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John Stavrellis – Department of Languages and Cultures of Asia

During my tenure as a Scott Kloeck-Jenson Travel Fellow, I performed archival research at the Bhandarkar Oriental Research Institute in Pune, Maharashtra and at the Indian National Archives in New Delhi. Consulting classical and medieval Hindu religious texts at the Bhandarkar Institute and colonial era administrative records at the Indian National Archives, I aimed at probing Indian legal traditions from two different time periods for examples of how prejudices towards marginalized communities were encoded into law. My broader goal in closely studying such cases is to construct a social history of marginalization in India based on evidence from Hindu religious law and colonial laws which were directly or indirectly related to it. This relationship itself must be born out; however, based on my findings, I believe it can be demonstrated that long-standing mainstream Hindu prejudices regarding marginal groups were adopted or mimicked by British laws governing the same or similar groups.

Over the month and a half that I spent in Pune, I searched the Bhandarkar Institute's large collection of works in Sanskrit for critical editions of Smṛti texts, that is, texts expounding the Hindu tradition of religious law held to be based on divinely revealed scripture. The laws found in Smṛti literature govern religious and ritual life, but also social life in its many aspects. My main focus was examining these texts and their commentaries for what they had to say about the lowest strata of Hindu society, namely, those groups which, as a rule, were to be shunned because of ritual impurity and social onus. An individual might fall into these groups for a variety of reasons, such as having committed a crime punishable by loss of caste status, converting to a rival religion like Buddhism or Jainism, or being born into a community whose hereditary profession is deemed to be polluting. For these reasons, groups were declared by Brahmin theologians to be beyond the pale of mainstream Hindu society. The result of any interactions with them, as laid down in the texts, would be the imposition of rigorous purification rituals and possibly fines for the caste Hindu and often death for the outcaste or untouchable individual involved.

I also examined a genre of texts dealing with the ritual obligations of śūdras, the servile caste, whose members were included within mainstream Hindu society but at its very bottom; it was considered to be their duty by birth to serve the three higher castes by being laborers and menial workers of various sorts. While classical Hindu legal texts are silent on the religious life of śūdras or refer only to the rites they *cannot* perform due to their low status (i.e. those rites which are restricted to the higher castes), around the late medieval period, manuals which dealt specifically with the forms of worship permissible for śūdras began to be produced. These texts represent a phase in medieval Indian history during which some śūdra castes had become wealthy and influential to such an extent that they could not be ignored by Brahmin jurists, who then had to rework religious law to accommodate the upwardly mobile groups. However, these upwardly mobile śūdras were still defined against poorer śūdras as well as untouchables and tribals who continued to be stigmatized.

After my time in Pune, I then spent two weeks at the Indian National Archives in New Delhi where I searched for records pertaining to the Criminal Tribes Act of 1871 and its later amendments. Under the act, lists were compiled identifying itinerant tribal communities

suspected of gaining their livelihoods through criminal activities. Members of these communities were then to be kept under constant surveillance and were made to live in forced settlements in an effort to conduct them into a more sedentary lifestyle. In practice, the act was open to a wide range of abuses. Village headmen were enlisted to aid in pointing out criminal tribes residing in surrounding areas and then supervise their members once they were put into settlements. Often, the headmen stood to directly gain from having tribes forcibly settled, because they could then extract cheap labor from them. In addition, tribes were often labeled as criminal based on scanty evidence or mere prejudice. As a result, lists of allegedly criminal tribes grew rapidly, with tribals having little hope of regaining their freedom or defending themselves against accusations of lawlessness. While at the archives, I also looked at manuals written by officers in the colonial police force specifically for use by other officers in identifying criminal tribes across the subcontinent. The manuals take the form of encyclopedias with entries for individual tribes giving the regions where they can be found, any lawful means of livelihood they may be engaged in, and criminal activities they habitually commit. Again, these manuals were often compiled with the help of villagers supposedly familiar with the tribes.

I was able to conclude from my research that the types of collaboration between British colonial officials and caste Hindu village leaders which went into the daily functioning of the Criminal Tribes Act allowed for Hindu prejudices to feed into and coalesce with already-existing Victorian British prejudices against itinerant communities they were familiar with in Europe. Furthermore, Hindu ideas of being “criminal by birth” mapped well onto certain Western theories of the time concerning eugenics and hereditary criminality. I believe these prejudices have their antecedents in the very same sorts of prejudice we see Brahmin theologians enacting in Hindu legal codes centuries before. Because tribals groups, untouchables, and those deemed heretical, whether in classical, medieval, or colonial India, did not fit neatly in Hindu society and were thus always sites of anxiety, tension, suspicion, and repugnance, I believe it is justifiable to view discrimination and marginalization as a single thread running across a wide breadth of time. Thus, linking earlier and later forms of prejudice (as crystallized in the law) provides us with deeper insight into both its sources and the ways it manifested in society.

In closing, I wish to express my gratitude to Global Studies at UW-Madison, to the Jenson family, and to the Manuski Centre, a Dalit Buddhist NGO with which I stayed during my time in Pune. Having written my MA thesis on the topic of Dalit Buddhism, I greatly treasured this, my first opportunity to interact with Dalit Buddhists in India engaged in social work and projects of community uplift. I benefitted from the friendships I made, the discussions I had, and the inspiration I drew from having spent the summer there.