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A Caste Theory of Asylum Management?

The theoretical framework I wish to introduce here is somewhat experimental in nature. I was trained in
sociology in Delhi University, where I completed my masters before heading into the doctoral program at
the department of Anthropology in Princeton University. I had identified, at the time, the restrictive spatial politics of the discipline that determined who was allowed to study whom and, almost in protest, I chose to instead conduct an ethnography of German society and the place it was making for newcomers that arrived to the country in and around what has been referred to as the long summer of migration in 2015/16. I transitioned from a program, in Delhi, which had a particularly strong focus on the sociology and anthropology of India, to an empirical context that was purportedly a world away. Until recently, I had left behind much of the theoretical frameworks I had cultivated earlier, and my goal was, as any other anthropologist, to engage with German society on its own terms. To see what processes would be emergent or, 'emic', as anthropologists say. My fieldwork with refugees followed the well-established ethnographer's method of "talk to anyone that will talk to you". As a result, I closely followed the trajectories of asylum seekers from various national cohorts, though, for linguistic reasons, those from Arabic speaking countries like Syria, Egypt and Iraq, and Urdu or Punjabi speaking ones like Pakistan, dominated my notes and observations. The diversity of national cohorts in my fieldwork made me attentive to the unevenness of newcomer incorporation in Berlin, the city I chose for my fieldwork. But what I found more surprising were two observations. First, that a kind of non-random bureaucratic hierarchy seemed to be taking shape, where asylum seekers were being differentiated into groups that were most, though not exclusively, determined by their country of origin. Secondly, I noticed that this hierarchy was being substantialised through labour relations that were either outside, or on the margins of, the formal economy.



For many of my interlocutors, co-ethnic contacts became the only reliable path to the labour market, particularly as the German state and society began to expect

asylum seekers to rapidly enter the labour market [SK1] [JS2] as a sign of their willingness to integrate into German society. This was particularly true for those whose initial asylum pleas had been rejected, for whom the only reliable paths to long-term residence were increasingly made dependent on their successful integration into the labour market.

In addition, the field of asylum in Germany has undergone a serious fragmentation, with a multiplication of bureaucratic categories that form a continuum of statuses between the two poles of asylum and deportation. Who is placed where on this continuum, as I will go into later, is determined primarily through national identity, mediated through the notion of the "Bleibeperspektive" (staying prospects), and the status changes the amount of time asylum seekers have to find work after they arrive in Germany. For refugees who received the complete support of asylum, retraining, learning German, and recuperating from the trauma and losses of flight, is a concrete possibility[SM3] . Yet, for many others who find themselves living under the threat of imminent deportation, finding work, and finding it quickly, is the only path to safety.

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Young men walked into a camp as asylum seekers, and emerged, a couple of years later, as Syrian students, Egyptian security guards, Afghan apprentices and Pakistani restaurant workers, each occupying different rungs of the informal and formal economies. Practices of labour were often predatory, and I often saw a kind of organised informality that seemed altogether out of place in my mental image of Germany. The surprising lack of research on the informal economy in Germany suggests that I might not be alone in thinking that these practices are hard to think about in a country famous for its desire to formalise as many aspects of social life as

possible. And yet, in other ways, these processes seemed extremely familiar to the part of me that still thought with my Indian background. I began comparing and contrasting ideas of 'organised informality' and of the theories of caste-based social stratification with what I was observing through my interlocutors. I began to think about the anti-caste activist and theoretician B. R. Ambedkar's (2014[1933]) comments on caste as being not just about a division of labour, but a division of labourers . This raised some important questions on what it would mean to bring to bear theories developed in the Global South to contexts within the Global North

Anthropology – specifically the tradition of comparative anthropology – has long used the knowledge and systems of the Global South as potential foils against which western common-sense might be contrasted and contested. Thus, for Louis Dumont, to study caste and hierarchy in India was, through his comparative method, the only way to understand the premise of equality that, to his mind, formed the essence of Western ideology. Dumont's comparative approach brought many critics who accused him and others of constructing holistic structures that could encompass and explain the entire Indian "way of being", painting a timeless image of caste as the tradition of a culture far removed from Western civilization. [SM4] Perhaps even more egregious was Dumont's tendency to present caste as an ideology without internal contestation. Indeed, to many, it was precisely the tendency – seemingly unavoidable – of reification central to this comparative project that would become untenable after the Writing Culture debates in the 1990s.

Despite the misgivings briefly outlined above, I wish to revisit the comparative project and revise some of its premises. In what follows, I will attempt to outline a tentative comparative framework for the study of caste in contemporary Germany – particularly as it emerges through the management and administration of asylum seekers and refugees in Berlin. By employing caste as an emergent category – and not as an ontological fact – I hope to show how the comparative perspective might broaden our understandings of the process of distinction and differentiation that

have been underway since Germany's "long summer of migration". I will make the tentative case that we are seeing the emergence of caste as a strategy to organize difference when dealing with new arrivals in Germany.

The Resurgence of Caste to Euro-America

How might we then escape the traps of this orientalist framing of caste, and what would caste be, if freed from its Indian exceptionalism? Since the turn of the millennium, caste has had somewhat of a revival in Western public and academic thought. Isabel Wilkerson's 2020 bestseller Caste: The Origins of our Discontents, and a decade before that Michelle Alexander's The New Jim Crow, have been particularly influential in returning the lexicon of caste to Western lips. Despite its immense public success, Wilkerson's book in particular, brought harsh critics from scholars – of both race and caste. Wilkerson was accused of reproducing, in key senses, the precise orientalist readings of caste that she argues against (Khilnani 2020). Charisse Burden-Stelly (2020) povides one of the most damning responses to Wilkerson's book, though curiously she too seems to fall prey to the rather outdated, if not outright orientalist, notion that the origins of caste lie in Hindu ideology. Despite claiming that "Wilkerson's analysis of caste in India is… superficial insofar as she treats the Indian caste system as essentially unchanged over some 4,000 years", she goes on to suggest that "[t]he reality that racism in the United States is rooted in exploitation and has thus continually met resistance complicates Wilkerson's thesis that U.S. race relations constitute a caste system". The latter observation is, crucially, at complete odds with postcolonial scholarship on caste, which identifies it precisely as a system of power (Dirks, 2002; Raheja,
1988), exploitation (Mosse, 2020) and humiliation (Guru & Sarukkai, 2020; Jodhka, 2018). Nonetheless, the shortcomings of Wilkerson's book are hard to deny. Though never meant to be an academic text, caste in her work rarely provides a coherent analytic for understanding processes that cannot, or have not, been addressed by scholars of race. As Appadurai (2020) puts it, "Wilkerson's dramatic unearthing of

caste under the surface of race in the US is just a literary device to tell a familiar American story in an unfamiliar way".

On the more scholarly front, Elizabeth Becker's recent 2021 book, Mosques in the Metropolis: Incivility, Caste, and Contention in Europe, brings the resurgence of caste to the study of contemporary European society. Departing from what she sees as insufficient or vague notions of "cultural racism" and "islamophobia", she argues (2021, p. 42) that "invigorating the analytical potency of "undercaste" in the study of Muslims in Europe provides new ways of seeing the persistence, hierarchical nature, and multidimensionality of status differentiation in modernity." Building on Zygmut Bauman's thesis of the "conceptual Jew", she argues that Muslims in Europe today occupy the role that Jews once did, a position which she contends was always better understood as a caste position. She locates the images of threat and incivility posed by Muslims in European imaginations as paralleling the purity-pollution prohibitions of caste in India. And yet, despite the clear rigorousness of her analysis, like in Wilkerson's book, caste seems to work as a descriptive, rather than analytic tool.

Both Wilkerson and Becker seem to use caste as a sui generis fact that enables them to describe an ontological framework of difference in contemporary western society. In doing so, they reproduce the Dumontian notion that caste originates in ideology (and not, for instance, power). For Wilkerson, this is the ideology of race, and for Becker, it is the ideology of a Western modernity always on a search for the other against which it can define itself. In Becker's work, this amalgamation of Christian theology and the Western discourse of incivility (i.e. clash of the civilizations) forms the foundations of a system through which Muslims are always already conceptualised as the backward other, relegated to the position of the collective pariah. In other words, the goal seems to be to make the descriptive claim that Europe/US is a caste society. The value of this redescription of the fault-lines of Western inequalities is not analytical, but political. This will become clearer by examining Becker's explanation for the West's reluctance to be described this way:

Caste elicits discomfort if not repugnance, as it belongs in the contemporary imaginary to the very "Other" that Europe identifies against: as a "backward," "traditional," "anti-liberal" stratification system that continues to permeate social life on the Subcontinent. It contends with the idea of European modernity as progress —exposing an unsettling darkness in the post-Enlightenment era… The concept of a Muslim undercaste challenges notions of a rational, civilized Europe, as opposing the irrational, uncivilized religion of Islam and therefore also the irrational, uncivilized tendencies of the concept of caste itself. (Becker, 2021, p. 43)

There is little, in and of itself, to disagree with here. It is a perspective I would happily sign off on. And, it also underlines precisely why Wilkerson and Becker – and indeed many others engaged in similar projects – use caste. Caste is an indictment. To call Europe a caste society, is precisely to make the accusation that, despite its claims to modernity, it is, in fact, "backward", "traditional", and "anti-liberal". Despite the claims of civility, it is in fact uncivil. Despite its insistence that it is the occident, in true fact, it was always the orient in denial. In other words, the political value of the descriptive framework of caste relies on its reification as the ultimate stain of a primitive barbarity. The rhetorical work done by calling something caste is powerful, but it comes at the expense of a solidification of the orientalist imagination of the Indian subcontinent. It does little to bring caste into the analytical fold, as a category with explanatory value, rather than purely descriptive significance. Such an attempt invariably falls into the realm of ontological analogy, in other words, who the Brahmins are (white people of course), and who the Dalits are (Black peoples, Muslims, Jews etc.).

Of the three new millennium books mentioned above, only Michelle Alexander's The New Jim Crow (2019) looks at caste as a question of process. In her work, caste becomes the emergent consequence of a system of mass incarceration that marks black men with the status of criminality, condemning them to a life of segregation. Though also not meant as an academic text, Alexander's work was deeply influential

when it came out, and has seen a resurgence in popularity after the extrajudicial murder of George Floyd and other African Americans like him over the last several years. Though she uses caste as something in-between a commonsense term and an analytic throughout the book, curiously she does not make a single reference to the Indian caste system. This perhaps frees her from the trap of thinking caste as analogy, and the result is an analysis of the emergence of caste that is much closer to the one I wish to now present.

Caste as an Emergent Property of Asylum Administration

Beginning in 2014, Germany introduced significant policy reforms to allow asylum seekers into the labour market. This gained crucial momentum with the Integration Act of 2016, and the new motto of labour policy for asylum seekers, Fördern und Fordern (Encourage and Demand). Under the new regime, asylum seekers would be provided paths of entry into the labour market, and their participation as workers would become the key indicator used to evaluate their residence claims, and determine the extent of their access to welfare resources through a graded system of sanctions. The reforms introduced a "paradigmatic shift guided by labour market considerations" (Scherschel, 2016, p. 246) in Germany's approach to asylum[SM5] . This shift, which marked the economization of the field of asylum in Germany, paralleled a multiplication of legal statuses within the field of asylum. Work, for asylum seekers and refugees, became the single most reliable path towards residency and existential safety. Yet, simultaneously, the differentially distributed legal statuses meant that access to the labour market was hierarchically distributed across all those who came to Germany in the months and years after 2015.

Indeed, despite the media attention that Germany received for its welcome of refugees in 2015, the reality is that the majority of refugees who have applied for asylum in Germany since 2015 have had their pleas rejected. Asylum seekers have the option to appeal this decision and, since the appeal process usually takes several years, it is in this time that they begin to establish themselves as worthy of

residence, either by obtaining enrolment in a vocational training course, or by finding work. As of 2021, the number of people who had their asylum pleas rejected and were therefore expected to leave the country was as high as 292,672. Of these, 242,029 held a "Duldung" – a temporary status of "toleration" requiring weekly or monthly renewal that essentially implies that their deportation has been temporarily suspended (Deutscher Bundestag, 2022). For reference, this makes them almost as large a cohort as the 317,835 refugees living in Germany with residence permits (Statistisches Bundesamt, 2022).

Among those that are afforded some status of protection, almost half do not receive asylum (Statistisches Bundesamt, 2022). In 2021, while 21.4 % of total applications resulted in asylum status, 17.5% received other protection statuses that do not come with the full benefits of asylum, and so far, in 2022, the number of those without asylum has been lower than those with other protection statuses (BAMF, 2022, p. 11). Of note here is "subsidiary protection" (15.3% in 2021), a status in between rejection and asylum that comes with a one-year residence permit, periodically renewable for two years, as long as it is determined that the situation in the home country has not improved. Those with this status may apply for permanent residence after 5 years, but, among other conditions, in order to do so they have to have paid into social security for 60 months, and been independent of state welfare during this period. Unlike those on a Duldung, those with this status have unrestricted access to the labour market. However, the likelihood of obtaining stable and long-term employment with temporary residence permits proves to be a significant challenge, and this is without mentioning the various other barriers that prevent displaced persons from rapidly entering new labour markets such as language, the non-recognition of credentials and the time needed to recuperate from trauma and loss. Finally, those that receive either refugee status or constitutional asylum (both are functionally the same), receive permits for 3 years, and they too need to work in order to establish permanent residence in Germany, though the criteria in this case are much more forgiving, and they are allowed to do so as early as three years after

their initial asylum plea. Yet, while the status does indeed make a significant difference, even for those who obtain full refugee status, working often implies extensive retraining, and/or a significant loss of employment status.

Those seeking asylum in Germany must earn their existential safety and right to long-term residence in Germany through participation in the labour market, but in order to do so, are armed with varyingly precarious documentation that overwhelmingly direct the location and nature of their labour relations. While some may be tempted to argue that this bureaucratic differentiation of the field of asylum only reflects a natural hierarchy based on the validity and urgency of asylum claims, it is important to address the principle through which asylum seekers are sorted into these categories. Asylum cases are overwhelmingly linked not to personal history, but national identity. This was the direct result of an administrative innovation introduced by the Federal Office for Migration and Refugees (BAMF) in 2015, whereby asylum cases were sorted into clusters depending on the applicant's country of origin, in order to expedite the [SM6] large number of applications for asylum.

The new administrative approach of the cluster system created a clear hierarchy of 'deserving-ness' for refugees that was based on previous rates of acceptance for a national group, rather than targeted to individual histories and personal accounts. Through this approach, applications from Cluster A (Syria, Eritrea, Iran, Iraq, Somalia) would be fast tracked for asylum. Those from Cluster B, however, were considered to be from 'safe countries of origin' meaning that the likelihood of their asylum pleas being rejected was extremely high. Without going into more detail, Clusters C and D comprise yet other cases defined by certain legal technicalities, and are accompanied with their own subsequent legal statuses. While the cluster system was officially discontinued in 2017, as Anne-Kathrin Will (2018, p. 178) argues, citizenship continues to be the decisive factor in the processing of asylum applications: "an asylum seeker's passport still determines whether he/she will be

steered toward the fast-track to integration (with more opportunities) or toward the fast-track to return (with more pressure). Decisive is whether he/she comes from one of the few countries whose nationals have a high possibility of receiving a humanitarian residence permit or if he/she is a national from one of the listed safe countries of origin, respectively."Indeed, in many senses, the "Bleibeperspektive" – a statistically produced tautology – almost exclusively mediates the "legal division between putative 'genuine' and 'bogus' through the notion of strong or weak 'likelihood of staying'" (Hinger, 2020).

Thus emerges a bordering practice which sorts asylum seekers into different segments of the formal and informal economy on the basis of national identity. As Mezzadra and Neilson (2013) note, this multiplication of legal statuses is closely linked to the multiplication of labour. To a large extent, scholars are addressing this subordinated absorption of forced migrants and refugees primarily as subordinated labour under the terms of "differential inclusion" (Könönen, 2018; Mezzadra & Neilson, 2013), or "racial capitalism" (Bird & Schmid, 2021; Melamed, 2015) to indicate processes whereby the selective incorporation of foreigners into the body politic produces new logics of ethnic segmentation and boundary formation, producing, what Nicholas DeGenova (2013) refers to as the "obscene of inclusion", a " process of inclusion through exclusion" where racially 'other' migrants are incorporated primarily as subordinated labour. Yet I wonder if these approaches capture the complexity of the differentiation in labour that is currently underway. Though perhaps subordinate, in general, to long-term German citizens, the relative positioning, both in the labour market, as well as in civil society, of an Afghan, a Syrian, and a Pakistani are more complex than the terms differential inclusion/ racial capitalism account for. What if, instead, we were to speak of caste?

For students of India, much of the credit and blame for the persistence of the orientalist view through the 20th century has been laid at the feet of Dumont and his comparative structuralist anthropology. Yet Dumont himself often stated, in

response to criticism of his work on India, that he used caste not as an empirical fact, but as an "ideal type". He did so to articulate what he saw as the ontological separation of status and power in India, something apparently absent in Western societies. Yet, despite this, caste became, in his work and in others, descriptive. This meant that to think of caste one had to think of India, and to think of India one had to think of caste. All this over an ideal type. If we were to trace the origins of Dumont's defence, however, it would take us back to Max Weber, who, unlike Dumont, saw no such contradiction between power and status. And indeed, for Weber, there was nothing particularly exceptional, nor Indian, about caste, which he contends was one possible conclusion of status. I know that I am being slightly sneaky by promising theory from the South, only to return to one of the most important German thinkers of the 20th century. Nonetheless, on caste, he says:

> "The 'caste' is, indeed, the normal form in which ethnic communities usually live side by side in
> a 'societalized' manner. These ethnic communities believe in blood relationship and exclude
> exogamous marriage and social intercourse. Such a caste situation is part of the phenomenon of
> 'pariah' peoples and is found all over the world. These people form communities, acquire specific
> occupational traditions … They live in a 'diaspora' strictly segregated from all personal
> intercourse, except that of an unavoidable sort, and their situation is legally precarious. Yet, by
> virtue of their economic indispensability, they are tolerated" (Weber in Jodhka, 2018, p. 9)

I think the parallels to Weber's description of caste and the situation of newcomers

in Berlin are striking. Today's tolerated persons, the ones whose deportation has been temporarily suspended, or the "Geduldete" as they are referred to in German bureaucratic discourse, are differentiated precisely by their status – their legal status. This is an important, and sharp contrast to the analytic of class which still traps much of the work on differential inclusion. There is an occupational rigidity that flows from this status, and if German integration policies are to be believed, they too will only be tolerated by virtue of their economic indispensability.

For those with Duldungs, entry into the labour market poses the most significant hurdles. The most reliable path is either through enrolment into a vocational training course (Ausbildung), through which asylum seekers can obtain an Ausbildungsduldung that grants residence for the duration of the training course and up to two years after, conditional on finding stable employment. In some cases, those that are able to find work contracts can apply for a Beschäftingungsduldung which guarantees residence as long as refugees are able to maintain their employment status. In reality, however, those on a Duldung must operate under particularly precarious timelines and curtailed access to welfare resources. Without the time to acquire language or reorient themselves to the needs of the formal economy, this means that those with this category experience a constant pressure towards the informal margins of the economy. Thus, many of the Pakistani refugees I got to know – all of whom had a Duldung – ended up working informally in restaurants, supermarkets and hotels, often for well below the legal minimum wage. For those with intermediary protection statuses like subsidiary protection, training courses that guaranteed quick access to the formal labour market became highly sought after. For many young, male Arabic-speaking refugees I met from the Middle-East and North Africa, this meant an absorption into an ever expanding private security sector. Training courses could be completed in 40-hours, and the language requirements tended to be minimal. Their statuses meant that they qualified for legal contracts, without which they could not be recruited. However, their relative precarity, and reliance on these contracts for economic and existential security

makes them particularly vulnerable to predatory labour practices that see them shuttling between temporary or partial work contracts, with the promised security of long-term contracts always dangling just out of reach. Indeed a common refrain among my interlocutors became “no security in security” a complex, sarcastic, and perhaps realistic appraisal of what the experience of working in guard labour means for the many refugees in the industry.

To be sure, there are certainly other social forces at work here – the existence and economic agency of longer-steeled migrant groups with similar ethnic/linguistic/cultural identities is crucial to this process of differentiation – all my Pakistani interlocutors worked for South Asian employers, and the recruitment of refugees as security guards was more often than not spearheaded by local residents with Lebanese backgrounds. This is a logic that might extend in very different ways to the meat packing industry, seasonal agriculture, domestic care work, cleaning, warehouse logistics etc. – all industries that see relatively alarming trends of occupational homogeneity. And indeed, one might be tempted to think in terms of classical notions of ethnic enclave economies. However, at least in Germany, the proliferation of legal statuses and their differential distribution according to national identity marks a crucial transition into status that must take us beyond simplistic notions of “co-ethnic solidarity”. Status, I think, cannot be ignored if we want to understand the nature, position and possibilities of these spaces of labour (and eventually identity).

If we were to take Dumont at his word, and use caste as an ideal type, we could use caste as more than just theory from and of elsewhere, but as an analytic that pays attention to it as an emergent property of systems that use status to differentiate between groups of people. In turn, we could then use it to think of how status as an ideal type structures inequality in the German economy. Indeed, the scholarship in India has moved on significantly from Dumont, and much of the work done on caste in contemporary India focuses precisely on the way economic structures are

articulated through caste, or the way caste is substantiated through the market.

By thinking of different cohorts of refugees as caste groups, the point is not to suggest that they function as they would in India, but to pay attention to the specific processes that produce these relations in Germany. I know that this involves a slight sleight of hand, namely the little jump from status to legal status. And yet, status distinctions distribute access to social life on the basis of a logic that isn't purely economic, and this is precisely what legal status distinctions do. If we are to do theory from the South, and this is true for the portability of theory in general, we have to be willing to accept that the empirical foundations of a system of relations in one place might bear little resemblance to its origins in another.

Indeed, if we are to think with caste in Germany, then it shouldn't be surprising that its foundations might turn out to be bureaucratic and not ritual, though it is worth mentioning that bureaucracies themselves are often maintained precisely through ritual repetitions and notions of the sacred i.e., citizenship and the profane i.e., deportability. This is essential if we are to avoid slipping into the usage of caste as mere analogy. To start with a framework of purity and pollution, and then move backwards to decide who is pure and who impure, is to place the horse before the cart. Even if we were to agree with the descriptions of the Indian caste system as being based on the ideology of purity/pollution, to assume that caste is simply the expression of that ideology, wherever it exists, undermines the usefulness of accounting for its independent and contextual meanings.

As an emergent and dynamic feature of the bureaucratic administration of asylum, I would like to tentatively suggest that we see two elements that are crucially different from the sociological foundations of caste in India. The first is an ascriptive hierarchy of legal status, instead of social status, that emerges from the cluster system, hinged on the tautological and arbitrary notion of a nationally determined "Bleibeperspektive". The second, instead of purity and pollution, is the moral economy of deservingness and undeservingness, which determines the dynamic

logic that drives the interaction of these status groups with one another as well as with German society and economy.



In the field of asylum today, I believe the analytical focus on status, and the subsequent access to rights makes caste more productive to think with than, for instance, race and class, both of which dominate current empirical inquiries, and struggle precisely with what B. R. Ambedkar referred to as the "gradation of inequality" at the heart of these processes. The relative positions of Afghans, Syrians, Pakistanis, Iraqis, Indians, Ukrainians, Poles etc. are more complex than our current notions of differential inclusion or racial capitalism alone can account for. Thinking in terms of caste might allow us to open up new ways to think about the contradictions between economic and social modes of incorporation. And, if nothing else, it might help open up new criteria for comparative work in the study of migration, and a new way to think about the usefulness of Southern theories to students of the global North.

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