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An Inquiry into the Social Structures of the Indo Aryan Community

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AN INQUIRY INTO THE SOCIAL STRUCTURE
OF THE INDO-ARYAN COMMUNITY

A Thesis
Presented to
the Faculty of the American Academy of Asian Studies
A School of the College of the Pacific

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
William Gilbert Darling

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CHAPTER I

THE PROBLEM INVESTIGATED AND DEFINITION OF CASTE

In view of the volume of literature already written about the caste-system, it would seem that yet another entry should have been unnecessary. Yet it was precisely because of this mighty flood of titles that the present investigation was undertaken. Not only were there many conflicting definitions of the term "caste" itself; there were, also, many conflicting opinions as to the antiquity of the caste-system. In many cases, the latter problem was functionally related to the former. A definition of caste had been formulated on the basis of contemporary social practice. Then, this definition was projected backwards into the dim reaches of historical antiquity by means of selectively picking over the Indo-Aryan literature to find passages which lent support to the contemporary definition. Presto! "Caste Through the Ages". Aside from the ethical considerations, or, rather, lack of them, involved in such a modus operandi, the results shed little light upon the social structure of ancient India. The Indo-Aryan literature contained many passages which, when taken out of context, lent support to practically any proposition an investigator might have wished to have uphold. Therefore, the intent of this inquiry was to determine the structure of the Indo-Aryan society from its literature, without pre-conceived opinions as to the existence of any particular social institution.

I. THE PROBLEM

The amount of Indo-Aryan literature, Vedic, Epic, and Puranic, was so extensive that, to avoid superficiality, the investigation was confined to the Codes of Law, which included almost every detail of daily life. The one exception to this limitation was the Bhagavad-Gita, which was investigated in order to set forth an "ideal" society. The problems investigated were: (1) the structure of the Indo-Aryan community, (2) the limits of the Indo-Aryan community, and (3) the relationship between the Indo-Aryan community and peoples outside this community. The method used in this inquiry was to formulate a workable definition of contemporary caste, and, then, to examine the Law Codes in the light of this definition.

II. DEFINITIONS

A. Caste: A Tentative Definition

A caste is a functional unit of Hindu society which has the following characteristics: endogamy, or marriage within the group; congenitally acquired at birth from one's parents; exclusive in that one can belong to only one such group (allowing of course for categorical inclusion in a larger grouping of cognate castes); horizontal in nature inasmuch as the members of a caste belong in a fixed stratum of society in their social status; distinguished by a common name which may be attached to the personal or lineage name of the individual members; categorically part of a larger class or Varna and conversely containing within itself a set of subdivisions or subcastes similar in nature to itself and each subcaste in a fixed relative social status to the others; fixed social position in relation to each of the other castes of Hindu society with which its members come into contact; commensal or requiring all its members to eat only with each other and not with members of any other caste;

religious uniformity insofar as the worshipping of one or more deities in common at some central shrine or shrines and at caste temples determines such uniformity; hereditary occupation in which at least the major part of the members devote themselves to a particular craft; inflicting of caste penalties and punishing by expulsion offenders against caste rules; absoluteness or fixity in its power over the individual member throughout life; shared belief by members that their origin was in a common ancestor; common feeling by members that they are a single social unit; a shared political organization which includes either local or general officials and assemblages which are delegated with power for enforcing caste regulations on individuals; and finally equipped with a common set of observances of worship, birth, marriage, puberty, illness, death, seasonal change and other important events of individual or group life.¹

This detailed definition was derived by W. H. Gilbert after an exhaustive consideration of other writers on the subject. It was a good definition in that it was comprehensive, but, aside from its length, it suffered from at least one important defect. In his attempt to incorporate as many relevant features as possible, Gilbert neglected to distinguish between caste, varna and sub-caste. In fact, at one point he confused what was actually the caste with "a larger class or varna". It was obvious from Gilbert's definition of caste that he recognized that a caste was a particular type of social class. His difficulty lay in treating the sub-caste as the caste, and, then, for want of a better word to describe the larger group, he called the caste a "class or varna". To make Gilbert's definition usable, the distinctions between caste and sub-caste, and varna and jati must be established.

¹William H. Gilbert, Caste in India (Washington, D.C.: Library of Congress, 1948), Part I, pp. 31-32.

1. Caste and Sub-Caste

- a. The caste includes the sub-caste.²
- b. Usually, the sub-caste is the endogamous unit.²
- c. The sub-caste is generally the regulatory unit.²
- d. It is with the sub-caste that the individual identifies himself, in the main.²
- e. The status of an individual in society is determined both by the status of the caste in relation to other castes, and by the relative position of his sub-caste to other sub-castes within a particular caste.²
- f. The sub-caste is more homogeneous in occupation than the caste, which may include a wide variety of occupations.²

The caste, then, is usually a rather large unit of social organization. Geographically, it may be represented in all parts of India, as are the Brahmins; it may be confined to only one province, as are the Nayars.³ Those castes that are distributed over large areas include many different linguistic groups. Even racially, there may be important differences within the caste; a Brahmin from Bengal physically resembles a low-caste Chandal of Bengal more than he resembles a Shenvi Brahmin from Bombay, a Chitpavan Brahmin from Bombay, a Bihar Brahmin, a Desnasth Brahmin from Bombay, or a Brahmin from the United Provinces.⁴ These factors indicate that it is the sub-caste with which modern sociologists are concerned, rather than the caste. The sub-caste is the fundamental point of social reference in the individual's life

²Oliver Cromwell Cox, Caste, Class and Race (New York: Doubleday and Company, 1948), pp. 26-29.

³Sir Herbert Risley, The People of India (London: W. Thacker and Company, 1915), Appendix II.

⁴G. S. Ghurye, Caste and Race in India (London: Kegan Paul, Trench, Trubner and Company, Ltd., 1932), Appendix G.

organization within the caste system.⁵ It is to the sub-caste that the individual's devotion, loyalties and responsibilities go.⁶

Within the endogamous sub-caste are exogamous groups tracing descent from a common ancestor; the gotras.⁷ "Prohibition of marriages within the same gotra appears from the Sutra Period".⁸ The gotra, itself, is composed of sapindas, sakulyas, and samanodakas,⁹ that is, three further classifications of ancestral relationship to the individual. The sapindas are the innermost family circle; those individuals who are bound to offer pinda (funeral cake) to six degrees in the paternal line (great-grandson, grandson, son, father, grandfather, great-grandfather).⁹ The joint-family is composed of all those who present the pinda to the same ancestor, thus including various collateral branches; brothers and their sons and grandsons are all sapinda to each other, as they all offer pinda to the same father.⁹ The sakulyas

⁵Ibid., p. 19.

⁶Cox, op. cit., p. 29.

⁷J. H. Hutton, Caste in India (Cambridge: Cambridge University Press, 1946), 1st ed., p. 247.

⁸S. V. Viswanatha, Racial Synthesis in Hindu Culture (London: Kegan Paul, Trench, Trubner and Company, Ltd., 1928), p. 168; and Georg Bühler (tr.), Apastamba, Aphorisms on the Sacred Law of the Hindus (Vol. II of The Sacred Books of the East, ed. F. Max Müller, 50 Vols.; Oxford: The Clarendon Press, 1897), II, 5, 11, 15; "He shall not give his daughter to a man belonging to the same family (Gotra)."

⁹Pramatha Nath Bose, A History of Hindu Civilization During British Rule (London: Kegan Paul, Trench, Trubner, and Company, Ltd., 1894-1896), Vol. II, pp. 123-4.

are three generations in ascent and descent beyond the sapindas. The samanodakas are kin connected by libations of water; they reach seven degrees beyond the kin connected by funeral oblations of food, or else as far as the limits of knowledge as to birth and name extend.¹⁰

2. Varna and Jati

Failure to distinguish between caste and sub-caste results in considerable confusion. The use of varna, caste, and jati interchangeably results in even greater difficulties. Varna means outward appearance, class of men, exterior, form, quality, color, character, kind, species, nature, caste, etc.,¹¹ and had a religious origin.¹² The word jati means the form of existence determined by birth, position assigned by birth, rank, family, caste, race, lineage, kind, species, etc..¹³ Jati is a comparatively modern word, having been used in the Katyayana Srauta Sutra in the sense of a family and not of a caste.¹⁴ "For the growth of the several jatis," said K. V. Sundaresa Iyer, "...no religious origin can be found...One may infer from the names or other

¹⁰Ibid., pp. 123-124.

¹¹Sir Monier Monier-Williams, A Sanskrit-English Dictionary (London: Oxford University Press, 1899).

¹²K. V. Sundaresa Iyer, Democracy and Caste (Madurai: The Minerva Printers, 1956), p. 10.

¹³Monier-Williams, op. cit.

¹⁴Viswanatha, op. cit., p. 46.

features of the communities that the nature of their origin must have been of different sorts; they may be territorial, racial, religious, occupational, linguistic, historical, and so on."¹⁵ In translations of the Indo-Aryan literature, the word varna has been rendered "caste" quite often. But, the three terms varna, jati, and caste may, or, may not, refer to a similar set of characteristics. Therefore, workable definitions of present-day caste and sub-caste must be presented. The resolution of the question as to the comparability between the ancient and the contemporary social organization will be the subject of investigation in the later chapters.

B. Caste: An Evaluation of the Tentative Definition

As a point of departure, the characteristics of caste, as set forth by Gilbert, have been examined individually. The ultimate objective was to arrive at a definition of caste, and, at the same time, to distinguish between those features which pertained strictly to the sub-caste and those which pertained to the caste.

1. "Endogamy, or Marriage Within the Group".

The caste is almost invariably endogamous.¹⁶ The sub-caste is usually endogamous,¹⁷ containing within itself

¹⁵Sundaresa Iyer, op. cit., pp. 10-11.

¹⁶Emile Senart, Caste in India (tr.) Sir E. Denison Ross (London: Methuen and Company, Ltd., 1930), p. 23; Hutton, op. cit., p. 56; Risley, op. cit., p. 68; Cox, op. cit., pp. 54-54; and Ghurye, op. cit., p. 18.

¹⁷Risley, op. cit., p. 68; Hutton, op. cit., p. 56; Cox, op. cit., p. 54; and Ghurye, op. cit., p. 18.

exogamous subdivisions (gotras, clans, etc.)¹⁸ or else certain rules restricting the choice of mates.¹⁹

2. "Congenitally acquired at birth from one's parents."

Membership in the caste community is mainly determined by birth.²⁰ However, birth cannot be regarded as the sole source of membership. For example, the leading men of an aboriginal tribe, having acquired land and wealth, have induced a Brahman priest to invent a mythical ancestor for them, and, thus, have enrolled themselves in one of the higher castes.²¹ Briggs notes that the Chamars have been recruited from numerous sources: "Many people and even whole sections of tribes have risen up from the lower levels and entered the caste, and this process is still going on. On the other hand, various political changes have resulted in the subjugation of large groups, who consequently were forced into this lower stratum."²²

¹⁸Hutton, op. cit., p. 56; and Senart, op. cit., p. 31.

¹⁹Hutton, op. cit., p. 56.

²⁰Hutton, op. cit., p. 98; Risley, op. cit., p. 109; Senart, op. cit., p. 20; and Ghurye, op. cit., p. 2.

²¹Risley, op. cit., p. 72.

²²George Weston Briggs, The Chamars (Calcutta: Association Press, 1920), p. 19.

3. "Exclusive in that one can belong to only one such group (allowing of course for categorical inclusion in a large grouping of cognate castes)."

In the sense that a caste is composed of more than one sub-caste, the individual would be a member of both groups. However, the individual's concern is chiefly with the sub-caste,²³ especially in the cases where castes are spread over a very large territorial area.²⁴

4. "Horizontal in nature inasmuch as the members of a caste belong in a fixed stratum of society in their social status."

Each caste or sub-caste "has its particular rank, defined by tradition or public opinion, and each one maintains it at all costs, or strives to advance itself."²⁵ However, what is important in this context is not that every caste has a fixed status, but the conviction that every caste has a right to such a position.²⁶ It is only within the small area of direct contact that a strict order of precedence between the various castes (or sub-castes) can be drawn up.²⁷ The variation over

²³Ghurye, op. cit., p. 19; and Cox, op. cit., p. 29.

²⁴Senart, op. cit., p. 75.

²⁵Ibid., p. 18.

²⁶Cox, op. cit., p. 11.

²⁷J. H. Hutton, Caste in India (London: Oxford University Press, 2nd edition, 1951), p. 112.

7. larger areas is too great to permit ranking in other than very general terms.
5. "Distinguished by a common name which may be attached to the personal or lineage name of the individual members."

A caste is composed of families or groups of families often bearing a common name.²⁸ The name itself may have been derived from a particular locality or province, from the profession or occupation followed, from a particular religious practice, from a mythical ancestor, etc.²⁹

6. "Categorically part of a larger class or Varna and conversely containing within itself a set of subdivisions or subcastes similar in nature to itself and each sub-caste in a fixed relative social status to the others."

On a previous page, it was noted that this particular statement was not rigorous in the use of the terms varna, "caste", and "sub-caste". Actually, the caste is composed of one or more sub-castes, similar in nature to the caste, but it is only within the area of direct contact that the relative social status of the sub-caste can be determined.³⁰

²⁸Risley, op. cit., p. 68.

²⁹Senart, op. cit., p. 16.

³⁰See Sections II.A.1. and II.B.4., above.

7. "Fixed social position with relation to each of the other castes of Hindu Society with which its members come into contact."

Strictly, this is a characteristic of the sub-caste, within a particular locality, and at a particular time. Only in very general terms is it possible to draw up a valid hierarchical order of castes covering larger areas.³¹

8. "Commensal or requiring all its members to eat only with each other and not with members of any other caste."

In general, those groups that will not eat together will not intermarry.³² Commensal custom varies between different areas even more than do the marriage restrictions,³³ so that it is the sub-caste that is the determining organization. In Hindustan proper, all food is divided into two classes: Pakka and Kachcha.³⁴ Kachcha is food prepared with water, and if it is accepted from a person of any other sub-caste, one is liable to out-casting.³⁵ Pakka is food cooked in phi; sub-castes of

³¹Hutton, op. cit., 2nd ed., p. 112.

³²Risley, op. cit., p. 159; Senart, op. cit., p. 39; Hutton, op. cit., 2nd ed., p. 71.

³³Senart, op. cit., p. 39; Hutton, op. cit., 2nd ed., pp. 71-78.

³⁴Churys, op. cit., p. 7.

³⁵Gertrude Emerson, Voiceless India (New York: Doubleday Doran Company, 1930), p. 310; and Churys, op. cit., p. 7.

allied social status will eat Pakka food together, while it may be accepted as a present from a lower caste person, provided his sub-caste is in reputable standing.³⁶

A third restriction concerns the acceptance of water. From certain castes the twice-born can accept water, but not food.

9. "Religious uniformity insofar as the worshipping of one or more deities in common at some central shrine or shrines and at caste temples determines such uniformity."

The unit of religious uniformity is usually the sub-caste.³⁸

Each...has a sense of cohesion to which it owes its continuance and its strength. It is sometimes personified in a special cult of some divine or legendary patron...In default of such special protectors, certain divinities...are preferred in the worship of this or that (sub-caste).³⁹

10. "Hereditary occupation in which at least the major part of the members devote themselves to a particular craft."

Many castes are named after the profession they generally follow,⁴⁰ but this occupation is usually traditional, and is not necessarily the one which all, or even the

³⁶Emerson, op. cit., p. 310.

³⁷Ghurye, op. cit., p. 7.

³⁸Ibid., pp. 4-5.

³⁹Senart, op. cit., p. 59.

⁴⁰Ibid., p. 33.

majority, of the members of the caste follow.⁴¹ The sub-castes may follow quite different occupations from the traditional occupation of the caste to which they belong.⁴² It is the sub-caste which must be investigated for some degree of occupational homogeneity. However, the hereditary, traditional occupation is an important consideration in that each caste considers itself to have one. Occupation is not the determinant of caste, but, rather, each caste or sub-caste has an occupation or group of related occupations.⁴³

11. "Inflicting of caste penalties and punishing by expulsion offenders against caste rules."

Though practice differs in the various areas of India, all castes have some method of calling together a judicial body.⁴⁴ In general, there are three types of these bodies, each having jurisdiction over a certain territorial area. The panchayat is the judicial body of the sub-caste.⁴⁵ It is usually composed of five or more

⁴¹Ghurye, op. cit., pp. 17-18; and Risley, op. cit., p. 76.

⁴²Cox, op. cit., p. 63; Senart, op. cit., pp. 36-37; and Ghurye, op. cit., pp. 15-18.

⁴³Cox, op. cit., p. 67; and Ghurye, op. cit., p. 15.

⁴⁴Cox, op. cit., p. 76; and Ghurye, op. cit., p. 3.

⁴⁵Briggs, op. cit., p. 49; and Cox, op. cit., pp. 76-78.

members, and is generally a permanent organization.⁴⁶

The headman is usually elected for life; quite often the office is hereditary.⁴⁷ Though the jurisdiction of the panchayat is local, it disposes of the vast majority of caste matters pertaining to expulsion and restoration to caste, as well as imposing fines and other penalties for less severe breaches of custom.⁴⁸ The sabha is a general meeting of the representatives of the various sub-castes within a caste, and is called to deal with matters that affect the caste as a whole.⁴⁹ A third judicial organization is the parishad, or village council, composed of representatives from the village sub-castes; its jurisdiction is with local inter-caste questions.⁵⁰ The sabha is apparently of fairly recent origin,⁵¹ while the parishad, whatever may have been the case in the past, is not very common today.⁵² Thus, the judicial unit with which the individual member is most concerned is the panchayat of the sub-caste.

⁴⁶Briggs, op. cit., p. 48.

⁴⁷Senart, op. cit., pp. 62-63; Briggs, op. cit., p. 48.

⁴⁸Hutton, op. cit., p. 86.

⁴⁹Senart, op. cit., p. 63; Briggs, op. cit., p. 49; and Cox, op. cit., p. 76.

⁵⁰Cox, op. cit., p. 76.

⁵¹Briggs, op. cit., p. 49.

⁵²Cox, op. cit., p. 76.

12. "Absoluteness or fixity in its power over the individual member throughout life."

From birth to death, the individual member of a caste is provided with a permanent body of associations which controls almost all his behavior and contacts.⁵³ "A satisfactory way of life for the individual is practically impossible outside of his caste."⁵⁴ Though the caste imposes many strictures on the individual, it, conversely, secures for him many rights and immunities. The "absoluteness or fixity in its power over the individual" is compensated for by the security his caste gives him against many of the vicissitudes of life in a non-caste society.

13. "Shared belief by members that their origin was in a common ancestor."

The exogamous gotra (clan, etc.) claims descent from a common ancestor.⁵⁵ Though the name of the caste or sub-caste may be attached to the personal name of the individual, the attached name may have been derived from one of a variety of sources.⁵⁶

⁵³Hutton, op. cit., 2nd ed., p. 111.

⁵⁴Cox, op. cit., p. 79.

⁵⁵See Section II.A.1.; also, Hutton, op. cit., 2nd ed., p. 47.

⁵⁶See Section II.B.5.

14. "Common feeling by members that they are a single social unit."

The feeling of social solidarity is based on the sub-caste, rather than on the larger caste, which may be composed of many diverse elements.⁵⁷ Insofar as the individual is concerned, his "subcaste is what he is".⁵⁸

15. "A shared political organization which includes either local or general official assemblages which are delegated with power of enforcing caste regulations on individual."
16. "And finally equipped with a common set of observances of worship, birth, marriage, puberty, illness, death, seasonal change and other important events of individual or group life."

The latter statement primarily refers to the sub-caste, rather than the caste. The observance of these practices common to the caste or sub-caste includes both civil and religious privileges and disabilities: location of housing, dress, the right to have access to temples, customary privileges in religious festivals, etc.⁵⁹

⁵⁷See Section II.A.1.

⁵⁸Cox, op. cit., p. 29.

⁵⁹Ghurye, op. cit., pp. 10-15; Gualtherus H. Mees, Dharma and Society (Den Haag: N. V. Servire, 1935), pp. 159-161; and Hutton, op. cit., 2nd ed., pp. 78-91.

The inadequacies of W. H. Gilbert's definition of caste arose from his attempt to categorize an institution which exhibited a considerable variation in custom over a large territorial area. Any definition of caste applicable to the whole of India either must be framed in such general terms that its practical utility becomes small, or, if the definition is to have high utility, then it must be of excessive length or restricted to a particular space-time reference. Part of this difficulty was found to originate in the generally neglected distinction between the caste and the sub-caste. However, these concepts are artificial if they are treated as totally distinct entities. For example, the Mahar caste is composed of many endogamous sub-castes.⁶⁰ If endogamy were considered to be the chief characteristic of a caste,⁶¹ the result would be to treat all the sub-castes as real castes.⁶² This was the position taken by Ghurye and Cox.⁶³ However useful

⁶⁰George Weston Briggs, The Doms and Their Near Relatives (Mysore: Wesley Press, 1953), p. 155.

⁶¹It was interesting to note just how far astray one can be led by regarding endogamy as the most important characteristic of caste. The eminent Harvard anthropologist, Clyde Kluckhohn, had this to say in a recent book: "The Negroes and, to only a slightly lesser extent, the Spanish-speaking Americans constitute caste groups - that is, normal intermarriage does not occur between them and the rest of the population." Clyde Kluckhohn, Mirror for Man (New York: Whittlesey House, 1949), p. 253. Underlining mine.

⁶²Ghurye, op. cit., p. 19.

⁶³Cox, op. cit., pp. 26-29; and Ghurye, op. cit., p. 20.

this may have been conceptually, and it had a great deal of utilitarian merit, it must be pointed out that the social status of the sub-caste is intimately tied up with the status of the caste. The endogamous divisions of the Mahar caste are; Dhed, Dom (Domb), Kori, Daharaiya, Booniya, Dharmik, Mahobiya, Kanaujia.⁶⁴ In addition, the Katiya, Barkiya, Lonariyas, Somavasi, Kosariya are endogamous subdivisions of the Kori Mahars; and the Memadya, Khandesi, Ladwan are endogamous subdivisions of the Booniya Mahars.⁶⁵ To treat the endogamous subdivisions of the sub-castes of the Mahar caste as true castes could, perhaps, be justifiable under certain circumstances, but the fact that they are all Mahars has a great deal to do with their very low social standing. Thus, while it is the sub-caste that is the fundamental point of social reference in the life of the individual, the caste has a great deal to do with the social status, the religious and civil disabilities and privileges, and the traditional occupation of the sub-caste.

C. Caste - A Definition for This Investigation

With full cognizance of the limitations involved in any definition of caste, the following was derived for the purposes of this investigation. A caste is a social unit which exhibits the following characteristics:

⁶⁴Eriggs, op. cit., p. 155.

⁶⁵Ibid.

1. One of a number of socially distinct, fissiparous segments of the total society; containing within itself one or more similar subdivisions; distinguished by a common name, and exclusive, but revocable, membership, most usually congenitally acquired; having an assemblage which exercises ultimate judicial control over its members in their life-organization.⁶⁶
2. A shared feeling that each segmental division has a right to a mutually recognized hierarchical status in society.⁶⁷
3. A general set of customary observances regarding commensality, the receiving of water, and social intercourse.⁶⁸
4. Definite privileges and disabilities of one segmental division in regard to the others in both civil and religious customs.⁶⁹
5. An hereditary, traditional occupation.⁷⁰
6. Usually endogamous, but occasionally having rules concerning hypergamy or hypogamy.⁷¹

⁶⁶From Sections II.B:2, 3, 5, 6, 11, 12, 13, 14, 15.

⁶⁷From Sections II.B:4, 7.

⁶⁸From Sections II.B:8.

⁶⁹From Sections II.B:9, 16.

⁷⁰From Sections II.B:10.

⁷¹From Sections II.B:1.

As a post-script to the above definition, it might be well to quote Senart's views concerning his own general definition.

We have to deal with vast territories, where races differing in origin and habits jostle and mingle with one another; where groups are intermixed and unequally developed; split up ad infinitum, are easily changed about, and are sometimes engaged in bitter struggles amongst themselves. Must we therefore abandon the attempt to give a picture of the caste institution as a whole? The attempt cannot indeed fail to be incomplete, but it will not necessarily be false and misleading. Whatever incongruities may be cloaked by the apparent unity of the system, it is really based on many fundamental analogies. It will be enough to remember that no assertion should be regarded as absolute, that the relationship of facts leaves room for a multitude of fine shades of difference, and that only the most general characteristics are common to the whole domain.⁷²

Between sub-castes, a great deal more variation in actual practice is found, but, on the other hand, it is a more concrete entity. It was for this latter reason that many of the more modern writers on caste (Ghurye, Cox, Hutton, etc.) refrained from defining caste, and placed their emphasis on the sub-caste. In the discussion concerning Gilbert's definition of caste, it was found that certain of the features pertained more to caste than to the sub-caste, and vice versa. It was necessary, therefore, for the purposes of this investigation, to develop a conception of the sub-caste, both to be in conformity with present sociological practice, and to bring out in greater detail the actual structural configuration of the caste system.

A sub-caste is one of a number of characteristically similar subdivisions of a caste which exhibits the following features:

⁷²Senart, op. cit., pp.19-20.

1. Confined to a specific locality; distinguished by a common name; exclusive membership, most usually acquired by birth, and a common feeling by the members that they are a single social unit; judicial power exercised by a panchayat, which is most commonly a permanent organization, having jurisdiction over the imposition of fines and penalties for the lesser breaches of custom, expulsion for severe infractions, and readmittance; control over almost all the individual member's behavior and contacts throughout life; fissiparous tendencies along the lines of functional specialization.⁷³
2. An established hierarchical position in relation to other such units with which it comes into contact, determined by custom, with a conscious defence of such status and attempts to advance it.⁷⁴
3. Specific regulations concerning consensality, the taking of water, and social intercourse.⁷⁵
4. Definite privileges and disabilities in both civil and religious customs concerning other such groups with which it is in contact, and each group having common observances of worship, birth, marriage, puberty, illness,

⁷³From Sections II.B:2, 3, 5, 6, 11, 12, 13, 14, 15.

⁷⁴From Sections II.B:4, 7.

⁷⁵From Section II.B.8.

death, seasonal change, and other life events.⁷⁶

5. An hereditary, common occupation or group of related occupations, usually involving some differentiating specialization or practice peculiar to this group.⁷⁷
6. Usually endogamous, or, alternatively, having specific rules concerning hypergamy or hypogamy, and containing within itself exogamous units claiming descent from an eponymous ancestor.⁷⁸

The characteristics of the caste and the sub-caste are quite similar, differing mainly in the greater concreteness in the case of the sub-caste. The caste, being the larger unit, is more heterogeneous. Though the definition of caste derived for the purposes of this investigation is at a high level of abstraction, the definition can be meaningfully used in that the sub-caste is, mutatis mutandis, a specific equivalent.

III. SCOPE AND METHOD

The definition of contemporary caste, derived for the purposes of this investigation, was at a high level of abstraction. To the extent that such abstractions denote identifiable qualities, they may be used as a tool in the analysis of other social systems.

⁷⁶From Sections II.B:9, 16.

⁷⁷From Section II.B.10.

⁷⁸From Sections II.B:1, 13.

The features incorporated into the definition of caste just developed have been summarized, concisely, under six general topics:

1. Segmented social worlds.
2. Hierarchy.
3. Commensal and social restrictions.
4. Privileges and disabilities in civil and religious custom.
5. Restricted choice of occupation.
6. Marital Restrictions.

The method used, in this investigation, was to examine the Indo-Aryan Codes of Law under these six topics. The chief source considered was the Code of Gautama. This particular Code was chosen for its: (1) completeness, (2) simplicity in organization, (3) brevity, and (4) apparent priority in age to the other Codes of Law. The Code of Gautama's priority in age was qualified by "apparent" due to the controversies over the actual ages of all the Indo-Aryan literature. The Indo-Aryans were little concerned with matters of historical chronology in the Western sense. In order to establish a chronology, the Indologists who first translated these works utilized the external references to India found in Greek and Roman literature, and the internal evidence within the Indo-Aryan literature. Since there was an historical blank of nearly two millenia between the arrival of the Indo-Aryans and the Greeks, many Indologists have resorted to a sort of literary "dead-reckoning" to establish a chronology of composition of the various Indo-Aryan works. It was the opinion of Georg Bühler,

the translator of most of the Codes of Law, that "...the Gautama Dharmasastra may be safely declared to be the oldest of the existing works on the sacred law."⁷⁹

For these reasons, the Code of Gautama was investigated to determine the social structure of the Indo-Aryan community. The Code of Apastamba was referred to because of its comprehensive coverage of the initiation procedure, while the Code of Manu was investigated due to its detailed treatment of the jatis.

⁷⁹Georg Bühler (tr.), Gautama, Institutes of the Sacred Law (Vol. II of The Sacred Books of the East, ed. F. Max Müller, 50 Vols.; Oxford: The Clarendon Press, 1897), p. lix.

CHAPTER II

CASTE AND THE BHAGAVAD-GITA

I. GENERAL CONSIDERATIONS

While the Bhagavad-Gita was little concerned with the laws of castes, its treatment of caste was found to have some bearing on the matter. The interpretations of the philosophy of the 'Gita' were many and varied, but without having entered into the philosophical controversies, the conversation between the Deity and Arjuna, in Chapter III, was utilized as a background to this discussion of caste according to the 'Gita:'

He who in the world does not turn round the world revolving thus, is of sinful life, indulging his senses, and, O son of Pritha! he lives in vain.

But the man who is attached to his self only, who is contented in his self, and is pleased with his self, has nothing to do.

He has no interest at all in what is done, in this world; nor is any interest of his dependent on any being.

Therefore always perform action, which must be performed, without attachment. For a man, performing action without attachment, attains the Supreme.

By action alone, did Janaka and the rest work for perfection. And having regard also to the keeping of people (to their duties) you should perform action.

Whatever a great man does, that other men also do. And people follow whatever he receives as authority.

There is nothing, O son of Pritha! for me to do in (all) the three worlds, nothing to acquire which has not been acquired. Still I do engage in action.

For should I at any time not engage without sloth in action, men would follow my path from all sides, O son of Pritha!

If I did not perform these actions, these worlds would be destroyed, I should be the cause of caste-intermingling; and I should be ruining these people.

As the ignorant act, O descendant of Bharata; with attachment to action, so should a wise man act without attachment, wishing to keep the people (to their duties).¹

Now, Arjuna had been reluctant to enter into battle with his kinsmen on the grounds that the killing of his relatives would have led to the subversion of the rites of castes and families:

On the extinction of a family, the eternal rites of families are destroyed. Those rites being destroyed, impiety predominates over the whole family.

In consequence of the predominance of impiety, O Krishna, the women of the family become corrupt; and the women becoming corrupt, O descendant of Vrishni, intermingling of castes results.

That intermingling necessarily leads the family and the destroyers of the family to hell; for when the ceremonies of (offering) the balls of food and water (to them) fail, their ancestors fall down (to hell).

By these transgressions of the destroyers of families, which occasion intermingling of castes, the eternal rites of caste and rites of families are subverted.

And, O Janardana, we have heard that men whose family rites are subverted, must necessarily live in hell.²

What was of concern, here, was that both Arjuna and the Deity expressed the view that the consequences of certain actions were the intermingling of castes. Arjuna wished to avoid his

¹Kashinath Trimbak Telang (tr.), The Bhagavadgita, with The Sanatsujatiya, and The Anugita (Vol. VIII of The Sacred Books of the East, ed. F. Max Müller, 50 Vols.; Oxford: The Clarendon Press, 1898), III, 16-25.

²Gita I:39-43.

duty, as a Kshatriya,³ to fight, as the result of his killing his relatives would have been:

1. The male head of a family would have been removed; therefore,
2. There would have been no longer anyone to attend to the family rites, the women having been ineligible, with the result that:
 - a. Impiety would have predominated over the remaining family; and,
 - b. There would have been no one to protect the women. Consequently,
3. The women of the family would have become corrupt; intermingling of the castes would have been the result, and this would have led the family to hell,
4. There having been no one able to attend to the family rites, there could have been no ceremonies offering food and water; consequently, the ancestors would have fallen down to hell.

Krishna, too, was concerned with the fulfillment of duties, for, if he did not perform actions, men would follow his example. The consequence of this would have been, again, "caste-intermingling", i.e., the ruination of the family and ancestors.⁴

³: Gita, II:31-33.

⁴: Gita, III:23-24.

The division of the castes was referred to, first, in Chapter IV, where Krishna said, "the fourfold division of castes was created by me according to the apportionment of qualities and duties."⁵ In Chapter XVIII, the duties of the varnas were enumerated; they were distinguished according to the differences of qualities:

The duties of Brahmanas, Kshatriyas, and Vaisyas, and of Sudras, too, O terror of your foes! are distinguished according to the qualities born of nature.

Tranquility, restraint of the senses, penance, purity, forgiveness, straightforwardness, also knowledge, experience, and belief (in a future world), this is the natural duty of Brahmanas.

Valor, glory, courage, dexterity, not slinking away from battle, gifts, exercise of lordly power, this is the natural duty of the Kshatriyas.

Agriculture, tending cattle, trade, (this) is the natural duty of Vaisyas. And the natural duty of Sudras, too, consists in service.⁶

The duties of the Brahmanas and Kshatriyas in the 'Gita stood in strong contrast to the duties enumerated in Manu:

But in order to protect this universe He, the most resplendent one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs, and feet.

To Brahmanas he assigned teaching and studying (the Veda), sacrificing for their own benefit and for others, giving and accepting (of alms).

The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda), and to abstain from attaching himself to sensual pleasures;

⁵'Gita, IV:13.

⁶'Gita, XVIII:41-44.

The Vaisya to tend cattle, to bestow gifts, to offer sacrifices, to study (the Veda), to trade, to lend money, and to cultivate land.

One occupation only the lord prescribed to the Sudra, to serve meekly even these (other) three castes.⁷

In the 'Gita, the "duties" of the Brahmanas and Kshatriyas were largely moral qualities, while in Manu, the "duties" were occupational. However, the "duties" of the Vaisyas and Sudras were occupational in both the 'Gita and Manu. The duties of the Brahmanas, as set forth in the 'Gita,

"...seem...to point to the age when the qualities which in early times gave the Brahmanas their pre-eminence in Hindu society were still a living reality. It will be noted, too, that there is nothing in that list of duties which has any necessary or natural connexion with any privilege as belonging to the caste. The Law lays down these duties, in the true sense of the word."⁸

Similarly, the duties of the Kshatriyas were moral qualities, as contrasted to the duties in Manu, which were in the nature of occupations and rights. The Vaisyas and Sudras stood together, in the 'Gita, in that their duties were quite specific, with no reference to moral qualities. The rather low regard in which the Vaisyas were held was indicated by the following passage: "For, O son of Pritha! even those who are of sinful birth, women, Vaisyas, and Sudras likewise, resorting to me, attain the supreme god."⁹ In Manu, the Vaisyas were given additional duties beyond

⁷Georg Bühler (tr.), The Laws of Manu (Vol. XXV of The Sacred Books of the East, ed. P. Max Müller, 50 Vols.; Oxford: The Clarendon Press, 1886), I:87-91.

⁸Telang, op. cit., p. 22.

⁹Gita, IX:32.

the purely occupational ones in the 'Gita; to bestow gifts, to offer sacrifices, to study the Veda.¹⁰

From the point of view of the organization of the caste system, the duties as set forth in Bhagavad-Gita seemed to indicate an earlier historical time than that of Manu. While the duties of each of the four varnas were stated distinctly, the greatest distinction was between the two higher varnas and the two lower; moral obligations as against occupational duties. Within the two groups themselves, the distinctions were less rigorous. In Chapter IX of the 'Gita, there was reference to "holy Brahmanas and royal saints";¹¹ contrasted with Manu's "A Brahmana...is born as the highest on earth...".¹² Reference has been made above to the different character of the Vaisya-Sudra group's duties. Their treatment in Manu pointed to a later stage of development of the caste system, as well. For, in the time of the compilation of the Institutes of Manu, the duties of the four varnas were in the nature of rights and occupations, and the distinction between each of the varnas was quite definite. The Brahmanas were the priests and the head of the social order, the Kshatriyas were the nobility, the Vaisyas were the traders and landlords, while the Sudras were the domestic and agricultural servants.

¹⁰Manu, I:90.

¹¹Gita, IX:33; and Anilbaran Roy (ed.), The Gita (London: George Allen and Unwin, Ltd., 1946), p. 141. Roy interpreted this as "holy Brahmins and devoted king sages".

¹²Manu, I:99.

The position of the 'Gita had considerable bearing on the later manifestations of the caste system, for it was here that the dharma concept was set forth quite clearly:

(Every) man intent on his own respective duties obtains perfection. Listen, now, how one intent on one's own duty obtains perfection.

Worshipping, by (the performance of) his own duty, him from whom all things proceed, and by whom all this is permeated, a man obtains perfection.

One's duty, though defective, is better than another's duty well performed. Performing the duty described by nature, one does not incur sin.

O son of Kunti! one should not abandon a natural duty though tainted with evil; for all actions are enveloped by evil, as fire by smoke.¹³

II. THE SIX FEATURES INVESTIGATED

The features of caste, as manifested today, have been grouped under six headings:¹⁴

1. Segmented social worlds.
2. Hierarchy.
3. Commensal and social restrictions.
4. Privileges and disabilities in civil and religious custom.
5. Restricted choice of occupation.
6. Marital restrictions.

¹³Gita, XVIII:45-48.

¹⁴See page 23.

In order to determine the position of the 'Gita in regard to caste, the six characteristics of caste were investigated.

Segmented Social Worlds

The society was divided into two broad groups. The distinction between Brahmanas and Kshatriyas, in the upper group, was drawn on moral qualities, but in regard to occupations and rights the distinction was not clearly drawn. The distinction between the upper and lower groups was that of moral injunctions as against occupational duties. The distinction between the Vaisyas and Sudras, in the lower group, was in the nature of a distinction between landlords and entrepreneurs, on the one hand, and servants and laborers, on the other hand. These considerations would have indicated a society composed of four social classes, for a crucial point in the definition of caste was status determined by birth.¹⁵ K. T. Telang, whose translation was the basis of this investigation, stated "there is nothing in the Gita to indicate whether caste was hereditary."¹⁶ Support for Telang's contention was found particularly in the case of the Brahmanas and the Kshatriyas, where the distinction between them was drawn on moral qualities rather than on occupational duties. Further, there was the reference to "royal saints".¹⁷ Concerning the

¹⁵ Ghurye, op. cit., p. 2.

¹⁶ Telang, op. cit., p. 21.

¹⁷ 'Gita, IX:33.

Vaisyas and Sudras, their duties were stated in a manner similar to the way in which they were stated in Manu. Though there was the reference to Vaisyas and Sudras in the "sinful birth" passage,¹⁸ which might have been so construed as to indicate an hereditary status similar to the contemporary picture, the two direct references to the castes distinguished them according to qualities born of nature.¹⁹ There was no indication that a child, for instance, born of an isogamous Vaisya union would, per se, have been considered to have been born with the qualities of a Vaisya.²⁰ Therefore, society embodied in the Bhagavad-Gita was not a segmented one.

Hierarchy

There was a distinction between the two upper and the two lower groups. The Vaisyas and Sudras, clearly, stood below, while within the lower group, the Sudras, clearly, stood below the Vaisyas. In the upper groups, there was no sharp distinction in social status; the 'Gita, probably, related to a time when the Brahmanas had not yet attained a position superior to the Kshatriyas. However, there was a hierarchy of social classes, but the hierarchy between the two upper groups was not well defined.

¹⁸ 'Gita, IX:32.

¹⁹ 'Gita, IV:13; 'Gita, XVIII:41.

²⁰ Mees, op. cit., p. 72; and René Guenon, Introduction to the Study of the Hindu Doctrines, tr. Marco Pallis (London: LU2AC and Company, 1945), pp. 216-217.

Privileges and Disabilities in Civil and Religious Custom

"Segregation of individual castes or of groups of castes in a village is the most obvious mark of civil privileges and disabilities...".²¹ There was nothing of this in the 'Gita. Concerning religious privileges and disabilities, there was little more than reference to "holy Brahmanas and royal saints".²² The rights to accept gifts, sacrifice for others, and teach the Veda belonged to Brahmanas of Manu's time,²³ not to the Brahmanas of the 'Gita, who were only to be paid "reverence to".²⁴ However, even the rather general religious privileges of the Brahmanas and Kshatriyas did not seem to have been extended to the Vaisyas and Sudras, in the 'Gita. Religious duties were not mentioned among the duties of a Vaisya, whereas, in Manu, the Vaisyas had the additional duties of bestowing gifts, offering sacrifices, and studying the Veda.²⁵ Therefore, the civil and religious disabilities and privileges were in a very rudimentary state at the time of the 'Gita.

Commensal and Social Restrictions

In conformity with the generally undeveloped view of caste embodied in the 'Gita, elaborate commensal regulations were not

²¹ Ghurye, op. cit., p. 10.

²² 'Gita, IX:33.

²³ Manu, I:88-89.

²⁴ 'Gita, XVII:14.

²⁵ Manu, I:90.

found. There was no discussion about what foods a member of a certain varna should have taken from his varna alone, or higher and lower varnas. Similarly, there were no concepts of touchability, pollution, etc., related to the four varnas.

Restricted Choice of Occupation

For the upper two varnas, the "duties" were in the nature of moral qualities, rather than occupations and rights, with little hierarchal distinction between the Kshatriyas and the Brahmanas. Concerning the Vaisyas and Sudras, though the "duties" were of an occupational nature, the categories were so broad (proprietary and commercial for Vaisyas, service for Sudras) that the restrictions could not be considered comparable to even the "traditional" occupational limitations of contemporary caste.

Marital Restrictions

Both Arjuna²⁶ and Krishna²⁷ expressed views on caste-intermingling and the "ruination" of families. However, what was being enjoined against was not inter-caste marriage, but illicit connections. The following sequence was noted:

On the extinction of (the male head of) a family, the eternal rites of families are destroyed...impiety predominates over the whole family...in consequence of the predominance of impiety...the women of the family become corrupt...intermingling of castes results... [which]...necessarily leads the family...to hell; for when the ceremonies...fail, then

26: Gita, I:39-43.

27: Gita, III:24.

ancestors fall down.²⁸

Nothing was stated about inter-caste marriage; the "intermingling of the castes" referred to an illicit connection of an impious woman. The resultant offspring, were he fathered by a man of equal, higher, or lower caste than his mother, was illegitimate, and therefore could not have performed the family ceremonies. Thus, the family and ancestors fell down. Outside of this warning about illicit connections, the 'Gita gave no indication that marriages were restricted to a man's own varna.

III. EVALUATION

The Bhagavad-Gita probably presented a picture of an "ideal" society. The rigidities to be found in Manu barely were indicated. The dharma doctrine was clearly enunciated: "One's duty, though defective, is better than another's duty well performed. Performing the duty described by nature, one does not incur sin."²⁹ The concepts centering around family rites and sacrifices, and the consequences of failure to perform them, contained the seeds which germinated into the restrictions on inter-caste marriage in the later manifestations of the caste system. But, none of the six characteristics of contemporary caste were developed well enough in the 'Gita to have envisaged a society composed of castes, in even a rudimentary form.

²⁸ Gita, I:39-43.

²⁹ Gita, XVIII:47.

CHAPTER III

GAUTAMA'S INSTITUTES OF THE SACRED LAW, AND CASTE

The Code of Gautama constituted the chief source for this investigation of the Indo-Aryan society. In the first portion of this chapter, the Code was examined in the light of the six features of contemporary caste, in order to determine the structure of the society. In the second portion of this chapter, the form of polygamy was considered. The third portion of this chapter was devoted to a summation of the findings of the investigation to this point.

I. THE SIX FEATURES INVESTIGATED

Segmented Social Worlds.

Among the duties of a king, Gautama mentioned that, "he shall protect the castes and orders in accordance with justice".¹

His administration of justice (shall be regulated by) the Veda, the Institutes of Sacred Law, the Angas and the Purana. The laws of countries, castes, and families, which are not opposed to the (sacred) records, (have) also authority. Cultivators, traders, herdsmen, money lenders, and artisans (have the authority to lay down rules) for their respective classes. Having learned the (state of) affairs from those who (in each class) have authority (to speak he shall give) the legal decision.²

Therefore, the castes and their occupational sub-groups had governing bodies which determined rules of conduct for their

¹Gautama, XI:9.

²Gautama, XI:19-22.

respective groups. The second characteristic of segmental division was membership determined by birth. "A householder shall take a wife (of) equal (caste), who has not belonged to another man and is younger (than himself)."³ "In the seventh (generation men obtain) a change of caste, either being raised to a higher one or being degraded to a lower one."⁴ The first statement was an injunction to equal caste marriage; the second statement, the full implications of which will be discussed later, indicated that caste was hereditary only in the case of the children which resulted from an equal caste marriage. Thus, under the Institutes of Gautama, apparently there were met both tests of a segmented society.

Hierarchy

The order of precedence of one caste over another was everywhere evident in Gautama. The most concise statement of this was, "And all men must serve those who belong to higher castes."⁵ Further indication as to the grading of the social order was given in: "The king is master of all with the exception of Brahmanas;"⁶ "The Sudra (belongs to) the fourth caste...";⁷ "(In

³Gautama, IV:1.

⁴Gautama, IV:22.

⁵Gautama, X:66.

⁶Gautama, XI:1.

⁷Gautama, X:50.

times of distress) a Kshatriya (may follow) the occupations of a Vaisya."⁸ The Brahmana - Kshatriya relationship was much more sharply defined in Gautama than in the period referred to in the 'Gita. In the 'Gita period, there was reference to "holy Brahmanas and royal saints"⁹, but in Gautama the situation was "A king and a Brahmana, deeply versed in the Vedas, these two, uphold the moral order in the world"¹⁰, and the king "...shall select as his domestic priest (purohita) a Brahmana who is learned (in the Vedas), of noble family, eloquent, handsome, of (a suitable age, and of a virtuous disposition, who lives righteously and who is austere."¹¹

Commensal and Social Restrictions

Commensal Restrictions. Among the duties of twice-born men was that of studying the Veda.¹² Upon the completion of these studies, it was prescribed that the young man become a householder.¹³ The commensal rules for a householder were investigated first.

⁸Gautama, VII:26.

⁹'Gita, IX:33.

¹⁰Gautama, VIII:1.

¹¹Gautama, XI:12.

¹²Gautama, X:1.

¹³Gautama, III:1, 2, 3, 36.

A householder should not have eaten:¹⁴

1. The food of strangers every day.
2. Food impure by non-human means.
3. Food impure by human means.
4. Food given by unfit persons.
5. Food given in an improper manner.

¹⁴Gautama, XVII:8-38 and XV:16, 17, 18.

1. "(A householder) shall not eat every day (the food of strangers)." XVII:8.
2. "Food into which a hair or an insect has fallen", (XVII:9); "...touched...by a black bird", (XVII:10) "What has been smelt at by a cow", (XVII:12); "what is naturally bad", i.e., what is not pleasing to the eater", (XVII:13); "(food) that (has turned) sour by itself, excepting sour milk", (XVII:14); "what (has become) stale (by being kept), except vegetables, food that requires mastication, fatty and oily substances, meat and honey", (XVII:16); "and the milk which a cow gives during the first ten days after calving (must not be drunk)", (XVII:22); "Nor (that of) goats and buffalo-cows (under the same conditions)", (XVII:23); "(The milk) of sheep, camels, and of one-hoofed animals must not be drunk under any circumstances", (XVII:24); "Nor (that) of animals from whose udders the milk flows spontaneously, of those that bring forth twins, and of those giving milk while big with young", (XVII:25); "Nor the milk of a cow whose calf is dead or separated from her", (XVII:26); "And five-toed animals (must) not (be eaten) excepting the hedgehog, the hare, the porcupine, the iguana, the rhinoceros, and the tortoise", (XVII:27); "Nor animals which have a double row of teeth, those which are covered with excessive quantity of hair, those which have no hair, one-hoofed animals, sparrows, the (heron called) Plava, Brahmani ducks, and swans", (XVII:28); "(Nor) crows, herons, vultures, and falcons, (birds) born in the water, (birds) with red feet and beaks, tame cocks and flesh of animals whose milk-teeth have not fallen out, which are diseased, nor the meat of those (which have been killed) for no (sacred) purpose", (XVII:31); "Nor

A Brahmana was allowed to eat food given by any worthy twice-

young sprouts, mushrooms, garlic, and substances exuding (from trees)",(XVII:32); "Nor red (juices) which issue from incisions",(XVII:33); "Woodpeckers, egrets, ibis, parrots, cormorants, peewits, and flying foxes, (as well as birds) flying at night...",(XVII:34); "(web-footed) birds that feed striking with their beaks, or scratching with their feet...",(XVII:35); "and fishes that are...miashapen",(XVII:36); "and (animals)(not)...slain for (the fulfillment of) the sacred law",(XVII:37); "Let him eat (the flesh of animals) killed by beasts of prey, after having washed it, if no blemish is visible, and if it is declared to be fit for use by the word (of a Brahmana)",(XVII:38).

3. "what has been touched by a woman during her courses, ...,or with the foot",(XVII:10); "what has been looked at by the murderer of a learned Brahmana",(XVII:11); "what has been cooked twice", but this does not refer to food which requires a double cooking,(XVII:15).
4. "by a person who has been cast off (by his parents), by a woman of bad character, an abhisasta (a person who is accused of a heinous crime), a hermaphrodite, a police-officer, a carpenter, a miser, a jailer, a surgeon, one who hunts without using a bow, a man who eats the leavings (of others), by a multitude (of men), and by an enemy...",(XVII:17); "Nor what is given by such men who defile the company at a funeral dinner, as have been enumerated before bald men",(XVII:18); which follows from XV, 16, 17, 18; "...A thief, a eunuch, an outcast, an atheist, a person who lives like an atheist, the destroyer of the sacred fire (i.e., one who extinguishes intentionally the (domestic) fire out of hatred against his wife, and for the like reasons - Haradatta), (the husband of) a younger sister married before the elder, the husband of an eldest sister whose youngest sister was married first, a person who sacrifices for women or for a multitude of men, a man who tends goats, who has given up the fire-worship, who drinks spirituous liquors, whose conduct is blamable, who is a false witness, who lives as a door-keeper",(XV:16); "who lives with another man's wife, and the (husband) who allows that",(XV:17); "...a man who eats the food of

born man,¹⁵ from a Sudra as a last resort.¹⁶ Gifts of food, brought unsolicited, were received from a man of any caste.¹⁷

One of the features of the contemporary caste-system is that there are restrictions as to what food may be accepted from a person of another caste. Under the Code of Gautama, the commensal regulations were quite extensive, but there was no overall prohibition against inter-caste dining among the twice-born castes. Certain types of food were impure due to non-human causes; others were rendered impure through certain human activities, but the source of the impurity had nothing to do with pollution by a

a person born of adulterous intercourse, a seller of soma, an incendiary, a poisoner, a man who during studentship has broken the vow of chastity, who is the servant of a guild, who has intercourse with females who must not be touched, who delights in doing hurt, a younger brother married before his elder brother, an elder brother married after his younger brother, an elder brother whose junior has kindled the sacred fire first, a younger brother who has done that, a person who despairs of himself (one who has made an attempt on his own life...-Haradatta)",(XV:18).

5. "(a dinner) which is prepared for no (holy) purpose or where (the guests) sip water or rise against the rule",(SVII:19); "or where (one's) equals are honored in a different manner, and persons who are not (one's) equals are honored in the same manner (as oneself)",(XVII:20); "Nor (food that is given) in a disrespectful manner", (XVII:21); "...by a multitude (of men)",(XVII:17).

¹⁵Gautama, XVII:1.

¹⁶Gautama, XVII:5.

¹⁷Gautama, XVII:3.

member of a specific caste. The restrictions on eating food given by unfit persons have been divided into two groups:¹⁸ (1) food prohibited because of the occupation of the giver, and (2) food prohibited because of the moral status of the giver.

TABLE I

Commensal Prohibition Due to the Occupation of the Giver

police officer	surgeon	<u>Soma</u> -seller
carpenter	goat-herder	guild-servants
jailor	door-keeper	unorthodox priests (b)

Poachers, netters, trappers, (a).etc.

(a) One who hunted without using the bow.

(b) A person who sacrificed for women or a multitude of men.

The number of commensally restricted occupations mentioned in Table I was few, but it was in them that the start of the distinction between "clean" and low-status Sudras could be discerned. The duties and occupations of the Brahmanas, Kshatriyas, Vaisyas and Sudras were as follows:

Brahmana: Teaching the Veda; performing sacrifices for others; receiving alms; studying the Veda; offering sacrifices for their own sake; giving alms; working in agriculture and trade (providing he did not do the work himself); lending money at interest.¹⁹

¹⁸Derived from the list given in footnote #14. See also Tables I and II.

¹⁹Gautama, X:1, 2, 3, 5, 6.

2. Kshatriya: studying the Veda; offering sacrifices for their own sake; giving alms; protecting all created beings; administering justice; supporting Srotriyas (one who knew a whole recension of the Veda) who were Brahmanas; supporting those unable to work even if they were not Brahmanas; supporting those free from taxes (widows, orphans, ascetics, etc.), and needy temporary students; taking measures ensuring victory; seeing that taxes were collected; etc.²⁰
3. Vaisya: studying the Veda; offering sacrifices for their own sake; giving alms; gaining by labor, agriculture, and trade; tending cattle; lending money at interest.²¹
4. Sudra: offering funeral oblations; serving the higher castes (seeking their livelihood from them, supporting them in times of distress; but they had to support the Sudras even if they became unable to work); practicing mechanical arts; gaining by labor.²²

Having left aside the various duties which would have been incumbent upon any caste member in good standing, the occupations

²⁰Gautama, X:1, 7-13, 29.

²¹Gautama, X:1, 42, 49.

²²Gautama, X:42, 53, 56, 57, 60-62.

allowed the various castes were examined. The Brahmanas engaged in the agricultural, commercial and financial fields insofar as they did not do the actual work themselves. Thus, they could have been gentleman farmers and silent partners in mercantile and banking firms; the actual management and labor would have been carried on by Vaisyas and Sudras. In normal times, then, a Brahmana would not have been found in any of the occupations carrying commensal prohibitions.

The occupations permitted the Kshatriyas were those usually associated with the nobility: as kings, they were responsible for the military security of the state; the administration of justice; the collection of internal revenue; the support of certain dependent people, such as widows, orphans, ascetics, those who were unable to work, etc. As noblemen, they followed the professions of arms, governmental minister, the judiciary, governor, tax collector, ambassador, etc.²³ The king and, under normal circumstances, the nobility, were supported by the following means; taxation,²⁴ booty from conquest,²⁵ "each artisan shall monthly do one (day's) work (for the king)",²⁶ "the merchants shall

²³Gautama, X:19.

²⁴Gautama, X:24-27,29,33.

²⁵Gautama, X:22,23.

²⁶Gautama, X:31.

(each) give (every month one) article of merchandise for less than the market value",²⁷ treasure-trove,²⁸. Thus, a Kshatriya, also, would not have been found, under normal circumstances, in any of the occupations carrying commensal prohibitions.

The Vaisyas engaged in the commercial, agricultural and financial fields, both in management and laboring capacities. Since they could gain wealth by their labors, the Vaisyas could have been the working half in a partnership with Brahmanas, as well as managers of their own enterprises. Again, they could have undertaken small-scale mercantile activities in which they would have been both labor and management; i.e., grocers, money-lenders, family-farmers, etc. Insofar as acquiring wealth went, the Vaisyas were in the most advantageous position. Now, of the ten occupations that carried commensal prohibitions, there might have been, on the grounds above, reasons to believe that a Vaisya could have been found practicing two of them; carpenter (contractor) and Soma-seller. But the practice of mechanical arts was an occupation given to Sudras,²⁹ so that carpentering was ruled out. Soma-selling was ruled out for the reason that Soma had sacrificial importance,³⁰ and, thus, its sale was prohibited.

²⁷Gautama, X:35.

²⁸Gautama, X:43.

²⁹Gautama, X:60.

³⁰Gautama, VII:20.

Soma-selling would not have been a legitimate occupation for a Vaisya. Under normal circumstances, a Vaisya would not have been found in any of the occupations carrying commensal prohibitions.

The Sudras comprised the laboring and servant class. The practice of mechanical arts was open to them, as well as gain by labor. Since trade was a Vaisya occupation, Sudras would not have been found selling their products on the retail market, but they did sell their labor. Though the avenues of wealth were not as broad as those open to the Vaisyas, it was still possible for a Sudra to have become wealthy.

The occupations carrying commensal prohibitions were examined next; six of them (police-officer, carpenter, jailor, goat-herder, door-keeper, guild-servant) fell into the servant-artisan classification, and thus, would have been Sudra occupations. The Soma-sellers and unorthodox priests followed occupations contrary to Vedic religious practice, and, thus, the prohibitions concerning them would have applied to any person, regardless of caste, who followed them as a means of livelihood. Poachers, netters, trappers, etc. (those who hunted by other means than the bow) could have come from two sources: (1) persons from within Brahmanical society who hunted in this manner, and (2) members of unassimilated tribes who hunted in such a fashion. Since other types of hunting, i.e., with the bow or with hunting dogs,³¹ did not carry commensal prohibitions, it would appear that the

³¹Gautama, XVII:38 and Haradatta's comment in note.

greater number of people in the group under consideration would have come from the second source, the unassimilated or semi-assimilated tribes. These, then, would have constituted an outside source of low-status Sudras as they became a part of Brahmanical society.

To determine the position of the surgeon, the position of medicine in general was investigated. The science of medicine was closely connected to the Atharva Veda, which contained many incantations directed against various diseases and the demons which were supposed to cause them.³² The Atharvan priest was considered capable of aiding the king to defeat his enemies through sorcery;³³ this use of the Atharva by the Brahmanas was considered above reproach. However, since these incantations were held to be capable of causing injury, the incantations used by physicians could have been used for injury as well as for cure. For these considerations, the practice of medicine professionally, by other than Brahmanas, came to be considered impure, and thus carried a commensal prohibition.³⁴ Since the surgeon was a physician, the practice of surgery, by other than Brahmanas, would have been regarded as impure. Insofar as the

³²Arthur A. MacDonell, A History of Sanskrit Literature (New York: D. Appleton and Company, 1929), pp. 192-196.

³³Manu, XI:33.

³⁴Apastamba, I,6,18:21.

Sudra was concerned, studying the Vedas was not one of his duties,³⁵ so that his knowledge of surgery would have arisen from non-Vedic sources, and his practice of that art would have been viewed with alarm.

Seven of the occupations which carried commensal prohibitions were Sudra occupations; the remaining three carried commensal restrictions due to their conflicts with Vedic practices. Those Sudra occupations which had commensal restrictions were only a small fraction of those which would have been open to a service-artisan group. These commensally restricted occupations possibly indicated the beginnings of the distinction between "clean" and "unclean" Sudras. However, occupation alone, with but these exceptions, did not constitute a basis for commensal prohibitions between the several castes.

A second determinant of commensal restriction was the moral status of the giver, given in Table II.

It was not necessary to examine Table II item by item, for those people commensally restricted under "A", "B", and "C" could have been from any caste. The same was true for "D" with but one exception; one who ate the leavings of others. The conclusion derived from the investigation of "Commensal Prohibition Due to the Occupation of the Giver" was that there were commensal restrictions within the Sudra group which arose from certain specific occupations, but, apparently, that there were no general restrictions on interdining between the great majority of Sudras and the other

³⁵Gautama, X:1,50.

TABLE II

Commensal Prohibition Due to the Moral Status of the Giver

A. Morally unfit due to specific acts.	C. Morally unfit due to violations of domestic rules.
<p>abhisasta (a) miser enemy thief eunuch one who drank spirituous liquor incendiary poisoner hermaphrodite false witness sadist one who had attempted suicide</p>	<p>the destroyer of the sacred fire husband of younger sister married before the elder husband of elder sister married after the youngest sister a man who lived with another man's wife a man who permitted another man to live with his wife a man who ate the food of a person born from adulterous intercourse a man who had intercourse with females who must not be touched younger brother married before his elder brother elder brother married after his younger brother elder brother whose junior had kindled the sacred fire first younger brother who had kindled the sacred fire first</p>
B. Morally unfit due to religious practices	D. Morally unfit on general grounds
<p>atheist one who lived like an atheist one who had given up fire worship one who during studentship had broken the vow of chastity</p>	<p>outcaste a person cast off by his parents a woman of bad character one who ate the leavings of others one whose conduct was blamable</p>

(a) One accused of a heinous crime.

castes. However, under the "Lawful Occupations and Livelihood" of a Sudra the prescription was found that a Sudra shall "eat the remnants of their (the higher caste's) food."³⁶ This, apparently, would contradict the previous conclusion, for, those occupations which were commensally impure were found to be Sudra occupations, but only a fraction of the total occupations open to Sudras. However, in the case of those who hunted without the bow, it was mentioned that a possible source of these people was in the tribes on the fringes of Brahmanical society undergoing the process of assimilation, either as individuals, or as groups. What this "apparent contradiction" implied was the emergence of a fifth caste; that is, an occupationally-commensally impure group within the Sudra group. Thus, the Sudras, as a whole, were restricted from dining with the higher castes, and, within the Sudra group, was another group specifically restricted because of the occupation. Those Sudras who fulfilled their duties would have refused to dine with those who followed such occupations. This, then, would modify the previous findings on commensality. Within the twice-born group, there were no commensal prohibitions; between the Sudras and the twice-born, there was a commensal prohibition; and within the Sudra group there was another commensally restricted group, based upon specific occupations.³⁷

³⁶Gautama, X:59.

³⁷The relationship of this second commensally restricted to the Indo-Aryan community was investigated in Chapter V.

The last classification of eating restrictions for the householder was "food given in an improper manner."³⁸ Since the twice-born were prohibited from interdining with Sudras, this would have applied to interdining between the twice-born castes, although interdining was not prohibited. However, when dining was with a person of higher caste, he was shown the respect due to his station, and not treated as an equal. Thus, insofar as commensal restrictions were concerned, the society depicted in Gautama showed the rudiments of a caste society, but this society was not a caste society in the contemporary sense of the definition.

Social Restrictions. Next, the social restrictions were investigated. Basic to restrictions on social intercourse is the concept of pollution, either by direct contact, or by proximity. As in the case of commensal prohibitions, Gautama imposed no social restrictions between the three twice-born castes. The restrictions were between the Sudras and the twice-born. In times of distress, a Brahmana could have followed the occupations of a Kshatriya;³⁹ if these failed, the occupations of a Vaisya;⁴⁰ and, if death were the only alternative, the occupations of a Sudra.⁴¹ Similarly, a Kshatriya, in time of distress, could have followed the occupations of a Vaisya;⁴² while a Vaisya could have

³⁸See footnote 14, part 5.

³⁹Gautama, VII:6.

⁴⁰Gautama, VII:7.

⁴¹Gautama, VII:22,23.

⁴²Gautama, VII:26.

followed the occupations of a Sudra, in times of distress.⁴³ While it was not specifically so stated by Gautama, apparently a Kshatriya could follow the occupations of a Sudra, if all else failed. However, if a Brahmana were reduced to following the Sudra occupations, he avoided mixing with the Sudras.⁴⁴ As to whether this applied to Kshatriyas and Vaisyas following the Sudra occupations, Gautama did not state. However, a twice-born man who had completed his studentship, whether he married or not, was obliged⁴⁵ to refuse water from a Sudra or an impure man,⁴⁶ and to refrain from conversation with impure men.⁴⁷ The study of the Veda was not to be done in the neighborhood of a Sudra.⁴⁸ These prohibitions indicated a concept of pollution, both by direct contact and proximity, in cases of social intercourse between the twice-born and the Sudras, but only under certain specific circumstances. Gautama became more specific about outcastes, however. A person was an outcaste either by birth, or by an action. In either case, an outcaste was forbidden to follow

⁴³Gautama, VII:26 Haradatta.

⁴⁴Gautama, VII:24.

⁴⁵Brahmanas and Kshatriyas were obliged, Vaisyas were rewarded if they did according to Haradatta's comment; Gautama, IX:1.

⁴⁶Gautama, IX:11.

⁴⁷Gautama, IX:16.

⁴⁸Gautama, XVI:19.

the occupations of twice-born men.⁴⁹ Those who were outcastes by birth were the products of a union between a Sudra male and a female of higher caste, the "foulest" of whom was a Chandala (Sudra father, Brahmana mother).⁵⁰ A twice-born man who touched an outcaste or a Chandala had to purify himself by bathing.⁵¹ Even the glance of a Chandala or outcaste blemished a funeral offering.⁵² It was forbidden to study the Veda when a Chandala was in the village.⁵³

The restrictions on social intercourse paralleled closely the commensal restrictions. Among the three twice-born castes, there was no restriction on social intercourse, but between the twice-born and Sudras there was some restriction in particular cases. However, within the Sudras was a prohibited-contact group, the outcastes. However, this society was not a caste society in the sense of social restrictions, though the basic elements were present.

Privileges and Disabilities in Civil and Religious Custom.

Civil Privileges and Disabilities. One of the features of the contemporary caste-system is that a member of one caste

⁴⁹Gautama, XXI:4.

⁵⁰Gautama, IV:27,28.

⁵¹Gautama, XIV:30.

⁵²Gautama, XV:24.

⁵³Gautama, XVI:19.

receives a certain customary treatment from members of other castes in civil affairs. Under the Code of Gautama, the existence of such differing treatment was indicated by the following considerations:

1. Different Treatment of Guests According to Their Caste.

A guest was a person from a different village, who arrived by mid-day or afternoon, and who intended to stay for one night only.⁵⁴ A Brahmana received only another Brahmana as a guest, except when a person of lower caste had come on the occasion of a sacrifice.⁵⁵ In this exceptional case, if the guest were a Kshatriya, he was fed after the Brahmana guests; if the guest were a Vaisya, he was fed with the servants.⁵⁶ A Sudra would not have been considered a guest of a Brahmana, for the Brahmana should not have sacrificed for a Sudra.⁵⁷ In addition to the above differences, a guest was addressed, and paid attention to, according to his caste; a host was not to dine better than his guest;⁵⁸ seating and lodging must have been equal to the host's when the guest was of

⁵⁴Gautama, V:40.

⁵⁵Gautama, V:43.

⁵⁶Gautama, V:44,45.

⁵⁷Gautama, XX:1.

⁵⁸Gautama, V:37.

the same or higher caste, but the host showed less attention to these details if the guest were of an inferior caste;⁵⁹ certain formally different questions concerning the health, wealth, etc., were asked of the guest by the host, depending upon the caste of the guest.⁶⁰

2. Different Forms of Respect Shown Upon Meeting, According to Caste.

A Sudra rose upon the arrival of a man of the three twice-born castes, even if the latter were younger.⁶¹ Upon the arrival of a lower caste man, a person who was young enough to be his son rose; if the man who arrived were a Sudra over eighty years old, the younger men of the three higher castes rose; if the older man who arrived were a Vaisya, the men of the two higher castes who were young enough to be his sons rose; if the older man who arrived were a Kshatriya, a Brahmana young enough to be his son rose.⁶² If a Sudra assumed a position equal to that of twice-born men in sitting, in lying down, in conversation, or on the road, he was liable to corporal punishment.⁶³

⁵⁹Gautama, V:38,39.

⁶⁰Gautama, V:41,42.

⁶¹Gautama, VI:11.

⁶²Gautama, VI:10.

⁶³Gautama, XII:7.

3. Different Punishments for Violations of the Law, According to Caste.

If a Sudra had criminal intercourse with: a Brahmana woman, he was to have his organ cut off and all his property confiscated; a Kshatriya woman, he was to have his organ cut off; a Vaisya woman, he was to have his property confiscated.⁶⁴ If a Sudra abused a twice-born man, he was to be deprived of the offending limb.⁶⁵ If a Vaisya abused a Brahmana, he paid a fine of 150 Karshapanas;⁶⁶ if a Vaisya abused a Kshatriya, he paid a fine of 100 Karshapanas;⁶⁷ if a Vaisya abused a Sudra, he paid a fine of 36 Karshapanas.⁶⁸ If a Kshatriya abused a Brahmana, he paid a fine of 100 Karshapanas;⁶⁹ if a Kshatriya abused a Vaisya, he paid a fine of 50 Karshapanas;⁷⁰ if a Kshatriya abused a Sudra, he paid a fine of 24 Karshapanas.⁷¹ If a Brahmana abused a Kshatriya, he paid a fine of 50 Karshapanas;⁷² if a

⁶⁴Gautama, XII:2. Haradatta.

⁶⁵Gautama, XII:1.

⁶⁶Gautama, XII:10.

⁶⁷Gautama, XII:14.

⁶⁸Gautama, XII:13. Haradatta.

⁶⁹Gautama, XII:8.

⁷⁰Gautama, XII:14.

⁷¹Gautama, XII:13. Haradatta.

⁷²Gautama, XII:11.

Brahmana abused a Vaisya, he paid a fine of 25 Karshapanas;⁷³ if a Brahmana abused a Sudra he paid no fine.⁷⁴

In cases of theft, the higher the caste of the thief, the greater was the fine; a Sudra repaid 8-fold;⁷⁵ a Vaisya repaid 16-fold; a Kshatriya repaid 32-fold; a Brahmana repaid 64-fold.⁷⁶ A Brahmana was exempt from corporal punishment.⁷⁷

4. Different Portions of Inheritance, According to the Caste of the Son's Mother.

While an attempt was not made to delve deeply into the inheritance rules in Chapter XXVIII of Gautama, Table III indicated the unequal positions of the various sons, where a man had wives of different castes. The general rule among the twice-born could be stated; that in anuloma multiple marriages, only the isogamous sons shared in the estate, except where the oldest son was born of a lower caste wife. In the latter instance, he got an equal portion, but not the additional portion due to the eldest son. In cases of pratiloma marriage, the

⁷³Gautama, XII:12.

⁷⁴Gautama, XII:13.

⁷⁵Gautama, XII:15.

⁷⁶Gautama, XII:16.

⁷⁷Gautama, XII:46.

TABLE III

Inheritance According to the Caste of the Mother

<u>Caste of Father</u>	<u>Caste of Mother</u>	<u>Inheritance of Sons</u>
	Isogamous marriage	Equal division of property, but oldest son got an extra 1/20. (a)
Brahmana with more than one wife.	Brahmana(b)	If son were oldest, as above.
	Kshatriya(c)	If son were younger than son of Kshatriya mother, equal share with older brother. If son were oldest, equal share with son of Brahmana mother, Otherwise, no provision.
	Vaisya(d)	Same rules as above.
	Sudra(e)	Received a share only if there were no other sons.
	Kshatriya with more than one wife(f)	As above, when additional wives were of lower castes than the father.
	Caste of father lower than that of mother (g)	Received a share only if there were no other sons.
Sudra	twice-born(h)	Son was an outcaste.

(a) The other sons got specified items in addition to their equal portion; certain other rules were used, alternatively.

(b) Gautama, XXVIII:5,35.

(c) Gautama, XXVIII:35,36.

(d) Gautama, XXVIII:37.

(e) Gautama, XXVIII:39.

(f) Gautama, XXVIII:38.

(g) Gautama, XXVIII:45.

(h) Gautama, IV:27.

sons of the mothers whose caste was higher than the caste of the father got some share only if there were no sons whose mother was equal to the caste of the father. In cases where there was a Sudra parent involved, if the marriage were anuloma, the son got a share only if there were no other sons (but only a provision for maintenance). If the mother were of a twice-born caste, the sons were outcastes.

Therefore, in the civil status of the various castes, there were privileges and disabilities between the castes. In general, the higher the caste, the greater were the privileges and the lesser were the disabilities, but this was not always the case. Where theft was involved, the higher the caste of the thief, the greater the penalty.

Religious Privileges and Disabilities. The Brahmanas, the Kshatriyas, and the Vaisyas had three obligations in common; studying the Veda, offering sacrifices for their own sake, and giving alms.⁷⁸ In addition to these three obligations, the Brahmanas followed the occupations of teaching, performing sacrifices for others, and receiving alms.⁷⁹ The Sudras offered funeral oblations,⁸⁰ and offered the six other small sacrifices

⁷⁸Gautama, X:1.

⁷⁹Gautama, X:2,3.

⁸⁰Gautama, X:53.

(Pakayagnas).⁸¹ If a Sudra listened to a recitation of the Veda intentionally, his ears were to be filled with molten tin;⁸² if he recited the Vedic texts, his tongue was to be cut out;⁸³ if he remembered them, his body should have been split in two.⁸⁴ A twice-born man could not study the Veda when a Sudra was in the neighborhood, nor when a Chandala was in the village.⁸⁵ If a twice-born man were engaged in a rite enjoined by the sacred law and needed money to defray the expenses, he could take money by fraud or by force from a Sudra; he could do this to cover the expenses of a wedding, also.⁸⁶ A son cast off a father who sacrificed for Sudras, or who divulged the Veda to them.⁸⁷

Now, if an overall view of the differing positions of the various castes in civil and religious custom were taken, a fairly consistent pattern in the relationship between the Sudras and the three twice-born castes was found. This pattern could be stated as follows: the disabilities between the Sudras and the three twice-born castes were greater than the disabilities between the

⁸¹Gautama, X:65; VIII:18.

⁸²Gautama, XII:4.

⁸³Gautama, XII:5.

⁸⁴Gautama, XII:6.

⁸⁵Gautama, XVI:19.

⁸⁶Gautama, XVIII:24.

⁸⁷Gautama, XX:1.

highest and the lowest castes within the twice-born castes. Within the twice-born grouping, the differences in privileges and disabilities in civil and religious custom were differences of degree, while between the twice-born and the Sudras, the differences were often of kind. However, the society depicted in the Code of Gautama primarily showed a distinction between the privileged and the not-privileged. This distinction was not sufficient to characterize a society composed of castes, in the contemporary sense.

Restricted Choice of Occupation.

Though the subject of caste and occupation was considered in the investigation of commensal regulations, the relationship in its fullest scope was not considered. In this, the following must be determined: (1) the traditional occupation of the caste as a whole, and (2) the tendencies, if any, toward fissiparity along the lines of functional specialization. As was noted in the definition of caste derived for this investigation, both of these are features of contemporary caste.

Brahmanas

The means of livelihood open to brahmanas, in normal times, were teaching, performing sacrifices for others, receiving alms, agriculture and trade (provided they did not do the work themselves), and lending money at interest.⁸⁸ The provision that the Brahmanas not do the work themselves

⁸⁸Gautama, X:2,5,6.

prevented them from active engagement in the management of agricultural enterprises, commercial firms and banking institutions, but their participation in these fields as "silent partners" and "gentleman farmers" would have been means of livelihood consistent with the Code of Gautama. Since engagement in these enterprises was not at the level of active participation, this having been reserved for Vaisyas,⁸⁹ these were not traditional occupations, but, rather, additional means of livelihood. This contention was supported by other passages in Gautama. In the first place, wealth was the least honored of the qualities which were shown respect: "wealth, relations, occupation, birth, learning, and age must be honored; (but) each later named (quality) is more important (than the preceding ones). But sacred learning is more important than all (other good qualities)."⁹⁰ In the second place, the king was to support Srotriyas who were Brahmanas.⁹¹ According to Apastamba, a Srotriya was one, "who, observing the law (of studentship) has learned one recension of the Veda."⁹² Now, teaching, sacrificing for

⁸⁹Gautama, X:42,49.

⁹⁰Gautama, VI:20,21.

⁹¹Gautama, X:9.

⁹²Apastamba, II,3,6:4. The use of the term "recension" by Buhler was, in the literal sense of the word, somewhat misleading. There are four Vedas, but they are referred to as the Veda, most often, in the collective sense. Thus, the term "recension" must be taken as meaning one of the four Vedas. See Manu III,1; Gautama II,45; and Vasishtha VII,3.

others, and receiving alms were the three means of livelihood which were reserved for the Brahmanas, according to Apastamba, Vishnu, and Manu.⁹³ The last three occupations mentioned by Gautama were peculiar to the Code of Gautama.⁹⁴ It would have been possible, on these grounds, to have rejected these three additional means of livelihood (these were not conditioned by "times of distress") as out of keeping with the other law codes. Alternatively, however, they could be viewed in the light of two additional factors: (1) the period of studentship for the study of one recension of the Veda was twelve years,⁹⁵ or for as long a period as the student required for learning it,⁹⁶ and, (2) Brahmanas were addressed as equals when they followed the occupations of Kshatriyas or Vaisyas, or were "destitute of learning".⁹⁷ It was possible that some of the Brahmana children were not intellectually capable of finishing the difficult Vedic studies, or were unsuitable in other ways, and were, thus, Brahmanas "destitute of learning". If this were the case, and it does not seem

⁹³Apastamba, II,5,10:4. Manu, I:88. Julius Jolly (tr.), Institutes of Vishnu (Vol. VII of The Sacred Books of the East, ed. F. Max Müller, 50 Vols.; Oxford: The Clarendon Press, 1880), II,5,11.

⁹⁴Gautama, X:5,6. See also Bühler's note.

⁹⁵Gautama, II:45.

⁹⁶Gautama, II:47.

⁹⁷Gautama, VI:18.

to be an unreasonable assumption from the present knowledge of the great variability in intellectual capacity among children of a specific social group, then it might appear that Gautama was attempting to provide a solution to a perplexing problem; should the curriculum have been adjusted to meet the needs of the slow learners, or should the standards have been kept high to preserve the traditional, and fully justifiable, respect for the intellectual capacities of the Brahmanas, who had, for countless generations, been the formal transmitters of the unwritten Vedic tradition? Viewed from this vantage point, it appeared that Gautama was more interested in preserving the Vedic tradition, and, thus, provided the three additional means of livelihood for the unlearned Brahmanas. Be this as it may, the three additional occupations could not have been considered as traditional occupations of Brahmanas, for they were open to Vaisyas as well.⁹⁸ Further, traders, money-lenders, etc., had the authority to lay down the rules for their respective classes.⁹⁹ Therefore, Brahmana participation in these activities was an additional means for livelihood, and was not meant to be an occupation. In "times of distress", a Brahmana could follow the occupations of Kshatriyas,¹⁰⁰ with

⁹⁸Gautama, X:49.

⁹⁹Gautama, XI:21.

¹⁰⁰Gautama, VII:6.

some limitations those of Vaisyas,¹⁰¹ and even those of Sudras, if his life were in danger.¹⁰² Again, these were not traditional occupations. The traditional occupations exclusive to the Brahmanas were teaching and sacrificing for others. That there was a tendency toward functional specialization within these two occupations was indicated by the following: "He shall remain a student for twelve years in order (to study) one (recension of the Veda). Or, if (he studies) all (the Vedas) twelve years for each."¹⁰³ In another context, mention was made of, "...a Srotriya belonging to one's own Vedic school..."¹⁰⁴ This implied the development of subgroups specializing in the study, teaching and performance of the rites of a particular recension of the Veda.¹⁰⁵

Kshatriyas

The occupations of Kshatriyas were those of the nobility. The king was responsible for the internal and external security of the state,¹⁰⁶ the administration of justice,¹⁰⁷

¹⁰¹Gautama, X:49.

¹⁰²Gautama, VII:22,23.

¹⁰³Gautama, II:45,46.

¹⁰⁴Gautama, VI:17.

¹⁰⁵See footnote 92.

¹⁰⁶Gautama, X:7.

¹⁰⁷Gautama, X:8 and XI:19,22.

the collection of taxes,¹⁰⁸ and the support of: Srotriyas who were Brahmanas;¹⁰⁹ people who were unable to work (even if they were not Brahmanas);¹¹⁰ those who were free from taxes (widows, orphans, ascetics);¹¹¹ needy temporary students;¹¹² Kshatriyas dependent on the king.¹¹³ Those Kshatriyas who were supported by the king followed the same occupations as the king:¹¹³ warrior, minister, judge, governor, tax-collector, etc., if the kingdom were complex enough to warrant such offices. Those Kshatriyas not dependent upon the king supported themselves by conquest.¹¹⁴ Thus, the traditional occupations of Kshatriyas were arms and government. In times of distress, a Kshatriya could follow the occupations of a Vaisya.¹¹⁵ The possibilities of functional specialization within the traditional occupations of Kshatriyas would appear to be remote, unless a kingdom were exceptionally large and of long duration. In the latter

¹⁰⁸Gautama, X:29.

¹⁰⁹Gautama, X:9.

¹¹⁰Gautama, X:10.

¹¹¹Gautama, X:11.

¹¹²Gautama, X:12.

¹¹³Gautama, X:19.

¹¹⁴Gautama, X:41.

¹¹⁵Gautama, VII:26.

case, the king would have had use for governors, judges, etc., to control the various sections of the kingdom in his stead, and these means of livelihood might have tended to become the basis for functionally specialized subgroups.

Vaisyas

The occupations open to Vaisyas were agriculture, trade, tending cattle, and lending money at interest.¹¹⁶ Since their livelihood depended upon the gain from their own labor,¹¹⁷ the Vaisyas were in a position to dominate the commercial and financial activities. They could enter into silent partnership arrangements with Brahmanas, the Vaisyas having been the working part of such enterprises. Since they were not a servant class, the Vaisyas engaged in agriculture as cultivators entitled to the surplus over their own needs, subject to the payment of taxes-in-kind to the king. The amount depended upon the fertility of the soil and the manner of cultivation.¹¹⁸ In their commercial activities, the Vaisyas could have combined both labor and management in small enterprises, operated larger mercantile establishments, engaged in shipping and transport.¹¹⁹ In these activities, they were subject to

¹¹⁶Gautama, X:49.

¹¹⁷Gautama, X:42.

¹¹⁸Gautama, X:24.

¹¹⁹Gautama, X:32,33.

taxation by the king.¹²⁰ In their financial activities, the legal rate of interest was $1\frac{1}{2}\%$ per month or 15% per annum,¹²¹ subject to certain exceptions and limitations. The regulations concerning taxes, interest, secured loans, the acquisition and use by others of land, animals, slaves, etc., the payment of debts by heirs, and so on, indicated that the economy was well developed at the time of Gautama, and that it was a money economy. In this economy, the Vaisyas, clearly, were given the most advantageous position to acquire material wealth. Though the traditional occupations of Vaisyas were trade, finance and agriculture, the tendencies toward functional specialization were quite evident. The occupations themselves were so general that there would have been this tendency through the passage of time alone. There was specific confirmation on this point in that, "Cultivators, traders, herdsmen, (and) money-lenders...have authority to lay down rules for their respective classes."¹²² Thus, within the Vaisya group were developed functional sub-groups, which controlled their own membership, insofar as their particular rules did not conflict with the sacred laws.¹²³ That these

¹²⁰Gautama, X:26,27,33.

¹²¹Gautama, XII:29.

¹²²Gautama, XI:21.

¹²³Gautama, XI:20.

sub-groups had a recognized legal standing was indicated by the provision for authorized spokesmen to advise the king concerning the particular regulations of the sub-group when disputes arose.¹²⁴ Therefore, in the case of the Vaisyas, the contemporary distinction between traditional occupation and functional specialization by recognizable sub-groups began to show itself in a limited form.

Sudras

The means of livelihood for Sudras was through service to the higher castes.¹²⁵ To call them a "servant" class would not be strictly accurate, for "...all men must serve those who belong to higher castes."¹²⁶ Rather, the Sudras were the laboring class, making their living through the sale of their skilled or unskilled labor.¹²⁷ That they were not serfs was indicated by several passages; their method of acquisition was gain by labor;¹²⁸ they were able to accumulate wealth;¹²⁹ artisans had the authority to lay down rules of conduct for their group;¹³⁰ artisans were subject

¹²⁴Gautama, XI:22.

¹²⁵Gautama, X:56,57.

¹²⁶Gautama, X:66.

¹²⁷Gautama, X:42,60.

¹²⁸Gautama, X:42.

¹²⁹Gautama, X:63.

¹³⁰Gautama, XI:21.

to taxation in the form of one day's labor per month for the king.¹³¹ The employer of a Sudra had to support him if he became unable to work,¹³² but if the employer met with ill-fortune, the Sudra had to support him by means of the Sudra's accumulated wealth.¹³³ Since the traditional occupation of Sudras was the very general one of "labor", the tendencies toward the formation of functionally specialized sub-groups must have been quite strong. Since artisans could lay down rules for the conduct of their own affairs, the skilled laborers were set off from the common laborers, whether or not the latter group had the same power. That there was a greater distinction than merely between skilled and unskilled laboring groups was indicated by the commensal prohibitions against specific segments of both groups. Both carpenter and jailor are occupations which carried commensal restrictions.¹³⁴ This tacitly recognized the existence of sub-groups based upon the specialization of labor. If all the artisans, from potter to carpenter, had been lumped together into a single group having the authority to lay down rules of conduct, then one segment of that group would not

¹³¹Gautama, X:31.

¹³²Gautama, X:61.

¹³³Gautama, X:62,63.

¹³⁴Gautama, XVII:17.

have been commensally restricted, while the remainder of the group was not so restricted. The same would apply if the unskilled group were placed together. From this evidence, then, the formation of subgroups within the general classification of Sudra were perceived. The sub-groups were based upon functional specialization, and, therefore, their traditional occupation tended to be a particular type of labor. Thus, from the point of view of occupation, the Sudras were not a single caste whose occupation was labor, but a heterogeneous collection of occupationally specialized segmented sub-groups.

The "traditional" occupation became a less meaningful term in direct proportion to the hierarchical position of the caste, and each caste showed fissiparous tendencies in direct proportion to the hierarchical position of the caste. The distribution of the occupations fell into two groups, those who earned their livelihood by means of physical labor only (Sudras), and those who were not so limited. Therefore, there was a distinction between the occupations of the twice-born group and the Sudras that was similar to the distinctions investigated under "commensal and social restrictions", and "privileges and disabilities in civil and religious custom."

Marital Restrictions

In the "segmented social worlds" section, it was concluded that "apparently" there were met the tests of a segmented society. The qualifying word "apparently" was used because an investigation of the marital restrictions would bring out in greater detail the position of the children resulting from several possible marital arrangements. In the discussion immediately below, Bühler's interpretation was followed closely. After the position of the offspring in regard to caste and inheritance has been set forth according to an uncritical acceptance of Bühler's translation, some questions as to the validity of his interpretation will be raised.

Gautama prescribed that a man should take as his wife a woman of equal "caste", who had not belonged to another man, and who was younger than himself.¹³⁵ This would have appeared to restrict the choice of a mate to within the caste common to both: endogamy. However, the practice of polygamy had the effect of modifying the endogamous character of the caste to the extent that additional wives could be from lower castes. If the wife and additional wives were of the same caste as the husband, the caste of the children was the same as that of the parents.¹³⁶ All of the children of such isogamous unions were able to inherit portions

¹³⁵Gautama, IV:1.

¹³⁶Gautama, IV:18,19,20,21.

of the father's estate, though the size of the additional share of the eldest son depended upon whether his mother was the first married, or was a later wife.¹³⁷ Where the additional wives were of different caste, both the caste of the children and their inheritance rights were different from the isogamous offspring. The position of the children in regard to caste and inheritance depended upon whether the union was: hypergamous (anuloma), hypogamous (pratiloma), or composed of one partner who was a Sudra. To bring out the details more clearly, the following tables were constructed.

The products of anuloma (hypergamous) unions between males and females of the twice-born group were the first classification to be investigated.

TABLE IV

Anuloma Unions Within the Twice-Born Castes

Caste of Male	Caste of Female	Caste of Offspring ^(a)	Right to Inherit ^(b)
Brahmana	Kshatriya	Savarna	} Only if there were no isogamous sons, or where these sons were older than the isogamous sons.
Brahmana	Vaisya	Nishada	
Kshatriya	Vaisya	Ambashtha	

(a) Gautama, IV:16.

(b) Gautama, XXVIII:35-38.

Table IV shows that these anuloma children were not members

¹³⁷Gautama, XXVIII:14,15.

of one of the four main castes; caste was hereditary only for those children of isogamous marriages. Their inheritance depended upon priority of birth. Since they were products of twice-born caste parents, they, apparently, had the rights and occupations of twice-born men, for only the children of pratiloma marriages within the twice-born castes and those with Sudra mothers stood outside the sacred law.¹³⁸ When it came time for these intermediate caste children to marry: (1) if the females married into the caste of the father for seven successive generations, then the offspring of that seventh generation attained the caste of the father; (2) if the sons married into the caste of the mother for seven successive generations, then the offspring of that seventh generation attained the caste of the mother.¹³⁹ If these intermediate caste children united isogamously, their children were of the same intermediate caste; if they united with other intermediate castes hypergamously, the seventh-generation rule applied.¹⁴⁰

The next classification of offspring was the result of prat-iloma (hypogamous) unions within the twice-born group.

Table V shows that these children of the twice-born stood apart from the anulomas in Table IV. They all stood outside the sacred law.¹⁴¹ Actually, their status was like that of the Sudras;

¹³⁸Gautama, IV:25,26.

¹³⁹Gautama, IV:22. Haradatta's comment.

¹⁴⁰Gautama, IV:24.

¹⁴¹Gautama, IV:25.

TABLE V

Pratiloma Unions within the Twice-Born Castes

Caste of Male	Caste of Female	Caste of Offspring ^(a)	Right to Inherit ^(b)
Kshatriya	Brahmana	Suta	} Only if there were no other sons, and only provision for maintenance, at that.
Vaisya	Brahmana	Kshattri	
Vaisya	Kshatriya	Magadha	

(a) Gautama, IV:17.

(b) Gautama, XXVIII:39,45.

they were outside the law but not outcastes.¹⁴² As to rights and occupations, these would have been like the Sudras ones as well. Gautama made no provision for change of caste through successive generations in regard to these offspring.

A third category of children was those who resulted from an anuloma (hypergamous) union of a twice-born man and a Sudra female.

TABLE VI

Anuloma Unions where Wife was a Sudra

Caste of Male	Caste of Female	Caste of Offspring ^(a)	Right to Inherit ^(b)
Brahmana	Sudra	Parasava	} Only if there were no other sons, and only a provision for maintenance, at that.
Kshatriya	Sudra	Daushyanta	
Vaisya	Sudra	Ugra	

(a) Gautama, IV:16.

(b) Gautama, XXVIII:39.

¹⁴²Gautama, IV:27.

Those children enumerated in Table VI all stood outside the sacred law.¹⁴³ As was the case of those in Table V (Suta, Kshatri, Magadha), they could inherit only if the father had no sons from other isogamous or hypergamous unions. Though Haradatta commented that the Ugras were included in the seventh-generation rule,¹⁴⁴ the Parasavas and Daushyantas stood outside this law. Perhaps Haradatta made this exception in the case of the Ugras because there was only one degree of difference between the father's and mother's castes. Actually, since in rights and occupations the Ugras were the same as Sudras, the seventh-generation rule would have benefitted only the offspring of Ugra females and Vaisya males.

The last classification of children that was considered was the result of hypogamous (pratiloma) unions between Sudra males and females of the twice-born group.

TABLE VII

Pratiloma Unions Where Father was a Sudra

Caste of Male	Caste of Female	Caste of Offspring ^(a)	Right to Inherit ^(b)
Sudra	Brahmana	Chandala	} All are outcastes.
Sudra	Kshatriya	Vaidehaka	
Sudra	Vaisya	Ayogava	

(a) Gautama, X:17.

(b) Gautama, X:27.

¹⁴³Gautama, IV:26.

¹⁴⁴Gautama, IV:22. Haradatta's comment.

According to Gautama, the Ayogava, Vaidehaka, and Chandala were to be treated like outcastes, the Chandala having been considered the "foulest".¹⁴⁵ "To be an outcaste means to be deprived of the right to follow the lawful occupations of twice-born men. And to be deprived after death the rewards of meritorious deeds."¹⁴⁶ In the sense of having been unable to follow the occupations of twice-born men, the Sudra, having had only one birth,¹⁴⁷ was already an "outcaste". However, by living according to their duty, Sudras and other caste men "...enjoy after death the rewards of their works, and by virtue of a remnant of their (merit) they are born again in excellent... castes...".¹⁴⁸ Thus, the Sudra, Suta, Kshattri, Magadha, Parasava, Daushyanta, and Ugra were outside the sacred law, but none were outcastes. The latter six had the right to inherit only if there were no other sons. Since the Chandala, Vaidehaka and Ayogava were outcastes, they had no rights of inheritance.

From an uncritical acceptance of Bühler's interpretation, the conclusions were as follows. Insofar as the position of the offspring was concerned, Gautama had prescribed at least two endogamous groups; the Sudras, and the twice-born. The Sudras were

¹⁴⁵Gautama, IV:27.

¹⁴⁶Gautama, XXI:4,5.

¹⁴⁷Gautama, X:50.

¹⁴⁸Gautama, XI:29.

endogamous because of their hierarchical position; hypergamy was ruled out because there were no lower castes; hypogamy was ruled out because of the outcasting of the children. Therefore, isogamy, either in the form of monogamy or polygamy, was all that was left. The twice-born were, likewise, an endogamous group; hypergamous unions with Sudra females produced offspring who were, to all intents and purposes, Sudras. Within the twice-born castes, hypogamy produced children who were, for all practical intent, Sudras; hypergamy produced intermediate caste children having the duties of twice-born men. If these hypergamous offspring practiced endogamy, their descendents maintained this intermediate status; if they practiced hypogamy, their offspring would have been Sudra-like; if they practiced hypergamy, the intermediate status would have disappeared after seven generations. Thus, because of the disabilities placed upon these hypergamous offspring of the twice-born, each of the three twice-born castes must have been endogamous groups, the membership in which was determined by birth.

II. THE FORM OF POLYGAMY

Though polygamy was not uncommon practice in the time of Gautama,¹⁴⁹ the question of the relative frequency of multiple isogamous unions as compared to multiple hypergamous or hypogamous unions remained to be investigated. The possible answer to this

¹⁴⁹Gautama, IV:29. Also V. M. Apte, Social and Religious Life in the Grihya Sutras (Bombay: Popular Book Depot, 1954), p. 37.

question involved several considerations: the marriage age, free choice of mate versus parentally arranged marriages, the purpose of marriage, the position of the offspring, the relative advantages and disadvantages of multiple isogamous marriage versus multiple mixed-caste marriage.

The Age of the First Marriage

Upon the completion of the period of studenthood, a young man entered the order of householder, preferably.¹⁵⁰ The lower age of marriage depended upon the man's caste. For the Brahmanas, the initiation age, leading to the period of studenthood, was the eighth year after conception, ordinarily, though this could have been done in the fifth or ninth year in special circumstances.¹⁵¹ This initiation was his second birth.¹⁵² The lower initiation age of a Kshatriya was the eleventh year after conception, that of a Vaisya the twelfth.¹⁵³ The period of studentship was twelve years for the study of one recension of the Veda,¹⁵⁴ longer if necessary.¹⁵⁵ The upper limits for initiation were the sixteenth year after conception for a Brahmana, the twentieth year for a Kshatriya, the

¹⁵⁰Gautama, III:1-3.

¹⁵¹Gautama, I:5,6,7.

¹⁵²Gautama, I:8.

¹⁵³Gautama, I:11.

¹⁵⁴Gautama, II:45.

¹⁵⁵Gautama, II:47.

twenty-second year for a Vaisya.¹⁵⁶ The young man remained chaste for both the periods of childhood (before initiation) and studenthood.¹⁵⁷ Thus, the marriage range of a Brahmana male would have been from the seventeenth year after conception through the twenty-eighth year; for a Kshatriya, the range would have been from the twenty-third year through the thirty-second year after conception; for a Vaisya the range would have been twenty-fourth year through the thirty-fourth year. This was, of course, derived from the assumption that he completed his full term of studentship; that, probably, most did not was indicated by the extra respect which was shown to a Srotriya, i.e., one who had learned one recension of the Veda.¹⁵⁸ In any case, the young man could not be a student and a functioning husband simultaneously. The marriage age for young women was before puberty.¹⁵⁹ If she were not married before puberty, her father committed a sin,¹⁶⁰ and after the passage of three menses she "...shall...unite herself, of her own will, to a blameless man...".¹⁶¹

¹⁵⁶Gautama, I:12,13,14.

¹⁵⁷Gautama, II:1,7.

¹⁵⁸Gautama, VI:25; X:9; Apastamba II, 3, 6, 4.

¹⁵⁹Gautama, XVIII:21.

¹⁶⁰Gautama, XVIII:22.

¹⁶¹Gautama, XVIII:20.

Choice of Mate

From the marriage age of women, it would have been most unlikely that she would have made the decision as to who would have been her husband. In the case of the young men, the age of completion of studies could have entered as a consideration only if the assumption were made that the marriages were not arranged by the parents. Even under this assumption, the question of choice became academic, for they would have had to choose between mere children. This could hardly be considered a free choice on the basis of personal appeal. Thus, even though parentally arranged marriage may not have been prevalent, the basis for the choice of the first wife would have been the same.

Purpose of Marriage

The chief aim of marriage was children, preferably sons, and many of them.¹⁶² Gautama enumerated eight types of marriage ceremonies; Brahma, Prajapatya, Arsha, Daiva, Gandharva, Asura, Rakshasa, Paisacha.¹⁶³ The first four or six were lawful; the Rakshasa and Paisacha "marriages" were merely polite names for

¹⁶²Apte, op. cit., p. 40. However, Manu stated that "Immediately on the birth of his first-born a man is (called) the father of a son and is freed from his debt to the manes; that (son), therefore, is worthy (to receive) the whole estate. That son alone on whom he throws his debt and through whom he obtains immortality, is begotten for (the fulfilment of) the law; all the rest they consider the offspring of desire." Manu IX:106-107. If Manu's statement set the pattern of conduct, then the pressures toward isogamy and monogamy would have been very strong, while the tendencies toward hypergamy and polygamy would have been even weaker that were indicated in this study.

¹⁶³Gautama, IV:6-13.

abduction and rape.¹⁶⁴ The Gandharva form was the only one that could be considered a love match: "The spontaneous union with a willing maiden..."¹⁶⁵ The Asura wedding involved bride-price: "If those who have (authority over) a female are propitiated by money..."¹⁶⁶ The differences between the Brahma, Prajapatya, and Daiva marriages were largely formal, but the Arsha wedding involved the groom presenting a cow and a bull to the girl's parents.¹⁶⁷ Gautama stated that only the first four rites were lawful, but that "some" said the love match and bride-price forms were also lawful.¹⁶⁸ In any case, "virtuous sons (born of wives of equal caste) and wedded according to approved rites sanctify (their father's family)."¹⁶⁹ A son born of a wife married according to the Arsha rite saved three ancestors from hell;¹⁷⁰ a son that resulted from a Daiva or Prajapatya wedding saved ten;¹⁷¹ a son that resulted from a Brahma wedding saved ten ancestors, ten descendents, and himself.¹⁷² Therefore, even if

¹⁶⁴Gautama, IV:14-15.

¹⁶⁵Gautama, IV:10.

¹⁶⁶Gautama, IV:11.

¹⁶⁷Gautama, IV:8.

¹⁶⁸Gautama, IV:14,15.

¹⁶⁹Gautama, IV:29.

¹⁷⁰Gautama, IV:30.

¹⁷¹Gautama, IV:31,32.

¹⁷²Gautama, IV:33.

the young man had a free choice of his wife, both the pressures from his elders familiar with Vedic law, and his own knowledge of the Vedas, would have tended to lead to isogamy. Further, the doubtful status of a love match with, or bride-purchase of, a girl from a lower caste would have tended to restrict his choice to within his own caste. Also, in case the parents made the marital arrangements, the pressures toward isogamy would have been even greater.

Position of Offspring

Caste was hereditary only for the products of isogamous unions. Only the children of anuloma marriages possibly had duties of twice-born men, but even these children had a separate caste from the parents. All other mixed-marriage products were outside the sacred law, while all mixed-caste offspring were restricted in their inheritance rights. If the products of equal caste marriages, only, sanctified the family, saved the ancestors, and were able to inherit the estate, then the pressures toward choice of a first wife from an equal caste must have been overwhelming, even if the young man had had a free choice of mate. Free choice, at least in terms of mutual love, was of doubtful possibility. If the parents made the arrangements, there could be little question that endogamy would have been practiced.

The Relative Advantages and Disadvantages of Multiple Isogamous Marriage Versus Multiple Mixed-Caste Marriage

The discussion to this point indicated rather strongly that

virtually every social pressure would have been in the direction of endogamy in the choice of a first wife. If this first wife had failed to produce any sons, the husband could have taken several alternative courses of action. He could have adopted a son;¹⁷³ he could have had a kinsman (usually his brother) beget a son on his wife;¹⁷⁴ he could have appointed his daughter to raise up a son for him;¹⁷⁵ he could have taken an additional wife. If he decided to take another wife, then the same social pressures toward an equal caste marriage, that had been considerations in his choice of his first wife, would have been operative in his choice of a second wife. Thus, if his first isogamous marriage had produced no sons, then his second marriage would have tended to be to a woman of equal caste. If his first wife had been a producer of sons, then his motives in seeking additional wives might have involved additional factors, but the pressures toward isogamy would still have been operative. However, nature would have tended to put a limit on the availability of females of equal caste. This natural limitation soon would have resulted in an ever increasing bride-price, which would have led to monopoly of the women by the wealthy. Young men having been young men, there would have resulted, without much delay, a real

¹⁷³Gautama, XXVIII:32.

¹⁷⁴Gautama, XXVIII:23,32; XVIII:11.

¹⁷⁵Gautama, XXVIII:18.

"confusion of the castes". To forestall such calamitous developments, a choice must have been made between monogamy and hypergamy. To a polygamous people, the latter would have been a more pleasant alternative. Therefore, if a man had produced sons who were able to fulfill his purposes in marriage, then his desire for additional children could have been satisfied through hypergamy. The same natural limit on the number of females available would have made hypogamy a most undesirable practice. Parenthetically, the above argument was based upon the assumption that there were increasingly smaller numbers of people as the hierarchical scale was ascended; this assumption was made on a priori grounds, the treatment of hypergamy and hypogamy by Gautama, and the contemporary distribution of population according to social status and caste.

If these several elements were viewed as a whole, a definite pattern emerged. The practice of polygamy and the enumeration of the mixed castes did not necessarily lead to the conclusion that hypergamy and hypogamy were the prevalent marital arrangements. At least for the first marriage, isogamy would have been the most common practice. Where additional wives were desired, isogamy, again, would have been the most desirable, but, if sons already born fulfilled the purposes of marriage, and if there were a natural limit on the quantity of available females of equal caste, then hypergamy would have been an acceptable alternative. Hypogamy among the three twice-born castes would have been the least

favorable solution, particularly in view of the position of the resultant offspring, and would, therefore, have been the least common practice. For these reasons, then, the four main castes probably were endogamous units. The practice of isogamous polygamy has natural limiting factors, so that additional wives must be obtained from outside the endogamous group. Therefore, hypergamy became an acceptable alternative. However, the offspring of such mixed-caste unions must have some status, either in the caste of the father or the mother, or in a separate group. The fact that Gautama placed them in separate groups, with virtually no inheritance rights, lent further support to the contention that the four main castes must be considered as endogamous groups. However, it must be noted that this conclusion was derived from an unquestioning acceptance of Bühler's interpretation. In the following section, the findings to this point, will be integrated, and, then, an investigation of the validity of Bühler's interpretations will be made.

III. SUMMARY OF THE FINDINGS TO THIS POINT

In the chapter on the Bhagavadgita, the discussion was ended abruptly, without having made a full summation. This was done intentionally, for the society depicted in the 'Gita may have been an "ideal", which never existed in fact. It may have been that the 'Gita was composed long after the customs that eventually were codified under the name of Gautama were firmly established, and

that the 'Gita was a device to take the "sting" out of then current social practice. While it was not the intention of this investigation to become involved in the controversies over historical priority, nor to determine the motives of Brahmanas removed some several millenia, still it was useful to examine the early Indo-Aryan society with the objective of placing the society embodied in the 'Gita in its proper perspective.

According to many historians, the Aryans entered India as barbarians.¹⁷⁶ The people with whom they first came into contact were not savage, aboriginal tribes,¹⁷⁷ but were organized into an empire with a long history of literate, urban culture.¹⁷⁸ Archaeological evidence indicates that the Harappa civilization flourished in Northern and Western India at the beginning of the second millennium B.C.¹⁷⁹ This peaceful civilization came to an end at the hands of unidentified warlike invaders, but the indications from the Rig Veda are that these invaders were

¹⁷⁶Arnold J. Toynbee, A Study of History (London: Oxford University Press, 1951), Vol. IV, pp. 229-30; and Stuart Piggott, Prehistoric India (Harmondsworth: Pelican Books, 1952), p. 257.

¹⁷⁷C. F. Oldham, The Sun and the Serpent (London: Archibald Constable and Company, Ltd., 1905), p. 53.

¹⁷⁸Piggott, op. cit., p. 258; Oldham, op. cit., p. 53; and Nripendra Kumar Dutt, The Aryanization of India (Calcutta: Krishna Printing Works, 1925), p. 17.

¹⁷⁹Piggott, op. cit., p. 261.

Aryans.¹⁸⁰ The long period between the demise of the Harappa civilization and the earliest historical account of caste, given by Megasthenes in the third century B.C.,¹⁸¹ was unbroken by any chronological evidence as to the development of the caste-system. The concensus of opinion among modern scholars is that the Rig Veda is the most ancient record of Indo-Aryan religious thought.¹⁸² Unfortunately, this concensus does not extend as to its age. Working from Vedic internal evidence, scholars of the later 19th and early 20th centuries A.D. dated the Rig Veda from as early as the fourth millenium B.C. (Tilak) to as late as 700 B.C. (Waddell), while those who placed it within these extremes were still far from any agreement: Weber (2780 B.C. - 1820 B.C.), Haug (2400 B.C. - 2000 B.C.), Kieth (1400 B.C. - 1000 B.C.), Max Müller (1200 B.C. - 1000 B.C.).¹⁸³ However, the findings at Harappa and Mohenjo-daro, in the second quarter of the 20th century, and the remarkable work of F. E. Pargiter at that time,

¹⁸⁰Piggott, op. cit., p. 263; and Dutt, op. cit., p. 17.

¹⁸¹He (Megasthenes) says that the population of India is divided into seven castes.

.....
 No one is allowed to marry out of his own caste, or to exchange one profession or trade for another, or to follow more than one business. An exception is made in favour of a member of the philosopher caste on account of his superior merit." Strabo's Geography, Book XV, sections 39-49, cited by J. W. M'Crindle, Ancient India (Westminster: Archibald Constable and Company, 1901), pp. 47-53.

¹⁸²Swami Sharvananda, "The Vedas and their Religious Teachings," The Cultural Heritage of India (Sri Ramakrishna Centenary Committee, Calcutta: Swami Avinashananda, n.d.), Vol. I, p. 4.

¹⁸³Viswanatha, op. cit., p.29.

indicated that the Aryans entered India around 2000 B.C., and that the Rig Veda refers to a period some four to six hundred years afterwards. Pargiter, who derived his dates from the Puranas, placed the Aryan invasion at 2050 B.C., and the Rig Veda period between that date and 1600 B.C.¹⁸⁴ This correlated quite well with the later Harappa findings and archaeological evidence from other regions of early Indo-European colonization around the edges of the old city civilizations in Asia.¹⁸⁵ If it were taken into account that: (1) Max Müller made his estimates from the Vedas before the excavations at Boghaz-Koi, in which were found inscriptions, dated about 1400 B.C., containing the names of the Rig Vedic deities Indra, Varuna, and the Nasatyas (Asvins) in a form different from the form they took in the historical records of Ancient Persia, but almost identical with the forms they showed in the Hymns of the Rig Veda,¹⁸⁶ and (2) Pargiter made his estimates from the Puranas before the Harappa-Mohenjo-daro discoveries, then the amount of agreement between these three entirely independent lines of investigation became quite remarkable. What was important was that the Rig Veda referred to a period after the Aryan invasion of India, for, "The Rig

¹⁸⁴F. E. Pargiter, Ancient Indian Historical Tradition (London: Oxford University Press, 1922), p. 300.

¹⁸⁵Piggott, op. cit., p. 256.

¹⁸⁶p. Giles, "The Aryans," The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 72.

Veda shows beyond a shadow of a doubt that until the very close of the Rig Vedic period, the Indo-Aryans were strangers to any kind of caste distinctions among themselves."¹⁸⁷ The first mention of the four castes in the Rig Veda is in the Purushasukta (Book X, hymn 90, verses 11-12).¹⁸⁸ The concensus of opinion is that the Purushasukta is a later composition added to the Rig Veda (Colebrooke, Max Müller, Weber especially).¹⁸⁹ According to Viswanatha, "It is doubtful if even the basic principles (of caste) are in evidence in Rig Vedic literature."¹⁹⁰ Thus, the Aryans came to India without a caste system,¹⁹¹ and some five hundred years later still were not acquainted with the custom.

The society embodied in the Baghavad-Gita could not be called a caste society in even a rudimentary form. While there was no evidence to suggest that the Gita referred to the Rig Vedic society, the fact remained that the Gita did refer to a casteless Indo-Aryan society, either hypothetical or actual.

¹⁸⁷Bose, op. cit., Vol. II, p. 1.

¹⁸⁸C. Kunhan Raja, "The Vedic Culture", The Cultural Heritage of India (Sri Ramakrishna Centenary Committee, Calcutta: Swami Avinashananda, n.d.), Vol. I, p. 37.

¹⁸⁹B. R. Ambedkar, Who Were the Shudras?, (Bombay: Thacker and Company, Ltd., 1946), pp. 147-8.

¹⁹⁰Viswanatha, op. cit., p. 51.

¹⁹¹K. C. Chakravarti, Ancient Indian Culture and Civilization (Bombay: Vora and Company, 1952), p. 14; M. A. Sherring, Hindu Tribes and Castes (Calcutta: Thacker, Spink and Company, 1881), Vol. III, pp. 211-212; and A. Berriedale Keith, "The Age of the Rigveda", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), p. 86.

Since there was evidence of a caste-less society in the Rig Veda, it is quite possible that the 'Gita referred to an actual society.

In the Code of Gautama, certain of the features of contemporary caste were exhibited, while others were not well developed. There was little question that a social hierarchy was established, and that this society was apparently segmented. But segmentation and hierarchy are not sufficient to determine a caste society, for the mutual acceptance of inequalities is the heart of the caste-system. If there were a rivalry for hierarchical position between, say, Brahmanas and Sudras, then the caste system could only be maintained by force. Certainly, if history demonstrated nothing else, it demonstrated that the caste-system was stable and self-perpetuating, and that this stability had been maintained without the use of force. Therefore, the inequality-relationships between the several castes were investigated to determine whether the society depicted in Gautama's Code was a caste society. In the investigation of commensality, the conclusion was that the restrictions were drawn between the Sudras and the twice-born, but that between the twice-born castes, there were, apparently, no commensal prohibitions. The restrictions on social intercourse were found to follow the same pattern as the commensal restrictions. Although there was a more hierarchically-graded distinction between the various castes, in regard to civil and religious disabilities and privileges, the Sudra-twice-born distinction was found to be greater than the distinctions between

the twice-born castes. Therefore, in the very important area of social relationships, the inequality line was found to be drawn between the Sudras and the twice-born. Occupationally, the distinction was found to be between those who were limited to making their living through physical labor only (Sudras), and those who were not so limited. Though hypergamy was sanctioned, the position of the offspring was found to be such that endogamy was probably the chief marital characteristic. Here again, though, the distinction between Sudra and twice-born was important, for the Sudras could have practiced only endogamy, while the twice-born could have practiced both isogamy and hypergamy. And, while the twice-born could have formed hypergamous unions with Sudras, the position of the offspring was different from the offspring of anuloma twice-born marriages. If it were not for the marital regulations, there would have been no hesitation to declare Gautama's society an other than caste society, in the contemporary sense, for the distinctions shown were much more between twice-born and non-twice-born than between four castes. Even the segmented characteristic rested partly upon membership in a particular caste having been determined by birth. This problem was brought up for consideration because Sutras 18 through 21 of Chapter IV of Gautama were considered spurious by Bühler.¹⁹² In these four Sutras, the names of the mixed caste offspring were

¹⁹² Gautama, IV:18-21. Bühler's comment.

similar to the enumeration in Manu,¹⁹³ but were dissimilar from the preceding two Sutras of Gautama.¹⁹⁴ Though some students of caste attached considerable importance to the varying position of these "mixed-castes" in the several law codes,¹⁹⁵ the question considered here was whether or not the whole section in Gautama concerning mixed offspring was spurious. Sutras 1 through 15 set the exogamous limitations and a description of the eight forms of marriage rites. The injunction to take a wife of equal caste was contained in the first Sutra, but the word "caste" was an interpolation by Georg Bühler, as he so indicated. The word "caste" was of considerable importance, for the continuity in the Sutras after the marriage-rites was broken by a long series of Sutras concerned with inter-caste marriage, and then was picked up again in Sutras 29-33, which indicated the differing degrees of sanctity of the various marriage-rites. Thus, Sutras 1-15 and 29-33 formed a logical sequence, which was broken by the treatment of inter-caste unions.¹⁹⁶ This interruption, alone, would have tended to throw suspicion on the whole 16-28 section. In addition, the treatment of the other characteristics of a caste-system, in Gautama, did not fulfill the requirements. Therefore, the interpolated word "caste" assumed a great deal

¹⁹³Manu, X:8-17.

¹⁹⁴Gautama, IV:16,17.

¹⁹⁵Stanley Rice, Hindu Customs and their Origins (London: George Allen and Unwin, Ltd., 1937), pp. 95-99.

¹⁹⁶See Appendix I for full text.

of importance. For, while the determination of membership by birth is not the sole requirement for the identification of a caste-system, the lack of it removes the possibility of a caste-system. Therefore, the law codes of Manu and Apastamba were investigated in order to determine whether varna should have been rendered as "caste" or "class".

CHAPTER IV

APASTAMBA'S APHORISMS, AND CASTE MEMBERSHIP

The crucial factor, in a negative sense, in the determination of the existence of a caste-system is hereditary membership in a particular group. If membership is found to be hereditary, then there must be the existence of certain other factors, as well, in order to state that such a system is a caste system. However, the absence of hereditary membership leads to the conclusion, without the consideration of additional factors, that a particular system is not a caste system. Since the passages in Gautama having relevance to this question were, possibly, spurious, Apastamba's Aphorisms on the Sacred Law have been investigated in order to determine what light could be thrown on this subject.

The Study of the Veda

This problem, at first glance, would appear to have little relevance to the subject at hand, for only the twice-born could have studied the Veda.¹ However, was the offspring of Sudra parents, by the fact of birth alone, barred from the study of the Veda? If this question were answered in the positive, then, for the Sudra, the class of his parents determined his class; that is, the class was a caste. If this question were answered in the negative, then status was determined by birth, but this

¹Apastamba, I,1,1:6,16.

status was not hereditary, i.e., not determined by the status of his parents alone; therefore, there was no caste-system.

He from whom (the pupil) gathers (the knowledge of) his religious duties (is called) the Acharya (teacher).²

Him he should never offend.³

For he causes him (the pupil) to be born (a second time) by (imparting to him) sacred learning.⁴

This (second) birth is the best.⁵

The father and the mother produce the body only.⁶

The last Sutra above should give pause. Was it merely intended to emphasize the statement that "this (second) birth is the best"? Or, did it mean that all male children stood on the same ground until they were initiated (born the second time)? Since Apastamba gave no direct answer to this, an indirect answer was looked for.

A Brahmana was to be initiated in the eighth year after conception, a Kshatriya in the eleventh year after conception, and

²Apastamba, I,1,1:14.

³Apastamba, I,1,1:15.

⁴Apastamba, I,1,1:16.

⁵Apastamba, I,1,1:17. Initiation was for a male only, Apastamba, I,1,1:9. "The nuptial ceremony is stated to be the Vedic sacrament for women (and to be equal to the initiation), serving the husband (equivalent to) the residence in (the house of the) teacher...", Manu, II:67.

⁶Apastamba, I,1,1:18. Also, Manu stated, "Let him consider that (he received) a (mere animal) existence, when his parents begat him through mutual affection, and when he was born from the womb (of his mother)...", Manu, II:147.

a Vaisya in the twelfth year after conception.⁷ However,

There is no dereliction (of duty, if the initiation takes place), in the case of a Brahmana before the completion of the sixteenth year, in the case of a Kshatriya before the completion of the twenty-second year, in the case of a Vaisya before the completion of the twenty-fourth year. (Let him be initiated at such an age) that he may be able to perform the duties,.....⁸

The last part of this Sutra brought forth an important point, for what if the child were an imbecile, a rowdy, a juvenile delinquent, etc.? When he showed that he was ready to perform the duties of studenthood, then he was initiated. Therefore, even if membership were hereditary, the fact of his birth alone would not have entitled the young man to initiation. If, however, the proper time for the initiation had passed, and he now showed promise, then,

...he shall observe for the space of two months the duties of a student, as observed by those who are studying the three Vedas. After that he may be initiated. After that he shall bathe (daily) for one year. After that he may be instructed.⁹

Therefore, the character of a child had some relevance to the time of initiation. The position of a child whose ancestors had not been initiated was investigated next. Apastamba put forth two expiatory procedures, which depended upon whether the father and grandfather had not been initiated, or upon whether their initiation was not remembered:

⁷Apastamba, I,1,1:19.

⁸Apastamba, I,1,1:27.

⁹Apastamba, I,1,1:28-31.

1. He, whose father and grandfather have not been initiated, (and his two ancestors) are called 'slayers of the Brahman'.¹⁰

Intercourse, eating, and intermarriage with them should be avoided.¹¹

If they wish it (they may perform the following) expiation;¹²

The method of expiation was by means of a penance of one year of observing the duties of a student of the Vedas.¹³ After this period of penance, he could be initiated.¹⁴ Now, if those ancestors were Sudras, they would not have been initiated.¹⁵ Therefore, according to this sequence of Sutras, an offspring of Sudra parents could have been initiated if he had done the required penance. Not only could he have been initiated, he could have studied the Veda after the completion of an additional penance. "For as many years as there are uninitiated persons, reckoning (one year) for each ancestor

¹⁰Apastamba, I,1,1:32.

¹¹Apastamba, I,1,1:33.

¹²Apastamba, I,1,1:34.

¹³Apastamba, I,1,1:35.

¹⁴Apastamba, I,1,1:36.

¹⁵Apastamba, I,1,1:6.

(and the person to be initiated himself), (they should bathe daily reciting) the seven Pavamanis,...",¹⁶ etc.; "After that (such a person) may be taught (the Veda)."¹⁷ If Bühler's interpolation of "one year" for each ancestor was correct, then, apparently, the requirements for studying the Veda would have been impossible of completion in one lifetime. But, the son of such a man, his father having been initiated, would not have had to go through this long expiatory procedure. Therefore, the procedure would have had practical results. If, however, Bühler's interpolation was not correct, then the expiatory procedure would have been capable of achievement within a single lifetime. In either case, then, the penance would have led to the ability to study the Veda.

2. But those whose great-grandfather's (grandfather's and father's) initiation is not remembered, are called 'burial grounds'.¹⁸

Intercourse, dining and intermarriage with them should be avoided. For them, if they like, the (following) penance (is prescribed). (Such a man) shall keep for

¹⁶Apastamba I,1,2:1,2.

¹⁷Apastamba, I,1,2:4.

¹⁸Apastamba, I,1,2:5.

twelve years the rules prescribed for a student who is studying the three Vedas. Afterwards he may be initiated. Then he shall bathe, reciting the Pavamanis...¹⁹

He then was instructed in the duties of a householder,²⁰ but was taught only the sacred formulas required for the domestic ceremonies.²¹ After finishing these studies, he had to perform the two months penance of observing the duties of a student, and then could be initiated.²² Presumably, his instruction in the Vedas would have started after the one year period of daily bathing, as in the case of a late initiation.²³

In both these expiatory procedures, "Afterwards (everything is performed) as in the case of a regular initiation. He who has been initiated shall dwell as a religious student in the house of his teacher."²⁴ Now, the Indo-Aryans did not enter India in a single, overwhelming torrent, occupying the whole of India

¹⁹ Apastamba, I,1,2:6.

²⁰ Apastamba, I,1,2:7.

²¹ Apastamba, I,1,2:7-8.

²² Apastamba, I,1,2:9 and I,1,1:28.

²³ Apastamba, I,1,1:28-31.

²⁴ Apastamba, I,1,2:10-11.

instantaneously.²⁵ Rather, they entered in waves over a considerable period of time, the complete conquest of India having taken many centuries.²⁶ Some of the people they encountered were civilized, some were primitive tribes.²⁷ That an amalgamation took place is indicated racially, linguistically and culturally.²⁸ Thus, there would have been many people entering into the Indo-Aryan society whose ancestors had not been initiated, and, in the milling about, many people whose ancestors initiation had been "forgotten". However, this "forgotten ancestor" group assumed a great deal more importance if their characterization as "burial grounds" was taken into consideration. "A Sudra and an outcaste are (included by the term burial ground....)"²⁹ The Code of Vasishtha contained a quite similar statement; "Some call

²⁵Rice, op. cit., p. 42; Piggott, op. cit., p. 259; and E. J. Rapson, "Peoples and Languages", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 43.

²⁶Rice, op. cit., p. 76; Dutt, op. cit., p. 66-70; and Cox, op. cit., p. xii.

²⁷Piggott, op. cit., p. 286; Toynbee, op. cit., Vol. IV, pp. 229-30.

²⁸Cox, op. cit., pp. 103-4; Piggott, op. cit., pp. 287-7; Rees, op. cit., p. 62; Viswanatha, op. cit., pp. 3-4, 102; Sherring, op. cit., Vol. III, pp. 271-2; and Oldham, op. cit., pp. 64-5, p. 148.

²⁹Apastamba, I, 3, 9:9.

that Sudra race a burial ground... Now they also quote the (following) verses, which Yama proclaimed: 'The wicked Sudra race is manifestly a burial ground'...³⁰ Therefore, the child of Sudra parentage had two possible routes to initiation and study of the Veda. In the first expiatory procedure, if Bühler's interpolation was correct, initiation was possible, with the consequent benefit to his children, but study of the Veda by himself was virtually ruled out. In the second expiatory procedure, both initiation and study of the Veda were possible within a normal life-span. The characterization of Sudras as "burial-grounds", by both Apastamba and Vasishtha, indicated that the latter alternative applied to more than the "displaced persons" resulting from a period of conquest. Therefore, the expiatory procedures provided a method by which new people could enter into the Vedic society.³¹ They, also, provided a method by which people with the requisite ability and character could enter the higher, twice-born classes.

The implications of the expiatory procedures were these:

1. That a person was not entitled to initiation and study of the Veda by reason of his parent's status alone. Ee

³⁰Georg Bühler (tr.), Vasishtha (Vol. XIV of The Sacred Books of the East, ed. P. Max Müller, 50 Vols.; Oxford: The Clarendon Press, 1882), XVIII:11,13.

³¹Mees, op. cit., p. 84; and Chakravarti, op. cit., p. 178.

- had to show the proper character, ability and interest.
2. That a person who had uninitiated parents was not, by that fact alone, barred from initiation.
 3. That a person who had uninitiated parents could, after initiation, study the Veda.
 4. Therefore, that membership in the twice-born group, and consequent ability to study the Veda, was not hereditary.

The ability of children of uninitiated parents (Sudras and others) to receive initiation into the twice-born group, and, then, to study the Veda, did not mean that having had twice-born parents was of no consequence. The children of the twice-born, all other things having been equal, could have been initiated without having had to go through the expiatory procedure, and, thus, would have received their initiation and commenced their studies at an earlier age.³² Further, the mere fact of the parents membership in one of the twice-born classes would have created environmental pressures both toward conforming to the value-judgements of that group, and toward perpetuating membership in that group.

How Membership was Obtained

If membership in the twice-born group was not hereditary, then the method by which membership was attained must be determined. Apastamba gave the following rule; "Let him initiate a Brahmana...in the eighth year after conception, a Kshatriya in

³²Apastamba, I,1,1:19.

the eleventh year after conception, (and) a Vaisya in the twelfth after conception."³³ There were upper age limits, as well, after the passage of which the "first neglect" expiatory rite became necessary, prior to initiation. What was of particular interest were the Sutras following the last quoted one,

Now (follows the enumeration of the years to be chosen) for the fulfillment of some (particular) wish. (Let him initiate) a person desirous of excellence in sacred learning in his seventh year, a person desirous of long life in his eighth year, a person desirous of manly vigor in his ninth year, a person desirous of food in his tenth year, a person desirous of strength in his eleventh year, a person desirous of cattle in his twelfth year.³⁴

If membership in a particular class was determined by the class of the parents, no conflict could have been seen in initiating a Kshatriya or a Vaisya before the eleventh or twelfth year to fulfill some particular wish. But, the question arose as to why a Brahmana should have had any particular wish for strength or cattle. The lawful occupations of a Brahmana were studying, teaching, sacrificing for himself, officiating as a priest for others, giving alms, receiving alms, inheriting, gleaning corn in the fields, and taking other things which belonged to nobody.³⁵ Tending cattle was a Vaisya occupation; fighting was a Kshatriya occupation.³⁶ Similarly, the question arose as to why Kshatriya should have wanted cattle. Obviously, such a

³³Apastamba, I,1,1:19.

³⁴Apastamba, I,1,1:20-26.

³⁵Apastamba, II,5,10:4-5.

³⁶Apastamba, II,5,10:6-7.

mixture of occupations would have occurred only if the Sacred Law were a colossal joke,³⁷ so far removed from actual practice that they were meaningless as indicators of the customs of an historical period. However, if membership in a particular class was not determined by the class of the parents, then these "(particular) wish" regulations were consistent with the previous Sutras. Parenthetically, it was noted that this Sutra read, "Now for the fulfillment of some wish", when Bühler's interpolations were left out. This presented the Sutras 20 through 26 section in a different light, for Apastamba stated that, "The initiation is the consecration in accordance with the texts of the Veda, of a male who is desirous of (and can make use of) sacred knowledge."³⁸ With or without Bühler's interpolation, "wish" was a determining factor, if not the determining factor. In conformity, then, with the previous Sutras, this "(particular) wish" series indicated that a young man would have been initiated at twelve years of age if he had had the "wish" (i.e., temperament, character, ability, etc.) to follow the occupations of a Vaisya. Similarly, he would have been initiated at eleven to follow Kshatriya occupations, seven or eight to follow the Brahmana occupations. The age range for initiation into a particular class provided an extended period of observation to determine the child's character, abilities,

³⁷"The knowledge of the Sacred Law is prescribed for those who are not given to the acquisition of wealth and to the gratification of their desires." Manu, II:13. Underlining mine.

³⁸Apastamba, I,1,1:9.

and inclinations. Thus, membership in a particular class was determined by the make-up of the child, though the parental wishes, and environmental pressures, would have tended to reduce the area of free choice. For the child of Sudra or other uninitiated parents, the route would have been longer, but, mutatis mutandis, if he showed the requisite character, abilities, and inclinations, he, too, could have determined his class in the twice-born group. Though his initiation might have been well after the proper age for initiation into a particular class, the expiatory procedure gave him, as well as "late-blooming" sons of the twice-born, a method to compensate for delayed initiation. Thus, under the Code of Apastamba, the four varnas were classes, not castes.

CHAPTER V

THE SUDRAS

In the preceding sections, the indications were that the Indo-Aryan society was divided into two broad sections, the twice-born and the Sudras. The distinctions between these two groups were greater than the distinctions between the classes within the twice-born group. An investigation still must be made as to the limits of the Indo-Aryan society. Were all other people, besides the Brahmanas, Kshatriyas, and Vaisyas, considered to be Sudras? If this were the case, then the limit of Indo-Aryan society was the whole "world", i.e., any people with whom the Indo-Aryans came into contact would have been considered Sudras; primitive Indian tribes, Greeks, Chinese, etc. On the other hand, if the limit of Indo-Aryan society was confined to the Brahmanas, Kshatriyas, Vaisyas and Sudras, then all other people with whom the Indo-Aryans came into contact would have been outside the Indo-Aryan society, i.e., "outcastes".¹ This problem was of concern because both Gautama and Manu contained lists of jatis, i.e., classes whose membership was determined by birth.² The problem was whether the jatis were special cases, outside the Indo-Aryan "world", or, whether the whole "world"

¹Strictly speaking, they should be called, if this were the case, "those without varna (class)".

²See Section II.A.2; also, Gautama, IV:16-28; Manu, X:8-44.

was made up of jatis. If the latter were the case, then the previous conclusion, based upon the expiation procedure, to regard the varnas as classes, would have been open to question, or at least would have to have been held as an apparent contradiction necessitating further investigation.

Though considered to be a later addition, the Purusha-sukta of the Rig Veda contained the earliest mention of the four classes.³ "The Brahman was his (the creator's) mouth; the Rajanya (Kshatriya) was made his arms; the being (called) the Vaisya, he was his thighs; the Sudra sprang from his feet."⁴ John Muir concluded that, "...the Sacred Books of the Hindus contain no uniform or consistent account of the origin of castes."⁵ However, in the Laws of Manu, the first chapter was devoted to "The Creation", and Sutra 31 was quite similar to the Purusha-sukta; "But for the sake of the prosperity of the worlds, he caused the Brahmana, the Kshatriya, the Vaisya, and the Sudra to proceed from his mouth, his arms, his thighs and his feet."⁶ Since this investigation was concerned with the law codes, and

³John. Muir, Original Sanskrit Texts (London: Trubner and Company, Second Edition, 1868), Vol. I, p. 7; Mees, op. cit., p. 53; and MacDonell, op. cit., pp. 132-138.

⁴Muir, op. cit., Vol. I, p. 10; see also Mees, op. cit., p. 53; Cox, op. cit., p. 86; and S. Radhakrishnan, The Principal Upanishads (New York: Harper and Brothers, 1953), Subala Upanishad, I:1. Translations vary slightly.

⁵Muir, op. cit., Vol. I, p. 159; for example, see Radhakrishnan, op. cit., Brihad-Aranyaka Upanishad I:4, 11-15.

⁶Manu, I:31.

since neither Apastamba nor Gautama contained a section devoted to the creation, the version in Manu was used for the purposes of this investigation.

From Manu's words, it appeared that the Indo-Aryans considered the Sudras to be a part of their society. Confirmation of this was found later on in the same chapter, where the content of Sutra 31 was repeated in a similar fashion concerning the duties and occupations of the four classes:

But in order to protect this universe He, the most resplendent one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs, and feet. To the Brahmanas he assigned teaching and studying (the Veda), sacrificing for their own benefit and for others, giving and accepting (of alms). The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda), and to abstain from attaching himself to sensual pleasures; The Vaisya to tend cattle, to bestow gifts, to offer sacrifices, to study (the Veda), to trade, to lend money, and to cultivate land. One occupation only the lord prescribed to the Sudra, to serve meekly even these (other) three castes.⁷

Therefore, the Sudras formed a necessary part of the Indo-Aryan society.

The crucial point to this was whether or not all other peoples were considered to be Sudras. The following Sutra from Manu was quite explicit about this:

All those tribes in this world, which are excluded

⁷
Manu, I:87-91. It was noted that the occupations given by Manu differed somewhat from those given by Gautama and Apastamba. The difference between Gautama and the others in

from (the community of) those born from the mouth, the

regard to the Brahmana was especially noted in Table VIII.

TABLE VIII

Duties and Occupations of the Four Classes, According to
Manu, Gautama and Apastamba

<u>Duties and Occupations</u>	<u>Manu</u> ^(a)	<u>Gautama</u> ^(b)	<u>Apastamba</u> ^(c)
Brahmana;			
1. Teaching	Yes	Yes	Yes
2. Performing sacrifices for others	Yes	Yes	Yes
3. Receiving alms	Yes	Yes	Yes
4. Studying the Veda	Yes	Yes	Yes
5. Offering sacrifices for their own sake	Yes	Yes	Yes
6. Giving alms	Yes	Yes	Yes
7. Engaging in agriculture and trade (providing he did not do the work)	No	Yes	No
8. Lending money at interest	No	Yes	No
9. Gleaning corn, taking what belongs to nobody	Yes ^(d)	---	Yes
Kshatriya;			
1. Studying the Veda	Yes	Yes	Yes
2. Offering sacrifices for their own sake	Yes	Yes	Yes
3. Giving alms	Yes	Yes	Yes
4. Protecting and fighting	Yes	Yes	Yes
5. Inflicting lawful punishments	Yes	Yes	Yes
6. Seeing that taxes are collected	Yes	Yes	Yes

arms, the thighs, and the feet (of Brahman), are called

TABLE VIII (Continued)

<u>Duties and Occupations</u>	<u>Manu</u> ^(a)	<u>Gautama</u> ^(b)	<u>Apastamba</u> ^(c)
Vaisya;			
1. Studying the Veda	Yes	Yes	Yes
2. Offering sacrifices for their own sake	Yes	Yes	Yes
3. Giving alms	Yes	Yes	Yes
4. Gaining by labor	---	Yes	---
5. Engaging in agriculture and trade	Yes	Yes	Yes
6. Tending cattle	Yes	Yes	Yes
7. Lending money at interest	Yes	Yes	---
Sudra;			
1. Offering funeral oblations	Yes	Yes	---
2. Serving the higher classes	Yes	Yes	Yes
3. Practicing mechanical arts	Yes	Yes	---
4. Gaining by labor	---	Yes	---

(a) Manu, I:88-91; X:75-100; IV:5.

(b) Gautama, X:1-13; X:29,42,49,53,56,57,60-62.

(c) Apastamba, I,1,1;6-7; I,7,20:10; II,5,10:4-7.

(d) "For the purpose of gaining bare subsistence...", Manu, IV:2. In times of distress, they could have followed other occupations.

Dasyus, whether they speak the language of the Mlecchas (barbarians) or that of the Aryans.⁸

Therefore, the Indo-Aryan society was composed of the four classes only.⁹ Those people who were outside these four classes were outside the Indo-Aryan community. Manu's account of the jatis will be examined, next, in order to gain a more clear picture of this relationship.

⁸Manu, X:45.

⁹Manu, X:4. "The Brahmana, the Kshatriya, and the Vaisya castes (varna) are the twice-born ones, but the fourth, the Sudra, has one birth only; there is no fifth (caste)." Underlining mine.

CHAPTER VI
MANU, AND CASTE

The investigation to this point has brought forward the following conclusions:

1. The society depicted in the Code of Gautama did not meet the requirements of a society composed of castes in regard to "commensal and social restrictions", "privileges and disabilities in civil and religious custom", and "restricted choice of occupation". There was no question that there was a social "hierarchy", but the "Segmented social worlds" characteristic depend partly upon hereditary membership. The "marital restrictions" indicated that endogamy was the rule, but that hypergamy was an acceptable alternative in multiple marriages. However, this conclusion was open to question on two points: (1) part of the section of Gautama's Code that set forth the marital restrictions broke the continuity of the whole section, and therefore, may have been a later insertion, and (2) the uncritical acceptance of Bühler's interpretation, in which the word "caste" was inserted into the very important Sutra prescribing endogamy. Due to these two reservations, the Code of Apastamba was investigated to determine whether the membership in a particular varna was hereditary.

2. The initiation and expiatory procedures in the Code of Apastamba indicated that membership in a particular varna was not hereditary, but was determined by the character, abilities and desire of the young man. Environmental pressures would have tended toward perpetuating membership in the twice-born group, but the expiatory rites would have furnished a procedure by which children of uninitiated parents could have become eligible for initiation. Therefore, the varnas were classes, rather than castes.
3. The society embodied in the Codes of Apastamba and Gautama was not composed of castes. However, the Code of Gautama contained several Sutras which dealt with classes where membership was determined by birth (jatis), as did the Code of Manu. From the context of Gautama, it appeared that these Sutras were interpolated, but unfortunately, the lack of definite chronology precluded a conclusive statement. Therefore, the limits of Indo-Aryan society were determined from the Code of Manu.
4. The Indo-Aryan society was composed of the four varnas only. Since the jati section of Gautama was incomplete the much more detailed section of the Code of Manu must be investigated in order to determine the position of the jatis.

Manu's section on the jatis served two purposes: (1) to set

the limits of lawful marriage within the polygamous Indo-Aryan community, and (2) to provide a cosmogeny of the peoples outside the Indo-Aryan community.

The Limits of Lawful Marriage

Within the Indo-Aryan community of four varnas, isogamy was recommended for the first marriage, hypergamy for additional marriages.¹ Hypogamy was not permitted.² In effect this created an endogamous Sudra group, the twice-born having been allowed additional wives from lower varnas. Though the twice-born were allowed to take Sudra women as additional wives, the consequences of taking her as a first wife were quite severe:³ a Brahmana sank into hell after death if he took her to bed, and lost his rank if she had a child;⁴ Kshatriyas and Vaisyas degraded their families and their children to the status of Sudras.⁵ Even if the additional wives were taken in the proper sequence, the position of the children was such that hypergamy was limited to the next lower varna only.⁶ The Brahmana could take

¹Manu, III:12,13.

²See Appendix II.

³Manu, III:14.

⁴Manu, III:17.

⁵Manu, III:15.

⁶Appendix III. Anantara

wives from the Brahmana, Kshatriya, Vaisya, and Sudra varnas, but only the Brahmana and Kshatriya wives produced children having the duties of the twice-born. The Vaisya could take wives from the Vaisya and Sudra varnas; both of these wives produced children having duties of the twice-born. Children of Brahmanas from Vaisya and Sudra wives, and children of Kshatriyas from Sudra wives, had duties of Sudras. This effective limitation on hypergamy was indicated further by the silence of the Code of Manu as to any name for the anantaras.⁷ All other products of hypergamy and hypogamy were named according to their parentage. The only distinction made between the children of isogamous marriages within the twice-born group and the anantara children was in the position of the latter in regard to inheritance; they received a lesser share.⁸ Both the children of isogamy within the twice-born group and the anantaras had the duties of twice-born men.⁹

The initiation and expiatory procedures have indicated that membership in a particular class was not hereditary,

⁷In Gautama, the product of a Brahmana male and a Kshatriya female was called a Savarna; the product of a Kshatriya male and a Vaisya female was called an Ambashtha; the produce of a Vaisya male and a Sudra female was called an Ugra. Gautama, IV:16.

⁸Manu, IV:153.

⁹Manu, X:41.

although the twice-born status of parents would have had some influence toward the perpetuation of membership within that group, and would have enabled the child to be initiated at an earlier age. The marriage regulations of Manu indicated that status was determined by birth for all children other than those who were the products of isogamy or who were anantaras. In other words, those six children produced within these limits were eligible for initiation without the expiatory procedure necessary for the child of Sudra parentage, but initiation into a particular varna depended upon the character, abilities and desire of the child.

That isogamy and hypergamy with the next lower class were the limits of marriage within the Indo-Aryan community was indicated, further, by the exclusion from the community of all offspring which resulted from unions outside these limits. All hypogamous offspring of the four varnas were excluded, and by this, the exclusion was extended to their offspring, for any unions with the four varnas would have been hypogamous.¹⁰ The three main varna hypergamous offspring whose mothers were more than one class lower than the class of the father (Ambashtha, Mishada-Parasava, Ugra) were considered to be, "...born in consequence of a violation (of the law)...",¹¹ and were forced to dwell "...near

¹⁰Manu, X:26-31.

¹¹Manu, X:41.

well known trees and burial grounds, on mountains and in groves...known (by certain marks), and subsisting by their peculiar occupations."¹²

A Cosmogony of the Peoples Outside the Indo-Aryan Community

The four varnas and the anantaras comprised the Indo-Aryan community of classes. The jatis were excluded from this community. In effect, then, Manu's section on the jatis was a treatise on illegitimacy. The unions outside the limits of lawful marriage were not considered to be marriages in the true sense of the word. Manu mentioned eight marriage-rites, but only four of them led to the procreation of "blameless" offspring.¹³ The Paisaka (rape) and Asura (bride-purchase) rites were never to be used,¹⁴ while the Gandharva (voluntary union of lovers) and Rakshasa (abduction) rites were permitted, but "blamable", and, therefore, were to be avoided.¹⁵ These four "marriage rites", then, were not considered to be true marriages. From the four approved rites (Brahma, Daiva, Arsha, Prajapatya):

¹²Manu, X:46-50.

¹³Manu, III:21, 41, 42.

¹⁴Manu, III:25, 31, 34.

¹⁵Manu, III:42.

...spring sons, radiant with knowledge of the Veda and honored by the Sistas (Good men).

Endowed with the qualities of beauty and goodness, possessing wealth and fame, obtaining as many enjoyments as they desire and being most righteous, they will live a hundred years.¹⁶

Only sons produced from these four rites liberated ancestors and descendants.¹⁷ The four not-approved rites were called "marriages", but the women were "wives" in the broadest sense of the term only. In the section on the jatis, the women taken in isogamous, and one-degree lower hypergamous, unions were described as "wives", but were merely described as "women" in all other unions.

In all castes (varna) those (children) only which are begotten in the direct order on wedded wives, equal (in caste and married as) virgins, are to be considered as belonging to the same caste (as their fathers)... Such is the eternal law concerning (children) born of wives one degree lower (than their husbands); know (that) the following rule (is applicable) to those born of women two or three degrees lower.¹⁸

Nowhere in Manu's enumeration of the jatis were the mothers described as wives. Though the Brahmanas could take "wives" from the Vaisyas and Sudras, and the Kshatriyas could take "wives" from the Sudras, these women were considered as "wives" only in the sense that the women taken in the four unapproved rites were "wives".

¹⁶Manu, III:39,40.

¹⁷Manu, III:37,38.

¹⁸Manu, X:5,7.

Though there was no direct statement in Manu that the four approved marriage rites applied to just isogamy and hypergamy of one degree, several factors indirectly pointed in that direction. "A man, aged thirty years, shall marry a maiden of twelve who pleases him, or a man of twenty-four a girl eight years of age...".¹⁹ The youth of the girl was such that her choice of mate could have had little influence in the marital arrangements. The marriage was arranged between the young man and the girl's parents: "to a distinguished, handsome suitor (of) equal (caste) should (a father) give his daughter in accordance with the prescribed rule, though she has not attained (the proper age)."²⁰ Therefore, the chances of a young man having been led into contracting a prohibited alliance due to blind, overwhelming passion would have been rather small. Further, if this were his first marriage, he would have completed his studies of the Veda recently. Certainly all the social pressures and his Vedic training would have discouraged an unfavorable alliance, even if the girl were old enough to be a partner in a love-affair. In addition, the husband and wife performed religious rites together.²¹ Only a wife of equal caste could perform

¹⁹Manu, IX:94.

²⁰Manu, IX:38.

²¹Manu, IX:96.

these sacred rites:

Among all (twice-born men) the wife of equal caste alone, not a wife of different caste by any means, shall personally attend her husband and assist him in his daily sacred rites.²²

Although additional hypergamous unions with women of varnas more than one degree below the varna of the male politely were termed "marriages", all the factors indicated that they were legalized concubinage, at best. The position of the offspring was indicative of the status of such unions; they were the offspring of "desire".²³ Thus, only the isogamous and anantara children were within the Indo-Aryan community; all other children were illegitimate.

Manu's enumeration of countless jatis would indicate, at first glance, that the Indo-Aryan society had broken down, and that children were being begot without regard to the laws. Though it was possible to postulate such an aphrodisiacal state of affairs, a workable explanation of the jatis can be put forth without resorting to such an assumption. The occupations and dwelling-places of the base-born (apasada) offspring were those given in Table IX.

The jatis in Table IX fell into two groups: (1) The anuloma offspring produced by unions outside the lawful limits, and (2) The illegitimate pratilomas. The dwelling places

²²Manu, IX:86.

²³Manu, IX:107.

TABLE IX

Occupations and Dwelling-Places of the Base-born

<u>Caste</u>	<u>Occupation</u> (c)	<u>Dwelling-Place</u> (d)(e)
Ambashtha(a)	Art of Healing.	"Near well known trees
Nishada(a)	Killing fish.	and burial-grounds,
Ugra(a)	Catching and Killing ani- mals living in holes.	on mountains and in
Suta(b)	Management of horses and chariots.	groves, let these
Magadha(b)	Trade.	(tribes) dwell, known
Vaideha(b)	Service of women.	"
Ayogava(b)	Carpenter.	"
Kshattri(b)	Catching and Killing ani- mals living in holes.	"
Chandala(b)	Executioner, pall-bearer, etc.	Outside the village.

(a) Hypergamous offspring of the four varnas (Anuloma).

(b) Hypogamous offspring of the four varnas (Pratiloma).

(c) Manu, X:47-49, 55-56.

(d) Manu, X:50,51.

(e) All excluded from Indo-Aryan community. Manu, X:45.

assigned to the Ambashthas, Nishadas and Ugras confirmed the assertion that the "marriages" of Brahmanas and Kshatriyas to women of varnas more than one degree lower were merely a form of concubinage. These children were treated in the same manner as the illegitimate pratilomas. However, it was not necessary to assume that these nine groups were formed by the illegitimate offspring of the four varnas. To assume that they were would have been to assume that Indo-Aryan morality had collapsed. If it were assumed that these groups were already in existence, having been groups outside of Indo-Aryan society, then the Laws of Manu provided: (1) A receptacle for the illegitimate offspring, and (2) a cosmogony for groups previously outside Indo-Aryan society, which were in the process of assimilation into that society. In the Code of Gautama, several occupations carried commensal prohibitions; occupations which under Manu were identified with specific groups.²⁴ The existence of these "unclean" Sudras was indicated by their occupations in Gautama.²⁵ Manu provided them with a name, a cosmogony, and a status.

A second group of illegitimate offspring were the products of unions between the mixed-castes, of unions between

²⁴Carpenter (Ayogava); physician (Ambashtha); those who hunted without the bow (Nishada, Ugra, Kshattri); Chandalas were impure in both. Gautama, XIV:30; XV:16.

²⁵See page 51.

TABLE X

Genesis, Occupations and Dwelling-Places of other

Mixed-Caste Offspring

<u>Genesis</u> ^(a)		<u>Caste of Offspring</u>	<u>Occupation</u> ^(b)	<u>Dwelling-Place</u> ^(e)
<u>Male</u>	<u>Female</u>			
Nishada	Sudra	Pukkasa	Catching and killing animals living in holes.	(c)
Sudra	Nishada	Kukkutaka	-----	---
Kshattri	Ugra	Svapaka	Executioners, pall bearers, etc.	(d)
Vaidehaka	Ambashtha	Vena	Playing drums.	(c)
Nishada	Ayogava	Margava, Dasa, or Halivarta	Boatman.	---
Dasyu	Ayogava	Sairandhra	Adorning and attending his master, snaring animals.	---
Vaidehaka	Ayogava	Maitreyaka	Dawn bell ringer.	---
Nishada	Vaideha	Karavara	Leather worker	---
Vaidehaka	Karavara	Andhra	Slaughter of wild animals.	(c)(d)
Vaidehaka	Nishada	Meda	Slaughter of wild animals.	(c)(d)
Chandala	Vaideha	Pandusopaka	Deal in cane.	---
Chandala	Vaideha	Ahindika	-----	---
Chandala	Pukkasa	Sopaka	Executioner, pall bearer, etc.	(d)
Chandala	Nishada	Antyavasayin	Employed in burial grounds.	(d)
Brahmana	Ugra	Avrita	-----	---
Brahmana	Ambashtha	Abhira	-----	---
Brahmana	Ayogava	Dhigvana	Working in leather.	(c)

(a) Manu, X:15,18-19, 32-39.

(b) Manu, X:32-39,48,49,56.

(c) "Near well known trees and burial-grounds,..." Manu, X:50.

(d) Outside the village. Manu, X:51,36.

(e) All excluded from Indo-Aryan community. Manu, X:45.

the mixed-castes and the main castes, and of unions between unidentified Dasyus and designated castes, enumerated in Table X.

That the Code of Manu was providing a cosmogeny of peoples outside the Indo-Aryan community was indicated by at least three of the jatis enumerated in Table II. The Abhira is the modern Ahir.²⁶ The Andhra and Meda are peoples inhabiting southeastern Rajputana and the eastern Dekkan today.²⁷

The groups mentioned in Tables IX and X, "... (which originate) in a confusion (of the castes and) have been described according to their fathers and mothers, may be known by their occupations, whether they conceal or openly show themselves."²⁸ In addition to these occupationally defined groups, another group of people outside the Indo-Aryan community was designated as the descentents of Vratyas. "Those (sons) whom the twice-born beget on wives of equal caste, but who, not fulfilling their sacred duties, are excluded from the Savitri, one must designate by the appellation Vratyas."²⁹ Table XI enumerates the Vratyas.

²⁶Manu, X:15. Bühler's comment.

²⁷Manu, X:36. Bühler's comment.

²⁸Manu, X:40.

²⁹Manu, X:20.

TABLE XI

Descendants of Vratyas

<u>Brahmanas</u> ^(a)	<u>Kshatriyas</u> ^(b)	<u>Vaisyas</u> ^(c)
Shrijjakantaka	Jhalla	Sudhanvan
Avantya	Malla	Acharya
Vatadhana	Licchivi	Karusha
Pushpadha	Nata	Vijanman
Saikha	Karana	Maitra
	Khasa	Satvata
	Dravida	
	Paundraka	
	Choda	
	Kamboja	
	Yavana	
	Saka	
	Parada	
	Pahlava	
	China	
	Kirata	
	Darada	

(a) Manu, X:21.

(b) Manu, X:22,43-44.

(c) Manu, X:23.

Of the descendents of the Brahmana-Vratyas listed in Table XI, only two were traceable as names of tribes or nations, but probably all originally were such names.³⁰

Avantya (Avanti) was a kingdom in western Malva with a capital at Ujjain, and existed before the time of Buddha.³¹ The Vatadhanas were a northern tribe.³²

Most of the Kshatriya-Vratya descendents were identifiable quite readily as nations or peoples. Malla was a nation before the time of Buddha, and was composed of two republics with capitals at Pava and Kusinara in the early Buddhist period.³³ Licchivi (Licchavi)³⁴ was a republic in the early Buddhist times, with its capital at Vesali.³⁵ For about one thousand years the Licchavi family played an important part in the history of India; at about 500 B.C. the republic was entrusted to them;³⁶ the family of Mahavira,

³⁰Manu, X:21. Bühler's comment.

³¹T. W. Rhys-Davids, "The Early History of the Buddhists", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 172; and E. J. Rapson, "The Puranas", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 310.

³²Manu, X:21. Bühler's comment.

³³Rhys-Davids, op. cit., p. 172, p. 175.

³⁴See Bühler's comment on spelling, p. 406. Also comment on p. 615 in Manu, Vol. XXV.

³⁵Rhys-Davids, op. cit., p. 172.

³⁶Jarl Charpentier, "The History of the Jains", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 157.

the founder of Jainism, was related to the Licchavi by marriage;³⁶ the first Tibetan king was said to have belonged to a branch of this family, while the sage Gautama belonged to another branch.³⁷ In the late Third Century A.D., Chandragupta I, married a Licchavi princess, thus laying the foundation of the Gupta dynasty.³⁷ The Licchavis also supplied a line of rulers in Nepal until the Seventh Century A.D.³⁷ Khasa (Kasi) was the pre-Buddhist nation of Benares.³⁸ The Dravida were the Dravidians of the south.³⁹ The Pundraka (Pundra) were a tribe of south India.⁴⁰ Kamboja was a pre-Buddhist nation.⁴¹ The Yavanas were the Greeks; the Sakas were the Scythians who entered India after the collapse of the Maurya Empire.⁴² The Pahlavas were the Parthians who invaded India at the time of the

³⁷Vincent A. Smith, The Oxford History of India (Oxford: The Clarendon Press, 2nd ed., 1923), pp. 46-47.

³⁸Rhys-Davids, op. cit., pp. 172-3.

³⁹L. D. Barnett, "The Early History of Southern India", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 593.

⁴⁰A. Berriedale Keith, "The Period of the Later Samhitas, The Brahmanas, The Aranyakas, and The Upanishads", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 117.

⁴¹Rhys-Davids, op. cit., p. 172.

⁴²Rapson, "Peoples and Languages", op. cit., Vol. I, p. 44.

Scythians.⁴³ The Chinas and Kiratas were allies of the Kurus in the Mahabharata.⁴⁴ The country of Darada is the modern Dardistan in Kashmir.⁴⁵

The distinction between those peoples described as Vratyas and those described as base-born brought forward the following considerations:

1. All were excluded from the Indo-Aryan community.⁴⁶
2. The base-born were "known" by their occupations.⁴⁷
3. The Vratyas could enter the Indo-Aryan community through the expiation procedure.⁴⁸

That the Vratyas were actual nations, tribes or clans was quite evident, but the position of the base-born was not as

⁴³E. J. Rapson, "The Scythian and Parthian Invaders", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 564.

⁴⁴E. Washburn Hopkins, "The Princes and Peoples of the Epic Poems", The Cambridge History of India (Cambridge, Cambridge University Press, 1922), Vol. I, p. 274. Robert Shafer made the interesting comment that "...many of the famous early Brahmins were non-Aryans, and too many Kshatriyas are mentioned as descendants of natives on one side of the house for us to believe that they were of pure Aryan descent." Robert Shafer, Ethnography of Ancient India (Wiesbaden: Otto Harrassowitz, 1954), p. 7.

⁴⁵E. R. Bevan, "India in Early Greek and Latin Literature", The Cambridge History of India (Cambridge: Cambridge University Press, 1922), Vol. I, p. 404.

⁴⁶Manu, X:45.

⁴⁷Manu, X:40.

⁴⁸Manu, II:39-40.

clear. Only a few of the latter were traceable as the names of actual tribes or nations.⁴⁹ In view of the limits of lawful marriage, it was possible that some of the base-born groups actually were products of illicit unions. However, the number of combinations enumerated by Manu was so great that to have considered such illicit unions the origin of all these groups would have been to fail to take into account certain verifiable historical considerations. The Indo-Aryans met at least two groups of people when they invaded India; the remnants of the old, high Indus civilization, and primitive aboriginals. The level of culture and territorial extent of the Dravidians, in the period under consideration, had not been determined conclusively, but it was quite probable that they represented a third cultural group encountered by the Indo-Aryan invaders.⁵⁰ In addition to these, Greeks, Scythians, Parthians, etc., invaded India at later dates. Many of these non-Indo-Aryan community groups were described as Vratyas; a few were called base-born. For these cases, at least, it was quite evident that Manu was furnishing a cosmogeny. The appellation Vratyas of Kshatriyas possibly

⁴⁹...the Vedic Dasa, by constant association and slow assimilation, had been partially differentiated into the Sudra and partially into the Nishada, while the refractory and incorrigible elements were specially despised and styled Faulkasa and Chandala." G. S. Ghurye, Caste and Class in India (Bombay: The Popular Book Depot, 1950), p. 54. See also Rieth, op. cit., p. 129.

⁵⁰Rapson, "Peoples and Languages", op. cit., pp. 40-43.

indicated their military strength. That Manu similarly furnished a cosmogeny for many primitive groups conquered by the Indo-Aryans was indicated by the occupations and dwelling-places of those described as base-born. Such tribes survive even today, and they must have been much more numerous in ancient times.⁵¹ Though, perhaps, it would have been an overstatement to say that all the anulomas (except the anantaras) and the pratilomas enumerated by Manu were primitive tribes, such a conclusion has been inescapable for the majority of the cases. Therefore, the basis of the enumeration of the jatis was cultural differences.

⁵¹Keith, op. cit., pp. 129-130.

CHAPTER VII

SUMMARY AND CONCLUSIONS

The purpose of this investigation was to determine the structure of the Indo-Aryan social system embodied in the Codes of Law. Quite often, students of contemporary caste have used these codes to indicate the existence of a caste-system in the ancient Indo-Aryan society. The word varna had many meanings. Unfortunately, one of the meanings was "color". Observations of the contemporary practice of endogamy by the castes, plus the enumeration of the jatis in several of the Law Codes, have led many researchers to conclude that the ancient Indo-Aryan society was composed of castes, and that color, i.e. "race", was the basis of caste distinctions. Though there have been other explanations of the origins of this extremely complex social organism, the racial theory has crept into a great proportion of the literature concerned with both contemporary caste and the history of ancient India. Even more unfortunately, the translations into English, for the first time, of the Indo-Aryan literature, were contemporaneous with the emergence of the early pseudo-scientific concepts of race in the Western World. The otherwise truly magnificent accomplishments of this first generation of Indologists did not escape the taint of this intellectual atmosphere. Most of the early Indologists did not make the far too simple analogy between varna and race. Rather, they, perhaps unconsciously, leaned toward the rendering of varna as caste. Later generations of

scholars, infused with the pseudo-scientific concepts of race, used these translations to bolster pre-conceived opinions as to the origins of the caste-system. The keystone in this link-chain process was the original translators' interpretation of varna as caste. Had they rendered varna as class, or simply let the word stand, the later translation from varna to caste to jati to race would not have been made with uncritical facility. The sheer simplicity of the racial interpretation aroused this investigator's suspicions, for it is rarely that the emergence of any social phenomenon can be explained so easily.

The method used in this investigation was to formulate a workable conception of the features of contemporary caste, and, then, to investigate one of the Law Codes in order to determine the existence of these features in that code. The characteristics of contemporary caste were found to be six in number:

1. Segmented social worlds.
2. Hierarchy.
3. Commensal and social restrictions.
4. Privileges and disabilities in civil and religious custom.
5. Restricted choice of occupation.
6. Marital restrictions.

The Code of Gautama was chosen as the basis for the investigation because of its simplicity in organization, its completeness, and its apparent priority to the other Law Codes, from the standpoint of age. The existence of a caste-less "ideal" society had

been implied as a consequence of the investigation of the Bhagavad-Gita, although there was no direct evidence that the 'Gita' referred to an actual society. The conclusion derived from the investigation of the Code of Gautama was that only one of the features (hierarchy) was exhibited in a manner congruent to contemporary practice. The other features were much more those of a distinction between two social groupings, the twice-born and the Sudras, than the distinction between four castes. However, the key to the determination of a society composed of castes was found to lie, in a negative sense, in the marital restrictions. Though it was determined that endogamy was, most probably, the most prevalent form of marriage, this conclusion was based upon an uncritical acceptance of Georg Bühler's interpolations. In addition, the jati section of Gautama's Code was found to be incongruous to the Sutras immediately preceding and following, and, for this, possibly was a later insertion. Therefore, the Code of Apastamba, which contained a quite lengthy treatment of the initiation procedure, was investigated, in order to determine who could be initiated into the twice-born group.

The examination of Apastamba's Code indicated that initiation into the twice-born group depended upon the character, abilities and interest of the young man. Though there were, undoubtedly, environmental and familial pressures toward the perpetuation of membership within the particular parental class, the right to initiation was not a birth-right. Further, the expiatory procedures

provided a method by which young men whose parents had not been initiated, or whose parents' initiation was not remembered, could have become eligible for initiation. The appellation "burial-grounds" was applied to those whose immediate ancestors' initiation was not remembered. This appellation was found to be applied elsewhere to Sudras by both Apastamba and Vasishtha. Therefore, the conclusion was that a young man of Sudra parentage was not barred, by that fact alone, from initiation. If he possessed the requisite character, abilities, and desire, he could have followed the expiatory procedure, and, eventually, could have been initiated. Although the possibility that he could have studied the Veda depended upon the length of time it took to complete the expiatory penances (there were two interpretations possible; one of them required such a long time that only a long-lived man could have completed it and studied the Veda as well), the fact that he had been initiated would have benefited his children. They would not have had to do the penance before they were initiated. In addition to these conclusions, the ages enumerated for the initiation of a young man, due to a "particular wish", indicated that initiation into one of the twice-born groups depended upon the character, abilities, and desire of the child, and that age ranges were wide so that the make-up of the child could be observed in order to determine his position in society. Therefore, the varnas were classes, not castes.

Since the Indo-Aryan community was composed of social classes,

rather than castes, it was necessary to determine the limits of that community. The problem was to find out who were considered to be Sudras. That the Sudras were an integral part of Indo-Aryan society was quite evident from Manu. Further, it was found that all peoples described as having had origins other than from Brahman were excluded from the community. Therefore, the Indo-Aryan community was composed of the Brahmana, Kshatriya, Vaisya and Sudra classes only. However, this limitation raised the problem of the relationship between the jatis and the varna community.

The investigation of the jati section of the Code of Manu indicated that it served to set the limits of lawful marriage within the Indo-Aryan community, and provided a cosmogeny of peoples outside the community. Though it was possible that some of the jatis actually were produced as a result of illicit unions, the greater probability was that the majority of the jatis described as having been the result of illicit intercourse were actually the names of primitive tribes on the fringes of the Indo-Aryan community. The cosmogenies given these tribes would have served two purposes: (1) they would have provided warnings to, and penalties for, those people within the Indo-Aryan community who might have contracted illicit alliances, and (2) they would have fixed the relationship between those primitive groups and the Indo-Aryan community, insofar as the former followed customs at variance with those of the Indo-Aryan community. The majority

of those described as the descendents of Vratyas were traceable historically as the names of peoples which had made contact with the Indo-Aryan community. Some of them were probably of the same Indo-Aryan stock, but who followed differing social customs. Others were the names of peoples who had invaded India after the Indo-Aryan invasions. All of these peoples were given a status in relation to the Indo-Aryan community by means of the jati cosmology. In addition, the appellation Vratya furnished certain peoples the means to enter the Indo-Aryan community through the expiatory procedures.

The distinction made between the peoples which came into contact with the Indo-Aryan community led to the conclusion that the enumeration of the jatis had its basis in cultural differences. The people within the Indo-Aryan community were grouped into social classes. The people outside that community were described according to their cultural differences. Therefore, the commonly accepted conception of the ancient Indo-Aryan society as having been composed of castes, in the contemporary sense of the word, has been found to be without foundation.

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APPENDIX I

GAUTAMA, CHAPTER IV

1. A householder shall take a wife (of) equal (caste), who has not belonged to another man and is younger (than himself).
2. A marriage (may be contracted) between persons who have not the same Pravaras,
3. (And) who are not related within six degrees on the father's side,
4. Or on the side of the begetter,
5. (Nor) within four degrees on the mother's side.
6. (If the father) gives (his daughter) dressed (in two garments) and decked with ornaments to a person possessing (sacred) learning, of virtuous conduct, who has relatives and a (good) disposition, (that is a) Brahma (wedding).
7. At the Prajapatya (wedding) the marriage formula is, 'Fulfil ye the law conjointly'.
8. At the Arsha (wedding the bridegroom) shall present a cow and a bull to him who has (authority over) the maiden.
9. (If the bride) is given, decked with ornaments, to a priest at the altar, that is a Daiva wedding.
10. The spontaneous union with a willing (maiden is called) a Gandharva wedding.
11. If those who have (authority over) a female are propitiated by money, (that is) an Asura wedding.
12. (If the bride) is taken by force, (that is) a Rakshasa wedding.
13. If (a man) embraces a female deprived of consciousness, (that is) a Paisaka wedding.
14. The first four (rites) are lawful;
15. Some say, (the first) six.

29. Virtuous sons (born of wives of equal caste) and wedded according to approved rites sanctify (their father's family).
30. (A son born of a wife married) according to the Arsha rite (saves) three ancestors (from hell),
31. (A son born of a wife married) according to the Daiva rite ten,
32. (A son born of a wife married) according to the Prajapatya rite, also ten.
33. (But) the son of a wife married according to the Brahma rite (saves) ten ancestors, ten descendants, and himself.

The above Sutras, combined in this fashion, made a logical sequence. Below are Sutras 16 through 28. The continuity in the above series was broken by their introduction, and Sutras 18 through 21 contradict Sutras 16 and 17.

16. (Children) born in the regular order of wives of the next, second or third lower castes (become) Savarnas, Ambashthas, Ugras, Nishadas, Daushyantias, or Parasavas.
17. (Children born) in the inverted order (of wives of higher castes become) Sutas, Magadhas, Ayogavas, Kshattris, Vaidehakas or Chandalas.
18. Some declare that a woman of the Brahman caste has born successively to (husbands of) the (four) castes, sons (who are) Brahmanas, Sutas, Magadhas, or Chandalas.
19. (And that) a woman of the Kshatriya caste (has born) to the same, Murdhavasiktas, Kshatriyas, Dhivaras, Pulkasas;
20. Further, a woman of the Vaisya caste to the same, Bhriyakanthas, Mahishyas, and Vaidehas;
21. (And) a woman of the Sudra caste to the same, Parasavas, Yavanas, Karanas, and Sudras.
22. In the seventh (generation men obtain) a change of caste, either being raised to a higher one or being degraded to a lower one.

23. The venerable teacher declares (that this happens) in the fifth (generation).
24. And (the same rule applies) to those born (from parents of different classes that are) intermediate between (two of the castes originally) created by (Brahman).
25. But those born in the inverse order (from fathers of a lower and mothers of a higher caste stand) outside (the pale of) the sacred law,
26. As well as (those born in the regular order) from a female of the Sudra caste.
27. But he whom a Sudra (begets) on a female of unequal caste shall be treated like an outcaste.
28. The last (named, the Chandala), is the foulest.

APPENDIX II

THE JATIS OF MANU

The first category of offspring considered was the product of equal parentage. The child of a Brahmana from a Brahmana, a Kshatriya from a Kshatriya, a Vaisya from a Vaisya, and a Sudra from a Sudra, belonged to the varna of the father.¹ However, there was an exception to this in the cases of the Vratyas,² which have been considered elsewhere.

The second classification was the offspring of anuloma mixed-caste unions, called apasada.³ A special category of these "base-born" ones was named anantara: those begotten on wives of the immediately next lower castes.⁴ In order to clarify the situation to this point, the above categories have been enumerated in Table XII.

TABLE XII

Offspring of Equal Caste and Anuloma Mixed-Caste Unions

<u>Male</u>	<u>Female</u>	<u>Offspring</u>	<u>Other Names</u>	
1. Brahmana	Brahmana	Brahmana	---	---
2. Brahmana	Kshatriya	Kshatriya* (a)	Anantara	Apasada
3. Brahmana	Vaisya	Ambashtha	---	Apasada
4. Brahmana	Sudra	Nishada-Parasava	---	Apasada
5. Kshatriya	Kshatriya	Kshatriya	---	---
6. Kshatriya	Vaisya	Vaisya* (a)	Anantara	Apasada
7. Kshatriya	Sudra	Ugra	---	Apasada
8. Vaisya	Vaisya	Vaisya	---	---
9. Vaisya	Sudra	Sudra* (a)	Anantara	Apasada
10. Sudra	Sudra	Sudra	---	---

(a) Intermediate: the anantaras were given no jati name by Manu. For the purposes of this investigation they were called Kshatriya*, Vaisya*, and Sudra*, to note their specific genesis.

¹Manu, X:5.

²Manu, X:20-23.

³Manu, X:10. "Base-born".

⁴Manu, X:6,7,14,41. Intermediate: see Appendix III.

Numbers 1, 5, 8, and 10, in Table XII, were direct-order offspring, and so have been removed from further consideration. Of the remaining six, all were considered "base-born", and three (2, 6, 9) were anantara as well. These latter three have been indicated as Kshatriya*, Vaisya*, and Sudra*. Their characteristics were as follows:

1. They were all children of "twice-born" men.
2. They all belonged to an intermediate caste.⁵
3. They were similar to their fathers, but "...blamed on account of the fault (inherent) in their mothers...", and so excluded from the caste of their father.⁶
4. They all had the duties of "twice-born" men,⁷ along with numbers 1, 5, and 8.
5. They were all "base-born".

Therefore, these anantaras would have ranked no lower than a direct-order Vaisya.

Concerning numbers 3, 4, and 7, anulomas whose mothers were two or more degrees below their fathers:

1. They were all "base-born".⁸
2. They were below the anantaras.⁹
3. They were no lower than Sudras in their duties.¹⁰

Whatever their position was in regard to each other, or in regard to the four main varnas, individually, these six "base-born" anulomas had duties no lower than direct-order Sudras.

The next classification considered was pratiloma offspring. In common with the anuloma types, there were six divisions, all of which were apasada.¹¹ The pratilomas have been enumerated in Table XIII.

⁵ Manu, X:14. See Appendix III.

⁶ Manu, X:6.

⁷ Manu, X:41.

⁸ Manu, X:10.

⁹ Manu, X:13,14.

¹⁰ Manu, X:41.

¹¹ Manu, X:16,17.

TABLE XIII

Offspring of Pratiloma Mixed-Caste Unions

<u>Male</u>	<u>Female</u>	<u>Offspring</u>	<u>Other Names</u>
Kshatriya	Brahmana	Suta	Apasada
Vaisya	Kshatriya	Magadha	Apasada
Vaisya	Brahmana	Vaideha	Apasada
Sudra	Vaisya	Ayogava	Apasada
Sudra	Kshatriya	Kshattri	Apasada
Sudra	Brahmana	Chandala	Apasada

Three of the pratiloma offspring listed in Table XIII were products of a union between "twice-born" varnas (Suta, Magadha, Vaideha), and, thus, would have been more "respectable" than those with Sudra fathers (Ayogava, Kshattri, Chandala).¹² The Kshattri and the Vaideha held the same position with respect to the sacred rites as did the Ambashtha and Ugra, but not with respect to studying the Vedas.¹³ The Chandala was regarded as "...the lowest of men...".¹⁴ The position of the Ayogava was not specified, but it could not have been lower than that of the Chandala. These pratiloma offspring stood apart from the anulomas in that their status was qualified by "...a confusion of the castes...".¹⁵ This last would indicate that the pratilomas were considered to be unfit to fulfil the duties of sons.¹⁶ Thus, the pratiloma unions would have struck at the roots of the social order as envisaged by Manu.

The next groups considered were the offspring of unions between the mixed-castes, which were enumerated in Table XIV.¹⁷

¹²Manu, X:28.

¹³Manu, X:13.

¹⁴Manu, X:12,16.

¹⁵Manu, X:12.

¹⁶The pratilomas were enumerated twice. Manu, X:16-17,11-12.

¹⁷Manu, X:27.

TABLE XIV

Isogamous Unions Between the Anulomas and Pratilomas

Pratiloma Offspring with Pratiloma Offspring			Anuloma Offspring with Anuloma Offspring		
Male	Female	Offspring	Male	Female	Offspring
Suta	Suta	Suta	Kshatriya*	Kshatriya*	Ksh.*
Magadha	Magadha	Magadha	Ambashtha	Ambashtha	Amb.
Vaidehaka	Vaidehaka	Vaidehaka	Nishada-P.	Nishada-P.	N.-P.
Ayogava	Ayogava	Ayogava	Vaisya*	Vaisya*	Vai.*
Kshattri	Kshattri	Kshattri	Ugra	Ugra	Ugra
Chandala	Chandala	Chandala	Sudra*	Sudra*	Sud.*

The pratiloma-pratiloma offspring in Table XIV had the same disabilities as their parents. The anuloma-anuloma offspring would have at least maintained their position, for the three anantaras would have had the duties of the "twice-born", while the Ambashtha, Nishada-Parasava and Ugra would have been no lower than Sudras in their duties.

The anuloma-anuloma offspring were further favored in that by uniting in equal or anuloma unions with the main "twice-born" castes, they could eventually have risen in caste in successive generations by continuing this process, as shown in Table XV.¹⁸

TABLE XV

Status of Anuloma Offspring After Seven Generations

Status of Anuloma Offspring After Equal Unions			Status of Anulomas Having United with Main Castes		
Male	Female	Offspring	Male	Female	Offspring
Kshatriya*	Ksh.*	Brahmana (a)	Brahmana	Ksh.*	Brahmana (b)
Ambashtha	Amb.	Brahmana (a)	Brahmana	Amb.	Brahmana (b)
Nishada-P.	N.-P.	Brahmana (a)	Brahmana	N.-P.	Brahmana (b)
Vaisya*	Vai.*	Kshatriya(a)	Kshatriya	Vai.*	Kshatriya(b)
Ugra	Ugra	Kshatriya(a)	Kshatriya	Ugra	Kshatriya(b)
Sudra*	Sudra*	Vaisya (a)	Vaisya	Sudra*	Vaisya (b)

(a) Where the male offspring of a main caste anuloma union united with a female of equal caste, and the process was continued by the descendents in successive generations.

(b) Where the female offspring of a main caste anuloma union united with a male of the caste of the female's father, and the process was continued by descendents in successive generations.

¹⁸Manu, X:64-65. Bühler's alternative interpretation.

In Table XVI, the cases of a main caste female uniting with an anuloma mixed-caste offspring were given. In effect, another anuloma situation resulted.¹⁹

TABLE XVI

Male Mixed-Caste Anuloma Offspring Having United
With Female of Caste of Male's Mother

<u>Male</u>	<u>Female</u>	<u>Offspring Eventually Fell to:</u>
Kshatriya*	Kshatriya	Kshatriya
Ambashtha	Vaisya	Vaisya
Nishada-Parasava	Sudra	Sudra
Vaisya*	Vaisya	Vaisya
Ugra	Sudra	Sudra
Sudra*	Sudra	Sudra

In the Table XVI situations, the son of an anuloma mixed-caste union had united with a female of his mother's caste. His offspring sank to the level of the father's mother's caste in successive generations if the process were continued in the same fashion. But only three of these products sank to the level of a Sudra, and no lower.

Table XVII indicated the position of the offspring which resulted from the union of a pratiloma male with a woman whose caste was equal to, or higher than, his mother's caste.²⁰

¹⁹Manu, X:65.

²⁰Manu, X:27,30.

TABLE XVII

Union of Pratiloma Male With a Woman of His
Mother's, or Higher, Caste

<u>Male</u>	<u>Female</u>	<u>Offspring</u>	
Suta	Brahmana	Suta	(a)
Magadha	Kshatriya, Brahmana	Magadha	(a)
Vaidehaka	Brahmana	Vaidehaka	(a)
Ayogava	Vaisya, Kshatriya, Brahmana	Ayogava	(a)
Kshattri	Kshatriya, Brahmana	Kshattri	(a)
Chandala	Brahmana	Chandala	(a)

(a) Or more worthy of exclusion than the father.

Therefore, in the Table XVII cases, where a pratiloma male united with a female of caste equal to, or higher than, that of his mother, the unions were pratiloma, and resulted in degraded offspring.

In cases where a male pratiloma offspring united with a female of caste lower than that of his mother, the results appeared to be as indicated in Table XVIII. If the amuloma rules were applied, the offspring would have had the caste of the mother, but would have been similar to the father, and, possibly, have been excluded from the caste of the father.²¹

Therefore, equally degraded, or more degraded, children would have been the result of a pratiloma male having united with a female of a caste lower than that of his mother, as shown in Table XVIII. If the pratiloma rules were applied, the offspring would have been either the caste of the father, or more degraded than the father.²² In both cases, then, the child, at best, would have been of the caste of his father: a degraded status.

²¹Manu, X:6.

²²Manu, X:12, 30.

TABLE XVIII

Union of Pratiloma Male With Woman of Caste
Lower Than His Mother's

<u>Male</u>	<u>Female</u>	<u>Offspring</u>	
Suta	Kshatriya, Vaisya, Sudra	Suta	(a)
Magadha	Vaisya, Sudra	Magadha	(a)
Vaidehaka	Kshatriya, Vaisya, Sudra	Vaidehaka	(a)
Ayogava	Sudra	Ayogava	(a)
Kshattri	Vaisya, Sudra	Kshattri	(a)
Chandala	Kshatriya, Vaisya, Sudra	Chandala	(a)

(a) Or even more degraded.

Returning to the original anuloma offspring for a moment, the cases where an anuloma male united with females whose caste was higher than that of his mother were enumerated in Table XIX.²³

TABLE XIX

Union of Male Anuloma Offspring With Female of Caste
Higher Than That of His Mother

<u>Male</u>	<u>Female</u>	<u>Offspring</u>
Kshatriya*	Brahmana	Degraded
Ambashtha	Kshatriya, Brahmana	Degraded
Nishada-Parasava	Vaisya, Kshat., Brahmana	Degraded
Vaisya*	Kshatriya, Brahmana	Degraded
Ugra	Vaisya, Kshat., Brahmana	Degraded
Sudra*	Vaisya, Kshat., Brahmana	Degraded

Though all the offspring enumerated in Table XIX were more degraded than the father, it was possible that the products of the three "twice-born" anulomas should have been considered to be less degraded than the Nishada-Parasava, Ugra, and Sudra*. Further, it was possible that within the "twice-born" group of unions the scale of degradation would have been as follows: Kshatriya* and Brahmana, Ambashtha and Kshatriya, Vaisya* and Kshatriya, Ambashtha and Brahmana, Vaisya* and Brahmana. The latter union would have been the most degraded.

²³Manu, X:27, 11, 12, 16, 17.

In the Sudra-parented group, the range of increasing degradation would have run: Nishada-Parasava and Vaisya, Ugra and Vaisya, Sudra* and Vaisya, Nishada-Parasava and Kshatriya, Ugra and Kshatriya, Sudra* and Kshatriya, Nishada-Parasava and Brahmana, Ugra and Brahmana, Sudra* and Brahmana. The last named union would have been considered to have been the most degraded of all. No matter what their relationship to each other, however, the whole group was, in effect, pratiloma, and, thus, their offspring were degraded.

In the 24 possible cases of main-caste males uniting with the anuloma female offspring, the following situation would have resulted:²⁴

1. The six children of a Brahmana father were all anulomas.
2. Five of the six children of a Kshatriya father were anulomas, and one was a pratiloma.
3. Four of the children of a Vaisya father were anulomas; Vaisya and Vaisya*, and Vaisya and Kshatriya* offspring were regarded as pratiloma because the Vaisya* and Kshatriya* were anantara.²⁵
4. Three of the children of Sudra fathers were pratiloma, because the Kshatriya*, Vaisya*, and Sudra* had duties of the "twice-born". Three of the children could have been held to be the products of equal-caste unions: Sudras.

In the 24 possible cases of main-caste males uniting with the pratiloma female offspring, all the unions would have been anuloma. All of the six pratiloma castes, as regards to their duties, were equal to Sudras.²⁶

Therefore, even the "twice-born" fathers would have produced sons with duties, at best, no better than Sudras.²⁷ At worst, those with Sudra fathers would have been no more degraded than were the mothers.

In Table XX were taken up the positions of the unions between the mixed-caste offspring in anuloma²⁸ and pratiloma²⁹ unions.

²⁴Manu, X:41. All had at least the duties of Sudras. The anantaras had the duties of the "twice-born".

²⁵Manu, X:41.

²⁶Manu, X:41.

²⁷See Table XII.

²⁸Manu, X:28, 14.

²⁹Manu, X:31.

TABLE XX

Union of Mixed-Castes

<u>Anuloma Union of Pratiloma Castes</u>			<u>Pratiloma Union of Pratiloma Castes (a)</u>		
<u>Male</u>	<u>Female</u>	<u>Offspring</u>	<u>Male</u>	<u>Female</u>	<u>Offspring Lower Than</u>
Suta	Magadha	Magadha	Chandala	Suta	Chandala
Suta	Vaidehaka	(b)	Chandala	Magadha	Chandala
Suta	Ayogava	(b)	Chandala	Vaidehaka	Chandala
Suta	Kshattri	(b)	Chandala	Ayogava	Chandala
Suta	Chandala	(b)	Chandala	Kshattri	Chandala
Magadha	Vaidehaka	Vaidehaka	Kshattri	Suta	Kshattri
Magadha	Ayogava	(b)	Kshattri	Magadha	Kshattri
Magadha	Kshattri	(b)	Kshattri	Vaidehaka	Kshattri
Magadha	Chandala	(b)	Kshattri	Ayogava	Kshattri
Vaidehaka	Ayogava	Ayogava	Ayogava	Suta	Ayogava
Vaidehaka	Kshattri	(b)	Ayogava	Magadha	Ayogava
Vaidehaka	Chandala	(b)	Ayogava	Vaidehaka	Ayogava
Ayogava	Kshattri	Kshattri	Vaidehaka	Suta	Vaidehaka
Ayogava	Chandala	(b)	Vaidehaka	Magadha	Vaidehaka
Kshattri	Chandala	Chandala	Magadha	Suta	Magadha

(a) "Low men...(beget) still lower races." Manu, X:31.

(b) No more worthy of exclusion than their mother's caste.

In the Table XX cases of the anuloma unions of the pratilomas, none of the resultant children were more worthy of exclusion than the Chandala. In the cases of the pratiloma unions of the pratilomas, there were fifteen new castes produced. These were even more worthy of exclusion than were their fathers.

In the apparently possible fifteen cases of the anuloma male uniting with anuloma females of lower rank, and the apparently possible fifteen cases of unions with higher anuloma females, the situations were those in Tables XXI and XXII.

TABLE XXI

Results of Apparently Anuloma Unions
of Anuloma Offspring

<u>Male</u>		<u>Female</u>		<u>Offspring Had Duties Not Lower Than</u>
Kshatriya*	(c)	(e)	Ambashtha (b)	Sudra (a)
Kshatriya*	(c)	(e)	Nishada-P. (b)	Sudra (a)
Kshatriya*	(c)	(e)	Vaisya* (c) (f)	--- (a) (d)
Kshatriya*	(c)	(e)	Ugra (b)	Sudra (a)
Kshatriya*	(c)	(e)	Sudra* (c) (g)	Sudra (a) (h)
Ambashtha	(b)		Nishada-P. (b)	Sudra (a)
Ambashtha	(b)		Vaisya* (c) (f)	Pratiloma
Ambashtha	(b)		Ugra (b)	Sudra (a)
Ambashtha	(b)		Sudra* (c) (g)	Pratiloma (i)
Nishada-P.	(b)		Vaisya* (c) (f)	Pratiloma
Nishada-P.	(b)		Ugra (b)	Sudra (a)
Nishada-P.	(b)		Sudra* (c) (g)	Pratiloma (i)
Vaisya*	(c)	(f)	Ugra (b)	Sudra (a)
Vaisya*	(c)	(f)	Sudra* (c) (g)	Sudra (a) (j)
Ugra	(b)		Sudra* (c) (g)	Pratiloma (i)

(a) Anuloma union.

(b) Had duties of a Sudra.

(c) Anantara. Had duties of "twice-born" men.

(d) Both mothers' castes had duties of the "twice-born", as did these anuloma children. Perhaps these children were regarded as within the "twice-born" community.

(e) Mother's caste Kshatriya.

(f) Mother's caste Vaisya.

(g) Mother's caste Sudra.

(h) Though the mother's caste was considered Sudra (anantara), it still had the duties of the "twice-born". There were two degrees between the male and female, so that the offspring would have been in the Sudra group.

(i) Though the mother's caste was Sudra, it also had duties of the "twice-born". The union might have been considered pratiloma.

(j) Both castes had duties of the "twice-born", but the caste of the female was Sudra. Since there was only one degree of difference between the male and female, the child probably remained in the Sudra* group.

TABLE XXII

Results of Apparently Pratiloma Unions
of Anuloma Offspring

<u>Male</u>		<u>Female</u>		<u>Offspring Had Duties Not Lower Than</u>
Sudra*	(f) (c)	Kshatriya*	(c) (d)	Pratiloma
Sudra*	(f) (c)	Ambashtha	(b)	Sudra (a)
Sudra*	(f) (c)	Nishada-P.	(b)	Sudra (a)
Sudra*	(f) (c)	Vaisya*	(c) (e)	Pratiloma
Sudra*	(f) (c)	Ugra	(b)	Sudra (a)
Ugra	(b)	Kshatriya*	(c) (d)	Pratiloma
Ugra	(b)	Ambashtha	(b)	Pratiloma
Ugra	(b)	Nishada-P.	(b)	Pratiloma
Ugra	(b)	Vaisya*	(c) (e)	Pratiloma
Vaisya*	(c) (e)	Kshatriya*	(c) (d)	Pratiloma
Vaisya*	(c) (e)	Ambashtha	(b)	Sudra (a)
Vaisya*	(c) (e)	Nishada-P.	(b)	Sudra (a)
Nishada-P.	(b)	Kshatriya*	(c) (d)	Pratiloma
Nishada-P.	(b)	Ambashtha	(b)	Pratiloma
Ambashtha	(b)	Kshatriya*	(c) (d)	Pratiloma

- (a) Anuloma union.
 (b) Had the duties of a Sudra.
 (c) Anantara. Had duties of the "twice-born".
 (d) Mother's caste Kshatriya.
 (e) Mother's caste Vaisya.
 (f) Mother's caste Sudra.

An examination of Tables XXI and XXII showed that the anulomas fell into two groups: (1) the anantaras (Kshatriya*, Vaisya*, Sudra*), and (2) those having had the duties of Sudras (Ambashtha, Nishada-Parasava, Ugra). The apparently inconsistent results of having five pratilomas on the anuloma side and five anulomas on the pratiloma side arose from contradictions within the ordering of the anulomas in the first place. Uniform results were obtained when the social order among the anulomas was regarded as Kshatriya*, Vaisya*, Sudra*, Ambashtha, Nishada-Parasava, and Ugra. In any event, the anuloma unions produced offspring with duties no lower than that of Sudras, while unions of the inverse order produced offspring who were degraded.

The last situation examined was that of the unions of the anulomas and the pratilomas, which were summarized in Table XXIII. Tables XXIV and XXV show how Table XXIII was derived.

TABLE XXIII

Unions of Amulomas and Pratilomas

Amuloma Male With Pratiloma Female

<u>Male</u>	<u>Female</u>	<u>Offspring</u>
3 Anantara (a)	{ Suta (b) Magadha (b) Vaideha (b) }	No better than a Sudra.
	{ Ayogava (c) Kshattri (c) Chandala (c) }	No more worthy of exclusion than the mother.
3 Apasada (d)	{ Suta (b) Magadha (b) Vaideha (b) }	No better than a Sudra.
	{ Ayogava (c) Kshattri (c) Chandala (c) }	No more worthy of exclusion than the mother.

Pratiloma Male With Amuloma Female

3 from "twice-born" parents. (g)	{ Anantara (a) Apasada (d) }	At best, no more worthy of exclusion than father; at worst, more degraded.
3 from Sudra fathers. (h)	{ Anantara (a) Apasada (d) }	More degraded. At best, no more degraded than father; at worst, more degraded.

(a) They were apasada as well, but had duties of the "twice-born": Kshatriya*, Vaisya*, Sudra*.

(b) Both parents from the "twice-born" castes.

(c) From Sudra fathers.

(d) Had duties of Sudras: Ambashtha, Nishada-Parasava, Ugra.

(e) See Table XXIV.

(f) See Table XXV.

(g) Suta, Magadha, Vaideha.

(h) Ayogava, Kshattri, Chandala.

TABLE XXIV

Derivation of Table XXIII: Amuloma Male With
Pratiloma Female

<u>Male</u>		<u>Female</u>		<u>Offspring</u>
Kshatriya*	(a) (b)	Suta	(h) (i)	No better
Kshatriya*	(a) (b)	Magadha	(h) (j)	than a
Kshatriya*	(a) (b)	Vaideha	(h) (k)	Sudra.
Kshatriya*	(a) (b)	Ayogava	(l) (m)	No more worthy
Kshatriya*	(a) (b)	Kshattri	(l) (n)	of exclusion
Kshatriya*	(a) (b)	Chandala	(l) (o)	than mother.
Vaisya*	(a) (c)	Suta	(h) (i)	No better
Vaisya*	(a) (c)	Magadha	(h) (j)	than a
Vaisya*	(a) (c)	Vaideha	(h) (k)	Sudra.
Vaisya*	(a) (c)	Ayogava	(l) (m)	No more worthy
Vaisya*	(a) (c)	Kshattri	(l) (n)	of exclusion
Vaisya*	(a) (c)	Chandala	(l) (o)	than mother.
Sudra*	(a) (d)	Suta	(h) (i)	No better
Sudra*	(a) (d)	Magadha	(h) (j)	than a
Sudra*	(a) (d)	Vaideha	(h) (k)	Sudra.
Sudra*	(a) (d)	Ayogava	(l) (m)	No more worthy
Sudra*	(a) (d)	Kshattri	(l) (n)	of exclusion
Sudra*	(a) (d)	Chandala	(l) (o)	than mother.
Ambashtha	(e)	Suta	(h) (i)	No better
Ambashtha	(e)	Magadha	(h) (j)	than a
Ambashtha	(e)	Vaideha	(h) (k)	Sudra.
Ambashtha	(e)	Ayogava	(l) (m)	No more worthy
Ambashtha	(e)	Kshattri	(l) (n)	of exclusion
Ambashtha	(e)	Chandala	(l) (o)	than mother.
Nishada-P.	(f)	Suta	(h) (i)	No better
Nishada-P.	(f)	Magadha	(h) (j)	than a
Nishada-P.	(f)	Vaideha	(h) (k)	Sudra.
Nishada-P.	(f)	Ayogava	(l) (m)	No more worthy
Nishada-P.	(f)	Kshattri	(l) (n)	of exclusion
Nishada-P.	(f)	Chandala	(l) (o)	than mother.
Ugra	(g)	Suta	(h) (i)	No better
Ugra	(g)	Magadha	(h) (j)	than a
Ugra	(g)	Vaideha	(h) (k)	Sudra.
Ugra	(g)	Ayogava	(l) (m)	No more worthy
Ugra	(g)	Kshattri	(l) (n)	of exclusion
Ugra	(g)	Chandala	(l) (o)	than mother.

Table XXIV, Continued

- (a) Anantara: had duties of the "twice-born".
 (b) Brahmana male, Kshatriya female.
 (c) Kshatriya male, Vaisya female.
 (d) Vaisya male, Sudra female.
 (e) Brahmana male, Vaisya female.
 (f) Brahmana male, Sudra female.
 (g) Kshatriya male, Sudra female.
 (h) From among the "twice-born".
 (i) Kshatriya male, Brahmana female.
 (j) Vaisya male, Kshatriya female.
 (k) Vaisya male, Brahmana female.
 (l) From Sudra fathers.
 (m) Sudra male, Vaisya female.
 (n) Sudra male, Kshatriya female.
 (o) Sudra male, Brahmana female.

Table XXV

Derivation of Table XXIII: Pratiloma Male With
 Anuloma Female

<u>Male</u>	<u>Female</u>	<u>Offspring</u>
Suta	(d) Kshatriya*	(a)
Suta	(d) Vaisya*	(a)
Suta	(d) Sudra*	(a)
Suta	(d) Ambashtha	(a)
Suta	(d) Nishada-Parasava	(a)
Suta	(d) Ugra	(a)
Magadha	(e) Kshatriya*	(a)
Magadha	(e) Vaisya*	(a)
Magadha	(e) Sudra*	(a)
Magadha	(e) Ambashtha	(a)
Magadha	(e) Nishada-Parasava	(a)
Magadha	(e) Ugra	(a)
Vaideha	(f) Kshatriya*	(a)
Vaideha	(f) Vaisya*	(a)
Vaideha	(f) Sudra*	(a)
Vaideha	(f) Ambashtha	(a)
Vaideha	(f) Nishada-Parasava	(a)
Vaideha	(f) Ugra	(a)

Table XXV, Continued

<u>Male</u>	<u>Female</u>	<u>Offspring</u>
Ayogava (g)	Kshatriya*	(b)
Ayogava (g)	Vaisya*	(b)
Ayogava (g)	Sudra*	(b)
Ayogava (g)	Ambashtha	(c)
Ayogava (g)	Nishada-Parasava	(c)
Ayogava (g)	Ugra	(c)
Kshattri (h)	Kshatriya*	(b)
Kshattri (h)	Vaisya*	(b)
Kshattri (h)	Sudra*	(b)
Kshattri (h)	Ambashtha	(c)
Kshattri (h)	Nishada-Parasava	(c)
Kshattri (h)	Ugra	(c)
Chandala (i)	Kshatriya*	(b)
Chandala (i)	Vaisya*	(b)
Chandala (i)	Sudra*	(b)
Chandala (i)	Ambashtha	(c)
Chandala (i)	Nishada-Parasava	(c)
Chandala (i)	Ugra	(c)

(a) At best, no more worthy of exclusion than Suta, Magadha, or Vaideha. At worst, more degraded.

(b) More degraded than father.

(c) At best, no more degraded than the father. At worst, more degraded.

(d) Kshatriya male, Brahmana female.

(e) Vaisya male, Kshatriya female.

(f) Vaisya male, Brahmana female.

(g) Sudra male, Vaisya female.

(h) Sudra male, Kshatriya female.

(i) Sudra male, Brahmana female.

From Table XXIV, it was concluded that even if the three pratiloma females out of "twice-born" parents were considered to be less degraded than those from Sudra fathers, their offspring from a union with anantara males would have been regarded as no better than Sudras.³⁰ If these three females were held to be as degraded as those from Sudra fathers, then the offspring from a union with anantara males would have been no more degraded than their mothers. Therefore, the limits for the offspring of anantara/"twice-born" parent pratilomas would have been: at best, no better than Sudras in their duties, and at worst, no more degraded than the mother. The same limits would have applied to the anantara male/Sudra-father female group. In the case of the offspring of fathers whose duties were those of a Sudra, and the "twice-born" parented pratiloma females, their best position was when the mothers were regarded as belonging to castes having the duties of Sudras. Then, the offspring would have been regarded as having had the duties of Sudras.³¹ The least favorable position for the offspring of such a union would have been to have had the mother regarded as no better than the Sudra-fathered pratilomas. Then, the child would have been no more worthy of exclusion than the mother. Thus, the offspring of any of these unions would never have had duties greater than that of the Sudras, nor would they have been any more worthy of exclusion than the caste of the mother.

From Table XXV, it was concluded that, in the cases of the pratiloma males from "twice-born" parents, the offspring were in the most favorable position if the fathers were considered to be less degraded than the Sudra-fathered group, and the mothers were from the apasada (Ambashtha, Nishada-Parasava, Ugra) group.³² The children were then no more worthy of exclusion than their fathers. If the fathers were considered to be as degraded as the Sudra-fathered group of pratilomas, then the offspring would have been considered to have been more degraded than their fathers, the more so in the cases of the anantara mothers than the apasada mothers. Similarly, the offspring of Sudra-based pratiloma fathers and apasada females would have been no more degraded than their fathers, at best. At worst, they would have been more degraded. In the cases where the mother was anantara, and the pratiloma male

³⁰To show this in the most favorable light: if Ksh.*=Ksh., and Suta~Sudra, then Ksh.~Sudra=Ugra, which had Sudra duties.

³¹To show this in the most favorable light: if Amb.=Sudra, and Suta~Sudra, then Sudra~Sudra~Sudra.

³²Most favorable position: if Suta~Sudra, and Ugra=Sudra, then ~Sudra~Sudra=~Sudra.

was from a Sudra father, the offspring would have been considered to be more degraded than the father.

The purpose of the above fourteen tables has been to illustrate the mechanics of the Laws of Manu, concerning inter-caste unions, in selected situations. The number of cases could have been multiplied almost indefinitely. However, further elaboration would have been merely repetitious, and would have served small purpose beyond an exercise in legal gymnastics. What was needed at this point was a summing up: a brief statement consistent with the results treated at length above.

The marital regulations of Manu have been summarized as follows:

1. The offspring of hypergamous unions within the four main varnas:
 - a) Had duties no lower than that of Sudras.
 - b) Had duties of "twice-born" men if their mothers were only one degree lower than their fathers.
2. The offspring of hypogamous unions within the four main varnas:
 - a) Had duties no higher than that of a Sudra.
 - b) Were more degraded in direct proportion to the degrees of difference between the father and the mother.
3. The offspring of hypergamous unions between:
 - a) Males of the four main varnas and females resulting from hypergamous unions attained the status of the male if these unions were continued for seven generations.
 - b) Females of the four main varnas and males resulting from hypergamous unions fell to the status of the females if these unions were continued for seven generations.
4. The offspring of hypogamous unions between:
 - a) The main varnas and the children of hypergamous or hypogamous unions produced degraded offspring.
 - b) The children of hypergamous or hypogamous unions uniting among themselves produced degraded offspring.
5. The offspring of isogamous unions:
 - a) Had no lower status than their parents.
 - b) Possibly attained the status of the original father in the case of seven successive isogamous unions between the products of main varna unions.

APPENDIX III

THE POSITION OF THE ANANTARAS

Manu,

- X:6 Sons, begotten by twice-born men on wives of the next lower castes, they declare to be similar (to their fathers, but) blamed on account of the fault (inherent) in their mothers.¹
- X:6 Sons, begotten by twice-born men, on women of the class next immediately below them, wise legislators call similar, (not the same), in class (with their parents), because they are degraded, (to a middle rank between both), by the lowness of their mothers: (they are named in order, Murdhabhishicta, Mahishya, and Carana or Cayastha; and their several employments are teaching military exercises; musick, astronomy, and keeping herds; and attendance on princes).²
- X:6 The sons begotten by twice-born men on wives of the next lower castes, they declare to be equal, tainted as they are by the defect of their mothers.³
- X:7 Such is the eternal law concerning (children) born of wives one degree lower (than their husbands); know (that) the following rule (is applicable) to those born of women two or three degrees lower.⁴
- X:7 Such is the primeval rule for the sons of women one degree lower (than their husbands): for the sons of women two or three degrees lower, let this rule of law be known.⁵

¹Georg Bühler (tr.), op. cit., p. 403.

²Sir William Jones (tr.), Institutes of Hindu Law; or The Ordinances of Menu, According to the Gloss of Culluca (ed. G. C. Haughton; London: Rivingtons and Cochran, 1825), pp. 340-341.

³G. M. Jha, Manu-Smṛti with the Manubhasya of Medhatithi (5 vols. in 9 books; Calcutta: University of Calcutta, 1920-1929), Vol. V, p. 261.

⁴Bühler, loc. cit.

⁵Jones, op. cit., p. 341.

Mamu,

X:7 Such is the eternal law relating to those born of wives of the next lower castes; know this (following) to be the right rule pertaining to those born of wives two or three degrees lower.⁶

While the interpretations above varied due to the use of different commentaries, there was considerable agreement on Sutra 7. The essence of Sutra 7 was that there was a distinction between those sons born from mothers one degree lower than their husband, and those sons born from mothers more than one degree lower than their husband. In other words, Brahmana-Kshatriya, Kshatriya-Vaisya, and Vaisya-Sudra children were in a separate category from the Brahmana-Vaisya, Brahmana-Sudra, and Kshatriya-Sudra children. It was the opinion of both Georg Bühler and G. M. Jha that the second half of Sutra 7 pertained to what followed in Sutra 8.

The opinion of Bühler and Jones, regarding Sutra 6, was that the sons were excluded from the caste of the father, but were superior to the caste of the mother. The wording of G. M. Jha ("equal"), at first glance, appeared to be contradictory, but in his commentary he stated that "this declaration of 'equality' implies that the sons are superior to the mother, but inferior to the father."⁷ Thus, all three were in agreement that the sons of Brahmana-Kshatriya, Kshatriya-Vaisya, and Vaisya-Sudra unions, having been from mothers one degree lower than their husband, were in an intermediate status: between the castes of the parents.

One more point must be made concerning Sutra 6. Jones interpreted the phrase "...on wives of the next lower castes..." as, "...on women of the class next immediately below them..." (underlining not in the original). Jha added, in his comments, "on wives of the next lower- i.e., the caste immediately lower." Bühler was not as explicit on this point, but his interpretation of Sutra 7 was in agreement with the others

⁶Jha, op. cit., pp. 261-262.

⁷Jha, op. cit., p. 261.

as to the distinction made in Sutra 7 between the one, and the more than one, degree of difference mothers.

The objective of the above investigation has been to show that a distinction was made between one degree anuloma and more than one degree anuloma unions. This distinction had considerable bearing on the case of the anantaras.

Mamu,

- X:14 Those sons of the twice-born, begotten on wives of the next lower castes, who have been enumerated in due order, they call by the name Anantaras (belonging to the next lower caste), on account of the blemish (inherent) in their mothers.⁸
- X:14 Those sons of the twice-born, who are begotten on women without an interval (antara) between the classes mentioned in order, the wise call (Anantaras), giving them a (distinct) name from the lower degree of their mothers.⁹
- X:14 The sons of twice-born men from women of the next lower caste, who have been enumerated in due order, are called by the name of the lower caste, on account of the taint attaching to their mother.¹⁰
- X:41 Six sons, begotten (by Aryans) on women of equal and the next lower castes (Anantara), have the duties of the twice-born men; but all those born in consequence of a violation (of the law) are, as regards to their duties, equal to Sudras.¹¹
- X:41 Six sons, (three) begotten on women of the same class, and (three) on women of lower classes, must perform the duties of twice-born men; but those, who are (born in an inverse order), (and) called low-born, are equal, in respect of duty, to mere Sudras.¹²

⁸Bühler, op. cit., pp. 404-405.

⁹Jones, op. cit., p. 342.

¹⁰Jha, op. cit., Vol. V, p. 265.

¹¹Bühler, op. cit., p. 412.

¹²Jones, op. cit., p. 346.

Mamu,

X:41 Six sons born of women of the same caste and of those of the next lower castes partake of the character of "twice-born" persons. But all those born of violation have been declared to be of the nature of Sudras.¹³

The wording of the first part of Sutra 14 was quite similar to Sutra 6; it was evident that the two Sutras referred to the same group of sons. In Sutra 6, these sons were declared to have had an intermediate status between the castes of the father and mother. Sir William Jones' interpretation of Sutra 14 was in agreement with the consensus interpretation of Sutra 6. However, the interpretations of Bühler and Jha differed somewhat, having placed the sons in the caste of the mother, where they received the sacraments according to the law prescribed for the caste of the mother.¹⁴ A possible reconciliation to these differing interpretations was found in Sutra 41.

Sutra 41 referred to Sutra 14 directly, and to Sutra 6 as well. As was concluded from the examination of Sutras 6 and 7, the references to the "next lower" castes meant "immediately lower". Thus, the first part of Sutra 41 referred to the six sons produced from equal, and one degree lower, mothers.

TABLE XXVI

Comparison of Bühler, Jha and Jones Translations
Concerning the Anantaras

<u>Male</u>	<u>Female</u>	<u>Jones (a)</u>	<u>Bühler and Jha (b)</u>
Brahmana	Brahmana	Brahmana	Brahmana
Brahmana	Kshatriya	Intermediate	Kshatriya
Kshatriya	Kshatriya	Kshatriya	Kshatriya
Kshatriya	Vaisya	Intermediate	Vaisya
Vaisya	Vaisya	Vaisya	Vaisya
Vaisya	Sudra	Intermediate	Sudra

(a) Caste of offspring according to the interpretation of Sir William Jones.

(b) Caste of offspring according to the interpretation of Georg Bühler and G. M. Jha.

¹³Jha, op. cit., Vol. V, p. 281.

¹⁴Bühler, op. cit., pp. 404-405; and Jha, op. cit., Vol. V, pp. 265-266.

All three interpretations of the first part of Sutra 41 were in agreement as to the duties of these six sons: the duties of "twice-born" men. Now, herein was a problem. If the interpretation of Sir William Jones concerning Sutra 14 was correct, the three anantaras would have had an intermediate status, and, thus, the product of a Vaisya male and a Sudra female could have had the duties of the "twice-born", without having gone contrary to what had been stated in Sutras 6, 7, and 41. But, if the Bühler and Jha interpretations were correct, there would have been the peculiar situation whereby a Sudra would have had the duties of the "twice-born". There Bühler let the matter stand, commenting in a footnote that "Medhatithi adds, 'The mention of the Anantaras is intended to include all Anulomas'".¹⁵ However, this would have included nine sons, so that all of the anulomas could not have been included within the sense of Sutra 41. Jha commented that:

The term "next lower caste" in the present text has been added only for the purpose of indicating that what is said here applies to the sons of the "natural order" only. So that the son born to the Brahmana from a Vaisya woman, who is one step removed from the "next lower caste", also becomes included.¹⁶

This treatment avoided the problem of a Sudra having the duties of the "twice-born", but went contrary to the explicit statements regarding "next lower caste" in Sutras 6, 7, and 14. Under Jha's interpretation, the "six sons" would have been as follows:

<u>Male</u>	<u>Female</u>	<u>Offspring</u>
Brahmana	Brahmana	Brahmana
Brahmana	Kshatriya	Kshatriya
Brahmana	Vaisya	Vaisya
Kshatriya	Kshatriya	Kshatriya
Kshatriya	Vaisya	Vaisya
Vaisya	Vaisya	Vaisya

Thus, Jha replaced the son of a Vaisya male and a Sudra female, which was the product of a one degree separation, with

¹⁵Bühler, op. cit., p. 412.

¹⁶Jha, op. cit., Vol. V, p. 282.

the son of a Brahmana male and a Vaisya female, the product of a two degree separation. In effect, then, Jha must have either: (1) repudiated the concensus interpretation of Sutra 6 (that "next lower" meant "immediately next lower"), an interpretation to which he was in agreement, or (2) repudiated his exception, the Ambashtha, or (3) agreed to Sir William Jones' interpretation that the three anantaras had an intermediate status. The choice of the third alternative would have resulted in the following situation:

<u>Male</u>	<u>Female</u>	<u>Offspring</u>
Brahmana	Kshatriya	Intermediate: having had duties of the "twice-born"; similar to their fathers, but blamed on account of the fault inherent in their mothers; excluded from their father's caste.
Kshatriya	Vaisya	
Vaisya	Sudra	

For the same reason, Bühler's interpretation of Sutra 14 ("belonging to the next lower caste") would have had to be qualified in the above manner.

The "intermediate" interpretation placed Sutras 6, 7, 14, and 41 in congruence with one another. The "belonging to the next lower caste" interpretation placed Sutra 14 in contradiction to Sutras 6, 7, and 41; its chief advantage was in keeping the sons with duties of the "twice-born" within the limits of having been products of the "twice-born" castes only. That the "intermediate" interpretation was the more desirable one was indicated further in Sutra 13; the Ambashtha, which was the product of a Brahmana male and a Vaisya female, was given the same position as the Sudra-mothered Ugra and the pratiloma Kshattri and Vaidehaka.