speak about India's religion as "Hinduism" and the social structure to which it gave rise as "the caste system", and these descriptions are now "standard text-book trivia" about India (Balagangadhara 2012, p. 86). Yet, as with Hinduism, no one can provide a defensible theoretical account

of the caste system, although nearly all academics believe it exists. Banerjee-Dube (2008, p. xv) says that “caste changes avatars in keeping with the changing sociopolitical scenario” but this apparently obfuscating language betrays the problem of being unable to say what the caste system is and that, because its referent keeps changing, we lack a sound foundation for making claims about caste. Jalki and Pathan (2015) have argued that no amount of checking facts against theories of the caste system has achieved any advance in terms of our knowledge of it. This means that the theories about the caste system do not justify the claims they make because they are incompatible with facts. One might have expected those theories to be discarded, but they are not. Jalki and Pathan locate the reason for their finding in the nature of the entity that the caste system is, and confirm Balagangadhara’s description of it as an “experiential entity” of the West (Balagangadhara 2012, pp. 51–56). In other words, it is an entity that helps the West make sense of its experience of India and to go around with Indians while telling us nothing about what exists in the Indian culture. The conclusion drawn in Balagangadhara’s research programme on the Comparative Science of Cultures (or “the Ghent School” [Sutton 2018, De Roover 2019]) is that the caste system does not (cannot) exist outside the experience of the Western culture (Balagangadhara 2012, pp. 51–55; Fárezek *et al.* 2017a).

A sceptical reviewer of the book *Western Foundations of the Caste System* then pertinently asks: “how is it possible that the concept of the caste system is used *en masse* by Indians to describe their everyday reality?” (Menšíková 2018, p. 94). Because it looks as though the same entity that Indians are familiar with, i.e., *jatis*, is being referred to by caste, they mistake the Western description of the caste system as a depiction of their experience. They wrongly assume that the Western experience of India, which is structured by the theories of the caste system, is continuous with their cultural way of living with *jatis*. One test of the difference between the Indian and Western experience is to ask whether Indians feel they are immoral because they live in and with *jatis*. Other than some of those who have been through the Indian university system as well as those who have experienced university education in the West (though not all of them, by far), I believe hardly any Indians will consider themselves or their fellow Indians immoral because of the fact of having and living with *jatis*.<sup>15</sup> It is this inability to feel the immorality of caste which is turned into a problem by Ambedkar, who flips the issue by saying that Hindus are religiously obliged to observe caste (Dhanda 2022, pp. 4–6), which is a trope derived from Protestant thought. But exposure to the textbook version of the caste system certainly does seem to play a role in preventing Indians from reflecting on their own experiences as members of *jatis* and of being unable to criticize the textbook version. The experience of the West is diametrically different. The mere presence of *jatis*, of caste, or “caste awareness” (Waughray 2022, pp. 169–175) is regarded as morally offensive because it is said to carry with it the Indian caste system that is now also found in Western countries. When Indians try to follow the tracks that the West opened it leads to absurd consequences because they are required to stigmatize *jatis* by making the experience of an alien culture their own (Venkat Rao 2014).

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<sup>15</sup> I haven’t conducted any study to verify this intuition, although my frequent interaction with students provides grounds for starting such a study.

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The Western descriptions of Hinduism and the caste system that emerged and became dominant as British colonialism took root were embedded in a protestant Christian religious framework. They saw Hinduism as a false religion that provided a foundation to the caste system (De Roover and Claerhout 2015, De Roover 2017a). The caste system therefore became part of a larger conceptual cluster through which the West understood India. While these themes take a secularized form today, structurally, there is little to distinguish the overtly theological descriptions of India and their social scientific versions. The caste system is a “fact” in the theories about India without which Westerners cannot apprehend India. The developing story of Hinduism and the caste system got transmitted to Indians in a number of ways. Being concerned with education, Majumdar’s piece in the THE is a reminder to consider how education became an accessory in the spread of ideas about the caste system. Among the groups of protestant missionaries who played a crucial role in providing education in India, the Scots under Alexander Duff, who arrived in Calcutta in 1829, seem to have been the sternest in their intolerance for the religious background, as they saw it, of the students they taught. As Forrester (1980, p. 28) observes, together with the Scottish Missionary Society, Duff “quickly established an extraordinary ascendancy in the area of missionary education”. Forrester (*ibid.* pp. 32–33) goes on to describe the rationale behind the schools Duff and his mission had established:

The schools also had a more direct, if preparatory, evangelistic function, the undermining of Hinduism as a coherent and credible system, and it was because of this that the attack on caste allowed of no compromise. Caste, Duff believed, was ‘not a civil but a sacred institution’, its overthrow would be simultaneous with the destruction of idolatry: ‘Idolatry and superstition are like the stones and brick of a huge fabric, and caste is the cement which pervades and closely binds the whole. Let us, then, undermine the common foundation, and both tremble at once, and form a common ruin’.

The schools increased in number; other missions followed suit and, together with other like-minded Anglicists such as the law commissioner Macaulay, Duff went on to influence the implementation of a British educational model in India.<sup>16</sup> Although the sort of ideas Duff had formed were common within the British intelligentsia, Forrester (1980, p. 33) assesses the impact of Duff and his mission as having done “more than anything else to spark off the widespread questioning of caste so characteristic of modern India.”

Another means of institutionalizing the caste system story was through the legal system. From the second half of the 19<sup>th</sup> century, over a period of a century or so, British colonial rule entrenched within the legal system the descriptive terms regarding the caste system that are still commonplace. This was part of a much wider process distorting the colonized culture in the terms of the colonizing culture in a bid to legally “recognize” the former’s norms and customs (Merry 1991, pp. 897–906; Tamanaha 2001, pp. 112–117; 2021, pp. 66–70; Menski 2003, pp. 156–185; De Roover 2015, pp. 169–193). While laying down legal precedents and statutes, the British also succeeded in enlisting Indian

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<sup>16</sup> Although written in the style of a hagiography Millar (1992) conveys the sense of Duff’s mission, while Viswanathan (2015, pp. 45–67) provides a scholarly appraisal of Duff’s ideas. For Macaulay, see Masani (2013). For the background framework of the missionaries’ ideas on education for India, see Claerhout and De Roover (2022, pp. 47–59).

reformers to fight the caste system, which significantly expanded during the era of mass politics in the late colonial period (Galanter 1972, 1984, pp. 18–37).

The spread of the conception of the caste system lasted beyond independence when a spate of law-making occurred, rendering caste disabilities and untouchability unconstitutional, and reservations constitutional (Galanter 1984, 1989, pp. 103–181; Bayly 1999, pp. 268–278). Although Galanter (1972, p. 276) afterwards noted that concern for untouchability was, apart from a few exceptions, a “dead issue” among politicians, administrators and intellectuals, the situation has changed dramatically between then and the current period. The relevant laws and schemes, such as reservations, have been expanded by politicians, administrators, and judges, while intellectuals and academics have become militant when advocating more legal measures within and, more recently, outside India. Sometime during the last 50-year period, the tone of the discussion on caste seems to have become palpably different to that adopted by an earlier generation of intellectuals. In contemporary writing, the attitude is more strident than before. This extends to the legal system. In his trenchant diagnosis of attitudes to caste reservation schemes, which a group of judges continued to extend, Shourie (2006, p. 333) says, “those who set themselves up as the champions of the downtrodden became overtly, audaciously aggressive.” Further research is required to identify more precisely when and why this transition occurred. While Western writers do exhibit this tendency, Indian writers seem particularly prone to it. Of course, both follow aspects of the received or “textbook” description of the caste system, termed by Jalki and Pathan (2015, 2017) as the “classical conception of the caste system”, which has spread quite far across a variety of different disciplines and fields, from literature and postcolonial studies to philosophy, law and anthropology, and it also pops up in the natural sciences. As we saw, academics now routinely assume that certain events can be understood only through the received caste system story and force-fit data to make it conform to that account. They also assume that a causal relation exists between the caste system and the events described, or that the events are inherent to the system. They appear oblivious to the problem that, when other facts are taken into account, the gloss they have given bears little relation to the incidents. They fail to discuss alternative accounts which might explain better the facts that do not fit their version of the received caste system account. By definition, the received account *is* the dominant one. However, although it has been current for many decades, and many measures, including their own writings, (often violent) political movements, tougher laws and institutional policies have tried to destroy it, it seems that its oppression is unmitigated. If anything, caste-based crimes are alleged to be increasing (Jalki and Pathan 2017, Sashittal 2023) and, as we have seen, caste discrimination is like a pandemic that has spread across continents.<sup>17</sup> Although they adopt the dominant view, these commentators on caste appear to behave as though they are writing “against the grain”. They routinely claim that those for whom they speak are unable to express the caste system’s oppression, and that it is a form of “hidden apartheid” (Waughray 2022, pp. 118, 171), even though laws and policies in several jurisdictions as well as the United Nations have been enlisted in the fight against it. In fact, it is quite possible that they

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<sup>17</sup> When adopting the term “pandemic” here, I wasn’t yet aware of a lecture which also bore the same term in its title: S. Anandhi, *The Pandemic of Caste*, Department of Sociology, University of Connecticut, 25 March 2022, <https://dailycampus.com/2022/03/29/the-reinforcement-of-gender-norms-in-the-caste-system/amp/>.

make these errors again and again because they know that they aren't likely to face challenges to their arguments, at least from among their peer group.

The result is that caste studies has degenerated into the same rot more generally acquired by grievance studies. This leads to some embarrassing events such as the "Sokal Squared" affair (Pluckrose *et al.* 2018, 2021) that exposed how bogus research sneaks past review processes as long as the rhetoric employed by the authors remains within the bounds of approved clichés and the favoured victim group is shown as consistently oppressed, whatever their actual condition. One can't help thinking that caste studies rely on yet another fallacy: the appeal to the emotion of pity (Wrisley 2019). As noted, scholars from India seem especially prone to these tendencies to engage in corrupt academic practices. Their coming from India gives them an air of authority to talk about the caste system as though they possess the relevant expertise or exclusive insight. Moreover, that such persons possess authority is assumed by others, suspending concerns about methodology, theory, conduct of research or sound reasoning. The scholars portray themselves as though they are addressing such important matters concerning oppression that to suggest that they have disregarded epistemic principles is construed to be transgressive, as though one is denying what is clear for everyone to see. In some respects, caste studies reflect what happens more generally in the social sciences. As shown for the example of sociology, there is contestation along the theoretical-empirical spectrum (Alexander 1982, pp. 33–35), while scholars see no need to abandon their own specific claims in the presence of challenges (as Fárez 2023 and Raghuvanshy 2023 show). Caste studies also shares the peculiarities of the study of India in that it tenaciously holds on to some core claims that crystalized during the 19<sup>th</sup> century European accounts, and has shown no sign of progress in advancing our knowledge of either caste or the Indian culture (Balagangadhara 2022). Until Balagangadhara's challenge to the very existence of the caste system, fundamental questioning of the received account had not happened. Balagangadhara argued that people from the Western culture developed the received account drawing upon their background Christian doctrinal assumptions, which are now hidden behind their secularization into the axioms about the caste system. The "colonial consciousness" that Balagangadhara (2012, pp. 10, 95–120) identified may explain the corrupted academic practices such as those we can identify in caste studies. As De Roover (2019) shows, responses to the challenge take the form of its defence, and within the terms of the received account, with a misreading of the fundamental nature of the challenge posed to the caste system story, which indexes the tenacious grip the received account has over its adherents. If we treat it as a "research programme" in terms of Lakatos (Musgrave and Pigden 2021), the dominant form of caste studies should be regarded as degenerated or pseudoscientific. It cannot make novel predictions; to the extent it does, they consistently turn out to be false. It creates imaginary victims and perpetrators; it pushes false solutions to the imagined problems; in so doing, it exacerbates social conflict in the name of justice; and it isn't able to account for the complex and remarkable form of social organization that the Indian culture has produced. Balagangadhara's research programme, by which the contributors in this special issue are inspired in one way or another, calls time on the dominant account.

### 3. Rethinking the caste system

The diverse set of articles in this issue may appear at first glance like a potpourri of writings that happened to be brought together merely because they deal with caste. After all, they cover topics ranging from the status of the Brahmin in the writings of early and medieval Muslim scholars (Jalki); the foundations of the theories that postulate the equivalence of caste and race (Fárek); the expanding scope of caste atrocities in India (Sashittal); the salience of the explanation of the Hindutva movement as Brahminical (Raghuvanshy); and jati in British multiculturalism (Shah). However, they are inspired by the opening created by Balagangadhara's research programme and all represent challenges to the currently dominant form of caste studies. This special issue can be regarded as the result of collaborative and individual work among established and younger scholars based in India, Europe and the United States. Previous instalments appeared in a special issue of *Theatrum Historiae* (2015) and in the volume *Western Foundations of the Caste System* (Fárek et al. 2017b). Other authors have since joined in. Gradually, an alternative picture of caste studies is being built up which substantiates the claim pursued here, that the dominant framework of caste studies has degenerated and, because of that, should no longer be supported. Any rethinking of the caste system should entail a rejection of the caste system in the description of India, and the inauguration of a field of caste studies that deals justly with the Indian cultural difference.

We have seen some examples of how the figure of the Brahmin is dealt with in contemporary accounts of caste. A more proximate source of the role given to the Brahmin, who sits at the top of the caste system, is in the theological account that crystallised during the 19<sup>th</sup> century in Anglo-Protestantism (De Roover and Claerhout 2015, De Roover 2017a). However, the Brahmin has been a figure of interest in European thought for very long, going back to ancient Greece and Rome. It is with the Catholic descriptions of the early modern period that Brahmins appear as priests of a false religion, though without yet being placed at the top of the caste system as they were later on in Anglo-Protestant accounts (Gelders and Balagangadhara 2011, De Roover and Claerhout 2015). Caste was a civil social status in Catholic (and Lutheran) writings but it eventually got turned into the intolerable religious caste system of Hinduism by the Anglo-Protestants, and it this view that has since acquired broad currency.<sup>18</sup> In these versions, the specific Christian theological backdrop played a key role in the way Brahmins were linked to caste. In this issue, Jalki offers a telling of the image of the Brahmin figure as it appeared from the early Muslim writing to the mediaeval period. Within the Muslim writing between these periods, one sees a shift too. In the early period, Brahmins play the role of philosophers holding positions which challenged the necessity of prophethood, a concern in keeping with Muslim theological preoccupations as they were solidifying. In the later writing, especially from Al-Biruni onwards, we can see the transformation of the Brahmin into the priest of a false religion who adopts the variety of moral epithets from boastful and ignorant to crafty and even cruel. We don't yet know whether a connection exists between the European Christian writings and the Brahmin figure of the Muslim mediaeval period, although Jalki tantalizingly formulates that as a possible research question for the future. But the evidence that Jalki has uncovered goes to reinforce further that it is within the Semitic religious frameworks

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<sup>18</sup> For Lutheran positions on caste which were different to that of the other Protestant missionary movements, see Forrester (1980, pp. 16–19).

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that the Brahmin gets converted into a role that fits their conceptions of truth and falsity. Since current caste studies relies so much on what it refers to as Brahmanism (adjectivally, Brahmanical), which was virtually unknown prior to the 19<sup>th</sup> century, it would behoove its proponents to clarify which figure of the Brahmin they have in mind, and from which historical period and tradition, religious (Semitic) or pagan, they derive it. The cut-throat manner in which the Brahmin continues to be treated in the rhetoric of contemporary scholars appears to derive more directly from the crystallization of the caste system idea in Anglo-Protestant Christianity from which it has become so widely diffused. In tethering themselves to this specific account, they have knowingly or unknowingly accepted one account of the Brahmin without explaining the reasons for their theory choice. It is no good appealing to the authority of Ambedkar (Dhanda 2015, 2022) without explaining why his demand of dismantling caste and Brahmanism is so closely related to the Protestant vision of India (De Roover 2015, pp. 215–217). There is also no reason to assume that any of the Semitic religious framings would tally with the conceptualization of the Brahmin within the Indian culture.

We have already encountered the frequent association of caste and race, whether one is the other's subset or some sort of proxy. Earlier writing within the Ghent research programme tackled the issue from two ends. Marianne Keppens (2015) has shown how the Aryan invasion/migration theory originated in Orientalist speculations which became elaborated into grand theoretical claims about India, giving rise to the racialized description of caste, which postulated that the subjugated races of India were kept apart from the higher, "Aryan" castes. This seems to have provided the basis for the upper castes-untouchables dichotomy, which Jakob de Roover (2017b) has shown was impossible to substantiate by reference to actually existing groups in India. In this issue, Martin Fárezek sets his task as being to uncover why the caste-race link seems so plausible and, indeed, is revived time and again in the writing on caste. Fárezek first falsifies the link by showing on multiple grounds how it just does not work, whether one is trying to establish it through endogamy or hierarchy. Indeed, within the caste literature, there has been dissent as to the salience of the link. Not untypically, dissent has been ignored and the caste-race linkers have gone ahead, oblivious of the need to take on the issues these challenges have raised. Fárezek goes further, however, by asking how the link became plausible at all. He maintains that a missing part of the puzzle is slavery. The thrust of the caste-race linkage argument was that, in the domination of the darker races by the lighter ones, besides the consequent ordering by hierarchy and endogamy, the dominated races were also enslaved. Thus, the believed-in Aryan invasion/migration into India was said to have led to the caste system via the enslavement of the indigenous natives of India. Of course, the Aryan invasion/migration thesis is on its last legs today, if not dead already. However, it is still defended by some Indologists and kept alive by the caste studies literature in whose fanciful accounts it remains an implied premise, which derives from 18<sup>th</sup> and 19<sup>th</sup> century attempts to elaborate a grand theory of civilization in racial terms. Far from caste studies being able to make novel predictions, as with the spectre of the Brahmin they relied on, so too their attempt to revive the race-caste link looks increasingly bankrupt.

In an earlier contribution, Jalki and Pathan (2017) questioned the claim that the Scheduled Castes and Scheduled Tribes in India face greater violence. The expenditure for "compensation" under the Scheduled Castes and the Scheduled Tribes (Prevention

of Atrocities) Act, 1989 had risen fourfold within a decade, which would lend credence to the cry often heard from academics and activists that crimes against these groups must have been rising. Jalki and Pathan showed that the available figures do not justify the claim that crimes against SCs and STs are rising and instead indicate that SCs and STs have a lesser probability of exposure to violence than the rest of the population. In this issue, Sashittal takes the debate some steps further. He begins by questioning the status of an “atrocities” as Indian legislation and official statistics define it, and shows that the terminology is hyperbolic given that some of the infractions it encompasses might not ordinarily constitute criminal offences. This tendency has become amplified with the 2015 amendments to the 1989 legislation, which capture acts committed merely by *knowing* that the victim is an SC or ST and, furthermore, when such knowing is established by imputation not evidence. In effect, they turn into strict liability offences where the mental element is irrelevant. It is not only the legislation but also the way in which statistics are collected and presented which gives grounds for concern. While a wide net is used to collect statistics concerning “atrocities”, their reporting falsely relays the message that only the gravest of crimes are captured. Sashittal here draws on the terms “concept creep” and “conceptual overreach” to convey the problems inherent in this particular manner of classifying crimes and collecting and presenting statistics on them. This may go to explain why writers continue to assume that the atrocities legislation focuses attention on “worst-case manifestations of caste-based discrimination and violence” (Waughray 2022, p. 89). Sashittal then goes into a breakdown of the most serious violent offences to test whether SCs and STs are more prone to these crimes. Doing so, he shows that the data not only do not support but contradict claims of excessive violence against SCs and STs and of bias against them in the police and the judiciary. The studies by Jalki and Pathan, and now by Sashittal, convincingly show that a core credo of academics and anti-caste activists, as well as the international bodies which they feed, concerning the caste system as being either inherently violent or a cause of violence, is implausible. Once again, we can observe the degeneracy of the currently dominant practice of caste studies, whose core claims regarding caste-based atrocities and violence stand falsified. One also needs to ask then whether the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which astonishingly only envisages SCs and STs as victims (other groups only qualify as perpetrators), and the moribund and misleading statistical methods, which are distorted to fulfil the fanciful wishes of academics, anti-caste activists and politicians, should have a place in the Indian legal system. Regarding our claim of the degeneracy of caste studies, the Indian example demonstrates the absurd results produced once it becomes institutionalized within a legal system. Among other things, Sashittal’s results also cry out for analysis of the penalization patterns resulting from the enforcement of such an absurd legal regime, which is bound to *produce* victims.

While we have already noticed problems with the conception of the Brahmin, Raghuvanshy tackles the issue of “Brahmanism”, which she takes to be analogous to the description “casteism”. To begin with, she enquires into why the Hindutva movement, especially in the political form of the Bharatiya Janata Party (BJP), which has been in charge of India’s central government since 2014, should be considered “Brahmanical”. She addresses three types of attempt to make the label Brahmanical stick to the Hindutva movement: the prevalence of Brahmins at the head of the movement, the opposition of

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Hindutva organizations to caste reservations, and their opposition to religious conversion. She shows that none of these reasons works to make the description of the movement as Brahminical stick. As for the leadership issue, other parties have suffered from the perception that they are led by Brahmins, so this is nothing exclusive to the Hindutva movement or the BJP. The movement has no clear-cut position on caste reservations. Rather, under the BJP government, there was a considerable widening of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, whose basis is among the targets of Sashittal's criticism. If opposition to conversion is a form of Brahmanism, one cannot explain the often-heard claims of a failure to shed caste disadvantage after conversion to Christianity or Islam. Notwithstanding the anomalies that arise from the attempt to make the label stick, Raghuvanshy chalks out the question to which the Hindutva-as-Brahminical description gives rise: How can a movement criticized for being Brahminical be the choice of those it seeks to oppress? She argues that those who claim that there is a crisis in Dalit politics must be right to the extent that it indicates that "Dalit" is not a viable political identity. Voters might go for those parties which provide better economic prospects, and not those that expect a buy-in to the idea that caste disadvantage and caste oppression are indifferent to economic conditions. Further, there is the explanation that the BJP has been working on symbolic appeal to and the political inclusion of Dalits, although this explanation suffers from the problem that other parties have been doing much the same, albeit without the corresponding electoral success. In examining the arguments of Hindutva-as-Brahminical and the reasons given for its electoral success, Raghuvanshy concludes that our current inability to answer the question of how Hindutva, an allegedly Brahminical movement, can be the choice of those it seeks to oppress leads to another more fundamental question: what exactly is the Hindutva movement? It is tempting at this stage to suggest that the fatal flaw in the explanatory use of Brahmanism might lie in the very conceptualization of Hinduism and its caste system; the idea that a movement based on Hindu-ness (Hindutva) must entail the caste system's oppression. This flaw lies at the heart of contemporary caste studies, which has reached a cul-de-sac that Raghuvanshy exposes. Her line of enquiry starting in the political field promises to be productive, rather more than the received account of Hinduism's caste system.

As already noted, Sashittal falsifies the expectation of caste studies that being a Scheduled Caste or Scheduled Tribe member makes one more prone to atrocities or violence. The same expectation goes to the argument that laws and institutional policies against caste discrimination are necessary, an argument which has been playing out very prominently in recent years in the United Kingdom and the United States. For India, Sashittal identifies a peculiar logic: an ever-expanding set of incidents of lesser severity are brought within the scope of caste atrocities; they are used to justify more expansive laws and a lowering of the threshold for liability; and the failure to achieve more in terms of convictions is made into a reason to further expand the laws and liabilities. The plausibility of the caste system story is never brought under the microscope, leading to the vicious cycle's continuation. My previous writing shows that the justification of the law in the United Kingdom, which is somewhere near the starting point of this vicious cycle, suffers from similar problems, while the United States currently appears to be undergoing the same dynamic. Specious claims are converted into stories of caste discrimination, which are used to justify legal and policy interventions, and they gain

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traction due to the dominant caste system story hovering in the background, with a push given to it by anti-caste activists, caste studies scholars, and national and international institutions. As events in California are beginning to indicate, we can expect many more claims of caste discrimination to emerge in this process. While I take note of these developments in my article in this issue, I link them to the broader array of multiculturalist writing. I show that multiculturalist writing, to the extent that it references caste, also imports the dominant story of the caste system, which is used to justify legal intervention. In particular, the figure of the jati, which has been hijacked by the degenerated account of the caste system, is identified as prone to legal attack. As a result, multiculturalist thought and practice fail to fulfil one of their stated aims: to provide some umbrella of protection for (Indian) cultural difference.

Readers are invited to examine the articles in this special issue, which, I hope, live up to the expectations I have created for them and lead to the consequences I have argued for.

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