

Chastity

For women of rajput, brahman, and by the eighteenth century, mahajan groups, sex was only permissible within the one marriage they were allowed in their lifetimes. Chaste, ascetic widowhood was the norm after their husbands died, even if this happened prior to the marriage's consummation or when the woman was very young. The chaste widowhood of their women allowed these castes to maintain social difference from the mass of castes beneath them in the social order, whose lowliness seemed marked by the very prevalence of widow remarriage among them.¹ The Rathor state, staffed as it was by merchant and other elite caste men, intervened in the everyday lives of its subjects to prevent and punish acts that both state and caste authorities deemed deviant. The state strove to uphold caste and family efforts to police women's sexual behavior.

On the ground, this translated into much more of an interest in regulating the moral lives and physical bodies of merchant-caste and brahman women. As merchants strove to be included in the highest echelon of the region's caste order, the codes through which they announced their social "arrival" were centered on the disciplining of their women. To be counted as part of the very Hindu domain that they were redefining, merchants strove to craft the Hindu woman. The sexual ethics of the old-order elites, rajputs, were now implemented by the merchant-manned state as codes by which merchant women were also to live. However, this was not just a wholesale adoption and imitation of rajput sexual mores. Instead, despite their claims to elite status, merchant castes still adhered, unlike rajputs, to the practice of monogamy. To that extent, men too were expected to corral their sexual activity into wedlock even as, unlike women, they could always remarry should their wives die. A prohibited sexual relationship, crossing the boundaries of caste and religion, even if willingly entered into by both parties, drew the ire of the customary keepers of social propriety such as caste councils and family elders.

The state's interest in disciplining "deviant" sexual relationships left its mark on its archival records. In eighteenth-century Marwar, the state's law and order apparatus also intervened in social life to prevent and punish such relationships. This effort to police the sexual lives of subjects generated whole sets of judgments that reflect the creation of a typology of sexual relations ranging from the acceptable to the abhorrent.² Sex within marriage to a virgin woman was the most desirable type of sexual relationship. Among all but the most elite castes, marriage to a divorcee or widow (*nātā*) of the same caste was acceptable. Among non-elite castes, living together without formal marriage rituals (*ghar maim ghālnā*, literally, to put in one's home) with a divorcee or widow of the same caste was tolerated but less acceptable than formal marriage.

Firmly on the side of the "illicit" in the eyes of caste and state authorities was *lagvāḍ* (literally, "attachment"), a term used to describe long-term sexual relationships into which both partners willingly entered. *Lagvāḍ* relations were generally between men and women who were not eligible to be married by the customary codes of caste and region. That is, one of them could still be married or they could belong to different castes. A term sometimes used interchangeably with *lagvāḍ* but shot through with the same disapproval was *chāmchorī*. Scholars of eighteenth-century Rajasthan have tended to translate this term as either "rape" or "adultery."³ Given the absence of the idea of an individual, free-standing, rights-bearing female subject—a product of modernity—an uncritical projection of notions of consent and therefore the violation of consent as "rape" in premodern legal frameworks needs to be abandoned.⁴

Indeed, *chāmchorī* case descriptions and judgments simply were not concerned with whether or not the woman was a willing participant in the sexual act under discussion. Instead, it is the establishment of sexual relations between two people who should not have been having sex under the customary codes of caste and region, just like *lagvāḍ*, that made *chāmchorī* illicit and illegal. The unsanctioned nature of these relations is why, I suggest, historians of eighteenth-century Rajasthan have so far translated *chāmchorī* as both adultery and rape. Rathor records condemn and punish such relations on grounds of their being unacceptable. Consent is immaterial to these records and the legal thinking behind them.

Rather than reading rape into Rathor jurisprudence, the way forward might be to grapple with the property-like status of the female body as suggested by the fact that it is overwhelmingly male partners in *chāmchorī* relations alone who are fined for their participation in these sexual acts.⁵ The mahajan and brahman officers of the Rathor state used its punitive strength and surveillance capabilities to prosecute cases of *lagvāḍ* and *chāmchorī*, particularly among members of their own castes.⁶ Fines and, occasionally, expulsion from the town were the punishments handed to men for sex deemed "deviant." For instance, a Palliwal brahman, along with seventeen others, from Siwana district authorized the engagement of a caste fellow from Bikaner with a *meghwal* (leatherworking) woman while all of them

were in Malwa, a region in Punjab bearing the same name as the more commonly known Malwa in central India. To have the engagement approved, the Palliwal brahman from Bikaner paid his caste fellows five hundred rupees. When news of this reached the Palliwals of Siwana back in Marwar, they expelled one of the authorizing brahmans from their caste. The Rathor state also swung into action, with Pancholi Gulalchand asking that all eighteen men submit bonds (*muchalkā*) committing to better behavior in future.⁷

Women no doubt suffered social censure as punishment for sexual deviance, but Rathor records rarely mention these extra-state forms of discipline. There are some exceptions to this silence such as the occasional mention of rajput women being murdered by their male kin for having a relationship out of wedlock, generally as widows.⁸ Rajput women would have to elope with their lovers if they wanted a chance at building a home with them.⁹ Ramya Sreenivasan has shown that by the eighteenth century, rajputs had become stricter in the pursuit of caste and lineage purity, particularly by refusing to integrate fully into their caste the offspring of rajput men from their nonrajput concubines. A greater sensitivity to lineage and caste purity as markers of elite status may also have contributed in the latter half of the eighteenth century to the regime of sexual discipline to which noncourtly rajput women too were subjected.

The state's orders pertaining to illicit affairs (*lagvād*) are dominated largely by men and women of the rajput, brahman, and merchant castes.¹⁰ All three of these caste groups had in common the proscription of widow remarriage. At the same time, accusations of "illicit" sex involved not only widows but also unmarried and married women, particularly of merchant and brahman castes. The anxiety of family and caste authorities then found support in the Rathor state, which itself was constituted of rajputs and merchants. Women's chastity, understood as sex only within one marriage, was an index of male honor and the honor of the family and the caste. For merchants, who were in the process of cementing their position at the apex of the caste order alongside rajputs and brahmans, this translated into an urgent need to discipline their women's bodies.

An outcome of illicit sexual relationships, whether consensual or not, was unwanted pregnancy. The costs of having a child out of wedlock can be seen in the choices that people in such a situation made. An extreme case unfolded in 1798, one whose fullest contours will never be known to us. Mahajan Khemo in the town of Sojhat in Marwar killed a brahman widow (*randol*) with whom he had been having an affair because she got pregnant. Whatever the full set of reasons for her murder, her pregnancy certainly was a contributing cause. Once the murder and the underlying pregnancy became known, the governor of Sojhat fined Khemo a hundred and forty-one rupees and closed the case. But news of the murder and pregnancy reached the state's newswriters. In response, the crown promptly dispatched an order to Sojhat's district authorities to extract a much larger fine from the merchant. Khemo was a wealthy man, it noted, and the state stood to earn as

much as a thousand rupees by fining him for this crime. The gravity of Khemo's crimes—an illicit affair and a murder—offered the state an opportunity to extract a large sum of money.

In this milieu, a pregnancy (*ādhān rehnā* or *āsā rehnā*) that occurred out of wedlock was irrefutable evidence of “wrongdoing” (“*khoṭo karam*,” as one scribe put it¹¹). To avoid the social censure upon them and their families that stemmed from unwanted pregnancies, women would seek out abortions. Midwives (*dāīs*) and Jain *yatis* (Shvetambar Jain monks with incomplete initiation into the monastic order) performed abortions, inducing them by administering herbs (*aukhad*).¹² The involvement of learned Jain men, despite their doctrinal commitment to nonviolence, did not attract special comment in these records. Jain *yatis* were associated with training in a range of fields with everyday application, such as magic, astrology, and medicine. It was likely this medical knowledge that drew them into the work of performing abortions.

Under the auspices of the Rathor crown in the late eighteenth century, however, abortion (*adhūrā nākhnā*, *ādhān nākhnā*, or *ṭāb nākhnā*, literally, “to throw away when incomplete,” “to discard a pregnancy,” or “to throw a child away,” respectively) was illegal. “There is much illicit sex in the town [of Nagaur] and abortions are common (*saihar mainḡ ghaṇī chāmchori huvai hai nai adhūrā nakhījai hai*). Keep an eye out especially for this,” Pancholi Bansidhar, the officer in charge of nonmilitary personnel (*pyād bakhṣī*), instructed the Nagaur magistracy in 1776 on behalf of the crown.¹³ In 1784, an unnamed officer of the crown's issued the following order to the Merta magistracy based on the reports that its newswriters carried to it:

There is a well in front of Sojhatiya Gate in Merta. Children's bodies were thrown deep into the well and have now been extricated from it. Yet, it remains unknown who threw the bodies in. Keep an eye out for news about this.¹⁴

As with “illicit” sex, the state often received news of abortion through its network of news writers, which I will discuss in greater detail later in this chapter. The Rathor crown would investigate those reports of abortion that reached it and ensure, in most cases, that anyone deemed complicit—the mother-to-be, the father of the unborn child, anyone who aided or enabled the feticide, and anyone who failed to report it—were punished. If reports of a planned abortion or a pregnancy out of wedlock reached the state, it would intervene to prevent the abortion.¹⁵ In this, the Rathor state was not alone. Historical scholarship has noted that other eighteenth-century kingdoms—Jaipur under Maharaja Jai Singh II (r. 1699–1743) and the Peshwas in their capital city Pune in the eighteenth century—had also outlawed abortion and punished those found guilty of involvement in it.¹⁶

As with many other crimes in eighteenth-century Marwar, the punishment for abortion varied from case to case, depending on the economic, social, and political clout that the accused could marshal in his or her defense. In most cases,

district authorities fined those held guilty.¹⁷ These fines, when specified, ranged from fifteen to four hundred and forty-five rupees, assessed on the basis of the perceived gravity of the crime and the payer's economic standing.¹⁸ Expulsion from government employment, where possible, was another means of punishing those deemed complicit in an abortion case. Under pressure from the crown, the governor of Sanchor, Mahajan Mumhta Bhojo, fired Kothari Uda from his service after Uda, also of mercantile caste, impregnated a mahajan's widow (*rāṇḍol*) who then fled to Gujarat in order to escape the social and legal repercussions of her pregnancy. Kothari Uda had earlier commissioned the mahajan widow to make *roṭīs* (bread) for the governor's camp.¹⁹ In another episode, the magistrate of Merta expelled Solanki Rajputs Sirdar and Hayat from their employment as soldiers in his magistracy for allegedly failing to report an abortion in their local caste group, one that they had been especially instructed to prevent once the widow's pregnancy had become known.²⁰

In a few cases, punishments were more extreme, such as banishment from the town and the imposition of a ruinously large fine. The authorities in Didwana affixed the high fine of one hundred and forty-five rupees upon the family of a young man from the weaver (*julāvā*) caste who impregnated a mahajan woman, a widow with whom he had been in a sexual relationship (*lagvāḍ*).²¹ In the same decades, cloth-printer (*chhīmpā*) Ahmad impregnated his caste fellow Isakh's unmarried daughter. The girl aborted the fetus (*tāb nai mār nākhiyo*). For this, the crown in Jodhpur ordered Isakh's house to be confiscated and for him to be thrown out of the town, Sojhat, in which he lived. In this case, as with most cases of abortion and unlike those of sexual deviance, the woman too was punished. The crown commanded that the young girl also be expelled from the town.²²

For being involved in an abortion, the state meted out the harsh punishment of banishment from a town not only to "low"-caste men and women but also to members of the brahman or mahajan communities, even if rarely. For instance, the authorities in Didwana found a brahman woman guilty of aborting a pregnancy that had resulted from an extramarital relationship with a mahajan. She was a married woman and her in-laws reported the matter to the local authorities, who closed the case after levying a small fine on her mahajan partner. It was only after persistent litigation by the girl's father, over a year or more, that the crown slapped a higher fine on the mahajan and ordered him expelled from the town, but it did so while also commanding that the brahman woman be banished.²³

This woman, Gaud Brahman Mana's daughter, found herself in the state's crosshairs again later that same year. She had been having an affair with another mahajan. She got pregnant and her parents took her out of the kingdom, to a village in Bikaner, where she gave birth to a baby girl. They killed the girl when she was eight days old, poisoning her with opium. Three months later, the parents returned to Nagaur and, using their connections, managed to bring their daughter back in too. A caste fellow of theirs reported the entire matter to the crown

and the crown asked its administrators in Nagaur to explain how it was that a woman who had earlier been expelled from the town had been able to make her way back in. The informer from Nagaur had brought reports of many a “misdeed” in the same brahman household, and the crown ordered its officers to keep a close eye on them in future.²⁴

For members of these elite castes, then, banishment from a town was not always an irreversible punishment. In 1778, Kiki, a woman from the brahman community of Nandvana Bohras, traders by profession, petitioned the crown to permit her daughter, one of three women expelled from Nagaur for an abortion, to return to the town. She cited her own blindness and ailing health (*monu phodā padai chhai*, or “I get boils”) and mentioned that one of the other exiled women had already made her way back into the town. Bhandari Savantram and Pancholi Fatehkaran, officers ruling on behalf of the Maharaja, responded sympathetically to her appeal, permitting her daughter to return to Nagaur.²⁵

Local power relations mediated judicial responses to abortion, resulting in uneven punishments and unexplained exemptions. Quite commonly, district authorities would punish only some of those involved in an abortion case. News of such discrepancies would reach the crown through its surveillance networks or when a petitioner would appeal to it for an intervention. For instance, district administrators in Merta fined Mayaram Daftari, a Jain mahajan²⁶, fifty-one rupees in 1771 for his daughter’s abortion and imprisoned the Jain monk (*jatī*, a vernacularization of “*yati*”) who had administered the herbs (*aukhad*) that induced the abortion. These local administrators, however, left the father of the unborn child, Kana Pancholi, a *kāyasth*, untouched. When news of this reached the crown, it ordered the Pancholi arrested for the pregnancy.²⁷

In the same year, a Jain devotee in Jalor, a follower (*chelā*) of a local *bhattārak*,²⁸ impregnated a woman from the butcher caste (*khaṭīknī*), a community that stood firmly within the domain of the “untouchable” in early modern Marwar.²⁹ Attempting a quiet resolution of the matter, the devotee took her to a remote village in 1772 and had the pregnancy terminated at seven months. Despite multiple newswriters informing the Jalor governor of the episode, he did not pursue the matter. The newswriters then informed the crown, which responded by upbraiding the Jalor governor’s office for its failure to follow up on the case.³⁰ Yet, in this case, the crown did not order the local authorities to punish the guilty—neither the butcher woman nor the Jain devotee who had caused the pregnancy and had then ensured its termination. In yet another case, after cloth-printer Fata’s mother managed to prove her innocence in the face of abortion charges from her caste fellows, the crown had to intervene to ensure that the Nagaur magistracy collected the dues owed to it by the men who had made the false allegations.³¹ There were numerous such instances in which district authorities failed to impose significant fines, take action against men accused or indicted, or completely failed to investigate reports of abortion.

For instance, in 1793, a *havāldār* (revenue functionary) of a village in Merta district summoned and possibly held captive a brahman woman, Kamvri, whose husband was away. He, along with some *jāṭ* subordinates, a brahman, a rajput, and a butcher (*khaṭīk*), then had sex with her over a period of time, causing her to have two abortions. The crown's newswriters informed it of the entire matter in 1794, noting that she was eight months pregnant. Acting perhaps on the same report, the local authorities in Merta had, of all the men involved in the illicit sex and abortions, arrested only two. Interestingly, these were a *jāṭ* and the butcher's father, that is, both of low caste in comparison with the rajputs and brahmans involved. This, according to Merta officers, was because the *havāldār* had flatly refused to hand over the rest of this associates. The *havāldār* also hid the brahman woman, preventing the authorities from reaching her. Informed of this state of affairs, the crown ordered the immediate arrest of the *havāldār* and all of his other associates involved in having sex with the brahman woman and the imposition of a proper fine.³² As always, we do not know how this case eventually turned out, but it is possible to read in this case once again a lack of investment in whether or not the sexual relations under scrutiny were consensual. In the details of this case, it is possible to discern that the brahman woman was forced into having sex with the men involved. Yet, the state's judgment does not deem the act worthy of any greater punishment than if the woman was having an affair.

If reports of a planned abortion or a pregnancy out of wedlock reached the state, officers would intervene to prevent the abortion. In 1777, the authorities in Merta placed Solankhi Sardar Hayat in charge of keeping an eye on the widowed daughter of his caste fellow, Sardar Khan, to ensure that she did not abort the fetus she was carrying.³³ A decade later, Sundri, a woman from the Mehra community among the merchants, was carrying mahajan Mumhta Jora's child. The magistracy in Sojhat collected a fine from her, getting her to attest to an undertaking (a written document called a *muchalkā* that specified what punishment the signatory would be awarded upon violation of the terms) committing to not aborting the pregnancy and agreeing to an added fine if she did abort it.³⁴

Surveillance and reporting played a central role in the crown's punitive regime against abortion and, in effect, against nonmarital sex. Many reports of abortion, or of district administrators' unsatisfactory handling of cases of abortion, reached the Rathor state through its network of newswriters (*itlāk naves* and *uvākā naves*) who appear to have also worked as intelligence gatherers in the kingdom's localities. If district administrators failed to adequately resolve an abortion case or extract as high a fine as the crown deemed fit, the matter would reach the crown's officers in Jodhpur through its news gatherers' dispatches. Individual subjects would also sometimes take the lead in reporting instances of abortion that had occurred in their families, neighborhoods, or local caste groups.

This fostered an atmosphere in which neighbors, caste fellows, and family members became willing reporters to the crown of each other's activities. To prevent

just this, a woman from the brahman community who had an abortion sought to buy the silence of three female acquaintances—two *jāts* and a brahman—by paying them a *mohrā* (gold coin) each. Unfortunately for her, news of the abortion and her generous gift to all those who knew of it reached the state.³⁵ As in the campaign against animal slaughter, the state's implementation of an anti-abortion law offered a fertile ground on which to play out grudges and long-standing feuds. An accusation of abortion would, at the very least, embroil the accused in long and costly legal proceedings, if not lead to their arrest or fining.

The Rathor crown encouraged the reporting of one's neighbors or acquaintances for abortion, punishing those who concealed such information and rewarding those who divulged it. Administrators in Koliya confiscated *vinīyāñī* (*banīyā* or trader woman) Kusli's cow and fined her fifteen rupees for her alleged failure to report her neighbor's plans to abort an unwanted pregnancy to the state.³⁶ When under fire for impregnating a brahman woman, Jaju Jasa, of the Maheshwari community of merchants, tried to deflect the heat by reporting someone else for having an illicit relationship. He accused a fellow Maheshwari merchant, Baheti Gangavisan, of being in an illicit relationship with someone else's wife, though the allegation was later proved false.³⁷ Brahman Ramrai's widowed daughter, under arrest for having an abortion, revealed that Vyas (brahman) Nanu's wife too had an abortion four months after she got pregnant while her husband was abroad (*pardes*). When news of this new case reached the crown, it ordered that in recognition of her cooperation, Ramrai's daughter's fine be reduced to a quarter of the original sum.³⁸

From a survey of these cases, it appears that mahajans and brahmans played a leading role in reporting abortions, usually making complaints against their own caste fellows. Agarval Naga, a mahajan, reported the district administrators of Pali for their inaction against Patni Karma, a Jain, who had administered three abortions.³⁹ Bohra Chaina, a brahman, informed the crown of mahajan Hema's daughter's abortion and the local administrators' usurping of the fines collected for it.⁴⁰ That mahajans and brahmans usually only reported each other could be a result of the social worlds that they inhabited, marked by intimate social ties foremost with their own caste fellows and with each other. But the fact that reports of abortion to the state were centered largely on merchant and brahman women suggests that the state's seemingly general ban on abortion was directed most zealously upon women of these two caste communities. Once more, Rathor administrators were themselves of these same caste groups, that is, they were in large number mahajans and brahmans.

Investigations could establish the innocence of women who were accused of abortion if the accused woman or her family took on the expense and the effort to wage a legal challenge. Cloth-printer (*chhimpā*) Phata's mother managed to prove her innocence (*sāchī kīvī*) by contesting the allegations some of her caste fellows in Merta made against her.⁴¹ Unwanted pregnancies would, in many cases, force

women to pursue discreet abortions in far-flung places. Such journeys and abortions would likely have been perilous and expensive undertakings. A mahajan widow, seven months pregnant, left Sanchor for Gujarat in 1775, unaccompanied as she embarked on this difficult journey.⁴² In 1801, mahajan Agarvala Ramsukh's wife left Didwana to have an abortion, news of which reached the crown.⁴³

For many women burdened by unwanted pregnancies, their natal families emerged as a significant source of material, social, and legal support. In 1776, Jivaniya Majiji accompanied his widowed mother when she left Didwana for the countryside, seeking a low-key abortion for her. He bribed the officers that the Didwana governor had sent after them, fending them off. They managed to terminate the mother's pregnancy while on the run and the family used its local influence to allow them reentry into Didwana.⁴⁴ In 1784, mahajan Asava⁴⁵ Bagsiram's wife and Jat Syama's daughter moved from their marital homes to their natal villages in order to end their unwanted pregnancies.⁴⁶ In 1787, Agarval Sukha, a mahajan, came to the defense of his cousin fourth-removed, successfully appealing to the crown in Jodhpur to intervene in her favor when she was accused in Merta of having an abortion.⁴⁷ So pervasive was the association between married women convalescing in their natal homes and secret abortions that a *jāgirdār* (landlord) in Nagaur district tried to levy a fine on a *jāt* peasant in his jurisdiction on grounds that the *jāt* had facilitated his married daughter's abortion. The *jāt* appealed to the crown for help, arguing that all he had done was tend to his daughter for a few days after she had fainted while away from her marital home.⁴⁸ Such support for pregnant women might have been driven not just by affective ties but also in part by the fact that quite often it was the natal family that had to pay the social and legal costs of an illicit pregnancy.⁴⁹ The discreet handling of an unwanted pregnancy and the clearing of an accused woman's name was a matter of familial and caste honor.

Still, it is noteworthy that unlike natal kin, members of women's marital homes could well turn upon them if they were discovered to be pregnant with a child fathered by someone from outside their marital home.⁵⁰ It was her in-laws who reported brahman Upadhyay Mana's daughter's pregnancy out of wedlock to the magistrate in Nagaur.⁵¹ Even though she was eventually expelled from the town for getting pregnant out of wedlock and then having an abortion, her father's persistence with the magistrate ensured that the wealthy family of the merchant who impregnated her paid her a sum of two hundred rupees.⁵²

The state responded a little differently to pregnancies resulting from relationships that were "incestuous" or deemed illicit because they were between two people related by blood or marriage in a manner that made any sexual relationship between them transgressive. The standards for establishing which relationship was incestuous and which was not of course varied among communities and regions. It is worth noting though that in these records there was no distinct term for incest. Still, if a relationship was deemed illicit for being between kin, a pregnancy resulting from it saw the Rathor state adopt a more flexible stance toward

abortion. When Mahajan Karma impregnated his brother's wife, the local authorities collected a fine of twenty-five rupees from him and threw the woman out of the village in Merta district in which she lived. Hearing of the incident from its newswriters, Singhvi Chainram ordered on behalf of the crown that five more rupees be collected from the mahajan and that efforts be made to prevent the child from being born (*jāyām huṇ deḷo matī*), ostensibly since it was the product of a forbidden intrafamily union.⁵³ A woman from the goldsmith community named her brother-in-law as the father of the fetus she had aborted. The crown ordered that if this was indeed the case, then the man should be fined.⁵⁴ When caught for having an abortion, a rajput woman from Maroth named her husband's grandfather as the man who had impregnated her.⁵⁵ In these cases, even if they were reported when the women were pregnant, the crown did not insist upon the prevention of abortion. In cases of pregnancies resulting from forbidden intrafamilial relationships, then, the crown seemed to make an exception to its general insistence upon preventing abortion. This could be due to questions of inheritance and descent generated by the offspring of taboo intrafamilial relationships.

It was women of the merchant and brahman communities who bore the brunt of the imposition of a ban on abortion. Over half of the thirty-three instances of abortion that I found involve women from mercantile or priestly families, and of the remaining cases about half concerned women from elite families whose exact caste identity is unclear.⁵⁶ Only four cases of abortion by women of artisanal communities and just one in which an "untouchable" woman was involved reached the crown for adjudication. The "universal" ban upon abortion was, in effect, implemented more rigorously upon members of brahman and mahajan castes. Out of the thirty-three orders pertaining to abortion that I found, fourteen were issued by mahajan officers and four by brahmans.⁵⁷ Eleven of the orders did not record who issued them.⁵⁸ That is, almost half of the commands about abortion, all of which unequivocally stood by its illegality, were issued by mahajan men. Since we know that merchants and brahmans dominated the Rathor bureaucracy, we may include the unattributed commands to them. If we add brahman-issued orders to the tally, the total number of mahajan- and brahman-issued commands goes up to twenty-nine (of thirty-three), that is, an overwhelming majority. Rather than see these officers as mechanistically implementing moral and legal imperatives of the king or some other superior, it is important to see these men as agents rooted in their own caste cultures and the ethical and political drives of their caste fellows and families. The state's effort to cultivate chastity among its subjects then dovetailed with ongoing changes in local caste orders. In particular, the congealing of a new elite caste identity and the deployment of "Hindu" to name this highest echelon of elite castes that now also included merchants meant that women of merchant families were subjected to far more sexual regulation.

Brahman and mahajan women's special treatment in the implementation of the anti-abortion law was the product of several historical forces. First, the merchant and brahman communities were at the forefront of the effort to define a new community of elites, marked off spatially, ritually, and economically, and also demarcated by the cultural practices of vegetarianism. An ethical insistence upon nonharm became the basis upon which these communities justified and valorized the adherence to vegetarianism and the Rathor state imposed it as law upon the rest of the population. The naturalization of this ethical precept as an attribute of elite caste status fueled the zeal against abortion, being as it was an act of violence upon a living being, among brahman and mahajan communities in particular.

Second, elite status in early modern Marwar correlated with attitudes toward widow remarriage. Among brahmans and mahajans, along with other high-status groups such as the rajputs, a widow could not remarry. Elite-caste widows' abstinence from all bodily pleasure after the death of their husbands was a symbol of their community's high status. Brahman and mahajan widows continued to live as vulnerable dependents in their marital homes and, as the numerous incidents of abortion among them indicate, found themselves in clandestine sexual relationships that, in some cases, may have been against their will.

Third, the social and legal intolerance of abortion served as added pressure upon the men and especially the women of these preeminent castes within the Hindu domain, itself under construction, to refrain from non- or extramarital sexual relationships. Non- or extramarital relationships were largely illicit in the customary caste codes of brahman and mahajan communities by the eighteenth century. This applied especially to the women of these communities, forbidden as they were by custom from having any sexual relationship other than within the one marriage they were permitted in their lifetimes.

The criminalization of abortion in state law then created added pressure toward conformity with a moral code emphasizing sexual abstinence outside of wedlock. Such a life of chastity was in keeping with the more austere way of life that the formation of an elite, Vaishnav-Jain milieu in Marwar expected of its members. Scholars have noted the association of the Vallabh Sampraday, the most influential of the Krishnaites in Marwar, with lavish displays of wealth and its rejection of asceticism. Norbert Peabody, in particular, has emphasized the sect's "this-worldly mysticism," equating the concept of *bhog* (enjoyment) in the sect's ritual with the idea that it prescribed to its followers a generalized enjoyment of sensory pleasures.⁵⁹

While the Vallabhites did reject asceticism and criticized yogic techniques of bodily self-discipline, it is important to pay attention to the context in which they prescribed and practiced an indulgence of the senses or a lavishing of wealth: only wealth spent in the "right" manner—that is, on Vallabhite ritual and establishments—had the potential to generate merit. Vallabh's teaching encouraged

the pursuit of material well-being and sensory pleasure but only when directed toward the worship of Krishna.⁶⁰ Historians have noted an adherence to values of simplicity, restraint, and frugality among Vallabhite merchants in their personal lives.⁶¹ Among Jains too ethical codes prescribed austerity in the conduct of one's everyday life along with a showering of wealth toward ritual and charity. Identifying precisely this tension between the value of simplicity and the desire for lavishness within the merchant community, Christopher Bayly notes that the Vallabhite sanction of lavishness in the ritual context helped its resolution.⁶²

Given the close association between merchants on the one hand and Vaishnavism and Jainism on the other, it may well be that the valorization of austerity—that is, outside of the ritual and charitable context—originated in mercantile culture and came to be associated with the religions in which they became dominant forces. This can also be seen in the case of such *nirguna* bhakti communities as the Dadupanth and the Niranjani Sampraday, whose monastic centers included sites in Marwar. Both these communities drew merchant followers and towns like Didwana became centers of literary production and gathering. At the same time, both communities preached a message that encouraged the continuing generation of wealth and participation in familial life while cultivating nonattachment to both activities.⁶³ Within mercantile networks of information, a family firm's creditworthiness was assessed, among other factors, by the degree of its austerity in the domestic context. Household and bodily frugality was a measure of respectability among merchant families.⁶⁴ In the emergent Hindu community in the eighteenth century in Marwar, I suggest, the centrality of merchants helped elevate austerity to a desirable trait.

The emphasis upon austerity extended from outward behavior to the regulation of bodily appetites. For the women of "respectable" communities, the process of the demarcation of an early modern Hindu community entailed sexual disciplining. This moral regime of sexual discipline was enforced not only through the societal stigmatization of unwed mothers if they belonged to these groups but also through the implementation of anti-abortion strictures. As bearers of the fruits of illicit sexual relationships, the outlawing of abortion meant that elite—rajput, merchant, and brahman—women also paid a greater price than their male counterparts for nonconformity with this regime of sexual discipline.

The greater regulation of the sexuality of brahman and mahajan women and the correlation between their "virtue" and their community's high status meant that accusations against a mahajan or brahman woman sullied the entire local caste group's social standing. This certainly can be discerned in the Rathor state's treatment of abortion allegations against Agarvala Chimna's wife. Rathor officer Singhvi Motichand, a mahajan, wrote to the Merta magistrate, "She is a mahajan's daughter," in response to abortion allegations against merchant Agarvala Chimna's wife. "To make an issue of this without any basis will not go down well in her caste [*nyāt maim āchho nā lāgai*]." Reiterating her mahajan identity, the officer, Singhvi

Motichand, who was also a mahajan, ordered the magistracy to fine the woman of the barber caste who had supported the woman's accusers.⁶⁵

BODILY SANCTITY AND SELF-HARM

In cases in which the entire local caste group felt its prestige at stake, brahmans too would assert the respect that their caste status entitled them to. Here, once more, it was women's bodies that came to function as a synecdoche for the community. In 1797, Palliwal brahman Naran impregnated his caste fellow Harjida's daughter, a widow. District officers investigating the matter dealt with the Palliwal brahmans in a manner that they found too heavy-handed. In their determination to right this wrong, the Palliwals performed a *juhar* ceremony, one in which they sacrificed an old woman (*ḍokrī*) from their community, burning her alive (*palīvāl bhelā hui juhar kīyo ḍokrī ek bālī*).⁶⁶ *Juhar* or *jauhar* denoted an act of self-harm performed in response to rule that is considered unjust.⁶⁷ The term has been associated in South Asian history with ritual suicide committed by the women of a defeated rajput king's household in defense of the honor—understood as residing in their sexuality—of their lineage. References such as this one in the *Jodhpur Sanad Parwāna Bahīs*, however, indicate that other communities, those that commanded ritual authority, could also inflict harm upon themselves as a means of exerting moral pressure upon state authorities.

In early modern Marwar, members of the castes that wielded ritual authority, such as charans and brahmans, could mutilate their own bodies in order to place the onus of righting a moral wrong upon the person they held responsible. Self-mutilation and harm to one's own body was a means of demanding rectification of an unacceptable situation presented as a violation of moral and ethical codes. It was a tactic through which the brahman allocated moral responsibility for physical harm to his body, a body the maintenance of whose sanctity was the duty of all, not least of whom was the sovereign.⁶⁸ In this case, the brahmans of Phalodhi collectively sacrificed a member of their community, an old woman past reproductive age and possibly too frail to contribute much to household and other economies. The old brahman widow's physical body stood in, just as it did when it came to her sexual relationships, for the communal body and honor of the local brahman caste.

The sacrifice of the brahman widow had the desired outcome. It forced the Rathor crown to swing into action. The state immediately deemed the allegation of abortion false and ordered disciplinary action against the men who had conducted the heavy-handed inquiry among the Palliwals.⁶⁹ In this particular case of pregnancy out of wedlock, the brahmans of this village in Phalodhi were able to band together and mobilize their ritual status in order to be treated exceptionally and to have the charges of illicit sex against members of their community dropped.

The women of brahman and mahajan communities were caught in a double bind. Irrefutable evidence of forbidden sexual intercourse, a pregnancy out of wedlock, even one that resulted from what we would today call rape, placed them in the impossible position of choosing between the criminal offense of abortion and giving birth to a child out of wedlock.⁷⁰ Having an abortion would attract the state's punishment and held the possible risk of expulsion from the town or village. Not having an abortion and instead bearing a child out of wedlock would bring social censure and possible expulsion from the community.

The Rathor state and local caste councils attempted to limit the women of the mahajan and brahman communities to a sexual life that was firmly contained within the boundary of marriage. Abortion and the nonmarital sexual relationships that caused unwanted pregnancies would surely not have been limited to women of these castes alone. Women of peasant, artisan, and "low" service castes too would certainly have gotten pregnant out of wedlock, whether as a result of willing or unwilling sexual relationships. The *Jodhpur Sanad Parwāna Bahīs*, as records of the state's legislative practice, are reticent on the incidence of abortion among non-elite castes. Yet, as the state worked to strengthen its penetration of early modern Marwari society and as community leaders sought to forge an exclusive elite domain, imposing a regime of sexual discipline upon the women of this elite domain became far more important than policing non-elite women to claims of high status, articulated as they were in moral and ethical terms.⁷¹

As Marwar, and South Asia more generally, journeyed through the eighteenth century, women's bodies became the tools for the conditioning of a new body social. In zealously pursuing the implementation of laws against alcohol and gambling and in policing nonmarital sexual relationships, the Rathor state and its merchant- and brahman-run apparatus were especially concerned with enforcing probity upon mahajan and brahman communities, the same groups that had coalesced around Vaishnav devotion and Jainism. The surveillance and policing involved served as a means to regulate the sexual and moral lives of an aspirant regional elite, consisting largely of merchants and brahmins and united by shared cultural and devotional practices. State and caste councils combined to enforce at least a formal acquiescence to these moral codes, aiding the process of the demarcation on the grounds of a new transcaste identity—that of the early modern Hindu. Constructing the early modern Hindu then rested also on crafting the early modern Hindu woman, innately an elite-caste woman, chaste of body and mind. The imposition of sexual chastity upon women and, to a lesser extent, men of merchant and brahman castes was an element of a wider effort, particularly among merchant groups, to cultivate virtue and bodily vigor.