

Purity

[To the Pali governor, 1785] And the merchants of Pali came here and made their appeal known. The order is as follows: “At ponds and stepwells, all the people draw water from the same bank. If they draw water from another bank, then our dignity (*marjād*) will be preserved.” From now, the brahmans, mahajans, and other high castes should draw water from one side and the Untouchable castes from another.¹

Year after year in Vijai Singh’s reign, members of the mercantile and priestly castes brought petitions before the Rathor state, objecting to proximity with “low” castes and Untouchables. It is worth noting that rajputs, a caste of lordly warriors and landholders, did not petition the Rathor state for such interventions, which indicates that rajputs were secure in their position at the top of the regional social order. There was no need for them to channel state authority to underscore social and spatial distance from the “lowly” and the untouchable. Merchants and brahmans, on the other hand, petitioned the state, objecting to the spatial or social proximity of “low” castes and seeking a departure from existing patterns. These petitions were not framed in the language of custom nor presented in any way as a continuation or revival of past practice. Instead, they legitimized their claims by appealing to the king’s duty to maintain *dharma* or moral order.² These elite groups asked the state to intervene in favor of their demand for a change in established spatial or social patterns in order to create a more segregated society.

CUSTOM AND LAW

The petitions by merchants and brahmans were a departure from the deference toward custom as the basis for legal claims that held such value for large areas of Rathor jurisprudence, as Nandita Sahai has shown, even in these same decades.³ As Sahai has argued for eighteenth-century Marwar and Sumit Guha for the Maratha-ruled Deccan in the same century, custom was being constantly reshaped by localized struggles and negotiations among ordinary actors, and this placed

the customary firmly in the domain of political life.⁴ This was much like directly administered Mughal territories, in which *dastūr* (custom) had an important place in Mughal law.⁵ In Marwar, disputes, whether social or economic in nature, were resolved with reference to custom. In the course of the seventeenth century, as the Rathor state transitioned toward a monarchy, successive Rathor kings also expanded and centralized an administrative structure for revenue, military purposes, and law. District administration, the details of which I discussed in the last chapter, served as an intermediary layer in legal matters between the crown and its subjects. A vigorous culture of petitioning flourished in Marwar. It was not just well-to-do folk such as merchants and landlords but also artisans and poor service groups that approached the crown with petitions (*araj*, a vernacularization of *arzi*). The petitions that are available to us from the mid-eighteenth century offer a glimpse into the application of law and legal culture in a late precolonial South Asian polity. This aspect of legal history is particularly important as a counterpoint to the study of law codes and normative texts as a means of understanding the history of law in South Asia prior to colonial conquest.

There are hundreds of orders in the *Jodhpur Sanad Parwāna Bahīs*, in which the crown orders disputes resolved through a return to or continuation of past practice. Nandita Sahai has identified the term *uvājabī* (also transliterated as *uwājabī*) as central to Rathor jurisprudence, a term she translates as representing that which is legitimate. This word was derived from the Arabic *wājib*, which connotes acts that are enjoined upon a person as duties or ethical imperatives. As Sahai notes, the Rathor state's commands to its officers to do what is *uvājabī* in turn suggest that in practice this meant an upholding of that which was customary.⁶

In many other cases, the Rathor crown directly invoked the past in its response to quarrels among its subjects. *Sadāmand suṃ*, *sadāmand māḥak*, and *theṭ suṃ* (all three of which translate to “as always”) and *rit* (custom) are phrases that the Rathor crown often used to enjoin its district-level officers to uphold existing patterns. For instance, in 1768:

[To the Nagaur governor's office]: Teli (oilpresser) Dola, a *mehtar* [headman of the local caste group] came here and submitted a petition: “We have always (*sadāmand suṃ*) observed the mahajans' days of prayer and rest (*agatām*) and whenever they host a feast (*jīman*), they have always (*sadāmand*) given us a serving (*kāṃso*) from it. Now, they have stopped giving us a share of their feasts.” The order is (*hukam huvo hai*): Tell the mahajans to continue serving a share as they always have (*sadāmand kāṃso pūrastā huvai jīn māphak pūras diyā karai*).⁷

This command displays a mutually recognized arrangement between the oilpressers and merchants of Nagaur in which the merchants gave the oilpressers a portion from their communal feasts on certain holy days, an act not just of providing food but also one that built a social bond between the two caste groups. In return, the oilpressers observed the merchants' holy days. The mahajans' seemingly unprovoked

withdrawal from their end of the arrangement disrupted the ties that wove the two groups into a relation that transcended a purely market-based exchange. The oilpressers' petition to the crown then was less about a share from communal feasts held occasionally through the year and more about restoring the symbolic tie that undergirded their relationship to the merchants of Nagaur. The merchants' own attempt to break this reciprocal tie can in turn be read as an effort to rewrite the terms of their relationship with the oilpressers, effecting a demotion in status for the oilpressers by no longer considering them worthy of a share of the merchants' communal feasts. It was a move that communicated a disregard for the oilpressers' standing and is one of many indicators in the eighteenth-century records of the Rathor state of an underlying change in the socioeconomic position of the merchants, the roots of which I laid out in the previous chapter. The important feature of this record for the discussion here is the emphasis placed upon past practice or custom by both the petitioning oilpressers and the adjudicators working on behalf of the Rathor crown in Jodhpur.

The undesirable opposite of *uvājabī* or "legitimate" then was the condition of being *beuvājabī* or *gair uvājabī*, meaning roughly "unsuitable" or "illegitimate." In deeming a situation to be worth rectifying, Rathor officers would describe it as being *sadāmand sīvāy* (in departure from past practice), *berīt* (violating custom), or *navāsir sum* (establishing a new precedent). The invocation of the past, even an ancient or timeless past as the use of the terms *sadāmand* and *theṭ* suggests, became a powerful plank upon which shared notions of righteous order and justice rested in the Marwar polity. Both the state's judgments and subjects' petitions emphasized the illegitimacy of a departure from custom. State power then drew sustenance and renewal from the defense of that which could be established as customary.

This seeming defense of past practice, however, did not mean that local society was trapped in a recursive loop of historical stasis. As several historians have noted, custom was malleable, transmitted as it was by popular memory and notions of moral economy instead of being written down and cast in stone.⁸ When cited, custom carried the aura of immutability and this aura was the foundation of its authority. In practice, however, the customary was an arena of constant negotiation and modification, adapting to changes in the context within which it was set. Custom was the site of politics, redefined and reshaped in response to changing power relations among constituents.

The persistence of custom in guiding political and adjudicatory action stands at odds with the historical processes that I show in this book that were unfolding in the same decades of the eighteenth century. That is, in these same decades, merchants working in alliance and through the Rathor state introduced new laws, practices, and patterns of everyday life. They did so without bothering to turn to the authority of custom, even in name and even though custom had the malleability to accommodate departures disguised as past practice. Instead, it was

ethics and the pursuit of virtue that were implicitly the legal reasoning behind merchants' and brahmans' petitions and which justified state decrees concerning elite exclusivity and its cultural markers. These ethics upheld austerity and the protection of nonhuman life and appended vegetarianism to preexisting conceptions of the "purity" that defined elite caste status. Merchants legitimized their petitions demanding policies of segregation, discrimination, and marginalization in spatial, social, economic, and ritual domains by invoking ethics and not custom. This perhaps is the other part of a shift traced by Sahai: the emergence of a gap after 1780 between the Rathor state's reading of what was customary and that of the artisanal communities she studies.⁹ Social life in precolonial South Asia was not only governed by law but also by the overlapping domain of locally variable and negotiated custom. Even so, the latter half of the eighteenth century saw an erosion of the power of custom as a "weapon of the weak," alongside a turn to other discourses of law.

SOCIAL DISTANCE

Purity and caste have frequently gone together in scholarly and popular thinking about caste. The purity in question in those conversations is ritual in nature; that is, it evokes a set of embodied practices centered on avoiding the contagion of ritual pollution. These practices and ideas about what constitutes ritual pollution are thought to derive from textual prescriptions and commentaries that brahmans have composed since ancient times. Historical research has made clear that brahmanical notions of purity and pollution were not the only determinant of caste in practice, particularly prior to colonial rule.¹⁰ When I bring up purity here then, it is not ritual but demographic purity I refer to. In the petitions and local politics of eighteenth-century Marwar, I see a drive toward "purifying" such social bodies as caste groups or an imagined "Hindu" community through an expulsion of persons and practices now deemed extrinsic. In this chapter, I will show that this drive played out in sites as varied as residential space, drinking water, social bodies, and economic life. All of these domains came "under the knife," so to speak, as the merchant and brahman subjects and functionaries of the Rathor state sought to carve out a subject body that was in line with their vision.

In the effort to purify an elite domain, sometimes named Hindu and other times not, merchants often acted collectively or teamed up with other "high" castes such as brahmans and, in villages, peasants of the *jāt* caste. Collective merchant-brahman and merchant-*jāt* actions are recorded in 1775¹¹ and 1787¹² in Merta, in 1789 in Nagaur,¹³ and in 1779¹⁴ and 1803¹⁵ in Sojhat. These actors justified to the state their refusal to live close to a leatherworker (*chamār*) or other "low" caste by asserting it was contrary to their *dharma*, that is, to their moral duty (for instance, "*bhāmbhī rai pākhtī rahyā mhāro dharam nahī*," or "living next to a leatherworker violates my *dharma*,"¹⁶ and "*jaṭhai vai pāṇi pivai to mhāro dharam rahai*," or "if

they drink water there [or away from ‘us’], my *dharma* will remain intact”).¹⁷ Singhvi Tilokmal, a mahajan himself, responded to this reasoning on behalf of the crown in both of these cases in which elite-caste *dharma* undergirded demands for social distance. He ruled in the former case that the leatherworker should be allotted another place to live, and in the latter that leatherworkers should draw water from different wells than Shrimali merchants.

Research on other parts of seventeenth- and eighteenth-century South Asia indicates that merchants were able to organize into corporate bodies and this contributed to their success as pressure groups upon local governments. Writing about seventeenth-century Gujarat, a society in which merchants formed a wealthy and influential segment that was well incorporated into systems of rule, Farhat Hasan notes merchants’ protests were not in defense of customs or privileges but rather increasingly “more productive,” or working to change the “systems of rule” to suit their interests.¹⁸ In late eighteenth- and early nineteenth-century Awadh as well, as Christopher Bayly has shown, merchants organized into transcaste corporate bodies and began to act as a check upon kingly authority.¹⁹

In Marwar, this “civic” activism of mahajan groups was directed toward moving merchants squarely into the domain of other, more established elite castes—primarily rajputs and brahmans—and connectedly, toward increasing social distance from all social “inferiors.” The role that state authority played, the discussion below will argue, in the success of mahajans’ campaign to reorder social and spatial patterns was crucial. That the Rathor state, as I showed before, was manned by mahajans and in key offices, brahmans, aided the mahajans’ efforts to create a new elite identity of which they were a part. Having their caste fellows in positions of authority both at the district level and in the capital helped them win sympathetic judgments and allowed the implementation of new policies, openly departing from custom, that might otherwise have had to contend with insurmountable resistance.

THE HOLY AND THE LOWLY

There are several appeals from merchants in the historical record that testify to an urge to socially distance themselves from *all* artisanal and service castes, including but not limited to those practicing ritually defiling occupations such as skinning, leatherwork, and sweeping. Groups that traditionally earned an income from artisanal and service work were called the *chhattīs pāvan jāt* (literally, “the thirty-six receiving castes”) or colloquially, *pūñ jāt*. The practitioners of these trades tended to range from economically middling to poor and usually occupied the middle to lower segments of local caste hierarchies.²⁰ The number thirty-six was notional and the actual number of communities in this demographic could vary from locality to locality. Pointing out that the term *pūñ* meant “three-quarters,” Nandita Sahai suggests that members of these castes were considered “three-fourth

persons” and thus inferior to full persons.²¹ Despite being ambiguous in its constitution, this class of people was internally stratified. Another inexact term, but one with a derogatory connotation, *kamīṇ* or *kamīṇā*, which translates to “lowly,” could collectively address those at the lower end among the *pūṇ jāts*.²² In various records, the castes described as *kamīṇ* include washermen (*dhobī*), barbers (*nāī*), potters (*kumbhār*), and carpenters (*khāṭī*).²³

Merchants took the lead in pushing to eliminate these “lowly” castes from communal as well as public life. For instance, it was customary for district crown officials to be invited to wedding feasts hosted by the merchant community. In 1784, the mahajans of Sojhat protested to the crown when these district officers, like the governor, treasurer, magistrate, accountant, and superintendent, began to bring as part of their retinue men of such *kamīṇ* (“lowly”) castes as washermen and barbers.²⁴ They were happy to continue hosting the officers but not their “low” caste hangers-on. It was not just the addition of extra mouths to feed but also the status of these new guests that the mahajans were objecting to. Agreeing with the mahajans, the crown ordered its district officers in Sojhat to explain this abuse of their authority.²⁵

In another episode centered on access to water, merchants asked for and won segregation from the broad swath of the “lowly.” This played out in the hot summer month of July in 1788, as is visible from the following order:

[To the Pali governor’s office] The merchants of Pali submitted an appeal to Śrī Hajūr: “There is drought here in the summers. The people get very restless. A stepwell, Ganga Bav, has been dug earlier but it remains to be built. It will cost between one and two thousand rupees to build it. If Śrī Hajūr permits and we receive the order from the governor, we can collect around two and a half rupees from each merchant home and build this stepwell. Please send a written order to the governor if you approve of this. There is now another stepwell (*jhālrā*) from which the thirty-six *pūṇ* castes draw water. We lose all our dignity (*marjād koī reh nahīm*). If Ganga Bav is built then all the people can fill water there while brahmans and mahajans draw water from the old stepwell. Then our dignity will remain intact.” The order is: Take two and a half rupees from each home in the town and have Ganga Bav completed from which other people will draw water while brahmans and mahajans will fill water at the old stepwell.

In the margin: Write “due to the mahajans’ petition”—By the order of the Superintendent of Messengers, Rupram.²⁶

In this petition, the mahajans of Pali expressed their willingness to channel their own resources toward completing the construction of a stepwell to ease the water scarcity in the bustling urban center that year. They offered to pay a small levy to the state to collect the sum needed to pay for the stepwell’s construction. The offer, however, was not as altruistic as it appears, for the mahajans appended a condition to it. In exchange for footing the bill for the construction of the new stepwell, they requested that the state support their efforts to segregate the town’s

water supply. They demanded that the new stepwell would be set aside for the use of all members of the artisanal and “low” service castes (*pūṇ jātis*). The existing water source, also a stepwell (*jhālārā*), would then be reserved for Pali’s mahajans and brahmans alone.

In their appeal, the mahajans complained that the existing situation, which had them drawing water at the same source as the artisans and “low” service castes (*chhatīs pūṇ*), was totally undignified (*marjād koī rahai nahī*). Responding favorably to this petition and without questioning the logic undergirding it, the state ordered the district administration of Pali to collect a small cess from Pali’s mahajan households in order to support the construction of a new stepwell. It made clear that once the new well was ready, the governor should direct everyone other than mahajans and brahmans to draw water from it.

Taken together, these petitions indicate that the artisanal castes held a “lowly” place in local social orders and their representation as such could constitute a sound legal basis—overriding custom—for merchants’ claims to create greater social distance from them. This, combined with the ability of new elites like merchants to finance the social distance they sought, along with the influence they had within and over the state, allowed these aspirations to be implemented into practice. Other cases in the Rathor archive show that artisans were at risk in these decades of being collapsed with those even further below them, that is, the Untouchables. But who were the Untouchables?

LEATHERWORKERS, SPACE, AND WATER

Leatherworkers—known by the caste names *chamār*, *bhāmbhī*, *dheḍh*, *meghvāl*, and *jaṭiyā*—became an important focus of mahajans’ efforts to reshape social geography. Along with merchants, brahmans too attempted to distance themselves from any group that was deemed “untouchable.” Merchants would often ally with brahmans in these efforts. The Rathor crown responded unequivocally in favor of all of the merchants’ and brahmans’ recorded demands to introduce as much distance from the leatherworking castes as possible. Leatherwork, which involved skinning carcasses and treating hides, was deemed ritually defiling due to its contact with death. The “impurity” of leatherworkers was not rooted entirely in their association with hides and skins. It also had its foundations in labor and land relations. In rural areas, leatherworkers directed much of their labor toward agricultural work as tenant farmers and farmhands.²⁷ Most leatherworkers were landless, although some did hold small plots.²⁸

In their quest to make ends meet, leatherworkers often became trapped in debt and were at risk of being reduced to bonded labor (*vasīpaṇā*) controlled by rajput landholders.²⁹ Landlessness and debt bondage then were important elements of the leatherworkers’ low caste status. Leatherworkers used petitions, protest, flight, and rarely, violence to resist efforts by landed elites and occasionally merchants

to reduce them to bonded labor.³⁰ *Vasīpaṇā*—from being a bond of loyalty tying dependents of a range of castes and professions to a mobile rajput in the medieval period—had changed in the course of the early modern period into bonded labor. Rather than ties of *naukarī* or service, which too were interwoven with dependence and hierarchy, now it was the far more impersonal relation caused by debt, whether of cash loans or loans of desperately needed food, that tied agrarian workers to rural landlords and moneylenders.

At the same time, social proximity to leatherworkers could be read as a sign of lowliness by association. In the more polarized caste order of the eighteenth century, such “mixing” became undesirable. So, in 1764, the state acceded to the demand of a brahman from the village Pipad to be rehabilitated to a brahman neighborhood since there was a leatherworkers’ quarter close to his current home.³¹ In 1775, the state forcibly resettled the leatherworking *jaṭīyās* of Merta far from brahman and merchant quarters when the latter groups demanded this change.³² In both cases, the brahmans and merchants who objected to the proximity of a “low”-caste home to their own had until this point been neighbors with the “low”-caste communities. What these groups asked for and won from the state was a departure from existing patterns. As for the leatherworkers, apart from the dislocation and financial loss caused by enforced relocation, they also had to wage a battle to receive the rehabilitation that was promised to them.

In Merta district, the merchants and upper *jāt* peasantry channeled their superior wealth to have the leatherworkers (*meghvāls*) of their village evicted. The merchants and *jāts* paid the state (*darbār*) five rupees and won a favorable ruling. It was the leatherworkers who then turned to the crown in Jodhpur for help, pointing out that their residential settlement had been encompassed in prior years by the expanding village.³³ All they got from the crown was a guaranteed reimbursement of the assessed value of their homes and a reprieve of a couple of months until the monsoon rains subsided. After that, they were to be shown a piece of land outside the village to build new huts on (*dūjī jāyḡā batāso jaṭhām tāprām kar jāy rehṣī*).³⁴ In Nagaur district, the *jāgirdār* of Phasan village began to use his authority to harass a brahman resident.³⁵ Apart from confiscating some of the brahman’s property, he also settled a leatherworker close to the brahman’s home, knowing that this would bother the brahman.³⁶ The brahman petitioned the crown for help, winning an order for the *balāi* leatherworker to be immediately moved far from the brahman’s home.³⁷

Similar struggles ensued elsewhere. In 1782, the leatherworking *jaṭīyās* of Nagaur appealed to the state for help when they were thrown out of their homes in the town to make way for a new public works project but never received new plots of land on which to rebuild their lives.³⁸ Almost twenty years later, in 1801, the same community, but this time in Sojhat, found itself facing eviction not only from their homes but from the town. In order to raise money, the crown had ordered that the leatherworkers’ plots be immediately confiscated and sold in order to generate five rupees per plot as revenue.³⁹ The leatherworkers put up a fight for

two years.⁴⁰ In 1803, facing the crown's pressure to leave, they protested that they had nowhere to go since the promised settlement that was meant to accommodate them outside the town was still incomplete.⁴¹ Ignoring their protests and insisting that the new settlement was ready, the crown ordered the governor of Sojhat to immediately resettle them outside the town and to discipline them if they continued to protest.⁴²

In large parts of the Marwar kingdom, groundwater was hard to reach and rainfall scanty. Situated on the edge of the Thar Desert in western India, the people of this region had adapted their lives and livelihoods to the scarcity of water. Famine occurred every few years. Differential access to water resources served as an additional and cruel marker of social inequality. In 1765, the merchants, brahmans, *jāṭ* farmers, and others of Mahevera village in Merta district joined forces to prevent the leatherworking *balāīs* of their village from drawing water from a well, even though the well had earlier been demarcated for the exclusive use of the leatherworking castes.⁴³ This suggests that this village had already seen an aligning of the local caste order in a manner that permitted the exclusion of leatherworkers from the public water supply. Doubling down on this exclusion, caste elites of this village now worked to expel the *balāīs* even from the segregated water access they had. The leatherworkers appealed to the state for help and the state ruled in their favor, citing custom and decreeing that the *balāīs* should continue to draw water from the well that had been allocated to their use.⁴⁴

While in this case pressure from local elites did not yield the desired result, most subsequent attempts at such segregation were received favorably by state officers. Ten years later, in 1775, a group of Shrimali merchants of Samdadi village in Siwana district could not accept that leatherworkers such as *balāīs* and *jaṭīyās* were drawing water from a well that the Shrimalis considered exclusively theirs,⁴⁵ even though it was only after their own well dried up that the leatherworkers had turned to the Shrimali-controlled well for water supply. The Shrimalis petitioned the state, asking that the leatherworkers turn to other, smaller wells in the area for their water needs. The state complied with the Shrimalis' demand, ordering that the leatherworkers be forced to refrain from drawing water from the same well as the Shrimalis and that they be directed to alternative water sources.⁴⁶

Similarly, a merchant from Merta complained to the crown in 1780 when the *chamārs* and *balāīs*, both leatherworking castes, began to fill water at a public water source instead of sticking to a small waterhole that had customarily been reserved only for them. The mahajan petitioned the state to direct the leatherworking groups to draw water at a designated tank, the Naval Sagar, instead of filling their vessels where the mahajans did. The crown assented and ordered its district officers in Merta to ensure that the leatherworkers drew water only from the designated tank.

From the perspective of mahajans and brahmans, then, sharing space and water supply with the loosely defined "lowly" might have been undesirable but also largely unavoidable. But sharing space and water supply with leatherworkers

was even less acceptable. In fact, it was unacceptable enough to provide a strong case for state intervention. As clearly stated in the command I presented in the introduction to this book, leatherworkers were squarely in the category “Untouchable.” The maintenance of the purity of the elite social body demanded insulation from the Untouchable. The latter half of the eighteenth century in Marwar provided suitable conditions to make this ideal a reality.

In a region such as Marwar, with arid, semi-arid, and rainfall-dependent ecologies, water was a source of power. In these ecological conditions, access to water resources was prized and control over these could be a source of economic prosperity and local dominance.⁴⁷ The building of public tanks, stepwells, and lakes was expensive and it was the region’s kings, rajput lords, and merchants who took the lead in sponsoring their construction and maintenance.⁴⁸ Rulers also offered loans or concessional land revenue rates as incentives to peasants to dig new wells.⁴⁹ Building water bodies, with the donor’s name often installed nearby on a stone inscription, created a legacy for the donor or king and generated goodwill and spiritual merit. Water bodies were in that sense political resources. But, as the cases discussed in the section show, they also could be political resources in local struggles to demarcate elite status and the caste order. The desert ecology of Marwar intensified the politics of water access.

UNTOUCHABLES PAR EXCELLENCE

There are probably only a handful of cases where castes associated with removing waste—largely *bhaṅgīs* and *halālkhors* in Marwar—even show up in the administrative and judicial decrees of the Jodhpur crown. This is unlike those other castes that were also considered quite lowly and whose work was deemed polluting such as the leatherworkers discussed above. Even within the broad rubric of the “untouchable” then, there were distinctions and degrees of untouchability, with the sweepers being so far removed from the social domain that their disputes, petitions, and even crimes were not of concern to the state. Quite as likely, the state was not of concern to *bhaṅgīs*, at least in their social life. As the silence of the archive suggests, they likely resolved their own disputes largely among themselves. The state’s legal apparatus was not the means through which to challenge punishments, violations of customary rights, or other injustices. In the rare occasions that *bhaṅgīs* do appear in the orders, judgments, and decrees of the Rathor state, it is not as petitioners for justice but mostly as nebulous figures that are occasionally referred to but whose own concerns remain unstated.

I will begin by sharing the few references to *bhaṅgīs* that I could find in the Rathor archive. In one judgment, reflecting their reduction to a condition of inescapable and inherent defilement, the *bhaṅgīs* were forced into being the instruments of rough justice at the hands of local elites. In 1785, Mahajan Rajiye of a village in Parbatsar district appealed to the crown for help when he was punished

for a crime that he claimed he did not commit.⁵⁰ He was accused by another mahajan of stealing grain and, acting upon this complaint, the village's scribe slapped Mahajan Rajiye with a series of punishments, among which was tying him amid *bhaṅgīs* and ordering the *bhaṅgīs* to spit onto his face.⁵¹ The mere company of *bhaṅgīs* and contact with their bodily fluids were considered so offensive that they were forms of penalty. While petitioning the crown for justice, Mahajan Rajiye was careful to include in his petition a clarification that those *bhaṅgīs* did not actually go through with spitting on him.⁵² Crown officer Purohit Kesorai, a brahman, agreed with the merchant that this was an excessive punishment, and one without judicial precedent (*bedastūr*). It ordered an official inquiry into how such a resolution could have been arrived at, as seen in the order reproduced as figure 3 in this book.⁵³

That said, contrary to the crown's claims, this punishment of forced bodily contact with *bhaṅgīs* was not entirely without precedent. In 1782, only three years earlier, the crown had sentenced two of its subjects to being tied up in a public square and beaten with *bhaṅgīs'* shoes for ten to twelve days.⁵⁴ This earlier precedent was different from the later case in that here the crown, not its junior functionaries, exercised the prerogative of handing out such a punishment. In addition to these examples of the *bhaṅgī* body being an instrument of justice, another kind of reference to the sweeper castes is the order from 1785 with which I began this history. In it, the state defines what the category "*achhep*" or "Untouchable" consists of—listed along with the leatherworkers, vagrant castes, and Muslims are the sweepers.⁵⁵

In these sources, we have an unequivocal expression of not just the marginalization of sweeper castes but also of the existence, and further, the inscription into law of a category called "*achhep*." *Achhep* appears to be a variation of *achhop*, a term found in at least one verse composed by an early-modern bhakti *sant* poet, the Muslim cotton-carder Dadu Dayal.⁵⁶ The verse, which has been found in manuscript copies dated to the seventeenth century, says, "*sevā sañjam kar jap pūjā, sabad na tinko sunāvai / maim achhop hīn mati merī, dādū ko dikhlāvai*" (You won't speak to those who perform service, austerities, recitation, or prayer / But you show yourself to me, Dadu, an *achhop* dimwit).⁵⁷ Ramnarayan Rawat has pointed to the use of the term *chhūt* (meaning "touch"), which in turn derived from the Sanskrit *chupa* or "touch," to name the practice of caste-based untouchability in early modern north Indian *bhakti* poetry.⁵⁸ I suggest that the term *achhop* and its variants *āchhop* and *achhep* also derived from this same Sanskrit root, *chupa*, and therefore they mean that which cannot be touched.⁵⁹

Denoting "untouchable" in Marwari, the precolonial use of this term that I have shown here lays to rest the idea that the naming in everyday practice and in state law, and not just in normative brahmanical texts, of the Untouchable as such was a product of colonial modernity. The language and content of the Rathor state's commands make untenable the argument that the word "Untouchable" did not

1206
 श्रीहरिनामो ज्ञानसिद्धि ॥ ३३ ॥
 तत्रा बरु रे प्रा हा जं न सु जी ये न के ज्ञा पे ने
 दवारे प्रा हा जं न सु जी ये न के ज्ञा पे ने
 व ठं प्र मे ह्यारी को गि भा हि छे गो क र मी मे
 नो रा मा ति ए वा ज र प्रा दार मो छे नं गी मे
 प्र मा छे वं घा प ने ह्य य जे ने प्र मे इं प रे
 नू दे प्रे प्रु प्रो छे प्रु प्रो मो गो को रं नं ही वे धी
 वे ह्यारो प र वुं दी यो छे सु गी य म्पि त र
 रो मा न के रो व्नी यो ने इं प म्पि वा प वं र
 ग म्पा वं गे रे प्रा छे ज र व्नी य ले वे घा र्
 त्र म र प्रा प दी वी ने च र भे त पी ए क र व्नी य

नै तो ठं ना त वारे क ल म दी यो प ठे ल प स
 त म्प र्णा यो नै पे श द म्प त ठे ह्दी ड त ड ही
 गै गे गो क र् डी वी री यानं ही गो कं तो वी
 वारे ना र् वी री य म्प त्तिं पां ग्रा हि छे गो क
 यो र द यो ड घा र ना र् ठं म्प री य म्प छि य
 री तो ना र् मो छे ह्दी हे यै मो छे व र रे प्रो
 प दार गी वी वे इ त रो म्प व क्री यो छि तो र ड
 व र् ड जे छे व पां ठं म्प व क् र् ड प्रु ही यो नं
 ही ने गो क र् तो रं प ठ वान र् दे ह्द रं ने य
 रे गै घा र ना र् रे ह्दी य म्प र् ड र गै यी म्
 दी यी गै घा री व क् र् प्र वी री यो ग यो चो
 छि यो म्प र म्प र् के ग य ने व म्प र् म्प यो छि यी
 वे प्र रे छे प्र यो छो तो व क् र् प्र तो र नै वी यो
 त रे पे म्प र व्प र ग जो छे ना म्प यी मे दी म्
 यो छि इं प त रे छे ने गार छि प त रे न क्
 छे क र् म्प त वे हे व र रे प्रा दार इं प ठ
 नं गी म्प र् ड ना छे वं घा य ने प्रु यो मे
 प्रु मे प्रु गी प्रु प्रो प्रो वे द म्प र् प्रु मे
 व क्री यो छि प ठे वे छे प म्प र् ना नं ग् इं प री
 च र व म्प री च र भे त व गे रे के र व्नी यो ने
 व गार व्प र म्प र दी यी ना त वारे प्र व्नी
 यो छि प री चे म्प व ही प्रु ही मे नं ही छे
 इ म्प र ग र व्नी प्रु प्रु म्प री प डे ति प री गो म्
 व म्प र् म्प र वे छे प्रे प र च र वी य री च र
 म्प र म्प र वं र व क् र् प्र वी रे प्री व्नी यो क् वे
 छे यार इं प ठे ही दि रा म्प र् ने ने व च र् क र् म्प
 व र् ड वे तो के हे ह्दी छे ज र क र वे नं ही नै
 ना त वारे इं प ठे गो क् व्वा व न ड गी मो क्
 वे तो इं प री ती प्र ड र वे ना त गै हे हे ह्दी
 छे वी नं व क् र इं प ठे ना त वारे प्रु हं नं ही
 नै हे रं प री ग म्प र वं र प्रु गी म्प र ग म्प र
 यार व्नी यो दार छि दी ह्दी री ह्दी डी प्रु रे
 व वे प्रु यो ग व व म्प री यो जो डि ने प म्

FIGURE 3. JSPB 33, VS 1842/1785 CE, f 46a-b: A judgment handing down the punishment of being beaten with *bhaṅṅis*' shoes. Image courtesy of the Rajasthan State Archives, Bikaner (RSAB). Do not reuse or reproduce without permission from the RSAB.

exist as a social category outside of brahmanical texts before colonialism. Simon Charsley, in particular, has articulated this view most clearly, citing the role of the colonial census in the naming of the bottom-most rung of the caste order as “Untouchable.” Charsley argues that this, combined with the efforts of nationalist reformers like Gandhi and the anticaste leader B. R. Ambedkar, led to a naturalization of the idea of a multicasite identity with all-India salience imagined in dichotomous opposition to the “caste Hindu” or the Hindu.⁶⁰ Charsley’s view continues to be cited in recent anthropological studies on caste as an overview of the history of the category “Untouchable.”⁶¹ Rupa Viswanath has pushed back against Charsley’s view using colonial sources.⁶² Joining her, I show through these precolonial sources that both the category “Untouchable” and its positing in opposition to the “Hindu” were already in place in at least this one regional order by the eighteenth century, prior to colonialism. Also, Charsley sees the implications of his findings as showing that the consolidation of a transcaste, flattening “Untouchable” identity only worked to consolidate caste hierarchy and discrimination.⁶³ To the contrary, the imagination of the “Untouchable” precisely in these terms, in opposition to Hindu-ness, was already essential to the working of the caste order before colonialism. It cannot be held as either a solely modern innovation or a cause for the modern consolidation of caste. It also ought to be noted that the existence of an overarching “Untouchable” category could coincide, as I show, with internal differentiation and power asymmetries within the members deemed to be in this group and contestation and variation in the precise constitution of this group.

Rawat’s engagement with the significance of the history of the category “Untouchable” for the mobilization of Dalit political identity in colonial India shows that the term “*achhūt*” (literally “untouchable” in Hindi today) until the 1920s meant “untouched” in the sense of being pure and unsullied. It was used not as a noun but as an adjective. Rawat notes, through a reliance on nineteenth-century sources, that the physical touch (*chhūt*) of the lowest castes was stigmatized and that Untouchables may have been known by other overarching adjectives such as *asprīśya*.⁶⁴ The references to *asprīśya* (literally, “untouchable”) that he cites are all from the early twentieth century and are presented as revivals of ancient Sanskrit usage.⁶⁵ What is new, argues Rawat, is the use of *achhūt* as a noun. Working with Rawat’s framework, the deployment of a new term (*achhūt*) to name the lowest castes does not negate the possibility of the use of a term like *achhep* for the same task in eighteenth-century Marwar. Rawat’s is an important intervention, particularly in showing that the transformation of the term *achhut* played a role in the earliest mobilizations of Dalit politics in north India. By showing that a change of name could be significant for political mobilization, Rawat’s work points to the potential for social and political change that the naming, in precolonial state records, of a transcaste community of Untouchables could have possessed.

THE UNTOUCHABLE IN LAW

The contours of the Untouchable domain were never entirely fixed. Rather, certain caste groups stood in for the core of the Untouchable while others could slip in and out of the category. For a better sense of what constituted the “Untouchable” in elite eyes in precolonial Marwar, it is necessary to go over all the uses of the term in petitions and decrees that survive in the Rathor archive. Among other points, what is clear from this survey, I will show, is that the use of the term in state orders imparted to it the force of law, and fueled an effort to mobilize this category as the basis for demanding changed patterns of everyday life.

In 1785, the mahajans of Pali requested the crown’s help in putting to an end the existing practice of all the townspeople drawing water from the same tanks and stepwells (*talāb bāvḍī sārā hī lok ekaṅ ghāṭ bharaī hai*). Instead, they requested segregation in water access. Acceding to this demand, the Rathor crown ordered the governor of Pali to ensure that the “superior castes,” defined as brahman, mahajan, “and others,” filled water from one bank and the Untouchable castes from another (*āgām sū brāhmaṇ mahājan vagairai ūtam jāt to ekai ghāṭ bhariyā karai nai achhep jāt dūjai ghāṭ pāṇī bhariyā karai*).⁶⁶ It is noteworthy that the mahajans banded together to make this appeal and that, in its response, the state included them in an imagined collective of *ūtam jātis* or “superior castes.”

The generalized and intentionally vague usage here of the label “Untouchable” to encompass everyone but brahmans, mahajans and “other” (though unnamed) elite castes was different from the narrower and much more precise listing of particular castes in the 1785 state order pertaining to the public performance of Vaishnav identity discussed in the introduction. This suggests that “untouchable” could sometimes be deployed as a broad rubric that rhetorically subsumed everyone other than a handful of the most elite and the precise application of this category in practice could have shifting contours. In encompassing all but the most elite, it is also reminiscent of terms like *strīśūdrādika* (literally, “women, lower castes, and others”) that were used in early modern Marathi devotional literature.⁶⁷ An obvious difference, however, is that *achhep*, unlike *strīśūdrādika*, does not seem to encompass all women.

Despite the shifting contours of the category, the meaning of *achhep* remained consistent across its usages. It designated that group of castes with whom contact was considered socially and physically degrading by groups that had escaped this classification.⁶⁸ The label was perhaps intentionally vague, more a placeholder to mark a community from whom a loud proclamation of distance was essential to eliding an underlying relationship of inextricable entanglement. The naming of this community was necessarily at the hands of those who were not its members and, as a result, it was open to contention and variation. From the perspective of the social elite, it could be so expansive as to encompass almost everyone who was not a merchant, brahman, rajput, charan, or *jāt* peasant. The “Untouchable” so

imagined could include all artisans such as cloth printers, dyers, weavers, blacksmiths, and potters, and service providers too. More commonly in state orders, however, it was a much narrower category, with leatherworkers, Muslims, vagrant hunters, and most essentially, sweepers at its core.

Leatherworking castes, namely the *chamārs*, *bhāmbhīs*, *meghvāls*, *ḍhedhs*, and *balāīs* and landless vagrant hunters such as *bāvrīs* and *thorīs*, all appear to have been more clearly *achhep*. This is expressed most unequivocally in the 1785 state command presented in the introduction that lists these groups, along with sweepers and Muslims, as *achhep* castes. There are other instances as well of members of these caste communities being labeled “Untouchable.” In 1801, the state’s newswriters informed officers in Jodhpur that a man in charge of taxing the sale of clarified butter (ghee) in Sojhat district, a certain Ghadvai Savai, had not just taken a bribe of one rupee from a ghee seller named Bhambhi Udiyo, of a leatherworking caste, but had also taken one and a half *sers* of ghee in the *bhāmbhī*’s own plate to keep for future sale.⁶⁹ It was not the taking of the bribe that offended the crown’s officers. Instead, they were horrified that the man took the ghee in the leatherworker’s vessel into his own home with the intention of selling it later. This created the risk of buyers purchasing the ghee without knowing its origins. “*Achhep jāt rā vāsaṅ ro ghīrat kāḍh dūjā ro dharam sābat kiṅ tarai rahai*,” or “How does one’s *dharma* remain intact after taking ghee from an Untouchable’s vessel?” asked the order.⁷⁰

It is clear then that Rathor officers were invested in the regulation of the boundary between the Untouchable and the rest of the population. In 1782, the crown received news of a group of girls who the Merta city magistrate’s office had gathered.⁷¹ While it is unclear how these girls had been separated from their families, it is likely that their guardians had sold them due to economic distress. The crown commanded the district magistrate of Merta to dispatch to the capital city a list that enumerated the caste origins of each girl.⁷² Pancholi Nathuram declared on behalf of the crown, in an order copied twice in the record: “*uṅā chhorīyām meṅ khātaṅ luhārī sunārī nāyaṅ turakaṅī tathā aur hī achhep itrī jāt vinā chhorīyām huvai jikai kisī kisī jāt rī hai nai kitrī jānyām hai . . . aṅhai likhjo*.” That is, it said to send to Jodhpur details about all the girls from this group who were not of carpenter, blacksmith, goldsmith, barber, and Muslim families or of any other untouchable (*achhep*) castes.⁷³ In another instance, when a female slave (*baḍāraṅ*) ran away with a servant, their master, rajput Jodha Bhopat Singh, tried to recoup the cost of the runaway girl from the trader who had sold her by claiming that the trader had withheld the girl’s “Untouchable” identity at the time of sale.⁷⁴ “*Ā baḍāraṅ to achhep jāt thī*” or “that female slave was of an untouchable caste,” Bhopat Singh said. These two examples illustrate that, at least in principle, a woman of “Untouchable” status was not considered fit to be even a household slave. If slavery was a form of social death, in the caste imagination, this death still could not erase the social attribution of untouchability upon a body.

This segregation between elite groups and Untouchables was enforced in prisons as well. In Jalor, the magistrate objected when the governor began to house untouchable and elite castes in the same cells of the town's fort. The magistrate complained to the crown and asked, "How can you house rajputs, mahajans, et cetera, together with Untouchables (*rājput mahājan vagairai nu achhep bhelā kīn tarai rakhnī āvai*)?" Purohit Kesodas, a brahman, commanded on behalf of the crown that Untouchables, here specified as *meṇā* (known today as "Meenas") and *bhils* (hill-dwelling and armed communities that controlled lands), should be jailed separately from *bhomīās* (rajput landholders), mahajans, and other elite castes going forward.⁷⁵

Mahajan Rukma of village Agolai in Phalodhi complained to the state in 1788 when his pregnant daughter died. The woman's husband, he said, had kicked her, causing her to go into labor. Right after the child was born, Rukma's daughter breathed her last. As Rukma's daughter's body lay on a funeral pyre, her husband got a *thorī* ascetic (a *jogī*) to slit her womb open.⁷⁶ This may have been to ensure that no unborn child remained in her womb. *Thorīs*, as was explicitly stated in the 1785 command with which this book began and which was issued three years before this episode, were Untouchable (and explicitly listed as *achhep*).⁷⁷ As a result, the crown ruled that the mahajan was guilty not only of the crime of kicking and killing his wife but also of having a mahajan woman's corpse slit by an Untouchable (*īn tarai mahājan rī beṭī rī lāt rī dai nai māri nai achhep jān kanai peṭ kyūm phadāvaṇo padai*). If these allegations were proven true, Jodhpur officers Mahajan Singhvi Motichand and Pancholi Fatehkaran commanded the Pali magistrate to fine Rukma's son-in-law.⁷⁸

Every once in a while, there were occasions when the castes broadly classed under the rubric "Untouchable" defied the segregation imposed upon them. In 1797, the *meghvāls* (leatherworkers) refused to restrict their celebration of the spring Holi festival to their own quarters in the town of Bilada.⁷⁹ While every other caste was said to have celebrated in their respective quarters, the town's *meghvāls* chose to hold their festivities in the town bazaar's main square. This disrupted the free movement of elite women that otherwise transited through the area. Citing the merchant and priestly women's suffering, caused by their inability to fetch water due to the "polluting" presence (*bhīṅṭā chuṭī had sudhī rahai* or "they remain within the limits [of their quarters] for fear of ritual pollution") of the leatherworkers, mahajan Muhnot Sibhukaran decreed on behalf of the crown that the governor of Bilada should threaten the *meghvāls* with punishment if they did not contain their festive celebrations to their own quarters in future.⁸⁰

So, what do we make of these references to the practice of untouchability in eighteenth-century Marwar? First, these orders and petitions are a unique vantage point into the history of the practice of untouchability in the precolonial past. Most studies of untouchability in the precolonial period are based on the study of literary texts, whether prescriptive codes, brahmanical commentaries, didactic tales, hagiographies, or devotional poetry. There is a large body of writing on caste

and untouchability in ancient and medieval South Asia tracing the origins of and changes in both phenomena.⁸¹ For the early modern period, scholars of *bhakti* literature—poetry in the voice of such “untouchable” *sant*-poets such as Ravidas and Chokhamela as well as hagiographies and sectarian literature—have built up a picture of untouchability as an idea and a discourse.⁸² These sources, however, leave open-ended the question of how untouchability was practiced in everyday life, which authorities enforced it and to what extent, and what its relationship was to historical changes particularly in early modern South Asia.

What the Rathor records that I examine here can offer us, foremost, is a history of the implementation of untouchability through state law and local politics in precolonial South Asia. Steps in this direction have been taken for Maratha territories and the Rajasthani kingdom of Kota in eighteenth-century South Asia.⁸³ These studies show that some eighteenth-century regimes intervened in localized caste orders and that these interventions extended to keeping Untouchables “in their place.” Other studies tell us about the place of such “untouchable” groups as *chamārs* and *bhūīmīyās* in regimes of land and labor, revealing the role of early modern political expansion, conquest, and the introduction of new agrarian and land revenue arrangements in inscribing the location of these castes in local power structures.⁸⁴ The orders that I have gathered from eighteenth-century Marwar show that the mediations of eighteenth-century states could extend beyond policing the place of the Untouchable and into redefining who was Untouchable. Who was Untouchable, what defined untouchability, and how it was imposed was due to the play of historical forces. The changing contours of the Untouchable domain, in turn, shaped social and political orders. The outcaste, far from being outside society and therefore history, was right at the center of it.

What then is this history of untouchability in precolonial India? The use of *achhep* in administrative documents demonstrates that the conception of a category of people—of multiple castes, united by the characteristic of being so ritually impure that they were not to be touched—was not limited to normative brahmanical prescriptions. Even in normative brahmanical prescriptions, the category that we today translate as “Untouchable” was denoted through Sanskrit terms like *caṇḍāla*, *bāhya*, and *antyaja* that are not focused on physical touch. The term *asprśya*, literally “untouchable,” does occur in ancient Sanskrit texts but its use is rare. Further, as Ambedkar cautions, scholars must be careful not to equate references to ritual impurity in brahmanical texts with the practice of hereditary and permanent untouchability.⁸⁵ Even as the emergence of the idea and practice of untouchability as permanent and hereditary in some texts occurred at some point well before the eighteenth century, the records of the Rathor state in Marwar show that in parts of eighteenth-century, precolonial South Asia the idea of the “Untouchable” existed as such and was put into practice through state law.

This history of untouchability tells us that there are limits to the fluidity, mobility, and fuzziness attributed by some to precolonial caste.⁸⁶ These limits were etched upon the Untouchable body—which was the material, tangible, and

physical manifestation of that against which the Hindu social defined itself. While the exact contours of the “Untouchable” category could indeed be shifting in pre-colonial Marwar, one caste group upon whom the application of this label was placed beyond dispute was that of sweepers. The *bhaṅgī* (or the *halālkhōr*) was the tangible reality and a living reminder visible to all others of the otherwise shifting, shadowy state of untouchability. Fear of contact with the *bhaṅgī*’s spit and the *bhaṅgī*’s shoes derived from the emanation of these materials from or their association with the *bhaṅgī*’s body. The *bhaṅgī* body represented the possibility of contagion, even if temporary and treatable through expiation, for the “clean” castes, offering to mahajan administrators a tool in their disciplinary arsenal. The sweeper was the embodiment of untouchability.

Second, while the fixity of being Untouchable was borne by some, the very slipperiness of it for others was essential to the practice of power. Fear of slipping into this category could produce compliance to the behavioral expectations of local elites, and aspirations to rise out of it could similarly encourage conformity with the ethical codes and prescriptions of locally powerful groups. In all of this, the *bhaṅgī* body served as the necessary index of a state of unsociality and a constant, physical reminder of the essence of untouchability.

Finally, the ability of the category to theoretically encompass all but the very elite made it a site for political struggle. Changes in social, economic, and political circumstances could generate different and shifting outcomes in terms of who exactly was Untouchable and who was not. There certainly was a core to the category, constituted by leatherworkers, sweepers, and vagrant hunters, but there was room for others to be added to it. It was this potential for expansion that drew untouchability into the orbit of history, leading to changes over time in terms of both its criteria and those who constituted it.

THE OUTCASTE MUSLIM

Muslims, at least from the perspective of the Jodhpur crown and its elite subjects, were also Untouchables. So it was that it forbade, as mentioned above, the sale of any girls on the slave market to buyers of “carpenter, blacksmith, goldsmith, barber, Muslim, and of any other Untouchable (*achhep*) caste (*khātaṅ luhārī sunārī nāyaṅ turakaṅī tathā aur hī achhep itrī jāt*).⁸⁷ Tracing yet another thread back to the 1785 order at the start of this book and reproduced in this chapter as Figure 4, there too Muslims (*turak*) are classed among those “Untouchable” castes (*turak dhedh chamār thorī bāvri halālkhōr achhep jāt huvai*, or “Muslims, leatherworkers, vagrant castes and sweepers are Untouchable castes”) that were to be forbidden from participating in a ritual whose performance was compulsory for all “Hindus” (*hinduvām*).⁸⁸ Another crown decree from 1785, figure 5 in this book, sees Muslims in caste terms, prohibiting “Muslims and other low castes” (*musalmān vaḡairai nīch jāt*) from keeping herds of goats or sheep.⁸⁹ These orders placed Muslims explicitly in the same category as Untouchables and the lowly (*nīch*).

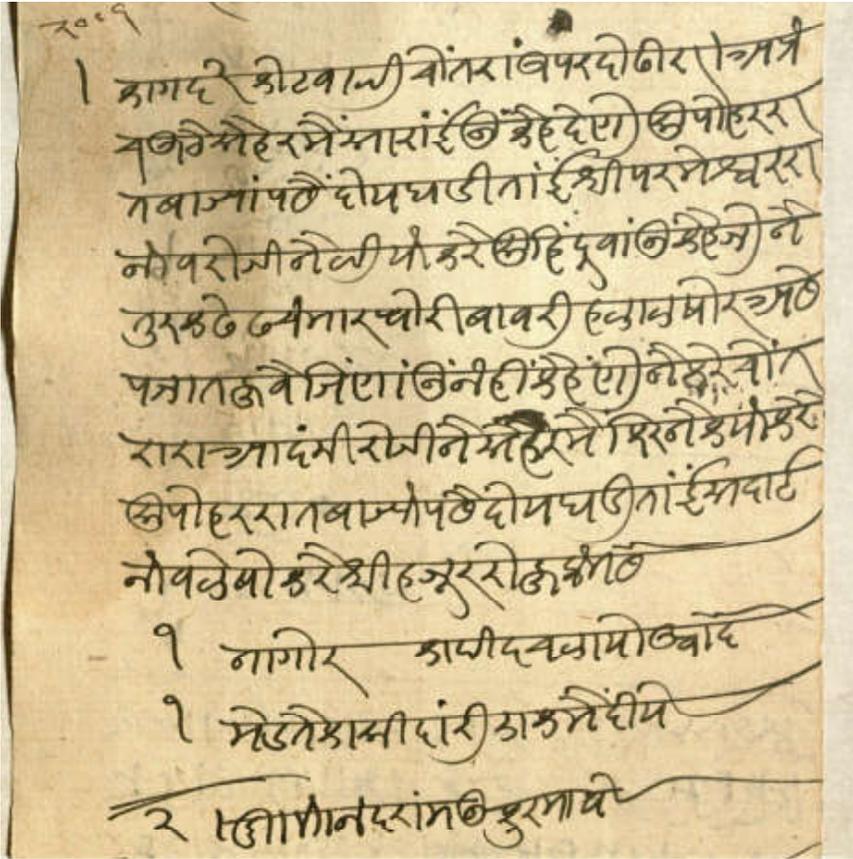


FIGURE 4. JSPB 32, VS 1842/1785 CE, f 293b: A command defining “*achhep*” and separating it from “Hindu.” Image courtesy of the Rajasthan State Archives, Bikaner (RSAB). Do not reuse or reproduce without permission from the RSAB.

Lowly enough, in this political and legal imagination, to sometimes be classed as Untouchable, Muslims too suffered from efforts at segregation at the hands of merchants and brahmans. These efforts were similar to those endured by leatherworkers. So, in 1765, the Shrimali merchants of Sojhat complained that a spinner (*pīñjārā*) lived too close to their neighborhood. The Rathor crown responded sympathetically and ordered the governor of Sojhat to have the *pīñjārā*, a caste that we know was Muslim in Marwar, to move.⁹⁰ In another instance, the state agreed with a *jāt* woman’s contention that such castes as *jāts* and mahajans would be hesitant to buy her plot of land because it was adjacent to a Muslim quarter.⁹¹ In 1778, in Nagaur town, brahman Gordhan petitioned the crown in 1778 for help when a Muslim tailor bought the plot right next to his home.⁹² He pleaded, “*mhāre pākhti turak ro khaṭāv nahī huvai*,” or “having a Muslim neighbor is unbearable.” Heeding

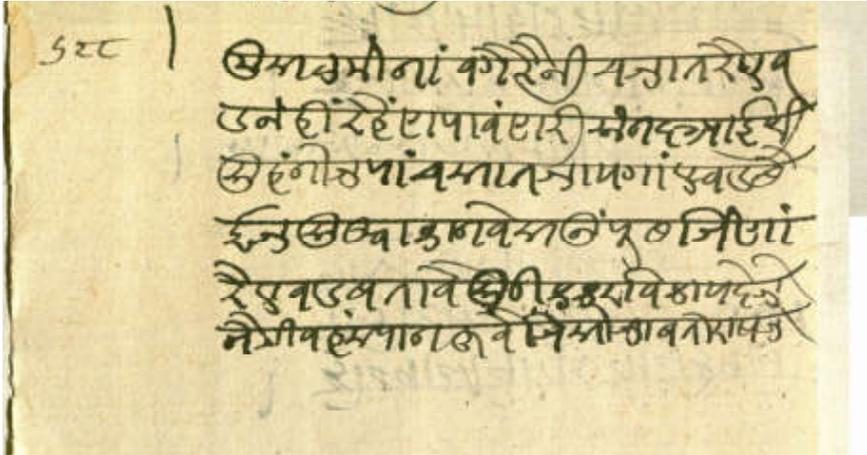


FIGURE 5. JSPB 32, VS 1842/1785 CE, f 293b: Order classing Muslims with other “low” castes. Image courtesy of the Rajasthan State Archives, Bikaner (RSAB). Do not reuse or reproduce without permission from the RSAB.

his appeal, Bhandari Savantram and Pancholi Fatehkarar ordered the governor of Nagaur to help the brahman with buying the plot from the Muslim tailor.⁹³

There were occasional exceptions to the state’s inclination to support spatial segregation. In 1773, some *khatrīs* (a caste of petty traders) in the town of Nagaur resisted the efforts of *julāvās* (weavers) to reclaim residential property in their neighborhood on grounds that the weavers were Muslim. The *julāvās* countered by asserting that Hindus and Muslims had lived together peacefully as neighbors for generations in that neighborhood. Perhaps because the *khatrīs* lacked the clout of merchants (mahajans) and brahmins, in this case they were unable to win a favorable order that could keep the weavers out.⁹⁴ Even as in this case the drive toward segregation was effectively countered with reference to custom, in the larger set of appeals seeking distance from Muslims, this was an exception. The case still shows that the *khatrīs* chose to frame their appeal for distance on grounds of the Muslim identity of the weavers, suggesting either that they thought this would be an effective strategy or that this is how they felt. It also is worth noting that I did not come across a single command in which a Muslim family or caste group appealed for distance from a neighbor due to their “Hindu” identity.

The Rathor state supported several other petitions seeking to enforce the physical segregation of elite castes from Muslims in the late eighteenth century. Take the case of *jāt* farmer Gidha’s wife, likely a widow, who appealed to the crown in 1787 for help with selling her land. She had earlier pawned the plot of land, which bordered a *qāzī* quarter, to Qazi Sher Ali of her village in Nagaur district and now she wished to sell it. She explained that selling the plot to this *qāzī* was not an option since that would be a violation of the local prohibition on the sale of land

to Muslims (*musalmān nai zamīn nā deṇī*). Finding no other buyers, she petitioned the crown for guidance on what to do with her land. The crown's response was that she should try to sell it to a person of a caste such as *jāt* and mahajan. Only if such people refused to buy it due to its proximity to the *qāzīs'* lands, could she then sell it to the *qāzī* with the crown's special permission.⁹⁵ This prohibition upon the sale of land to Muslims, even if localized, suggests that the drive toward the exclusion of those deemed "Untouchable" could extend into measures intended to shut off access to avenues of economic prosperity. Land ownership was a marker of status, apart from being an economic resource generating income. We do not know to what extent and for how long the order to not sell land to Muslims was implemented in late eighteenth-century Nagaur, but this petition suggests that Rathor policy could formalize and implement discrimination on the basis of faith.

The effort to draw spatial boundaries on the ground unfolded elsewhere too. In Merta, a temple functionary (*bhagat*) protested in 1788 that the door from a Muslim oilpresser's home might open onto the *bhagats'* quarter.⁹⁶ The issue had already snowballed into a confrontation since many other town residents, likely all of artisanal castes, had threatened to march *en masse* to the capital, Jodhpur, in support of the Muslim oilpresser. Yet, Pancholi Fatehkaran, ruling on behalf of the crown, favored the *bhagat's* petition and decreed that the *bhagat's* Muslim neighbor should build his front door to lead onto a public street and not into the *bhagat* quarter.⁹⁷ A Muslim oilpresser, combining "low" caste and an adherence to Islam, passing through the *bhagats'* quarter was unacceptable then not only to the *bhagat* but also to state officers.

That same year, in the winter of 1788, Pancholi Fatehkaran and the *pyād bakhśī* Mumhta Gopaldas, a mahajan in the office in charge of nonrajput personnel, decreed from Jodhpur that the until-then prevalent practice of Hindus and Muslims drawing water together and from the same wells (*hindu nai musalmān sel bhel pāṇī bharai hai*) in Didwana town was to be discontinued. Going forward, "Hindus and Muslims" were to fill water from separate and designated wells.⁹⁸ This order does not elaborate who was Hindu, but its construction of the two communities in binary terms, alongside its introduction of a new practice of social distance, illustrates once more the role of the state in the consolidation of a Hindu social body against an Other, here Muslim.

The logic of caste—centered on bodily qualities and interactions—underpinned the types of actions that were implemented by Rathor officers to mark off the contours of this new Hindu community in eighteenth-century Marwar. The imagined Otherness of Muslims was part of the construction of the Hindu body, whether social, political, or corporeal, and should be read as interwoven with the processes of separating from an "Untouchable Other" described in the earlier sections of this chapter. The Hindu Self was constituted in caste terms. The reconfiguration of elite identity to also include merchants and brahmans entailed greater caste-based polarization in everyday life and the micropolitics of the region. Mahajans

and brahmans used the Rathor state to engineer new segregations in residential patterns and water access, segregations that separated Hindus from “Untouchables” such as leatherworkers and landless vagrant castes of *thorīs* and *bāvrīs*. The category “Untouchable,” in the orders of the Rathor state and in the imaginations of their elite-caste Hindu officers and petitioners, was one that also included Muslims. Later in the book, I will show that this process was concurrently intensified by the fusing together of Muslims with vagrant, landless castes stigmatized on the charge of being irremediably mired in the habit of hurting animals. The processes underway in Marwar were an effort to reconstitute what it meant to be Untouchable. The boundaries built and adjudicated through the Rathor state in these decades helped define the contours of a new Hindu community in caste terms. Even as merchants, in alliance with brahmans and in rural areas also with *jāṭ* peasants, were at the forefront of localized struggles to create social distance from the “lowly,” none of this could have been possible, as the next chapter will show, without Maharaja Vijai Singh’s quest to be an ideal Krishna devotee.