

CHAPTER 2

The Hindu Social Order: Its Essential Principles

I

What is the character of the Hindu Social Order? Is it a free social order? To answer this question, some idea of what constitutes a free social order is necessary. Fortunately, the matter is not one of controversy. Since the days of the French Revolution there is no difference as to the essentials of a free social order. There may be more but two are fundamental. Generally speaking, they are two. The first is that the individual is an end in himself and that the aim and object of society is the growth of the individual and the development of his personality. Society is not above the individual and if the individual has to subordinate himself to society, it is because such subordination is for his betterment and only to the extent necessary.

The second essential is that the terms of associated life between members of society must be regarded by consideration founded on liberty, equality and fraternity.

Why are these two essentials fundamental to a free social order?

Why must the individual be the end and not the means of all social purposes? For an answer to this question, it is necessary to realise what we precisely mean when we speak of the human person. Why should we sacrifice our most precious possessions and our lives to defend the rights of the human person? No better answer to this question can be found than what is given by Prof. Jacques Maritain. As Prof. Maritain in his essay on 'The Conquest of Freedom'¹ says:—

“What do we mean precisely when we speak of the human person? When we say that a man is a person, we do not mean merely that he is an individual, in the sense that an atom, a blade of grass, a fly, or an elephant is an individual. Man is an individual who holds himself in hand by his intelligence and his will; he exists not merely in a physical fashion. He has spiritual super-existence through knowledge and love, so that he is, in a way, a universe in

¹ Freedom—Its Meaning by Ruth Nanda Kishen. p. 214.

himself, a microcosmos, in which the great universe in its entirety can be encompassed through knowledge. By love he can give himself completely to beings who are to him, as it were, other selves. For this relation no equivalent can be found in the physical world. The human person possesses these characteristics because in the last analysis man, this flesh and these perishable bones which are animated and activated by a divine fire, exists 'from the womb to the grave' by virtue of the existence itself of his soul, which dominates time and death. Spirit is the root of personality. The notion of personality thus involves that of totality and independence, no matter how poor and crushed a person may be, he is a whole, and as a person subsistent in an independent manner. To say that a man is a person is to say that in the depth of his being he is more a whole than a part and more independent than servile. It is to say that he is a minute fragment of matter that is at the same time a universe, a beggar who participates in the absolute being, mortal flesh whose value is external and a bit of straw-into which heaven enters. It is this metaphysical mystery that religious thought designates when it says that the person is the image of God. The value of the person, his dignity and rights, belong to the order of things naturally sacred which bear the imprint of the Father of Being, and which have in him the end of their movement."

Why is Equality essential? The best exposition of the subject is by Prof. Beard in his essay on 'Freedom in Political Thought' and I shall do no more than quote him. Says Prof. Beard¹ :

"The term 'Equality' is unfortunate, but no other word can be found as a substitute. Equality means 'exactly the same or equivalent in measure, amount, number, degree, value, or quality'. It is a term exact enough in physics and mathematics, but obviously inexact when applied to human beings. What is meant by writers who have gone deepest into the subject is that human beings possess, in degree and kind, fundamental characteristics that are common to humanity. These writers hold that when humanity is stripped of extrinsic goods and conventions incidental to time and place, it reveals essential characteristics so widely distributed as to partake of universality. Whether these characteristics be called primordial qualities, biological necessities, residues or any other name matters little. No one can truthfully deny that they do exist. It is easy to point out inequalities in physical strength, in artistic skill, in material wealth, or in mental capacity, but this too is a matter of emphasis. At the end it remains a fact that fundamental

¹ Freedom — Its Meaning—pp. 11-13.

characteristics appear in all human beings. Their nature and manifestations are summed up in the phrase 'moral equality'.

Emphasis must be placed on the term 'moral'. From time immemorial it has been the fashion of critics to point out the obvious facts that in physical strength, talents, and wealth, human beings are not equal. The criticism is both gratuitous and irrelevant. No rational exponent of moral equality has even disputed the existence of obvious inequalities among human beings, even when he has pointed out inequalities which may be ascribed to tyranny or institutional prescriptions. The Declaration of Independence does not assert that all men are equal; it proclaims that they are 'created' equal.

In essence the phrase 'moral equality' asserts in ethical value, a belief to be sustained, and recognition of rights to be respected. Its validity cannot be demonstrated as a problem in mathematics can be demonstrated. It is asserted against inequalities in physical strength, talents, industry, and wealth. It denied that superior physical strength has a moral right to kill, eat, or oppress human beings merely because it is superior. To talents and wealth, the ideal of moral equality makes a similar denial of right. And indeed few can imagine themselves to have superior physical strength, talents and wealth will withhold from inferiors all moral rights. In such circumstances government and wealth would go to superior physical strength; while virtue and talents would serve the brute man, as accomplished Greek slaves served the whims, passions and desires to Roman conquerors. When the last bitter word of criticism has been uttered against the ideal of moral equality, there remains something in it which all, except things, must accept and in practice do accept, despite their sheers and protests. A society without any respect for human personalities is a band of robbers."

Why is Fraternity essential?

Fraternity is the name for the disposition of an individual to treat men as the object of reverence and love and the desire to be in unity with his fellow beings. This statement is well expressed by Paul when he said 'Of one blood are all nations of men, There is neither Jew nor Greek, neither bond nor free, neither male nor female; for yet are all one in Christ Jesus.' Equally well was it expressed when the Pilgrim Fathers on their landing at Plymouth said: "We are knit together as a body in the most sacred covenant of the Lord by virtue of which we hold ourselves tied to all care of each others' good and of the whole." These sentiments are of the essence of fraternity. Fraternity strengthens socialties and gives to each individual a stronger personal

interest in practically consulting the welfare of others. It leads him to identify his feelings more and more with their good, or at least with an even greater degree of practical consideration for it. With a disposition to fraternity he comes as though instructively to be conscious of himself as being one who of course pays a regard to others. The good of others becomes to him a thing naturally and necessarily to be attended to like any of the physical conditions of our existence. Where people do not feel that entireness of sympathy with all others, concordance in the general direction of their conduct is impossible. For a person in whom social feeling is not developed cannot but bring himself to think of the rest of his fellow-beings as rivals struggling with him for the means of happiness when he must endeavour to defeat in order that he may succeed in himself.

What is Liberty and why is it essential in a free social order?

Liberty falls under two classes. There is civil liberty and there is political liberty. Civil liberty refers to (1) liberty of movement which is another name for freedom from arrest without due process of law (2) liberty of speech (which of course includes liberty of thought, liberty of reading, writing and discussion) and (3) liberty of action.

The first kind of liberty is of course fundamental. Not only fundamental it is also most essential. About its value, there can be no manner of doubt. The second kind of liberty which may be called freedom of opinion is important for many reasons. It is a necessary condition of all progress intellectual, moral, political and social. Where it does not exist the status quo becomes stereotyped and all originality even the most necessary is discouraged. Liberty of action means doing what one likes to do. It is not enough that liberty of action should be formal. It must be real. So understood, liberty of action means effective power to do specific things. There is no freedom where there are no means of taking advantage of it. Real liberty of action exists only where exploitation has been annihilated, where no suppression of one class by another exists, where there is no unemployment, no poverty and where a person is free from the fear of losing his job, his home and his food as a consequence of his action.

Political liberty consists in the right of the individual to share in the framing of laws and in the making and unmaking of governments. Governments are instituted for securing to men certain unalienable rights such as life, liberty and pursuit of happiness. Government must, therefore, derive its powers from those whose rights it is charged with the duty to protect. This is what is meant when it is said that the existence, power and authority of the Government must be derived from the consent of the governed. Political liberty is really a deduction

from the principle of human personality and equality. For it implies that all political authority is derived from the people that the people are capable of directing and controlling their public as well as private lives to ends determined by themselves and by none else.

These two tenets of a free social order are integrally connected. They are inseverable. Once the first tenet is admitted, the second tenet automatically follows. Once the sacredness of human personality is admitted the necessity of liberty, equality and fraternity must also be admitted as the proper climate for the development of personality.

II

How far does the Hindu social order recognise these tenets? The inquiry is necessary. For it is only in so far as it recognizes these tenets that it will have the title to be called a free social order.

Does the Hindu social order recognise the individual? Does it recognise his distinctiveness his moral responsibility? Does it recognise him as an end in himself, as a subject not merely of disabilities but also of rights even against the State? As a starting point for the discussion of the subject one may begin by referring to the words of the exodus where Jehova says to Ezekiel:—

“Behold! all souls are mine; as the soul of the Father, so also the soul of the son is mine; the soul that sinneth, it shall die the son shall not bear the iniquity of the Father, neither shall the father bear the iniquity of the son; the righteousness of the righteous shall be upon him, and the wickedness of the wicked upon him.”

Here is emphasized the distinctiveness of the individual and his moral responsibility. The Hindu social order does not recognise the individual as a centre of social purpose. For the Hindu social order is based primarily on class or Varna and not on individuals. Originally and formally the Hindu social order recognized four classes: (1) Brahmins, (2) Kshatriyas (3) Vaishyas and (4) Shudras. Today it consists of five classes, the fifth being called the Panchamas or Untouchables. The unit of Hindu society is not the individual Brahmin or the individual Kshatriya or the individual Vaishya or the individual Shudra or the individual Panchama. Even the family is not regarded by the Hindu social order as the unit of society except for the purposes of marriage and inheritance. The unit of Hindu society is the class or Varna to use the Hindu technical name for class. In the Hindu social order, there is no room for individual merit and no consideration of individual justice. If the individual has a privilege it is not because it is due to him personally. The privilege goes with the class, and if he is

found to enjoy it, it is because he belongs to that class. Contrawise, if an individual is suffering from a wrong, it is not because he by his conduct deserves it. The disability is the disability imposed upon the class and if he is found to be labouring under it, it is because he belongs to that class.

Does the Hindu social order recognize fraternity ? The Hindus like the Christians and the Muslims do believe that men are created by God. But while the Christians and the Muslims accept this as the whole truth the Hindus believe that this is only part of the truth. According to them, the whole truth consists of two parts. The first part is that men are created by God. The second part is that God created different men from different parts of his divine body. The Hindus regard the second part as more important and more fundamental than the first.

The Hindu social order is based on the doctrine that men are created from the *different parts* of the divinity and therefore the view expressed by Paul or the Pilgrim Fathers has no place in it. The Brahmin is no brother to the Kshatriya because the former is born from the mouth of the divinity while the latter is from the arms. The Kshatriya is no brother to the Vaishya because the former is born from the arms and the latter from his thighs. As no one is a brother to the other, no one is the keeper of the other.

The doctrine that the different classes were created from different parts of the Divine body has generated the belief that it must be divine will that they should remain separate and distinct. It is this belief which has created in the Hindu an instinct to be different, to be separate and to be distinct from the rest of his fellow Hindus. Compare the following rules in the Manu Smriti regarding the Upanayan or the Investiture of a body with the sacred thread:—

II. 36. "In the eighth year after conception, one should perform the initiation (Upanayan) of a Brahmani in the eleventh after conception (that) of a Kshatriya but in the twelfth that of a Vaishya."

II. 41. "Let students according to the order (of their castes), wear (as upper dressed) the skins of black antelope, spotted deer, and he-goats and (lower garments) made of hemp, flex or wool."

II. 42. "The girdle of a Brahmana shall consist of a triple cord of Munga grass, smooth and soft (that) of a Kshatriya, of a bowstring, made of Murva fibres (that) of a Vaishya of hempen threads.

II. 43. "If Munga grass (and so forth) be not procurable, (the girdles) may be made of kusa, Asmantaka, and Balbaga (fibres) with

a single threefold knot, or with three or five (knots according to the custom of the family.”

II. 44. “The sacrificial string of a Brahmana shall be made of cotton (shall be) twisted to the right, (and consist) of three threads, that of a Kshatriya of hempen threads, and that of a Vaishya of woolen threads.

II. 45. “A Brahmana shall carry according to sacred law a staff of Bilva or Palasa, a Kshatriya of Vata or Khadira; and a Vaishya of Pillu or Udumbara.”

II. 46. “The staff of a Brahmana shall be made of such length as to reach the end of his hair; that of a Kshatriya to reach his forehead; and that of a Vaishya to reach the tip of his nose.”

II. 48. “Having taken a staff according to his choice having worshipped the Sun and walked round the fire, turning his right hand towards it (the student) should beg alms according to the prescribed rule.”

II. 49. “An initiated Brahmana should beg, beginning his request with the word *lady* (bhavati); a Kshatriya placing the word *lady* in the middle, but a Vaishya placing *it* at the end of the formula.”

On reading this one may well ask the reasons for such distinctions. The above rules refer to students or what are called Bramhacharia ready to enter upon the study of the Vedas. Why should there be these distinctions ? Why should the ages of Upanayana of the Brahmin boy differ from that of the Kshatriya or Vaishya? Why should their garments be of different kind ? Why should their materials of girdle cords be different? Why should the material of strings be different? Why should their staves be of different trees ? Why should their staves differ in length? Why in uttering the formula for asking alms they should place the word ‘Bhavathi’ in different places? These differences are not necessary nor advantageous. The only answer is that they are the result of the Hindu instinct to be different from his fellow which has resulted from the belief of people being innately different owing to their being created from different parts of the divine body.

It is also the Hindu instinct due to the same belief never to overlook a difference if it does exist but to emphasize it, recognize it and to blazen it forth. If there is caste its existence must be signalized by a distinguishing head-dress and by a distinguishing name. If there is a sect it must have its headmark. There are 92 sects in India. Each has a separate mark of itself. To invent 92 marks each one different from the other is a colossal business. The very impossibility of it would have made the most ingenious person to give up the task. Yet, the Hindus

have accomplished it as may be seen from the pictorial representation of these marks given by Moore in his Hindu Pantheon.

The most extensive and wild manifestation of this spirit of isolation and separation is of course the caste-system. It is understandable that caste in a single number cannot exist. Caste can exist only in plural number. There can be castes. But there cannot be such a thing as a caste. But granting that theoretically castes must exist, in plural number how many castes should there be? Originally, there were four only. Today, how many are there? It is estimated that the total is not less than 2000. It might be 3000. This is not the only staggering aspect of this fact. There are others. Castes are divided into sub-castes. Their number is legion. The total population of the Brahmin castes is about a crore and a half. But there are 1886 sub-castes of Brahmin caste !! In the Punjab alone, the Saraswat Brahmins are divided into 469 sub-castes. The Kayasthas of Punjab are divided into 890 sub-castes!! One could go on giving figures to show this infinite process of splitting social life into small fragments. The splitting process has made a social life quite impossible. It has made the castes split into such small fragments that it has marital relationship consistent with the rule of excluded degrees quite impossible. Some of the Baniya sub-castes count no more than 100 families. They are so interrelated they find it extremely difficult to marry within their castes without transgressing the rules of consanguinity.

It is noteworthy that small excuses suffice to bring about this splitting of castes into sub-castes. Castes become sub-divided into sub-castes by reason of change of location, change of occupation, change in social practices, change due to pollution, changes due to increased prosperity, changes due to quarrel and changes due to change of religion. Mr. Blunt has given many instances to illustrate this tendency among the Hindus. There is no space to reproduce all except one which shows how ordinary quarrels lead to the splitting one caste into sub-castes. As stated by Mr. Blunt¹:—

“In Lucknow there was a sub-caste of Khatika consisting of three *ghols or groups*, known as Manikpur, Jaiswala and Dalman. They inter-married, ate together, and met together in panchayat under the presidency of their *Chaudharis* or headmen. Twenty years ago each group had one Chaudhri, but now Jaiswala have three and Manikpur two. The quarrel was as follows. Firstly a woman (her *ghol* is not given) peddled fruit about the streets. The brethren ordered her to desist from the practice, which is derogatory to the caste's dignity; women should only sell in shops. Her husband and

¹“The Caste system of Northern India” pp. 51-56.

she proved contumacious; and finally their own ghol, acting singly, outcasted the man. The Dalmu ghol, however, dissenting from this action admitted the husband to communion with themselves upon payment of a fine of Rs. 80 in lieu of excommunication. Secondly a man (the ghol, again is not given) was excommunicated by his own ghol, acting alone; and while his case was under trial, the Jaiswala Chaudhri invited him to dinner by mistake. Thereupon, the three ghols, acting in concert, fined the Chaudhri Rs. 30. Lastly, fines had accumulated and it was decided to hold a *Katha* (sacred recitation). The Dalmu Chaudhri said he preferred to have his share of money; but the Manikpur Chaudhri (who seems to have kept the joint purse) refused, taking up the attitude that there was going to be a *Katha* to which the Dalmu people could come or not as they liked. The matter at this stage was brought into court; meanwhile the three ghols ceased to inter-marry, so that one endogamous sub-caste split into three quarrels, ghol was pitted against ghol.

If in any caste a group should adopt some new or unusual worship of which other members do not approve, one would expect that group to break off and become an endogamous sub-caste. That such sub-castes are uncommon is due to the tolerance about what and with whom he eats and whom he marries. We do, however, find that the Mahabhiras and Panchipriya sub-castes amongst Telis, Koris and the Namakshalis amongst Barhais, Bhangis and Kadheras."

How do these castes behave towards one another. Their guiding principle is 'be separate', do not intermarry 'do not interdine' and 'do not touch'. Mr. Blunt¹ has well described the situation when he says:

"A Hindu sits down to a meal either alone or with his caste fellows. The women cannot eat with the men; they wait till their lords have finished. So long as the meal or a part of it consists of *Kachcha* food (as it usually does, since Chapatis appear at most meals), the man must dine with the precautions of a magic ceremony. He sits within a square marked off on the ground (chauka) inside which is the *Chulha* or cooking place. Should a stranger's shadow fall upon this square, all food cooked within it is polluted and must be thrown away. In camp, Hindu servants may be seen, each well apart from the rest, each within his own chauka, cooking his food upon his own mud oven and eating alone.....

"Rules regarding the acceptance of water are on the whole the same as those regarding the acceptance of a pakka food, but with

a tendency to greater laxity. The vessel in which the water is contained affects the question. A high caste man will allow a low caste man to fill his *lota* (drinking vessel) for him; but he will not drink from the *lota* of that low caste man. Or a high caste man will give anybody (save Untouchables) a drink, by pouring water from his own *lota* into that of the drinker; all the men employed at stations to supply railway travellers with water are Barhais, Baris, Bharbhunjas, Halwais, Kahars, and Nais; and of course from higher castes still.

Rules regarding smoking are stricter. It is very seldom that a man will smoke with anybody but a caste fellow; the reason, no doubt is that smoking with a man usually involves smoking his pipe, and this involves much closer contact even than eating food which he has prepared. So stringent is this rule, indeed, that the fact that Jats, Ahirs, and Gujars will smoke together has been regarded as a ground for supposing that they are closely akin. Some castes, the Kayastha for instance, differentiates between smoking in narial fashion in which the hands are closed round the pipe and the smoke is drawn in without putting the stem actually in the mouth—and smoking in the usual way. Little need be said on the subject of vessels. There are rules laying down what sort of vessels should be made, but they are rather religious than social. Hindus must use brass or alloy (although the use of alloy is hedged about by numerous and minute injunctions, and if such vessels become impure, the only remedy is to get them remoulded). The risk of pollution makes it imperative for every man to have a few vessels of his own. The minimum consists of a *lota* (drinking vessel), *batna* (cooking pot), and *thali* (dish). Better class folk add a *Katora* (spoon) and *Gagra* (Water pot). For feasts, the brotherhood usually keep a set of larger vessels of all kinds, which they lend to the host; these are bought with the proceeds of fines, and are common property.”¹

What fraternity can there be in a social order based upon such sentiments? Far from working in a spirit of fraternity the mutual relations of the castes are fratricidal. Class consciousness, class struggle and class war are supposed to be ideologies which came into vogue from the writings of Karl Marx. This is a complete mistake. India is the land which has experienced class consciousness, class struggle. Indeed, India is the land where there has been fought a class war between Brahmans and Kshatriyas² which lasted for several

¹ In the Northern India the bar to eating together applies only when the food is *kachcha* food. In Southern India the bar is complete and applies even when the food is *pucca* food. *Kachcha* food is food cooked in water. *Pacca* food is food cooked in ghee.

² See my book ‘Who were the Shudras?’

generations and which was fought so hard and with such virulence that it turned but to be a war of extermination.

It must not be supposed that the fratricidal spirit has given place to a spirit of fraternity. The same spirit of separation marks the Hindu social order today as may be seen from what follows:

Each class claims a separate origin. Some claim origin from a Rishi or from a hero. But in each case it is a different Rishi or a different hero having nothing to do with the Rishis and heroes claimed by other castes as their progenitors. Each caste is engaged in nothing but establishing for itself a status superior to that of another caste. This is best illustrated by rules of hypercommensality and rules of hypergamy. As pointed out by Mr. Blunt¹:

“It is essential to realize that in respect of the cooking taboo, the criterion is the caste of the person who cooks the food, not the caste of the person who offers it. It follows, therefore, that a high caste Hindu can eat the food of a man of any caste, however low, if his host possesses a cook of suitable caste. And that is why so many cooks are Brahmins. The Hindu draws a distinction between kachcha food, which is cooked in water and pucca food which is cooked with ghee (clarified butter). This distinction depends on the principle that ghee, like all the products of the sacred cow, protects from impurity, and since such protection is the object of all food taboos, this convenient fiction enables the Hindu to be less particular in the case of pucca food than of kachcha food, and to relax his restrictions accordingly:

Speaking of hypergamy, Mr. Blunt² says:—

“The custom of hypergamy introduces an important modification into the marriage laws of many castes. Where it prevails, the exogamous groups are classified according to their social position; and whilst a group of highest rank will take brides from it, it will not give brides to a group of lower rank. The law is found most highly developed amongst Rajputs but it is observed by many other castes..... Indeed amongst all Hindus there is probably a tendency towards hypergamy.”

What is it that has behind these rules regarding hyper-commensality and hypergamy ? Nothing else but the spirit of high and low. All castes are infested with that spirit and there is no caste which is free from it. The Hindu social order is a ladder of castes placed one above the other together representing an ascending scale of hatred and a descending scale of contempt.

¹ ‘The Caste system of Northern India’ pp. 89-90.

² *Ibid.* ‘The Caste system of Northern India’.

This spirit has exhibited itself in the proverbs coined by one caste with the object of lampooning another caste. It has given rise even to literature by authors of low castes suggesting filthy origin of the so-called high caste. The Sahyadrikhand is the best illustration of it. It is one of the Puranas which form part of the Hindu sacred literature. It is a Purana of a style quite different from the traditional puranas. It deals with the origin of the different castes. In doing so, it assigns noble origin to other castes while it assigns to the Brahmin caste the filthiest origin.

Does the Hindu social order recognise equality? The answer must be in the negative. That men are born equal is a doctrine which is repugnant to the Hindu social order. In the spiritual sense it treats the doctrine as false. According to the Hindu social order though it is true that men are the children of Prajapati the Creator of the Universe, they are not equal on that account. For, they were created from the different parts of the body of Prajapati. The Brahmins were created from the mouth, the Kshatriyas from the arms, the Vaishyas from his thighs and Shudras from his feet. The limbs from which they were created being of unequal value the men thus created are as unequal. In the biological sense, the Hindu social order does not bother to examine whether the doctrine is founded in a fact. If it was not a fact, i.e., men were not equal in their character and natural endowments of character and intelligence so much the better. On the other hand, if it was a fact, i.e., men were equal in character and natural endowments, so much the worse for the doctrine. The Hindu social order is indifferent to the doctrine as a fact. It is equally indifferent to it as an ethical principle. It refuses to recognise that men no matter how profoundly they differ as individuals in capacity and character, are equally entitled as human beings to consideration and respect and that the well-being of a society is likely to be increased if it so plans its organization that, whether their powers are great or small, all its members may be equally enabled to make the best of such powers as they possess. It will not allow equality of circumstances, institutions and manner of life. It is against equalitarian temper.

III

If the Hindu social order is not based on equality and fraternity, what are the principles on which it is based? There is only one answer to this question. Though few will be able to realize what they are, there is no doubt as to their nature and effect on Hindu society. The Hindu social order is reared on three principles. Among these the first and foremost is the principle of graded inequality.

That the principle of graded inequality is a fundamental principle is beyond controversy. The four classes are not on horizontal plane, different but equal. They are on vertical plane. Not only different but unequal in status, one standing above the other. In the scheme of Manu, the Brahmin is placed at the first in rank. Below him is the Kshatriya. Below the Kshatriya is the Vaishya. Below Vaishya is the Shudra and below Shudra is the Ati-shudra or the Untouchable. This order of precedence among the classes is not merely conventional. It is spiritual, moral and legal. There is no sphere of life which is not regulated by this principle of graded inequality.

One can substantiate this by numerous illustrations from the Manu Smriti. I will take four illustrations to prove the point. They will be the law of slavery, law of marriage, law of punishment and law of Samskaras and law of Sanyas. The Hindu law recognised slavery as a legal institution. Manu Smriti recognised seven kinds of slaves. Narada Smriti recognised fifteen kinds of slaves. These differences as to the number of slaves and the classes under which they fall is a matter of no importance. What is important is to know who could enslave whom. On this point, the following citations from the Narada Smriti and the Yajnavalkya Smriti are revealing:

Narada Smriti: V. 39. "In the inverse order of four castes slavery is not ordained except where a man violates the duties peculiar to his caste. Slavery (in that respect) is analogous to the condition of a wife."

Yajnavalkya Smriti: XVI. 183 (2). "Slavery is in the descending order of the Varnas and not in the ascending order."

Recognition of slavery was bad enough. But if the rule of slavery had been left free to take its own course it would have had at least one beneficial effect. It would have been a levelling force. The foundation of caste would have been destroyed. For under it, a Brahmin might have become the slave of the Untouchables and the Untouchables would have become the masters of the Brahmin. But it was seen that unfettered slavery was an equitarian principle and an attempt was made to nullify it. Manu and his successors therefore while recognising slavery ordained that it shall not be recognized in its inverse order to the Varna system. That means that a Brahmin may become the slave of another Brahmin. But he shall not be the slave of a person of another Varna, i.e., of the Kshatriya, Vaishya, Shudra, or Ati-Shudra. On the other hand, a Brahmin may hold as his slave anyone belonging to the four Varnas. A Kshatriya can have a Kshatriya, Vaishya, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin. A Vaishya can have a Vaishya, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin or a Kshatriya. A Shudra can hold a Shudra and

an Ati-Shudra, as his slaves but not one who is a Brahmin, Kshatriya or a Vaishya. Ati-Shudra can hold an Ati-Shudra as his slave but not one who is a Brahmin, Kshatriya, Vaishya or Shudra.

Another illustration of this principle of graded inequality is to be found in the Laws of marriage. Manu says:—

III. 12. “For the first marriage of the twice-born classes, a woman of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred.”

III. 13. “A Shudra woman only must be the wife of a Shudra; she and a Vaishya, of a Vaishya; they two and a Kshatriya of a Kshatriya; those three and a Brahmani of a Brahmin.”

Manu is of course opposed to inter-marriage. His injunction is for each class to marry within his class. But he does recognize marriage outside the defined class. Here again, he is particularly careful not to allow inter-marriage to do harm to his principle of inequality among classes. Like slavery he permits inter-marriage but not in the inverse order. ‘A Brahmin when marrying outside his class may marry any woman from any of the classes below him. A Kshatriya is free to marry a woman from the two classes next below him, namely, the Vaishya and Shudra but must not marry a woman from the Brahmin class which is above him. A Vaishya is free to marry a woman from the Shudra class which is next below him. But he cannot marry a woman from the Brahmin and the Kshatriya class which are above him.

The third illustration is to be found in the Rule of Law as enunciated by Manu. First as to treatment to be given to witnesses. According to Manu, they are to be sworn as follows:

VIII. 87. “In the forenoon let the judge, being purified, severally call on the twice-born, being purified also, to declare the truth, in the presence of some image, a symbol of the divinity and of Brahmins, while the witnesses turn their faces either to the north, or to the east.”

VIII. 88. “To a Brahmin he must begin with saying ‘Declare’; to a Kshatriya, with saying ‘Declare the truth’; to a Vaishya admonishing him by mentioning his kine, grain or gold; to a Shudra, threatening him with the guilt of every crime that causes loss of caste.”

Take the punishment of offences as laid down by Manu. To begin with, punishment for defamation:

VIII. 267. “A soldier, defaming a priest, shall be fined a hundred panas; merchant thus offending, a hundred and fifty, or two hundred; but for such an offence a mechanic or servile man shall be whipped.”

VIII. 268. "A priest shall be fined fifty if he slanders a soldier; twenty-five if a merchant and twelve if he slanders a man of the servile class."

Take the offence of insults. The punishment prescribed by Manu is as follows:

VIII. 270. "A Shudra who insults a Dvija with gross invectives, ought to have his tongue slit for he sprang from the lowest part of Brahma."

VIII. 271. "If he mentions their names and classes with contumely, as if he says, 'Oh Devadatta, thou refuse of Brahmin'; an iron style, ten fingers long, shall be thrust red into his mouth."

VIII. 272. "Should he, through pride, give instructions to Brahmins concerning their duty; let the king order some hot oil to be dropped into his mouth and his ear."

Punishment for the offence of abuse. Manu says:

VIII. 276. "For mutual abuse by a Brahmin and a Kshatriya, this fine must be imposed by a learned king; the lowest on the Brahmin and the middlemost on the soldier."

VIII. 277. "A Vaishya and a Shudra must be punished exactly in the same manner according to their respective castes, except the slitting of the tongue of the Shudras. This is the fixed rule of punishment."

Punishment for the offence of assault. Manu propounds:

VIII. 279. "With whatever limb a Shudra shall assault or hurt a Dvija that limb, of his shall be cut off, this is in accordance of Manu."

Punishment for the offence of arrogance. According to Manu:

VIII. 281. "A Shudra who shall insolently place himself on the same seat with 9 man of high caste, shall either be branded on his hip and be banished or the King shall cause a gash to be made on his buttock."

VIII. 282. "Should he spit on him through pride, the king shall order both his lips to be gashed; should he urine on him, his penis; should he break wind against him, his anus."

VIII. 283. "If he seizes the Brahmin by the locks or likewise if he takes him by the feet, let the king unhesitatingly cut off his hands, or by the beard, or by the throat or by the scrotum."

Punishment for the offence of adultery. Says Manu.

VIII. 359. "A man who is not a Brahmin who commits actual adultery ought to suffer death; for the wives, indeed of all the four classes must ever be most especially guarded."

VIII. 366. "A Shudra who makes love to a damsel of high birth, ought to be punished corporally; but he who addresses a maid of equal rank, shall give the nuptial present and marry her, if her father desires it."

VIII. 374. "A Shudra having an adulterous connection with a woman of a twice-born class, whether guarded at home or unguarded shall thus be punished in the following manner; if she was unguarded, he shall lose the part offending and all his property; if guarded everything even his life."

VIII. 375. "For adultery with a guarded Brahmin a Vaishya shall forfeit all his wealth after imprisonment for a year; a Kshatriya shall be fined a thousand panas, and he be shaved with the urine of an ass."

VIII. 376. "But if a Vaishya or Kshatriya commits adultery with an unguarded Brahmin, the king shall only fine the Vaishya five hundred panas and the Kshatriya a thousand."

VIII. 377. "But even these two however, if they commit that offence with a Brahmani not only guarded but the wife of an eminent man, shall be punished like a Shudra or be burned in a fire of dry grass or reeds."

VIII. 382. "If a Vaishya approaches a guarded female of the Kshatriya or a Kshatriya a guarded Vaishya-woman, they both deserve the same punishment as in the case of an unguarded Brahmin female."

VIII. 383. "But a Brahmin, who shall commit adultery with a guarded woman of those two classes, must be fined a thousand panas, and for the offending with a Shudra woman the fine of a thousand panas on a Kshatriya or Vaishya."

VIII. 384. "For adultery by a Vaishya with a woman of the Kshatriya classes, if guarded, the fine is five hundred; but a Kshatriya for committing adultery on a Vaishya woman must be shaved with urine or pay the fine just mentioned."

How strange is the contrast between Hindu and non-Hindu criminal jurisprudence! How inequality is writ large in Hinduism as seen in its criminal jurisprudence! In a Penal Code charged with the spirit of justice we find two things—a section dealing with defining the crime and a section prescribing a rational form of punishment for breach of it and a rule that all offenders are liable to the same penalty. In *Manu*, what do we find? First an irrational system of punishment. The punishment for a crime is inflicted on the organ concerned in the crime such as belly, tongue, nose, eyes, ears, organs of generation etc., as if

the offending organ was sentiment having a will for its own and had not been merely a survivor of human being. Second feature of Manu's Penal Code is the inhuman character of the punishment which has no proportion to the gravity of the offence. But the most striking feature of Manu's Penal Code which stands out in all its nakedness is the inequality of punishment for the same offence. Inequality designed not merely to punish the offender but to protect also the dignity and to maintain the baseness of the parties coming to a Court of Law to seek justice; in other words to maintain the social inequality on which his whole scheme is founded.

The principle of graded inequality has been carried into the economic field. "From each according to his ability; to each according to his need" is not the principle of Hindu social order. The principle of the Hindu social order is: "From each according to his need. To each according to his nobility." ¹Supposing an officer was distributing dole to a famine stricken people. He would be bound to give greater dole to a person of high birth than he would to a person of low birth. Supposing an officer was levying taxation. He would be bound to assess a person of high birth at a lower rate than he would to a person of low birth. The Hindu social order does not recognise equal need, equal work or equal ability as the basis of reward for labour. Its motto is that in regard to the distribution of the good things of life those who are reckoned as the highest must get the most and the best and those who are classed as the lowest must accept the least and the worst.

Nothing more seems to be necessary to prove that the Hindu social order is based on the principle of graded inequality. It pervades all departments of social life. Every side of social life is protected against the danger of equality.

The second principle on which the Hindu social order is founded is that of fixity of occupations for each class and continuance thereof by heredity. This is what Manu says about occupations of the four classes.

"I. 87. But in order to protect this universe, He, the most resplendent one, assigned separate (duties and) occupations, to those who sprang from his mouth, arms, thighs and feet.

I. 88. To Brahmanas he assigned teaching and studying (the Veda) sacrificing for their own benefit and for others, giving and accepting (of alms).

I. 89. The Kshatriya he commanded to protect the people, to bestow gifts to offer sacrifices to study (the Veda) and to abstain from attaching himself to sensual pleasures."

¹ The illustrations given above are not merely drawn from imagination. They are facts of history. The differentiation between high and low was recognised by law in the time of the Peshwas. The differentiation about dole exists even now in the Bombay Presidency and was defended by a Congress Minister. *These Remarks are not applicable today*—Editors.

“I. 90. The Vaishya to tend cattle to bestow gifts to offer sacrifices to study (the Veda) and to abstain from attaching himself to sensual pleasures.”

I. 91. One occupation only the Lord prescribed to the Shudra, to serve meekly even these (other) three castes.”

These rules regarding the occupations of the different classes are further amplified by Manu as will be seen from the following citations from his Smriti:

“I. 88. To Brahmans he (Swayambhu Manu) assigned the duties of reading the Veda, of teaching it, of sacrificing, of assisting others to sacrifice, of giving alms if they be rich, and if indigent of receiving of gifts.

I. 89. To defend the people, to give alms, to sacrifice, to read the Veda, to shun the allurements of sensual gratification, are in a few words, the duties of a Kshatnya.

I. 90. To keep herds of cattle, to bestow largeness, to sacrifice, to read the scriptures, to carry on trade, to lend at interest, and to cultivate land are prescribed or permitted to a Vaishya.

I. 91. One principal duty the supreme Ruler assigns to a Shudra; namely, to serve the beforementioned classes, without depreciating their worth.

X. 74. Let such Brahmans as are intent on the means of attaining the supreme godhead, and firm in their own duties, completely perform in order, the six following acts.

X. 75. Reading the Vedas, the teaching others to read them, sacrificing, and assisting others to sacrifice, giving to the poor if themselves have enough, and accepting gifts from the virtuous if themselves are poor, are the six prescribed acts of the firstborn class.”

“X. 76. But, among those six acts of a Brahman three are his means of subsistence; assisting to sacrifice, teaching the Vedas and receiving gifts from a purehanded giver.

X. 77. Three acts of duty cease with the Brahman and belong not to the Kshatriya, teaching the Vedas, officiating at a sacrifice and thirdly receiving presents.

X. 78. Those three are also (by the fixed rule of law) forbidden to the Vaishya since Manu, the Lord of all men, prescribed not those acts to the two classes, military and commercial.

X. 79. The means of subsistence peculiar to the Kshatriya are bearing arms, either held for striking or missile; to the Vajshya, merchandise, attending on cattle, and agriculture; but with a view to the next life, the duties of both are alms giving, reading and sacrificing.”

Every member must follow the trade assigned to the class to which he belongs. It leaves no scope for individual choice, individual inclination. An individual under the Hindu social order is bound to the profession of his ancestor. It is an inexorable law from which he cannot escape.

The principle does not stop with fixity of occupation. It grades the several occupations in terms of respectability. This is what Manu says:—

“X. 80. Among the several occupations for gaining a livelihood the most commendable respectively for the Brahmans, Kshatriyas and the Vaishyas are the teaching of the Vedas, defending the people and trade.

The third principle on which the Hindu social order is founded is the fixation of people within their respective classes. There is nothing strange or peculiar in the fact that the Hindu social order recognizes classes. There are classes everywhere and no society is without them. Families, cliques, clubs, political parties, nay communities, gangs engaged in criminal conspiracies, business corporations which prey upon the public are to be found in all societies in all parts of the world. Even a free social order will not be able to get rid of the classes. What a free social order aims to do is to prevent isolation and exclusiveness being regarded by the classes as an ideal to be followed. For so long as the classes do not practise isolation and exclusiveness they are only non-social in their relations towards one another. Isolation and exclusiveness make them anti-social and inimical towards one another. Isolation makes for rigidity of class consciousness, for institutionalizing social life and for the dominance of selfish ideals within the classes. Isolation makes life static, continues the separation into a privileged and underprivileged, masters and servants.

Not so much the existence of classes as the spirit of isolation and exclusiveness which is inimical with a free social order. What a free social order endeavours to do is to maintain all channels of social endosmosis. This is possible only when the classes are free to share in an extensive number of common interests, undertakings and expenses, have a large number of values in common, when there is a free play back and forth, when they have an equable opportunity to receive and to take from others. Such social contacts must and does dissolve custom, makes for an alert and expanding mental life and not only occasion but demand reconstruction of mental attitudes. What is striking about the Hindu social order is its ban on free inter-change and inter-course between different classes of Hindu society. There is a bar against inter-dining and inter-marriage. But Manu goes to the length of interdicting ordinary social intercourse. Says Manu:

IV. 244. "He, who seeks to preserve an exalted rank, must constantly form connections with the highest and best families, but avoid the worst and the meanest.

IV. 245. Since a priest, who connects himself with the best and the highest of men, avoiding the lowest and worst, attains eminence; but sinks by an opposite conduct, to the class of the servile.

IV. 79. Not let him tarry even under the shade of the same tree with outcaste *for the great crimes*, nor with Chandalas, nor with Puccasas, nor with idiots, nor with man proud of wealth, nor with washermen and other vile persons, nor with Antyevasins."

The Hindu social order is opposed to fraternity. It does not admit the principle of equality. Far from recognising equality it makes inequality its official doctrine. What about liberty? So far as choice of occupation goes, there is none. Everyone has his occupation determined for him. Only thing left to do is to carry it on. As to freedom of speech it exists. But it exists only for those who are in favour of the social order. The freedom is not the freedom of liberalism which was expressed by Voltaire when he said "I wholly disapprove of what you say and will defend to the death your right to say it. "This is clear from what Manu has to say about Logic and dialectics.

"IV. 29-30. No guest must stay in his house without being honoured according to his ability, with a seat, food, a couch, water, or roots and fruits.

Let him not honour even by a greeting heretics, men who follow forbidden occupations, men who live like cats, rogues, logicians (arguing against the Veda) and those who live like herons.

II. 10. But by Sruti (Revelation) is meant the Vedas and by Smriti (tradition) the Institutes of the sacred law; those two must not be called into question in any matter, since from those two the sacred law shone forth.

II. 11. Every twice-born man, who, relying on the Institutes of dialectics, treats with contempt those two sources (of the law), must be cast out by the virtuous as an atheist and a scorner of the Veda.

II. 12. The Veda, the sacred tradition, the customs of virtuous men, and one's own pleasure, they declare to be visibly the fourfold means of defining the sacred law." The reasons for this are made manifest by Manu who says:

II. 6. "The whole Veda is the (first) source of the sacred law, next the tradition and the virtuous conduct of those who know the (Veda further) also the customs of holy men, and (finally) self-satisfaction :

II. 7. Whatever law has been ordained for any (person) by Manu; that has been fully declared in the Veda; for that (sage was) omniscient.”

In this freedom there is not freedom for dialecticians, no freedom for logicians to criticise the social order which means there is no freedom at all.

What about liberty of action ? In the sense of effective choice, there is no room for it in the Hindu social order. The Hindu social order leaves no choice to the individual. It fixes his occupation. It fixes his status. All that remains for the individual to do is to conform himself to these regulations.

The same must be said with regard to political liberty. The Hindu social order does not recognise the necessity of a representative government composed of the representatives chosen by the people. Representative Government rests on the belief that people must be governed by law and law can be made only by the representative of the people. The Hindu social order recognises the first part of this thesis which says that people must be governed by law. But it denies the second part of the thesis which says that law can be made only by the representatives chosen by the people. The tenets of the Hindu social order is that the law by which people are to be governed is already made and is to be found in the Vedas. Nobody has a right to add to and subtract from it. That being so, a representative assembly of the people is unnecessary. Political liberty which is liberty to frame laws and to make and unmake Government is futility for which there is no place in the Hindu social order.

To sum up, the Hindu social order is an order based on classes and not on individual. It is an order in which classes are graded one above the other. It is an order in which the status and functions of the classes are determined and fixed. The Hindu social order is a rigid order. No matter what changes take place in the relative position of an individual his social status as a member of the class he is born in relation to another person belonging to another class shall in no way be affected. The first shall never become the last. The last shall never become the first.