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WHICH IS WORSE ?
SLAVERY OR UNTOUCHABILITY ?

[Dr. Ambedkar has dealt with the subject of Slavery and Untouchability in chapter 3 & 8 of Vol. 5 of this series, under the caption- 'Roots of the Problem' 'Parallel cases'.

We have however now come in possession of a booklet in which there are certain paragraphs which do not find place in Vol. No. V chapter 3 & 8.

The material reproduced here when read together, makes consistent and complete reading. We have also no reason to doubt the genuineness of the material as the publisher of the said booklet Shri Devi Dayal was associated with Dr. Ambedkar during 1943-47. The facsimile of the title at the beginning of the chapter, as printed in the booklet vouchsafe the authorship of Dr. Ambedkar. Earlier paragraphs in the booklet i.e. from page 1 to 11 upto 'considerations of humanity' are already printed in Vol. 5 at page nos. 80 to 88. Mr. Bhagwandas of Delhi deserves credit for publishing this article for Mr. Devi Dayal—Editor]

Slavery in India

Among the claims made by the Hindus for asserting their superiority over other nations the following two are mentioned. One is that there was no slavery in India among the Hindus and the other is that Untouchability is infinitely less harmful than slavery.

The first statement is of course untrue. Slavery is a very ancient institution of the Hindus. It is recognized by Manu, the law giver and has been elaborated and systematized by the other Smriti writers who followed Manu. Slavery among the Hindus was never merely ancient instititution which functioned only in some hoary past. It was an institution which continued throughout all Indian history down to the year 1843 and, if it had not been abolished by the British Government by law in that year, it might have continued even today. While slavery lasted it applied to both the touchables as well as the untouchables.

The untouchables by reason of their poverty became subject to slavery oftener than did the touchables. So that up to 1843 the untouchables in India had to undergo the misfortune of being held in double bondage-the bondage of slavery and the bondage of untouchability. The lighter of the bonds has been cut and the untouchable is made free from it. But because the untouchables of today are not seen wearing the chains of slavery on them, it is not to be supposed that they never did. To do so would be to tear off whole pages of history.

The first claim is not so widely made. But the second is. So great a social reformer and so great a friend of the untouchables as Lala Lajpat Rai in replying[1] to the indictment of the Hindu Society by Miss Mayo insisted that untouchability as an evil was nothing as compared with slavery and he fortified his conclusion by a comparison of the Negro in America with the untouchables in India and showed that his conclusion was true. Coming as it does from Lala Lajpat Rai the matter needs to be more closely examined.

Is untouchability less harmful than slavery ? Was slavery less human than untouchability ? Did slavery hamper the growth more than untouchability does ? Apart from the controversy raised by Lala Lajpat Rai, the questions are important and their discussions will be both interesting and instructive. To understand this difference it is necessary to begin by stating the precise meaning of the term slavery. This is imperative because the term slavery is also used in a metaphorical sense to cover social relationship which is kindered to slavery but which is not slavery. Because the wife was entirely in the power of the husband, because he sometimes ill-used her and killed her, because the husband exchanged or lent his wife and because he made her work for him, the wife was sometimes spoken of as a slave. Another illustration of the metaphorical use of the term is its application to serfs. Because a serf worked on fixed days, performed fixed services, paid fixed sums to the lord and was fixed to the land, he was spoken of as a slave. These are instances of curtailment of freedom, and inasmuch as they are akin to slavery because slavery

[1] Unhappy India.

also involves loss of freedom. But this is not the sense in which the word is used in law, and to avoid arguing at cross purpose, it would be better to base the comparison on the legal meaning of the word slavery.

In layman's language, a person is said to be slave when he is the property of another. This definition is perhaps too terse for the lay reader. He may not understand the full import of it without further explanation. Property means something, a term which is used to denote a bundle of rights which a person has over something which is his property, such as the right to possess, to use, to claim the benefit of, to transfer by way of sale, mortgage or lease and destroy. Ownership therefore means complete dominion over property. To put it concretely, when it is said that the slave is the property of the master, what it means is that the master can make the slave work against his will, take the benefit of whatever the slave produces without the consent of the slave. The master can lease out, sell or mortgage his slave without consulting the wishes of the slave and the master can even kill him in the strictest legal connotation of the term. In the eye of the law the slave is just a material object with which his master may deal in any way he likes.

In the light of this legal definition, slavery does appear to be worse than untouchability. A slave can be sold, mortgaged or leased ; an untouchable cannot be sold, mortgaged or leased. A slave can be killed by the master without being held guilty for murder ; an untouchable cannot be. Whoever causes his death will be liable for murder. In fact, the slave could not be killed with impunity, the law did recognize his death as being culpable homicide as it did in the case of the death of a freeman. But taking the position of the slave as prescribed by laws the difference between the condition of the slave and the untouchable is undoubtedly clear-that the slave was worse off than the untouchable.

There is however another way of defining a slave which is equally legal and precise although it is not the usual way. This other way of defining a slave is this : A slave is a human being who is not a person in the eye of the law. This way of defining a slave may perhaps puzzle some. It may therefore be necessary to state that in the eye of the law the term person is identical with the term human being. In law, there may be human beings whom the law does not regard as persons. Contrariwise there are in law persons

who are not human beings. This curious result arises of the meaning which the law attaches to the word person. For the purposes of law a person is defined as an entity, human or non-human, in whom the law recognized a capacity for acquiring rights and bearing duties. A slave is not a person in the eye of the law although he is a human being. An idol is a person in the eye of the law although an idol is an inanimate object. The reason for this difference will be obvious. A slave is not a person although he is a human being, because the law does not regard him as an entity endowed with the capacity for rights and duties. Concisely an idol is a person though not a human being because the law does-whether wisely or not is another question-recognize the capacity for rights and duties. To be recognized as a person is of course a very important fact fraught with tremendous consequences. Whether one is entitled to rights and liberties upon this issue, the rights which flow from this recognition as person are not only as life but are as vital as life. They include right over material things, their acquisition, their enjoyment and their disposal—called right to property. There are others far more important than these rights over material things. Firstly, there is the right in respect of one's own person—a right not to be killed, maimed or injured without due process of law called a right to life, a right not to be imprisoned save in due process of law-called right to liberty. Secondly, there is a right to reputation-a right not to be ridiculed or lowered in the estimation of fellow men, the right to his good name i.e. the right to the respect so far as it is well founded which others feel for him shall not be diminished. Thirdly, there is the right to the free exercise of powers and liberties[1].

[1] There is a distinction between Rights. Powers and Liberties which perhaps need to be explained especially in a treatise intended for the common man. When it is vain that a person has a right it means that it is a duty on some other person either to make the right real by fulfilling his duty or not to injure that right by a wrong doing or non-doing.

There is a distinction between right and liberty which is some times lost by using the word right in a wider sense so as to include liberty. For instance ibis said that a person has a right i.e. he is at liberty to do as he pleases with his own ; but this omits to take into account that a person has no right and he is not at liberty to interfere with the liberty of another. The distinction between right and liberty may be stated thus ; Rights of person are concerned with things which other persons "ought" to do for him. Liberties of a person are concerned with things he 'may' do for himself.

Liberties are acts which a person may do without being restrained by the law. The sphere of a person's legal liberty is that sphere of activity within which the law is content to leave him alone.

Every person is entitled without molestation to perform all lawful acts and to enjoy all the privileges which attach to him as a person. The most specific right of this kind is to be the unmolested pursuit of the occupation by which a man chooses to gain his livelihood. Under the same head falls the right of every person to the free use of the public highways, of navigable rivers and all public utilities. It also includes the right of every person that the machinery of the law, which is established for the protection of all persons shall not be maliciously set in motion to his detriment. Thirdly, there is the right of immunity from damage by fraud or coercion-it is a right not to be induced by fraud to assent to a transaction which causes damage, and not to be coerced into acting contrary to one's desire by force. Fourthly, the rights of a person are those which are collectively called Family Rights. These family rights may be distinguished as 'marital', 'parental', 'tutelary', and 'dominical'. The marital right, the right of a husband as against the world, is that no other man shall, by force or persuasion, deprive him of his wife's society, still less be criminally intimate with her. An analogous right might conceivably be recognized as being vested in the wife and is recognized in parts of America. The parental right extends to the custody and control of children, to the produce of their labour till they arrive at the age of discretion without interference. The tutelary right is the right of the parent to act as the guardian not for the benefit of the guardian but for that of the ward. . . . . whose want of understanding he supplements and whose affairs he manages. The dominical right is the right to use labour of the ward. The right is infringed by killing, by injuring so as to make him less valuable or by enticing him away.

Not being a person, a slave had, so far as law is concerned, none of these rights. The untouchable is a person in the eye of the law. It cannot therefore be said that he has none of the rights which the law gives to a 'person'. He has the right to property, to life, liberty, reputation, family and to the free exercise of his liberties and his powers. Define the slave as one may, either as a piece of property or as one who is not a person, it appears that the slave was worse off than the untouchable.

This is so if we consider only the *de jure* position of the slave. Let us consider what was the *de facto* position of the slave in the Roman Empire and in the United States. I take the following extracts from Mr. Barrow[1] :

> "Hitherto, it is the repulsive side of household slavery that has been sketched. There is also another aspect. The literature reveals the vast household as normal. It is, of course, the exception. Large slave staffs undoubtedly existed, and they are generally to be found in Rome. In Italy and the Provinces there was less need of display ; many of the staff of the Villa were engaged in productive work connected with land and its produce. The old-fashioned relationship between foreman and slave remained there; the slave was often a fellow worker. The kindliness of Pliny towards his staff is well-known. It is in no spirit of self-righteousness and in no wish to appear in a favour able light in the eyes of the future generations which he hoped would read his. letters that he tells of his distress at the illness and death of his slaves. The household (of Pliny) is the salves' republic. Pliny's account of his treatment of his slaves is sometimes regarded as so much in advance of general or even occasional practice as to be valueless as evidence. There is no reason for this attitude.
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> From reasons both of display and genuine literary interest, the rich families attached to their households, slaves trained in literature and art. Calvisices Sabinus is said by Seneca to have had eleven slaves taught to recite Homer, Hesioid, and nine lyric poets by heart. 'Book cases would be cheaper', said a rude friend. 'No, what the household knows the master knows 'was the answer. But, apart from such abuses, educated slaves must have been a necessity in the absence of printing;. . . . . The busy lawyer, the dilettante poet, the philosopher and educated gentlemen of literary tastes had need of copyists and readers and secretaries. Such men were naturally linquistic also; a librarius who dies at the age of twenty boasts that he was '*literatus Graecis at Latinis*'. *Amanuensis* were common enough ; librarians are to be found in public and private

[1] Slavery in the Roman Empire, pp. 47-49

libraries. . . . .Shorthand writing was in common use under the Empire, and slave Notary were regularly employed. . . .

Many freemen, rhetoricians and grammarians are collected by Snetonius in a special treatise. Verrius Flaccus was tutor to Austus's grandsons, and at death was publicly honoured by a statue. Scribonius Aphrodisius was the slave and disciple of Orbilius and was afterwards freed by Scribenia. Hyginus was librarian of the Palatine Library, in which office he was followed by Jullius Modestus, his own freedman. We hear of freedmen historians of a slave philosopher who was encouraged to argue with his master's, friends' slaves and freed architects, Freemen as doctors occur frequently in the inscriptions, some of them specialists ; they had been trained in big households as slaves, as is shown by one or two examples; after Manumission they rose to eminence and became notorious for their high fees."

"The tastes of some section of society demanded that dancers, singers, musicians, montebanks, variety artists, athletic trainers and messeiurs should be forthcoming. All these are to be found in slavery, often trained by teachers who had acquired some reputation"[1].

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"The age of Augustus was the beginning of a period of commercial and industrial expansion. . . . . slaves had indeed been employed (in arts and crafts) before, but the sudden growth of trade. . . .their employment in numbers that would otherwise have been unnecessary. Romans engaged more freely and more openly in various forms of commercial and industrial venture. Yet, even so the agent became more important, for commercial activities became more widespread; and such agents were almost necessarily slaves.....(this is so) because the bonds of slavery (are elastic). They could be so relaxed as to offer an incentive (to the slave) to work by the prospect of wealth and freedom, and so tightened as to provide a guarantee to the master against loss from the misconduct of his slave. In business contracts between slave and master third person seem to have been common, and the work thus done, and no doubt, the profits

[1] Slavery in the Roman Empire, p. 63.

were considerable. . . . . Renting of land to the slave has already been noticed. . . . and in industry much the same system was used in various forms; the master might lease a bank, or a business of the use of a ship, the terms being a fixed return or the slave being paid on a commission basis"[1].

"The earnings of the slave became in law his peculium. Once the peculium was saved it might be used to a variety of purposes. No doubt in many cases this fund was expended in providing food or pleasure..... But peculium must not be regarded merely as petty savings, casually earned and idly spent. The slave who made his master's business yield profits, to his own profit too, very often, had a keen sense of the best use to make up his own money. Often he reinvested it in his master's business or in enterprises entirely unrelated to it. He could enter into business relations with his master, from whom he came to be regarded as entirely distinct, or he could make contracts with a third person. He could even have procurators to manage his own property and interests. And so with the peculium may be found not only land, houses, shops but rights and claims.

"The activities of slaves in commerce are innumerable; numbers of them are shopkeepers selling every variety of food, bread, meat, salt, fish, wine vegetables, beans, Aupine-seed, honey, curd, ham, ducks and fresh fish, others deal in clothing—sandals, shoes, gowns and mantles. In Rome, they plied their trade in the neighbourhood of the Circus Maximus, or the Porticus Trigeminus; or the Esquiline Market, or the Great Mart (on the Caolian Hill) or the Suburra[2] . . . . .

The extent to which slave secretaries and agents acted for their masters is shown very clearly in the receipts found in the house of Caecilius Jucundus at Pompei[3].

That the State should possess slaves is not surprising; war, after all, was the affair of the State and the captive might well be State-property. What is surprising is the remarkable use made of public slaves under the Empire and the extraordinary social position occupied by them. . . . . "

[1] Slavery in the Roman Empire, pp. 101-102.

[2] Ibid, p. 105.

[3] Slavery in the Roman Empire, p. 106.

> "Public slave came to mean before the Empire a slave of the state employed in its many offices, and the term implied a given occupation and often social position. The work of slaves of the State, slaves of the townships, and slaves of Caesar comprises much of what would now fall to parts of the higher and the whole of the lower branches of the civil services and of the servants of Municipal Corporations, working both with head and hands... In the subordinate levels (of the Treasury) there worked numbers of clerks and financial officers, all freedmen and slaves. The business dealt with must have been of vast range. ... The Mint . . . the immediate head was a knight, in charge of the minting processes . . . . a freed man was placed under him, served freedmen and slaves.... From one branch of State service, at any rate, slaves were rigorously excluded, except on one or two occasions of exceptional stress. They were not allowed to fight in the Army because they were not thought worthy of honour. Doubtless other motives were present also; it would be dangerous experiment to train too many slaves systematically in the use of Arms. If, however, slaves served merely in the fighting line, they are regularly to be found in great numbers behind it employed as servants, and in the commissariat and transport. In the fleet slaves were common enough[1]."

Such was the *de facto* position of the slave in Roman Society. Let us trun to the *de facto* position of the Negro in the United States during the period in which he was slave in the eye of the law. Here are some facts[2] which shed a good deal of light on his position :

> "Lafayette himself had observed that white and black seamen and soldiers had fought and messed together in the Revolution without bitter difference. Down in Granville County, North Carolina, a full blooded Negro, John Chavis, educated in Princeton University, was conducting a private school for white students and was a licentiate under the local Presbytary, preaching to white congregations in the State. One of his pupils became Governor of North Carolina, another the State's most prominent Whig senator. Two of his pupils were sons of the Chief Justice

1 *Ibid,, pp.* 130-147.

2 Charles C. Johnson's '*The Negro in American Civilisation*'.

of North Carolina. The father of the founder of the greatest military academy of the State attended his school and boarded in his home....

Slave labour was used for all kinds of work and the more intelligent of the Negro slaves were trained as artisans to be used and leased. Slave artisans would bring twice as much as an ordinary field hand in the market. Master craftsmen owned their staff. Some masters, as the system became more involved, hired slaves to their slave artisans. Many slave artisans purchased their freedom by the savings allowed them above the normal labour expected."

"The advertisements for runaways and sales are an index to this skill. They received the same or better wages than the poor white labourer and with the influence of the master got the best jobs. The Contractors for masons' and carpenters' work in Athens, Georgia in 1838 were petitioned to stop showing preference to Negro labourers. "The white man is the only real, legal, moral, and civil proprietor of this country and state. The right of his proprietorship reached from the date of the studies of those whitemen. Copernicus and Galileo, who indicated the sphericity of the earth; which sphericity hinted to another white man, Columbus, the possibility by a westerly course of sailing, of finding land. Hence by whitemen alone was this continent discovered, the whitemen alone, aye, those to whom you decline to give money for bread or clothes for their famishing families, in the logical manner of withholding work from them defending Negroes too in the bargain." In Atlanta in 1858, a petition signed by 2 white mechanics and labourers sought protection against the black slave artisans of masters who resided in other sections. The very next year sundry white citizens were aggrieved that the City Council tolerated a Negro dentist to remain and operate in their midst. 'Injustice to ourselves and the community it ought to be abated. We, the residents of Atlanta, appeal to you for justice'. A Census of free Negroes in Richmond County, Georgia, in 1819 showed carpenters, barbers, boatcorkers, saddlers, spinners, millwrights, holsters, weavers, harness makers, sawmill attendants and steamboat

pilots. A Negro shoe-maker made by hand the boots in which President Munrow was inaugurated. Harriet Martineau marvelled at the slave workmanship in the delicately tiled floors of Thomas Jefferson's home at Monticello. There still stands in the big house of the old plantation, heavy marks of the hands of these Negro craftsmen, strong mansions built of timber hewn from the original oak and pinned together by wooden pins. Negro women skilled in spinning and weaving worked in the mills. Buckingham in 1839 found them in Athens. Georgia, working alongside with white girls without apparent repugnance of objection.

Negro craftsmen in the South, slave and free fared better than their brothers in the North. In 1856 in Philadelphia, of 1637 Negro craftsmen recorded, less than two-thirds could use their trades; 'because of hostile prejudice'. The Irish who were pouring into America from the very beginning of the nineteenth century were being used in the North on approximately the same motives of preference which governed Negro slavery. 'An Irish Catholic', it was argued in their favour, 'seldom attempts to rise to a higher condition than that in which he is placed, while the Negro often makes the attempt with success. Had not the old Puritan Oliver Cromwell, while the traffic in black slaves was on, sold all the Irish not killed in the Drogheda Massacre into Barbados ?' Free and fugitive Negroes in New York and Pennsylvania were in constant conflict with this group and the bitter hostility showed itself most violently in the draft riots of the New York. These Hibernians controlled the load carrying and the common labour jobs, opposing every approach of the Negro as a menace to their slight hold upon America and upon a means of livelihood."

Such was the *de facto* condition of the Roman slave and the American Negro slave. Is there anything in the condition of the Untouchables of India which is comparable with the condition of the Roman slave and the American Negro slave ? It would not be unfair to take the same period of time for comparing the condition of the Untouchables with that of the slaves under the Roman Empire. But I am prepared to allow the comparison of the condition of the slaves in the Roman Empire to be made with the

condition of the Untouchables of the present day. It is a comparison between the worst of one side and the best of the other, for the present times are supposed to be the golden age for the Untouchables. How does the *de facto* condition of the Untouchables compare with the *de facto* condition of the slaves ? How many Untouchables are engaged as the slaves in Rome were, in professions such as those of Librarians, Amanuenses, Shorthand writers ? How many Untouchables are engaged, as the slaves in Rome were, in such intellectual occupations as those of rhetoricians, grammarians, philosophers, tutors, doctors and artists ? How many untouchables are engaged in trade, commerce or industry as were the slaves in Rome ? Even comparing his position with that of the Negro while he was a slave it cannot be said that the condition of the Untouchable has been better. Is their any instance of untouchables having been artisans ? Is there any instance of untouchable having maintained a school where Brahmin children have come to sit at his feet in search of learning ? Why such a thing is unthinkable ? But it has happened in the United States of America. In comparing the *de facto* condition of the Roman slave and the American Negro I have purposely taken the recent condition of the Untouchables as a basis of comparison for the simple reason that the present times are supposed to be the golden age for the untouchables. But comparing even the condition of the untouchables in modern times they are certainly a sunken community as compared with the condition of slaves in time which historians call barbarous. There can therefore, be no doubt that untouclables have been worse off than slaves. This of course means that untouchability is more harmful to the growth of man than slavery ever was. On this there is a paradox. Slaves who were worse off in law than the untouchables were in fact better off than untouchables and untouchables who were better off in law than slaves were worse off in fact than slaves. What is the explanation of this paradox ? The question of all questions is this ; what is it which helped the slave to overcome the rigorous denial of freedom by law and enabled them to prosper and grow ? What is it that destroyed the effect of the freedom which the law gave to the untouchables and sapped his life of all vitality and stunted his growth.

The explanation of this paradox is quite simple. It will be easily understood if one bears in mind the relation between law and public opinion, Law and public opinion are two forces which govern the conduct of men. They act and react upon each other. At times law goes ahead of public opinion and checks it and redirects in channels which it thinks proper. At times public opinion is ahead of the law. It rectifies the rigour of the law and moderates it. There are also cases where law and public opinion are opposed to each other and public opinion being the stronger of the two forces, disregards or sets at naught what the law-prescribes. Whether through compulsion arising out of convenience of commerce and industry or out of the selfish desire to make the best and the most profitable use of the slaves or out of considerations of humanity, public opinion and law were not in accord with regard to the position of the slave either in Rome or in the United States. In both places the slave was not a legal person in the eye of the law. But in both places he remained a person in the sense of a human being in the eye of the society. To put it differently the personality which the law withheld from the slave was bestowed upon him by society. There lies a profound difference between slavery and untouchability. In the case of the untouchable just the opposite has happened; The personality which the law bestowed upon the untouchables is withheld by society. In the case of the slave the law by refusing to recognize him as a person could do him no harm because society recognized him more amply than it was called upon to do. In the case of the untouchables the law by recognising him as a person failed to do him any good because Hindu society is determined to set that recognition at naught. A slave had a personality which counted notwithstanding the command of the law. An untouchable has no personality in spite of the command of the law. This distinction is fundamental. It alone can explain the paradox—the social elevation of the slave loaded though he was with the burden of legal bondage and the social degradation of the untouchable aided as he has been with the advantages of legal freedom.

Those who have condemned slavery have no doubt forgotten to take into consideration the fact that in a sense slavery was

an apprenticeship in a business, craft or art, albeit compulsory. Unmitigated slavery with nothing to compensate the loss of freedom is of course to be condemned. But to enslave a person and to train him is certainly better than a state of barbarity accompanied by freedom. Slavery did mean an exchange of semi-barbarism for civilization, a vague enough gift but none the less real. The full opportunities for civilized life could only be fully used in freedom, no doubt, but slavery was an apprenticeship, or in the words of Prof. Myres "an initiation into a higher culture".

This view of slavery is eminently a correct view. This training, this initiation of culture was undoubtedly a great benefit to the slave. Equally it involved considerable cost to the master to train his slave, to initiate him into culture. "There can have been little supply of slaves, educated or trained, before enslavement. The alternative was to train them when young slaves in domestic work or in skilled craft, as was indeed done to some extent before the Empire, by Cato, the Elder, for example. The training was done by his owner and his existing staff indeed the household of the rich contained special pedagogy for this purpose. Such training took many forms : industry, trade, arts and letter".

The question is why was the slave initiated into the high culture and why did it not fall to the lot of the untouchable to be so initiated ? The question is very pertinent and I have raised it because the answer to the question will further reinforce the conclusion that has been reached namely that untouchability is worse than slavery and that is because the slave had a personality and the untouchable has not.

The reason why the master took so much trouble to train the slave and to initiate him in the higher forms of labour and culture was undoubtedly the motive of gain. A skilled slave as an item was more valuable than an unskilled slave. If sold he would fetch better price, if hired out he would bring in more wages. It was therefore an Investment to the owner to train his slave. But this is not enough to account for the elevation of the slave and the degradation of the untouchable. Suppose Roman society had an objection to buy vegetables, milk, butter, water or wine from the hands of the slave ? Suppose Roman society had an objection to

allow slaves to touch them, to enter their houses, travel with them in cars, etc. would it have been possible for the master to train his slave, to raise him from semi-barbarism to a cultured state ? Obviously not. It is because the slave was not held to be an untouchable that the master could train him and raise him. We again come back therefore, to the same conclusion-namely, that what has saved the slave is that his personality was recognised by society and what has ruined the untouchable is that Hindu society did not recognize his personality, treated him as unfit for human association and common dealing.

That the slave in Rome was no less of a man because he was a slave, that he was fit for human intercourse although he was in bondage is proved by the attitude that the Roman Religion had towards the slave. As has been observed—

> ".....Roman religion was never hostile to the slave. It did not close the temple doors against him ; it did not banish him from its festivals. If slaves were excluded from certain ceremonies, the same may be said of free men and women-being excluded from the rites of Bono Dea, Vesta and Ceres, women from those of Hercules at the Ara Maxima. In the days when the old Roman divinities counted for some-thing, the slave came to be informally included in the family, and could consider himself under the protection of the gods of the household .....Augustus ordered that freed women should be eligible as priestesses of Vesta. The law insisted that a slave's grave should be regarded as sacred and for his soul Roman mythology provided no special heaven and no particular hell. Even Juvenal agrees that the slave, soul and body is made of the same stuff as his master..."

SLAVE IN LAW

There was no stigma attached to his person. There was no gulf social or religious which separated the slave at any rate in Rome from the rest of the society. In outward appearance he did not differ from the free man ; neither colour nor clothing revealed his conditions ; he witnessed the same games as the freemen, he shared in the life of the Municipal towns, and employed in state service, enaged himself in trade and commerce as all free men

did. Often apparent equality in outward things counts far more to the individual than actual identify of rights before the Jaw. Between the slave and the free, there seems often to have been little social barrier. Marriage between slave and freed slave was very common. The slave status carried no stigma on the man in the society. He was touchable and even respectable.

Enough has been said to show that untouchability is worse than slavery. The only thing that is comparable to it is the case of the Jews in the middle ages. The servility of the Jews does resemble to some extent the condition of the untouchables. But there is this to be said about it. Firstly the discrimination made against the Jews was made upon a basis which is perfectly understandable though not justifiable. It was based upon the Jews obstinacy in the matter of religion. He refused to accept the religion of the gentiles and it is his obstinacy which brought about those penalties. The moment he gave up his obstinacy he was free from his disabilities. This is not the case with the untouchable. His disabilities are not due to the fact that he is a protestant or nonconformist. The second thing to be said about these disabilities of the Jews is that the Jews preferred them to being completely assimilated and lost in the Gentiles. This may appear strange but there are facts to prove it. In this, connection reference may be made to two instances recorded in history which typify the attitude of the Jews. The first instance relates to the Napoleonic regime. After the National Assembly of France had agreed to the declaration of the Rights of Man to the Jews, the Jewish question was again reopened by the guild merchants and religious reactionaries of Alsace. Napoleon resolved to submit the question to the consideration of the Jews themselves.

"He convened an Assembly of Jewish Notables of France, Germany and Italy in order to ascertain whether the principles of Judaism were compatible with the requirements of citizenship as he wished to fuse the Jewish element with the dominant population. The Assembly, consisting of 111 deputies, met in the Town Hall of Paris on 25th July, 1806, and was required to frame replies to twelve questions relating mainly to the possiblity of Jewish patriotism, the permissiblity of intermarriage between

Jew and non-Jew, and the legality of usury. So pleased was Napoleon with the pronouncements of the Assembly that he summoned a Sanhedrin after the model of the ancient council of Jerusalem to convert them into the decrees of a legislative body. The Sanhedrin, comprising 71 deputies from France, Germany, Holland and Italy, met under the presidency of Rabbi Sinzheim of Strassburg on 9th February 1807, and adopted a sort of charter which exhorted the Jews to look upon France as their father land, to regard its citizens as their brethren, and to speak its language, and which also pressed toleration of marriages between Jews and Christians while declaring that they could not be sanctioned by the synagogue". It will be noted the Jews refused to sanction intermarriages between Jews and non-Jews. They only agreed to tolerate them. The second instance related to what happend when the Batavian Republic was established in 1795. The more energetic members of the Jewish community pressed for the removal of many disabilities under which they laboured. "But the demand for the full rights of citizenship made by the progressive Jews was at first, strangely enough, opposed by the leaders of the Amsterdam community, who feared that civil equality would militate against the conservation of Judaism and declared that their co-religionists renounced their rights of citizenship in obedience to the dictates of their faith. This shows that the Jews preferred to live as strangers rather than as members of the community. It is as an 'eternal people' that they were singled out and punished. But that is not the case with the untouchables. They too are in a different sense art "eternal people" who are separate from the rest. But this separateness is not the result of their wish. They are punished not because they do not want to mix. They are punished because they want to.

Untouchability is worse than slavery because slave has personality in the Society while the untouchable has no personality has been made abundantly clear. But this is not the only ground why untouchability is worse than slavery. There are others which are not obvious but which are real none-the-less.

Of these the least obvious may be mentioned as the first. Slavery, if it took away the freedom of the slave, it imposed upon the master the duty to maintain the slave in life and body. The slave was relieved of all responsibility in respect of his food, his clothes and his shelter. All this the master was bound to provide. This was of course no burden because the slave earned more than his keep. But a security for board and lodging is not always possible forevery freeman as all wage earners now know to their cost. Work is not always available even to those who are ready to toil but a workman cannot escape the rule according to which he gets no bread if he finds no work. This rule, no work no bread, the ebbs and tides of business, the booms and depression are vissicitudes through which all free wage earners have to go. But they do not affect the slave who is free from them. He gets his bread-perhaps the same bread, but bread-whether it is boom or whether it is depression. Untouchability is worse than slavery because it carries no such security as to livelihood as the latter does. No one is responsible for the feeding, housing and clothing of the untouchable. From this point of view untouchability is not only worse than slavery but is positively cruel as compared to slavery. In slavery the master has the obligation to find work for the slave. In a system of free labour workers have to compete with workers for obtaining work. In this scramble for work what chances has the untouchable for a fair deal ? To put it shortly in this competition with the scales always weighing against him by reason of his social stigma he is the last to be employed and the first to be fired. Untouchability is cruelty as compared to slavery because it throws upon the untouchables the responssibility for maintaining without any way of earning his living. From another aspect also untouchability is worse than slavery. The slave was property, and that gave the slave an advantage over a free man. Being valuable, the master out of sheer self interest, took great care of the health and well being of the slave. In Rome the slaves were never employed on marshy and malarial land. On such a land only freemen were employed. Cato advises Roman farmers never to employ slaves on marshy and malarial land. This seems stranger. But a little examination will show that this was quite natural. Slave was valuable property and as such a prudent man

who knows his interest must not expose him to the ravages of malaria. The same care need not be taken in the case of free man because he is not valuable property. This consideration resulted to the great benefit of the slave. He was cared for as no one was. This consideration is completely absent in the case of the untouchable. He is neglected and left to starve and die.

The second or rather the third difference between untouchability and slavery is that slavery was never obligatory. But untouchability is obliged. A person is "permitted" to hold another as his slave. There is no compulsion on him if he does not want to. A Hindu on the other hand is "enjoined" to hold another as untouchable. There is compulsion on the Hindu which he cannot escape whatever his personal wishes in the matter may be.

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