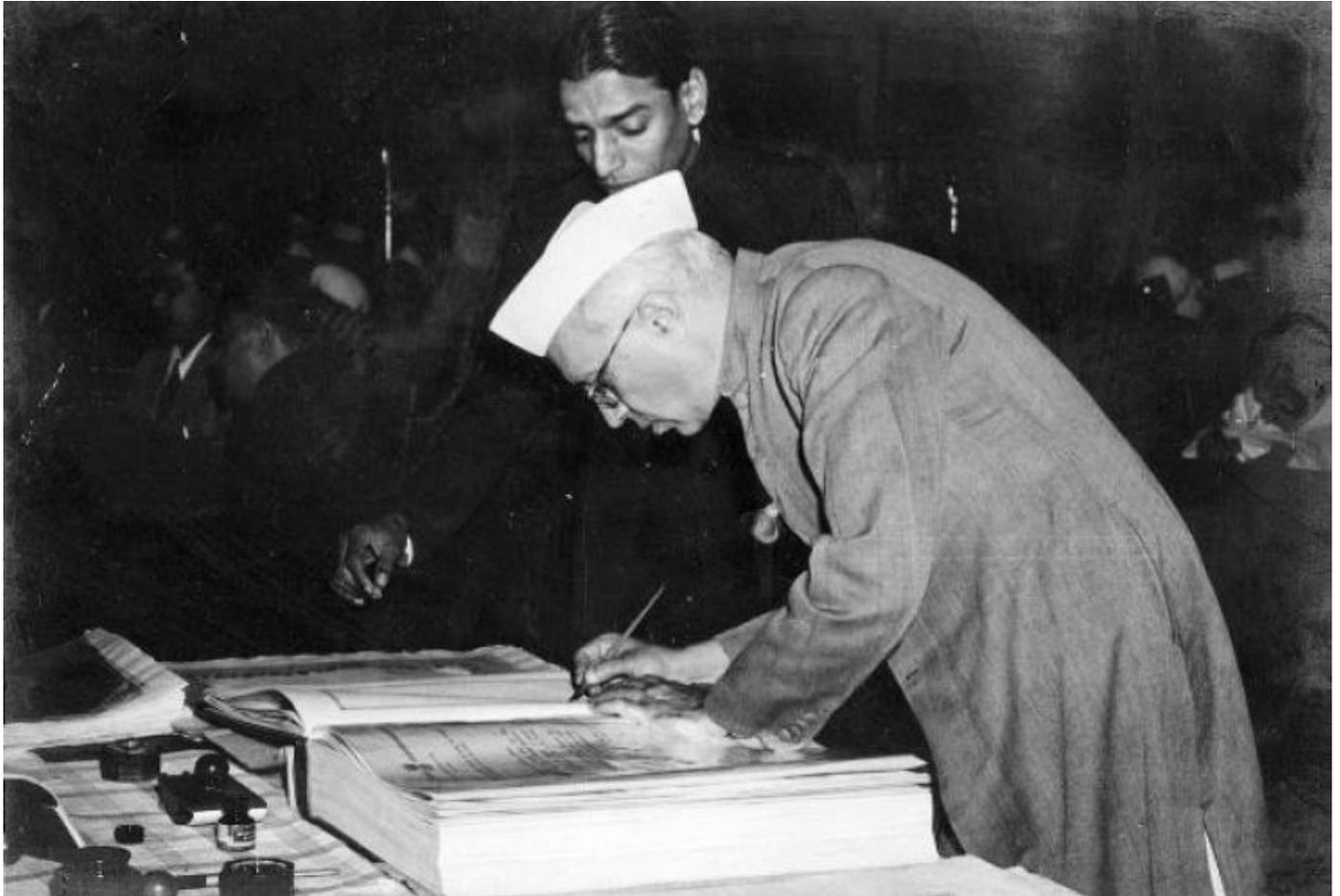# What We Can Learn From India's Improbable Democracy

Though Modi's government draws concern today, the country's constitutional history suggests a framework for creating democracy in unlikely settings.

[Ashutosh Varshney](#)

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India's Founding Moment: The Constitution of a Most Surprising Democracy
Madhav Khosla

[Harvard University Press, $45 (cloth)](#)

Since the mid-1960s social scientists have agreed that, of the countries where democracy has emerged, its flourishing has been most improbable in India. Of course, the health of Indian democracy under Prime Minister Narendra Modi, incumbent for the past six years, has caused widespread concern. The Swedish V-Dem Institute's recent [Democracy Report](#), which laments the decline in democracy globally, [warns](#) that India "is on the verge of losing its status as a democracy due to the severe shrinking of space for the media, civil society, and the opposition." Yet the report also [suggests](#) that India's democracy is in decline, not collapse.

> Rather than understanding social conditions as a creator of politics, India's democratic project was based on the notion that politics could change adverse social and economic conditions.

That judgment, in part, reflects the long-recognized exceptional nature of India's democracy, established where political philosophers thought its emergence impossible. At a time when countries around the world are experiencing democratic backsliding—Freedom House's widely read [annual report](#) warned that "2019 was the 14th consecutive year of decline in global freedom"—we may have much to learn from India's example. But to understand what it tells us about the prospects for democracy in difficult settings we must first understand India's democratic founding.

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This August India celebrates seventy-three years as an independent nation. During these decades of independence, the country has been run democratically (aside from the twenty-one months of the infamous Emergency from 1975 to 1977). With the exception of Costa Rica, no other developing country has enjoyed as long a democratic run since World War II.

And in the case of Costa Rica, it is worth bearing in mind that the country is small, with a GDP per capita six times that of India's (in 2019 Costa Rica's GDP per capita was $12,238, while India's was $2,104). Modern democratic theory holds that democracies generally live longer when their citizens have higher levels of income. And in societies with lower incomes, the mortality rate of democracy is often high. For decades now India has defied this conventional scholarly wisdom.

Surprise at India's democratic success is well documented. Barrington Moore was the first major social scientist to note the uncommon and the unexpected. In 1966 he observed that "as a political species, [India] does belong to the modern world. At the time of Nehru's death in 1964 political democracy had existed for seventeen years. If imperfect, the democracy was no mere sham." Half a decade later, in 1971, Robert Dahl—arguably the most influential figure in democratic theory—wrote that India was a "deviant case . . . indeed a polyarchy." Polyarchy, so used, was Dahl's conceptual term for democracy. By 1989 Dahl had no doubt that India was "a leading contemporary exception" to democratic theory. Astonishment at India's success continued to register among political scientists into this century. On the basis of a massive international dataset spanning 1950 to 1990, Adam Przeworski concluded in 2000 that "the odds against democracy in India were extremely high."

Khosla's book largely seeks to remedy political philosophy's failed portrayal of India.

It then comes as a surprise that Madhav Khosla, author of the new book *India's Founding Moment: The Constitution of a Most Surprising Democracy* (2020), remarks that the founding of India's democracy—particularly, its constitutional founding—has been "neglected within the history of political ideas." Khosla is a political philosopher, a faculty member at both Columbia Law School in New York and Ashoka University in India. His surprising observation speaks to the divide between political philosophy and

the more empirically driven social sciences—a divide that renders both fields intellectually poorer.

There should be some degree of intellectual trespassing between political philosophy and the social sciences; without it, neither field can know the other nor heed the other's explorations. Khosla forgoes any discussion of India's representation in emprical democratic theory and instead responds to the intellectual terrain of political philosophy. He begins with G. W. F. Hegel, who thought that India was doomed to be a despotic polity and speculated that Indians lived according to age-old caste rules rather than as autonomous agents capable of making conscious choices. In such a society, made up of citizens supposedly devoid of agency, the older order—hierarchical, oppressive, and despotic—would continue ad infinitum, and a modern political order breaking from tradition was virtually impossible.

Approximately half a century later, John Stuart Mill considered India through the lens of colonialism. Mill distinguished between colonies that were "of similar civilization to the ruling country, capable and ripe for representative government, such as British possessions in America and Australia" and other colonies "like India (that) are . . . at a great distance" from the British civilization. These polities, so different from that of their colonists, only allowed for "a choice of despotisms." Following this interpretation, British tutelage in the form of colonization was India's best option. In contrast, the advanced European civilizations and their cousins—Australia, New Zealand, Canada, and, earlier, the United States—could have democratic rule owing to their higher capability for rational conduct.

Khosla's book largely seeks to remedy political philosophy's failed portrayal of India. In doing so, the book presents an ambitious and novel claim:

> The historical conditions of India's creation should encourage us to see it

> as the paradigmatic democratic experience of the twentieth century, in much the same way that Tocqueville had seen the United States as the model nineteenth-century democracy.

Khosla concentrates on India's democratic origins, while the aforementioned empirical theories examine democracy's persistence. The question of democracy's persistence is not fundamentally a normative one; it has well-known empirical tests. But when an institutional framework is originally established, the normative visions of the founders—about the kind of society they wish to build and the reasons for its building—are on full display, and an analytic space for political philosophy clearly emerges.

So how did India's founders come to imagine a democratic polity in a setting that conventional wisdom had ruled wholly unfit for democracy? Who, after all, thinks of universal franchise when the literacy rate (at the end of British rule) was a mere 17 percent (Mill thought literacy had to be the foundation of franchise), when more than 60 percent of the country was below the poverty line (Mill was unconvinced that the poor should have the right to vote), and when more than twenty languages were spoken in the country (Mill thought that all citizens must speak the same language if democracy was to function)? At independence in 1947, India possessed each of these disqualifying conditions. But India's early leaders did not view these as insurmountable obstacles. Instead they decided that voting rights would not be based on literacy, income, property, or gender. Each citizen, however deprived, could be assumed to know their own interests as well as the privileged knew theirs. And, respecting India's linguistic diversity, citizen education was made multilingual to generate a public sphere diverse in language.

A Hobbesian conception of politics does not guarantee political transformation: the result depends on what ends are being pursued and how such pursuits are shaped through institutional designs. Ideas, practices, and leadership matter.

The founders had confidence in these historically unprecedented interventions. At the time of independence, as Khosla strikingly puts it, India's political leadership held a Hobbesian view of politics, and "at the heart of the Hobbesian project was the independence of politics." The notion of necessary democratic preconditions—literacy, income, language—implied that "human behavior was not the consequence of politics, but instead its cause ... a scenario that Thomas Hobbes would have regarded as placing the cart before the horse." Rather than understanding social conditions as a creator of politics, India's democratic project was based on the notion that politics could change adverse social and economic conditions—that "the practice of democracy would create democratic citizens." If politics was supreme, the improbable could be achieved.

India's leaders were, of course, not alone in assuming the primacy of politics. In China, Mao Zedong, too, had similar beliefs. For example, the underlying tide of the Chinese Cultural Revolution (1966–76) rose from the belief that politics could create a new man—one unconcerned with greed, unselfish, laboring for the country, and obedient to Maoist diktat. But despite the deployment of the world's largest Communist party, no such transformation came about in China. Only after Mao's death was China fundamentally transformed, albeit in the opposite way. A few years following Mao's death, Deng Xiaoping took control and spread the dictum that "to get rich is glorious."

In other words, following a Hobbesian conception of politics does not guarantee political transformation: the result depends on what ends are being pursued and how such pursuits are shaped through institutional designs. Ideas, practices, and leadership matter. If the architecture of the

polity is adequately imagined, put in place with resolve and determination, and practiced with nurturing care, the historically exceptional can be realized.

With this understanding of politics, Khosla fixes his gaze on India's Constitution—produced in 1949 after three years of intense deliberation by a Constituent Assembly and still intact today. He focuses on three central constitutional elements: the codification of formal rules as opposed to a reliance on tradition, the centralization of political authority as opposed to villages governing themselves as self-sufficient democratic units, and the prioritization of individual representation as opposed to that of communities.

Today India has the longest constitution in the world. This is largely owed to B. R. Ambedkar, the chair of the Constitution Drafting Committee of the Constituent Assembly (1946–49). Jawaharlal Nehru, India's first and longest-serving prime minister (1947–1964), was opposed to extensive codification. However, Ambedkar had other ideas and, in the end, Ambedkar triumphed.

As a central figure in Constitution-making, Ambedkar's intellectual persona and personal history were both imprinted in the democratic imagination that formed the Constitution. Having received two PhDs—one from Columbia and another from the London School of Economics—Ambedkar was the most highly educated leader in India in the first half of the twentieth century. Yet, according to caste background, he was Dalit. This label relegated him to the lowest social tier, deeming him "untouchable" at that time. Though Dalits were not legally bought and sold as commodities as the slaves were in the United States, the institution of "untouchability" deprived Dalits of basic rights and elemental dignities for centuries. The symbolic significance of

Ambedkar leading the making of the Constitution is monumental. Imagine W. E. B. Du Bois as a key architect of the U.S. Constitution, were he alive in the 1780s.

In India—a starkly unequal society attempting to institute a democracy—the Constitution needed to function as a kind of political teacher.

Ambedkar knew that caste prejudices were deeply entrenched in India, with group and human inequality the system's governing idea. Brahmins—at the top—enjoyed unencumbered privileges, and Dalits—at the bottom—enjoyed none at all. In both government and socio-economic life, Brahmins and the other upper castes dominated positions of power. Regardless of whether those in power were raving casteists, the hegemonic hold of caste-based beliefs in India made it clear to Ambedkar that an insidious form of caste prejudice was only to be expected.

As a result, Ambedkar did not want to give discretion to legislators. Rather, he believed that "constitutional morality is not a natural sentiment. It has to be cultivated." From his perspective, the Constitution had to be an elaborate document with extensive codification containing not only the larger framework within which the legislature and government would function, but also specific laws. It also had to include the details of pivotal administrative arrangements.

In India—a starkly unequal society attempting to institute a democracy—the Constitution needed to function as a kind of political teacher. This could only be accomplished if it went beyond the two standard and contrasting constitutional doctrines: the constraining of executive/legislative power ("legal constitutionalism"), or the enabling of executive/legislative power ("political constitutionalism"). At its deepest level, the Constitution had to nurture a system of "meanings" that all actors in the polity—executives, legislatures, bureaucracies, citizens and even courts—would share. The

Constitution had to be a "textbook . . . a pedagogical apparatus," not solely a "rulebook."

The unprecedented length of the Indian Constitution was thus dictated by the country's undemocratic social circumstances: the necessary restriction of legislative and judicial discretion in a land of caste prejudice, and the need to create both democratic powerholders *and* democratic citizens. Ambedkar knew that democracy and its democratic citizens would not organically emerge; they had to be created by design.

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The allocation of power between the judicial, legislative, and executive branches turns on the distribution of horizontal authority. But those making the Constitution also had to consider the vertical distribution of power. Which levels of government—central (federal), state, and local—would have what kind of power?

A strong central government was integral to the success of national integration; but, to Ambedkar and Nehru, it was also necessary to shatter the power of tradition.

Ambedkar's response to this question was again informed by a distrust of Indian social norms. Much like Jean-Jacques Rousseau, Mahatma Gandhi had long argued in favor of empowering local governments and encouraging local participation, asking for "village republics." Ambedkar fundamentally disagreed with this perspective. In his eyes, villages were "the ruination of India . . . a sink of localism, a den of ignorance, narrow-mindedness and communalism." Nehru concurred, and, together, the two left behind the Gandhian idea of village republics.

Untouchability's lived effects informed Ambedkar's perspective on village rule. Unlike race, untouchability was not inscribed in the color of one's skin,

the texture of one's hair, or the shape of one's nose. It was given away by one's name and, often, one's traditional profession. One could easily recognize castes in a village, less easily in the anyonymity of a city, and only with great difficulty at the national level. Caste names tended to be regional or local, because India hosted many languages and names were understood in a linguistic register. Brahmins and "untouchables" were found everywhere, but there were no comprehensive caste names in the country. Brahmin names in the South were very different from those in the North, and the same was true of "untouchable" names. Local or regional knowledge was necessary to correctly identify caste.

Though Khosla largely ignores this anthropological reality, his conceptualization of caste allows him to explain the vertical distribution of power in India. To counter the impact of caste and to foster the idea of uniform citizenship and equal rights, Ambedkar thought it necessary to concentrate power at the federal center with less authority given to the states. This would launch a top-down battle against the hierarchical, caste-based, local power structures. He saw no other way to defeat a deep-rooted ascriptive caste hierarchy. This approach did not stray far from that the United States took during Reconstruction (1865–77). Political leaders and citizens all knew that race relations in the South would never reconstitute themselves and federal oversight and push were necessary. The project of racial equality could not be left to the discretion of the southern states.

Substituting caste for race, Ambedkar's mantra pushed for a stronger Delhi and weaker states. This approach had an interesting manifestation for local governments. Ambedkar knew that political power in villages would likely mirror social power—oppressing Dalits. Accordingly, he persuaded the Constitution drafters to not legally require elections for the third tier of government. It was not until 1992, decades later, that two constitutional amendments were passed by parliament, mandating elections for local

government. Prior to these amendments, India had only two tiers of elected government: central and state.

This came to be known as centralized parliamentary federalism. It received huge support in the Constituent Assembly, but not for the reasons that Ambedkar advanced. Many members worried that, in the absence of a strong national government, some regions might secede. The fact that Muslim-majority states had broken away and formed Pakistan only deepened this anxiety. Indeed, a strong central government was integral to the success of national integration; but, to Ambedkar and Nehru, it was also necessary to shatter the power of tradition.

In writing the Constitution, the final matter to address was political representation: would India be conceptualized as a society composed of communities or individuals? The British were convinced that Indians could not reason as individuals. Rather, they believed that ascriptive communities of religion and caste were so preponderant that they preempted individual agency. Accordingly, the British formed separate electorates at the local and state levels. In separate Muslim electorates, only eligible Muslims could vote and run for office—non-Muslim participation was forbidden in Muslim constituencies.

Individuals needed to form judgements autonomous from their birth-based groups, and this required new rules of representation.

India's freedom fighters believed that this communal structure of British Indian polity had prevented the emergence of a common political arena, one that could have joined the Hindus and Muslims—India's two largest religious communities—together as a coherent nation. If anything, they thought the colonial privileging of a group-based polity created the Muslim nation of Pakistan. Separate

electorates promoted separatism, not integration.

Upon independence India moved to privilege the political representation of individuals, rather than pre-determined group identities. It did away with religion-based electorates. Instead "a model of citizenship centered on the political participation of individuals...would allow the categories of majority and minority to be . . . defined and redefined within the fluid domain of politics." Individuals needed to form judgements autonomous from their birth-based groups, and this required new rules of representation.

Ambedkar, though a proponent of individual autonomy, also favored group-based representation for specific categories. In particular he believed that electoral constituencies should be reserved for Dalits and Adivasis (the tribals) in accordance with their demographic proportions. Because Dalits comprised 16 percent of the national population and Adivasis 6.5 percent, the Constitution reserved 22.5 percent of parliamentary constituencies for these two groups. Each state assembly was also required to make reservations based on the demographic share of these two communities in their state populations.

But the reserved constituencies differed from the despised separate electorates. The key difference lay in the conceptualization of the voting publics. Like separate electorates, only Dalits and Adivasis could run for office in the reserved constituencies, but all communities, unlike separate electorates, could vote in the elections. In other words, Dalit politicians could not win these seats by appealing only to Dalits. They needed the support of the larger community to win office. Herein lay a significant tension: How could one allow group reservation, however different from separate electorates, if individuals were to be the unit of representation? If religion was to be dropped as a basis for electoral constituencies, why were the lowest castes worthy of special group representation?

Khosla's resolution to this puzzle is noteworthy. He extracts from Ambedkar's argument a threshold-based reasoning: "Caste based domination was so entrenched that the problem could not be entirely solved by suffrage. . . . the path to individualization of identity lay in permitting special treatment towards members of groups that had remained constrained." In other words, "for individual liberty to be realized, the stubborn practice of superior groups needed to end."

In a society that is deeply unequal, democracy will have a great deal of difficulty unless the architecture of the polity devises means to address its inequalities.

Groups such as Dalits that had faced centuries of social repression needed state support. Only after a certain threshold had been crossed and some semblance of equality had been reached could one rely on individual agency to climb the economic and social ladder. Muslims did not need the same kind of support, as they were not part of the Hindu caste system and therefore not repressed by the force of tradition. Though many Muslims were indeed poor, Muslim princes and aristocrats had ruled large parts of India for several centuries. Dalits, entirely devoid of such privileges and never part of the ruling class, were comprehensively subaltern. After centuries of being rendered destitute, Dalits required affirmative action.

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Though empirical theories have long recognized the exceptional nature of India's democracy, political philosophy has largely ignored the country's remarkable democratic founding. By grounding Indian constitutional debates in political philosophy, Khosla has given an entirely novel perspective to India's democratic origins. Perhaps now political philosophers will have reason to more intimately engage with India's constitutional ideas—ideas addressing codification, the conceptualization of separation of powers, and balancing individual and group representation—critical areas of thought for

any modern polity and constitution.

India's constitutional history also presents lessons about creating democracy in unlikely settings, highlighting that progressive politics and careful institutional engineering can be used to sustain democracy. In a society that is deeply unequal, democracy will have a great deal of difficulty unless the architecture of the polity devises means to address its inequalities. Clearly the value of such lessons has not yet disappeared.