

UNION ACADÉMIQUE
INTERNATIONALE

UNIONE ACCADEMICA
NAZIONALE

CORPUS IURIS SANSCRITICUM
ET FONTES IURIS ASIAE MERIDIANAE ET CENTRALIS

A Series on Social and Religious Law
edited by Oscar Botto

Volume IX



The Series is sponsored by

FONDAZIONE CRT

UNION ACADÉMIQUE
INTERNATIONALE

UNIONE ACCADEMICA
NAZIONALE

CORPUS IURIS SANSCRITICUM
ET FONTES IURIS ASIAE MERIDIANAE ET CENTRALIS

A Series on Social and Religious Law
edited by Oscar Botto

Scientific Committee

<i>President</i>	Oscar Botto (Torino)
<i>Vice President</i>	Siegfried Lienhard (Stockholm)
<i>Members</i>	Nalini Balbir (Paris)
	Franz-Karl Ehrhard (München)
	Oskar von Hinüber (Freiburg)
	Patrick Olivelle (Austin, Texas)
	Irma Piovano (Torino)

Editorial Board: Corpus Iuris Sanscriticum et fontes iuris Asiae Meridianae et Centralis,
c/o Cesmeo, Via Cavour 17, 10123 Torino (Italy); President: Irma Piovano.

RITUALISATION AND SEGREGATION

THE UNTOUCHABILITY COMPLEX
IN INDIAN DHARMA LITERATURE
WITH SPECIAL REFERENCE
TO *PARĀŚARASMṚTI* AND *PARĀŚARAMĀDHAVĪYA*

by Mikael Aktor

Torino
2008

© 2008

Copyright: Comitato “Corpus Iuris Sanscriticum et fontes iuris Asiae Meridianae et Centralis”, Torino (Italy).

ISBN: 978-88-903000-3-5

Finito di stampare nel mese di dicembre 2008 dalla Tipografia Arti Grafiche SWM s.r.l., Volvera (To), per conto del Comitato “Corpus Iuris Sanscriticum et fontes iuris Asiae Meridianae et Centralis”, c/o Cesmeo, Via Cavour 17, 10123 Torino (Italy).

Professor Oscar Botto, eminent Indologist and beloved Mentor, passed away on August 24th, 2008, owing to the worsening of his long-lasting and painful disease.

The Sanskrit and Indological studies lose an outstanding, eminent and internationally renowned scholar. Member of the most prestigious Italian and foreign Academies and Institutions, such as the Academia Europaea, London, the Royal Asiatic Society, London, the Royal Academy of Letters, History and Antiquities, Stockholm, the Académie des Inscriptions et Belles Lettres, Paris, the Accademia delle Scienze di Torino, the Accademia Nazionale dei Lincei, Roma, and many others, he was appointed Vice-president of the International Association of Sanskrit Studies in 1975, and was the Founder and President of the Italian Association of Sanskrit Studies since 1976.

His primary fields of study were the juridical and political tradition of ancient India, Sanskrit epic and dramatic literature and Buddhism. He wrote many articles and fundamental books, among which *Il poeta Kṣemendra e il suo Daśavatāracarita* (Torino, 1951), *Il Nītivakyāmrta di Somadeva Sūri* (Torino, 1962), and *Letteratura classica dell'India antica* (Roma, 1964).

He directed the monumental work in four volumes *Storia delle Letterature d'Oriente* (Milano, 1969), in whose third volume (pp. 1-374) he wrote the "Letterature antiche dell'India", still now an essential reference point for Italian and foreign scholars.

His work *Buddha e il Buddhismo*, originally published in 1974, ran to many editions and still represents a milestone in the field of Buddhist studies.

He was awarded the Degree of Vidyāvācaspati *Honoris causa* (Dr. h.c.) by the Shri Lāl Bahādur Shāstrī Rāshtriya Samskrit Vidyāpeeth, New Delhi (1994), the Degree of Dr. Litt. *Honoris Causa* by the Banaras Hindu University (1996), and the Degree "Docteur *Honoris Causa*" of the Russian Academy of Sciences, Moscow, 2000. He was also awarded many other prizes, among which the National Prize of the President of the Italian Republic, 1986, and the "Premio Internazionale Empedocle per le Scienze Umane: Andrej Sacharov", Agrigento, 1993.

Oscar Botto has significantly fostered the progress of Indian Studies. Born in Turin in 1922, he always was fondly faithful to his hometown, where he taught Sanskrit first as an Assistant Professor (1948-1957) and a University Lecturer (since 1954), then as a Teacher on annual basis (1957-

1962), and eventually as a Full Professor, 1963 to 1997, when he was appointed Emeritus Professor. In 1963 he founded the Institute of Indology, later to become Department of Oriental Studies, which he directed till 1996, conferring honour and repute to the School of Turin. His scholarship and breadth of mind, combined with a vision which reached far beyond the confines of his own discipline, led him to found Cesmeo (1982), the International Institute for Advanced Asian Studies. Through Cesmeo he promoted and organised lectures, panels, meetings, exhibitions and conferences, among which the International Rāmāyaṇa Conference (Turin, 1992), and the memorable World Sanskrit Conference of 2000, held in Turin. Thanks to Cesmeo he also tirelessly fostered an outstanding editorial activity: he founded and directed *Indologica Taurinensia*, the Journal of the International Association of Sanskrit Studies, the Series of the *Corpus Iuris Sanscriticum et Fontes Iuris Asiae Meridianaee et Centralis*, under the High Patronage of the International Academic Union and the National Academic Union of Italy, the First Sanskrit-Italian Dictionary (that will be published in 2009 under the scientific direction of Saverio Sani) and a new Italian translation of the Vālmiki Rāmāyaṇa.

*

Il Prof. Oscar Botto, eminente indologo e nostro amato Maestro, si è spento la sera del 24 agosto 2008 a seguito dell'aggravarsi della sua lunga e dolorosa malattia.

Gli studi sanscriti e indologici perdono una figura di primissimo piano, uno straordinario e magistrale ricercatore, universalmente noto e apprezzato. Membro delle più prestigiose Accademie e Istituzioni italiane e straniere, tra cui l'Accademia Europaea, Londra, la Royal Asiatic Society di Londra, la Royal Academy of Letters, History and Antiquities di Stoccolma, l'Académie des Inscriptions et Belles Lettres di Parigi, l'Accademia delle Scienze di Torino, l'Accademia Nazionale dei Lincei di Roma, fu nominato Vicepresidente della International Association of Sanskrit Studies nel 1975; nel 1976 ha fondato l'Associazione Italiana di Studi Sanscriti di cui è stato presidente fino al 2004.

I suoi principali ambiti di interesse erano la tradizione giuridica e politica dell'India antica, la letteratura epica e drammatica sanscrita e il Buddhismo. Ha scritto numerosi articoli e testi fondamentali, tra cui *Il poeta Kṣemendra e il suo Daśāvatāracarita* (Torino, 1951), *Il Nīvākyāmrta di Somadeva Sūri* (Torino, 1962), e *Letteratura classica*

dell'India antica (Roma, 1964). Ha diretto la monumentale *Storia delle Letterature d'Oriente* (Milano, 1969), in quattro volumi, curando personalmente la stesura delle "Letterature antiche dell'India" (pp. 1-374 del terzo volume), opera che costituisce ancor oggi un irrinunciabile punto di riferimento per gli studiosi italiani e stranieri. Il suo *Buddha e il Buddhismo*, uscito nel 1974, è stato più volte ripubblicato e rappresenta tuttora una pietra miliare nel campo degli studi buddhistici.

Ha ricevuto il titolo di Vidyāvācaspati *Honoris causa* (Dr. h.c.) dalla Shri Lāl Bahādur Shāstrī Rāshtriya Samskrit Vidyāpeeth, New Delhi (1994), la Laurea *Honoris Causa* dalla Banaras Hindu University (1996) e il titolo di "Docteur Honoris Causa" dall'Accademia delle Scienze russa, Mosca (2000). Ha ricevuto inoltre numerosi premi, tra i quali il Premio Nazionale del Presidente della Repubblica Italiana, 1986, e il "Premio Internazionale Empedocle per le Scienze Umane: Andrej Sacharov", Agrigento, 1993.

Oscar Botto ha significativamente inciso sul progresso degli studi indologici. Nato a Torino nel 1922, ha sempre amato la sua città, in seno alla quale ha svolto la sua intera carriera. Assistente alla cattedra di Sanscrito dell'Università di Torino dal 1948 al 1957, Libero Docente di Sanscrito presso la medesima Università dal 1954, Professore incaricato di Sanscrito dal 1957 al 1962, Professore di Indologia dal 1963, Professore Emerito dal 1997, Fondatore e Direttore dell'Istituto di Indologia, poi Dipartimento di Orientalistica, dal 1963 al 1996, Oscar Botto ha dato lustro e fama mondiale alla Scuola di Torino. La sua erudizione e apertura mentale, unite a una visione che andava ben oltre i meri confini del suo campo di studi, lo condussero a fondare nel 1982 il Cesmeo, Istituto Internazionale di Studi Asiatici Avanzati. Attraverso il Cesmeo egli promosse l'organizzazione di incontri, conferenze, mostre, congressi, tra cui l'International Rāmāyaṇa Conference (Torino, 1992) e la memorabile undicesima edizione della World Sanskrit Conference (Torino, 2000). Dal CESMEO condusse inoltre una instancabile attività editoriale: fondò e diresse il periodico *Indologica Taurinensia*, The Journal of the International Association of Sanskrit Studies, e la serie del *Corpus Iuris Sanscriticum et Fontes Iuris Asiae Meridianae et Centralis*, con il Patrocinio dell'Unione Accademica Internazionale e dell'Unione Accademica Nazionale, il Primo Dizionario Sanscrito-Italiano (che sarà pubblicato nel 2009 sotto la direzione scientifica di Saverio Sani) e una nuova traduzione italiana del *Rāmāyaṇa* di Vālmiki.

Irma Piovano

Le pubblicazioni della Collana del CIS sono state recentemente presentate alla *Fifth Dubrovnik Conference on the Sanskrit epics and Purāṇas* (Dubrovnik, Croatia, 11-16 agosto 2008), un appuntamento accademico tra i più noti nel campo delle discipline indologiche. Come in precedenti occasioni la Collana è stata accolta con grande ammirazione dagli studiosi presenti; sono stati apprezzati in particolare l'alto livello scientifico e la grande diffusione internazionale che la Collana del CIS ha raggiunto nel volgere di pochi anni.

In occasione dell'ultima riunione plenaria dell'Union Académique Internationale (Bruxelles 27 maggio-1° giugno 2008) è stato ribadito l'apprezzamento per il programma pluriennale e il rigore metodologico della Collana del CIS e il relatore ufficiale, Prof. Richard W. Lariviere, con viva soddisfazione ha comunicato che "the commission expressed its satisfaction".

*

Il volume *Ritualisation and Segregation* di Mikael Aktor, Professore di Storia delle Religioni all'Università della Danimarca meridionale, esamina la normativa dell'intoccabilità (*asprśyatva*), alla luce delle fonti letterarie dei *dharmaśāstra*. Nella prima parte del volume, l'A. tratta dell'evoluzione di questo rilevante tema giuridico, già presente in nuce nei più antichi *dharmaśūtra*, ma che diventa col tempo un complesso e dettagliato sistema di precauzioni per impedire il contatto con determinate persone o gruppi di persone. Passa poi, nella seconda e terza parte del volume, a un'approfondita e accurata disamina di quanto viene stabilito in testi sanscriti del XIV secolo particolarmente significativi per la conoscenza di tali tematiche. Il volume si conclude con una panoramica dell'intero complesso normativo relativo allo stato di "intoccabile".

Irma Piovano

Presidente del Comitato

"Corpus Iuris Sanscriticum

et fontes iuris Asiae meridiana et centralis"

CONTENTS

Preface	3
1. Introduction	5
The texts	6
Caste and untouchability	18
2. Purity, auspiciousness and ritualisation	21
Conflicting models of South Asian society: hierarchy versus centrality	25
Impure or inauspicious?	33
Ritualisation	38
3. The legacy of untouchability	43
<i>Dharmaśāstra</i> and social practice	43
Religious texts and historical facts	50
Pre- <i>dharmaśāstra</i> normative literature	53
Origins of untouchability	62
Untouchability and social interaction	64
Untouchable categories in the <i>dharmasūtras</i>	71
The criteria of untouchability	80
4. Stereotypes and proliferations	87
Topographic representations	87
Sons, castes or tribes? The riddle of <i>varṇasaṃkara</i>	92
Occupations	105
Proliferation of Untouchables and of precautionary rules	107
Caṇḍālas in <i>Parāśarasamṛti</i> and <i>Parāśaramādhaviya</i>	112
Terminology of precautionary rules	114

5. The untouchability complex in Parāśarasmṛti and Parāśaramādhaviya: precautions relating to personal contact	119
<i>Agamyatva</i> : precautions relating to sex	119
<i>Asprśyatva</i> ⁽¹⁾ : precautions relating to direct touch	130
<i>Asprśyatva</i> ⁽²⁾ : precautions relating to indirect touch through objects	140
<i>Asprśyatva</i> ⁽³⁾ : precautions relating to closeness without physical contact	143
<i>Abhojyānnatva</i> : precautions relating to the acceptance of food	145
Precautions relating to drinking water	150
<i>Apapātratva</i> : precautions relating to the use of food vessels	152
Precautions relating to company	153
<i>Asaṃbhāṣyatva</i> : precautions relating to conversation	157
<i>Adṛśyatva</i> : precautions relating to visual contact	159
<i>Aśrāvyatva</i> : precautions relating to hearing	160
6. The untouchability complex in Parāśarasmṛti and Parāśaramādhaviya: precautions relating to personal and commons domains	163
Purification of a house	165
Purification of women	171
<i>Bāhyatva</i> : spatial segregation	180
<i>Apratigrhyatva</i> : precautions relating to the reception of gifts or donations	180
Precautions relating to religious activities	185
Wearing marks of identity as Untouchables	188
7. Untouchability, impurity and penance	189
Untouchability as a total complex	189
How penances remove evils	200
Impurity, inauspiciousness and untouchability	213
Glossary	219
Abbreviations	225
References	227
Index	243

*To the memory of
Julia Leslie*

RITUALISATION AND SEGREGATION

PREFACE

The present study is based on my Master thesis of 1993 and PhD dissertation of 1997, the former on ancient and early medieval literary sources on the status of the Caṇḍāla in relation to the *varṇa* system, the latter on rules of untouchability as presented in the mid-fourteenth century work on *dharmaśāstra*, the *Parāśaramādhaviya* of *Mādhavācārya*.

Both the Master thesis and the PhD dissertation were submitted to the University of Copenhagen, but my studies were carried out in part at the School of Oriental and African Studies, University of London, financed by the Danish Research Academy.

Many people have contributed to this project through the years. It is with much gratitude that I mention those who have made the greatest impact: from University of Copenhagen, my former teacher and supervisor Dr Erik Reenberg Sand; from SOAS, Dr Werner Menski, Dr Daud Ali, Professor J.C. Wright, and the late Dr Julia Leslie, to whose memory this book is dedicated; from the University of Texas at Austin, Professor Patrick Olivelle and from University of Wisconsin-Madison, Dr Donald R. Davis, Jr. These two American connections brought about an introduction to Dr Irma Piovano, president of the Editorial Board of “*Corpus Iuris Sanscriticum et Fontes Iuris Asiae Meridianae et Centralis*”. From the University of Southern Denmark, where I am currently employed, I also want to thank my colleagues at the Institute of Philosophy, Education and the Study of Religions and its board of studies who have supported me during the years.

Lastly I want to express my special gratitude to my good friends and brothers-in-arms in the small and fragile Danish Indological fraternity, Dr Ole Holten Pind and Mr Bjarne Wernicke Olesen, including with them Dr Henrik Hjort Sørensen from Sinology, and Dr Jens-André Herbener from Semitic philology.

1. INTRODUCTION

This study explores the pre-colonial ritual ideology of one of the most remarkable practices of Indian civilisation, that of untouchability. It is possible to follow this ideology back through history in a large variety of literary sources to at least the 3rd century BCE, and – depending on how one defines “untouchability” – even beyond. From more recent anthropological studies we know untouchability as a practice that imposed a wide range of permanent and temporary disabilities and substantial and unreasonable hardships on large sections of the population. In general, much of this can be recognised in the pre-colonial sources. Legally however, the untouchability of caste was “abolished” when the constitution of independent India took effect in 1950¹, and measures that were intended to secure the former untouchable castes compensation in terms of political representation, job recruitment and education were guaranteed and expected to fulfil their purpose within a period of ten years. Later constitutional amendments which have prolonged that-ten year period even to the present day have shown that legal abolition of a discriminative practice is not the same as the eradication of that practice.

Generally speaking, almost all literature on the subject deals with the post-independence phenomenon related to today’s Scheduled Castes or Dalits². In contrast, the present study has as its object the scriptural testimony of the practice in ancient and medieval Indian juridical texts, that is in the *dharmaśāstra* tradition, and this focus is not with an exclusive eye on caste but with an attention to the total complex, which includes many different categories of people in different spheres of life. This total view on untouchability is motivated by the texts themselves: untouchability is primarily articulated as a ritual taboo concerned with a man’s ritual purity, and in that sense it makes no difference in principle whether the person avoided is a permanent untouchable leather worker or a wife going through menstruation.

1 “‘Untouchability’ is abolished and its practice in any form is forbidden. The enforcement of any disability rising out of ‘Untouchability’ shall be an offence punishable in accordance with law.” (*Constitution of India*, article 17).

2 The literature is huge. For an introduction, see Zélliot 1992; Deliège 1999; Aktor & Deliège 2008.

Scholars have been divided in their understanding of this phenomenon. One tendency is to stress the social reality of untouchability and to see it purely as a cynical exploitation only falsely legitimised by these abstract notions of ritual purity. Another is to ignore the social factors and understand untouchability in purely ideological terms as a necessary consequence deriving solely from a religious cosmology. I shall try to avoid such polarisations and will show instead how the practice of untouchability, as recorded in ancient and medieval *dharmaśāstra*, formed a unity of pragmatic and soteriological concerns, and how an ontology of the pure and the impure, and of the auspicious and the inauspicious, was an integrated element of the actions by which Brahmin householders constituted themselves as competent agents and their various domains of activity as prosperous.

The texts

*Dharmaśāstra*³, the scholarly literature (*śāstra*) on Duty or Law (*dharma*)⁴ that emerged during the fourth or third century BCE⁵ and flourished until the start of the Colonial period is not a juridical system in a modern sense. Like other ancient juridical genres it is more a compilation of rules, which integrate the social and ritual spheres of life into one. In the *dharmaśāstra* we find rules that regulate the social relations between different castes, between man and woman, and between employers and employees, but also rules that give instruction in the performance both of religious rituals and of daily activities such as hygiene, meals, sex etc.

The text I have selected as the primary text for this study, the *Parāśaramādhaviya* (PM), is a large medieval commentary on an older text, the *Parāśarasmr̥ti* (PS). There are several reasons for this choice. Many of the *dharmaśmṛtis*, that is metric *dharmaśāstra* works composed after the beginning of the Common Era, particularly the younger ones, are fairly detailed about purity practices and rules of untouchability. Even rules referring directly to untouchable castes and

3 Kane 1968-1977; Lingat 1993; Derrett 1973; Rocher 2003; Olivelle 2005c.

4 For the semantic meaning of *dharma*, see especially Olivelle 2004.

5 Olivelle 2000: 9-10; 2004: 506; 2005c: 165.

to the many precautionary measures against contact with these that are included in the practice of untouchability, are relatively quite frequent in these *smṛtis*. But most of these texts have only been transmitted as fragments or quotations in other *smṛtis* and medieval commentaries. Although many such fragments have been collected and edited, the rules I am focusing on are often spread more or less unsystematically throughout the texts. In contrast, PS is among the few extant and probably completely transmitted texts, in which rules of untouchability are systematised. Thus, large sections of chapter six and ten deal explicitly with precautionary rules with respect to those people, the *Caṇḍālas*, who in *dharmaśāstra* texts are regarded as permanently untouchable and thus rightly can be seen as a prototype of an untouchable caste⁶. The text also deals with temporarily untouchable individuals, particularly with the menstruating woman who is treated in detail in chapter seven of the text. In addition, the fact that we have a very comprehensive commentary on this text, a commentary that like other medieval works of its genre supplements the *smṛti* text (also known as the *mūla* or root text) with a wealth of quotes from other *smṛtis*, makes this work a reasonable choice. Kane, referring to Julius Eggeling's catalogue of Sanskrit manuscripts in the India Office Library, mentions in passing that also the 17th century commentator on *Viṣṇusmṛti*, Nanda-paṇḍita, wrote a commentary on PS entitled *Vidvanmanoharā*. It appears that this work is mainly an abridged version of the PM and that the manuscript "is very incorrect"⁷.

Whatever their original authorship, the *dharmaśmṛtis*, including PS, are left to us as eponymous texts attributed to certain Vedic sages, such as Manu⁸, Yājñavalkya, Nārada, and here, Parāśara. We know neither the date nor the place of origin of PS with any certainty. Both 100-400 and 600-900 CE have been suggested as probable dates, the former by indological scholars (P.V. Kane and, following him, R. Lingat and

6 Dumont 1980: 52.

7 Kane 1968-1977, vol.1: 915; Eggeling 1891: 377, No. 1301.

8 Based on a study of the structure of the text, Olivelle (2005a: 5-11, 19) maintains that MDhŚ is originally composed by an individual author. Also with regard to "ancient texts in general" (*op.cit.*: 5), Olivelle stresses the need to consider individual rather than anonymous authorship. This is in opposition to other scholars (e.g. Larivière 1989, vol.2: x-xiii) who regard the *dharmaśāstras* as compilations of verses from an anonymous stock of gnomic verses.

J.D.M. Derrett)⁹, the latter by historians (V. Jha and B.N.S Yadava)¹⁰.

Kane's argument rests on the fact that the earliest quotations of verses from PS occur in *Garuḍapurāṇa* (chapter 107) and Viśvarūpa's *Bālakrīḍa* commentary on *Yājñavalkyadharmasāstra*. Unfortunately, the date of the former work is far from settled. Ludo Rocher¹¹ refrains from dating the work himself but refers to the opposing views of Chaudhuri & Banerjee and Hazra, on the one side, who suggest the tenth century as most probable, and Shastri and Tiwari, on the other, who maintain a date between the first and the sixth century. From the quotes by and of Viśvarūpa it follows that he lived at some time between 750 and 1000 CE. And, if he is identical with a pupil of Śaṅkarācārya named Sureśvara, as it is supposed, he must have flourished in the first part of the ninth century¹². On this basis Kane concludes that

[I]t is quite clear that in the first half of the 9th century the *Parāśarasmr̥ti* that we have now was considered to be authoritative and the work of an ancient sage. It seems to have known a work of Manu, as seen above. Therefore, it must be assigned to some period between the first and the 5th century of the Christian era¹³.

The historians, on the other side, have not been comfortable with such an early date, because they see the content of this text as indicative of a literary environment typical of the early medieval period. Jha treats the text as evidence of a stage of untouchability that had only developed in what he labels "the fourth phase", which is between 600 and 1200 CE¹⁴. Likewise, Yadava, dating the text between 600 and 900 CE, sees in it "a clear tendency of breaking with antiquity" expressed in, among other features, its doctrine of the relation between *dharmaśāstra* and the *yugas* (the four large world ages during which, according to Hindu cosmology, the conditions and behaviour of man

9 Kane 1968-1977, vol.1: 464; Lingat 1993: 103; Derrett 1973: 39.

10 Jha 1975: 30, n.2; Yadava 1979: 62.

11 Rocher 1986: 177.

12 Kane 1968-1977, vol.1: 562-564.

13 *Ibid.*: 464.

14 Jha 1975: 30-31.

have deteriorated), and its emphasis on being a work for the last and worst of these world ages, the present Kaliyuga¹⁵. The doctrine Yadvava refers to claims not only that there is a correlation between the *yugas* and *dharma* in the sense that particular practices (ascetic exercises, knowledge, sacrifice, and donations) are related to the *yugas* from Kṛta- to Kaliyuga respectively¹⁶ – this is a doctrine also known from *Mānavadharmaśāstra* (1.86) – but it mentions many more specific correlations¹⁷, among these the one existing between the *yugas* and individual *dharmaśāstra* texts. Thus, in the unspoiled Kṛta age it was the laws of Manu that were taught, in the Tretā those of Gautama, in the Dvāpara those of Śāṅkha-Likhita (only preserved in fragments)¹⁸, and in the present Kali age the laws of Parāśara¹⁹.

From the point of view of untouchability, where it seems to be the case that the degree of proliferation and detail of rules can be seen in general as a chronological index, there is, indeed, much in PS which makes it difficult to accept a date as early as the time when *Yājñavalkyadharmasāstra* and *Nāradaśmṛti* were composed, that is probably, and with large margins, before the fifth century CE, though this was what Kane suggested²⁰. We shall see in the following chapters that many of the rules in PS share a level of proliferation not far from the most detailed fragmented *śmṛtis* and versified *sūtras* (*Atri*, *Uśanas* and others). These texts, which are only known from fragmented quotes in medieval commentaries and compendia (*nibandhas*), are notoriously difficult to date with any accuracy. And the fluidity of the boundaries between one of these texts and another – the same verses are frequently attributed to different sages²¹ – indicates that they may never have had a real fixity of their own. For these fragmented texts at least it is difficult, I think, not to agree with Richard Lariviere's idea of a flexi-

15 Yadava 1979: 62.

16 PS 1.1.23.

17 PS 1.1.20-34.

18 Kane 1968-1977, vol.1: 136-142.

19 *kṛte tu mānavādharmās tretāyāṃ gautamāḥ śmṛtāḥ / dvāpare śāṅkhalikhitāḥ kalau pārāśarāḥ śmṛtāḥ* // PS 1.1.24.

20 Kane 1968-1977, vol.1: 443, 464. Olivelle (2005a: 66) dates YDhŚ and NS between 300 and 600 CE.

21 Lingat 1993: 131.

ble and time-adaptable stock of gnomic verses²². The flexibility and multiplicity of these “homeless” *dharma* verses enabled medieval *śiṣṭas* (law specialists) to authorise views which were expedient in their own time by quoting these seemingly timeless verses.

In this perspective Kane’s reasoning in what just has been quoted about PS having been regarded in the first half of the ninth century as “the work of an ancient sage” and therefore at least four hundred years older, fails to take the literary process into account such as it has later been described by Sheldon Pollock. As I have discussed in more detail elsewhere²³, Pollock’s idea is that practice was underpinned by knowledge made authoritative by its age in a manner that reflects the relation between the eternal Veda (as a blueprint for creation) and the material world (as its manifestation)²⁴. The *śāstras*, which were put in the mouths of omniscient sages from the mythical past, were regarded as lost Vedas only preserved in the memory of these ancient seers through whom they have been transmitted to the present. In other words, they were understood as Vedas whose original wording had been lost but whose content had been remembered (*smṛta*) by men, thus forming the literary corpus known as *smṛti*, that is “tradition”, in contrast to the audible (*śruta*), or recited Vedas, the *śruti*, which comprise the corpus of the four Vedas and which were regarded as of non-human origin²⁵. Historically *śāstras*, in the form of prose *sūtras* started to be composed at the end of the Vedic period. As recited texts the four Vedas became transmitted in fixed recensions, whereas these new *śāstras* (*sūtras* and later *smṛtis*) were composed successively beyond the Vedic period. Although they were composed for the present, they claimed authority through the literary fiction of the lost Vedas. This, according to Pollock, is the reason why *smṛtis* are attributed to ancient ṛṣis such as Parāśara, Bṛhaspati, Aṅgiras and so on²⁶.

This idea is nicely confirmed by the opening verses of PS (1.1.1-19), which cast the attribution of this text to a Vedic ṛṣi, Parāśara, as a

22 Lariviere 1989, vol.2: xi.

23 Aktor 1999: 260-267. See also Olivelle 2005a: 62-66.

24 Pollock 1985: 518.

25 Pollock 1990: 326-327.

26 Pollock 1985: 512-515.

search for original, complete knowledge. They tell how the sages approached Vyāsa for instruction about *dharma* (1-2). Although Vyāsa knows the laws of all the great ṛṣis (12c-15b), he regards his knowledge as incomplete, saying (4): “I do not know the complete truth. How can I speak about *dharma*? My father is the one to be asked”²⁷. And so he takes the ṛṣis to his father, Parāśara, who starts his talk by referring to the origin of all knowledge, the uncreated Veda, and its link to the laws (*dharma*) of men. At every turning of a Kalpa (cosmic cycle) Brahmā, Viṣṇu and Śiva, together with the experts who guide the world on the basis of Veda, tradition and the conduct of good men (three classical sources of *dharma*)²⁸, all perish but arise again. The Veda itself is uncreated, but with every new Kalpa Brahmā brings it back to memory and Manu likewise remembers the rules of *dharma*²⁹.

But that rules of behaviour are made authoritative by attributing them to ancient sages is not a guarantee that the rules are not, in fact, new rules – rules for the present. If we are willing to stretch Pollock’s argument that *smṛtis* were regarded as remembered ancient truths, we should be able to set up a formula for *smṛti* production which reads as follows: to compose = to remember. It then follows that there is no guarantee that some verses were not simply composed, or at least reformulated, when they were needed by medieval scholars. They would be regarded as the sayings of ancient sages even by those who ‘composed’ or reformulated them. If so, it would not be wrong to assign PS a date closer to Viśvarūpa, somewhere between the seventh and the ninth century as suggested by Jha and Yadava. As a matter of fact, it seems that Kane later changed his view of the date of PS. For in the chronological table in his last, fifth volume PS is placed among the late *smṛtis* ascribed to the period between 600 and 900 CE³⁰.

With regard to PS’s large medieval commentary, PM, however, we are on somewhat safer ground. Its author has been identified as

27 *na cāhaṃ sarvatattvajñāḥ kathaṃ dharmam vadāmy aham / asmat pitaiva praṣṭavya iti vyāsaḥ suto* ‘bravit // PS 1.1.4.

28 For a detailed discussion of the sources of *dharma*, see Olivelle 2005c: 156-165.

29 *kalpe kalpe kṣayotpattyā brahmaviṣṇumaheśvarāḥ / śrutismṛtisadācāranirṇetāraś ca sarvadā // na kaścid vedakarṭtā ca vedam smṛtvā caturmukhaḥ / tathaiva dharmān smarati manuḥ kalpāntare* ‘ntare // PS 1.1.20-21.

30 Kane 1968-1977, vol.5, part 2: xiii.

Mādhavācārya (henceforth Mādhava for short), presumably the brother of Sāyaṇa, the famous commentator of the Vedas³¹. They lived in the fourteenth century in southern India (present Karnataka), and have been connected to the early history of the Vijayanagara empire, founded most probably in 1346³². As Mādhavācārya he is also known as the author of the famous compendium of philosophical teachings, the *Sarvadarśanasamgraha*. Later in his life Mādhava became a monk in the Śrīṅgeri monastery, which had been established as a major centre of *advaita vedānta*. As a monk he was known under the name Vidyāranya. He is known as such and as the head of the monastery from an inscription from 1375³³. Several works on *vedānta* are attributed to Vidyāranya, for instance the *Jīvanmuktiviveka*, in which the author refers to PM as his earlier work³⁴. Another work attributed to him is the *Śaṅkaradigvijaya*, in which the tradition that Śaṅkara founded four monasteries in each corner of India is promoted³⁵. He died in 1386³⁶.

According to much historiography, Indian as well as Western, the activities of Mādhava and Sāyaṇa should be interpreted as a Hindu revival motivated by the expanse of Muslim rule in southern India³⁷. The sultanate of Delhi had dominated northern India for 150 years, and at the same time as Vijayanagara was founded other independent sultanates had emerged in central India. According to this line of historiographic thinking, Mādhava's and Sāyaṇa's role was to inspire the founders of the empire, the two warrior brothers or princes Harihara and Bukka, to establish an independent Hindu state as a bulwark against Muslim rule, a narrative that Burton Stein sees as purely mythical thinking³⁸. Although not as sceptical as Stein, Hermann Kulke

31 Kulke & Rothermund 1990: 190; Kulke 1993: 223.

32 Kulke & Rothermund 1990: 188.

33 Kulke 1993: 227.

34 Kane 1968-1977, vol.1: 787-788; Kulke 1993: 226.

35 Kulke 1993: 236.

36 *Ibid.*: 230.

37 According to Phillip Wagoner (2002: 302-303), this historical narrative rests first of all on the writings of N. Venkataramanayya between 1929 and 1946. It was carried on by K.A. Nilakanta Sastri in 1955 and more or less in historical works by Percival Spear, Romila Thapar, Stanley Wolpert, Joseph Schwartzberg and Vincent Smith.

38 Stein 1989: 19-20.

and Dietmar Rothermund write somewhat cautiously that the foundation of Vijayanagara was a “direct response to the challenge posed by the sultanate of Delhi”, indicating, perhaps, a political rather than a religious confrontation³⁹. They also mention that the expansion of the empire under the second king, King Bukka I (1357-1377), meant the defeat of both Hindu kings and Muslim sultans⁴⁰. Nevertheless, Mādhava himself was explicit in associating the Vedic revival with King Bukka. This is reflected in his dedications to the king at the end of each chapter of PM. It reads:

This was the first chapter [and so forth in the succeeding chapters] in the *Mādhaviya*, the commentary on *Parāśarasmṛti*, which is the work of Mādhava, the counsellor who carries the burden of the Universal Sovereign, the Chief King of the Great Kings, the Most Excellent Lord, the Promoter of the Vedic path, the Blessed hero, King Bukka⁴¹.

Here the king is praised as promoter of the “Vedic path”, that path which Mādhava, Sāyaṇa and others articulated by their works. In what sense Mādhava served the king as a counsellor, or minister, is not fully known, and how far he was actually involved in the political administration is disputed⁴². He has, as a matter of fact, been confused with another Mādhava, who for almost fifty years functioned as a minister in the administration of the Vijayanagara rulers and who is known from several inscriptions. That the two Mādhavas are not identical, however, appears from their different affiliations in terms of family and preceptors⁴³.

It is furthermore remarkable that Mādhava addresses the king by his full imperial title, “Chief King of the Great Kings, the Most Excellent Lord”. In epigraphic material that title is only used from

39 Kulke & Rothermund 1990: 188.

40 *Ibid.*: 190.

41 *iti śrīmahārājādhirājaprameśvaravaidikamārgapravartakaśrīvīrabukkabhūpālasāṃvrājayadhuraṃdharasya mādhavāmātyasya kṛtau parāśarasmṛtivyākhyāyām mādhavīyāyām prathamodhyāyaḥ* // PM vol.1, pt.1: 487. One manuscript omits the mahā in the king's imperial title.

42 Kulke 1993: 225-226.

43 *Ibid.*: 224-225.

1368 onwards⁴⁴. This might be significant for the dating of PM. However, Kane argues that since Mādhava composed his calendrical work, the *Kālanirṇaya*, in which he examined the intercalary months from 1334 to 1359, *after* he wrote PM – a fact which indicates that the *Kālanirṇaya* was composed shortly after 1359 – PM should be dated earlier than that⁴⁵. But as king Bukka only ascended the throne in 1357, we do not have many years to choose from. It follows from this that PM can be dated somewhere between 1357 and 1360, that is in the first years of the reign of Bukka I.

However this may be, the identification of Mādhavācārya as author of our text is in itself significant. It means that this work on *dharmaśāstra* was composed by one of the foremost intellectuals of his time. This is important to bear in mind when, in the following chapters, we shall struggle our way through endless citations of rules about touching untouchable Caṇḍālas, menstruating women, people who have not yet cleaned themselves after their meal or after defecation and so on. Such rules mattered. They were part of the “Vedic path”. Knowing and practising them was part of being among the “good” or the “decent” (*sat*) and the learned (*śiṣṭa*) men, whose comportment (*ācāra*) was seen even as a source of *dharma*.

William Jackson provides us with more information about our author and his career. Mādhava is supposed to have written a treatise on music, *Samgītasāra*. It has been lost but it is quoted by the Thanjavur scholar Govinda Dikṣita in his own musical treatise, *Samgītaśuddha* composed around 1600⁴⁶. That an eminent scholar and philosopher connected to the royal court also wrote a musical treatise should not surprise us. Music was an important part of courtly life, and Govinda Dikṣita even wrote his treatise for a king, Achyutappa Nayaka, who himself was a skilful musician⁴⁷. Similarly, Mādhava’s work on music, like his work on *dharmaśāstra*, should probably be seen as part of a strategy of providing learning and education to the royal court and in that way strengthening the ties between the king and the Brahmin elite.

44 *Ibid.*: 217-218.

45 Kane 1968-1977, vol.1: 790.

46 Jackson 2005: 22.

47 Wujastyk 2006: 14.

As already mentioned, after becoming the monk known as Vidyāraṇya, he wrote philosophical works, mostly on *advaita vedānta*, in which he occasionally referred to his earlier works written for the court. In his hagiographic work on Śaṅkara, the *Śaṅkaradigvijaya*, he alludes with contempt to his earlier habit of distributing undeserved flattery for the “kings’ goodness”⁴⁸. His dedication to king Bukka at the end of every chapter of PM, quoted above, might be an example of such politically expedient flattery. Nevertheless, his combined life experience as both a family man and a monk enabled him to switch easily between the two styles of expression. Thus, while in his *Jīvanmuktiviveka* he adopts the strongly negative discourse on the female body so typical of Indian renunciate literature, he has a perfect grip of the erotic literary style when he tells the story of Śaṅkara’s first and only sexual experiences in the body of king Amaruka in the *Śaṅkaradigvijaya*⁴⁹. Even when he writes in the strict and dry style of *sāstric* commentary, which he applies in the PM, we sense at certain rare places glimpses of personal life experience, such as when he explains how food can be contaminated by human faeces; this may happen when parents eat their meal together with their small children, which has become a habit, he says, among ordinary people⁵⁰.

But what was the motive for writing the PM? Was it really meant to provide ideological support for the military and cultural politics of Vijayanagara against the advance of Muslim rule in southern India, as it has been presented? Phillip Wagoner has asked some pertinent questions about this historiography, which he does not believe can bear a critical historical reading of the original sources, but appears rather as a communally inspired reconstruction⁵¹. Indeed, his presentation of the original sources does not confirm the narrative of Vijayanagara as a bulwark against Islam. It seems that Vijayanagara was founded not as an enemy of Islam but, quite on the contrary, as a successor state to the Delhi Sultanate, deriving its authority directly from that of the Sultanate⁵². But

48 Jackson 2005: 30.

49 *Ibid.*: 27, 33.

50 PM 2.11.1, vol.2, pt.1, p.365.

51 Wagoner 2002: 300-304.

52 *Ibid.*: 304-305.

in line with a Hindu tradition of coping with religious diversity and competing religious communities, a rhetoric of inclusivism⁵³ was developed, as is evident from Sanskrit narratives composed in the 16th to early 17th century Vijayanagara, in which the superior Muslim ruler is familiarised as being in reality identical with or related to Hindu gods, overcoming in this way the cognitive dissonance⁵⁴. Rather than adamant Hindu, Wagoner describes the cultural environment of Vijayanagara as ‘Islamicate’, that is influenced by Muslim style in architecture, dress, titles and so on⁵⁵.

To this Jackson argues that it is difficult to understand “the later ‘Hinduness’ of the kingdom if it was not a concern to begin with,” and he maintains that to absorb “prestigious and successful styles and methods seems quite natural to the Hindu outlook”⁵⁶. In other words he seems to think that an Islamicate courtly and political style was not contradictory to a deliberate interest in revitalising a Hindu identity by actively supporting scholars like Mādhava and Sāyaṇa.

I think we need to distinguish between the political interests of the founding kings and the sectarian interests of elite Brahmins. One of the problems with the narrative about Vijayanagara being founded on the inspiration of Mādhava-Vidyāraṇya and Sāyaṇa is that it identifies the political project of Harihara and Bukka with the ‘Vedic revival’ project of the two Brahmins. Instead we need to see these two projects as separate. According to Wagoner, the political project was purely political; it was not ideological. There is nothing in the sources presented by Wagoner, not even the late sources from the 16th and 17th century, that indicates that Harihara and Bukka had any strong feelings for or against Islam. But as elite Brahmins Mādhava and Sāyaṇa had a clear interest in creating strong ties with the founders of the empire. For religious communities such alliances were basic to their existence. Royal donations in the form of land and support to religious in-

53 “Inclusivism” in this context denotes the tendency to integrate alien notions as being in reality genuinely Hindu. A classic example is the inclusion of Buddha as a *Viṣṇu avatāra* sent to lead the wicked astray. The term was suggested by Paul Hacker, see Oberhammer 1983.

54 Wagoner 2002: 305-315.

55 *Ibid.*: 315-316.

56 Jackson 2005: 52.

stitutions or to groups of Brahmin scholars, who were given whole villages or areas of the city (*agrahāra*), are attested from early on in the epigraphical material of Vijayanagara⁵⁷. Much of Mādhava's literary production can be seen as part of this project. He provided the new kings with a treatise on *dharmasāstra* in order to plant Brahmin political, legal, social and religious thinking firmly in the consciousness of the royal court, just like the author of *Mānavadharmasāstra* seems to have been doing in his day⁵⁸. He clearly suggested how the doctrines of various religious communities should be ranked with his *Sarvadarśanasamgraha*, placing the Advaitins at the top of the list (although epigraphic material shows that the kings were much less selective in their support to various religious groups)⁵⁹. He also provided the court with other works of traditional learning in musicology and philosophy. Later he was active in securing Śrīṅgeri a strong position in relation to the political leaders⁶⁰ and, if it is not too much to surmise from the allusion to his contempt for his earlier political involvement aired in the *Śaṅkaradigvijaya*, he now felt he could concentrate on his real interests, *vedānta* philosophy. None of this indicates that the royal court was exclusively oriented towards restoring Hindu traditions and ideals. As a consequence, there seems to be no contradiction in acknowledging that Mādhava thought of his own activities as part of a Vedic revival or a promotion of Brahmin, especially Advaitin ideals while at the same time accepting Wagoner's strong evidence that such a revival was not an official policy of the empire as a response to Islamic rule. In any case Mādhava's project needs neither be seen as anti-Islamic, nor even as pro-Hindu, but in a much more limited and sectarian way simply as pro-Advaitin.

57 Verghese 1995: 3, 118. See also Ramanayya 1935: 352-354.

58 Olivelle 2005a: 37-41. In fact, it appears that Mādhava was successful in this respect. Venkata Ramanayya (1935: 270 n.) present sources that show that the legal system as defined in the juridical section, the *Vyavahāraśāstra*, of the PM was in existence during the 16th century.

59 Verghese 1995: *passim*.

60 *Ibid.*: 111; Ramanayya 1935: 324.

Caste and untouchability

In South Asian studies the notion of untouchability is linked in the first instance to recent historical developments and to the anthropological and sociological descriptions arising from them. Historical works that seek to trace such practices prior to the colonial period are rare. This situation creates the deception that pre-colonial material can be read and understood using the same standards, primary 'caste', as those developed in such descriptions. Recent critiques of this view, some of which will be discussed in the next chapter, have aimed to show, however, that the modern concept of caste is historically determined by colonial and post-colonial political thought.

Like 'caste', the notion of 'The Untouchable', too, has been subject to critical review. Simon Charsley⁶¹ has shown how this category was constructed by colonial demographers, not because it was warranted as a commonly applied criterion of caste demarcation in the population, but rather because it was required by colonial administrators as a classificatory device. For this purpose Herbert H. Risley introduced the Sanskrit term "Asprishya Shudras", that is 'untouchable Śūdras', during his preparation for the 1901 Census to designate one among five classes of Śūdras⁶². Charsley does not inform us from where the term derived, but most probably it was, directly or indirectly, taken precisely from *dharmasāstra*, where it had been applied for more than thousand years, as will be shown in chapter three. But once adopted by Risley, and employed in the recurring census-taking, it was cemented as a label in common use and with familiar content. This has had several effects. Charsley lists five particularly:

[I]t established an all-India standard; it subsumed individual castes; it dichotomized society; it gave priority to one particular form of disadvantage; and it characterized the disadvantaged negatively, as victims only⁶³.

61 Charsley 1996: 1-7.

62 *Ibid.*: 1.

63 *Ibid.*: 9.

The last effect seems especially unlucky:

The concept of “untouchability”, however, not only imposes a hiatus upon the various social, cultural and economic links and continua but its use also has the effect of hiding everything positive to be found below the division created. As label, “Untouchability” refers to nothing those labelled do or are, merely to what others, negatively, do to them: they are excluded. Whatever positive contributions members of such castes may have made or are making, it is not through these that they, unlike others, are to be characterized. They are not to be viewed as artisans, farmers or traders, nor in terms of their ritual contributions, but in terms of the undefined, unclear but certainly devaluing quality of untouchability⁶⁴.

What Charsley points to here may simply be one among several other effects of the all-Indianisation of *dharmaśāstra* that was the effect of its apotheosis as ‘Law’ under British rule⁶⁵. In its historical context the place of *dharmaśāstra* was much more humble. It was not that it was not applied in practice to settle disputes, but it never aspired to the lack of ambiguity and uniformity of a national positive law. In *dharmaśāstra* the term *aspr̥śya*, untouchable, is, indeed, an expression of “what others, negatively, do to them” in terms of exclusion and other precautionary measures taken against them. These “others” were the Brahmin authors of *dharmaśāstra*. ‘*Aspr̥śya*’ is an expression of their attitude to certain people, and as such it is, of course, not a valid description of the people to whom the label was attached. Therefore, what will be presented in the following chapters is not a social history of the Untouchables. In fact, I do not think that our sources allow us to write such a history although it has been attempted (and these attempts will be presented in chapter three). Instead it is a presentation and analysis of these attitudes and the ontology they rest on.

Chapter two of the study focuses on the theoretical concepts needed to analyse the material. These are the two polar axes of purity – impurity, and auspiciousness – inauspiciousness, as well as the notion of ritualisation.

⁶⁴ *Ibid.*: 13.

⁶⁵ See Derrett 1968: 225-273.

Chapter three and four are a prolonged prelude to the presentation of the rules of untouchability in PS and PM. These chapters outline the developments in the pre-*dharmasāstra* literature, in the *dharmasūtras* and in the early *dharmasāstras/-smṛtis*. Attention will be on untouchability as a total complex that involves precautionary measures taken with respect to contact with several different classes of people, not only the permanently untouchable Caṇḍāla caste, but also the 'Caṇḍālas' of the home and of other spheres like menstruating women, the woman who has just given birth, sinners who are excluded from the community, and others. At the centre of the complex the Caṇḍāla gradually emerged in the texts as a stereotyped character whose nature, 'genealogy', duties and characteristics in relation to the Twice-born (the three upper classes of classical Indian social ideology), became fixed. ‡

At this stage in the development, that is in the *dharmasmṛti* literature, untouchability had become a whole set of precautionary measures against several forms of contact, touch being only one of them. However, many of these precautions are practised with respect to all the untouchable categories, the Caṇḍāla, the menstruating woman etc., but not with respect to other groups. Untouchability as a whole set of precautionary rules and practices thus became an exclusive demarcation of certain specific situations, by which it became possible to distinguish the 'Untouchable' from the merely impure. These different practices are presented in detail in chapter five and six, illustrated by the rules in PS and by the *smṛti* verses that are quoted by Mādhava in PM.

Finally, chapter seven focuses on the complex of untouchability as a total system with specific definable characteristics. In order to understand its significance in an overall strategy of ritual purity, however, it is also necessary to present the theory of penance and purification as it is elaborated in PM. These elaborations will draw the attention to the economic and pragmatic aspects of the institution and to how pragmatism and soteriology are intertwined in the ideology of untouchability as we know it from this long and continuous history of Indian texts.

2. PURITY, AUSPICIOUSNESS AND RITUALISATION

A central concern of this study is the relation between untouchability and impurity. Untouchability has repeatedly been explained with reference to impurity. Thus, Eleanor Zelliot, for instance, writes:

Its origins are obscure, its development difficult to trace, but it is clear that the basis of Untouchability and the presence of Untouchable castes in India is the concept of purity and pollution⁶⁶.

‘Impurity’, however, is a broad term that covers much more than contact with people who are described or treated as untouchable. The question therefore is: what are the specific qualities that generate this more narrower category of untouchability?

At the outset some distinctions need to be made. When talking of ‘impurity’ in connection with people or groups in the South Asian context we are dealing with a scholarly abstraction made on the basis of complex sets of social practices, especially in the fields of transaction and exchange (women, food, drink, work etc.). The idea of ‘impurity’ as an essential inner quality of the people who are objects of these practices is not as linguistically explicit in the empirical material (classical texts or observed social practices) as scholars may present it. This is not to say that people are never characterised by essential negative qualities. They are, frequently. But this is more in terms of an inborn predisposition or nature (*prakṛti* or *svabhāva*), manifested as a tendency to behave in certain ways that stand in opposition to the ideal behaviour of Brahmins and other Twice-born classes. *Mānavadharmasāstra* 1.29-30 presents this connection between an innate character and the ways living beings behave as a basic cosmological principle. All living beings belong to a class and must behave according to how this class was first designed by the creator. This principle is applied in the 10th chapter of the same text as a method of discerning the true identity of people from the mixed classes in the event that they should try to conceal it⁶⁷. Among these

⁶⁶ Zelliot 1988: 169.

⁶⁷ MDhŚ 10.57-60.

“mixed classes” (*varṇasamkara*) the untouchable Caṇḍāla is, as we shall soon see, counted as the lowest and the one that represents the sharpest contrast to the ideal Brahmin. *Bhāgavatapurāṇa* is very explicit:

Neglect of purification, falsehood, thievishness, godlessness, useless quarrel, lust, anger and desire make up the inborn nature of the lowest castes⁶⁸.

Thus, the *svabhāva* of these low-caste people produces what may be described as impure thoughts, impure talk and impure actions, but impurity as an abstract notion is only rarely ascribed to the people themselves. However, the discourse of impurity in anthropological and social studies creates the illusion that it is, in fact, ascribed to people.

Within the field of *dharmaśāstra* studies this has been demonstrated by Patrick Olivelle who has analysed the purity-impurity vocabulary in this literary genre. His findings show that the terminology of the pure and the impure, as it is applied to people, typically relates to:

- a) a transition rather than a condition – that is, it is dynamic and relates first of all to the *processes* of becoming impure and regaining purity;
- b) areas of ritual purity as well as of moral and criminal law – the three being not [linguistically] compartmentalised⁶⁹;
- c) individuals rather than groups⁷⁰.

However, Olivelle observes two exceptions to rule a) and c). These two exceptions are the outcasts (*patita*), that is the grievous sinners, and the Caṇḍālas who are described in the texts as impure in a static sense. Both, according to Olivelle, are seen as belonging to a group,

68 *aśaucam anṛtaṃ steyaṃ nāstikyam śuṣkavigrahaḥ / kāmāḥ krodhaś ca tarṣaś ca svabhāvo 'nvevasāyinām* // BhP 11.17.20. Although Olivelle (2005d: 225 and 229) does not distinguish between *āśauca* and *aśauca*, taking them both as a technical term denoting the period of impurity after death or birth, I think that the privative *a-* in this case must be understood as the negation of *śauca* proper, the general meaning of which is ‘purification’ (Olivelle op.cit.: 226-227).

69 In terms of sanction there is a distinction in the literature between a sanction for a moral transgression, i.e. a penance (*prāyaścitta*), and a sanction for a crime, i.e. a punishment (*daṇḍa*), but the vocabulary of purity/impurity is applied in both cases.

70 Olivelle 2005d: 240.

that is a group of “fallen” people, whether fallen in a moral sense (outcasts) or in a social sense (Caṇḍālas)⁷¹.

But apart from being ‘impure’, both groups are well-known examples of untouchable categories. And not only these two but all the other untouchable categories known from classical *dharmaśāstra* texts are collectively labelled as ‘impure’ by Vijñāneśvara commenting on *Yājñavalkyadharmasāstra* 3.30, which instructs a man to take a bath if he has been touched by a menstruating woman (*udakyā*) or other “impure persons”. He explains:

An *udakyā* is the same as a *rajasvalā* [both synonyms for a menstruating woman]. The impure are: corpses, Caṇḍālas, outcasts, women who have just given birth and those who observe *āśauca*⁷². Being touched by any of these, he should take a bath⁷³.

Thus we see that untouchable people not only stand out as a category of their own by their label as ‘untouchable’ (*asprśya*), they are also the only people who trigger a breach of one or both of the rules that ‘impure’ does not express a condition and does not apply to groups. Whether as ‘untouchable’ or as ‘impure’ they therefore call for an explanation.

But let us start with the notion of the impure.

In the broader context of humanistic studies the subject of purity and impurity is associated with a particular period and a particular group of scholars. Edmund Leach’s article on taboo and the structure of animal terminology from 1964⁷⁴ and Mary Douglas’ book *Purity and Danger* from 1966⁷⁵ not only launched this kind of study but also effectively demonstrated the rich British structuralism which had crystallised out of the encounter between British social anthropology and French structuralism. Some years later, in 1973, Douglas had elaborat-

⁷¹ *Ibid.*

⁷² *Āśauca* is the mourning period after a death in the close family.

⁷³ *udakyāśucibhiḥ snāyāt saṃspr̥ṣtas* [...] / YDhŚ 3.30a-b.
udakyā rajasvalā / āśucayaḥ śavacaṇḍālapatitasūtikādyāḥ śāvāśaucinaś ca etaiḥ saṃspr̥ṣtaḥ snāyāt / VijYDhŚ 3.30, p.426.

⁷⁴ Leach 1964.

⁷⁵ Douglas 1984.

ed her ideas about purity into the consistent theory on ritual and society presented in *Natural Symbols*⁷⁶, and soon the theme of purity was examined in a variety of empirical fields⁷⁷.

Mary Douglas operates with two theoretical complexes. One complex relates to perception, classification and cognition. The assumption here is that experience is basically chaotic. As she writes in *Purity and Danger*, "I believe that ideas about separating, purifying, demarcating and punishing transgressions have as their main function to impose system on an inherently untidy experience"⁷⁸. Classification is an ordering of this chaotic experience, which is primarily accomplished by differentiating the undifferentiated, that is by demarcating boundaries between differentiated categories and by signalling these boundaries by prohibitions. The other theoretical complex is the Durkheimian axiom that sees society both as a parameter for the ways in which experience is classified and as the content of religious symbolic activity.

The great merit of Douglas's work was to insert the human body in between these two complexes and emphasise its significance as the main focus of such a socio-cognitive process. The body is at one and the same time the medium on which society inscribes itself and its most basic symbol. In terms of impurity:

We cannot possibly interpret rituals concerning excreta, breast milk, saliva and the rest unless we are prepared to see in the body a symbol of society, and to see the power and dangers credited to social structure reproduced in small on the human body⁷⁹.

From these two premises Douglas developed her well-known hypothesis about a correlation between social and bodily boundaries and

76 Douglas 1978.

77 Just to mention a few: for Judaism, where discussions were more intense because Douglas had based her hypothesis largely on Old Testament material, see Neusner 1973; for South African religion, see Ngubane 1977; for Greek religion, see Parker 1983; for Zoroastrianism, see Choksy 1989.

78 Douglas 1984: 4. The idea of the undifferentiated, chaotic experience of the newborn brain is also at the centre of Leach's study (1964). It has been challenged by recent cognitive studies in developmental psychology. For another and very relevant critique based on Gestalt theories, see Glucklich 1994: 68.

79 Douglas 1984: 115.

her typology of social, ritual and ideological forms⁸⁰.

Douglas' ideas also penetrate Patrick Olivelle's theoretical interpretation of the purification terminology in *dharmaśāstra*. The great merit of Olivelle's writings on these subjects is his vast and deep empirical knowledge of the primary sources which he has both edited and translated⁸¹. His contribution on the subject is, therefore, first and foremost a corrective to studies based only on translations, particularly Dumont's use of them. However, Olivelle does not specifically treat untouchability, which he seems to see as just a strong case of impurity. He mentions *Caṇḍālas* and *patitas* as boundary-markers demarcating respectively the spheres of Brahminical social order and moral values⁸². This they undoubtedly did. This is confirmed first of all by the many rules that segregate the dwellings of *Caṇḍālas* and *patitas*, placing them at the outskirts of cities and villages. As has already been pointed out by Vivekanand Jha, this topographical segregation may also be the source for the various generic terms that are used to classify groups of low castes. Terms such as *antya*, *antyaja*, *antyāvasāyin*, *antāvasāyin* and similar expressions all denote someone or something related to an end, whether in a spatial sense ("at the boundary") or as a matter of sequence ("the last", "the lowest")⁸³. The present analysis of the rules of untouchability in the following chapters does not reject a structural approach like Douglas', but by including considerations about prosperity and auspiciousness I hope to add nuances that will help us see the exclusive character of untouchability within the larger inclusive purification complex.

Conflicting models of South Asian society: hierarchy versus centrality

Purity and Danger came out in 1966. This was also the year when Louis Dumont published his monumental *Homo Hierarchicus*. Based on his own field work and a single idea in the work of Georges Dumézil

80 Douglas 1978.

81 Olivelle 2000, 2005a.

82 Olivelle 2005d: 240.

83 Jha 1975: 14-16.

about the inherent dichotomies in the *varṇa* system⁸⁴, he advanced a total theory of the Indian caste system centred about the idea of a fundamental polarity between purity and impurity. Douglas wrote a preface to the English edition⁸⁵ where she endorsed the central views in Dumont's work, which are that:

1. the basic feature of Indian society is a disjunction between status and power⁸⁶;
2. status is determined in relation to an overall totality characterised as a religious ideology;
3. the dichotomy of purity and impurity separates the social from the organic;
4. this dichotomy forms the paradigm for the differentiated hierarchy known as the caste system.

Behind all their cultural practices the same hierarchical structure, based on the pure-impure dichotomy, operates as an ordering schema, whether it be in the ranking of occupations and the exchange of services, in food transactions or in philosophical and cosmological classifications⁸⁷. Naturally, Douglas linked this presentation of India to her own hypothesis about the cognitive function of this dichotomy and its relation to society:

[The] idiom of purity is only too well known to us. It is liable to dominate our transactions with one another whenever other kinds of social distinction, based on authority and wealth, are not clear. Purity and impurity are principles of evaluation and separation⁸⁸.

⁸⁴ Dumont 1980: 67.

⁸⁵ Douglas 1975.

⁸⁶ Leach (1971: 235) was more guarded about this pivotal point and criticised Dumont's model for being formalistic and having little relevance for the contemporary Indian caste society. According to Quigley (1993: 48), Dumont has misrepresented the Weberian relationship between status and power: "There can, of course, be power without authority but it is always, as Weber and history have taught us, unstable. There cannot, on the other hand, be status (authority) without power. The very concept of authority is premised on the idea that there is some relation of unequal power which would be problematic if not legitimated."

⁸⁷ Douglas 1975: 185-187.

⁸⁸ Douglas 1975: 186.

However, Dumont's hierarchical model of Indian society was not the only alternative; it was simply the one closest to Douglas' own neo-Durkheimian structural sociology. In retrospect it is interesting to notice that an approach much more in line with a later post-structuralist emphasis on power and agency was already available in the sketchy work of A.M. Hocart⁸⁹, who saw the four *varṇas* of the classical system as different functions in a royal state ritual. Since Hocart has frequently been referred to in much of the critique directed at Dumont⁹⁰, we should be aware of the fundamentally different principles behind these two theories and of their implications for our understanding of impurity and untouchability.

For Dumont the entire social system is oriented top-down, from the Brahmin to the Untouchable. Basically society is structured from the whole to the parts, that is from structure to substance. Status, defined in relation to ideology (expressing 'the whole'), is therefore hierarchically superior to power ('the substance'). This means that the Brahminical values, for Dumont, represent the parameters in relation to which everything else is defined. Thus Dumont insists on structure, consensus and synchronism⁹¹. And he does so, we must add, with regard to a sociological subject that is not just a particular cultural element, a single group, a certain ritual or an isolated mythical theme, but one of the world's largest societies in its totality including its diverse historical and cultural manifestations. It is when we consider this simple relation between, on one hand, the idea of consensus inherent in his theoretical strategy and, on the other, the enormity of his subject, that Dumont's project becomes questionable, if not absurd. As Declan Quigley expresses the problem:

The trouble is that societies of any complexity are rarely, if ever, harmonious. Dumont's contention that one can meaningfully characterize Hindu society, or even 'the caste system', in terms of a consensus of values is extremely problematic⁹².

89 Hocart 1950.

90 See Quigley 1993: 114-115 and *passim*.

91 Dumont 1980: 36-42.

92 Quigley 1993: 44-45.

One particular point on which Dumont has been criticised is with regard to his ideas about the status of the ruler and political power. The ruler does not fit into the hierarchy from the point of view of purity and Brahminical values. His position is high, yet he kills living beings, he eats meat, and in his political and courtly life he enjoys all kinds of sensual pleasures. In fact, the vegetarian Vaiśya who tends his cows and eats his vegetables should be placed above him⁹³. Dumont's answer is disappointing. Brahmins are pragmatic, after all:

[Power] exists in the society, and the Brahman who thinks in terms of hierarchy knows this perfectly well; [...] In other words, once the king is made subordinate to the priest, as the very existence of hierarchy presupposes, it [hierarchy] must give him a place after the priest, and before the others, unless it is absolutely to deny his dignity and the usefulness of his function⁹⁴.

On this basis he develops the idea of the "encompassed power":

As the mantle of Our Lady of Mercy shelters sinners of every kind in its voluminous folds, so the hierarchy of purity cloaks, among other differences, its own contrary. Here we have an example of the complementarity between that which encompasses and that which is encompassed⁹⁵.

In other words, by the grace of the Brahmins the king, although a sinner, is admitted a position just below them.

One solution to the position of the king in relation to hierarchy has been to suggest two complementary axes of values. One is the pure-impure axis, the other is the auspicious-inauspicious axis. I shall return to this suggestion in a moment. In the present context my purpose was simply to mention the critique that an overall hierarchy based on purity is unable to account for the position of an important person, the king.

With regard to the Untouchable, Dumont makes several sharp observations. But we need to start with his idea of the pure and the im-

93 Dumont 1980: 77.

94 *Ibid.*

95 *Op. cit.*: 78; see also p.212 and 228 of the same work.

pure. According to Dumont, the origin of these notions lies in the opposition between the social and the biological. “[Impurity] marks the irruption of the biological into social life”, he says⁹⁶. Menstruation, childbirth, death, defecation etc., are all incidents of such ‘irruptions’. Further, what for Dumont brings about the link to social status is the specialisation of certain occupations that handle these biological phenomena. He refers to Kane, who indicates that untouchability should not only be understood in terms of caste but also in terms of the body, when for instance relatives may be untouchable for a period of time due to birth and death⁹⁷. He then argues that it is this temporary impurity in the family that gives rise to permanently impure specialists, such as the washerman, who takes care of the stained cloths of the menstruating woman, or the barber, who in the south is assigned the task of the funeral priest. Finally he refers to *Mānavadharmasāstra* 5.85, which enumerates the untouchable categories. These are the Caṇḍāla, the menstruating woman, the outcast sinner, the woman who has just given birth and the corpse. He then adds, “Here the three occasional impurities [menstruation, birth and death] are identified with that of the ‘outcast’ and the Caṇḍāla, who is none other than the old prototype of the Untouchable”.⁹⁸ To Dumont these different categories all share the same kind of impurity, which means that he ignores the fact that their untouchability has different sources, deriving from morality in the case of the outcast, in biological phenomena for the two women and the corpse, and in society and occupation for the Caṇḍāla.

What *do* they share, then, if not an essentially identical sort of impurity? I doubt whether there is a simple answer but feel we need to take a number of aspects and theoretical approaches into consideration. In the following chapters, however, I will stress one aspect in particular, namely prosperity. It seems that untouchability is triggered by factors that to some extent are loaded with qualities that threaten an ideal and ritually established field of prosperity. In fact, Dumont provides us with an excellent example. He discusses the relation between the Brahmin and the Untouchable, which he sees as two ‘poles’ that are

96 Dumont 1980: 61.

97 *Op. cit.*: 48; Kane 1968-1977, vol.2: 170.

98 Dumont 1980: 52.

conceptually inseparable and therefore need to be understood together⁹⁹. By way of illustration he takes their mutual relation to the cow:

Among Hindus, [...], even the involuntary killing of a cow is a very serious crime, and one can see a relation between the transformation thus shown [from Vedic animal sacrifice to Hindu veneration for the cow] and the progress of ideas of non-violence. But there is also a social connection: the murder of a cow is assimilated to that of a Brahmin, and we have seen that its products are powerful purificatory agents. Symmetrically, the Untouchable have the job of disposing of the dead cattle, of treating and working their skins, and this is unquestionably one of the main features of untouchability. It is noteworthy that in the Gangetic plain, for instance, by far the most numerous caste of Untouchables, which constitutes the greater part of the agricultural labour force, is that of the *Camār* or 'leather' people, while in the Tamil country the typical untouchable caste is that of the *paRaiyar* or 'those of the drum (*paRai*)' [...] drum skins being of course impure, and the Untouchables consequently having the monopoly of village bands. Thus it is seen that the cow, the sort of half-animal, half-divine counterpart of the Brahman, effectively divides the highest from the lowest of men¹⁰⁰.

Dumont is right in noting the polarity between Brahmins and Untouchables, which is reflected symmetrically around the biological elements of the cow, that is, milk products, dung and skin. But it is not clear why this polarity is interpreted merely as a matter of purity-impurity. Why are the milk products, the dung and urine of the cow pure, the first even worthy to be offered to the gods, while the skin is impure? One answer may be that the real carcass of a cow contradicts the immortality that is inherent in its ideal, "half-divine" status and the use of its products for ritual or purification. Therefore everything associated with its real death is bracketed out and left to segregated, untouchable specialists, who, by the way, are also occupied as cremation

99 Dumont 1980: 54.

100 *Ibid.* The whole chapter 8 and parts of chapter 9 of PS/PM deal with penance for killing and otherwise hurting cows.

workers taking care of dead human bodies. This is a perfect example of ritualisation and of what ritualisation accomplishes. In short, it separates what in reality is inseparable: life from death and growth from decay. By way of this kind of ritualisation the ritualised object becomes an agent of prosperity. I shall elaborate further on this model later in this chapter and try to show how it helps to understand the exclusive status of untouchable categories.

In short, what is problematic about Dumont's (and Douglas') use of the pure-impure dichotomy from the untouchability perspective is its inclusivity. With this model it is not possible to distinguish the Untouchable as anything but the last or the lowest in an inclusive continuum, that is only as a matter of degree. Many things, persons and animals may become impure, but as we saw from Olivelle's analysis of the pure-impure vocabulary¹⁰¹, very few persons *are* impure, and these happen to coincide with the untouchable categories, thus clearly marking an exclusive status. It is this exclusivity that will be investigated by an analysis of the untouchable categories in the *dharmaśāstra* texts in the following chapters.

In contrast to Dumont's insistence on a separation of status and power, Hocart saw Indian society as organised around centres of power rather than from a hierarchical top. What constitutes these centres is ritual. The basic idea in Hocart's theory is that the state is a ritual organisation and that *varṇas* and castes are functions in that ritual. Washermen and barbers, for instance, are known as such because they perform certain services, wash impure clothes and shave in connection with cremation respectively. Besides making pots, potters mend all kind of bone fractures according to the tradition that the world is created by fashioning a clay-pan and that fractures in the world can therefore be mended by working in clay¹⁰². On the paradigmatic level, that of the *varṇas*, the Kṣatriyas provide the sacrificer (*yajamāna*), that is, the king, who is the sacrificer *par excellence* and thus the pivotal character of the whole institution. The Brāhmaṇas serve him as priests, the Vaiśyas feed the sacrifice from their lands and cattle, while the Śūdras, although excluded as sacrificers themselves, serve the sacri-

101 Olivelle 2005d.

102 Hocart 1950: 10-11, 14.

fice through their various crafts and services (like the washermen and barbers just mentioned) ¹⁰³. Even the untouchable Caṇḍālas, we should add, fit perfectly into this scheme in being scavengers of the cremation ground and by having similar ritual tasks. Hocart refers to the *Puruṣasūkta* ¹⁰⁴ where the four *varṇas* are pictured emerging from the sacrifice. However, the correlation between the hierarchy of *varṇas* and the hierarchy of Puruṣa's body-parts (mouth, arms, thighs, and feet respectively) is not the central issue for Hocart. Puruṣa is not an image of society. He is an image of a political order constituted through ritual.

But, although the relation between the king and the four *varṇas* is paradigmatic, the system is multicentric:

The King's state is reproduced in miniature by his vassals: a farmer has his court, consisting of the personages most essential to the ritual and so present even in the smallest community, the barber, the washerman, the drummer and so forth ¹⁰⁵.

And just as the vassals represent the king, so he himself only represents other more powerful monarchs:

The temple and the palace are indistinguishable, for the king represents the gods. [...] The god in his temple has his court like the king in his palace: smiths, carpenters, potters, all work for him ¹⁰⁶.

Thus we end up with a concentric system of functions which together constitutes both a state and a community of related groups and beings from the highest god to the untouchable Caṇḍāla, but all possessing some especial capacity and right with regard to a certain domain.

Rituals secure long life, but the efficacy of these rituals is itself threatened by death and decay. Therefore those people who perform

¹⁰³ *Ibid.*: 34-42.

¹⁰⁴ RV 10.90.

¹⁰⁵ Hocart 1950: 68.

¹⁰⁶ *Ibid.*

the functions associated with these aspects of life, that is Śūdras and Untouchables, are not admitted as sacrificers¹⁰⁷. Although Hocart's interpretation seems unnecessarily narrow at this point, as there are factors other than death that impair the efficacy of ritual, such as immorality, I think it offers a correct perspective. As we shall see, ritual is a special activity, which choreographs itself as being special in order to obtain special – that is extraordinary – results. This puts restraints on everything connected with ritual, the place where it is performed, the implements used, as well as the people who are employed. These have to be in a certain state of perfection (whether expressed as a requirement for physical perfection or for inner spiritual or moral qualities). "Purity" is a universal metaphor of this kind of perfection. When it is corrupted, ritual will not work its expected results in terms of prosperity etc.

Impurity seen from the perspective of Hocart's model is, therefore, a dynamic force with economic as well as religious consequences. While it is difficult to understand why people as a general principle should invest so much energy in an exalted religious status that has no bearing whatsoever on their material welfare – as it cannot have in Dumont's hierarchical structure where status and power are separated – Hocart's model of a concentric ritual organisation of power opens up the prospect of understanding both the religious and economic significance of untouchability in Indian history.

Impure or inauspicious?

The difficulties of representing levels of power adequately using Dumont's theory emphasised the need for alternative models. As early as in 1952 M.N. Srinivas had suggested a distinction between the pure and impure on the one hand and the auspicious and inauspicious on the other on the basis of linguistic usages in southern India. Others took up these ideas, particularly John Carman in 1968 and R.S. Khare in 1976¹⁰⁸. But meanwhile the impact of Dumont's work with its strong

107 *Ibid.*: 18-19.

108 Marglin 1985a: 1-3.

emphasis on purity diverted the attention of scholars from these suggestions. In 1980, however, a conference on "Purity and Auspiciousness" was held on the initiative of Frédérique Apffel Marglin and John Carman. The proceedings of this conference show that, while there was agreement on the distinctness of these two set of values, interpretations of them differed considerably¹⁰⁹. T.N. Madan examines how terms such as *śubha* (auspicious) and *śuddha* (pure) are applied in everyday usage and correlates this with the findings of anthropological works, particularly Marglin's work on the rituals connected with the *devadāsīs* (female temple dancers) of Puri. He concludes that generally auspicious-inauspicious values are applied to time and events such as festivals, astronomic constellations and life cycle rituals, and the pure-impure values to states of being, for instance of materials, food and persons¹¹⁰. Marglin subscribes to this distinction in principle but suggests in her book on the *devadāsīs* that there are aspects of the auspicious-inauspicious distinction that relate to objects and persons as well¹¹¹.

However, Marglin's analysis of these values is much more ambitious than that and aims at a thorough reformulation of Dumont's hierarchical model. What she suggests is, firstly, a parallel between two types, the wife and the king. Both are sources of prosperity, fertility and increase, and both are closely related to aspects of time, wives through the part they play in life cycles and kings through their relation to calendrical and astronomic cycles (day and night, moon and sun, etc.)¹¹². Furthermore, the misconduct of a wife or a king has similar consequences for household and subjects. The final comparison is that neither has direct access to liberation (*mokṣa*) or "transcendent purity"¹¹³. She then suggests that these and other parallels are evidence that the functions of wives and kings are governed by the auspiciousness paradigm and that this is quite separate from the purity-impurity dichotomy in that it is beyond considerations of hierarchical status. This accounts for the fact that both wives and kings are repre-

109 *Ibid.*: 8.

110 Madan 1985: 12-13, 17, 24.

111 Marglin 1985c: 293.

112 *Ibid.*: 300-301.

113 Marglin 1988: 173-174.

sented ambiguously, sometimes in terms of hierarchy as dependent and subordinate (wives to their husbands, king to Brahmins), sometimes in terms of auspiciousness as divinities on whom all well-being and prosperity depend. She argues, for instance, that the king in a sense is not seen as a Kṣatriya. He might, in fact, be recruited from any *varṇa* and is regarded as a man-god. She concludes that the discourses of purity and auspiciousness shift depending on the perspective adopted¹¹⁴.

Ronald Inden contributes to this discussion with what I believe is an important observation:

The condition of personal purity (*śuci*) was concerned with the “competence” (*adhikāra*) of a master to act with respect to his domain. Acts of purification increased or restored a person’s competency. So, for example, a man temporarily lost his competence to perform rituals and make gifts when his father died, a woman lost her competence to cook during her menstrual period. The relative degrees of purity of persons by caste, gender, and the like, referred to the relative competencies to act with respect to the domain of the “social” whole, historically a kingdom or local cult, to which they belonged¹¹⁵.

By drawing attention to the notions of competence and action with respect to personal and collective domains, Inden allows ‘status’ to become visible as a dynamic force. Status never exists in isolation from the potentialities of life. It is constantly realised as power, activity or goods. Status implies a radius of action and of access to the outcome of such action. *Adhikāra*, the right and responsibility to act with respect to particular domains¹¹⁶, is the Sanskrit equivalent of status in this sense. This is a sense which comprises at the same time notions centred around purification (which as Inden says “increased or restored a person’s competency”) and notions of power, the power which follows from being competent to act with respect to certain do-

114 Marglin 1985c: 138-142, 289-291.

115 Inden 1985b: 34.

116 Lariviere 1988.

mains and from being entitled to the results of these acts. Thus, *adhikāra* transcends the separation of status and power, highlighting instead their mutual interrelation.

How are these two discourses, the discourse of the pure and the impure and the discourse of the auspicious and the inauspicious, then related to each other? Basically my suggestion is to start where Hocart did, with ritual, and then to link the discourse of purity and purification to human agency and that of auspiciousness to divine or cosmic agency. I think that in religious thinking a distinction between human and divine agency is universal and rests on a common experience of human limitations. As has been highlighted by several authors within social anthropology, the classical cases being presented by Bronislaw Malinowski and E.E. Evans-Pritchard¹¹⁷, it is the experience of human limitations, whether in technique or in knowledge, that triggers ritual activity and religious explanations of life events. If we reconsider the elements which have been characterised above as belonging to the domain of the auspicious-inauspicious, we shall see that they all lie beyond the scope of human agency. This is true of astronomic and biological cycles or events as it is of abundance or shortage of food in so far as they depend on cosmic factors such as rain and sun. But it is also these events which are of utmost importance for the prosperity of personal and collective domains. For the king, who is considered responsible for the prosperity of his subjects, much activity is therefore strictly regulated according to astrology and divination¹¹⁸.

Ritual is a means of securing a harmony between human and divine agencies and thereby of securing prosperity and happiness. Firstly, rituals are themselves regulated according to divine agency through divination or through calendrical regulations that determine when certain rituals can, should or should not be performed. Thus, it is not by chance, I think, that Mādhava wrote his *Kālanirṇaya* and his PM at roughly the same time, the former dealing with the knowledge of astrology, auspicious and inauspicious days, etc. Secondly, to perform rituals is to follow the norms for human conduct that are *divinely* ordained, that is in *śruti* and *smṛti*. But since divine agency starts

117 Malinowski 1948: 8-16; Evans-Pritchard 1937: 63-83.

118 Inden 1985b.

where human agency ceases in the sense that it accomplishes what human agency cannot, rituals, which are after all human activities, are regulated by putting special demands on those who perform them, making them in this way partly non-human or semi-divine. The typical idiom of expressing these demands is purity, and since man's bodily needs are seen as that which most clearly distinguishes the human from the divine, 'purifications' in the form of observances that suspend bodily activities such as sex, eating, sleep etc. are an integrated part of many rituals. By these purifications a man gains competence (*adhikāra*) to perform rituals, and by performing rituals he maintains or increases his status, power and wealth.

A clear distinction between human and divine agency is not unknown to *śāstric* texts. A particularly explicit example is the following passage in *Arthaśāstra*, the classical text on political science:

(Acts) of human agency are good policy and bad policy; of divine agency good fortune and misfortune. For, it is acts of human and divine agency that make the world go. That caused by an unseen agency is the divine (act). In that, the attainment of the desired fruit is good fortune; of undesired (fruit), misfortune. That caused by a seen agency is the human (act). In that, the coming into being of well-being is good policy; (its) ruin, bad policy. That can be thought about; the divine is incalculable ¹¹⁹.

In this sense, prosperity depends on a combination of the visible and invisible forces of human and divine agencies, but as divine agency is ultimately "incalculable" (*acintya*), although astrology and other divination systems are designed precisely to minimise that barrier, all man can do is to perform his worldly work as skilfully as possible; but even beyond that he needs to strive for good relations to the divine forces by following the divinely dictated norms of ritual activity.

119 *mānuṣaṃ nayāpanayau, daivam ayānau* / 6 / *daivamānuṣaṃ hi karma lokaṃ yāpayati* / 7 / *adr̥ṣṭakāritaṃ daivam* / 8 / *tasminn iṣṭena phalena yogo 'yaḥ, anīṣṭenānayaḥ* / 9 / *dr̥ṣṭakāritaṃ mānuṣam* / 10 / *tasmin yogakṣemanīspattir nayaḥ, vipattir apanayaḥ* / 11 / *tac cintyam, acintyaṃ daivam* / 12 / AŚ 6.2.6-12. Kangle's translation.

Ritualisation

Catherine Bell has developed a theoretical approach to ritual that seeks to highlight how rituals acts orchestrate themselves as a special kind of activity that accomplishes special, extraordinary results. Her purpose in shifting the focus from 'ritual' to 'ritualisation' is primarily to avoid objectifications and the well-known problems of demarcation involved in such objectifications, such as stipulating criteria for distinguishing between 'rituals' and 'ceremonies', 'ceremonies' and 'feasts'¹²⁰, not to speak of distinctions between different types of rituals. Further, like other scholars within the post-structuralist school of ritual studies, her analysis seeks to transcend the Cartesian dualism of an outer mechanical body and an inner conscious mind, which produces a dichotomisation of act and thought that, in turn, gives rise to further dichotomies such as 'ritual and meaning' or 'power and legitimation'. Caroline Humphrey and James Laidlaw raise the same critique and, quoting Charles Tayler, they explain why such dichotomies distort the phenomenon of action:

"Actions are in a sense inhabited by the purposes which direct them, so that action and purposes are ontologically inseparable." In this 'qualitative' view, action is directed, aimed to encompass ends or purposes, and this notion of directedness is part of the concept of agency. [...] The 'subjective' awareness and attitude of the agent is part of the 'objective' reality which he or she knows, so that the character of an action is in part constituted by the attitude which the agent takes to what he or she does¹²¹.

In making this critique of the traditional split between thought and action, these authors also reject the communicative theories of ritual. It is not that they deny that rituals are semiotic acts. Rather they claim that instrumental, intentional and semiotic elements are all intertwined in the action and often inseparable. Besides, communication, whether of the implicit kind that communicates social norms to members of a

120 Bell 1992: 218-219.

121 Humphrey & Laidlaw 1994: 4.

given society or the explicit kind between humans and gods, is not a sufficient parameter because it fails to capture the fact that rituals, apart from communicating what is significant, operate like other actions: they modify something, namely the powers and competencies of agents. By setting themselves apart from other practices, rituals create situations that extend beyond the causalities of everyday life into sets of ontological, mythical or cosmological causes. And by invoking these forces in the course of ritual actions, ritual participants are invested with or deprived of powers in their name.

Bell explicates the complexities of these processes in detail. Her summary reads like this:

Within the framework of activity, specifically the context formed by the cultural spectrum of ways of acting and what they imply, several features emerge as very common to ritualization: strategies of differentiation through formalization and periodicity, the centrality of the body, the orchestration of schemes by which the body defines an environment and is defined in turn by it, ritual mastery, and the negotiation of power to define and appropriate the hegemonic order¹²².

She goes on to summarise each of these points. Firstly, strategies of differentiation:

Ritualization is fundamentally a way of doing things to trigger the perception that these practices are distinct and the associations that they engender are special¹²³.

This is normally done through formalisation and periodisation but some ritualised practices distinguish themselves by their deliberate informality or by inversion, allusion or denial in relation to other acts. Points two and three relate to the centrality of the body and the interaction of the body with a structured environment. Bell emphasises that “the body of the socialized participant structures an environment but sees only the body’s response to a supposedly pre-existing set of

122 Bell 1992: 219-220.

123 *Ibid.*: 220.

structures”¹²⁴. This means that the matrix for structuring the environment is the bodily experience. The proprioceptions of the body as well as its perception of itself in this environment generate a series of oppositions such as up/down, inner/outer, sound/silence, heat/cold etc., by which the universe is hierarchised. These schemes are part of the practical knowledge that is trained through ritual. The fruit of such training is not knowledge in itself but ritual mastery:

The ultimate purpose of ritualization is neither the immediate goals avowed by the community or the officiant nor the more abstract functions of social solidarity and conflict resolution: it is nothing other than the production of ritualized agents, persons who have an instinctive knowledge of these schemes embedded in their bodies, in their sense of reality, and in their understanding of how to act in ways that both maintain and qualify the complex microrelations of power. Such practical knowledge [...] is a mastery that experiences itself as relatively empowered, not as conditioned or molded¹²⁵.

And finally, the fifth point, hegemony:

With these same schemes the activities of ritualization generate historical traditions, geographical systems, and levels of professions. [...] The construction of traditions and subtraditions, the accrual of professional and alternative expertise – all are effected by the play of schemes invoked through ritualization¹²⁶.

Ritualisation, then, involves selective schemes of differentiation, prioritisation and segregation. It is like a circuit that produces valuable and expensive goods from an integrated natural environment by ejecting other elements of the same environment as waste products. In a ritualised field it is those elements that are perceived as negating the aspirations towards the expected valuable outcome of the field that are segregated. The segregation needs not to be spatial but can be marked by avoidances that bracket the perceived negative elements. In the fol-

124 *Ibid.*

125 *Ibid.*: 121.

126 *Ibid.*

lowing chapters this structure will be applied for analysing the various spatial spheres in which we find the untouchable categories mentioned in PS and PM. These are primarily the body, the home, the village and the country.

But before going into detail with these two medieval texts, it is necessary to discuss the pre- and early *dharmaśāstra* legacy of untouchability.

3. THE LEGACY OF UNTOUCHABILITY

Dharmaśāstra and social practice

References to untouchable groups and to untouchability are found in a wide range of ancient and classical literary genres including the Vedic corpus, the ritual *sūtras*, the Buddhist Pāli cannon, the grammatical and lexicographic literature, other *śāstra* literature, such as the *artha*-, *dharma*- and *nāṭyaśāstras*, the epics and *purāṇas*, the dramas and prose narratives, the *caṅkam* and post-*caṅkam* Tamil literature, Persian and Arabic chronicles and the accounts of foreign travellers¹²⁷. Among these, the most systematic account of the phenomenon is found in *dharmaśāstra*. This does not mean, however, that we also have a realistic account. There have been repeated discussions about the degree to which *dharmaśāstra* is an idealising literature whose source value must be questioned. This involves the question of how these texts were used. Lingat makes the link with the functions of the Brahmins as these developed after the Vedic period. Their growing role as preceptors generated the need for a systematic corpus of teachings that were broader and more social in nature than the limited field of the ritual manuals. They also became increasingly involved as arbitrators between disagreeing parties and as royal councillors and judges¹²⁸. Although these functions would seem to be a motivation for a genre whose applicability reached beyond a narrow Brahmin environment, the learning itself was rooted in Brahminical values and concerns and functioned primarily as part of the education of Brahmins¹²⁹.

127 For an overview (but generally omitting the Tamil sources), see Kane 1968-1977, vol.2: 165-179; Sharma 1990: *passim*; Jha 1975, 1986; Mukherjee 1988. For the Buddhist literature, see Fick 1897: 202-212 and Chakravarti 1987: 101-108. Mukherjee 1974 is based on lexicographic material. For the epic and Purāṇic material in the context of comparative mythology and with particular attention to the peculiar relation between Caṇḍālas and dogs, see White 1991: 71-113. For the Tamil literature, see Hanumanthan 1979. Lal 1995 is based on late medieval Muslim chronicles, mainly in Persian. Unfortunately this book is marred by an anti-Muslim attitude which erodes its scholarly credibility. Leslie 2003: 27-40 is a brief overview of both pre-colonial and colonial material with special reference to the British Valmiki community.

128 Lingat 1993: 12.

129 Halbfass 1988: 320.

Added to this, a protection of these interests seemed to be built into this learning by the rule, articulated in *Mānavadharmaśāstra*, that only Brahmins were entitled to teach it to the other sections of society¹³⁰. Behind this monopoly, and particularly behind the eulogy of the Brahmins within which it is typically expressed¹³¹, one can sense a characteristic political weakness vis-à-vis the ruling and economically productive classes. The constant reiteration of the purity and importance of the Brahmins set alongside the emphasis on their privileges reveals their dependence on those other groups. We find the same kind of exaggerated eulogy, both of Brahmins and of *dharmaśāstra*, in PS, and here it is adorned with Kṣatriya metaphors which play on the more tangible authority of military force:

Whatever the Twice-born should say, even for fun, that, according to tradition, is the highest law, for they have mounted the war-chariot of *dharmaśāstra*, and they carry the sword of the Veda¹³².

As suggested in the last chapter, protection of status cannot be separated from political and economical interests. In an environment like in the ancient and medieval Indian states, where there was competition among different religious sections (Brahmin householders, Buddhist and Jain monastic organisations, theistic institutions) for what Ronald Inden calls the “enunciative function” with respect to the religious and ontological commitment of the ruling polities¹³³ and for the support entailed by it, we might even expect idealisation to increase with lack of access to these functions.

130 MDhŚ 1.103.

131 MDhŚ 1.92-105.

132 *dharmaśāstratrathārūḍhā vedakhaḍgadharā dvijāḥ / kṛīḍārtham api yad brūyuh sa dharmāḥ paramāḥ smṛtaḥ* // PS 2.8.26. The Brāhmaṇa and Kṣatriya spheres are frequently juxtaposed in such a way that the power of the one is attributed to the other, and we find in the same text also the opposite eulogy which praises the war as a sacrifice, that is, associates a Kṣatriya activity with the sphere of the Brahmins: “When in battle the blood of the warrior flows on the forehead and enters the mouth, that, indeed, for him is regarded as equal to drinking soma in a sacrifice of war according to rule.” – *lalāṭadeśe rudhiram sravac ca yasyāhave tu praviśec ca vaktram / tat somapānena kilāsyā tulyam saṃgrāmayajñe vidhivac ca dṛṣṭam* // PS 1.3.38.

133 Inden 1992b: 573.

In recent historiography the Indian state has been described as a 'polycentric' rather than a 'unicentric' structure, that is a political structure which includes the hegemonic empires as well as their 'others', both allies and foes, in a manner prototypically described in *Arthaśāstra* as "the circle of kings"¹³⁴. Simple kingdoms (consisting of one country) were parts of larger, imperial kingdoms. At the highest level we might find the universal monarch (*cakravartin*) who succeeded in controlling other contesting rulers of the continent¹³⁵. All the major religious sections shaped and reshaped their ritual practices and doctrines looking to the need for the ritual and enunciative functions connected with the constitution of political power within this structure. For a long period, during Mauryan rule in the third century BCE to the end of the seventh century CE when a theistic temple cult became the prevailing state ritual, rulers within this structure were able to apply Buddhist as well as Brahminical rituals of the *śrauta* type dependent on their position in the hegemonic system; when declaring their independence from an imperial overlord, they adopted *śrauta* rituals such as the horse sacrifice but if they or their successors later attained an equivalent imperial status they turned to a Buddhist *stūpa* cult¹³⁶.

This rivalry, particularly in relation to Buddhism, is reflected in the Brahminical texts, where there is an effort to reject Buddhist claims for a more universalistic understanding of *dharma*. Thus, Halbfass sees the *mīmāṃsā* philosophy with its stress on Vedic authority and a Veda-based epistemology as a "restorative philosophy of *dharma*" formulated "to a large degree [as] an answer to the Buddhist challenge"¹³⁷, and he mentions how Kumārila (seventh century) argued for a notion of *dharma* firmly rooted in Veda and *varṇa* and against the ethicising and universalising tendency in Buddhist philosophy¹³⁸. As we shall see exemplified later, this *mīmāṃsā* restoration with its highly systematic epistemology and techniques of argumentation had

134 AŚ 6.1.

135 Inden 1992a: 29-30, 229-230; 1992b: 575 n.23.

136 Inden 1979: 133 col.2; Walters 1997.

137 Halbfass 1988: 321.

138 *Ibid.*: 330-331.

a strong impact on the way pollution and purification processes were theorised by medieval *dharmaśāstra* commentators, as, indeed, it did on other subjects¹³⁹.

The relation between the early Buddhist concept of *dharma* and the *dharmaśāstra* literature is also the focus of Patrick Olivelle's discussions on the emergence and early phases of this literature. According to Olivelle the word *dharma* is not very prominent in the Vedic corpus, but when it occurs it is mostly in the context of royal rituals such as the royal consecration (*rājasūya*) and the horse sacrifice (*aśvamedha*). Olivelle's suggestion is that the Buddha deliberately appropriated this notion including its association with kingship but added a new ethicised meaning to it. When king Aśoka later made this ethicised Buddhist notion of *dharma* central to his imperial ideology, orthodox Brahmins felt challenged. By re-appropriating and reformulating the concept as a key term for Brahmin core values as these were expressed in the living customs of Brahmin communities, that is centred on family obligations, ritual, *varṇa* and Vedic studies, they wanted to reinstall the old alliance between kings and Brahmins that had been broken down during Maurian rule¹⁴⁰.

This situation, this struggle for pride of place between orthodox Brahmins and Buddhist communities, is one of the causes of the ideal nature of *dharmaśāstra*. Concern for ritual purity, vital for the livelihood of the Brahmins more than for the other *varṇas*, was an answer to the asceticism and renunciation of the monastic movements. In that sense *dharmaśāstra* literature must also be seen as a promotion of this Brahmin ritual purity, which is constantly exposed, idealised and contrasted to all kinds of impurity. To glean direct knowledge of social facts from these literary works is therefore difficult, which explains why Lingat can conclude that it is "hazardous to imagine social reality through their precepts or to take their precepts for rules of law in force in their times"¹⁴¹.

139 See Kane 1968-1977, vol.5: 1152-1351; Lingat 1993: 148-175.

140 Olivelle 2004, 2005e.

141 Lingat 1993: 183.

Other writers express similar views. Regarding the possibility of seeing in *dharmaśāstra* a source for 'law in action', Ariel Glucklich remarks that even the so-called legal material on juridical procedures (*vyavahāra*) in *Mānavadharmasāstra* chapter 8-9 "far transcends the confines of positive or empirical law" in that it is entirely embedded in a mythical and esoteric teaching¹⁴², and Glucklich wants to show that even the legal procedures of trial and punishment are analogical to the ritual of sacrifice¹⁴³. Werner Menski, too, though for other reasons, considers it quite misleading to see *dharmaśāstra* as 'positive law' in the sense of a book-law. The *de facto* process of law in India was to a much larger extent than recognised in early studies based on local customs and oral procedures. And therefore *dharmaśāstra* cannot be taken as direct sources for an actual legal practice but rather as sources for a cultural history that only indirectly tell us about practices of law¹⁴⁴.

A more nuanced view of the relation between the ideal prescriptions of *dharmaśāstra* and social practice is expressed by Derrett. Notwithstanding the ideal nature of the *dharma* literature, Derrett wanted to stress that it did have practical consequences and therefore cannot merely be seen as unrelated to social practice. Instead of viewing the religious ideology of *dharmaśāstra* as a muddling element, which invalidates these texts as sources for practical law, he makes a distinction between these ideologies on the one hand, seeing them as the 'form' and 'authority' of the law and, on the other, the rules of 'substantial law', its 'substance' and 'content'. "The teaching of law and its juridical development" – that is *dharmaśāstra* as *śāstra* – "cannot indeed dispense with formal theories and a priori arguments, but it is plain that the law as a living expression of justice can exist, and often does exist, without their aid"¹⁴⁵. This distinction is important because it shows us two sides of the practice of law. One was the transmission of an expert tradition through the study and teaching of *dharmaśāstra*, the other was the work of judges in real-life situations where the rules of *dharmaśāstra* would be consulted as guiding princi-

142 Glucklich 1988: 17.

143 *Ibid.*: 65-66, 73-79.

144 Menski 1992: 326ff.

145 Derrett 1968: 117.

ples but weighted against other necessary considerations and sources such as local customs, family and caste rules etc.

In accordance with this view Derrett later included an appendix to his translation of Lingat's book ¹⁴⁶, in which he used the evidence of two southern Indian inscriptions from the twelfth century to demonstrate how *śāstric* texts did, in fact, play a direct role when conflicts were settled. The case is relevant for our subject because it shows that in medieval southern India the stipulation of social status in terms of hypergamous (*anuloma*) or hypogamous (*pratiloma*) mixtures of *varṇas* (*varṇasaṃkara*), which also is central for accounts and prescriptions regarding untouchable groups, actually mattered for the occupational, social and religious rights of the people. The inscriptions tell how a medieval conflict among two groups of southern Indian artisans known as Kammālas was settled with reference to different *śāstras* that dealt with the occupations and the *varṇasaṃkara* status of what was seen as their Sanskritic equivalent, the Rathakāras. Of these two groups, one had been living as artisan specialists engaged in temple construction and thus making what must have been a fairly good living at times, while the other group had mainly been engaged in menial tasks. The conflict, therefore, was about the claim of the latter group to the occupation and privileges of the former, a claim which was obviously motivated by the better conditions of the artisans. On the basis of contrasting statements in *dharmaśāstra* texts about the *varṇasaṃkara* status of Rathakāras supplemented by other religious literature and expert literature within the architectural *śāstric* tradition, the Brahmin arbiters who were directed to settle the conflict identified the latter group, the menials, as *pratiloma* Rathakāras, that is, inferior, and the former, the artisans, as the *anuloma* Rathakāras, the superior group. Thus, "[if] any Rathakāras were doing menial tasks these were *pratiloma* Rathakāras, who had no right to participate in architecture; while those who could claim to be *anulomas* would be entitled to the architectural activities prescribed in the texts. Under the caste systems

146 Lingat 1993: 273-274; see also Derrett 1976 and Hanumanthan 1979: 182. According to Ramanayya (1935: 282) sources from Vijayanagara confirm that professional judges were well versed in *dharmaśāstra*; they made frequent use of the YDhŚ and occasionally MDhŚ and other *smṛtis*.

as then in operation no Rathakāra could move from one category to the other: and so the solution would be permanent”¹⁴⁷.

We see from this example that the decision was made on the basis of a variety of relevant sources within different categories, *dharmaśāstra* being one of them. As far as we can trust the inscriptions, which have a degree of damage to the stone as well as faults in copying, we also get an idea of the juridical reasoning which seems to move in opposite directions, that is from *śāstra* to practice and from practice to *śāstra*. The observation of the actual labour of the two groups was correlated with definitions in *dharmaśāstra* works regarding the *varṇasaṃkara* status and occupation of different castes. Thus, from observing their labour, their *varṇasaṃkara* status was defined according to the rules of *dharmaśāstra*, and from their *varṇasaṃkara* status as defined in the *śāstra* their occupational duties and other privileges were finally settled, which, as far as the occupations concern us, means that these were lifted from an observed practice to a legal and permanent norm.

We get a similar nuanced picture from Olivelle’s discussion of the relation between *dharmaśāstra* and social reality. About *Mānavadharmaśāstra* he writes:

[It] was clearly not a “how to” book; it was neither a *Handbook of Manners* nor a *Law Code*, although it contains aspects of both. Its connection to lived reality was not immediate but mediate¹⁴⁸.

Dharmaśāstra’s connection to reality was “mediate” in the sense that it was used in the education of young Brahmins “and perhaps even princes”¹⁴⁹. The Brahmins selected as judges and lawyers would therefore base their juridical reasoning on the principles of *dharmaśāstra*. Further, the mass of detail presented in *dharmaśāstra* with regard to very real matters such as marriage, inheritance, adoption, juridical procedure, taxation, punishment, penance and more, testifies to its connection to social reality.

147 Derrett 1976: 108.

148 Olivelle 2005a: 66.

149 *Ibid.*

Religious texts and historical facts

The fact that the most detailed studies of a history of untouchability are written by social historians such as R.S Sharma, Vivekanand Jha and Prabhati Mukherjee all of whom are keen on deducing historical 'facts' from religious, literary sources such as *dharmaśāstra* texts, makes it relevant to reflect over the relation between 'religious' data and 'social historical' data. The way in which these authors pursue the subject reveals an *a priori* distinction between religious concerns, which are ideal and therefore false, and social historical facts, which are real. The approach to religious texts and ideas is constrained by the wish to gather as many data on the reality side as possible. This is apparent in two ways. One is the way in which data of a religious character are misinterpreted as evidence of alleged social historical conditions. The other is the way in which religious ideas are denied significance in a social historical causality.

In the first category we find for instance Jha's interpretation of *Mānavadharmasāstra* 10.54 which prescribes that untouchable people such as Caṇḍālas and Śvapacas should not walk about in the villages and towns at night. On this Jha makes the remark that "Manu does not contemplate for the Caṇḍālas the social responsibility of a night watchman [...] Perhaps his credibility for this task was suspect"¹⁵⁰. But this is not the issue. From verse 10.52 and 55 of the same text (and from other texts that will be presented in the following chapters) it appears that people belonging to untouchable castes were also required to make themselves known by visible marks in order that the villagers and townsmen could avoid them. So probably the reason why they were not allowed inside the village at night is that it would be difficult to avoid their touch at that time. This is also Medhātithi's interpretation¹⁵¹. Another misinterpretation, and one that is typical¹⁵², occurs in Jha's presentation of *Bhagavadgītā* where he is eager to ac-

¹⁵⁰ Jha 1986: 11.

¹⁵¹ "During the night they are forbidden to walk about in the villages and cities due to fear of touching them". *rātrau sparśāśaṅkayāntargrāmanagaracaryāpratīṣedhaḥ* // MeMDhŚ 10.54.

¹⁵² Typical in the sense that it fails to recognise the distinction within Indian hermeneutics between an injunction (*vidhi*) and an attached emphasising statement (*arthavāda*). More on this distinction in the next section.

quit this text of providing any support for the practice of untouchability. But this is not warranted by the verse he quotes (BhG 5.18), which praises the wise men who see no difference between a learned Brahmin and a Śvapāka. It is precisely because the Śvapāka is such a low person that the reference to him is relevant when Arjuna is instructed to remain indifferent to the social pairs of opposites. This is a religious exercise more than a social philosophy ¹⁵³.

Similar examples can be found in R.S. Sharma's otherwise pioneering and rich study of the history of the Śūdras. From the description in a *Jātaka* story of the dress of the coming Buddha in his previous birth as a Caṇḍāla ¹⁵⁴, and perhaps induced by the similar interpretation by Richard Fick ¹⁵⁵, Sharma infers that Caṇḍālas wore this dress in order to be distinguishable from the rest of the population. The dress described in the *Jātaka* text consists of a coloured garment in two pieces (*rattadu-ṭṭa*), a girdle (*kāyabandhana*) and a ragged overgarment (*paṃsukūlasaṃghāti*). In addition, the *Bodhisatta* carries an earthen bowl (*matikāpatta*). But in other canonical texts all or some of these elements are recognisable as parts of the dress of the Buddha himself ¹⁵⁶, of a *paccekabuddha* ¹⁵⁷, that is an enlightened person who dies without

¹⁵³ The most that can be said is that *Bhagavadgītā* does not refer to rules of untouchability. But it endorses the contempt for sexual relations across the *varṇa* barriers (*varṇasaṃkara*) (e.g. BhG 1.41-43) which was the prevalent explanation of the existence of people such as Śvapākas and Caṇḍālas, who are considered untouchable in the *dharmaśāstra* works. The attitude of this text is probably best seen in BhG 9.32-33: "Even people of low origins, women, *vaiśyas*, nay *śūdras*, go the highest course if they rely on me, Pārtha. So how much more readily holy brahmins and devoted royal seers! Reduced to this passing world of unhappiness, embrace me!" (van Buitenen 1981: 107). Strictly speaking, it is the last sentence which carries the message, the preceding phrases being meant as emphasis. Still, the people mentioned in the first verse are admitted to Kṛṣṇa's path, but how far this involved any breakdown of familiar restrictions in terms of association with such people cannot be said. '*Pāpayoni*', translated here as "people of low origins" is a generic term that may designate animals (VijYDhŚ 3.129) or, as here, low-caste people perhaps such as Caṇḍālas, who according to MBh 13.29.5-7 are assigned a position in *saṃsāra* between an animal birth and a birth in the *śūdravarṇa*. That the term does not collectively refer to women, Vaiśyas and Śūdras, seems to be implied in the logic. If it did, the noble brothers of the ladies of high *varṇa* would also be included in the category.

¹⁵⁴ Jāt 4.376.1ff, 379.19ff.

¹⁵⁵ Fick 1897: 205.

¹⁵⁶ Jāt 1.119.

¹⁵⁷ Jāt 4.114.

proclaiming the truth to the world, and of the habit of the *saṃgha* as ordained in *Vinayapiṭaka*¹⁵⁸. Thus, the dress of this Caṇḍāla is nothing but a construction of a mythical prototype of the Buddhist monastic dress which tells nothing about how Caṇḍālas actually were dressed.

The other way in which the material is misrepresented concerns the significance of religious ideas as generating or influencing social phenomena. With regard to caste in general R.S. Sharma writes, "Pollution is considered by some sociologists and Sanskritists to be a crucial factor in caste formation"¹⁵⁹. This is particularly true with regard to untouchability according to Prabhati Mukherjee, who refers to Sharma as one of those who efficiently cleared the "smoke-screen" of these sociologists¹⁶⁰. What seems problematic here is not the emphasis on economic factors, but the sharp distinction between such factors on the one hand, and ideals about pollution on the other, and the simple causality implied therein. Are not all social forms more or less ideologically articulated? Can we isolate one category such as "socio-economic development" from another, "ideology", or are the two not intertwined in such a way that the influencing factors act in both directions? Even when economic factors change, as during the development that gave Śūdras better access to wealth by the increase of trade in the post-Mauryan period¹⁶¹ and by their integration in the expanding cultivation of land in the Gupta period¹⁶², this only happened as an interplay between a willingness to interact with Śūdras and a gradual reformation of the ideological filters by which they were, for instance, allowed new religious rights¹⁶³. Thus, we could say that social practices that establish economic and political positions are also ideological acts, whereas ideologies such as the purity-pollution complex are ontological articulations of these positions, that is articulations which root these positions in a religious ontology. Whatever the original de-

158 Vin 2.136, 3.195, 3.243.

159 Sharma 1990: 86 n.4.

160 Mukherjee 1988: 98.

161 Sharma 1990: 199-201.

162 *Ibid.*: 257-262.

163 *Ibid.*: 297ff. These rights included the right to perform penance (297) and to give gifts (306), both of which had economic significance as penance often included a *dakṣiṇā* to the Brahmins.

mographic identity and status of those people who were labelled as Caṇḍālas, whether 'aboriginal', 'technically primitive' or 'politically uncooperative' ¹⁶⁴, the fact remains that even the earliest evidence of an interaction between Aryan villagers and Caṇḍālas shows that such an interaction was embedded in ritual religious practices. In human interaction there are no 'raw realities'. The isolation of such realities from the articulations in which they occur in the available evidence is only possible by means of a technique of historical interpretation which, at the outset, has postulated precisely this separation as being axiomatic.

Pre-dharmaśāstra normative literature

The earliest reference to groups later known as untouchable occurs within the context of the "sacrifice of men" (*puruṣamedha*) in the *Vājasaneyisaṃhitā* of the White *Yajurveda*. These chapters of the text are regarded as clearly supplementary to those that precede them ¹⁶⁵, and they were probably also of later composition. The text is a comprehensive list of the sacrificial victims, which seems to include all sections of the society, the four *varṇas* as well as various crafts and occupations and people selected for other reasons. The victims are all mentioned alongside the divinity or quality to which, or for which, they are to be sacrificed. The text says that one should sacrifice "a Paulkasa to loathsomeness" ¹⁶⁶ and "a Cāṇḍāla to the wind" ¹⁶⁷. Kane adds that the most that might be inferred is that "the Paulkasa lived in such a way as to cause disgust and the Cāṇḍāla lived in the wind (i.e. probably in the open or in a cemetery)" ¹⁶⁸. Further, it should be added that the *puruṣamedha* was not actually performed. The victims were

¹⁶⁴ These hypotheses will be discussed later in this chapter.

¹⁶⁵ Gonda 1975: 330.

¹⁶⁶ *bibhatsāyai paulkasaṃ* / Vāj 30.17.

¹⁶⁷ *vāyave cāṇḍālam* / Vāj 30.21. Both texts are included in *Taittirīyabrāhmaṇa* as respectively TB 3.4.14 and 3.4.17 but not in *Śatapathabrāhmaṇa* 13.6.2.20 as alleged by Jha (1986: 1 n.6; Jha's reference "III.6.2.20" must be a misprint for XIII.6.2.20). However, Eggeling added the list translated from *Vājasaneyisaṃhitā* in his translation of *Śatapathabrāhmaṇa* just after ŚPB 13.6.2.20. That it is translated from Vāj 30.5-22 and not from ŚPB is stated explicitly by the translator (Eggeling 1882-1900; vol.5: 407 n.2).

¹⁶⁸ Kane 1968-1977, vol.2: 166.

set free after their consecration and the rite was completed symbolically with the sacrificial formulas alone¹⁶⁹.

The references found in the Upaniṣads are more telling. Caṇḍālas are assigned moral value as the lowest possible human birth in the context of the eschatological doctrine of the paths that lead the dead from the cremation fire either to Brahman along the Path to the Gods (*devayāna*) or to the ancestors along the Path of the Fathers (*pitryāna*). For those who go by the latter path (who did not go for a life in the wilderness but stayed in the village) and who have to return to this world in a new birth, there are two possibilities according to the moral value of their actions in life. Either they enter a “pleasant womb”, that is they are born in a Brāhmaṇa, Kṣatriya or Vaiśya family, or they enter a “foul womb” of a dog, a pig or a Caṇḍāla¹⁷⁰. As we do not know the precise reference of the terms ‘Paulkasa’ and ‘Cāṇḍāla’ in *Vājasaneyisaṃhitā* 30.17 and 21, this text is significant in that it clearly suggests that already at the time when this Upaniṣad was composed in the 6th to 5th century BCE¹⁷¹, the term ‘Caṇḍāla’ was used generically (like ‘dog’ and ‘pig’). The reference appears to be to a stereotype rather than to a distinct ethnic or occupational group. From the opposition in the text between wilderness and village, it further appears that ‘Caṇḍāla’ belonged to the latter category grouped together with village dogs and pigs.

Kane concludes that, while this text is a clear expression of the contempt for Caṇḍālas already present at that time, it does not indicate that they were untouchable. Rather it seems from *Chāndogya Upaniṣad* 5.10.7 that Caṇḍālas were looked upon as Śūdras, “though lowest among the several śūdra subcastes”, and since Śūdras, despite being despised, were allowed to wash the feet of Brahmin guests according to *grhya*- and *dharmaśāstras*, Caṇḍālas were probably not, in Kane’s estimation, untouchable at that time¹⁷². This argument seems

169 ŚPB 13.6.2.13; Gonda 1975: 330 n.59; Heesterman 1993: 10.

170 *tad ya iha ramaṇīyacaraṇā abhyāśo ha yat te ramaṇīyāṃ yoniṃ āpadyeran brāhmaṇayoniṃ vā kṣatriyayoniṃ vā vaiśyayoniṃ vā / atha ya iha kapīyacaraṇā abhyāśo ha yat te kapīyāṃ yoniṃ āpadyeraṇ śvayoniṃ vā sūkarayoniṃ vā caṇḍālayoniṃ vā* // ChU 5.10.7.

171 Olivelle 1998: 12-13 including n.21.

172 Kane 1968-1877, vol.2: 166-167.

to me somewhat weak. That Caṇḍālas were looked upon as Śūdras seems to be deduced only from the fact that Caṇḍālas and not Śūdras are mentioned in the text. There is also, even in Kane's own text chronology¹⁷³, at least some gap (3-400 years) between this Upaniṣad and the *gṛhya*- and *dharmasūtras* which he cites¹⁷⁴. For this or for other reasons he actually changed his interpretation of the text in his fifth volume, which appeared 21 years later (1962), where he writes that "[i]t is probable that by the time of the Chān. Up. V.10.7 Cāṇḍālas had become untouchables (like dogs and hogs) and Paulkasa seems to be equated with Cāṇḍāla in Br. Up. IV.3.33"¹⁷⁵. It should be noted that in both cases Kane wrote as one in favour of the reformation of the caste system and the abolition of untouchability¹⁷⁶. The important difference between the two statements is that, while volume two was published before the 1949 Constitution – which, at least on paper, accomplished the latter of these two ends¹⁷⁷ – volume five was published after it¹⁷⁸. So in volume two his arguments were directed against orthodox people who still might influence the development. Particularly he addressed those who were keen to 'prove' that untouchability is warranted by the Vedic corpus and should therefore be preserved, and he wanted to show that this is not the case¹⁷⁹. When writing the fifth volume, there was no longer any need to care seriously about such arguments. If this indeed was his motive, we should conclude that the latter view expressed the more sincere interpretation of the two, that is that Caṇḍālas were regarded as untouchable even at the time when Chāndogya Upaniṣad was composed.

173 *Ibid.*: xi.

174 The argument is also criticised (though with very few counterarguments) by Parui (1961: 2-4), who also disagrees with the conclusion arrived at by R.S. Sharma (1990: 139) that "untouchability appeared probably towards the end of the pre-Mauryan period", i.e. 3-400 years later than the Chāndogya Upaniṣad, which in Kane's chronology is dated around 1000 BCE.

175 Kane 1968-1977, vol.5: 1633.

176 Kane's attitude is pragmatic and realistic, if also conservative. See Kane 1968-1977, vol.2: 177-179.

177 See footnote 1 above.

178 To be exact, volume 2 was published in 1941 and volume 5 in 1962.

179 See Kane 1968-1977, vol.2: 167: "Another passage is relied upon by orthodox writers to support the theory that untouchability of caṇḍālas is declared in Vedic writings. [...]"

The Caṇḍāla is also referred to in *Chāndogya Upaniṣad* 5.24.4 in the context of the doctrine of the Universal Self (*ātman vaiśvānara*, the self “common to all men” in Olivelle’s translation). He who knows the self to be universal, that is to hold all worlds, all beings and all selves, and who knows the homologies that exist between the human body, the universe and the sacrifice, he becomes himself a sacrifice in the sense that his five bodily *prāṇas* (vital forces) become equal to sacrificial fires and the food he eats becomes the offerings in them. Whatever he eats nourishes the whole universe as well as himself¹⁸⁰. The meaning seems to be that if the self is realised as extending to all beings and all worlds, a traditional distinction of values is also transcended. In the context of *agnihotra* this transcending quality of the knowledge is expressed in the domain of food and nourishment, since the *agnihotra* sacrifice is essentially concerned with the cycle of food, either in the traditional sense that offerings ascend through the smoke and produce rain which in turn secures the crops and the products of the cattle that are the basic ingredients of the offerings¹⁸¹, or, like here, in the internalised sense that eating food is a sacrifice in the five *prāṇas*, a sacrifice that satiates the eater as well as the cosmos¹⁸². It is in this sense that it is concluded:

Therefore, even if a man who has this knowledge were to give his leftovers to an outcaste [Caṇḍāla], thereby he would have made an offering in that self of his which is common to all men¹⁸³.

The section ends by quoting a verse to the effect that all beings surround the *agnihotra* like hungry children surround their mother, that is all beings seek nourishment from the *agnihotra* due to the food cycle it guarantees.

¹⁸⁰ ChU 5.18-23.

¹⁸¹ This cycle is regarded as the underlying idea of *agnihotra* by Kane (1968-1977, vol.2: 680). In Derrett’s interpretation (1968: 117-120) it comprises the two basic elements in what he calls “The Fundamental Theory of Hindu Law”, the remaining six elements being those institutions such as the Brahmin, *dharma*, punishment etc., which guarantee the continuation of this sacrificial cycle. The same sacrifice-food-sacrifice cycle is praised in BhG 3.14-16 and in MDhŚ 3.76.

¹⁸² Bodewitz 1973: 243-258.

¹⁸³ *tasmād nu haivaṃvid yady api caṇḍālāyocchiṣṭaṃ prayacchet / ātmani haivāsya tad vaiśvānare hutam syād iti* / ChU 5.24.4.

Kane relates this to the rules in *Āpastambadharmasūtra* 1.31.22 and *Mānavadharmasāstra* 4.80 and 10.125, which prescribe that a Brahmin should not give leftovers to non-Brahmins (ĀDhS) or that a Brahmin may only give leftovers to a Śūdra if the latter is in his service¹⁸⁴. The rules regulating exchange of leftovers from the meal are complex and sometimes contradictory. It is not only that such leftovers are regarded as very polluting unless they are received from gods or *gurus* who have partaken of them ritually, but also that even the giver is affected by the exchange¹⁸⁵.

R.S. Sharma reads the text even more literally than Kane: “The *Chāndogya Upaniṣad* states that even a *caṇḍāla* is entitled to the leavings of the *agnihotra* sacrifice, round which hungry children sit just as they sit round a mother”. And therefore he sees in the text a protest “in favour of the lower order”¹⁸⁶. Jha’s interpretation follows Sharma: “Strict relations governed the giving of one’s leavings to people in ancient India and the *Caṇḍāla* was considered a normally undeserving person (*anarha*). An exception was, however, made in the case of a wise performer of *agnihotra*”¹⁸⁷. Thus, from this and from *Vājasaneyi-saṃhitā* 30.21, he draws the following conclusion about the *Caṇḍāla*, whose low status is undisputable: “His connection with *agnihotra*, like *puruṣamedha* earlier, however, discounts the possibility of his being looked upon as an untouchable”¹⁸⁸.

What these interpretations seem to miss is the simple antistructure of the text which is in accordance with the ascetic and “antiritual”¹⁸⁹ stance of the early *upaniṣads*. I do not think that giving leavings of food to a *Caṇḍāla* in this context has much to do with actually breaking rules, or actually feeding *Caṇḍālas* or with any social protest in favour of them. An interpretation of the *Upaniṣadic* statement has to start with the “even if” (*yady api*), which signifies an emphasis on the central message which is not an invitation to feed *Caṇḍālas* but the to-

184 Kane 1968-1977, vol.2: 44 n.109.

185 Malamoud 1972: 6-15.

186 Sharma 1990: 89.

187 Jha 1986: 2.

188 *Ibid.*: 3-4.

189 Olivelle 1992: 37.

tal inclusiveness of the *vaiśvānara* Self. Spelled out, it says that *even if a man were to give his leftovers to a Caṇḍāla* – which of course he would never do in an ordinary social context – that would be an offering in this self common to all men, provided he knows its secrets. This is also confirmed by the succeeding verse which says that the *agnihotra* feeds all beings. It does so not by actual feeding but through the magic of this most central ritual. Structurally the texts invert traditional ritualism by substituting antinorm for norm: leavings of food (representing the negative pole in a classification of food) for oblations (the positive pole) and Caṇḍālas (the negative pole in a classification of beings) for gods (the positive pole; receivers of oblations). Through this exercise it evokes the transcending quality of the knowledge of the *vaiśvānara* Self. It is doubtful, I think, whether this symbolic antistructure should be the expression of any actual social community.

Finally, in Yājñavalkya's grandiose teaching to the Videha king Janaka in *Bṛhadāraṇyaka Upaniṣad* 4.3.19ff, similar knowledge is evoked by transcending all traditional categories. When a person in deep sleep is embraced by the Self consisting of knowledge (*prajñātman*)¹⁹⁰ then:

[A] father is not a father, a mother is not a mother, worlds are not worlds, gods are not gods, and Vedas are not Vedas. Here a thief is not a thief, an abortionist is not an abortionist, an outcaste [*cāṇḍāla*] is not an outcaste, a pariah [*paulkasa*] is not a pariah, a recluse is not a recluse, and an ascetic is not an ascetic. Neither the good nor the bad follows him, for he has now passed beyond all sorrows of the heart¹⁹¹.

This passage, too, is interpreted by R.S. Sharma as part of the social protest of the Upaniṣads¹⁹², and again I think that the text express-

190 BĀU 4.3.21.

191 *atra pītāpitā bhavati / mātāmātā lokā alokā devā adevā vedā avedāḥ / atra steno 'steno bhavati bhrūṇahābhrūṇahā cāṇḍālo 'cāṇḍālaḥ paulkaso 'paulkasaḥ śramaṇo 'śramaṇas tāpaso 'tāpasaḥ / ananvāgataṃ puṇyenānanvāgataṃ pāpena / tīrṇo hi tadā sarvāṃ chokān hṛdayasya bhavati* // BĀU 4.3.22.

192 Sharma 1990: 89.

es a transcending of traditional moral categories rather than an attitude towards actual people. It contrasts what tradition regarded as 'good' (*punya*) – father, mother, gods and Veda – with what the same tradition saw as 'bad' (*pāpa*) – thieves, abortionists and pariahs. It is interesting, however, that it groups the recluse (*śramaṇa*) together with the outcaste and the pariah (*cāṇḍāla* and *paulkasa*). According to Olivelle the word *śramaṇa* was not yet used with reference to non-Brahmin ascetics in this and other late Vedic texts. Here, he thinks, it clearly refers to persons within the Brahminical community¹⁹³, that is to the very Upaniṣadic voices who taught doctrines like the one here about the 'self consisting of knowledge'. But this is not an Upaniṣadic expression of solidarity with Cāṇḍālas, but more a critique of how tradition categorised moral behaviour, suggesting that there is a stage at which such categories break down.

As a conclusion to the presentation of these Upaniṣadic references two points should be made. Firstly, terms like *cāṇḍāla* and *paulkasa* had become generic terms by the time when these texts were composed. They were contrasted to the three *dvija varṇas* and grouped with 'dog' and 'pig'. As such they always represented the negative or bad side of the social world. As early as this the people covered by these terms, whoever they were, were already being used literarily to mark the boundaries of established values. We cannot say anything certain about their precise social function and role in relation to the people who produced these texts. They might or they might not already have been regarded as untouchable. But, in order to serve as social and moral boundary-markers and as permanent representatives of what is 'bad', there must already have existed a well-established and well-articulated pattern of interaction between them and the Twice-born.

The second point to be made is that precisely because these terms were used in a general way, more as reference to negative values demarcating the good and the right than as reference to any actual interaction with the specific demographic groups who must have been the basis of this linguistic usage, one has to be cautious not to make too simple deductions about social reality on the basis of these texts. Here we should also keep the distinction in mind between what counts as a rule (*vidhi*)

193 Olivelle 1993: 15.

and what is merely an expression of semantic emphasis (*arthavāda*) on that rule. This important hermeneutic device is formulated and explained at least as early as in the *Pūrvamīmāṃsāsūtra*¹⁹⁴ dated by Jean-Marie Verpoorten with due reservations to 450-400 BCE, although the text only acquired its present form in a later period¹⁹⁵. It could, therefore, be objected that this distinction was not yet actively applied in the early Upaniṣads. However, Halbfass has suggested that it is rooted in the ritual *sūtras*¹⁹⁶, and I think that as a rhetorical form it is present in the early Upaniṣads, even though it might not have been lifted to the level of the *śāstric* meta-language that it later became. The statement in *Chāndogya Upaniṣad* 5.24.4, analysed above, about giving one's leftovers from the meal to Caṇḍālas is an example.

According to the classical distinction, an *arthavāda* is a sentence or phrase which emphasises, praises or explains a *vidhi*, that is the rule or the injunction which is the primary message in what is communicated¹⁹⁷. Anachronistically, if we were warranted in analysing the Upaniṣadic statement about distributing leftovers to Caṇḍālas according to later classifications, we might say that this sentence belongs to the group of *arthavādas*, the content of which "is in conflict with ordinary experience", that is the *guṇavāda* or metaphorical kind of *arthavāda*¹⁹⁸. If we clearly had a *vidhi* instructing the performer of the agnihotra to distribute leavings of food to Caṇḍālas, that would be evidence for at least a recommended interaction. We shall see later that a rule almost like that is found in the *dharmaśāstra* literature in the context of the domestic *Vaiśvadeva* ritual. However, the "even if" and the potential "were to give" (*prayacchet*) in *Chāndogya Upaniṣad* 5.24.4 clearly indicate that this sentence is not an injunction.

Having now examined the Vedic material for references to groups that were subjected to rules of untouchability in later texts, we should also consider the references in the same material to the other contexts

194 Kane 1968-1977, vol.5: 1238.

195 Verpoorten 1987: 5.

196 Halbfass 1991: 149.

197 For its relevance to *dharmaśāstra*, see Kane 1968-1977, vol.5: 1238-1244; Lingat 1993: 153-155; Derrett 1968: 87-88.

198 Kane 1968-1977, vol.5: 1240.

in which untouchability or similar precautionary measures are prescribed in later texts, that is the context of death, menstruation, child birth etc. If untouchability or precautionary rules grouped with it occur in the Vedic texts in other contexts than that of the Caṇḍāla, this might be a hint of the genealogy of the practice, or of a nucleus from which it might have been extended. In the present context such considerations can only be tentative, since a thorough examination of the Vedic material along these lines extends the limit of this study.

Practices of segregating the dead or the bereaved are strongly suggested by the hymns used during the funeral rites. For instance:

These living (relatives) have turned back separated from the dead; [...] I place (here) this barrier (stone) for the (protection of the) living (relatives [...]) so that none of them may go this goal (that the departed went). [...] May they keep off death by means of the mountain (the stone) ¹⁹⁹.

Taittirīyasaṃhitā 2.5.1.5-6 ²⁰⁰ prescribes that no one should speak or sit together with a menstruating woman nor eat food cooked by her, and *Taittirīyabrāhmaṇa* 3.7.1.9 explicitly mentions such a woman as “intangible” (*anālabhukā*) in the context of the new and full moon sacrifice and ordains that a man should only perform the sacrifice when she has been segregated (“*tām aparudhya*”) outside the house ²⁰¹. All these precautions with respect to speaking, sitting, eating, touching (which may only be in sexual contexts in this case) alongside those ensuring spatial segregation are applied to the permanently untouchable groups such as Caṇḍālas and Śvapacas in *dharmaśāstra*.

In the ritual *sūtras* we find other important precautionary rules mentioned. With regard to segregation in relation to death *Āśvalāyanaḥṛīyasūtra* 4.1.7-15 instructs the relatives of a deceased where and how they should prepare the cremation ground. *Kātyāyanaśrautasūtra* 21.3.15-16 ²⁰² points out that the cremation ground should be selected

199 RV 10.18.3-4 translated by Kane (1968-1977, vol.4: 198-199).

200 Quoted in Kane 1968-1977, vol.2: 803 n.1917.

201 *Ibid.*: n.1918.

202 Translated in Kane 1968-1977, vol.4: 204 n.482.

in such a way that the houses of the village cannot be seen from it. *Pāraskaraḡrhyasūtra* 3.10.35 further prescribes that those who have touched the corpse during the ceremony should remain outside the village until the stars appear on the sky. In addition, the same text (2.11.4) connects a corpse and a Caṇḍāla: when either of these is inside the village, a man should stop Veda recitation. This instruction is repeated in some of the *dharmasūtras* that will be mentioned below²⁰³.

Obviously nothing certain can be concluded from these few examples from Vedic texts and ritual *sūtras*. But they might nevertheless indicate that practices of segregation and other precautionary measures existed within the domestic sphere before they were applied as a permanent handicap to demographic categories outside this domain.

Origins of untouchability

This leads us to the various hypotheses of the origin of untouchability, which will be presented briefly now. Common to them all is the idea that the groups that became permanently untouchable belonged to segments of the indigenous population that were gradually integrated in a process of interaction with the Aryan society²⁰⁴.

Sharma elaborates on this hypothesis. There existed a *de facto* contrast between aboriginal tribes and the Aryan society with regard to material culture. The former group supported themselves mainly as hunters and fowlers, whereas the culture of the latter group was based mainly on the technologies of metallurgy and agriculture, and on urbanisation. Added to this, the upper two *varṇas* gradually withdrew from the work of primary production and became instead more and more hereditary in their positions and functions. As a result of this

203 Olivelle (2005d: 242-243) provides an interesting analysis of similar rules about suspension of Vedic study (*anadhyāya*) in *Āpastambadharmasūtra*. Even when respectable people not belonging to the village pay a visit, students leave the village, at morning and evening *sandhyā* or when there is a solar or lunar eclipse or other extraordinary phenomena, Vedic recitation should be suspended. Olivelle sees all this as expressions of boundary-marking, both in space and time.

204 Thus Ghurye 1969: 52; Sharma 1990: 71, 139; Jha 1975: 30; 1986: 10; Brinkhaus 1978: 29, 31; Mukherjee 1988: 92.

process these élites developed a spirit of contempt for manual labour as well as for the hands that practised it²⁰⁵. And he summarises:

Against the background of a very low material culture of the aborigines, the increasing contempt for manual work, combined with primitive ideas of taboo and impurity associated with certain materials, produced the unique social phenomenon of untouchability²⁰⁶.

Jha accepts this idea as a first stage of the process, the second being a hardening and deterioration of class relations:

[The] higher degree of absorption and integration of the Caṇḍālas and other backward aboriginal groups in the dominant socio-economic set-up meant further dependence, exploitation and disabilities. Untouchability of the Caṇḍālas definitely represented the extreme manifestation of the institutionalized inequality of the caste system²⁰⁷.

Mukherjee further suggests that resistance and non-cooperation with the Aryan society probably added to the poor condition of the Caṇḍālas²⁰⁸. Similar views have been proposed by Ghurye and in an early article by Jha²⁰⁹.

Finally, Jha also reviews other suggested hypotheses. In particular he rejects the idea expressed by various writers that untouchability had its origin outside the Indo-Aryan environment²¹⁰. This is an idea espoused by N.K. Dutt, who postulated a Dravidian origin (also criticised by Sharma)²¹¹, as well as by Karve and others, who suggested that untouchability and caste was a pre-Aryan heritage from Harappan culture, and by S. Chattopadhyaya who thought that untouchability

205 Sharma 1990: 145-146.

206 *Ibid.*: 146.

207 Jha 1986: 34.

208 Mukherjee 1988: 103-104.

209 Ghurye 1969: 53; Jha 1975: 30.

210 Jha 1986: 32 n.5.

211 Sharma 1990: 144-145.

was based on ideas of pollution brought into Aryan culture from assimilated aboriginal groups ²¹². In contrast, Jha himself subscribes to Ghurye's hypothesis that caste and untouchability emerged due to the ethnic diversity of the subcontinent, the Brahmins' privileged position and their notions of purity, and that it was developed first in northern India, from where it gradually reached the East and South ²¹³.

As suggested in the introductory chapter, all these hypotheses rest on the idea that we are able to reconstruct the history (and here even the earliest history) of untouchable *people*, that is of untouchability in its social reality, simply by correlating the information we get from normative texts with deductions from other evidence about the general socio-economic development of early southern Asia. In principle this is not impossible and it should be attempted, but success will depend on the amount and nature of the historical sources. With regard to the demographic groups discussed here, the sources outside the normative texts are few, and I shall therefore refrain from entering into a discussion of the suggested hypotheses. Some of them are probable, however. In particular, it seems to be confirmed from several texts that 'Caṇḍāla' very early became a generic term for a range of people from the indigenous population undergoing a transition from an original material culture as hunters to a more domesticated position as part of a close interaction with Aryan villages and cities. The term did not denote any specific tribe but tribes all over the area attracted by and settling around Aryan villages and cities. This will be discussed more fully at the start of the next chapter.

Untouchability and social interaction

The *dharmaśāstras*, composed during the last centuries BCE ²¹⁴, are the earliest texts in which we can see an outline of a fuller complex. Before going into details about the different *dharmaśāstra* texts, it is relevant, however, to make some remarks on the general character of such a complex.

²¹² Hanumanthan (1979: 37) expresses similar views.

²¹³ See Ghurye 1969: 176, 236-237.

²¹⁴ Olivelle 2000: 10.

Firstly, we should be aware that a systematic complex of untouchability, one in which the various elements of the complex are classified together, only emerged gradually. Generally *dharmasāstra*, even its earliest texts, is, indeed, a very systematic literature, which groups cognate prescriptions thematically, for instance rules about penances²¹⁵, unfit and forbidden food²¹⁶, purifications²¹⁷ and many other subjects. But the particular rules prescribing the various precautionary measures, which together can be seen as forming an untouchability complex, are only partly collected in the *dharmasūtras* and we do not find abstract notions such as “untouchable” or “untouchability” in these texts. Only *Mānavadharmasāstra* (10.51-56) deals collectively with several rules imposed on the same groups (Caṇḍālas and Śvapacas), but these rules do not, strictly speaking, include untouchability, although it is prescribed in a previous chapter of the same text (5.85). And only in the younger layer of *Viṣṇusmṛti* and in *Kātyāyanasmṛti*, both dated by Kane between the fourth and sixth century CE²¹⁸, do we find the term “untouchable” (*asprśya*) as an explicitly generic term denoting a group of people²¹⁹. The two examples in *Viṣṇusmṛti* are both dramatic. The first one is in the context of legal consequences in this life:

If an Untouchable intentionally touches one who is touchable, he must be punished corporally²²⁰.

Nandapaṇḍita, the 17th century commentator of *Viṣṇusmṛti*²²¹, explicitly glosses “untouchable” as “a Caṇḍāla and the like” and “one who is touchable” as “a member of the three *varṇas*”²²².

The other is in the context of consequences in the next life:

215 GDhS 19-27.

216 ĀDhS 1.16.16-1.19.

217 BDhS 1.8-1.10.20.

218 Kane 1968-1977, vol.1: 125, cf. p.116; 502. Olivelle’s dating is approximately the same, see Olivelle 2005a: 66.

219 VS 5.104, 44.9; KS 433, 783.

220 *asprśyaḥ kāmakareṇa sprśyaṃ sprśan vadhaḥ* / VS 5.104.

221 Kane (1968-1977, vol.1: 925) places his activities between 1580 and 1630. Derrett (1973: 50) dates NaVS precisely to “Nov. 1623”.

222 *asprśyaś caṇḍālādih [...] sprśyaṃ traivarnīkam [...] / NaVS 5.104.*

Those who have committed an act causing defilement are born of people who are untouchable²²³.

Again Nandapaṇḍita spells out the untouchables as “Caṇḍālas and the like”²²⁴. The crimes in question include killing birds, reptiles or fish or eating intoxicating plants. If, however, these transgressions have been expiated by particular penances, the consequences are avoided²²⁵.

The term *aspr̥śya* also occurs in the *Vaikhānasasmārtasūtra* (10.13-15), dated to the fourth century CE by Kane²²⁶ and probably even later according to Derrett²²⁷, that is at the same time or later as *Viṣṇu-* and *Kātyāyanasmṛti*. We shall have a closer look at this text in the next chapter.

The generalisation of the term into the meta-linguistic concept of “untouchability” (*aspr̥śyatva* or *aspr̥śyatā*) is found in the medieval commentaries (*bhāṣya*) and compendia (*nibandha*) literature, but not in the classical *smṛtis*²²⁸.

Secondly, the complex that we may identify by piecing the various rules together should not simply be characterised as a group of prohibitions since only very few types of contact with Untouchables were considered so damaging that their consequences could not be averted by the proper purifications. The segregation of untouchable groups was not absolute but was negotiable in relation to two opposing interests. One was to receive certain services characterised by the removal of impure substances from a person’s personal domains, and the other was to avoid the polluting influence entailed by these services oneself. Connected with this clearly articulated pattern, it might have been the case that the

223 *kṛtāmalinikaraṇākarmaṇāṃ manuṣyeṣv aspr̥śyayonayaḥ* / VS 44.9.

224 [...] *aspr̥śyāś caṇḍālādayas* [...] / NaVS 44.9.

225 VS 41.

226 Kane 1968-1977, vol.1: 260.

227 Derrett 1973: 39.

228 An early example of these constructions is found in Medhātithi’s 9th century commentary on MDhŚ. In MeMDhŚ 5.85 (5.84) we have both *spr̥śyatva*, “touchability” and *bhojyannatva*, “the state of being a person whose food can be eaten”, the latter also a clear example of the problem of translating these abstract nouns into simple English. Another example is Haradatta’s 12th century commentary on GDhŚ 14.1 (HaGDhŚ 2.5.1, p.141) where we have *aspr̥śyatā* along with *abhojyānnatā* and *dānādiṣv anadhiḥkāritā*.

services which were demanded from untouchable groups increasingly consisted of unskilled manual labour and that regulations of contact with them also functioned as a way to preserve and isolate such an unskilled labour force, but this does not seem to be testified in the ancient and medieval *dharmaśāstra* literature²²⁹. Anyhow, these ends necessitated interaction and segregation at the same time. Therefore attention was not so much on strict exclusion as on what went on along the boundary between Untouchables and Twice-born and on how this boundary could nevertheless be crossed from both sides.

This is best illustrated by leaving *dharmaśāstra* for a while and make a digression into the grammatical literature, where we find one of the most important ancient texts regarding the segregation of people known in other texts as untouchable. This is Patañjali's commentary (dated around 150 BCE)²³⁰, to Pāṇini's rule (2.4.10) regarding the use of names of certain groups of Śūdras in the Sanskrit copulative compound (*dvandva*). Pāṇini prescribes that names of Śūdras "who are not excluded" (*aniravasita*) can be used in that group of *dvandva* compounds which have the value of neuter singular collectives (*samāhāra-dvandva*)²³¹. In his commentary Patañjali, who like other grammarians and like many lexicographers classified Caṇḍālas and similar groups as low categories of Śūdras, explains who the 'excluded' are and what the criteria are for their exclusion. In the style common to much *śāstric* literature, Patañjali casts his argument as a debate, first presenting the *prima facie* view that segregation is a matter of exclusion from a geographic territory, the country known as Āryāvārta²³². But this has to be rejected because some *dvandva* compounds formed by names of foreign people and known from common usage do not fit in with this de-

229 According to Ramanayya (1935: 361), that is, based on a variety of historical sources, Caṇḍālas in 16th century Vijayanagara were divided in two groups: unskilled agricultural labourers consisting of the Māla and the Hoḷeya (or Pariah) caste, and artisans, mainly in leather, comprising the Mādiga or the Cekkili caste. In addition, "[a]s they were debarred by their birth from entering into the civil and military service of the state, they took to highway robbery." (*ibid.*).

230 Scharfe 1977: 153.

231 *dvigur ekavacanam* // 2.4.1 // *dvandvaś ca prāṇitūryasenāṅgānām* // 2.4.2 // *śūdrāṇām aniravasitānām* // 2.4.10 // Aṣṭ 2.4.1-2, 10.

232 In MDhŚ 2.22 defined as the land between the Himalaya and the Vindhya ranges and between the eastern and western ocean. See also BDhS 1.2.9.

marcation (that is these names can be members of a *samāhāradvandva* even though the people that they designate live outside Āryāvārta). Hence, it is suggested that it is not a matter of being excluded from Āryāvārta but from Aryan settlements within this country:

“In that case what is meant is rather compounds of ‘Śūdras who are not excluded from an Aryan dwelling-place’.” – “But what is an Aryan dwelling-place?” – “It is a village, a cattle farm, a city, or a market-place.” – “But that means that when Caṇḍālas and Mṛtapas live inside these large habitations, there the compound ‘caṇḍālamṛtapāḥ’ [plural] would also be wrong”²³³.

In other words, in common usage it is correct to say ‘caṇḍālamṛtapāḥ’, that is “Caṇḍālas and Mṛtapas”²³⁴ joined in one *dvandva* compound inflected in the plural but not ‘caṇḍālamṛtapam’ inflected as neuter singular. That being the case, these people must, in fact be excluded from something, since only names of Śūdras who were *not* excluded could figure as members in this latter type of *dvandva* compound. So the job is to define the criterion of exclusion. The next suggestion is exclusion from sacrificial rituals. Only Twice-born men are allowed to perform Vedic sacrifices. But this does not work either, since it is also correct to speak of “Carpenters and Blacksmiths” (*takṣāyaskāram*) and “Washermen and Weavers” (*rajakatantuvāyam*) in neuter singular although these artisans, as any other Śūdra, are definitely excluded from performing the sacrifice²³⁵. Finally we get the solution:

“In that case what is meant is compounds of ‘Śūdras who are not excluded from exchange of food vessels’. When a food vessel is regarded as being purified when it has been cleaned correctly after

233 *evam tarhy āryanivāsād aniravasitānām / kaḥ pūnar āryanivāsaḥ / grāmo ghoṣo nagaram saṁvāha iti / evam api ya ete mahāntaḥ saṁstyāyās teṣv abhyantarās caṇḍālā mṛtapās ca vasanti tatra caṇḍālamṛtapā iti na siddhyati* // MBhāṣ 1.475.4-7.

234 *Mṛtapa*, literally ‘guards of the dead’, probably guards of the cremation grounds.

235 I am surprised to see that Agrawala (1963: 80) seems to get this wrong. He writes, “Fourthly there was another class of Śūdras who were entrusted with some of the work connected with *yajñās* or sacrifices as carpenters (*takṣhā*), metal-workers (*ayaskāra*), washermen (*rajaka*) and weavers (*tantuvāya*).” See also Kane 1968-1977, vol.2: 82-83 (“Takṣan” and “Tantuvāya”) who clearly understands the text as indicating that these artisans were excluded from sacrificial rites.

people have eaten from it, then such people are those who are not excluded. When a food vessel is not regarded as being purified even when it has been cleaned correctly after people have eaten from it, then such people are those who are excluded”²³⁶.

That is, if one can eat from a food vessel which has been used by another (and cleaned properly), then this other belongs to those who are not excluded. This is why it is correct to construct compounds out of names of Śūdra artisans inflected in neuter singular, because, although they cannot perform sacrifices, they are not excluded from exchange of food vessels. This also explains why it is wrong to construct such *samādhāradvandra* compounds with names such as ‘Caṇḍāla’ and ‘Mṛtapa’. These people carry a kind of pollution which cannot be removed by ordinary cleaning. Food vessels that have been used by them cannot be used by Aryan villagers, and the only way their names can be combined is in *dvandra* compounds inflected in the plural. But this also means that Caṇḍālas, the only group unanimously regarded as untouchable in the post-Vedic literature, are *not* regarded as segregated from Aryan settlements such as villages, cattle farms, cities and market-places by Patañjali but only from an exchange of food vessels with Aryan inhabitants in Aryan dwelling places²³⁷. However, it must be admitted that Patañjali’s view does not agree with the rules regarding suspension of Vedic recitation (*anadhyāya*) that was mentioned above, for instance as formulated in *Paraskāraṅgrhyasūtra* 2.114. The rule that Veda recitation must be stopped when a Caṇḍāla is inside the village presupposes that he is not supposed to live there.

The criterion of exclusion suggested by Patañjali, that food vessels (*pātra*) used by excluded Śūdras such as Caṇḍālas cannot be used by people from other castes, seems also to have been known in early

236 *evam tarhi pātrād aniravasitānām / yair bhukte pātraṃ saṃskāreṇa śuddhyati te ‘niravasitāḥ / yair bhukte pātraṃ saṃskāreṇāpi na śuddhyati te niravasitāḥ* // MBāṣ 1.475.8-10.

237 R.S. Sharma (1990: 138-139) misinterprets the text: “According to Patañjali Pāṇini seems to have included the caṇḍāla and the mṛtapa [...] in the list of those śūdras who lived outside towns and villages.” Mukherjee (1988: 71-72) admits that Caṇḍālas and Mṛtapas could live within Aryan settlements according to Patañjali, although in the periphery as she seems to suggest, but later in her book (p.85) she forgets this as she writes, “There were also the ‘excluded’ Śūdras whom the later commentators (like Patañjali etc.) explained as those who were expelled socially, spatially and ritually.”

dharmaśāstra texts which use the term “*apapātra*” as a designation of certain people with whom contact must be avoided but without ever explaining the semantic content of the expression ²³⁸. *Mānavadharmasāstra* 10.51 is explicit in associating the term with Caṇḍālas and Śvapacas; these groups “should be made *apapātra*”, and verse 10.54 of the same text further explains that they should depend on others for food, which, however, must be served to them in a broken vessel (*bhinnabhājana*), that is not in a metal bowl. The expression *apapātra* is not found in the other extant *smṛtis* (YDhŚ, VS and NS) and Olivelle therefore thinks that it had become obsolete at this time. He chooses to translate the expression as “degraded”, a translation that only reflects the ascription of the term but not its semantic relation to food vessels ²³⁹. That the term became obsolete seems to be confirmed by the fact that, when attempting to explain the expression “should be made *apapātra*” in *Mānavadharmasāstra* 10.51, Medhātithi has to guess its meaning by setting up three different alternatives. Either food given to these people must be served in earthen vessels that are thrown away afterwards, or it is given in vessels held by a third person or placed on the ground, or simply in a broken vessel as indicated in verse 10.54 (and also 10.52) of the *smṛti* text. Kullūka whose commentary on the same text echoes Patañjali is less in doubt:

They should be treated in such a way that their food vessels have to be discarded in the sense that when they have eaten from a vessel of copper or other metal it cannot be exchanged with others, even if it is correctly cleaned ²⁴⁰.

Haradatta on *Āpastambadharmasūtra* 1.3.25 identifies those who are *apapātra* with *pratiloma* castes, that is those who are regarded as the outcome of sexual relations between a man of a lover *varṇa* and a woman of a higher, among which the Caṇḍāla is regarded as the low-

238 ĀDhŚ 1.3.25, 1.16.30, 1.21.6, 1.21.17; BDhŚ 1.21.15, 2.2.13; VDhŚ 20.16; MDhŚ 10.51.

239 Olivelle’s comment to MDhŚ 10.51, Olivelle 2005a: 336-337. See also his translation of the *sūtras* mentioned in the previous footnote, where his translation of *apapātra* is consequently “degraded”.

240 *pātrarahitāḥ kartavyā yatra lohādīpātre tair bhuktaṃ tatsaṃskṛtyāpi na vyavahartavyam* [...] /KuMDhŚ 10.51-52.

est. He explains the term by saying that the food vessels of such people cannot be used for cooking purposes together with people from the four *varṇas* ²⁴¹. In his commentary on the same text 1.16.30, however, he identifies the *apapātras* with the primary untouchable categories listed in *Gautamadharmasūtra* 14.30 and *Mānavadharmasāstra* 5.85, that is a Caṇḍāla, an outcast sinner (*patita*), and a woman during menstruation and just after childbirth ²⁴².

Patañjali's old discussion of Śūdra names in *dvandva* compounds, the later rules in *Mānavadharmasāstra* about exchange of food and food vessels, along with the medieval commentators' attempts at explaining the notion of *apapātra* in line with Patañjali show that 'segregation' – or 'exclusion', which was the notion used by Pāṇini and Patañjali – boils down to pragmatic questions regarding the regulation of concrete transactions. Thus, the concern seems to be about safeguarding and regulating a necessary and existing interaction, not about prohibiting it altogether. In that sense Untouchables were in an ambiguous position. They did not stand outside the community of the four *varṇas* but at its periphery. From there they were in a position to perform tasks that were necessary for the ritual and political constitution of this community by disposing of the impurities that were seen as fatal to the competencies of its members. For this work they might have received food in return ²⁴³. Exactly this kind of ambiguity, which is inherent in their function, is the most characteristic trait of untouchable groups such as Caṇḍālas in the classical literature, and is manifested spatially as well as on other levels.

Untouchable categories in the dharmasūtras

As indicated above, the permanent untouchability of certain castes should not be seen as an isolated phenomenon but as related to possi-

241 *apapātrāḥ pratilomajā rajakādayaḥ / apagatāni hi teṣāṃ pātrāṇi pākādyarthāni caturbhir varṇaiḥ saha* / HaĀDhS 1.1.3.25, p.26.

242 *patitasūtikācaṇḍālodakyādayo 'papātrā apagatāḥ pātrebhyaḥ [...]* / HaĀDhS 1.5.16.30, p.124.

243 As pointed out by Jha (1986: 9) *dharmaśāstra* texts give us no precise knowledge of how Caṇḍālas were remunerated, but the rules about how food could be served for Caṇḍālas without polluting the giver indicate that food might have been the typical form.

bly pre-existing practices within the domain of the family. Although a clear distinction between the two cases – permanent untouchability of caste and temporary untouchability of family members – is not absent in the texts ²⁴⁴, we need to understand them in their totality. P.V. Kane already stressed this point:

Those who are not familiar with ancient or even modern Hindu notions must be warned against being carried away by the horror naturally felt at first sight when certain classes are treated as untouchables. The underlying notions of untouchability are religious and ceremonial purity and impurity. A man's nearest and dearest women relatives such as his own mother and wife or daughter are untouchable to him during their monthly periods. To him the most affectionate friend is untouchable for several days when the latter is in mourning due to death in the latter's family ²⁴⁵.

Of course this could be seen as one of Kane's apologetic reflections, that Derrett drew attention to ²⁴⁶. The existence of temporary untouchability in the family is not a mitigating circumstance in relation to the permanent untouchability imposed on certain people by their very birth. But Kane is right with regard to the interrelation between the articulation of these practices ²⁴⁷. It is therefore necessary to have a brief overview of these different categories as they appear in the earliest texts on dharma, the *dharmasūtras* ²⁴⁸. Two lists of untouchable categories became normative for later similar lists. One is *Baudhāyanadharmasūtra* 1.9.5 which reads:

244 Having first given the rule (VS 5.104) that an Untouchable ("Caṇḍālas and the like" according to Nandapaṇḍita) who touches a Touchable ("a member of the three *varṇas*" according to the same), must be punished corporally, the following *sūtra* (VS 5.505) explicitly accounts for the temporary untouchability of a menstruating woman. If such a woman commits the same offence (touching a Touchable), she must be put to the lash.

245 Kane 1968-1977, vol.2: 170.

246 Derrett 1973: 64.

247 As mentioned in the introductory chapter, Dumont (1980: 48) acknowledged Kane's remark and showed how temporary impurity in the family gives rise to permanently impure specialists such as the washerman and the barber.

248 There is some disagreement about the chronology and relative age of the four extant *dharmasūtras*, that is ADhS, GDhS, BDhS and VDhS. In particular the debate is whether ADhS or GDhS is the oldest of the four. Olivelle, who goes through the earlier arguments of Bühler,

If a Brahmin touches a sanctuary tree, a funeral pyre, a sacrificial post, a Caṇḍāla, or a man who sells the Veda, he should bathe with his clothes on²⁴⁹.

The other is *Gautamadharmasūtra* 14.30:

When a man touches an outcaste, a Caṇḍāla, a woman who has just given birth or is menstruating, a corpse, or someone who has touched any of these, he becomes purified by bathing with his clothes on.

Before continuing the argument, however, we need to dwell a little on the translation of this particular *sūtra*, which in Sanskrit is constructed in such a way that two different understandings, both of which are correct translations, seem possible. The translation given above is Olivelle's translation²⁵⁰. Bühler's translation was similar in the understanding of the Sanskrit:

On touching an outcast, a Caṇḍāla, a woman impure on account of her confinement, a woman in her courses, or a corpse, and on touching persons who have touched them, he shall purify himself by bathing dressed in his clothes²⁵¹.

But an alternative translation would be:

When touching an outcast, a Caṇḍāla, a woman who has just given birth or is menstruating, a person who has touched a corpse, or one who has touched any of these, a man should purify himself by bathing with his clothes on.

Kane, Kangle and others, thinks that ĀDhS is the oldest, composed about the beginning of the third century BCE, followed by the rest during the next couple of centuries. See Olivelle 2000: 4-10.

249 *caityavṛkṣaṃ citiṃ yūpaṃ caṇḍālaṃ vedavikrayaṃ / etāni brāhmaṇaḥ spr̥ṣtvā sacelo jalam āviśet* // BDhS 1.9.5. Olivelle's translation. The precise function of the "sanctuary tree" is not clear, but it is probably a tree in memory of a dead person. The sacrificial post is for binding the victim in Vedic animal sacrifices. A man "who sells the Veda" is probably a person who stipulates wages before giving instructions in the Vedas.

250 Olivelle 2000: 155.

251 Bühler 1879: 253.

The main difference of the two understandings of the text is with regard to the corpse. Bühler and Olivelle sees this as an independent untouchable category, while the alternative understanding does not. Both are correct understandings of the Sanskrit text which reads:

*patitacaṇḍālasūtikodakyāśavasprṣṭitatsprṣṭyupasparsāne sacelo-
dakopasparsānāc chuddhyet // GDhS 14.30.*

Bühler apparently saw two different derivatives behind the *sprṣṭi*, occurring twice in the *sūtra*'s first independent compound (that is from “*patita*” to “*upasparsāne*”). “*Sprṣṭi*” (in “*patita[...]*śavasprṣṭi”) he understood as the feminine noun meaning “touch” or “touching” and “*sprṣṭy*” (in “*tatsprṣṭy*”) as the weak form (*sprṣṭi*) of the masculine noun *sprṣṭin*, meaning “a person who has touched”²⁵². Bühler regarded the total compound from “*patita*” to “*upasparsāne*” as a *dvandva* consisting of two *tatpuruṣa*- compounds, that is “on touching an outcaste [...] or a corpse” [*patitacaṇḍālasūtikodakyāśavasprṣṭau*] + “on touching persons who have touched them” [*tatsprṣṭyupasparsāne*]. The “and” in between in his translation signifies that the two *tatpuruṣas* are understood as forming a *dvandva*. Olivelle follows Bühler’s translation in principle except that he ignores the first *sprṣṭi* (after *śava*) and omits the “and”. The alternative translation, however, regards both “-*sprṣṭi*” and “-*sprṣṭy*” as compound forms of *sprṣṭin*, “a person who has touched”, that is both in “*śavasprṣṭi*”, “a person who has touched a corpse”, and in “*tatsprṣṭy*”, “a person who has touched any of these”.

The interpretation of Bühler and Olivelle seems to follow Haradatta who quotes *Mānavadharmasāstra* 5.85, which clearly includes a corpse in the list²⁵³. But Haradatta got himself into troubles by making that interpretation since *sūtra* 14.23-27 have already prescribed that touching a corpse intentionally will require regular purification of

252 Nouns on *-in* enter word compounds in their weak form where the *-n* is lost; the *-i* is transformed to a *-y* in the second occurrence through phonetic rules (*sandhi*).

253 HaGDhS 2.5.28, p.151. MDhS 5.85 reads: “When someone touches a Divākirti [a synonym of Caṇḍāla], a menstruating woman, an outcaste, a woman who has given birth, or a corpse – as also a person who has touched any of these – he is purified by bathing.” *divākṛtim udakyāṇi ca patitaṃ sūtikāṃ tathā / śavaṃ tatsprṣṭinaṃ caiva sprṣṭvā snānena śuddhyati //* MDhS 5.85. Olivelle’s translation.

death for ten, five or three days, whereas the present *sūtra* (14.30) only prescribes a bath. In his commentary on *sūtra* 14.23 Haradatta then explains the different level of purification by saying that when the severe purification is prescribed (in 14.23) this is because in that *sūtra* “touching” (*upasparsana*) should not merely be understood as touching but rather as “carrying out” (*nirharana*)²⁵⁴. In fact, this is in agreement with the rule in *Mānavadharmasāstra* 5.65 that those who carry a corpse (*pretāhāra*) have to purify themselves for ten days, and also with *Baudhāyanadharmasūtra* 1.11.32-33, which explicitly differentiates intentional and unintentional touching of a corpse, demanding respectively impurity for three days (like in GDhS 14.27) and a bath (like in GDhS 14.30). But there would not be a contradiction at all between the purifications in *Gautamadharmasūtra* 14.23 and 14.30 if both “-*sprṣṭi*” and “-*sprṣṭy*” in GDhS 14.30 were understood as the weak form of *sprṣṭin*, “a person who touches”, that is both in *śavasprṣṭin* and *tatsprṣṭin*. The *śavasprṣṭin* in *Gautamadharmasūtra* 14.30 would then be any of the persons already dealt with in 14.23-27 who have touched a corpse intentionally but whose own untouchability was not considered in those *sūtras*. This is at least a possible alternative, I think, which has the benefit of not assigning two different meanings to the same word (*sprṣṭi/sprṣṭy*) occurring twice in the same compound. I think that the reason why the text formulates the rule in this way is because it takes the untouchability of a corpse for granted. Anyone who is in direct contact with a corpse, whether intentionally or unintentionally, will need some sort of purification of which a bath is the least severe. Therefore the rule need only address purification after touching *people* who have touched a corpse, not the touching of the corpse itself. These people are on the same level as the other groups of living people listed in this *sūtra* (GDhS 14.30).

Moving on now to other untouchable categories in the *dharmaśūtras*, we find that animals form a third group separate from people in *Gautamadharmasūtra* 14.30 and from things in *Baudhāyanadharmasūtra* 1.9.5. Taken together and including the other ancient *dharmaśūtras*, untouchable people include the Caṇḍāla, representing the perma-

²⁵⁴ HaGDhS 2.5.21, p.149. The commentary is translated by Bühler as a footnote to GDhS 14.23 in Bühler 1879: 252.

nent untouchability of caste, the woman who has just given birth (*sū-takā*), the menstruating woman (*udakyā* or *rajasvalā*), the dead person (*śava*), the person who has touched a dead person (*śavaspr̥ṣṭin*), the outcast sinner (*patita*) who has violated the moral laws in the highest degree, for instance by killing a Brahmin, he who “sells the Veda” (*vedavikrayin*), as well as other sinners known in *Vasiṣṭhadharmasūtra* 4.38 as “sordid men”²⁵⁵. Among animals only the dog, which is especially associated with Caṇḍālas²⁵⁶, is mentioned in the early texts²⁵⁷. In addition to the objects mentioned in *Baudhāyana-dharmasūtra* 1.9.5, *Vasiṣṭhadharmasūtra* 4.38 includes the cremation ground (*śmaśāna*). The distribution of these untouchable categories in the four extant *dharmasūtras* is shown in Table 1.

	ĀDhS	GDhS	BDhS	VDhS
Caṇḍāla	2.2.8	14.30	1.9.5	23.33
Dog	1.15.16	14.32	1.11.39	23.33
Outcast sinner		14.30	1.11.36	23.33
Menstruating woman		14.30	1.11.34	4.38
Woman after birth		14.30		4.38
Corpse		14.23-29	1.11.32-33	
Funeral pyre			1.9.5	4.38
Sacrificial post			1.9.5	4.38
Cremation ground				4.38
Person who has touched a corpse		14.30		
Sanctuary tree			1.9.5	
Veda-seller			1.9.5	
Other sinners (“sordid men”)				4.38

Table 1: *Untouchable categories in the dharmasūtras*

²⁵⁵ Most of these categories will be treated in more detail in the following chapters. For an overview and summary of the analysis, of this study, see Aktor 2002. The “sordid men” (*aśucayaḥ*) listed among other untouchable categories in VDhS 4.38 are not specified in that text itself. Olivelle refers to ĀDhS 1.21.12-19, which lists the sins that make people “sordid”.

If we take a more structural look at these categories, ignoring for a while their quantitative representation, three concentric spatial areas emerge. The first is the personal sphere of the male Brahmin householder, comprising his “person” or *personne* as elaborated by Patric Olivelle on the basis of Michael Carrither’s discussion²⁵⁸. This is his social identity both as he perceives it himself and as it is perceived by others. Its representation is not very clear in this list, but the Vedaseller, the person who compromises the most sacred basis of the Brahmin’s special authority in society, the Vedas, can be seen as a sinner who destroys the professional identity of the ideal Brahmin.

The next is the domestic sphere where death, childbirth and menstruation belong. Death and childbirth are critical events where life is destroyed or at risk. At the same time both are social events of major importance for the family as a social group and for its relations to the surrounding society. Basically it is births and deaths which continually define this social unit. Who joins it? Who leaves it? Menstruation can be connected with both the anxiety of infertility and of pregnancy, if that pregnancy is unwanted. And again, both infertility and wanted or unwanted pregnancy are loaded with strong social consequences. All of these are vital for the prosperity of the home and, by extension, for the competence of the male householder, the master of that domain.

These comprise women who have had sex with Śūdra men, men who have had sex with low-caste women, people who eat meat of animals that should not be eaten, and people who have swallowed faeces, urine or a Śūdra’s leftovers.

256 For an analysis of this relation in the context of comparative mythology, see White 1991: 71–113.

257 ĀDhS 1.15.16; GDhS 14.32; BDhS 1.11.39; VDhS 23.33.

258 Carrithers 1985: 235–236; Olivelle 1997: 429–431. Carrither’s concept of *personne* is restricted to societies where the person is legally acknowledged as a citizen with rights and duties, whereas Olivelle extends the notion to comprise also a pre-civil-rights society like the ancient Indian. This extension of the *personne* seems to fuse the *personnage* and the *personne* of Marcel Mauss’s original scheme (Mauss 1985), which was Carrither’s starting point. The *personnage* is precisely “defined in terms of interlocking social relations” (Olivelle 1997: 429 on the *personne*). But according to Mauss it is so by being limited to a number of social roles or ‘dramatic characters’ that each member of the group can be allowed to play, primarily through ritual initiations of various kinds, whereas the *personne* in Mauss’ understanding is a social agent from the point of view of a public law, which means that an abstract self, a citizen, has become communally objective and explicit (Mauss 1985: 12, 14). This it had not been at the level of the *personnage*.

The third sphere is that of the 'village', or in more general terms, the local social arena. In the above table this sphere is represented by the Caṇḍāla and the outcast, the latter being explicitly segregated from the village, the former at the least unwanted inside it. The dog also belongs here as an undomesticated but scavenging animal within an area of homes (just like the village pig). It neither belongs to the 'farm' nor to the 'wilderness', the two topographic areas where edible animals are found²⁵⁹, and in the succeeding chapters we will come across later rules that make other village animals, which are similarly 'betwixt and between', untouchable. The cremation ground is an overlapping category. It is connected to the domestic sphere by being the place of the death ritual, but also to the village by being placed at or just outside its boundaries, just like the Caṇḍāla hamlet.

Obviously these negative categories demarcate the domains to which they belong. By observing rules of untouchability and segregation in relation to these categories, family members and villagers engage in upholding the authority of the family and the village and strengthening the boundaries of these domains. But with the Caṇḍāla the case is more complex. The significance of the Caṇḍāla among the other untouchable categories on the list lies in the way untouchability and segregation are used, in his case, to secure a particular service. Unlike the others he is not passive in his segregation. On the contrary, the untouchability of the Caṇḍāla is economically significant, in that it becomes a means of obtaining and securing his labour. This is connected with the fact that he is the only one who can be required to perform the special tasks of handling and removing impurities. In order to prevent such a labour force from becoming absorbed into society by upward mobility, rules prescribing precautions to be taken against contact with them have to be made in order to ensure their isolation. These aspects are particularly clear in connection with the various regulations of the economic transactions with Caṇḍālas, which will be discussed in chapter six.

This structural analysis need not to stop at these three spheres (person, home, village). We shall see later that it applies to a fourth sphere,

259 Olivelle 2005f: 377, 380.

the country, and that it can be used for demarcations within other discourses as well, for instance to demarcate religious affiliations.

It is, however, important to notice the form in which these precautionary rules are formulated. They are never formulated as, “A man should not touch ...”, or, “A man should avoid touching ...”, but instead: “*When a man has touched ..., he should take a bath*”. *Āpastambadharmasūtra* 2.2.8-9 is revealing:

As it is a sin to touch a Caṇḍāla, so is it to speak to or to look at one. These are the expiations for such offences: for touching, submerging completely in water; for speaking, speaking to a Brahmin; for looking, looking at the heavenly lights²⁶⁰.

In other words, interaction with a Caṇḍāla inevitably involves some defilement but the defect can be removed by an easy penance. The whole institution of penance is governed by very pragmatic considerations as will be shown in chapter seven. Thus it is obvious that untouchable people are a part of the environment that will inevitably be encountered, but it is nonetheless possible to stay pure. The very performance of penance, even these trifling ones, is a signal to others in the everyday field of transaction that people do, indeed, care about purification and reputation.

I have stressed the need to include all the untouchable categories in an analysis of untouchability and not only to consider untouchability of caste. However, while acknowledging the interrelation, we should not overlook the striking difference. The Caṇḍāla is the only group within the scope of daily interactions that is untouchable by birth, that is, permanently. This was also reflected in the penal system, where precise fines were imposed on Untouchables who touched people from the four *varṇas*. *Arthaśāstra* 3.19.10 explicitly mentions Caṇḍālas and other impure people as punishable by these rules²⁶¹, and the

260 *yathā cāṇḍālo pasparśane saṃbhāṣāyām darśane ca doṣas tatra prāyaścittam // 8 // avaḡāhanam apām upasparśane saṃbhāṣāyām brāhmaṇasaṃbhāṣā darśane jyotiṣām darśanam // 9 //* ĀDhS 2.2.8-9. Olivelle's translation.

261 However, Kangle thinks that this specific *sūtra* may be interpolated. See Kangle 1992, vol.2: 248, his footnote to 3.19.8-10.

same text (3.20.16) fixes the fine for a Caṇḍāla who touches an Aryan woman at hundred *paṇas* which, according to Kangle, is in the lower end of the scale, though considerable compared with standard salaries²⁶². *Yājñavalkyadharmasāstra* 2.234 has a similar rule and fine²⁶³, but there it applies whenever a Caṇḍāla touches a person of high *jāti* without regard to the sex of the person who has been touched.

This does, when all is said, justify our devoting to the Caṇḍāla a special attention, as does the fact, just amplified, that he alone is fully productive in his state of untouchability, in contrast to menstruating women, women who have given birth, mourners and sinners. These two aspects, permanent untouchability and productivity, are connected. Other people are generally qualified to perform meritorious activities, such as particular rituals, and it is therefore inevitable that the occasional impurity, such as that attending a death in the family, deprives them of this competence (*adhikāra*) and puts certain restraints on their work. Permanent untouchables, on the other hand, have no such merit-giving competences and are therefore not subject to these restrictions on productivity. On the contrary, the services that are expected of them in the later *dharmaśmṛtis* are only possible in a state of permanent impurity.

The criteria of untouchability

The criteria for an untouchability complex as a total set of rules that discriminate against those subject to the rules can be divided in two groups. Firstly, there are rules that limit the rights of these individuals. Secondly, there are the many rules which restrict other people's contact with untouchable persons.

With regard to the first of these two sets of rules, the restrictions on the untouchable persons' own rights, nothing is formulated in the *dharmaśūtras* with exclusive reference to untouchable categories. The closest is the general rule in *Gautamadharmasūtra* 4.25 that all castes that are classified as the outcome of sexual relations between men of

262 Kangle 1992, vol.3: 239; Jha 1986: 8 n.9.

263 For the monetary system and definition of fines, see Kane 1968-1977, vol.3: 120ff and 393-394. For a detailed study of medieval monetary systems, see Deyell 1990.

lower *varṇa* with women of superior *varṇa* (the category of *pratiloma* castes of which the *Caṇḍāla* is the lowest) are *dharmahīna*, “outside the law” in Olivelle’s translation. Precisely what this means is not clear from the context, but later medieval commentators seem to have understood it in relation to religious rights. These later interpretations, along with similar rules in the *smṛti* texts, will be presented in chapter five and six on rules of untouchability in PS and PM.

The other category of rules specifying restrictions on other peoples’ contact with untouchable people comprise several precautionary measures, only one of which, the precaution against touching, has given the group its name. Some of these other rules, however, are more inclusive and regulate the interaction with a larger range of groups than just untouchable persons, most evidently with regard to sexual relations and food transactions. In contrast, permanent untouchability applies to an exclusive number of categories. This is probably the reason why the term *aspr̥śya* became a generic classificatory category in *dharmasāstra* texts several hundred years before Risley introduced the notion in his Census statistics, as I mentioned in the introductory chapter. As a term for a category, “untouchable” was good because touch is such a concrete thing, although its practical importance was far less significant than, say, the restriction on receiving gifts or similar more economically tangible restrictions. The following list focuses on the *Caṇḍāla*²⁶⁴ and is only with reference to the *dharmasūtras*.

Listing 1: Precautionary rules regarding contact with Caṇḍālas in the dharmasūtras

Precautions against physical contact

1. Precautions relating to sexual contact (BDhS 2.4.13-14; VDhS 23.41)
2. Precautions relating to touch (ĀDhS 2.2.8; GDhS 14.30; BDhS 1.9.5; VDhS 23.33).

²⁶⁴ Many of the rules listed here relate, however, to several untouchable categories, most often a *Caṇḍāla*, a dog and an outcast sinner.

Precautions against contact through the senses

3. Precautions relating to contact through sight (ĀDhS 2.2.8)
4. Precautions relating to contact through hearing (during recitation) (VDhS 23.34)²⁶⁵
5. Precautions relating to contact through speech (ĀDhS 2.2.8).

Precautions against contact through things exchanged

6. Precautions relating to contact through food (BDhS 2.4.14; VDhS 20.16-17)
7. Precautions relating to contact through exchange of food vessels (ĀDhS 1.16.30, 1.21.17)²⁶⁶
8. Precautions relating to contact through gifts (BDhS 2.4.14)

Precautions against contact during religious activities

9. Presence of a Caṇḍāla as a hindrance to recitation (ĀDhS 1.9.15; GDhS 16.19; VDhS 13.11)
10. Glance of a Caṇḍāla as spoiling the food served during ancestral offerings (*śrāddha*) (GDhS 15.24)

In the next chapters we shall see how this list grows in the *smṛti* literature while, on the other hand, some of its items seem to become obsolete. With regard to this development it is notable that the explicit segregation of the Caṇḍālas from the village, which is prescribed in the *dharmasmṛtis*²⁶⁷ and which is emphasised frequently as a defining criterion of untouchability in the secondary literature²⁶⁸, does not occur in the *dharmasūtras*, nor was it recorded in Patañjali's discussion about the criteria of being *aniravasita*. On the other hand, the rules which dissuade Brahmins from reciting the Vedas when a Caṇḍāla enters the village or city (point 9 in the list above), show that an explicit rule about segregation was nevertheless in the making.

265 This is probably in the context of suspending Vedic recitation (*anadyāya*). Accordingly Olivelle thinks that "hearing" must be understood as a measure of distance to the Caṇḍāla rather than actually hearing him. The fact that a corpse is also mentioned confirms this interpretation. See his comment to VDhS 23.34, Olivelle 2000: 697.

266 In contrast to all the other listed precautionary measures, being *apapātra* is not explicitly applied to Caṇḍālas, but these are in all probability included in the notion. See the discussion above on the notion of being *apapātra*.

267 E.g. MDhŚ 10.51 and VS 16.14.

268 E.g. Dumont 1980: 134.

One occasion where Caṇḍālas were supposed to enter the village could be the daily *vaiśvadeva*, a domestic ritual consisting of a series of offerings of food, the last being for the creatures which surround the domesticated sphere of the village. The structure of the ritual is tripartite. First, oblations of food are offered in the domestic fire to various gods, then small lumps of food (*bali*) are placed on the floor at different places in the house for gods, various deities of the house, manes and men, and lastly, portions of food are actually distributed to real people, first by serving food to a Brahmin, guests, children and old people, and then by throwing food on the ground outside the house for outcast sinners, Caṇḍālas or Śvapacas and the dogs and birds of the village²⁶⁹.

Phenomenologically this is clearly a ritual that establishes the householder in a structured householder sphere starting from its centre, the domestic fire, and proceeding to its boundary surrounded by dogs, Caṇḍālas and birds. The ritual ends there and is not related to the world outside that boundary. For instance, there are no offerings to wild animals or to ascetics. This again is a clear indication of the position of the Caṇḍāla, completely parallel to *Chāndogya Upaniṣad* 5.10.7 where a Caṇḍāla birth is categorised among the “foul wombs” together with dogs and pigs, at the end of the domestic area of the village, at the end of the human world and at the intersection between human and animal life.

How far the food given to Caṇḍālas at *vaiśvadeva* is a symbolic gesture or a real distribution cannot be ascertained from the texts. I have not seen any which tell us about Caṇḍālas actually taking the food. But we must notice *Āpastambadharmasūtra* 2.4.13, which states that at the *vaiśvadeva* distribution “[t]he master and mistress should never rebuff anyone who comes asking for food at the proper time”²⁷⁰ – which indicates that there is, in fact, food to take. On the other hand, the same text (2.9.6) in the same context mentions the view that food should not be distributed to people who are unworthy (*anarhat*) which, according to Haradatta, might include Caṇḍālas.

269 ŚGS 2.14; ĀDhS 2.3-2.4.20, 2.9.5-6; VDhS 11.3-11, see especially 11.9; MDhŚ 3.84-93, especially 3.92. For an overview, see Kane 1968-1977, vol.2: 741-748.

270 *kāle svāmināv annārthinaṃ na pratyācakṣīyātām* / ĀDhS 2.4.13.

It is interesting to see how the list of *vaiśvadeva* recipients is extended in *Vasiṣṭhadharmasūtra* and *Mānavadharmasāstra*. To the Caṇḍālas (or Śvapacas), dogs and birds in *Śāṅkhāyanagr̥hyasūtra* 2.14.22 and *Āpastambadharmasūtra* 2.9.5, *Vasiṣṭhadharmasūtra* 11.9 adds outcast sinners, and *Mānavadharmasāstra* 3.92 completes the list with worms and people who are seriously ill or ill due to former sins (*pāparogin* – both translations are possible). That there is a link between this class of living beings and former sins is expressed more explicitly in *Mānavadharmasāstra* 12.55, which has it that those guilty of Brahmin murder are reborn as dogs, pigs, donkeys, camels, cows, goats, sheep, deer, birds, Caṇḍālas or Pulkasas²⁷¹. Even *Āpastambadharmasūtra* 2.2.6 tells us that those who have stolen the wealth of a Brahmin or have murdered him²⁷² are born as a Caṇḍāla, a Pulkasa or a Vaiṇa according to his own *varṇa* (*brāhmaṇa*, *kṣatriya* and *vaiśya* respectively). Thus, there seems to exist a graphic parallelism on two different levels. On a topographic level we find the Caṇḍāla together with more or less domesticated animals located at the outer reaches of the communal sphere, and on the moral level his position in *saṃsāra* among the same class of beings is at the end of human existence at the intersection between animal and human life. This position is summarised in other texts by categorising the Caṇḍāla as “the lowest [or worst] among men” (*narādhamā* and similar)²⁷³.

To conclude this chapter, let me repeat that these early texts, pre-*dharmaśāstra* and *dharmasūtras*, do not present us with a picture of a strictly segregated demographic group. But neither do they give the impression that there was well-established interaction between such people and the *varṇas* inside the villages and cities. Caṇḍālas are expected to come for food at *vaiśvadeva*, and as *apapātrās* they may

271 See also YDhŚ 3.207.

272 The term used is *abhiśasta*, which is defined in the same text (ĀDhS 1.24.6-9) as a person who has murdered a Brahmin or Kṣatriya who has studied the Veda, who has caused an abortion of a Brahmin embryo or who has killed a Brahmin woman after the bath that concludes the impurity of menstruation (when she enters the fertile period of her cycle).

273 MDhŚ 10.12, 16, 26. But also ignorant men who are led by their senses are *narādhamāḥ* according to MDhŚ 12.52; these are reborn in evil reincarnations. The expression is also used by the coming Buddha when he talks of his earlier birth as a Caṇḍāla: *jāti narānaṃ adhamā [...]* caṇḍālayonī dipadākaniṭṭhā / Jāt 4.397.

have received food in other contexts as well. But we do not get information about what kind of services they might have performed. And only in the *dharmasūtras* do we find rules which make them untouchable to other people. On the other hand, notions of pollution and aversion were clearly already attached to them at the time of the composition of *Chāndogya Upaniṣad* 5.10.7, where they were assigned a position as the lowest possible human birth within the village sphere – a position they kept during the next 500 years or so, according to literary references in early Buddhist texts and the *Mānavadharmasāstra*. But to know more about them we will have to proceed to other and later texts and, using these texts, try to find them virtually in the ancient Indian landscape. This will also help us understand their position in relation to the *varṇa* taxonomy expressed in the peculiar “genealogy” ascribed to them as the offspring of illicit sexual relations between Brahmin women and Śūdra men.

4. STEREOTYPES AND PROLIFERATIONS

Topographic representations

Caṇḍālas and other untouchable groups that are mentioned in the early texts have never been identified convincingly in the ethnography of ancient India²⁷⁴. Some texts mention specific ethnic features, however. In a *Jātaka* story, for instance, two Caṇḍālas pretending to be Brahmins (one of whom is the coming Buddha) are revealed by their special Caṇḍāla dialect or language (*caṇḍālabhāsā*). When the young Brahmins in their company gather afterwards, they discuss the words spoken by the two and finding out that it is Caṇḍāla dialect, they beat them up²⁷⁵. Likewise *Nāṭyaśāstra*, a dramaturgical manual, prescribes that low-caste characters are supposed to speak in the *cāṇḍālī* dialect²⁷⁶. But, apart from these few and uncertain references, classical Sanskrit texts do not generally locate Caṇḍālas and similar untouchable groups in any specific geo- or ethnography but represent them more as a common all-Indian feature of the landscape. On this topographical level, however, they are in fact located with a little more precision.

The post-Vedic South Asian cultural topography can roughly be divided in three main categories: 1) Aryan habitations of some density, that is a city or a village²⁷⁷, 2) the outskirts of these habitations, and 3) the wilderness outside both. According to definitions in the *Vinayapīṭaka*, a

274 Mukherjee (1988: 12, 91, 102) suggests an identification between Caṇḍālas and the *kandaloi* mentioned by Ptolemy but fails to present any argument in support of her view which, as noticed by Jha (1986: 10 n.6), is not in accordance with McCrindle's and Lassen's earlier identifications between *kandaloi* and the ancient Gonds. Mayrhofer (1964) estimates that the name 'Caṇḍāla' probably originated from a non-Aryan language, but others see the name as connected with the Sanskrit word '*caṇḍa*', meaning 'fierce' or 'cruel', see Leslie 2003: 27-28 n.9.

275 *māṇavā nikkhamitvā vaggavaggā hutvā tattha tattha nisīditvā bhāsaṃ sodhentā "caṇḍālabhāsā" ti ñatvā "are duṭṭhacaṇḍālā, ettekaṃ kālāṃ brāhmaṇā v' amhā ti vatvā vañcayinthā" 'ti ubho pi ne pothayimsu.* Jāt 4.392.

276 *śabarāṇāṃ śakādināṃ tatsvabhāvaś ca yo gaṇaḥ / śakārabhāṣā yuktavyā cāṇḍālī pulkasādiṣu* // NŚ 17.53. Some manuscripts have "*pāñcālī*" in stead of "*cāṇḍālī*".

277 As we saw from Patañjali's discussion in the last chapter, there are subcategories such as a market-place (*saṃvāha*) and a cattle-farm (*ghoṣḍ*). Vin 3.46 also includes a caravan (*saṭṭha*) camping at a fixed place for more than four months as belonging to the village category.

village, which may be fenced or unfenced, is surrounded by a periphery (*gāmupacāra*) that extends from the fence or the last house of the village a distance equalling the length of a stone's throw by a man of average height. What is beyond the village and its outskirts is defined as the wilderness²⁷⁸.

Narrative and *śāstric* literature produce three different representations of Caṇḍālas, which I think can be correlated with the three *topoi* just listed. According to one mode of representing the Caṇḍālas, they belong to the wilderness where they support themselves as savage hunters. We find this image in much of the epic, Purāṇic and other narrative literature, while *dharmaśāstra* texts only rarely refer to this type. In the well-known episode about the starving Viśvāmitra, who during times of crisis (*āpad*) tries to steal the meat of a dog from a Caṇḍāla, the Caṇḍāla hamlet is located in the forest (*vana*), it is populated by savage killers of living beings, and it is all cluttered up with broken jars, clothing of dog's skin, bones of pigs and donkeys and clothes taken from corpses (this was one of their occupational rights as we shall see in a moment). Garlands of withered flowers from Aryan cremation grounds and ribbons of dried-out snake's slough decorate their huts, whereas feathers of owl and peacock adorn their shrines. The whole hamlet is surrounded by packs of dogs²⁷⁹.

Similarly *Kādambarī*, the prose narrative by Bāṇabhaṭṭa and his son (around 600 CE), has a wonderfully detailed description of the Caṇḍāla hamlet (*pakkana*) in the jungle whereto Vaiśampāyana, one of the heroes transformed into a parrot, is brought. The first sight that meets his eyes is the scene of young men returning from hunting with spears, sticks, arrows and fishing nets and surrounded by dogs and birds used in the hunt. The hamlet is hedged by a fence made of

278 *gāmupacāro nāma parikkhittassa gāmassa indakhile ttitassa majjhimassa purisassa leḍḍupāto, aparikkhittassa gāmassa gharupacāre ttitassa majjhimassa purisassa leḍḍupāto. araṇṇiṇaṃ nāma tthapetvā gāmaṃ ca gāmupacāraṃ ca avasesaṃ araṇṇiṇaṃ nāma.* Vin 3.46.

279 *sa [Viśvāmitraḥ] kadācit paripataṃ śvapacānāṃ niveśanam / hiṃsrāṇāṃ prāṇihantṛṇāṃ āsasāda vane kvacit // 27 // vibhinnaśakalaśāṅkīṇaṃ śvacarmācchādanāyutam / varāhakarabhagnāsthikapālaghaṭasaṃkulam // 28 // mṛtācelaparistṛiṇaṃ nirmālyakṛtabhūṣaṇam / sarpanirmokamālābhīḥ kṛtaciṇmakujimatham // 29 // ulūkapakṣadhvajibhir devatāyatanair vṛtam / lohaghṇāṭāpariṣkāraṃ śvayūthaparivāritam // 30 // MBh 12.139.27-30.* Like in many other texts 'Caṇḍāla' and 'Śvapaca' are used synonymously.

skulls, and the huts have courts with slush muddied with blood and fat from the cut out meat ²⁸⁰.

I shall refer to this type as the ‘tribe Caṇḍāla’. In the literary representations of this type I have not come across statements (so frequent in the *śāstra* literature) classifying these Caṇḍālas as a *varṇasaṃkara* group, that is as offspring from sexual relations between different *varṇas*. This aspect of the Caṇḍāla seems to be absent in this type of narrative.

But according to another type of narrative, they live at the end of the village, sometimes inside it ²⁸¹, sometime explicitly outside it ²⁸², which is probably in its periphery as categorised in the Vinayapittaka, and sometimes near or on the cremation grounds of the cities ²⁸³. They are listed in *dharmaśāstra* texts as “sons” together with the “sons” of other such inter-*varṇa* relations, all of whom are then mentioned by specific caste names and assigned certain duties in relation to the villagers or townsmen – for the Caṇḍāla particularly in connection with cremation. Presumably they are only “sons” in the sense that these

280 ahaṃ [Vaiśampāyana] tu [...] nīyamānaś ca tathā tena [a Caṇḍāla hunter] tanmocana-pratyāśayaivāgrato dattadr̥ṣṭīḥ āviṣṭair iva bibhatsavinyāsair vyāvṛttaiś cāvartakānāya-paribhramāṇanibhṛtaiś ca mṛgāvapātitaḥ jīrṇavāgūrāsaṃgrathanavyagraiś cottruṭita-kūṭapāśasaṃgrathanāyastaiś ca hastasthitasakāṇḍakodaṇḍaiś ca prāsapracandapāṇibhiś ca [sela]bhallaḥ grāhibhiś ca nānāvidhagrāhakavihaṃgavācālānakulaīḥ kauleyakamuktisaṃcāraṇacaturaiś caṇḍālaśiśubhir vṛndaśo diśi diśi mṛgayāṃ kṛṣṇadbhir dūrata evāvedyamānam itastato visragandhidhūmodgamānumiyamānasāndravamaśavanāntaritaveśmasaṃniveśaṃ sarvataḥ karaṇikaprāyavṛttivāṭam asthiprāyārathyāvakarakūṭam utkṛtamāṃsamedovasāsṛkkardamaprāyakuṭirājīram [...] pakkaṇam apaśyam // Kād p.504-505.

281 NS 14.25.

282 MDhŚ 10.51.

283 AŚ 2.4.23. From this and the two preceding references it would seem that Caṇḍālas are located in relation to the village (*grāma*) in *dharmaśāstra* but in relation to the city (*nagara*) in *arthaśāstra*, but see also MDhŚ 10.54 and VSS 10.15, both of which associate Caṇḍālas or Śvapacas with cities. Thakur (1981: 229) notes the distinct anti-urban bias in *dharmaśāstra*, which results in an almost total indifference towards town life in general. Such a view is clearly expressed in ĀDhŚ 1.32.21, GDhŚ 16.45, and BDhŚ 2.6.31 and 33. This does not necessarily mean that the *dharmaśāstras* are products of a rural culture. Many of the medieval *dharmaśāstra* authors, whose biographies are known, were undoubtedly sponsored by kings and affiliated to royal courts (Derrett 1973: 52ff). And Lingat (1993: 12) thinks that this was also the case with the authors of the early *dharmaśāstras*. Olivelle looks further back and suggests that the ascetic ideal of the wilderness presented by Upaniṣadic authors might be an urban projection indicating that the three different *topoi*, the wilderness, the village and the city, had been assigned socio-ideological value already at that time.

castes are thought of as having their origin in past sexual relations across the *varṇas*. They are not in this case represented as ethnically distinct, neither by look nor by manners, but are, on the contrary, required to make themselves known by wearing certain visible marks. I shall refer to this type as the 'caste Caṇḍāla'. Thus, unlike the first type, this category is explicitly related genealogically to the *varṇa* system as the offspring of unions between Brahmin women and Śūdra men, that is within the paradigm of *varṇasaṃkara*. This type is represented in *dharmaśāstra* and *arthaśāstra* but is also found in the epic literature. Some examples will be given below.

Finally, a third type refers to actual offspring of sexual relations between Śūdra men and Brahmin women going on at the time. It is not clear from the texts where these children actually lived, but it would probably not be in the homes of their Brahmin mothers, if the facts about their conception were known. I shall, for lack of a better expression, call this type the 'adultery Caṇḍāla' although his or her mother was not necessarily a married woman. The *dharmaśāstra* literature refers to this category in various ways that will become clearer during the remainder of this chapter, most concretely in the context of inheritance although the particular case of the Caṇḍāla's is hypothetical and must be inferred from the general presentation²⁸⁴. What is remarkable, however, is that none of the sons of different inter-*varṇa* relations are mentioned by caste name in this context. It seems that in this concrete context these sons are not regarded as belonging to specific castes. This is in contrast to the epic literature where, indeed, the contemporary offspring of a Śūdra man and a Brahmin woman may be mentioned as a Caṇḍāla. A wonderful example is the polite and obedient Mataṅga, whose sad story Bhīṣma tells to Yudhiṣṭhira in the Anuśāsanaparvan of the *Mahābhārata*²⁸⁵. Mataṅga does certainly not belong to any forest tribe and neither does he live together with the caste Caṇḍālas at the outskirts of the village. In fact, he lives in the house of a pious Brahmin in the false belief that he is the son of this Brahmin. But one day his inborn, non-Brahminical, violent behaviour towards a stubborn donkey reveals him as his mother's illegitimate child by the

284 As in GDhS 28.39, 45.

285 MBh 13.28-30.

Śūdra barber. In other words, in reality he is a Caṇḍāla²⁸⁶. This prompts Mataṅga to subject himself to a harsh form of asceticism in order to be accepted as a Brahmin, but all in vain. The story is well-known and generally mentioned as an example of Brahminical exclusivism²⁸⁷. Here I want to draw attention to the fact that this Caṇḍāla by the very plot of the story is defined as a result of *varṇasaṃkara*, that is of the hypogamous pratiloma type, whereas such theoretical notions are never applied to the savage “dog-eaters” in the jungle²⁸⁸.

A closer look at these stereotypes, the ‘tribe’, the ‘caste’ and the ‘adultery Caṇḍāla’, together with their topographic localities reveals that the distance between them is not as great as might appear. Although *Arthaśāstra* 2.4.23, as mentioned, locates the quarters of Caṇḍālas on the outskirts of the cremation ground which is situated to the south of the city according to the commentaries²⁸⁹, the same text groups Caṇḍālas together with forest-dwellers (*araṇyacara*) in *Arthaśāstra* 2.1.6 and 4.10.2²⁹⁰. Further, Caṇḍālas are often described as or associated with the so-called “robber tribes”, the *dasyus* and *cauras*, which occasionally terrorise the villages²⁹¹. According to Medhātithi (ninth century), forests are likely to be infested with Caṇḍālas and *dasyus*, and he therefore regards it as a suicide if a man is killed while walking alone in such a forest²⁹², notwithstanding the fact that he locates Caṇḍālas in the city elsewhere in his *Manubhāṣya*²⁹³. And like the Caṇḍāla hamlets in the forest, those close to villages or towns also contain the scattered clothes of dead bodies, which Caṇḍālas are sup-

286 MBh 13.28.16.

287 Senart 1927: 120.

288 The term Śvapaca, which is used synonymously with Caṇḍāla in many texts, has etymologically been explained as derived from *śvan* (dog) + \sqrt{pac} (to cook) and therefore often translated as “Dog-eater”. An alternative spelling of the name, Śvapaka, suggests that it might rather be derived from *śvan* + $\sqrt{pā}$ (to guard, to protect) indicating instead that this group was known for keeping and raising dogs. See Leslie 2003: 28 n.9.

289 Kangle on AŚ 2.4.21, vol.2: 70.

290 There are other contradictions as well. Kangle therefore tends to regard *sūtra* 2.4.23 as a later addition; see his footnote to this *sūtra* in vol.2: 70.

291 MDhŚ 5.131; KuMDhŚ/MeMDhŚ 7.143; VS 23.50. On the changing understanding of the term “*dasyu*” in ancient and medieval texts, see Parasher-Sen 2006: 430-431.

292 MeMDhŚ 5.88, p.463 (on MDhŚ 5.89).

293 MeMDhŚ 10.54-55.

posed to collect from the cremation grounds²⁹⁴. Thus, even those Caṇḍālas who live in the forest do not seem to be far from the civilised Aryan settlements that supply them with a part of their livelihood. In other words, we have a category which is related to the civilised Aryan world but which is large enough to hold what seems to be two different levels of domestication. In addition, there are the ‘adultery Caṇḍālas’ whose location is uncertain, but is probably within the city/village category unless they were banished. This is not entirely unlikely. *Gautamadharmasūtra* 4.27 orders that all offspring from *pratiloma* relations have to live as outcasts (*patita*), which involves them having to live outside the village. The evidence is tricky, however, since these early *dharmasūtras* did not distinguish clearly between ‘caste Caṇḍālas’ and ‘adultery Caṇḍālas’, both being referred to as “sons”. This is a riddle inherent in the very notion of *varṇasaṃkara*.

Sons, castes or tribes? The riddle of varṇasaṃkara

We saw that even in Vedic texts ‘*caṇḍāla*’ was used as a broad generic term. This unspecific usage is further confirmed in the *dharmasūtras* by the fact that, although these texts originated from a large geographic area of what presumably is northern or north-western South Asia²⁹⁵, they all speak of Caṇḍālas. Except for *Āpastambadharmasūtra*, the way in which this and other groups are classified is within the scheme of *varṇasaṃkara*, “mixed classes”. A relation where the *varṇa* of the woman is higher than that of the man is labelled *pratiloma*, literally “against the hairs”, which is what anthropologists call a hypogamous relation. The opposite hypergamous relation is called *anuloma* (“with the hairs”)²⁹⁶.

In the *dharmasūtras* and early *smṛtis*, as I have already emphasised, the progeny of *varṇasaṃkara* relations were primarily spoken of as “sons”, often in direct connection with rules of marriage²⁹⁷.

294 MBh 12.139.29; Kād p.505; MeMDhŚ 10.38; MDhŚ/KuMDhŚ 10.52; VS 16.14.

295 For the geographic distribution of the *dharmasūtras*, see Olivelle’s discussion in Olivelle 2000: 5.

296 Kane 1968-1977, vol.2: 51-54, 56-61.

297 GDhS 4; BDhS 1.16-17.

Horst Brinkhaus has analysed these texts as well as later *dharmasmṛtis* and the epics. On the basis of his analysis he suggests a three-phased development of the system. In those texts that Brinkhaus has isolated as representing the oldest phase of the system, all sons born by mothers of lower *varṇa* than their husbands, that is, from the hypergamous *anuloma* relations, were classified as belonging either to the *varṇa* of the father or to that of the mother. In texts that can be seen as a second, phase only sons of mothers one *varṇa* lower than the husband's were classified in this way, whereas other sons, that is, those born of mothers two or three *varṇas* lower or of mothers of a higher *varṇa* than their husbands (the *pratiloma* relations) were all classified as belonging to separate named castes, some of which seem to carry names of ethnic or occupational groups such as Niṣāda, Sūta, Māgadha, Caṇḍāla, etc. In texts representing a third phase all *varṇasaṃkara*s were named in this manner and none were regarded as belonging to the *varṇas* of their so-called parents²⁹⁸.

It has often been argued that these classifications were speculative manoeuvres, which did not reflect actual practices of caste formation but were applied as a means of recognising a relative and differentiated inclusion of indigenous and foreign people in the interaction with the people of the four *varṇas*²⁹⁹. Behind these genealogies we should first of all see one more factor confirming the empirical character of the concept of *dharma*, which has been rightly emphasised by Paul Hacker and Wilhelm Halbfass. *Dharma* in *dharmasāstra* is not an ab-

298 Brinkhaus 1978: 24.

299 Thus, for instance, Jha 1970: 277, 283-285 (with reference to Renou); 1986: 5; Sharma 1990: 240, 336-337; Kangle 1992, vol.3: 146-147; Tambiah 1973: 218, 223; Parasher 1991: 185; Parasher-Sen 2006: 420 – all see *varṇasaṃkara* as a Brahminical fiction. Sharma (1982: 189-190) relates it, though, to actual class conflicts. A systematic examination of the various *varṇasaṃkara* systems found in different texts or different chronological layers of texts and a hypothetical description of the development of the system are presented in Brinkhaus 1978. Brinkhaus 1980: 165-180 extends this analysis to BhāMDhŚ, which was published by Derrett while the former study was being carried out. Only Hocart (1950: 54-55) regards his own ethnographic data as confirmation that intermarriage between castes actually lead to the formation of new castes, but whether this phenomenon is comparable to that of *varṇasaṃkara* as taught in ancient texts is at least questionable. Kane 1968-1977, vol.2: 50-51, is right in pointing out that the doctrine of *varṇasaṃkara* should be understood as an attempt to harmonise a new awareness of social diversity with the four, and only four, *varṇas* of the *Puruṣasūkta*. Aktor 1999: 269-274 is a critical discussion of the literature much in line with this chapter.

stract, metaphysical world order but is understood from three empirical reference points: territories, people and the Vedas³⁰⁰. In practical life disputes about what practice is *dharma* and what is not are settled with reference to the notion of the custom of good people³⁰¹. This *ācāra*, in turn, is defined in *Baudhāyanadharmasūtra* 1.2.9 and *Vasiṣṭha-dharmasūtra* 1.12 with reference to the geographic territory known as Āryāvārta, which Patañjali also considered in his examination of Pāṇini's idea of exclusion, as we saw in the last chapter. The conduct which prevails in this region is authoritative. But apart from being the customs of a particular territory, they are also the customs of people bound together through kinship. Notwithstanding the contempt which is often expressed for *varṇasaṃkara* in general, the ascription of specific *varṇa* genealogies to specific people includes these people within this common kinship system. As the demographic diversity of the country became more apparent with the increased social interaction necessitated by processes of urbanisation and cultivation of land, the texts produced these categorisations of hypergamous (*anuloma*) and hypogamous (*pratiloma*) groups.

As pointed out by Brinkhaus, these classifications made it possible to integrate indigenous groups while at the same time establishing a clear demarcation between these and the *varṇas*³⁰². The *varṇasaṃkara* groups were linked to the *varṇas* without forming a fifth *varṇa* beyond the scheme authorised in the *Puruṣasūkta*³⁰³. Thus, when it is denied in *Mānavadharmasāstra* 10.4 that such a fifth *varṇa* exists, this is not an attempt to deny social facts, as it has been understood by Dumont and Jha³⁰⁴, but a matter of controlling these facts in a manner which respects the tradition. In the same way that we merely get a special mixed flavour by mixing basic flavours³⁰⁵, but not a new basic flavour, and as we do not get a new zoological species by mating a horse with a

300 Halbfass 1988: 313-314 (referring to the works of P. Hacker).

301 Menski 1992: 327.

302 GDhS 4.16-28; BDhS 1.16-17; VDhS 18.1-10.

303 Brinkhaus 1978: 8-9.

304 RV 10.90.12. Kane 1968-1977, vol.2: 50-51.

305 Dumont 1980: 68; Jha 1986: 13.

306 BhāMDhŚ 10.4, p.202.

donkey but only a special animal, that is a mule, which is different from both its parents³⁰⁷, so the *varṇasaṃkaras* must be designated by specific names without including them among the four *varṇas*.

As it is explained by the medieval commentators, the purpose of *Mānavadharmaśāstra* 10.4 (and of the doctrine of *varṇasaṃkara* in general when applied to castes) is to be able by the idea of mixed classes to define and differentiate the many castes in order to obtain the best possible interaction and prosperity³⁰⁸. The idea of the fully developed system is that a correspondence exists between kind of birth (*jāti*), inherent character (*svabhāva*) and work or duty (*svakarma*/*svadharma*). In this sense the identity of a group in the *varṇasaṃkara* system is the ontological basis of establishing its duties and rights. Inversely, the caste can be inferred from its activities. Bhārucci commenting on *Mānavadharmaśāstra* 10.40 is brief and clear: "From the function pursued, the caste as laid down in the *śāstra* can be inferred. And by indicating the caste they can be enjoined to perform their functions"³⁰⁹. We saw in the last chapter how this principle was applied in solving a medieval conflict between the two types of *kammālas*, the artisan and the menial *kammālas*. By correlating the occupations of these groups with *varṇasaṃkara* definitions of what was seen as the Sanskritic parallel to the *kammāla* caste, the *rathakāra*, one group was defined as *anuloma rathakāras*, that would be the artisans, and the other as *pratiloma rathakāras*, the menial workers.

As for the Caṇḍālas, however, the genealogy is never disputed. This in itself is evidence of their poor conditions, since disputes like the one about the *kammālas* would only be dealt with seriously when the group in question was significant enough to generate doubts about its *varṇasaṃkara* position. But whereas the genealogy of many of the groups differs from text to text, that of the Caṇḍāla as the child of a Brahmin mother and a Śūdra father is fixed³¹⁰. Among those sons that

307 KuMDhŚ 10.4.

308 *paramārthas tu vyavahāranīyamārthaparāḥ ślokaḥ* // MeMDhŚ 10.4. *ayaṃ ca jātyantaropadeśaḥ śāstre saṃvyavaharaṇārthaḥ* // KuMDhŚ 10.4.

309 *karmaṇā śāstropadiṣṭajātir anumātavyā / jātipradarśanāc ca svakarmasv ete niyojyāḥ* // BhāMDhŚ 10.40.

310 Brinkhaus 1978: 30.

a Śūdra might beget with a woman of higher *varṇa*, all of whom must live like outcasts according to *Gautamadharmasūtra*, the last, that is the Caṇḍāla, is simply the worst (*pāpiṣṭha*)³¹¹, a label that accords with the fact that among these *pratiloma* groups only he is regarded as untouchable in the *dharmasūtras*.

The distinction I have noticed in the text material between one understanding of *varṇasaṃkara*, which refers to the origin of ethnic or occupational groups, that is to “castes”, and another which relates to actual, contemporary progeny, real sons, of relations across the *varṇa* barriers, is not discussed clearly in the studies of the system. Brinkhaus, for instance, describes the difficulty among post-Vedic authors of fitting the increasingly diverse social reality into the four-*varṇa* scheme thus:

Besonders die [...] Konzeption der hörigen Śūdras, die deutlich einer früheren Zeit mit einem noch relativ geschlossenen politischen Verband der Arier entstammt, paßte nicht mehr auf die beträchtliche Anzahl *nicht-arischer Volksstämme*, die mit der Ausbreitung des Ariertums über ganz Nordindien zunächst dem vierten Stande zugeordnet worden waren. Diese hauptsächlich nach Beruf und Stammezugehörigkeit unterschiedenen Gruppen [...] waren nicht ohne weiteres in das *Varṇa*-Modell [...] einzuordnen, mußten aber doch in diesem als einem System, das den Anspruch erhob, die Gesamtgesellschaft umfassend zu beschreiben, untergebracht werden. Deshalb würde das Vier-*Varṇa*-System um die Theorie der Mischkasten erweitert, d.h. um eine theoretische Systematisierung der zu Gruppen zusammengefaßten *Nachkommen* aus ehelichen Verbindungen zwischen Mitgliedern verschiedener *Varṇas*³¹².

In other words, Brinkhaus regards *varṇasaṃkara* as a theory which explained the partly occupational and partly non-Aryan ethnic groups as descendants from marital relations across the *varṇas*. But, if *varṇasaṃkara* is applied to ethnic groups, the inherent notion of *descent* must refer to an origin of such groups in the past, since the actu-

311 GDhS 4.27-28.

312 Brinkhaus 1978: 7-8; italics added.

al sons and daughters of ongoing inter-*varṇa* relations were hardly ethnically distinct from their parents. In other words, the idea that *varṇasaṃkara* explains the inclusion of ethnic groups into society seems to preclude it also referring to contemporary inter-*varṇa* progeny. But this exclusive one-sided view of *varṇasaṃkara* is clearly not warranted by our texts. What about Mataṅga, whose status as a son of a *varṇasaṃkara* relation was the central plot of the narrative? As mentioned, the same rhetoric is behind the old lists of *varṇasaṃkara* castes in the *dharmasūtras*, where all are discussed as “sons”, often in connection with rules of marriage. And as we saw, this discourse is further confirmed by rules of inheritance, where details about the shares of sons from different mixed unions across the *varṇas* are described³¹³. Here there can be no mythical time gap between sons and their unequal parents. Other evidence is found in the many rules that inflict severe penalties and penances on men and women who enter into hypogamous sexual relations with each other³¹⁴. The idea is epitomised in the command that it is the duty of the king to prevent *varṇasaṃkara*³¹⁵. Even Brahmins and Vaiśyas are allowed to take up arms against those who are guilty of it, according to a quoted verse³¹⁶. All these rules clearly refer to *varṇasaṃkara* as a process ongoing at the time and not as a myth or story of genesis. So the question is: what was the relation between these two seemingly contradictory categories, children of contemporary inter-*varṇa* relations and named castes of ethnic or occupational groups? Or in our case, what was the relation between the ‘adultery Caṇḍāla’ and the ‘caste Caṇḍāla’? We can leave out the ‘tribe Caṇḍāla’ for a moment, since he is not explained in terms of *varṇasaṃkara*, but is simply left unexplained.

The general answer seems to be that, while *varṇasaṃkara* might be understood as a reality with reference to contemporary sexual rela-

313 GDhS 28.35-45; MDhS 9.149-155; YDhS 2.125; VS 18.1-33, 38-40; Kane 1968-1977, vol.3: 597-599. Since *pratiloma* relations are not regarded as legitimate, the texts generally do not account for these except for GDhS 28.39 and 45, which lay down that *pratiloma*-sons (in contrast to *anuloma*-sons) have no right to inheritance but only to provision for maintenance. Theoretically the Caṇḍāla should be included in this rule, but the very idea was probably unthinkable.

314 ĀDhS 2.27.9; GDhS 12.2-3, 23.14-15; BDhS 2.3.52; VDhS 21.1-5.

315 GDhS 8.3.

316 BDhS 2.4.18.

tions, its application to demographic groups is fictitious. Having compared the account of Megasthenes with the Brahminical system, Brinkhaus finds that both sources make it clear that: “[d]as systematische Element der Mischkastentheorie, eben die Herkunftbestimmungen dieser Gruppen aus *varṇa*-Mischungen, wenig mit der sozialen Wirklichkeit gemein hatte”, and that: “[der] irrealen Charakter der systematischen Verknüpfung der gesellschaftlichen Gruppen sei unbestritten”³¹⁷. On the other hand, he asks whether or not this fictitious system still reflected real status differences, which were recognised by ascribing *varṇasaṃkāra* genealogies to social groups:

Ist hier eine vorwiegend willkürliche Schichtungshierarchie aufgestellt worden, oder ist nicht vielmehr der Versuch gemacht worden, tatsächliche Schichtungsverhältnisse [...] darzustellen oder noch zumindest im System zu berücksichtigen³¹⁸?

From this question it is clear that Brinkhaus regards *varṇasaṃkāra* as a paradigm which was projected from one sphere, that of contemporary sexual relations between different *varṇas*, unto another, that of indigenous and occupational groups, and that, indeed, it is this projection that is the fiction. He has already explained how these spheres were related. There was a wish among the Brahmins to warn against relations across the *varṇa* barriers. This warning was expressed by using the names of low-status groups for such relations – like when Mātāṅga is called a Caṇḍāla. At the same time there was the wish to recognise the interaction with these groups without, however, blurring the demarcation between them and the *varṇas*³¹⁹. This was done, as explained above, by applying the paradigm of inter-*varṇa* kinship relations to these groups. In this manner two different uses of the concept were intertwined.

But although Brinkhaus accounts for both aspects of *varṇasaṃkāra* by using this interpretation, he does not really make explicit the role of the actual children of unequal parents in relation to real demograph-

³¹⁷ Brinkhaus 1978: 15.

³¹⁸ *Ibid.*: 16.

³¹⁹ *Ibid.*: 9.

ic groups. Were these castes recruited successively from the children born from inter-*varṇa* sexual relations? Would Maṭaṅga have had to leave his Brahmin home and settle in the Caṇḍāla hamlet outside the village to become one of them, had he not died from his ascetic exercises?

Let us now return to the three Caṇḍāla categories schematically suggested above. All are present in *dharmaśāstra* texts although unequally represented. As mentioned, there are rules prescribing punishment and penance for both partners of a *pratiloma* relation³²⁰ that admit the existence or possibility of the 'adultery Caṇḍāla'. There are plenty of rules that prescribe duties and tasks to be performed by Caṇḍālas, whose living area is settled with close links to the village or city, either just outside or inside. These occupations of the 'caste Caṇḍālas' will be described in the next sections. And then there are also a few references to Caṇḍāla hunters. This category overlaps the distinction between 'tribe' and 'caste'. One rule regarding Caṇḍāla hunters declares that meat of animals killed by Caṇḍālas, dogs or other predators is pure, that is, eatable³²¹. I think this refers to animals slain by these beings but found by others who might need it and therefore that this type of hunter belongs to the 'tribe' category. Another rule prescribes hunting as a specific occupation of certain Caṇḍāla-like castes³²². I think this refers to hunters who trade the meat with others, which brings them more in the 'caste' category. Thus, the difference between the two types of Caṇḍāla hunter seems to be that the first type hunt animals for consumption by themselves, whereas the other type hunt with a view to selling the meat. According to the travel accounts of Faxian (beginning of 5th century CE) hunting and selling meat were the monopoly of Caṇḍālas. These hunters probably did not live permanently close to cities or villages but would sell their meat outside the city or village markets. This, at least, is the impression we get from Faxian, who maintained that meat was not sold at such markets³²³.

320 ĀDhS 2.27.9; GDhS 12.2-3, 23.14-15; BDhS 2.3.52; VDhS 21.1-5; MDhŚ 8.374; YDhŚ 2.286, 294.

321 MDhŚ 5.131, YDhŚ 1.192; VS 23.50.

322 MDhŚ 10.49.

323 Legge 1965: 43.

These three categories are evidently not watertight. Rather they are suggested here as a guiding structure for understanding how different and contradictory images of the Caṇḍāla are implicitly conceptualised in the text material itself. In this connection it is worth reflecting over the different genres of literature that have been considered. The examples have been taken mainly from three types of literature: narratives, *arthaśāstra* and *dharmaśāstra*. The practices that these genres are part of overlap to some extent, but three main areas can be distinguished: regulating social interaction for *dharmaśāstra*, political strategy for *arthaśāstra*, and articulating traditions and values for the narratives. There seems to be a correspondence between these purposes and our three types of Caṇḍālas. With its concern for interaction between the *varṇas* and between these and people living in their immediate surroundings, *dharmaśāstra* is preoccupied with the ‘caste Caṇḍāla’ as well as with adultery across the *varṇa* barriers but pays virtually no attention to the ‘tribe Caṇḍāla’. With its concern for military strategy and rulership, *arthaśāstra* has to deal with the strategic importance of all demographic groups as well as with the control of social interactions, and therefore primarily deals with the ‘tribe’ and the ‘caste Caṇḍāla’. It seeks to integrate the more remote Caṇḍālas of the forest within the defence of new settlements³²⁴; it mentions Caṇḍālas as public executioners both in villages and in the city³²⁵; it prescribes punishment for a Caṇḍāla who touches a woman belonging to the three upper *varṇas*³²⁶; and it recognises the common *varṇasaṃkara* genealogy of the Caṇḍāla caste within the well-known rhetoric of “sons”³²⁷. Finally the epics and narratives are mainly concerned with Caṇḍālas as literary stereotypes on which all the antitheses of Aryan or Brahmin culture can be projected, and as such they cultivate all three types. We have the savage Caṇḍālas, like Viśvāmitra’s opponent and Vaiśampāyana’s abductor, who both belong to a category of the indigenous ‘cultural other’. We have the more domesticated but still horrifying cremation labourers, like God Dharma transformed into Pravira, that is the Caṇḍāla who bought king Hariścandra as his slave to

324 AŚ 2.1.6.

325 AŚ 3.3.28; 4.7.26.

326 AŚ 3.20.16.

327 AŚ 3.7.20, 26. See also the discussion in Kangle 1992, vol.3: 147-148.

work in the cremation ground³²⁸, and even king Triśaṅku, transformed by the curse of Vasiṣṭha's sons into a dark and dirty Caṇḍāla "with a body blackened by the dust and smoke of the cremation fire"³²⁹. And we have poor Mataṅga, the plain 'adultery Caṇḍāla'.

Again, what is the relation between these three types? Rather than regarding inter-*varṇa* sexual relations as a paradigm projected on named demographic groups or speaking of a mutual projection between these two spheres, I think that the projection moved primarily from named demographic groups *to* inter-*varṇa* relations. The names of many of these groups, including names which are non-occupational like Caṇḍāla, are known in the Vedas³³⁰, that is before a doctrine of *varṇasaṃkara* had been articulated. Along with increasing interaction with indigenous groups in the late- and post-Vedic period, there was perhaps among literary élites a growing preoccupation with the consequences of this kind of interaction. Barriers had to be demarcated in order to preserve dominance, first of all with respect to kinship. Therefore the idea that ethnographic diversity is caused by sexual relations across the barriers might have suggested itself immediately, and by the logic of dominance such relations were naturally disapproved of³³¹.

To get a grip on the puzzling notion of *varṇasaṃkara* and its meaning for the three types of Caṇḍālas that have been suggested, we need to stick to whatever realities we can gather from the texts. Two realities seem obvious. Firstly, that indigenous tribes of various kinds were attracted to Aryan cities and villages to increase their material welfare and that an expanding Aryan society also made such contacts inevitable. Secondly, that people from all four *varṇas* had occasional or regular sexual relations with each other.

328 DBhP 7.23-27.

329 Rām 1.58.11. The transformation theme in many of these narrative examples suggests that the Caṇḍāla can function as a mirror in which all the parts of life that are excluded from Brahmin ideology are reflected. This is particularly clear in the description of the Caṇḍāla hamlet in *Kādambarī* p.504-506, where all kinds of anti-Brahmin qualities and symbols are represented: violence, bloody animal sacrifices, meat-eating, immoral sexual relations with women who are not to be approached – in short, where "women and alcohol are the primary human goals" ("*strīmadhyapṛāyapuruṣārtham*", *Kād* p.505).

330 Kane 1968-1977, vol.2: 49-50.

331 Parasher 1991: 185-186.

Neither when dealing with Caṇḍālas as a savage tribe nor when discussing contemporary sexual relations across different *varṇas* in the concrete context of inheritance is *varṇasaṃkara* referred to as an explanation of caste. The examples of the 'tribe Caṇḍāla' from the epic and narrative literature discussed already do not refer to *varṇasaṃkara*, and in *dharmaśāstra* there are only a few hints at this category³³². Offspring of sexual relations going on at the time between Śūdra men and Brahmin women in the context of inheritance would, of course, be regarded as *varṇasaṃkara* had they been mentioned explicitly, but not in terms of caste. Rules governing this are very few, as *pratiloma* relations generally do not qualify for inheritance at all. As I have said, the offspring of such relations may receive maintenance, but it is not obligatory³³³. But in this context even the offspring of other *varṇa* combinations are not associated with caste names. We saw, however, with the example of Mataṅga, that in the epics this can be different. Mataṅga is an example of an 'adultery Caṇḍāla' *par excellence*. That is, he is clearly associated with a caste category, but he is so precisely as a moral example. In contrast, rules of inheritance in *dharmaśāstra* are with regard to concrete real-life conflicts. In that context children who were the product of unequal sexual relations are not regarded as being members of specific castes.

Unlike these real sons, the "sons" that are given distinct caste names on the lists of mixed classes are only sons in a theoretical sense. In this case they are abstract theoretical parameters meant for regulating social interaction at the same time as they are warning signs against unlawful sexual relations.

Despite this variation in associating our three types of Caṇḍālas with a *varṇasaṃkara* theory of caste formation, it was probably the case that they nevertheless were thought of as ontologically connected. The existence of contemptible people like Caṇḍālas, first of all the wretched groups that had settled at the outskirts of villages and cities

332 The hints I am thinking of are those to Caṇḍāla hunters discussed earlier in this chapter; see MDhŚ 5.131, YDhŚ 1.192; VS 23.50. In contrast to these savage hunters, I think that the hunters in MDhŚ 10.49 belong to the 'caste' category because in that verse hunting is not merely recorded as an activity but assigned to them as an occupation.

333 GDhŚ 28.39 and 45.

and thereby become integrated in some interaction with the *varṇas*, was seen as the result of a decadent mixing of *varṇas*, which happened in the past but which also continues to be an ongoing process that must be prevented – even, as we saw, by penalties and penances. But while this ontology is articulated in support of the moral message condemning sexual relations across the *varṇas* going on at the time, it is absent from rules in *dharmaśāstra* that regulate the conditions of the actual results of such relations.

Let me try to conclude. Having presented the complex and seemingly contradictory material on *varṇasaṃkara*, what is the image we get? Structurally the association of *varṇasaṃkara* theory with the three types of *Caṇḍālas* is a parallel to Patañjali's analysis of the notion of exclusion that was discussed in the last chapter. We saw there that the focus was less on strict segregation and more on regulating an existing interaction. Similarly now. *Varṇasaṃkara* speculations are in the foreground in the context of caste, that is, in relation to people who are integrated in an interaction with the *varṇas*. Its significance dwindles when referring to tribes in the wilderness with whom interaction is limited, and also when referring to what actually happened in terms of inter-*varṇa* sexual relations inside Aryan society. As such its application follows the topographical categories outlined at the start of this chapter. Belonging to the wilderness, the 'tribe *Caṇḍāla*' does not attract much attention from *dharmaśāstra* authors. Belonging to the homes of villagers and townsmen, the 'adultery *Caṇḍāla*' only generates literary creativity on a moral level (as exemplified by the *Mataṅga* story), but on the level of plain fact his case is not really addressed (perhaps being much too strong a taboo), and so his actual fate at the centre of the social conflict that his presence must have been causing is unknown³³⁴. Belonging on the outskirts of villages and cities, however, the 'caste *Caṇḍāla*' is constantly articulated and discussed. It is the interaction with these *Caṇḍālas* – the cremation labourers, the executioners, the unskilled labourers – that concerns the *dharmaśāstra* authors the most.

334 According to GDhS 23.14 the Brahmin woman who has sex with a Śūdra man is to be executed. If the timing was correct that would solve the problem, but undoubtedly it happened that some such sons were actually born. VDhS 21.1 seems to allow the guilty woman to live and to offer her the possibility of performing a penance.

It remains to be pointed out that the distinction between Śūdras and *varṇasaṃkaras* is not always as sharp as in the *dharmaśāstra* classifications. We saw that Patañjali grouped Caṇḍālas and Mṛtapas under Pāṇini's category of 'excluded' Śūdras without mentioning anything about *varṇasaṃkara* genealogies. On the other hand, a distinction within the *śūdravarna* between excluded and not excluded accomplishes the same: it relates both to the *varṇas* while at the same time drawing a clear demarcation between them. *Amarakośa*, a lexicographic work composed in the sixth century CE according to tradition³³⁵, contains a list of *varṇasaṃkara* groups with their 'genealogies'³³⁶. This list, however, is included in the chapter on Śūdras (*śūdravarga*)³³⁷. A little further on in the same chapter the different categories – or synonyms – of 'Caṇḍāla' are listed. They are: Plava, Mātāṅga, Divākīrti, Janaṅgama, Niṣāda, Śvapāka, Antevāsin, Cāṇḍāla and Pukkasa³³⁸. Other Sanskrit lexicons contain similar lists³³⁹. Some of these names also occur in the lists (in different texts) of 'double *pratilomas*', that is the offspring from *pratiloma* relations between *pratilomas*. Brinkhaus lists these names as they occur in *Mahābhārata* 13.48.19-28³⁴⁰. The double *pratilomas* with a Caṇḍāla father are (ranging from lowest status, that is with the largest distance between father and mother, upwards): Śvapāka, Pulkasa, Pāṇḍusaupāka, Saupāka and Antāvāsāyin. *Mānavadharmasāstra* 10.37-39 treats the same groups with minor variations in their names and stipulates their duties. These duties are all the same as those stipulated or recorded for Caṇḍālas elsewhere in the same text, except for that of the Pāṇḍusopāka, who is said to work with cane. In other words, all these groups seem to belong to the same category, Caṇḍāla. As a term 'Caṇḍāla' came to refer to a number of groups that were identified by certain occupations rather than by geographic or ethnic criteria.

335 See Vogel 1979: 309-310.

336 AK 2.10.1-4.

337 Mukherjee 1974: 7-8; Brinkhaus 1978: 212-213.

338 AK 2.10.19c-20b.

339 See Mukherjee 1974: 2-6.

340 Brinkhaus 1978: 50.

Occupations

Both this proliferation of names and the proliferation of rules and precautionary measures are characteristic traits of the late *smṛtis*. It is in the course of the same development that the texts arrive at the fully elaborated stereotype of the village *Caṇḍāla*. This, for instance, is how he is depicted in *Vaikhānasasmārtasūtra* 10.14:

A *Caṇḍāla* is begotten by a *Śūdra* with a Brahmin woman. He wears ornaments of lead or black iron, a leather thong tied round his neck and a cymbal fixed to his girdle. He wanders from place to place and is excluded from all rites. In the morning he removes the dirt on the road and elsewhere in villages or other habitation areas and takes it outside. He should dwell far away outside the village together with his own kind. After midday he cannot enter a village. If he does so, he must be punished corporally by the king. Otherwise the king incurs the guilt of killing a learned Brahmin³⁴¹.

A metrical version of the text, which specifies that *Caṇḍālas* should live to the south-west of the village, occurs in some manuscripts³⁴² as well as in *Uśanaḥsmṛti* 8c-11b. These texts summarise the duties of the *Caṇḍāla* in a way similar to *Mānavadharmasāstra* 10.51-56. The emphasis is not so much on the many situations in which villagers are expected to avoid *Caṇḍālas* as on regulations giving an automatic guarantee that *Caṇḍālas* can, in fact, be avoided, that is by segregation at certain hours and by requiring them to wear visible and audible means of identification. At the same time these rules secure a regular utilisation of their labour. This is a *Caṇḍāla* integrated in an interaction which is fully controlled by the village or town. The text is also remarkable in depicting the *Caṇḍāla* as a scavenger (the later attribute of Gandhi's Bhangi 'Harijans'), a form of labour not attributed to him in the other extant *dharmaśāstra* works.

341 *śūdrād brāhmaṇyāṃ caṇḍālaḥ sisakālāyasābharaṇo vardhrābandhakaṇṭhaḥ kakṣe jhallarīyukto yatas tataś caran sarvakarmabahīṣkṛtaḥ pūrvāhne grāmāḍau vīthyām anyatrāpi malāny apakṛṣya bahir apohayati / grāmād bahir dūre svajātiyair nivaset / madhyāhnāt paraṃ grāme na viśaty ayam / viśec ced rājñā vadhyah / anyathā bhrūṇahatyām avāpnoti / VSS 10.14.*

342 Caland's group A, see his footnote to the translation.

Other occupations prescribed in earlier texts, some mentioned already, include working on the cremation grounds, executing criminals, hunting³⁴³, and various functions in the defence such as guarding frontiers³⁴⁴, searching robbers in the villages³⁴⁵ and participating in certain military units (*gulma*)³⁴⁶. Commenting on *Mānavadharmaśāstra* 10.55, Medhātithi gives us a picture of the Caṇḍāla on duty in the city:

During the day they walk about on business, that is either on their own business such as buying and selling, or on the king's business, for instance when there is a festival or a public show in the town. At such occasions they should be marked according to royal order, that is by marks stipulated by the king such as the thunderbolt etc. or by the axe or hoe which they carry on their shoulders when ordered to execute criminals³⁴⁷.

That is to say, they are identified as executioners by the weapons they carry and as a police in connection with special events in the city. The thunderbolt is probably not another weapon but a sign attached to them, perhaps designating their role as policemen.

Most of these duties, in villages as well as in towns, are of a public character which indicates that Caṇḍālas were used as an unskilled labour force primarily required to perform despised yet necessary work in the interest of all. But there is no evidence in the *smṛtis* that such a labour force was engaged in agricultural or engineering activities like the Scheduled Castes of recent times³⁴⁸. The reason for this is probably not that Caṇḍālas, or Paṇḍiās in the south, survived merely

343 MDhŚ 10.49, 55-56; VS 16.11.

344 AŚ 2.1.5.

345 NS 14.25.

346 KS 681.

347 *divā viciranti kārtham krayavikrayasvakāryasiddhyartham / rājakāryāya vā careyur nagarotsavaprekṣādīnimittam / tatrāpi ca cihnitā rājaśāsanair upalakṣitā rājādīṣṭair vajrādīcīhīnair vadyavadhaśāsanair vā paraśukūṭhārādhibhiḥ skandhāropitaiḥ // MeMDhŚ 10.55.*

348 Mahar 1972; Deliège 1999; Charsley in Aktor & Deliège 2008. One early example outside *dharmaśāstra*, however, is a medieval hagiographic description of the Paṇḍiā hamlet where Nantanār, one of the Nāyaṇārs (Tamil Śaivite saints), was born (quoted from K.A.N. Śāstri in Hanumanthan 1979: 166-167). Here the Paṇḍiās are mentioned as agrarian labourers.

by cleaning cremation grounds or beating drums in funeral processions, but can be explained in terms of the Hocartian distinction, particularly emphasised by Quigley³⁴⁹, between 'ritual function' and actual occupation. In the normative texts of *dharmaśāstra* these groups are always referred to by their ceremonial or public functions because these functions are the stipulated *dharmic* norms, the *svadharma*s of the Untouchables, notwithstanding the possibility that agricultural labour may have been the primary livelihood of such groups – and the primary demand of those in control.

Proliferation of Untouchables and of precautionary rules

The untouchable categories of the *dharmasūtras* (see Table 1 in the last chapter) are greatly extended in the late *smṛtis*, many of which are only known from fragments quoted in commentaries³⁵⁰. One group consists of people who undergo *āśauca*, the period of purification after the death of a close relative. The group generally includes all relatives within seven or five generations in both ascending and descending order of the father's and the mother's line respectively³⁵¹. Medieval commentators took the untouchability of these people for granted³⁵². Untouchability is simply one of four criteria by which *āśauca* is defined by Haradatta, the others being the threefold suspension of rights to perform rituals, to partake of the food prepared by such people and to receive their gifts³⁵³. Medhātīhi, however, quotes *Hārīta*, which quotes the rule that a man is only untouchable for at part of the *āśauca* period, while his food is unfit for others during the whole period³⁵⁴.

349 Hocart 1950: 7-16; Quigley 1993: 10.

350 Derrett 1973: 38.

351 Kane 1968-1977, vol.2: 452ff.

352 VijYS 3.30. See chapter 2 above where this is quoted.

353 *aśucibhāva āśaucam / [...] / kiṃ punar idam āśaucalakṣaṇam / karmaṇy anadhikāro'bhojyānnatāsprīyatā dānādiṣv anadhikāritā* / HaGDhS 2.5.1, p.141. See also Kane 1968-1977, vol.4: 277.

354 MeMDhŚ 5.60, p.449. VijYS 3.18, p.408, gives a similar rule referring to Devala.

Other *smṛtis* add other categories. Mādhava quotes verses which add to both of the two normative lists in the *dharmasūtras* discussed in the preceding chapter³⁵⁵. He quotes two verses attributed to *Devala*, which clearly take the lists in *Gautamadharmasūtra* 14.30 and *Mānavadharmaśāstra* 5.85 as their model. They read:

A man who has touched a Śvapāka, an outcast sinner, a cripple, a fool, a person who cremates a corpse, either parents undergoing the impurity of childbirth, a woman overtaken by menstruation or the dogs, cocks and boars of the village is purified as soon as he has bathed by submerging himself fully in water with his clothes on³⁵⁶.

A little later he quotes *Caturviṃśatimata*, an early medieval compilation of *smṛtis*³⁵⁷, which has a list similar to *Baudhāyanadharmasūtra* 1.9.5. The sanctuary tree and the man who sells the Veda are omitted but instead it includes the temple priest (*devalaka*), whose prestige is very low from the point of view of the Veda-learned *śāstra* authors³⁵⁸. Thus, when compared to the *dharmasūtras* the extra categories are: cripple, fool, the father after childbirth, temple priests, village cock and boar.

Untouchability, then, became a flexible category, into which quite diverse elements of larger areas (village and country) could be added in

355 GDhS 14.30; BDhS 1.9.5.

356 *śvapākaṃ patitaṃ vyaṅgam unmattaṃ śavadāhakam / sūtikaṃ sūtikāṃ nārīṃ rajasā ca pariṣrutam // śvakukkuṭavarāhāṃś ca grāmyān saṃspr̥śya mānavaḥ / sacailaḥ saśirāḥ snātva tadānīm eva śuddhyati //* PM 2.6.24, p.109. A variation of these verses is found in VijYS 3.30, p.428-429, which mentions “a woman who has just given birth and a midwife” (*sūtikāṃ sāvikāṃ*) instead of the two parents.

357 Kane 1968-1977, vol.1: 510-513.

358 The temple priest is defined by an anonymous *smṛti* referred to in VijYS 3.30, p.427, as a Brahmin who has received payment for temple service for more than three years. This is one example of occupations that render even Brahmins untouchable. Hanumanthan (1979: 82, 90), in a southern Indian context, cites several legends, all to the effect that Paraiyas (who were regarded as equal to Caṇḍālas) also functioned as priests in local cults before the influence of northern Indian Brahmins gradually changed society under the Pallava rulers (7th-9th century), and he draws the conclusion that at least this section of Paraiyas became untouchable (which they had not been before that) as a result of the process by which these Brahmins succeeded in supplanting them as temple priests. VijYS 3.30 quotes more *smṛtis* that extend the list of untouchable categories further, including, for instance, the funeral smoke, a priest who sacrifices for a whole village, and the seller of the *soma* plant (according to *Cyavana*), the shadow of a Śvapāka (according to *Aṅgiras*) and a number of different animals (according to other *smṛtis*). See also Kane 1968-1977, vol.2: 169.

the process of establishing the superiority of these areas. That cripples and fools are included shows the strength of the image of the fit human body as a metaphor for such superiority. The idea of the country is evoked by *Atrismṛti* 267 and *Vṛddhayājñavalkya* ³⁵⁹, which add the foreigner (*mleccha*) to the list. Religious affiliations are likewise brought into the process by *Ṣaṭtriṃśanmata* (quoted in several works) ³⁶⁰, which, according to the sectarian orientation of the texts in which it is quoted, adds Buddhists, Jains, Śaivas such as Pāśupatas, Laukāyatikas (so-called ‘materialists’), Kāpilas and atheists.

With regard to untouchable demographic groups, it is more significant that *Śātātapa*, quoted in the *Smṛticandrikā*, as well as *Garuḍapurāṇa*, quoted in *Caturvargacintāmani* ³⁶¹, list several groups, 13 and 16 respectively, most of them occupational and all both untouchable and avoided in other respects. The two lists are partly overlapping. *Śātātapa*’s 13 groups are: dyers, leather workers, hunters, fishermen, washermen, butchers, gamblers (*ṭhaka*), actors, men who serve other men by phellatio (*mukhebhāga*), prostitutes, oil grinders, wine dealers and executioners. The groups in the quote from *Garuḍapurāṇa* that are not included in *Śātātapa*’s list include: bamboo and reed workers, *medas* (who perform several polluting functions) ³⁶², *bhillas* (mountain people) ³⁶³, goldsmiths, *sauvikas* (possibly *sauvidas*, attendants on women’s apartments) ³⁶⁴, artists, blacksmiths, stone cutters, barbers and carpenters. The quote from *Garuḍapurāṇa* designates all these groups as “Caṇḍālas living in the village” (“*cāṇḍālā grāma-vāsinaḥ*”) and makes clear what this means in terms of avoiding contact with them:

Wise people avoid looking at, touching, or talking to these persons. Moreover they do not wish to hear them speaking or to

359 This is quoted in the *Aparārka* commentary on YDhŚ cited by Kane 1968-1977, vol.2: 384.

360 And also quoted in Kane 1968-1977, vol.4: 114 n.262.

361 Both are quoted in Kane 1968-1977, vol.4: 115 n.264. The first of these two lists also occurs in the *Aparārka*, where it is attributed to Hārīta, see Kane 1968-1977, vol.2: 171. Similar lists are found in other fragmented *smṛtis*, for instance in VijYDhŚ 1.10c-13.

362 Kane 1968-1977, vol.2: 92.

363 MW.

364 *Ibid*.

see them during the time of bathing, eating or while performing *japa*, *homa*, and worship. If he sees them, a man should look at the sun, and he should leave the meal if these things happen during that time. In the event of talking with them he should wash both ears well with his hands and having finally talked with a Brahmin, he is absolved from his fault³⁶⁵.

These precautionary measures follow the structure of the *dharmaśāstras* in distinguishing between what happens in ritual contexts (including the bath and the meal) – when the results of pollution are more serious (even hearing being damaging) – from what happens at other times.

This proliferation of untouchable groups is remarkable in that it transcends the previously limited number of untouchable groups of the Caṇḍāla type (like those mentioned in the *Amarakośa* above) and includes classes beyond this, such as the seven Antyajās (washerman, leather worker, dancer, reed and bamboo worker, fisherman, Meda and Bhilla)³⁶⁶, or other pratilomas such as the Māgadha and the Vaidhaka³⁶⁷. But it also seems that this text represents a radical view. Both Medhātithi and Kullūka, commenting on *Mānavadharmasūtra* 10.13, maintain that among pratilomas only the Caṇḍāla is untouchable³⁶⁸. The Chinese Buddhist monk Xuanzang, who travelled in India during the first half of the 7th century CE, reported that the areas inhabited by butchers, fishermen, public performers, executioners and scavengers were segregated from the city and marked by specific signs but he did not mention these people as untouchable³⁶⁹.

It seems, then, that the extent of untouchability of demographic groups in the early medieval period was relative and that no broader consensus existed about groups beyond the Caṇḍāla type. Probably these

365 *eteṣāṃ darśanaṃ sprśaḥ sambhāṣaṇam ataḥ param // snānabhojanavelāyāṃ japahomārcane tathā / eteṣāṃ darśanaṃ bhāṣaṃ śrotuṃ necchanti sūrayaḥ // darśane sūrya ālokyo bhojane bhojanaṃ tyajet / sambhāṣaṇe ca pāṇibhyāṃ śrotre samyag upasprśet // uta brāhmaṇasaṃbhāṣaṃ kṛtvā doṣāt pramucyate* / CVCVM, p.38.

366 Kane 1968-1977, vol.2: 70).

367 These *pratilomas* are also regarded as untouchable in VSS 10.13-14.

368 MeMDhŚ 10.13; KuMDhŚ 10.13; Kane 1968-1977, vol.2: 173.

369 Watters 1904: 147.

proliferations were expressive of attitudes among particular Brahmin sectors more than representative of general patterns of interaction.

The same is the case with the way each precautionary rule in the untouchability complex proliferates. Most of these extensions are also found in PS. But as an example of the degree of elaboration that these prescriptions might reach, this passage from *Atrismṛti* is telling:

A Brahmin has climbed a tree and eats of its fruits while a Caṇḍāla touches the roots of the tree. What shall be the penance for the Brahmin in this case? Having asked permission from the Brahmins, he shall take a bath with his clothes on and only eat at night. When he eats clarified butter, he is purified. If the Caṇḍāla as well as the Brahmin have climbed the same tree, and the Brahmin eats of its fruits, what shall be the penance in that case? Having asked permission from the Brahmins, he shall take a bath with his clothes on and fast for 24 hours. He is then purified by eating the five products of the cow. If the Caṇḍāla as well as the Brahmin have climbed up on the same branch of the tree, and the Brahmin eats of its fruits, what shall be the penance in that case? He is then purified by eating the five products of the cow, having first been fasting for three days³⁷⁰.

Kane tells us that it is with reference to these rules (though attributed to *Āpastamba* in this case) that the *Prāyaścittaviveka*, a treatise on penance from about 1400 CE, arrives at the conclusion that the notion of touch includes both direct and indirect touch³⁷¹. But theoretically, this had been the consensus since ancient texts. According to *Baudhāyanadharmasūtra* seats, beds, cars, ships, roads and even grass that have been touched by Caṇḍālas and outcast sinners are automatically purified by the wind³⁷². So even the *dharmasūtras* acknowledge

370 *brāhmaṇo vṛkṣam ārūḍhaś cāṇḍālo mūlasamspṛśaḥ / phalāny atti sthitas tatra prāyaścittaṃ kathaṃ bhavet // brāhmaṇān samanujñāpya savāsaḥ snānam ācaret / naktabhojī bhaved vipro gṛhṭaṃ prāśya viśudhyati // ekavṛkṣasamārūḍhaś cāṇḍālo brāhmaṇas tathā / phalāny atti sthitas tatra prāyaścittaṃ kathaṃ bhavet // brāhmaṇān samanujñāpya savāsaḥ snānam ācaret / ahorātroṣito bhūtvā pañcagavyena śudhyati // ekaśākhāsamarūḍhaś cāṇḍālo brāhmaṇo yadā / phalāny atti sthitas tatra prāyaścittaṃ kathaṃ bhavet // tirātropoṣito bhūtvā pañcagavyena śudhyati / AS 178-183b.*

371 Kane 1968-1977, vol.4: 114.

372 *āsanaṃ śayanaṃ yānaṃ navaḥ pathi tṛṇāni ca / caṇḍālapatitasprṣṭaṃ mārutenaiva śudhyati // BDhS 1.9.7.*

that pollution of touch is carried further through these various materials, but they allow for pragmatic regulations of the theory in case of events that are unavoidable in everyday life. What really makes the difference between ancient and medieval texts is the way in which this kind of pragmatism seems to break down. This does not happen, however, by suspending the old rules. On the contrary PS 2.7.34 (with Mādhava's commentary), like other *smṛtis*, reiterates the rule in *Baudhāyanadharmasūtra*. Instead new rules of a more speculative kind, such as rules about eating fruit in trees touched by Caṇḍālas, creep in. Theoretically, there should not be much difference between grass and trees, but two new factors are added, the element of eating, which always tends to aggravate pollution, and the distance between source and target of the pollution. Both became standard criteria in medieval *smṛtis*. In this way purity tended to become a complicated art, or more precisely, a complicated knowledge, since what might have mattered is the mastery of a literary tradition of knowledge rather than its practical implications. After all, how often did it happen that Caṇḍālas climbed trees in which Brahmins were sitting eating fruit?

Caṇḍālas in Parāśarasmṛti and Parāśaramādhaviya

Although PS is deeply preoccupied with the pollution of Caṇḍālas and the many sorts of contact whereby it can be incurred, we are left with almost no information about the underlying realities. It does not even identify the Caṇḍālas as a *varṇasaṃkara* as other *smṛtis* do. Instead it refers to another category, the Caṇḍāla by action (*karmacaṇḍāla*). Discussing the sin of a woman who provokes an abortion, the text inserts a verse which compares serious sinners to Caṇḍālas:

Nothing will ever be obtained by keeping the household fire or by performing *agnihotra*, for, he who turns against *dharma* becomes a Caṇḍāla through his actions³⁷³.

373 *na kāryam āvasathyena nāgnihotreṇa vā punaḥ / sa bhavet karmacaṇḍālo yas tu dharmaparāṇmukhaḥ* // PS 2.4.21.

According to Mādhava people who attempt to commit suicide also become Caṇḍālas in this moral sense. They can regain their original status, however, by penance³⁷⁴. But Mādhava also expands the classical category of being a Caṇḍāla by birth which is where the *varṇasaṃkara* belongs. In the context of the sin of a Brahmin who has sex with a Caṇḍāla woman, he defines such a woman in this way:

A Caṇḍāla woman is a child of a Śūdra with a Brahmin woman, or she is a woman who is child of an apostate ascetic or of a man belonging to the same patrilineage as the mother. About this threefold Caṇḍāla status, Yama says: “A person who is child of an apostate renouncer or of a Śūdra by a Brahmin woman, both of these are said to be Caṇḍālas, as also is he who is born to a man belonging to the same patrilineage as the mother”. A woman born in this threefold Caṇḍāla line is a Caṇḍāla woman³⁷⁵.

Quoting verses of *Vṛddhaparāśara* he even suggests that the children born to such apostate ascetics have to live together with the other Caṇḍālas, presumably in the sense that the children of these fallen renouncers must live outside the village near the Caṇḍāla hamlets:

Mendicants and ascetics who have fallen from their dharma are Caṇḍālas; one should let the descendents born from these live together with Caṇḍālas³⁷⁶.

All in all, then, Mādhava operates with two types of Caṇḍālas, the Caṇḍālas by action, a category much like that of the old outcast sinners (*patita*), and the born Caṇḍālas. In the first group we have the woman who provokes an abortion and a Brahmin who attempts to

374 *ātmahananodyamena brāhmaṇatvam apagatam / caṇḍālatvam āyātam / punar vratācareṇa caṇḍālatvanivṛttau punaḥ pūrvāsiddhaṃ brāhmaṇyaṃ pratipadyate* / PM 2.12.5-8, p.10.

375 *brāhmaṇyāṃ śūdrāj jātā caṇḍālī / ārūḍhapatitāj jātā ca sagotrāj jātā vā / tad etat trividhaṃ caṇḍālatvaṃ yama āha – ārūḍhapatitāj jāto brāhmaṇyāṃ śūdrajaś ca yaḥ / caṇḍālau tāv ubhau proktau sagotrād yaś ca jāyate // iti etat trividhacaṇḍālasaṃtatau jātā strī caṇḍālī* / PM 2.10.5-6, p.306.

376 *luptadharmās tu caṇḍālāḥ parivrājakatāpasāḥ / tebhyo jātāny apatyāni caṇḍālāḥ saha vāsayet* // *Vṛddhaparāśara* in PM 2.12.5-8, p.11.

commit suicide. In the second group we find offspring of illegitimate unions, such as the well-known example of the child of a Brahmin mother and a Śūdra father, children of apostate renouncers, and children from *sagotra* unions where father and mother belong to the same patrilineage.

Regarding the occupation of Caṇḍālas, PS does not reiterate the rules familiar from earlier *smṛtis*. But Mādhava confirms that Caṇḍālas were engaged within the king's penal system. He paraphrases a rule which prescribes the Lunar penance (in which the intake of food follows the course of the moon) to Brahmins who have eaten impure food such as beef or the food of a Caṇḍāla and explains it by saying: "eating beef or the food of a Caṇḍāla among those who are kept as prisoners and similar"³⁷⁷. We must assume that Caṇḍālas as prison guards also brought food to the prisoners. The classical literary example of Caṇḍālas serving as executioners, however, is found in Śūdra-ka's drama *Mṛcchakaṭika*. The two Caṇḍāla executioners in the play address the son of the victim and allude to the dialectic between moral criteria and kinship criteria for being a Caṇḍāla by saying, "Son! Truly, we are not Caṇḍālas although our ancestors were born in a Caṇḍāla family. Those who attack a good man are the evil ones and they are the Caṇḍālas"³⁷⁸.

Terminology of precautionary rules

At the end of the last chapter I listed the different precautionary measures that are associated with the Caṇḍāla in the *dharmasūtras*. Ten such measures were mentioned. My criteria for indentifying them as specific precautionary rules was that they can be recognised in various texts as literary 'themes' or 'minimal discourses' articulated by a certain standard vocabulary. In the medieval commentaries many of these precautionary measures are labelled by technical terms derived from the vocabulary of each rule. For instance, as mentioned in the last chapter, from the different verb forms of the root √*sprś* (to

377 *gomāṃsacaṇḍālānnabhojanaṃ banigrhītādiṣu* / PM 2.11.1, p.365.

378 *dāraka / na khalv āvāṃ cāṇḍālau cāṇḍālakule jātapūrvāv api / ye 'bhibhavanti sādhuṃ te pāpās te ca cāṇḍālāḥ* // MCh 10.22, p.362.

touch) found in rules about untouchability in the *dharmasūtras* we get the term *aspr̥śya* (“untouchable”) applied in some of the *smṛtis*. The commentators then formed the abstract noun *aspr̥śyatva* / -*tā* (“untouchability”) when theorising on the subject. The same is the case with most of the other precautionary rules to be observed. This possibility of forming abstract nouns in the Sanskrit language by means of verb derivatives and secondary nominal suffixes cannot be matched by English equivalents, except for a few concepts such “untouchability”. If one tries to adopt seemingly precise equivalents in the case of other precautionary measures, misinterpretations are sure to arise. Prabhati Mukherjee, for instance, adopts the terms “non-commensality” and “non-connubiality” when discussing additional attributes of Untouchables³⁷⁹. Of these the former is normally understood as referring to rules about who can sit at table with whom and the latter to rules about who can marry whom. But the Sanskrit terms for which these expressions are supposed to act as equivalents clearly show that these technical English terms are beside the point. What Mukherjee refers to by the term “non-commensality” can, in the context of Untouchables, only be *abhojyānnatva* / -*tā*, derived from *abhojyānna* which, applied to people, means “whose food should not be eaten”. So, when it is said that the Caṇḍāla is *abhojyānna*, this means that he is a person from whom others cannot receive (cooked) food³⁸⁰. This is different from saying that it is forbidden to sit at table with the Caṇḍāla. People who are excluded from sitting at the same table are not *abhojyānna*, but they are *apāṅkteya*³⁸¹, which means “not belonging to the *pañkti*”, the row of diners within which a person can eat. The group of co-diners is restricted to a much smaller circle than that of people whose food can be accepted³⁸². Conversely, those who are *apāṅkteya* form a much larger group than those who are *abhojyānna*, and therefore the fact that an Untouchable cannot take part in the *pañkti* of a Twice-born is self-evident and not in any sense a characteristic of the complex of precautions taken against

379 Mukherjee 1988: 14.

380 See also Olivelle 2005g which offers a precise analysis of this vocabulary.

381 The term occurs in PS 2.7.8a.

382 Kane 1968-1977, vol.2: 767-769.

contact with Untouchables³⁸³. But as we shall see later, even *abhojyānnatva* is not an exclusive criterion of untouchability but includes a broader scale of persons.

Similarly with “non-connubiality”. The Sanskrit term is *agamyatva* / *-tā*, *agmaya* (applied to women) meaning “who should not be approached [sexually]”. It is, I suppose, a familiar feature of most societies that this is not the same as “who is unfit as marriage partner”, the latter group being the more inclusive³⁸⁴. As in other contexts, the ostensible validity and generality of scholarly terms may be a function not of the content of these terms but of their air of scholarship. For this reason, and because the Sanskrit terms are nice and concise compared to expressions such as “inedibility of food belonging to ...”, I will use them systematically in what follows. I have come across all these abstract nouns in the commentary literature, but here I will stick to only one suffix, the *-tva*, in order to avoid confusion. Below is an overview of all these terms (also found in the appended glossary). At the end of the list I have added those precautionary measures for which I have not come across Sanskrit abstract nouns:

Abhojyānnatva: being *abhojyānna*, a person whose cooked food should not be eaten.

Adṛśyatva: being *adṛśya*, a person who should not be looked at.

Agamyatva: being *agamyā*, a person who should not be approached for the purpose of a sexual relation.

Apapātratva: being *apapātra*, a person with whom others cannot exchange food vessels.

Apratigṛhyatva: being *apratigṛhya*, a person from whom others cannot receive gifts and other material goods.

Asambhāṣyatva, being *asambhāṣya*, a person with whom conversation should be avoided.

Asprśyatva⁽¹⁾: being *asprśya*⁽¹⁾, a person who is untouchable in terms of direct touch.

383 Dumont (1980: 142) notes the distinction between eating together with and eating the food of someone, but nevertheless he wants to include both aspects in his own notion of commensality which is also confusing.

384 Kane 1968-1977, vol.2: 638; Doniger 1994.

Aspr̥ṣyatva ⁽²⁾: being *aspr̥ṣya* ⁽²⁾, a person who is untouchable in terms of contact through some material.

Aspr̥ṣyatva ⁽³⁾: being *aspr̥ṣya* ⁽³⁾, a person who is 'untouchable' in terms of closeness (but without any physical contact).

Aśravyatva: being *aśravya*, a person whose voice should not be heard.

Bāhyatva: being *bāhya*, a person who is spatially segregated.

Karmānadhikāritva: being *karmānadhikārin*, a person who has no right to perform rituals.

Being a person with whom there should be no *samparka*, "mixing", that is company.

Being a person who has to wear visible and/or audible marks that identify that person as an Untouchable.

Being a person with whom contact is unwanted in ritual contexts.

Being a person with whom contact through drinking water should be avoided, particularly in connection with the use of wells and other water supplies.

5. THE UNTOUCHABILITY COMPLEX IN *PARĀŚARASMṚTI* AND *PARĀŚARAMĀDHAVĪYA*: PRECAUTIONS RELATING TO PERSONAL CONTACT

This and the next chapter present the text material which formulates the rules of all those precautionary measures that were listed at the end of the last chapter. Most of these are represented in PS but not all. In those cases where they are not I shall refer to other *dharmaśāstra* texts. The material is divided in two categories. This chapter deals with the person, that is the male householder himself, while the following chapter deals with his property such as his house and his women as well as with the common domains of the village, etc. The precautionary rules that the householder himself has to observe all restrict his bodily interactions, such as sex, touch, food and drink, talking, sight and hearing. The effect of these rules is to protect the agent from pollution or to remove pollution which has been incurred despite the rules. The agent is understood as a unit of body and action, and purity is a 'felicity condition' of ritual action³⁸⁵. Thus the total series of rules, pertaining to the person and to his property, form a picture of a self at the centre of a ritualised environment which is at his disposal as a field of actions. This field, however, is only an element in larger 'complex agencies'³⁸⁶ that connect individual agents with larger units, like the village, town and country.

Agamyatva: precautions relating to sex

In spite of the detailed differentiations inherent in the Sanskrit terminology of untouchability and pollution there are distinctions which

385 The notion of 'felicity condition' is borrowed from speech act theory, in which it refers to the idea that certain conditions are required for a speech act to be successful, for instance that the judge who utters a sentence must be authorised, must wear the correct dress etc. See Austin 1971: 14-20. This is parallel to the restrictions put on those who perform rituals in terms of "purity" which was discussed in chapter two.

386 Inden (1992a) develops the notion of 'complex agency' on the basis of the British philosopher of history, R.G. Collingwood. Its advantage when compared to the notion of 'consensus' behind Dumont's structural model is that it allows for contextual diversity and antagonism to be present at the same systemic level.

are not immediately caught by these terms. The term *agamyā*, for instance, is generally applied to those with whom a man can have no sexual relation, but although the two expressions *caṇḍāligamāna* ([a man's] intercourse with a Caṇḍāla woman) and *caṇḍālagamāna* ([a woman's] intercourse with a Caṇḍāla man) both belong to the vocabulary of *agamyatva*, *gamana* etc., the difference between the two cases is clearly significant. First of all, in the case of a woman's relation to a Caṇḍāla man the important questions are: Whose woman? And, pregnant or not pregnant? Let there be no doubt that the point of view of *dharmaśāstra* in general is that of the male Twice-born householder. Women are his women, whether wives or daughters. From a soteriological perspective the importance of the woman lies mostly in her role as mother to his son by whom he is united to his ancestors when the son duly performs his death rituals and the following *sapīṇḍīkaraṇa*, the offering of food and water which guarantees his existence in the world of the fathers³⁸⁷. And even from an everyday consideration, while a man's reputation is undoubtedly severely damaged by an affair with an untouchable woman if it becomes known, it is ruined by an affair between his wife and one of these men. Not to be able to control oneself is one thing. But is a greater dishonour not to be able to control, or rather to "guard" (*√gup*), one's women from being appropriated by such a man. However, there are penances with regard to both types of *agamyatva* by which a man's reputation and purity can be restored with the exception of the worst of scenarios when a woman becomes pregnant with a Caṇḍāla man. Thus, since women are a part of a man's domain, like his house, wealth and land, this aspect of *agamyatva* will be treated separately in the next chapter, where the particular role of the Caṇḍālas in relation to these domains will be discussed. In this chapter, therefore, the focus will be on the *agamyatva* of the Caṇḍāla woman – the rule that Caṇḍāla women are not to be approached for a sexual relation.

The chapter in PS on *agamyatva* in general (PS 10), which also treats the *agamyatva* of Caṇḍāla women, is introduced by the general rule that in case of intercourse with women who should not be ap-

387 Kane 1968-1977, vol.4: 265, 520-523.

proached the penance to be observed in order to restore purity is the Lunar Penance (*cāndrāyaṇa*) whatever *varṇa* a man belongs to ³⁸⁸. This penance consists of a fast where the intake of food follows the course of the moon for one month. According to PS 2.10.2-4 the penance starts on the first day after new moon, when the penitent eats only one morsel of food, a morsel being of the size of a hen's egg. The next day two morsels are allowed, and so forth until the full moon day where fifteen morsels are eaten. Then, from the next day the food is gradually reduced by one morsel until finally at new moon day a complete fast is observed. There are variations according to the time of the month that the penance is started ³⁸⁹. In case of the present transgression (sex with a woman with whom sex is not allowed), the penance includes giving a meal for the Brahmins (*brahmabhojana*) and an offering (*dakṣiṇā*) consisting of two pieces of cattle (often described as a couple (*maithuna*), that is a bull and a cow) and a pair of garments. Such offerings generally concluded a penance for sins of such seriousness that the penance had to be stipulated specifically by an assembly of Brahmins (*pariṣad*) who would be the recipients of the offerings. These offerings are inherent elements in the penances, however, and not considered as a salary for the benefit of the assembly ³⁹⁰. Further details about the procedure of penance will be discussed in chapter seven.

Having fixed this general rule, the particular case of *caṇḍālīga-mana* is treated:

A Twice-born man who has sexual intercourse with a Caṇḍāla or a Śvapāka woman has to fast for three days as per the instructions of the Brahmins. He should then shave his head including the top-knot, observe a double Prajāpati Penance and give an offering of two cows. This is the purification that Parāśara has declared. If a Kṣatriya or a Vaiśya man has sexual intercourse with a Caṇḍāla woman, he should perform a double Prajāpati Penance and give two pairs of cattle. If a Śūdra man has sexual intercourse with a

388 *cāturvarṇyeṣu sarveṣu hitāṃ vakṣyāmi niṣkṛtim / agamyāgamane caiva śuddhyai cāndrāyaṇaṃ caret* // PS 2.10.1.

389 Gampert 1939: 53-57; Kane 1968-1977, vol.4: 134-138.

390 Gampert 1939: 221, 224.

Śvapāka or a Caṇḍāla woman, he should observe a [single] Prajāpati Penance and give four pairs of cattle ³⁹¹.

As Mādhava remarks, the expression “Twice-born” is synonymous with “Brahmin” in this case, since the Kṣatriya and the Vaiśya are dealt with separately ³⁹². In these verses we also find, therefore, a clear paradigm for the general rule about distribution of penance and offering on the four *varṇas*. The higher the *varṇa*, the harder is the penance and the less is the *dakṣiṇā*, and *vice versa*. The Prajāpati Penance (*prājāpatya*) is described in most texts as consisting of twelve days of fasting under different circumstances, that is, three days with only one meal and that during the day, three days with only one meal and that only during the night, three more days with only one meal but that only if it can be had without asking for it from others, and finally a complete fast for the last three days. During the whole period various recitations and other observances are also required ³⁹³. We must presume that the meals taken during the first six days and nights are explicitly begged for.

Having now presented the rule of the *mūla* text, Mādhava displays his skill as a commentator by undertaking a thorough examination and comparative analysis of other texts which deal with the same subject. This involves the problem of explaining the fact that these texts differ greatly with regard to the amount and kind of purification needed. It is a basic axiom of *śāstric* hermeneutics that, although all *smṛti* rules are equally valid as evidence of *dharma*, not all are equally so in all situations ³⁹⁴. This led the commentators to develop a technique for distinguishing between different circumstances that would explain the different level of penance prescribed for the same offence by different rules. Therefore it is important to be aware of the hermeneutic necessity that

391 *caṇḍālīm vā śvapākīm vā hy abhigacchati yo dvijaḥ / trirātram upavāsīt vā viprāṇām anuśāsanāt // 5 // saśikhaṃ vapanam kṛtvā prājāpatyadvayam caret / godvayam dakṣiṇam dadyāt śuddhiṃ pārāśaro 'bravīt // 6 // kṣatriyo vātha vaiśyo vā caṇḍālīm gacchato yadi / prājāpatyadvayam kuryād dadyād gomithunadvayam // 7 // śvapākīm vātha caṇḍālīm śūdro vā yadi gacchati / prājāpatyam caret kṛcchram caturgomithunam dadet // 8 // PS 2.10.5-8.*

392 [...] *dvijaśabdo 'tra brāhmaṇaparāḥ / kṣatriyavaiśyayoḥ pṛtag vakṣyamānatvāt / [...]*. PM 2.10.6, p.306.

393 Gampert 1939: 47; Kane 1968-1977, vol.4: 145-146. PM 2.4.13, p.30, quotes MDhŚ 11.212 which has the same definition.

394 Lingat 1993: 158ff.

requires this differentiation of circumstances. Not all of the postulated circumstances seem equally realistic but they solve the problem of diversity. Mādhava's exposition of the different rules connected with *caṇḍālīgamana* demonstrates this technique (*vyavasthā*) fully:

However, in other *smṛtis* the penances for sexual intercourse with a Caṇḍāla woman are taught in other ways. Some are less than the penance taught by this teacher [Parāśara], some are greater. When *Sumantu* states, "In the case of sexual intercourse with a maternal or paternal aunt, a daughter-in-law, a sister, a sister's daughter, a cow, or a Caṇḍāla woman, a Hot Penance³⁹⁵ should be observed" – then this is intended for a person who has started the intercourse unintentionally³⁹⁶, but has interrupted it before ejaculation.

But *Aṅgiras* has said: "A person who has sexual intercourse with, who eats the food of or receives goods from an outcast woman or a low-caste woman should perform a month's fast or a Lunar Penance." This, then must be understood in the sense that the Lunar Penance is for a person who has started the sexual intercourse intentionally but without being able to interrupt it before ejaculation, whereas a month's fast is for a person who has been able to do this³⁹⁷. The penance prescribed in the primary text [PS 2.10.5-6 above], that is the double Prajāpati Penance with an offering of two cows, refers to this same circumstance [that is intentional but interrupted sexual intercourse], since a month's fast is regarded as similar to that in the sense of being its substitute³⁹⁸.

Śaṅkha has stated: "If a Brahmin unintentionally approaches a

395 The Hot Penance (*taptakṛcchra*) is like the Prajāpati Penance (twelve days fasting divided in four), but with the difference that instead of solid food the penitent must take hot water only the first three days, hot milk for the next three days, hot clarified butter the subsequent three days and "air" or hot vapour for the remaining three days. This is according to PS 2.4.7-8. See also Gampert 1939: 48; Kane 1968-1977, vol.4: 138.

396 Intentionality is a standard criterion of deciding penance in relation to divergent rules. It implies either lack of intention or lack of knowledge of the facts of the event, in this case lack of knowledge of the true identity of the woman. From Mādhava's remark on *Sumantu*'s verse here, it is obvious that intentionality is understood here in a legally technical and general meaning as the verse also includes sex with a cow which – one must hope! – can hardly be accomplished without intention or without knowledge about the true nature of the partner.

397 A month's fast is a milder penance than the Lunar Penance because "fasting" (*upavāsa*) generally is understood as observing a light diet. See Kane 1968-1977, vol.4: 53, where it is mentioned that Haradatta defined fasting as giving up boiled rice.

398 For substitute penances, see Kane 1968-1977, vol.4: 127-129.

Caṇḍāla woman, he should purify himself by a Hot Penance or by a double Prajāpati Penance. If, however, a Brahmin intentionally visits a Caṇḍāla woman, he should purify himself by a Lunar Penance and ³⁹⁹ a double Prajāpati Penance.” Even this refers to the same circumstance as that of the primary text ⁴⁰⁰.

Yama, however, speaks of two alternatives according to respectively different circumstances: “Having eaten the food of and having had sexual intercourse with a woman among the Caṇḍālas or Pulkasas a man should observe the Hard Penance ⁴⁰¹ for a year if he knew her identity, but a double Lunar Penance if he did not know her.” Both alternatives are with reference to sexual intercourse which is consummated but only committed once. But in the statement by *Gautama* that, “in the case of sexual intercourse with a woman among the lowest people the penance is a Hard Penance for a year, if done inadvertently however, for twelve days” ⁴⁰², a ‘Hard Penance for a year’ refers to the same case as in *Yama*’s statement [i.e. intentional and consummated sexual intercourse], whereas a Hard Penance for twelve days refers to the same case as the Hot Penance mentioned by *Sumantu* [i.e. unintentional and interrupted sexual intercourse].

It has also been stated in the *smṛti* by *Āṅgīras* that, “in the case of sexual intercourse with, eating food of or murdering a low caste person ⁴⁰³ purification should be attained by a *Parāka* Penance ⁴⁰⁴,

399 Some manuscripts have “or” rather than “and”.

400 But it is not clear how Mādhava arrives at this conclusion. He has just said that the double Prajāpati Penance in the primary text (PS 2.10.5-6) refers to the case of the intentional but interrupted intercourse. In *Śaṅkha*’s two verses this penance refers to an unintentional intercourse, whereas in case it is intentional the penance should be a Lunar Penance and a double Prajāpati Penance. Mādhava is only warranted to see a parallel if he reads “or” instead of “and” in this sentence (as some manuscripts have), but this reading clearly distorts the reasoning of the verses, because then the two different situations result in one and the same penance, which is contradictory.

401 The Hard Penance (*kṛcchra*) is generally understood as identical to the Prajāpati Penance, that is nine days where eating is restricted and three days of complete fasting, all accompanied by various recitations and other observances. Here the process is repeated for a full year.

402 GDhS 23.32-33. Olivelle’s translation.

403 The Sanskrit word *antyaja* does not normally include the Caṇḍāla, but is a group of different low caste occupations such as the washerman, the leather worker and others; see Kane 1968-1977, vol.2: 70.

404 The *Parāka* Penance consists of twelve days of complete fasting; see Gampert 1939: 49; Kane 1968-1977, vol.4: 142.

thus spoke Lord Āṅgiras.” This also refers to the same case as the Hot Penance [unintentional interrupted sexual intercourse]. *Vasiṣṭha* has stated, “He should live on water for twelve days and observe a total fast for twelve more days, or participate in the ritual bath that concludes a horse sacrifice. This also spells out the penance for sexual intercourse with a Caṇḍāla woman”⁴⁰⁵. This refers to the same case as the double Lunar Penance in the statement of *Brhad̥yama* [= *Yama*, i.e. unintentional consummated sexual intercourse]. Likewise as stated by *Samvarta*, “A Twice-born who should somehow approach a Caṇḍāla woman, infatuated by desire, should purify himself by three Hard Penances followed by a Prajāpati Penance”, that is by a Prajāpati Penance, a Hot Penance and a Very Hard Penance⁴⁰⁶, all followed by another Prajāpati Penance. This also refers to the same case as the double Lunar Penance [unintentional consummated sexual intercourse]. Further, *Manu* has said, “The sin that a Twice-born commits in a single night by having sex with a Śūdra woman [*vr̥ṣalī*] he removes in three years by living on alms food and performing soft recitations every day”⁴⁰⁷ (a ‘Śūdra woman’ is a Caṇḍāla woman according to another *smṛti*: “A Caṇḍāla woman, a harlot, a prostitute, a girl who stays unmarried in her father’s house after her first menstruation and a wife belonging to the same patrilineage as her husband, these are called the five ‘Śūdra women’”) ⁴⁰⁸. This penance refers to repetitions of the sin during a full day. *Manu* has also said: “[Consummated] sexual intercourse with uterine sisters, unmarried girls, lowest-born women, and the wives of a friend or son, they say, is similar to sex with an elder’s wife”⁴⁰⁹. Likewise *Yājñavalkya* – [he quotes the parallel verse, YDhŚ 3.231]. This refers to repetition over a fortnight. But when

405 VDhŚ 23.41. Olivelle’s translation.

406 All the three penances mentioned here are classified as ‘Hard Penances’ (*kṛcchra*), see Gampert 1939: 47ff; Kane 1968-1977, vol.4: 130 and 132. The Very Hard Penance (*atikṛcchra*) is like the Prajāpati Penance except that instead of one meal each of the first nine days the penitent is only allowed to eat one morsel of food.

407 MDhŚ 11.179. Olivelle’s translation.

408 The Sanskrit word for “Śūdra woman” in MDhŚ 11.179 as well as in the verse quoted by Mādhava as a comment is *vr̥ṣalī*. According to Medhātithi and Kullūka this must be understood as a Caṇḍāla woman because of the extent of the penance. Sex with a Śūdra woman would not normally require such a hard penance. MeMDhŚ 11.177; KuMDhŚ 11.178.

409 MDhŚ 11.59. Olivelle’s translation.

Manu also says, “If a man has [consummated] sexual intercourse with his uterine sisters, the wives of a friend or son, unmarried girls, or lowest-born women, he should perform the observance prescribed for sex with an elder’s wife”⁴¹⁰, – this refers to repetitions over a month⁴¹¹. And as stated by *Yama*, “Having had consummated sexual intercourse with unmarried girls, *Caṇḍāla* women, low-caste women or with wives in the close family, life must be abandoned.” This refers to repetition over a full year⁴¹².

410 MDhŚ 11.171. Olivelle’s translation.

411 The two verses just quoted from MDhŚ, i.e. MDhŚ 11.59 and 11.171 are parallel verses. But Mādhava prefers to interpret them in the sense that consummated sex with a *Caṇḍāla* woman for a fortnight is *approximately similar* to the case of having sex with an elder’s wife, while the same for a full month is regarded as *equal* to that. Having sex with an elder’s wife (literally ‘violating the guru’s bed’, *gurutaḷpa*) is one of the five ‘grievous sins’ (*mahā-pātaka*) the other four being killing a Brahmin, stealing from a Brahmin, drinking liquor and associating for more than a year with someone who commits either of these four sins. Sins that are regarded as approximately or equally serious are sometimes classified as ‘similar to the grievous sins’ (*anupātaka*). These are atoned for by penances with are equal or approximate to those prescribed for the *mahāpātakas*. See Kane 1968-1977, vol.4: 88 and 106. Some, but not all, of the penances prescribed for having sex with an elder’s wife entail the enforced suicide of the sinner. PS 2.10.9-10b (not 2.10.5 as Islāmpurkar’s edition, p.311, reads by misprint) prescribes a threefold *kṛcchra* followed by a threefold *cāndrāyana* and completed by forcing the sinner to cut off his genitals. Mādhava (p.313), explaining the last element, quotes MDhŚ 11.105, which clearly indicates that the sinner is supposed to bleed to death. But MDhŚ 11.106-7 gives alternative penances, which do not entail death. See also Kane 1968-1977, vol.4: 103. Thus, the variation of penances for having sex with an elder’s wife as well the notion of *anupātaka* enables Mādhava to differentiate the different criteria (repetition for different periods of time).

412 *nanu smṛtyantareṣu caṇḍālīgamane prāyaścittāny anyathā smaryante / tatra kānicid ācāryoktāt prāyaścittād nyūnāni / kānicid adhikāni / yathāha sumantuḥ – mātrṣvasṛpi-trṣvasṛnuṣābhaginībhāgineyigocaṇḍālīnām abhigamane taptakṛcchram / iti / tad etad akāmataḥ pravṛttasya retahsekāt prāṇ nivrtau draṣṭavyam / yat tv aṅgirasoktam – paritāntyastrīyo gatvā bhuktvā ca pratigrhya ca / māsopavāsam kṛvīta cāndrāyaṇam athāpi vā // iti / tatra cāndrāyaṇam kāmataḥ pravṛttasya retahsekāt prāṇ nivrttasyāśaktasyāvagantavyam / śaktasya tu māsopavāsaḥ / godvayadakṣiṇāyuktasya prājāpatyadvayasya mūlavacanoktasya pratyāmnyākalpanādvāreṇa māsopavāsasamānatvād ayam eva viśayaḥ / yad api śānikhēnoktam – akāmataḥ tu yo vipraḥ caṇḍālīm yaśi gacchati / taptakṛcchreṇa śuddhyeta prājāpatyadvayena vā // kāmataḥ tu yaśi vipraḥ caṇḍālīm yaśi sevate / cāndrāyaṇena śuddhyeta prājāpatyadvayena ca [vā] // iti / etan mūlavacanena samānaviśayam / yamas tu viśayavyavasthāpūrvakam pakṣadvayam āha – caṇḍālapaukasānām tu bhuktvā gatvā ca yositam / kṛcchrābdam ācared jñānād ajñānād aindavadvayam // iti / etac cobhayam retahsekāparyantasakṛdgameṇaviśaye / yat tu gautamenoktam – antyāvasāyīṅgamane kṛcchrābdaḥ / amatyā dvādaśārātram / iti / tatrābdaḥcōhro yamoktasamānaviśayaḥ / dvādaśārātram tu su mantuproktataptakṛcchrasamānaviśayam / yad apy aṅgirasoktam – antyanānam tu gamane bhojane ca pramāṇe / parākeṇa viśuddhiḥ syād bhagavān aṅgirābravit // iti / tad api*

Thus, the multitude of *smṛti* verses which deal with *caṇḍālīgamana* (or are supposed to do so; *antyajas* did not generally include the *Caṇḍāla*, but the usage here shows that the term can be used more vaguely) forces Mādhava to differentiate between different situations and different penances on a large scale ranging from inadvertent interrupted sexual intercourse, in which case a penance for twelve days is prescribed, to continuous sexual relations for a year, which only a suicide can expiate. I have quoted the full text in order to illustrate the technique of reasoning by which the commentators ordered their material. The technique is the same when the other precautions are treated but not always equally rich. Undoubtedly the variation and the amount of material reflect the extent to which each type of contact attracted the attention of the authors, and compared with other forms of contact with *Caṇḍālas*, having sexual relations with a *Caṇḍāla* woman is certainly placed at the upper end of the scale.

Until now the following criteria have been included: 1) intention or knowledge, that is whether it is known that the partner is a *Caṇḍāla* woman, 2) frequency, that is whether the sin was committed once or repeatedly, and 3) if so, over how long a period. These three criteria are common and are applied to all kinds of sin. Added to this is 4) the distinction between interrupted and consummated sexual intercourse which is also applied by other medieval commentators⁴¹³. Associated with this

taptakṛcchrasamānaviṣayam / yad api vasiṣṭhenoktam – dvādaśarātram abhakṣo [yo – only in Islāmpurkar's edition, not in Tarkālaṅkāra's, neither in Olivelle's edition of VDhS] dvādaśarātram upavāset / aśvamedhāvabhṛtaṃ vā gacchet / etenaiva caṇḍālivyavāyo vyākhyātaḥ / iti / etad api brhadyamoktacāndrāyaṇadvayasamānaviṣayam / yac ca saṃvartenenoktam – yaś caṇḍālīṃ dvijo gacchet kathamcit kāmamohitaḥ / tribhiḥ kṛcchrair viśudhyeta prajāpatyānupūrvakaiḥ // iti / prajāpatyataptakṛcchrātīkṛcchrāṇi prajāpatyānupūrvakāṇi / etac cāndrāyaṇadvayena samānaviṣayam / yad api manunenoktam – yat karoty ekarātreṇa vṛṣalīsevanād dvijaḥ / tad bhakṣabhug japan nityaṃ tribhir varṣair vyapohati // iti / vṛṣalī caṇḍālī / tathā ca smṛtyantare – caṇḍālī bandhikī veśyā rajaḥsthā yā ca kanyakā / ūdhā ca samagotreṇa vṛṣalyaḥ pañca kīrtitāḥ // iti / tad ekadinābhyāsaviṣayam / yad api manunenoktam – retahsekḥ svayonyāsu kumāriṣv antyajāsu ca / sakhyuḥ putrasya ca strīṣu gurutalpasamaṃ viduḥ // iti / yājñavalkyenāpi – sakhibhāryākumāriṣu svayoniṣv antyajāsu ca / sagotrāsu sutāstrīṣu gurutalpasamaṃ smṛtam // iti / etac ca pakṣābhyāsaviṣayam / yac ca manunenoktam – gurutalpavratāṃ kuryād retah siktā svayoniṣu / sakhyuḥ putrasya ca strīṣu kumāriṣv antyajāsu ca // iti / etac ca māsābhyāsaviṣayam / yac ca yamenoktam – retah siktā kumāriṣu caṇḍālīṣv antyajāsu ca / sapīṇḍāpatyadāreṣu prāṇatyāgo vidhiyate // iti / etac ca saṃvatsarābhyāsaviṣayam // PM 2.10.8, p.307-311.

413 See VijYDhS 3.231.

there seems to be a fifth and very important criterion, that is whether the woman becomes pregnant or not. A common-sense guess as to why interrupted sexual intercourse was regarded as less serious than intercourse that was consummated would, of course, be that the chance of pregnancy was considered to be less. But this is evidently not the explanation, as the same distinction (ejaculation or not) is also applied to sexual intercourse with a cow in Mādhava's quote of the *Sumantu*-verse above. This is only one more indication that these distinctions are based on the diversity of the *smṛti* verses more than on practical considerations.

Mādhava starts his discussion of the significance of pregnancy for the choice of penance by quoting *Uśanas*, which states a general principle: "The penance which is observed in case of [illegitimate] sexual intercourse must be double if the woman becomes pregnant"⁴¹⁴. It is impossible to check whether this principle is applied in Mādhava's further discussion, since he does not explain which other circumstances are accounted for, if any. But certainly a child with a Caṇḍāla woman is an unlucky event. According to Mādhava quoting *Caturviṃśatimata*:

If a Twice-born has illegitimate sexual intercourse with a Brahmin woman who becomes pregnant by that, he must observe the *Sāṃtapana* Penance. It should be a *Parāka* Penance if it is a Kṣatriya woman who becomes pregnant, and the penance must be observed for extra three days if she is a Vaiśya woman. Likewise he should perform the Lunar Penance if it is a Śūdra woman who becomes pregnant. If he causes pregnancy in a Caṇḍāla woman, he must observe a penance for 'having sex with an elder's wife'⁴¹⁶.

If we compare the Caṇḍāla woman with the other women who are

414 *gamane tu vratam yat syād garbhe tad dviguṇam caret* / PM 2.10.12-13, p.333. PS 2.10.12-13 is numbered as 13-14 by misprint in Islāmpurkar's edition, p.319.

415 The *Sāṃtapana* Penance last for two days. The penitent subsists on small amounts of the five products of the cow (*pañcagavya*, i.e. milk, curd, ghee, urine and dung) together with a decoction of the sacred Kuśa grass for one day and fasts on the second day. Extended versions of the penance lasting for seven, fifteen or 21 days are also mentioned. Gampert 1939: 48-49; Kane 1968-1977, vol.4: 147.

416 *brāhmaṇīgamane kṛcchram garbhe sāṃtapanam caret / rājāgarbhe parākaḥ syād vaiśyagarbhe tryahādhikam // śūdrāgarbhe dvijaḥ kuryāt tadvac cāndrāyaṇavratam / caṇḍālyām garbham āropya gurutalpavratam caret* // PM 2.10.12-13, p.335.

considered *aganya* in the tenth chapter of PS/PM, it appears that she has a prominent position. The women who are mentioned in PS, apart from her, are the mother, sisters, daughters and maternal aunts. The penance for sexual intercourse with these includes bleeding to death having cut off the genitals⁴¹⁷. Further, other close female relatives, the wives of the father and the *guru* (secondary wives of lower *varṇa* according to Mādhava)⁴¹⁸ are mentioned⁴¹⁹. The penance consists of three Prajāpati Penances including a *dakṣiṇā* of two cows. Finally, sexual intercourse with a prostitute or with various female animals (buffalo, camel, monkey, donkey, sow and cow) is expiated by a Prajāpati Penance, fasting for three days or for one day⁴²⁰. To these Mādhava's commentary adds: married wives of other men⁴²¹, promiscuous women (*svairinī*; *bandhakī*)⁴²², *mleccha* women and women from various low castes⁴²³, women belonging to the Kāpālīka Śaivas (who, according to Islāmpurkar's footnote, drink alcohol and eat meat), widows, a lawful wife (*dharmapatnī*) if she would offer (or he would demand) oral sex⁴²⁴, and menstruating women⁴²⁵. Again, it should be remembered that these rules are not formulated as strict prohibitions, but as prescriptions of particular penances that should be observed if or when these events take place.

Taken together, the three categories which get the most attention are the mother, the menstruating woman and the Caṇḍāla woman. Of course there may be many reasons for this distribution, but in the context of what has been noticed as a common trait it seems to confirm an axis which connects what is condemned inside the domestic sphere with the Caṇḍāla outside.

417 PS 2.10.9-10.

418 The primary wife (*patnī*) is the first wife; she is of the same *varṇa* as the husband and she is expected to give birth to the first son. Secondary wives (*bhāryā*) may be of lower *varṇa* and their children do not have the same rights to inheritance as the children of the primary wife. See Leslie 1989: 110, 123ff.

419 PS/PM 2.10.12-13, p.319.

420 PS 2.10.14-15.

421 PM 2.10.12-13, p.328-332; he distinguishes between anuloma and pratiloma relations.

422 Ibid., p.332-333.

423 Ibid., p.334-335.

424 Ibid., p.335.

425 Ibid., p.335-337.

Asprśyatva ⁽¹⁾: *precautions relating to direct touch*

That the untouchability of Caṇḍālas did not automatically restrict people from sexual contact should now be obvious. But the logical connection is, at least, admitted by the king in *Kādambarī* who, watching the beautiful Caṇḍāla princess standing in front of him, regrets that Caṇḍāla women are unattainable *because* they are untouchable ⁴²⁶. Nevertheless, when we compare with the severe penances just mentioned, it is also evident that the Caṇḍāla's touch was not, after all, regarded as any big problem, requiring just one more bath ⁴²⁷.

I have already discussed how more categories were included as untouchable during the development after the *dharmasūtras*. But since the basic rules of, for instance, *Gautamadharmasūtra* 14.30 and *Mānavadharmasāstra* 5.85 include as untouchable a person who has touched those who are themselves untouchable, some texts also distribute different prescribed purifications according to the number of persons through which the pollution is transmitted. Thus, Vijñāneśvara quotes Devala to the effect that for touching the third person who transmits the touch of the primary Untouchable, that is the fourth in the chain, it is still necessary to wash hands and feet and sip water ⁴²⁸.

However, another type of proliferation relates not to the differentiation of untouchable individuals but to the circumstances of touching. The *mūla* text itself mentions time as a factor:

What purification is prescribed for a person who touches a Caṇḍāla, an outcast sinner or a woman who has just given birth when the sun has set? He is purified when he has looked at fire, gold and the path of the moon and has had a bath with the consent of the Brahmins ⁴²⁹.

426 Kād p.25.

427 "If a man happens to touch a Caṇḍāla he should bathe with his clothes on." – *caṇḍālasparśane caiva sacailaṃ snānam ācaret* // PS 2.6.24c-d.

428 *yathā gautamaḥ – patitacaṇḍāla[...]* *jupasparsāne sacailam udakopasparsanāc chudhyet* [GDhS 14.30] // *caturthasya tv ācamanam – upasprśyāśucisprśtaṃ tṛtiyaṃ vāpi mānavaḥ / hastau pādau ca toyena prakṣālyācamya śudhyati* // *iii devalasmaraṇāt* / VijYDhS 3.30, p.428.

429 *astamgate yadā sūrye caṇḍālaṃ patitaṃ, strīyaṃ* // 9c-d // *sūtikāṃ sprśataś caiva kathaṃ śuddhir vidhiyate / jātavedaḥsuvarṇaṃ ca somamārgaṃ vilokya ca* // 10 // *brāhmaṇānūmataś caiva snānaṃ kṛtvā viśudhyati* // 11a-b / PS 2.7.9c-11b.

That means according to Mādhava:

When in the light half of the month the sight of the moon is possible, it is the moon that should be looked at. When that is not possible, it should be the sacrificial fire. If that is not present either, it should be gold. If that also is not present, it should be the path of the moon. Having looked at any of these, he should take bath with the permission of the Brahmins⁴³⁰.

Other distinctions are about the state of the person who is touched. Mādhava explains:

Śātātapa mentions the particulars of touching according to the particular state of the person who is touched – “If a man while he is anointed somehow gets to touch a Caṇḍāla, he is purified by the Five Products of the Cow after he has spent 24 hours fasting and has taken a bath. And if he should touch these impure persons while he himself is impure, he is purified by fasting for three days. Then he has become pure. Should a Brahmin who is impure after his meal touch alcohol, a Śūdra or impure dogs he is purified by the Five Products of the Cow after he has spent 24 hours fasting and has taken a bath”⁴³¹.

Unfortunately, the text is not fully reliable. Either it distributes unequal circumstances on unequal categories (being anointed in relation to a Caṇḍāla in the first verse, being impure after the meal in relation to a Śūdra in the last), in which case there is no proper comparison, or, if we understand the Śūdra in the last verse to be equal to a Caṇḍāla (he is, after all, associated with impure dogs), it seems illogical that the penance for touching a Caṇḍāla is the same whether one is anoint-

430 *śuklapakṣe somadarśanasamḥhave somo vilokanīyaḥ / tad alābhe vahniḥ / tasyāpy abhāve suvarṇam / tasyāpy abhāve somamārgaḥ / eteṣāṃ anyatamaṃ vilokya viprair anujñātaḥ snāyāt* // PM 2.8.9c-11b, p.160.

431 *avasthāviśeṣeṇa sparśane viśeṣam āha śātātapaḥ – yena kenacid abhyaktaś caṇḍālaṃ saṃsprṣed yadi / ahorātroṣitaḥ snātvā pañcagavyena śudhyati // aśuddhān svayam apy etān aśuddhaś ca yadi sprṣet / viśudhyati upavāsena trirātreṇa tataḥ śuciḥ // ucchiṣṭaḥ saṃsprṣed vipro madyaṃ śūdraṃ śuno ‘śucin / ahorātroṣitaḥ snātvā pañcagavyena śudhyati // iti* / PM 2.6.24, p.109-110. Islāmpurkar’s footnote mentions several alternative readings, which confirm the impression that these verses are pieced together from different bits.

ed or impure after the meal. It is also unclear in which situation the anointment is used. There is, however, the possibility that “anointed” is a euphemism for a state of impurity after sexual intercourse. Kane quotes Śābara and the *Tantravārtika* to the effect that “anointment” can be interpreted as a metaphor for sexual intercourse⁴³², and Marglin notes the parallel between eating and sexual intercourse in connection with the dance of the *devadāsīs*⁴³³. In this case, ‘being anointed’ (*abhyakta*) would then be a complete parallel to being impure after the meal, literally ‘having remnants’ (*ucchiṣṭa*)⁴³⁴. This would accord with the fact that in both cases the impurity lasts until a particular form of purification has been observed. After the meal a person is impure until he has sipped water (*ācamana*)⁴³⁵, while after legitimate sexual intercourse the couple is impure until they have bathed⁴³⁶. This parallel would explain that the penance is the same in both cases (fasting for 24 hours, bath and *pañcagavya*), but it would then seem strange that the middle part of the text prescribes a harder penance (fasting for three days) for a person who has touched a Caṇḍāla “while he himself is impure”, since he is also impure in the other two cases. Anyhow, what is significant here is the fact that these states of personal impurity are added to the polluting touch of a Caṇḍāla as an aggravating circumstance. And if eating and (perhaps) sexual activity have this effect, it is only natural that the catalogue should be complete. *Āpastambadharmasūtra* had already included urine and faeces among the substances that make a person impure (together with food, leavings and semen)⁴³⁷, and Mādhava accounts for this and combines it with the polluting touch of a Caṇḍāla and with the other types of personal impurity:

If a man should defecate while touched by impure persons then a fast for three days should be observed. If a man should touch an

432 Kane 1968-1977, vol.2: 803 n.1917.

433 Marglin 1985c: 95-96.

434 The term *ucchiṣṭa* is often generalised and then loses its special meaning; it then means “impure”. Kane 1968-1977, vol.2: 332 n.805; Olivelle 2005d: 236-237.

435 Kane 1968-1977, vol.2: 652-653, 762.

436 ĀDhS 2.1.23; MDhŚ 5.144.

437 ĀDhS 1.15.23.

impure person while still impure after the meal then a fast for six days should be observed. This is what *Śātātapa* says: “A Twice-born who defecates while touched by Caṇḍālas or Śvapacas should perform a three-day fast; he should observe a six-day fast if he is impure after his meal”.⁴³⁸

It is clear that both in Mādhava’s introductory comment and in the *Śātātapa* verse the idea is that, in the case of defecation, the person is first touched by a Caṇḍāla and then further polluted, while in the case of the meal, the person is already impure when he is touched by the Caṇḍāla. This, of course, seems illogical because it breaks the parallel. It seems odd that a person who is impure due to the touch of a Caṇḍāla becomes further polluted as soon as he defecates. And generally the process is probably understood the other way round in both cases: if in a state of impurity like after the meal or after defecation a person is touched by a Caṇḍāla then this pre-existing impurity is an aggravating circumstance⁴³⁹.

We should be aware of the fact that what is central here, in this part of the work, is penance. It is not simply daily rules of cleanliness. Neither eating nor defecation is regarded as an ‘evil’. These are undoubtedly activities involving impure substances, but this is met with by simple rules of cleanliness like bathing, rinsing the teeth, sipping water after the meal, and cleaning oneself after urination and defecation⁴⁴⁰. In PM as well as in *Yājñavalkyadharmasāstra* these rules are given in the section on *ācāra*, right conduct, or as *āhnikas*, rules related to daily matters. *Mānavadharmasāstra* is more problematic, since it collects this material in its fifth chapter together with rules that are classified in the context of *prāyaścitta* in *Yājñavalkyadharmasāstra*

438 *yadi spr̥ṣto mūtrādikaṃ kuryāt tadā trirātropavāsaḥ / bhukto cchiṣṭo yadi spr̥ṣet tadā śadrātropavāsaḥ – iti / tad āha śātātapaḥ – caṇḍālaih śvapacaiḥ spr̥ṣte viṇmūtre kurute dvijaḥ / trirātraṃ tatra kurvīta bhukto cchiṣṭaḥ śaḍ ācāret // iti / PM 2.6.24, p.110.*

439 This is also confirmed by a quote of a parallel version of the verse, now attributed to *Uśanas*, which occurs in a digression on penances in miscellaneous situations inserted later in the work after PS 2.12.80. A number of *smṛtis* are quoted in relation to breaches of the rules for urination and defecation. There the verse can be read as either: “touched by Caṇḍālas [etc.] and impure after defecation [...]”, or: “touched by Caṇḍālas [etc.] while also impure after defecation [...]” – *caṇḍālaśvapacaiḥ spr̥ṣto viṇmūtro cchiṣṭa eva ca / trirātreṇa viśuddhiḥ syād bhukto cchiṣṭaḥ śaḍ ācāret // PM 2.12.80, p.143.*

440 PM 1.1.39, p.221-281; Kane 1968-1977, vol.2: 640-668.

and PS, for instance regarding death and untouchability. But we can conclude that it is only to the extent that there is an event which itself requires purification beyond the daily rules of cleanliness (the touch of a Caṇḍāla, for instance) that such daily impurities aggravate the situation. Which comes first does not seem to be important.

In the context of such speculations women are given special attention. This is because they themselves are untouchable during menstruation and after child-birth and so there are plenty of possible combinations to account for. This includes not only the combinations of mutually untouchable persons but also the state of these people, such as *varṇa*, impurity after meal etc. The penances for menstruating women who touch each other are given in PS 2.7.11c-15b. If two Brahmin women touch each other, both have to fast during the rest of the critical period. If a Brahmin woman (B) and a woman of lower *varṇa* (K, V or Ś) touch each other, the formulas are as follows:

B+K \Rightarrow B ($\frac{1}{2}$ *kṛcchra*), K ($\frac{1}{4}$ *kṛcchra*)

B+V \Rightarrow B ($\frac{3}{4}$ *kṛcchra*), V ($\frac{1}{4}$ *kṛcchra*)

B+Ś \Rightarrow B (1 *kṛcchra*), Ś (*dāna*, that is a gift).

The lower the *varṇa* of the lower woman, the more penance is to be observed by the higher. This is in agreement with the general formula in cases of contact pollution. As usual, material considerations are preferred instead of observances for Śūdras.

The subject is not exhausted by these rules, but Mādhava is able to supplement with more *smṛtis*. *Vṛddhavasīṣṭha* supplies the scheme of all combinations that are not between women of equal *varṇa*, that is B+K, B+V, B+Ś, K+V, K+Ś, V+Ś.

Vṛddhavasīṣṭha also says what is to be done in the event that menstruating women are touched by Caṇḍālas

A menstruating woman who has been touched by Caṇḍālas, such as a Śvapāka, should perform a penance when she has passed the days of menstruation. If she was touched on the first day of her menstruation three days of fasting should be the penance, if she was touched on the second day it should last for two days, if she was touched on the third day it should be 24 hours, and if she is touched later than that, she should observe one night's fast⁴⁴¹.

Again the verses seem somewhat distorted, and there is the possibility of understanding the instruction to the effect that the indicated days of fasting are observed during the days of menstruation and the penance proper should only be performed after that. That is how Mādhava paraphrases the instruction⁴⁴². But in that case we would expect that the verses (or Mādhava) would indicate which penance should be observed after the fast, which they do not. Instead Mādhava makes the distinction between deliberate and non-deliberate touch, saying that *Vṛddhaviśiṣṭha*'s verses refer to the former case, while the latter is accounted for by a verse of *Baudhāyana*, which says that a menstruating woman who is touched by a Caṇḍāla, another low-status person, a dog or a crow should stay without food for as long as her menstruation lasts. This implies that in the former case she has to fast for the remaining days of the menstruation and after that undergo one extra fasting period for the stipulated number of days.

Mādhava then goes on to quote more verses (*Baudhāyana*, *Atri*, *Mārkaṇḍeyapurāṇa* and *Śātātapa*), which further account for:

1. a menstruating woman who is touched by dogs or low people while she is eating; penance: six days on barley gruel cooked with cow's urine (*gomūtrayāvaka*) or a donation of money or a meal for the Brahmins;
2. mutual touch between a Brahmin woman and a Śūdra woman who both are menstruating and impure after their meals; penances: *kṛcchra* for the Brahmin woman, a gift from the Śūdra woman⁴⁴³;
3. a menstruating woman who touches Twice-born men who are impure after their meals; penances: *mantra* recitation (or fasting – the manuscripts differ) for one day if the man is lower than herself and three days if he is higher⁴⁴⁴;

441 *caṇḍālādyaṅ śvapākena saṃsprṣṭā ced rajasvalā / tāny ahāni tv atikramya prāyaścittam samācāret // prathame 'hni trirātram syād dvitīye dvyaham eva tu / ahorātram tṛtīye 'hni parato naktam ācāret // PM 2.7.11c-15b, p.162 quoting Vṛddhaviśiṣṭha.*

442 *vyatikramyati anaśanena tīrthvety arthaḥ [prāyaścittam samācāret] // Ibid.*

443 "A Śūdra woman fasts by giving gifts" – *śūdrā dānair upoṣitā // Ibid., p.163.*

444 This is one more example of the *anuloma* and *pratiloma* factors in the proportions of penances; the *pratiloma* positions is always worst.

4. a menstruating woman who touches a corpse or a woman who has just given birth; penances: a fast for three days after she has bathed on the fourth day of her menstruation;
5. the same as 4, but here if the woman was eating at the time of the touch; penance: *kṛcchra*⁴⁴⁵.

All these criteria are made explicit in the verses that are quoted, they are not appended by Mādhava.

There can be no doubt that the attention given to the rules about menstruation (*rajasvalīdharmā*) is as great or greater than that displayed in relation to the Caṇḍāla. Of all untouchable categories these two stand out as the most discussed cases. Julia Leslie has pointed to the significance of fertility in relation with menstruation. The prolonged repeated occurrence of menstruation is seen as a sign of infertility, and so, menstruating women are sometimes associated with inauspiciousness⁴⁴⁷. In this sense menstruation contradicts expectations of the woman as an instrument of procreation. It also contradicts expectations of her as a perfect object of love. It is this two-sided image of the wife that is the object of her ritualisation. Through the rituals associated with marriage and married life a man secures for himself the right to the domain of the wife and all it has to offer: her service and partnership as well as her sexuality and fertility. The 'problem' about menstruation is that it manifests the autonomy of the female body *vis-à-vis* this ritual appropriation. The ritualisation of the female body, therefore, entails the segregation of menstruation. This is done ritually to the extent that it is ritually defined when the inauspicious infertility inherent in menstruation ends. It ends after a critical period of three days. The blood which may flow after that time is simply not menstrual blood (*rajas*), but just blood (*rakta*) according to verses quoted in the *Strīdharmapaddhati*⁴⁴⁸. This really is taking control through ritual.

Thus, as the menstruating woman shares with the Caṇḍāla the greatest attention among Untouchables, it is only natural that they

445 PM 2.7.11c-15b, p.162-164.

446 Leslie 1989: 183-187; 1994.

447 Leslie 1994: 75-76.

448 Leslie 1989: 283-284.

should be identified. This is done in the *mūla* text itself in a famous verse which is often quoted in connection with menstruation:

She is declared to be a Caṇḍāla woman on the first day, a Brahmin-killer on the second day and a washerwoman on the third day, while she is purified on the fourth day⁴⁴⁹.

Mādhava admits that this is metaphorical language but maintains that it should be interpreted in practical terms:

The consequences of having sexual intercourse with a menstruating woman on these days decrease to the same extent as those of having sexual intercourse with a Caṇḍāla woman and the other mentioned women. It is with regard to this that these names are used⁴⁵⁰.

And he is probably right. Such statements are not simply outlets of disgust but *arthavādas* related to particular rules, here the prohibition of sexual intercourse with a wife during the first three days of menstruation. Here the Caṇḍāla signifies a maximum degree of pollution which can be projected metaphorically on all other areas. *Atrismṛti* divides Brahmins into ten classes, the lowest of which is the 'Caṇḍāla':

Brahmins are known as tenfold: god, saint, Twice-born, king, Vaiśya, Śūdra, Niṣāda, beast, foreigner and Caṇḍāla [...] A Brahmin without rituals, who is stupid, devoid of all religion and merciless to all beings is called a Caṇḍāla⁴⁵¹.

The combinations discussed so far have involved Caṇḍālas and/or menstruating women in relation to particular circumstances. One of these is impurity after the meal. The category is also discussed separately in the *mūla* text:

449 *prathame 'hani caṇḍālī dvītiye brahmaghātini / trītiye rajakī proktā caturthe 'hani śudhyati* // PS 2.7.18c-19b.

450 *caṇḍālyādigamane yāvān pratyavāyas tāvān udakyāgamana ity abhipretya tair nāma bhir vyavahārah* / PM 2.7.18c-19b, p.168.

451 *devo munir dvijo rājā vaiśyaś śūdro niṣāda kaḥ / paśur mleccho 'pi cāṇḍālo viprā daśavidhāḥ* // [...] *kriyāhīnaś ca mūrkhāś 'ca sarvadharmavivarjitaḥ / nirdayaḥ sarvabhūteṣu vipraś cāṇḍāla ucyaṭe* // AS 337-338.

A Twice-born [a Brahmin] who is impure after the meal and is touched by another who is impure after the meal, or by a dog or a Śūdra, is purified by the Five Products of the Cow after one night's fast. In the event that the touching is done by a Śūdra who is *not* impure after the meal, a bath is prescribed. If he is touched by a Śūdra who is impure after the meal, he should perform a Prajāpati Penance⁴⁵².

This is clearly contradictory. Here the same text gives three different penances – 1) one night's fast + *pañcagavya*, 2) bath, and 3) *prājāpatya* – which, however, are only related to two categories of Śūdras, that is neither in a normal state of purity or impure after the meal. Certainly the Śūdra in the first verse must be in a normal state, since he is equal to a Twice-born in an impure state. The Twice-born seems to be impure after meals in all cases. However, Mādhava explains the contradiction simply by maintaining that, “although both expressions, that is ‘not impure after the meal’ and ‘impure after the meal’ are mentioned as attributes to ‘Śūdra’, still both should be connected to ‘Brahmin’ in accordance with the fact that a bath and a Prajāpati Penance are being prescribed respectively”⁴⁵³. This only solves the problem if it is assumed that the Śūdra is impure after his meal in both cases of the second verse. In that case the three penances are distributed thus (p = pure; i = impure):

Bi+Śp ⇔ one night's fast and *pañcagavya*;
 Bp+Śi ⇔ bath;
 Bi+Śi ⇔ *prājāpatya*.

If we can conclude anything on that basis, it would be that the decisive factor is the state of the Brahmin rather than that of the Śūdra, since the greatest difference is between a bath only and a *prājāpatya*. This would also be in agreement with the fact that generally it is the conditions and

452 *ucchiṣṭocchiṣṭasamṣṛṣṭaḥ śunā śūdreṇa vā dvijaḥ* // 20c-d // *upoṣya rajanīm ekāṃ pañcagavyena śudhyati / anucchiṣṭena śūdreṇa sparśe snānaṃ vidhiyate* // 21// *tenocchiṣṭena samṣṛṣṭaḥ prājāpatyaṃ samācaret* / 22a-b / PS 2.7.20c-22b.

453 *yady apy anucchiṣṭocchiṣṭaśabdau śūdraviśeṣaṇatayā śrutau tathāpi vidhiyamānasnānaprājāpatyānusāreṇa vipre 'pi tau yojanīyau* // PM 2.7.21c-22b, p.171.

states of the male Brahmin that are the main concern in these texts. Anyhow, this kind of interpretation tells us that in spite of the frailness of the *smṛti* sources there is a will to use them as a basis to arrive at detailed standards. It is not quite clear, however, whether this will expresses a general concern for the authority of the sources (which is weakened by unsolved divergences) or a particular concern for purity. I think we should be cautious not to exaggerate the latter concern but should also be willing to see this remarkable concern for purity as an intellectual exercise.

In connection with impurity after the meal it remains to be explained how and why eating causes impurity at all. Ravindra Khare has stressed the “exclusivity of the saliva” as the central principle behind Indian commensal systems in general⁴⁵⁴. That means that food from which anyone has eaten (or which has been in contact with people otherwise) can only be shared with others according to particular rules. Further, it is the contact between food and saliva which ultimately brings the food process to a fall from the ritual sphere of cooking and serving to a bodily sphere of consumption and digestion⁴⁵⁵. Surprisingly, however, we do not find saliva mentioned among the twelve impurities of the body enumerated in *Mānavadharmasāstra* 5.135⁴⁵⁶. On the contrary, PS maintains that:

Manu has declared that spilt water when it has touched the ground, and also particles of saliva which pass between one person and another as well as leavings of oil which remain after the meal, these are not impure⁴⁵⁷.

Mādhava explains the particles of saliva like this: “The drops which come from the mouths of people during conversation and which fall on the body”⁴⁵⁸. Thus, it does not seem to be saliva as such, but

454 Khare 1976: 8.

455 *Ibid.*: 38.

456 Fat, semen, blood, marrow, urine, feces, ear-wax, nails, phlegm, tears, rheum of the eyes, and sweat.

457 *mahim sprṣṭvāgataṃ toyam yāś cāpy anyonyavipruṣaḥ / bhuktocchiṣṭam tathā sneham nocchiṣṭam manur abravīt* // PS 2.7.32.

458 *ye cānyonyamukhodgatā bindavaḥ sambhāṣaṇe śarīre patanti* / PM 2.7.32. Cf. MDhŚ 5.141 and ADhS 1.16.11-13.

only its connection with food which causes the pollution of *ucchiṣṭa*. Generally, the terminology of impurity after the meal refers to food or leavings of food (*ucchiṣṭa*), and not to saliva⁴⁵⁹. During the process of the meal in which food has been placed before gods or *gurus*, the tangible leaving of food on a person's plate or in his mouth is the point from where the process can never be reversed. Once the food has been served and those eating it have had their fill, the remnants can not be served to more elevated beings again. As leavings it can only be passed downward to the subordinate⁴⁶⁰. In addition we should of course be aware of the fact that food and drink are the only substances capable of carrying impurities that actually enter the body. But primarily food, like progeny, is particularly related to auspiciousness as one of the major manifestations of prosperity. There is no guarantee there is enough of it. That depends more or less on divine or cosmic forces. I have already referred to the ritual cycle that links the *agnihotra* with food, and in this cycle saliva, like faeces and urine, have no part except as waste. By this kind of ritualisation the importance of food for the prosperity of the body is emphasised. Basic and important sources of prosperity all have their taboos. And as Durkheim has taught us long ago, taboos are only negative rituals⁴⁶¹.

Aspṛśyatva ⁽²⁾: *precautions relating to indirect touch through objects*

This category includes cases where a person touches something that has been touched by an Untouchable. As already mentioned, it was recognised already in the *dharmasūtras* that the touch of Caṇḍālas is transmitted through various things that are commonly used by others, such as roads, boats, grass, seats, couches etc., but that these things are automatically purified by the wind⁴⁶². This view is accepted

459 However, VS 22.75 mentions spitting and eating as separate events after which *ācamana* is required. MeMS 11.51 defines leavings as "touched by the mouth" – *ucchiṣṭam tad āsyasprīṣam*.

460 Malamoud 1972: 9ff.

461 Durkheim 2001: 221.

462 BDhS 1.9.7.

by Mādhava in his commentary on PS 2.7.34. However, it seems to contradict a previous prescription in the *mūla* text:

For sleeping together with Caṇḍālas he should fast for three days. Having walked together with Caṇḍāls on the same road purification is gained by remembering the Gāyatrī prayer⁴⁶³.

Mādhava understands “sleeping” as “sleeping on the same couch” (*ekaśayyāsvāpa*). This indicates a distinction between the case where the people involved are present at different times, for instance on the road or in a boat, which does not cause pollution (due to the action of the wind, sun, rain etc. in between these events), and the case where they are present simultaneously, or rather, where they share the same activity within the same space, which requires purification. This distinction may explain the seeming contradiction between the two cases, and it also accounts for the case of the Brahmin and the Caṇḍāla climbing the same tree that was discussed in the last chapter, although in that case, eating is an aggravating circumstance⁴⁶⁴.

Goods that are transacted form another category. It is difficult to treat this apart from rules that regulate transactions of food (*abhojyānatva*) and gifts (*apratigṛhyatva*). Here I shall restrict the discussion to the general principles. These are summarised in *Yājñavalkyadharmasāstra* 1.187c-d which states that the hand of the artisan, everything that is vendible or that can be had by legitimate begging, all these are always pure. It is in agreement with this that PS 1.1.65, treating the duties of Śūdras, states:

Salt, honey, oil, curd, buttermilk, clarified butter and milk should not be considered bad when they are had from Śūdras. A Śūdra can sell all these⁴⁶⁵.

463 *caṇḍālaih saha sutaṃ tu trirātram upavāsayet / caṇḍālaikapathaṃ gatvā gāyatrīsmaraṇāt śuciḥ* // PS 2.6.23.

464 AS 178-183b.

465 *lavaṇaṃ madhu tailaṃ ca dadhi takraṃ ghṛtaṃ payaḥ / na duṣyec cchūdrajātīnāṃ kuryāt sarveṣu vikrayam* // PS 1.1.65.

But later in the text⁴⁶⁶ penances are fixed for people of all four *varṇas* in case they should drink water, curd or milk from the containers of people from the low occupational castes⁴⁶⁷. However, Mādhava adds:

When raw foodstuffs etc. are acquired in other containers [than those of these people] there is no defect. As it is said in *Caturviṃśatimata*, “Raw foodstuffs, meat, clarified butter, honey, oils and fruit-products kept in the containers of low people are known to be pure when they have been taken out from these”⁴⁶⁸.

So the distinction here is between what is taken directly from the containers of low-caste people and what is put in one’s own containers when these products are acquired.

The whole issue here seems to be about appropriation. When goods, and particularly, of course, goods for consumption, are had directly from the containers of those selling them, they are still within the domains of these people. Even though they might be bought, they are not fully appropriated as long as they are kept in what still belongs to the seller. But in a correct transaction there is no problem.

In contrast, when Caṇḍālas have been in contact with things within a man’s own domain, for instance inside his house, all things need to be purified. I shall return to this case in the next chapter when discussing the elaborate purification of a house polluted by the stay of Caṇḍālas. But already from what has been mentioned here a clear pattern emerges. We have three main categories.

One is common domain (such as roads, boats, grass, and, I believe, even couches and seats understood in this sense). Here there is no pollution unless the contact takes place within shared activities (walking simultaneously on the same road).

Then we have the case of transacted goods. If these are acquired legitimately (that is bought or begged for) and if they are kept in a

466 PS 2.6.30-31.

467 These are explained here by Mādhava with reference to the standard enumeration of seven castes; see *Antyaja* in the list of Sanskrit words in the appendices.

468 *āmādiṣu bhāṇḍāntaraprāpteṣu nāsti kaścit doṣaḥ / tathā ca caturviṃśatimate – āmaṃ māṃsaṃ ghrtaṃ kṣaundraṃ snehāś ca phalaśaṃbhavāḥ / antyabhāṇḍasthitā hy ete niṣkrāntāḥ śucayaḥ smṛtāḥ // iti / PM 2.6.30-31, p.115.*

man's own containers when they have been bought, there is no problem. Even when they are vendible they are not contaminated, although many people may have touched them ⁴⁶⁹. They belong to the vendor but being for sale they are also within a semi-common domain.

Thirdly, we have the pollution of things which belong to oneself. This is critical and necessitates the purification of these things. What is demarcated by these practices is what we might call *adhikāra*-spheres, that is domains that centre on the rights to the fruits or results following from the activities proper to that domain, or in a more narrow sense, spheres of ownership (*svatva*). The house of a householder is one such sphere, but it can be any sphere constituted and demarcated by rituals or appropriated by other legitimate means. A person's own body is the closest of these spheres as well as the most basic, since it is through the body that acts in relation to larger spheres are performed. Although contact with impure people through things or material transcends these domains, that is occurs outside or across them or in shared domains, pollution primarily takes place within domains which are understood as being one's own.

Asprśyatva ⁽³⁾: *precautions relating to closeness without physical contact*

This covers two themes: touching the shadow of an Untouchable and being within certain stipulated distances from such a person. Regarding the latter the *mūla* text lays down the following exact rules:

One *yuga*, two *yugas*, three *yugas* and four *yugas*; these, in inverse order, are the distances with regard to a *Caṇḍāla*, a woman who has just given birth, a menstruating woman and an outcast sinner. Being at a distance closer than these, a person should take bath with his clothes on. Having bathed, he should look at the sun if he touches them without knowing ⁴⁷⁰.

469 Kane 1968-1977, vol.4: 321.

470 *yugaṃ yugadvayaṃ caiva triyugaṃ ca caturyugaṃ / cāṇḍālasūtikodakyāpatitānām adhaḥ kramāt // 54 // tataḥ saṃmidhimātreṇa sacailaṃ snānam ācaret / snātvālokatet sūryam ajñānāt sprśate yadi // 55 //* PS 2.12.54-55. See also *Vyāghrapāda* and *Brhaspati* quoted in *VijYDhŚ* 3.30, p.427.

Thus, the largest distance is to be observed when approaching a Caṇḍāla. Kane tells us that four *yugas* is equal to sixteen cubits ⁴⁷¹, which is approximately four metres. Further, Mādhava explains:

When there is no touching, only a bath should be observed. When there is unintentional touching, a man should take a bath and look at the sun. When it is intentional, it should be observed twice or he should perform another purification. But in crowded places, even when at a close distance, he needs not observe a bath when there is no touching since *Samvarta* has admitted that separation should only be observed according to what is practically possible: “When a man is in a crowded, unusual or dangerous place and on the road of a market place or city he should behave according to what is possible in the specific situation” ⁴⁷².

The untouchability of the shadow is not prescribed in PS. This is also more controversial, because shadows have already been declared pure by the authority of *Mānavadharmasāstra*, *Yājñavalkyadharmasāstra* and *Viṣṇusmṛti* ⁴⁷³. However, *Atrismṛti* says:

A Brahmin who walks on the shadow of a Śvapāka should take a bath. He is purified when he has eaten clarified butter ⁴⁷⁴.

Taken together, we see that the same purifications that have been prescribed in case of direct touch also apply in the event of touching shadows or of proximity. It is clear from the context, then, that these rules are thematically derived from simple untouchability as an extension of the ‘space of touching’. They are not derived from other precautionary rules like, for instance, precautions against association (liv-

471 Kane 1968-1977, vol.2: 174.

472 *sparśābhāve snānam eva / sparśe 'py akāmakṛte snānaṃ sūryāvalokanaṃ ca / kāmakṛte dvaiguṇyaṃ śuddhyantaraṃ vā draṣṭavyam / saṃkṣatādiṣu saty api saṃnidhau sparśābhāve snānaābhāvaḥ / yathāsaṃbhavavyavadhānasya saṃvartenābhyupagatatvāt – saṃkṣaṭe viṣame caiva durge caiva viśeṣataḥ / haṭṭapattanamārge ca saṃbhavaṃ tu yathā bhavet // iti / PM 2.12.55.*

473 MDhŚ 5.133; YDhŚ 1.193; VS 23.52; Kane 1968-1977, vol.2: 173-174.

474 *yas tu chāyāṃ śvapākasya brāhmaṇas tv adhigacchati // 288c-d // tatra snānaṃ prakurvīta ghṛtaṃ prāśya viśudhyati / 289a-b / AS 288c-289b.*

ing, sitting, sleeping together etc. which will be discussed below). In this sense, what we see here is a proliferation of an existing rule like those other proliferations we find in other late *smṛtis*.

Abhojyānnatva: precautions relating to the acceptance of food

To include *abhojyānnatva* in the untouchability complex entails the same kind of problems as *agamyatva*. Both types of precautionary measures are observed in relation to such a large range of different persons and groups⁴⁷⁵ that they are hardly significant in themselves as criteria of an untouchability practice. In the following the focus will therefore only be on the manner in which, when imposed on those who are permanently untouchable, *abhojyānnatva* is evidence of the specific attitude towards these people.

In the *dharmaśāstras* only few rules articulate the *abhojyānnatva* of Caṇḍālas⁴⁷⁶. Precisely because of the inclusiveness of this precautionary measure their *abhojyānnatva* is probably taken for granted. And apart from *Mānavadharmasāstra* 11.176 and *Viṣṇusmṛti* 51.57-58 the extant *smṛtis* are rather silent. Nevertheless, from such stories as *Mahābhārata* 12.139 about Viśvāmitra's attempts to steal the meat of a dog belonging to a Caṇḍāla, it appears that the food of a Caṇḍāla (apart of consisting of dog's meat) is the example par excellence of food which should not be eaten due to its origin⁴⁷⁷.

That such is the status of Caṇḍāla food is part of a common knowledge. One *Jātaka* story warns the monks against procuring food for themselves through one of the 21 forbidden methods (for instance as reward for work). The effect of such unfit food is like eating the leavings of Caṇḍālas. It goes on to tell the dramatic story about what happened to a Brahmin who did just that. The Brahmin thought he could bypass the effects of eating such food by removing the top of the food. But no! This is not a matter of saliva or touch. The food is inedible

475 ĀDhS 1.18.9-1.19.15; MDhŚ 4.207-225.

476 BDhS 2.4.14 and VDhS 20.17.

477 Such food is *parigrahaduṣṭa* according to medieval commentators, that is food which is unfit due to the identity of the person from whom it has been received; see Kane 1968-1977, vol.2: 771-772.

just by being the food of a Caṇḍāla. So the Brahmin got sick and vomited blood. At last he died lonely in the forest where he had hidden himself from the world ⁴⁷⁸. Thus, he ended his life segregated like a Caṇḍāla; by eating the food of a Caṇḍāla, a man becomes a Caṇḍāla.

The serious result of this incident also illustrates the particular danger related to the act of eating. As discussed in connection with the impurity after the meal, eating is critical for several reasons. One more reason which is particularly relevant in connection with *abhojyānna* is the moral quality of hospitality that Prakash draws attention to. Feeding others reflects a man's moral superiority ⁴⁷⁹. As we have seen, this ranges from sacrificing to the gods to feeding guests, Brahmins, students, mendicants and, ultimately even Caṇḍālas as the Vaiśvadeva ritual which was discussed at the end of chapter three. Therefore, being oneself the receiver of food offered by Caṇḍālas represents an extreme inversion of the proper situation.

PS explicitly prescribes what a man should do if he had eaten food from a Caṇḍāla:

A Brahmin who for some reason, but unknowingly, eats the food of a Caṇḍāla is purified by eating Cow Urine and Barley Gruel for ten days ⁴⁸⁰.

Cow Urine and Barley Gruel (*gomūtrayāvaka*) is a penance in itself. A cow is fed barley grains, which are subsequently collected from its dung and boiled in cow urine. The penitent subsists on the boiled grains for one or more days ⁴⁸¹. It is explained that he should eat one mouthful of this each day while also observing the *niyama* rules ⁴⁸². These observances consists of bathing, keeping silence, fasting, sacrificing, recitation, sexual continence, obedience to the *guru*, purity, self-control and alertness ⁴⁸³. Mādhava, as usual, goes through

478 Jāt 2.82-84.

479 Prakash 1961: 122-123, 190-191; Khare 1986: 177.

480 *bhūṅkte 'jñādād dvijaśreṣṭhaś caṇḍālānnaṃ kathaṃcana / gomūtrayāvakāhāro daśarātreṇa śudhyati* // PS 2.6.32.

481 Kane 1968-1977, vol.4: 134, 149.

482 PS 2.6.33.

483 YDhŚ 3.314 quoted by Mādhava.

a number of other similar prescriptions from other *smṛtis* linking them to different specific circumstances. A verse by *Āṅgīras* accounts for the deliberate transgression:

He who deliberately eats the food of the *antyāvasāyins* should perform a Lunar Penance or a Hot Penance⁴⁸⁴.

The *antyāvasāyins* are then explained by a verse of *Āṅgīras* that is usually referred to in this context. This mentions seven groups including the *Caṇḍāla*. He then quotes *Viṣṇusmṛti* 51.57-58, which distinguishes between raw and cooked food, prescribing three days of fasting in the former case and a *Parāka* Penance (complete fast for twelve days) in the latter. This difference seems to make sense as cooking means appropriating the food and associating it with particular people. But the distinction between food cooked with water (*kacchā*) and food cooked with clarified butter or milk (*pakkā*) so often described in anthropological field studies⁴⁸⁵ did not have the same significance in the *dharmaśāstra* texts, although it is indicated here and there⁴⁸⁶. However, Mādhava concludes that the penance prescribed in the *mūla* text (Cow Urine and Barley Gruel for ten days) is intended for the case of cooked food as it is similar (probably in terms of severity) to the *Parāka* Penance prescribed in *Viṣṇusmṛti*.

Then follow two verses attributed to *Hārīta*:

If a Twice-born by mistake should eat the food of a *Caṇḍāla*, then he should observe the Lunar Penance lasting one month. Even a *Śūdra* becomes pure when he has eaten in this way [i.e. observed the Lunar Penance] for half a month keeping his senses under control. He should also fast for three days and feed the Brahmins⁴⁸⁷.

484 *antyāvasāyinām annam aśnīyād yaś ca kāmataḥ / sa tu cāndrāyaṇaṃ kuryāt taptakṛcchram athāpi vā // iti* / PM 2.6.33, p.116.

485 Khare 1976: 46-47.

486 See for instance Prakash 1961: 157, 228-229.

487 *caṇḍālānnaṃ pramādena yadi bhuñjīta vai dvijaḥ / tataś cāndrāyaṇaṃ kuryān māsaṃ ekaṃ vrataṃ caret // śūdro vāpy ardhamaśaṃ vai bhuktvā caiva jitendriyaḥ / trirātram upavāsi ca brāhmaṇāṃs tarpayet śuciḥ // iti* / PM 2.6.33, p.117.

According to Mādhava, this applies to people who are unable to go through the Cow Urine and Barley Penance prescribed in PS 2.6.32. We should notice that Śūdras are also required to purify themselves. Such instructions emphasise the special impurity of Caṇḍālas. In the event of deliberate and continued transgressions over a long period he refers to *Mānavadharmasāstra* 11.176, which declares that such a person has himself become a Caṇḍāla by this act.

Finally he refers to instructions in the *Kūrmapurāṇa*, which demand that a person who has deliberately eaten the food of a Caṇḍāla should observe a full year's *kṛcchra* and go through a renewed *up-anayana*. The latter is also prescribed in *Vasiṣṭhadharmasūtra* 20.17, which he quotes. The significance of this is clear. By partaking of Caṇḍāla food for long time a man's ritual and social identity is spoiled.

In the eleventh chapter the *smṛti* text returns to the food of a Caṇḍāla. Now it is said:

If a Brahmin swallows something impure such as semen, if he eats beef or the food of a Caṇḍāla, he should observe the Lunar Penance⁴⁸⁸.

To avoid confusion, this does not necessarily contradict the above instruction (PS 2.6.32) where the Cow Urine and Barley Penance for ten days is prescribed for a similar sin. In his commentary Mādhava repeats the verses of *Aṅgiras* and *Hārīta*, which likewise prescribed the Lunar Penance and which he has already linked to the deliberate transgression and the case of one who is unable to observe *gomūtrayā-vaka* respectively⁴⁸⁹. Before that he has explained the verse like this:

“Something impure”, that is faeces, urine and the like. Eating something impure is eating food that has been in contact with such substances. Of course it is not thought that what a Brahmin eats is

488 *amedhyareto gomāṃsaṃ caṇḍālānnaṃ athāpi vā / yadi bhuktaṃ tu vipreṇa kṛcchraṃ cāndrāyaṇaṃ caret* // PS 2.11.1.

489 Although Islāmpurkar chooses a contradictory reading of the *Aṅgiras* verse on p.368 (i.e. *yady akāmataḥ* instead of *yaś ca kāmataḥ* on p.116) he mentions that other manuscripts give the same reading as on p.116.

impure in itself, but it might have been in contact with such things, since it appears that eating together with one's small children has become quite frequent among ordinary people. Swallowing semen, however, occurs among those who are afflicted with the disease of using the throat as vagina, and eating beef and Caṇḍāla food among those who are kept as prisoners. In all these cases purity is regained by the Lunar Penance⁴⁹⁰.

As noticed, the food of a Caṇḍāla is not only impure to a Twice-born but to a Śūdra as well. No one accepts being fed by a Caṇḍāla. We should compare this with the rules governing the distribution of food to Caṇḍālas referred to in Medhātithi's commentary on *Mānavadharmasāstra* 10.51 in connection with exchange of food vessels and in the instructions for *Vaiśvadeva*. The absolute asymmetry of the food transaction with Caṇḍālas reflects the fact that, while their visible service was recognised and perhaps remunerated in the form of food, they were not thought of as possessing the moral quality which entitled them to perform an act of *dharma* such as feeding others – those acts that entail invisible soteriological ends. It is ironic that the only act of that type which was considered proper for Untouchables is the act of giving their own lives for the sake of Brahmins, cows, women or children⁴⁹¹. That is, only

490 *amedhyaṃ viṃmūtrāḍi / tadupasprṣṭasyānnasya bhojanam amedhyabhojanam / na cātra kevalasyāmedhyasya vipreṇa bhojanam kvacit sambhavati / tadupasprṣṭānnabhojanam tu saṃbhāvyate / bālāpatyasahabhojanasya prācuryeṇa loke darśanāt / retobhojanam tu galayonyādivyādhigrasteṣu saṃbhāvitam / tathā gomāmsacaṇḍālānnabhojanam bandigṛhītādiṣu / tatra sarvatra cāndrāyaṇena śuddhiḥ* / PM 2.11.1, p.365. For Caṇḍālas as prison guards, see the examples in the previous chapter. Passages like Mādhava's commentary here are valuable for their information about the lived life of mid-fourteenth century southern India: Twice-born fathers eating together with their small children (*bāla* generally indicates children up to five years old), men visiting other men for sexual gratification (regarded as a disease by Mādhava but in general not strongly condemned, see MDhŚ/BhāMDhŚ 11.174-175; newly married men might have had to wait some years for a sexual relation with their wives who were married before puberty; see Leslie 1989: 87-88); and Twice-born prisoners who had to manage with the food from their untouchable prison guards. The association between Caṇḍālas and meat eating occurs frequently, particularly in a southern Indian context with reference to the *paraiyas* who are identified as Caṇḍālas in southern Indian sources; see Hanumanthan 1979: 79-80 and 96.

491 MDhŚ 10.62; VS 16.18. These verses do not explicitly refer to Caṇḍālas but to *bāhyas*, "excluded" people, a phrase often applied in connection with *pratilomas* and Caṇḍālas or Caṇḍāla-like castes, and in both texts in a context where the conditions of Caṇḍālas have been dealt with immediately before.

when a Caṇḍāla dies from such an act can it be recognised as an act of *dharma*. The idea of a living Caṇḍāla possessing moral qualities is unthinkable. Even Mataṅga had to die when he started to display Brahmin virtues such as asceticism⁴⁹². We should not overlook the fact that such moral qualities (displayed by feeding others or by rituals) are also the prerequisite of *adhikāra* in terms of ownership and power.

Precautions relating to drinking water

In contrast to *abhojyānatva*, this is a much more exclusive rule generally mentioned only in connection with Caṇḍālas, *antyajas* and similar groups. *Arthaśāstra* (1.4.10) already refers to the practice that the well of Caṇḍālas could not be used by others. Kangle does not seem to have any objections with regard to the authenticity of this passage, but it is remarkable that we do not find any similar evidence in the *dharmasūtras* or early -smṛtis. On the contrary *Baudhāyanadharmaśūtra* 1.9.8 makes it clear that water from wells or other reservoirs can be consumed even if it is given by someone who is *abhojyāna*.

With regard to the use of water in general the main rule, even in earlier texts, is that what makes the difference is the amount of water. If water is found in such a quantity that a cow can slake its thirst from it and it looks, tastes and smells all right, it is pure⁴⁹³. *Viṣṇusmṛti* 23.43-46 adds that wells polluted by dead animals have to be emptied and thoroughly cleaned and purified by fire and *pañcagavya*, and that this applies to small tanks as well but not to large ones that are not polluted by such things. These rules are also recorded in PM⁴⁹⁴.

The detailed precautions against water that has been in contact with Caṇḍālas provide one more characteristic whereby PS differ from oth-

492 MBh 13.30.1-5. However, a somewhat milder tone is sometimes struck in the *bhakti* texts although clear demarcations are preserved: "When [even] *antevasāyins* [*antyāvasāyins*] are purified by listening to, singing and meditating on your name, Lord, how much more those who can see and touch you, the manifested Brahman", that is, how much more those who can enter the temple which *antyāvasāyins* cannot; – *śravaṇāt kīrtanād dhyānāt pūyante 'mtevasāyinaḥ / tava brahmanamayasyeṣa kim utekṣābhimarśinaḥ* // BhP 10.70.43.

493 BDhS 1.9.10; VDhS 3.35-36; MDhŚ 5.128; YDhŚ 1.192.

494 PM 2.6.30-31, p.115; 2.7.3c-4b, p.153-156.

er extant *smṛtis* such as *Yājñavalkyadharmasāstra*, *Viṣṇusmṛti* and *Nāradaśmṛti*, where these rules are not found. The text reads:

A Brahmin who through ignorance drinks water from a water reservoir which has been dug out by Caṇḍālas is purified by eating only one meal that day, or else, by fasting for 24 hours. If he drinks water from a well in which pitchers of Caṇḍālas have been used he should regain his purity by living on Cow Urine and Barley Gruel for three days. A Twice-born who drinks water contained in a jar belonging to a Caṇḍāla but spits it out immediately should observe the Prajāpati Penance. If he does not spit it out, but absorbs the water in his body, then it is not the Prajāpati Penance which should be given; instead he must observe the *Sāmtapana* Penance⁴⁹⁵. But it is only a Brahmin who should observe the *Sāmtapana* Penance. A man belonging to the next class must observe the Prajāpati Penance, a Vaiśya the half of that and a Śūdra one quarter⁴⁹⁶.

Mādhava supplements these instructions by various quotes. *Ṇgiras* prescribes that if a person has bathed in or drunk from the water of wells, tanks or water reservoirs that have been dug out by Caṇḍālas, he has to observe a Prajāpati Penance. This, according to Mādhava, is if it has happened repeatedly. For a person who is unable to observe that penance he refers to another verse by *Ṇgiras*, according to which a man who has drunk water obtained from Caṇḍālas or Śvapākas at water supplies in the forest should take *pañcagavya* (once presumably). As an alternative to the *Sāmtapana* or Prajāpati Penances for drinking water contained in Caṇḍāla jars, he quotes *Devala*, who suggests that fasting for three days is sufficient. He says that this is only valid in times of crisis (*āpad*)⁴⁹⁷.

495 This is a penance lasting two days where the penitent subsists on *pañcagavya* together with a decoction of the sacred *Kuśa* grass and fasts on the second day. Extended versions of the penance lasting for seven, fifteen or 21 days are also mentioned. Kane 1968-1977, vol.4: 147.

496 *caṇḍālakḥātavāpiṣu pītṛvā salilam agrajaḥ / ajñānāc caikabhaktena tv ahorātreṇa śudhyati // 25 // caṇḍālabhāṇḍasaṁspṛṣṭaṁ pītṛvā kūpagataṁ jalam / gomūtrayāvākāhāras trirātrāc cchuddhim āpnuyāt // 26 // caṇḍālaghaṭasaṁsthāṁ tu yat toyaṁ pibati dvijaḥ / tatksaṇāt kṣipate yas tu prājāpatyaṁ samācāret // 27 // yadi na kṣipate toyaṁ śarīre yasya jiryati / prājāpatyaṁ na dātavyaṁ kṛcchraṁ sāmtapanaṁ caret // 28 // caret sāmtapanaṁ vipraḥ prājāpatyaṁ anantarah / tadardhaṁ tu caret vaiśyaḥ pādaṁ śūdras tad ācāret // 29 // PS 2.6.25-29.*

497 PM 2.6.25, 27-28.

Thus, the texts differentiate degrees of contact through water. The least pollution occurs when wells or water reservoirs have been excavated by Caṇḍālas. Similarly Vijñāneśvara on *Yājñavalkyadharmasūtra* 1.192 distinguishes between water that has been in direct contact (*spr̥ṣṭa*) with Caṇḍālas and water from tanks that have been made (*kṛta*) by Caṇḍālas⁴⁹⁸. Only the first is impure. It would have been interesting to know more about this. Were Caṇḍālas engaged in digging labour of this kind without regard to their impurity? In that case it might suggest that only some elite Brahmins saw a problem here, while other sections of the population did not care. But it might also be the case that the only wells or tanks to be dug out by the Caṇḍālas were those that belonged to Caṇḍālas themselves. This, at least, is how Mādhava understands it, since he introduces PS 2.6.25 about drinking water from wells dug out by Caṇḍālas, saying, “He states separately what penances should be performed for drinking water from wells owned by Caṇḍālas, whether this is done knowingly or unknowingly”⁴⁹⁹. But none of the *smṛtis* he then goes on to quote confirm this idea.

Apapātratva: precautions relating to the use of food vessels

PS does not contain rules about *apapātratva*. In fact, as we saw in chapter three, it seems that explicit rules about avoiding exchange of food vessels with Caṇḍālas had long been obsolete at the time of PS. The reason for this is probably that the gradual elaboration of existing precautionary rules had rendered *apapātratva* superfluous. When Caṇḍālas were already regarded as *abhojyāna*, and when their pitchers were known to pollute the water of a well, it would not seem necessary to warn against the sharing of food vessels with them also.

The closest we come to *apapātratva* in PS is expressed in certain verses (PS 2.11.25-27) prescribing penances for people of all four *varṇas* who take water, milk, curd or clarified butter from the vessels (*bhāṇḍa*) of anyone who is *abhojyāna*. According to Mādhava this

498 caṇḍālādikṛte taḍāgāḍau na doṣaḥ / VijYDhŚ 1.192.

499 caṇḍālasvāmikavāpyudakapāne jñānājñānakṛte pṛthak prāyaścittam āha / PM introducing 2.6.25.

refers to the vessels of “dancers etc.”, that is, people belonging to occupations at the level of the *antyajas*. This is in agreement with a completely parallel passage earlier in the text (PS 2.6.30) where *antyajas* are mentioned instead of the *abhojyas* (= *abhojyānnas*) in PS 2.11.25. But strictly speaking, these rules do not fully correspond to *apapātrava*, as they refer to consumption of the content of the food vessels rather than to their use.

Precautions relating to company

The explanations in PS and other *smṛtis* quoted in PM on what it means to associate with Caṇḍālas or to keep company with them are also evidence of increased interaction. The prototypical rules for these discussions are found in *Baudhāyanadharmaśāstra* 2.2.35, *Vasiṣṭha-dharmaśāstra* 1.22, *Mānavadharmaśāstra* 11.181 and *Viṣṇusmṛti* 35.3-5. According to these texts a man becomes an outcast himself if he has been associating with other outcasts for a year. This is simply an elaboration of the fifth *mahāpātaka*, the association with those who have committed any of the other four *mahāpātakas*. But the texts distinguish between two kinds of association. One is association in terms of matrimonial alliances or services such as sacrificing or teaching. The other is association by sitting together on the same seat or in the same carriage, by lying together on the same couch or by eating together. Of these two types of association the latter is the least damaging, and it is this type that is meant when it is said that one becomes a *patita* by associating with *patitas* for a year, whereas the former is much more serious and causes immediate *patita* status according to *Viṣṇusmṛti* 35.5⁵⁰⁰.

PS contributes to this discussion by introducing a scale of eight penances according to eight intervals of time up to a year that the association may have lasted, while after that time the sinner has become a *patita* himself⁵⁰¹. In the latter case, we are told in general rules though not in PS, he will need to perform the same penance as the *patita* with whom he has been associating, though not a penance en-

⁵⁰⁰ See also Olivelle's note to BDhS 2.2.35, Olivelle 2000: 594.

⁵⁰¹ PS 2.4.9-13.

tailoring his death⁵⁰². But in another context Mādhava is of the opinion that when the text does not prescribe a particular penance for the man who associates with a *patita* for more than a year (and thereby becomes like him), but only for those who associate for shorter times, this is because the rule that such a person should perform the same penance as the sinner he has associated with is a *kalivarjya*, that is a rule which has become obsolete in the present Kali age⁵⁰³.

Mādhava explains what should be understood by 'association' quoting two verses attributed to *Kaṇva*:

By sitting, lying, driving, talking or eating together, evils spread like a drop of oil on the water. A man who associates with a *patita* becomes himself a *patita* after a year by driving or sitting frequently together with him and so forth. Thus speak the expounders of the Veda⁵⁰⁴.

The same rule about association and contact with evil is applied in connection with the father of a newly born child. If the father avoids 'mixing' (*saṃkara*) with the mother after the birth of his child, he is released from his untouchability as soon as he has bathed (although he still has no right to perform rituals), whereas his wife remains untouchable for all ten days. If, however, he keeps up contact (*samparka*) with her he remains untouchable⁵⁰⁵. And the text concludes:

The blemish arises only from contact. There is no other blemish inherent in a Twice-born. Hence, the wise should shun contact by all means⁵⁰⁶.

502 Kane 1968-1977, vol.4: 105.106.

503 *ācāryas tu kalīyuge saṃsargadoṣābhāvam abhipretya saṃsargaprāyaścittaṃ nābhyadhāt / ata eva smṛtyantare kalau varjyānām anukramaṇe – saṃsargadoṣaḥ pāpeṣu / iti uktam // PM 2.12.77c-79b, p.90.*

504 *āsanāc chayanād yānāt saṃlāpāt sahabhojanāt / saṃkramantīha pāpāni tailabindur ivāmbhasi // saṃvatsareṇa patāti patitena samācāran / yānāsanādibhir nityam ity āhur brahmavādinaḥ // iti // PM 2.4.9-10, p.28.* Some manuscripts omit one or both of these verses. The *smṛti* text itself (PS 2.12.79c-80b), in the context of the *mahāpātakas*, includes a verse parallel to the first part of the text.

505 PS 1.3.23, 25.

506 *samparkāj jāyate deṣo nānye doṣo 'sti vai dvije / tasmāt sarvaprayatnena samparkaṃ varjayed budhaḥ // PS 1.3.26.*

Mādhava explains further:

After the bath the blemish causing untouchability for the husband can only arise through contact with his wife. Otherwise there is no blemish of birth for him. Therefore, the wise man should shun contact such as lying, sitting, eating etc. together with her. This is the meaning⁵⁰⁷.

Thus, ‘association’ (*saṁācaraṇa*), ‘mixing’ (*saṁkara*) or ‘contact’ (*saṁparka*) imply the contact with evils or impurity by these activities. But PS also includes the Caṇḍāla in this discourse. However, this evidently overlaps with the rules regarding physical contact through things which were discussed above. These things included, precisely, a seat, a couch and a carriage. But also roads, grass and the like, while, in that context, eating together fell outside the category. In addition, as is clear from the rules about associating with a *patita*, in the event of association, the duration of the contact is a specific factor. This is clear also from the rule in PS on association with Caṇḍālas. Mādhava introduces this verse by contrasting it with the previous section, which dealt with association within one’s own house, saying, “He now tells us which penance should be performed in the event of mixing unknowingly with Caṇḍālas outside the home, that is in the field, in the gardens, inside the village, on a travel or elsewhere”⁵⁰⁸. And the *smṛti* verse reads:

A person who has been in contact with Caṇḍālas for a month or for half a month is purified by living on the Five Products of the Cow for a month and a half⁵⁰⁹.

507 *snānānantaraṁ bhartuḥ saṁsarganimittaka eva doṣo ’spr̥śyatvāpādako jāyate na janananimittako doṣo ’sti / tasmād vidvān saṁparkaṁ sahaśayanāsanabhojanādikaṁ varjayed ity arthaḥ / PM 1.3.26, p.261.*

508 *gṛhavyatiriktakṣetrārāmagrāmāntarayātrādāv ajñānena caṇḍālasaṁkare prāyaścittam āha / PM introducing PS 2.6.43.*

509 *caṇḍālaiḥ saha saṁparkaṁ māsaṁ māsārddham eva vā / gomūtrayāvākāhāro māsārdena viśudhyati // PS 2.6.43.*

Mādhava:

“For a month and a half”, that is both options, for a month and for half a month. By this time a person is purified; by a penance lasting a month for association for a month, by a penance lasting half a month for association for half a month. This is the meaning, that is, if he makes contact. Also Pulkasas and others are implied by the word ‘Caṇḍāla’. Thus, according to *Samvarta*: “If a Brahmin mixes with Caṇḍālas, Śvapākas or Pulkasas, he is purified by living on the Five Products of the Cow for half a month.” In the event of mixing for longer time than that mentioned, what has been said by *Hārīta* should be considered: “If a person is in close contact with Caṇḍālas, he is purified by the Prajāpati Penance. He should then gather at least ten Brahmins and have their approval. Following their directions, he should fill a hole with cow dung and mud up to the height of the neck. For 24 hours he should stand in this hole, eating nothing but air and with his mind composed. After that he should observe a Child Penance⁵¹⁰ while staying in a cow pen all the time. He should shave his head and will gain the highest purity⁵¹¹.

To conclude, it seems that we have two themes that are developed from separate origins, but are in the end more or less intertwined. One theme is physical contact through things, a theme which evolved from pragmatic concerns regarding roads, boats, seats and other common domains in which Caṇḍālas move. Inherent pragmatism means that these domains become purified naturally by wind, sun etc., and I sug-

510 The Child Penance (*bālakṛcchra* or *śiśukṛcchra*) is like the Prajāpati Penance, but only lasts four days, one day for each element. See Kane 1968-1977, vol.4: 150.

511 *māsaṃ ca ardhmāsaṃ ca māsārdham / tena viśudhyati / māsasaṃkare māsavratena śudhyati / ardhmāsaṃkare 'rdhamāsavratena viśuddhir ity arthaḥ / saṃparkaṃ karoti ced iti śeṣaḥ / caṇḍālaśabdena pulkaśādayo 'py upalakṣyante / ata eva saṃvartaḥ – caṇḍālāṇi saṃkare viprah śvapākāṇi pulkaśair api / gomūtrayāvākāhāro māsārdhena viśudhyati // iti / uktakālādhiśakālasaṃkare hārītoktaṃ draṣṭavyam – caṇḍālāṇi saha saṃyoge prajāpatyena śudhyati / viprān daśāvarān kṛtvā tair anujñāpya śāsanāt // ā kaṇṭhasya pramāṇaṃ tu kuryād gomayakardamam / tatra sthītvā tv ahorātraṃ vāyubhakṣaḥ samāhītaḥ // bālakṛcchraṃ tataḥ kuryād goṣṭhe vasati sarvadā / sakeśavapaṇaṃ kuryāt paramāṇi śuddhim āpnuyāt // iti / PM 2.6.43. The relation between the Prajāpati Penance and the penance in the hole is not quite clear. I suppose they both have to be performed, forming together one penance, but they might as well be alternative penances under different circumstances. Mādhava does not make this clear.*

gested that the principle here is the time interval between the contact with the Caṇḍāla and the contact with the Twice-born. It is not that these domains are inherently pure, but that the pollution caused by the presence of Caṇḍālas is constantly removed by wind and sun.

The other theme seems to have evolved from considerations around the fifth *mahāpātaka*, association (for a year) with a person who has committed one of the four primary *mahāpātakas*. In that context association between Caṇḍālas and Twice-born was defined as activities such as sitting, lying or eating together. But as this kind of association also involves the use of some of the objects discussed under the first theme (seats, couches etc.), we have an overlapping category in which Caṇḍālas and Twice-born are involved simultaneously.

Asambhāṣyatva: precautions relating to conversation

The rules about people with whom conversation should be avoided were old and applied to various categories, for instance, menstruating women according to *Taittirīyasamhitā* 2.5.1.5-6 and *Āpastambadharmasūtra* 1.9.13. The latter text is with regard to Veda study and it is said that, if a person engaged in recitation wants to speak with a menstruating woman, he should first speak with a Brahmin, then with her, then with the Brahmin again, and only then he can go on with his recitation. In other situations, too, involving *asambhāṣyatva*, talking with a Brahmin is regarded as the universal cure, although, generally, it is enough to talk with him after the incident. This is so after talking with a Caṇḍāla in *Āpastambadharmasūtra* 2.2.8-9. *Gautamadharmasūtra* 9.16 includes foreigners (*mleccha*), impure persons and people who have transgressed *dharma*. The two latter categories might just refer to Caṇḍālas and outcasts, so frequently mentioned together in other texts⁵¹².

That *mlecchas* are avoided suggests that not only talking, but rather language itself has a bad influence, if it is foreign or spoken incorrectly. There are texts, mentioned at the start of last chapter, which indicate

⁵¹² Haradatta, however, thinks that impure people are Aryans who do not observe the daily worship. With respect to *mlecchas*, he is pragmatic: there is no fault in asking them the way when visiting their countries. HaGDhS 1.9.17, p.80.

that Caṇḍālas spoke such a foreign language or dialect. *Viṣṇusmṛti* 22.7 associates *mlecchas* and Caṇḍālas, saying that if a person has talked with any of these he should purify himself by sipping water (that is cleaning the mouth) instead of talking with a Brahmin.

The rule in PS/PM addressing this precaution reads:

If a Brahmin talks with a Śvapāka or a Caṇḍāla, he should have a conversation with a Twice-born and utter the Gāyatrī verse once⁵¹³.

Mādhava comments:

What is meant by the phrase ‘Twice-born’ is a Brahmin who masters a whole Vedic recension as well as the auxiliary disciplines, since conversation with a lower Brahmin cannot possibly qualify as a penance. If a Brahmin is not present, the utterance of the Gāyatrī verse is regarded as a permitted alternative according to *Hārīta* who makes it optional: “A person becomes pure through a conversation with a Twice-born if he has talked with Caṇḍālas. Or, he should utter the Gāyatrī. This is a settled rule.” But he says that if a Brahmin is impure after the meal while he is having the conversation, he has to observe a fast for three days: “Should a person who is impure after his meal talk with another, he can only be purified by fasting for three days”⁵¹⁴.

Mādhava’s reference to Vedic knowledge and the alternative penance, the utterance of the Gāyatrī, clearly indicates that it is because the Brahmin possesses the words – or the speech – of the Vedas, that talking with him is effective.

513 *śvapākam vāpi caṇḍālaṃ vipraḥ saṃbhāṣate yadi / dvijasambhāṣaṇaṃ kuryāt sāvitrīṃ tu sakṛj jayet* // PS 2.6.22.

514 *dvijaśabdenānūcāno vipraḥ vivakṣitaḥ / nīcaviprasambhāṣaṇasya prāyaścittarūpatvā-sambhavāt / dvijasamnidhyābhāve gāyatrījapa ity anukalpo draṣṭavyaḥ / ata eva hārīto vikalpam āha – caṇḍālaiḥ saha saṃbhāṣya dvijasambhāṣaṇāc chuciḥ / sāvitrīṃ vyāhared vāpi iti dharmo vyavasthitaḥ // iti / saṃbhāṣamāno vipro yady ucchiṣṭaḥ syāt tadā trirātropavāsam āha sa eva – ucchiṣṭaḥ saha saṃbhāṣet trirātreṇaiva śudhyati / iti* // PM 2.6.22. Some manuscripts read *ucchiṣṭaiḥ saha sambhāṣe* in the last quote, in which case it is the person who is spoken to by an impure person who should observe the penance rather than the impure person himself. This also seems more logical.

To be *asambhāṣya* (and *apāṅkteya*, excluded from the line of co-diners) is also the punishment of a Brahmin who has married a girl who stayed unmarried in her home after her twelfth year according to PS 2.7.7c-8b. For a father not to marry off his post-puberty daughters is strongly condemned (PS 2.7.4c-7b). The ancestors have to drink her menstrual blood month after month and her parents as well as her eldest brother will all go to hell. The menstruating woman is not mentioned as *asambhāṣya* in PS but *Viṣṇusmṛti* 71.58-59 includes her as well as the *mleccha* and the *antyaja*.

Thus, once again we see that these precautionary measures correspond. Those who are *asambhāṣya* are primarily among the group of Untouchables: menstruating women, *patitas*, *Caṇḍālas* and *mlecchas*, but also *antyajas*.

Adṛśyatva: precautions relating to visual contact

What is avoided here is looking at certain persons; it is not a matter of avoiding being watched oneself. The only case where the glance of impure beings is accounted for is in connection with food, which, as remarked before, actually enters the body in contrast to other items that carry impurity. The glance by itself is not capable of this, and hence, there is no need to fear it on other occasions. However, since both cases are connected to the sense of sight, I shall treat them together.

PS reiterates the old rule⁵¹⁵ that,

A person should look at the sun immediately if he sees a *Caṇḍāla*⁵¹⁶.

The second half of the verse mentions the rule that one should take a bath in the event of touching a *Caṇḍāla*, and Mādhava's commentary only addresses this part of the verse. Clearly, looking at the sun and probably also the incident of seeing a *Caṇḍāla* were regarded as trivial. However, Mādhava supplies some more commentary on the aggravating contexts of menstruation and eating:

515 ĀDhS 2.2.8-9; GDhS 23.22.

516 *caṇḍāladarśane sadya ādityam avalokayet* / PS 2.6.24a-b.

With regard to the incident of a menstruating woman who looks at another menstruating woman during the time of eating *Āpastamba* states: “If a menstruating woman eats and she sees another menstruating woman, she should not eat anything until the time of her bath [on the fourth day of menstruation], and thereafter she should drink *Brahmakūrca*”⁵¹⁷. With regard to looking at a *Caṇḍāla Atri* says: “If a menstruating woman sees a *Caṇḍāla* while she is eating, she should observe a fast for three days, but if it happened intentionally, she has to perform the *Prajāpati Penance*”⁵¹⁸.

The other idea, namely that the glance of a *Caṇḍāla* or other untouchable persons spoils the food, is mentioned briefly in the context of *abhojyānnatva*: “A person should abandon the meal if it is looked at by a dog or a *Caṇḍāla*”⁵¹⁹. But the rule also occurs in a large digression on *śrāddha* appended to chapter three, now attributed to *Sumantu*⁵²⁰. This means that the food served for the Brahmins at *śrāddha* can be spoiled by this incident. This double context – meals in general and the *śrāddha* meal – is in agreement with parallel rules in the earlier *dharmasūtras*⁵²¹.

Aśrāvyatva: precautions relating to hearing

Mādhava also records the idea that the noise of *Caṇḍālas* should be avoided during recitation:

Regarding the presence of outcast sinners etc. during recitation, *Vasiṣṭha* states: “If they hear the shouting of outcasts or *Caṇḍālas* they should sit silent for three days without eating. Having

517 *Brahmakūrca* is a penance consisting of a fast for one day and taking *pañcagavya* that has been prepared with Vedic mantras and rituals the next day. PS 2.11.28-39 is a detailed description of the penance. But in the present context it probably indicates taking *pañcagavya* only; see Kane 1968-1977, vol.4: 146-147.

518 *bhojanakāle rajasvalāntaradarśana āpastamba āha – udakyā yadi vā bhuñkte dr̥ṣṭvānyāṃ tu rajasvalāṃ / ā snānakālaṃ nāśnīyād brahmakūrcaṃ tataḥ pibet // iti / caṇḍāladarśane tv atrir āha – rajasvalā tu bhuñjānā caṇḍālaṃ yadi paśyati / upavāsatrayaṃ kuryāt prajāpatyaṃ tu kāmataḥ // iti / PM 2.7.11c-15b, p.163.*

519 *śvānacaṇḍāladr̥ṣṭau ca bhojanaṃ parivarjayet / PS 2.6.67a-b.*

520 PM 1.3.47, p.381.

521 ĀDhS 1.16.30, 2.17.20; GDhS 15.24; MDhŚ 3.239, 4.208.

repeated the recitation more than thousand times they then become purified. Thus is it known.” This refers to the deliberate case. With regard to the non-deliberate incident, however, it is stated in *Ṣaṭtriṃśanmata*: “In the event of hearing Caṇḍālas during the recitation of the Vedas or smṛtis the meals should be suspended for 24 hours”⁵²².

Probably this is only recorded for the sake of completeness, and is not intended as an urgent instruction. It does not occur in any of the other extant *smṛtis*. However, the structure is clear. Again the problem is that Caṇḍālas intervene as a destructive force in an activity reserved for the Twice-born, the holy sound of Vedic recitation being spoiled by the shouting of rough and uncivilised people. Caṇḍālas seem to have the potential to disrupt the rituals by which a Twice-born domain is sustained. If the intervention by Caṇḍālas is capable in disrupting ritual activities, this affects the domains which are ritually constituted and maintained. We will, therefore, have to examine these domains and the precautionary rules associated with them more closely.

522 *patitādisamnīdhāv adhyayane vasiṣṭha āha – patitacaṇḍālārāvaśravaṇe trirātraṃ vāgyatā anaśnanta āsīran / sahasraparamāṇi vācam abhyasya tataḥ pūtā bhavanti vijñāyate / iti / etad buddhipūrvakaviśayam / abuddhipūrvake tu ṣaṭtriṃśanmate 'bhihitam – caṇḍālaśrotrāvakāṣe śrutismṛtipāṭha ekarātraṃ abhojanam / iti / PM 2.12.80, p.138-139.*

6. THE UNTOUCHABILITY COMPLEX IN *PARĀŚARASMṚTI* AND *PARĀŚARAMĀDHAVĪYA*: PRECAUTIONS RELATING TO PERSONAL AND COMMON DOMAINS

We can understand the personal domains of a Brahmin household-er as extensions of his agency. The type of agency to which he is entitled is determined on the basis of his birth and the *saṃskāras* he has passed through. His house is a means of keeping a household fire and thereby performing rituals that qualify for further competencies; his wife is a means of continuing his line; and, that done, his property is a means of securing his sons a proper share after his death.

At the same time, as part of a complex agency, he participates in the common domains of the village or city and of the country – besides other domains related to his occupation, religious affiliations etc. This he does in the system of inclusive power centres that was sketched out in chapter two, which looked at Hocart's idea of a concentric system encompassing gods, kings, vassals and householders⁵²³. On the basis of this idea Inden developed his ideas about 'lordship'. First he focused on the images and concepts of 'lordship' as these are represented in the Vaiṣṇava and Śaiva ritual discourses in India during the eighth to twelfth centuries CE. What appears is a cosmos ordered by several levels of lords, ranging from the overlords of the universe, Viṣṇu and Śiva, through the lords of this earth, the Kṣatriya monarchs, down to each master of his household, of whatever caste he might be. Although this discourse was particularly pervasive during the medieval period, Inden suggests that the concepts of mastery, lordship and overlordship have been constitutive of Indian society to a varying extent since early post-Vedic time⁵²⁴. In fact, he invites us to regard them as *the* fundamental categories of what might be referred to as Hindu social thought⁵²⁵. He links this with the idea, developed by Derrett⁵²⁶, that ownership according to

523 Hocart 1950: 68.

524 Inden 1985a: 159-160.

525 *Ibid.*: 176.

526 Derrett 1962: 93.

dharmaśāstra can exist in favour of several people simultaneously, and with the notion of *adhikāra*, personal competence and responsibility⁵²⁷, which together imply that ritual rights are also political and economic rights⁵²⁸. On the basis of the *Viṣṇudharmottarapurāṇa* and *Mānavadharmasāstra* he shows how the *varṇas* were regarded as inclusively ordered with respect to ownership and power.

According to this picture, a *Śūdra* was not master of anything but his own household, his own body and its physical capabilities. The three Twice-born *varṇas*, on the other hand, possessed mastery in relation to the Veda, that is, their households were established and maintained by householder rituals such as offerings (*homa*) in the domestic fire, their presents were readily accepted by the Brahmins and they were able to interact more freely together than with *Śūdras*. Of these Twice-born the *Vaiśya* was the master of wealth and animals over and above his household, the *Kṣatriya* was additionally master of a smaller or larger territory including its population, land and wealth, and the Brahmin possessed the ritual control of the prosperity of all these domains⁵²⁹. The ordering is hierarchically oriented with regard to the ritual connection between the prosperity of these domains and cosmic forces, but the hierarchy is articulated in terms of power and ownership rather than status.

Inden also noticed how the discourse of lordship is markedly gendered. The lord is a male. He is the *Puruṣa*, commanding and encompassing in a cosmological as well as in a practical sense, while his domains are represented as female, his *prakṛtis*, the dependent and confined⁵³⁰.

It is from this perspective that we should understand the particular relation between women and land that we find so often in Indian texts. These are the two important domains of lordship represented on all the three levels of Inden's analysis, that is on the level of masters, lords and overlords. In addition, they are frequently used metaphorically, mutually representing each other: women are fields, and land is a woman, mother or goddess. Fertility is the common aspect of both domains. As

527 See Lariviere 1988.

528 Inden 1985a: 176-177.

529 *Ibid.*: 166-176.

530 *Ibid.*: 162-163.

the basic means of reproduction, women and land are the main sources for the sustenance and increase of the domains of lordship.

In PS we see, therefore, that the rules of Untouchability protecting these two domains stand out with special emphasis. Compared with the purifications we have met in the last chapter those prescribed in the event of the pollution of a man's house or his women are more elaborate. This also attests to the primary importance of territories and kinship as empirical parameters of *dharma*, as argued by Hacker⁵³¹. These were areas where the influence of Untouchables was particularly critical. Ultimately, the presence of Untouchables within the domains of lordship undermines the rituals which are their precondition, thereby ruining the very right (*adhikāra*) of the lord to his domain, be it a woman or a territory.

This interrelation is, as we shall see, made explicit in our texts, and I shall follow it for a moment, departing from the list of precautionary measures that formed the structure of the last chapter and that was presented at the end of chapter four. Therefore I will be extracting these two particular cases (contact with Untouchables in relation to the house and to the women of the household) from the larger categories in which they might be classified. Thus, the rules about how to purify a house polluted by the visitation of Caṇḍālas could simply be seen as precautionary measures relating to *bāhyatva*, spatial segregation, although this generally refers to the village or town. But they could also be regarded as measures relating to company as discussed in the last chapter. In the second part of the present chapter, however, I shall return to the overall scheme, and further examine the rules regarding *bāhyatva* as well as those of *apratigṛhyatva*. Finally, we shall go through the rules about contact with Caṇḍālas in ritual contexts.

Purification of a house

The *smṛti* text envisages this scenario:

When it has become known that a Caṇḍāla has stayed incognito in a house, a council of Twice-born offers assistance to the master of the

531 See Halbfass 1988: 131-314.

house when he approaches it. Proclaiming the laws which have proceeded from the mouths of the Munis [that is the *dharmasmṛtis*], experts on *dharma*, who are well-versed in the Vedas, should rescue the fallen man from the combined evils which the event causes. The master together with all others should eat Barley with Cow Urine together with milk, sour milk and clarified butter, and should bathe at the three conjunctions of the day. For three days he should eat this with sour milk, for three days with clarified butter, for three days with milk, and for a further three days with each of these ingredients. He must not eat this with a feeling of disgust, as if it were leftovers or rotten with worms⁵³².

The text then specifies the quantities of each ingredient. These are small amounts as the whole penance is a kind of fast and the ingredients are thought of as having a ‘homoeopathic’ effect. Only one mouthful of the basic ingredients, barley cooked with cow urine, is eaten at each meal.

Mādhava, apart from paraphrasing the text, turns his attention to the expression “*pāpasamkarāt*”, here translated as “from the combined evils”. A similar expression occurs in PS 2.11.55c-56b⁵³³, where Mādhava understands it as referring to all cases of evils which have not been specified explicitly. In the above case of a Caṇḍāla who dwells in the house of a Twice-born, however, Mādhava gives this explanation:

Although the evil in dwelling together with a Caṇḍāla is only one, it has the capacity of rendering the many daily and occasionally performed rituals ineffectual. The expression “from the combined evils” should be understood in this sense⁵³⁴.

532 *avijñātas tu caṇḍālo yatra veśmani tiṣṭhati / vijñāte tūpasannasya dvijāḥ kurvanty anugraham // 34 // munivaktrodgatān dharmān gāyanto vedapāragāḥ / patantam uddhareyus taṁ dharmajñāḥ pāpasamkarāt // 35 // dadhnā ca sarpiṣā caiva kṣīragomūtrayāvakam / bhuñjīta saha sarvaiś ca trisaṁdhyam avagāhanam // 36 // tryaḥam bhuñjīta dadhnā ca tryaḥam bhuñjīta sarpiṣā / tryaḥam kṣīreṇa bhuñjīta ekaikena dinatrayam // 37 // bhāvadūṣṭam na bhuñjīta nocchiṣṭam kṛmidūṣitam // 38a-b / PS 2.6.34-38b.*

533 *sarveṣāṁ eva pāpānāṁ saṁkare samupasthite // daśasāhasram abhyastā gāyatrī śodhanam param / PS 2.11.55c-56b.*

534 *yady api caṇḍālasahavāsa ekam eva pāpaṁ tathāpi tasmin saty anuṣṭhītānāṁ nityanaimittikānāṁ bahūnāṁ vaikalysaṁbhavam abhipretya pāpasamkarād ity uktam // PM 2.6.35.*

The rituals mentioned are the rituals of the home, such as *homa*, *vaiśvadeva* and the five *mahāyajñas* (daily), the various calendrical rites and the initiations related to family life (occasional). The disruption of these rituals brings about the ruin of the home and the family, since both were established on their basis and are supposed to be centred about them. The only householder ritual in which a Caṇḍāla/Śvapaca has an accepted role is the daily *vaiśvadeva*, where food is spread on the ground outside the house “for dogs, outcastes, Śvapacas, persons with evil diseases, crows, and worms”⁵³⁵. Here the Caṇḍāla is obviously no threat to the home but is in a subordinate position fitting his status as “the worst of men”⁵³⁶.

The exhortation not to eat the *gomūtrayāvaka* with a feeling of disgust is remarkable⁵³⁷. It indicates that the positive symbolic significance of the cow is not a sufficient explanation of the use of cow dung and urine in these penances, but that the negative phenomenological qualities of these elements are used dynamically. After all, penance is not a picnic but must involve elements of pain or discomfort.

Having dealt with the inmates of the house the *smṛti* goes on to describe the purification of its goods and of the house itself:

The purity of both copper and brass is regained by rubbing with ashes, of clothes by cleaning in water. Earthenware has to be thrown away. Having put aside the saffron, molasses, cotton, salt, oil, clarified butter and grains at the door, he should light a fire inside the house⁵³⁸. Thus purified he should feed the Brahmins, and he should distribute among them a fee of thirty cows and one bull. The house is purified by a renewed plastering and by being dug, by offerings in the household fire and sacred *mantras*. Also when Brahmins stay there the defect of the ground disappears⁵³⁹.

535 MDhŚ 3.92.

536 MDhŚ 10.12, 16 and 26.

537 And it is confirmed by Mādhava's commentary: “When it is seen as completely similar to spoiled food, a feeling of it as being impure etc. vehemently overpowers the mind; it is not to be eaten in such a manner”. *yasminn avalokite saty atyantasādrśyena tasminn amedhyādibhāvaḥ sahasā buddhim ārohet tādṛsaṃ na bhoktavyam* // PM 2.6.38a-b.

538 The house is not burned down, but the flames are supposed to lick the walls. See Kane 1968-1977, vol.4: 322. According to Mādhava on verse 2.6.40, this is also the reason why inflammable goods, like cotton etc., are removed first.

Mādhava explains some of the details and supplies parallel quotes from other *smṛtis*:

Plastering is of the walls and digging is of the ground. So it should be understood according to usage. When both have been done, he should have the Brahmins enter the house, and he should recite *mantras* and perform *homa* as propitiation. By this much the ground is purified. In this sense, the defilement of the ground is not complete like that of the earthenware vessels. Should it happen again that a Caṇḍāla stays in the house for long time, then these directions by *Hārīta* are to be observed: “As soon as it has been known that the inmates of a house have been dwelling there together with Caṇḍālas for a long time, the master should discard all earthenware vessels in that house. Then he should perform a Child Penance as well as a Hot Penance. Afterwards he should feed the Brahmins. By taking Brahmakūrca he is then purified.” Then there is also a fee of one hundred cows. This is mentioned by *Cyavana*, who says: “In the event of mixing with Caṇḍālas one should do as follows: let fire burn inside the home, break all earthenware vessels, cut things made of wood, wash conches, shells, gold, silver and clothes with water. The purity of copper or brass vessels is regained by *ākara* [?]”⁵⁴⁰. Sour gruel, milk, sour milk and butter milk should be thrown away. For children, old people and women the penance is the half. Children are persons up to the age of sixteen. Old people are those older than seventy. When the penance has been performed, he should feed the Brahmins and give hundred cows. If he does not have that amount he should give as many as he owns”⁵⁴¹.

539 *bhasmanā tu bhavet śuddhir ubhayos tāmraśāmsayoh / jalaśaucena vastrāṇāṃ parityāgena mṛṇmayam // 39 // kusumbhaguḍakārpāsavalayanāṃ tailasarpīṣi / dvāre kṛtvā tu dhānānyai dadyād veśmani pāvakaṃ // 40 // evaṃ śuddhas tataḥ paścāt kuryād brāhmaṇatarpanam / triṃśataṃ govṛṣaṃ caikaṃ dadyād vipreṣu dakṣiṇām // 41 // punarlepānakhātēna homajapyena śudhyati / ādhāreṇa ca viprāṇāṃ bhūmidoṣo na vidyate // 42 // PS 2.6.39-42.*

540 *Ākara*: “One who scatters”, “multitude”, “a mine” (MW), “Fülle” (B&R). Generally metal vessels are purified by being rubbed with ashes and/or acid. In severe cases they have to be heated in fire or buried in the ground for long time. See Kane 1968-1977, vol.4: 326-237.

541 *lepānam kudyasya / khaṇanāṃ sthāsyati yathāyogam avagantavyam / tad ubhayaṃ kṛtvā bhāhmaṇān preveśya śāntikaḥapahomau kuryāt / tāvatā bhūmiḥ śudhyati / na tu bhāṇḍa-vadatyantadoṣo bhūmer vidyate / yadā punar dīrghakālam caṇḍālo nivaset / tadā hārītokaṃ draṣṭavyam – caṇḍālaiḥ saha saṃvāsam dīrghakālam akāṇikam / vijñānān mṛṇmayāṃ pātraṃ*

By the presence of the Brahmins and by *mantras* and *homa* the rituals that have been damaged are reinstalled.

The pollution of the ground by Caṇḍālas and the purification and reappropriation of it through offerings has a parallel in the practice of appropriating land on a larger scale. In a series of definitions of the territories of *dharma* (such as Āryāvārta), *Mānavadharmasāstra* 2.23 tells us that the land where the black buck roams freely is fit for the performance of sacrifices but that the land beyond that is the land of foreigners (*mlecchas*). Medhātithi's comment on this is that land is not impure by itself even where *mlecchas* live and walk on it⁵⁴². If a noble Kṣatriya king invades that *mleccha* land, establishes the four *varṇas* there and turns the *mlecchas* into Caṇḍālas as in Āryāvārta, then that land would be fit for sacrifices⁵⁴³. The text is interesting as an example of how these territories are analogous to each other and how they are marked by a contrast between *dharma* and its rituals inside and the *adharma* outside. If land beyond the territory of *dharma* is appropriated then it becomes fit for sacrifices, and the people formerly outside the scope of *dharma* are integrated as Caṇḍālas (where they remain a marginalised group in relation to villages and towns)⁵⁴⁴. Other verses in *Mānavadharmasāstra* (10.43-44) indicate, however, that not all foreigners could be assigned a Caṇḍāla status. Probably these differences reflect levels of military power.

*sarvaṃ tyajati tadgrhe // bālakṛcchraṃ tataḥ kuryāt taptakṛcchraṃ tathaiva ca / brāhmaṇāṃs
tarpayet paścād brahmakūrcena śudhyati // iti / tatra ca goṣaṭaṃ dakṣiṇā / tad āha cyavanaḥ –
caṇḍālasaṃkare svabhavanadhanam / sarvaṃṇmayabhāṇḍabhedanam / dāraṇāṇāṃ tu
takṣaṇam / śaṅkhaśuktisuvārṇarajatacailānāṃ adbhiḥ prakṣālanam / kāmīsyatāṃrapātrāṇāṃ
ākareṇa śuddhiḥ / sauṇḍaryapayodadhitakrāṇāṃ parityāgaḥ / gomūtrayāvākāhāro māsaṃ kṣapayet
/ bālavyṛddhastrīṇāṃ ardhaṃ prāyaścittam / ā ṣoḍaśād bālāḥ / sapatyūrdhvaḥvagaṭā vṛddhāḥ /
cīrṇe prāyaścitte brāhmaṇabhojanam goṣaṭaṃ dadyāt / abhāve sarvasvam / iti // PM 2.6.42.*

542 This is a parallel to Mādhava's argument in the last quote (PM 2.6.42) that soil is never completely polluted like earthenware.

543 See also Parasher 1991: 161-162 on this passage in relation to the ambiguity of the *mleccha* category. Halbfass (1988: 178) is cautious not to see in this text an incentive for future conquests but rather a retrospective rationalisation.

544 So this (Caṇḍālas as former foreigners) is one more explanation of the origin of Caṇḍālas like those we have met already (*varṇasaṃkara*, descendants of apostate renouncers etc.). But, as far as I am aware, Medhātithi is the only *dharmaśāstra* author who puts forward this explanation.

In relation to the village it is stated in the *dharmasūtras* that Veda recitation must stop if any Caṇḍāla enters the village⁵⁴⁵. At the time of the *smṛtis* when he is explicitly segregated from the village but is at the same time assigned specific duties inside it during day time⁵⁴⁶, Twice-born villagers are instructed to remember the Gāyatrī prayer whenever they happen to walk on the same road as a Caṇḍāla⁵⁴⁷. And according to the text quoted above, if he dwells incognito in the house of a Twice-born, the ground has to be purified by reinstalling the household rituals (*homa*) of that house. Thus, inside the country we have sacrifices, that is the *śrauta* rituals which for centuries after the Maurian rule remained a political tool for appropriation of land; inside the village we have Veda recitation; on common roads we have Gāyatrī; and inside the house we have *homa*. Outside are Caṇḍālas and *mlecchas*, who were related to each other by Medhātithi.

The pollution of the soil, here caused by the presence of a Caṇḍāla, is further characterised by Mādhava using a quote from *Devala*. It says:

The soil where a woman has given birth or a man has died or been cremated, which is inhabited by Caṇḍālas or where faeces and urine have been passed, that soil which is full of foul things like these is declared to be 'impure' [*amedhya*]. Touched by animals like dogs, pigs, donkeys and camels, it becomes 'filthy' [*duṣṭa*]. It becomes 'dirty' [*malina*] through charcoal, husk, hair, bones, ashes and so forth. The soil which is 'impure' is purified in five or four ways. The soil which is 'filthy' is purified in three or two ways, whereas that which is 'dirty' is purified in one way⁵⁴⁸.

545 ĀDhS 1.9.15; GDhS 16.19; VDhS 13.11.

546 MDhŚ 10.51, 55; VSS 10.14.

547 PS 2.6.23c-d.

548 *yatra prasūyate nārī mriyate dahyate naraḥ / caṇḍālādhyuṣitaṃ yatra yatra viṣṭhādisaṃgatiḥ // evaṃ kaśmalabhūyiṣṭhā bhūr amedhyā prakīrtitā / śvasīkarakharoṣṭrādisaṃsprṣṭā duṣṭatāṃ vrajet // aṅgāratuṣakeśāsthībhasmādyair malinī bhavet / pañcadhā ca caturdhā ca bhūr amedhyā viśudhyati // duṣṭāpi yā tridhā dvedhā śudhyate malinaikadhā / iti* / PM 2.7.35, p.193-194. The five ways of purification, according to MDhŚ 5.124, which Mādhava quotes (p.194), are: sweeping, smearing with cow dung, sprinkling with cow urine or milk, scraping and letting cows stay on the defiled soil. *Śuddhikaumudī* (quoted in Kane 1968-1977, vol.4: 318 n.717) presents, however, another list which conforms better to the purification of a house prescribed in PS: digging, burning, smearing, washing and rainfall.

In the first instance we can say that these three degrees indicate the extent to which the soil itself is affected by the pollution. Common to those things which render the soil 'impure' (*amedhya*) are some invisible qualities beyond the visible trails left⁵⁴⁹. They belong to the same category as the qualities that cling to the food vessels of Caṇḍālas according to Patañjali. They are not merely removed by removing the visible dirt but require ritually potent means of purification like cow dung or fire. And, like the sacrifices by which land is appropriated and foreigners turned into locally segregated Caṇḍālas, according to Medhātithi, re-establishing the house as an area of *dharma* by *homa* etc. also entails the resegregation of the Caṇḍāla who corrupted the house.

Purification of women

As we have seen already, Caṇḍālas not only mark the boundary of *dharma* in terms of territories but also in terms of kinship. The Caṇḍāla is the lowest of the low (the *pratilomas*) within the genealogy of castes. And, just as mixing with him within a man's territorial domains necessitates a subsequent reappropriation, a similar reaction is required when kinship domains, women, are polluted. Although the master is vulnerable too in such matters and, as was described in the last chapter, has to undergo penances if he succumbs, the matter is more serious when the sinner is not himself but his woman. Women are one of the major emblems of lordship, and adultery is an attack on that lordship. It is also from this perspective that we should understand the distinction between 'guarded' and 'unguarded' women. The term used is *gupta*, which is also applied to a country and its subjects in relation to the king. The point here is not that women are weak and need protection, but that as an emblem of lordship they have to be guarded against foreign attacks. The *smṛti* starts this section by mentioning the circumstances when this custodianship is particularly important:

549 But see also VijYDhŚ 1.191, 2.214, referred to in Olivelle 2005d: 237-238, where substances that are "*amedhya*" are explained as substances that have come out of the body but which are not regarded as impure when they remain inside it.

During tumult, war, famine, epidemics, or when people are taken as captives or are in panic, a man should always look after his woman⁵⁵⁰.

Accordingly Mādhava (introducing verse 2.10.17) asks:

When during such times a man is unable to guard his women against being acquired by other men, what is to be done if she somehow associates with Caṇḍālas⁵⁵¹?

And the *smṛti* answers the rhetorical question:

Should a woman have contact with Caṇḍālas, then a selected group of ten Brahmins should be formed before which she should announce her defilement. Following the directions of these Brahmins, she should stand fasting in a well filled with cow dung, water and mud up to her neck; after a day and a night she should come out. She should then shave all hair off her head, eat a meal of barley gruel, fast for further three days, and stay in water for one day⁵⁵². Then she should boil the root, leaves, flowers or fruit of the *Śaṃkhapuspi* creeper, together with some gold and the Five Products of the Cow, and drink that decoction. After that she should live on only one meal a day until she has her menstruation. So long as she observes this penance, she has to live outside the house. When the penance has been performed she should give a meal for the Brahmins and give two cows as a fee. This is the purification as declared by Parāśara⁵⁵³.

550 *ḍāmare samare vāpi durbhikṣe vā janakṣaye / bandigrāhe bhayārtau vā sadā svastrīm nirīkṣayet* // PS 2.10.16.

551 *yadā puruṣo rakṣitum aśaktas tadānīm āpannāyāḥ striyāḥ striyāḥ kathamcic caṇḍālasaṃparke kiṃ kartavyam* // PM introducing PS 2.10.17.

552 According to Mādhava this is done in the same well as before but now filled with water.

553 *caṇḍālaih saha saṃparkaṃ yā nārī kurute tataḥ / viprān daśa varān kṛtvā svakaṃ doṣam prakāśayet* // 17 // *ākaṇṭhasaṃmite kūpe gomayodakakardame / tatra sthītvā nirāhārā tv ahorātreṇa niṣkramet* // 18 // *saśikhaṃ vapanaṃ kṛtvā bhuñjīyād yāvakaudanam / trivātram upavāsītvā tv ekarātram jale vaset* // 19 // *śaṃkhapuspilatāmūlaṃ patraṃ vā kusumaṃ phalaṃ / suvarṇaṃ pañcagavyaṃ ca kvāthayītvā pibej jalam* // 20 // *ekabhaktaṃ caret paścād yāvat puspavatī bhavet / vrataṃ carati tad yāvat tāvat saṃvasate bahiḥ* // 21 // *prāyaścīte tataś cīrṇe kuryād brāhaṇabhojanam / godvayaṃ dakṣiṇaṃ dadyāc chuddhiṃ pārāśaro 'bravit* // 22 // PS 2.10.17-22.

We have already met the penance of standing in a well filled with cow dung in PM 2.6.43, where it was prescribed to a person who had been associating with a Caṇḍāla for more than a month. An earlier example is found in *Vasiṣṭhadharmasūtra* 21.8, which instructs a wife who has committed adultery to sleep in a pit with cow dung or Kuśa grass as part of a penance that lasts for a full year⁵⁵⁴. Mādhava also quotes “another *smṛti*”, which prescribes the same penance as PS, although the sequence of the specific elements is different. He concludes that this penance is given in the case of an unintentional sin, and he goes on to quote other texts, which he links to other circumstances:

In the case of sexual intercourse which is done intentionally, but only once, *Rṣyaśṛṅga* states: “Now, she who has been in contact with low men should observe the Hard Penance for a year.” The particulars to be observed if a Caṇḍāla or the like has sexual intercourse with a woman after she has become pregnant [by her lawful husband] are presented like this: “A young woman who has been in contact with a man of low descent while she is already pregnant should not perform a penance as long as the child is not yet born. She should not show herself in the home and should not apply any adornments to her limbs. She should not sleep together with her husband and not eat together with her relatives. But when the child is born she must perform the Hard Penance and so forth. Then she should give some gold or a cow to a Brahmin as a fee”⁵⁵⁵. But if she makes the contact with low men intentionally⁵⁵⁶, then what has been stated by *Uśanas* can be considered: “When she has been in contact with, has dined with and has had sexual intercourse with a man of low occupation, she should enter a blazing fire. By her death she is purified”⁵⁵⁷.

554 Based on parallel formulations in two medieval commentaries on YDhŚ, Olivelle understands the instruction in the sense that she must “eat in a through of cow dung” (*gomaya-garta*) or on a spread of Kuśa grass and sleep on the ground, not that she should sleep in a pit of cow dung. See VDhS 21.8, Olivelle 2000: 437, 631, 693.

555 PM 2.10.24-25, p.349, treats the similar case of a woman who has been raped by a man belonging to one of the four *varṇas* when she is already pregnant with her husband. There Mādhava explicitly explains that *prāyaścitta* is suspended during her pregnancy in order to prevent the strain involved causing miscarriage (*garbhapāta*). He also quotes an anonymous *smṛti* which says that “the foetus is not polluted by this incident; it can go through the usual rites of passage as prescribed.” – *na garbhadoṣas'tatrāsti saṃskāryaḥ sa yathāvidhi*.

556 Under similar circumstances? This is not clear.

Then he introduces the next verse, saying that the previous penance in the *mūla* text (standing in the well etc.) has been prescribed for the case of consummated intercourse whereas what follows is in case that the intercourse is interrupted. The verse reads:

For women belonging to the four Classes the observance should be the Lunar Penance. As with the earth, so is it with a woman. Therefore a man should not blame her⁵⁵⁸.

Mādhava:

Because of the very strong contempt for sexual intercourse with a Caṇḍāla, only her abandonment was prescribed in the case with the young woman⁵⁵⁹. But due to the doubt that perhaps purification through penance is not possible at all [in this case], he alludes to the image of the earth to remove that doubt. For land, in spite of being afflicted by the dwelling of Caṇḍālas and others like them, is reappropriated, being completely purified by digging, smearing and so forth. Likewise, a woman should be taken back as wife when she has performed the prescribed penance, and the master should not accuse her of being totally spoiled, that is to say, he should not abandon her⁵⁶⁰.

Although the text in a general sense used the expression “belonging to the four Classes”, this is to be restricted in the sense that the Brahmin woman should be ignored. This is because of a statement

557 *kāmakṛte tu sakṛd gamana ṛṣyaśṛṅga āha – saṃprktā syād athāntyair yā kṛcchrābdaṃ samācāret / iti / yady āhitagarbhāyā eva paścāc caṇḍālādīvyavāyas tadā tenaiva viśeṣa uktaḥ – antaratnī tu yuvatīḥ saṃprktā yāntayoninā / prāyaścittaṃ na sā kuryād yāvad garbho na niḥsrtaḥ // na pracāraṃ gr̥he kuryān na cāṅgeṣu prasāadhanam / na śayita samaṃ bhartrā na ca bhuñjita bāndhavaiḥ // prāyaścittaṃ gate garbhe vidhiṃ kṛcchādikaṃ caret / hiranyam arthavā dhenuṃ dadyād viprāya dakṣiṇām // iti / yadā tu kāmato 'ntyajasamparkaṃ karoti tadośanasoktaṃ draṣṭavyam – antyajena tu saṃparke bhojane maitihune kṛte / praviśet saṃpradīptāgnau mṛtyunā sā viśudhyati // iti / PM 2.10.22,*

558 *cāturvarṇyasya nārīṇāṃ kṛcchraṃ cāndrāyaṇaṃ vrataṃ / yathā bhūmis tathā nārī tasmāt tāṃ na dūṣayet // PS 2.10.23.*

559 That is, by *Uśanas* at the end of the last commentary.

560 Mādhava stresses the analogy by using the same verb, *svī* √*kr*, both in the sense that land is reappropriated (*punaḥ svikriyate*) by the proper purifications and that a wife should be taken back (*punaḥ svikaraṇīyā*) when she has performed a penance. He has already (PM 2.6.42) argued that soil cannot be polluted in an absolute sense, as earthenware can.

by *Samvarta* laying down the particulars in her case: “A Brahmin woman who unintentionally has had a sexual intercourse with a Caṇḍāla, a Pulkasa, a foreigner, a Śvapāka or an outcast sinner should perform a fourfold Lunar Penance. But if a Brahmin woman should unintentionally have sexual intercourse with a washerman, a hunter, a performer or a man living by reed or leather crafts⁵⁶¹, then a threefold Lunar Penance should be observed”⁵⁶².

The text (PM 2.10.22) above discussed the case of a woman who was already pregnant by her husband before her love affair with a Caṇḍāla. Such a woman was treated leniently and the child in her womb was not at all affected by the incident. Clearly, the implication was that her lord, by having sown the field, had already secured for himself the crop of her fertility. But what if the unlucky woman is not pregnant but becomes so by the lover? The *smṛti* texts provide this instruction:

If she becomes pregnant by a lover when her husband has died or is missing one should abandon this fallen and sinful woman in another country⁵⁶³.

Mādhava explains that she should be brought to another country and then left there. He then goes on to quote *Caturviṃśatimata*, which prohibits the banishment of women except in cases of Brahmin murder, and prescribes that she should perform penances inside the home instead. But Mādhava does not regard this text as fully valid evidence that women should not be banished:

561 This clearly demonstrates the difference in terms of pollution between, on the one side, Untouchables such as Caṇḍālas and other *antyāvasāyins* and, on the other, *antyajas* such as a washerman, a performer etc. But in other contexts such distinctions may be ignored.

562 *caṇḍālagamanasyātyantajugupsitatvād yoṣitaḥ parityāga eva / na tu vratena śuddhir ity āśankya tām āśankāṃ nivartayituṃ bhūmidṛṣṭāntam upanyasyati / bhūmir hi caṇḍālādivāse-nopahitāpi khaṇanalepanādhībhiḥ saṃśodhya punaḥ svikriyate / evaṃ yoṣid api caritavratā punaḥ svikaraṇīyā / na tu tām dūṣayet / na parityajed iti yāvat / yady api atra cāturvarṇya-syeti sāmānyenābhihitaṃ tahāpy etat brāhmaṇivyatiriktāviśaye saṃkocaniyam / brāhmaṇyāḥ saṃvartena viśeṣābhīdhānāt – caṇḍālaṃ pulkasaṃ mlecchaṃ śvapākaṃ patitaṃ tathā / brāhmaṇy akāmato gatvā cāndrāyaṇacatuṣṭayam // rajakavyādhaśailūṣaveṇucarmo-pajīvināḥ / brāhmaṇy etān yadā dacched akāmād aindvatrayam // iti // PM 2.10.23.*

563 *jāreṇa janayed garbhaṃ mṛte 'vyakte gate patau / tām tyajed apare rāṣṭre patitāṃ pāpakā-riṇām // PS 2.10.28c-29b.*

This is not so. For the prohibition against abandonment [in that text] referred to the case of a woman who, being repentant, is entitled to perform penance, since it was said “she should perform penances [inside the home]”. And also because it is agreed that abandonment is proper at least when women have been spoiled by Śvapākas: “Four women must be completely abandoned when they sin: she who has been spoiled by a Śvapāka, she who kills her husband or who has sexual intercourse with her father or son.” Likewise *Vasiṣṭha* ⁵⁶⁴: “These four are to be abandoned: a wife who has sex with one’s pupil, a wife who has sex with one’s elder, especially a wife who tries to kill her husband, and a wife who has sex with a degraded man.” The degraded man is the abhorrent Śvapāka and others like him. Likewise *Yājñavalkya* ⁵⁶⁵: “After having gone astray, purity is regained in her period ⁵⁶⁶. But in the event of pregnancy abandonment is prescribed. So also if she kills her foetus or husband or commits some other grievous sin” ⁵⁶⁷.

In *dharmaśāstra* the wife is first of all seen as the mother of her husband’s sons, and the demands on her purity must be understood in that perspective. If she is already pregnant with her husband, the damage of a relation with a Caṇḍāla can be removed, but if instead she becomes pregnant with the Caṇḍāla, she is regarded as appropriated by him and therefore treated as totally spoiled.

The manner of Mādhava’s argument in the last commentary is telling. It is completely tautological: to discuss whether women should be abandoned or nor is the same as discussing whether or not she is entitled to penance. If she is entitled to penance, and if that penance does not entail her death, she should not be abandoned. This kind of tautology is not

564 VdhS 21.10. Olivelle’s translation.

565 YdhŚ 1.72.

566 This is according to the view cited in many *dharmaśāstra* texts that women are never defiled because “menstruation sweeps away their sins month after month”. See Leslie 1989: 254 including n.27 with the relevant references.

567 *maivam / parityāgaṇiṣedhasyānutāpitapṛāyaścittādhikāristriṣayātvaṭ / pṛāyaścittāni kārayet ity abhidhānāt / śvapākopahatānāṃ parityāgasya tattraivāṅgīkṛtatvāt / catasra eva saṃtyājyāḥ patane saty api striyaḥ / śvapākopahatā yā tu bhartṛghnī pitṛputragā // iti / vasiṣṭho 'pi – catasras tu parityājyāḥ śiṣyagā gurugā ca yā / patighnī tu viśeṣena juṅgitopagatā ca yā // iti / juṅgito jugupsitaḥ śvapākādīḥ / yājñavalkyo 'pi – vyabhicārād ṛtau śuddhir garbhe tyāgo vidhīyate / garbhabhartṛvadhādaḥ ca tathā mahati pātaka // iti / PM 2.10.28c-29b, p.353.*

against the rules because argumentation here rests on the ability to produce textual evidence. Women are entitled to penance whenever there is a text with the *vidhi* “she should perform a penance”. To reject the validity of this statement (which Mādhava wishes to do in the present context of pregnancy by a Caṇḍāla) is only possible because Mādhava knows other texts which prescribe abandonment in the specific case of sexual intercourse with Śvapākas and pregnancy with her lover. This does not mean that these authors did not have individual points of view and principles, but that they had to use their mastery of texts to argue their case. Note that while Mādhava here rejects the idea that women are *not* abandoned according to *Caturviṃśatimata*, he also rejected the notion that they are abandoned according to *Uśanas* a little earlier. There are two questions involved in this seeming contradiction, namely whether the woman gets pregnant by the lover or not, and whether abandonment entails her death or not. Mādhava seems to endorse the principle that if she gets pregnant with her Caṇḍāla lover, she is totally spoiled as a wife, but he also supports the principle that she should not die. However, he does not refer explicitly to these principles, only to texts that might be read as supporting his views. The analogy in the *mūla* text about women being like soil and therefore not irreparably polluted was used to reject death by fire, while the texts about abandonment of women who had had a sexual relation with Śvapākas were used to support the banishment of women who had become pregnant by their Caṇḍāla/Śvapāka lovers.

Let me now summarise how Mādhava orders these diverse instructions. This is best done in the form of an overview of the different situations and penances. All in all the system seems to be like this (from better to worse):

Pregnant by husband, unintentional sexual intercourse with Caṇḍāla

Hard Penance etc. but only after the birth of the child (PM 2.10.22).

Interrupted sexual intercourse [with Caṇḍāla]

Lunar Penance (repeated four times for Brahmin women) (PS/PM 2.10.23).

Consummated but unintentional sexual intercourse with Caṇḍāla

Standing in a well etc. and fasting until next menstruation (PS 2.10.17-22).

Consummated and intentional sexual intercourse [with Caṇḍāla]

Hard Penance for a year (PM 2.10.22).

Pregnant by Śvapāka

Banishment to another country (PS/PM 2.10.28c-29b).

Although it is not made explicit in every case (and therefore put in square brackets in the list), the overall context suggests that all incidents refer to a relation with a Caṇḍāla/Śvapāka. The most important difference, therefore, is with regard to the nature of the fruit of the soil, that is whether she is or gets pregnant and with whom. This confirms the position of the woman as a domain of the householder. The purity of a wife is related to her agency in terms of reproduction. Further, the system also illustrates the relation between purity and auspiciousness that was discussed in chapter two. More precisely, it illustrates that purity is associated with human agency, while auspiciousness is associated with divine or cosmic agency. In matters of childbirth the wife is an agent that has to be pure in order to be the perfect instrument of the cosmic agency that alone can secure her pregnancy, preferably with a son. In the first of these five situations auspiciousness has already done its work; the wife is pregnant by her lord. No purification is therefore needed in relation to the fruit of what has already been accomplished (the foetus and coming child), but only in relation to the instrument of *future* conceptions (the wife after birth). In the last incident inauspiciousness triumphs. The wife is pregnant but by the wrong man – indeed by the worst of men. In that case purification is not possible at all and also not relevant, as she is to be banished. But in those incidents in between, auspiciousness is not yet involved as there is no conception, and so it is here that we find the most elaborate purifications. These restore the purity that is needed if she is to become pregnant later by her husband.

Until now the text has only considered adultery on the basis of the assumption that the woman has been seduced, whether she was pregnant already or became so by the affair. But what if she leaves home and husband by her own free will for the sake of another man? The *mūla* text is quite clear:

If a Brahmin woman leaves with another man, she should be declared totally lost; one should never have sex with her again ⁵⁶⁸.

⁵⁶⁸ *brāhmaṇī tu yadā gacchet parapuṃsā saṃanvitā / sā tu naṣṭā vinirdiṣṭā na tasyā gamanaṃ punaḥ* // PS 2.10.29c-30b.

In this case she has exercised her own will as an independent agent in relation both to the household of her husband and to her own family. It is in this context that Mādhava stresses the need to keep women well guarded, so it is certainly not a question of protecting them. Even if she leaves home without a lover, a woman has to be banished should she ever return, as she has probably had sex with a hundred other men while unguarded outside the home⁵⁶⁹. She is not allowed to enter the house of her husband anymore, and should she attempt to do so, that house would have to be purified along with all its inmates and household goods by the same rituals that would be used if it was visited by a Caṇḍāla⁵⁷⁰. Mādhava notes the parallel:

When this bad Brahmin woman enters a house for the sake of dwelling there, be it her husband's, her mother's, her lover's house, or the house of some other friend who shows her kindness, that house becomes completely impure like the house inhabited by a Caṇḍāla. And in the manner by which the purification was explained in the case of the Caṇḍāla who entered and stayed in a house, that is by the verses "When it has become known that a Caṇḍāla has stayed incognito in a house" etc., even so should the purification be performed in a house if a Brahmin woman who has become a whore has entered it⁵⁷¹.

We have seen that when Caṇḍālas enter the domain of Twice-born householders as if they possessed the rights to these domains, a number of bad consequences ensue, which necessitate a renewed ritual appropriation. In the case of a house the Caṇḍāla can be driven out, but in case of a wife this is only possible when the Caṇḍāla has not made her pregnant. If that happened the nature of the Caṇḍāla is reproduced within her body and can never be removed due to her permanent kinship with that bastard child. Consequently not only the child but also the mother has to be segregated.

569 PS 2.10.34c-35b.

570 PS 2.10.35c-39.

571 *seyam durbrāhmaṇī svaṇivāsārthaṇi ptyur vā mātur vā jārasyānyasya vā dākṣiṇyaṇiṣayasya kasya-cid bondhor grhaṇi praviṣati tad grhaṇi caṇḍālādhyuṣita-grhavad atyantam apavitraṇi bhavati / avijñātas tu caṇḍālo yatra veśmani tiṣṭhati / ityādinā caṇḍālavāse tatpraveṣe ca yathā grhaśuddhir abhihūta tathā puṁścalyā brāhmaṇyāḥ praveṣe 'pi grhaśuddhiḥ kartavyā // PM 2.10.35c-36b.*

Bāhyatva: *spatial segregation*

Coming from the house to the village the situation is different. There is actually no rule in PS that explicitly states that Caṇḍālas have to live outside the village. On the contrary, we might argue that the large amount of detailed material regarding interaction with Caṇḍālas in this text indicates that while a highly differentiated system of precautionary measures had been developed, spatial segregation was relative and conditioned.

The situation was probably somewhat like the one prescribed in *Mānavadharmasāstra* 10.54-55 and *Vaikhānasasmārtasūtra* 10.14. Caṇḍālas worked in villages and towns, but their own hamlets were located outside or on the outskirts of these. *Viṣṇusmṛti* 16.14 says that the two criteria by which Caṇḍālas can be distinguished as lower than other pratilomas are that they live outside the village and that they wear clothes that have been gathered from dead people. But compared with these texts, PS puts more emphasis on the activities of Caṇḍālas within the village. We saw above that while the *dharmaśāstras* regarded it as a hindrance to Veda recitation if a Caṇḍāla was present inside the village, the critical boundary in PS has become that of the house. We even saw in the last chapter that pitchers of Caṇḍālas might have been used in common wells, just as people might have to walk on the same roads together with them, and that precise measurements of the distance to be observed at such encounters were defined. Thus, the sphere of possible contact became closer along with the increasing need for the Caṇḍāla's professional presence within villages and cities. The rules regulating the spatial limits of contact, therefore, became more complicated and finely tuned to cater for these circumstances.

Apratigṛhyatva: *precautions relating to the reception of gifts or donations*

The prevention of the upward mobility of Untouchables and the control of their labour (which are two sides of the same coin) are related to the question of economic exchange with them. This, in turn, depends on their status as owners of wealth. *Mānavadharmasāstra* 10.51

allows them to own dogs and donkeys, and in so doing this text actually places them on the scale of lordship suggested by Inden, although at the very bottom of it. In addition, the fact that Caṇḍālas and other untouchable occupational groups do not occur in ancient epigraphic northern Indian records of donations is a further indication of their insignificance as owners of wealth⁵⁷². With respect to southern India, however, Hanumanthan tells us that Paṛaiyas kept important privileges even as late as during Cōḷa and Vijayanagara rule, when they had become untouchable in that region. As a matter of fact, there *are* inscriptions from that area and that time showing that some of these Paṛaiyas were sufficiently rich to have their donations to temples recorded⁵⁷³.

PS is one of the texts that does not explicitly mention Caṇḍālas as *apratighya*. But *Baudhāyanadharmasūtra* 2.4.14 and *Mānavadharmaśāstra* 11.176 state that a Brahmin who approaches a Caṇḍāla woman and eats her food or receives her presents becomes an outcast if he did not know her identity, or a Caṇḍāla like herself if he did. Bhārucci explains the difference between becoming an outcast and becoming her equal by saying that in the first case the sin can be expiated by a penance while in the latter even this is not possible⁵⁷⁴. Medhātithi, however, suggests that the statement about becoming a Caṇḍāla like herself is an *arthavāda*, which only emphasises the need to perform penance⁵⁷⁵. *Nāradaśmṛti* 15-16.12-15 denies Śvapākas, Caṇḍālas, impotent men, cripples, butchers, elephant drivers and uninitiated men the possibility of paying the penalty of a crime by fines, “for these are dirty people among men, so their wealth is inherently dirty”⁵⁷⁶. Instead, the victims of assault committed by such people are allowed to punish them themselves by immediate beating without involving the royal judicial system⁵⁷⁷. This rule indicates that Caṇḍālas might have possessed some wealth according to *Nāradaśmṛti*, but that receiving it was regarded as polluting or harmful. Also Vijñāneśvara

572 Parui 1961: 10-11.

573 Hanumanthan 1979: 157-159.

574 BhāMDhŚ 11.175.

575 MeMDhŚ 11.174.

576 *malā hy ete manuṣyeṣu dhanam eṣāṃ malātkmakam* / NS 15-16.15a-b.

577 See also BS 21.5, 20; Kane 1968-1977, vol.3: 514.

is positive that Caṇḍālas are *apratigrhya* and, like *Nāradaśmṛti*, he explains this as a result of their low birth and activities⁵⁷⁸. Other groups that clearly belong to this category are uninitiated people from the three upper *varṇas* (*vrātyas*) and outcasts (*patitas*)⁵⁷⁹, as well as people in general whose sins have not been expiated by penances, and thieves⁵⁸⁰. But apart from such clear cases the rules about which persons cannot be accepted as donors are remarkably (and revealingly) slippery. We have to look more closely at these rules in order to understand the function of *apratigrhyatva* in relation to Untouchables.

Mānavadharmasāstra 10.115 lays down seven modes of acquiring wealth that are in accordance with *dharma*. These are: inheriting, finding, purchasing, conquering, investing, working and the “acceptance of gifts from good people” (*satpratigraha*). The commentators further remark that of these the first three are open to all four *varṇas*, conquest is only acceptable in case of Kṣatriyas, investment for Vaiśyas, work for Vaiśyas and for Śūdras, while the last is only acceptable for Brahmins⁵⁸¹. This last restriction is also apparent from the well-known distribution of duties for the four *varṇas*, according to which all members of the three upper *varṇas* can give gifts but only Brahmins are qualified as receivers of gifts, whereas Śūdras, whose only duty is to serve the Twice-born, are neither qualified as receivers nor as givers⁵⁸². This means that only people of the three upper *varṇas* qualify as “good people” in terms of giving gifts, Śūdras do not. However, the position of Śūdras in relation to these rules became increasingly ambiguous in spite of the meticulous formulations. We saw in the last chapter that, according to the rules in PS, Śūdras are entitled to perform penance, but that, generally, they do so by paying a larger fee (*dakṣiṇā*) and observing less penance than upper *varṇa* sinners⁵⁸³.

578 “The wrong thing about receiving presents is related to the descent and acts of the donor, as when he is a Caṇḍāla or an outcaste for instance” – *pratigrhyasya cāsattvaṃ dātur jātikarmanibandhanaṃ yathā caṇḍālādeḥ patitādeḥ ca* / VijYDhŚ 3.289, p.592.

579 VS 57.2-5.

580 Derrett 1962: 44.

581 See also GDhS 10.39-45.

582 MDhŚ 1.88-91.

583 PS 2.10.5-8.

Although *dakṣiṇā* is not the same as gifts (*dāna*), primarily in that *dakṣiṇā* is obligatory⁵⁸⁴, these rules show that Śūdras were seen as possessors of wealth. That this was, indeed, the situation is also recorded in *Mānavadharmasāstra* 10.109-110, which compares the three vocations of Brahmins, officiating at sacrifices, teaching and accepting gifts, saying that the latter is the lowest because this may involve receiving gifts even from Śūdras, whereas performance of sacrifices and Vedic education are reserved for the Twice-born. So, although Śūdras were not among the ideal givers, Brahmins were inclined to accept their presents.

In spite of the directions in *Mānavadharmasāstra* 1.91 that the only acceptable duty of Śūdras is to serve the Twice-born, Śūdras worked to a large extent within various crafts. In *Mānavadharmasāstra* 10.99-100 this opportunity is only allowed for Śūdras who are not able to sustain themselves by serving the Twice-born, but evidently this does not reflect the actual situation⁵⁸⁵. On the contrary, precisely because of their position within these crafts Śūdras, although excluded from Vedic ritual and knowledge, could not be prevented from having their share of the prosperity that followed general economic expansion in trade, urban development and agriculture⁵⁸⁶. Brahmins, on the other hand, were restricted by an ideal code from involving themselves directly in such activities except as advisers, and although concessions in the case of poor Brahmins are frequently mentioned⁵⁸⁷, they mainly had to depend on the extent to which other sections of the society were in need of their religious and intellectual expertise or inclined to donate wealth and land, thereby gaining respect and soteriological merit. One can hardly avoid seeing in this contrast a reason for the special attitude in *dharmaśāstra* towards the wealth of Śūdras. *Mānavadharmasāstra* 10.129 is particularly explicit:

584 Malamoud 1976: 164. The relation between these two institutions, *dakṣiṇā* and *dāna*, has been much debated. For an overview, see Quigley 1993 62-64. Inden (1986: 767) suggests that whereas the basis of *dakṣiṇā* was a relation between kings and priests, *dāna* emerged in the relation between kings and renunciators; the non-obligatory nature of *dāna* made it possible for rulers and their kingdoms to participate in the transcendent authority of the renunciators without involving these in any exchange relation. Thapar 1984 examines these institutions in the light of socio-economic changes.

585 Sharma 1990: 199.

586 *Ibid.*: 199-201, 262-268.

587 MDhŚ 10.81-94.

Even a capable Śūdra must not accumulate wealth; for when a Śūdra becomes wealthy, he harasses Brahmins⁵⁸⁸.

Both Bhāruci and Medhātithi discuss the possibility that this ‘harassment’ consists in the sin that a rich Śūdra might be said to incur by making a Brahmin accept gifts from a non-virtuous giver and thereby be instrumental in what might be seen as the Brahmin’s fall from *dharma*. And both reject this interpretation by saying that, if the Śūdra fulfils his *dharma* in other respects, that is if he serves the Twice-born obediently, he commits no sin by donating his wealth to the Brahmins. Bhāruci even refers to *śrāddha*, saying that, if there was any harm in accepting presents from Śūdras, they would not be able to perform the *śrāddha*, which involves presenting the Brahmins with *dakṣiṇā*. Thus, although the commentators acknowledge the resistance to the possibility that Śūdras may work within occupations in which they are able to make a more profitable living than serving Twice-born, they also seem to recognise that the reality is different and to be willing to accept that the Brahmins receive their donations. This is also expressed in the idea of the progressive degeneration caused by the *yugas*. The present decadent Kali age is precisely characterised in the texts both by an unjust increase of profit⁵⁸⁹, that is the profit of those who should not accumulate wealth, and by the stipulation of gift-giving (to Brahmins who were the only lawful receivers) as the special duty of that age⁵⁹⁰.

Although the precise economic situation of Śūdras is uncertain, the impression we get from these texts is of a conflict between Brahmins, who want to maintain control over the work of Śūdras, and Śūdra artisans, who might have been capable of amassing some wealth. It is a conflict about preventing the upward mobility of subordinate sections of society. Śūdra artisans continued to be of major importance in the

588 *śaktenāpi hi śūdreṇa na kāryā dhanasaṃcayaḥ / śūdro hi dhanam āsādyā brāhmaṇān eva bādhathe* // MDhŚ 10.129. Olivelle’s translation. Olivelle 2005a: 38-40 explains the attitude to Śūdras in MDhŚ partly as a result of historical memories of bad days under Mauryan rule when the alliance between rulers and Brahmins was broken and Buddhist organisations took their place, partly as a result of anxiety about foreign invaders. According to Olivelle ‘Śūdra’ therefore is a code for various threats against Brahmin privileges, both religious and political.

589 MDhŚ 1.81-82.

590 MDhŚ 1.86.

state economy during the medieval period, as they were in the earlier phases ⁵⁹¹, whenever trade was expanding or large temple building projects were carried out.

The situation of untouchable groups, on the other hand, was very different. The functions allotted to them by our texts did not yield any return beyond the mere necessities of life but can best be described as indispensable public service functions such as scavenging on cremation grounds and elsewhere, guarding and executing criminals etc. As an unskilled labour force (assuming they *were* utilised as such at that time) they performed jobs that, although necessary, gave no access to upward mobility. On the contrary, such mobility would have hindered the control of this labour force. Thus, the *apratigṛhyatva* of Caṇḍālas, more than other precautionary measures, emphasised the economic aspects of segregation. Exclusion from economic transactions meant that their service was at the same time secured.

Precautions relating to religious activities

According to *Gautamadharmasūtra* 4.25, Caṇḍālas, as a *pratiloma* caste, are *dharmahīna*, “without - ” or “excluded from *dharma/s*”. Olivelle translates the expression as “outside the law”, but Haradatta was more specific and paraphrased the expression as “excluded from the duties of *upanayana* etc.” ⁵⁹² Here the word *dharma* comes close to the meaning of *adhikāra*; it is a duty and a privilege at the same time. “*Adhikāra*” emphasises the ‘privilege’ aspect, “*dharma*” the ‘duty’ aspect. It is, of course, notoriously difficult – and problematic – to separate the legal and the religious aspects of such rules in ancient and pre-modern texts of religious law. *Upanayana* opened up a whole range of legal rights in terms of *varṇa* status etc., but is also paved the way to religious activities and to the social and soteriological benefits that accrued from these.

According to *Yājñavalkyadharmasāstra* 1.93, the parallel rule, Caṇḍālas are not excluded from an abstract law but from duties in the

⁵⁹¹ Sharma 1990: 199-201.

⁵⁹² *pratilomāj jātāḥ sūtādayo dharmahīnā upanayanādīdharmahīnā* / HaGDhD 1.4.20.

plural; they are *sarvadharmabahiṣkṛta* – “excluded from all *dharma*”. Vijnāneśvara does not comment further on that statement, but in the context of *āśauca*, he makes use of the aforementioned rule in *Gautamadharmasūtra* 4.25 – but attributed to Manu – about *pratilomas* being *dharmahīna* as an argument for saying that *pratilomas* have no right to *āśauca*, the period of personal purification in connection with death and child birth in the close family, but only to simple washing away the bodily secretions connected with these events⁵⁹³. This is an interesting statement, as it indicates a clear difference between simple cleansing and ritual purification parallel to Patañjali’s distinction between those food vessels that were regarded as purified when they had been cleaned and those which were not (those used by *Caṇḍālas*).

In the discourse of activities and occupational duties, *karma* and *dharma* correspond. Having a specific *dharma* entitles a person to specific activities, occupations and religious rituals – all three valid translations of the word *karman*. According to *Vaikhānasasmārtasūtra* 10.14, *Caṇḍālas* are not excluded from all *dharma*s (*sarvadharmabahiṣkṛta*) as in *Yājñavalkyadharmasāstra* 1.93, but from “all *karma*s” (*sarvakarmabahiṣkṛta*), which in this context must refer to rituals, since the same text describes the occupational duties of the *Caṇḍāla* inside the village in detail, as we saw in chapter four.

It is not only the *Caṇḍālas* who are prevented from taking part in religious activities. Other untouchable people are subject to similar restrictions, although temporarily. This appears most clearly in the context of *āśauca*, which, as we saw, was defined by Haradatta as a state of *asprśyatva*, *abhojyānnatva* and suspension of the rights to give gifts and to perform rituals (*karmānadhikāra*)⁵⁹⁴.

But *Caṇḍālas* not only lack *adhikāra* for the rituals of the four *varṇas*. Their influence during these rituals is also regarded as critical by those who do possess these *adhikāras*. We have already seen that

593 *pratilomānāṃ tv āśaucābhāva eva / pratilomā dharmahīnāḥ / iti manusmāraṇāt / kevalaṃ mṛtau prasave ca malāpakarṣaṇārthaṃ mūtrapuriṣotsargavat śaucaṃ bhavaty eva //* VijYDhŚ 3.22, p.417.

594 HaGDhŚ 2.5.1, p.141. Similarly in VijYDhŚ 3.1, where *āśauca* is not merely defined by its rituals and taboos, however, but by the extraordinary condition (*atiśaya*) that is the cause of these.

some of the oldest rules pertaining to Caṇḍālas are those that demand that Vedic recitation must stop when they are present in the village⁵⁹⁵. This rule is not found in PS, but *Yājñavalkyadharmasāstra* 1.148 formulated the general rule that recitation should be suspended near any impure (*amedhya*) agent, such as dead bodies, Śūdras, *antyas*, cremation grounds, and outcast sinners.

The rule that a meal must be abandoned if it is looked at by a Caṇḍāla (or a dog), especially the *śrāddha* meal, has also been mentioned⁵⁹⁶. During the death rituals, when the bones have been collected and are brought to the river where they will be thrown out, the son who carries the bones should avoid getting into contact with Caṇḍālas, outcasts and *vrātyas* (uninitiated persons), according to Nārāyaṇabhaṭṭa's sixteenth century manual on the death rituals, the *Antyeṣṭipaddhati*⁵⁹⁷. The same text quotes the instruction, attributed to *Devala*, that the funeral pyre should never be kindled by the fire of a Caṇḍāla in case the deceased neither had a *śrauta* nor a *gṛhya* fire or in case the latter has been spent already⁵⁹⁸. The same rule is quoted in PM:

The fire of a Caṇḍāla, an impure fire, the fire of a woman who has just given birth or of an outcast, as also the fire from another funeral, these should never be accepted by a well-versed Brahmin⁵⁹⁹.

Elsewhere the same instruction is generalised to include acceptance of fire also for cooking purposes in a longer quote of *Devala*:

During normal times a fire that has been enjoyed by a Śūdra⁶⁰⁰ cannot be accepted. A Śūdra who cooks dog's meat⁶⁰¹ does not

595 PGS 2.11.4; ĀDhS 1.9.15.

596 PS 2.6.67a-b; PM 1.3.47, p.381.

597 See Müller 1992: 145.

598 *Ibid.*: 199.

599 *caṇḍālāgnir amedhyāgniḥ sūtikāgniḥ ca karhicit / patitāgniḥ citāgniḥ ca na śiṣṭagrahaṇocitāḥ* // PS 1.3.47, p.286. See also Kane 1968-1977, vol.4: 210.

600 This refers to a fire in which a Śūdra has cooked his food.

601 It is not rare that Śvapacas, Caṇḍālas and similar groups were regarded as low Śūdra castes in spite of the *varṇasaṃkara* genealogies ascribed to them.

deserve to partake of the fire of a Brahmin. The fire of a Caṇḍāla, an impure fire [... etc. as the previous quote]⁶⁰².

Wearing marks of identity as Untouchables

PS contains no instructions about the outer appearance of Caṇḍālas like those we have seen in other contexts, for instance the black iron and bells attached to the girdle, or the professional marks such as the thunderbolt sign and the weapons mentioned by Medhātithi⁶⁰³.

Now that we have examined the different precautionary rules relating to the householder and to his different spheres of activity, it is time to collect the threads and to return to the question about the place of untouchability in a larger complex of purity rules. This will be the task of the following, last chapter of this study.

602 *agner vṛṣalabhuktasya grahaṇaṃ nāsty anāpadi / śvapāko vṛṣalo bhoktuṃ brāhmaṇāgniṃ ca nārhati // caṇḍālāgnir amedhyāgniḥ* [etc.] PM 2.7.35, p.192.

603 MeMDhŚ 10.55.

7. UNTOUCHABILITY, IMPURITY AND PENANCE

Untouchability as a total complex

Throughout the previous chapters untouchability has been understood as a set of interrelated precautionary measures. They are interrelated not only in the sense that there is an overlap between the aspects of interaction that they elaborate, such as touching each other, using the same facilities or being within the same spatial area, but also in the more basic sense that several other categories apart from the permanently untouchable Caṇḍāla are subject to these regulations, such as the menstruating woman, the moral law breaker or the foreigner, each related to a set of overlapping topographic or political spheres (home, village and country). The main focus of the preceding analyses of individual precautionary rules has been on the agency and competencies of the householder, and it is also in this light that a synthesis will be attempted.

The ancient rule formulated in *Āpastambadharmasūtra* 2.2.8-9 is an appropriate point of departure:

As it is a sin to touch a Caṇḍāla, so is it to speak to or to look at one. These are the expiations for such offences: for touching, submerging completely in water; for speaking, speaking to a Brahmin; for looking, looking at the heavenly lights⁶⁰⁴.

This is a minimal system which covers the whole life-world of the householder. Three bodily faculties are involved here: touching, seeing and talking. And three elements of the ritualised world restore these faculties when they have been corrupted by being directed at the Caṇḍāla: water, celestial bodies, and the Brahmin. These restorations accomplish a reconstitution of the total field of agency: the body through touch, the cosmic world through sight and the social world

604 *yathā cāṇḍāloparśane saṁbhāṣāyām darśane ca doṣas tatra prāyaścittam // 8 // avagāhanam apām upasparśane saṁbhāṣāyām brāhmaṇasaṁbhāṣā darśane jyotiṣām darśanam // 9 //* ADhS 2.2.8-9. Olivelle's translation.

through talking. The Brahmin carries within him the word of the Veda and its cosmological and moral order, and talk with him is designed as a restoration of that order, however brief or trivial the talk may be.

From this minimal system let us move on to the more comprehensive system of the ritualisation of those spatial spheres through or within which the householder operates. These are his body, his home, his village or town and his country. According to Catherine Bell, ritualisation is "fundamentally a way of doing things to trigger the perception that these practices are distinct and the associations that they engender are special"⁶⁰⁵. The difference between ritual purification and ordinary cleaning is precisely the idea in the former case of some special source of impurity that can only be removed by some special remedy. This was also the distinction drawn by Vijñāneśvara, presented at the end of the last chapter, between *āśauca* and simply washing away the bodily secretions connected with death or childbirth. There is no immediate causal connection between looking at the sun and the impression of having looked at a Caṇḍāla. The connection is purely ritual.

By distinguishing themselves from other practices, rituals create situations that presuppose the working of superhuman agents that are distinguished from the ordinary causalities of everyday life, and, by the ritual enactment of these forces, participants are empowered as agents with special competences and places as ideal locations of this special agency. This basic differentiation of one practice in relation to other practices and of special agents distinguished from ordinary agents is enabled by an activation of the oppositions that are generated by bodily perceptions such as inside/outside, high/low and clean/dirty. These oppositions are projected on the objects to be ritualised (body, home or whatever) as a paradigm for segregating unwanted realities from ideal constructs: the 'low' from the 'high', the 'impure' from the 'pure' and so forth, so that an ideal ritualised field remains. Only by this process of segregation does the body emerge as an empowered agent, the home as a proper sphere of ownership and the village and country as worthy domains of polity.

605 Bell 1992: 220.

In this system elements are segregated not only because of their conceptual, symbolic properties but also, or rather, because of their phenomenological qualities and potential for isomorphism. As impurity is a better image of the unqualified agent than disease or danger, because in everyday experience uncleanness is incurred by all but is at the same time removable by will, so some elements serve better in the process of segregation than others. Why, for instance, is human faeces classified among the worst kinds of pollutants (the *amedhya* ones), like dead bodies or Caṇḍālas, in the typology of the pollution of the soil presented in last chapter, and not merely as 'dirt' (*mala*)? And why is food which has been in contact with faeces or urine equated with beef and the food of Caṇḍālas⁶⁰⁶? Of course, no one demands an explanation for people's sense that they need to do something if they find out that their food has been in contact with faeces. This seems pretty natural, after all. But why this homology between faeces and clearly inauspicious categories like dead bodies, slaughtered cows and Caṇḍālas? We may say, with Douglas, that contact with faeces represents a "descent in the caste structure" as part of "a symbolic system, based on the image of the body, whose primary concern is the ordering of a social hierarchy"⁶⁰⁷. But is symbolism primary? Phenomenologically we may rather say that defecation and urination, as bodily experiences, offer themselves immediately as natural processes of segregation: they are uncomplicated and normal, they are felt as a necessity for the wellness of the body and they have negative sensual qualities. On a conceptual level they are further understood as the negative waste product of an auspiciousness-dependent process, that of nourishing the body (the agent), a process which depends on the cosmic cycle that connects the oblations offered at *agnihotra* with rain and food. They are excreted waste, expelled from the cycle of nourishment, and so in all ways form a contrast within the same sphere. Since this is the auspicious cycle that sustains the body, it implies inauspiciousness when it is violated by reversing food with faeces. Neither blood nor semen, sweat, hair, nails, mucus or other bodily

606 PM 2.11.1, see the section on *abhojyāmatva* in the chapter 5.

607 Douglas 1984: 123, 125.

impurities have this potential. Only saliva, as already mentioned, comes close to being a similar waste product, although it is not reckoned among the twelve bodily impurities in *Mānavadharmasāstra* 5.135. Thus, faeces, urine and saliva are segregated as negative waste products from the ritualised process of nourishing the body, although they are intimate parts of it. What is more serious than these impurities, however, is the case when the body itself is defect, as with cripples or fools who are untouchable according to *Devala* quoted in PM 2.6.24. A ritualised body must necessarily also be a fit body because the objective of ritualisation is to produce an effective agent.

Coming from the body of the householder to his home, segregation and untouchability relate to the basic processes of prosperity in a similar manner. The idiom here is not nourishment, but kinship, and the rules of untouchability are directed, accordingly, at the women of the house and at death.

According to classical Indian medical texts ⁶⁰⁸, conception takes place when the male seed unites with the 'female seed' (*ṣoṇita*), that is the uterine blood. Conception cannot take place during the first three days of menstruation, where the flow of this uterine blood is out of control. But for twelve or sixteen nights after this critical period the woman is 'in season' (*ṛtu*) and fit for conception. If she becomes pregnant, the foetus blocks the downward passage of the blood, and therefore she has no menstruation during her pregnancy. Consequently, and given that the couple fulfils their obligation, formulated in *Mānavadharmasāstra* 3.45, to unite every month during her 'season', repeated menstruations are signs of her infertility. According to the same text, 3.46-47 and 50, this period of the monthly cycle seems to be calculated as sixteen plus four extra nights. This includes the four days of the menstruation itself. But among these twenty nights ten are forbidden, including the four nights of the menstruation ⁶⁰⁹. Thus, no matter how the menstrual blood is interpreted, it is in any case highly ambivalent. It signifies the start of the woman's fertile period at the same time as repeated menstruations are signs of infertility. It bodes auspiciousness and inauspiciousness at the same time, and in any event, the outcome

608 See Leslie 1994: 67-69.

609 See Olivelle's notes to MDhŚ 3.46-47, 50.

is fully dependent on cosmic, divine forces. When eventually the woman is delivered of the child, she is again untouchable. In this situation she is a medium of the transition between life and non-life at the same time as she is herself in a dangerous and critical state, the outcome of which depends again on forces outside the sphere of human agency.

Death, according to one possible interpretation, renders the whole home untouchable for the period of *āśacua*, as the *sapiṇḍa* relatives are all part of the process of dying by virtue of their relation to the physical body of the dead person. This interpretation is based on the explanation according to which *sapiṇḍa* should be understood as “having the same [bodily] particles”⁶¹⁰. The *sapiṇḍa* relatives simply share the same body. But whatever the precise interpretation of it, the close relatives are struck by death as seen from the outside social environment, and for that reason untouchable⁶¹¹.

Other untouchable categories pertaining to the home are also related to kinship. These include the type of Caṇḍāla who is seen as being the result of a *sagotra* relation in which the partners belong to the same patrilineage and a variety of people who are regarded as Caṇḍālas because they have committed certain sins. These sinners are the woman who has provoked an abortion and people who have attempted to commit suicide⁶¹².

All in all the untouchability rules of the home reveal that the power of the master of the house depends upon his ability to fulfil his duties in terms of kinship. The untouchability of the home brackets off elements (dying, menstruating, giving birth and incestuous or other unlawful sexual relations in the family) that, although they may be intimate parts of the kinship sphere, are seen as critical or illegitimate in relation to the proper kinship expectations of high-caste householders.

The Untouchables of the village or town are the Caṇḍālas (and similar groups such as Śvapacas or Pulkasas – these terms seem more

610 VijYDhŚ 1.52; Kane 1968-1977, vol.2: 452.

611 For a discussion of *āśauca* and its relation to the other death rituals in the dimension of time, see Aktor 2007: 24-26.

612 For these categories, see the section on caṇḍālas in *Parāśarasamṛti* and *Parāśaramādhaviya* in chapter four.

of less interchangeable) and people who have become *patitas* due to grievous sins. I shall treat these two groups separately.

The segregation of the permanently untouchable Caṇḍāla is partly the result of a historical process. If we are right in assuming that 'Caṇḍāla' originally referred to groups from the indigenous population that settled around Aryan villages and towns scavenging at the cremations grounds and rubbish sites there, their further segregation consisted most of all of the many rules that preserved this original topographic situation and thereby hindered them becoming absorbed into the Aryan population within the villages and towns. Their untouchability as well as all the other precautionary measures related to them were the means of preserving this status at least structurally. For, as Caṇḍālas gradually became an important part of the village and city infrastructure by being assigned tasks in relation to cremation, execution of criminals and rubbish-collection, these precautionary measures proliferated and became more detailed. Being related to death, decomposition and sin, these tasks were by their nature inauspicious and impure.

In the technical sense of *Gautamadharmasūtra* 21.4-5 an outcast sinner (*patita*) is a person who, after committing grievous sins, is deprived of the right to perform and to benefit (in the sense of soteriological rewards) from the rituals and work that follow from his birth and initiation as a Twice-born. That is to say, it is a person who, for a period of time, has lost the *adhikāra* for the activities that pertain to his caste, including, it seems, the economic rights connected with it⁶¹³. But the caste membership itself is not lost if the sinner is willing to undergo the prescribed penance. During this observance the sinner has to live outside the village and is untouchable. Loss of caste, that is excommunication, only takes place if the sinner refuses to undergo the penance⁶¹⁴. The segregation and untouchability of the penitent *patita* mark his position in between being part of village society as before and being completely excluded from it as a permanently homeless outcast. In this position he maintains a connection with the village, just like the Caṇḍāla. He is segregated because the invisible effects of sins are not a private affair.

613 Derrett 1962: 39-40; Kane 1968-1977, vol.3: 616.

614 HaGDhS 3.2.1 (introducing GDhS 20.1), p.207; MeMDhŚ 11.181; VijYDhŚ 3.294, p.611; Kane 1968-1977, vol.2: 388, vol.3: 615.

Although such effects are not shared among individuals, they still affect people's communities. Sins are not transferred from one domain to another, for instance, from one individual to individuals in his family, but their very presence within larger domains, like one sinning member within the family or criminals within the state, hinders the ritual integrity (and hence the prosperity) of these larger domains. Accordingly, it is the family that has to perform the excommunication ritual if the sinner refuses to go through the penance⁶¹⁵, and the king (the lord of the state) has to make sure that such an obstinate sinner is branded on his forehead as an additional punishment. He is now a permanent outcast, totally excluded from all association with other people⁶¹⁶.

Speaking in terms of spatial areas, we can therefore make a distinction between *patitas* who undergo penance outside their villages, still connected to them, and excommunicated, branded *patitas* who have severed such connections through their obstinacy and are commanded to "roam the earth" without home or location⁶¹⁷. Vijñāneśvara applies the same distinction between expiated and unexpiated sin in the case of a Twice-born male who has had sexual relations with a Caṇḍāla woman but refuses to undergo the penance. He is not only liable to pay a fine for the crime itself but is further branded with a mark in the shape of the female organ⁶¹⁸. Physical branding is even carried over into future births. Mādhava (in his digression on the karmic effects of sin), quotes some verses attributed to the *Viṣṇudharmottarapurāṇa* to the effect that sinners who refuse penance and also escape the king's punishment are reborn as animals, and even when they attain human birth, they will be marked by bodily defects⁶¹⁹. The implication of both the branding and the bodily defects is clear. Sins that are not removed by penance or punished by the king must become physically visible. Unexpiated sins should not be allowed to hide within the ritualised spheres of communal life. Such sins destroy the rituals by which these spheres are preserved⁶²⁰. They obstruct

615 GDhS 20.2-7; Kane 1968-1977, vol.2: 388.

616 MDhŚ 9.236-239, see also Kane 1968-1977, vol.4: 71-72.

617 MDhŚ 9.238.

618 VijYDhŚ 2.294, p.384.

619 PM 2, pt.2, p.209-210. See also Kane 1968-1977, vol.4: 153 n.356.

620 MDhŚ 7.20-21.

the cosmic cycle that connects sacrifices, cosmic agents, and human prosperity. They do this both by their immediate destruction of the conditions of sacrifice (the welfare of the Brahmins in particular) and by their invisible effects on the larger domains of which the sinners form a part.

Whereas *Caṇḍālas* and *patitas* who undergo penance are related to the village, foreigners (*mleccha*) are defined in terms of the country, but not merely as geographical outsiders. The notion of untouchability is only meaningful inside common domains. There is no point in segregating people as untouchable if they are not part of such domains. Therefore, the untouchability of foreigners should not simply be seen as a demarcation towards an outside 'other' but as recognition of a shared domain either in the sense of interaction or in terms of a hegemonic appropriation of the world. The land of the Aryans, *Āryāvarta*, has a privileged place in the world as the land of *dharma*. This implies "a unique ritual, religious and soteriological status" among other peoples and other countries⁶²¹. The absence of the *varṇa* system and the rituals prescribed by *śruti* and *smṛti* means that foreigners are regarded as subordinate in this world order⁶²². They have no place in *Āryāvarta*, and if they nevertheless reside there, this weakens *dharma*⁶²³.

Therefore it is one of the duties of a king to free the country of foreigners. King Bukka I, to whom Mādhava dedicated PM and in whose administration he seems to have served, is praised in a copper plate inscription from 1377 as he who was born for the noble purpose of freeing the land of the *mlecchas*⁶²⁴. A hostile attitude towards *mlecchas* is also the background of the stereotypes by which they are characterised in *Atrismṛti* 382: they block the access to facilities such as tanks, wells, water reservoirs, lakes and parks⁶²⁵. Consequently the contrast between *mlecchas* and *dharma* is constantly emphasised, and discussion takes place, not rarely in political terms, about the conditions on

621 Halbfass 1988: 177.

622 VS 84.4.

623 Halbfass 1988: 177.

624 Saletore 1934-1935: 41.

625 The statement is expressed in a roundabout manner as a characterisation of ten types of Brahmins who are designated respectively as 'gods', 'sages', 'Twice-born', 'Kings', 'Vaiśyas', 'Śūdras', 'Niśādas', 'beasts', '*mlecchas*' and '*Caṇḍālas*'. It reads: *vāpikūpataḍāgānām āramasya saraḥsu ca / niḥśaṅkaṃ roḍhakaś caiva sa vipro mleccha ucyate* // AS 382.

which they can be accepted within the territory of *dharma*. For example, the instructions about the duties of the kings in the *Śāntiparvan* of the *Mahābhārata* contain an episode where king Mandhātṛ asks which *dharma* he should force the *mleccha* tribes inside his country to follow, and Indra answers that they should follow the *dharma* laid down for all people like serving their parents and leaders, performing common rituals like *pākayajñas* (offerings of food without Vedic mantras) and, in addition, constructing wells and water sheds and distributing gifts among the Brahmins⁶²⁶. The same problem is addressed by Medhātithi in his comment on *Mānavadharmaśāstra* 8.41, which instructs the king to settle the individual *dharma*s of people with regard to birth (*varṇa* or *varṇasaṃkara*), local district, guild and family. He considers if this implies a restriction on the common *dharma* of people within Āryāvarta so that *mlecchas* of certain districts within the country should be allowed to go on following an animal-like *dharma*, such as marrying their own mothers and neglecting to wash themselves after urination. He contrasts this liberal interpretation with *Mānavadharmaśāstra* 10.63, which stipulates a universal *dharma* (non-violence, truthfulness, purity etc.) for all four *varṇas* and, according to Medhātithi, for all humans⁶²⁷. On this basis he finally rejects the liberal interpretation by drawing the conclusion that common *dharma*s such as purity have to be observed by all who live within Āryāvarta, whereas members of the four *varṇas* are obliged to follow their *dharma*s in whatever country they live⁶²⁸. The implication seems to be that *mlecchas* outside Āryāvarta are beyond control but inside it they should be expected to leave their animal-like customs. More specifically, his comments on *Mānavadharmaśāstra* 2.23, summarised in the section on purification of a house in chapter six, suggests that foreigners who are integrated into the country through conquest would have to be classified as Caṇḍālas, that is, as *varṇasaṃkaras*, in order to make the conquered land fit for sacrifice, whereas those *mlecchas* who live in their own countries are beyond the *varṇa* system and not

626 MBh 12.65.13-22.

627 MeMDhŚ 10.5, p.332-333.

628 *āryāvartamadyavartinām ete dharmāḥ saucādayaḥ / cāturvarṇye tu tattaddeśanīyamo dharmāṇāṃ nāsti* / MeMDhŚ 8.41, p.90.

even assigned a status as *pratilomas*⁶²⁹. The implication of these texts is that, ideally, integration would mean subordination in relation to *dharma* in the sense of accepting the duties assigned to them as *varṇasamkaras*, and that the ritual and political integrity of the country depends on that. So, in the same manner that the untouchability of Caṇḍālas is especially elaborated in the rules about avoiding them inside the village when they work there; so that of the foreigners seems first of all to be related to those who live within the country.

The general pattern that emerges from this exposition is the following: A ritualised agent and a ritualised sphere of agency is one that is conducive to prosperity. Prosperity is understood as dependent on different factors according to each particular sphere: food for the body, fertility for the home, a common moral order and a clear distribution of duties for the village community, and similarly, but on the larger scale of the state, subjects who are unified by their acceptance of a common social norm (the *varṇa* system) and a minimal common code of action (serving parents, elders and leaders etc.). The ritualisation of each sphere implies privileging and segregating single elements, and untouchability is the mark of segregation applied to elements that, while a natural part of these domains, are seen as charged with inauspicious possibilities.

The untouchable person, and the Caṇḍāla in particular, brings together, so to speak, all the inauspicious elements of the various spheres of prosperity in which the householder participates. Decay, premature death, infertility, sin and the presence of animal-like barbarianism – these are all indicators of inauspiciousness, that is, of un-

629 *mlecchāḥ prasiddhāḥ / cāturvarṇyajātyapetāḥ pratilomajātiyānadhikṛtā medāndhraśabara-pulindādayaḥ* / MeMDhŚ 2.23, p.80. However, see also MDhŚ 10.35–36, where Medas and Andhras seem to be defined as descendants from relations between Āyogava women and Vaidehaka men. See also Olivelle's note to MDhŚ 10.35. Whether this is a *pratiloma*, an equal or an *anuloma* relation is difficult to decide. An Āyogava is said to be descended from relations between Śūdra men and Vaiśya women in MDhŚ 10.12; a Vaidehaka is a descendant of relations between Vaiśya men and Brahmin women in MDhŚ 10.11. Of these two the one with the lowest father, that is the Āyogava, would seem to be the lowest, and the relation between an Āyogava mother and a Vaidehaka father should then be considered an *anuloma* relation. However, as MDhŚ 2.23 clearly is with regard to *mlecchas* outside Āryāvarta, it is possible that 'Andhra' and 'Meda' refer to groups both within and outside the country but that Medhātithi thinks of them in the latter context. Śabaras and Pulindas are not defined in MDhŚ.

favourable effects of divine or cosmic agents. Man, however, as part of the interplay of human and divine agency, is able to promote prosperity by committing himself to his ritual and occupational duties, and by staying pure in body and action. This requires that inauspiciousness is isolated and impurities are removed by others who are assigned these duties. What happens when this isolation is violated, when food is contaminated with faeces, when menstruating women cook for their families or Caṇḍālas dwell in one's house, is evident. Since these elements are not only impure but charged with those extra, special causes that necessitate ritual purifications, they have the capacity to undermine the rituals by which each domain is established and maintained.

The manner in which I have isolated these factors as separate parameters of prosperity necessarily results in some oversimplifications. For example, it conceals the extent to which different factors are inter-related across different domains. In fact, the Caṇḍāla is related to all the domains: to the body as a latrine cleaner (although I have never seen this duty, known from later accounts, mentioned explicitly in the *dharmaśāstra* texts), to the home as a worker on the cremation grounds, to the common moral order in his capacity as executioner and when he is explained as the reincarnation of former sinners among the four *varṇas*⁶³⁰, and to the country when he is regarded as *mlecchas* included in the *varṇa* system. More than any other category in the complex system of untouchability, the Caṇḍāla represents the total phenomenon. He is the professional Untouchable, and assigned this duty, he also becomes the object of an exploitation of the system on broader socio-economic levels.

630 The list of such sins committed by *varṇa* members and causing rebirth as a Caṇḍāla is long. These are examples: killing or stealing from a Brahmin (ĀDhŚ 2.2.6; MDhŚ 12.55), sacrificing with what has been obtained by begging from a Śūdra (MDhŚ 11.24), sex with a Brahmin woman or expounding the Veda if the sinner is a Śūdra (PS 1.1.67), showing contempt for preceptors or seniors (AS 10; PM 2, pt.2: 229, 234), any sin which causes defilement (*malinīkaraṇa* – VS 44.9), and drinking alcohol (YDhŚ 3.207). Likewise, though not in terms of reincarnation, the child who is conceived during the three days of menstruation will be born as a Caṇḍāla (Leslie 1989: 285).

How penances remove evils

PM contains considerable information about penance, its practice and theory. Here I shall restrict the discussion to what is relevant to the main themes of the above exposition. *Mānavadharmasāstra* 11.53-54 is a clear statement about the interrelation of evils and penances. Having explained in detail the bodily disabilities incurred as the result of unexpiated sins, the text concludes:

In this way, as a result of the remnants of their past deeds, are born individuals despised by good people: the mentally retarded, the mute, the blind, and the deaf, as well as those who are deformed. Therefore, one should always do penance to purify oneself; for individuals whose sins have not been expiated are born with detestable characteristics⁶³¹.

This transcendent effect of both evil acts and penances is possible due the special force called *apūrva*. According to the *mīmāṃsā* view of Kumārila, *apūrva* is “that particular ‘potency’ that gathers and stores the efficacy of the Vedic rituals and makes it possible for transitory sacrificial performances to have lasting effects in the distant future”⁶³². This force is postulated as a necessary consequence of Vedic *viddhi*. The *svargakāmo yajeta* (the famous *viddhi*, “He who desires Heaven should perform sacrifices”) would be meaningless if there did not exist such a transcendent connection⁶³³. The link to the notion of *viddhi* is important. What accounts for the unfortunate results that are caused by a wicked act in future births is not the instrumental act in itself but the act of transgressing a negative *viddhi*, the prohibition against killing a Brahmin for example⁶³⁴, or against partaking of food from people undergoing *āśauca*⁶³⁵.

631 *evam karmāvaśeṣeṇa jāyante sadvigarhitāḥ / jaḍamūkāndhabadhīrā vikṛtākṛtayaḥ tathā* // 53 // *caritavyam ato nityam prāyaścittam viśuddhaye / nindyair iha lakṣaṇair yuktā jāyante 'niṣkṛtainasaḥ* // 54 // MDhŚ 11.53-54. Olivelle’s translation.

632 Halbfass 1991: 301-302.

633 *Ibid.*: 303; See also Kane 1968-1977, vol.5: 1210-1212.

634 Halbfass 1991: 306.

635 Glucklich 1984: 35-36 about VS 22.7-9.

The institution of penance is guided by a pragmatic view of sin. The assumption is that sin is an foreseeable part of life despite the detailed code of conduct propounded in the *smṛtis*. This is not man's fault, but is first of all due to the working of time, that is, the course of the *yugas*. During the *yugas* man's inborn capability to observe the original *dharma* laid down by the ancient sages has decreased, and the duties of man have to be adjusted accordingly ⁶³⁶. Still, people fail to observe the rules, and therefore prohibitions have to be supplied with instructions for penances in case they are broken. Phrases like the following are typical:

Food from a person who cooks only for his own pleasure is like 'food from one who omits cooking for another' ⁶³⁷. Such food should not be eaten. If it is eaten, however, a penance should to be performed ⁶³⁸.

The very next verse of the *mūla* text admits that expectations, even of Brahmins, have to take the natural deterioration due to *yugas* into account: "As the laws change with each *yuga* so do the Brahmins. They should not be blamed, for they embody the *yugas*" ⁶³⁹.

Penance, in other words, is a practical matter. And it is so also with respect to economic transactions. This is discussed in detail by Mādhava in a lengthy commentary on PS 2.8.1. The point of departure is the problem of whether penance can eradicate sins that are committed intentionally ⁶⁴⁰. While all sages agree that unintentional sins are eradicable, it is problematic to allow a man to undergo penance for a sin he committed fully aware of the nature of the act and its consequences. However, there are Vedic passages which can be interpreted in just that direction, and further, there are *smṛti* texts which prescribe specific penances for sins committed intentionally. Thus, Mādhava

636 Lingat 1962: 10-11; 1993: 186-188.

637 This refers to a person who neglects the five domestic offerings (the *mahāyajñas*).

638 *parapākanivṛttādivad vṛthāpākāder apy annaṃ na bhoktavyam / tadbhojane tu prāyaścittaṃ kartavyam* / PM 2.11.47c-50b, p.449.

639 *yuge yuge tu ye dharmās teṣu teṣu ca ye dvijāḥ // teṣāṃ nindā na kartavyā yugarūpā hi te dvijāḥ* / PS 2.11.50c-51b.

640 On this subject, see Kane 1968-1977, vol.4: 61-68.

first cites *Jābāli* and anonymous texts referred to by *Manu* and *Devala* to the effect that even intentional sins can be expiated. But then he quotes *Baudhāyana* and *Chāṅgaleya* for the opposite view that penance is not applicable at all in case of deliberate sins. Finally he presents the view of *Āṅgiras*, who thinks that intentional sins only can be expiated by twice the amount of penance as that applied in case of the unintentional sin⁶⁴¹. In order to arrive at a more definite solution with regard to the intentional sin he now goes through a number of different arguments and counter-arguments in the typical manner of the scholarly commentator:

[The preliminary argument] Here some put forward this conclusion: The capacity of evil is double; it is the cause of hell and it is a hindrance to worldly transactions. Hence, also the capacity of penance, which removes that evil, should be distinguished as double. It wards off hell and it generates transactions. With respect to this argument, it is the case that among the sages who proclaim that there is no penance in the case of intentional sins, what is meant is that hell cannot be prevented in that case, whereas among those who proclaim that penance is effective even in this case [intentional sins], what is meant is that this option is only with respect to the capacity to generate transaction. This is evidently the conclusion put forward by *Yājñavalkya*: "The sin which is committed in ignorance vanishes by penances. But if it is committed intentionally the sinner is, according to the texts⁶⁴², rendered eligible for others to make transactions with"⁶⁴³. The meaning of this is as follows: The sin which is committed in ignorance, killing a Brahmin for instance, is expunged by the ordained penances, in this case by the penance of living twelve years in a hut outside the village, etc. If, however, it is committed intentionally, that man will be only a person with whom learned people can make transactions here in this world. But that element of the sin which will be the cause of hell for him [in the next world] does not vanish by the penance.

641 PM 2.8.1, p.200-201.

642 That is, on the basis of the *smṛti* texts which stipulate the penances. Kane 1968-1977, vol.4: 63.

643 YDhŚ 3.226.

[Objection] Now, this being said, it might be argued that to say that penance removes some capacity of evil but not another leads to the inconsistency that in Rhetoric is called “The Semi-Senile Woman”⁶⁴⁴. And never has it been seen that one part of a hen is cooked while the other part can be used for laying eggs.

[Reply] This is wrong because there is a text⁶⁴⁵, and so, one must accept this inconsistency on account of the maxim “What cannot be done by a text? No burden is too great for a text.” Otherwise, by what other example [than *smṛti*] could a reasonable man determine the capacity of evil and the capacity of penance? And there is, in fact, a text which shows that the [amount of] observance for what is committed intentionally is double: “The observance that is ordained for what is committed by intention becomes double as much as that prescribed for those who had no intention.” Hence, worldly transactions are allowed when the penance is observed twice. For him, however, who does not look to worldly transaction but only to what he accomplishes in the next world, a penance which entails his death is the only remedy when it is grievous sins that have been consciously committed. Regarding this, *Śātātapa* states: “In the case of a sin that is incurred without intention, a penance should be observed, but when the act is committed with an intention, one must make the end to oneself.” Likewise in another *smṛti*: “For a man who somehow commits a grievous sin intentionally no cure can be perceived except throwing himself into the fire.” And *Manu*: “Or, he may throw himself headlong three times into a blazing fire. Or, if he so wishes, he may make himself a target for armed men who are cognizant of his state”⁶⁴⁶.

[Conclusion] Therefore, for a man who has committed a grievous sin intentionally, dying rescues him from hell, whereas an observance which does not lead to death allows others to make transactions with him. This is the conclusion.

[Objection] Others, however, say this: that statement – that a penance

644 For this maxim, see Jacob 1995, I: 7-8. The sense seems to be that a woman is either old or young, but she cannot be “half -old”. In the present context the objection is that since the effect of penance is nothing but the complete destruction of an evil act, and thereby also its consequences, it is illogical to say that in this case it only averts some of the consequences and not others.

645 Namely the *smṛti* texts which do prescribe penance even in case of deliberate sins.

646 MDhŚ 11.74. Olivelle’s translation, but the two half-verses are swapped as it is quoted here.

which leads to death rescues a man from hell, but merely observing a penance only allows others to make transactions with him – that is wrong. For a man who has practised an observance, hell vanishes as much as by dying, although he cannot have any worldly transactions with learned men⁶⁴⁷. And in the *Yājñavalkya* verse this phrase, “not rendered eligible for others to make transactions with” should be substituted for the one quoted above [“rendered eligible for others to make transactions with”], the sense being that if a sinful act has been committed intentionally, the sinner is ineligible for others to have worldly transactions with in spite of having performed a penance. And also this ineligibility for transactions can be ascertained on the strength of a text, this being the *Mānava* verse: “One must not live together with people who have killed children, women, or those who come to them for protection, or with people who are ingrates, even if they have been purified in accordance with the Law”⁶⁴⁸. That is to say, although those who have performed penance after having committed a grievous sin are purified with regard to the next world, they should be excluded in this world by the learned.

[A further objection] But the same kind of exclusion is also proper for those who have performed penance after having committed a minor sin. Accordingly, the *Vaiyāsikanyāyasūtra* [*Brahmasūtra*] states: “But they are to be kept outside in either way on account of both *smṛti* and customs”⁶⁴⁹. The meaning of this is as follows: Whether in the case of a minor or a grievous sin, in either way even those who have performed a penance should be excluded by the learned on account of the *smṛti* who blames such persons, saying: “I see no penance”⁶⁵⁰, and on account of the customs of the learned.

[Reply] If it should be argued like this, the answer is no. For this particular exclusion refers to the renouncer, who is supposed to

647 This is exactly the opposite position as the conclusion which was just formulated.

648 MDhŚ 11.191. Olivelle’s translation. The argument Mādhava presents here fails to distinguish between worldly transactions (buying, selling, etc.) and living together. See the sections “*Asprīṣyatva* ⁽²⁾: precautions relating to indirect touch through things”, and “Precautions relating to company” in chapter 5. Besides, the *Manu* verse just before the one quoted clearly confirms the idea that penance makes people eligible for others to transact with: “No one should transact any business with uncleansed sinners; and under no circumstances should anyone abhor those who have been cleansed.” MDhŚ 11.190, Olivelle’s translation.

649 *Brahmasūtra* 3.4.43.

650 This is a quote of a quote in Śāṅkara’s commentary on the just quotes *sūtra* (*Brahmasūtra* 3.4.43).

observe permanent celibacy but has broken his vow. It does not refer to the householder, since only the life style of the permanent celibates is discussed in that text [*Brahmasūtra*]. This is said explicitly by *Kauśika*: “For those who have spilled their semen, whether perpetual students, forest-dwellers or ascetics, no restitution is given in this world even though they are purified.” [Conclusion repeated] Thus, it is settled that for those who intentionally have committed grievous or minor sins a penance should be performed, whether for the sake of worldly transactions or the next world⁶⁵¹.

651 *atra kecin nirṇayam āhuḥ – dviividhā hi pāpasya śaktiḥ / narakotpādikā vyavahāranirodhikā cety atas tannivartakasya prāyaścittasyāpi śaktir dviividhā bhidyate / narakanivārikā vyavahārajananī ceti / tatra prāyaścittābhāvavādināṃ munināṃ narakanivāraṇābhāvo 'bhīpretāḥ / sadbhāvavādināṃ tu vyavahārajananī śaktir abhīpretā / ayaṃ ca nirṇayo yājñavalkyena vipaśṭam abhihitāḥ – prāyaścittair apaiti eno yad ajñānakṛtaṃ bhavet / kāmato vyavahāryas tu vacanād iha jāyate // iti / asyāyam arthaḥ – yad eno brahma-ghātādikaṃ ajñānakṛtaṃ tad vihitair dvādaśavārsikādibhir apaiti / kāmataḥ tu kṛtaṃ cet sa pumān chiṣṭair vyavahāryaḥ kevalam iha loke bhavati / na tu tasya narakāpādakam enaḥ prāyaścittair apaiti / namu – evaṃ sati prāyaścittaṃ pāpasya kāmci chaktim apanudati kāmcin nety ardhajaratīyaṃ prasajyeta / na hi kukkutyā eko bhāgaḥ pacyate 'paro bhāgaḥ prasavāya kalpata iti kvacid dṛṣṭam / na / vacanād ardhajaratīyasyāpy aṅgikāryatvāt / kiṃ hi vacanaṃ na kuryāt / nāsti vacanāsyātibhāraḥ / iti nyāyāt / anyathā yauktikammanyaḥ pāpaśaktiṃ prāyaścittaśaktiṃ ca kena dṛṣṭāntena samarthayisyati / vacanaṃ ca kāmakṛtānāṃ dviguṇaṃ vrataṃ darśayati – vihitam yad akāmānāṃ kāmāt tad dviguṇaṃ bhavet / iti / ato dviguṇapṛāyaścitteneha loke vyavahāraḥ siddhyati / yat tu vyavahāram anapekṣya paralokanirvāham eve kevalam apekṣate tasya buddhipūrvakeṣu mihāpātakeṣu maraṇāntikam eva prāyaścittam / tatra śātātapaḥ – akāmāv āptau prāyaścittam / kāmākārakṛte tv ātmānam avasādayet / iti / smṛtyantare 'pi – yaḥ kāmato mahāpāpaṃ naraḥ kuryāt kathamcana / na tasya niṣkṛtīr dṛṣṭvā bhr̥gvagnipatanād r̥te // iti / manur api – prāsyed ātmānam agnau vā samiddhe trir avākṣirāḥ / lakṣyaṃ śāstrabhṛtāṃ vā syāt viduṣāṃ icchayātmanaḥ // iti / tasmāt kāmākāriṇo maraṇena narakapātānirvṛttir vratacaryayā tu vyavahārasiddhir iti nirṇayaḥ / apare punar evam āhuḥ – yad uktaṃ maraṇāntikapṛāyaścittena narakanirvṛttir iti tat tahaiva / yat tu vratacaryayā vyavahārasiddhir eve na tu narakanirvṛttir iti tad viparyeti / cīrṇavratasya narakas tāvan nivartate / iha loke tu tasya na śiṣṭaiḥ saha vyavahāro 'sti / etac cāvyavahārya iti yājñavalkyavacanene padaṃ chittvā yojanīyam / kāmataḥ cet pāpaṃ kṛtaṃ sa pāpi kṛtapṛāyaścitto 'py avyavahārya iha loke jāyate / tac cāvyavahāryatvaṃ vacanabalād avagantavyam / vacanaṃ ca mānavam etat – bālaghnāṃś ca kṛtaghnāṃś ca viśuddhān api dharmataḥ / śaraṇā-gatahantīṃś ca strīhantīṃś ca na saṃvaset // iti / ataḥ kṛtapṛāyaścittā mahāpātakināḥ paraloke śuddhā api śiṣṭair iha bahiṣkāryāḥ / nanu – upapātakīnāṃ api kṛtapṛāyaścittānāṃ bahiṣkāra evocitaḥ / tathā ca vaiyāsikam nyāyasūtram – bahis tūbhayathāpi smṛter ācārāc ca / iti / asyāyam arthaḥ – yady upapātakam yadi vā mahāpātakam ubhayathāpi kṛtapṛāya-ścittāḥ śiṣṭair bahiṣkāryāḥ / prāyaścittaṃ na paśyāmi / iti nindāsmṛteḥ śiṣṭācārāc ca / iti cet / maivam / ayaṃ hi bahiṣkāra ūrdhvaretoviśayaḥ / na tu gr̥hasthaviśayaḥ / ūrdhva-re-tovicārāṇāṃ eva tatra prastutatvāt / idaṃ ca kauśikena spaṣṭhikṛtaṃ – naiṣṭhikānāṃ*

In other words, if a man unintentionally commits a sin it can be expiated by penances which both make him eligible for others to make worldly transactions with and ward off hell. But if the sin is committed intentionally others can only have financial dealings with him if he performs twice the penance performed in case of the unintentional sin, and, in the case of a grievous sin, he will still have to face hell in the next world unless he performs a penance which entails his death.

Now, this sounds as a honourable solution after all. No sinners are totally lost. At least they are not excluded from making transactions with the community. However, if we take the medieval discussion about the right of ownership into account, we will understand that the purpose of the text is not so much with respect to the sinner as it is with regard to the learned Brahmins with whom he might have made transactions.

To receive goods from a sinner implies, according to *śāstric* rules, both that the receiver incurs sin by the transaction and, according to the interpretation of the rules, that the transaction itself is null and void, and with it the ownership of what has been transacted. Thus, *Mānavadharmaśāstra* 11,194-195 demands both that the receiver undergo penances and that he relinquishes what he has received, if it was acquired originally “through a reprehensible activity”. However, as we saw, if the sinner has atoned for his sin by the proper penance, he can conduct transactions with everyone again⁶⁵². *Yājñavalkyadharmasāstra* 3.226, which was quoted by Mādhava above, extends this principle to transactions with deliberate sinners, but, since other texts create doubts about whether penance has any effect on deliberate sins at all, the question had to be reconsidered. This is what Mādhava’s commentary attempts⁶⁵³.

The discussions and elaborations on the matter confirm Derrett’s assumption that the *śāstric* restrictions on transactions “might affect considerable sums of money, or tracts of land”⁶⁵⁴. By maintaining that penance makes it possible to deal lawfully with a deliberate sinner,

vanasthānāṃ yatīnāṃ cāvakīrṇinām / śuddhānām api loke 'smin pratyāpattir na vidyate //
iti / tad evam aihikavyavahārāya paralokāya vā kāmakṛtānām mahāpātakānām upapāta
kānām cāsty eva prāyaścittam iti siddham // PM 2.8.1, p.201-205.

652 MDhŚ 11.190.

653 Mādhava’s discussion on the matter is anticipated by VijYDhŚ 3.226, p.501-502.

654 Derrett 1962: 44.

this hindrance is partially removed. But not fully. If the sinner does not perform penance, the problem remains, and who knows what sins people have committed in secret without bothering about penance? Do transactions made with such a person become void if the truth is revealed some day? This and similar problems led to the *mīmāṃsā* view that property is basically a worldly matter “to be ascertained principally from popular recognition”⁶⁵⁵ irrespective of the moral status of the person from whom it is obtained. The argument, developed fully by Vijñāneśvara⁶⁵⁶, and lucidly unfolded by Derrett⁶⁵⁷, is essentially that, although the receiver undoubtedly incurs a sin from a transaction with a sinner and therefore has to undergo a penance, he nevertheless owns what he has received, since the transaction itself is not invalidated.

These discussions show how pragmatic and soteriological concerns are inseparable aspects of the same discourse. Although Vijñāneśvara’s discussion about the worldly nature of ownership naturally belongs to that part of the work which deals with *vyavahāra* (part 2, i.e. YDhŚ 2.114), and his discussion of the two effects of penance occurs in the context of *prāyaścitta* (part 3, i.e. YDhŚ 3.226), both attest to the pragmatic significance of penance.

Penance, eventually implies the complete termination of the effects of evil acts (but with the reservations accepted by Mādhava above with respect to intentional sins). It burns away the sin by the power of *tapas*, that is, the ‘heat’ of hardships like fasting, segregation from the home, sleeping on the ground, standing up for long intervals, frequent baths etc⁶⁵⁸. This is also expressed in PS:

Like water on a stone is cleaned by wind and sun, so the misdeed of a person disappears after the penance has been determined by the council. The sin does not go to him who performs the penance; it does not go to the council; it is eradicated like water by wind and sun⁶⁵⁹.

⁶⁵⁵ *Ibid.*: 47.

⁶⁵⁶ Introduction to YDhŚ 2.114, p.266-267.

⁶⁵⁷ Derrett 1968: 122-147.

⁶⁵⁸ GDhS 19.11-15.

⁶⁵⁹ *yathāśmani sthitaṃ toyam mārūtārkeṇa śudhyati / evaṃ pariśadādeśān nāśayet tasya duṣkṛtaṃ // 9 // naiva gacchati kartāraṃ naiva gacchati paśadam / mārūtārkaḍisamyogāt pāpaṃ naśyati toyavat // 10 //* PS 2.8.9-10.

In trivial matters the same faculty by which the evil has been incurred is applied when it is removed: touching something purificatory removes the effect of touching something impure, and likewise with seeing, talking and eating. In serious matters, however, this does not work, but is replaced by more severe hardships. The treatment for having had a sexual relation with a woman who should not be approached for sex is not accomplished by frequenting some other, more noble lady. Instead the sinner has to undergo one of the more elaborate penances (typical the various *kṛcchras*), in which severe restrictions are the primary ingredient. But in addition to the prescribed penance certain common elements are taken for granted in all major penances. Ideally the sinner should stand up the whole day and only sleep at night in a sitting position, or, alternatively, he should sleep on the ground. He should recite various *mantras*, most prominently the Gāyatrī; he should shave his head (women are given exemption) and take bath three times a day. The penance also includes daily *homa*, and giving a meal for the Brahmins and *dakṣiṇā* in the end. During the whole penance the sinner is required to observe the *yama* and *niyama* rules (sexual abstinence, silence and study for example)⁶⁶⁰. Mādhava also mentions these rules⁶⁶¹.

Particular attention is given to the approach to the *pariṣad*, the council that stipulates the penance to be observed:

As soon as a person knows that a sin has occurred⁶⁶² and before he has approached the council, he should not eat anything, since eating increases the sin as long as the council is not involved. Likewise, if in doubt, he should not eat until it has been settled what is to be done, and even when there is no doubt he should avoid carelessness with regard to eating. Having committed a sin, he should not hide

⁶⁶⁰ Kane 1968-1977, vol.4: 120-121.

⁶⁶¹ PM 2.12, p.169-170 and p.194-196.

⁶⁶² A "sin" (*pāpa*) can refer to a sin committed by a man himself as well as to a wrong incident that happens inside the domains of which he is the master. Both require penance. This is evident from what is the overall context of these general instructions and the above discussion on the two effects of sin, that is, the accident of a cow which dies while tied to a yoke. This transgression is referred to as an "unintentionally committed sin" (*akāmakṛtapāpa*) in PS 2.8.1, and it is emphasised by Mādhava that the owner has no intention of killing the cow.

it, for, being hidden is swells. Whether great or small, he should make it known to those who know the sacred law. For men versed in the Vedas eliminate the sins of a sinner like prudent doctors remove the pain of the afflicted. When a man has given occasion for penance he should pray for purification, being penitent and intent on truth, meek and full of sincerity. Whether a Kṣatriya or a Vaiśya, he should take baths with his clothes on while remaining silent. Then, with his mind composed and his clothes still wet, he should approach the council. Afterwards, having met the council, the suffering man should quickly prostrate himself on the ground before it. He should not tell anything to others⁶⁶³.

Again the particular relation between eating and sin is stressed. Eating always seems to aggravate a sin. Food and eating, like procreation and children, belong to the realm of the auspicious. Both are basic emblems of prosperity. And where there is auspiciousness, cosmic forces are operating, but the same forces that secure auspiciousness produce inauspicious results when the proper 'felicity conditions' are lacking, such as purity and moral integrity. Bathing with the clothes on is the standard manner of bathing in connection with penance. The daily prescribed bath is performed neither 'naked' (i.e. wearing only a loin cloth) nor fully dressed, but wearing a lower garment⁶⁶⁴. Bathing while fully dressed is only performed for special occasions, typically after the touch of a Caṇḍāla⁶⁶⁵. The prolonged sensation of water against the skin through the wet clothes intensifies the bath.

But there is a special case when touching and bathing are further intensified:

663 *sadyo niḥsaṃśaye pāpe na bhuñjītānupasthitaḥ / bhuñjāno vardhayet pāpaṃ parśad yatra na vidyate // saṃśaye tu na bhoktavyaṃ yāvat kāryaviniścayaḥ / pramādaś ca kartavyo yathaivāsaṃśaye tathā // kṛtvā pāpaṃ na gūheta gūhyamānaṃ vivardhate / svalpaṃ vātha prabhūtaṃ vā dharmavidbhyo nivedayet // te hi pāpakṛto vaidyā hantāraś caiva pāpmanāṃ / vyādhitasya yathā vaidyā buddhimanto rūjāpakāḥ // prāyaścitte samutpanne hrīmān satyaparāyaṇaḥ / mṛdur ārjavasaṃpannaḥ śuddhiṃ yāceta mānavaḥ // sacailaṃ vāgyataḥ snātvā klinnavāsāḥ samāhitaḥ / kṣatriyo vātha vaiśyo vā tataḥ parśadam āvrajet // upasthāya tataḥ śiḡhram ārtimān dharaṇiṃ vrajet / gātraiś ca śīrasā caiva na ca kiṃcid udāharet // Aṅgīras quoted in PM 2.8.2, p.206-207.*

664 GDhS 9.61; MDhŚ 4.45, 129; Kane 1968-1977, vol.2: 664; Leslie 1989: 84.

665 MeMDhŚ/KuMDhŚ 4.129.

When a person needs to bathe⁶⁶⁶ while he is sick, a healthy person should bathe repeatedly and touch the sick person ten times. Then the sick person will himself be purified⁶⁶⁷.

Mādhava:

In this case the sick person should change his clothes before each bath. According to *Atri*: “When the bath of a sick person is needed, a healthy person should touch the sick person and plunge into water repeatedly ten times. He [the sick person] should put on ten coats consecutively, and by making a donation on an auspicious day according to his capacity he is purified”⁶⁶⁸.

Mādhava then quotes *Uśanas*, who prescribes the same procedure in the event that the sick person is a menstruating woman.

In this penance we have various substitutes. Instead of bathing, the sick merely changes his clothes, and instead of touching water himself, he touches a substituting person. Because of this substitution the procedure has to be repeated several times to be effective.

How is this possible? How do these penitential rituals remove the moral effects of sins? I have already mentioned the *mīmāṃsā* concept of *apūrva*, the extraordinary force that connects a visible act (a ritual) with visible or invisible effects in a future existence (a future birth on this earth or an afterlife in heaven) through invisible connections. The effects of sin can be both visible and invisible. We saw that unexpiated sins materialise as visible physical marks in future life. But the connecting link between a concrete sinful action and its unfortunate results like the link between the concrete observance of penance and the prevention of these results, are both invisible. Nevertheless it is typical of these penitential rituals (as of all rituals, I think) that the remedies that are supposed to activate these invisible connections are themselves tangible.

666 According to Mādhava when a person has touched a menstruating woman or when a close relative has died.

667 *āture snāna utpanne daśakṛtvo hy anāturaḥ // snātvā snātvā sprśed enaṃ tataḥ śudhyeta sa āturaḥ* / PS 2.7.19c-20b.

668 *tatra pratishnānam āturasya vāso viparivartaniyam / tad āhātriḥ – āturanāna utpanne daśakṛtvo hy anāturaḥ / sprśtvā sprśtvāvagāheta sa viśudhyeta āturaḥ // vāsobhir daśabhiś caiva paridhāya yathākramam / dadyāt tu śaktito dānaṃ puṇyāhena viśudhyati // iti* / PM 2.7.19.c-20, p.169.

Dharmaśāstra authors were ritual experts who were also acquainted with such speculations, and Mādhava is no exception. He offers a brief discussion of these questions in connection with the extraordinary effects of *pañcagavya* as used in the *Brahmakūrca* Penance. This penance is prescribed as a cure against drinking water, curd, clarified butter or milk from vessels belonging to people who are *abhojyāna*⁶⁶⁹. It consists of a fast for one day and of taking *pañcagavya* prepared with Vedic mantras the next day⁶⁷⁰. It is a prominent penance in PS which requires fifteen verses (2.11.26-40) to describe it. Not only are the five ingredients (urine, dung, milk, curd and clarified butter) collected from specially selected animals (29-30), but, during every stage of the entire procedure of collecting and preparing the ingredients, Vedic mantras are applied. When they are ready, a portion is offered in the fire (35-36), and what remains is that portion which should be drunk (together with a decoction of *kuśa* grass). At this point the *smṛti* text offers a description of the effects of this elixir. It is presented here with Mādhava's introduction and subsequent remarks:

It might be objected that only in so far as the negative result – of, for instance, killing a cow – is invisible, is it reasonable that it should be averted by the extraordinary [and invisible] power [*apūrva*] of the merit generated by penance. But the negative result generated by eating forbidden food⁶⁷¹ is not only invisible; some is visible, since that food is transformed into skin, bones, etc. Hence, it does not seem reasonable that it can be averted by the observance.

Therefore [in order to reject this objection], he says:

“Whatever sin there may reside in the body of an embodied being, lying in the skin and bones, *Brahmkūrca* burns it all like a kindled fire burns up the fuel.”

669 PS 2.11.25.

670 Kane 1968-1977, vol.4: 146-147.

671 Although the context of these *smṛti* verses is the subject of eating food belonging to people whose food should not be eaten, that is, food which is *abhojya* (PS 2.11.25), Mādhava here and in the following uses the word *abhakṣya*. Generally *abhakṣya* refers to products that are forbidden as food stuff, for instance garlic, whereas *abhojya* refers to articles of food that come from people whose food should not be eaten, that is, unfit food. See Olivelle 2005g. But either Mādhava does not follow this distinction here or he ignores the context in a case such as this, where the focus is less on the sin and more on the cure.

Just as articles of forbidden food are transformed into skin, bones, etc., in the same way do cow urine and the other ingredients also transform themselves into the same. Having been digested they destroy, like fire destroys the firewood, these disagreeable transformations of the forbidden food even by invisible means and not only by means of the visible. Thus, the negative result of eating what is forbidden is stopped by *Brahmakūrca*⁶⁷².

Mādhava is provoked into this discussion by the formulation of the *smṛti* text, which suggests that sins affect the physical body of the sinner. As the overall context is that of eating unlawful food, the suggestion is understood in connection with the physical transformations of food through digestion.

What, then, is the relation between these visible transformations of unlawful food and the invisible quality of the sin of transgressing a *smṛti* rule? The question is additionally complex because even these invisible qualities produce visible physical changes in the body if the sin is not expiated. It would have been interesting if Mādhava had addressed these questions in more depth. Here he seems somewhat superficial. The objection of the anonymous opponent seems to be that, since the force of penance (the *apūrva* of the merit (*sukṛta*) of performing the penance) is invisible, it is only able to affect invisible effects of sin and therefore incapable of averting the consequences of this particular sin, which are visible, namely the physical transformations that unlawful food produce in the body. However, the error of this objection is that it fails to distinguish between level 1 and 3 of the three levels I have just outlined: 1) the visibility of physical food transformations, that is, food being transformed into skin, bones etc., 2) the invisibility of the *apūrva* associated with following or trans-

672 *nanu – govadhādiṣu yaḥ pratyavāyaḥ sa kevalādṛṣṭarūpatvāt tasya prāyaścittajanyena sukr̥tāpūrveṇa nivṛttir yujyate / abhakṣyabhakṣaṇajanyas tu pratyavāyo na kevalam adṛṣṭarūpaḥ / kiṃ tu dṛṣṭarūpo 'pi / tasyāhārasya tvagasthyādirūpeṇa pariṇatātīvāt / ato na tasya vratena nivṛttir yujyate – ity ata āha – yat tvagasthigataṃ pāpaṃ dehe tiṣṭhati dehinām / brahmakūrco dahet sarvaṃ pradīptāgnir ivendhanam // iti / PS 2.11.37c-38b / abhakṣyāni yathā tvagasthyādirūpeṇa pariṇatāni tathā gomūtrādīny api tena rūpeṇa pariṇamanti / pariṇamya cāgniḥ kāṣṭhāni svavirodhyabhakṣyapariṇāmān adṛṣṭamukhenāpi vināśayanti / na tu kevalam dṛṣṭenaiva mukhena / tasmād brahmakūrcenābhakṣyabhakṣaṇanivṛttir upapadyate / PM 2.11.37c-38b with introduction.*

gressing the *smṛti* rules of permissible and impermissible food, and 3) the visibility of the future effects of this *apūrva* in the form of physical fitness or defects. What Mādhava seems to suggest is that, although the *pañcagavya* consists of ingredients that are eaten and digested – just like unlawful food – and therefore are also transformed into skin, bones etc., it nevertheless retains the invisible powers, the *apūrva* of the rite and the Vedic mantras involved and is therefore able to avert the bodily transformations caused by eating unlawful food.

Impurity, inauspiciousness and untouchability

The vast applicability of the notion of impurity in *dharmaśāstra* makes it difficult to arrive at clear-cut classifications or definitions. As discussed in chapter two, people are generally not described as “impure” in a static sense – except for those belonging to the category of the Untouchables.

The most precise definition of impurity seems to be the one that can be deduced from the definition of purification in Govindānanda’s early 16th century digest on this subject, the *Śuddhikaumudī* ⁶⁷³:

To be purified is to be worthy of performing the rituals known in the Vedas ⁶⁷⁴.

This simply spells out what has been claimed as the central aspect of purity throughout the previous chapters: purification is a prerequisite of human ritual agents, a ‘felicity condition’ of ritual actions. Further, purification is a prerequisite of the constitution and maintenance of personal and common domains as far as this requires the performance of rituals. Basically impurity is whatever renders an otherwise ritually fit person unfit. And here “ritual” and “ritually” are codes for those kinds of action that are special, that require special circumstances and have special results and that were discussed in the section on ritualisation in chapter two.

⁶⁷³ Kane 1968-1977, vol.1: 882-285.

⁶⁷⁴ *vedabodhitakarmārhatā śuddhiḥ* / *Śuddhikaumudī* in *Smṛtibhūṣaṇa* 1905: 1.

Apart from this basic definition, impurity is classified according to different criteria. One is degree. This was at the back of *Devala*'s distinction between soil that has become impure (*amedhya*), filthy (*duṣṭa*) or merely dirty (*malina*)⁶⁷⁵ which was presented in the section about the purification of a house in chapter five. The first state was caused by death, birth, Caṇḍālas and human faeces and urine; the second by dogs, pigs, donkeys and camels; and the last by hair, bones, ashes and the like. Each kind of impurity required relatively less purification.

Another principle is to order different kinds of purification thematically. According to *Hārīta*, purification (*śauca*) can be divided in two broad categories, outer and inner. The first group are further divided into three sub-categories: those associated with a person's family (*kula*), that is, the purification in connection with death and birth, those that are related to his belongings (*artha*) such as utensils and materials like clothes, metal etc., and those that are connected to his body (*śarīra*) and its impurities such as blood, semen, faeces, urine, fat etc. Inner purification is associated with the faculties of this body: the senses, the mind and speech⁶⁷⁶. Again, the structuring principle is the spatial concentricity of a master and his domains, here starting with his body and extending through his family and his belongings.

Hārīta's division of outer purification also refers to different practices. The purification of the body encompasses the rules of cleanliness (*śauca* proper), whereas the purification after birth and death constitute *āśauca*. The third aspect of purification practice, not referred to by this division, is that related to penance (*prāyaścitta*), that is, the removal of sin (*pāpa*), whether that sin is brought on by oneself or not. These three practices, *śauca*, *āśauca* and *prāyaścitta*, covers the total field of personal impurity and purification. Although there are no watertight demarcations between them, they are each centred about certain prototypical categories. *Śauca* is primarily related to bodily impurities (*mala*)⁶⁷⁷, *āśauca* to death pollution (*mṛtyu*) and *prāyaścitta* to

675 PM 2.7.35, p.193-194.

676 *Hārīta* summarised in Kane 1968-1977, vol.2: 651.

677 Olivelle 2005d: 226-227, 238-239.

violation of ritual and moral laws (*adharmā*), more precisely, to the transgressions of the *vidhis* in *śruti* and *smṛti*. All three kinds of impurity affect the integrity of a ritual agent, and all can be removed, except that which attaches to those people, those permanently untouchable, whose task it is to remove the impurity of others. Again, the Caṇḍāla is associated with the whole spectrum. He is the public dust-man of dirt, death and criminals.

There are some indications that the status of touchability within these classifications of impurity is determined by the relative effect of inauspiciousness. This is confirmed by the relation between *aspr̥śyatva* and lack of *adhikāra* for rituals. While the latter is caused by impurity in general according to the definition in *Śuddhikaumudī*, the former is only incurred in states of inauspiciousness. People who undergo *āśauca*, for example, are not necessarily untouchable during the whole period, but only until the bones of the cremated body have been collected. This view is expressed in different fragmented *smṛtis*, for instance in the *Samvartasmṛti*. Having first given the general rule for the duration of the *āśauca* period for the four *varṇas* (ten, twelve, fifteen and thirty days)⁶⁷⁸, the text specifies the duration of untouchability:

Twice-born should collect the bones on the first, third, seventh or ninth day, or on the fourth day. Touching is granted after the collection of the bones, that is, touch is allowed on the fourth day for a Brahmin, on the sixth day for a Kṣatriya, and on the eighth and tenth day for a Vaiśya and a Śūdra⁶⁷⁹.

The same rule is recorded by Vijñāneśvara in a verse attributed to *Devala*⁶⁸⁰. Here untouchability is compared, not to a lack of *adhikāra* for rituals, but to *abhojyānnatva*, both restrictions lasting for the whole period of *āśauca* unlike untouchability. But the rule is somewhat controversial and is in other texts regarded as a *kalivarjya*, (for-

678 SS 36-37.

679 *prathame 'hni tṛīṇi ca sapṭame navame tathā / caturthe 'hani kartavyam asthisamcayanam dvijaiḥ // 38 // tataḥ samcayanād ūrdhvaṁ aṅgasparśo vidhīyate / caturthe 'hani viprasya śaṣṭhe vai kṣatriyasya ca // 39 // aṣṭame daśame caiva sparśaḥ syād vaiśyaśūdrayoḥ / 40a-b / SS 39-40b.*

680 VijYDhŚ 3.18, p.408.

bidden in the present *kali* age)⁶⁸¹. As such it is also listed in PM 1.1.34, p.136. Anyhow, as far as it has been practised, it introduces a difference that might be seen as corresponding to two different aspects of death. The first part of the *āśauca* period is an inauspicious state of progressive bodily destruction, and during this time the relatives are untouchable. But when that state has ended, when the dead body has reached a state where there is no more decay, and death has solely become a matter of overcoming the crisis of the departed spirit (the *preta*), then the relatives are no longer untouchable, although they are still not fit to perform rituals or to distribute food to others.

A rule which is more generally accepted is that which only attributes untouchability to the mother and not to the father and the other relatives when a child is born. As argued already, birth is an auspicious occasion, and therefore it is only the mother who is associated with inauspiciousness, since, to her, birth may imply a serious physical crisis (again depending on forces beyond human control).

There was also the case of the different circumstances under which a woman has a sexual relation to a Caṇḍāla, which was presented in the section of purification of women in chapter six. When she was pregnant with her husband before the incident with the Caṇḍāla the penance would be mild, but if she became pregnant with the Śvapāka she had to be banished with no regard to purification. In the cases in between these two there was no pregnancy, and it was in these cases that we saw the greatest emphasis on purification, which was intended to secure her continued fertility. Here impregnation with the Śvapāka is one more case of inauspiciousness, directly connected, like the other cases, to basic areas of prosperity (progeny) that, although vital, are beyond human agency.

Summing up briefly, it has been the main purpose of this study to show that untouchability, apart from being an important boundary marker of Aryan society and values, was rooted in a specific ritualism concerned with basic conditions of prosperity on all the levels – or in all the spheres of activity – of the male Twice-born householder. The

681 Kane 1968-1977, vol.3: 929-930, 951.

untouchability complex proliferated in many directions, both in terms of untouchable categories and with respect to the many precautionary measures that came to be bound together in the complex. Despite this confusing mass of rules and specific circumstances, the complex retained an almost graphic character, spreading as it did from the body of the householder through his family and belongings to the social worlds of the village, city, religious community, caste, class and country. It was through control of physical action and interaction, touching, seeing, speaking, hearing, eating, procreating, lying, sitting, walking and driving, that Caṇḍālas and other Untouchables were set apart from the community of the four *varṇas*⁶⁸². The more significant of these practices – the financially more critical precautions relating to company, transactions and exchange of wealth and services – acted as an effective hindrance to the upward mobility of the permanent Untouchables. The Caṇḍāla was the prototype of these groups. He became the professional Untouchable, the subject of the socio-economic exploitation of the complex. Isolated as an unskilled labour force Untouchables continued to be a significant resource of production. This was true to such an extent that the untouchability complex as social practice and the old ideas of pollution and inauspiciousness that lay behind it cast long shadows into the future. So long that some are visible even to day.

682 In this sense untouchability is a major confirmation of the approach to such practices that was initiated by Marcel Mauss (1979).

GLOSSARY

<i>Abhojyānnatva</i>	being <i>abhojyānna</i> , a person whose cooked food should not be eaten.
<i>Ācāra</i>	the right conduct and the rituals prescribed for the normal course of life. In <i>dharmaśāstra</i> this term covers subjects such as <i>varṇa</i> and <i>varṇasaṃkara</i> , rules referring to particular stages of life, <i>śauca</i> , <i>saṃskāras</i> , etc.
<i>Adhikāra</i>	the right and the responsibility of an agent to undertake a particular activity and the right to the results thereof.
<i>Adṛśyatva</i>	being <i>adṛśya</i> , a person who should not be looked at.
<i>Agamyatva</i>	being <i>agamyā</i> , a person who should not be approached for the purpose of a sexual relation.
<i>Antyaja</i>	a group of low status occupations. The standard enumeration in the late <i>smṛtis</i> includes seven groups: washermen, leather workers, dancers/performers, workers in reed, fishermen, <i>medas</i> and <i>bhillas</i> (various occupations).
<i>Antyāvasāyin</i>	low castes at the level of Untouchables (i.e. below <i>antyaja</i>). The standard enumeration in the late <i>smṛtis</i> includes seven groups: Caṇḍāla, Śvapaca, Kṣatr, Sūta, Vaidehika, Māgadha and Āyogava. These are identical to the standard group of six <i>pratilomas</i> plus the Śvapaca.
<i>Anuloma</i>	‘With the hairs’. In any interaction: a relation where the lower <i>varṇa</i> or <i>jāti</i> is subordinate to the higher. In kinship: the tolerated hypergamous union between a man of higher <i>varṇa</i> or <i>jāti</i> with a woman of a lower. See also <i>pratiloma</i> and <i>varṇasaṃkara</i> .
<i>Apapātratva</i>	being <i>apapātra</i> , a person with whom others cannot exchange food vessels.
<i>Apratigṛhyatva</i>	being <i>apratigṛhya</i> , a person from whom others cannot receive gifts and other material goods.

<i>Apūrva</i>	The 'extraordinary' force of an act prescribed in the Vedas or <i>smṛtis</i> , or of a serious transgression of negative injunctions (i.e. prohibitions) in the same texts, that accounts for the effects of these acts on the future existence of the agent (including future life, afterlife and future lives).
<i>Ārthavāda</i>	a statement providing explanation or emphasis and supporting an injunction (<i>vidhi</i>), but not itself a prescriptive rule to be taken literally.
<i>Asaṃbhāṣyatva</i>	being <i>asaṃbhāṣya</i> , a person with whom, conversation should be avoided.
<i>Āśauca</i>	the period of purification which a person has to undergo when a close relative has died. According to medieval commentators, such a person cannot perform rituals, and he is <i>abhojyāna</i> , <i>asprśya</i> and <i>apratigṛhya</i> . In some contexts the term includes the purification after births as well, see <i>sūtaka</i> .
<i>Asprśyatva</i>	Untouchability.
<i>Aśravyatva</i>	being <i>aśravya</i> , a person whose voice should not be heard.
<i>Atikṛcchra</i>	'The Very Hard Penance'. It is like <i>prājāpatya</i> , except that, instead of eating only one meal each of the first nine days, one is only allowed to eat one morsel.
<i>Bāhyatva</i>	being <i>bāhya</i> , a person who is spatially segregated.
<i>Bālakṛcchra</i>	the 'Child Penance'. It is like the <i>prājāpatya</i> penance, but only lasts four days, one day for each element.
<i>Brahmakūrca</i>	a penance consisting of a fast for one day and taking <i>pañcagavya</i> , which has been prepared with various Vedic <i>mantras</i> and rituals, the following day.
<i>Cāndrāyaṇa</i>	'The Lunar Penance' lasting one month, where the intake of food is restricted according to the course of the moon.
Child Penance	see <i>bālakṛcchra</i> .
Cow Urine and Barley Penance	see <i>gomūtrayāvaka</i> .
<i>Dakṣiṇā</i>	an obligatory donation for the Brahmins at the end of a ritual, for instance a penance.

<i>Dharma</i>	duty or law in the sense of prescribed acts or recorded customs of righteous people.
<i>Dharmaśāstra</i>	the learned traditional literature on <i>dharma</i> .
Five Products of the Cow	see <i>pañcagavya</i> .
<i>Gāyatrī</i>	a verse (<i>R̥gveda</i> 3.62.10) taught by the preceptor at the initiation of a student and repeated at the daily morning worship. It says “OM, Earth, Atmosphere, and Sky. May we contemplate the desirable radiance of the god Savitr̥ [the Sun]; may he impel our thoughts” ⁶⁸³ .
<i>Gomūtrayāvaka</i>	‘The Cow Urine and Barley Penance’ consisting in eating barley grains boiled with cow urine.
<i>Gṛhya</i>	pertaining to the home, for instance about domestic rituals and the domestic fire. See also <i>śrauta</i> .
Hard Penance	see <i>kṛcchra</i> .
<i>Homa</i>	domestic offering in fire.
Hot Penance	see <i>taptakṛcchra</i> .
<i>Jāti</i>	birth, species, caste.
<i>Kalivarjya</i>	a rule which is declared obsolete and forbidden in the present <i>kali</i> age, see <i>yuga</i> .
<i>Kṛcchra</i>	‘The Hard Penance’, generally identical with the <i>prājāpatya</i> penance, see this.
<i>Kṣatriya</i>	see <i>varṇa</i> .
<i>Kuśa</i>	a straw or type of grass used in ritual contexts.
Lunar Penance	see <i>cāndrāyaṇa</i> .
<i>Mahāpātaka</i>	a ‘grievous sin’. There are five: killing a Brahmin, stealing his wealth, sex with the wife of an elder, drinking alcohol and associating for more than a year with people who have committed one of these four sins.

683 Flood 1996: 222.

<i>Mahāyajña</i>	five domestic types of worship: the worship of gods through offerings in the domestic fire; of ancestors through offerings of water and food; of other deities through offerings of lumps of food; of man by serving guests; and of Brahma by study or recitation.
<i>Mleccha</i>	foreign, foreigners.
<i>Mūla</i>	root; the <i>mūla</i> text is the basic text which a commentator comments upon.
<i>Pañcagavya</i>	'The Five Products of the Cow': dung, urine, milk, curd and clarified butter. They are mixed with a decoction of <i>kuśa</i> grass and drunk as a penance or included as elements in other penances.
<i>Parāka</i>	a penance consisting of twelve days of complete fasting.
<i>Pariṣad</i>	a council of Brahmins which stipulates the penance that has to be observed in case of a given transgression.
<i>Patita</i>	an outcast sinner, particularly one who has committed one of the five <i>mahāpātakas</i> .
<i>Prājāpatya</i>	'The Prajāpati Penance' lasting for twelve days: only one meal each day for the first nine days (eaten during the day-time for the first three days, at the night for the next three days and only if it can be had unasked for the subsequent three days) and complete fasting for the last three days, all accompanied by recitations and other observances.
<i>Pratiloma</i>	'against the hairs'. In any interaction: a relation in which the higher <i>varṇa</i> or <i>jāti</i> is subordinate to the lower. In kinship: the illegitimate hypogamous union between a man of a lower <i>varṇa</i> or <i>jāti</i> with a woman of a higher. See also <i>anuloma</i> and <i>varṇasaṃkara</i> .
<i>Prāyaścitta</i>	penance in general. In <i>dharmaśāstra</i> this subject includes classifications of sins, instructions for particular penances and the effects of unexpiated sins in the afterlife and in future births.
<i>Saṃskāra</i>	rites of passage, from rites connected with conception to those associated with death.

<i>Sāmtapana</i>	a penance lasting two days in which the penitent takes <i>pañcagavya</i> together with a decoction of <i>kuśa</i> grass for one day and fasts the second day. Extended versions of the penance lasting for seven, fifteen or 21 days are also prescribed, but these are generally called <i>mahāsāmtapana</i> , the larger <i>sāmtapana</i> .
<i>Sapiṇḍa</i>	‘sharing the same [bodily] particles’ or ‘sharing the same rice balls’ [at <i>śrāddha</i>]. <i>Sapiṇḍa</i> relationship generally includes all relatives within seven generations or five generations in ascending and descending order of the father’s and the mother’s line respectively. It is of importance in matters of marriage, inheritance and <i>āśauca</i> .
<i>Śauca</i>	purification in terms of daily normal bodily cleanliness.
<i>Śrāddha</i>	1) a ritual for a dead person performed repeatedly until he is established as an ancestor (<i>ekoddiṣṭaśrāddha</i>); 2) the repeatedly performed ancestor ritual (<i>pārvaṇaśrāddha</i>).
<i>Śrauta</i>	pertaining to <i>śruti</i> , that is the Vedas. Particularly with respect to the rituals described in the <i>Śrautasūtras</i> ; these rituals require the three Vedic fires. See also <i>gṛhya</i> .
<i>Śūdra</i>	see <i>varṇa</i> .
<i>Sūtaka</i>	the period of purification which has to be undergone by the parents, or the mother alone, after the birth of a child. The criteria are the same as those for <i>āśauca</i> . The word may also mean ritual impurity in general.
<i>Taptakṛccra</i>	‘The Hot Penance’, which is like the <i>prājāpatya</i> penance but solid food is replaced by hot water, hot milk and hot butter for the respective three-day periods in which food is allowed.
<i>Ucchiṣṭa</i>	leftovers, but in most contexts the term signified the state of being impure after the meal (by having remnants of food in the mouth and on the hands) until one has washed the hands and sipped water. The term may also simply mean “impure”.
<i>Upanayana</i>	the initiation to life as a student whereby a man is fully recognised as a member of his respective <i>varṇa</i> and said to be born for the second time. Śūdras and women did not undergo this initiation and are therefore not designated as “Twice-born”.

<i>Vaiśvadeva</i>	daily offerings of food to various gods, deities of the house and the environment, ancestors and living beings including Caṇḍālas.
<i>Vaiśya</i>	see <i>varṇa</i> .
<i>Varṇa</i>	social class. There are four in the classical system: <i>brāhmaṇa</i> (Brahmins, priests, intellectuals, administrators), <i>kṣatriya</i> (warriors, princes), <i>vaiśya</i> (farmers, traders), and <i>śūdra</i> (artisans, servants, labourers).
<i>Varṇasaṃkara</i>	'Mixing of Classes'; sexual relations between individuals of different <i>varṇa</i> or <i>jāti</i> ; the offspring of such relations.
Very Hard Penance	see <i>atikṛcchra</i> .
<i>Vidhi</i>	an injunction, rule or prescription.
<i>Vyavahāra</i>	worldly transactions. In <i>dharmaśāstra</i> this subject includes rules on matters like inheritance, contracts, wages, partnership, debts, purchase and sale, land disputes, punishment for theft, assault, adultery and other crimes as well as litigation and rulership.
<i>Vyavasthā</i>	a decision regarding the specific circumstance according to which a rule is interpreted, for instance in terms of whether a transgression was done intentionally or unintentionally.
<i>Yuga</i>	eon; there are four in a cycle of progressing decline: <i>kr̥ta</i> , <i>tretā</i> , <i>dvāpara</i> and <i>kali</i> . The last is the present 'iron age'.

ABBREVIATIONS

ĀDhS	<i>Āpastambadharmasūtra</i> , see Olivelle 2000.
AK	<i>Amarakośa</i> , see Śāstri 1970.
AS	<i>Atrismṛti</i> , see Āpte 1905: 9-27.
AŚ	<i>Arthaśāstra</i> , see Kangle 1992.
Aṣṭ	<i>Aṣṭādhyāyī</i> , see Kielhorn 1962-1972.
BĀU	<i>Bṛhadāraṇyaka Upaniṣad</i> , see Olivelle 1998.
BDhS	<i>Baudhāyanadharmasūtra</i> , see Olivelle 2000.
BhāMDhŚ	<i>Manuśāstravivaraṇa</i> , Bhāruci's commentary on <i>Mānavadharmasāstra</i> , see Derrett 1975.
BhG	<i>Bhagavadgītā</i> , see van Buitenen 1981.
BhP	<i>Bhagavatapurāṇa</i> , see Rāma 1950.
B&R	<i>Sanskrit-Wörterbuch</i> , see Böhtlingk & Roth 1990.
BS	<i>Brhaspatismṛti</i> , see Aiyangar 1941.
ChU	<i>Chāndogy Upaniṣad</i> , see Olivelle 1998.
CVCM	<i>Caturvargacintāmaṇi</i> by Hemādri, see Tarkabhūṣaṇa 1911.
DBhP	<i>Devībhāgavatapurāṇa</i> , see Abhimanyu 1955.
GDhS	<i>Gautamadharmasūtra</i> , see Olivelle 2000.
HaĀDhS	<i>Ujjvalā</i> , Haradatta's commentary on <i>Āpastambadharmasūtra</i> , see Pāṇḍeya 1992.
HaGDhS	<i>Mitākṣarā</i> , Haradatta's commentary on <i>Gautamadharmasūtra</i> , see Pāṇḍeya 1993.
Jāt	<i>Jātaka</i> , see Fausbøll 1877-1897.
Kād	<i>Kādambarī</i> , see Kāle 1895-1896.
KS	<i>Kātyāyanasmṛti</i> , see Kane 1933.
KuMDhŚ	<i>Manvarthamuktāvali</i> , Kullūka's commentary on <i>Mānavadharmasāstra</i> , see Shastri 1990.
MBh	<i>Mahābhārata</i> , see BORI 1971-1976.
MBhāṣ	<i>Mahābhāṣya</i> , Patañjali's commentary on Pāṇini's <i>Aṣṭādhyāyī</i> , see Kielhorn 1962-1972.
MeMDhŚ	<i>Manubhāṣya</i> , Medhātithi's commentary on <i>Mānavadharmasāstra</i> , see Jhā 1992.
MDhŚ	<i>Mānavadharmasāstra</i> , see Olivelle 2005a.
MW	<i>A Sanskrit-English Dictionary</i> , see Monier-Williams 1899.

NaVS	<i>Vaijayantī</i> , Nandapaṇḍita's commentary on <i>Viṣṇusmṛti</i> , see Jolly 1962.
NS	<i>Nāradasmṛti</i> , see Lariviere 1989.
NŚ	<i>Nāṭyaśāstra</i> , see Kedārnārth 1943.
PM	<i>Parāśaramādhavīya</i> , see Islāmapurkar 1893-1919.
PS	<i>Parāśarasmṛti</i> , see Islāmapurkar 1893-1919.
Rām	<i>Rāmāyaṇa</i> , see Paṇśīkar 1930.
RV	<i>R̥gvedasamhitā</i> , see Müller 1849-1874.
ŚGS	<i>Śāṅkhāyanagr̥hyasūtra</i> , see Oldenberg 1878.
ŚPB	<i>Śatapathabrāhmaṇa</i> , see Weber 1924.
SS	<i>Samvartasmṛti</i> , see Āpte 1905: 411-424.
US	<i>Uśanaḥsmṛti</i> , see Bhaṭṭācārya 1876: 497-501.
Vāj	<i>Vājasaneyisamhitā</i> , see Weber 1972.
VDhS	<i>Vasiṣṭhadharmasūtra</i> , see Olivelle 2000.
VijYDhŚ	<i>Mitākṣarā</i> , Vijñāneśvara's commentary on <i>Yājñavalkya-dharmaśāstra</i> , see Pāṇḍeya 1967.
Vin	<i>Vinayapiṭaka</i> , see Oldenberg 1879-1883.
VS	<i>Viṣṇusmṛti</i> / <i>Viṣṇudharmasūtra</i> , see Jolly 1962.
VSS	<i>Vaikhānasasmārtasūtra</i> , see Caland 1927.
YDhŚ	<i>Yājñavalkyadharmasāstra</i> , see Stenzler 1970.

REFERENCES

ABHIMANYU, Mannālāla. 1955. *Atha Śrīmaddevībhāgavatam*. Varanasi: Channulāla Jñānacandra Pāṭhaka.

AGRAWALA, V.S. 1963. *India as Known to Pāṇini: A Study of the Cultural Material in the Aṣṭādhyāyī*, 2nd ed. Varanasi: Prithvi Prakashan.

AIYANGAR, K.V. Rangaswami. 1941. *Bṛhaspatismṛti*. [Gaekwad's Oriental Series, 85]. Baroda: Baroda Oriental Institute.

AKTOR, Mikael. 1999. "Smṛtis and Jātis: The Ritualisation of Time and the Continuity of the Past". *Invoking the Past: The Uses of History in South Asia*, ed. Daud Ali, New Delhi: Oxford University Press, 258-279.

AKTOR, Mikael. 2002. "Rules of Untouchability in Ancient and Medieval Law Books: Householders, Competence, and Inauspiciousness". *International Journal of Hindu Studies* 6 (3): 243-274.

AKTOR, Mikael. 2007. "The 'Grammar of Defilement' Revisited: Comparing Rules of Prāyaścitta with Rules of Āśauca". *Indologica Taurinensia* 33: 13-32.

AKTOR, Mikael & DELIÈGE, Robert (eds.). 2008. *From Stigma to Assertion: Untouchability, Identity and Politics in Early and Modern India*. Copenhagen: Museum Tusculanum Press.

Amarakośa, see Śāstri 1970.

Āpastambadharmasūtra, see Olivelle 2000.

ĀPṬE, Hari Nārāyaṇa. 1905. *Smṛtīnām Samuccayaḥ*. [Ānandāśrama Sanskrit Series, 48]. Pune: Ānandāśrama.

Arthaśāstra, see Kangle 1992.

Aṣṭādhyāyī, see Kielhorn 1962-1972.

Āśvalāyanagr̥hyasūtra, see Oldenberg 1886.

Atrismṛti, see Āpṭe 1905: 9-27.

AUSTIN, J.L. 1971 [1958]. "Performative-Constatative". *The Philosophy of Language*, ed. J.R. Searle, Oxford: Oxford University Press, 13-22.

Baudhāyanadharmasūtra, see Olivelle 2000.

BELL, Catherine. 1992. *Ritual Theory, Ritual Practice*. New York: Oxford University Press.

Bhagavadgītā, see van Buitenen 1981.

Bhāgavatapurāṇa, see Rāma 1950.

BHAṬṬĀCĀRYA, Jivānanda Vidyāsāgara. 1876. *Dharmaśāstrasamgrahaḥ*. Kolkata: Sarasvatīyantra.

BODEWITZ, H.W. 1973. *Jaiminiya Brāhmaṇa I, 1-65: Translation and Commentary with a Study Agnihotra and Prāṇāgnihotra*. [Orientalia Rheno-Traiectina, 17]. Leiden: E.J. Brill.

BORI. 1971-1976. *The Mahābhārata: Text as Constituted in its Critical Edition*. 5 vols. Pune: Bhandarkar Oriental Research Institute.

BÖHTLINGK, Otto & ROTH, Rudolph. 1990 [1855-1875]. *Sanskrit-Wörterbuch*, St. Petersburg ed. Delhi: Motilal Banarsidass.

Brhadāranyaka Upaniṣad, see Olivelle 1998.

Brhaspatismṛti, see Aiyangar 1941.

BRINKHAUS, Horst. 1978. *Die altindischen Mischkastensysteme*. [Alt- und Neuindische Studien, 19]. Wiesbaden: Franz Steiner Verlag.

BRINKHAUS, Horst. 1980. "Zu J.D.M. Derretts Textausgabe und Übersetzung von Bhāruḥis Manusāstravivarāṇa-Fragment". *Wiener Zeitschrift für die Kunde Südasiens und Archiv für Indische Philosophie* 24: 147-180.

BÜHLER, Georg. 1879. *The Sacred Laws of the Āryas as Taught in the School of Āpastamba, Gautama, Vasishtha and Baudhāyana*, part 1. [The Sacred Books of the East, 2]. Oxford: Clarendon Press.

BUITENEN, J.A.B. van. 1981. *The Bhagavadgītā in the Mahābhārata: Text and Translation*. Chicago: The University of Chicago Press.

CALAND, W. 1927. *Vaikhānasaśmārtasūtram: The Domestic Rules and Sacred Laws of the Vaikhānasa School Belonging to the Black Yajurveda*. [Bibliotheca Indica, 242]. Kolkata: Asiatic Society of Bengal.

CARRITHERS, Michael. 1985. "An Alternative Social History of the Self". *The Category of the Person: Anthropology, Philosophy, History*, eds. Michael Carrithers, Steven Collins & Steven Lukes, Cambridge: Cambridge University Press, 234-256.

Caturvargacintāmaṇi (Hemādri), see Tarkabhūṣaṇa 1911.

CHAKRAVARTI, Uma. 1987. *The Social Dimension of Early Buddhism*. Delhi: Oxford University Press.

Chāndogya Upaniṣad, see Olivelle 1998.

CHARSLEY, Simon. 1996. "'Untouchable': What is in a Name?". *The Journal of the Royal Anthropological Institute*, inc. Man, N.S. 2: 1-23.

CHOKSY, Jamsheed K. 1989. *Purity and Pollution in Zoroastrianism: Triumph Over Evil*. Austin: University of Texas Press.

DELIÈGE, Robert. 1999 [1995]. *The Untouchables of India*, tr. by Nora Scott. Oxford: Berg.

DERRETT, J. Duncan M. 1962. "The Development of the Concept of Property in India c. A.D. 800-1800". *Zeitschrift für vergleichende Rechtswissenschaft* 64: 15-130.

DERRETT, J. Duncan M. 1968. *Religion, Law and the State in India*. London: Faber & Faber.

DERRETT, J. Duncan M. 1973. *Dharmaśāstra and Juridical Literature*. [A History of Indian Literature, ed. Jan Gonda, part of vol.4]. Wiesbaden: Otto Harrassowitz.

DERRETT, J. Duncan M. 1975. *Bhārucci's Commentary on the Manusmṛiti: The Manu-Śāstra-Vivaraṇa, Books 6-12*. [Schriftenreihe des Südasien-Instituts der Universität Heidelberg, 18]. Wiesbaden: Franz Steiner.

DERRETT, J. Duncan M. 1976 [1971], "Two Inscriptions Concerning the Status of Kammālas and the Application of the Dharmaśāstra". In: Derrett 1976-1978, vol.1: 86-110.

DERRETT, J. Duncan M. 1976-1978. *Essays in Classical and Modern Hindu Law*. 4 vols. Leiden: E.J. Brill.

Devībhāgavatapurāṇa, see Abhimanyu 1955.

DEYELL, John S. 1990. *Living Without Silver: The Monetary History of Early Medieval North India*. Delhi: Oxford University Press.

DONIGER, Wendy. 1994. "Playing the Field: Adultery as Claim Jumping". In: Glucklich 1994: 169-188.

DOUGLAS, Mary. 1975 [1972]. "Louis Dumont's Structural Analysis", *Implicit Meanings: Essays in Anthropology*, London: Routledge and Kegan Paul, 181-192.

DOUGLAS, Mary. 1978 [1973]. *Natural Symbols: Explorations in Cosmology*. Reprint, Harmondsworth: Penguin Books.

DOUGLAS, Mary. 1984 [1966]. *Purity and Danger: An Analysis of the Concept of Pollution and Taboo*. Reprint, London: Ark Paperbacks.

DUMONT, Louis. 1980 [1966]. *Homo Hierarchicus: The Caste System and Its Implications*, rev. ed. Chicago: The University of Chicago Press.

DURKHEIM, Émile. 2001 [1912]. *The Elementary Forms of Religious Life*. Abridged ed. [Oxford World's Classics]. Oxford: Oxford University Press.

EGGELING, Julius H. 1882-1900. *The Satapatha-Brāhmaṇa According to the Text of the Mādhyandina School*. [The Sacred Books of the East, vols. 12, 26, 41, 43-44]. Oxford: Clarendon Press.

EGGELING, Julius H. 1891. *Catalogue of Sanskrit Manuscripts in the Library of the India Office*, pt.3. London: Gilbert & Rivington.

EVANS-PRITCHARD, E. E. 1937. *Witchcraft, Oracles and Magic among the Azande*. Oxford: Clarendon Press.

FAUSBØLL, Viggo. 1877-1897. *The Jātaka Together with its Commentary, being tales of the anterior births of Gotama Buddha*. 7 vols. London: Trübner.

FICK, Richard. 1897. *Die Soziale Gliederung im nordöstlichen Indien zu Buddhas Zeit*. Kiel: C.F. Haeseler.

FLOOD, Gavin. 1996. *An Introduction to Hinduism*. Cambridge: Cambridge University Press.

GAMPERT, W. 1939. *Die Sühnezeremonien in der altindischen Rechts-literatur*. [Monografie Archivu Orientálního, 6]. Prague: Orientální Ústav.

Gautamadharmasūtra, see Olivelle 2000.

- GHURYE, G.S. 1969 [1932]. *Caste and Race in India*, 5th ed. Mumbai: Popular Prakashan.
- GLUCKLICH, Ariel. 1988. *Religious Jurisprudence in the Dharmaśāstra*. New York: Macmillan.
- GLUCKLICH, Ariel. 1994. *The Sense of Adharma*. New York: Oxford University Press.
- GONDA, Jan. 1975. *Vedic Literature (Saṃhitās and Brāhmaṇas)*. [A History of Indian Literature, 1.1]. Wiesbaden: Otto Harrassowitz.
- HALBFASS, Wilhelm. 1988. *India and Europe: An Essay in Understanding*. Albany: State University of New York Press.
- HALBFASS, Wilhelm. 1991. *Tradition and Reflection: Explorations in Indian Thought*. Albany: State University of New York Press.
- HANUMANTHAN, K.R. 1979. *Untouchability: A Historical Study up to 1500 A.D. (with special reference to Tamil Nadu)*. Madurai: Koodal Publishers.
- HESTERMAN, J.C. 1993. *The Broken World of Sacrifice: An Essay in Ancient Indian Ritual*. Chicago: The University of Chicago Press.
- HOCART, A.M. 1950. *Caste: A Comparative Study*. London: Methuen.
- HUMPHREY, Caroline & LAIDLAW, James. 1994. *The Archetypical Actions of Ritual: A Theory of Ritual Illustrated by the Jain Rite of Worship*. Oxford: Clarendon.
- INDEN, Ronald. 1979. "The Ceremony of the Great Gift (Mahādāna): Structure and Historical Context in Indian Ritual and Society". *Asie du Sud: Traditions et Changements* [Colloques Internationaux du C.N.R.S., vol.582], 131-136.
- INDEN, Ronald. 1985a. "Lordship and Caste in Hindu Discourse". *Indian Religion*, eds. Richard Burghart & Audrey Cantlie, London: Curzon Press, 159-179.
- INDEN, Ronald. 1985b. "Kings and Omens". *Purity and Auspiciousness in Indian Society*, eds. John B. Carman & Frédérique Apffel Marglin, [International Studies in Sociology and Social Anthropology, 43], Leiden: E.J. Brill, 30-40.
- INDEN, Ronald. 1986. "Tradition Against Itself". *American Ethnologist* 13: 762-775.

INDEN, Ronald. 1992a [1990]. *Imagining India*. Cambridge MA: Blackwell.

INDEN, Ronald. 1992b. "Changes in the Vedic Priesthood". *Ritual, State and History in South Asia: Essays in Honour of J.C. Heesterman*, eds. A.W. van den Hoek, D.H.A. Kolff & M.S. Oort, Leiden: E.J. Brill, 556-577.

ISLĀMAPURKAR, Vāman Śāstri (ed.). 1893-1919. *Parāśaradharmaśaṃhitā or Parāśarasmṛti with the Commentary of Sāyaṇa Mādhavācārya*. 3 vols. in 6 parts. [Bombay Sanskrit Series 47-48, 59, 64, 67, 74]. Mumbai: The Department of Public Instruction.

JACKSON, William J. 2005. *Vijayanagara Voices: Exploring South Indian History and Hindu Literature*. Aldershot: Ashgate.

JACOB, G.A. 1995 [1910]. *Laukikanyāyāñjaliḥ: A Handful of Popular Maxims Current in Sanskrit Literature*. 2nd ed. Delhi: Chaukhamba Sanskrit Pratishthan.

Jātaka, see Fausböll 1877-1897.

JHĀ, Gaṅgānātha. 1992 [1932-1939]. *Manusmṛti with the 'Manubhāṣya' of Medhātithi*. 2 vols. [original in 3 vols.]. Delhi: Parimal Publications.

JHA, Vivekanand N. 1975. "Stages in the History of Untouchability". *The Indian Historical Review* 2 (1): 14-31.

JHA, Vivekanand N. 1986. "Caṇḍāla and the Origin of Untouchability". *The Indian Historical Review* 13 (1-2): 1-36.

JOLLY, Julius. 1962 [1881]. *Viṣṇu Smṛti (The Institutes of Viṣṇu): Together with Extracts from the Sanskrit Commentary of Nanda Paṇḍit Called Vaijayanti*. [Chowkhamba Sanskrit Series, 95]. Varanasi: Chowkhamba Sanskrit Series Office.

Kādambarī, see Kāle 1895-1896.

KĀLE, Moreśvara Rāmacandra. 1895-1896. *Kādambarī by Bāṇabhaṭṭa and His Son*. 2 vols. Mumbai: Shāradākṛīdan Press.

KANE, Pandurang Vaman. 1933. *Kātyāyanasmṛtisāroddhāraḥ or, Kātyāyanasmṛti on vyavahāra (law and procedure)*. Mumbai: P.V. Kane.

KANE, Pandurang Vaman. 1968-1977 [1930-1962]. *History of Dharmaśāstra (Ancient and Mediaeval Religious and Civil Law)*, 5 vols., 2nd ed. Pune: Bhandarkar Oriental Research Institute.

- KANGLE, R.P. 1992 [1960-1965]. *The Kauṭīliya Arthaśāstra*. 3 vols., 2nd ed. Delhi: Motilal Banarsidass.
- Kātyāyanasmṛti*, see Kane 1933.
- KEDĀRNĀTH, Pandit. 1943. *Nāṭyaśāstra of Bharata Muni*. 2nd ed. Mumbai: 1943.
- KHARE, R.S. 1976. *The Hindu Hearth and Home*. New Delhi: Vikas Publishing House.
- KHARE, R.S. 1986. "The Indian Meal: Aspects of Cultural Economy and Food Use". *Aspects in South Asian Food Systems: Food, Society, and Culture*, eds. R.S. Khare & M.S.A. Rao, Durham: Carolina Academic Press, 159-183.
- KIELHORN, F. 1962-1972 [1880-1885]. *The Vyākaraṇa-mahābhāṣya of Patañjali*. 3rd ed., 3 vols. Pune: Bharndarkar Oriental Research Institute.
- KULKE, Hermann. 1993 [1985]. "Mahārājas, Mahants and Historians: Reflections on the Historiography of Early Vijayanagara and Sringeri". *Kings and Cults: State Formation and Legitimation in India and Southeast Asia*, ed. Hermann Kulke, New Delhi: Manohar, 208-239.
- KULKE, Hermann & ROTHERMUND, Dietmar. 1990 [1986]. *A History of India*. London: Routledge.
- LAL, K.S. 1995. *Growth of Scheduled Tribes and Castes in Medieval India*. New Delhi: Aditya Prakashan.
- LARIVIERE, Richard W. 1988. "Adhikāra – Right and Responsibility". *Languages and Cultures: Studies in Honor of Edgar C. Polomé*, eds. M.A. Jazayery & W. Winter, Berlin: Mouton de Gruyter, 359-364.
- LARIVIERE, Richard W. 1989. *The Nārada-smṛti*. 2 vols. (text and translation). Philadelphia: Department of South Asia Regional Studies, University of Pennsylvania.
- LEACH, Edmund R. 1964. "Anthropological Aspects of Language: Animal Categories and Verbal Abuse". *New Directions in the Study of Language*, ed. Eric H. Lenneberg, Cambridge, Massachusetts: The Massachusetts Institute of Technology Press, 23-63.
- LEACH, Edmund R. 1971. "Hierarchical Man: Louis Dumont and his Critics". *South Asian Review* 4: 233-237.

LEGGE, James. 1965 [1886]. *A Record of Buddhist Kingdoms: Being an Account by the Chinese Monk Fâ-hien of His Travels in India and Ceylon (A.D. 399-414) in Search of the Buddhist Books of Discipline*. New York: Paragon Book Reprint.

LESLIE, I. Julia. 1989. *The Perfect Wife: The Orthodox Hindu Woman According to the Strīdharmapaddhati of Tyambakayajvan*. Delhi: Oxford University Press.

LESLIE, I. Julia. 1994. "Some Traditional Indian Views on Menstruation and Female Sexuality". *Sexual Knowledge, Sexual Science: The History of Attitudes to Sexuality*, eds. Roy Porter & Mikuláš Teich, Cambridge: Cambridge University Press, 63-81.

LESLIE, Julia. 2003. *Authority and Meaning in Indian Religions: Hinduism and the Case of Vālmiki*. Aldershot: Ashgate.

LINGAT, Robert. 1962. "Time and the Dharma (on Manu I, 85-86)". *Contributions to Indian Sociology* 6: 7-16.

LINGAT, Robert. 1993 [1967]. *The Classical Law of India*, tr. with additions by J. Duncan M. Derret. Delhi: Munishiram Manoharlal.

MADAN, T.N. 1985. "Concerning the Categories *Śubha* and *Śuddha* in Hindu Culture: An Exploratory Essay". *Purity and Auspiciousness in Indian Society*, eds. John B. Carman & Frédérique Apffel Marglin, [International Studies in Sociology and Social Anthropology, 43], Leiden: E.J. Brill, 11-29.

Mahābhārata, see BORI 1971-1976.

Mahābhāṣya (Patañjali), see Kielhorn 1962-1972.

MAHAR, J. Michael (ed.). 1972. *The Untouchables in Contemporary India*. Tucson, Arizona: The University of Arizona Press.

MALAMOUD, Charles. 1972. "Observations sur la notion de 'reste' dans le bhāhmanisme". *Wiener Zeitschrift für die Kunde Südasiens* 16: 5-26.

MALAMOUD, Charles. 1976. "Terminer le sacrifice: Remarques sur les honoraires rituels dans le brahmanisme". *Le Sacrifice dans l'Inde ancienne*, eds. Madeleine Biardeau & Charles Malamoud, Paris: Presses Universitaires de France, 155-204.

MALINOWSKI, Bronislaw. 1948, *Magic, Science and Religion and Other Essays*. Boston: Beacon Press.

Mānavadharmasāstra, see Olivelle 2005a.

Manubhāṣya (Medhātithi), see Jhā 1992.

Manuśāstravivaraṇa (Bhāruci), see Derrett 1975.

Manvarthamuktāvali (Kullūka), see Shastri

MARGLIN, Frédérique Apffel. 1985a. "Introduction". *Purity and Auspiciousness in Indian Society*, eds. John B. Carman & Frédérique Apffel Marglin, [International Studies in Sociology and Social Anthropology, 43], Leiden: E.J. Brill, 1-10.

MARGLIN, Frédérique Apffel. 1985b. "Types of Opposition in Hindu Culture". *Purity and Auspiciousness in Indian Society*, eds. John B. Carman & Frédérique Apffel Marglin, [International Studies in Sociology and Social Anthropology, 43], Leiden: E.J. Brill, 65-83.

MARGLIN, Frédérique Apffel. 1985c. *Wives of the God-King: The Rituals of the Devadasis of Puri*. Delhi: Oxford University Press.

MARGLIN, Frédérique Apffel. 1988 [1981]. "Kings and Wives: The Separation of Status and Royal Power". *Way of Life – King, Householder, Renouncer: Essays in Honour of Louis Dumont*, ed. T.N. Madan, 2nd ed., Delhi: Motilal Banarsidass, 155-181.

MAUSS, Marcel. 1979 [1935]. "Body Techniques". *Sociology and Psychology: Essays*, London: Routledge & Kegan Paul, 97-123.

MAUSS, Marcel. 1985 [1938]. "A Category of the Human Mind: The Notion of Person; the Notion of Self". *The Category of the Person: Anthropology, Philosophy, History*, eds. Michael Carrithers, Steven Collins & Steven Lukes, Cambridge: Cambridge University Press, 1-25.

MAYRHOFER, Manfred. 1964. *Kurzgefaßtes etymologisches Wörterbuch des Altindischen / A Concise Etymological Sanskrit Dictionary*. Heidelberg: Carl Winter Universitätsverlag.

MENSKI, Werner F. 1992. "The Role of Custom in Hindu Law". *Recueils de la Société Jean Bodin pour l'histoire comparative des institutions* 53: 311-347.

Mitākṣarā (Haradatta), see Pāṇḍeya 1993.

Mitākṣarā (Vijñāneśvara), see Pāṇḍeya 1967.

MONIER-WILLIAMS, Sir Monier. 1899. *A Sanskrit-English Dictionary, Etymologically and Philologically Arranged*. New ed. Oxford: Clarendon Press.

MUKHERJEE, Prabhati. 1974. "Towards Identification of Untouchable Groups in Ancient India, as Enumerated in Sanskrit Lexicons". *Journal of the Asiatic Society* 16 (1): 1-14.

MUKHERJEE, Prabhati. 1988. *Beyond the Four Varnas: The Untouchables in India*. Shimla: Indian Institute of Advanced Studies.

MÜLLER, F. Max. 1849-1874. *Rig-Veda Sanhita: The Sacred Hymns of the Brahmins Together with the Commentary of Sayanacharya*. 6 vols. London: Wm. H. Allen.

MÜLLER, Klaus-Werner. 1992. *Das Brahmanischer Totenritual nach der Antyeṣṭipaddhati des Nārāyaṇabhaṭṭa*. [Beiträge zur Südasienforschung, 115]. Stuttgart: Franz Steiner Verlag.

Nāradaśmṛti, see Lariviere 1989.

Nāṭyaśāstra, see Kedārnārth 1943.

NEUSNER, Jacob. 1973. *The Idea of Purity in Ancient Judaism*, [Studies in Judaism in Late Antiquity From the First to the Seventh Century, 1]. Leiden: E.J. Brill.

NGUBANE, Harriet. 1977. *Body and Mind in Zulu Medicine: An Ethnography of Health and Disease in Hyusuu Zulu Thought and Practice*. New York: Academic Press.

OBERHAMMER, Gerhard (ed.). 1983. *Inklusivismus: eine indische Denkform*, [Publications of the De Nobili Research Library, 2]. Leiden: E.J. Brill.

OLDENBERG, Herman. 1878. *Das Śāṅkhāyanagr̥hyam*. [Indische Studien 15]. Leipzig: F.A. Brockhaus.

OLDENBERG, Herman. 1879-1883. *The Vinaya Piṭakam: One of the Principal Buddhist Holy Scriptures in the Pāli Language*. 5 vols. London: Williams & Norgate.

OLDENBERG, Herman. 1886. *The Grihya-Sūtras: Rules of Vedic Domestic Ceremonies*, Part 1. [Sacred Books of the East, 29]. Oxford: Clarendon Press.

- OLIVELLE, Patrick. 1986-1987. *Renunciation in Hinduism: A Medieval Debate*, 2 vols., [Publications of the De Nobili Research Library, 13-14]. Vienna: Institut für Indologie der Universität Wien.
- OLIVELLE, Patrick. 1992. *Śaṃnyāsa Upaniṣads: Hindu Scriptures on Asceticism and Renunciation*. New York: Oxford University Press.
- OLIVELLE, Patrick. 1993. *The Āśrama System: The History and Hermeneutics of a Religious Institution*. New York: Oxford University Press.
- OLIVELLE, Patrick. 1997. "Amṛtā: Women and Indian Technologies of Immortality". *Journal of Indian Philosophy* 25: 427-449.
- OLIVELLE, Patrick. 1998. *The Early Upaniṣads: Annotated Text and Translation*. New York: Oxford University Press.
- OLIVELLE, Patrick. 2000. *Dharmasūtras: The Law Codes of Āpastamba, Gautama, Baudhāyana, and Vasiṣṭha*. Delhi: Motilal Banarsidass.
- OLIVELLE, Patrick. 2004. "The Semantic History of Dharma: The Middle and Late Vedic Periods". *Journal of Indian Philosophy* 32: 491-511.
- OLIVELLE, Patrick. 2005a. *Manu's Code of Law: A Critical Edition and Translation of the Mānava-Dharmaśāstra*. Oxford: Oxford University Press.
- OLIVELLE, Patrick. 2005b. *Language, Texts, and Society: Explorations in Ancient Indian Culture and Religion*. Florence: Firenze University Press,
- OLIVELLE, Patrick. 2005c. "Explorations in the Early History of Dharmaśāstra". In: Olivelle 2005b: 155-177.
- OLIVELLE, Patrick. 2005d [1998]. "Caste and Purity: A Study in the Language of the Dharma Literature". In Olivelle 2005b: 217-245.
- OLIVELLE, Patrick. 2005e. "Power of Words: The Ascetic Appropriation and the Semantic Evolution of dharma". In: Olivelle 2005b: 121-135.
- OLIVELLE, Patrick. 2005f [2002]. "Food for Thought: Dietary Rules and Social Organization in Ancient India". In: Olivelle 2005b: 367-392.
- OLIVELLE, Patrick. 2005g [2002]. "Abhaksya and Abhojya: An Exploration in Dietary Language". In: Olivelle 2005b: 351-366.

PĀNḌEYA, Umeśa Candra. 1967. *Yājñavalkyasmṛti of Yogīśhwara Yājñavalkya with the Mitākṣarā Commentary of Vijñāneśvara*. [Kashi Sanskrit Series, 178]. Varanasi: Chowkhamba Sanskrit Series Office.

PĀNḌEYA, Umeśa Candra. 1992 [1969]. *Āpastamba-Dharma-sūtra with the 'Ujvalā' Commentary of Śrī Haradatta Miśra*. [Kashi Sanskrit Series, 93]. Varanasi: Chowkhamba Sanskrit Sansthan.

PĀNḌEYA, Umeśa Candra. 1993 [1966]. *The Gautama-Dharma-sūtra with the 'Mitākṣarā' Sanskrit Commentary of Haradatta*. [Kashi Sanskrit Series, 172]. Varanasi: Chowkhamba Sanskrit Sansthan.

PAÑŚĪKAR, W.L.Ś. 1930. *The Rāmāyaṇa of Vālmiki*. Mumbai: 1930.

Parāśarasmr̥ti, see Islāmapurkar 1893-1919.

Parāśaramādhaviya, see Islāmapurkar 1893-1919.

PARASHER, Aloka. 1991. *Mlecchas in Early India: A Study in Attitudes Towards Outsiders Upto AD 600*. New Delhi: Munshiram Manoharlal.

PARASHER-SEN, Aloka. 2006. "Naming and Social Exclusion: The Outcast and the Outsider". *Between the Empires: Society in India 300 BCE to 400 CE*, ed. Patrick Olivelle, Oxford: Oxford University Press, 415-455.

Pāraskaragr̥hyasūtra, see Stenzler 1966.

PARKER, Robert. 1983. *Miasma: Pollution and Purification in Early Greek Religion*. Oxford: Oxford University Press.

PARUI, Sasanka Sekhar. 1961. "Untouchability in the Early Indian Society". *Journal of Indian History* 39: 1-11.

POLLOCK, Sheldon. 1985. "The Theory of Practice and the Practice of Theory in Indian Intellectual History". *Journal of the American Oriental Society* 105: 499-519.

POLLOCK, Sheldon. 1990. "From Discourse of Ritual to Discourse of Power in Sanskrit Culture". *Journal of Ritual Studies* 4 (2): 315-345.

PRAKASH, Om. 1961. *Food and Drinks in Ancient India (from earliest time to c. 1200 A.D.)*. Delhi: Hinshi Ram Manohar Lal.

QUIGLEY, Declan. 1993. *The Interpretation of Caste*. Oxford: Clarendon Press.

RĀMA, Nārāyaṇa. 1950. *Śrīmad Bhāgavatam*. Mumbai: Nirnaya Sagar Press.

RAMANAYYA, N. Venkata. 1935. *Studies in the History of the Third Dynasty of Vijayanagara*. Madras: University of Madras.

Rāmāyaṇa, see Paṇṣīkar 1930.

R̥gvedasamhitā, see Müller 1849-1874.

ROCHER, Ludo. 1986. *The Purāṇas*, [A History of Indian Literature, ed. Jan Gonda, vol.2, pt.3]. Wiesbaden: Otto Harrassowitz.

ROCHER, Ludo. 2003. "The Dharmaśāstras". *The Blackwell Companion to Hinduism*, ed. Gavin Flood, Oxford: Blackwell Publishing, 102-115.

SALETORRE, B.A. 1934-1935. "The Rāja Guru of the Founders of Vijayanagara and the Pontiffs of Śringeri Maṭha". *Journal of the Andhra Historical Research Society* 9: 33-43.

Samvartasmṛti, see Āpte 1905: 411-424.

ŚĀSTRĪ, Haragovinda. 1970. *Nāmalingānuśāsana or Amarakośa of Amarasimha*. [The Kashi Sanskrit Series, 198]. Varanasi: Chowkhamba.

Śatapathabrāhmaṇa, see Weber 1924.

SCHARFE, Hartmut. 1977. *Grammatical Literature*. [A History of Indian Literature, ed. Jan Gonda, vol.5, pt.2]. Wiesbaden: Otto Harrassowitz.

SENART, Nmile. 1927 [1894]. *Les castes dans l'Inde: Les faits et la système*. 2nd ed. Paris: Paul Geuthner.

SHARMA, Ram Sharan. 1982. "The Kali Age: A Period of Social Crisis". *India – History and Thought: Essays in Honour of A.L. Basham*, ed. S.N. Mukherjee, Kolkata: Subarnarekha, 186-203.

SHARMA, Ram Sharan. 1990. *Śūdras in Ancient India: A Social History of the Lower Order Down to circa A.D. 600*. 3rd ed. Delhi: Motilal Banarsidass.

SHASTRI, J.L. 1990 [1983]. *Manusmṛti With the Sanskrit Commentary Manvarthamuktāvali of Kullūka Bhaṭṭa*. Delhi: Motilal Banarsidass.

SMRTIBHŪṢAṆA, K.K. 1905. *Śuddhikaumudī*. [Bibliotheca Indica, NS 1087, 1106, 1115, 1138]. Kolkata: Asiatic Society of Bengal.

STEIN, Burton. 1989. *Vijayanagara*. [The New Cambridge History of India, 1, 2]. Cambridge: Cambridge University Press.

STENZLER, Adolf Friedrich. 1966 [1878]. *Gr̥hyasūtrāṇi: Indische Hausregeln, Sanskrit und Deutsch*. [Abhandlungen für de Kunde des Morgenlandes, 6 (2 & 4)]. Nendeln: Kraus Reprint.

STENZLER, Adolf Friedrich. 1970 [1849]. *Yājñavalkya's Gesetzbuch: Sanskrit und Deutsch*. Osnabrück: Biblio Verlag.

Śuddhikaumudī, see Smṛtibhūṣaṇa 1905.

TAMBIAH, S.J. 1973. "From Varna to Caste through Mixed Unions". *The Character of Kinship*, ed. Jack Goody, London: Cambridge University Press, 191-229.

TARKABHŪṢĀṆA, Pramathanātha. 1911. *Caturvargacintāmaṇi by Hemādri*, vol.4: *Prāyaścittakhaṇḍam*. [Bibliotheca Indica, 1085 etc.]. Kolkata: Asiatic Society of Bengal.

TARKĀLANKĀRA, Chandrakānta. 1893-1899. *Parāśara-Smṛti – Parāśara Mādhava: With the Gloss by Mādhavāchāryya*. 2 vols. [Bibliotheca Indica 298 and 303]. Kolkata: The Asiatic Society.

THAKUR, Vijay Kumar. 1981. *Urbanisation in Ancient India*. New Delhi: Abhinab.

THAPAR, Romila. 1984 [1976]. "Dāna and Dakṣiṇā as Forms of Exchange". *Ancient Indian Social History: Some Interpretations*, London: Sangam Books, 105-121.

Ujvalā (Haradatta), see Pāṇḍeya 1992.

Uśanaḥsmṛti, see Bhaṭṭācārya 1876: 497-501.

Vaikhānasasmārtasūtra, see Caland 1927.

Vājasaneyisaṃhitā, see Weber 1972.

VERGHESE, Anila. 1995. *Religious Traditions at Vijayanagara as Revealed through its Monuments*. New Delhi: Manohar.

VERPOORTEN, Jean-Marie. 1987. *Mīmāṃsā Literature*. [A History of Indian Literature, ed. Jan Gonda, 6, 5]. Wiesbaden: Otto Harrassowitz.

Viṣṇusmṛti / Viṣṇudharmasūtra, see Jolly 1962.

VOGEL, Claus. 1979. *Indian Lexicography*. [A History of Indian Literature, 4, 4]. Wiesbaden: Otto Harrassowitz.

- WAGONER, Phillip B. 2002. "Harihara, Bukka, and the Sultan: The Delhi Sultanate in the Political Imagination of Vijayanagara". *Beyond Turk and Hindu: Rethinking Religious Identities in Islamicate South Asia*, eds. David Gilmartin & Bruce B. Lawrence, New Delhi: India Research Press, 300-326.
- WALTERS, Jonathan S. 1997. "Stūpa, Story, and Empire: Construction of the Buddha Biography in Early Post-Aśokan India". *Sacred Biography in the Buddhist Traditions of South and Southeast Asia*, ed. Juliane Schober, Honolulu: University of Hawai'i Press, 160-192.
- WATTERS, Thomas. 1904. *On Yuan Chwang's Travels in India 629-645 A.D.* Vol.1. London: Royal Asiatic Society.
- WEBER, Albrecht. 1924 [1855]. *The Çatapatha-Brāhmaṇa in the Mādhyandina-Cākhā with extracts from the commentaries of Śāyaṇa, Harisvāmin and Dvivedaganga*. Leipzig: Harrossowitz.
- WEBER, Albrecht. 1972 [1872]. *The Vājasaneyi-samhitā in the Mādhyandina and the Kānva-Śākhā*. [Chowkhamba Sanskrit Series, 103]. Varanasi: Chowkhamba Sanskrit Series Office.
- WHITE, David Gordon. 1991. *The Myths of the Dog-Man*. Chicago: University of Chicago Press.
- WUJASTYK, Dominik. 2006. "Thanjavur Library as a Realm of Knowledge". *Kriti Rakshana* 1 (4): 13-15.
- YADAVA, B.N.S. 1979. "The Accounts of the Kali Age and the Social Transition from Antiquity to the Middle Ages". *The Indian Historical Review* 5 (1-2): 31-63.
- Yājñavalkyadharmasāstra*, see Stenzler 1970.
- ZELLIOT, Eleanor. 1988. "Untouchability". *Encyclopedia of Asian History*, ed. Ainslie T. Embree, vol.4, New York: Scribner, 169-171.
- ZELLIOT, Eleanor. 1992. *From Untouchable to Dalit: Essays on the Ambedkar Movement*. New Delhi: Manohar.

INDEX

- Abhojyānnatva* 115, 145-150
Ācāra 94, 133
Adhikāra 35-36, 150, 164, 185
Agamyatva 116, 119-120
 of Caṇḍāla men 172-178
 of Caṇḍāla women 120-128
 of females in the family 129
 and pregnancy 128, 173, 175-178
Āhnika 133
Anuloma 92
Antyāvasāyin 147
Apāṅkteya 115
Apapātra 70-71, 152-153
Āpastambadharmasūtra 79, 189
Apūrva 200, 210, 212-213
Arthaśāstra 37, 91
Arthavāda 60, 181
 Artisans 109
Āryāvārta 67-68, 94, 169, 197
Āśauca 107, 186, 193
Asprśyatva, see Untouchability and
 see touch
Atrismṛti 111
 Auspiciousness, see inauspiciousness
Baudhāyanadharmasūtra 72-73
 Bell, C. 38-41, 190
Bhagavadgītā 50-51
Bhāgavatapurāṇa 22
Brahmakūrca 211-213
Brāhmaṇa, Brahmin 44, 201
 Brinkhaus, H. 96, 98
 Buddha 51
 Buddhism 45-46
 Bukka I 13-14, 16, 196
 Caṇḍāla 22, 53, 59, 64, 78-80,
 99-103, 199, 104
 as a caste 89-90, 103
 as illegitimate offspring 90-91,
 103, 114
 as immoral persons 112-113, 193
 as savages 88-89, 103
 company 153-157, 165-169
 conversation 157-159
 dialect 87
 ethnographic identity 87
 in *Arthaśāstra* 91, 100
 in *Bṛhadāranyaka Upaniṣad* 58
 in *Chāndogya Upaniṣad* 54-56
 in *Jātaka* stories 51, 145-146
 in *Kādambarī* 88-89
 in *Mahābhārata* 88, 90-91, 100-101
 in *Mahābhāṣya* 67-70
 in *Mṛcchakaṭika* 114
 in *Parāśaramādhaviya* 112-114
 in *Rāmāyaṇa* 100-101
 in *Vājasaneyisaṃhitā* 53
 occupations 105-107, 114, 185
 sight of 159
 shouting of 160
 varṇasaṃkara status 95
 Competence, see *adhikāra*
 Constitution of India 5
 Cultural topography 87-88
Dakṣiṇā 122, 183

- Death 61, 193
 Derrett, J.D.M. 47-48, 72
Dharma 46, 93-94, 185, 197-198
Dharmaśāstra 6, 19, 46-49, 65
 hermeneutics 122-123
Dharmasūtras 64, 71-82
 Douglas, M. 24-25
 Dumont, L. 25-31, 116 n.
 Faxian 99
 Fire 187-188
 Food (see also *abhojyānnatva*) 147, 209
 Foreigners 157-158, 196-198
Gautamadharmasūtra 73-75
 Gift exchange 180-185, 206
 Hocart, A.M. 31-33, 107
 Homosexuality 149 n.
 Impurity 21-23, 37, 133-134, 213-215
 after defecation 132-133, 191
 after the meal 132, 137-140
 after sexual intercourse 132
 land, soil 169-171
 Inauspiciousness 34, 178, 198-199, 215-216
 Inden, R. 35, 163-164
Jātaka 51, 145-146
 Jha, V. 50, 63
 Kane, P.V. 8, 55, 72
Karman 186
Karmānadhikāra 185-186
Mādhavācārya 11-17
Mahābhāṣya 67-70
Mānavadharmasāstra 21, 49, 200
 Mataṅga story 90-91
 Meat eating 149 n.
 Medhātithi 91, 106, 169, 197
 Menstruation 61, 134-137, 192
 Moral qualities of Untouchables 149-150
 Mukherjee, P. 63
 Olivelle, P. 22, 25, 46
 Oral sex 149
 Outcast sinners 194-196
Pañkti 115
Pāpasamkara 166
 Parāya 106-107, 149 n., 181
Parāśaramādhavīya 6, 11-14
Parāśarasmr̥ti 6-11
Pariṣad 208
 Patañjali, see *Mahābhāṣya*
Patita, see outcast sinner
 Paulkasa, Pulkasa 53, 59
 Penance 122, 200-213
 for intentional sins 201-206
 Pollock, S. 10
Pratiloma 92, 104
 Purity, see impurity
 Ritual 36, 166-167
 Ritualisation 38-41, 190, 198
 Saliva 139-140, 192
 Segregation 67-68, 180, 194
 Sharma, R.S. 51-53, 57, 62-63
 Sins 210
 categories 126 n.
Smṛtis
 production 9-10
Śrāddha 82, 184, 187

- Śramaṇa* 59
Śūdra 104, 182-185
Svabhāva 21
Śvapaca, *Śvapāka* 88 n., 91 n.
 Temple priest 108 n.
 Temple entry 150 n.
 Touch 111-112, 130, 210
 as closeness 143-145
 as direct touch 130-140
 as indirect touch 140-143
 Twice-born 122, 158
Ucchiṣṭa 132
 Untouchable, Untouchables,
 see untouchability
 Untouchability 130-145, 189-199
 abolishment 5 n.
 literary sources 43
 origin 62-64, 194
 precautions 81-82, 111-112,
 114-117
 of shadow 144
 spatial spheres 77-79, 191-198
 temporary 29, 72
 untouchable categories 76, 107-111
 vocabulary 18-19, 65-66, 114-116
 Upaniṣads 54-60
Vaikhānaśāsmārtasūtra 105
Vaiśvadeva 83-84
Vājasaneyisaṃhitā 53
Varṇa 164, 182
Varṇasaṃkara 92-104
 Veda recitation 62, 69, 82, 187
 Vijayanagara 15-17
Vyavasthā 122-123
 Wagoner, P. 15-16
 Wells 150-152
 Xuanzang 110
 Yuga 8-9, 184, 201

CORPUS IURIS SANSCRITICUM ET FONTES IURIS ASIAE MERIDIANAE ET CENTRALIS

A Series on Social and Religious Law
edited by Oscar Botto

Scientific Committee

- President* OSCAR BOTTO, Emeritus Professor of Indology, University of Turin.
Accademia Nazionale dei Lincei, Rome; Académie des Inscriptions et Belles-Lettres, Paris; Royal Swedish Academy of Letters, History and Antiquities, Stockholm.
- Vice President* SIEGFRIED LIENHARD, Emeritus Professor of Indology, University of Stockholm. Royal Swedish Academy of Letters, History and Antiquities, Stockholm; Accademia Nazionale dei Lincei, Rome; Académie des Inscriptions et Belles-Lettres, Paris.
- Members* NALINI BALBIR, Sorbonne Paris-III; Directeur d'études à l'École Pratique des Hautes Études.
FRANZ-KARL EHRHARD, Professor für Tibetologie und Buddhismuskunde, Department für Asienstudien, Ludwig-Maximilians-Universität München.
OSKAR VON HINÜBER, Emeritus Professor of Indology, University of Freiburg; Akademie der Wissenschaften und der Literatur, Mainz; Académie des Inscriptions et Belles-Lettres, Paris.
PATRICK OLIVELLE, Professor, Department of Asian Studies, The University of Texas.
IRMA PIOVANO, Supervisor of the scientific activities and cultural relations of the CESMEO, Torino

Already published

1. *Dakṣa-smṛti*, Introduction, Critical edition, Translation and Appendices by Irma Piovano, Foreword by Oscar Botto, Torino, 2002, XVII, 143 p.
2. *Le Code népalais (AIN) de 1853*, par Jean Fezas, Introduction et Texte, 2 Tomes, Torino, 2000, LXV, 842 p.
3. *Samvarta Tradition (Samvarta-smṛti and Samvarta-dharmaśāstra)*, Critically edited with English Translation by K.V. Sarma and S.A.S. Sarma, Torino, 2002, XIV, 161 p.
4. *Śāṅkarasmṛti (Laghudharmaprakāśikā)*, Introduction, Critical edition, Translation and Appendices by N.P. Unni, Torino, 2003, XI, 396 p.
5. *The Boundaries of Hindu Law – Tradition, Custom and Politics in Medieval Kerala*, by Donald R. Davis, Jr., Torino, 2004, XI, 188 p.
6. *The Price of Purity – The Religious Judge in 19th Century Nepal*, by Axel Michaels, Torino, 2005, XI, 166 p.
7. *The root of Hindu Jurisprudence. Sources of dharma and interpretations in Mīmāṃsā and Dharmaśāstra*, by Domenico Francavilla, Torino, 2006, 260 p.
8. *Kapilasmyti*, Critically edited with introduction and notes by S. A. S. Sarma and translated in collaboration with H. N. Bhat, Torino, 2007, 340 p.

